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Case Comment: Justice v Procedural Safeguards: Examining Evidence, Consent, and Disability in Patan Jamal Vali v State of Andhra Pradesh

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INTRODUCTION

Discrimination is one of the most common problems faced by people all over the world.¹ It is usually caused by factors such as gender, caste, disability, race, and socio-economic status. Among these, women are frequently subjected to systemic biases and prejudices owing to the entrenched patriarchal norms that sideline their voices and limit their opportunities. Gender-based discrimination takes various forms, such as unequal access to education, employment, and healthcare, besides increased vulnerability to violence, harassment, and exploitation. This intersectionality only makes the problems they encounter even worse when they involve a disabled woman. Disabled people are seen as weak, incapable, or dependent on their physical

¹ 'Discrimination and Intolerance' (Council of Europe) <<https://www.coe.int/en/web/compass/discrimination-and-intolerance>> accessed 12 December 2024

or mental conditions, which is why they become easy targets for discrimination and victimization.

These crime-vulnerable groups include, among many more, disabled people, primarily women, as they cannot easily fight back, nor do they have alternative assistance to get themselves out. Their dependence on caregivers places the disabled person at a worse disposition for abuse by caregivers to go unreported. For example, a disabled woman is more likely to suffer sexual violence or exploitation because the perpetrators assume that she is less likely to report the crime or be believed. What is more, physical mobility, communication, and systemic neglect in law enforcement and healthcare make the disabled victims of crimes even more marginalized.

The present case of *Patan Jamal Vali v State of Andhra Pradesh* (2021) is a landmark judgment by the Supreme Court of India,² which addresses many pivotal factors like the intersectionality of caste, gender, and disability in the area of criminal cases. The case relates to the sexual assault of a visually impaired woman belonging to the Scheduled Caste. It allowed the Court to investigate salient features of justice for vulnerable and marginalized groups in Indian society.

The judgment is important for its interpretation of Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act), which prescribes enhanced punishment for offenses committed against Scheduled Caste and Scheduled Tribe members.³

This case attempts to understand how the Court upheld the very foundation of equality and justice under our Constitution and also sensibly brought out that the crimes against the deprived must be dealt with with more care and compassion towards their plight. Additionally, the topics for further discussion would be about how this judgment ensured that justice was both just and effective. This case analysis gives a clear and thorough description of the judgment by considering the facts of the case, the questions raised of the legal nature, the observations by the Court, and its broader impact on society at large.⁴

² *Patan Jamal Vali v State Andhra Pradesh* (2021) 3 SCR 470

³ Seema Mathur, 'Atrocities: Remedies and Institutional Responses in India' (2023) 23(23) Yearly Academic Journal

<https://www.researchgate.net/publication/383039029_Atrocities_Remedies_and_Institutional_Responses_in_India> 12 December 2024

⁴ *Ibid*

FACTS OF THE CASE

For the last two years before this incident, the appellant worked as a manual labourer in Gajulapalli village.⁵ Blind since birth, the victim (PW2) lived with her mother (PW1) and brothers. The families knew one another because both worked together at the same site and lived in the same village. Given the appellant always visited PW1's house as he is on friendly terms with her sons (PW5 and PW3).

Details of the Incident: On 31 March 2011, at about 9:00 AM, PW1 was performing the household chores at a public water tap located quite about 50 ft from her home, and her sons were cutting firewood at that spot. PW1 had the appellant inquiring after her sons. This was told that they were busy, meeting him with the request to hang on. About 30 minutes after that event, PW1 heard her daughter, PW2, screaming for help. By the time she got back to the house, she found that the door was locked from inside. Alarmed, PW1 shouted, attracting the attention of her husband and sons who came running. The appellant opened the door and attempted to escape but was caught by the family and villagers. Upon entering the house, PW1 found her daughter (PW2) lying naked, bleeding heavily from her genitals. She was in very pitiful condition, her clothes were torn and stained with blood.

Police Inquiry and Medical Examination: The sub-inspector of Mahanandi Police Station (PW9) received a telephone call from PW4 (cousin of PW1) around 10 AM: and rushed to pay a visit at the scene.⁶ By then the villager handed the accused to the Circle Inspector of Nandyal Rural Police Station.

A written formal complaint lodged by PW1 reached Crime No: 28/2011 for registration. On admittance to the government hospital, the medical examination by Civil Surgeon (PW10) alone, it was found that there was a 1 cm × 1 cm contusion of PW2's left cheek. Vaginal lacerations at the 4 o'clock position with active bleeding. There is evidence of penetration by male genitalia. The victim's blindness has been confirmed through medical reports. Forensic reports draw from the victim samples which matched the prosecution's theory.

⁵ *Patan Jamal Vali v State Andhra Pradesh* (2021) 3 SCR 470

⁶ Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989

Further Upon enquiry, the victim PW2, affirms and stated that the appellant came to the house and enquired about her brothers then he locked the door, and she was forcibly raped by him.

LEGAL ISSUES

1. Whether the prosecution satisfied the condition under Section 3(2)(v) of the SC/ST Act for enhanced punishment as to whether the offense was committed 'on the ground' that the victim formed part of a Scheduled Caste.
2. Whether section 376(1), IPC was correctly applied or whether life imprisonment was justified when the criminal case against the accused fell short even of the evidentiary tests for the SC/ST Act.
3. What impact of caste, gender and disability is there on the application of the law and sentencing?

JUDGEMENT OF THE SUPREME COURT

1. Section 3(2)(v) of the SC/ST Act: The Division Bench of the High Court of Andhra Pradesh confirmed the appellant's conviction under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989. The very reasoning behind this decision was that in a village setup, the accused wouldn't have dared to rape a blind girl in her residency in the morning daylight if the girl belonged to some upper class. But the Supreme Court held that neither the victim (PW2) nor her mother (PW1) deposed that the crime was committed on account of PW2's caste. The Investigating Officer (PW11) also failed to establish caste-based motivation. However, the court opined that requiring direct evidence of caste motivation imposes an unrealistic burden on the prosecution, particularly in cases where multiple vulnerabilities intersect.

2. Intersectionality and Vulnerability: The court pointed out the compounded vulnerabilities of the victim on account of her caste, gender, and disability. The Court pointed out the need for the judiciary to evolve a nuanced and empathetic approach in intersectional discrimination cases.

3. Section 376(1) IPC Sentence: Both the high court and the supreme court sustained the conviction under Section 376(1) IPC on life imprisonment, holding the crime as heinous, breach of trust, and the victim unable to resist due to disability, such a crime calls for severe punishment. Even if caste alone could not be held as the major motivating factor, the caste and disability of the victim while determining the quantum of punishment was relevant.

The judgment was pronounced by a division bench comprising Justice D.Y. Chandrachud and Mr Shah JJ. The court has determined that the appellant's conviction for the offense under Section 3(2)(v) of the SC and ST Act, along with the corresponding sentence, should be overturned. However, the conviction for the offense under Section 376(1) of the Indian Penal Code, including the life imprisonment sentence and the fine of Rs 1,000/- and default imprisonment of six months executed by the sessions judge and affirmed by the high court will remain in effect.

ANALYSIS

This judgment sheds light on the critical evolution of the interpretation of Section 3(2)(v) of the SC/ST Act, which corrects the earlier errors and moves the law further forward to protect marginalized communities. Under the previous amendment before 2016, the provision had the very narrow requirement that the prosecution needed to prove that an offense was committed solely due to the victim's caste. This rigid interpretation overlooked the nuances of intersectional discrimination where caste may intersect with other social vulnerabilities that affect the actions of the perpetrator. The Court, criticizing this rigid standard, held that the law should be brought in line with the overall purposes of the SC/ST Act—protection of Scheduled Castes and Scheduled Tribes from systemic violence and discrimination. The amendment made in 2016, where the phrase 'on the ground' was replaced by 'knowing that such person is a member of a Scheduled Caste or Scheduled Tribe,'⁷ shifts focus from the perpetrator's knowledge and does not require sole intent to commit such acts, thereby filling a legislative gap. Not to mention, the judgment embraced an intersectional framework, this can be seen in how the court referred to

⁷ 'SC recognises how intersection of gender, caste and disability makes one a soft target' (*Sabrang India*, 29 April 2021) <<https://sabrangindia.in/sc-recognises-how-intersection-gender-caste-and-disability-makes-one-soft-target/>> accessed 12 December 2024

the landmark Navtej Johar case, which employed an intersectional approach to interpret Article 15(1) of the Constitution. This approach considers how various social identities (like gender, caste, and religion) can overlap and compound discrimination. Furthermore, the Court acknowledged the Justice JS Verma Committee Report, which highlighted how intersecting identities can intensify violence against specific groups. The court finds that, in contextualizing the offense within broader social hierarchies and considering the compounded vulnerabilities faced by victims, it aligns with international human rights principles as enshrined in conventions such as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This subtle approach improves judicial sensitivity and reiterates the role of the judiciary in redressing structural inequalities. Moreover, the Court's judgment to affirm life imprisonment under Section 376(1) of the Indian Penal Code is judiciously balanced in sentencing. It does not forget the aggravated nature of the offense but balances it with the limitations in evidence under the SC/ST Act, thereby affirming the commitment of the judiciary to deliver justice without compromising on legal standards. This judgment therefore strengthens protections for marginalized communities while also setting a precedent for a more inclusive and intersectional understanding of discrimination in Indian law, advancing both domestic legal standards and alignment with global human rights frameworks.

CONCLUSION

The judgment of the Supreme Court in *Patan Jamal Vali v State of Andhra Pradesh* is a landmark ruling that finely addresses the interplay of caste, gender, and disability in criminal cases. By acknowledging the intersectional vulnerabilities of the victim, the Court underscored the need for a nuanced approach to justice that accounts for the compounded discrimination faced by marginalized communities. It also criticized the narrow interpretation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, emphasizing the necessity of a broader, more inclusive reading of the law that aligns with its original intent – protecting the dignity and rights of historically oppressed groups.

Moreover, the judgment reaffirmed the principles of equality and justice enshrined in the Constitution, demonstrating the judiciary's role in evolving legal standards to address

contemporary social challenges. While the Court pointed out certain shortcomings in the pre-2016 SC/ST Act, it also reinforced the idea that legal interpretation must remain dynamic, adapting to the shifting landscape of social and legal realities. This reflects the judiciary's willingness to bridge the gap between statutory law and the lived experiences of marginalized individuals.

By upholding life imprisonment under Section 376(1) of the IPC, the Court sent a strong message about its commitment to ensuring justice for survivors of sexual violence without compromising the integrity of due process and legal standards. This judgment not only strengthens the framework for protecting vulnerable victims but also sets a precedent for courts to take a more holistic and intersectional approach in cases involving multiple layers of discrimination. In doing so, it upholds the rule of law while reinforcing the fundamental constitutional values of dignity, equality, and non-discrimination.