



ENSURING JUSTICE FOR SCs AND STs

LAW IN NUTSHELL



सत्यमेव जयते

Department of Social
Justice and Empowerment
Government of India



**SCHEDULED CASTES AND SCHEDULED TRIBES
(PREVENTION OF ATROCITIES) ACT, 1989**
RIGHTS, RESPONSIBILITIES AND SAFEGUARDS

WHAT IS THE PURPOSE OF THE ACT?

- To prevent offences of atrocities against members of the Scheduled Castes (SCs) and Scheduled Tribes (STs)
 - o Prohibits and criminalizes various forms of violence, discrimination, and atrocities
 - o Covers offences such as social boycotts, wrongful occupation of land, economic exploitation, sexual violence, and physical assault
- To establish Special Courts & Exclusive Special Courts
 - o Ensure speedy trial of offences
 - o Appoint Special Public Prosecutors
- To provide Relief, Compensation & Rehabilitation of Victims
 - o Provide monetary compensation for victims
 - o Free legal aid, medical care, counseling, and shelter for victims and their families



WHO IS AN OFFENDER/ACCUSED?

- A person who deliberately commits discriminatory, violent, or oppressive acts against a members of SCs and STs
- Offenders can be individuals, group members, or even representatives of institutions
- Whoever, not being a member of Scheduled Caste or a Scheduled Tribe”

WHO IS A VICTIM?

- The victim should be member of a Scheduled Caste or Scheduled Tribe
- Who has been subjected to an offence as listed in the Act by an offender

IS AN ATROCITY UNDER THE ACT A COGNIZABLE OFFENCE?

All offences are under this Act are cognizable offences.

This means that police officers can:

- Arrest the offender without obtaining a prior warrant

WHAT ARE THE PUNISHMENTS PRESCRIBED UNDER THE ACT?

Punishment for the Offence (Section 3 of SC/ST Act):

- A person convicted under **Section 3** can be punished with:
 - **Minimum imprisonment:** 6 months
 - **Maximum imprisonment:** 5 years
 - **Fine:** May also be imposed

Enhanced Punishment for Repeat Offenders (Section 5 of SC/ST Act):

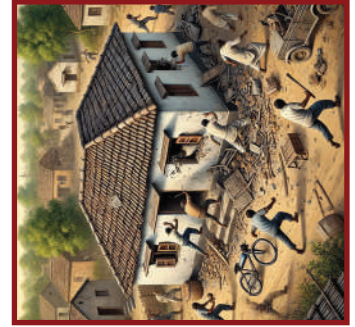
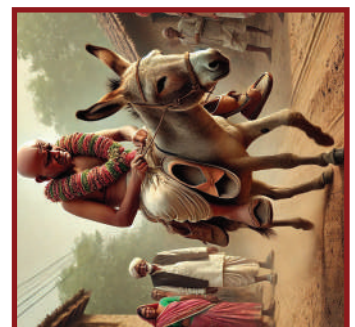
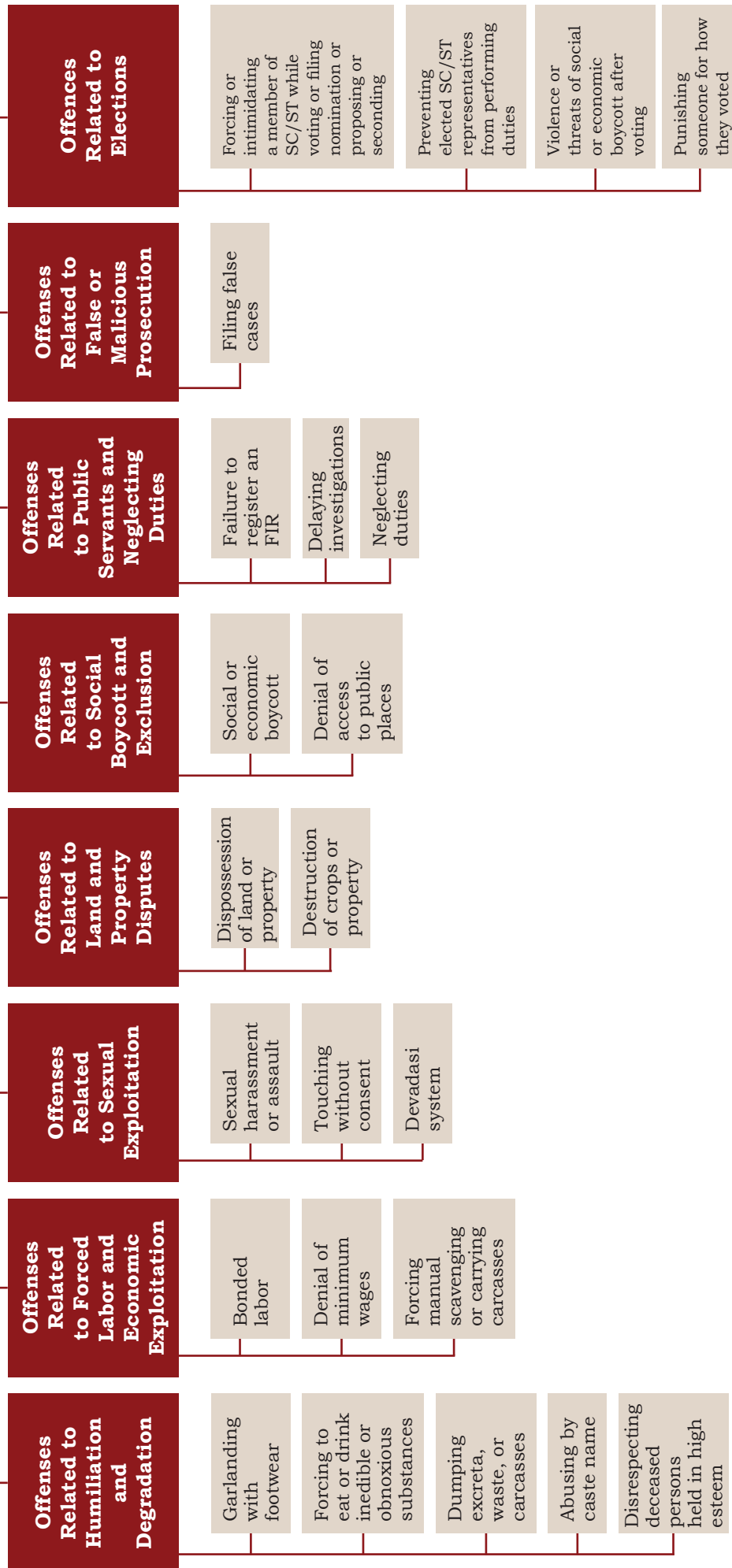
- If a person is convicted for the **second or any subsequent time** under this Act:
 - **Minimum imprisonment:** 1 year
 - **Maximum imprisonment:** Same as the maximum punishment for that specific offence
 - **Fine:** May also be imposed

Forfeiture of Property (Section 7 of SC/ST Act):

- Where a person is convicted under this Act:
 - The **Special Court** may, through a **written order**, declare that:
 - Any property (movable, immovable, or both)
 - Used in committing the offence
 - Shall stand forfeited to the Government



Categories of Offences under the SC/ST PoA Act



HOW TO REPORT AN OFFENCE?

If you witness or experience an offence under the Act, it's crucial to immediately report the incident to the nearest police station. When reporting provide the following key details:

- Date, time, and precise location of the offence
- Detailed description of the incident
- Names and descriptions of the offender/accused
- Names and contact information of any witnesses
- Any physical evidence or documentation



HOW TO LODGE A COMPLAINT?



1. Provide your Details

- Include your name, address, the offender's information, date, time, and location of the offence
- Be comprehensive and precise
- Document every relevant detail, including names of witnesses, specific actions, and any supporting evidence you might have

2. Your Right to obtain Copy of complaint/ FIR

- Request a copy of the report, which you are entitled to receive free of cost

- FIR is crucial for future legal proceedings
- Keep the original copy safe, make additional photocopies, and consider providing copies to your legal counsel or trusted representatives who can support your case

3. Where to register the complaint?

- Zero FIR can be registered in any police station irrespective of the jurisdiction (Sec 173(1) BNSS)

WHO CAN CONDUCT INVESTIGATION?

- Investigations can be conducted by a police officer with a rank of at least Deputy Superintendent of Police
- The investigation must be completed within **30 days**



WHAT ARE THE KEY STEPS IN THE INVESTIGATION PROCESS?

- STEP 01:** Recording detailed statements from the victim and witnesses
- STEP 02:** Collecting physical and circumstantial evidence
- STEP 03:** Obtaining medical examination reports
- STEP 04:** Preserving crime scene integrity
- STEP 05:** Preparing a comprehensive investigation report.



CAN THE ACCUSED APPLY FOR ANTICIPATORY BAIL?



No, the PoA Act or the Law does not allow offenders to apply for anticipatory bail.

The Hon'ble Supreme Court in ***Manju Devi v. Onkarjit Singh Ahluwalia***, held that Section 18 of the SC/ST Act specifically excludes the application of Section 438 of the CrPC. As a result, individuals accused of offenses under the SC/ST Act are not entitled to anticipatory bail.

WHAT COMPENSATION IS AVAILABLE FOR VICTIMS?

Victims of atrocities under the Act are entitled to compensation and other facilities, with the amount varying based on the specific case.

- Immediate Relief Compensation
- Monetary Compensation Scales
- Long-Term Rehabilitation Support
- Additional Protective Measures

The District Magistrate or District Social Welfare Officer are responsible for claim settlement



WHAT SUPPORT IS AVAILABLE FOR VICTIMS AND WITNESSES?

- Travel and Maintenance Allowance
- Legal and Personal Support
- Rehabilitation and Protection

Procedure to be followed in atrocity cases under the SCs and STs (PoA) Act

Spot Inspection & Case Registration

- A District Magistrate, Sub-Divisional Magistrate, Executive Magistrate, or a DSP-rank police officer must immediately visit the site, assess damages, and report to the government
- The case must be registered under the appropriate sections of the PoA Act. Any attempt to suppress the offense is treated as “willful neglect of duty”
- FIR copies should be sent to the District Magistrate, CP/SP, and given to the complainant. Online FIRs must be transferred in real time



Investigation Process

- The CP/SP must appoint an Investigating Officer (not below DSP rank) within 24 hours
- Investigation should be prioritized, all witnesses examined, and the charge sheet filed within **60 days**
- The IO must report to the DGP/CP/SP and SHO and ensure prompt arrests
- The IO must collaborate with the Special Public Prosecutor to oppose anticipatory bail under Section 18 of the SCs & STs (PoA) Act



Filing of Charge Sheet

- The charge sheet must be filed in the Special Court or Exclusive Special Court within **60 days**
- If delayed, the IO must submit a written explanation to the SP



Trial Procedures

- Trials in Special Courts must proceed on a day-to-day basis until all witnesses are examined.
- Adjournments beyond the next day require written reasons
- The trial should ideally be completed within two months from the filing of the charge sheet



Appeal Process

- Appeals against bail, judgments, or sentences must be filed within **90 days**
- The High Court may accept appeals after **90 days** if justified, but not beyond **180 days**

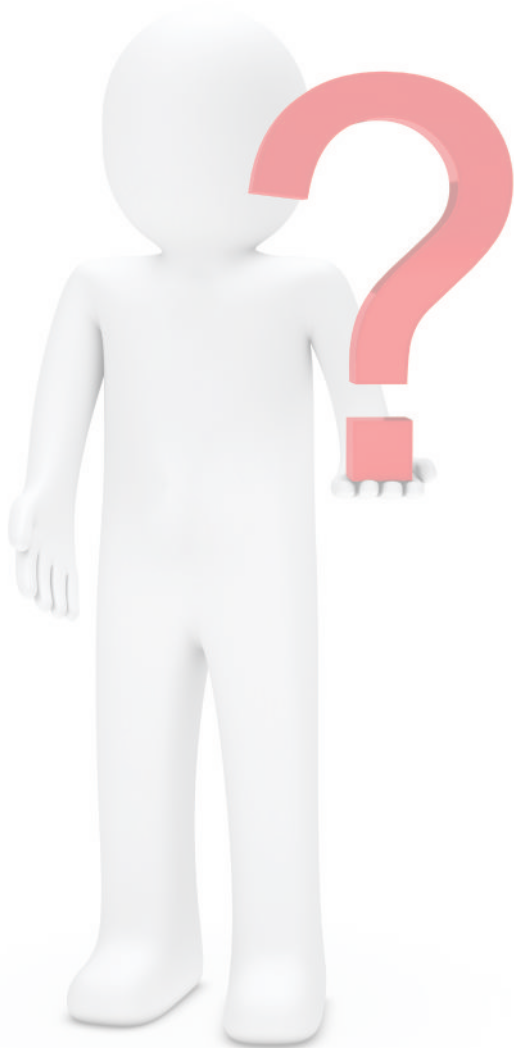


Relief and Rehabilitation Measures

- Authorities must provide immediate relief (cash or kind) within seven days
- Travel, maintenance, and diet expenses for victims and witnesses must be covered within three days
- According to the 2016 Rules, additional relief for victims of severe crimes must be granted within three months

DO YOU KNOW?

1. ***Use of 'Harijan' and 'Girijan' is prohibited*** – The Supreme Court ruled that calling someone 'Harijan' is an insult and an offense. The Government has banned the use of both terms
2. ***SC/ST individuals cannot file cases against each other under the Act*** – The law applies only when a non-SC/ST person commits an atrocity against an SC/ST individual
3. ***Caste-based insults in private do not qualify as an offense*** – The abuse must happen in public or be intended to humiliate in public view to be considered an offense under the Act
4. ***SC/ST Act cases cannot be withdrawn*** – The law is non-compoundable, meaning cases cannot be settled or withdrawn, even if both parties agree
5. ***Claiming SC/ST identity is not enough to file a case*** – The victim must prove their caste status with valid government documents like a caste certificate



6. ***Burden of proof is reversed*** – In SC/ST Act cases, the accused must prove their innocence, unlike regular criminal cases where the burden is on the prosecution
7. ***No anticipatory bail under SC/ST Act*** – Section 18 bars pre-arrest bail, making it one of the few laws where anticipatory bail is completely restricted
8. ***Crime must have a caste-based motive*** – The SC/ST Act applies only if the offense was committed due to caste discrimination. Otherwise, regular laws apply
9. ***Special courts for SC/ST cases were inspired by war crimes tribunals*** – These courts fast-track trials to ensure speedy justice, similar to post-WWII war crime trials
10. ***The first case under the SC/ST Act was registered in Madhya Pradesh (1990)*** – The law came into force in 1990, and the first case was filed in Madhya Pradesh



BORN FREE, BORN EQUAL

Department of Social Justice and Empowerment, Government of India

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