



HANDBOOK ON PREVENTION OF ATROCITIES AGAINST SCHEDULED CASTES AND SCHEDULED TRIBES

Department of Social Justice and Empowerment, Government of India
NALSAR University of Law

FORWARD

It is my pleasure to present the comprehensive handbook on the **‘Prevention of Atrocities against Scheduled Castes and Scheduled Tribes,’** a collaborative endeavour between the Ministry of Social Justice and Empowerment and NALSAR University of Law.



The Government of India is unwavering in its commitment to safeguard the rights and dignity of the Scheduled Castes, ensuring equal opportunities for their advancement and prosperity. Our determination to eradicate the cycle of poverty and discrimination faced by the Scheduled Castes and to facilitate their empowerment to lead lives of dignity and respect remains resolute. Empowering the Scheduled Castes necessitates a multi-faceted approach, manifested through legislative provisions, educational empowerment, skill development, social inclusion, economic empowerment, and monitoring and evaluation.

The anti-discrimination framework embedded in the Constitution of India has evolved dynamically over the years through robust legislation and spirited interpretation by the High Courts and Supreme Court of India. Articles 14 to 18 of the Constitution establish a structure based on mutually reinforcing values of non-discrimination and substantive equality. Articles 15 and 16 also provide for affirmative action to achieve equality.

In the sphere of social, educational and economic development, the Department of Social Justice and Empowerment, Government of India implements various schemes for Scheduled Castes, which play a crucial role in balancing the equilibrium. The ultimate goal of all these schemes is to create a harmonious and equitable landscape for all.

This **HANDBOOK ON PREVENTION OF ATROCITIES AGAINST SCHEDULED CASTES AND SCHEDULED TRIBES** is an invaluable resource designed to support students, legal professionals, enforcement agencies and anyone with an interest in understanding the intricacies of the law aimed at ending discrimination. It has been curated to reflect both the historical foundations and the dynamic evolution of the Prevention of Atrocities Act which proactively prevents systemic violence by criminalizing discriminatory actions, imposing strict penalties for caste-based offenses, and creating legal deterrents against social oppression of marginalized communities.

I would like to extend my sincere appreciation to the team at the Department of Social Justice and Empowerment and NALSAR University of Law for their dedication and effort in compiling this invaluable resource.

I believe that this handbook will serve as a useful tool for guidance to all those committed to the social empowerment of disadvantaged and vulnerable sections of society and will be helpful for the enforcement agencies to effectively implement the Prevention of Atrocities Act.

Amit Yadav

**Secretary, Ministry of Social Justice and Empowerment
Government of India**

VICE CHANCELLOR'S MESSAGE



Dear Readers,

It gives me great pleasure to present this comprehensive handbook on 'Prevention of Atrocities against Scheduled castes and Scheduled tribes', a collaborative effort between NALSAR, University of Law and Ministry of Social Justice and Empowerment. This handbook is designed to provide detailed explanation of the Act and promote awareness among stakeholders about their roles and responsibilities in prevention of atrocities and delivering justice. It serves as a practical guide for law enforcement agencies, policy makers and legal professionals.

I would like to express my gratitude to The Ministry of Social Justice and Empowerment for their valuable support and collaboration in the development of this Handbook. This partnership underscores our collective responsibility of empowering marginalized communities and upholding the principles of equality, justice and dignity enshrined by the Constitution of India.

My heartfelt appreciation goes to my team who has worked diligently to bring this resource to life. I am confident that this Handbook will inspire greater awareness, dialogue and action against atrocities while empowering all the stakeholders to uphold the values of justice and humanity.

Prof. Srikrishna Deva Rao

Vice Chancellor

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PREFACE

The Government of India remains resolutely committed to eliminate discrimination, violence, and social injustice faced by the Scheduled castes and Scheduled Tribes. Guided by the principles of equality and dignity enshrined in the Constitution of India, the government strives to create an inclusive society where individual is shielded from marginalization.

Scheduled Castes and Scheduled Tribes have historically faced socio-economic discrimination over time. The fundamental rights enshrined in the Constitution were designed to end such discrimination and guarantee equality and dignity for all citizens. However, violations continued, infringing upon the right to equality under Articles 14 and 15, the right to life and personal liberty under Article 21, the right to education under Article 21A, the right to work and livelihood under Articles 23 and 24, and the rights to health under Article 21. In response to these persistent atrocities, the Government of India enacted **The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**, to provide legal safeguards and protect the fundamental rights of these communities. The Act also reflects the commitment of the Government of India to rectifying the convention on the elimination of all forms of discrimination against Scheduled Castes and Scheduled Tribes.

The Act is unique in its broad coverage which includes addressing atrocities and discrimination against Scheduled Castes and Scheduled Tribes, prevention and protection, punishment and responsibilities of state. Effective implementation on the Act is a challenge. The Handbook is designed to be a Ready Reckoner for the organizations vested with responsibility to enforce the law.

We believe that the Handbook will be a valuable resource for law enforcement agencies, judicial officers, and court officials, offering clear guidance on the steps to be taken and the processes to be followed, in accordance with the law.

Prof. K.V.K. Santhy

NALSAR University of Law

Hyderabad

ACKNOWLEDGEMENT

In preparing this Handbook, we have been fortunate to receive invaluable guidance and assistance from many individuals, some of whom may not be explicitly named here. We are deeply grateful to each of them for their contributions, which have played a key role in bringing this project to fruition.

I would like to express my heartfelt thanks to Justice Vijaysen Reddy, Judge of the High Court of Telangana, Mr. G.B. Krishnayya, District Judge (Retd.), Mr. E.M.K.S. Siddharthar, District Judge (Retd.), Puducherry Judicial Services, Dr. Kalyani Gollapudi, Senior Prosecutor and Mr. Samson John, Advocate, for their invaluable insights and legal expertise, which have greatly enriched this work.

My sincere appreciation also goes to the esteemed officers of the Indian Forest Services: Dr. Tippanna Dange, Indian Forest Services Officer (Retd.); Ms. Bharani S., District Forest Officer, Andhra Pradesh; and Mr. Narentheran G.G., State Silviculturist, Andhra Pradesh, for sharing their knowledge of tribal communities and socio-environmental dynamics, which have significantly deepened the content of this Handbook. I extend my gratitude to Ms. R. Pavithra, Assistant Professor at GNLU, for her scholarly input which have been instrumental in ensuring the Handbook's contextual relevance.

I extend my heartfelt gratitude to the Director of the project, Professor Srikrishna Deva Rao, Vice-Chancellor of NALSAR University of Law. A special thanks to my Co- Project Investigator, Mr. T.V. Charan Tej and Research Assistants Dr. Abhishek Sharma Padmanabhan and Ms. Aakriti Sharma. Lastly, I thank my Research Associates Dr. G. Mallikarjun and Dr. Hemangini Chandra Sharma and Researchers Govti Sindhuja, Bandala Lucky Chaithan, Tanikonda Asian, Kandukuri Vaidehi whose unwavering efforts made this Handbook a reality.

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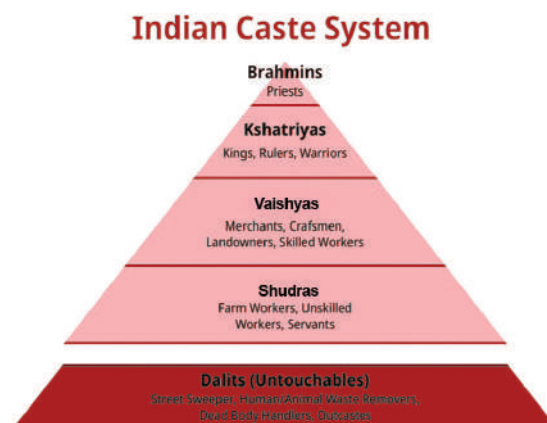
CHAPTER - 1: INTRODUCTION

Introduction

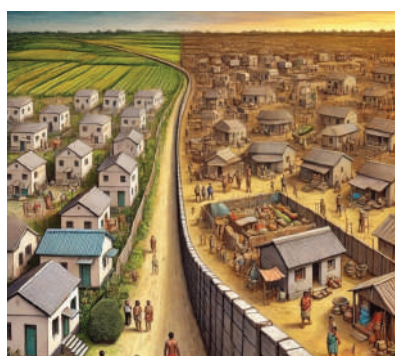
Indian society has long been regarded as unique due to its deeply rooted traditions and complex social structures. Among these, the caste system stands out as one of the most defining and controversial features. The caste system, alongside other aspects like the traditional joint family system and self-sufficient village communities, has shaped Indian society for centuries. However, it is the rigid caste hierarchy, particularly the institution of untouchability, that takes center stage in discussions about social inequality and injustice in India. Untouchability, woven into the very fabric of the caste system, has caused profound suffering for millions of people, shaping their lives from birth to death. While sociologists and anthropologists recognize social stratification as a universal phenomenon across societies, the nature and severity of caste-based stratification in India is notably harsher and more evil than other forms of social stratification around the world.

Who are the untouchables?

Central to the Hindu social structure is the division of society into four hierarchical categories, known as the varnas—Brahmins, Kshatriyas, Vaishyas, and Shudras. Brahmins, at the top of this hierarchy, are considered the spiritual and intellectual leaders, while Kshatriyas are warriors and rulers, Vaishyas are traders and merchants, and Shudras occupy the lowest position, serving the upper castes. This caste system is ascribed by birth, meaning that a person's caste is determined by the caste of their parents, and their children inherit the same status. This rigid system ensures that social mobility is virtually impossible, trapping individuals in the socio-economic position they are born into.



Despite being at the bottom of the varna hierarchy, Shudras are still considered part of the system, and they retain a status higher than that of the Avarnas, a group placed even further outside the caste system. The Avarnas, often referred to as “untouchables,” occupy a position so low that they are considered outside the very structure of the caste system. They have historically been banished and denied basic human rights, subjected to social exclusion, and treated as inferior to even Shudras.



The Avarnas, or untouchables, were traditionally forbidden from interacting with members of the upper castes and were forced to live in segregated areas, typically on the outskirts of villages. They were not allowed to own property, hold land, or



access resources that were available to upper caste members. This social exclusion was not just a matter of social etiquette but was embedded in the very structure of Hindu society, where any contact with an untouchable was believed to pollute the upper castes. The untouchables were relegated to the most menial and degrading jobs, such as cleaning latrines, disposing of dead animals, and handling carcasses. This economic and social marginalization, coupled with their 'ritual impurity', condemned them to a life of deprivation and servitude, often with no means of upward mobility or hope for change.



Despite India's independence over 75 years ago and constitutional guarantees abolishing untouchability, the caste system still persists in society. The constitution of India, under Article 17, explicitly forbids untouchability and affirmative action policies have been put in place to uplift the Dalits through reservations in education and employment. However, the reality for many in these communities remains grim. While the legal framework has evolved, social attitudes and practices have been slow to change.

Untouchability, in its most extreme forms, has not disappeared entirely. In rural areas, especially, Dalits continue to face discrimination, exclusion, and violence. They are often denied access to public facilities, excluded from temples, and face daily harassment in their interactions with the upper castes. The persistent segregation and social stigma faced by Dalits highlight the disconnect between legal guarantees and the lived experiences of marginalized communities.

The caste system, particularly its rigid and discriminatory nature, has contributed to a form of social stratification that is both deeply rooted and highly resistant to change. While social stratification exists in all societies to some degree, the caste system in India is unique in its intensity, its intergenerational nature, and its role in reinforcing social and economic inequalities. The rigid boundaries created by the caste system dictate not just the social roles of individuals but also their access to education, employment, and even basic human dignity. This system, by ascribing social status and economic potential at birth, has kept vast numbers of people in a perpetual state of poverty and oppression. The caste system determines social status and economic opportunities at birth, excluding many from full participation in society. Endogamy, which requires marriage within one's caste, deepens social divisions and limits mobility. Honor killings remain common, with individuals murdered for defying caste norms, reinforcing rigid hierarchies through violence.



Even today, the situation for many in the untouchable or Dalit communities remains one of struggle and survival. The

promises of social justice and equality made by the Indian Constitution have not fully translated into real-world improvements for these marginalized groups. Despite laws that protect against discrimination, the cultural and social barriers erected by centuries of caste-based segregation are difficult to dismantle. As a result, many Dalits still live in a state of survival, often dependent on the goodwill or indifference of the upper castes for their livelihood. Their access to resources, education, healthcare, and social services remains limited, and the cycle of poverty continues to be passed down through generations.

The caste system and the practice of untouchability represent one of the most oppressive social structures in Indian society. While legal reforms have been enacted to address caste-based discrimination, the social and cultural forces that perpetuate this inequality remain formidable. The persistence of untouchability, despite the country's progress in many areas, underscores the long and difficult path towards social equality in India.

In this context Government of India is attempting to put an end to the caste discrimination with the help of Laws and Social Welfare programs.

1.1. Constitutional History of Protection of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

1.1.1. Addressing Caste Inequality in Independent India

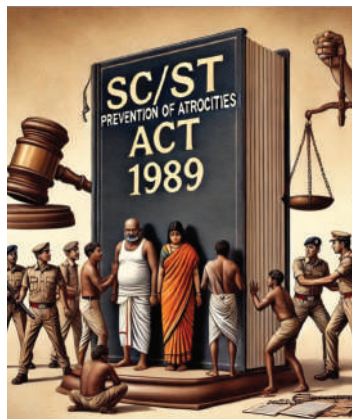
With the advent of an Independent India, the country found itself confronting a myriad of challenges, one of the most pressing being the caste-based inequality deeply embedded in its social fabric. In this newly sovereign nation, the task of building a just and egalitarian society seemed daunting, but the framers of the Indian Constitution recognized that addressing the deeply ingrained social hierarchies, especially those based on caste, was essential for the nation's future. They understood that for India to truly be free, it needed not only political independence but also social justice, and this vision was enshrined in the Constitution of India.



They envisioned that 'caste' would be a 'learning lesson of history' in the future of India. The Constitution, adopted in 1950, marked a decisive break from India's colonial past and set the framework for a democratic and inclusive nation. Recognizing the historical wrongs committed against the Dalits and other marginalized communities, the Constitution makers enshrined provisions to protect these groups from social discrimination. Article 17 of the Indian Constitution, which abolished untouchability, was one of the most significant steps in the fight against caste-based discrimination. It declared untouchability illegal, effectively seeking to eradicate one of the most dehumanizing aspects of the caste system. This legal provision was not merely symbolic but laid the foundation for a series of legislative and social reforms aimed at ensuring equality and justice for those historically oppressed.



1.1.2. Need for Stronger Legal Protections Against Caste Discrimination



Despite these constitutional guarantees, the reality on the ground was far more complex. Caste Discrimination cannot fade away overnight, rather it is a continuous process that requires constant efforts to facilitate the upliftment of the marginalized communities. Social attitudes, centuries of deep-rooted biases, and deeply ingrained hierarchies continued to affect the lives of those at the bottom of the caste ladder. Violence, atrocities, and systemic exclusion continued to plague the lives of Dalits and other marginalized groups. The persistence of such practices indicated the need for stronger legal mechanisms to address and prevent caste-based violence and discrimination, ensuring that

the Constitution's lofty ideals translated into tangible outcomes.

It was in this context that the Protection of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (commonly referred to as the SC/ST Act), was introduced. The Act aimed to provide a legal framework to prevent the atrocities and violence committed against Dalits and Tribals and to establish accountability for those who perpetrated such acts. The SC/ST Act sought to protect these communities from discrimination, humiliation, and violence by providing stricter punishment for offenses committed against them, and by creating mechanisms for their rapid redressal. The Act thus extended the constitutional vision of equality by offering a legal safeguard against caste-based violence and discrimination, ensuring that the marginalized had a tool to seek justice when their rights were violated.

1.1.3. Constitutional Foundations of the SC/ST Act



The SC/ST Act finds its constitutional underpinnings in the basic postulates expounded in the Preamble to the Constitution. The Preamble proclaims India to be a sovereign, socialist, secular, and democratic republic that affirms justice, liberty, equality, and fraternity for all citizens. These guiding principles thus constitute the ethical lighthouse that guides the Indian jurisprudence framework and provide the first point of reference in interpreting the constitutional legacy that this enactment embodies. Justice-social, economic, and political—is the basic aim of the Indian state, and the Act addresses straight, head-on

the social injustice and inequality SCs and STs have suffered for centuries.

The origin of the SC/ST Act is traced back to India's struggle for independence, where the plight of these communities prompted reformist leaders and lawmakers to demand strong measures against caste-based discrimination. Constitutional provisions like Article 17,



which outlaws “Untouchability”, and Article 46, which mandates the state to promote the educational and economic interests of SCs and STs, form the constitutional bedrock upon which this Act is built, embodying the commitment to equality, social justice, and the advancement of marginalized communities. By understanding this legislation’s historical context and constitutional foundations, one can appreciate its role in combating social inequities and fostering inclusivity.

1.1.4. Historical Developments Leading to Protective Legislation

The onset of the early 20th century, the political history of India began to view communal quota as a step towards attaining equality. Though the state of Mysore inaugurated the first communal quota regime in 1918, the reservations were only for ‘backward castes’ (all communities other than Brahmins and Europeans and Anglo Indians). The Government of India Act of 1919 (popularly known as the Montagu-Chelmsford Reforms) provided some relief. Of much greater importance is the fact that the voice of some untouchable leaders began to be heard around this time in political assemblies. Mahatma Gandhi described “Untouchability” as an ugly outgrowth of Hinduism and appealed to caste Hindus to do penance and purify themselves and Hinduism. At the same time, Dr. Ambedkar addressed the “untouchables” and directed their attention to the potentialities of action to be taken by the Government. Hence, we see the conflict between those who tried to assimilate the untouchables into Hinduism and the leaders who opposed it, focusing on the government. The Communal Award of 1932 was created by British Prime Minister Ramsay MacDonald on 16 August 1932. It granted the demand of the “untouchables” for a separate electorate in areas where they were concentrated, in addition to the regular votes they would cast as members of the general electorate. Mahatma Gandhi objected to this award because that would signify a perpetual split in Hinduism, perpetuating the stigma of Untouchability and making their assimilation into mainstream Hinduism impossible.



Between the end of the Second World War and the enactment of the Constitution, with power passing entirely into Indian hands, acts removing civil disabilities of the Untouchables were passed in most of the provinces and in many of the larger princely states. With some variation in detail, these statutes followed the general lines of the Madras Removal of Civil Disabilities Act. Enforcement of disabilities against Untouchables, variously described as Harijans, Scheduled Castes, excluded classes, backward classes, or depressed classes, was outlawed in regard to public facilities like wells and roads and places of public accommodation like shops, restaurants, and hotels. Violations were made criminal offenses, in most cases cognizable. Judicial enforcement of customs upholding such disabilities was barred.



1.1.5. 'Temple Entry' Reforms and the Struggle for Religious Inclusion

In 1939, after a year of voluntary temple entry, 142 temples were reported to be thrown open, but only 21 of these were temples with trustees. Apparently the others were wayside shrines in little need of such opening. Of the 142, 102 were in Poona and Dharwar Districts, none were in Gujarat. Madras again took the lead in enacting a comprehensive Temple-Entry Act (Madras Temple Entry Authorization Act of 1947), making it a criminal offense for any person to prevent any Hindu from entering or worshipping at any temple to the same extent as Hindus generally. Similar acts, varying slightly in detail, were passed in most of the provinces and a number of the larger princely states. These Acts revoked customary rights of exclusion and gave the "Untouchables" an enforceable right of entry in temples. **Thus, in 1950, when the Constitution came**



into force, the exclusion of Untouchables from public facilities and Hindu temples, previously recognized and to some extent enforceable as law, had been transformed into statutory offenses throughout most of India. The Constitution itself took the prohibition on this conduct a step further, by providing freedom to enter Hindu religious places of public character a fundamental right under article 25.

1.1.6. Reservation Policies Before Independence

Although reservation for various socially and educationally backward classes such as SCs, STs, OBCs, women, and people from the EWS category has been implemented as per provisions of the Indian Constitution in the post-Independence period, its history in India can be traced to the colonial period. In 1880, the colonial government set up the Hunter Commission to suggest measures to give reservations in government positions to the socially backward classes. Jyotirao Phule pleaded before the Hunter Commission to grant reservations to these classes. In 1902, Maharaja Sahuji of Kolhapur introduced a 50 percent reservation for the backward classes in jobs. This is the first example of giving reservation to backward classes in India in modern Indian history. In 1921 Madras government introduced community-wise reservation as follows: 44 percent for non-Brahmins, and 16 percent for Brahmins, Muslims, and Christians and Anglo Indians each.

1.2. Constitutional Pillars Shaping the Protection of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

As mentioned, the SC/ST Act originates in the Constitution of India, 1950. Upliftment of the Scheduled Castes and Scheduled Tribes was one of the pressing concerns in the Constitutional Assembly Debates. The table below outlines the relevant provisions that shaped the legislation and provided a constitutional backing to the statute.



Relevant Constitutional Provisions	Scope and Application
Article 15	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth
Article 16	Equality of opportunity in matters of public employment
Article 17	Abolition of Untouchability
Article 46	Promotion of Educational and Economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections
Article 243D	Reservation of seats (in Panchayats)
Article 243 T	Reservation of seats (in Municipalities)
Article 330 & Article 332	Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People & Legislative Assemblies of the States, respectively.
Article 335	Claims of Scheduled Castes and Scheduled Tribes to services and posts
Article 340	Appointment of a Commission to investigate the conditions of backward classes
Article 338	National Commission for Scheduled Caste
Article 338A	National Commission for Scheduled Tribe

Table 1: Constitutional Mechanism Shaping the Protection of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

1.3. Constitutional Safeguards: Affirmative Action

Historically, India has seen different struggles of marginalized communities, such as the untouchable castes and their peripheral place in society. Education and administrative opportunities were taken away from those marginalized groups for centuries, which demanded the need for reform. Over time, social circumstances brought these marginalized groups in the country together for social justice. Affirmative action policies were one such measure introduced to the system to undo the wrongs of the past and create an equitable society.



Affirmative action includes policy initiatives by the state such as reservation in jobs in public institutions for jobs, and political representation for marginalized social groups – SCs, STs, OBCs, women, and Economically Weaker Sections (EWS) which mainly include the Upper Castes. Affirmative action also includes policy initiatives to remove poverty and other disadvantages. Thus, affirmative action includes public policies for the welfare of people. It can lead to development in terms of growth, distribution, and human development.

Affirmative action means policy initiative by the state for the welfare and development of socially, educationally, and economically marginalized communities. Edward J. Kellough, in the book *Understanding Affirmative Action: Politics, Discrimination, and the Search for Social Justice* defines **social justice** as a strategy whose purpose is to provide employment, educational opportunities to those groups which suffer racial, ethnic or gender-based (women) discrimination. Thus, affirmative action aims to remove lack of opportunities of health, education or employment. It provides redistributive justice by creating special opportunities for the disadvantaged groups in the form of various policies.



The Indian Constitution has provisions for affirmative action to remove the social and economic disparities. These provisions focus on the protection of rights and development of the Scheduled castes, scheduled tribes, backward castes, minorities, and backward regions. The provisions for the development of the marginalised communities can broadly be divided into four categories:

I. Educational and cultural safeguards: Article 46 of the Directive Principles of State Policy makes it obligatory on the state to promote and take special care of the educational and economic interests of the weaker sections, particularly Scheduled Castes and Scheduled Tribes and protects them from social injustice and all forms of exploitation. The V and VI Schedules of the Constitution provide for protection of rights, culture and customs. The V Schedule is about the plain tribes and hill tribes, and the VI Schedule is for hill tribes of Meghalaya, Tripura and some parts of Assam.



II. Social safeguards: Article 17 of the Constitution explicitly prohibits the practice of “untouchability” and makes it a punishable offense. To this end, the Protection of the Civil Rights Act of 1955 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) of 1989 were passed as two major legislative enactments. The state governments and union territories are meant to implement



these Acts in their respective regions. Central assistance is provided to them from time to time for this purpose.

New legislative initiatives have been taken to enact laws that provide further safeguards to the most marginalized communities. The most prominent amongst these is the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. It aims to identify and eliminate insanitary latrines, prohibit employment as manual scavengers and hazardous manual cleaning of sewer and septic tanks, and identify and rehabilitate manual scavengers.

III. Economic safeguards: There are special economic safeguards for the tribals in scheduled areas. The Governors of such states having scheduled areas have special powers. These states also have Tribal Advisory Councils (TACs) as constitutional bodies with special authority related to the regulation of land transfer and allotment in tribal areas and the regulation of business therein. Besides, the TACs can also make laws on diverse subjects concerning the tribals in their areas such as forest, public health and sanitation, inheritance of property, marriage and social customs. Special grants are allotted for the development of these states from the Consolidated Fund of India. As tribal areas generally have poor infrastructure – roads and other amenities, special assistance programs are constitutionally guaranteed to them. Article 339 empowers the President to appoint a Commission to report on the administration of scheduled areas and welfare of tribal communities in their respective states.



IV. Political safeguards: The constitution provides special provision for representation in political institutions such as Local Bodies, State Legislative Assemblies and Parliament. According to Article 330 of Indian constitution, seats are reserved for SCs and STs in the Lok Sabha, and in the Vidhan Sabhas according to Article 334. Reserved seats are granted to Scheduled Castes, Scheduled Tribes and Women (one third) in Panchayats and Zila Parishads under Article 243-D. This article was inserted in the Indian Constitution in 1992 by the 73rd Constitutional amendment.

Reservation in public employment, and admission to public educational institutions:

The Constitution allows reservation in government jobs and admission in academic institutions to the persons belonging to SC, ST, and OBC communities. Article 16 provides for equality of opportunity in matters of public employment which includes special clauses for reservation of appointments and posts in government services for the backward class of citizens (Article 16, clause 4). Clause 4 (a) of the same article provides for reservation in matters of promotion within government services for Scheduled castes and scheduled tribes. In the





central government institutions, the percentage of reservation for SCs and STs in 22.5 (15 and 7.5 respectively), and for the OBCs it is 27.5 percent. While such provisions had existed for the SCs and STs following the implementation of the Constitution, in the central institutions it was introduced for the OBCs after the implementation of Mandal Commission Report in 1993. However, the reservation of the OBCs had been in existence in several states prior to the implementation of Mandal Commission Report.

1.4. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989: A Brief Outlook

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is a special law. It deals with offences committed explicitly against members of the Scheduled Castes and the Scheduled Tribes in India – defined as “atrocities”. It extends to the whole of India except the state of Jammu and Kashmir (J&K). The law exists to register and prosecute a range of discriminatory actions against caste and tribal identity, provide legal rights to victims, and commit governments to take measures to control and eventually stop the commission of atrocities.

It was enacted on 11 September 1989 and came into force on 30 January 1990. In 2015, it was amended to expand offences of atrocities and strengthen legal safeguards for victims and witnesses. The amendments came into force on 26 January 2016.

1.5. Rationale of Handbook

This handbook is designed after analyzing the need of SCs and STs in accessing justice. Lack of knowledge, unavailability of sources, language as a barrier, financial scarcity, fear of Law Enforcement and its process have been identified as impediments to justice. For the communities who have lived in remote areas for generations, it is very important to sensitize them needs of SCs and STs in accessing justice. Lack of knowledge, unavailability of sources, language as a barrier, financial scarcity, and fear of law enforcement and its process have been identified as impediments to justice. It is very important to sensitize the law enforcement offices and other entities involved in the ensuring justice for SCs and STs.

This handbook aims to address the above-mentioned needs and problems by enhancing the working of government institutions like Special Police Stations (SPS) and Exclusive Special Courts (ESC) by modernizing them. The handbook will discuss the atrocities faced by the SCs and STs from generations. By analysing those atrocities, the handbook will provide ESCs and SPSs, the ways in which these atrocities can be prevented and prohibited. Role and responsibilities of government authorities like law enforcement, judiciary in sensitizing these communities will be discussed in depth. The handbook will also talk about various redressal forums where the victims can approach and the approach of the officers while handling these sensitive cases.

The primary purpose of the handbook is to enumerate the atrocities against the SCs and STs, clarify the role of governmental authorities in prohibiting and preventing the



atrocities and their responsibility in effectively helping the people of the community to deal with those atrocities. Handbook will extensively guide regarding the process of finding the right forum, filing a complaint, process of inquest by the law enforcement officer which needs to incorporate for better outcomes.

The handbook is divided into chapters which covers a range of topics including the atrocities on SCs and STs, prevention and prohibition, Judicial interpretation, Redressal mechanisms and good practices. All the chapters are designed in such a way that they will guide the users with both theoretical knowledge and practical applicability. This will ensure that the users can implement the proposed initiatives within expected time.

Implementing the “HANDBOOK” will offer several benefits like instructing the law enforcement officers how to deal with sensitive cases which will bring trust in the process and authority.

The landmark judgements will help the judges and other judicial officers in analysing and deciding the cases in a better way and in speedy manner. Clear instructions to the law enforcement in every state regarding the process of filing a complaint to filing a chargesheet will eradicate the chances of feeding or filing wrong information which will increase the case disposal rate. With a standard practice in place, handbook will keep updating with new suggestions and needs which will help in continuous improvement of the whole process.

The “HANDBOOK” represents the dedication of the Ministry of Social Justice as it provides the information necessary to strengthen the authorities dealing with such matters. By aligning with the handbook, authorities will become more efficient and can contribute more towards the welfare of the minority communities. Being consistent with the instructions and complying with the same will help in holistic growth.

1.6. Users of the Handbook

This handbook is produced to serve as an exhaustive resource manual for the following sectors:



Law enforcement agencies: As this handbook is for sensitizing the process and procedure for the Special Police Stations, the law enforcement officers will be the first-hand users of this handbook. This handbook is for the police officers who will be handling these cases at the grassroot levels, officers who will be involved in the management of the record keeping, field officers who work for prevention of crime.

Judicial officers: Judicial officers are among the justice delivery structures that uphold neutrality, legalism, and equality in justice. Exclusive Special



Courts instituted under special legislative measures, such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989, are supposed to be presided over by judicial officers for case adjudications on crimes committed against society's vulnerable groups. The judges in question receive specialized training to manage delicate cases related to caste-based violence and discrimination, thereby facilitating timely and equitable trials while safeguarding the rights of victims.

Apart from judges in charge of such specialized courts, mediators within community mediation centers play a very pivotal role in resolving disputes. Such mediators can include judicial officers or law experts trained to resolve issues amicably at the local level, thereby relieving formal courts of some burdens while promoting social cohesion simultaneously.

1.7. Chapterization of The Handbook

Chapter 1 - Introduction: This chapter traces the constitutional history behind the protection of Scheduled Castes and Scheduled Tribes (SCs/STs) against atrocities. It explains the constitutional pillars shaping the SC/ST (Prevention of Atrocities) Act, 1989, and highlights the principles of affirmative action. It also discusses the relevance of this handbook, its rationale, intended users, and provides a brief outline of its structure.

Chapter 2 - Understanding Atrocities: This chapter intends to educate users about the identity of Scheduled Castes and Scheduled Tribes, their historical marginalization, and how they differ from others in socio-economic status. It elaborates on the various forms of atrocities faced by SCs and STs in daily life, emphasizing the deep and lasting impact such acts have on their dignity, security, and livelihood.

Chapter 3 - Redressal Mechanism: This chapter focuses on the mechanisms available for victims seeking justice. It discusses forums for filing complaints, the role and responsibilities of authorities in assisting victims, and outlines the rights of victims and witnesses. It also provides practical guidance on the essentials of complaint writing and key elements to be included in chargesheets, aiming to equip users with a clear understanding of the legal process.

Chapter 4 - Judicial Interpretation: This chapter analyzes significant judgments delivered by Indian courts interpreting the SC/ST (Prevention of Atrocities) Act. It aims to guide users through key judicial principles, reinforce legal protections available to victims, and illustrate how courts have evolved in their approach to ensuring justice for SCs and STs.

Chapter 5 - Best Practices: The final chapter presents recommended practices for effective implementation of the Act. It includes examples of successful interventions, model approaches adopted by authorities, and suggestions for victim-centered procedures to ensure better support, rehabilitation, and access to justice for the SC/ST community.

CHAPTER - 2: WHAT CONSTITUTES ATROCITIES?

INTRODUCTION

Atrocities against Scheduled Castes (SCs) and Scheduled Tribes (STs) represent a dark and persistent violation of fundamental human rights. SCs and STs have faced discrimination and unfair treatment for centuries due to deep-rooted caste and tribal systems in India.

The term ‘atrocities’ includes various forms of abuse, such as physical violence, verbal abuse, denial of access to resources like water or land, sexual harassment, and economic exploitation. These actions are often carried out by individuals from more privileged social groups who want to maintain their control or status over SCs and STs.



To combat these crimes, the Government has introduced important laws like the **Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989**. This law is specifically designed to protect SCs and STs from various kinds of violence, oppression and ensure that those who commit these offenses are punished.

This Chapter explains or defines Scheduled Caste and Scheduled Tribes, atrocities committed against them, essentials for constituting atrocities along with examples and case laws. It enumerates different types of discriminations faced by the SC/STs with illustrations for the better understanding of the users.

2.1. Who is a Scheduled caste?

The term Scheduled Caste (SC), a politico-legal concept, has a significant historical and social background in India. It was first coined during the colonial period by the Simon Commission in the late 1920s and formally introduced in the Government of India Act, 1935. This term was institutionalized to identify and categorize the communities that faced severe social discrimination, particularly those subjected to the practice of untouchability. After India’s independence, the Constitution of India adopted the term “Scheduled Castes” to recognize these communities and provide them with special safeguards, affirmative action, and legal protections to uplift them socially, economically, and politically.

2.1.1 Constitutional Protection for Scheduled Castes

Before being officially recognized as Scheduled Castes in the Government of India Act, 1935 and later in the Constitution of independent India in 1950, these communities were referred to as “exterior” or “depressed castes” or “classes.” A caste was categorized as “exterior” or “depressed” if it was subjected to certain social disabilities or restrictions that isolated them from mainstream society. These disabilities were mainly associated with their low social status within the caste hierarchy, rooted in the practice of untouchability.



The 1931 census identified a set of key markers that characterized the exclusion of these communities:

- i. inability to be served by clean-Brahmins
- ii. inability to be served by the barbers, water carriers, tailors, etc. who served the caste Hindus
- iii. inability to serve water to caste Hindus
- iv. inability to enter Hindu temples
- v. inability to use public convenience such as roads, ferries, wells or schools
- vi. inability to dissociate oneself from despised occupation.
- vii. inability to be treated as equal by Upper Caste men of the same educational qualifications
- viii. who are merely depressed on account of its own ignorance, illiteracy or poverty
- ix. depressed on account of the occupation followed



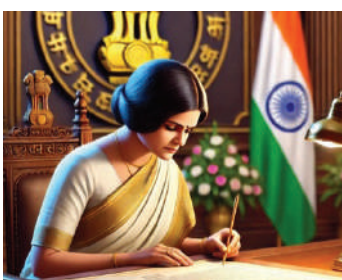
With the adoption of the Constitution of India, the Scheduled Castes (SCs) were granted essential rights and protections to address their historic marginalization and ensure their social and economic development.

2.1.2.1. Definition

The Constitution of India defines Scheduled Castes under Article 366(24) as:

“Such castes, races, or tribes or parts of or groups within such castes, races, or tribes as are deemed under Article 341 to be Scheduled Castes for the purposes of this Constitution.”

This definition serves as a broad legal framework to identify communities that have historically faced discrimination and exclusion. By recognizing these communities as Scheduled Castes, the Constitution mandates the State to ensure that they receive necessary support to achieve social and economic parity with the rest of society.



2.1.2.2. Identification and Classification of Scheduled Castes

Article 341 provides the framework for the classification and identification of Scheduled Castes for every State and Union Territory (UT). This article ensures that the classification is carried out systematically to recognize only those communities that need constitutional protection.



1. Article 341(1): President's Power

- The President of India issues a public notification to specify the castes, races, tribes, or parts/groups within them that will be recognized as Scheduled Castes in relation to a particular State or UT.
- In cases concerning States, the President must consult the Governor of the respective State before issuing the notification.
- This ensures that the local socio-economic conditions are considered before deciding which communities qualify for Scheduled Caste status.

2. Article 341(2): Parliament's Power

- Parliament holds the exclusive power to add or remove communities from the list of Scheduled Castes by enacting a law.
- The list, once notified by the President, cannot be altered through further notifications. Any modifications—whether to include new communities or exclude existing ones—can only be made through legislation.
- This provision ensures transparency and prevents arbitrary changes to the list, requiring legislative scrutiny for every modification.

Constitutional Protection

The Constitution recognizes that the Scheduled Castes are among the most socially and economically backward groups in India. Therefore, it provides special safeguards to protect and uplift them.

The **Preamble** of the Constitution, which outlines its fundamental philosophy, reflects India's commitment to **justice, equality, and dignity** for all its citizens, including the Scheduled Castes. It underscores the vision of an egalitarian society where all citizens, regardless of their caste, enjoy equal opportunities and protection under the law.

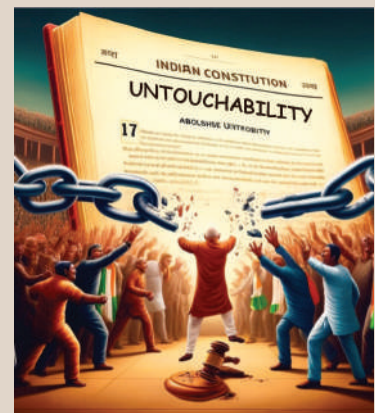


Part III of the Constitution, deals with **Fundamental Rights**, provide the framework for equality and protection against discrimination, particularly for the Scheduled Castes. These include:

- **Article 14:** This Article guarantees equality before the law and equal protection of the laws to all citizens. It establishes that every individual, regardless of caste or other distinctions, is equal in the eyes of the law.



- **Article 15:** This Article **specifically prohibits discrimination** on the grounds of **religion, race, caste, sex, or place of birth**. It ensures that no citizen is denied access to public places such as shops, hotels, or places of entertainment. Moreover, it empowers the State to make special provisions for the advancement of socially and educationally backward classes, including SCs.
- **Article 16:** This Article **ensures equality of opportunity in matters of public employment**. It allows the State to reserve jobs in public services for Scheduled Castes and Scheduled Tribes to address their underrepresentation and create opportunities for upward social mobility.
- **Article 17:** This Article abolishes untouchability in all forms and declares the practice a legal offense. It makes the enforcement of any disabilities arising from untouchability a punishable crime. The Untouchability Offenses Act of 1955 (later amended as the Protection of Civil Rights Act, 1976) was enacted to give effect to this Article, making the practice of untouchability punishable by law, with provisions for imprisonment and/or fines for offenders.
- **Article 46** of Directive Principles of State Policy, the State has a responsibility to promote with special care the educational and economic interests of weaker sections of the society, specifically Scheduled Castes (SCs) and Scheduled Tribes (STs). The Article also emphasizes protecting them from social injustice and all forms of exploitation.



2.2. Who is a Scheduled Tribe?



The Constitution of India is silent about who is a scheduled tribe. However, certain characteristics are used in determining who is a scheduled tribe such as Geographical isolation, distinct and diverse culture, socio-economic backwardness and primitive lifestyle which are prominent in identifying them. These indigenous communities live in different geo-climatic conditions like forests, mountains, desserts etc. These areas are usually inaccessible which makes the tribe shy to contact other larger communities. For ages, the tribes had limited interaction with so-called “civilized” or advanced cultures, and many lived in close-knit communities with their own unique

traditions, customs, and governance systems. Indian Anthropologist D.N Majumdar has defined ‘A tribe as a collection of families or group of families bearing a common name,



members of which occupy the same territory, speak same language and observe certain taboos regarding marriage, profession or occupation’.

Impact of Colonial Rules on Tribes

When the British colonized India, they aimed to consolidate their rule and expand their control over various parts of the country. This led to the development of infrastructure like roads and railways, opening up tribal lands to external influences. With the introduction of a money-based economy, land acquisition policies, cash-cropping systems, and new legal and administrative frameworks, the British brought significant changes to the way of life for tribal communities. These changes disrupted their traditional economies, which were often based on subsistence farming and barter systems.

Although some of these measures initially brought relief and opportunities, they gradually became exploitative. Tribes were often dispossessed of their land and resources, and their local economies were undermined by new market forces that they were not equipped to navigate.

The exploitation of tribal lands and resources, along with the disruptions to their social and economic structures, led to increased agitation and resistance among tribal communities. Faced with growing feelings of deprivation and exploitation, many tribes took up arms or participated in movements to protect their rights, land, and way of life. As these tribal uprisings grew, the British government realized the need to provide some level of protection to these communities.



In response to these upheavals and other factors, the British began to designate certain areas as “regulated” or “protected” regions where tribal communities were somewhat shielded from outside interference. In these areas, regular British laws and regulations did not fully apply, allowing the tribes to maintain a degree of autonomy. This also gave rise to the idea of tribes as a distinct social category, separate from other religious and social groups such as Hindus or Muslims.



2.2.1 The Constitution and the Scheduled Tribe

- The concept of Scheduled Tribes (STs) was formalized during British rule with the Government of India Act of 1935, which included provisions for protecting tribal communities. The Act incorporated the policy of reservation for tribes notified in the schedule, marking the beginning of formal legal recognition of tribal groups in India.
- After independence, the concept of Scheduled Tribes was adopted in the Constitution of India. These groups were officially recognized as requiring special protections and affirmative action to counteract the effects of historical marginalization.
- A comprehensive list of tribes was included in the Eighth Schedule of the Constitution, ensuring that they would benefit from special provisions in areas like education, employment, and political representation.
- As per the provisions of Article 342 of the Constitution, more than 700 tribes have been officially notified as Scheduled Tribes (STs). These tribes are distributed across various States and Union Territories, with some tribal communities overlapping and existing in multiple regions. Their classification recognizes the diverse cultural, linguistic, and social identities of these groups, ensuring region-specific protections and benefits.



2.2.1.1. Definition of Scheduled Tribes

Scheduled Tribes (STs) are defined under Article 366(25) of the Indian Constitution as:

“Such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this Constitution.”

The framework for identifying and specifying Scheduled Tribes is detailed under Article 342 of the Constitution. This article empowers both the President of India and Parliament to ensure that the classification of these communities reflects their social, economic, and cultural realities.

2.2.1.2. Identification and Classification

1. Article 342(1): President's Power

- The President of India, through a public notification, specifies the tribes, tribal communities, or groups within them that will be classified as Scheduled Tribes for any State or Union Territory.
- In the case of the States, the Governor of the concerned State must be consulted before issuing such a notification.



- This consultative approach ensures that the identification process is aligned with local realities, acknowledging the unique challenges faced by tribal communities in different regions.

2. Article 342(2): **Parliament's Power**

- Parliament has the authority to add or remove communities from the list of Scheduled Tribes through the enactment of laws.
- Subsequent notifications cannot alter the list once it has been issued by the President under Article 342(1). Any amendments or modifications to the list must be made through legislation by Parliament, ensuring that changes are well-regulated and deliberative.

Constitutional Protection

The Constitution of India recognizes the unique challenges faced by Scheduled Castes (SCs) and Scheduled Tribes (STs) and provides several safeguards to address social injustice, exploitation, and economic backwardness.

Several provisions under Part III of the Constitution, which deals with Fundamental Rights, provide a legal framework to ensure equality and non-discrimination. These provisions aim to protect Scheduled Tribes from exploitation and promote their inclusion in the national mainstream:

1. Article 14: This article guarantees that every individual is equal before the law and entitled to equal protection of laws within the territory of India. This ensures that no person, including those belonging to Scheduled Tribes, faces discrimination in legal matters.

2. Article 15: This article prohibits discrimination on the basis of religion, race, caste, sex, or place of birth. It empowers the State to make special provisions for the advancement of Scheduled Castes and Scheduled Tribes to ensure equal access to education and public resources.

3. Article 16: This article provides equality of opportunity for all citizens in matters related to public employment or appointment to State services. It allows the State to reserve public employment positions for Scheduled Tribes if they are inadequately represented in government jobs.

Special Provisions for Scheduled Areas and Tribal Welfare

Apart from Fundamental Rights, the Constitution includes provisions to safeguard the unique interests of Scheduled Tribes:

1. Article 46 directs the State to promote with special care the educational and economic interests of Scheduled Tribes and protect them from social injustices and exploitation.



2. Fifth and Sixth Schedules:

- The Fifth Schedule deals with the administration of Scheduled Areas in several States, empowering the Governor to develop policies that address tribal concerns.
- The Sixth Schedule grants autonomy to tribal areas in the North-East through Autonomous District Councils, which manage local governance and protect tribal interests.

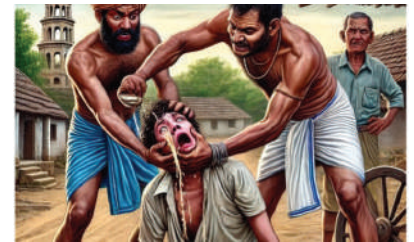
2.3. What constitutes atrocity against SC and ST as per the SC/ST Act?

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is a significant legislation which enumerates various atrocities against STs and SCs. Section 3 of the Act provides a comprehensive list of offenses considered as atrocities against members of these communities, ensuring strict legal action against perpetrators.

2.3.1 Social humiliation-

- Putting an inedible substance in the mouth of a member of SC or ST and forcing them to consume it.

Illustration- A dalit man in Madhya Pradesh was abducted, beaten up and forced to drink urine by 2 men.¹



- Dumping of waste or obnoxious substance in the premises or at the entrance of the premises which is occupied by the member of SC or ST.

Illustration- Upper caste men beat Dalit man and his son as they opposed the dumping of waste in front of their house in Madhya Pradesh. They were also being called out by the sub-caste name²



- Dumping of obnoxious substances in the neighbourhood of the SC or ST with an intention to insult, annoy or cause injury.
- Making members of SC or ST wear garland made of footwear or making them parade naked or semi-naked.

Illustration- Gang rape and sexual assault of two females belonging to Kuki-Zomi tribe by upper caste Meiti community in Manipur. The females were stripped naked and were forced to parade in the village. The father and the brother of the victim were beaten to death.³

¹ <https://www.thehindu.com/news/national/madhya-pradesh/two-arrested-in-mp-for-allegedly-forcing-dalit-man-to-drink-urine-counter-fir-against-him-for-alleged-extortion/article68493512.ece>

² <https://cms.thewire.in/law/madhya-pradesh-sehore-dalit-men-assaulted>

³ <https://www.livemint.com/news/india/manipur-sexual-assault-case-kuki-women-stripped-naked-paraded-were-driven-to-mob-by-cops-says-cbi-chargesheet-11714524458591.html>



- Forcefully removing the cloths, removing moustaches, painting the face or body, shaving the head of the member of SC or ST to humiliate them.

Illustration- Poultry farm owner in Uttar Pradesh thrashed, shaved, blackened the face and paraded in whole village three Dalit boys accusing them of stealing of 5kg wheat.⁴



- Intentionally insulting them in public places by calling their caste name, by words either written or oral or by gestures.



- Destroying sacred places or objects which holds high esteem for the members of SC and ST.

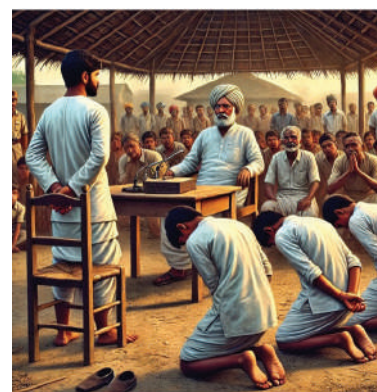
Illustration- A Dalit Church predominantly visited by Madiga community was attacked by the Hindu dominant caste Yadav and Mudiraj in Telangana. The attackers destroyed the crucifix, chairs and the roof of the church.⁵

- Corrupting the public areas which are commonly used by the members of SC and ST.

Illustration- In Pudukottai district of Tamil Nadu, faeces was dumped in an overhead tank which was used by the Dalit community.⁶

- Preventing them from entering public places like hospitals, public toilets, temples, lakes, river, ponds, burial ground, common ground etc.

Illustration- Three Dalit boys were directed by the 'Oor Panchayat' to tender an apology and prostrate before them in full view of public as a punishment of not taking permission from dominant Vanniyar caste for celebrating annual temple festival.⁷



⁴ <https://timesofindia.indiatimes.com/city/lucknow/thrashed-paraded-with-shaved-heads-faces-blackened-dalit-boys-tortured-over-alleged-wheat-theft-in-uttar-pradesh/articleshow/114114532.cms>

⁵ <https://www.thenewsminute.com/telangana/telangana-mob-chanting-jai-shri-ram-attacks-dalit-christian-church-several-injured>

⁶ <https://www.thehindu.com/news/national/tamil-nadu/in-vengaiyaval-village-hatred-as-the-shape-of-water/article66442975.ece>

⁷ <https://frontline.thehindu.com/the-nation/caste-based-humiliation-in-tamil-nadu-village/article34760330.ece>



2.3.2 Educational and Professional Discrimination-



→ Preventing them from public spaces like schools.

Illustration- 'A' was beaten up by a dominant caste teacher as 'A' sat on the seat in his classroom with other classmates. 'A' was forced to sit in a separate row in the classroom.⁸

→ Intimidating them to dispose or carry the dead and to do manual scavenging.

Illustration- A dalit man's body was lowered down from the bridge through a rope as the upper caste dominants do not allow dalit funeral processions by road.⁹

→ Intimidating or preventing them to profess their choice of occupation or business

2.3.3 Economic exploitation-



→ Wrongfully occupying the property owned or possessed by SC or ST or getting it transferred.

→ Dispossessing SC or ST from its own property against their will or without valid consent or by putting them under fear or by fabricating the records of the land or interfering the enjoyment of the peaceful possession of the property of SC or ST.

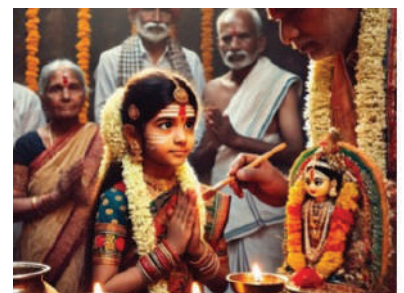


→ Forcing SC or ST to be a beggar or do other forms of bonded labour

2.3.4. Physical Violence-

→ Dedicating SC and ST females to a deity.

Illustration- Devadasi practice- Offering young girls to Hindu temples as 'slave of god' or 'servant of god', when they are yet to attain puberty, through an act of marriage with God. It is predominantly practiced in Karnataka, Tamil Nadu, Maharashtra and Andhra Pradesh.



→ Using words, gestures or act or intimidation to commit sexual harassment against the women of SC and ST

→ Committing physical violence or assaults including grievous hurt on the member of SC and ST.

⁸ <https://timesofindia.indiatimes.com/india/sc/st-kids-suffer-bias-in-classrooms-rights-group/articleshow/34091359.cms>

⁹ <https://timesofindia.indiatimes.com/city/chennai/humanity-dies-in-these-villages-where-caste-has-no-cremation/articleshow/88248393.cms>



Illustration- Two young boys belonging to SC community were verbally abused, abducted and assaulted by the dominant upper caste for not paying respect to them. Incident happened in Kallimandayam of Dindigul in Tamil Nadu.

→ Threats to impose social or economical boycott as to prevent them from taking benefit of public services.

→ Causing physical and mental agony

2.3.5 Intimidating or preventing the members of SC/ ST from casting vote or to vote for a particular member, filing nomination as a candidate or withdrawing the nomination or not to propose the nomination.

2.3.6 Obstructing the member of SC/ ST in performing their duty towards the society as a public servant.

2.3.7 Filing false cases against the member of SC/ST or by giving wrong information to public servants as to hurt or humiliate them.

2.4. Against whom can a case be filed under the Act?

A case under the *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act*, can be filed against any person who is not a member of the SC/ST community and commits an offence defined under the Act against a person belonging to the SC/ST community.

2.5. Examples of Atrocities

According to the 'Crime in India' report by the National Crime Records Bureau, there is a significant increase in the rate of crimes against scheduled caste and scheduled tribe in India.

2.5.1 Hathras gang rape case 2020¹⁰ - A 19-year-old Dalit girl was gang raped and then brutally murdered by four men. CBI filed chargesheet in the case under Section 376, 376(a), 376(d), 302 of Indian Penal Code and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and in 2023 verdict was pronounced and 3 accused were acquitted and 1 convicted for culpable homicide not amounting to murder (Section 304 of Indian Penal Code) and under Section 3 (2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2.5.2 Swaran Singh and Anr. Vs State through standing counsel and Anr. 2008¹¹ - Complainant filed a FIR against 2 person who insulted him by calling him 'Chamar' near the car which was parked at the gate of the premises where he was standing. It was held

¹⁰ State of Uttar Pradesh Vs Sandeep Sisodiya and Ors. (2020) SST No. 583/2020

¹¹ Swaran Singh and Anr. v. State through Standing Counsel and Anr. (2008) 8 SCC



by Supreme court that this place was within the public view and would amount to an atrocity under Section 3(1) (x) of the the scheduled castes and scheduled tribes (Prevention of Atrocities) Act and that 'Chamar' word is insulting and abuse and derision.

2.5.3 Rajendra Prasad Pandey and Ors Vs State of Uttar Pradesh and Ors 2020¹² - A dalit female was raped by police inspector Rajendra Pasad and Constable Sunil Kumar Singh. The trial court framed charges under Section 452 IPC read with section 3(1)(x) of the scheduled castes and scheduled tribes (Prevention of Atrocities) Act, Section 376 IPC read with Section 3(2)(v) of the scheduled castes and scheduled tribes (Prevention of Atrocities) Act, Section 323 and 34 read with section 3(1)(x) the scheduled castes and scheduled tribes (Prevention of Atrocities) Act, and section 504 of IPC. Court sentenced Rajendra Prasad Dubey and Co accused Sunil Kumar Singh with rigorous imprisonment and fine.

2.5.4 Gayatri Vs State and Ors. 2017¹³ - Informant complained about constant harassment and abuse in the name of caste on social networking sites/Facebook. It was held by the High court of Delhi that the information registered by the author on the wall of the social networking site is visible to everyone even and therefore, it would make no difference whether the privacy settings are set by the author as 'private' or 'public'. Section 3(1)(x) of the scheduled castes and scheduled tribes (Prevention of Atrocities) Act doesn't require the physical presence of the member of SC and ST when the insult or intimidation with intention to humiliate is taking place, it can be behind the back of the member of SC and ST also and the same would be culpable if it takes place within public view.

2.5.5 Vilas Pandurang Pawar and Anr. Vs State of Maharashtra and Ors. 2012¹⁴ - A complaint was filed by Savita Akhade alleging that she is residing with family and earning livelihood from agricultural work. Complainant allowed the access rainwater to flow in the adjacent agricultural land. The owner of those land abused her and her husband on caste. The accused with co-accused gathered around her house and abused the family members and assaulted her and her family member with sticks, stones and fighters. Charges were framed under section 3 (1)(x) of the scheduled castes and scheduled tribes (Prevention of Atrocities) Act, section 18 of the scheduled castes and scheduled tribes (Prevention of Atrocities) Act read with section 438 of Cr.P.C. It was held by the Supreme court that no court shall entertain application of anticipatory bail unless it prima facie finds that the offence is not made out.

2.5.6 Hitesh Verma Vs State of Uttarakhand & Anr 2020¹⁵ - The appellant challenged the Uttarakhand High Court's order dismissing their petition under Section 482 of the Code of Criminal Procedure (CrPC) to quash a charge sheet and summoning order in an FIR filed by Respondent No. 2. The FIR alleged that the appellant and others trespassed, hurled caste-based abuses, issued threats, and stole construction materials. The case involved

¹² *Rajendra Prasad Pandey and Ors Vs State of Uttar Pradesh and Ors, (2020) 12 AHC CK 0046*

¹³ *Gayatri vs. State and Ors. MANU/DE/1823/2017*

¹⁴ *Vilas Pandurang Pawar and Anr. v. State of Maharashtra and Ors. (2012) 8 SCC*

¹⁵ *Hitesh Verma v. State of Uttarakhand, (2020) 10 SCC 710*



Sections 452, 504, 506 of the IPC and Sections 3(1)(x) and 3(1)(e) of the SC/ST (Prevention of Atrocities) Act, 1989. The court observed that the ongoing civil litigation between the parties over land possession suggested the allegations were not primarily rooted in caste discrimination and the offence under Section 3(1)(r) requires insult or intimidation to occur “in public view.” The FIR stated the alleged incident took place within the four walls of the informant’s property, with no evidence of public presence. For offences under the SC/ST Act, the act must be specifically due to the victim’s caste. In this case, the dispute stemmed from a property conflict, not caste-based harassment. Supreme court held that the essential ingredients of Section 3(1)(r) of the SC/ST Act were not met. It quashed the charge sheet to the extent it pertained to this section. The remaining charges would proceed in the competent court under IPC.

2.5 Exercises-

2.5.6.1 ‘A’ who is an upper caste, hired ‘C’ who is a scheduled caste to do manual scavenging. ‘C’ felt humiliated and filed a complaint against ‘A’ in the police station. At the time of filing the complaint, the deputy superintendent of Police (DSP) or any other officer higher to deputy superintendent of police (DSP) was not available, as a result the investigation was concluded by a sub-inspector. A case was filed under section 3 (1) (j) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. According to law-

- A. The case can proceed as the Sub-inspector conducted the investigation in the absence of deputy superintendent of police (DSP) or any officer of higher rank.
- B. The case should be dismissed as only deputy superintendent of police (DSP) or any officer of higher rank can conduct the investigation.

Ans- B

2.5.6.2 Chandu, a Scheduled Caste, was feeding his cows outside his house at 5 a.m. when Ram approached him. Ram began shouting and insulting Chandu, complaining that his cows made the entire street smell like a garbage dump. During the confrontation, Ram used caste-based slurs. The street was empty at the time, and no one else witnessed the incident. Chandu felt deeply humiliated and filed a police complaint against Ram. A case was registered under Section 3(1)(r) and 3(1)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

- A. The case is maintainable as the insult was done in a public place within a public view
- B. The case is not maintainable as although the insult was done in a public but no member of public has seen it and hence it doesn’t fall ‘within public view’

Ans- B



2.5.6.3 Bhushan filed a complaint at the police station, stating that Vijay, an upper-caste individual, publicly insulted him. Bhushan claimed that he belongs to the Scheduled Caste community and that the insult was based on his caste identity.

- A. A mere statement by Bhushan that he belongs to the Scheduled Caste community and Vijay belongs to the upper caste is insufficient in court; the prosecution must provide evidence, such as caste certificates, to substantiate the claim.
- B. A mere statement by Bhushan that he belongs to the Scheduled Caste community and Vijay belongs to the upper caste is sufficient for the case to proceed.

Ans- A

2.5.6.4 'Z' gang-raped and murdered 'E,' a woman belonging to a Scheduled Tribe. The case was registered under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. However, during the trial, the prosecution failed to establish that the crime was committed with the knowledge or intent that the victim belonged to a Scheduled Tribe. Consequently:

- A. 'Z' can be convicted under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, solely on the basis that the victim was a member of the SC/ST community, irrespective of whether the accused had knowledge of her caste at the time of the offense.
- B. 'Z' cannot be convicted under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, merely on the grounds that the victim belonged to an SC/ST community, without evidence to establish that the crime was committed with the intent or knowledge of her caste.

Ans- B

2.5.6.5 Sneha, an individual belonging to an upper caste, extended a loan to Sonali, a Scheduled Caste woman, to facilitate the payment of her children's school fees. There was no animosity or ill intent on Sneha's part at the time of lending. However, when Sneha later requested repayment, Sonali responded in a rude and disrespectful manner. Subsequently, on an occasion when Sonali attempted to enter Sneha's shop, Sneha objected to her entry, citing Sonali's prior rude behaviour. Feeling humiliated by this act, Sonali filed a case against Sneha under The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

- A. The case is not maintainable as the objection raised by Sneha to Sonali's entry into her shop was not based on Sonali's caste but was instead due to Sonali's previous conduct.
- B. The case is maintainable under the law as Sneha's conduct towards Sonali was influenced by her Scheduled Caste status and constituted an insult or discriminatory act.

Ans- A

CHAPTER - 3: REDRESSAL MECHANISM

INTRODUCTION

Ensuring justice under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST PoA Act) requires a structured approach to reporting, investigating, and prosecuting offences committed against marginalized communities. Timely and effective complaint mechanisms are essential to ensure that victims receive the protection and legal recourse they are entitled to. To facilitate this, individuals must be aware of the various forums available for lodging complaints, including police stations, designated special officers, human rights commissions, and online grievance portals. Additionally, a well-drafted complaint should include specific details of the incident, information about the accused, and evidence supporting the claim, enabling swift action by authorities.



Law enforcement officers play a critical role in upholding the provisions of the Act. They are responsible for registering complaints without delay, conducting thorough investigations, protecting victims and witnesses, and ensuring the proper filing of chargesheets in Special Courts or Exclusive Special Courts. However, their actions must be in strict compliance with the legal framework, necessitating clear guidelines on what they must do (Do's) and what they must avoid (Don'ts) to prevent procedural lapses or bias. Moreover, a well-prepared chargesheet is fundamental in establishing a strong case, as it contains comprehensive details of the investigation, evidence, witness statements, and legal provisions invoked.

This section provides an in-depth examination of forums for lodging complaints, the required contents of a complaint, the responsibilities of officers, the ethical and legal boundaries they must adhere to, and the key elements of a chargesheet. By understanding these components, victims, legal practitioners, and law enforcement officials can work collectively to ensure the effective implementation of the Act, enhance accountability, and strengthen access to justice for Scheduled Castes and Scheduled Tribes.

3.1 WHAT ARE THE FORUMS FOR COMPLAINING?

Victims of atrocities under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have multiple avenues to file complaints and seek justice. These forums ensure accessibility, accountability, and prompt action against offenders.

1. Local Police Station- Victim can directly approach to the nearest police station and file a First Information Report (FIR). According to Rule 7 of Act, investigations into atrocities against Scheduled Castes and Scheduled Tribes shall be conducted by a police officer not



below the rank of Deputy Superintendent of Police (DSP).

Special Police stations have also been set up by states like Bihar, Chhattisgarh, Jharkhand and Madhya Pradesh for solely registering the complaints of the offences against the members of SC/ST community.

2. Special Courts and Exclusive Special Courts- According to Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, these courts have the power to directly take cognizance of any offence under this Act.

3. District Magistrate- Victims can approach District magistrate office in case the police refuse to register FIR. District magistrates have the power to direct the local police station, under his jurisdiction, to file a FIR and take necessary actions

4. National Human Rights Commission or State Human Rights Commission- The victims can file complaint both through online and offline mode. They can directly register on the official website of NHRC or respective State Human Rights Commission and can file a complaint or they can physically reach the office and file a complaint.



5. National Commission for Scheduled (NCSC) and National Commission for Scheduled Tribe (NCST)- The commission has the power to investigate complaints and give recommendations to the appropriate authorities. A victim can file a complaint through online complaint portal or by physically visiting the office.

6. National Legal Service Authority/ State Legal Service Authorities- Legal Service authorities can guide the victim and provide them free legal aid to get justice. To get legal aid and guidance, victim can call the Helpline or by filing the application form for legal aid/Grievance, available on the official website.

7. SC/ST Protection Cell- According to Rule 8 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, state government has to set up SC/ST Protection Cell at the state headquarters where victims can file complaint against the atrocities.

3.2 WHAT ARE THE ROLES AND RESPONSIBILITIES OF DIFFERENT AUTHORITIES?

1. Police officers: Police officer play a crucial role in ensuring justice for victims of atrocities under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Their duties extend beyond just registering complaints—they must handle cases with sensitivity, efficiency, and strict adherence to the law. The key responsibilities of officers include:



► Registering FIR Without Delay or Refusal

- Police officers must immediately register an FIR under the provisions of the SC/ST Act, 1989.
- Refusal to register an FIR is a serious offence and can result in disciplinary action against the officer.

► Handling the Case with Sensitivity

- Officers must create a safe and supportive environment for victims to share their experiences.
- The victim should feel comfortable and secure while narrating the incident.

► Recording a Detailed FIR

- The FIR must contain all necessary details, including:
 - o Victim's statement
 - o Nature of the atrocity
 - o Allegations against the accused
 - o Victim's physical and mental condition
- If the victim speaks a different language, a qualified officer should assist to ensure accurate documentation.



► Collecting Other Relevant Details

- Officers must record all crucial information, such as:
 - o Names and details of witnesses
 - o Date, time, and location of the incident
 - o Name, age, and gender of both the victim and accused
- If the victim or complainant provides evidence, it must be documented and preserved properly.

► Informing Victims About Their Rights and Remedies

- Officers must educate victims about their legal rights under the SC/ST Act, including:
 - o Rehabilitation and compensation
 - o Free legal aid services
 - o Special protection and relief measures





► Providing Medical Assistance to the Victim

- If the victim has suffered physical violence, officers must:
 - o Ensure immediate medical attention
 - o Arrange for a medical examination within the required legal timeframe

► Issuing a Copy of the FIR to the Victim/Complainant

- A free copy of the FIR must be provided to the victim or complainant.
- The officer must explain the contents of the FIR and outline the next steps in the legal process.



► Acting Without Discrimination or Bias

- Officers must remain impartial and treat victims with dignity and respect.
- Any form of bias, prejudice, or discriminatory behavior is strictly prohibited.

► Ensuring the Safety of the Victim

- If there is a threat to the victim, officers must:
 - o Take preventive measures
 - o Provide police protection if necessary
 - o Ensure witness protection if there is a risk of intimidation

2. District Magistrate:

► Preventive Action (Section 17)



- If there is reason to believe that atrocities may occur, the DM or SDM can:
 - o Declare an area as atrocity-prone and take necessary preventive actions.
 - o Maintain peace and public order by ensuring strict law enforcement.
 - o Implement special measures under government schemes to prevent atrocities and provide security to SC/ST members.

► Spot Inspection & Reporting (Rule 6)

- Upon receiving information about an atrocity, the District Magistrate (DM), Sub-Divisional Magistrate (SDM), or any Executive Magistrate must visit the site immediately.



- They must assess the extent of the atrocity, including loss of life and property damage.
- A report must be submitted to the State Government without delay.

► **Ensuring Relief to Victims (Rule 12)**

- Visit the crime scene along with the Superintendent of Police (SP) to:
 - o Assess loss of life and property damage.
 - o Prepare a list of victims, their family members, and dependents entitled for relief.
- The DM and SDM must ensure immediate relief in cash or kind is provided to victims and their dependents within seven days.
- Relief includes food, shelter, medical aid, transport, clothing, and financial compensation.
- A report on relief and rehabilitation must be submitted to the Special Court or Exclusive Special Court.

► **Supervision of Cases & Prosecution (Rule 4 & Rule 17)**

- The DM, along with the Director of Prosecution, must review the prosecution of cases at least twice a year.
- They must ensure the Special Public Prosecutors and Exclusive Special Public Prosecutors perform effectively.
- The District Vigilance & Monitoring Committee, chaired by the DM, must meet every three months to review cases, law enforcement, and victim assistance.

► **Protection of Victims & Witnesses (Rule 6(2))**

- The DM and SDM must ensure witness protection and prevent further atrocities.
- They must arrange for police patrolling in affected areas and safeguard witnesses and supporters of victims.

► **Administrative Oversight & Coordination (Rule 10 & Rule 13)**

- The DM appoints Special Officers (not below Additional District Magistrate rank) to monitor implementation of the Act.
- They ensure officers assigned to atrocity-prone areas have the right training and awareness of SC/ST issues.

► **Ensuring Legal & Financial Assistance (Rule 11)**

- The Magistrate must ensure victims and witnesses receive travel allowances, daily allowances, and legal aid.
- Women, minors, elderly, and disabled persons must be allowed to bring an attendant, who will also be compensated.



3. Special Court/ Exclusive Special Court:

► Direct Cognizance of Offences

- These courts have the power to take cognizance of offences directly.

► Speedy Trial (Section 14(3))

- The Special Court/Exclusive Special Court must conduct trials on a day-to-day basis until all witnesses in attendance have been examined.
- Adjournments beyond the next working day are only allowed with written justification.
- Trials should be completed within two months from the filing of the charge sheet, as far as possible.



► Exclusive Jurisdiction Over Offences

- These courts deal exclusively with offences under the SC/ST (POA) Act, ensuring dedicated focus and expertise.

► Protection of Victims & Witnesses (Section 15A)

- Support & Rehabilitation
 - o The Special Court ensures victims receive:
 - Complete protection to secure the ends of justice
 - Travel & maintenance expenses during the investigation and trial.
 - Socio-economic rehabilitation if required
 - relief in cash or kind for medical aid, food, clothing, shelter, and transportation
 - relocation

► Confidentiality & non-disclosure

- The court can order:
 - o Concealment of witness identities in records.
 - o Non-disclosure of names in court documents.
 - o Immediate action against public officials harassing victims or witnesses.



► Externment of Offenders (Section 10)

- If a person is likely to commit an atrocity in a Scheduled Area or identified area, the Special Court can order their removal for up to three years.



- Such individuals must leave the area within the specified time, using the prescribed route.
- Violations of this order can result in arrest and removal by the police.
- The court can review, modify, or revoke the externment order upon request.

4. Nodal Officer: According to Rule 9 of the Act, the State shall appoint a Secretary level - Nodal Officer, preferably belonging to Scheduled Caste or Scheduled Tribe. The officer shall coordinate with district judges, police, and other authorities in enforcing the Act. The Nodal Officer reviews government-obtained reports, case statuses, law and order in affected areas, and ensures compliance with the Act's protections for witnesses and victims.

- At the end of each quarter, the Nodal Officer shall review:
 - o Reports received by the State Government under relevant rules.
 - o The status of cases registered under the Act.
 - o The law-and-order situation in identified areas.
 - o Measures taken to provide immediate relief (cash, goods, or both) to victims and their dependents.
 - o Availability of essential facilities such as food, clothing, shelter, legal aid, travel, and transport for victims and their dependents.
 - o The performance of NGOs, the SC/ST Protection Cell, various committees, and public officials responsible for enforcing the Act.

5. SC/ST Protection Cells- At the State headquarters, an SC/ST Protection Cell is to be established under the charge of a Director General of Police or Additional Director General of Police/Inspector General of Police. The key role of the cells are:

- Conducting survey of, maintaining public order and tranquility in, and recommending deployment of special police force in identified areas.
- Investigating causes of offences under the Act, restoring feeling of security among SC/ST.
- Liaisoning with nodal and special officers about law-and-order situation in identified areas.
- Monitoring investigation of offences and enquiring into wilful negligence of public servants.
- Reviewing the position of cases registered under the Act
- Submitting a monthly report to the State Government/Nodal Officer about action taken/proposed to be taken in respect of the above.



6. Special Public Prosecutor- According to Section 15 of the Act, The State Government



must specify a Public Prosecutor or appoint an advocate with at least seven years of practice as a Special Public Prosecutor (SPP) for each Special Court. For Exclusive Special Courts, the State Government must specify an Exclusive Special Public Prosecutor (ESPP) or appoint an advocate with at least seven years of experience. This ensures:

- specialized legal representation for SC/ST victims.
- speedy and effective prosecution of cases.
- there are no delays and lapses in handling sensitive cases.

7. Special Officer- Rule 10 of the Act provides that the State Government shall appoint a Special Officer, not below the rank of Additional District Magistrate. The officer coordinates with the District Magistrate, Superintendent of Police, and other responsible officers for implementing the provisions of the Act. The Special Officer liaises with various committees and the Scheduled Castes and the Scheduled Tribes Protection Cell, facilitating a comprehensive approach to monitoring, reporting, and preventing atrocities within the designated area. Special officer will be responsible for the following:

- Victim Support & Prevention: Ensuring immediate relief and essential facilities for victims of atrocities and taking necessary measures to prevent recurrence.
- Awareness & Education: Establishing awareness centers and conducting workshops in identified areas or district headquarters to educate Scheduled Castes and Scheduled Tribes about their rights and available protections under various laws, rules, and schemes
- NGO Coordination & Support: Collaborating with non-governmental organizations and providing necessary facilities, financial aid, and other assistance for maintaining support centers and organizing workshops.

8. Vigilance and Monitoring committee- According to Rule 16 of the Act, the state government shall constitute a high-power vigilance and monitoring committee of not more than 25 members Consisting-

• **State-Level Committee- Consisting of:**

Chairperson: Chief Minister (or Governor in President's Rule)

Members

Key Ministers
SC/ST MPs and MLAs
Senior officials
Welfare Secretary (Convener)

• **District-Level Committee- Consisting of:**

Chairperson: District Magistrate

Members:

SC/ST MPs & legislators
Senior police officers
Group 'A' officers
Non-official SC/ST members
Select NGO representatives



The designated committees are responsible for supervising the handling of cases at the district level, ensuring timely investigation and prosecution of offences. Additionally, they oversee the provision of relief and rehabilitation for victims. These committees play a crucial role in the effective implementation of the SC/ST (Prevention of Atrocities) Act by monitoring victim support mechanisms, facilitating the prosecution of cases, and ensuring the accountability of agencies involved in enforcing the provisions of the Act at the state level.



9. State Governments- The state government is responsible:

- To grant any state officer in any district or part of a district the powers to arrest, investigate, and prosecute offenses under the Act, or to handle any specific case or group of cases. This delegation is aimed at preventing and addressing any such offenses effectively, under section 9 of the Act.
- To declare identified areas and order district authorities to take all measures to prevent an atrocity from taking place.
- To Set up monitoring committees at the state, district and divisional levels.
- To Organize legal awareness workshops.
- To Prepare a panel of eminent senior advocates and a separate panel of Special Public Prosecutors.
- To Set up a SC/ST Protection cell at the police headquarters.
- To Nominate a secretary-level officer as nodal officer and Appoint Special Officers at district level To ensure adequate representation of SC and ST at all levels of administration and the police.
- To make necessary provisions in the budget for providing relief and rehabilitation to victims of atrocities.
- To Develop and implement a Contingency Plan for effective implementation of the Act.
- To Submit annual report to the Central government.

3.3 WHAT ARE THE CONTENTS OF A COMPLAINT?

1. Name- Name of the Victim along with the name of his/her father or mother and Name of the accused (if known) must be mentioned in a complaint. In case victim/accused is known by some alias, it should also be mentioned in the complaint.
2. Gender- Gender of the victim and accused must be mentioned in the complaint.
3. Date and time of Incident.



4. Complainant's Mobile number
5. Victim Address- Full address of the victim.
6. Disability- whether victim has any disability, If Yes, Explain briefly.
7. Place of Incidence- Details of the place where the incident has happened with address.
8. Description of incidence- This section should capture the whole incident with all details available.
9. Category of incident- this column should define the type of incident.
10. Signature of the complainant.

3.4 WHAT ARE THE DO'S AND DON'TS FOR OFFICERS?

To ensure the proper implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, law enforcement officers must adhere to strict procedural guidelines while handling cases. The following Do's and Don'ts provide a framework for officers to effectively investigate, prosecute, and support victims of atrocities.

3.4.1 Do's (Essential Duties of Officers)

- ✓ **Registering Complaints and FIRs**
 - A police officer must register an FIR immediately upon receiving a written complaint, even before initiating a preliminary investigation (*Prathvi Raj Chauhan v. Union of India & Ors, 2020*).
 - The FIR must include all relevant details such as the jurisdiction, the nature of the offence, and the caste of the victim.
 - A copy of the FIR must be provided to the complainant free of cost.
 - All cases involving atrocities against SCs/STs by non-SCs/STs must be registered under the SC/ST (PoA) Act, 1989, ensuring that no lesser provisions are applied.
- ✓ **Ensuring Swift Investigation and Prosecution**
 - The FIR must be sent to the Magistrate immediately to enable the sanctioning of relief and rehabilitation measures for the victim.
 - The Commissioner of Police/Superintendent of Police must appoint an Investigation Officer to ensure the case is investigated without delay.
 - The Investigating Officer (IO) must complete the investigation and file the chargesheet within 60 days as mandated by law.
 - Witness statements recorded under Section 161 CrPC must be provided to the witnesses to ensure transparency and support their testimony.

**Ensuring Protection and Preventing Tampering of Evidence**

- The Investigating Officer must promptly arrest the accused if there is a possibility of evidence tampering or witness intimidation.
- If an Anticipatory Bail petition is filed, the IO must consult the Prosecutor and assist in opposing the bail at the Sessions Court or High Court.
- The IO must prepare a Memo of Evidence, including a list of documents, objects, and witnesses relevant to the case.
- If the accused threatens a witness or attempts to tamper with evidence, the IO must inform the court immediately and seek denial of bail.
- The IO must work closely with the Prosecutor to challenge any stays on proceedings by approaching higher courts.
- The police must ensure that both witnesses and the accused appear before the court promptly, ensuring a smooth and speedy trial.

3.4.2 Don'ts (Prohibited Actions for Officers)**Refusal to Register Complaints**

- The Officer in Charge of a police station must not refuse to accept a complaint or representation from a victim or witness.

**Tampering or Downgrading Offences**

- No attempt should be made to minimize the gravity of the offence while registering the FIR.
- The Investigating Officer should never participate in out-of-court settlements or compromises, as such practices undermine the legal process.

**Negligence in Investigation**

- The case should not be closed as “False” based on statements from unimportant or unreliable witnesses.
- The IO must not record statements in a generic or stereotypical manner: each victim and witness statement must be taken accurately and thoroughly.

**Improper Filing of Chargesheet**

- After investigation, the chargesheet should not be directly filed with the Special Court. Instead, it must be sent for committal to the Additional Chief Judicial Magistrate (ACJM) before proceeding to the Special Court.

3.5 WHAT ARE THE RIGHTS OF THE VICTIMS AND WITNESSES?



Section 15A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act outlines several essential rights and protections for victims and witnesses. This provision offers support, safety, and active involvement throughout the justice process.

Filing Stage	• Victims have the right to formally register their complaint as a First Information Report (FIR). • The FIR should include all applicable sections of the SC/ST (Prevention of Atrocities) Act • Victims are entitled to a copy of the FIR at no cost. • Victims must be informed of their rights during complaint registration and FIR filing. 
Investigation Stage	• Victims and their dependents must be informed in advance about the dates and places of investigation. • Victims are entitled to receive regular updates on the investigation's progress and the status of the charge sheet. • Victims have the right to receive a copy of the chargesheet at no charge. • The State must provide travel and maintenance expenses to victims and dependents for investigative processes, covering costs incurred while meeting the Investigating Officer, Deputy Superintendent of Police, or Superintendent of Police. • During medical examinations, special precautions should be taken to respect the dignity and safety of the victim. 
Trial Stage	• Victims have the right to receive free legal aid and assistance in preparing for trial. • Victims must be accurately and promptly notified of all court proceedings related to the case. • Victims and dependents are entitled to be heard at all trial proceedings, including bail, discharge, conviction, sentencing, and parole hearings. They may also submit written arguments on these matters.



	• All proceedings related to the case must be video recorded to ensure transparency and accuracy. • Victims, dependents, and witnesses are entitled to protection orders, including court measures to conceal their identities and addresses in public records. • Victims are entitled to receive daily allowances, maintenance support, and social and economic rehabilitation during the trial process. • In cases involving female victims or witnesses, an allowance is provided for an attendant's travel.	
Post Trial Stage	• Victims are entitled to ongoing social and economic support, including relocation, if necessary, for their safety and stability. • Victims and dependents have the right to seek support from non-governmental organizations (NGOs), social workers, or advocates throughout the process.	
Other Rights	• The State has a duty to ensure the protection of victims, dependents, and witnesses against intimidation, harassment, or violence. • The Special Court must periodically review protection measures and pass protective orders as needed. • Courts are required to take immediate action on complaints related to victim or witness harassment. If a public servant is involved, they can be restricted from contacting the victim without court approval.	

3.6 WHAT ARE THE KEY ELEMENTS OF A CHARGESHEET?

A chargesheet is a formal document prepared by the Investigating Officer (IO) after completing an investigation. It serves as the foundation for the prosecution, outlining the details of the case, evidence collected, and the charges framed against the accused. The following are the essential components of a chargesheet under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:



Component	Explanation
Identifying the Parties Involved	- The chargesheet must clearly mention details of all parties, including the victim/complainant, accused, and witnesses. - Information such as name, age, address, identification proof, and SC/ST caste certificate must be included to establish the identity of the individuals involved.
Facts of the Case	- A chronological sequence of events leading to the offence must be presented. - The chargesheet should establish the relationship between the victim and accused, if any, and provide a timeline of the incident. - A clear list of alleged offences committed by the accused must be mentioned.
Applicable Laws	- The chargesheet must cite the specific legal provisions under which the charges are framed. - Relevant sections of the SC/ST Act, 1989, Bharatiya Nyaya Sanhita (BNS), and Bharatiya Nagarik Suraksha Sanhita (BNSS) must be referenced.
Details of Evidence	- The chargesheet must list all physical, documentary, forensic, and electronic evidence supporting the charges. - It should include: - Crime scene evidence (e.g., weapons, fingerprints, video recordings) - Witness statements recorded under Section 180 of BNSS - Forensic and electronic evidence with proof of authenticity - The chain of custody must be documented to confirm that the evidence was not tampered with.
Prior Criminal Record of the Accused	- Any previous criminal history of the accused must be included. - Similar past offences help establish patterns of behavior or repeat offences.
Compliance with Procedures	- The chargesheet must detail: - Investigating officers involved in the case - Steps followed during the investigation - Timelines of key investigative actions - Compliance with legal procedures ensures the validity of the investigation.



Bail Provisions or Custodial Requirements	• The document must clearly mention the custody status of the accused (police custody, judicial custody, or bail). • If the accused has applied for bail, reference to relevant provisions, such as Section 14A(2) of the SC/ST Act, must be included.
Listing of Charges	• A formal statement of charges against the accused must be included based on evidence and investigation findings. • The charges should be structured in a way that aligns with the legal framework under which the case is filed.
Signature and Stamp	• The Investigating Officer must sign and stamp the chargesheet, affirming that it is true, complete, and accurate. • The submission of the signed and verified chargesheet is essential for proceeding with the trial in the Special Court or Exclusive Special Court.

3.7 EXERCISES

3.7.1 Seema approached the police station to lodge a complaint against Arun, alleging that he had abused her with a caste-based slur and referred to her as “Chamar.” While registering the First Information Report (FIR), Yashvanth, the investigating police officer, inadvertently failed to record Seema’s caste in the FIR. However, on the same day, Seema gave a statement under Section 161 of the Code of Criminal Procedure (Cr.P.C.), wherein she explicitly stated that she belongs to the “Chamar” community, which is recognized as a Scheduled Caste. Hence-

- A. The FIR can be quashed due to the omission of Seema’s caste in the FIR.
- B. The FIR cannot be quashed, as Seema’s statement recorded under Section 161 Cr.P.C. on the same day affirms her belonging to the “Chamar” community, a Scheduled Caste.

Ans- B

3.7.2 Ankit, belonging to a Scheduled Caste, alleged that he was publicly insulted by his employer during a tea break. Feeling humiliated, Ankit approached the police to file a complaint against his employer. However, while providing the information, Ankit omitted essential details, including the caste of the accused and key facts surrounding the incident.

- A. The FIR is incomplete, and the police officer is obligated to gather comprehensive details, including the castes of both the complainant and the accused, whether the incident occurred in public view, and whether there was an intention to insult based on caste.



- B. The FIR is complete as Ankit has provided some initial information sufficient to initiate the investigation.

Ans- A

3.7.3 Ravi lodged an FIR alleging assault by members of the upper caste in his locality. He provided all relevant details, which were duly recorded by the police officer. The duty of the investigating officer limits to-

- A. ascertain not only from the complainant whether he belongs to a Scheduled Caste or Scheduled Tribe (SC/ST) but also to verify from the accused persons whether they do not belong to the SC/ST community, thereby determining whether the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are attracted.
- B. The police officer must properly register the FIR, ensuring all details as narrated by the complainant are recorded without omission.

Ans-A

3.7.4 Deepak, a police officer, was registering an FIR in a case where a woman belonging to a Scheduled Tribe community alleged that she was raped by individuals from an upper caste. While recording the FIR, the officer requested the victim to narrate and imitate the crime.

- A. The police officer may request the victim to imitate the crime scene to gain a clearer understanding of the incident, enabling the drafting of a detailed and accurate FIR.
- B. The police officer must not ask the victim to imitate the crime, as such a request could cause further trauma to the victim and undermine her trust in law enforcement, contrary to the principles of sensitivity and dignity enshrined in law.

Ans- B

3.7.5 'P' lodged an FIR at the police station alleging atrocities committed against him by individuals belonging to the upper caste. The investigation was conducted by a Circle Inspector who was not authorized under Rule 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

- A. The accused is entitled to be discharged from the charges under the Act due to the lack of compliance with the mandatory requirement of investigation by an authorized officer as per Rule 7.
- B. The accused is not entitled to be discharged from the charges solely on the ground of procedural irregularity, as the investigation has been concluded, and its validity must be assessed in light of the facts and evidence collected.

Ans- A

CHAPTER - 4:

JUDICIAL INTERPRETATION IN CRIMES AGAINST SCHEDULED CASTES AND SCHEDULED TRIBES

The Indian judiciary has played a pivotal role in shaping the legal framework surrounding crimes committed against Scheduled Castes (SCs) and Scheduled Tribes (STs). With a long history of systemic discrimination and marginalization, these communities have often been subjected to social, economic, and legal injustices. To address these issues, the judiciary has not only interpreted the law in a manner that seeks to protect the rights of these vulnerable groups, but also shaped the contours of constitutional safeguards, legislative provisions, and judicial pronouncements. This chapter delves into significant judicial interpretations, exploring landmark judgments that have strengthened the legal framework for preventing crimes against SCs and STs. Through these cases, the courts have reaffirmed the commitment to justice, equality, and social harmony, while challenging ingrained prejudices that persist within society. Understanding these interpretations is crucial for comprehending the evolving landscape of justice for marginalized communities in India. The following are some of the cases.

4.1. SWARAN SINGH vs. STATE THROUGH STANDING COUNSEL (2008)

Facts

- The appellants, Swaran Singh (Appellant 1), Smt. Simran Kaur (Appellant 2), and Ms. Tarjeet (Appellant 3), were a family residing on the first floor of the premises M-39, Greater Kailash-II, New Delhi. Swaran Singh was the husband of Simran Kaur and the father of Tarjeet.
- The ground floor of the same building was occupied by Shri Umesh Gupta, a businessman, who had employed Vinod, the complainant, as a driver. Vinod belonged to the Scheduled Caste (Khatik Caste) and regularly worked at his employer's residence.
- Vinod alleged that Appellant 2 (Simran Kaur) and Appellant 3 (Tarjeet) repeatedly abused him using casteist slurs, referring to him as "chuda-chamar". They allegedly told him that he should not come in their way whenever they were present.
- Feeling humiliated, Vinod reported this to Appellant 1 (Swaran Singh), expecting intervention. Instead of addressing Vinod's grievance, Appellant 1 (Swaran Singh) defended his wife and daughter, stating that they had done nothing wrong in using such terms.
- On December 10, 2004, at approximately 8:45 a.m., Vinod arrived at his employer's residence for work. After taking the car keys, he began cleaning the vehicle parked outside the house.
- While he was engaged in his work, Appellant 2 (Simran Kaur) and Appellant 3 (Tarjeet) deliberately threw dirty water on him from above.



→ While doing so, they verbally abused him again, calling him “chuda-chamar”, and mocked him by saying: “Why did you come here? Now you can take a bath before our daughter leaves for work.”

Cause of action

- Continuous caste-based verbal abuse and humiliation directed at Vinod.
- Throwing dirty water on him in a degrading manner to reinforce his supposed inferiority.
- Public nature of the incident, which took place in a visible location outside the house.

Grounds

Violation of Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 – which penalizes the intentional insult, humiliation, or harassment of an SC/ST person in a place within public view.

Question

1. Does addressing a Scheduled Caste person as ‘chamar’ constitute an offence under Section 3(1)(x) of the SC/ST (PoA) Act?
2. Must the offensive act take place in a location within public view for it to be punishable under the Act?

Decision

- Use of the Term ‘Chamar’ as an Offence
 - o The Supreme Court ruled that calling someone “chamar” in a derogatory manner is an insult, abuse, and an act of derision.
 - o While interpreting Section 3(1)(x) of the Act, the Court emphasized that the law aims to prevent indignities, humiliation, and harassment against SC/ST individuals.
 - o The Court rejected the etymological meaning of the word and held that its popular usage as a derogatory term should be considered. Thus, using the term “chamar” in an insulting manner constitutes an offence under the Act.
- Meaning of ‘Place Within Public View’
 - o The Court clarified that “place within public view” does not mean a public place; rather, it refers to any location where members of the public can witness the incident.
 - o The gate of a house is within public view, as it is accessible and visible to others.
 - o Even if the insult occurs inside a building, it would still qualify as an offence if individuals other than relatives or close friends are present.
 - o The Court held that ‘place within public view’ should not be confused with the expression ‘public place’. A place can be a private place but yet within the public view.



4.2. STATE OF KARNATAKA vs. APPA BALU INGALE (1993)

Facts

The Complainant, who belongs to Scheduled Caste, mentioned that a borewell was being drilled at a distance of about 15 feet from Harijan colony. Many people including the accused and some Harijans were present. 2 Hindu girls performed pooja and then people took water from the well for performing pooja at the temple. The complainant along with five other Harijans also brought pots to take water from the well. At that time, three respondents told the Harijans not to take water from the well as they were “mahars” and that there was a separate well for them. Three Respondents further obstructed the Harijans from taking water and told his men to bring a gun from his house and threatened the Harijans with dire consequences. The complainant told the accused that Harijans also have the right to take water from the well. On that, accused told Harijans not to persist on taking water from the well otherwise the consequences would be serious. The trial court convicted accused under Section 4 of the Act and sentenced them to one-month simple imprisonment and Rs. 100 fines.

Cause of Action

Restraining the complainant, by show of force, from taking water from newly dug-up borewell on grounds that they are untouchables

Grounds

Section 4 and 7 of Protection of Civil Rights Act, 1955 and Section 401 of Code of Criminal Procedure, 1973

Question

1. Whether Mens rea- an essential element in social disability legislation?
2. Whether Reasonable doubt of a reasonable man is sufficient?

Decision

Mens rea is not an essential ingredient in social disability legislations as the criminal law primarily concerns with social protection, prescribes rules of behavior to be observed by all persons and punishes them for deviance, transgression or omission.

The application of the test of a reasonable man acting in similar circumstances and reasonable doubt of a reasonable man is the rule. When the court uses a psychological approach, “reasonable doubt” does not mean extreme skepticism, indecision, fear, hidden biases, or personal preferences that might exist in everyday life. The charge against the respondent has been proved beyond doubt. The High court fell into the patent error in rejecting the prosecution evidence. There was no infirmity in the evidence of the prosecution witnesses.



4.3. MASUMSHA HASANASHA MUSALMAN vs. STATE OF MAHARASHTRA (2000)

Facts

Saoji Gamaji Jadhav, who belongs to a Scheduled Caste and appellant was the resident of Nandra Koli village. Saoji Gamaji was stabbed by the appellant with jambiya (Dagger). Saoji left the home for some time after informing his wife Deubai. The appellant came to his house and enquired about him from his wife. Deubai found that appellant was having a jambiya in his hand. On discovering that Saoji is not at home, appellant started running through the lane. Deubai got suspicious and followed him and she saw the appellant stabbing Saoji and after giving two or three blows, Saoji fell on the ground and appellant ran away. When the appellant left the place, Deubai found that Saoji was bleeding. She tried to cover the injuries but, in the meanwhile, he succumbed to the injuries.

Cause of Action

Stabbing Saoji with Jambiya (dagger)

Grounds

Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Section 304 of Indian Penal Code, 1860

Question

1. Whether Section 302 of Indian Penal Code is justified in case of absence of intention to kill?
2. What are the conditions of applicability of Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989?

Decision

The essential condition to attract the provision of Section 3(2)(v) of the Act is that the victim should be a person who belongs to a Scheduled Caste or a Scheduled Tribe and that the offence under Indian Penal Code is committed against him on the basis that such person belongs to a Scheduled Caste or a Scheduled Tribe. In the absence of such an ingredient, no offence under Section 3(2)(v) of the Act arises. In that view of matter, both the trial court and The High Court missed the aforesaid provision by the trial court as well as by the High Court ought to be set aside.

4.4. HITESH VERMA vs THE STATE OF UTTARAKHAND & ANR. (2020)

Facts

Respondent and her husband, who belongs to scheduled caste are resident of New Bageti Patti Chandak Tehsil, District Pithoragarh. Respondent is constructing a house on her khet. Appellant is not allowing the applicant to work on her field and is abusing her husband and other family members. Appellant is giving death threats and is using caste



based abuses. They illegally entered the four walls of her building and started abusing her and her laborers and gave death threats and used caste remarks/abuses and took away the construction material and said that they are a person of bad caste, and they will not let them live near this mohalla/vicinity.

Cause of Action

Using caste colored remark/abuses for respondent and restraining her from constructing house on her khet.

Grounds

Section 452, 504, 506 of Indian Penal Code and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Question

Whether insult inflicted on a Scheduled Caste and Scheduled Tribe, knowing that the person belongs to such caste/tribe, but without intention of humiliating him/her, is an offence under the Act?

Decision

“Offence under the Act is not established merely on the fact that the informant is a member of Scheduled caste unless there is intention to humiliate a member of Scheduled Caste/ Scheduled Tribe for the reason that the victim belongs to such caste”. In the present case parties were litigating over possession of land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out. The chargesheet to that extent is quashed.

4.5. ARUMUGAM SERVAI vs. STATE OF TAMIL NADU (2011)

Facts

The appellant who belongs to a backward class called the complainants who were from the Pallan caste (Scheduled Caste of Tamil Nadu) had an altercation in a temple festival regarding the method of tying bullocks in the Jallikattu and appellant insulted complainant by saying “you are a pallapayal and eating deadly cow beef”. Appellant attacked the complainants with stick causing them injuries.

Cause of Action

Calling the complainant by his caste name with intention to insult.

Grounds

Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Question



1. Whether the word “Pallan” or “Pallapayal”, with intent to insult, is highly objectionable and an offence under the Act?

Decision

In Tamil Nadu, there is a caste called “Pallan” but it is also a word used in derogatory sense to insult someone. Even calling a person “Pallan”, if used with the intent to insult a member of the Scheduled Caste is, in our opinion, an offence under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. To call a person as a “pallapayal” in Tamil Nadu is even more insulting and hence is even more an offence. The appellant in the present case have behaved like an uncivilized savage and hence deserves no mercy.

4.6. GAYATRI vs. STATE AND ORS. MANU/DE/1823/2017, HIGH COURT OF DELHI

Facts

The petitioner and respondent are co-sisters. Respondent belongs to a Dhobi community. They are married to two brothers. The mother-in-law of the respondent severed the relationship between respondent and her husband and disowned him from all the movable and immovable properties. The petitioner started harassing and abusing in the name of caste on social media/Facebook. Petitioner started updating facebook status by suing words like kutta, dhobhi, donkey and jokes about Dhobhi community.

Cause of Action

Abusing and insulting the respondent on social media by calling her from her caste name.

Grounds

Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Question

Whether insult and abuse posted on the “wall” of social media/Facebook, an insult made within public view?

Decision

The Court held that when a member registered with Facebook changes the privacy settings to “public” from “private”, it makes his/ her writings on the “wall” accessible not only to the other members who are befriended by the author of the writings on the “wall”, but also by any other member registered with Facebook. However, even if privacy settings are retained by a Facebook member as “private”, making of an offending post by the member - which falls foul of Section under Sec. 3(1) (x) of the Act, may still be punishable. Therefore, it would make no difference whether the privacy settings are set by the author of the offending post to “private” or “public”. Pertinently, Sec. 3 (1) (x) of the Act does not require that the intentional insult or intimidation with intention to humiliate a member



of the Scheduled Caste or Scheduled Tribe should take place in the presence of the said member of the Scheduled Caste or Scheduled Tribe. Even if the victim is not present, and behind his/ her back the offending insult or intimidation with intention to humiliate him/ her - who is a member of the Scheduled Caste or a Scheduled Tribe- takes place, the same would be culpable if it takes place within public view.

4.7. STATE OF KERALA vs. CHANDRAMOHANAN (2004)

Facts

Ramchandran, President of Pattambi Congress Mandlam, lodged an FIR against respondent who took an eight-year-old girl named as Elizabeth P. Kora to the classroom in Pattambi Government U.P School, with the intention to dishonor and outrage her modesty. The father of the victim (Appellant) belongs to Mala Aryan community, which is considered as Scheduled Tribes of Kerala. The family of the victim converted to Christianity 200 years back. The father of the victim was married to a Roman Catholic Women.

Cause of Action

Outraging the modesty of a girl who belongs to Scheduled Tribe community.

Grounds

Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Question

Whether a person is a member of Scheduled Caste and Scheduled Tribe or has been accepted as such, despite his conversion to another religion?

Decision

The question as to whether a person is a member of the Tribe or has been accepted as such, despite his conversion to another religion is essentially a question of fact. A member of a tribe despite his change in the religion may remain a member of the tribe if he continues to follow the tribal traits and customs. It cannot be accepted that merely by change of religion a person ceases to be a member of the Scheduled Tribe. In such situations, it has to be established that the person who has embraced another religion is still suffering from social disability and also following the customs and traditions of the community, which he earlier belonged to. The question whether the person remained a member of the tribe must be determined at trial.



4.8. STATE OF MADHYA PRADESH vs BABBU RATHORE (2020)

Facts

The deceased named Baisakhu who was a resident of Thana Madhya Pradesh, met Kamla Prajapati in a drunken state. Baisakhu insisted Kamala to take him to Narsu's house as he has to return two hundred rupees to him. Kamala took him to Narsu's house where Respondent was present. Kamala left the place after leaving Baisakhu. When Ujaria Bai, wife of Baisakhu, inquired about her husband from Narsu, Narsu told that he left with Respondent. The dead body of Biasakhu was recovered later and most-mortem report proved that death was unnatural and caused by asphyxia due to strangulation. After registering the FIR, the investigation was conducted by Sub-inspector and chargesheet was filed against the respondent for offences punishable under Section 302/304, 404/34 of Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Cause of Action

The case was quashed on the grounds that the investigation has been conducted by an officer below the rank of Deputy Superintendent of Police as mandated by of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 under Section 9 read with Rule 7.

Grounds

Section 9 read with Rule 7 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Question

Can a case be quashed if charges are filed under the IPC and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on the grounds that the investigation was conducted by an officer below the rank of Deputy Superintendent of Police, as required by the 1989 Act?

Decision

It was held that, undisputedly, the respondents were charged under section 302/34 and 404/34 IPC apart from section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the charges under IPC have been framed after the investigation by competent police officer under CrPC. In such situation, the charge-sheet deserves to proceed in an appropriate competent court of jurisdiction for the offence punishable under IPC, notwithstanding the fact that the charge-sheet could not have proceeded confined to the offence under section 3 the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



4.9. ISHWAR PRATAP SINGH AND OTHERS vs STATE OF UTTAR PRADESH AND ANOTHER (2018)

Facts

Respondent/Complainant lodged an NCR against the appellant at Motiganj police station, district Gonda. In the first charge sheet the appellant was charged under section 323, 504 and 506 of Indian Penal Code. After more than 2 years of filing the charge-sheet, the complainant made a complaint before the National Commission for Scheduled Castes. The commission requested to add Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and hence a supplementary report by police under Section 173 CrPC for adding the said section was filed. High court declined to exercise its jurisdiction under Section 482 CrPC.

Cause of Action

High Court declined to exercise its power under Section 483 Criminal Procedure Code.

Grounds

Section 482, 215 to 218 and 173 of Criminal Procedure Code, 1973.

Question

1. Can a charge-sheet be quashed in part, or does it have to be quashed as a whole?
2. Should the High Court have exercised its powers under Section 482 CrPC to quash the supplementary report adding Section 3(1)(x) of the SC/ST Act, filed at the direction of the National Commission for Scheduled Castes?

Decision

There is no prohibition under law for quashing a charge-sheet in parts. A person may be accused of several offences under different Penal statutes. In this case he could be aggrieved of prosecution on the particular charge, on any ground available to him in law. The High Court declined is required to examine, whether its intervention is required for implementing orders under CrPC or for prevention of abuse of process, or otherwise to secure ends of justice.

A charge-sheet filed at the dictate of somebody other than police, would amount to abuse of process of law and hence the High Court ought to have exercised its inherent power under Section 482 of CrPC to the extent of abuse. There is no requirement that the charge sheet has to be quashed as a whole and not in part. Therefore, the supplementary report filed by the police at the directions of the National Commission is quashed. However, the order will not stand in the way of police and for that matter the court, taking any steps in due exercise of their powers under provisions of CrPC, if so warranted, at any stage.



4.10. SHANTABEN BHURABHAI BHURIYA vs ANAND ATHABHAI CHAUDHARI (2021)

Facts

The complainant lodged an FIR against the accused and alleged that the respondents obstructed public servants in the performance of their duties and caused injuries to them.

Cause of Action

The cause of action arose when the complainant lodged an FIR against the accused, alleging offences under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the question of whether the Special Court had exclusive jurisdiction to take cognizance of the case under Section 14 of the Act, in the absence of the word “only” in the provision.

Grounds

Section 14 and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 460 of the Criminal Procedure Code, 1973.

Question

1. Whether the absence of word “only” makes it an exclusive jurisdiction of Special Court to take cognizance?
2. In case the cognizance is not taken by the special court, will it vitiate the proceedings?

Decision

The object and the purpose of the insertion of Section 14 is to provide speedy trial for the offences under the Atrocities Act and to avoid the delay which was taking place by the committal of the offence by the Magistrate to the Special Court/Sessions Court. The word “only” being conspicuously missing, the intent of the legislature is not to confer the jurisdiction to take cognizance of the offences under the Atrocities Act exclusively with the Special Court.

Merely on the ground that cognizance of the offences under the Atrocities Act is not taken directly by the Special Court, cannot be said to have been vitiated the entire criminal proceedings.

CHAPTER - 5:

BEST PRACTICES

All the states are actively implementing the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to protect the marginalized communities from caste-based atrocities. States are adopting holistic approach in implementing the Act by focusing on creating awareness, providing legal aid services, providing social and economic stability. States have adopted various best practices to address the issues and provide justice.

Below are some examples of best practices-

5.1. Speedy Trial and Exclusive Special Courts

In order to ensure speedy trial of cases under the PoA Act, 211 Exclusive Special Courts, have been set up by 15 States, as mentioned in the table below

S. No.	State	Total Number of Districts in the State	Number of Districts with Exclusive Special Courts
1.	Andhra Pradesh	26	01
2.	Bihar	38	14
3.	Chhattisgarh	27	11
4.	Gujarat	33	16
5.	Jharkhand	24	02
6.	Karnataka	30	08
7.	Madhya Pradesh	52	11
8.	Maharashtra	36	03
9.	Odisha	30	03
10.	Punjab	23	02
11.	Rajasthan	34	31
12.	Tamil Nadu	37	19
13.	Telangana	33	10
14.	Uttar Pradesh	75	74
15.	Kerala	14	6
Total		512	211



5.2. Victim Compensation and Rehabilitation

- a. Madhya Pradesh- In Nathu Vs State of Madhya Pradesh, High court of Madhya Pradesh set the precedent of Victim compensation and Sehore district provided immediate compensation to the victim of physical assault and caste-based discrimination.
- b. Andhra Pradesh- Prakasam district in Andhra Pradesh ensured compensation to the victim of caste-based discrimination within 2 weeks of the incident. This ensured timely recovery and rehabilitation of the victim.
- c. Assam- Victims are compensated including legal costs, livelihood and medical expenses. In Lakhimpur district of rehabilitation program includes counselling services for speedy recovery which help the victims to reduce their vulnerability to further violence.
- d. Uttar Pradesh- Bulandshahar district provided immediate compensation and rehabilitation in Sunita Vs State of Uttar Pradesh. It showed the state's commitment in welfare of the victim.
- e. Bihar- In Lal Singh Vs State of Bihar, Patna high court enumerated the necessity of compensation to marginalised community victims. Vaishali district is one of the districts where compensation to the victims is provided.
- f. Tamil Nadu- In M. Thangaraj Vs District Collector, Villupuram, Madras High Court directed the district collector to immediately provide compensation and help in rehabilitation of the Dalit victim.
- g. Chhattisgarh- In Bilaspur district, rehabilitation programs have been launched for the victims of SC and ST community which addresses psychological and economical needs of the victim to overcome the trauma caused by the atrocities.
- h. Jharkhand- In Giridih district, the district administrator provide rehabilitation and financial compensation to the victims of the caste-based discrimination.
- i. Odisha- In Koraput district of Odisha, economic support along with vocational training is provided to help the victims in their livelihood. This improved the skill and make them independent.

5.3. Community Policing

- a. Andhra Pradesh- In Vijayawada, district administration has introduced community policing programs to create a fearless relation between the community and police. As a result, the initiative increased the reporting of cases in the city.
- b. Kerala- In Alappuzha district, law enforcement has launched a community policing program which helped in eliminating the misbeliefs of the community about the law enforcement.
- c. Telangana- In Medak district, police community dialogues have been launched to bridge the gap between the police and the marginalised community. As a result of the program, police are now seen more approachable and supportive by the community.



- d. Tamil Nadu- In thoothukudi district, 'Maatraththai Thaedi' program was launched to built trust between the police and the community.
- e. Uttar Pradesh- In Muzaffarnagar district, community policing model was introduced under which police interacts with the residents, understand their issues and build trust by providing them solutions.
- f. Madhya Pradesh- In Jhabua district, which is a tribal-majority population district, community policing program proved to be a huge success as it helped police to reach the rural areas, understand their issues, which reduced the tension between the law enforcement and tribal community.

5.4. Prevention and Awareness Campaigns

- a. Odisha- Many districts like Kalahandi, Puri, Angul has conducted extensive awareness campaigns in their districts to educate the SC/ST communities about their right and responsibilities. Various means like media, banner, short audio-visual clips, community radio programs have been incorporated in the campaign to make it more effective.
- b. Kerala- Districts like kollam, Idukki with the help of State Legal Service Authority, has organised various awareness camps in remote areas and provided awareness regarding the POA Act, free legal consultations, drafting, understanding of law. Students of law colleges and universities in Malappuram district In collaboration with local NGOs conducted awareness camps in the SC/ST dominated areas and educated the community by providing them basic legal advice.
- c. Uttarakhand- Dehradun, Haridwar, districts have launched awareness campaigns in collaboration with educational institutions and NGOs. The aim of the campaign if to bring awareness about the rights of the community and to build trust in them to report atrocities to the nearest police station.
- d. Rajasthan- District administration of Ajmer with local NGOs and legal aid service has conducted public awareness campaigns to spread information to the SC/ST communities about the POA Act.
- e. Mizoram- Aizawl district conducted community awareness program to educate tribal and vulnerable communities about the legal protections under POA Act. Lunglei district conducts legal aid clinics frequently providing free legal services which enhanced access to justice for the communities.
- f. Chhattisgarh- Legal awareness camps has been launched in Bastar district of Chhattisgarh which is a tribal-dominated region. The aim of the camps is to provide legal literacy among tribal communities which results in legal awareness among the communities and increase in the reporting of the cases. Durg district also launched youth led awareness camps in collaboration with students of law colleges and universities to spread awareness through street plays and seminars, which are in



indigenous languages and understand the underlying problems of the communities and provide them solutions.

- g. Uttar Pradesh- Prayagraj administration has organised legal awareness camps through which many marginalised communities have benefited. Many communities who previously were unaware of their rights have come forward to seek legal support.
- h. Tamil Nadu- Legal aid and awareness camps are organised in Salem district for SC/ST communities. Camp provides legal assistance to the communities and inform the victims regarding government schemes. This initiative has empowered the communities about their rights and legal recourse available to them.

5.5. Capacity Building and Sensitization

- a. Assam- Caste sensitive training programs are introduced by police department in Sivasagar district of Assam for officers to improve the handling of SC/ST cases. The training improved the conduct of the officers towards SC/ST communities which is important for respectful treatment of the victims.

Workshops to empower women of SC/ST communities are organised in Majuli district. One of the campaigns is 'ASRLM Majuli' which is helping in empowering rural women.

- b. Odisha- Training workshops are organised in Cuttack for police officers to enhance their understanding of POA Act. This includes training to provide medical, legal and psychological assistance and support to the victims.

In Keonjhar district women of SC/ST communities are given training of self-defence and entrepreneurship to make them independent.

- c. Bihar- In Rohtas district of Bihar, district administration has organised special training programs for police officers, judicial officers and prosecutors to sensitise them with specific challenges faced by the SC/ST communities.

Araria district administration has set up skill development centres that focus on training the SC/ST women and helping them start their own small business or find suitable employment and be independent.

- d. Kerala- Caste sensitive training programs are organised in Kottayam district by local police department for police officers. The training includes understanding of caste dynamic, understanding the atrocities and caste-based discriminations, understanding of the POA Act and building empathy with the marginalised communities.

Workshops for SC/ST women in Pathanamthitta district focusing on skill training, legal right awareness and vocational training. This helped in achieving economic independence among the women of the marginalised communities reducing the dependency on other members of the family.



- e. Uttarakhand- Police department of Almora district organised training program for the police officers to improve the sensitivity of the officers while handling the victims and complaints. The workshop led to more empathetic and informed police force.

Pithoragarh district organised special awareness programs for SC/ST women, educating them about their right given under POA Act which gave them the confidence to report the atrocities against them and pursue legal action. It also helped in curbing the exploitation.

- f. Andhra Pradesh- Vishakhapatnam has implemented specialized training program for public prosecutor handling cases under POA Act. It equips the officers with the necessary legal knowledge to handle such cases which helped them in preparing a strong case in court.

Vocational training, awareness of POA Act and legal support campaign is initiated in Nellore district aiming to make women of SC/ST communities economically and socially empowered.

5.6. Strengthening Prosecution and Legal Process

- a. Uttar Pradesh- Lucknow has appointed special public prosecutors to exclusively handle cases related to POA Act. These prosecutors are trained in dealing with the cases of atrocities against SC/ST. The appointment of the prosecutors has resulted in better legal representation in the courts.
- b. Telangana- Khammam district administration has appointed special public prosecutors who are well versed with the intricacies of the atrocities of SC/ST. The appointment has led to speedy legal process and strong case.
- c. Jharkhand- Special public prosecutors appointed by Dhanbad district administration to provide better legal representation in courts for victims. The initiative has strengthened the prosecution of atrocity case, making the legal process more victim centred.
- d. Tamil Nadu- In Thanjavur, administration has appointed public prosecutors who will focus on cases under POA Act. This has led to a better outcome for the victims and has set the standards for other districts.
- e. Maharashtra- Nagpur district has appointed female public prosecutors recognising the vulnerabilities of the female victims of SC/ST communities. This practice ensures that women victims feel safe and comfortable in reporting the case which are of gender sensitive nature like rape, assault etc.
- f. New Delhi- South-West district of New Delhi has appointed public prosecutors for dealing with the cases of caste-discrimination under POA Act. They are gender sensitised, well-coordinated with legal service authority. These prosecutors are experienced criminal lawyers for handling such sensitive cases.



5.7. Digital Reporting and Special Mobile Courts

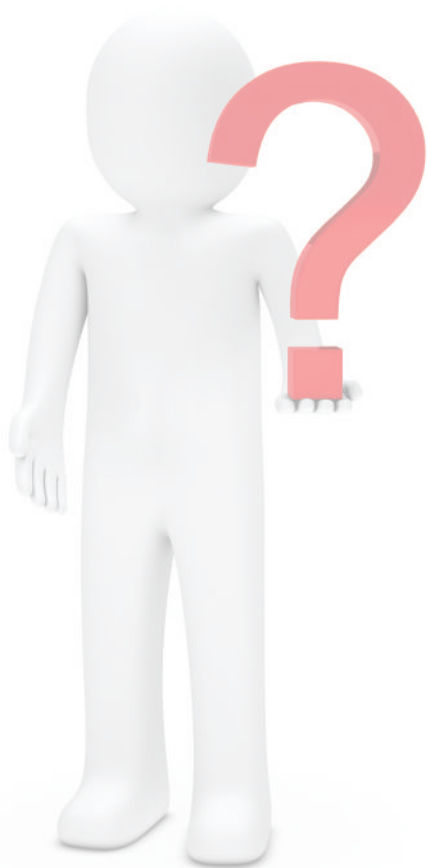
- a. Punjab- 'E-district Punjab Portal' has been established in Punjab for the online reporting of the cases of atrocities. This allows the victims and their families to file a complaint from there place and without going to police stations. A mobile app has been launched to track real time status of the case. For the victims who lives in rural area with limited access to internet, a SMS based reporting system has been adopted.
- b. Andhra Pradesh- Chittoor district has adopted mobile courts to increase the reach of justice. This initiative is helpful for the victims who are living in rural areas and due to financial scarcity, are unable to attend court proceedings physically.
- c. Chhattisgarh- Mobile legal aid clinics has been launched in Surguja district in collaboration with the district court. This helped in receiving more cases of atrocities and helped in providing legal assistance.
- d. Sikkim- Namchi district of Sikkim has adopted video conferencing technology to facilitate remote hearing of SC/ST victims. In East Sikkim district, state government has adopted mobile app for reporting of crimes against the SC/ST communities.
- e. Rajasthan- In tribal areas of Udaipur, mobile courts have been introduced to access justice by the victims who are living in rural areas. Kota has launched a helpline number dedicated for the victims of atrocities under POA Act. This helpline provides immediate legal assistance, connects victim with local police and lawyers and doctors.
- f. Karnataka- Bengaluru has adopted a digital atrocity tracking system called as 'K-DATS' which enables digital reporting and tracking of the cases of atrocities. Belagavi district has mobile app with geo-tagging feature, helping law enforcement to quickly reach to the location of the crime.

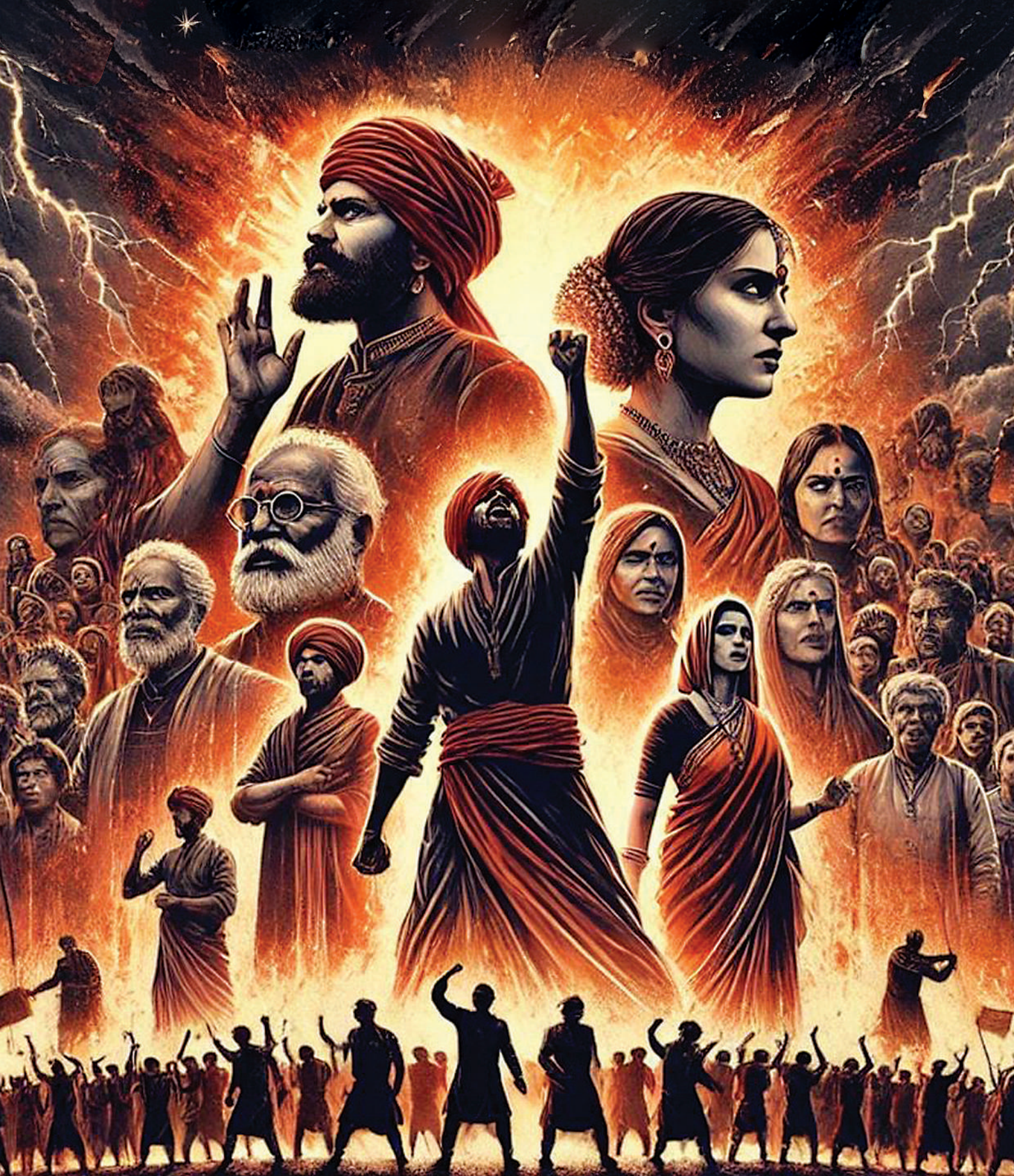
States are inculcating holistic approaches to implement the POA Act aimed at improving the conditions of SC/ST communities and protecting them from any kind of caste-based violence. States are bringing interdisciplinary departments together which includes law enforcement, judiciary and administration to create an environment which is much safer and supportive for marginalised communities. This will empower them to assert their rights and seek justice.



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