

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

Safeguarding Dignity: The SC/ST Act as a Shield Against Atrocities

The **Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989** (commonly referred to as the **SC/ST Act**) is a significant legislation in India aimed at preventing atrocities and crimes against members of the Scheduled Castes (SCs) and Scheduled Tribes (STs).

Empowering Equality, Enforcing Accountability.

The **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**, is a landmark legislation in India aimed at safeguarding the dignity, rights, and socio-economic interests of Scheduled Castes (SCs) and Scheduled Tribes (STs). The Act criminalizes various forms of atrocities, such as physical violence, caste-based insults, wrongful dispossession of land, sexual exploitation, and social boycotts, ensuring accountability for discriminatory actions.

- It mandates strict punishments, immediate arrests, and expedited trials in Special Courts to deter crimes against SCs/STs. The Act also provides victims with legal aid, protection, and monetary relief for rehabilitation. Public servants are held accountable for negligence in their duties to prevent or respond to such atrocities. Through amendments, the Act has been strengthened to include additional offenses, reinforce victim protections, and restore its deterrent effect.
- By empowering marginalized communities and holding offenders accountable, the SC/ST Act serves as a vital instrument to achieve equality and justice in Indian society.

An overview of how the Act is structured:

1. Preliminary (Section 1–2)

- **Short Title, Extent, and Commencement (Section 1):** States the name of the Act, its application across India (except Jammu and Kashmir, prior to 2019), and the date of enforcement.
- **Definitions (Section 2):** Defines key terms like "atrocities," "Scheduled Castes," "Scheduled Tribes," and other relevant expressions.

2. Offenses of Atrocities (Section 3)

- Lists specific atrocities committed against members of SC/ST communities, including:
 - Physical harm, humiliation, or exploitation.
 - Property offenses like wrongful dispossession.
 - Denial of access to resources or public amenities.
 - Sexual violence and forced labor.

Atrocities Listed:

- Forced consumption of inedible substances.
- Public humiliation or parading naked.
- Wrongful dispossession of property or land.
- Sexual exploitation or harassment.
- Obstructing access to public places or using discriminatory practices.
- Boycotts or social exclusion.

3. Punishment for Neglect of Duties by Public Servants (Section 4)

- Penalizes public servants who neglect their duties related to preventing atrocities or protecting victims.

4. Special Courts and Public Prosecutors (Sections 14–15)

- **Special Courts:** Establishment of exclusive courts to expedite trials of offenses under the Act.
- **Exclusive Public Prosecutors:** Appointed to represent cases effectively and ensure justice.

5. Rights and Protections for Victims and Witnesses

- Provides safeguards to protect victims and witnesses from coercion, intimidation, or threats.

6. Preventive Measures (Sections 16–17)

- Authorizes state governments and local authorities to take preventive action in areas prone to atrocities.

7. Monitoring and Implementation (Sections 18–21)

- Mandates the appointment of **Nodal Officers** and **State-level Monitoring Committees** for supervision.
- Ensures states frame schemes for victim rehabilitation and relief.

8. Miscellaneous Provisions (Sections 22–23)

- Empowers central and state governments to make rules for carrying out the purposes of the Act.
- Protects actions taken in good faith under the Act.

9. Rules under the Act

- The **SC/ST (Prevention of Atrocities) Rules, 1995** detail:
 - Procedures for investigating complaints.
 - Minimum relief amounts for victims.
 - Roles and responsibilities of police and magistrates.

10. Key Amendments

- **2015 Amendment:**
 - Expanded the list of atrocities.
 - Introduced provisions for the socio-economic empowerment of victims.
- **2018 Amendment:**
 - Overturned Supreme Court-imposed conditions like prior approval for arrest.
 - Reinstated immediate arrest and eliminated anticipatory bail for offenses under the Act.

Illustration of a Dispute under the SC/ST Act

1. Incident Occurs

• Facts:

- Ram, a Scheduled Caste man, lives in a village and owns agricultural land. His neighbor, Shyam, belonging to an upper caste, disputes the land boundary.
- Shyam verbally abuses Ram in public using caste-based slurs, destroys Ram's crops, and threatens him with violence if he reports it to the police.
- The incident is witnessed by multiple villagers.

2. Filing the Complaint

• Step 1: Reporting to the Police

- Ram goes to the local police station and files a complaint.
- **Role of Police:**
 - The case is registered under Sections 3(1)(r) (intentional insult to humiliate using caste slurs), 3(1)(x) (intimidation), and 3(2)(iv) (damage to property) of the SC/ST Act.
 - Investigation is assigned to a Deputy Superintendent of Police (DSP), as required under the Act.

• Step 2: FIR

- An FIR is lodged, and the statements of Ram and the witnesses are recorded.
- The police also collect evidence of the damage to crops and corroborate witness testimonies.

3. Preliminary Action

- **Arrest:** Shyam is arrested immediately under the provisions of the SC/ST Act, which prohibits anticipatory bail.
- **Investigation:** The DSP investigates and files a charge sheet in the **Special Court** designated under the SC/ST Act.

4. Trial in the Special Court

- **Court:** The case is tried in the Special Court established under the Act for expeditious disposal.
- **Proceedings:**
 - Witnesses are examined, including villagers who heard the caste-based slurs and threats.
 - Evidence of property damage (photographs, valuation of destroyed crops) is presented.
 - Ram's testimony about the mental anguish caused is recorded.

5. Judgment

- **Conviction:**
 - The Special Court finds Shyam guilty under:
 - Section 3(1)(r): Intentional insult and humiliation.
 - Section 3(2)(iv): Damage to property.
 - **Punishment:**
 - For **Section 3(1)(r)**: 6 months to 1 year of imprisonment and a fine.
 - For **Section 3(2)(iv)**: 6 months to 5 years of imprisonment and a fine.
 - The court imposes 3 years of rigorous imprisonment and a fine of Rs. 25,000.

6. Monetary Compensation

- **Relief for Victim:**
 - The court orders the state government to pay **compensation to Ram** under the SC/ST Rules, 1995, which specify relief amounts for specific offenses.
 - In this case:
 - Rs. 50,000 for verbal abuse and humiliation.
 - Rs. 1,00,000 for the destruction of crops (based on the crop's valuation).
 - Total Compensation: Rs. 1,50,000.

7. Appeal

- Shyam can appeal the judgment in the High Court. However, during the appeal, the judgment remains valid unless stayed.

The **compensation tables** under the **SC/ST (Prevention of Atrocities) Rules, 1995** outline the financial relief provided to victims of atrocities based on the nature of the offense. These amounts are periodically updated by the government to reflect inflation and changing socio-economic conditions. Below is a general overview of compensation amounts (subject to revisions by the government):

Compensation for Atrocities under SC/ST Act

Nature of Atrocity	Compensation Amount (₹)	Additional Support
Murder	8,25,000 – 10,00,000	- Employment for one family member. - Full cost of education for dependents.
Rape	5,00,000 – 8,25,000	- Full rehabilitation support. - Free medical care.
Gang Rape	8,25,000 – 10,00,000	- Enhanced monetary relief. - Counseling and legal aid.
Physical Assault (Causing Grievous Injury)	2,00,000 – 5,00,000	- Free medical treatment. - Psychological counseling.
Destruction of Property or Livelihood	50,000 – 3,00,000	- Compensation for property loss. - Livelihood restoration.
Insult or Humiliation with Intent to Disgrace	1,00,000 – 2,00,000	- Support for mental trauma.
Forced Displacement from Property or Residence	1,00,000 – 3,00,000	- Rehabilitation costs and resettlement.
Wrongful Occupation of Land/Property	2,00,000 – 5,00,000	- Return of land or property and legal support.
Arson (Burning of Property)	1,50,000 – 5,00,000	- Compensation based on property value.
Death due to Atrocities (Other than Murder)	4,00,000 – 6,00,000	- Assistance to family for funeral and livelihood support.

Key Notes:

1. Stage-wise Payment:

- **25%** of the compensation is paid immediately after the filing of an FIR.
- **50%** is paid after charges are framed in court.
- **Remaining 25%** is paid upon conviction.

2. Responsibility for Payment:

- The **state government** is responsible for disbursing the compensation.

3. Additional Relief:

- Free legal aid, medical care, counseling, and educational support for victims or dependents.

4. Revised Compensation:

- The amounts listed above are subject to periodic revision by the Ministry of Social Justice and Empowerment.

The **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989** uses several **technical terms** that are central to understanding its provisions. Below are key terms with explanations and Illustration:

1. Atrocity

- **Definition:** As per Section 2(1)(a) of the Act, "atrocity" refers to an offense committed against a person belonging to Scheduled Castes or Scheduled Tribes due to their caste or tribal identity. It includes physical harm, humiliation, dispossession, exploitation, or denial of rights.
- **Example:** A person belonging to an SC/ST community is publicly humiliated by casteist slurs or denied entry into a temple because of their caste.

2. Scheduled Castes (SCs) and Scheduled Tribes (STs)

- **Definition:** Communities listed under Articles 341 (SCs) and 342 (STs) of the Indian Constitution.
- **Example:** The Dalit community (SC) or the Gond tribe (ST) are examples of groups protected under this Act.

3. Public Servant

- **Definition:** An officer or employee of the government who is obligated to uphold laws and prevent atrocities.
- **Relevance in Act:** Section 4 of the Act penalizes public servants who fail to take action or neglect their duties.
- **Example:** A police officer refusing to file an FIR for a victim of caste-based violence may be prosecuted under this provision.

4. Special Court

- **Definition:** A court established under Section 14 of the Act for expeditious trials of offenses under the SC/ST Act.
- **Example:** If a Dalit woman faces sexual violence, the trial is conducted in a Special Court to ensure speedy justice.

5. Exclusive Public Prosecutor

- **Definition:** A public prosecutor appointed specifically to handle cases under this Act (Section 15).
- **Example:** A dedicated lawyer representing the state ensures the victim receives justice in caste-based violence cases.

6. Victim and Witness Protection

- **Definition:** Measures under the Act to safeguard victims and witnesses from intimidation or harm.
- **Example:** A victim of land encroachment by an upper-caste individual receives police protection to ensure they can testify freely in court.

7. Monetary Relief

- **Definition:** Financial compensation provided to victims for rehabilitation, damages, or loss caused by atrocities.
- **Example:** A victim whose house is set on fire by an upper-caste individual receives Rs. 5,00,000 as compensation.

8. Social Boycott

- **Definition:** Denial of social, economic, or cultural participation to a person or community based on caste or tribal identity.
- **Example:** Refusing to allow a Dalit family to draw water from a common well.

9. Land Grab/Dispossession

- **Definition:** Wrongful occupation or alienation of land belonging to SCs/STs.
- **Example:** A Scheduled Tribe farmer's agricultural land is taken over by an influential landlord.

10. Anticipatory Bail Prohibition

- **Definition:** Section 18 prohibits anticipatory bail for accused persons under this Act.
- **Example:** If a person is accused of caste-based violence, they cannot seek anticipatory bail from a court.

11. Intentional Insult or Humiliation

- **Definition:** Deliberately using words or gestures to demean someone based on caste or tribal identity (Section 3(1)(r)).
- **Example:** Publicly calling a Scheduled Caste person derogatory names.