

**POLICE & YOU: KNOW YOUR RIGHTS**

# **The Scheduled Castes & Scheduled Tribes**

**(Prevention of Atrocities), Act 1989**



**Police reforms too important to neglect,  
too urgent to delay...**

This booklet has been developed by the **Commonwealth Human Rights Initiative (CHRI)** for the **Ministry of Home Affairs** as a part of a series called Police & You: Know Your Rights.

CHRI is an international, independent, non-profit, non-governmental organization headquartered in New Delhi. Its objectives are to promote the practical realization of human rights in the countries of the Commonwealth. CHRI educates on human rights issues and advocates for greater adherence to human rights standards. For more details please visit <http://www.humanrightsinitiative.org>.

Concept	:	Mrs. Maja Daruwala
Content & Research Coordination	:	Dr. Doel Mukerjee
Script	:	Ms. Vasudha Reddy
Research Team	:	Mr. Arnav Dayal, Mr. G.P. Joshi
Cover Concept & Layout / Design	:	Mr. Chenthilkumar Paramasivam & Dr. Doel Mukerjee
Sketches	:	Mr. Suresh Kumar (sureshrulz@yahoo.com)
Supporting Staff	:	Subhash Kumar Patra, Palani Ajay Babu
Printed by	:	Printexel

Kamla and Shankar were both bonded labourers who were married to each other. They worked mainly on Seth Ram Govind's land for a very small sum of money that they received each month. They also cultivated a tiny plot of land that belonged to them.



**VIOLATION AGAINST THE  
SC/ST ATROCITIES ACT**

Kamla and Shankar took a loan from the Seth, as their crop had failed that year due to a drought. In a few months time they were able to repay half the loan, but the Seth said that he wanted the rest of the money immediately. When Kamla and Shankar explained that it would be impossible for them to do so, the Seth told them that they would have to vacate the land that they owned. When the couple refused to do so, the Seth abused them and had Shankar beaten up and Kamla paraded naked in the village.

Thrown off of their land, Kamla and Shankar fled to Kamla Nagar, where their friend Raghu worked. When they told Raghu what had happened, he said, "I think that you

should speak to Dadaji,. I'm sure that he'll help you." "Alright, we'll do that Raghu." Shankar said.

The next day, Kamla and Shankar went to Dadaji's house. "Please come in." he said, "Raghu told me that you would be coming to meet me. Why don't you tell me what happened?"

Bit by bit, Kamla and Shankar explained all that had taken place. When they finished Shankar asked, "Could you please help us?" and Kamla added, "Please tell us what to do."



DADAJI TELLS KAMLA AND SHANKAR ABOUT THEIR RIGHTS

"Yes, Shankar I'll help. First, I want to ask you - have you heard of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act?" asked Dadaji.

When Kamla and Shankar shook their heads, he went on, **"The purpose of the Scheduled Castes and Scheduled Tribes Act or the SC/ST Act is to stop crimes against members of scheduled castes and scheduled tribes**

**and also to provide relief and rehabilitation to the victims of such offences."**

"Will this Act punish the Seth for what he did to us?" asked Kamla. "Yes, it will punish Seth Ram Govind." Dadaji answered, **"The Act says that offenders or people who commit the crime are people who aren't members of a scheduled caste or a scheduled tribe, but who commit an offence listed in the Act against a member of a scheduled caste or tribe."**

"You mentioned a list...are the crimes that the offenders commit listed out in the Act?" asked Shankar.

"Yes, that's right." replied Dadaji, **"A member of a scheduled caste or scheduled tribe against whom any of the offences in the list are committed is a victim under the Act."**

"What are the offences in the list?" asked Kamla.

**"There are almost 20 offences mentioned in the list.** Seth Ram Govind can be punished for a few of them and these are:

- 1. Not letting the person cultivate the land, without a reason.**

2. **Parading a person naked or by painting the face and body.**
3. **Not letting a person go to one's land, or take water or visit a place or building.**
4. **Forcing a person to work as bonded labour or do beggar work and**
5. **Forcing a person to leave the house or village." Dadaji explained.**



**VIOLATION AGAINST THE  
SC/ST ATROCITIES ACT**

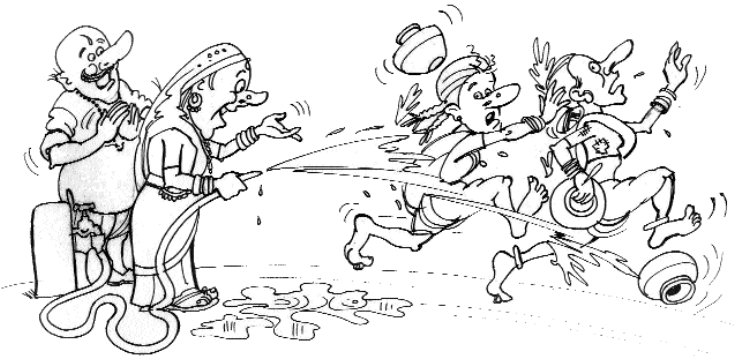
"What are the other offences on the list?" asked Shankar.

"The other crimes listed in the Act are:

1. **Forcing a person to eat something which is offensive or that which cannot be eaten like grass, mud, excreta etc.**
2. **Hurting and insulting a person by dumping waste or excreta in a person's premises or neighbourhood.**
3. **Preventing a person from exercising the right to vote or not allowing a person to vote according to the person's wish.**
4. **Subjecting a person to false legal proceedings, in other**

words, giving wrong information so that a person not involved in a criminal case may be implicated in a case and imprisoned or executed.

5. Causing injury or annoyance by a public servant by giving the latter false information.
6. Deliberately insulting and humiliating a person in public view.
7. Sexually assaulting a woman.
8. Not letting a person have access to clean drinking water.
9. Not letting a person go to a public place.
10. Intending harm or injury to a person by burning his/her place of dwelling or worship and
11. When a public servant wrongfully causes injury or commits an offence against a person." *Dadaji said.*



VIOLETION AGAINST THE SC/ST ATROCITIES ACT

"Does the Act mention as to how the Seth be punished?" asked Kamla.

"The punishments under the Act, go from a minimum of



**six months imprisonment to a maximum of five years imprisonment with a fine." Dadaji answered, "But in some cases, the minimum is extended to one year while the maximum goes up to life imprisonment or even a death sentence."**

*"Dadaji, the policeman in our area didn't help us at all. Can the Act take action against him as well?" asked Shankar.*

*"Yes Shankar, action can be taken against him. **The Act says that if a public servant like a policeman, who isn't a member of a Scheduled Caste or Scheduled Tribe, deliberately does not perform those duties that he/she should perform under the Act, then he/she can be punished with imprisonment of upto six months.**" replied Dadaji.*

*"Someone once tried to bring a case against Seth Ram Govind on charges of rape - the Seth applied for something called Anticipatory Bail and he didn't go to jail. What if he does that again?" asked Shankar.*

*"The Seth can't do that now," said Dadaji, **"because no one accused of committing an offence under the Act can apply for anticipatory bail."** said Dadaji.*

*"What should we do now, Dadaji?" asked Kamla.*



**"You should immediately file a complaint in the nearest police station. If the two of you still feel scared, then I can file the complaint as well. It is not only the victim, but anyone who knows of the incident can lodge a complaint."** Dadaji answered. *"Is there any special procedure to file a complaint?"* asked Shankar.

**"The same procedure to file an ordinary FIR applies to complaints lodged under this Act - there is no special procedure."** said Dadaji.

**"What should be mentioned in the complaint?"** asked Kamla.

*"You should mention the following things:*

- 1. Your name and address**
- 2. What happened - the facts of the incident.**
- 3. When did it happen - the date and time of the incident.**
- 4. Where did it happen - the place where the incident took place.**
- 5. Who did it - the description of the person who committed the offence and his name and address if you know it.**
- 6. Witnesses - the description of any person who saw what took place and their names and addresses if you know them."** replied Dadaji.

*"Is there anything we should know about the procedure*

of filing a complaint?" Shankar asked.

**"Since the two of you do not know how to read and write, you will have to file your complaint orally to a policeman who will write it down for you. After you finish, insist that he reads it out to you. Only if you are sure that everything is correct, should you put your thumb impression on it. And the most important point to remember is that you need to take a free copy of the FIR if you want to."** explained Dadaji.

"Can the police arrest Seth Ram Govind immediately?" said Kamla.

**"Yes. All offences listed in the Act are cognizable offences. This means that the police can arrest the offender and begin an investigation without waiting for the court to issue orders."** answered Dadaji.



OFFENCES COMMITTED UNDER SC/ST  
ATROCITIES ACT ARE COGNIZABLE OFFENCE

Kamla and Shankar exchanged a look and then Shankar said haltingly, "We didn't think about going to court. The

nearest one is quite far away. It will be expensive to travel there frequently, not to mention time consuming. We have to start looking for new jobs - we can't afford to keep up with a court case, Dadaji."

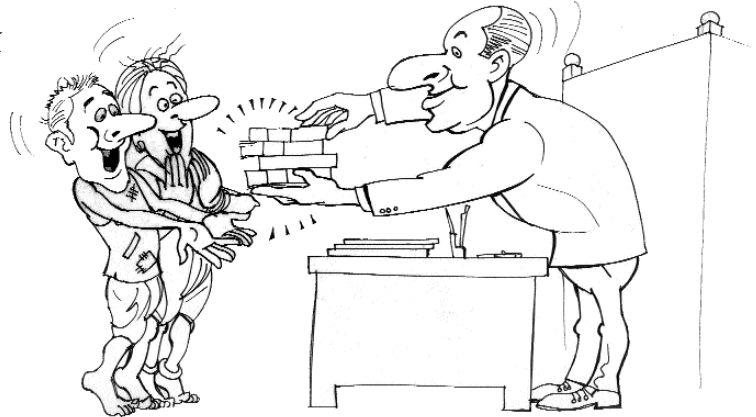
"You don't need to worry about all that." said Dadaji, **"Every victim, his/her family who depends on him/her and the witnesses shall be paid an allowance for travel and maintenance when they meet the investigating officer, Deputy Superintendent of Police, Superintendent of Police, District Magistrate or any other Executive Magistrate for any inquiry, investigation or trial. So don't think of giving up the case. Alright?"**

"We won't - thank goodness that the travel is paid for." said Kamla.

"Speaking of which, I understand that the two of you are having some financial troubles?" said Dadaji, "I just wanted to tell you about the compensation mentioned under the Act. **The amount of compensation varies from case to case, ranging from Rs.20,000 to Rs. 2,00,000. If you receive compensation then you can contact the District Magistrate or District Social Welfare Officer."**

"Oh, the compensation will be so helpful to us since now

we have been uprooted from our land and village! I have another question - how long do you think it will take the police to complete the investigation?" asked Kamla.



COMPENSATIONS ARE PROVIDED  
TO VICTIMS UNDER THE ACT

**"The investigating officer has to complete the investigation on top priority within thirty days."** said

Dadaji, "So at the most it should take a few days more than a month."

"Which police officer will do the investigation? Will the investigation be done by Inspector Khan or Havildar Bhan?"

"No! No! No! under this Act **the investigation must be done by an officer not below the rank of Deputy Superintendent of Police**, so you needn't worry about the staff of the police station." Dadaji said.

"Sometimes, the police don't register our FIRs and sometimes they extend investigations on for several months and sometimes they don't arrest the people who committed

offences. What if that happens to us? What should we do then?" asked Kamla, looking worried.

"If the complaint isn't registered or if the action taken by the police isn't satisfactory, then you should write to the District Superintendent of Police. If you aren't satisfied with the action taken by him, you should write a complaint to:

**The National Commission for Scheduled Castes and Scheduled Tribes (Government of India, 5th Floor, Loknayak Bhavan, Khan Market, New Delhi - 110003 ; Phone - 011-4620435 ; Fax - 011-4625378)"** Dadaji answered.

"Is there anything else we need to know about this Act, Dadaji?" asked Shankar. "No, I think we've covered all of the relevant portions." He replied, "Shall we go to the police station to file a complaint?" "Yes," said Kamla, "Lets go at once!"

The Series **“Police & You: Know Your Rights”** includes:

- First Information
- Arrest and Detention
- Police Interrogation
- Legal Aid Services
- SC/ST Atrocities Act
- Bail
- Fundamental Rights

MINISTRY OF HOME AFFAIRS  
Human Rights Division  
Government of India