

What is the purpose of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act?

The purpose is:

- * to prevent crimes against members of scheduled castes and scheduled tribes; and
- * to provide for relief and rehabilitation of victims of such offences.

Who is an offender under this Act?

- * Any person who is not a member of a scheduled caste or a scheduled tribe and commits an offence listed in the Act against a member of a scheduled caste or a scheduled tribe is an offender.

Who is a victim and what are the offences under the Act?

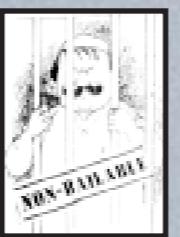
The victim is a member of a scheduled caste or a scheduled tribe against whom any of the following offences is committed by the offender:

- * forced to eat or drink an offensive or uneatable substance;
- * caused annoyance, injury or insult by any excreta or waste matter being dumped in his premises or neighborhood;
- * paraded naked or with painted face or body;
- * wrongfully deprived of cultivation of his land;

- * wrongfully deprived of his rights over any land, premises or water;
- * forced to do *begar* or work as a bonded labourer;
- * prevented from exercising his right to vote or according to his wishes;
- * subjected to false legal proceedings;
- * caused injury or annoyance by a public servant on the basis of false information given to him;
- * deliberately insulted and humiliated in public view;
- * a woman who is sexually assaulted;
- * deprived of his right to clean drinking water;
- * deprived of his right of passage to a public place;
- * forced to leave his house or village;
- * falsely implicated in a criminal case which might result in his imprisonment or execution;
- * intended harm or injury by burning a place of his dwelling or worship;
- * wrongfully caused injury or subjected to any other offence by a public servant.

Are the offences under the Act cognizable?

All offences listed in the Act are cognizable. The police can arrest the offender without warrant and start investigation into the case without taking any orders from the court.



What is the punishment prescribed under the Act?

The Act prescribes both minimum as well as maximum punishment. The minimum in most cases is six months imprisonment while the maximum is five years sentence and with fine. In some cases the minimum is enhanced to one year while the maximum goes up to life imprisonment or even death sentence.

If a public servant, who is not a member of the Scheduled Caste or Scheduled Tribe, deliberately neglects his duties, which he should perform under the Act, he is liable for punishment with imprisonment up to six months.

What should you do if any offence is committed under the Act?

You should immediately report the incident to the nearest Police Station.

Who can lodge a complaint under the Act?

Anyone who knows that an offence has been committed under the Act can lodge the complaint. It is not necessary that only the victim of the offence should file a complaint.

What should you mention in your complaint?

You should mention:

- * Your name and address;

- * The name and address of the offender;
- * Date, time and place of the offence;
- * Names and descriptions of the persons involved in the incident;
- * True facts of the offence;
- * Names and addresses of the witnesses; and
- * Any other relevant details.

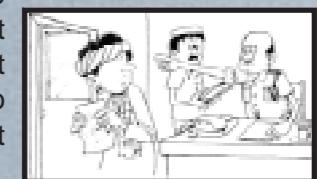
What is the procedure of filing a complaint under the Act?

The procedure is as follows:

- * When information about the commission of an offence is given orally, the police must write it down.
- * Please insist that the information recorded by the police is read over to you.
- * Once the information has been recorded by the police, it must be signed by the person giving it.
- * Verify that the information recorded by the police is as per the details given by you before signing the report.
- * You are entitled to get a copy of the report free of cost.

What can you do if your complaint is not registered?

If your complaint is not registered by the police station staff, you can send it to the District Superintendent of Police, who will get it investigated.



Who can investigate into an offence under the Act?

An offence under the Act can be investigated by a police officer, who is not below the rank of a Deputy Superintendent of Police.

Is there any time limit to complete the investigation?

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

What can you do if you are not satisfied with the action taken on your complaint by the police station?

You should first write to the District Superintendent of Police. If you are not satisfied with the action taken by him, please write to:



The National Commission for Scheduled Castes and Scheduled Tribes
Government of India
5th Floor, Loknayak Bhawan,
Khan Market, New Delhi-110 003
Telephone: (011) 462 0435
Fax: (011) 462 5378

Can an offender under the Act obtain anticipatory bail?

No. Provisions of Section 438 of the Criminal Procedure Code, 1973, regarding anticipatory bail are not available to any offender under the Act

What is Anticipatory Bail?

When any person has reason to believe that he may be arrested in a non-bailable offence, he applies to the High Court or the Court of Sessions for a direction to the concerned authorities that, in the event of his arrest, he shall be released on bail. Anticipatory bail thus means grant of bail in non-bailable cases to a person apprehending arrest.

Is there any provision for compensation under the Act?

If you are a victim of atrocity under the Act, you are entitled to compensatory relief and other facilities under the rules. The amount of compensation varies from case to case, ranging between Rs.20,000 to Rs.2,00,000. You can contact the District Magistrate or District Social Welfare Officer for details and settlement of your claims.

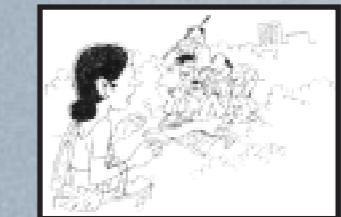
Every victim or his dependents and witness shall be paid travelling and maintenance allowance for visiting the investigating officer, Deputy Superintendent of Police, Superintendent of Police, District Magistrate or any other Executive Magistrate to attend any inquiry, investigation or trial of the case.

About CHRI

The Commonwealth Human Rights Initiative (CHRI) is an international, independent non-profit organisation headquartered in India. Its objectives are to promote the practical realisation of human rights in the Commonwealth. CHRI educates on human rights issues and advocates for greater adherence to human rights standards.

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&
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(Prevention of Atrocities) Act, 1989



Commonwealth Human Rights Initiative

N-8, Second Floor, Green Park (Main)
New Delhi-110016, India
Phone : 91-11-2686 4678, 2685 0523, 2652 8152
Fax : 91-11-2686 4688
E-mail : chriall@nda.vsnl.net.in
Website : <http://www.humanrightsinitiative.org>

Prepared by : G.P. Joshi