

THE SC/ST PREVENTION OF ATROCITIES
ACT, 1989

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ATROCITIES

- ▶ Person committing atrocities has to be a non-SC/ST member,
- ▶ Atrocity has to be against an SC/ST member

OFFENCES OF ATROCITIES

- ▶ forces any SC/ST person to eat or drink an obnoxious substance
- ▶ dumps excreta or sewage at the premises
- ▶ garlands with footwear/ parades naked
- ▶ forcible disrobing, tonsuring, removing mustache, any derogatory act on body
- ▶ wrongfully occupies land owned by or in possession of SC/ST person or dispossesses them
- ▶ forced or bonded labour
- ▶ compels them to carry human / animal carcasses



- ▶ forces SC/ST persons not to vote/vote for a particular person/not to file nomination
- ▶ forces / intimidates SC/ST person who is a holder of any panchayat post or a municipality from performing their duties
- ▶ institutes a false and malicious suit or criminal proceedings against a person who is SC/ST
- ▶ intentionally insults or abuses any SC/ST person with a caste name or with an intention to humiliate within public view
- ▶ destroys/defiles any sacred object
- ▶ obstructs passage to any public place or common property like river, well, temple or place of worship, educational institution, hospital etc.
- ▶ forces an SC/ST person to leave his /her place of residence
- ▶ imposes or threatens social or economic boycott
- ▶ Section 4: punishment for neglect of duties by public servant

ATROCITIES AGAINST WOMEN

- ▶ Devadasi dedication
- ▶ intentionally touches a woman in a sexual manner without her consent
- ▶ sexual harassment of a woman who is SC/ST, knowing that she belongs to SC/ST community
- ▶ causes physical / mental harm on the ground of practicing witchcraft

SPECIAL COURTS & EXCLUSIVE SPECIAL COURTS

- ▶ Exclusive Special Courts or Special Courts
- ▶ Duty of State government to set up adequate number of courts
- ▶ Bangalore - 22 Special Courts and 8 Exclusive Special Courts
- ▶ Trial to be conducted day-to-day
- ▶ To be completed within 2 months of filing of charge-sheet
- ▶ Appeals to the High Court - to be disposed within 3 months

RIGHTS OF VICTIMS & WITNESSES

- ▶ Duty of state to provide protection to victims, their families and witnesses
- ▶ Victim shall have the right to apply to the court to summon documents, witnesses or examine persons present
- ▶ Victims to be heard at the sated of bail, discharge, release, parole, sentencing and file written submissions
- ▶ Travelling and maintenance allowance during proceedings
- ▶ Socio-economic rehabilitation
- ▶ Relocation
- ▶ Court to periodically review the protection offered and pass orders

SPECIAL MEASURES FOR VICTIMS

- ▶ Concealing the names and addresses of witnesses in orders and judgements or records
- ▶ Orders not to disclose the identity and address of witnesses
- ▶ If any complaint of harassment is received, to pass orders for protection on the same day, and conduct inquiry into it separately
- ▶ I.O to record complaint of victim/witnesses for any kind of intimidation and to register an FIR
- ▶ All proceedings to be video recorded

GOVT TO FRAME SCHEME FOR IMPLEMENTATION OF VICTIM RIGHTS

- ▶ immediate relief in cash / kind to atrocity victims and dependents
- ▶ to provide protection
- ▶ relief in case of death / injury / damage to property
- ▶ food, water, clothing, shelter, medical aid, transport facilities, daily allowance to victims
- ▶ maintenance expenses to atrocity victims
- ▶ to give status of information
- ▶ legal aid
- ▶ allow victims to take assistance from NGOs, social workers, lawyers etc.

RELIEF AMOUNTS

- ▶ 25% at FIR stage, 50% when charge sheet is filed, 25% upon conviction
- ▶ cash relief for offenses of wrongful occupation /dispossession of land
- ▶ restoration of site, or reconstruction of house where it is destroyed and cash relief
- ▶ restoration of practice
- ▶ additional relief to victims of murder, massacre, rape, gang rape

CHALLENGES

- ▶ The “mis-use” allegation
- ▶ All provisions of the Act not adequately used
- ▶ Implementation of compensation and rehabilitation
- ▶ Victim protection
- ▶ High rate of acquittals