

**THE SCHEDULED CASTES AND THE  
SCHEDULED TRIBES (PREVENTION OF  
ATROCITIES) ACT, 1989**

**(ACT No. 33 OF 1989)**

**&**

**THE SCHEDULED CASTES AND THE SCHEDULED  
TRIBES (PREVENTION OF ATROCITIES) RULES , 1995**

**By**

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# ITEMS TO BE COVERED

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- OFFENCES ( ATROCITIES ) & PUNISHMENTS
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- PREVENTIVE AND PRECAUTIONRY MEASURES
- OTHER MEASURES TO BE TAKEN BY THE DISTRICT ADMINISTRATION
- *VISIT OF MANDAL TEAM TO VILLAGES*
- CELEBRATION OF CIVIL RIGHTS DAY ON 30TH OF EVERY MONTH (28TH FEBRUARY)

# OBJECTIVES

- To **prevent** the commission of offences / atrocities against SC/STs.
- To provide for **Special Courts** for the trial of offences against SCs and STs.
- Providing the **Relief and Rehabilitation** to the victims.
- Providing affirmative measures to **weed out the root cause** of atrocities, which has denied basic civil rights SC/STs.
- For taking the **educational needs** of the children of such victims and to provide for the cost of their food and maintenance.

# IMPORTANT DEFINITIONS

- **“atrocities”** means an offence punishable under **section 3** of the Act
- **“Code”** means the Code of Criminal Procedure, 1973
- **“Scheduled Castes and Scheduled Tribes”** shall have the meanings assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution:
- **“Special Court”** means a Court of Session specified as a Special Court in section 14 .
- **“Special Public Prosecutor”** means a Public Prosecutor specified as a Special Public Prosecutor or an advocate referred to in section 15;

# Offences( Atrocities ) & Punishments

Action by a person other than SC/ ST against a person of SC/ST(Atrocity)	Sec-tion	punishment
forcing to drink or eat any inedible or obnoxious substance	3(1) (i)	Imprisonment– 6 months to five years and with fine.
acting with intent to cause injury, insult or annoyance by dumping excreta, waste matter, carcasses or any other obnoxious substance	3(1) (ii)	DO
forcibly removing clothes or parading naked or with painted face or body or committing any similar act which is derogatory to human dignity.	3(1) (iii)	DO
wrongfully occupying or cultivating any land	3(1) (iv)	DO
wrongfully dispossessing from land or premises or interfering with the enjoyment of rights over any land, premises or water	3(1) (v)	DO

Contd...

<b>Atrocity</b>	<b>Section</b>	<b>punishment</b>
compelling or enticing to do 'beggar' or other similar forms of forced or bonded labour	3(1) (vi)	imprisonment-- not be less than six months but which may extend to five years and with fine.
forcing or intimidating not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law;	3(1) (vii)	DO
instituting false, malicious or vexatious suit or criminal case or other legal proceedings	3(1) (viii)	DO
giving any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe	3(1) (ix)	DO
intentionally insulting or intimidating with intent to humiliating	3(1) (x)	DO
assaulting or using force to any woman with intent to dishonour or outrage her modesty	3(1) (xi)	DO

**Contd...**

<b>Atrocity</b>	<b>Sec-tion</b>	<b>punishment</b>
being in a position to dominate the will of a woman using that position to exploit WOMAN sexually	3(1) (xii)	imprisonment-- not be less than six months-- may extend to five years and with fine.
corrupts or fouls the water of any spring, reservoir or any other source so as to render it less fit for the purpose for which it is ordinarily used;	3(1) (xiii)	DO
denying any customary right of passage to a place of public resort or obstructing so as to prevent from using or having access to a place of public resort	3(1) (xiv)	DO
forcing or causing to leave house, village or other place of residence,	3(1) (xv)	DO
giving or fabricating false evidence intending thereby to cause a member of SC/ST to be convicted of an offence which is capital by the law for the time being in force	3(2) (i)	Capital punishment

Atrocity	Section	punishment
giving or fabricating false evidence intending thereby to cause a member of SC/ST to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards,	3(2) (ii)	imprisonment -- not be less than six months but which may extend to seven years or upwards and with fine
committing mischief by fire or any explosive substance intending to cause damage to any property	3(2) (iii)	imprisonment - not be less than six months but which may extend to seven years and with fine;
Committing mischief by fire or any explosive substance FOR destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling	3(2) (iv)	imprisonment for life and with fine
Committing any offence under I P C punishable with imprisonment for a term of ten years or more against a person or property	3(2) (v)	imprisonment for life and with fine;
causing any evidence of the commission of offence to disappear with the intention of screening the offender from legal punishment, or with that intention giving any information respecting the offence which he knows or believes to be false or	3(2) (vi)	shall be punishable with the punishment provided for that offence;



# OTHER IMPORTANT FEATURES OF THE ACT

- --. When convicted -,COURT may order that movable or immovable used for the commission of offence, shall stand forfeited to Government. **Sec 7(1)**
- the properties, movable or immovable or both used may be attached, **Sec 7(2)**
- Special court is satisfied that a person is likely to commit offence under the Act in Scheduled Area, orders for removal of the person from the area for a period not more than 2 years-if he himself does not leave, arrested and removed – he may appeal to State Government. **Sec 10**
- ---when convicted for the second offence or any offence subsequent to the second , shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence. **Sec 5**

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## OTHER IMPORTANT FEATURES OF THE ACT --contd

- rendered any financial assistance to a person accused of, or reasonably suspected of committing, an offence under the Act, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence; **Sec 8 –**
  
- All the cases are tried by Special Court
  
- The State Government may impose collective fine as stipulated under section 10A of the Protection of Civil Rights Act, 1955. **Sec 16**
  
- The following come under Atrocities
  - Atrocities on SCs & STs committed by unidentified persons where police declare the offender as undetected after investigation.
  - Atrocities on SCs & STs committed by extremists.
  - Members of SCs & STs who have died in police firing.
  - Members of SCs & STs who have died in political clashes and arson.

**Contd....**

- For speedy trial, the State Government shall, . with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for each district a Court of Session to be a Special Court to try the offences under this Act. Sec 14
- - the State Government shall, by notification specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court. Sec 15
- The Investigating Officer be of the Rank not less than Dy.S.P
- Burden of proof lies on accused
- Relief under Sections 360 and 438 of Cr.P.C is not applicable to a person committed offence under the Act. Sec 18 and 19
- The District Collector and S P shall visit the place of atrocity in case of grave offences and otherwise by R D O and S D P O

# PUNISHMENTS TO PUBLIC SERVANTS ON COMMITTING OFFENCE/NEGLECTING THE RESPONSIBILITIES

- -----being a public servant, commits any offence shall be punished with imprisonment- not be less than one year but which may extend to the punishment provided for that offence

Sec 3(2)(vii)

- --- being a public servant who is other than SC/ST , if willfully neglects his duties to be performed under the Act, is punishable with imprisonment for a term which shall not be less than six months but which may extend to one year

Sec 3(4)

## PAYMENT OF TRAVELLING ALLOWANCE, MAINTENANCE EXPENSES AND DIET EXPENSES

- ---Every **victim** of atrocity or his/her **dependent** and **witnesses** shall be paid **travelling allowance** to attend the court / office of the investigating officer, Superintendent of Police/Deputy Superintendent of Police, District Magistrate or any other/ Executive Magistrate.
- -- A **companion** is entitled to woman witness, to the victim when is woman/ minor / more than sixty years of aged/ having 40 per cent or more disability victim
- --- All are entitled for **daily maintenance** expenses for the days during they are away from the village at such rates **not less than the minimum wages**, as may be fixed by the State Government for the **agricultural labourers**
- --- **diet expenses** shall also be payable at such rates as may be fixed by the State Government from time to time.
- --- The payment be made **immediately or not later than three days** by the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate
- --- the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall **reimburse the payment of medicines**, special medical consultation, blood transfusion, replacement of essential clothing, meals and fruits provided to the victim(s) of atrocity.

# **SCALE OF MONETARY RELIEF ENTITLED**

- **---As per the nature of Atrocity**
- **---Provided in different stages**
- **----The orders related scale of relief have been issued in G O Ms. No 3 Social Welfare (H1) Department, dated 16-01-1996- as per guidelines issued by Govt. of India**
- **The quantum of relief has been enhanced vide G.O.Ms.No:22 SOCIAL WELFARE (POA) DEPARTMENT Dated: 16-06-2012.**
- **---The expenditure – 50% by Govt. of India and 50% by State Govt.**
- **No Budget Control.**

**Contd....**

Action by a person other than SC/ ST against a person of SC/ST(Atrocity)	Relevant Section of the offence	TOTAL MONETORY RELIEF IN Rupees	on FIR	ON MEDICAL REPORT	FILING OF CHARGE SHEET	ON CONVICTION
drink or eat any inedible or obnoxious substance	3(1)(i)	Rs 60000			25%	75%
causing injury, insult or annoyance	3(1)(ii)	DO			DO	DO
Derogatory Act	3(1)(iii)	DO			DO	DO
wrongful occupation or cultivation any land	3(1)(iv)	Rs 60000 OR MORE			100%	
wrongfully dispossessing from land or premises or interfering with the enjoyment of rights over any land, premises or water	3(1)(v)	DO			DO	
compelling or enticing to do 'beggar' or other similar forms of forced or bonded labour	3(1)(vi)	Rs 60000	25%			75%

Contd....

Action by a person other than SC/ ST against a person of SC/ST(Atrocity)	Relevant Section of the offence	TOTAL MONETORY RELIEF IN Rupees	o n F I R	ON MEDICAL REPORT	FILING OF CHARGE SHEET	ON CONVICTION
<b>Intimidation not to vote or to vote to a particular candidate</b>	3(1)(vii)	Rs50000	At appropriate stage			
<b>instituting false, malicious or vexatious suit or criminal or other legal proceedings</b>	3(1)(viii)	Rs 60000 or actual expenditure				100%
<b>giving any false or frivolous information to any public servant</b>	3(1)(ix)	DO				DO
<b>intentionally insulting or intimidating with intent to humiliating</b>	3(1)(x)	Rs 60000			25%	75%
<b>Outraging modesty of woman</b>	3(1)(xi)	Rs 120000		50%	50%	
<b>being in a position to dominate the will of a woman and using that position to exploit woman sexually</b>	3(1)(xii)	Rs 120000		Contd.... 50%		50%



Action by a person other than SC/ ST against a person of SC/ST(Atrocity)	Relevant Section of the offence	TOTAL MONETORY RELIEF IN Rupees	o n  F I R	ON MEDICAL REPORT	FILING OF CHARGE SHEET	ON CONVICTION
corrupts or fouls the water of any spring, reservoir or any other source	3(1)(xiii)	Up to Rs 250000	at appropriate stage as the District Administration feels			
denying any customary right of passage	3(1)(xiv)	250000 or the actual loss suffered			50%	50% WAY TO BE RESTORED IMMEDIATELY
forcing or causing to leave house, village or other place of residence,	3(1)(xv)	Rs 60000+ VALUE OF Construction			100%	

Contd....

Action by a person other than SC/ ST against a person of SC/ST(Atrocity)	Relevant Section of the offence	TOTAL MONETARY RELIEF IN Rupees	o n F I R	O N M E D I C A L R E P O R T	F I L I N G O F C H A R G E S H E E T	O N C O N V I C T I O N
giving or fabricating false evidence – convicted of an offence which is capital by the law	3(2)(i)	At least Rs 250000, full compensation			50%	50%
giving or fabricating false evidence – convicted of an offence punishable with imprisonment for a term of seven years or upwards,	3(2)(ii)	DO			DO	DO
committing mischief by fire or any explosive substance intending to cause damage to any property ST	3(2)(iii)	At least 50000, full compensation				

Contd....

Action by a person other than SC/ ST against a person of SC/ST(Atrocity)	Relevant Section of the offence	TOTAL MONETORY RELIEF IN Rupees	o n F I R	ON MEDICAL REPORT	FILING OF CHARGE SHEET	ON CONVICTION
committing any offence under IPC punishable with mprisonment for a term of ten years or more	3(2)(v)	At least Rs 120000, full compensati on				
victimisation at the hands of a Public Servant	3(2)(vii)	full compensati on			50%	50%
Disability-- 100% incapacitation-- Earning member		At least Rs 5,00,000,	50%		25%	25%
Disability-- 100% incapacitation-- non earning member		At least Rs 250000	50%		25%	25%
Disability less than 100%		proportiona tely	However not less than Rs.40,000/- to nonearning-member and not less than Rs80,000 in case of earning member – installments as above			

Action by a person other than SC/ ST against a person of SC/ST(Atrocity)	Relevant Section of the offence	TOTAL MONETORY RELIEF IN Rupees	o n F I R	ON MEDICAL REPORT	FILING OF CHARGE SHEET	ON CONVICTION
<b>Murder- Earning member</b>		500000,		75%, post mortem report		25%
<b>Murder- Non earning member</b>		250000,		75%, post mortem report		25%
<b>Complete burning/ destruction of house</b>		<b>Brick stone House to be constructed with Govt money</b>				
<b>Additional relief to the widow/ dependents in case of murder, gang rape , permanent incapacitation</b>		<ol style="list-style-type: none"> <li>1. Pension @ Rs 3000 to widow/ dependents or employment or Agricultural land+ house</li> <li>2. Education to children-admission in Ashram/ Residential school</li> <li>3. Utensils , rice , pulses etc.</li> </ol>				

# PREVENTIVE AND PRECAUTIONRY MEASURES

--to prevent atrocities on SCs and STs State Government shall,-

- --- identify the **areas prone** for occurrence of Atrocities
- -- the District Magistrate and Superintendent of Police or any other officer to visit the identified area and review the law and order situation;
- --if deem necessary, in the identified area **cancel the arm licenses** of the persons with persons other than SC/ST
- --- **seize all illegal fire-arms and prohibit any illegal manufacture of firearms;**
- --- **May provide arms licenses** to the members of the Scheduled Castes and the Scheduled Tribes;
- ---- **constitute a high power State-level committee, district and divisional level committees** or such number of other committees as deem proper and necessary

**Contd....**

- --- set up a **vigilance and monitoring committee** to suggest effective measures to implement the provisions of the Act;
- ---- set up **Awareness Centers** and organize Workshops in the identified areas
- -- shall **educate** the Scheduled Castes and Scheduled Tribes about their rights and the protection available to them under the provisions of various Central and State enactments or rules, regulations and schemes framed there under;
- --- encourage **Non-Government Organizations** for establishing and maintaining Awareness Centers and organizing Workshops and provide them necessary financial and other sort of assistance;
- ---- deploy **special police force** in the identified area;
- ---- by the end of every quarter, **review the law and order** situation, functioning of different committees, performance of Special Public Prosecutors, Investigating Officers and other Officers responsible for implementing the provisions of the Act and the cases registered under the Act.

## OTHER MEASURES TO BE TAKEN BY THE DISTRICT ADMINISTRATION

- --- a panel of such number of eminent senior advocates who has been in practice for not less than seven years be prepared for conducting cases in the Special Courts
- ----- The District Magistrate and the Director of prosecution in charge of the prosecution shall review at least twice in a calendar year, in the month of January and July, the performance of Special Public Prosecutors and submit a report to the State Government.
- ----- Necessary instructions be issued by the S P that Information furnished be translated in to writing and F I R is recorded and a copy shall be issued to the complainant
- --- **A Special Officer** not below the rank of an Additional District Magistrate shall be appointed to co-ordinate with the District Magistrate, Superintendent of Police or other officers responsible for implementing the provisions of the Act, various committees and the Scheduled Castes and the Scheduled Tribes Protection Cell and to monitor the relief
- ----The State Government shall nominate a nodal officer of the level of a Secretary to the Government preferably belonging to the Scheduled Castes or the Scheduled Tribes, for coordinating the functioning of the District Magistrates and Superintendent of Police or other officers authorized by them investigating officers and other officers responsible for implementing the provisions of the Act. By the end of the every quarter
- --- **State-level Vigilance and Monitoring Committee and of District Level Vigilance and Monitoring Committee are constituted**

# **IMPORTANT ORDERS ISSUED BY STATE GOVERNMENT**

<b>G .O</b>	<b>Particulars</b>
G O Ms. No.92 -Social Welfare Department (P O A) ,Department , dated 31-10-2001	Special Awards to Dalit Organisations and Caste Hindu Organisations on every first Nov - exemplary and effective work in the District and State levels as regards to entry of Dalits in to temples , providing access to public wells etc
G O Ms. No.107 -Social Welfare Department (P O A) ,Department , dated 31-10-2001	District Vigilance and Monitoring Committees\ to identify areas prone to Atrocities
G O Ms. No.108 -Social Welfare Department (P O A) ,Department , dated 31-10-2001	Investing officers to visit place of Atrocity with out delay- District Collector and S P should visit in case of Grave offences.
G O Ms. No.109 -Social Welfare Department (P O A) ,Department , dated 31-10-2011	District Collector to form peace committees where atrocities take place and S P should visit in case of Grave offences.
G O Ms. No.112 -Social Welfare Department (P O A) ,Department , dated 31-11-2001	Mandal level Committees for Eradication of Untouchability and prevention of atrocities- MPP -President,Tahsildar convener,ZPTC.MPTCs, MPDO,ALL SC / ST Sarpanches, 10 members of SC/ST WORKING FOR UPLIFTMENT OF OF SC/ST-meetings in every month



<b>G .O</b>	<b>Particulars</b>
<p><b>G O Ms. No.116 -Social Welfare Department (P O A) ,Department , dated 31-10-2001</b></p>	<p><b>Joint Collectors were appointed as Special Officers -Prakasham, Guntur,WestGodavari,Nellore,Vizianagaram,Kurnool,Cuddaph, Mahaboobnagar, Nizamabad,Karimnagar, Khammam and Adilabad Districts as per Rule 10 of POA Rules 1995</b></p>
<p><b>G O Ms. No.119-Social Welfare Department (P O A) ,Department , dated 31-10-2011</b></p>	<p><b>HOUSES DAMAGED - Pucca house to be constructed- in addition Rs 30000 to be paid -75% at FIR stage and 25% on conviction</b></p>
<p><b>G O Ms. No.120 -Social Welfare Department (P O A) ,Department , dated 31-11-2001</b></p>	<p><b>District Collectors to restore Burial Grounds and foot paths related to SC/ST under encroachment.</b></p>
<p><b>G O Ms. No.122 -Social Welfare Department (P O A) ,Department , dated 31-11-2001</b></p>	<p><b>Reiterated as regards to payment of travelling allowances etc to victims, witness, companion of Atrocities</b></p>

# VISIT OF MANDAL TEAM TO VILLAGES

- **ORDERS ISSUED IN G.O. MS.NO.105 -Social Welfare Department (P O A) ,Department , dated 31-10-2001**
- **Mandal level Team to visit one village on a fixed day in a week (now only during first three weeks in a month)**
- **Mandal level officials -MRO, MPDO, ASWO / Hostel Welfare Officer-., non officials, NGO and Police officials not below the rank of SUB Inspector of Police are in the team.**
- **Convince and persuade the people of upper castes against the evils of un touchability in various forms and atrocities against SCs and STs**
- **Issues to be tackled in a pursuance and in positive manner**

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# **VISIT OF MANDAL TEAM TO VILLAGES -- contd**

- **Eruption of any social confrontation is avoided.**
- **All villages to be covered in the mandal and the cycle to be repeated.**
- **Monthly consolidated report to be submitted to the Collector by the Tahisildar**
- **Such reports to be reviewed in District level Vigilance and Monitoring Committee Meeting.**
- **Team to lead SCs and STs to temples, Provide access to public water source and two glasses system to be removed. and Services of Barbers, Washermen are extended to SCs/STs**

# **CELEBRATION OF CIVIL RIGHTS DAY ON 30TH OF EVERY MONTH (28TH FEBRUARY)**

- ---- Orders were issued in **G.O. 128**, -Social Welfare Department (P O A) ,Department , dated 21.11.2001.
- ---- Celebrated @. One Village in a Mandal per month.
- ---- All villages to be covered in Cyclic Manner.
- ----- Tahsildhar, MPDO, MPP, officials of Social Welfare Department, Endowment Department, ZPTCs MPTCs, Local Sarpanch, Vice President of Mandal Parishad, Teachers, other influential persons of the Village and Religious heads to participate.

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# **CELEBRATION OF CIVIL RIGHTS DAY ON 30TH OF EVERY MONTH (28TH FEBRUARY)**

- ---- Grama Saba is conducted.
- ---- issues are tackled in persuasive and positive manner in congenial atmosphere.
- ---- Cultural Programmes like Dramas, Burra Katha on Themes of Eradication of Untouchability and POA on SCs/STs are conducted.
- ---- Pamphlets and other publicity material is used.
- ---- to submit a detailed report on the same day to the District Collector by the Tahsildar.
- ---- Collector to send a consolidated report related to all villages covered in the District to the Government.

***Thank You***