

FOR OFFICIAL USE ONLY

# ANNUAL REPORT

ON

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

1990

( FIRST REPORT )



GOVERNMENT OF INDIA  
MINISTRY OF WELFARE

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## FOREWORD

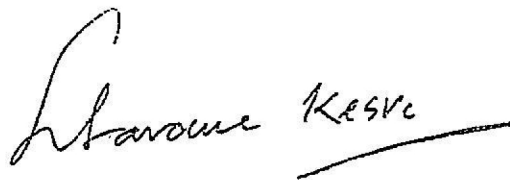
The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 which came into force on 30-1-1990, was necessitated due to the fact that the Scheduled Castes and the Scheduled Tribes still remained vulnerable despite various measures taken to improve their socio-economic conditions. Although Article 17 of the Constitution abolished "Untouchability" and forbade its practice in any form, they were still denied number of Civil Rights, despite enactment of the Protection of Civil Rights Act, 1955. The Parliamentary Committee on the Welfare of the Scheduled Castes and Scheduled Tribes in their 11th Report (1985-86) have rightly observed, "It is most unfortunate that even 38 years after independence, Scheduled Castes still suffer from the stigma of untouchability, and atrocities committed against them generally arise out of the practice of untouchability".

Since independence there have been several mass atrocities against the Scheduled Castes and the Scheduled Tribes, prominent among them being incidents of Kilvenmani and Madurai in Tamil Nadu; Belchi and Jehanabad in Bihar; Banda, Saharanpur, Bhopa, Narainpur, Agra and Mathura in Uttar Pradesh, Bidar in Karnataka; Kestara in Madhya Pradesh; Karamchedu, Padrikuppam and Tsundur in Andhra Pradesh and Kumher in Rajasthan, to name a few. Atrocities on Scheduled Castes and Scheduled Tribes are matters of serious concern for the country. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act is expected to provide the necessary legal protection for meeting this situation.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 specifies the atrocities, which are liable to penalties under the Act like forcing the eating of noxious substances, dumping waste matter on land, intimidation during voting, fouling the water source and suppression of evidence etc. These offences under this Act carry heavier penalties than similar offences under the Indian Penal Code (IPC). The offence of custodial rape, which carries a minimum punishment of 10 years under the IPC, is punishable with imprisonment for life and with fine under this Act. The Act also provides for forfeiture of property, excommunication and collective fine.

The Act has been given wide publicity by the Centre and the States, training courses have been organised at various levels, enforcement machinery has been strengthened, committees consisting of officials and non-officials set up from State to Block levels and above all exclusive Special Courts have been set up by the States of Rajasthan at ten places and by the Government of Andhra Pradesh at three places. In other States/UTs Courts of Sessions have been specified as Special Courts. Special Public Prosecutors have also been designated in some of the States/UTs. A law becomes effective and meaningful only when police, prosecution and courts on the one hand and the development departments on the other, work as a team. It is in this background that we should make all out efforts for the socio-economic development of Scheduled Castes and Scheduled Tribes. However, it is also necessary for us to continually remember the words of Baba Saheb Dr. Ambedkar "As experience proves, rights are protected not by law but by the social and moral conscience of society."

It is my privilege to place on the Table of both Houses of Parliament the first report for the year 1990 on the measures taken by the Centre and the State Governments to implement the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.



New Delhi  
Dated : 14-12-1993

(Sitaram Kesri)

## CHAPTER-I

### INTRODUCTION

The Constitution of India contains an impressive array of provisions for removal of disabilities and discrimination against Scheduled Castes and Scheduled Tribes. These provisions relate to prohibition, restriction of access to public places [Art. 15(2)], reservation of appointments or posts in favour of any backward classes of citizens not adequately represented in the services under the state [Art. 16(4)]; abolition of untouchability (Art. 17); restriction of traffic in human beings and forced labour (Art. 23); guarantee of right to profess, practise and propagate religion (Art. 25); protection of right to admission to educational institutions (Art. 29.2); special care for promotion of educational and economic interests of Scheduled Castes and Scheduled Tribes (Art. 46) special administrative arrangements and control over scheduled areas and Scheduled Tribes in any state (Art. 244 and Schedules V & VI); reservation in seats and special representation in Parliament and State Legislatures (Art. 334); reservation in services (Art. 335); appointment of a Special Officer for Scheduled Castes and Scheduled Tribes (Art. 338); and power with the Union Government for giving directions to states for drawing up and execution of schemes for welfare of Scheduled Tribes (Art. 339).

#### SPECIAL ENACTMENTS

2. The constitutional safeguards are further buttressed by special enactments relating to the Scheduled Castes and Scheduled Tribes. These are the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

#### THE PROTECTION OF CIVIL RIGHTS ACT, 1955

3. The Protection of Civil Rights Act, 1955 provides for penalties for refusing admission to hospitals, educational institutions or hostels; for refusing to sell goods or render services; for preventing the exercise of any right under Article 17; for demanding unlawful compulsory labour relating to untouchability like scavenging, sweeping, removal of carcasses, flaying animals or removing the umbilical cord or any job similar in nature. The Act provides that for reprisal or revenge against a person for exercising a right under Article 17, where the offence is punishable with imprisonment under the Indian Penal Code for a term exceeding two years, it shall be punishable under the Protection of Civil Rights Act for a term which shall not be less than two years and also with fine. The Act also provides for cancellation and suspension of licences, resumption or suspension of grants and imposition of collective fine. Subsequent convictions carry higher penalties. Every offence punishable under the Act shall be cognizable. Every such offence

except where it is punishable with imprisonment for a minimum term exceeding three months may be tried summarily.

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

4. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 specifies the atrocities which are liable to penalties under the Act. These are forcing the eating of noxious substances, dumping waste matter on land, denudation, wrongful occupation of land, dispossession, bonded labour, intimidation during the voting, mischievous litigation, false information, public humiliation, outrage of modesty, sexual exploitation, fouling of water source, obstruction of entry to a place of public resort, eviction from habitation, mischief with explosives, destruction of buildings and suppression of evidence. These offences under the Prevention of Atrocities Act carry heavier penalties than similar offences under the Indian Penal Code. The offence of custodial rape, highway robbery and house breaking by night which carry heavier penalties than similar offences under the Indian Penal Code are punishable with imprisonment for life and with fine under the Prevention of Atrocities Act. The Act also provides for forfeiture of property, externment and collective fine.

#### LAWS RELATING TO BONDED LABOUR, CHILD LABOUR AND MINIMUM WAGES

5. In addition to the special enactments which are meant exclusively for the Scheduled Castes and Scheduled Tribes, there are other welfare enactments of general applicability which are of relevance in the context of Scheduled Castes and Scheduled Tribes. These are the Bonded Labour System (Abolition) Act, 1976, the Minimum Wages Act, 1948 and the Child Labour (Prohibition and Regulation) Act, 1986. Atrocities against Scheduled Castes and Scheduled Tribes have often occurred as a reaction of efforts for implementation to these enactments.

#### PLAN PROGRAMMES FOR SCHEDULED CASTES AND SCHEDULED TRIBES

6. While on the one hand Constitutional and legislative safeguards for Scheduled Castes and Scheduled Tribes have been provided, it has also been clearly spelt out in successive plan documents that a major concern of Indian planning is the welfare and development of weaker sections of the society, especially the Scheduled Castes and Scheduled Tribes. For promoting rapid and concerted socio-economic development of these categories the Tribal Sub-Plan approach was adopted in the Fifth Plan and the Special Component Plan for the Scheduled Castes in the

Sixth Plan. This strategy resulted in earmarked allocations and a higher degree of devolution of funds with separate targets under the different sectors. The thrust in the Seventh and Eighth Five Year Plans has been to further strengthen the economic base of the Scheduled Castes and Scheduled Tribes and to give them occupational mobility. Comprehensive approaches covering economic, educational, health and other programmes have been attempted in various States for development of the Scheduled Castes and Scheduled Tribes. Special programmes, prominent others, include anti-poverty programmes, distribution of surplus lands and economic assistance provided by the Scheduled Castes and Scheduled Tribes Finance Development Corporations. This report, therefore, should be read in this background and in the spirit in which it has been compiled.

7. For enabling the Central Government to lay the Report, in pursuance of Section 21(4) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the Table of each House of Parliament, every State Government/UT Administration is required to furnish to the Central Govern-

ment, a summary of the measures taken by them during the preceding year and also to furnish such other information as may be required by the Central Government from time to time. The Report is the outcome of these measures.

8. This is the first Report on the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the Government of India for laying on the Table of each House of Parliament. This Act came into force with effect from 30th January, 1990 and the Report relates to the year 1990.

9. The Report covers nine chapters including this chapter consisting of Introduction. Chapter II deals with the profile of the statute, chapter III with the Incidence of Atrocities, chapter IV functioning of the Special Courts, chapter V Relief and Rehabilitation of the Victims of Atrocities, chapter VI and VII with the Measures taken by Government of India and of the States respectively, chapter VIII describes the Socio-Economic Development Programmes of the SCs/STs and chapter IX contains the Study Report on the Atrocities on SCs/STs.

## CHAPTER-II

# THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT 1989—A PROFILE

The legislative intents of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are (a) to prevent the commission of offences of atrocities against the members of Scheduled Castes and Scheduled Tribes by non-Scheduled Castes and non-Scheduled Tribes, (b) to provide for special courts for the trial of such offences and (c) for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto. The following are the special features of the Act :

- (i) The legislation has five chapters consisting of 23 sections.
- (ii) Chapter I is the preliminary part in which definitions of some of the terms used in the Act have been given.
- (iii) Chapter II has seven sections from section 3 to section 9 which deal with "offences of atrocities" and punishments therefor, punishment for the offence of wilful neglect of duties by public servants, application of some of the provisions of the Indian Penal Code; Procedure and provision of rules for forfeiture of property, etc. This chapter also provides for the 'presumption' with regard to offences under the Act. It also confers special powers and authority on the State Governments for satisfactory implementation of the Act.
- (iv) Chapter III, contains special provisions for 'externment' of persons suspected of or persons who are likely to commit offences under the Act. This chapter has also prescribed the procedure to be followed in those cases and has as well codified the effect of actions so contemplated.
- (v) Chapter IV contains provisions for the establishment of "special courts" and also for the appointment of "Special Public Prosecutors" to enable speedy disposal and trial of cases under the Act.
- (vi) Chapter V contains miscellaneous provisions ranging from sections 16 to 23 in which all related and necessary concomitant requirements have been elaborately met.

## CLASSES OF OFFENCES

2. The prevention of Atrocities Act specifically lists the offences which are construed as atrocities and are punishable under the Act. The following classes of offences committed by a non-Scheduled Caste/Scheduled Tribe against an SC/ST person are included in the Act :

- (i) Offences against human dignity like forcing consumption of obnoxious substances, dumping waste, stripping, outraging modesty, public humiliation.
- (ii) Economic offences like *begar* or bonded labour, wrongful occupation or cultivation or interference with rights over land, premises or water.
- (iii) Intimidating voters to abstain from voting or voting for a particular candidate.
- (iv) Offences endangering health : fouling water ordinarily used by Scheduled Castes/Scheduled Tribes.
- (v) Placing restrictions on movement or residence like denying rights of passage or entry to public places or forcing to leave places of residence.
- (vi) Giving or fabricating false evidence knowing it might lead to the conviction of an SC or ST.
- (vii) Mischief by fire or explosive substance to property, house or temple of Scheduled Castes/Scheduled Tribes.

## PENALTIES UNDER PCR ACT, 1955, IPC AND SCs/STs (PREVENTION OF ATROCITIES) ACT, 1989

3. Penalties under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are more stringent than those under the PCR Act, 1955 or the IPC. Most offences under the PCR Act, 1955 are punishable with imprisonment from one to six months. Under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 the offences mentioned at (i) to (v) in paragraph above carry imprisonment for period ranging between six months to five years. The PCR Act limits fine to Rs. 5000, whereas the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has no limit. Penalties under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are much higher than those for similar offences under the IPC. The offences of rape or arson or grievous hurt are punishable under the IPC with imprisonment upto 10 years.. Under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, these offences are punishable with life imprisonment. Unlawful compulsory labour is punishable under the Bonded Labour System (Abolition) Act, 1976 with imprisonment upto 3 years, whereas under the Scheduled Castes and the

Scheduled Tribes (Prevention of Atrocities) Act, 1989, it may extend to 5 years. The position is similar for the offence of intimidating voters, as between the Representation of Peoples Act and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are punishable with both imprisonment and fine. The court can order attachment of property of the offender, which on conviction can be forfeited to the extent required for realisation of the fine.

#### OFFENCES BY PUBLIC SERVANTS

4. A public servant, who is not an SC/ST and who wilfully neglects duties to be performed by him under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 may be imprisoned for six months to a year. If he commits an offence under the Act his imprisonment shall not be less than one year but may extend to the punishment provided for that offence.

#### SPECIAL FEATURES

5. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 provides for externment, collective fine, and for anticipatory action in atrocity-prone areas. There are provisions for appointment of Special Courts and Special Public Prosecutors. Persons arrested under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)

Act, 1989 do not have the right to seek anticipatory bail.

6. The Act will have its impact only when cases are registered on time, spots of crime are visited without delays, investigation is prompt, prosecution is effective, trials are speedy and convictions are more and acquittals less.

#### CENTRAL ASSISTANCE RELEASED TO STATES

7. During 1990-91, an amount of Rs. 194.37 lakhs was released to States/UTs on 50 : 50 basis under the Centrally Sponsored Scheme of implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, for setting up of Special Courts, providing legal aid to the victims of atrocities and travelling and maintenance expenses to witnesses of atrocities during investigation and trial of offences under the Act. State-wise details are as under :

| Sl. No. | State/UT             | Amount Released (in Rs.) |
|---------|----------------------|--------------------------|
| 1.      | Andhra Pradesh       | 5,34,500                 |
| 2.      | Gujarat              | 43,55,500                |
| 3.      | Karnataka            | 57,75,000                |
| 4.      | Uttar Pradesh        | 79,35,000                |
| 5.      | Dadra & Nagar Haveli | 8,37,000                 |
| Total:  |                      | 1,94,37,000              |



## CHAPTER-III

### INCIDENCE OF ATROCITIES

On the basis of information furnished by the States/UTs, Number of atrocity cases registered in the country during 1981—1990 period under the I.P.C. were 1,53,369 for SCs and 37,159 for STs. On an average number of cases for a year was 15,337 for SCs and 3,715 for STs as shown below :

#### CRIMES AGAINST SC/ST DURING 1981—1990 Yearwise

| Year             | SC     | ST    |
|------------------|--------|-------|
| 1981             | 14318  | 3432  |
| 1982             | 15054  | 4102  |
| 1983             | 14949  | 4134  |
| 1984             | 15987  | 4290  |
| 1985             | 15373  | 4055  |
| 1986             | 15416  | 3945  |
| 1987             | 13529  | 2564  |
| 1988             | 15207  | 3364  |
| 1989             | 15799  | 3623  |
| 1990             | 17737  | 3650  |
| Total            | 153369 | 37159 |
| Average per year | 15,337 | 3,715 |

The statistics given above shows an ascending order of crimes perpetrated against the SCs/STs taking the decade as a whole.

#### STATEWISE ATROCITY CASES DURING 1988, 1989 AND 1990

2. Statewise number of atrocity cases committed against SCs and STs during the last three years, i.e. 1988, 1989 and 1990 are furnished at Annexures I & II. The pattern that emerges from this information indicates that most of crimes against SCs i.e. about 79% of the total crimes have been committed in the four States, namely, Uttar Pradesh, Madhya Pradesh, Rajasthan and Bihar. Similarly crimes against STs are high in six States, namely, Madhya Pradesh, Rajasthan, Maharashtra, Orissa, Kerala and Gujarat. Following table may please be seen in this regard :

#### No. of Cases registered during 1988, 1989 and 1990

|                         | 1988            | 1989            | 1990            |
|-------------------------|-----------------|-----------------|-----------------|
| <b>SCHEDULED CASTES</b> |                 |                 |                 |
| INDIA                   | 15207           | 15799           | 17737           |
| 1. U.P.                 | 4755            | 5195            | 6096            |
| 2. M.T.                 | 4226            | 5210            | 5210            |
| 3. Rajasthan            | 1572            | 1588            | 1591            |
| 4. Bihar                | 1297            | 997             | 507             |
| Total                   | 11850<br>(78 %) | 12990<br>(82 %) | 13044<br>(76 %) |
| Other States            | 3357<br>(22 %)  | 2809<br>(18 %)  | 4333<br>(24 %)  |

#### SCHEDULED TRIBES

|                | 1988           | 1989           | 1990           |
|----------------|----------------|----------------|----------------|
| INDIA          | 3364           | 3623           | 3650           |
| 1. M.P.        | 2051           | 2163           | 2366           |
| 2. Rajasthan   | 457            | 420            | 450            |
| 3. Maharashtra | 185            | 214            | 177            |
| 4. Orisa       | 181            | 217            | 104            |
| 5. Kerala      | 119            | 155            | 107            |
| 6. Gujarat     | 131            | 129            | 123            |
| Total          | 3044<br>(90 %) | 3298<br>(91 %) | 3327<br>(91 %) |
| Other States   | 320<br>(10 %)  | 325<br>(9 %)   | 323<br>(9 %)   |

#### TRENDS OF ATROCITIES

3. It is noted from Annexures I & II that cases of atrocities during 1988-1990 period have shown a rising trend. In respect of SCs, number of cases increased from 15207 in 1988 to 15799 in 1989 and then to 17,737 in 1990. As regards STs, the crime stepped up from 3364 cases in 1988 to 3623 in 1989 and then to 3650 in 1990. This is very disturbing indeed. Increase/decrease in 1990 over 1989 was as under :

##### Scheduled Castes

##### Increasing Trend

1. A.P. (511 to 602)
2. Assam (17 to 27)
3. Gujarat (593 to 788)
- Karnataka (480 to 690)
5. Maharashtra (363 to 499)
6. Kerala (616 to 648)
7. U.P. (5195 to 6096)
8. Tamil Nadu (482 to 544)
9. Sikkim (3 to 15)

##### Decreasing Trend

1. J&K (155 to 38)
2. Orissa (365 to 304)
3. W.B (13 to 5)
4. Bihar (997 to 587)

##### Scheduled Tribes

##### Increasing trend

1. A.P. (79 to 108)
2. Assam (18 to 33)
- 3 M.P. (2163 to 2366)
4. Rajasthan (420 to 450)

##### Decreasing Trend

1. Karnataka (87 to 42)
2. Kerala (155 to 107)
3. Orissa (217 to 104)
4. Maharashtra (214 to 177)

# ATROCITY CASES AGAINST SCHEDULED CASTES AND SCHEDULED TRIBES REGISTERED UNDER I.P.C. DURING 1990.

4. During 1990 a total number of 17,737 cases in which Scheduled Castes were victims and 3650 crimes against Scheduled Tribes were registered under I.P.C. Crimewise position was as under :—

| Crime               | Crime against SCs (No.) | Percentage | Crime against STs (No.) | Percentage |
|---------------------|-------------------------|------------|-------------------------|------------|
| Murder . . .        | 569                     | 3.20       | 122                     | 3.35       |
| Grievous Hurt . . . | 1658                    | 9.35       | 255                     | 6.98       |
| Rape . . .          | 838                     | 4.73       | 325                     | 8.90       |
| Arson . . .         | 589                     | 3.33       | 71                      | 1.95       |
| Others . . .        | 14083                   | 79.39      | 2877                    | 78.82      |
| Total . . .         | 17737                   | 100.00     | 3650                    | 100.00     |

It may be noted from the above table that a large number of affected Scheduled Castes are the victims of grievous hurt and arson and while the Scheduled Tribes women have been mostly rape victims.

5. Data on nature of crimes against SCs and STs during 1990 have been furnished at Annexure-III.

## CASES REGISTERED UNDER THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989 DURING 1990 AND THEIR DISPOSAL.

6. Whereas cases of atrocities against SCs and STs registered under the IPC during 1990 was 21,387 the reporting under the SC and ST (POA) Act, 1989 during 1st year of its enforcement, i.e. 1990, was only 3778 i.e., 18%. Thus it is inferred that 82% atrocities cases were not registered under the new Act in the country. Disposal of 3778 cases registered under the new Act during 1990 was done in the manner described below :—

### DISPOSAL BY POLICE

5. The position and percentage of cases on SCs and STs registered with Police disposed of and challaned at the police level in different States/UTs for 1990 is given at Annexure IV. It is observed that out of a total of 3778 cases registered by the police, 632 cases were closed by police after investigation. Out of this Rajasthan has the highest number of cases (363) closed after investigation followed by Bihar (106), Uttar Pradesh (89),

Gujarat (23), Madhya Pradesh (20), Karnataka (17), Haryana (8), Tamil Nadu (4) and Goa (1). It is also observed that 2264 cases (60%) were charge-sheeted in the courts. Madhya Pradesh police has challaned 935 cases in courts followed by Uttar Pradesh (457), Rajasthan (323), Gujarat (322), Haryana (80), Maharashtra (62), Bihar (33), Kerala (18), Andhra Pradesh (13), Orissa (6), Punjab (6), Goa (4), Tamil Nadu (3) and Himachal Pradesh (1). As many as 882 (23.34%) cases were pending with the police at the end of the year.

### DISPOSAL BY COURTS

8. (a) **Convictions**—The position and percentage of cases of atrocities disposed of by the courts in 1990 in different States and UTs is given at Annexure V. Of 2602 cases in the courts in 1990 only 22 ended in conviction (0.8%), Rajasthan has the highest (13) number of convictions, followed by Gujarat (4), Haryana (2), Uttar Pradesh (2) and Madhya Pradesh (1).

(b) **Acquittals**—As many as 214 cases (8.2%) ended in acquittal in different States and UTs. Rajasthan has highest number (177) of acquittals followed by Uttar Pradesh (452), Bihar (338), Gujarat (336), and Kerala (1).

(c) **Pendency in Courts**—At the end of the year as many as 2366 cases (91%) were pending with the Courts in States and UTs. Madhya Pradesh has the highest (934) number of cases pending, followed by Uttar Pradesh (452), Bihar (338), Gujarat (336), Rajasthan (133), Maharashtra (62), Haryana (59), Kerala (17), Orissa (6), Punjab (6), Tamil Nadu (3) and Jammu and Kashmir (1).

### REMARKS

9. It is noted that average number of cases of atrocities against SCs during a year has been in the vicinity of 15,337 and that of STs 3715. Large number of cases have been reported from U.P., M.P., and Rajasthan. As regards registration of cases under the SC and ST (POA) Act, 1989 during 1990, out of 3778 cases reported to the police, 17% cases were closed by the police after investigation, 60% cases were challaned in the courts and 23% cases pending with the police at the end of the year.

10. In respect of disposal of cases by courts it is reported that out of 2602 cases with the courts during the year 1990, only 0.8% cases ended in conviction, 8.2% in acquittals and 91% were reported pending with the courts.

## CHAPTER-IV

### SPECIAL COURTS

Chapter IV of the Act contains provisions for the establishment of 'Special Courts' and also the appointment of 'Special Public Prosecutors' to enable speedy disposal of cases under the Act. The preamble of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 provides for 'setting up of special courts for the trial of offences under the Act'. The primary object of this provision is to ensure that the trial of cases is held expeditiously and quickly. As the disposal by trial of such cases in normal course may mean inordinate delay, it was considered necessary to establish special courts. Section 14 of the Act states that for the purpose of providing for speedy trial, the State Government shall, with the concurrence of 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. Under this Act therefore, special courts have to be set up and it is a mandatory direction of the law that the trial of offences under this Act are conducted by special courts. These Notifications have been issued in concurrence with the Chief Justices of respective States as required under the Act.

2. The Government of various States have notified the courts of Sessions Judges in each of the district as the

special court for the respective district. However Government of Andhra Pradesh have set up three special courts exclusively for such offences as provided under the Act at Guntur, Chittoor and Mahbubnagar. Likewise Government of Rajasthan has set up ten exclusive special courts at Alwar, Pali, Pratapgarh, Jaipur, Ajmer, Udaipur, Jodhpur, Kota, Bikaner and Metra.

3. The State Governments of Arunachal Pradesh, Mizoram and Nagaland have not specified any special Court as the atrocity cases reported in these states are negligible.

Statewise details are furnished at Annexure VI

#### SPECIAL PUBLIC PROSECUTORS

4. Section 15 of the Act dealing with Special Public Prosecutor provides that for every special court, the State Government shall, by notification in the Official Gazette, 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 the court.

5. In pursuance of the above provision, Special Public Prosecutors have been specified by the State Governments for the purpose of conducting cases in the special courts.



## CHAPTER-V

### RELIEF AND REHABILITATION

The preamble of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 clearly mentions that relief and rehabilitation will be provided to the victims of offences under the Act. Sec. 21(2)(iii) also provides that the State Govt. shall take such measures as may be necessary for the effective implementation of the Act and one of such measures as referred to above is the provision for the economic and social rehabilitation to the victims of atrocities. Most of the States have formulated scheme for providing monetary relief to the victims of atrocities. Barring a few exceptions, the general scale of monetary relief which does not seem to be commensurate with intensity of this offence committed, provided by the State Governments is as given below :—

| Sl. No. | Nature of Crime                                                                                                                                                                | Quantum of Relief/ Compensation suggested                                                                                   |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 1.      | Death per person killed in a family (whether earning or non-earning member of family)                                                                                          | Rs. 10,000/-                                                                                                                |
| 2.      | Permanent incapacitation per member in a family                                                                                                                                | Rs. 10,000                                                                                                                  |
| 3.      | Temporary incapacitation                                                                                                                                                       | Rs. 2,000/-                                                                                                                 |
| 4.      | Grievous hurt short of incapacitation                                                                                                                                          | Rs. 1,000/-                                                                                                                 |
| 5.      | Rape                                                                                                                                                                           | Rs. 5,000/-                                                                                                                 |
| 6.      | Loss of house                                                                                                                                                                  | Rs. 2,000/-                                                                                                                 |
| 7.      | Loss of immovable property                                                                                                                                                     | Rs. 2,000/-                                                                                                                 |
| 8.      | Loss of earning assets like a vehicle, a boat or cattle etc.                                                                                                                   | Rs. 2,000/- pending expenditures payment of the actual cost of replacement.                                                 |
| 9.      | for loss of movable property such as grains, clothes and other house-hold effects.                                                                                             | Rs. 2,000/-                                                                                                                 |
| 10.     | Damage to irrigation well, drinking water well, tubewell, electric motors, electric fittings and fruit bearing trees in the ownership of the victims to be assessed separately | The amount of compensation should be equal to the actual loss as assessed. (An immediate grant of Rs. 500/- should be made) |

2. The upward revision in the scale of monetary relief given by a few States are as under :—

#### GUJARAT

| Sl. No. | Nature of Crime                                                        | Quantum of relief (Amount in Rupees)                                                                                                                             |
|---------|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.      | Murder                                                                 | Rs. 1,00,000/-<br>(Rs. 60,000/- is deposited in the post office Monthly Income Deposit Scheme and Rs. 40,000/- is paid in cash to the legal heir of the victim). |
| 2.      | Permanent disability                                                   | Rs. 25,000/-                                                                                                                                                     |
| 3.      | Temporary disability                                                   | Rs. 5,000/-                                                                                                                                                      |
| 4.      | Serious injury                                                         | Rs. 5,000/-                                                                                                                                                      |
| 5.      | Rape                                                                   | Rs. 10,000/-                                                                                                                                                     |
| 6.      | Loss of house                                                          | Amount equal to actual loss limited to Rs. 15,000/-.                                                                                                             |
| 7.      | Loss of immovable property                                             | Rs. 5,000/-                                                                                                                                                      |
| 8.      | Loss of income generating property such as cattle, boat, vehicles etc. | Rs. 10,000/-                                                                                                                                                     |
| 9.      | Loss of movable property                                               | Rs. 5,000/-                                                                                                                                                      |
| 10.     | Irrigation Wells etc.                                                  | An amount equivalent to actual damage.                                                                                                                           |

#### KERALA

|    |                                                                                                                  |              |
|----|------------------------------------------------------------------------------------------------------------------|--------------|
| 1. | Financial assistance given to the victims or dependents of victims in case of permanent incapacitation or death. | Rs. 25,000/- |
| 2. | Financial assistance given in case of loss of house.                                                             | Rs. 10,000/- |

## CHAPTER-VI

### MEASURES TAKEN BY GOVERNMENT OF INDIA

#### GENERAL

The great concern and commitment of the Central Government to the cause of socio-economic development of Scheduled Castes and Tribes who form a sizeable part of our population (as per-1991 Census, SCs—16.48% and STs—8.08% of the total population) have been reflected in the various measures taken by the Govt. Considerable effort has already been made for the development of Scheduled Castes and Scheduled Tribes through the strategy of Special Component Plan for Scheduled Castes and Tribal Sub-Plan combined with Special Central Assistance evolved and adopted for the purpose and the efforts of the SCs and STs Finance and Development Corporations.

2. The Central Government have simultaneously given serious thought to the causes leading to commission of crimes against the Scheduled Castes and Scheduled Tribes. There is a clear and close nexus between the economic condition of the Scheduled Castes on the one hand and the crimes, atrocities and the social and civil disabilities to which they are subjected to on the other. Atrocities on the Scheduled Tribes are committed mostly on account of socio-economic reasons, emanating from alienation of tribal lands, money lending, liquor vending, forestry and bonded labour.

#### 3. GUIDELINES BY THE CENTRE TO THE STATES/UTs

##### (a) GUIDELINES ISSUED IN 1980

Guidelines dealing with precautionary, preventive, punitive and rehabilitative measures to effectively deal with these crimes or situations were issued to the State Governments and Union Territory Administrations vide the then Union Home Minister's D.O. letter dt. 10th March, 1980, addressed to the Chief Ministers/Governors, etc. The then Home Minister advised the State Governments to ensure deterrent punishment for the offenders committing crime against SCs and STs. Another important aspect is that of providing relief and rehabilitation to the surviving families of the victims. State Governments were also advised to see whether the SCs and STs are adequately represented in the police force at all levels. The State Governments were asked to hold meetings periodically at different levels to review various aspects, such as, preventive precautionary, punitive and rehabilitative measures.

In his letter of 6-9-1980, the then Union Home Minister again drew the attention of Chief Ministers and requested them to consider posting a SC or ST officer in one of the posts of District Magistrate, Senior Superintendent of Police, Superintendent of Police, Sub-Divisional Magistrate and Sub-Divisional Police

Officer. In sensitive localities, they could also be posted as Station House Officers.

##### (b) GUIDELINES ISSUED IN 1985

The problem of crimes against Scheduled Castes and Scheduled Tribes was again examined on the basis of experiences gained so far about the implementation of those guidelines and their impact on the crimes. Revised guidelines were, therefore, formulated and conveyed to the State Govts. and Union Territory Administrations vide the then Union Home Minister's D.O. letter No. III.11011/4/85-PCR (Desk), dated the 15th April, 1985, addressed to the Chief Ministers Governors. The then Union Home Minister requested the State Governments to set up adequate machinery for enforcing the implementation of the Minimum Wages Act and take precautionary and preventive measures, such as, identify sensitive villages and scotch the evil before it explodes into a serious crime and review the arms licences granted to persons in such areas. The punitive measures may include action against people who have master-minded the crime, stationing of Special Police Pickets in areas where serious crimes have occurred, intervention by police in instances of criminal trespass into the lands belonging to SC and ST, ensure registration of complaints by police, prompt investigation and successful prosecution and setting up of Special Police Stations.

The States were also advised that in serious cases of offences, the investigating officer should not be below the level of Inspector of Police. Special Public Prosecutors should be earmarked to deal exclusively with cases of crimes against SCs. Special courts would be effective only if they are mobile. State Governments were also requested to seek financial assistance from the Central Government for meeting the cost of travelling allowances of the witnesses appearing in the courts for loss of their wages.

The guidelines also suggested that in all cases of serious crimes, the District Magistrate and the Superintendent of Police should invariably visit the spot of crime immediately, possibly within twenty-four hours of the occurrence, supervise the action for the apprehension of culprits and measures of relief and rehabilitation of the victims and take such other steps as may be necessary to instil a sense of security and confidence amongst the members of SCs in the area and fear of law in the minds of perpetrators and potential offenders of such crimes.

It has also been desired that efforts should be made to see that relief and rehabilitation and compensation etc. are provided expeditiously. Further, the District Magistrates and Superintendents of Police are to be made responsible for fully achieving the objectives set forth above.

### (c) GUIDELINES ISSUED IN 1987

As the number of cases of rape on Scheduled Caste/Scheduled tribe women were on the increase, a number of suggestions to put an end to this menace were considered. One of the suggestions in this connection was that in case of rape of SC/ST, even if no formal complaint is made by the victims, in case Government officers come to know of such incidents, immediate action to lodge the FIR should be taken, suo-moto, as provided for in the Criminal Procedure Code and the offenders arrested within 24 hours if they could be identified or were mentioned by name. A part of the compensation could also be given as ad hoc payment in serious cases, particularly, in cases of death or rape immediately after preparation of the chargesheet. The then Welfare Minister also wrote in detail to the Chief Ministers of States/UTs on 20-8-1987 in this regard.

### RECOMMENDATIONS OF THE WORKING GROUP ON DEVELOPMENT AND WELFARE OF SCHEDULED CASTES DURING EIGHTH FIVE YEAR PLAN (1990-95)

4. The Working Group on development of Scheduled Castes set up for VIII Five Year Plan, in its report submitted in August 1990, recommended that District Magistrates/Collectors should be made responsible for any atrocity on Scheduled Castes or violation of PCR and other relevant Acts in districts; and existing levels of relief in various States being very low, it is suggested that it is necessary to review these norms for upwards revision. Besides, there could be a suitable insurance cover for the SC victims of crimes and atrocities (Chapter VI p 75).

### RECOMMENDATIONS OF THE NATIONAL COMMITTEE FOR BIRTH CENTENARY CELEBRATIONS OF BABA SAHEB DR. B. R. AMBEDKAR

5. The Sub-Committee on Prevention of Atrocities and legislation met on 17-11-1990 and 8-2-1991 and recommended the following :

- (1) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 should be amended, inserting a provision so that the burden of proof lies on the accused.
- (2) Whenever, a person is convicted under the PCR Act or the Prevention of Atrocities Act, he should be debarred from contesting any elective post for a specific period of time.
- (3) A system of recording oral FIRs should be evolved.
- (4) Investigation and trial of cases should be completed within a maximum period of three months.
- (5) In police stations, at least 25% of police officials and staff should belong to SC/ST.

- (6) There should be provision of arms to SCs and STs on the pattern of village Defence Scheme of Uttar Pradesh.
- (7) Special police force comprising members other than upper caste Hindus should be established for the protection of Dalits.
- (8) Separate arrangements for providing legal aid to SCs and STs may be made and legal aid committees co-opting SC/ST youth may be formed.

### RECOMMENDATIONS MADE IN THE CONFERENCE OF CHIEF MINISTERS HELD AT NEW DELHI ON OCTOBER 4-5, 1991.

6. It was agreed in the Chief Ministers' Conference on the prevention of atrocities on SCs and STs held at New Delhi on October 4-5, 1991 that in the posting of officers to important positions, those belonging to SC and ST should receive adequate attention. The State Government would identify areas where incidence of atrocities has been found to be higher and which were more atrocity-prone and will take administrative measures to counter the atrocities, as under :

- (a) Distribution of ceiling surplus land among SC and ST should be completed by 31-3-1992.
- (b) In sensitive districts which have past history of large scale atrocities against SC/ST, an existing post of Additional District Magistrate may be designated, as exclusively in-charge of matters pertaining to SC/ST. In suitable cases, even full-time post of ADM may be created.
- (c) Whenever an incident of atrocity takes place, the local officers must be made responsible to visit the place of crime at the earliest and start legal process expeditiously. Senior officers such as Deputy Superintendents of Police should also personally pay visits in cases of serious atrocities within 24 hours to 48 hours of the occurrence of such incidents.
- (d) A vigilance and monitoring committee with District Magistrate as Chairman should be set up for ensuring effective investigation, follow up action and for ensuring that cases are brought up before the Court.
- (e) Special investigation cells may be created at circle/district level for ensuring speedy investigation of cases.
- (f) Government should pursue the cases in the courts diligently.
- (g) State Governments should make efforts for disposal of cases related to land disputes, and
- (h) A separate panel of prosecutors may be appointed for taking up such cases.

**RECOMMENDATIONS OF THE CONFERENCE OF WELFARE MINISTERS OF KERALA, KARNATAKA, TAMIL NADU, ANDHRA PRADESH AND PONDICHERRY HELD AT THIRUVANANTHAPURAM ON AUGUST 28-29, 1992.**

7. The Ministries in-charge of Welfare, of Southern States, in a conference, discussed the issue of atrocities on SCs and STs and made following main recommendations :

- (a) All atrocity cases should be decided by Special Courts within 6 months to one year.
- (b) Cases of acquittals and cases in which accused get minor punishment should be seriously examined.
- (c) Exclusive special courts may be set up in each state.
- (d) A Special Appellate Court may be set up at Delhi.

**RECOMMENDATIONS OF THE CONFERENCE OF MINISTERS AND SECRETARIES INCHARGE OF WELFARE OF STATES AND UTs AND MAYORS OF MUNICIPAL CORPORATIONS HELD AT NEW DELHI ON SEPTEMBER 18-19, 1992.**

8. Following major recommendations were made in the conference pertaining to atrocities on SCs and STs :

- (a) Role of NGOs should be recognised and encouraged to spread the message of communal harmony.
- (b) Special courts should be set up by each State.
- (c) Officers of the level of Joint District Magistrates should be posted exclusively in areas which are atrocity prone.
- (d) Disposal of cases should be within six months.

- (e) Investigations should be taken up not only by local officers but by officers drawn from other districts.
- (f) Schemes should be drawn up for total development of atrocity prone area.
- (g) Rehabilitation grant to victims of atrocity should contain a package of Rs. one lakh and provision of job to each family where a person dies, Rs. 50,000 per family in case of grievous injuries, free medical aid, reconstruction of damaged/burnt house, admission of children in the residential schools and provision of food ration for three months.

**RECOMMENDATIONS OF THE CONFERENCE OF MINISTERS AND SECRETARIES INCHARGE OF WELFARE OF THE STATES OF GUJARAT, GOA, MADHYA PRADESH, MAHARASHTRA, RAJASTHAN AND UT OF DAMAN & DIU HELD AT BOMBAY ON SEPTEMBER 24-25, 1992.**

9. It was recommended in the Conference that SC and ST persons should be given fire-arms to protect themselves from atrocities being committed on them. The FIR or a dying declaration should be admitted as sufficient evidence in atrocity cases.

**SETTING UP ATROCITY CONTROL ROOM IN THE MINISTRY OF WELFARE.**

10. Ministry of Welfare set up a "Atrocity Control Room" on 15-10-1991 to monitor the cases of untouchability and atrocities and to obtain information speedily about the atrocities against SCs and STs. Details of major crimes like murder, grievous hurt, rape, arson and group violence are closely monitored. The Ministry also receives information from States/UTs about registration of cases, investigation, visit by officers to the spot, and steps taken for providing complete relief and rehabilitation to the victims of such offences.

11. Thus it is placed on record that the Ministry of Welfare has made untiring efforts to make the implementation of SC&ST (Prevention of Atrocities) Act, 1989 effective.



## CHAPTER VII

### MEASURES TAKEN BY VARIOUS STATE GOVERNMENTS/UT ADMINISTRATIONS

Section 21 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 requires that the State Governments/UT Administrations should take such measures as may be necessary for ensuring effective implementation of the Act. These include :

- (i) the provision for adequate facilities, including legal aid, to the persons subjected to atrocities to enable them to avail themselves of justice;
- (ii) the provision for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under this Act;
- (iii) the provision for the economic and social rehabilitation of the victims of the atrocities;
- (iv) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;
- (v) the setting up of Committees at such appropriate levels as the State Government may think fit to assist the Government in formulation or implementation of such measures;
- (vi) the provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provisions of this Act; and
- (vii) the identification of the areas where the members of the Scheduled Castes and the Scheduled Tribes are likely to be subjected to atrocities and adoption of such measures so as to ensure safety for such members.

Details of measures taken under each item are discussed here under :—

#### LEGAL AID :

2. Under the Legal aid scheme, in Madhya Pradesh State a legislation known as "Madhya Pradesh Samaj Ke Kamjor Vargon Ke Lie Vidhik Sahayata Tatha Vidhik Salah Adhinyam, 1976" has been in force since 1976. In Orissa Legal aid committees at the District level under the chairmanship of District & Sessions Judges have been authorised to sanction financial assistance to the needy Scheduled Castes and Scheduled Tribes. In Rajasthan Legal assistance to the victims of atrocities is provided without considering their income limit. As regards Pondicherry free legal aid is provided to those people who are subjected to any disability arising out of untouchability.

#### ADMINISTRATIVE MACHINERY (POLICE CELLS/SPECIAL CELLS).

3. (1) Bihar : A Harijan Cell has been functioning in Home (Police) Deptt. under an officer of the rank of Dy. Inspector General of Police.

(2) Gujarat : A Special Cell has been created in the Directorate of Social Welfare to look after the cases of atrocities.

(3) Karnataka : A Special Cell called "Civil Rights Enforcement Cell" is already working in the State for the purpose.

(4) Kerala : A PCR Cell under DIG is dealing with matters relating to the Act.

(5) Madhya Pradesh : A Special Cell (Harijan Kalyan) under IGP in the Police Headquarters is looking after atrocity cases.

(6) Punjab : Special Cell in Police Deptt. has been set up to look into the cases of atrocities.

(7) Uttar Pradesh : Special Investigation Cell has already been functioning in the State which looks after the Act. A Harijan Cell under the S.P. of the Dist. had been set up in 1977 in every District to deal with cases of atrocities.

(8) West Bengal : An exclusive Cell in the State Central Investigation Deptt. (CID) has been set up for monitoring atrocity cases.

(9) Pondicherry : PCR Cell functioning in the three regions viz. Pondicherry, Karaikal and Yanam is registering cases under the Act.

#### COMMITTEES :

4. (1) Bihar : A Committee under the Chief Minister has been constituted to review the progress of various schemes meant for Scheduled Castes and Scheduled Tribes.

(2) Haryana : A State level Cell under the chairmanship of Chief Minister has been constituted.

(3) Gujarat : A High Level Committee has been set up under the chairmanship of the Chief Minister at the State level for effective implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(4) Karnataka : A committee has been set up under Commissioner and Secretary to Govt. in Home Deptt. as its chairman.

(5) Madhya Pradesh : Committees at State and District level have been set up to advise the State on matters relating to implementation of the Act.

(6) Punjab : Standing Committee consisting of Home Secretary, Secretary, Social Welfare and Inspector General (Internal Vigilance) has been set up to deal effectively the problems of Scheduled Castes.

(7) Pondicherry : State level committee for the welfare of Scheduled Castes has been constituted with the Minister in-charge of Scheduled Castes Welfare as chairman.

#### IDENTIFICATION OF ATROCITY PRONE AREA :

5. A list of 69 districts in various states identified as sensitive from the point of view of crimes against scheduled castes is furnished at Annexure VII.

#### PUBLICITY TO THE ACT :

6. (1) Andhra Pradesh : Copies of the Act were forwarded to all the Commissioners of Police, Supdt. of Police and Supdt. of Railways for implementation of the Act. Copies of the Act were also sent to the Head of Police Training Institution in the State and to the Director, Sardar Vallabh Bhai Patel National Police Academy, Hyderabad. Training courses were also conducted on the Act.

(2) Gujarat : Gujarati version of the Act was circulated among various Govt. offices.

(3) Himachal Pradesh : Deputy Commissioners were asked to make arrangements for publicising the provisions of the Act from Dist. to Panchayat level.

(4) Karnataka : Copies of the Act were got printed and distributed to all the police officers (from Police Station level to DGP) and also to the prosecuting agency.

(5) Maharashtra : Copies of the Act already circulated to all Supdts., Dy. Supdts. and all PCR Units in the State.

(6) Orissa : Wide publicity has been given to the provisions of the Act.

(7) Rajasthan : Instructions have been issued to all concerned officers to implement the Act effectively.

(8) Tamil Nadu : All the Superintendents of Police in the Districts have been instructed to take necessary action under the Act.

(9) Tripura : Copies of the Act have been circulated to the level of Police Stations with instructions to take prompt action on such incidents.

(10) Uttar Pradesh : Booklets of the Act translated into Hindi have been made available to Police Stations and Police officers of all the Districts of the State.

A handbook consisting of instructions and other measures in Hindi has also been made available to all the District officers.

(11) Delhi : Contents of the Act have been brought to the notice of all the S.D.P.Os & S.H.Os for necessary action.

#### STATE-WISE MEASURES TAKEN UNDER SECTION 21

7. The State-wise details about the measures taken by the State Governments/U.T. Administrations towards implementation of the Act during 1990 are given in the following pages.

##### ANDHRA PRADESH

8. The State Government of Andhra Pradesh has forwarded copies of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 alongwith a note on the objectives, reasons and salient features of the enactment to all the Commissioners of Police, Superintendents of Police and the Superintendents of Railway Police for the implementation of the provisions of the Act. The State Government has also sent copies of the enactment to all the Heads of Police Training Institutions in the State and to the Director, Sardar Vallabh Bhai Patel National Police Academy, Hyderabad for including it in their syllabus.

The Director, A.P. Police Academy has been advised by the State Government to organise short Training Courses of one week duration for the staff of PCR Cell, C.I.D. Hyderabad to educate them mainly regarding provisions of the Act.

##### BIHAR

9. (1) For the effective implementation of various provisions of the Act, the State Government of Bihar has set up a State level committee with the Chief Minister as Chairman for regularly monitoring and analysing major cases of atrocities.

(2) Government of Bihar has appointed Special Prosecutors for each District to deal with the cases arising under the Act. It has entrusted the task of undertaking survey work in atrocity prone areas to Anugrah Narayan Sinha Social Study Research Institute at Patna. A Police Cell under DIG has been set up to register atrocity cases. The State Government has also specified the senior most Additional Sessions Judge of each District as Special Court to try offences under the Act.

(3) MONETARY RELIEF :—State Government of Bihar is implementing a scheme of giving financial assistance to the victims of atrocities as detailed below :

|                                                                            |              |
|----------------------------------------------------------------------------|--------------|
| (i) Murder                                                                 | Rs. 10,000/- |
| (ii) Permanent Incapacitation                                              | Rs. 5,000/-  |
| (iii) Temporary incapacitation                                             | Rs. 1,000/-  |
| (iv) Grievous Hurt                                                         | Rs. 500/-    |
| (v) Rape                                                                   | Rs. 2,000/-  |
| (vi) House : (a) Full destruction                                          | Rs. 2,000/-  |
| (b) Partly destruction                                                     | Rs. 1,000/-  |
| (vii) Loss of earning assets like vehicle, boat or Cattle                  | Rs. 1,000/-  |
| (viii) Loss of movable property such as grains, clothes, house-hold goods. | Rs. 500/-    |
| (ix) Damage to irrigation system of drinking water, etc.                   | Rs. 500/-    |



## GOA

**10. MONETARY RELIEF TO VICTIMS OF ATROCITIES :—**The State Government of Goa is implementing a scheme of giving financial assistance to the victims of atrocities as detailed below :—

- |                                                                                                                                                     |                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| (i) For each person killed in a family (whether earning or non-earning member of the family).                                                       | Rs. 10,000/-                                                                             |
| (ii) Permanent incapacitation per each member of a family                                                                                           | Rs. 10,000/-                                                                             |
| (iii) Temporary incapacitation each member in a family.                                                                                             | Rs. 2,000/-                                                                              |
| (iv) Grievous hurt per person                                                                                                                       | Rs. 1,000/-                                                                              |
| (v) Rape                                                                                                                                            | Rs. 5,000/-                                                                              |
| (vi) Destruction of brick-built house/hut/thatched shed.                                                                                            | Rs. 3,000/- on estimated cost whichever is less.                                         |
| (vii) Loss of immovable property                                                                                                                    | Rs. 2,000/-                                                                              |
| (viii) Loss of earning assets like vehicle a boat or cattle etc.                                                                                    | Rs. 2,000/-<br>Pending expeditious payment of actual cost of replacement.                |
| (ix) For loss of movable property such as grains, clothes, household effects.                                                                       | Estimated cost of the property or Rs. 3,000/- whichever is less.                         |
| (x) Damage to irrigation well, drinking water well, tube well, electric motors, electric fittings and fruit bearing trees belonging to the victims. | The amount of compensation should be equal to the loss or Rs. 3,000/- whichever is less. |
| (xi) Held to the surviving children of Scheduled Caste family where the money earning member has been killed.                                       |                                                                                          |
| (a) below 12 years                                                                                                                                  | Rs. 2 per head per day for food.                                                         |
| (b) above 12 years but below 21 years                                                                                                               | Rs. 4 per head per day for food.                                                         |

Programme of economic rehabilitation of victims of atrocities include assistance of two sets of dresses per head per year to the children of the victims of atrocities, supply of books and note books, etc. required by the children for continuing their studies and free boarding and lodging upto higher secondary stage of education.

Scheme of their social rehabilitation comprise the following :

- (i) The house damaged by arson or otherwise shall be fully rebuilt at Government cost.
- (ii) Compensation payable for the loss of cattle, etc. shall be at market value prevailed in the locality concerned.

(iii) In case the aggrieved Scheduled Castes/ Scheduled Tribes party is dispossessed of any land, the land shall be restored to the aggrieved party and adequate input and other grants shall be made to enable him to recultivate the land.

(iv) In the case of permanent incapacitation of a member of the family, provision of a job to at least one of the surviving members e.g. wife or son and payments of maintenance allowance to non-earning dependent members of the victim's family at Rs. 50/- per month per member shall be made.

(v) He will also be entitled to financial assistance for purchase of cattle, work animal etc. under the existing scheme of Govt. on top priority basis.

(vi) In the case of a victim of rape, apart from monetary compensation she shall be provided free treatment in a Government Dispensary and also with a suitable job, if necessary.

**SPECIAL COURTS :**

The State Government of Goa vide Notification No. 13-26-89-SWD dated 18-5-1990 has designated Courts of Sessions at Margao and Panaji as Special Court for trial of cases arising under the Act.

**PUBLIC PROSECUTOR :**

Similarly, Goa Government has designated and notified Public Prosecutors attached to these Courts of Sessions at Margao and Panaji to be Public Prosecutors for prosecution of cases in these Courts.

**INVESTIGATION OF CASES :**

The cases reported under this Act are investigated by the Officer in charge of the Police Station of the rank of Deputy Superintendent of Police.

**GUJARAT**

11. For effective implementation of the Act, the State Government has taken the following measures :—

**SETTING UP OF COMMITTEES :**

A High Level Committee has been constituted under the Chairmanship of the Chief Minister to review the implementation of this Act. Another Committee under the Chairmanship of the Secretary of Social Welfare and Tribal Development Department has been constituted to hold quarterly reviews of cases registered under the Act.

District Level Vigilance Committees under the Chairmanship of Collectors and Taluka Level Committees under the Chairmanship of the Mamlatdars have been formed to oversee the implementation of the provisions of the Act at lower levels.

In the Municipal Corporation areas, Committees under the Chairmanship of the Police Commissioners have been constituted for the same purpose.

## ENFORCEMENT OF THE PROVISIONS OF THE ACT :

Government in Home Department has issued instructions to all the District Magistrates, District Superintendents of Police and other Police Officials for strict and effective enforcement of this Act and to register cases promptly. The State Govt. has entrusted the responsibility to investigate cases of atrocities and to give protection to the affected persons to officers of Dy. I.G.'s rank. Police protection is provided in villages where tension prevails between Scheduled Castes/Scheduled Tribes persons on one side and non SC/ST persons on the other.

A Special Cell has been created in the Directorate of Social Welfare to look after the cases of atrocities on Scheduled Castes/Scheduled Tribes members. Vigilance squads have also been created for speedy action. The officers move in the areas assigned to them and report to local District authority to take immediate suitable action if they come across any cases where tension prevails between SC/ST and non SC/ST communities.

### SPECIAL COURTS :

The State Government has notified District Sessions Courts as Special Courts for trying offences under this Act and also specified Public Prosecutors for the purposes of conducting cases in the Special Courts.

The State Government has organised workshops on effective implementation of this Act.

### PUBLICITY OF THE ACT IN GUJARATI

Gujarati version of the Act has been prepared and circulated among various Government offices connected with the implementation of this Act. Copies have been distributed among various social workers in the State.

### MONETARY RELIEF

The State Government provides financial assistance in case of atrocities on SC/ST persons. The scale of assistance is as under :—

| Sl. No. | Type of atrocity                                                 | Scale of Financial Assistance                                        |
|---------|------------------------------------------------------------------|----------------------------------------------------------------------|
| 1.      | Murder                                                           | Rs. 1 lakh /-                                                        |
| 2.      | Permanent disability                                             | Rs. 25,000/-                                                         |
| 3.      | Temporary disability                                             | Rs. 5,000/-                                                          |
| 4.      | Serious Injury                                                   | Rs. 5,000/-                                                          |
| 5.      | Rape                                                             | Rs. 10,000/-                                                         |
| 6.      | Loss of House                                                    | Amount equal to actual loss limited to Rs. 15,000/-                  |
| 7.      | Loss of immovable property                                       | Rs. 5,000/-                                                          |
| 8.      | Loss of income generating property viz cattle boat, vehicle etc. | Rs. 10,000/-                                                         |
| 9.      | Loss of movable property                                         | Rs. 5,000/-                                                          |
| 10.     | Damage to irrigation well fruit bearing trees, etc.              | Amount equivalent to actual loss (Rs. 1000/- to be paid immediately) |

In case of social boycott and migration, an amount at the rate of Rs. 4/- per day per person is paid to such families for a maximum period upto six months.

## HARYANA

12. The State Government of Haryana has taken the following steps for effective implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 :

### SPECIAL COURT

The State Government has designated the Court of Sessions as Special Court for trial of cases under the Act.

### SPECIAL PUBLIC PROSECUTORS

State Government has appointed Public Prosecutors attached to Session's Court of each District as Special Prosecutors.

### SETTING UP OF COMMITTEES

State Government has constituted a high level Committee in the State under the Chairmanship of Chief Secretary with Secretary, Home Department, Director General of Police, etc. as members to monitor the cases of atrocities committed under Act. Similarly, for monitoring the progress of the cases at lower levels, the District level committees have been formed under the Chairmanship of the District Deputy Commissioner with Senior S.P. and M.L.A./s (representing SC/ST constituency of the District nominated as members of the Committee).

### MONETARY RELIEF

State Government has a programme to give financial assistance ranging from Rs. 500/- to Rs. 10,000/- to the victims of atrocities against Scheduled Castes and Scheduled Tribes.

## HIMACHAL PRADESH

13. The number of cases of atrocities against Scheduled Castes is very small. No cases of atrocity against members of Scheduled Tribes have been reported. Several steps to protect them against harassment, intimidation and exploitation have been taken.

### SPECIAL COURTS

Special Courts have been specified to try cases of atrocities and Public Prosecutors have been appointed for the purpose.

The Director General of Police and all the Deputy Commissioners have been instructed to take necessary steps for the enforcement of the Act. Deputy Commissioners have been asked to make arrangements for publicising the provisions of the Act right from the District level to the Panchayat level. Deputy Commissioners will also ensure that every officer, who is responsible for the enforcement of this Act, enforces it with due diligence.

## KARNATAKA

## SPECIAL COURTS

14. The State Government has in their notification No. SWL 7 SSC 90 dated 29-1-1990 specified Special Courts in all the 20 Districts, under Section 14 of the Act and also specified Public Prosecutors in all the districts in Notification No. SWL 7 SSC 90 dated 31-1-1990 under Section 15 of the Act.

## SETTING UP OF COMMITTEES

A High Level Committee consisting of the Commissioner and Secretary to Government in Home Department (Chairman) and Secretaries of DLPA, Social Welfare, and DGP as member, has been formed for regularly monitoring the investigation and prosecution of major cases of atrocities.

## PUBLICITY

Copies of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been printed and distributed to all the Police Officers in the State from the police station level upto the DGP level, and also to the prosecuting staff and other Government offices.

## KERALA

## SPECIAL COURTS

15. As per the provisions contained in the Act, each of the principal courts of all Districts of Kerala have been specified to be a Special Court to try the offences under it and Public Prosecutors of each District have been nominated as the Special Prosecutors for conducting the cases in the Special Courts vide G. O. (Rt)622/90/Home dated 20-1-1990. This is intended to remove the delay in the Prosecution of such cases. The cases registered under the Act are now being filed before the Special Courts.

## SPECIAL POLICE CELLS

The Special Cell at Police Headquarters headed by the Deputy Inspector General of Police (PCR) dealing with the matters relating to PCR Act cases also deals with the matters relating to SCs/STs (Prevention of Atrocities) Act, 1989. The monitoring of the implementation of this new Act, is also being done by the Special Mobile Squads which are functioning at Palakkad and Kasargode. The Special Cell is supervising the overall work relating to this Act and special attention is being given for the speedy investigation and disposal of each case. FIRs and Progress Reports of the cases registered under the Act are being obtained and the progress of investigation of the cases are being watched in the Special Cell and instructions are being given to the investigating Officers as and when found necessary.

Periodical meetings were conducted by the Govt. with the officials concerned to review the progress and to chalk out measures for the effective implementation of the Act.

## MADHYA PRADESH

16. The Principal Secretary of the Tribal, Harijan and Backward Classes Welfare Department, and other senior officers of his department, visited all the district head-quarters, explaining to the field officers of all departments the importance of this new Act. The Minister incharge of the Department also took keen interest in educating the political workers about the Act. Information about this Act is also being provided in the training programmes of executive officers such as Deputy Collectors, Deputy Superintendents of Police and Naib Tehsildars.

## SPECIAL COURTS

Vide notification No. F.1/2/90/XXI-B(1), dated 30-1-1990 of the Law and Legal Affairs Department of Government of Madhya Pradesh, all District and Session Courts in the State were specified to be Special Courts under section 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Similarly, vide notification No. F.1/2/9/XXI-B(II), dated 30-1-1990, the State Government specified the Public Prosecutors or in their absence, the senior-most Additional Public Prosecutors in each district to be Special Public Prosecutors for the purpose of conducting the cases in the Special Courts, as is required under section 15 of the Act.

## LEGAL AID

"Madhya Pradesh, Samaj Ke Kamjor Vargon Ke Lie Vidhik Sahayata Tatha Vidhik Salah Adhiniyam, 1976" has been in force in this State since May, 1976. Legal aid and Legal advice are provided to the members of the weaker sections of the people, including those belonging to the Scheduled Castes and the Scheduled Tribes with a view to bringing the system of justice within their reach. In practice, this is to save them from vexatious and unnecessary litigation. In the State, at the apex, there is "Madhya Pradesh, Legal Aid and Legal Advice Board" and its committees are functioning at district and tehsil levels also.

## MONETARY RELIEF

In accordance with the "Madhya Pradesh Anusuchit Jati Tatha Anusuchit Jan Jati Rahat Yojana Niyam, 1979" financial relief is immediately provided to the victims of atrocities. During the year 1990-91, financial relief to the tune of Rs. 24.54 lakhs was provided to the needy and the Scheduled Castes and Scheduled Tribes victims of atrocities.

## APPOINTMENT OF OFFICERS

For supervising registration, investigation and channelling of the cases of atrocities against members of the Scheduled Castes and the Scheduled Tribes, there is a set up under the Inspector General of Police (Harijan Kalyan) in the Police Headquarters, assisted by a D.I.G. and an establishment consisting of executive and ministerial staff.

The PCR Cell, which is already in existence and is functional at the State level, in the Department of



Tribal, Harijan and Backward Classes Welfare, is looking after the implementation of the Act.

#### COMMITTEES

There are Committees at the State and district levels, which advise the State Government on matters relating to implementation of provisions of this Act. The Chief Minister is the Chairman of the State Level Committee.

#### MAHARASHTRA

##### SPECIAL COURTS

17. The Law and Judiciary Department has notified and declared the Session Courts at District levels and in Bombay, the Bombay City Civil Court and the Court of Sessions for Greater Bombay as Special Courts for the cases registered under the Act. Special Public Prosecutors for conducting the cases in Special Courts have also been appointed under the provisions of the Act.

##### PUBLICITY

This Act is being included in the Police training syllabus of the Police Training Academy at Nasik. Copies of the Act have already been circulated to all Superintendents of Police, Deputy Superintendents of Police and also to all the PCR Units in the State.

#### MEGHALAYA

18. Meghalaya is predominantly a tribal State, and it does not face the situation of atrocities on the members of Scheduled Castes and Scheduled Tribes as in other parts of the country. However, Special Courts have been specified for different districts of the State and Special Public Prosecutors appointed for conducting the cases of offences if any, registered in the Special Courts as per provisions of the Act. As of now, no such cases of atrocities have been registered in the Special Courts.

#### ORISSA

##### SPECIAL COURTS

19. Under Section 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 the State Government with the concurrence of the Chief Justice of High Court (vide their Notification No. 629 dated 26-10-1990) have specified the Courts of District and Sessions Judges as Special Courts of 13 Districts to try offences under the Act. Under Section 15 of the Act the State Government have also specified the Public Prosecutor of each District as the Special Prosecutor for the purpose of conducting cases under this Act, (Vide Notification No. 16770 dated 7-11-1990).

#### ENFORCEMENT OF THE PROVISIONS OF THE ACT :

Instructions have been issued in State Government letter No. 62808 dated 15-9-90 to all the District Magistrates and to all the Districts Superintendents of Police for proper enforcement of the Act, as detailed below :—

- (a) all investigating officers must familiarise themselves with the provisions of this Act for objective and effective implementation of the Act,
- (b) the S.Ps should arrange for training programme for all concerned police officers,
- (c) the Government servants should acquaint themselves with the provision of the Section 4 of the Act, read with Section 21 of the I.P.C.,
- (d) authorities concerned have been requested to give wide publicity of the offences of atrocities under the provisions of the Section 3 of the Act through public relation wing school teachers and gram panchayats. The State level authority under the H. & T.W. Deptt. oversees the proper implementation of the provisions of the Act.
- (e) the legal aid committees at the District level under the Chairmanship of District and Sessions Judges have been authorised to sanction financial assistance to the needy Scheduled Castes and Scheduled Tribes members involved in litigation.
- (f) the police officers have been requested to register all atrocity cases and not to harass any complainant.

#### PUNJAB

##### SPECIAL COURTS

20. The State Government have specified for each district the court of the senior most Additional Sessions Judge to be a Special Court to try offences under the Act. State Public Prosecutors have been specified as Special Public Prosecutors for the purpose of conducting cases in the Special Courts of the districts of their respective jurisdiction.

##### SETTING UP OF A STANDING COMMITTEE

The State Government has set up a Standing Committee comprising (a) Home Secretary (b) Secretary Social Welfare and (c) Inspector General (Internal Vigilance) to deal effectively with the problems of Scheduled Castes in the State. The Standing Committee which will meet every month, has been assigned the following functions :—

- (i) to review the work of monitoring the progress of cases, registered with the police, of atrocities against Scheduled Castes.

- (ii) to take cognizance of cases of forcible/ unauthorised dispossession of Scheduled Castes from their lands and houses and decide about remedial measures for their rehabilitation.
- (iii) to review every month the position regarding allotment of surplus land to Scheduled Castes with reference to their possession and dispossession of the surplus land, and
- (iv) to review any fresh case of atrocities against Scheduled Castes, which is reported in the press or may otherwise, come to the notice of the State Government, and to ensure necessary remedial action at Government level.

#### SPECIAL CELL IN THE POLICE DEPARTMENT

State Government has set up a Special Cell in the Police Department to look into cases of atrocities against Scheduled Castes under the overall charge of Inspector General (Internal Vigilance).

#### RAJASTHAN

21. The Government of Rajasthan has taken several measures for effective implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

#### SPECIAL COURTS :

Under Section 14 of the Act, the State Government has constituted Ten Special Courts for expeditious disposal of atrocity cases on Scheduled Castes and Scheduled Tribes, at Jaipur, Jodhpur, Udaipur, Ajmer, Kota, Alwar, Merta Pali, Pratapgarh and Bikaner. Existing District and Session Courts have been specified as Special Courts for District of Banaswada, Balotara (Barmer), Bundi, Churu, Dungarpur, Ganganagar, Jhalawar, Jalor, Jhunjhunu, Nagour, Sawai Madhopur, Sirohi, Tonk, Dholpur and Sikar.

Under Section 15 of the Act the State Government has specified the Public Prosecutors for purpose of conducting cases under the Act. Public Prosecutors have been attached to the Courts of Sessions of District Alwar, Bhilwara, Banswara, Balotara (Barmer), Bundi, Bharatpur, Pratapgarh (Chittor), Churu, Dungarpur, Dholpur, Ganganagar, Sikar, Sirohi, Sawai Madhopur and Tonk. In addition, in Jaipur (city), Jodhpur, Udaipur, Ajmer, Kota and Bikaner for the purpose of conducting cases under the Act, Special Public Prosecutors have also been appointed.

#### LEGAL AID

Legal assistance to the victims of atrocities of the members of Scheduled Castes and Scheduled Tribes is provided without considering their income limit.

#### MONETARY RELIEF

Relief is provided to the victims of atrocities as under :—

|                                                   | In Rupees |
|---------------------------------------------------|-----------|
| 1. Murder                                         | 10,000    |
| 2. Permanent disability                           | 10,000    |
| 3. Temporary disability                           | 2,000     |
| 4. Destruction of Pucca Houses                    | 2,000     |
| 5. Rape                                           | 5,000     |
| 6. Loss of agriculture and other kind of property | 2,000     |

#### PUBLICITY

The State Government of Rajasthan has issued necessary instructions to all concerned officers to implement the Act effectively. During the Special Revenue drive on 18-4-1990, the Chief Minister reviewed the implementation of this Act and took a decision that the land belonging to Scheduled Castes and Scheduled Tribes acquired by others should be restored to them.

#### SIKKIM

22. The Act has been enforced in the State w.e.f. 30th January, 1990.

#### TAMIL NADU

#### SPECIAL COURTS

23. The Government of Tamil Nadu have empowered the existing Sessions Courts as Special (Sessions) Courts as per G.O. Ms. No. 219, Home (Courts B) dated 29-1-1990 and also ordered the Public Prosecutors of the Sessions Courts to act as the Special Public Prosecutors as per G.O. Ms. No. 221, Home (Courts B) Department dated 29-1-1990 for the purpose of conducting cases in the Special Courts.

#### ENFORCEMENT OF THE PROVISIONS OF THE ACT

All the Superintendents of Police in the Districts have been instructed to take necessary action under the Act. All the Sub-Inspectors and PCR Units are required to take action as per the provisions of the Act.

#### TRIPURA

#### PUBLICITY

24. Copies of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been circulated to the level of Police Stations with instructions to take prompt action on such incidents.

#### SPECIAL COURTS

The Court of the District and Sessions Judge of each District has been specified as Special Court for



the purpose of this Act and the Public Prosecutor of each District has been Specified as Special Public Prosecutors for conducting cases under this Act in the Special Court.

#### **MONETARY RELIEF**

The District Magistrate and Collector of each District has been assigned the duty of proposing for extending financial assistance from Tripura Scheduled Castes and Scheduled Tribes Co-operative Development Corporation Ltd. for the rehabilitation of victims of atrocities.

However, it has been informed by the State Government that Tripura State is free from the incidence of atrocities on the Scheduled Castes and Scheduled Tribes at the hands of non Scheduled Castes and non Scheduled Tribes.

#### **UTTAR PRADESH**

##### **SPECIAL CELLS**

25. Special Investigation Cell set up in the State of Uttar Pradesh in the year 1973 to deal with Protection of Civil Rights Act, 1955 functioning under an Inspector General of Police also looks after the work of implementation of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. In this Cell, besides one I.G., there are 1 D.I.G., 2 Superintendents of Police and 9 Deputy S.Ps. All officers in the Cell study the problems of Scheduled Castes and Scheduled Tribes, examine the representations received from them, analyse the causes of atrocities against Scheduled Castes and Scheduled Tribes and make suggestions to the Government for effectively dealing with the problem.

As per directive of Central Government, the State Government had, in 1977, established a Harijan Cell in every District and 6 G.R.P. Sub-Divisions to deal with cases of atrocities against Scheduled Castes and Scheduled Tribes. This Cell is functioning under the District S.P. with the staff of one D.S.P., Inspector, one Head constable and 2 constables. The work of implementation of provisions of the new enactment is also being done through this cell (Harijan Cell).

##### **ENFORCEMENT OF THE PROVISIONS OF THE ACT**

(a) All the District officers of Police have been instructed through radiograms, D.O. letters and Hindi Translation of the Act that they should study the problems regarding proper registration, examination and analysis of crime cases in their respective charges. For effective implementation of the provisions of the new enactment, a hand book consisting of instructions and other measures in Hindi has been made available to all the District Officers.

(b) Booklets of the Act translated into Hindi have been made available to Police Stations and Police officers of all the Districts of the States.

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(c) During the visit of officers from Special Investigating Cell to the Districts, they have apprised all the officers and staff in the districts about the rigorous provisions of this enactment and conveyed the significance of this progressive social legislation.

#### **SPECIAL COURTS**

Vide Notification No. 44/2/Seven-A/N/124/89 dated 30th January, 1990 State Government of Uttar Pradesh has appointed Special Public Prosecutor (crimes) Government pleader (criminal) in the Hilly Districts and Assistant Government pleader in the plain districts. For disposal of cases, Govt. has appointed vide their Notification No. 44 Seven/AN-124/89 dated 30th January, 1990 for Hilly District, District Magistrate and for Plain Districts Second Additional Session Judge for conducting such crime cases.

#### **WEST BENGAL**

##### **NO ATROCITY PRONE AREA :**

26. Caste antagonism is not prevalent in the State of West Bengal. There is no evidence of organised violence against the members of the Scheduled Castes and the Scheduled Tribes or other weaker sections of the society. There is no area prone to atrocities on Scheduled Castes/Scheduled Tribes in this State. Although there have been some instances of crimes against the Scheduled Castes/Scheduled Tribes but these are stray cases without any caste dimensions. Though the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 came into force on & from 30-1-1990, no case was registered in the State during the year 1990 under the said Act.

##### **SPECIAL COURTS**

The State Govt. is sensitive to the need for thorough investigation and expeditious trial, with this end in view, the State Govt. have specified 17 Special Courts and Special Public Prosecutors in the districts. Simultaneously the District Police authorities have been instructed to expedite investigation and trial of all cases of atrocities against Scheduled Castes and Scheduled Tribes on priority basis.

##### **SPECIAL CELL**

The State Govt. have also institutionalised the monitoring mechanism in this regard by setting up an exclusive cell in the State Central Investigation Department.

#### **ANDAMAN & NICOBAR ISLANDS**

27. There are no recognised Scheduled Castes in Andaman and Nicobar Islands and hence question of atrocities on them does not arise. As regards the Scheduled Tribes, necessary notifications specifying the Sessions Court, A & N Islands, as Special Court to try offences against the Scheduled Tribes and the Public Prosecutor, A & N Administration, as Special Public Prosecutor for conducting cases, were issued

by the U. T. Administration on 4-9-1990, as per the provisions under Section 14 and Section 15 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

No offences were committed against the members of Scheduled Tribes by non-Scheduled Tribes during the calendar year 1990.

#### CHANDIGARH

28. The Court of the Additional Session Judge, Chandigarh has been specified as Special Court to try the offences vide notification No. 56/9/3-FII(14)-90/937 dated 30-1-1990 and the District Attorney, Chandigarh as Special Public Prosecutor for the purpose of conducting cases in the Special Court vide notification No. 56/9/3-FII (14)-90/932 dated 30-1-1990 under Section 14 and 15, respectively, of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. In view of the negligible cases of atrocities in the Union Territory of Chandigarh, the Administration has not proposed any action under Section 9, 17 and 21(2) of the Act.

#### DAMAN & DIU

29. The Administration of Daman & Diu has issued three notifications to enforce the provisions of Sub-Sections 9, 14 and 15 of the said Act on 16th June, 1990. All these notifications have been published in the Official Gazette of this Administration dated 8-2-1991. Incidence of atrocity on Scheduled Castes and Scheduled Tribes during 1990 was reported to be NIL under the POA Act.

#### DELHI

30. The U. T. Administration has requested the Principal, P. T. S. Jharoda Kalan, Delhi to include the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in the training syllabus of Sub-Inspectors (Cadets) as well as in all promotional courses. Besides, the contents of the Act have been brought to notice of all S. D. P.Os and S.H.O.s for necessary action and to ensure effective implementation of the Act by all concerned.

In addition, all District Deputy Commissioners have been advised to utilize their monthly meetings with all S.D.P.Os/I.Os at the District Headquarters for familiarizing all Police Officers about the provision of the new Act and generate great awareness for the dignity and security of the members of Scheduled Castes and Scheduled Tribes communities.

#### LAKSHADWEEP

31. The entire local inhabitants of U. T. of Lakshadweep are classified as Scheduled Tribes. No cases of atrocities on Scheduled Castes and Scheduled Tribes have been reported so far by any of the islands in Lakshadweep. However, the following measures have been taken by the Administration for enforcing the provisions of the Act :—

- (a) The District and Sessions Court, Kozhikode in Kerala State has been designated as Special Court under Section 14 of the Act.

- (b) The Government pleaders and Asst. Public Prosecutors have been appointed as Special Public Prosecutor to appear before the Special Court as required under Section 15 of the Act.

- (c) The Executive Magistrates in all the islands have been conferred with powers for taking preventive action in case any such offence is committed or there is apprehension of any such offence as required under Section 9(1) of the Act.

#### PONDICHERRY

##### PCR CELL :

32. The PCR Cell functioning in the three regions viz. Pondicherry, Karaikal and Yanam of this Union Territory is registering cases under PCR Act, 1955 as well as the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

This Cell is functioning under the direct supervision of the superintendent of Police, PCR Cell, Pondicherry. The cases registered under this Act after completing the investigation are charge sheeted in consultation with the Director of Prosecution for effective implementation of this Act.

The members of this Cell are frequently visiting all rural and urban areas. The provisions of this Act and evils of untouchability and heinous practices are made known to the public to avoid any hardship to Scheduled Castes people.

The following measures were taken during the period under report :

- (1) Visiting Scheduled Castes habitations and educating them the need to develop and maintain cordiality with other communities.
- (2) Collecting intelligence about atrocities, torture, ill-treatment and practice of untouchability.
- (3) Collecting information about agricultural wage disputes and arranging amicable and early settlement with owner/caste Hindus.
- (4) Functioning as liaison officer between the SCs and other Government enforcement agencies during communal disturbances.
- (5) Forming mobile squads in rural areas of Pondicherry, Karaikal and Yanam.
- (6) Enquiring into the details of petitions received through Harijan associations and Director Welfare of SC/ST.
- (7) Conducting enquiries on allegations levelled by Scheduled Castes against rival communities and vice-versa.

**LEGAL AID :**

Free legal aid is provided to those people who are subjected to any disability arising out of untouchability. The complainants need not engage any lawyer to conduct their cases in court.

**APPOINTMENT OF OFFICERS FOR EXERCISING SUPERVISION OVER PROSECUTION :**

The Directorate of prosecution functioning under the Director of Prosecution is exercising effective supervision over prosecutions conducted by the Assistant Public Prosecutor.

**SETTING UP OF SPECIAL COURTS :**

The Government have vested powers on the Chief Judicial Magistrate, Pondicherry, to try the offences

under this Act, and the Chief Judicial Magistrate is trying all cases under this Act.

**SETTING UP OF COMMITTEE :**

A State level committee for the welfare of Scheduled Castes has been constituted with the Minister in charge of Scheduled Castes welfare as Chairman, and both the MPs and all the sitting M.L.As of Scheduled Castes as members.

**REGISTRATION OF CASES :**

During the year 1990, one case was reported under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

## CHAPTER VIII

### SOCIO-ECONOMIC DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES—A STEP FOR PREVENTION OF ATROCITIES

The Government of India feel that enactment of laws alone will not bring about the desired results in ameliorating the socio-economic conditions of the Scheduled Castes and Scheduled Tribes so long as they continue to remain economically dependent on the dominant communities. A lasting solution lies in their economic betterment since it is the crushing burden of poverty that renders them vulnerable to exploitation. With a view to ameliorating the situation, the strategy of Tribal Sub-Plan was introduced in the Fifth Five Year Plan and that of Special Component Plan in the Sixth Five Year Plan for Scheduled Castes.

#### SPECIAL COMPONENT PLAN FOR SCs AND TRIBAL SUB-PLAN

2. The Special Component Plan and Tribal Sub-Plan are designed to channelise the flow of outlays and resultant benefits from the general sector of the Plans of the States and the Central Ministries for the development of Scheduled Castes and Scheduled Tribes. These Plans are envisaged to help poor Scheduled Castes and Scheduled Tribes families through composite income generating schemes and are designed to cover all the major occupational groups amongst the Scheduled Castes such as agricultural labourers, small and marginal farmers, share-croppers, fishermen, sweepers and scavengers and unorganised labourers and those below the poverty line. In addition to these, the plan schemes also seek to improve their living conditions through provision of drinking water supply, link roads, house-sites, establishment of such services as primary schools, health centres, rural electrification, nutrition centres, common facility centres etc.

During 1990-91 and 1991-92, the flow of funds out of State Plan to Special Component Plan for SCs and Tribal Sub-Plan was as shown below :—

|                               | (Rs. in crores) |         |       |
|-------------------------------|-----------------|---------|-------|
|                               | State Plan      | SCP     | %     |
| <b>Special Component Plan</b> |                 |         |       |
| 1990-91                       | 23225.49        | 2377.62 | 10.23 |
| 1991-92                       | 28041.04        | 3066.37 | 10.93 |
| <b>Tribal Sub-Plan</b>        |                 |         |       |
| 1990-91                       | 20818.64        | 1991.98 | 9.57  |
| 1991-92                       | 24377.93        | 2504.64 | 10.27 |

#### 3. SPECIAL CENTRAL ASSISTANCE

As an additive to the Special Component Plans and Tribal Sub-Plans of the States/UTs, Special Central Assistance is also being provided by the Central Government. It has been stipulated therein that SCA should be used primarily for family oriented income generating schemes.

Ministry of Welfare provided Special Central Assistance to the S.C.P. and T.S.P. during 1990-91 and 1991-92 in the following manner :—

|         | (Rs. in crores) |               |
|---------|-----------------|---------------|
|         | SCA to S.C.P.   | SCA to T.S.P. |
| 1990-91 | 216.81          | 225.46        |
| 1991-92 | 228.96          | 249.83        |

#### 4. SCHEDULED CASTES DEVELOPMENT CORPORATIONS

The Scheduled Castes Development Corporations have been playing useful role in mobilizing institutional credit for the economic development of Scheduled Castes living below the poverty line. Under the margin money loan programme of the Corporation, the beneficiaries receive money at the rate of 25% of the Unit cost at a interest rate of 4%. Subsidy to a maximum limit of Rs. 5,000/- is also given.

During 1990-91 and 1991-92, Central share to the share capital was Rs. 32.18 crores and Rs. 27.46 crores respectively.

#### NSFDC

5. An apex body known as National Scheduled Castes and Tribes Finance & Development Corporation set up in 1989 has an authorised share-capital of Rs. 125 crores and its paid-up share capital is Rs. 61.67 crores entirely funded and held by the Central Government. The NSFDC has helped 1,40,472 SC&ST persons and disbursed Rs. 54.04 crores (upto December, 1992).

#### THE TRIBAL CO-OPERATIVE MARKETING DEVELOPMENT FEDERATION OF INDIA (TRIFED)

6. TRIFED set-up in 1987 for marketing items of tribal produce especially the minor forest produce



handled 12 items initially and the price offered to the tribals was higher than the price given to them earlier. From 1989-90, it has undertaken procurement of surplus agricultural produce in tribal areas. During 1990-91, and 1991-92, its total turn-over was of the order of Rs. 40 crores and Rs. 44 crores respectively.

#### OTHER PROGRAMMES

7. The approach of the Government is to develop the Scheduled Castes, Scheduled Tribes and other weaker sections and to bring them into the main stream. The Ministry of Welfare have a number of Central and Centrally sponsored Schemes aiming at educational and economic advancement of Scheduled Castes and Scheduled Tribes. The schemes include Post matric Scholarships for Scheduled Castes and Scheduled Tribes, Book Banks in Medical and Engineering courses, Coaching and Allied Scheme, Ashram

Schools, Girls and Boys Hostels for Scheduled Castes and Scheduled Tribes and Aid to voluntary organisations. There are two special schemes namely; (i) the scheme of Pre-matric Scholarship for the children of those engaged in unclean occupations and (ii) Liberation of Scavengers with a view to liberate them from the obnoxious and difficult jobs and settle them in something dignified. There are special efforts to provide succour to poor tribals by protecting their land base by implementing the regulations to check alienation of their lands. With a view to helping the SCs and STs under the poverty alleviation programmes, monitoring of implementation of Point 11 A & B of the 20 Point Programme is done every month in the Ministry of Welfare. During 1990-91 and 1991-92 the number of Scheduled Castes beneficiaries was 22.39 lakhs and 21.88 lakhs respectively and corresponding figures of Scheduled Tribes were 8.93 lakhs and 9.15 lakhs respectively.

## CHAPTER-IX

### STUDY REPORT ON ATROCITIES ON SCHEDULED CASTES & TRIBES : CAUSES & REMEDIES

National Commission for Scheduled Castes and Scheduled Tribes submitted to the Government of India on 11-4-1990 a Study Report titled "Atrocities on Scheduled Castes & Tribes : Causes & Remedies" based on a field work undertaken in five States namely, Andhra Pradesh, Bihar, Madhya Pradesh, Rajasthan and Tamil Nadu. Size of the sample of the Study was 1,000 cases from secondary sources and 100 case studies. The signatories of the report are—Members—Ven. Lama Lobzang, Mrs. Jamuna Solanky, Shri S. B. Ramesh Babu, Shri Ravindra Naik, Shri Scate

Swu, Ms Mabel Rebello and Shri A Mohandas Moses—Secretary.

2. The summary of Observations and Recommendations contained in the report are given at Annexure VIII.

3. The observations and recommendations contained in the report would help Administrators, the Police Officers, the Public Prosecutors and those in judiciary in better appreciation of the problem and implementation of the law of the land.

## Annexure-1

## Number of atrocity cases committed against SCs

| Sl. No. | Name of State/UT     | 1988  | 1989  | 1990  |
|---------|----------------------|-------|-------|-------|
| 1       | 2                    | 3     | 4     | 5     |
| 1.      | Andhra Pradesh       | 424   | 511   | 602   |
| 2.      | Assam                | 83    | 17    | 27    |
| 3.      | Bihar                | 4297  | 997   | 507   |
| 4.      | Goa                  | 01    | 02    | —     |
| 5.      | Gujarat              | 665   | 593   | 788   |
| 6.      | Haryana              | 87    | 77    | 81    |
| 7.      | Himachal Pradesh     | 80    | 79    | 63    |
| 8.      | Jammu & Kashmir      | 161   | 155   | 38    |
| 9.      | Karnataka            | 393   | 480   | 690   |
| 10.     | Kerala               | 506   | 616   | 648   |
| 11.     | Madhya Pradesh       | 3764  | 4226  | 5210  |
| 12.     | Maharashtra          | 452   | 363   | 499   |
| 13.     | Orissa               | 287   | 365   | 304   |
| 14.     | Punjab               | 25    | 21    | 22    |
| 15.     | Rajasthan            | 1572  | 1588  | 1591  |
| 16.     | Sikkim               | 06    | 03    | 15    |
| 17.     | Tamil Nadu           | 709   | 482   | 544   |
| 18.     | Uttar Pradesh        | 4755  | 5195  | 6096  |
| 19.     | West Bengal          | 09    | 13    | 05    |
| 20.     | Dadra & Nagar Haveli | 01    | —     | 01    |
| 21.     | Delhi                | —     | 05    | 05    |
| 22.     | Pondicherry          | —     | 01    | 01    |
| Total   |                      | 15207 | 15799 | 17737 |

NOTE :—Information in respect of other States/UTs is NIL

## Number of atrocity cases committed against STs

| Sl. No.           | Name of State/UT               | 1988 | 1989 | 1990 |
|-------------------|--------------------------------|------|------|------|
| 1                 | 2                              | 3    | 4    | 5    |
| 1.                | Andhra Pradesh . . . . .       | 77   | 79   | 108  |
| 2.                | Assam . . . . .                | 19   | 18   | 33   |
| 3.                | Bihar . . . . .                | 106  | 102  | 98   |
| 4.                | Goa . . . . .                  | —    | 01   | —    |
| 5.                | Gujarat . . . . .              | 131  | 129  | 123  |
| 6.                | Karnataka . . . . .            | 17   | 87   | 42   |
| 7.                | Kerala . . . . .               | 119  | 155  | 107  |
| 8.                | Madhya Pradesh . . . . .       | 2051 | 2163 | 2366 |
| 9.                | Maharashtra . . . . .          | 185  | 214  | 177  |
| 10.               | Manipur . . . . .              | 02   | —    | 06   |
| 11.               | Nagaland . . . . .             | —    | 05   | —    |
| 12.               | Orissa . . . . .               | 101  | 217  | 104  |
| 13.               | Rajasthan . . . . .            | 457  | 420  | 450  |
| 14.               | Sikkim . . . . .               | 06   | 07   | 11   |
| 15.               | Tamil Nadu . . . . .           | 03   | 01   | 03   |
| 16.               | West Bengal . . . . .          | 17   | 09   | 10   |
| 17.               | Arunachal Pradesh . . . . .    | 15   | 09   | —    |
| 18.               | Dadra & Nagar haveli . . . . . | 13   | 07   | 11   |
| 19.               | Daman & Diu . . . . .          | —    | —    | 01   |
| Total : . . . . . |                                | 3364 | 3623 | 3650 |

NOTE:—Information in respect of other States/UTs is NIL.



## (Statement No. 1)

Information on crimes committed and nature of crimes during, 1990 Scheduled Castes

| Sl. No.         | State/UT                    | Murder | Grievous Hurt | Rape | Arson | Other Offences | Total  |
|-----------------|-----------------------------|--------|---------------|------|-------|----------------|--------|
| 1.              | Andhra Pradesh . . . . .    | 56     | 157           | 58   | 16    | 315            | 602    |
| 2.              | Arunachal Pradesh . . . . . | —      | —             | —    | —     | —              | —      |
| 3.              | Assam . . . . .             | 1      | 3             | 3    | 1     | 19             | 27     |
| 4.              | Bihar . . . . .             | 27     | 29            | 38   | 43    | 370            | 507    |
| 5.              | Goa . . . . .               | —      | —             | —    | —     | —              | —      |
| 6.              | Gujarat . . . . .           | 18     | 71            | 14   | 16    | 669            | 788    |
| 7.              | Haryana . . . . .           | 4      | —             | 15   | 1     | 61             | 81     |
| 8.              | Himachal Pradesh . . . . .  | 2      | 4             | 3    | —     | 54             | 63     |
| 9.              | J & K . . . . .             | —      | —             | 3    | —     | 35             | 38     |
| 10.             | Karnataka . . . . .         | 15     | 30            | 21   | 18    | 606            | 690    |
| 11.             | Kerala . . . . .            | 12     | 13            | 29   | 12    | 582            | 648    |
| 12.             | Madhya Pradesh . . . . .    | 81     | 295           | 252  | 82    | 4500           | 5210   |
| 13.             | Maharashtra . . . . .       | 18     | 60            | 25   | 04    | 392            | 499    |
| 14.             | Manipur . . . . .           | —      | —             | —    | —     | —              | —      |
| 15.             | Meghalaya . . . . .         | —      | —             | —    | —     | —              | —      |
| 16.             | Mizoram . . . . .           | —      | —             | —    | —     | —              | —      |
| 17.             | Nagaland . . . . .          | —      | —             | —    | —     | —              | —      |
| 18.             | Orissa . . . . .            | 6      | 9             | 9    | 10    | 270            | 304    |
| 19.             | Punjab . . . . .            | 7      | 1             | 7    | —     | 7              | 22     |
| 20.             | Rajasthan . . . . .         | 30     | 167           | 97   | 62    | 1235           | 1591   |
| 21.             | Sikkim . . . . .            | —      | 1             | 1    | —     | 13             | 15     |
| 22.             | Tamil Nadu . . . . .        | 25     | 5             | 15   | 27    | 472            | 544    |
| 23.             | Tripura . . . . .           | —      | —             | —    | —     | —              | —      |
| 24.             | Uttar Pradesh . . . . .     | 265    | 812           | 246  | 297   | 4476           | 6096   |
| 25.             | West Bengal . . . . .       | 2      | —             | 2    | —     | 1              | 5      |
| 26.             | A & N Islands . . . . .     | —      | —             | —    | —     | —              | —      |
| 27.             | Chandigarh . . . . .        | —      | —             | —    | —     | —              | —      |
| 28.             | D & N Haveli . . . . .      | —      | —             | —    | —     | 1              | 1      |
| 29.             | Daman & Diu . . . . .       | —      | —             | —    | —     | —              | —      |
| 30.             | Delhi . . . . .             | —      | —             | —    | —     | 5              | 5      |
| 31.             | Lakshadweep . . . . .       | —      | —             | —    | —     | —              | —      |
| 32.             | Pondicherry . . . . .       | —      | 1             | —    | —     | —              | 1      |
| Total . . . . . |                             | 569    | 1658          | 838  | 589   | 14083          | 17,737 |

## (Statement No. 2)

Information on crimes committed and nature of crimes during 1990 Scheduled Tribes

| Sl. No. | State/UT          | Murder | Grievous hurt | Rape | Arson | Other Offences | Total |
|---------|-------------------|--------|---------------|------|-------|----------------|-------|
| 1.      | Andhra Pradesh    | 13     | 25            | 13   | 9     | 48             | 108   |
| 2.      | Assam             | 4      | 1             | 8    | 1     | 19             | 33    |
| 3.      | Bihar             | 3      | —             | 6    | 1     | 88             | 98    |
| 4.      | Gujarat           | 8      | 17            | 14   | 7     | 77             | 123   |
| 5.      | Goa               | —      | —             | —    | —     | —              | —     |
| 6.      | Himachal Pradesh  | —      | —             | —    | —     | —              | —     |
| 7.      | Karnataka         | 1      | 2             | 3    | 1     | 35             | 42    |
| 8.      | Kerala            | 2      | 2             | 6    | —     | 97             | 107   |
| 9.      | Madhya Pradesh    | 62     | 151           | 223  | 31    | 1899           | 2366  |
| 10.     | Maharashtra       | 10     | 3             | 14   | 7     | 143            | 177   |
| 1.      | Manipur           | 1      | —             | 3    | —     | 2              | 6     |
| 2.      | Meghalaya         | —      | —             | —    | —     | —              | —     |
| 3.      | Nagaland          | —      | —             | —    | —     | —              | —     |
| 4.      | Orissa            | 2      | 3             | 6    | —     | 93             | 104   |
| 5.      | Rajasthan         | 14     | 49            | 23   | 8     | 356            | 450   |
| 6.      | Sikkim            | —      | 2             | 1    | 4     | 4              | 11    |
| 7.      | Tamil Nadu        | —      | —             | 1    | 1     | 1              | 33    |
| 8.      | Tripura           | —      | —             | —    | —     | —              | —     |
| 1.      | Uttar Pradesh     | —      | —             | —    | —     | —              | —     |
| 1.      | West Bengal       | 1      | —             | 3    | 1     | 5              | 10    |
| 1.      | A & N Islands     | —      | —             | —    | —     | —              | —     |
| 1.      | Arunachal Pradesh | —      | —             | —    | —     | —              | —     |
| 1.      | D & N Haveli      | —      | —             | 1    | —     | 10             | 11    |
| 1.      | Daman & Diu       | 1      | —             | —    | —     | —              | 1     |
| 1.      | Lakshadweep       | —      | —             | —    | —     | —              | —     |
| 1.      | Mizoram           | —      | —             | —    | —     | —              | —     |
|         | Total             | 122    | 255           | 325  | 71    | 2877           | 3650  |

Statement showing the Analysis of cases disposed by the Police during 1990 under the Scheduled Castes  
and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

| Sl. No. | State/UT             | No. of cases with police in 1990 | No. of cases closed after investigation | % of cases closed to total | No. of cases challaned | % of cases challaned to total cases | No. of cases pending for investigation | % of pending cases to total cases |
|---------|----------------------|----------------------------------|-----------------------------------------|----------------------------|------------------------|-------------------------------------|----------------------------------------|-----------------------------------|
| 1       | 2                    | 3                                | 4                                       | 5                          | 6                      | 7                                   | 8                                      | 9                                 |
| 1.      | Andhra Pradesh       | 17                               | 1                                       | 5.88                       | 13                     | 76.47                               | 3                                      | 17.65                             |
| 2.      | Assam                |                                  |                                         | NR                         |                        |                                     |                                        |                                   |
| 3.      | Bihar                | 392                              | 106                                     | 27.04                      | 33                     | 8.42                                | 253                                    | 64.54                             |
| 4.      | Goa                  | 25                               | 1                                       | 20.00                      | 4                      | 80.00                               | —                                      | —                                 |
| 5.      | Gujarat              | 356                              | 23                                      | 6.46                       | 322                    | 90.45                               | 11                                     | 3.09                              |
| 6.      | Haryana              | 88                               | 8                                       | 9.09                       | 80                     | 90.91                               | —                                      | —                                 |
| 7.      | Himachal Pradesh     | 2                                | —                                       | —                          | 1                      | 50.00                               | 1                                      | 50.00                             |
| 8.      | Jammu & Kashmir      |                                  |                                         | Not applicable             |                        |                                     |                                        |                                   |
| 9.      | Karnataka            | 129                              | 17                                      | 13.18                      | —                      | —                                   | 112                                    | 86.82                             |
| 10.     | Kerala               | 36                               | —                                       | —                          | 18                     | 50.00                               | 18                                     | 50.00                             |
| 11.     | Madhya Pradesh       | 1049                             | 20                                      | 1.91                       | 935                    | 89.13                               | 94                                     | 8.96                              |
| 12.     | Maharashtra          | 73                               | —                                       | —                          | 62                     | 84.93                               | 11                                     | 15.07                             |
| 13.     | Manipur              |                                  |                                         | —NIL—                      |                        |                                     |                                        |                                   |
| 14.     | Meghalaya            |                                  |                                         | —NIL—                      |                        |                                     |                                        |                                   |
| 15.     | Mizoram              |                                  |                                         | —NIL—                      |                        |                                     |                                        |                                   |
| 16.     | Nagaland             |                                  |                                         | —NIL—                      |                        |                                     |                                        |                                   |
| 17.     | Orissa               | 7                                | —                                       | —                          | 6                      | 85.71                               | 1                                      | 14.29                             |
| 18.     | Punjab               | 13                               | 4                                       | 30.77                      | 6                      | 45.15                               | 3                                      | 23.08                             |
| 19.     | Rajasthan            | 1012                             | 363                                     | 35.87                      | 323                    | 31.92                               | 326                                    | 32.21                             |
| 20.     | Sikkim               |                                  |                                         | —NIL—                      |                        |                                     |                                        |                                   |
| 21.     | Tamil Nadu           | 4                                | —                                       | —                          | 3                      | 75.00                               | 1                                      | 25.00                             |
| 22.     | Tripura              |                                  |                                         | —NIL—                      |                        |                                     |                                        |                                   |
| 23.     | Uttar Pradesh        | 594                              | 89                                      | 14.98                      | 457                    | 76.94                               | 48                                     | 8.08                              |
| 24.     | West Bengal          |                                  |                                         | —NR—                       |                        |                                     |                                        |                                   |
| 25.     | A. & N. Islands      |                                  |                                         | —NIL—                      |                        |                                     |                                        |                                   |
| 26.     | Arunachal Pradesh    |                                  |                                         | —NIL—                      |                        |                                     |                                        |                                   |
| 27.     | Chandigarh           |                                  |                                         | —NIL—                      |                        |                                     |                                        |                                   |
| 28.     | Dadra & Nagar Haveli | 1                                | —                                       | —                          | 1                      | 100.00                              | —                                      | —                                 |
| 29.     | Delhi                | —                                | —                                       | —                          | —                      | —                                   | —                                      | —                                 |
| 30.     | Daman & Diu          |                                  |                                         | —NIL—                      |                        |                                     |                                        |                                   |
| 31.     | Lakshadweep          |                                  |                                         | —NIL—                      |                        |                                     |                                        |                                   |
| 32.     | Pondicherry          |                                  |                                         | —NIL—                      |                        |                                     |                                        |                                   |
| Total   |                      | 3778                             | 632                                     | 16.73                      | 2264                   | 59.93                               | 882                                    | 23.34                             |

NR : Not received

Statement showing the Analysis of cases disposed by the courts during 1990 under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

| Sl. No. | State/UT             | Total No. of cases with court in 1990 | No. of cases ending in conviction | % to total cases | No. of cases ending in acquittal | % to total cases | No. of cases pending with court. | % of pending cases to total |
|---------|----------------------|---------------------------------------|-----------------------------------|------------------|----------------------------------|------------------|----------------------------------|-----------------------------|
| 1       | 2                    | 3                                     | 4                                 | 5                | 6                                | 7                | 8                                | 9                           |
| 1.      | Andhra Pradesh       | 13                                    | —                                 | —                | —                                | —                | 13                               | 100.00                      |
| 2.      | Assam                |                                       |                                   | NR               |                                  |                  |                                  |                             |
| 3.      | Bihar                | 350@                                  | —                                 | —                | 12                               | 3.43             | 338                              | 96.57                       |
| 4.      | Goa                  | 4                                     | —                                 | —                | —                                | —                | 4                                | 100.00                      |
| 5.      | Gujarat              | 342@                                  | 4                                 | 1.17             | 2                                | 0.58             | 336                              | 98.25                       |
| 6.      | Haryana              | 80                                    | 2                                 | 2.50             | 19                               | 23.75            | 59                               | 73.75                       |
| 7.      | Himachal Pradesh     | 1                                     | —                                 | —                | —                                | —                | 1                                | 100.00                      |
| 8.      | Jammu & Kashmir      |                                       |                                   | —Not applicable— |                                  |                  |                                  |                             |
| 9.      | Karnataka            | —                                     | —                                 | —                | —                                | —                | —                                | —                           |
| 10.     | Kerala               | 18                                    | —                                 | —                | 1                                | 5.56             | 17                               | 94.44                       |
| 11.     | Madhya Pradesh       | 935                                   | 1                                 | 0.11             | —                                | —                | 934                              | 99.99                       |
| 12.     | Maharashtra          | 62                                    | —                                 | —                | —                                | —                | 62                               | 100.00                      |
| 13.     | Manipur              |                                       |                                   | —NIL—            |                                  |                  |                                  |                             |
| 14.     | Meghalaya            |                                       |                                   | —NIL—            |                                  |                  |                                  |                             |
| 15.     | Mizoram              |                                       |                                   | —NIL—            |                                  |                  |                                  |                             |
| 16.     | Nagaland             |                                       |                                   |                  | —NIL—                            |                  |                                  |                             |
| 17.     | Orissa               | 6                                     | —                                 | —                | —                                | —                | 6                                | 100.00                      |
| 18.     | Punjab               | 6                                     | —                                 | —                | —                                | —                | 6                                | 100.00                      |
| 19.     | Rajasthan            | 323                                   | 13                                | 4.02             | 177                              | 54.80            | 133                              | 41.18                       |
| 20.     | Sikkim               |                                       |                                   |                  | —NIL—                            |                  |                                  |                             |
| 21.     | Tamil Nadu           | 3                                     | —                                 | —                | —                                | —                | 3                                | 100.00                      |
| 22.     | Tripura              |                                       |                                   |                  | —NIL—                            |                  |                                  |                             |
| 23.     | Uttar Pradesh        | 457                                   | 2                                 | 0.44             | 3                                | 0.66             | 452                              | 98.91                       |
| 24.     | West Bengal          |                                       |                                   |                  | —NR—                             |                  |                                  |                             |
| 25.     | A & N Islands        |                                       |                                   |                  | —NIL—                            |                  |                                  |                             |
| 26.     | Arunachal Pradesh    |                                       |                                   |                  | —NIL—                            |                  |                                  |                             |
| 27.     | Chandigarh           |                                       |                                   |                  | —NIL—                            |                  |                                  |                             |
| 28.     | Dadra & Nagar Haveli | 1                                     | —                                 | —                | —                                | —                | 1                                | 100.00                      |
| 29.     | Delhi                | 1                                     | —                                 | —                | —                                | —                | 1                                | 100.00                      |
| 30.     | Daman & Diu          |                                       |                                   |                  | —NIL—                            |                  |                                  |                             |
| 31.     | Lakshadweep          |                                       |                                   |                  | —NIL—                            |                  |                                  |                             |
| 32.     | Pondicherry          |                                       |                                   |                  | —NIL—                            |                  |                                  |                             |
| Total   |                      | 2602                                  | 22                                | 0.85             | 214                              | 8.22             | 2366                             | 90.93                       |

NR : Not received

@ : Includes transferred cases

**SPECIAL COURTS SPECIFIED/SET UP IN  
DIFFERENT STATES & UTs UNDER THE SCs  
& STs (PREVENTION OF ATROCITIES) ACT,  
1989**

**1. ANDHRA PRADESH**

Courts of all the First Additional Districts and Sessions Judges where there are only two District Courts are functioning in the District and all the Second Additional District and Sessions Judges where there are more than two District Courts are functioning in the District are designated as Special Courts. *Three exclusive Special Courts have been set up recently at Guntur, Chittoor and Mahbubnagar.*

**2. ASSAM**

*Name of the District(s) SPECIAL COURT*

**(A) In case of Plains**

Districts of Assam

| Dhubri                | Court of Sessions | Dhubri          |
|-----------------------|-------------------|-----------------|
| Goalpara & Bongaigaon | Do.               | Goalpara        |
| Kokrajhar             | Do.               | Kokrajhar       |
| Barpeta               | Do.               | Barpeta         |
| Nalbari               | Do.               | Nalbari         |
| Kamrup                | Do.               | Guahati         |
| Darrang               | Do.               | Mangaldoi       |
| Sonitpur              | Do.               | Tezpur          |
| Lakhimpur & Dhemaji   | Do.               | North Lakhimpur |
| Nagaon & Morigaon     | Do.               | Nagaon          |
| Golaghat              | Do.               | Golaghat        |
| Sibsagar              | Do.               | Sibsagar        |
| Jorhat                | Do.               | Jorhat          |
| Dibrugarh & Tinsukia  | Do.               | Dibrugarh       |
| Cachar & Hailakandi   | Do.               | Silchar         |
| Karimganj             | Do.               | Karimganj       |

**(B) In case of Autonomous Hill Districts**

|                    |                              |         |
|--------------------|------------------------------|---------|
| Karbi An long      | Court of Deputy Commissioner | Diphu   |
| North Kachar Hills | —do—                         | Hailong |

**3. BIHAR**

Special Courts have been specified in all the Districts.

**4. GOA**

Specified the Session Courts at Margoa and Panaji as Special Courts for the District of South Goa and North Goa respectively.

**5. GUJARAT**

The following Court of Sessions have been specified as Special Courts :—

|     | Court of Sessions                  | District                                           |
|-----|------------------------------------|----------------------------------------------------|
| 1.  | Court of Session Ahmedabad         | City Session Division, Ahmedabad                   |
| 2.  | Do. Ahmedabad (Rural) at Ahmedabad | Sessions Division Ahmedabad, (Rural) at Ahmedabad. |
| 3.  | Do. Amreli                         | Sessions Division Amreli                           |
| 4.  | Do. Bhavnagar                      | Session Division, Bhavnagar                        |
| 5.  | Do. Bharuch                        | Session Division, Bharuch                          |
| 6.  | Do. Banaskantha at Palanpur        | Session Division, Banaskantha at Palanpur          |
| 7.  | Do. Junagarh                       | Sessions Div., Junagarh.                           |
| 8.  | Do. Jamnagar                       | Sessions Div. Jamnagar.                            |
| 9.  | Do. Kachchh at Bhuj                | Sessions Div. Kachchh at Bhuj.                     |
| 10. | Do. Kheda at Nadiad                | Session Div. Kheda at Nadiad.                      |
| 11. | Do. Mehsana                        | Session Div. Mehsana                               |
| 12. | Do. Panchmahals at Godhra          | Panchmahals at Godhra.                             |
| 13. | Do. Rajkot                         | Rajkot                                             |
| 14. | Do. Surat                          | Surat                                              |
| 15. | Do. Surendranagar                  | Surendranagar                                      |
| 16. | Do. Sabarkantha at Himatnagar      | Sabarkantha at Himatnagar                          |
| 17. | Do. Vadodara                       | Vadodara                                           |
| 18. | Do. Valsad at Navsari              | Valsad Navsari                                     |

**6. HARYANA**

Specified the Senior most Additional Sessions Judge at each District headquarters in the State to be a Court to try offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The cases falling in the areas of the new Districts of Kaithal, Rewari, Panipat and Yamuna Nagar will be tried by the senior most Additional Sessions Judges of Kurukshetra, Mohindergarh, Karnal and Ambala respectively as specified under the aforesaid Act.



## 7. HIMACHAL PRADESH

The following District and Sessions Courts have been specified as Special Courts :—

| Dist. & Sessions<br>Courts | Headquarters | Jurisdiction                |
|----------------------------|--------------|-----------------------------|
| 1. Shimla . . .            | Shimla       | Shimla, Kinnaur & Bilaspur. |
| 2. Mandi . . .             | Mandi        | Mandi Kullu & Lahaulspiti.  |
| 3. Sirmour . . .           | Nahan        | Sirmour                     |
| 4. Solan . . .             | Solan        | Solan                       |
| 5. Hamirpur . . .          | Hamirpur     | Hamirpur                    |
| 6. Kangra . . .            | Dharamsala   | Kangra                      |
| 7. Una . . .               | Una          | Una                         |
| 8. Chamba . . .            | Chamba       | Chamba                      |

## 8. KARNATAKA

The following Court of Sessions have been specified as Special Courts :—

| Court of Session<br>1                                        | District<br>2    |
|--------------------------------------------------------------|------------------|
| 1. City Civil Session Court, Bangalore                       | Bangalore        |
| 2. District and Sessions Court, Bangalore                    | Bangalore Rural  |
| 3. District and Sessions Court, Belgaum.                     | Belgaum          |
| 4. District and Sessions Court, Bellary                      | Bellary          |
| 5. District and Sessions Court, Bidar                        | Bidar            |
| 6. District and Sessions Court, Bijapur                      | Bijapur          |
| 7. District and Sessions Court, Chikmagalur                  | Chikmagalur      |
| 8. District and Sessions Court, Chitradurga                  | Chitradurga      |
| 9. District and Sessions Court, Dharwad                      | Dharwad          |
| 10. District and Sessions Court, Gulbarga                    | Gulbarga         |
| 11. District and Sessions Court, Hassan                      | Hassan           |
| 12. District and Sessions Court, Dakshina Kannada, Mangalore | Dakshina Kannada |
| 13. District and Sessions Court, Uttar Kannada, Karwar       | Uttar Kannada    |
| 14. District and Sessions Court, Kodagu Mercara              | Kodagu           |
| 15. District and Sessions Court, Kolar                       | Kolar            |

| 1                                        | 2       |
|------------------------------------------|---------|
| 16. District and Sessions Court, Mandya  | Mandya  |
| 17. District and Sessions Court, Mysore  | Mysore  |
| 18. District and Sessions Court, Raichur | Raichur |
| 19. District and Sessions Court, Shimoga | Shimoga |
| 20. District and Sessions Court, Tumkur  | Tumkur  |

## 9. KERALA

The following Principal District Courts have been specified as Special Courts :—

| Name of Court with headquarters | Districts      |
|---------------------------------|----------------|
| 1. District Court Trivandrum    | Trivandrum     |
| 2. Do. Quilon                   | Quilon         |
| 3. Do. Pathanamthitta           | Pathanamthitta |
| 4. Do. Alleppey                 | Alleppey       |
| 5. Do. Kottayam                 | Kottayam       |
| 6. Do. Thodupuzha               | Thodupuzha     |
| 7. Do. Ernakulam                | Ernakulam      |
| 8. Do. Trichur                  | Trichur        |
| 9. Do. Palghat                  | Palghat        |
| 10. Do. Kozhikode               | Kozhikode      |
| 11. Do. Tellicherry             | Tellicherry    |
| 12. Do. Manjeri                 | Manjeri        |
| 13. Do. Wayanad                 | Kalpetta       |
| 14. Do. Kasargode               | Kasargode      |

## 10. MADHYA PRADESH

Special Courts have been specified in all the Districts.

## 11. MAHARASHTRA

1. Specified in every District, excluding Greater Bombay, a Court of District and Sessions Judge to be a Special Court.

2. Also specified the Bombay City Civil Court and the Court of Sessions for Greater Bombay as Special Court for the District of Greater Bombay.

## 12. MANIPUR

Special Courts have been specified in all the Districts.

## 13. MEGHALAYA

Special Courts have been specified for different districts of the State.

## 14. ORISSA

The District and Session Judge in each District has been specified as Special Court.

## 15. PUNJAB

Specified for each District, the Court of the Senior most Additional Sessions Judge as Special Court to try offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 within their respective jurisdiction.

## 16. RAJASTHAN

Ten exclusive Special Sessions Courts at Jaipur, Ajmer, Udaipur, Jodhpur, Kota, Bikaner, Alwar, Merta, Pali and Pratapgarh have been set up. For the remaining districts, District and Session Judges have been designated as Special Courts.

## 17. SIKKIM

Court of Session at Gangtok has been specified as Special Court for four Districts of Sikkim.

## 18. TAMILNADU

Principal Sessions Court of Madras, North Arcot, South Arcot, Coimbatore, Periyar, Madurai, Ramanathapuram, Salem, Trichirapalli and Tirunelveli and the Sessions Courts of Chengai-Anna, Nilgiris, Dharmapuri, Kanyakumari, Dindigul-Quaid-e-Milleth, Pudukottai, Thanjavur West and Thanjavur East have been specified as Special Courts.

## 19. TRIPURA

Specified the Court of Sessions Judge, West Tripura District, Agartala, North Tripura District, Kailasahar and South Tripura District, Udaipur as Special Courts for the areas of West, North and South Tripura Districts respectively.

## 20. UTTAR PRADESH

Specified vide Notification No. 44/VII-AN 124/89; dated January 30, 1990 the District and Sessions Judges of Pauri Garhwal, Chamoli, Tehri Garhwal, Uttarkashi, Almora and Pithoragarh and the Second Additional District and Sessions Judges of other Districts of Uttar Pradesh as Special Courts of their respective Districts.

Also specified vide Notification No. 6855/VII-Nyaya-2-124/89 dt. November 23, 1991 the Sessions Judges of the District of Mau, Siddharth Nagar, Firozabad, Hardwar, Mahraj Ganj and Sone-Bhadra

and the Sessions Judges of such other Districts where the court of Second Additional Sessions Judge has not been created or lying in abeyance or is vacant for any reason whatsoever, to be the Special Courts of their respective Districts to try Offences under the Act.

## 21. WEST BENGAL

Court of First Additional Sessions Judge at South 24 Parganas, North 24 Parganas, Howrah, Hooghly, Burdwan, Birbhum, Bankura, Murshidabad, Nadia, Midnapore, Malda, West Dinajpur, Cooch-Behar, Purulia, Jalpaiguri, Darjeeling and the Court of First City Sessions Judge at Calcutta have been specified as Special Courts.

## 22. ANDAMAN & NICOBAR ISLANDS

The Sessions Court, Port Blair has been specified as Special Court.

## 23. CHANDIGARH

The Additional Sessions Judge, Chandigarh has been specified as Special Court.

## 24. DAMAN & DIU

One Special Court has been specified in the U.T.

## 25. DADRA & NAGAR HAVELI

The Sessions Court of Silvassa has been specified as Special Court.

## 26. DELHI

The Court of Shri S. P. Singh Chaudhari, Additional District & Sessions Judge, Delhi has been specified as "Special Court" for the entire U.T. of Delhi.

## 27. LAKSHADWEEP

Notified the Sessions Court, Kozhikode in Kerala as Special Court for the U.T.

## 28. PONDICHERRY

The second Additional District & Sessions Judge Pondicherry has been specified as Special Court for the entire U.T.

## LIST OF ATROCITY-PRONE DISTRICTS

| Sl. No.           | Name of State | Name of districts identified as Sensitive                                                                                                                                                       |
|-------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Bihar          | .             | Patna, Nalanda, Rohtas, Bhojpur, Gaya, Vaishali, Samastipur, Begusarai, Bhagalpur, Monghyr, Ranchi (11 districts)                                                                               |
| 2. Gujarat        | .             | Ahmedabad rural, Mehsana, Surendranagar, Junagarh, Kheda, Amreli, Rajkot rural, Banaskantha, Vadodara rural, Bharuch, Kutch (11 districts).                                                     |
| 3. Haryana        | .             | Ambala, Karnal, Sonapat, Gurgaon, Faridabad (5 districts)                                                                                                                                       |
| 4. Karnataka      | .             | Bangalore, Bijapur, Kolar, Mysore, Tumkur, Gulbarga (6 districts).                                                                                                                              |
| 5. Madhya Pradesh | .             | Morena, Bilaspur, Panna, Raipur- Jabalpur, Ujjain and Bhopal (7 districts).                                                                                                                     |
| 6. Maharashtra    | .             | Aurangabad, Beed, Osmanabad, Nanded, Parbhani, Buldana (6 Districts).                                                                                                                           |
| 7. Punjab         | .             | 2 Villages in Ferozpur district,<br>3 Villages in Sangrur district and<br>3 Villages in Patiala district (3 districts).                                                                         |
| 8. Uttar Pradesh  | .             | Lucknow, Hardoi, Sitapur, Rai Bareilly, Unnao, Gonda, Bahraich, Barabanki, Sultanpur, Fatehgarh, Etawah, Banda, Jalon Basti, Gorakhpur, Azamgarh, Badaun, Meerut, Varanasi, Agra (20 districts) |
| Total: 8 States   |               | 69 districts                                                                                                                                                                                    |

## SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS OF STUDY REPORT

### "ATROCITIES ON SCHEDULED CASTES & TRIBES : CAUSES & REMEDIES"

#### CHAPTER I : CONSTITUTIONAL AND LEGAL SAFEGUARDS AND SOCIO-ECONOMIC PROGRAMMES FOR SCHEDULED CASTES AND SCHEDULED TRIBES

1. The Constitution of India contains an impressive array of provisions for removal of disabilities and discrimination against Scheduled Castes and Scheduled Tribes. They are buttressed by the Protection of Civil Rights Act, 1955 (PCRA) and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In addition there are welfare enactments of general applicability which are relevant in the context of Scheduled Castes and Scheduled Tribes like the Bonded Labour System (Abolition) Act, 1976 (BLSA), the Minimum Wages Act, 1948 (MWA) and the Child Labour (Prohibition and Regulation) Act, 1986.

2. Outlays have been earmarked under the Special Component Plan (SCP) and Tribal Sub-Plan (TSP) and comprehensive plan programmes covering economic, educational, health and other aspects have been formulated for the welfare and advancement of Scheduled Castes and Scheduled Tribes. Anti-poverty programmes, distribution of surplus lands under land reforms, formation of Scheduled Castes and Scheduled Tribes Development Corporations have all benefited Scheduled Castes and Scheduled Tribes.

#### CHAPTER II : BACKGROUND TO THE PRESENT STUDY

1. Despite the constitutional and legal safeguards and the socio-economic measures taken for the advancement of the Scheduled Castes and Tribes atrocities against them have continued to occur.

2. The general crime rate per lakh of population registered a 10% decrease in the period 1981-86. During the same period on the same base, crimes against Scheduled Castes and Scheduled Tribes declined by only 4%, showing that their vulnerability vis-a-vis the rest of the population still continues.

3. The rate of crime per lakh of Scheduled Castes/Scheduled Tribes population is much higher in the case of Scheduled Tribes than in the case of Scheduled Castes.

4. The highest crime rate during 1981-86 occurred in Madhya Pradesh.

5. Social analysis have pointed out that there has been a change in causation for crimes against Scheduled Castes/Scheduled Tribes from economic to non-economic. The nature of crimes has also tended to change from individual hurt or humiliation to organised mass violence.

#### CHAPTER III : METHODOLOGY OF STUDY AND BASIS FOR SELECTION OF DISTRICTS

1. The five States selected for study were Bihar, Rajasthan, Madhya Pradesh, Andhra Pradesh and Tamil Nadu.

2. Choice of districts was done on a pragmatic basis giving weightage to factors like Scheduled Caste/Scheduled Tribe population, percentage of this population to total population and prevalence of atrocities during the period 1983 to 1987.

3. A total number of 1000 cases were taken for study out of which 100 cases were taken for study in depth at the village level.

#### CHAPTER IV : CAUSES OF ATROCITIES 1. LAND

1. Disputes on land were the most important single cause. They related to land schemes, allotment of house-sites and cultivable lands, irrigation rights and land alienation.

2. Implementation of land reforms has created animosity against SCs and STs among the traditional landowning classes.

3. The animosity is particularly virulent when the lands allotted are irrigated and exceptionally fertile.

4. Envy of a good crop raised by SCs/STs often leads to damage to the crop by other castes.

5. Use of common pasture and other types of community land have led to violence on SCs/STs.

6. Sharing of cultivation rights has led to conflicts in which SCs/STs have suffered in Madhya Pradesh.

7. The measures suggested include revocation and suspension of gun licences in places where atrocities have occurred, demarcation of boundaries belonging to SCs/STs under supervision of senior officers, liberal legal aid to SCs/STs in land dispute cases, special steps by local authorities to safeguard enjoyment of common pasture and other community lands by SCs/STs.

## CHAPTER V : CAUSE 2 : ALIENATION OF TRIBAL LANDS

1. Bihar, Rajasthan and Tamil Nadu have special enactments and orders for safeguarding tribal lands but non-tribals have found methods of evading the law. The dispossession of tribals through fraud or because of debt has been a continuing source of violence, crime and atrocities on tribals.
2. Large scale alienation of tribal lands in Bihar has given rise to mass discontentment.
3. Dispossession of tribals in Adilabad District with the connivance of revenue inspectors and patwari has been observed by Dr. Haimendorf the social anthropologist.
4. The implementation of the measures for checking such illegal alienation discussed at the conference of Revenue Ministers in 1985 should be reviewed by the Department of Rural Development.
5. A number of offences covered by our study occurred in Scheduled Areas. No special efforts are evident for safeguarding the interests of tribals in these areas though considerable powers are given to Governors under Schedule V of the Constitution in these areas.

## CHAPTER VI : CAUSE 3 : BONDED LABOUR

1. Fourteen years after the introduction of the Bonded Labour System Abolition Act, bonded labour still exists in pockets. The vigour of implementation of BLSA seems to have waned.
2. BLSA provisions were not invoked in many cases. The law and order machinery does not appear to be sufficiently familiar with the provisions of this enactment even now.
3. Executive Magistrates should be appointed under BLSA to tackle pockets where bonded labour still exists.
4. The provision for summary trials should be fully availed of.
5. Concerted drives for rehabilitation of bonded labourers should be taken up.
6. The prevalence of pockets of bonded labour and the resulting violence and crime shows that the Vigilance Committees under BLSA have not been active. They should be activated.

## CHAPTER VII : CAUSE 4 : INDEBTEDNESS

1. A sizeable chunk of lending to cultivators still continues to be from non-institutional sources like money lenders, landlords and traders.
2. A review of debt relief legislation should be done on an All India basis and guidelines incorpo-

rating salutary features of the different State enactments should be issued to the Department of Rural Development.

3. There should be a special focus of poverty alleviation programmes in areas where Scheduled Castes/Scheduled Tribes are debt prone.

4. Legal aid and public interest litigation in favour of Scheduled Castes and Scheduled Tribes are particularly important in disputes relating to money transactions.

## CHAPTER VIII : CAUSE 5 : WAGES

1. Agricultural labour provides the largest single category of employment for Scheduled Cast workers accounting for 48 per cent. The position is more pronounced in the case of Scheduled Caste women workers where the percentage is 68 per cent.

2. Scheduled Caste agricultural workers are occupationally vulnerable to exploitation.

3. Apart from agriculture, other occupations in which SCs predominate are primary leather workers, farmers, flayers, sweepers, scavengers, weavers in western region and fishermen in the East. Fixation and implementation of Minimum Wages in these occupations are therefore of a special importance to Scheduled Castes.

## CHAPTER IX : ATROCITIES AND THE LAW & ORDER MACHINERY

1. A responsive police administration is the first requisite for ensuring that SCs/STs secure their rights and redress under the law.

2. Delays in reporting, failure to register, delays in visits to scene of crime, delays in charge sheeting and failure to cite provisions of relevant enactments like BLSA were noticed in a number of cases. Protracted pendency before the courts was also a feature.

3. There is a high percentage of acquittals in atrocity cases.

4. Civil Rights Enforcement Cells should be activated.

5. Anticipatory action to prevent disturbances should be taken in places where caste conflicts have occurred.

6. Instead of opening special police stations for handling complaints from SCs/STs, it is preferable to post an additional sub-inspector or Head Constable for SC/ST cases in places with concentrations of SCs/STs.

7. A proper data base exclusively on crime against SCs/STs is a prerequisite for timely monitoring and action.

8. Special enactments like BLSA, MWA, PCRA & PAA should be included in the training syllabus of police training schools for recruits as well as for in-service officers.



9. Designating existing sessions courts as special courts under the Prevention of Atrocities Act will not ensure priority attention for atrocity cases. There should be special courts exclusively for atrocity cases. Where the number of atrocity cases in a District does not provide adequate workload there should be itinerating Special Courts covering two or more districts invested with the powers of additional special courts for each of the Districts.

10. Provisions for appointments of Executive Magistrates under the special enactments should be made use of fully. The executive magistrates should be peripatetic and the procedures in their courts should be simple.

11. The suggestions of the Committee on Processual Justice for criminal legal aid should be acted upon.

12. The Arms Act should be used for checking atrocities in sensitive areas.

13. Stern action should be taken against police officers if connivance or inaction is proved when crimes occur in police stations. Maximum publicity should be given to the names of the miscreants in such cases. Anonymity for victims in rape cases should be ensured.

14. Public interest litigation is particularly important in cases, where crimes are perpetrated by the police.

#### CHAPTER X : TRIBALS & FOREST OFFICIALS

1. Despite the enunciation of rights of tribals in the Forest Policy Resolution of 1988, there are tensions between tribals and the Forest Department which erupt into atrocities on tribals.

2. A number of atrocity cases have occurred in Scheduled Areas.

3. Studies by Dr. Haimendorf in Andhra and Dr. Fernandes of the Indian Social Institute have shown that the industry revenue oriented policies of Government and the unwillingness of forest departments to understand the vital role played by forests in the tribal economy have resulted in violence and atrocities on tribals.

4. The role of tribals in forests envisaged in the Prof. Burman Report 1982 has not been transferred into practice in any of the areas covered by the present study.

#### CHAPTER XI : NON-ECONOMIC CAUSES

1. Caste prejudice and untouchability are causes of atrocities. Political factionalism is an increasing source of friction. Superstitious beliefs have also led to atrocities.

2. The study of the National Commission (1989) has shown the prevalence of untouchability in different forms in the states covered by that study.

3. Prevention of access to drinking water, access to tea-shops, celebration of festivals, religious processions, use of cremation grounds often lead to conflicts leading to atrocities.

4. Very often trivial incidents ignite atrocities when there are deep seated social resentment.

5. Political factions on caste line are increasingly becoming causes of clashes and atrocities.

6. Refusal to perform duties which other castes regard as customary like digging burial pits, preparing cremations, removal of the carcass of dead animals and beating of drums leads to clashes.

7. A number of police stations are not familiar with the provisions of the PCRA. This should be made part of the syllabus of police training.

8. Low disposals, protracted pendency and a high percentage of acquittals in PCRA cases are seen in most states.

9. There is need for training and for coordinated action between police and prosecution to make PCRA prosecution more effective.

10. The Government should expedite its annual Report to Parliament on PCRA.

#### CHAPTER XII : PREVENTION OF ATROCITIES ACT, 1989

1. The rationale behind the Act, and the classification of offences are explained.

2. The penalties under PAA are more stringent than under IPC or PCRA.

3. The PAA provides for externment, collective fine and anticipatory action in atrocity prone areas.

4. Offences relating to non-payment of minimum wages, theft of cattle, fraud in maintenance of loan accounts and prevention of access to burial or cremation grounds should be included in PAA.

5. The provision for externment in PAA now covers only 'Scheduled Areas' or 'Tribal Areas'. The Act should be amended to extend the externment provisions to 'sensitive areas' from the point of view of atrocities on SCs.

6. In the context of collective violence against SCs/STs collective fines can be strong and effective deterrent.

#### CHAPTER XIII : ROLE OF LEGAL AID, PUBLIC INTEREST LITIGATION AND VOLUNTARY ORGANISATIONS

1. SCs and STs are vulnerable and are placed in a position of disadvantage in litigation because of the dominant caste and economic position of the offenders.

2. The introduction of Art 39(A) in the Constitution, the recommendations of the Central Committees on legal aid and the strategies formulated by the committee for implementation of the Legal Aid scheme (CILAS) are briefly covered.

3. Legal assistance in criminal cases is being given only where the SC/ST is an accused. This is a restrictive view and is not consistent with the tenor of the recommendations of the above two Committees or CILAS. A more out-going attitude to

legal aid consistent with the Justice Krishna Iyer Committee's recommendations is called for.

4. The recommendation of the above Committee for a special criminal procedure with only limited application of the CrPC and Evidence Act, in trial of cases concerning SCs and STs should be acted upon.

5. Voluntary agencies become important in atrocity cases especially where SCs/STs and the bureaucracy are adversaries. The very existence of such organisations in some states has ensured that cases are registered properly. Voluntary organisations and connected individuals can act as mediators in caste disputes.

6. Voluntary organisations can act as catalysts to expedite relief to victims of atrocities.

7. Legal aid is particularly important in the context of PAA where the prospect of stringent penalties will lead to strong defence and pressure tactics by powerful adversaries like landlords, moneylenders, forest contractors, policemen, landgrabbers and forest officials.

8. Legal aid boards should liberally assist public interest litigation by bonafide voluntary organisation working in atrocity prone areas. While playing the role, legal aid boards should not consider themselves limbs of government engaged in adversary litigation but as instruments of social justice.

9. It is suggested that the expanded functions of legal aid should cover the following :

- (i) Advise the victim on what he should do, what remedies are available and not permit compromises under compulsion.
- (ii) Ensure the complaint is registered.
- (iii) Ensure investigating officer visits the scenes of crime quickly.
- (iv) Ensure quick filing of charge sheet citing all relevant provisions of law.
- (v) Provide criminal legal aid to STs/SCs be they victims or accused to cover lawyers' services, witness batta, copying fees and travel expenses to police station and court.
- (vi) Ensure proper coordination between police and prosecuting authorities in marshalling of evidence and presentation of the case.
- (vii) Act as catalyst in Court proceedings.
- (viii) Assist voluntary organisations who engage in public litigation in bonafide causes or who act as informal mediation agencies.
- (ix) Assist in expediting relief to victims and their families.

#### CHAPTER XIV : POVERTY AND ILLITERACY

1. The case studies have shown that in disputes relating to land, indebtedness, bonded labour, wages or dealing police or forest officials or courts, Scheduled Castes and Scheduled Tribes are badly handicapped by poverty and illiteracy.

2. The percentage of Scheduled Castes/Scheduled Tribes below the poverty line in both urban and rural  
M GPF-757 Welfare, 93-1000-17-3-94.

areas is much higher than in the case of overall population.

3. Generally Scheduled Castes/Scheduled Tribes are better off in urban areas than in rural areas if urban and rural poverty percentages are compared.

4. Highlight of reviews of poverty alleviation programmes and mid-term Seventh Plan appraisal are given. They show that the share of Scheduled Castes/Scheduled Tribes in IRDF, NREP & RLEGP is higher than the targets. However, there are specific directions in which the implementation can be tightened.

5. There is need for devolution of planning and more participation of Scheduled Castes/Scheduled Tribes in determining priorities, timing of assistance and choice of beneficiaries.

6. Shiphoning of development funds by 'Development brokers' should be checked.

7. The 'aggregative' approach should be avoided and the impact of development programmes on Scheduled Castes and Scheduled Tribes should be properly assessed.

8. There is need for entrepreneurship schemes and income generating schemes which will liberate Scheduled Castes and Scheduled Tribes from the kind of the landlord rural labour nexus.

9. There is need for dedicated implementation of schemes for Scheduled Castes and Scheduled Tribes to ensure that full benefit flows from them and maximum coverage is achieved.

10. Scheduled Caste and Scheduled Tribe literacy percentages were only 21 per cent and 16 per cent respectively in 1981 compared to 41 per cent for the rest of the population. The percentage increase in literacy between 1961 to 1981 has been slower in the case of Scheduled Castes/Scheduled Tribes than the rest of population. Increase in female literacy among Scheduled Castes/Scheduled Tribes has been extremely slow and the disparities between general female literacy and Scheduled Castes/Scheduled Tribe female literacy are particularly glaring.

11. The arsenal of educational schemes for Scheduled Castes/Scheduled Tribes is impressive but there is need for a statewide evaluation of the extent to which Scheduled Castes/Scheduled Tribes are availing the benefit of these schemes, as disparities in literacy levels between Scheduled Castes/Scheduled Tribes and the rest of the population have continued to persist. A major focus of the International Literacy Year (1990) will have to be Scheduled Caste/Scheduled Tribe literacy, especially Scheduled Caste/Scheduled Tribe female literacy.

12. The percentage of population increase among Scheduled Castes/Scheduled Tribes between 1961 and 1981 was significantly higher than the overall population increase. Much of the effect of poverty alleviation and literacy programmes will be lost unless accompanied by intensive family planning programmes among Scheduled Castes/Scheduled Tribes.