

## Recent Judgements related to SC/ST POA ACT 1989

### Introduction to the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, commonly referred to as the SC/ST PoA Act, is a landmark piece of social legislation enacted by the Indian Parliament to address and prevent atrocities and discrimination against members of the Scheduled Castes (SCs) and Scheduled Tribes (STs). This Act was a response to the continued social injustices, exploitation, and systemic discrimination faced by these historically marginalized communities, despite constitutional safeguards and legal protections in place since independence.

The Indian Constitution, through various articles such as Article 15 (prohibition of discrimination), Article 17 (abolition of untouchability), and Article 46 (promotion of educational and economic interests of SCs/STs), seeks to protect and empower these communities. However, in reality, atrocities and social exclusion continued unabated in various forms—ranging from physical violence, social boycotts, and forced displacement to institutional discrimination and denial of access to public services. The need for a more targeted legal mechanism to deal with such offences led to the formulation and enactment of the SC/ST PoA Act in 1989.

The primary objective of the Act is to prevent atrocities and hate crimes against SCs and STs by making certain acts punishable when committed by individuals who are not from these communities. It recognizes specific offences that stem from caste-based hatred, such as social humiliation, verbal abuse, sexual violence, dispossession of land, and denial of access to common resources. The Act not only defines these offences in clear legal terms but also prescribes stringent punishments for violators. It is distinct in that it considers the **caste identity of the victim and the intent of the perpetrator** as central to the offence.

The legislation is also notable for its emphasis on speedy investigation and trial. It provides for the establishment of Special Courts and the appointment of Special Public Prosecutors to ensure prompt legal proceedings. Additionally, the Act mandates relief and rehabilitation for victims and outlines the role of the state in ensuring protection, including preventive action by district administrations and law enforcement agencies.

Over the years, the Act has been amended to include a broader range of offences, provide victim-centric safeguards, and reduce procedural hurdles that previously hampered effective implementation. The 2015 amendment and the 2018 Amendment Act notably expanded the list of offences and further clarified procedural protections, such as barring anticipatory bail for accused persons under certain conditions.

Despite its progressive intent, the implementation of the SC/ST PoA Act continues to face challenges such as under-reporting, police apathy, procedural delays, and misuse claims. Nevertheless, it remains a critical tool in India's legal arsenal for promoting social justice, ensuring equality, and addressing caste-based violence. The Act reflects India's constitutional commitment to protect its most vulnerable citizens and reinforces the state's duty to uphold the rights and dignity of all, irrespective of caste or tribe.

### **Key Features of the SC/ST (Prevention of Atrocities) Act, 1989 – 350 Words**

The **Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989** is a special legislation enacted to curb and penalize atrocities committed against members of Scheduled Castes (SCs) and Scheduled Tribes (STs). It goes beyond the Indian Penal Code by recognizing the caste-based intent and systemic nature of such offences. The Act embodies legal, social, and institutional mechanisms to ensure justice and dignity for these communities. Below are the key features:

#### **1. Definition of Atrocities**

The Act defines a wide range of actions as “atrocities” when committed against SC/ST individuals by non-SC/ST persons. These include acts of violence, humiliation, social and economic boycotts, wrongful occupation of land, denial of access to public places, and sexual offences. The definition is context-specific, recognizing caste-based hostility as the motive.

#### **2. Exclusive Jurisdiction**

It provides for the establishment of **Special Courts** and appointment of **Exclusive Special Public Prosecutors** to conduct speedy trials of offences under the Act. This ensures faster delivery of justice and prevents undue delay.

#### **3. No Anticipatory Bail**

Section 18 of the Act bars the granting of **anticipatory bail** to the accused, recognizing the vulnerability of victims and the seriousness of offences.

#### **4. Preventive Measures**

The Act mandates **state governments** and **district magistrates** to take preventive measures, including identifying areas prone to caste atrocities and providing security to potential victims.

#### **5. Rights of Victims and Witnesses**

It includes provisions for the **rehabilitation of victims**, protection of witnesses, and provision of legal aid. Monetary relief and compensation are also included as part of the state's responsibility.

## 6. Burden of Proof

In certain circumstances, the Act shifts the **burden of proof** onto the accused, making it their responsibility to prove innocence, especially in serious offences.

## 7. Amendments and Expansions

Amendments in 2015 and 2018 expanded the list of offences and further strengthened procedural protections, including treating certain offences as **cognizable and non-bailable** by default.

Here are some **recent Supreme Court and High Court judgments** related to the **SC/ST (Prevention of Atrocities) Act, 1989**, which have significantly impacted its interpretation, application, and implementation:

### 1. Subhash Kashinath Mahajan v. State of Maharashtra (2018)

- **Citation:** (2018) 6 SCC 454
- **Facts:** The case dealt with alleged misuse of the SC/ST Act and questioned if public servants could be arrested without preliminary inquiry.
- **Judgment:** The Supreme Court laid down safeguards, including:
  - **Preliminary enquiry** before registration of an FIR.
  - Approval of arrest of public servants by the appointing authority.
- **Impact:** Seen as a dilution of the Act; led to widespread protests by Dalit groups.

### 2. Union of India v. State of Maharashtra & Ors. (2018) – Review Judgment

- **Citation:** (2019) 4 SCC 17
- **Facts:** This was a **review petition** filed by the Union of India challenging the Subhash Mahajan judgment.
- **Judgment:** The Supreme Court **reversed its earlier decision**, restoring the original provisions of the Act.
- **Impact:** Held that **no preliminary inquiry is required**, and **anticipatory bail cannot be granted** for offences under the Act unless no prima facie case is made out.

### 3. Prathvi Raj Chauhan v. Union of India (2020)

- **Citation:** (2020) 4 SCC 727
- **Facts:** Challenged Section 18A, inserted via the 2018 amendment, which reiterated denial of anticipatory bail under the Act.
- **Judgment:** Supreme Court upheld the constitutionality of **Section 18A**.
- **Impact:** Reaffirmed that **no anticipatory bail** can be granted for offences under the Act, except in cases where **prima facie misuse** is evident.

### 4. Hitesh Verma v. State of Uttarakhand (2020)

- **Citation:** (2020) 10 SCC 710
- **Facts:** A property dispute was labelled as an atrocity under the SC/ST Act.
- **Judgment:** The Court held that **mere mention of caste without caste-based intent does not attract the Act**.
- **Impact:** Emphasized that the Act is not meant for **civil disputes**, and **caste-based motivation must be proven**.

### 5. Khuman Singh v. State of Madhya Pradesh (2019)

- **Citation:** (2019) 10 SCC 220
- **Facts:** Concerned the scope of investigation under the Act.
- **Judgment:** Held that **special courts cannot take cognizance** unless the investigating officer files the charge sheet after due process under the Act.
- **Impact:** Strengthened procedural safeguards for both complainants and accused.

### Advantages

1. **Legal Safeguards:** Provides strong legal protection against caste-based atrocities and discrimination specifically targeted at SCs and STs.
2. **Deterrence of Caste-Based Crimes:** The strict punishments act as a deterrent to potential offenders driven by caste-based animosity.
3. **Special Courts for Speedy Justice:** Ensures faster legal proceedings through the creation of Special Courts and appointment of Special Public Prosecutors.

4. **Victim-Centric Provisions:** Offers rehabilitation, monetary relief, protection of witnesses, and other victim-support mechanisms.
5. **Preventive Powers to Authorities:** Empowers district and state authorities to take precautionary actions in atrocity-prone areas.
6. **Non-Bailable Offences:** Makes most offences under the Act cognizable and non-bailable, ensuring serious treatment.
7. **Addresses Structural Inequality:** Recognises the historical and social roots of caste-based violence and provides corrective measures.
8. **Upholds Constitutional Principles:** Reinforces the values of equality, dignity, and social justice guaranteed under the Constitution.

### Disadvantages

1. **Possibility of Misuse:** There have been reports of the Act being misused for settling personal or political scores.
2. **Fear Among Public Servants:** Strict provisions, including denial of anticipatory bail, may discourage officials from acting promptly or fairly.
3. **Implementation Gaps:** Despite strong laws, ground-level enforcement is often poor, with low conviction rates and delayed trials.
4. **Lack of Awareness:** Many beneficiaries, especially in rural or tribal areas, are unaware of their rights and entitlements under the Act.
5. **Police Inaction:** Local law enforcement agencies are sometimes reluctant to register FIRs or follow proper procedures under the Act.
6. **Judicial Backlog:** Special Courts meant for speedy justice are overburdened, which defeats the purpose of prompt redressal.
7. **Misuse in Civil Disputes:** The Act is sometimes invoked in property or family disputes where caste-based intent is unclear or absent.
8. **Inadequate Monitoring and Evaluation:** There is a lack of proper oversight on the distribution of relief, implementation of measures, and conviction tracking.

### Way Forward for the SC/ST (Prevention of Atrocities) Act, 1989 in India

The SC/ST (Prevention of Atrocities) Act, 1989 has served as a crucial tool in addressing caste-based discrimination and violence in India. However, its effectiveness is hindered by implementation gaps, misuse concerns, and systemic resistance. Strengthening its impact requires a multi-dimensional and sustained effort across legal, administrative, and social

spheres. Below are key recommendations and the way forward for its effective development and enforcement:

### 1. Strengthen Implementation at the Grassroots

- Ensure **mandatory registration of FIRs** and strict action against police officers who fail to act.
- **Monitor and review** pending cases at the district level through special review mechanisms.
- Empower District Magistrates to proactively prevent atrocities in vulnerable areas.

### 2. Independent Oversight and Monitoring

- Create **independent national and state-level oversight committees** with representation from SC/ST communities, legal experts, and civil society.
- Mandate **annual audits and reports** on conviction rates, compensation disbursement, and preventive actions.
- Use technology for **real-time monitoring** of case progress and victim support.

### 3. Strengthen Special Courts and Legal Infrastructure

- Increase the number of **Exclusive Special Courts** and ensure their proper staffing with trained judges.
- Appoint **Special Public Prosecutors** who are sensitized to caste issues and accountable for case follow-up.
- Establish **fast-track courts** for atrocity-related cases in high-incidence districts.

### 4. Victim Support and Rehabilitation

- Ensure **timely and adequate compensation** and rehabilitative services, including housing, livelihood, and medical aid.
- Set up **Victim and Witness Protection Schemes** to safeguard complainants from intimidation and social ostracism.
- Create **legal aid cells** specifically for SC/ST atrocity victims.

## 5. Training and Sensitization

- Conduct regular **training programs** for police, prosecutors, and judicial officers on caste realities and the application of the Act.
- Include **human rights and caste sensitization** modules in police academies and judicial institutions.
- Organize community awareness campaigns in rural and semi-urban areas to increase knowledge of rights.

## 6. Prevent Misuse Without Diluting the Act

- Develop **checks and balances** (such as preliminary verification by a neutral officer) in non-violent civil cases without weakening protection in genuine atrocities.
- Encourage **judicial discretion** in dealing with doubtful cases, but without hampering the victim's right to justice.

## 7. Community Engagement and Social Reform

- Promote **education, awareness, and social integration programs** to tackle the roots of caste prejudice.
- Collaborate with **civil society organizations** to work on reconciliation, victim outreach, and community rebuilding.
- Encourage **inclusive policy-making** by involving marginalized voices in legislative reform discussions.

## 8. Data Transparency and Public Access

- Maintain a **centralised online portal** for atrocity case tracking, status of compensation, and court verdicts.
- Publicly disclose **district-wise data** on cases registered, charge-sheeted, and convicted to increase transparency and accountability.

## Conclusion

The SC/ST PoA Act is a vital legislative tool for promoting equality and social justice. However, its effectiveness depends not only on strict legal provisions but also on **institutional commitment, political will, and societal transformation**. A comprehensive, victim-focused,

and justice-oriented approach is essential to ensure that the Act serves its true purpose of protecting the dignity and rights of the most oppressed sections of Indian society.