CHAPTER - XIII

CONCLUSIONS AND SUGGESTIONS
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13.1 CONCLUSIONS

13.1.1 Introduction

The present chapter is devoted to summarise the conclusions based on the present research work and to suggest certain remedial measures.

There cannot be a crimeless society. Crime is as old as the history of mankind. Various laws are framed to prevent and control crime in the society. However, it has been experienced that only making laws cannot bring the desirable social order, but the attitude of the people in the society is more important. The effectiveness of laws largely depends on the awareness of the people, law abiding attitude of the citizens, capability and functioning of the different social systems and their values which influence each other e.g. family, social, police, judiciary, legal aid system, media, education etc. If we want to make society comfortable and secure, there is a real need to bring compatibility in level adjustments of value systems within the working components.

The people's expectations are symbols of laws, social pressure and need to meet social order. The creation of new act for controlling the increasing trend of atrocities on Scheduled Caste and Scheduled Tribe shows more awareness among the SCs and STs. Although stringent punishments and provisions are made in the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act 1989, still the mass atrocities and other atrocities are committed on these caste people on a large scale, specifically it has been observed in Bihar, Uttar Pradesh etc.
Fortunately, Maharashtra being progressive state, a good thing happened here and that is Dalit and Tribal movement on the issues of atrocities against Scheduled Castes and Scheduled Tribes emerged. As a result number of Dalit and Tribal Social Organisations are spread over, which are taking up the issues of atrocities against Scheduled Castes and Scheduled Tribes and playing very vital role for justice and rehabilitation of the victims.

It has been thought that untouchability has been eradicated through various laws and constitutional safeguards. The most painful discrimination of the members of SCs and STs is the physical and psychological atrocities committed on them. The threat of atrocities against Scheduled Castes and Scheduled Tribes manifests right from their birth and it continues all along with their life. The resultant consequences are low literacy rate, low per capita income, political interference and practically secondary treatment in all spheres of life.

13.1.2 Atrocities against Scheduled Castes and Scheduled Tribes in India:

The number of atrocities against Scheduled Castes increased from year 1989 to 1994 and then again decreased in year 1995-1996 with the population as well as in proportion to total I.P.C. crime. Except in year 1993 and 1996, the number of atrocities against Scheduled Tribes increased with the population as well as in proportion with total I.P.C. crime.

Except in year 1994 which has the highest rate of atrocities against Scheduled Castes i.e. 2.07 the rate of atrocities against Scheduled Caste increased continuously with total incidence of I.P.C. and after that the rate of atrocities against Scheduled Tribes also shows increasing trend except in 1993 with total incidence of I.P.C.
It is revealed that Uttar Pradesh, Madhya Pradesh, Rajasthan, Gujrat, Maharashtra are the states where total rate of atrocities against Scheduled Castes were higher than other states (i.e. above 1000 cases) next to these States are Karnataka, Andhra Pradesh, Tamilnadu (i.e. above 900 cases). Amongst Union Territories, Pondicherry tops in registration of atrocities against Scheduled Castes followed by Delhi, and Dadra Nagar Haveli. Uttar Pradesh is the only state with high density and high rate of crime. In case of Union Territories although Dadra Nagar Haveli has low population density, the more registration of cases of atrocities on SCs were seen. On an average the State of Maharashtra is on the fifth position in registering the cases of atrocities against Scheduled Castes among all the heads.

It is also revealed that Madhya Pradesh, Rajasthan, Gujrat, Maharashtra are the States where total rate of atrocities against Scheduled Tribes were higher than other States (i.e. above 280 cases) next to these States are Bihar, Kerala and Uttar Pradesh (i.e. above 122 cases). Amongst Union Territories Dadra Nagar Haveli tops in registration of cases of atrocities against Scheduled Tribes followed by Daman and Div and Delhi (i.e. above 0.12 cases). Madhya Pradesh and Rajasthan are the States with low density and high crime rates. In case of Union Territories also Dadra Nagar Haveli has low density and high crime rates compared to Daman and Div and Delhi. On an average Maharashtra is at fourth number in registering the cases of atrocities against Scheduled Tribes among overall total.

Nagaland, Arunachal Pradesh, Meghalaya are the States which have low rate of atrocities on Scheduled Castes. All these States were previously Union Territories which have been upgraded into States. One surprising thing is that
Union Territory of Lakshadweep have high density of population but it is not affected in general by atrocities against Scheduled Castes.

Goa, Mizoram and Nagaland are the States which have low rate of atrocities against Scheduled Tribes. All these States were previously Union Territories which have been upgraded into States. It is surprising that Union Territory of Chandigarh have high density of population, but it is not affected in general by atrocities against Scheduled Tribes.

13.1.3 Atrocities against SC/ST in Maharashtra:

In Maharashtra, there is fluctuating trend of total incidents, atrocities against Scheduled Castes and Scheduled Tribes with incidence of Indian Penal Code during 1987-1996. But if we take number of atrocities on Scheduled Castes in Maharashtra in 1989 as base, then the number has increased and it has reached upto 1622, whereas if we take number of atrocities on Scheduled Tribes in Maharashtra in 1989 as base, then the number has fluctuatingly increased and it has reached upto 505. The total atrocities on an average of eight year in proportionate with IPC in connection with Scheduled Castes shows 0.45% while in case of Scheduled Tribes it shows 0.12%.

Maharashtra is among the high crime-prone states as far as the atrocities against Scheduled Caste and Scheduled Tribe is concerned. This could be attributed to more awareness among the members of Scheduled Castes and Scheduled Tribes of Maharashtra. If we calculate average of 10 years (1987-1996), 1069 cases of atrocities against Scheduled Castes and 284 cases of atrocities against Scheduled Tribes were registered every year, which contributes 37% crime of the country as considering only atrocities against Scheduled Castes and Scheduled Tribes is concerned and 0.67% with total
average of IPC crime of the country. Maharashtra overall ranks fifth in atrocities against SCs and fourth in atrocities against STs. Atrocities against Scheduled Castes and Scheduled Tribes shows fluctuating trend.

Atrocities against Scheduled Castes is 0.45% when compared with total IPC crime of the State, whereas atrocities against Scheduled Tribes it is 0.14%.

13.1.4 **Atrocities against SC/ST in Kolhapur District:**

The rate of general crime in Kolhapur District, when compared with the State is quite low.

The average annual IPC crime of 10 years (1987-1996) of the Kolhapur District was 3175.6. The major contributing heads of this crime are IPC other crime 25.22%, Thefts-23.42%, Hurts-18.80%, HBT's-10.19%, Riot-05.99%, Murders-02.46%, atrocities against Scheduled Caste and Scheduled Tribes-01.65%, remaining heads of crime contribute 12.89%.

The average annual cases of atrocities against Scheduled Caste and Scheduled Tribes for last ten years is 053.2. Except in year 1992 (90 cases), the cases of atrocities against Scheduled Castes and Scheduled Tribes have not shown any significant increase during the last 10 years. It has increased at normal rate as other crimes and also shown fluctuations during the period under study.

Kolhapur district is the low crime district with regard to total IPC crime, but it is high crime rate district with regard to cases of atrocities against Scheduled Castes and Scheduled Tribes. This is also evident from the fact that the average cases of atrocities against Scheduled Castes is 0.45%, Scheduled Tribes 0.14% of total IPC crime of Maharashtra, whereas in Kolhapur District it is 01.65% of total IPC crime of Kolhapur District.
In Kolhapur District on an average annually 16.4 cases (30.61%) of other IPC offences read with Protection of Civil Rights Act and Scheduled Castes /Scheduled Tribes (Prevention of Atrocities) Act-1989. Followed by it, offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act-15.6 cases (27.63%), Protection of Civil Rights Act-09.1 cases (18.32), Hurt-07.1 cases (13.33), Arson 02.1 cases (03.92), Rape-1.0 cases (2.13), Murder-0.8 cases (1.40), Robbery-0.5 cases (0.972), Dacoity-0.3 cases (0.547), Kidnapping and abduction-0.3 cases (0.48) are registered. In the head of other offences major crime observed is cases of Riot, Molestation, Houses trees pass etc.

All the heads of atrocities on Scheduled Castes and Scheduled Tribes have shown fluctuating trend during the period 1987 to 1996. Except in year 1992 under the head SC/ST (Prevention of Atrocities) Act (47 cases) there is no marked increase under any head over the last 10 years.

The minimum number of cases was murder, dacoity, robbery, arson, kidnapping and abduction, rape and maximum number of cases were SC/ST (Prevention of Atrocities) act, Protection of Civil Rights Act, Other offences and Hurt. Kolhapur District presents a peculiar picture of crime which is very relevant with its culture, tradition and other demographic factors.

The rate of registration of cases of atrocities against Scheduled Castes and Scheduled Tribes in Kolhapur District is on increase. This is a very positive sign of the awareness of the law amongst the Scheduled Caste and Scheduled Tribe persons in the Kolhapur District. According to the procedures and directions by law there is free registration of crime (cases) against Scheduled Castes and Scheduled Tribes which is an indication of progressive society with regard to the crime scenario of the district.
In the detailed study of age group, castewise classification of complainant and accused shows that majority of the complainants are from younger group, Mahar and Mang castes are prominent in registering their complaints. Accused from Maratha, Jain, Lingayat castes are very active in committing the atrocities against Scheduled Castes and Schedule Tribes. One significant factor observed is that the delay of lodging the complaints has been upto 5 years. Average delay period seen from 11 days to 6 months in majority of cases. Although Government of India, Maharashtra, D.G.P. M.S. Mumbai issued circulars for completing the investigation within a month, in most of the cases, this was not observed positively.

Total period taken for decision of the case was upto 6 years. Some cases were also decided after 7 to 14 years period. Majority cases of atrocities took place in rural areas. Most of the cases of atrocities committed against SCs and STs are seen on open places.

13.1.5 Atrocities against Scheduled Tribes Caste verification :-

Mahadeo Koli's

No doubt the aim of Government of Maharashtra and India is to avoid non-tribals from getting facilities of tribal people, at the same time it is necessary to see, whether the work is going on as per the instructions. If real tribe person suffers from this and has to approach to High Court and Supreme Court for justice then what is the use of an authority whose decisions were set aside, further by the concerned courts? Government of Maharashtra should form a committee for enquiring and deciding the cases of such tribal people. The President of Mahadev Koli or other Scheduled Tribe Community as the case may be of the concerned Division should be appointed and attempt should be made to give the judgment in such a way that while denying proofs the
reasons and evidence according to law should be given. So that the tribe people cannot suffer financial loss psychological stress, mental stress, uncertainty during filing appeals against the committee's decision.

13.1.6 Cases of Atrocities Relating to Religion, Obstruction/Prohibition, Mischiefs, Womenhood, Other Offences, Humiliation at Public Places

1. It has been observed that the Protection of Civil Rights Act 1955 and SC/ST (Prevention of Atrocities) Act 1989 along with their rules are misused by the people (complainants), because in many cases they lodge the complaints after consulting with their party leaders, leaders who are well aware about these acts and also consultation with family members. Many a times on previous rivalry and political rivalry the cases are filed which are taken by Court on record.

2. Out of Court settlements have been seen in few cases. At the time of lodging of complaint, the complainant is in angry and emotional stage and so he lodges the complaint. But after some period due to social pressure, political pressure, surrounding social atmosphere and to maintain good relations with the members in society, these complainants and witnesses did not support the case during trials in court, they either become hostile or told different stories in court.

3. In most of villages selected for case study, it was found that Maratha, Lingayat and Jain communities have dominance and they had committed atrocities against SCs and STs. To get political power and maintain leadership in all social institutions and also in society, the dominant factor has always remained over SCs and STs.

4. In cases of atrocities against womenhood i.e. in case of molestation, the victims who were not married at that time have married and living joyful life. The deaf and dumb victims are living with their
relatives. One victim of rape is living at her mother's place as the husband left her to live there.

5. It is found that most of the accused and complainant maintained good reputation and status in society, busy in their farming, and some are engaged in the political field as workers and some are holding the posts in Grampanchayat.

6. In a case it was transpired that due to Maratha caste dominance, the members of these caste put a no confidence motion against the SC woman sarpanch and not attended meeting called by her and they did not want to work under her power which is the sign of conservative nature of these people.

7. The registration of offences, investigation of the offences have big lapses in most of the cases. Registration of proper F.I.R. is the most important point for investigation of the case. The F.I.R. should have the reasons, intentions, the facts of previous quarrel, political rivalry etc. along with the reasons for delay if any. Many lacunae/lapses found the investigation, I.O's did not give attention on collecting the proper evidence at the stage of investigation, did not collect caste certificates of accused and complainants/victims, injury certificates of victims and also in some cases the material and documental evidence has not been collected and properly recorded which help the accused in acquitting from the cases.

8. The statistics show that majority cases of atrocities on SCs and STs are acquitted and main reason behind it is hostile of witnesses, then it is important to study the reasons why the witnesses are hostile or turned away from their original statement which they stated before police. As the total verdict/decision of the case is depending upon the evidence of witnesses, we must know the exact reason behind
their turning away from original versions. Most important factors to be studied about the witnesses are: How the witness gets treatment from Police? Whether the witness gets proper importance and treatment from courts? If these points are operated positively, then the witnesses will be useful to the prosecution.

The main points which disturb the witnesses are: 1) when witnesses are called repeatedly in the court, they are disturbed as they are from lower income group and daily income from minor works gets lost. When they do not work on a day, their whole family suffer from starvation. Thus the fund of Rs.10/- for giving evidence in the court and sparing his whole day for that purpose affects him and his families daily life. Here Hon. Supreme Court Judge Justice R.T. Thomas and Justice R.P. Sethi's instructions are very clear. If the witness should come in court for evidence he should be properly treated, guided and his evidence should be completed within that day so that he can make his further needs in the sparing time and due to good behaviour and proper help, he can give the evidence without any burden. Another point is that majority of the witnesses are being threatened and as they are not given proper security, the witnesses show their negative approach towards helping and giving evidence in the court. The Commission headed by Hon. Justice Mallimath suggested that some important guideline regarding the improvements in judicial system. If the witnesses in sensational cases are given proper security, then they will help in the case.

9. Government of India vide their G.S.R. 316(E), dated 31st March 1995 and with the exercise of the power conferred by Sub-Section 23 of
the SC/ST (Prevention of Atrocities) Act 1989 (33 of 1989) made the rules and these were started with effect from 31st March 1995 (Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3(i), dated 31st March, 1995 (w.e.f. 31st March, 1995).

According to Rule 7(1) an offence committed under the Act shall be investigated by a Police Officer not below the rank of Dy. S.P. The Investigation Officer shall be appointed by the State Government, Director General of Police, Superintendent of Police after taking into account his past experience, sense of ability and justice to perceive the implications of the case and investigate it alongwith lines within the shortest possible time.

The observations from the cases studied indicate that the Special Judge while deciding the cases mainly press on the point of I.O. as Dy.S.P's are not investigating the cases after formation of above rule and hence on this point the cases were acquitted.

The cases investigated by Dy.S.P's shows that in the judgments of cases acquitted the investigation done is of very poor quality and although Government and higher authorities expected to do the investigation with standard quality by these rank officers, big lacunae were found and these lacunae trends towards the investigation which should be completed with the help of subordinates and proper care was not taken personally by these Dy. S.P's.

Another important fact has been observed that according to SC/ST (Prevention of Atrocities) Rules – 1995, as per Sec. 12 Social Welfare Department, Kolhapur has given Rs. 8,38,750/- to 110
victims in 263 cases as compensation amount in the cases registered from 1995 to 2001. Only a single case has been convicted. The point is whether compensation should be given or not? Because Government has no gain from this. The committee rejected 90 claims which is a good sign of proper implementation. In a case of Gaganbavada the compensation amount is being given to the complainant but the complainant did not support prosecution at the time of hearing of the case when giving evidence hence Government pleader pointed out towards the compensation taken by the complainant according to Sec.12 of the above rule and become hostile at the time of evidence in court. The Government pleader requested to recover the compensation amount from complainant. A big loophole seen while framing these rules has been seen here that as per the provisions made in the rule, the provision of recovery of such given compensation was not laid down anywhere in the rule. So Court was unable to issue the order of recovery of given compensation amount although the court observed the facts. Hence increase of such practices has also been seen.

11. Government of Maharashtra although shows a very vital role in implementation of the law effectively, during the period of Shivsena-BJP rule 106 cases of Kolhapur District were withdrawn. The Government of Maharashtra vide No. PCR/3094/Kolhapur/1456/ Special-6 Home Dept. (Special) Mumbai dated 29th October 1994 and 21st May 1996 sent letters to District Magistrate, Kolhapur regarding withdrawal of minor cases registered under Protection of Civil Rights Act and SC/ST (Prevention of Atrocities) Act with
reference to District Magistrate, Kolhapur's (1) letter No. Karyasan-
d7/Griha/RR/1524/94 dated 29-6-1994, Government of Maharashtra
has permitted to withdraw 76 cases and 30 cases vide above orders.
In these cases while withdrawing no consent or say has been taken
from complainants who lodged their complaints for getting justice
according to law. This policy of withdrawal of cases without consent
of complainant shows controversial behaviour of Government while
implementing the provisions.

12. The cases which ended in acquittal shows following reasons:

(a) The complainants are compelled under duress to compromise the
cases, as such they come to compromise.

(b) The complainants fail to produce sufficient cogent evidence to
convince the Judge. It is because of their socio-economic and
educational back-wardness and apathy of caste Maratha etc. towards
them which becomes hindrance in getting independent evidence for
them.

(c) Procedural lacuna comes in the way of social justice, the Police
Officers do not undertake expeditious and flawless investigation nor
they have interest to do so.

(d) No independent witness comes forward to corroborate the
complainant's version, those who come forward tell different stories
at the time of evidence.

(e) Generally the complaints are not lodged immediately. The delays
are viewed adversely by the Courts.
(f) Due to poverty and fear of the retaliation from the rich accused the complainants do not contest the case strongly.

(g) False or exaggerated cases are reported due to group fraction in the villages.

(h) Due to fear of retribution of reprisal or future promises, the complainants think to withdraw the case by keeping himself away from the witness box.

(i) In some cases contradictions between the evidence given by family members themselves along with their relatives has been found and in some the complainant did not disclose the facts of the offence and turn hostile.

The same causes have been observed by Sessions Court and J.M.F.C. Court at Aurangabad and a syndicate study carried out by S.V.P. National Police Academy.

13.2 SUGGESTIONS

13.2.1 Introduction:

Law is a powerful weapon to bring about social change in a given society, but unless it is flawless and its implementation is free from bias, its purpose cannot be accomplished.

The atrocities against Scheduled Castes and Scheduled Tribes is more related to the hearts, minds, desires, attitudes and thinking of individuals than the situation and circumstances.

The real need is to identify the basic causes of atrocities against Scheduled Castes and Scheduled Tribes. As the causes are identified, the concerned agencies can try to reduce or root out the causes. The agencies like Police Administration, Judiciary, Advocates, Legislation, Social Organizations,
Educational Institutions, Family Institutions, Social Thinkers, Social Scientists, Religious leaders, various Scheduled Caste and Scheduled Tribe Organizations, Women's Organizations, Voluntary Organizations, Media i.e. both print and electronic, the members of Scheduled Castes and Scheduled Tribe and society at a large will have to play their roles to bring the results in curbing the atrocities against Scheduled Castes and Scheduled Tribes.

13.2.2 Police:

Police occupy a strategic position in the control of atrocities against Scheduled Castes and Scheduled Tribes. However, they are always overburdened with responsibilities of maintaining law and order and cannot devote themselves fully to their main task.

It is the prime function of police, to prevent the likely crime before its actual occurrence. This is possible to some extent, through an intelligent way, if the resources were utilized at Police Station level. As Police Patil is the grass root level machinery available in Maharashtra, who is assigned with the police duties. If the Police Station officer collects an intelligence of committing atrocities on SC's and ST's through Police Patils/villagers and calls the non SC/ST persons and brief them the understanding of consequences by taking station diary entry and statement, the so called upper castes certainly will not dare to make atrocities against Scheduled Castes and Scheduled Tribes. It is a better step than registering an offence by creating a record at very initial stage which will keep the upper caste people under legal pressure and fear.

Police arrest is supposed to be the most unfortunate and unforgettable incidence in life. Once the atrocity exceeds bearable limits and complaint is registered, police should take quick and effective actions. The police officers should always think in their mind that if the atrocities are committed on these socially weaker groups it becomes sensitive problem and many times group/mass attacks resulted in communal riots.
Police play an important role from beginning till the disposal of case by the court. Police maintain all relevant records i.e. registration of new cases, number of pending cases and number of disposal cases either in initial stages of investigation or by the court.

Police offices should be in constant touch with Dalit and Tribal Organizations/Social Organizations/Administrative and all other agencies for providing possible help to the SC/ST caste people in distress. In fact, police should take lead in Dalit/Tribal people sensitization programmes with the help of voluntary and social organizations. Police officers should make full use of "Samajik Surakasha Samiti" for rendering help to the people of affected SC's/ST's in distress. Policemen and women, Police officers and women officers dealing with the atrocities against Scheduled Caste and Scheduled Tribe need to be given special attitudinal training to equip themselves for the effective policing in preventing the atrocities against Scheduled Castes and Scheduled Tribes.

As police machinery is a prime and first machinery reacted with the victims. Following are the few suggestions for effective implementation and registering the offences properly.

13.2.3 Registration of offences:

As victim/victims are unaware about the existing laws and also with the procedure, it is the duty of the (police) station house officer that when the victim comes to the police station for lodging the complaint,

i) The complaint should be taken by the officer of the rank of Assistant Police Inspector.

ii) When the victim rushed to give complaint, he should first ask the complaint on what exact base/reason the complaint is given, whether any previous quarrels or earlier adverse incidents are the reasons for lodging the incidents.
iii) Whether the complainant belonging to any political group or working for any political leader and on that reason to help his candidate complaint is lodged against the opponent.

iv) From the scrutiny of all the judgments of decided cases it was revealed that most of the cases are compromised out of court and thus the complaint has been taken from all the aspects i.e. minute incidence also should be taken into consideration and mentioned in the complaint.

v) When the complainant comes to police station, the concerned Sub Divisional Police Officers should be informed immediately so that he can attend it in time and make inquiries on the important points which should be important for the part of lodging F.I.R. and which are useful for their future investigation of the case.

vi) Narrate the facts in first information report in the words of complainant, so that he can brief it in court during trial of the case, not in the words of police machinery.

vii) If there is delay in registering the complaint, the reasons of delays should be mentioned in the F.I.R.

viii) As "ingredients and intention" are main points of evidence, in the complaint these factors should be clearly mentioned alongwith "the caste words used" and the persons before whom these words are uttered should be mentioned in the complaint.

ix) The castes of complainant (victim) and all the accused.

x) The cause or reason of crime.

xi) Any previous quarrel or previous offences if registered.

xii) The intention of crime.

xiii) Previous rivalry or whether the complainant and accused belonging to any political group.

xiv) How did the complainant knew the accused?
13.2.4 **Police Investigation**:  

Police investigation is soul of the case. The victim for getting justice to the atrocity committed against him, rushes to police station and thinks that he will get the real justice according to law from Police and Judiciary. Thus the deeper and detailed investigation of registered cases results in conviction and victim can get the justice. For this purpose following are some suggestions on which investigation of the cases of atrocities on Scheduled Castes and Scheduled Tribes should be done.

i) As the complainant and witnesses are seen to narrate different facts or tell more facts in court during evidences than narrated before police, during investigation, the statements of complainant, eye-witnesses, important witnesses under C.R.P.C. 164 should be taken immediately and produced before Special Court during hearing of case.

ii) It has been seen that the cases investigated under the new act i.e. the SC/ST (Prevention of Atrocities) Act-1989 and also the Protection of Civil Rights Act-1955 are having very low percentage of conviction. Main reasons for acquittals are sometimes the defaults/lacunae made in the investigations and for majority of times hostile of the witnesses. For avoiding such conspiracy the evidence in a sequence should be collected and as each part of evidence which will be fruitful and useful to give conviction. Minute incidents behind complaint should be brought on record which can give best results. As complainant many a times did not tell these facts during lodging the complaint and accused take this opportunity to bring it on record during trial, the investigation officer must take care about these facts.

iii) Getting caste certificate from concerned and competent authority is essential. The caste certificate of complainant and accused should be collected from the competent authority.
iv) The concerned record as narrated from the versions of complainant and witnesses, should be recorded.

v) Each and every fact should be brought on the record in such a way that no matter should remain absent in collecting evidence.

vi) As per the provisions of new rules of the new act Sub Divisional Police Officers are the investigation officers of these cases, they should personally pay attention on each and every fact collected as evidence.

vii) After collecting all the evidence, if the investigation officer realizes that charge sheet should be submitted, he should send all the investigating papers to the Assistant Director of Public Prosecution (Police Prosecutors) for scrutiny and get suggestions for further investigations.

viii) As per guidelines and instructions of superiors, the officers of P.C.R. cells who visits the spot, they should be well trained. When they visit the scene they should check and scrutinize the papers, check the fact narrated in F.I.R., check the ingredients and intentions of complaint, whether it is on political or previous enmity ground etc. These officers at the time of hearing in court should be summoned as they are the visiting officers of specialized branch.

13.2.5 Legislation:

Law is the result of need and expresses will of the people. Law alone cannot bring the desired results and changes in the society. The need is that society also should give equal response towards the law. Constitutional safeguards have been made for protection of the people of Scheduled Castes and Scheduled Tribes. Alongwith these provision following are the laws exist under which atrocities against Scheduled Castes and Scheduled Tribes can be dealt with:

1) Indian Penal Code 1860
Legal system and laws have been evolved over the years. These have not kept pace with the evolving social situation and it may be necessary to evaluate and modify these keeping in view the requirements of ensuring equality of opportunities and justice to Dalit and Tribal people.

There are suggestions for amending or introducing laws to strengthen the position of Scheduled Castes and Scheduled Tribes people.

1) As the complainant and important witnesses either turn hostile or tell different stories in court, it has become necessary to record their statement before special court. Hence an amendment should be made in section 164 C.R.P.C. regarding the powers in these cases only to Special Court.

2) New provisions should be made in the SC/ST (Prevention of Atrocities) Rules-1995, as the complainants lodged F.I.R. and getting relief amount from Social Welfare Department. The provisions is that no relief amount should be given to any victim/complainant until the decision of case and it should be given only when they gave evidence in favour of prosecution. Thus the practice of taking relief amount from Govt. and settling the case with accused out of court should be stopped.

3) Amendment should be made in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) as the Sub Divisional Police Officers are always busy in the visitation of serious crime, various law and order problem. Special officers should be deputed to "Protection of Civil
Rights Branch" for special purpose of investigation of these cases in every district, so that independent investigation can be carried out and no lacunae will remain in investigation.

4) Amendment should be made in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act-1989, as it is observed that many offenders granted bail against atrocities except one who was involved in a murder case. Though the Act do not recommend for any bail to the culprits, majority of the offenders are granted bail.

5) While taking decisions of withdrawal of cases under the Special Laws specifically made for protecting the rights of socially weaker sections, Government should make stern provisions by amending the Act, before withdrawal of such cases, the consent of victim/complainant should be made compulsory.

6) Regarding compensation given to victims/complainants Government should make necessary amendments in the rules as the victims/complainants misuse the facilities given according to Sec. 12 of SC/ST (Prevention of Atrocities) Rules 1995. The compensation amount should not be given to the complainant till the decision of case and 'No Objection Report' from a committee of public prosecutor/police prosecutor, concerned I.O. (Police Officer) and Social Welfare Officer. The prosecutors, police officer and Social Welfare Officer should see whether the complainant positively helps to the prosecution or not and submit their report and then only the compensation amount should be given. If such practice is to be started then the positive results would be seen and the illegal practices will be curbed down.

13.2.6 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. When giving them Legal Aid following points should always be considered.

1) The victims should be ensured that their complaint is registered.

2) The victim/victims should be advised what he/she should do, tell them that what remedies are available and no compromise under compulsion.

3) Investigating officer and the officers deputed at P.C.R. units should visits the scene of offence quickly.

4) The charge sheet should be filed with all relevant provisions of law, in the special courts.

5) The lawyer's service should be provided to the victims including copying fees, travel expenses to the police station and to the court.

6) The proper co-ordination between police and prosecution authorities should be ensured in marshalling of evidence and presentation of the case in court.

7) The legal aid should act as catalyst in court proceedings.

8) The existing legal aid scheme should be revamped to enable more people to avail the facilities and to attract the best legal expertise to participate.

9) Through media people of these castes/tribes should be made aware to take more legal aid service.

13.2.7 Judiciary:

As the "Special Court" provisions has been enacted in implementing the act with effective action, it was taken for granted that the victims of the atrocities can get justice.

Following are some of the suggestions for judiciary.

1) The cases should be disposed off at the earliest after filing chargsheet to avoid the witnesses compromise with powerful offenders by economic, social and political pressure.
2) The complainants or witnesses who are hostile or telling lies in the court during hearing of the case should be punished because they make settlement with offenders out of court.

3) Call the witnesses on the exact date of hearing to avoid their expenses from time to time. Payments of attendance should be given after completion of evidence immediately.

4) Atrocities against Scheduled Castes and Scheduled Tribes has been viewed as crime against humanity and while granting bails in special cases also the sureties should not be accepted from the side of accused. It should make compulsory to the accused to bring a guarantor as M.L.A.'s in specific cases.

5) The existing laws, as well as criminal justice system seems to be accused oriented. All possible precautions should be taken to provide opportunities to accused at every stage of trial and even after convictions. The same view should be taken with regard to victims, the system should be victim oriented, rather than accused oriented.

6) For early disposal of the cases, at least another two courts in each district should be appointed, so that the cases will be decided within short time.

13.2.8 Advocates:

Normally, people in general complained that justice is delayed. In this connections advocates can play a very important role in accelerating the speed of trials. In case of atrocities against Scheduled Castes and Scheduled Tribes advocates should play always a positive role in getting the cases disposed of earlier.

While cross-examining the victims and witnesses, the defence councils should not treat them as their enemies and try to ask them reliable question by avoiding undue harassment or exposure. Advocates should see case for social
justice than justice to accused at least in the atrocities against Scheduled Castes and Scheduled Tribes.

Assistant Director of Public Prosecution (Police Prosecutor) should verify each and every case registered under these acts before filing chargesheet in courts and realize that proper and sufficient evidence has been collected. During the course of hearing Public Prosecutor should personally pay attention on getting proper evidence from complainant/victim, and witness, briefed them well for evidence in the court, see that they did not compromise out of court. The court should be requested that if they become hostile, take action according to law against them.

13.2.9 State/Administration:

Laws are man-made; they can be changed, if they prove to be obstructive. The present system of insisting too much on technicalities has to be avoided. Today, the top man does not want to know and the man at the bottom does not want to tell about the ills of his department, nor rectify the flaws at his own level.

Following are some suggestions for effective implementation of Government policies.

1) It is necessary in initial stage, the population belonging to Scheduled Castes and Scheduled Tribe should be made aware about the acts, specifically Protection of Civil Rights Act-1955 and the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act-1989 alongwith their rules and its provisions through dramas, camps, posters, documentary films etc. The Scheduled Castes and Scheduled Tribes do not know that there is a provisions which can protect them.

2) The provision for adequate facilities including legal aid, to the persons subjected to atrocities should be made to enable them to avail justice.
3) Provision should be made for immediate relief/expenses for travelling and maintenance to witnesses, including the victims of atrocities, during investigation and trial of offences under all the acts.

4) Necessary resolutions should be made for the upliftment of the victims of the atrocities for the economic and social rehabilitation.

5) For effective implementation, registration, investigation specially trained officers of special branches should be formed or deputed who should concentrate on the investigation and thus conviction rate can be increased.

6) Govt. should form a separate committee of experts to scrutinize the judgments of decided cases and suggest measures and guidelines for further progress and effective implementation of the act.

7) All the concerned departments i.e. police, court, social welfare, public prosecution etc. are facing problem of under staff. Therefore, it is necessary to recruit separate or sufficient staff in these departments to avoid delay in settlement of cases. The post of public prosecutor should be made on regular basis or they should not be changed frequently.

8) The Government should make wide publicity through following sources:

   a) **All India Radio** - Talks on this subject, discussions, songs, debates etc. should be arranged.

   b) **Press Media** - Releasing press notes, wide publicity to the incidents of atrocities, statements of Ministers/leaders, publications of various short research papers etc.

   c) **Publication** - Publication of books, leaflets, pamphlets, journals, quarterlies, fortnightlies etc.
d) **Field Publicity** – Projection of documentary, film shows, slide shows, songs and various programmes through drama or other type, seminars, campaign etc.

e) **Doordarshan (T.V.)** - Arranging songs, drama, feature films, symposiums, debate, personal question-answer by experts to public.

In order to give wide publicity to the provisions of Protection of Civil Rights Act, 1955, the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act-1989 alongwith their rules made thereafter, the Ministry of Home Affairs, had printed 1,00,000 copies of the Act in Hindi, English and also in all regional languages for distribution to the State Governments and non official agencies at the first instance. But it was observed that the copies have not reached to the concerned persons who are always victimized. Hence the level of awareness of common people, including Scheduled Castes and Scheduled Tribes remained very low. Some of the police officers who are concerned with the implementation of Act also do not know the procedural action of such acts. Hence these Acts remain as a 'statute book.' To avoid this, Government should again print these Acts and distribute the copies and should check whether these copies have reached to the common people and the SC/ST people in particular.

13.2.10 **Educational Institutions**:

The literacy rate of Scheduled Castes and Scheduled Tribes is low. All out steps should be taken to improve the literacy rate. The literacy amongst Scheduled Castes and Scheduled Tribes has a positive effect on social and economic development. Educational institutions should encourage the students and people of S.C.'s and S.T.'s for compulsory school education.
Some topics on eradication of untouchability from primary school levels should be inserted which can result better relations and equal and better coordination between all castes.

13.2.11 Non-Government Organizations (N.G.O's):

The voluntary organizations should take up individual SC/ST members problems with police/courts/concerned individuals which is equally necessary, as the voice of an individual SC/ST member carries no weight.

The Non-Governmental Organizations should be entrusted with missionary zeal for the cause of oppressed SC/ST members. They should provide legal aid. Whenever necessary, they should provide physical and mental shelter to the SC/St members in need.

13.2.12 People in the Society:

It is seen on various occasions that peoples in the society act as mere spectators of atrocities against Scheduled Castes and Scheduled Tribes. If the people in the society come forward for giving factual information, apprehending accused to give evidence and all co-operation for enforcing law.

13.2.13 Media:

Media is the main reflecting and reacting area in the society. There is tremendous impact of both audio-video and print media including newspapers, journals, fortnightlies, quarterlies etc. The invasion of the television and the satellite networks into the average households have necessitated serious reviews on their effect on society.

The print media, which tends to highlight and emphasize the more sensational aspects of the atrocities on Scheduled Castes and Scheduled Tribes should highlight and promote more information regarding preventive measures, support groups for contact. The practice of untouchability and mass attacks are on increase but for sensitizing the society, print media only work as giving the news. If the print media acts to follow these news daily and took this issues to
make people aware of it then the Government also reacts positively in curbing such incidents.

Good publicity has to be given to those organizations, which provide free legal aid to Scheduled Castes and Scheduled Tribes, so that the needy people of these castes could approach them and seek their help. Press-media can bring about social and cultural change in the society. The press is supposed to be fourth pillar of the democracy. The prime responsibility and accountability to be performed on priority rather than individuals interest like sell of news paper and profit. The press has tremendous power of faming or defaming individuals, institution and organizations. This power should be exercised judiciously taking into consideration the interest of society as a whole.

13.2.14 Social Scientists/Thinkers/Religious leaders:

Social thinkers, social scientists and intellectuals by their speeches and routine social practice personally should contact to the victimized group and brief the victims and these caste people should be made aware about their rights. If there is strong political will the desired social changes can be brought faster. Political leaders have the power to change the laws as per the will of the people and also make efforts to evolve desirable social system.

As far as the religious leaders are concerned they have many followers and resources at their disposal. These religious leaders are having tremendous impact on the minds of public and followers. Thus religious leaders have to perform the duties by joining in the process of upliftment of Scheduled Castes and Scheduled Tribes. They can take initiative by propogating to remove the "untouchability practice" and prevention to the "atrocities on SC's and ST's".

13.2.15 Suggestions Regarding Scope for Further Research:

1) There is need to study the socio-psychological aspects of atrocities against Scheduled Castes and Scheduled Tribes along with interaction with victims and accused.
2) There is need to study existing laws relating to atrocities against Scheduled Castes and Scheduled Tribes not only from India but from important nations of the world.

3) It is necessary to study all the laws, acts and rules and suggest one common penal code covering all aspects with stringent punishments regarding atrocities against Scheduled Castes and Scheduled Tribes.

4) As Government of Maharashtra has changed the pattern of election under 73 constitutional amendment by formation of reservation seats, there is need to undertake a study of the impact on social status of Dalits and tribals and atrocities against them.

5) There is need to study the detailed procedure and working policy along with formation and changing policies of caste verifications and the work of committees.