Chapter 1

Introduction
"Caste can not be abolished by inter caste dinners or stray instances of inter caste marriages. Caste is a state of mind. It is a disease of mind. The teachings of the Hindu religion are the root cause of this disease. We practice casteism and we observe Untouchability because we are enjoined to do so by the Hindu religion. A bitter thing can not be made sweet. The taste of anything can be changed but poison cannot be changed into nectar."

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Dr. B.R. Ambedkar.

I. SIGNIFICANCE OF THE STUDY:

The significance of the present study is that ‘The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989’ which was enacted to prevent atrocities against Scheduled Castes and Scheduled Tribes brought a new vision to Indian Judiciary. The age old Indian Penal Code deals only with crimes and punishments. But the Act, not only deals with punishments for atrocities, but also prescribes comprehensive measures for protection, welfare and rehabilitation of the victims of the atrocities. For the effective implementation of the Act, the government has set up different administrative agencies, right from State level to district levels. They are the establishment of Vigilance and Monitoring Committees, Special Courts, Special Public Prosecutors etc. The government servants are made responsible, if they fail to perform their official duties under this Act. Government Officers are also liable for penal punishment under this Act if they fail to perform their duties assigned to them under this Act. The Governments, more particularly the Central Government are allocating financial resources for implementation of the Act.

II. NEED FOR THE PRESENT STUDY:

Twenty years have passed since the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was brought by the Government of India. Although the Act aimed to provide protection and eliminate atrocities against the members of the Scheduled Castes and Scheduled Tribes, there has been no mitigation with annual average of Crimes registered against Scheduled Castes and Scheduled Tribes standing at 33,596 and daily average being 93. Despite the Prevention of Atrocities Act being a premier Legislation to protect the security of life for Scheduled Caste and Scheduled

Tribe, from 1995 to 2007 less than one - third (30.7%) of Crimes against Scheduled Castes and Scheduled Tribes across India were registered under the provisions of Prevention of Atrocities Act. Incidentally, there has also been an alarming increase of violence against Dalit women. A study of 500 Dalit women’s cases of violence across Andhra Pradesh, Bihar, Tamil Nadu and Uttar Pradesh between 1999 and 2005 revealed that the majority of the women faced several forms of violence from either or both perpetrators in general community and the family. The most frequent forms of violence were verbal abuse (62.4%), physical assault (54.8%), sexual harassment and assault (46.8%), domestic violence (43.0%) and rape (23.2%). According to the National Crime Record Bureau (NCRB) there has been 4,41,424 registered Crimes against Scheduled Castes and Scheduled Tribes during 1995-2007. The breakdown of Crimes include 9,595 cases of murder, 61,168 cases of hurt or grievous hurt, 20,865 cases of rape, 4,699 cases of arson, 4,484 cases of kidnapping and 10,512 cases of ‘Untouchability’ practices. A large number of cases have been closed by the police for various regions.

As per National Crime Record Bureau, police closed a large 21.7% of cases under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, during 1997-2007. Apparently, out of 1,76,397 pending cases, investigation has been performed only on 1,34,534 cases. And out of this, only 97,341 cases the charge sheet has been submitted. Adequate protection and rehabilitation has not been provided to the victims of the atrocities. Victims are being denied the justice enshrined in the Act. Every year official reports and statistics, revealed that there is a constant increase in atrocities against Dalits.

The low rate of conviction in atrocity cases and the release of offenders from the cases causing terror among the victims of atrocities. In order to protect the interests of the Scheduled Castes and Scheduled Tribes and to prevent atrocities against them there is a need to study the provisions of the Act and strengthen the provisions of the Act for the effective implementation of the Act. Now, it is right time to promote a progressive Act like ‘The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by amending from some of the provisions of the Act which is very essential for achieving its objects and goals.
III. OBJECTIVES OF THE STUDY:

Atrocities against Scheduled Castes and Scheduled Tribes continue to be a burning problem even today. No fruitful solution could be arrived to solve this problem. Though several Research papers, Dissertations and theses have been submitted to find out the solution, the problem is constantly static without much change. So the important objective of the study is to analyze the cause and effect made by the State for preventing ‘Atrocities on the Scheduled Castes and Scheduled Tribes’ committed by dominant sections of the society.

To attain the important objectives of the study emphasis is laid on the following aspects. They are:

1. To trace out the Evolution of ‘Untouchability’
2. Causes for the Violence and Atrocities against Scheduled Castes and the Scheduled Tribes.
4. Constitutional and Legislative protection provided to the Scheduled Castes and the Scheduled Tribes.
5. One of the aims of the study is to lay special focus on ‘The Protection of the Civil Rights Act, 1955.’
6. The important aim of the present study is to examine, in a comprehensive manner, the various provisions of ‘The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989’, and their implementation, and to study the decisions of Supreme Court and various High Courts on cases registered under this Act.
7. To lay emphasis on the inadequacy and inefficiency of the laws meant to prevent the atrocities against Scheduled Castes and Scheduled Tribes.
8. To examine the recommendations of various Commissions appointed by Government, for the prevention of atrocities against the Scheduled Castes and Scheduled Tribes.
9. To find out various measures for the prevention of atrocities against Scheduled Castes and Scheduled Tribes.
IV. HYPOTHESIS:

In the year 1989, the Government enacted ‘The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in order to prevent atrocities against the members of Scheduled Castes and Scheduled Tribe. The need for this additional Act was felt because under the circumstances, Protection of Civil Rights Act, 1955 and normal provisions of the Indian Penal Code was found to be inadequate to check the atrocities and crimes against Scheduled Castes and Scheduled Tribes. There has been numerous incidents of inhuman atrocities perpetrated on untouchables, like forcing them to consume human excreta, dumping carcasses or other or other waste matter in their premises, polluting their drinking water, implicating them in false cases, etc. This Act specifies eighteen types of atrocities for penalty, forcing the eating of obnoxious substances; dumping waste matter on land; intimidation during voting; mischievous litigation; false information; public humiliation; denudation; wrongful occupation of land, dispossession; bonded labour; outrage of modesty; sexual exploitation; fouling of water resources; obstruction of entry to a place of public resort; eviction of habitation, mischief with explosive; destruction of building; and suppression of evidence.

In spite of all the above protective measures taken by the Government to protect the Scheduled Castes and Scheduled Tribes still atrocities are being committed against the Scheduled Castes and Scheduled Tribes. After the enactment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in the year 1989, now there is a need for reviewing the working of Atrocities Prevention Act. The Executive and the judiciary did good work in achieving the goals and objectives of the Act. Now it is high time to review the implementation of the 1989 Act, and to amend some of the provisions of the Act, suitable for the present social conditions. So, emphasis is laid on the sufferings of the Scheduled Castes and Scheduled Tribes and more particularly on the working of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in this study. Now the statement of the research problem is to find out the defects in the Atrocities (Prevention) Act, in itself and in its effective implementation. On these tentative conclusions a detailed study has been made to draw proper conclusions and to give clear picture in order to have a clear understanding on the real living conditions of
Scheduled Castes and Scheduled Tribes and about the atrocities those are being committed against these people and to suggest measures to prevent atrocities against these people with the ambit of the law.

**V. RESEARCH METHODOLOGY:**

The historical cum analytical approach has been adopted in the study of the topic viz., “PREVENTION OF ATROCITIES AGAINST SCHEDULED CASTES AND SCHEDULED TRIBES–IMPLEMENTATION OF THE SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989: A COMPREHENSIVE STUDY” As Untouchability and Atrocities are being practiced and committed against Scheduled Castes and Scheduled Tribes particularly known as ‘Untouchables’ from the ancient times, historical approach is found necessary to trace the evolution of Untouchability and atrocities. After, Independence the Government of India, expressed its strong commitment for the protection of Scheduled Castes and Scheduled Tribes by enacting different laws at different times. Not only this, the government has also enacted different laws for the prevention of atrocities against Scheduled Castes and Scheduled Tribes. So, an analytical approach is also proposed to help the critical study of various provisions of laws relating to prevention of atrocities.

The researcher has felt that doctrinaire approach would be more rewarding than the empirical research.

**VI. TREATMENT OF THE TOPIC:**

The present study entitled “PREVENTION OF ATROCITIES AGAINST SCHEDULED CASTES AND SCHEDULED TRIBES-IMPLEMENTATION OF THE SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989: A COMPREHENSIVE STUDY” is divided into Seven Chapters. The details of chapters are as follows:

**Chapter 1: Introduction:** The first chapter deals with the significance of the present Research study. The problem of Atrocities against Scheduled Castes and Scheduled Tribes is discussed briefly. With the help of the review of the existing literature on the problem, the Research gap is identified and the need for the present study is explained.
Chapter 2: Nature and scope of Untouchability and Atrocities: In this second chapter an attempt is made to explain about the nature and scope of Untouchability and Atrocities, violence against Scheduled Castes and Scheduled Tribes, causes for the practice of Untouchability, measures to promote Social Justice, International attempts to prevent Atrocities based on Ethnic, Racial and Religious grounds etc., are discussed.

Chapter 3: Legislative and Constitutional Protection provided to Scheduled Castes and Scheduled Tribes during British Regime and After: This third chapter deals with Legislative and Constitutional Protection provided for the Scheduled Castes and Scheduled Tribes during the British period and after Independence. A Special focus laid on ‘the Protection of Civil Rights Act, 1955.

Chapter 4: Meaning of Atrocities under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989: This chapter exclusively deals with the definition and meaning of Atrocities, definition of Scheduled Castes and Scheduled Tribes, salient features of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Determination of act of Atrocities based on the judgments delivered by Supreme Court and other High Courts. The Constitutional validity of the ‘Act’, punishments prescribed under the Act, and some facts relating to the implementation of the ‘Act’ found on the basis of Research Study was explained in brief.

Chapter 5: Investigation and Trail of Atrocities and powers of Special Courts under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989: The Researcher has in this chapter made an attempt to explain about investigation of Atrocities under the Act, Governments power to setting up of Special Courts for the trail of Atrocities cases, Appointment of Special Public Prosecutors, Meaning and procedure of ‘Exterment’ under the Act. The State Governments power to impose collective fine, preventive action to be taken by the Law and Order machinery to prevent the commission of Atrocities. Whether section 360 of Criminal Procedure Code and the provisions of the Probation of Offenders Act apply to persons guilty of an offence under the Act, were discussed.

Chapter 6: Administrative Machinery under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Constitutional Commissions for the
**protection of Scheduled Castes and Scheduled Tribes:** This Chapter deals with setting up of the Scheduled Castes and Scheduled Tribes Protection Cell, Nomination of Nodal Officers, appointment of Special Officers, Constitution of State Level Vigilance and Monitoring Committees, Constitution of District Level Vigilance and Monitoring Committees, Constitution of National Commission for Scheduled Castes and Scheduled Tribes, Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes Act, 2003.

**Chapter 7: Findings, Conclusions and Suggestions:** In this chapter, the Researcher has given major findings of the study. The Supreme Court decided in many cases relating to ‘Atrocities’ that the State can take effective measures for the implementation of Atrocities Prevention Act and thereby protect the interest of Scheduled Caste and Scheduled Tribe. The Researcher tried to establish a new face and dimension to the ‘Act’ by amending some of the provisions of the existing Act. The Researcher has also submitted a few suggestions for effective implementation of the Act in letter and spirit.

**VII. SOURCE OF DATA:** For the purpose of carrying on the present study a lot of literature has been referred to and relied upon. This literature for the sake of convenience may be classified into the primary source and the secondary source.

i) The views expressed by important personalities of India on the problem of practice of Untouchability and evils of Atrocities.

ii) The various Articles of the Constitution of India, 1950 aimed at protection of Scheduled Castes and Scheduled Tribes from Atrocities those are being committed by upper castes.

iii) The judgments delivered by the Supreme Court of India and other High Courts reported in different Law Journals like Supreme Court Cases, All India Reporter, Criminal Law Journal and Crimes.

iv) The various provisions of Anti Untouchable Laws i.e., the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989 in particular and protection of Civil Rights Act in general.
v) Reports of Inquiry Commissions, National Commission for Scheduled Castes and Scheduled Tribes, Parliamentary Committees on the welfare of Scheduled Castes and Scheduled Tribes etc.

The secondary data have been referred to and relied upon are:

i) Various Treatises on practice of Untouchability and Atrocities their impact on Scheduled Castes and Scheduled Tribes.

ii) Reputed works by social activists on the protection of the interests of Scheduled Castes and Scheduled Tribes.

iii) Articles written by Eminent Jurists, Learned Writers, Journalists published in Law Journals. Recent case Law was analyzed from the reported as well as unreported judgments.

The material has been collected from libraries attached to the various Courts, Universities and Institutions which are as follows:

- The High Court of Andhra Pradesh, Hyderabad.
- The State Human Rights Commission, Hyderabad.
- Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes, Hyderabad.
- Andhra Pradesh State Backward Classes Welfare Commission, Hyderabad.
- Andhra Pradesh State Crime Records Bureau, Hyderabad.
- Sub-Divisional Police Offices within Krishna District, Andhra Pradesh.
- Osmania University, Hyderabad.
- Andhra University, Visakhapatnam.
- Dr. B.R. Ambedkar Memorial Library, Nagarjuna University, Guntur.
- Sessions Court for the Trial of Atrocity cases against Scheduled Castes and Scheduled Tribes at Vijayawada.

The Research Scholar also carried out personal discussions and exchange of views with certain eminent personalities on the topical subject, who include secretaries, Scheduled Castes and Scheduled Tribes Commission, Backward Classes Commission,
Academicians especially the Law Professors and Legal Scholars. The same has a bearing on the contents of the Research work.

The humble submission of the Research Scholar is that there is no centralized and easily available literature on topical subject.

**VIII. LIMITATION OF THE STUDY:** The main focus of this Research study is an attempt to examine the implementation of ‘The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The scope of examining the implementation of the ‘Act’ in its practical form is difficult because in some parts of the country the incidents of Atrocities those are being committed against Scheduled Castes and Scheduled Tribes are not registered. Some of the judgments on atrocity cases were not reported in Law Journals. So it was not possible to examine all the judgments delivered by the judiciary at different levels.

**IX. POSSIBLE CONTRIBUTION OF THE STUDY:** The present study aims at the detailed examination of implemention of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and its provisions. It will help to know the present position of Scheduled Castes and Scheduled Tribes and the rate of Atrocities those are being committed against them are in increasing manner or in decreasing manner. The study will help to understand the meaning of provisions of the Act in the form of interpretations given by judiciary. Finally, the humble submissions made to the three organs of Government i.e., the Legislature, the Executive and the Judiciary for the effective implementation of the Act.