

**MOST IMMEDIATE**



No: 16/3/2010-CP&R  
Government of India  
Ministry of Tribal Affairs

Room No. 280, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110 066  
Date 3.6.2010

To

The Secretary,  
National Commission for STs,  
6<sup>th</sup> Floor, Lok Nayak Bhawan,  
Khan Market,  
New Delhi – 110 003

**Subject: Registration of atrocity cases under the SCs/STs POA Act, 1989 with respect of migrated SCs/STs victims from outside the State/UTs – clarification regarding.**

Sir,

I am directed to refer to NCST's letter No. GSS/4/2009/STGRJ/ATHOTH/RU-I dated 2.2.2010 on the subject mentioned above and to say that the matter was taken up with Deptt. of Legal Affairs, Ministry of Law & Justice.

2. According to them a Division Bench of the Supreme Court has held that "To attract the provisions of Section 3(2) (v) of the Act, the sine qua non is that the victim should be a person who belongs to a Scheduled Caste or a Scheduled Tribe and that the offence under the Indian Penal Code is committed against him on the basis that such a person belongs to a Scheduled Caste or a Scheduled Tribe" (Masumsha Hasanasha Musalman (2000) 557).

3. The Deptt. of Legal Affairs also observed that in view of the above, the State Government is under obligation to register a case under the Act of 1989 in respect of atrocities committed on the Scheduled Caste and Scheduled Tribes, migrated to that State for any social, religious or other cause and that the State Government cannot shrink its responsibilities for the atrocities committed on the members of the Scheduled Castes and Scheduled Tribes by the upper strata of the society.

Yours faithfully,

  
(S. Das)

Deputy Secretary to the Government of India  
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