

CHAPTER VI

ATROCITIES ON SCHEDULED CASTES AND SCHEDULED TRIBES

It is a matter of concern and regret that in our society, its weakest and vulnerable segments continue to suffer discrimination, exploitation and atrocities. Incidents of atrocities committed by higher castes on members of the Scheduled Castes and Scheduled Tribes continue to be reported from almost all the parts of the country in varying numbers. The Scheduled Castes and some of the Scheduled Tribes have been victims of social discrimination and subjected to several disabilities and restrictions in their social existence imposed by dominant upper castes especially in rural areas. Economic and social exploitation of the Scheduled Castes and Scheduled Tribes takes many forms like the practice of bonded labour, denial of minimum wages and discrimination in the use of common public facilities, religious places, etc. Discrimination in and denial of access to public facilities and religious places to 'untouchables' had been a historical phenomenon and it became necessary at the time of the framing of the Constitution to outlaw these despicable practices. The Constitution of India, thus, provided in Article 15 that no citizen would be subjected to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels and places of public entertainment, use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public. Article 17 of the Constitution declared that "untouchability" was abolished and its practice in any form forbidden. It was further provided that the enforcement of any disability arising out of "untouchability" would be an offence punishable in accordance with law. For banishing the practices of economic exploitation of vulnerable sections of society a provision was included in Article 23 prohibiting traffic in human beings and "begar" and similar other forms of forced labour and it was declared that contravention of this provision would be an offence punishable in accordance with law.

6.2 In order to give effect to these Constitutional provisions the following enactments have been made:

- (i) The Untouchability (Offences) Act, 1955, later amended and retitled as the Protection of Civil Rights Act, 1955
- (ii) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
- (iii) The Bonded Labour System (Abolition) Act, 1976

The Untouchability (Offences) Act, 1955

6.3 It is widely believed that untouchability is a by-product of the Hindu caste system. Certain castes, which pursued unclean hereditary occupations like scavenging, skinning, flaying, tanning,

leather work, etc., were treated as untouchables. They were segregated from the general population and lived in separate clusters, away from the main habitation. They suffered innumerable disabilities and were not allowed such basic rights as access to public places, fetching water from common water sources, service by barbers and washermen and entry into temples and other places of worship.

6.4 The Untouchability (Offences) Act, 1955, was enacted to give effect to the Constitutional provision abolishing untouchability. The Act came into force on 1-6-1955. The provisions of this Act were not found to be stringent enough and it was felt that there was need to make the provisions stricter so that they could prove to be of greater deterrence.

The Protection of Civil Rights Act, 1955

6.5 The Untouchability (Offences) Act, 1955, was re-named in 1975 as the Protection of Civil Rights Act, 1955. Amendments were also made in the earlier Act to make the offence of untouchability non-compoundable. The provisions of punishment were also made stricter. Minimum penalties were provided for offences under the Act and a provision for enhanced punishment in the case of subsequent convictions was included. The Act made some further allied provisions to discourage the practice of untouchability. For example, if a person held any licence in respect of any trade or employment under any law and was convicted for an offence for refusing to sell any goods or render any service, such licence was liable to be cancelled. Similarly, if the Manager or Trustee of a place of worship or any educational institution or hostel which received any grant from the Government was convicted for an offence under the Act, the grant could be suspended.

6.6 The PCR Act, 1955, also included a provision (Section 10A) for imposition of collective fine on the inhabitants of an area who were concerned in the offence or its abetment or who failed to render all the assistance in their power to discover or apprehend the offenders or suppressed material evidence of the commission of such offence.

6.7 Under Section 15(A) responsibility was legally cast on the State Governments to take such measures as might be necessary for ensuring that the rights arising from the abolition of "untouchability" were made available to the persons subjected to any disability arising out of "untouchability". This could be done through provision of legal aid, appointment of officers for initiating or exercising supervision over prosecutions under the Act, setting up of Special Courts and setting up of committees at appropriate levels to assist the State Governments in formulating or implementing such measures. The Central Government were charged with the responsibility of taking such steps as might be necessary to coordinate measures taken by the State Governments and place a report on the Table of each House of Parliament every year on the working of the PCR Act, 1955.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

6.8 The PCR Act, 1955, sought to give effect to the Constitutional provision regarding enforcement of the civil rights to the downtrodden. However, the dimension of their exploitation and perpetration of atrocities on them by higher castes was to be dealt with under the normal penal laws. Cases continued to occur involving brutal incidents resulting in deprivation of life and property of SC/ST persons. There were numerous incidents involving varied forms of atrocities on the downtrodden, reflecting a highly perverted social behaviour like forcing persons to drink or eat inedible substances such as human excreta, dumping carcasses or other waste matter in their premises, polluting drinking water sources used by them and implicating them in false cases, etc. The acts of atrocity on SC & ST took myriad forms but in the absence of any firm or legal definition of the term 'atrocity' the Government did not have correct figures of the extent of atrocities that went on.

6.9 Public concern for atrocities on SC & ST was aired in several fora and the Parliament which wanted to know as to what steps were taken to prevent the occurrence of such 'atrocities'. Since the expression had not been defined there was no uniformity in the criteria followed by the different State Governments for furnishing information about the cases on 'atrocities'. The Ministry of Home Affairs, through its letter No.III-11013/1/74-NID(A) dated 4-3-1974 urged the State Governments to furnish details in respect of the cases of (a) murder, (b) violence resulting in grievous hurt, (c) rape and (d) serious mischief or arson in respect of properties of SC & ST and started collecting monthly statistics on these crimes. On 10-3-1980 the Union Home Minister addressed a letter to the Governors and the Chief Ministers on prevention of atrocities on SC & ST and urged the State Governments to activate the State machinery to take initiative and mete out a fair deal to the Scheduled Castes and to find a permanent solution by putting an end to the basic causes of dispute that led to the commission of atrocities.

6.10 All the measures taken were found to be not effective enough in curbing the incidents of atrocities on SC & ST and finally a law was enacted under the title of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, which for the first time legally defined 'atrocity' on SC/ST. The Act (hereinafter referred to as the PAA) provides enhanced punishment for certain offences for which punishment existed under the Indian Penal Code and other laws which, however, did not provide sufficient deterrence. An important feature of the Act was to provide for punishment for wilful neglect of duty under the Act by a public servant belonging to castes or communities other than SC/ST. It spelt out minimum punishments for subsequent convictions. A provision was also included regarding externment from the Scheduled Area of a person who was found to be likely to commit an offence under the Act. Provision for setting up of Special Courts was made mandatory alongwith that of a Special Public Prosecutor. Provision was also added for imposition of collective fine. A copy of the Act may be seen at Annexure 6.I.

**A review of the cases registered under the PCR Act, 1955,
and the nature of their disposal**

6.11 The Annual Reports on the PCR Act for the years 1989 and 1990 submitted by the Ministry of Welfare provide useful information about the trend of untouchability offences and the nature of their disposal. Some relevant facts are mentioned below:

6.12 The number of cases registered under the PCR Act during 1988 in the country was 3,712 which marginally increased to 3,730 in 1989. In 1990 the number of such cases dropped to 3,373. Majority of the cases registered were from States like **Tamil Nadu** (886), **Karnataka** (833), **Madhya Pradesh** (444), **Andhra Pradesh** (393) and **Uttar Pradesh** (386).

6.13 During 1989 **Karnataka** topped the list registering 759 cases followed by **Tamil Nadu** (660), **Andhra Pradesh** (465), **Madhya Pradesh** (410), **Bihar** (371) and **Uttar Pradesh** (353). It is significant that the majority of cases registered in the country were in the three southern States of **Tamil Nadu**, **Karnataka** and **Andhra Pradesh**. During the three years, i.e., 1988, 1989 and 1990, the number of cases registered in these three States together constituted 57.36%, 50.51% and 53.28% respectively of the total number of cases registered in the country. No case was reported from **Assam**, **Haryana**, **Himachal Pradesh**, **Punjab**, **Tripura** and **Chandigarh** while five cases each were registered in **Delhi** and **Goa** and two cases in **Jammu & Kashmir** during 1990.

6.14 The position of disposal of the cases registered under the PCR Act in the country during 1990 gives a rather disheartening picture. Out of 9,144 cases in the courts during 1990 only 1,033 cases (11.3%) could be disposed of by the courts during the year. Only 127 cases (12.29%) ended in conviction while those ending in acquittal accounted for 87.71%. This, prima facie, shows that the prosecuting agencies did not show the required degree of earnestness and interest in the conduct of the cases.

**Implementation of the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989**

6.15 In pursuance of the provisions of the PAA and the PCR Act preventive, precautionary and punitive measures have to be taken by the State Governments/U.T.Administrations. Relief and rehabilitation measures are also to be taken to relieve the hardship faced by victims and their families. A review of the measures adopted by the Central and the State Governments/U.T.Administrations would, however, show that not much has been done in this regard.

6.16 Although the PAA requires all the State Governments/U.T.Administrations to set up Special Courts for quick disposal of atrocity/untouchability cases, only **Andhra Pradesh** and **Rajasthan** have set up such Courts so far. According to information available with the Commission 3 Exclusive Special Courts have been set up in **Andhra Pradesh** and six in **Rajasthan**. In the remaining

States/UTs the existing Sessions Courts have been designated as Special Courts to deal with atrocity/untouchability cases alongwith the others, as a result of which the cases of atrocity do not get priority over other cases. Therefore, the purpose of setting up of Special Courts is not achieved.

6.17 For taking preventive/precautionary measures the State Governments are required to conduct periodical surveys to identify sensitive areas prone to atrocities and untouchability. According to information available with the Commission Bihar, Himachal Pradesh and Tamil Nadu have got such surveys conducted. Only seven States, viz., Bihar, Gujarat, Haryana, Karnataka, Madhya Pradesh, Maharashtra and Punjab, have identified atrocity-prone areas in 48 districts. In the Chief Ministers' Conference on Prevention of Atrocities on SC & ST convened by the Ministry of Home Affairs in October 1991 it was recommended, inter alia, that a Joint Collector be appointed in each of the atrocity-prone districts to exclusively attend to this problem but only the Government of Andhra Pradesh have appointed such Joint Collectors in three districts.

6.18 Setting up of Special Police Stations helps in prompt registering of crimes committed against SC & ST and creates a sense of confidence among them. Although such Special Police Stations have been set up in some States, their working is far from satisfactory. Such Police Stations are not adequate and do not have proper staff and facilities to function effectively. In Bihar, for example, only 11 Scheduled Caste/Adivasi Police Stations are functioning and the proposal for creation of another 14 such Police Stations is reported to be pending with the State Government. Since one Special Police Station is catering to more than one district, SC/ST victims have to cover long distances to register their cases in the SC/Adivasi Police Stations. Thus, the very purpose of creation of Special Police Stations for SC & ST is defeated.

6.19 The purpose of the PAA is to create conditions and systems which should result in the decline of cases of atrocities on SC and ST and ultimately their total disappearance. However, experience so far has shown that whereas police and administration often do take action in cases after the reporting of an incident, very little has been done to activate the other systems attached to the administrative machinery like the High Level Committees in the States and districts. These Committees should not only mechanically review the statistics of crimes under the relevant laws but should also act as think-tank to devise meaningful systems at the people's level to educate them in the laws and the punishment attached to certain offences. The process of education should involve the functionaries at the main operational level like the police personnel at the Police Stations.

Relief and rehabilitation

6.20 The SC and ST being a disadvantaged lot perpetration of atrocities on them adds to their miseries. To mitigate the hardship faced by SC/ST victims of atrocities monetary relief is provided and rehabilitation measures are taken by the State

Governments/U.T.Administrations. Prior to 1975 the scheme was implemented only by a few States and victims were not fully compensated for the losses suffered by them. Till 1978 only nine States, viz., Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Tamil Nadu and Uttar Pradesh, were providing monetary relief to victims of atrocities. The scale of relief was meagre and no compensation was paid to victims of rape except in Bihar. Andhra Pradesh was the pioneering State to provide rehabilitation measures to victims of atrocities, and the facilities included provision of land, house site and other assets to the widow of the deceased, free education to her children and employment to at least one of the members of the family of the deceased.

6.21 During 1981 the erstwhile Commission for SC and ST recommended a uniform scale of monetary relief and rehabilitation facilities to be provided to SC/ST victims of atrocities by the State Governments/U.T.Administrations. The monetary relief recommended for death and permanent incapacitation was Rs.10,000 and for rape Rs.5,000. The scale of relief and rehabilitation for victims of atrocities recommended by the erstwhile Commission was adopted by all the State Governments except Jammu & Kashmir, Punjab and West Bengal which had taken the stand that the scheme would be accepted provided the entire expenditure was borne by the Government of India. The State Governments are competent to determine the quantum of monetary relief. In view of the general rise in prices there is need to enhance the scale of monetary relief. According to the information available with the Commission the Governments of Gujarat, Karnataka, Kerala and Orissa have enhanced the scale of monetary relief. The Government of Gujarat have fixed the monetary relief in death cases at Rs.1,00,000. The scale of relief provided by them in various categories is as under:

Table 1

S.No.	Type of atrocity/ losses suffered	Amount of monetary relief
1.	Murder	Rs. 1,00,000
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, vehicle, etc.	Rs. 10,000
9.	Loss of movable property	Rs. 5,000
10.	Damage to irrigation well, fruit bearing trees, etc.	Amount equal to actual loss (Rs.1,000 to be paid immediately)

The Government of **Karnataka** have also revised the scale of relief for all types of losses and the compensation for death and permanent incapacitation has been fixed at Rs.50,000. A rape victim is sanctioned Rs.10,000. In **Kerala** and **Orissa** the scale of monetary relief in cases of death and permanent incapacitation has been increased from Rs.10,000 to Rs.25,000 and Rs.20,000 respectively.

6.22 In several States now the family of a person killed in a communal or caste riot is granted at least Rs.1 lakh as relief. Therefore, it would be reasonable to provide everywhere monetary relief of at least Rs.1 lakh to the family of a Scheduled Caste/Scheduled Tribe person killed in a case of atrocity by non-SC/ST persons, particularly if the deceased was an earning member or was physically fit to earn.

Role of the Central Government

6.23 Implementation of the provisions of the PAA is the responsibility of the State Governments and the Central Government are required to coordinate measures taken by the State Governments. Under Section 21(4) of the Act the Central Government are required to place on the Table of each House of Parliament every year a report on the measures taken by them and by the State Governments in pursuance of the provisions of this Section. Section 23 of the Act enjoins that the Central Government shall make rules for carrying out the purposes of this Act. Although the PAA was enacted in September 1989, no rules have so far been notified.

6.24 For implementation of the provisions of the PAA and the PCR Act the Ministry of Welfare provides financial assistance to the States/UTs on 50:50 basis. During 1990-91 an amount of Rs.4.23 crores (Rs.2.29 crores for the PCR Act and Rs.1.94 crores for the PAA) was released to the States and UTs. Grants-in-aid released during 1991-92 to 15 States and the U.T. of Pondicherry amounted to Rs.6.09 crores (Rs.2.07 crores for the PCR Act and Rs.4.02 crores for the PAA). According to the Ministry of Welfare some States/UTs did not avail of any matching assistance for the implementation of the PAA in 1990-91 and 1991-92 and proposals for such grants from many States/UTs were received late. Details of amounts released to the States/UTs for implementation of the PCR Act and the PAA during 1992-93 are given in Annexure 6.II. It may be observed that an amount of Rs.2,16,54,500 was released to 14 States (**Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal**) and the UT of Pondicherry for implementation of the PCR Act while an amount of Rs.3,33,45,500 was provided to 10 of the above mentioned 14 States for the PAA. No grants were released to **Maharashtra, Orissa, Punja, Tamil Nadu and Pondicherry** for implementation of the PAA. **Rajasthan** did not avail of any grants for the PCR Act. The Commission is unhappy that some States/UTs have not realised the importance of implementing the PAA Act and have not fully availed of the grants from the Ministry of Welfare for its effective implementation.

Cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

6.25 The Ministry of Welfare collects and compiles data on cases of atrocities on SC & ST in respect of all the States/Union Territories. Complete information about the number of atrocities committed on SC & ST in the country during 1992 was not available to the Commission. The details of the cases of atrocities on SC & ST reported in the country during 1989, 1990 and 1991 are given in Annexures 6.III, 6.IV and 6.V respectively. It may be observed that in spite of the implementation of the PAA and measures taken to check commission of atrocities, the number of atrocities committed on SC & ST has increased from 19,422 in 1989 to 21,245 in 1990 and 22,424 in 1991.

Incidence of atrocities on the Scheduled Castes

6.26 The Statewise number of cases of atrocities on the Scheduled Castes as reported to the Government of India during 1989, 1990 and 1991 were as follows:

Table 2

S.No.	State/UT	No. of cases of atrocities		
		1989	1990	1991
1.	Andhra Pradesh	511	603	660
2.	Arunachal Pradesh	-	-	-
3.	Assam	17	30	14
4.	Bihar	997	744	511
5.	Goa	2	-	5
6.	Gujarat	593	788	1101
7.	Haryana	77	81	68
8.	Himachal Pradesh	79	53	25
9.	Jammu & Kashmir	155	38	43
10.	Karnataka	490	686	732
11.	Kerala	616	648	650
12.	Madhya Pradesh	4226	5210	5432
13.	Maharashtra	363	489	573
14.	Manipur	-	-	-
15.	Meghalaya	-	-	-
16.	Mizoram	-	-	-
17.	Nagaland	-	-	-
18.	Orissa	365	480	362
19.	Punjab	21	-	-
20.	Rajasthan	1588	1591	2098
21.	Sikkim	3	-	-
22.	Tamil Nadu	482	544	553
23.	Tripura	-	-	-
24.	Uttar Pradesh	5195	5670	4798
25.	West Bengal	13	6	9
26.	Andaman & Nicobar Islands	-	-	-
27.	Dadra & Nagar Haveli	-	1	1
28.	Daman & Diu	-	-	-
29.	Delhi	5	5	6
30.	Pondicherry	1	-	5
31.	Lakshadweep	-	-	-
Total		15799	17667	17646

6.27 The total number of cases of atrocities on the Scheduled Castes in the country during 1991 as reported to the Government of India was 17,645 (excluding 1 case from Dadra & Nagar Haveli). To have a comparative picture of the incidence of atrocities in various States it is necessary to correlate the number of atrocities with the size of the Scheduled Caste population. Accordingly the number of cases of atrocities per one lakh SC population in each State/UT is given in the table below, the States/UTs having been arranged in descending order:

Table 3

S.No.	State/UT	No. of atrocities on SC during 1991	Atrocities per one lakh SC population
1.	Madhya Pradesh	5,432	56.42
2.	Gujarat	1,101	35.97
3.	Rajasthan	2,098	27.57
4.	Kerala	650	22.51
5.	Goa	5	20.52
6.	Uttar Pradesh	4,798	16.38
	<u>All India</u>	<u>17,645</u>	<u>12.77</u>
7.	Karnataka	732	9.93
8.	Orissa	362	7.05
9.	Maharashtra	573	6.54
10.	Andhra Pradesh	660	6.23
11.	Tamil Nadu	553	5.16
12.	Pondicherry	5	4.57
13.	Bihar	511	4.06
14.	Haryana	68	2.09
15.	Himachal Pradesh	25	1.90
16.	Assam	14	0.84
17.	Delhi	6	0.33
18.	West Bengal	9	0.05

6.28 The Statewise number of cases of atrocities on the Scheduled Tribes as reported to the Government of India during 1989, 1990 and 1991 were as follows:

Table 4

S.No.	State/UT	No. of cases of atrocities		
		1989	1990	1991
1	2	3	4	5
1.	Andhra Pradesh	79	108	129
2.	Arunachal Pradesh	9	-	-
3.	Assam	18	33	6
4.	Bihar	102	24	14
5.	Goa	1	-	-
6.	Gujarat	129	123	203
7.	Haryana	-	-	-
8.	Himachal Pradesh	-	-	3
9.	Jammu & Kashmir	-	-	3

1	2	3	4	5
10.	Karnataka	87	44	46
11.	Kerala	155	108	102
12.	Madhya Pradesh	2163	2356	3265
13.	Maharashtra	214	207	285
14.	Manipur	-	5	5
15.	Meghalaya	-	-	-
16.	Mizoram	-	-	-
17.	Nagaland	5	-	-
18.	Orissa	217	97	164
19.	Punjab	-	-	-
20.	Rajasthan	420	450	539
21.	Sikkim	7	-	-
22.	Tamil Nadu	1	-	-
23.	Tripura	-	-	-
24.	Uttar Pradesh	-	-	-
25.	West Bengal	9	12	8
26.	Andaman & Nicobar Islands	-	-	-
27.	Dadra & Nagar Haveli	7	11	6
28.	Daman & Diu	-	-	-
29.	Delhi	-	-	-
30.	Pondicherry	-	-	-
31.	Lakshadweep	-	-	-

Total	3623	3578	4778

6.29 The total number of cases of atrocities on the Scheduled Tribes in the country during 1991 as reported to the Government of India was 4,778. To have a comparative picture of the incidence of atrocities in various States the number of cases of atrocities per one lakh ST population in each State/UT is given in the following table, the States/UTs having been arranged in descending order:

Table 5

S.No.	State/UT	No. of atrocities on ST during 1991	Atrocities per one lakh ST population
1.	Kerala	102	31.77
2.	Madhya Pradesh	3,265	21.20
3.	Rajasthan	539	9.84
	<u>All India</u>	<u>4,778</u>	<u>7.05</u>
4.	Dadra & Nagar Haveli	6	5.48
5.	Maharashtra	285	3.89
6.	Gujarat	203	3.29
7.	Andhra Pradesh	129	3.07
8.	Karnataka	46	2.40
9.	Orissa	164	2.33
10.	Himachal Pradesh	3	1.37
11.	Manipur	5	0.79
12.	Bihar	14	0.21
13.	West Bengal	8	0.21
14.	Assam	6	0.21

6.30 The topping of Kerala in atrocities on the Scheduled Tribes, in spite of its having the highest literacy rate of 84.81% (1991 Census) against the all India literacy rate of 52.21%, is indeed surprising. Either there is no connection between literacy and good social behaviour or the figures are high because larger percentage of cases get reported. This, however, deserves to be studied in depth.

6.31 The crime-wise classification of the number of atrocities committed on SC & ST during 1989, 1990 and 1991 is given below:

Table 6

S.No.	Type of cases	No. of cases reported								
		1989			1990			1991		
		SC	ST	Total	SC	ST	Total	SC	ST	Total
1.	Murder	556	96	652	584	124	708	610	146	756
2.	Grievous hurt	1630	190	1820	1691	259	1950	1706	320	2026
3.	Rape	830	343	1173	885	339	1224	784	334	1118
4.	Arson	703	51	754	599	59	658	602	70	672
5.	Other offences	12080	2943	15023	13098	2797	15895	13944	3908	17852
Total		15799	3623	19422	16857	3578	20435	17646	4778	22424

6.32 It may be observed that the total number of atrocities on the Scheduled Castes during 1989 was 15,799. It increased to 16,857 during 1990 and to 17,646 during 1991. In the case of the Scheduled Tribes the number of atrocity cases decreased from 3,623 during 1989 to 3,578 during 1990. However, 4,778 cases were reported during 1991 registering a sharp increase of 25.1% over the year. In 1991 maximum number of atrocities on SC as well as ST were reported from Madhya Pradesh. In the case of SC the number of atrocities committed on them in Madhya Pradesh (5,432) and Uttar Pradesh (4,798) alone constituted 58% of the total cases of atrocities on SC in the country during that year. Madhya Pradesh also topped the list in reporting maximum number of atrocities on ST (3,265) followed by Rajasthan (539), Maharashtra (285), Gujarat (203), Orissa (164), Andhra Pradesh (129) and Kerala (102). About 68.3% of the total number of atrocities on ST were reported from Madhya Pradesh only.

6.33 The cases of atrocities on SC/ST under 'Other IPC offences' constituted 79.6% of the total number of cases of atrocities during 1991, while heinous crimes like rape and murder accounted for 4.90% and 3.37% respectively. The break-up of the

four categories of serious atrocities on the Scheduled Castes was as follows: grievous hurt (1,706), rape (784), murder (610) and arson (602). Similar break-up in respect of the Scheduled Tribes was as follows: rape (334), grievous hurt (320), murder (146) and arson (70).

Enquiries into cases of atrocities by the National Commission for SC and ST during 1992-93

6.34 As and when incidents of atrocities on SC and ST came to the notice of the Commission through the press or representations from individuals prompt action was taken to obtain a detailed factual report including information about the action taken by the local administration for payment of monetary relief and providing rehabilitation to the victims or their families and the action taken by the police to investigate the case, arrest the accused and submit challan in the court under relevant sections of the PCR Act and the PAA. In some cases of serious nature the State and district authorities were requested through wireless messages for detailed reports and in cases of murder and mass atrocities the field offices of the Commission were asked to conduct on-the-spot enquiries and submit reports to the Commission.

6.35 During the year 59 on-the-spot enquiries into cases of atrocities on SC and ST were conducted by the Commission. However, the enquiries in 14 cases did not reveal commission of any atrocity against SC/ST. A list of the remaining 45 cases of atrocities has been given at Annexure 6.VI and summaries of 12 serious cases out of these are given at Annexure 6.VII. An analysis of these 45 cases gives an insight into the nature of the crime, causes of the atrocity, role of the district authorities, provision of monetary relief and rehabilitation measures for the victims of atrocities, etc. Out of 45 cases of atrocities 36 pertained to SC persons and 9 to ST persons. State-wise break-up of these 45 cases is as follows:

Rajasthan	10	Punjab	2
Madhya Pradesh	6	Uttar Pradesh	2
Karnataka	6	Assam	1
Tamil Nadu	4	Haryana	1
Andhra Pradesh	3	Himachal Pradesh	1
Bihar	3	Kerala	1
Gujarat	2	West Bengal	1
Maharashtra	1	Delhi	1

The crime-wise break-up of these 45 cases was as follows:

Murder	22
Assault	9
Rape	5
Arson	3
Other IPC offences	6

Twentytwo cases involved atrocities on individuals while 23 cases mass atrocities.

6.36 The causes of atrocities on SC and ST are their socio-economic backwardness, vulnerability on all fronts, dominant attitude and mindset of higher castes who have been historically conditioned into exploiting the underprivileged and getting away with it. The SC are victims of the evil practices of untouchability and social disabilities suffered by them arising out of it. They are also mostly landless and have to depend on non-SC landowners for earning their livelihood by working as agricultural labourers. The economic plight, coupled with social discrimination, suffered by the SC make them easy victims.

6.37 Unlike the SC, the ST generally dwell in isolated hilly and forest regions. Illiteracy, poverty and geographical isolation make them vulnerable to exploitation by non-tribal moneylenders, traders, Forest officials, Police and Excise personnel, leading to commission of atrocities on them.

6.38 The causes of the 45 cases of atrocities enquired into by the Commission are classified in the table below:

Table 7

Causes of atrocities	No. of cases
(A) Economic reasons	
(1) Land dispute	6
(2) Non-payment of minimum wages/ resisting forced and bonded labour	3
(3) Retaliation by non-SC due to the protest of SC against ruining their crop	1
(4) Dispute over sharing of temple collection	1
(5) Quarrel over alleged non-payment of hiring charges of an auto-rickshaw to its non-SC owner	1
(6) Dispute over legal possession of a well	1
(B) Untouchability and social disabilities	
(1) Refusal to perform traditional caste service of buffalo sacrifice	1
(2) Installation of deities by SC on a piece of land near the non-SC locality	1
(3) Denial of drawing water from a common hand pump	1
(4) Teasing of SC women/abusing by caste name	3
(5) Discriminatory treatment in a tea shop	1
(6) Dashing against a non-SC person while riding a bicycle	1
(C) Other reasons	
(1) Atrocities by police officials	10
(2) Suspicion of theft	5
(3) Atrocities by Forest officials	2
(4) Personal enmity	1

(5) Sudden provocation	1
(6) Subjugation of SC by dominating non-SC	1
(7) Forcible eviction of an SC person from rented house by the landlord	1

(D) Rape cases 5

6.39 With the enactment of the PAA the penal provisions for the offences of atrocities on SC & ST by other communities have been made sufficiently stringent. It is too early to assess the full effect of this legislation but the available information does not indicate any appreciable improvement in the situation. Atrocity cases occur more in rural areas and, barring a few exceptions, the larger cities are more or less free from this malaise. The reason is more education, better socio-economic conditions of SC/ST inhabitants of urban areas than those of their rural counterparts, absence of caste clusters and immediate presence of the law enforcing agencies. Since the social life in rural areas is complex and inter-dependent, mere existence of certain legislations would not reduce incidents of atrocities. Primarily atrocities are the result of a distorted state of mind and a feeling that one can get away with it. Any effective set of measures would, therefore, have to tackle these two basic problems. In other words, education, creation of awareness, betterment of economic condition and an effective machinery to bring the culprits to book in the shortest possible time are imperative for minimising incidents of atrocities.

The role of Police/Forest officials

6.40 Although the root cause of atrocities on SC and ST is their socio-economic condition, the on-the-spot enquiries conducted by the Commission revealed that atrocities were also committed by those very functionaries who were expected to protect them. Such cases included death in police custody, police firing and torture by the police, rape by the police and other crimes and incidents of atrocities which occurred on account of lapses on the part of the police. The fact that 12 out of 45 cases (26.7%) involved atrocities by Police and Forest officials is alarming. The following cases would illustrate lapse on the part of the police in taking timely action to prevent atrocities.

6.41 The caste clash in Allagi(B) village, Gulbarga District in **Karnataka** on 3-6-92 (case No.13) clearly showed utter negligence on the part of the police in checking the incident in which three SC people were killed and six injured. Although the SC were attacked by the non-SC on 1-6-92 and sought police protection during the Lakshmi Yatra celebration, the police failed to provide them protection in spite of the orders of the Tahsildar. Had precautionary measures been taken in time, the incident of 3-6-92 might have been prevented. The incident at

Kumher in Bharatpur District in **Rajasthan** (case No.36), in which the clashes between Jats and Jatavs (SC) resulted in killing of one SC person, injuries to many and large scale destruction of property of the SC, also brought to light sheer negligence and apathy of the police as well as the Revenue authorities in taking timely action. In Taluka town of Akot of Akola District in **Maharashtra** (case No.19) the Police Inspector failed to visit the place of clash immediately after receiving news of the quarrel between the SC and non-SC persons and the police took extreme action of firing even without obtaining the order from the SDM resulting in killing of three persons including an SC person. In the incident of stripping of some SC women by non-SC and forcing the SC residents to eat excreta in village Nichrowli, Sivapuri District of **Madhya Pradesh** (case No.21) the police officials failed to take prompt action in registering an FIR and arresting the accused. Though the SC persons were beaten on 11-5-92, their medical examination was done only on 20-5-92.

6.42 In the following eight incidents of atrocities the police were responsible for the death of SC/ST persons: the death of a tribal youth in Goalpara District of **Assam** (case No.1), killing of three SC persons in police firing at Devalgangapur in Gulbarga District of **Karnataka** (case No.16), death of SC and ST persons in police custody in Bandha village, Bilaspur District (case No.23), Gajpur village in Betul District (case No.24) and Ramachandrapur in Surguja District (case No.25) in **Madhya Pradesh**, custodial death at Lalru Police Station in Patiala District of **Punjab** (case No.26) and killing of an SC person by a Police Constable in Nalwa village in Solan District of **Himachal Pradesh** (case No.11) and that of an ST person in Jhargaon in Banswada District of **Rajasthan** (case No.37). Other types of atrocities of the police were castration of an SC youth of Batsana village in Rewari District of **Haryana** (case No.10), assault on a tribal girl and her parents by the Forest officials at Kamalakkam in Thiruvananthapuram District of **Kerala** (case No.18) and victimisation of ST persons of Vachathi village of Dharmapuri District of **Tamil Nadu** by the Police and Forest officials (case No.39).

6.43 Delay in registering FIR, investigation of the case, arrest of the accused, non-application of relevant Sections of the PCR Act and the PAA and delay in presentation of challan in the Court show lapses on the part of the police in dealing with the cases of atrocities. An SC youth of Hakimpet village in Hyderabad District of **Andhra Pradesh** (case No.3) was tortured and branded with hot iron rod by non-SC on suspicion of theft of their buffaloes. In this case only three of the eight accused were arrested by the police on account of alleged political pressure. An incident took place in Chowperwa village in Fatehpur District of **Uttar Pradesh** (case No.42) in which a Scheduled Caste man and his son were murdered and set afire by a non-SC person with the help of some SC persons.

Though the widow of the deceased lodged a complaint mentioning the name of a non-SC person as the main accused, the police deleted his name from their report to protect the culprit and to make it a non-atrocity case.

6.44 A review of the enquiry reports on these 45 cases reveals that relevant Sections of the PAA were applied by the police only in six cases. In three cases magisterial inquiries were ordered but it is not known whether appropriate Sections of the PAA were applied. In 33 cases relevant Sections of the PAA were not applied and in 3 cases irrelevant Sections of this Act were mentioned. In none of the 12 cases of police atrocities Section 4 of the PAA was applied against the guilty police officials. The incident of group clash in Kurijakulam village in Nellai Kattabomman District of **Tamil Nadu** (case No.41) shows involvement of the local Inspector of Police as he prompted the non-SC people to victimise the SC, and apathy on the part of the Revenue officers in settling the issue in time. Since 1988 there was ill feeling between the SC and non-SC of the village. The SC objected to construction of an overhead water tank by non-SC people on a patch of Government land adjacent to the SC locality, but when the SC installed an idol of their deity on the same land, the non-SC people attacked the SC on 14-3-92, killing four of them and injuring two. Had the issue been settled within the long span of four years, the unfortunate incident might not have happened.

6.45 The apathy of the local administration is writ large in the incident at Kumher and adjoining villages in Bharatpur District of **Rajasthan** (case No.36). Thirteen SC persons were killed, 27 injured and nine missing in the clashes between Jatavs (SC) and Jats (non-SC). About 500 houses belonging to 180 SC persons were burnt alongwith livestock and valuables. The refusal of the police to register a complaint of the SC that their marriage procession was not allowed to pass through the village by Jats infuriated the SC leading to a series of clashes between them and Jats from 1-6-92 to 7-6-92. The local administration took no precautionary measures to curb the tension at the initial stage. In its Twentythird Report on "Atrocities on Scheduled Castes and Scheduled Tribes and patterns of social crimes towards them" the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes (1992-93) has observed that in Kumher the local District Magistrate, the Superintendent of Police and the DIG of Police did not have the courage to prevent the non-SC people from committing atrocities on the SC. The powerful non-SC people could win over the officials and the incident occurred with the full knowledge of the local officials.

Relief and rehabilitation measures

6.46 Victims of atrocities need urgent support to sustain themselves. The loss of earning members of the family and

injuries resulting in their permanent incapacitation, destruction of houses, crops and other properties by arson and other means, imposition of social and economic boycott, etc., break their morale besides shattering their economy. The need for immediate monetary relief and rehabilitation facilities to SC/ST victims of atrocities has been duly felt and a provision made in the PAA. Though Section 21 (iii) of the PAA envisages socio-economic rehabilitation of SC/ST victims of atrocities, there were cases where prompt action was not taken by the local administration to pay monetary relief to the victims and to rehabilitate them. Of the 45 cases of atrocities cited above monetary relief was not given to the SC/ST victims in ten cases; in six cases no rehabilitation facilities were provided; in seven cases neither any monetary relief was provided nor any rehabilitation measures taken; in three cases rehabilitation facilities were provided on the intervention of the Commission and in one case the monetary relief provided was inadequate. Information regarding provision of rehabilitation facilities to SC/ST victims of atrocities in Uttar Pradesh during 1992-93 is revealing. According to information received from the I.G. of Police (Special Investigation Wing), Lucknow, by the Lucknow field office of the Commission, out of 3,183 cases of atrocities on SC and ST during 1992-93 rehabilitation facilities were provided only in 160 cases (5.03%).

Recommendations

6.47 The Commission makes the following observations and recommendations:

- (1) It is common knowledge that there is general reluctance on the part of the local police to register complaints in atrocity cases concerning SC & ST. Special Police Stations for registering complaints in atrocity cases are generally located at distant places and the aggrieved SC/ST persons find it difficult to reach there for lodging their complaints. With a view to ensuring that such complaints are registered by the police, it is suggested that the Post Masters of the local Post Offices having telegraph facilities may be authorised to record complaints of the victims and pass on the same telegraphically, at Government cost, to the concerned Special Police Station for registering the case. The services of the Gram Panchayat could also be utilised for reporting such cases to the concerned Police Stations. If necessary, the Post Master or the Gram Panchayat head (by whatever name called) may be declared honorary police officers.
- (2) In order to ensure that the offenders do not get away, the case should be thoroughly investigated by the police and competently handled by the prosecuting officer. In cases which result in acquittal on technical grounds or due to administrative or other lapses, the Public Prosecutor should reexamine the case and file an appeal to ensure justice to the aggrieved SC/ST persons.

- (3) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is a recent enactment and many functionaries including police officials are not fully familiar with its provisions. In order to create awareness of this law amongst the police it is suggested that the subject of atrocities on SC and ST including the PAA should be included in the syllabus in the Departmental examinations and also in their orientation/refresher courses.
- (4) There is greater incidence of atrocities in rural areas than in urban areas. Therefore, wide publicity through mass media should be given to create awareness amongst rural people about the various provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Voluntary social organisations should also be motivated to propagate against the evils of untouchability and publicise the provisions of the PCR Act and the PAA.
- (5) As a preventive measure the State Governments should identify atrocity-prone areas and take appropriate precautionary measures to check occurrence of any such incident. Special Collectors may be appointed in districts having atrocity-prone areas so that the problem can be tackled on priority basis.
- (6) Atrocities on SC/ST persons are generally committed on account of land disputes between them and others, their demand for minimum wages and their resentment against bonded labour. It is, therefore, necessary that the local administration must take early action in resolving such problems faced by SC & ST so that such potential incidents are nipped in the bud.
- (7) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, envisages the setting up of Special Courts by the State Governments to provide speedy justice to atrocity victims. Such Special Courts have been set up only in Andhra Pradesh and Rajasthan. In other States some of the existing Sessions Courts have been empowered to try atrocity offences, in addition to their normal functioning. This does not serve the purpose of the special provisions made in the Act to cut down delays. The concerned State Governments may set up Special Courts as quickly as possible.
- (8) The State Governments provide monetary relief and rehabilitation facilities to victims of atrocities or their dependents. The scales of monetary relief which were fixed in most cases more than a decade ago are quite inadequate in the present times and need upward revision. Some States like Gujarat, Karnataka, Kerala and Orissa have recently revised the rates of compensation but in other States the old scales are continuing. In some

States the family of a person killed in a communal or caste riot is granted at least Rs.1 lakh as relief. It would, therefore, be reasonable to provide monetary relief of at least Rs.1 lakh to the family of a Scheduled Caste/Scheduled Tribe person killed in a case of atrocity, particularly if the deceased was an earning member or physically fit to earn. Those States which have not followed the practice of providing monetary relief and rehabilitation facilities to victims of atrocities may also do so.

- (9) The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes recommended in their Eleventh and Twentyseventh Reports (Eighth Lok Sabha) to re-entrust the subject of 'atrocities' to the Ministry of Home Affairs. In their Twentythird Report on "Atrocities on Scheduled Castes and Scheduled Tribes and patterns of social crimes towards them" presented to the Lok Sabha on 29-4-93 the Committee reiterated that "the Ministry of Home Affairs should be the nodal Ministry for the subject of 'atrocities' as soon as possible". The recommendation of the Parliamentary Committee need be implemented early in the interests of the Scheduled Castes and Scheduled Tribes.

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1
PART II—Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 12th September, 1989/Bhadra 21, 1911 (Saka)

The following Act of Parliament received the assent of the President on the
11th September, 1989, and is hereby published for general information :—

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

No. 33 of 1989

[11th September, 1989.]

An Act to prevent the commission of offences of atrocities against the members
of the Scheduled Castes and the Scheduled Tribes, to provide for Special
Courts for the trial of such offences and for the relief and rehabilitation
of the victims of such offences and for matters connected therewith or inci-
dental thereto.

BE it enacted by Parliament in the Fortieth Year of the Republic of India
as follows :—

CHAPTER 1

PRELIMINARY

1. (1) This Act may be called the Scheduled Castes and the Scheduled
Tribes (Prevention of Atrocities) Act, 1989.

(2) It extends to the whole of India except the State of Jammu and
Kashmir.

Short title, extent
and commence-
ment.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) "atrocities" means an offence punishable under section 3;

(b) "Code" means the Code of Criminal Procedure, 1973;

2 of 1974

(c) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution;

(d) "Special Court" means a Court of Session specified as a Special Court in section 14;

(e) "Special Public Prosecutor" means a Public Prosecutor specified as a Special Public Prosecutor or an advocate referred to in section 15;

(f) words and expressions used but not defined in this Act and defined in the Code or the Indian Penal Code shall have the meanings assigned to them respectively in the Code, or as the case may be, in the Indian Penal Code. 45 of 1860

(2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

OFFENCES OF ATROCITIES

Punishment for offences of atrocities.

3. (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(i) forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance;

(ii) acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;

(iii) forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity;

(iv) wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred;

(v) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water;

(vi) compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do 'begar' or other similar forms of forced or bonded labour

other than any compulsory service for public purposes imposed by Government;

(vii) forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law;

(viii) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

(ix) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

(x) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(xi) assaults or uses force to any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty;

(xii) being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually to which she would not have otherwise agreed;

(xiii) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;

(xiv) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to;

(xv) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(i) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death;

(ii) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine;

(iii) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

(iv) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine;

(v) commits any offence under the Indian Penal Code punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine; 45 of 1860

(vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or

(vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

Punishment for
neglect of duties.

4. Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

Enhanced
punishment for
subsequent
conviction.

5. Whoever, having already been convicted of an offence under this Chapter is convicted for the second offence or any offence subsequent to the second offence, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

6. Subject to the other provisions of this Act, the provisions of section 34, Chapter III, Chapter IV, Chapter V, Chapter VA, section 149 and Chapter XXIII of the Indian Penal Code, shall, so far as may be, apply for the purposes of this Act as they apply for the purposes of the Indian Penal Code. Application of certain provisions of the Indian Penal Code.

7. (1) Where a person has been convicted of any offence punishable under this Chapter, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both, belonging to the person, which has been used for the commission of that offence, shall stand forfeited to Government. Forfeiture of property of certain persons.

(2) Where any person is accused of any offence under this Chapter, it shall be open to the Special Court trying him to pass an order that all or any of the properties, movable or immovable or both, belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the property so attached shall be liable to forfeiture to the extent it is required for the purpose of realisation of any fine imposed under this Chapter.

8. In a prosecution for an offence under this Chapter, if it is proved that — Presumption as to offences.

(a) the accused rendered any financial assistance to a person accused of, or reasonably suspected of committing, an offence under this Chapter, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence;

(b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object.

9. (1) Notwithstanding anything contained in the Code or in any other provision of this Act, the State Government may, if it considers it necessary or expedient so to do, — Conferment of powers.

(a) for the prevention of and for coping with any offence under this Act, or

(b) for any case or class or group of cases under this Act,

in any district or part thereof, confer, by notification in the Official Gazette, on any officer of the State Government, the powers exercisable by a police officer under the Code in such district or part thereof or, as the case may be, for such case or class or group of cases, and in particular, the powers of arrest, investigation and prosecution of persons before any Special Court.

(2) All officers of police and all other officers of Government shall assist the officer referred to in sub-section (1) in the execution of the provisions of this Act or any rule, scheme or order made thereunder.

(3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1).

CHAPTER III

EXTERMENT

Removal of person likely to commit offence.

10. (1) Where the Special Court is satisfied, upon a complaint or a police report that a person is likely to commit an offence under Chapter II of this Act in any area included in 'Scheduled Areas' or 'tribal areas', as referred to in article 244 of the Constitution, it may, by order in writing, direct such person to remove himself beyond the limits of such area, by such route and within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself for such period, not exceeding two years, as may be specified in the order.

(2) The Special Court shall, along with the order under sub-section (1), communicate to the person directed under that sub-section the grounds on which such order has been made.

(3) The Special Court may revoke or modify the order made under sub-section (1), for the reasons to be recorded in writing, on the representation made by the person against whom such order has been made or by any other person on his behalf within thirty days from the date of the order.

Procedure on failure of person to remove himself from area and enter thereon after removal.

11. (1) If a person to whom a direction has been issued under section 10 to remove himself from any area —

(a) fails to remove himself as directed; or

(b) having so removed himself enters such area within the period specified in the order,

otherwise than with the permission in writing of the Special Court under sub-section (2), the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

(2) The Special Court may, by order in writing, permit any person in respect of whom an order under section 10 has been made, to return to the area from which he was directed to remove himself for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observation of the conditions imposed.

(3) The Special Court may at any time revoke any such permission.

(4) Any person who, with such permission, returns to the area from which he was directed to remove himself shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside such area and shall not return thereto within the unexpired portion specified under section 10 without a fresh permission.

(5) If a person fails to observe any of the conditions imposed or to remove himself accordingly or having so removed himself enters or returns to such area without fresh permission the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

12. (1) Every person against whom an order has been made under section 10 shall, if so required by the Special Court, allow his measurements and photographs to be taken by a police officer.

Taking measurements and photographs, etc., of persons against whom order under section 10 is made.

(2) If any person referred to in sub-section (1), when required to allow his measurements or photographs to be taken resists or refuses to allow his taking of such measurements or photographs, it shall be lawful to use all necessary means to secure the taking thereof.

45 of 1860.

(3) Resistance to or refusal to allow the taking of measurements or photographs under sub-section (2) shall be deemed to be an offence under section 186 of the Indian Penal Code.

(4) Where an order under section 10 is revoked, all measurements and photographs (including negatives) taken under sub-section (2) shall be destroyed or made over to the person against whom such order is made.

13. Any person contravening an order of the Special Court made under section 10 shall be punishable with imprisonment for a term which may extend to one year and with fine.

Penalty for non-compliance of order under section 10.

CHAPTER IV

SPECIAL COURTS

14. For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the 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.

Special Court.

15. 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 that Court.

Special Public Prosecutor.

CHAPTER V

MISCELLANEOUS

22 of 1955.

16. The provisions of section 10A of the Protection of Civil Rights Act, 1955, shall, so far as may be, apply for the purposes of imposition and realisation of collective fine and for all other matters connected therewith under this Act.

Power of State Government to impose collective fine.

Preventive action to be taken by the law and order machinery.

17. (1) A District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of a Deputy Superintendent of Police may, on receiving information and after such inquiry as he may think necessary, has reason to believe that a person or a group of persons not belonging to the Scheduled Castes or the Scheduled Tribes, residing in or frequenting any place within the local limits of his jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take necessary action for keeping the peace and good behaviour and maintenance of public order and tranquility and may take preventive action.

(2) The provisions of Chapters VIII, X and XI of the Code shall, so far as may be, apply for the purposes of sub-section (1).

(3) The State Government may, by notification in the Official Gazette, make one or more schemes specifying the manner in which the officers referred to in sub-section (1) shall take appropriate action specified in such scheme or schemes to prevent atrocities and to restore the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes.

Section 438 of the Code not to apply to persons committing an offence under the Act.

18. Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.

Section 360 of the Code or the provisions of the Probation of Offenders Act not to apply to persons guilty of an offence under the Act.

19. The provisions of section 360 of the Code and the provisions of the Probation of Offenders Act, 1958 shall not apply to any person above the age of eighteen years who is found guilty of having committed an offence under this Act. 20 of 1958

Act to override other laws.

20. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

Duty of Government to ensure effective implementation of the Act.

21. (1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may 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 that Government in formulation or implementation of such measures;

(vi) provisions 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;

(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.

(3) The Central Government shall take steps as may be necessary to co-ordinate the measures taken by the State Governments under subsection (1).

(4) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

22. No suit, prosecution or other legal proceedings shall lie against the Central Government or against the State Government or any officer or authority of Government or any other person for anything which is in good faith done or intended to be done under this Act. Protection of action taken in good faith.

23. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

V. S. RAMA DEVI,
Secy. to the Govt. of India.

ANNEXURE 6.II

STATEMENT SHOWING THE AMOUNT, STATE-WISE, RELEASED UNDER THE PROTECTION OF CIVIL RIGHTS ACT, 1955, AND THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989, DURING 1992-93

(Amount in Rs.)			
S.No.	State/UT	PCR Act	PAA
1	2	3	4
1.	Andhra Pradesh	3,00,000	43,50,000
2.	Bihar	7,00,000	8,00,000
3.	Gujarat	26,52,000	51,81,500
4.	Haryana	2,48,000	3,57,000
5.	Himachal Pradesh	1,00,000	4,000
6.	Karnataka	12,35,200	10,00,000
7.	Kerala	5,68,500	2,00,000
8.	Madhya Pradesh	1,00,000	1,00,00,000
9.	Maharashtra	35,24,712	-
10.	Orissa	3,00,000	-
11.	Punjab	12,00,000	-
12.	Rajasthan	-	49,03,000
13.	Tamil Nadu	90,60,500	-
14.	Uttar Pradesh	1,00,000	65,00,000
15.	West Bengal	3,91,000	50,000
16.	Pondicherry	11,74,588	-
Total		2,16,54,500	3,33,45,500

Total PCR Act + PAA

Rs.5,50,00,000

ANNEXURE 6.III

Statement showing offence-wise distribution of atrocity cases against SC and ST during 1989

State/U.T.	Nature of crime and number of cases reported																	
	Murder			Grievous hurt			Rape			Arson			Other IPC offences			Total cases registered		
	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1. Andhra Pradesh	41	7	48	162	19	181	52	8	60	10	5	15	246	40	286	511	79	590
2. Arunachal Pradesh	-	-	-	-	1	1	-	2	2	-	-	-	-	6	6	-	9	9
3. Assam	2	4	6	-	-	-	3	2	5	-	1	1	12	11	23	17	18	35
4. Bihar	56	7	63	83	2	85	52	37	89	88	1	89	718	55	773	997	102	1099
5. Goa	-	1	1	-	-	-	-	-	-	-	-	-	2	-	2	2	1	3
6. Gujarat	14	8	22	64	21	85	16	26	42	12	4	16	487	70	557	593	129	722
7. Haryana	1	-	1	1	-	1	17	-	17	3	-	3	55	-	55	77	-	77
8. Himachal Pradesh	1	-	1	9	-	9	6	-	6	3	-	3	60	-	60	79	-	79
9. Jammu & Kashmir	2	-	2	33	-	33	7	-	7	5	-	5	108	-	108	155	-	155
10. Karnataka	8	3	11	16	-	16	12	4	16	23	-	23	431	80	511	490	87	577
11. Kerala	8	2	10	18	-	18	33	3	36	15	1	16	542	149	691	616	155	771
12. Madhya Pradesh	74	38	112	171	77	248	225	203	428	65	19	84	3691	1826	5517	4226	2163	6389
13. Maharashtra	19	9	28	31	19	50	18	18	36	10	8	18	285	160	445	363	214	577
14. Meghalaya	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
15. Manipur	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
16. Mizoram	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17. Nagaland	-	1	1	-	1	1	-	-	-	-	-	-	-	3	3	-	5	5
18. Orissa	4	4	8	5	1	6	11	8	19	17	4	21	328	200	528	365	217	582
19. Punjab	5	-	5	-	-	-	10	-	10	-	-	-	6	-	6	21	-	21
20. Rajasthan	34	11	45	136	44	180	97	24	121	57	7	64	1264	334	1598	1588	420	2008

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
21. Sikkim	-	1	1	-	4	4	-	-	-	1	1	2	2	1	3	3	7	10	
22. Tamil Nadu	15	-	15	12	-	12	14	-	14	32	-	32	409	1	410	482	1	483	
23. Tripura	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
24. Uttar Pradesh	270	-	270	886	-	886	252	-	252	362	-	362	3425	-	3425	5195	-	5195	
25. West Bengal	1	-	1	3	1	4	3	6	9	-	-	-	6	2	8	13	9	22	
26. Andaman & Nicobar Islands	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
27. Dadra & Nagar Haveli	-	-	-	-	-	-	-	2	2	-	-	-	-	5	5	-	7	7	
28. Daman & Diu	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
29. Delhi	-	-	-	-	-	-	2	-	2	-	-	-	3	-	3	5	-	5	
30. Pondicherry	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	1	-	1	
31. Lakshadweep	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Total	556	96	652	1630	190	1820	830	343	1173	703	51	754	12080	2943	15023	15799	3623	19422	

Source: Ministry of Welfare

ANNEXURE 6.IV

Statement showing offence-wise distribution of atrocity cases against SC and ST during 1990

Nature of crime and number of cases reported																		
State/U.T.	Murder			Grievous hurt			Rape			Arson			Other IPC offences			Total cases registered		
	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1. Andhra Pradesh	56	13	69	157	26	183	64	19	83	10	2	12	316	48	364	603	108	711
2. Assam	1	4	5	3	1	4	1	8	9	1	1	2	24	19	43	30	33	63
3. Bihar	41	4	45	43	-	43	71	8	79	55	2	57	534	10	544	744	24	768
4. Goa	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5. Gujarat	18	8	26	71	17	88	14	14	28	16	7	23	669	77	746	738	123	911
6. Haryana	4	-	4	9	-	9	17	-	17	1	-	1	50	-	50	81	-	81
7. Himachal Pradesh	3	-	3	3	-	3	3	-	3	-	-	-	44	-	44	53	-	53
8. Jammu & Kashmir	-	-	-	-	-	-	3	-	3	-	-	-	35	-	35	38	-	38
9. Karnataka	21	1	22	42	2	44	23	7	30	19	1	20	581	33	614	686	44	730
10. Kerala	12	2	14	13	2	15	29	7	36	12	-	12	582	97	679	648	108	756
11. Madhya Pradesh	81	62	143	295	151	446	252	223	475	82	31	113	4500	1889	6389	5210	2356	7566
12. Maharashtra	18	12	30	58	7	65	25	15	40	4	6	10	384	167	551	489	207	696
13. Manipur	-	1	1	-	-	-	-	3	3	-	-	-	-	1	1	-	5	5
14. Orissa	7	2	9	13	3	16	17	6	23	13	-	13	430	86	516	480	97	577
15. Rajasthan	30	14	44	167	49	216	97	23	120	62	8	70	1235	356	1591	1591	450	2041
16. Tamil Nadu	25	-	25	5	-	5	15	-	15	27	-	27	472	-	472	544	-	544
17. Tripura	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18. Uttar Pradesh	265	-	265	812	-	812	254	-	254	297	-	297	4042	-	4042	5670	-	5670
19. West Bengal	2	1	3	-	1	1	-	5	5	-	1	1	4	4	8	6	12	18
20. Andaman & Nicobar Islands	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
21. Dadar & Nagar Haveli	-	-	-	-	-	-	-	1	1	-	-	-	1	10	11	1	11	12
22. Delhi	-	-	-	-	-	-	-	-	-	-	-	-	5	-	5	5	-	5
23. Pondicherry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	584	124	708	1691	259	1950	885	339	1224	599	59	658	13908	2797	16705	17667	3578	21245

Source: Ministry of Welfare

ANNEXURE 6.V

Statement showing offence-wise distribution of atrocity cases against SC & ST during 1991

Nature of crime and number of cases reported

State/U.T.	Murder			Grievous hurt			Rape			Arson			Other IPC offences			Total cases registered		
	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1. Andhra Pradesh	49	12	61	206	29	235	46	32	78	22	2	24	337	54	391	660	129	789
2. Assam	1	-	1	-	1	1	1	2	3	-	-	-	12	3	15	14	6	20
3. Bihar	30	1	31	27	-	27	48	2	50	37	1	38	369	10	379	511	14	525
4. Goa	1	-	1	-	-	-	-	-	-	-	-	-	4	-	4	5	-	5
5. Gujarat	20	19	39	94	33	127	14	19	33	22	3	25	951	129	1080	1101	203	1304
6. Haryana	5	-	5	3	-	3	17	-	17	5	-	5	38	-	38	68	-	68
7. Himachal Pradesh	-	-	-	2	-	2	5	1	6	1	-	1	17	2	19	25	3	28
8. Jammu & Kashmir	-	-	-	1	-	1	2	1	3	-	-	-	40	2	42	43	3	46
9. Karnataka	28	-	28	34	-	34	12	-	12	20	2	22	638	44	682	732	46	778
10. Kerala	10	2	12	20	2	22	31	5	36	5	1	6	584	92	676	650	102	752
11. Madhya Pradesh	92	75	167	379	171	550	245	220	465	63	26	89	4653	2773	7426	5432	3265	8697
12. Maharashtra	29	17	46	38	20	58	32	26	58	12	8	20	462	214	676	573	285	858
13. Manipur	-	2	2	-	3	3	-	-	-	-	-	-	-	-	-	-	5	5
14. Orissa	7	3	10	15	8	23	13	8	21	23	12	35	304	133	437	362	164	526
15. Rajasthan	39	14	53	159	53	212	113	18	131	94	15	109	1693	439	2132	2098	539	2637
16. Tamil Nadu	13	-	13	4	-	4	5	-	5	13	-	13	518	-	518	553	-	553
17. Tripura	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18. Uttar Pradesh	284	-	284	724	-	724	194	-	194	284	-	284	3312	-	3312	4798	-	4798
19. West Bengal	-	1	1	-	-	-	4	-	4	-	-	-	5	7	12	9	8	17
20. Andaman & Nicobar Islands	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
21. Dadra & Nagar Haveli	-	-	-	-	-	-	-	-	-	-	-	-	1	6	7	1	6	7
22. Delhi	1	-	1	-	-	-	1	-	1	-	-	-	4	-	4	6	-	6
23. Pondicherry	1	-	1	-	-	-	1	-	1	1	-	1	2	-	2	5	-	5
Total	610	146	756	1706	320	2026	784	334	1118	602	70	672	13944	3908	17852	17646	4778	22424

Source: Ministry of Welfare

ANNEXURE 6.VI

List of on-the-spot enquiries conducted by the Commission during 1992-93

1. Death of a tribal youth of Goalpara, P.S. Kokrajhar, Assam, by police personnel on 19-3-92
2. Gang rape of a minor SC girl in village Dommeru, Kovooru Mandal, West Godavari District of Andhra Pradesh on 19-19-3-92
3. Branding of an SC youth of village Hakimpat, Golkunda Mandal, District Hyderabad, Andhra Pradesh, with red hot iron rod on 6-3-93
4. Attack on SC on 26-7-92 and 27-7-92 at Ananthareddy village, Shamshabad, Rangareddy District, A.P.
5. Setting fire to 27 houses of SC in village Mahibarwa, P.S. Khagria, Khagria District of Bihar on 17-2-93
6. Demolition of a house of an SC person in village Sadhopur, Jeevan, P.O. Satpura, District Vaishali, Bihar
7. Attack on the Gangapur SC colony, killing of one SC person and injuring 6 persons under P.S. Narhat, District Nawada, Bihar, on 18-6-92
8. Attack on the SC in Sisvn village, Borsad Taluka, District Kheda, Gujarat
9. Murder of an SC youth in village Parasali, Veraval Taluk, District Junagadh, Gujarat
10. Castration of an SC youth of village Bhatsana, District Rewari, Haryana, by police on 10-10-92
11. Killing of an SC person of village Nalwa, Solan District, in Himachal Pradesh by a Police constable on 18-4-92
12. Setting fire to the huts of SC at Yerandahalli village, Anakal Taluk, Bangalore, Karnataka, on 2-4-92
13. Incident of group clash between SC and non-SC on 1-6-92, killing 3 SC and injuring 6 SC persons at village Alagi(B), Afzalpur Taluk, District Gulbarga in Karnataka
14. Mass rape of a tribal woman in Kothanahally colony by Forest officials of Mettuluppa Forest area of H.D. Kote, District Mysore in Karnataka, on 31-1-93
15. Destruction of houses of Adi-Karnataka by non-SC, in village Hosadurga, Kodihalli, Hobli, Kanakapura Taluk, District Bangalore, Karnataka, on 21-1-93

16. Killing of three SC persons in police firing at Deval Gangapur, District Gulbarga, Karnataka, on 17-7-92
17. Setting fire to 13 houses of SC persons at Tamba village, Indi Taluk, District Bijapur, Karnataka, on 6-7-92
18. Assault of a tribal girl and her parents by Forest officials at Kamalakkam, District Trivandrum, in Kerala
19. Death of one SC person and injury to 17 others in police firing and caste clash at Taluka town of Akot in Akola District of Maharashtra on 3-7-92
20. Harassment of SC persons of village Kullu, District Sagar, Madhya Pradesh, by non-SCs
21. Incident in village Nichroli, District Shivpuri in Madhya Pradesh on 11-5-92 in which the SCs were forced to eat inedible items and attempt to strip their women naked
22. Rape of an ST woman in village Badora, District Betul, Madhya Pradesh, on 21-5-92
23. Custodial death of an ST person in village Bandha P.S. Takhatpur, District Bilaspur, Madhya Pradesh, on 6-1-92
24. Death of an ST person in police custody in village Gajpur, District Betul, Madhya Pradesh, on 13-4-92
25. Death of an SC person in police custody in P.S. Ramchandra-pur, District Surguja, Madhya Pradesh, on 29-2-92
26. Incident of custodial death of one SC person at P.S. Lalru, District Patiala, Punjab, on 19-7-92
27. Custodial death of one SC woman at Police Post, Ropar, District Ropar, Punjab, on 14-7-92
28. Rape of an SC woman of Madhogarh, P.S. Basti, District Jaipur, Rajasthan, on 12-6-92
29. Rape of an SC woman of Vagela, P.S. Sidhhapur, District Churu, Rajasthan, on 17-2-92
30. Murder of an SC woman of village Haripura, P.S. Jobner, District Jaipur, Rajasthan, on 28-7-92
31. Murder of an SC person of village Sahanali Bari, P.S. Ratannagar, District Churu, Rajasthan, on 27-4-92
32. Murder of an SC person of village Mithri Balwant Singh, P.S. Rajgarh, District Churu, Rajasthan
33. Murder of an SC person of Railway-Colony, Gangapur City, District Sawai Madhopur, Rajasthan, on 2-1-92

34. Murder of an SC person of Rohimaoja Taliwala, P.S. Kshetra Mahajan, District Bikaner, Rajasthan
35. Assault on an SC person of Sanda, P.S. and District Dholpur, Rajasthan, on 10-1-92
36. Mass killing, arson and looting of SC persons of Kumher town and adjoining villages of Bharatpur District of Rajasthan on June 6-7, 1992
37. Killing of an ST person by Police in Jhargaon, District Banswara, Rajasthan, on 27-10-92
38. Group clash between SC and Kudaliars in Ponnor village, Vandavasi Taluk, Tiruvannamalai, Sambavaryar District, Tamil Nadu, on 8-11-92
39. Atrocities committed on ST of Vachathi village, Harur Taluk, Dharmapuri District Tamil Nadu, by police and Forest officials on 20-6-92
40. Attack by non-SC on SC persons of Pattipulam, near Mahabalipuram, Chengalpattu Taluk, Chengalpattu MGR District, Tamil Nadu, on 6-3-92
41. Group clash between SC and non-SC and murder of 4 SC persons at Karinjakulam village, Sankarankoil Taluk, Nellore District, Tamil Nadu, on 14-3-92
42. Murder of two SC persons of village Chawpherwa, District Fatehpur, Uttar Pradesh, on 14-3-93
- *43. Killing of two SC persons of Indraruk village, Rural Kanpur, U.P., on 8-3-93
44. Harassment of an SC person by his landlord r/o West Patel Nagar, New Delhi
45. Rape of a tribal woman in Rangamati Tea Garden, District Jalpaiguri, West Bengal

ANNEXURE 6.VII

A gist of important cases of atrocities committed on Scheduled Castes and Scheduled Tribes

Gang rape of a minor Scheduled Caste girl in village Dommeru, West Godavari District of Andhra Pradesh

An on-the-spot enquiry of the incident of gang rape of Kum T.Lakshmi (12 years) of Dommeru village in Kovvuru Mandal of West Godavari District in Andhra Pradesh was conducted by Shri B.Sammaiah, Member of the Commission. The incident happened when the victim came out to go to toilet during the interval of the second show of a cinema on the night of 19-3-92 at Dommeru. Five persons took her to a thatched shed and each one of them raped her. She was also abused by her caste name and threatened of dire consequences if she disclosed the incident to anybody. When she was taken to the hospital at Kovvuru after lodging a complaint at the Police Station, the Medical Officer did not attend to her promptly.

The police registered a case u/s 376 IPC on 21-3-92 and the District Superintendent of Police visited the place on 21-3-92. On taking up the matter with the district authorities the Collector, West Godavari District, intimated that Section 7(1)(d) of the PCR Act, 1955, and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, were applied in the case. All the five accused were arrested and sent to the Special Mobile Court of Judicial 1st Class Magistrate, Eluru, for custody. An amount of Rs.25,000 was sanctioned as monetary relief. The Commission further impressed upon the district authorities for incorporating Section 3(1)(x),(xi) and (xii) of the PAA in the case. The Chief Minister, Andhra Pradesh, was demi-officially addressed by the Chairman of the Commission for raising the amount of monetary relief to Rs.1 lakh, provision of rehabilitation facilities like land and pucca house to the family of the victim, free educational facilities to the victim and protection from the local anti-social elements. In response to the Chairman's letter the Social Welfare Department, Government of Andhra Pradesh, intimated the Commission that the report of the Forensic Laboratory, Hyderabad, had been received and sent to the court and the district authorities were instructed to expedite the investigation so that deterrent punishment was awarded to the accused. Relevant Sections of the PAA were also applied in the case. The victim girl was admitted in Class VI at the Government Residential School and the District Collector requested to provide economic support to her parents. One pucca house was also sanctioned to the parents under the Weaker Sections Housing Programme.

The case is sub judice and the final outcome awaited. However, contrary to the provisions of the PAA, all the accused have been released on bail by the Andhra Pradesh High Court.

Mass rape of four Scheduled Caste women of Sardanagar, Maheswaram Mandalam, Ranga Reddy District of Andhra Pradesh

On 10-2-92 midnight six unidentified persons arrived in the workers' residential quarters of the grape garden at Sardanagar and raped four SC women by confining them in one of the rooms. All these women were workers of the grape garden. The accused also forcibly took away ornaments worn by the victims and their other valuables. After getting information from the Manager of the garden the police arrived within three hours, but the accused escaped. The police took the victims to the nearest maternity hospital, but proper treatment was not given to them.

A case was booked u/s 395 and 376 (E) of IPC and since the identity of the accused was not known, Sections of the PAA were not applied in the case. The district authorities, however, provided monetary relief of Rs.5,000 to each of the victims even though the police did not consider it a case of atrocity.

The Commission took up the matter with the district administration to identify and arrest the accused and apply the relevant Sections of the PAA. It has been reported to the Commission that five of the six accused were arrested on 21-5-92 and remanded to judicial custody. The District Collector has again been impressed upon to invoke the provisions of the PAA in the case and take suitable rehabilitation measures for the victims.

Death of one ST youth in police firing at P.S.Kokrajhar, District Kokrajhar of Assam

Dr.A.R.Basumatary, P.O.&Dist.Kokrajhar, represented to the Commission regarding the death of his son in police firing on 19-3-92.

An on-the-spot enquiry conducted by the Commission's field office at Guwahati revealed that the police fired at S/Shri J.Basumatary and Tapan Brahma on suspicion of terrorist involvement. Shri Basumatary died and Shri Brahma was seriously injured. A case u/s 302/326/307/34 IPC was registered against the two police personnel who were arrested and suspended for negligence of duty. The kin of the deceased were paid ex gratia payment of Rs.5,000 and an amount of Rs.3,000 has been paid to the injured person. Relevant sections of the PAA were not applied in the case as the State Government did not treat it a case of atrocity. A magisterial inquiry was ordered by the Govt. of Assam.

The Commission took up the case with the State Government for speedy investigation and punishment of the guilty police officials and for payment of Rs.1 lakh as monetary relief to the kin of the deceased. In spite of repeated reminders a reply is still awaited from the Assam Government.

Group clash and killing of three SC persons at Alagi (B) village in Gulbarga District of Karnataka

On the basis of a news in the Indian Express that three persons were killed and others seriously injured when a group of Dalits was attacked allegedly by non-SC persons, the Commission's field office at Bangalore conducted an on-the-spot enquiry into the incident on June 16-17, 1992. According to the findings of the field enquiry the refusal of SC persons to slaughter a buffalo at the village festival infuriated the non-SC who attacked the SC on 3-6-92 with deadly weapons. Three SC persons were killed and six injured. A case u/s 147,148,341,302,504,506, r/w 149 IPC was registered and twentyfour persons were arrested. An amount of Rs.50,000 was paid to the dependents of each of the deceased and the injured persons were paid Rs.1,500 to Rs.2,500 each. The Dy.S.P., Aland, and ASI, Afzalpur, were placed under suspension and two platoons of police posted in the village.

The Commission observed that the incident was a clear case of domination by the non-SC persons and forcing the SC to render some customary services of the older days. The SC were attacked by the non-SC on 1-6-92 and they sought police protection. The police failed to provide them timely protection. Had precautionary measures been taken in time the incident could have been averted. Till the date of the enquiry all the accused persons could not be arrested. Relevant sections of the PAA were also not invoked. No action was taken for rehabilitation of the dependents of the deceased. The case was still being investigated. The Commission urged the district authorities to invoke Sections 3(1)(x), 3(2)(v), 16 and 4 of the PAA and Section 7(c) of the PCR Act, 1955, in the case for immediate arrest of all the accused persons and providing rehabilitation measures for the affected families.

The Deputy Commissioner, Gulbarga, intimated the Commission that rehabilitation measures including provision of land, employment and loans ranging from Rs.8,000 to Rs.35,000 were provided to the affected families. Upto 18-1-93, 54 accused were arrested and five were absconding. The relevant Sections of the PAA were not applied in the case on the plea that there was no evidence to prove that the SC were forced to perform animal sacrifice, though Section 7(c) of the PCR Act, 1955, was made applicable.

Final outcome of the case is awaited.

Assault on a tribal girl and her parents by Forest officials in Kamalakkam, District Thiruvananthapuram of Kerala

The alleged assault on a tribal girl of Kamalakkam in Thiruvananthapuram District was enquired into by the Commission's field office at Thiruvananthapuram on 24-4-92. The report revealed that sometime in the month of February 1992 two Forest officials visited the house of Shri Ayappan Kami, a tribal, in his absence and attempted to molest Adicha, his daughter. Later the Forest officials also beat the parents of the girl severely. The injured

mother of Adicha had to be hospitalised. The Forest officials alleged that Ayappan Kami expanded his allotted cultivable area in forest land. The enquiry officer did not find any evidence of such encroachment.

The Commission observed that no case was registered against the Forest officials under the provisions of the PAA and monetary relief was not provided to the victims. Action taken by the State Government in this regard is still awaited.

Death of an SC person in police custody in P.S.Ramchandrapur, District Surguja, Madhya Pradesh

A news appeared in the Times of India dated 28-2-92 that a Scheduled Caste person died in police custody in P.S.Ramchandrapur, Surguja District of Madhya Pradesh. A detailed report about the incident was called for from the State Government and an on-the-spot enquiry also conducted by the Commission's field office at Bhopal from July 5 to 9, 1992. The enquiry revealed that the S.H.O., P.S.Ramchandrapur, alongwith ASF guards raided the villages Dillatola and Gohra on 27-2-92 in a theft case and apprehended S/Shri Kalicharan, Ramesh Khairwar, Hariprasad Khairwar and his two sons. During interrogation they were allegedly beaten up by the police which resulted in the death of Shri Ramkumar on 28-2-92. A case was registered u/s 302,34 IPC in P.S.Ramanujganj. All the accused persons were arrested and three police officials suspended. The arrested accused persons were released on bail afterwards. Magisterial inquiry was ordered.

The Commission observed that although the death was on account of police brutality and the alleged accused had been suspended from service, the medical report certified that the death was 'natural' and was due to cardiac failure. No monetary relief was paid nor rehabilitation facilities provided to the kin of the deceased. Although these issues were taken up with the State Government in October 1992, no reply has been received.

Death of one SC person and injuries to 11 SC persons in police firing and caste clash at Taluka town of Akot, District Akola, Maharashtra

The field office of the Commission at Pune conducted an on-the-spot enquiry into the incident in which one SC person was killed and 11 SC persons were injured in police firing and caste clash at Taluka town of Akot in Akola District of Maharashtra on 3-7-92. The incident was on account of alleged non-payment of dues by SC youths at a teastall resulting in a scuffle followed by a clash between the SC and non-SC. The police was called and they opened fire to disperse the mob. Three persons including one SC died in the police firing. The police did not visit the spot immediately after getting the news of the clash between the SC and non-SC and took the extreme action of firing without the orders of the SDM. Had the police visited the spot in time the incident

could have been averted. Wrong Section of the PAA was quoted in the FIR and Section 4 of the Act was not invoked against the erring police officials.

The matter was taken up with the State Government for taking action on the above lines and for providing monetary relief to the victims and for their rehabilitation. A reply is still awaited.

Death of Shri Chaggan Goma More, a tribal youth of village Avalgaon, Virgaon Police Station, Aurangabad District, Maharashtra, due to beating by non-SC/ST villagers

The incident of death of Shri Chaggan Goma More, a tribal youth of Avalgaon village, on 2-1-92 was enquired into by the Commission's field office at Pune. The enquiry revealed that the tribal youth was beaten to death by the village Sarpanch and others on suspicion of theft. The Sarpanch believed the verdict of an astrologer and instead of reporting the matter to the police took the law into his own hands and assaulted the victim who succumbed to the injuries on his way to the hospital. The S.D.M., Vijapur, and the Tahsildar took the incident lightly and did not visit the village. No monetary relief and rehabilitation facilities were provided to the kin of the deceased and relevant Section of the PAA was not applied in the case.

The Commission urged the District Collector for taking action against the Sarpanch, the Kotwal and the negligent officials under provisions of the PAA and for provision of monetary relief and rehabilitation measures to the family of the deceased. On the recommendation of the Commission monetary relief of Rs.10,000 was paid to the aggrieved family.

Death of an SC youth in police custody in P.S.Lalru, District Patiala, Punjab

An on-the-spot enquiry was conducted by the Commission's field office at Chandigarh on the basis of a news report that Shri Baljit Ram, an SC youth, was killed in police custody in P.S.Lalru, District Patiala, on 19-7-92. The enquiry revealed that the boy was kept in police custody for interrogation regarding a case of elopement of one Brahman girl with an SC boy. He was arrested and produced before the Dy.S.P., Rajpura, on 11-7-92 and kept in the police custody where he died due to police torture. In spite of orders of the I.G. of Police, Internal Vigilance, Punjab, not to harass the members of the family of the deceased the victim and his kins were tortured. The police also extracted Rs.7,000 from his family for releasing them. A case No.36/92 u/s 302/34 IPC was registered against the erring police officials and the accused were only transferred to the police lines.

The Commission observed that the deceased was falsely implicated by Shri Baburam, a police officer of Haryana Police, for settling personal grievances and he tortured the deceased at P.S.Lalru. The police of Lalru P.S. admitted that the postmortem

report of Philadelphia Hospital, Ambala, mentioning the cause of the death as 'acute gastroenteritis' was false. The Commission, therefore, urged that the erring Medical Staff of Philadelphia Hospital, and the delinquent police officials including Shri Baburam should be suspended and tried under relevant Sections of the PAA. In spite of repeated reminders no reply has been received from the State Government about the action taken in the matter. The family of the deceased has been paid Rs.10,000 as monetary relief and the brother of the deceased given a job in the Police Department.

Death of an SC woman in police custody in Ropar District,
Punjab

The field office of the Commission at Chandigarh conducted an on-the-spot enquiry into the incident in which one SC woman died in police custody on 16-7-92. It was reported that Smt. Balbiro, an SC woman, working as a maid servant kept her savings with her employer for safe custody. On receiving back the same she was sent to jail on the charge of theft. She was kept in the Police Post for two days which was not shown in the official record and she died due to police torture. The enquiry revealed that Smt. Balbiro was arrested without a warrant. Though she died due to police torture, the postmortem report stated falsely that she died of epilepsy. No strong action was taken against the accused police officials who were merely transferred to the police lines. No case was registered against them under the PAA.

The Chairman of the Commission took up the above issues demi-officially with the Chief Minister, Punjab, for punishing the accused persons, invoking relevant Sections of the PAA, payment of monetary relief and rehabilitation to the next kin of the deceased and for a CBI enquiry. Though the Chief Minister had assured necessary action, a reply is still awaited from him.

Death of one SC person in a caste clash in village Sanda,
P.S. & Dist. Dhaulpur, Rajasthan

The field office of the Commission at Jaipur conducted an on-the-spot enquiry into the incident of a clash between SC and non-SC of Sanda village, P.S. and District Dhaulpur.

The incident was the outcome of a clash between SC and non-SC over fetching water from a public irrigation well on 10-1-92. One Shri Karan Singh fired at Shri Rama Tyagi (Brahman) killing him on the spot and injuring two SC persons. A case was registered u/s 147, 148, 149, 307, 302, 323 IPC and 6 accused persons were arrested. They were released on bail by the court.

The Commission observed that alongwith IPC relevant Sections of the PAA should have been included and the family members of the injured persons given monetary compensation. The accused should not have been released on bail.

At the instance of the Commission Section 3(1)(xiv) of the PAA and Section 4(iv) of the PCR Act, 1955, were included in the FIR and the chargesheet was filed in the court. Action was also initiated at the State level for giving compensation of Rs.5,000 to each of the injured persons.

Caste clash in Kumher and adjoining villages of
Bharatpur District, Rajasthan

The Commission conducted an on-the-spot enquiry into the incidents of serious clashes between Jats and Jatavs in Kumher and adjoining villages of Bharatpur District. About 500 houses belonging to SC were reported to have been burnt and all their valuables and livestock perished in the flame. Thirteen persons were reported to have been killed, 27 injured and treated in the Civil Hospital, Bharatpur, and nine others found missing. The incident had the genesis in an earlier incident when Jatavs were not allowed to take out a barat. When they approached the police to register a complaint, the latter refused to do so. The police attitude infuriated them. They blocked traffic and succeeded in getting their report registered. In another incident members of the Jatav community were not permitted by Jats to sit in the cinema hall at Kumher. Similar group clashes were also reported from June 1 to 7, 1992, in the nearby villages and a large cache of country-made rifles and grenades was unearthed during the raids by the police. The negligence of the police and the apathy of the district administration had aggravated the situation. Had the police acted swiftly the incidents could have been averted.

The Commission discussed the incidents with the Director General of Police, Rajasthan, and the District Magistrate, Bharatpur, during its tour to Bharatpur. It was assured that relief measures would be taken up quickly. On the request of the Commission the administration released 117 graduate/P.G. students on personal bonds on 11-6-92. The details of monetary relief paid to the victims and rehabilitation measures provided are not known. The Commission requested the district authorities for such details, but no reply was received in this regard. The district administration identified 56 villages in the neighbourhood as highly sensitive. Stray incidents of violence continued in these villages even as the army took position in Kumher on the night of 6-6-92.

The Chief Minister, Rajasthan, had reviewed the situation with senior officers and ordered an independent judicial inquiry into the incidents. The case has also reportedly been handed over to the C.B.I. for investigation. The outcome is still awaited.