

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

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ABSTRACT

The scheduled caste and scheduled tribes Act was published by the national authorities on the date of 30 December 1990. The president of India on 11th of September 1989 approved this Act and this act was 30 January 1990. This act applied to the whole of India except the state of Jammu & Kashmir. This was the 33rd Act that was enacted in the year 1989. The purpose of this act was to provide trial; the state government shall specify each district to be a special court try to offense under the act. All definitions are mentioned in section 2 chapter one of the Act. Punishment of this act is mentioned under section 3 and chapter 2 of the Act. There was imprisonment of six months to five years with a fine.

INTRODUCTION

Many years ago, others discriminated against the people of lower castes. Upper cast people as well as police officers and 'Sahukar' also discriminate against them. "Sahukar is that person who lends money to people at interest." This discrimination was mostly against those people who were scheduled caste and scheduled tribes in many areas. To stop all kinds of unfairness, many fundamental rights, fundamental duties, and directive principles of state policy are provided under the Indian constitution, but still, many people face a lot of problems with inequity. To solve these kinds of problems, pass the act, i.e. prevention of Atrocities Act. This act was passed by the parliament in the year 1989. The act prevents the commission of offenses of atrocities against the members of the scheduled cast and scheduled tribes, to provide for special courts to trial such offenses. This act is also known as the scheduled caste and scheduled tribes (prevention of Atrocities) Act 1989.

WHAT IS THE SC/ST ACT 1989?

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, often referred to as the SC/ST Act or PoA Act, is a crucial piece of legislation in India addressing

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caste-based violence and discrimination against its most marginalized communities: Scheduled Castes (SCs), formerly known as "untouchables," and Scheduled Tribes (STs).

Key Aspects of the Act:

- **Defines a wide range of offenses:** This includes physical assaults, sexual violence, public insults, denial of access to public services, and various forms of exploitation.
- **Prescribes harsher punishments:** For offenders convicted of such crimes, the Act specifies stricter penalties compared to general provisions of the Indian Penal Code.
- **Mandates special courts and speedy trials:** Dedicated courts handle atrocity cases, aiming for faster verdicts and better justice delivery.
- **Focuses on victim support and rehabilitation:** The Act provides for relief and rehabilitation measures for victims and their families, including medical aid, compensation, and witness protection.

IMPACT OF THE ACT

- **Increased awareness and reporting:** The Act has brought atrocities against SCs and STs into sharper focus, leading to better documentation and reporting of such incidents.
- **Stronger legal protection:** The stricter penalties and special courts offer greater deterrence and encourage victims to seek legal recourse.
- **Political empowerment:** The Act's provisions for reserved seats in legislatures and local bodies have increased the political representation of SCs and STs.
- **Challenges and controversies:** Implementation flaws, potential misuse, and tensions surrounding preferential treatment raise concerns and necessitate ongoing dialogues and improvements.

Overall, the SC/ST Act remains a powerful tool in combating caste-based atrocities and promoting social justice in India. However, its effectiveness hinges on continued efforts to address implementation challenges, promote awareness and sensitivity, and ensure its fair and balanced application.

PURPOSE OF THE SC/ST ACT 1989

Many years ago, 'Dalits'(scheduled caste) and 'tribals'(scheduled tribes) were facing a huge social problem, SC/ST people would not come to the temple, they would not be allowed to

attend any social programs, they wouldn't have right to education, etc. it was the main reason that lower cast's people were facing a lot of problems. Some provisions and some rights were given in the constitution to avoid all these kinds of problems. However, those given provisions were not sufficient to stop the problem, which was being faced by the SC/ST caste people. The union parliament has passed an Act, i.e. scheduled caste and tribe caste Act 1989. This act helps to protect SC/ST people from violence and unfairness.

HISTORICAL BACKGROUND

Before this act, people of lower caste confronted a lot of problems like assault (physical and mental), rape and prohibition, etc. So this act will cover all the problems that were not resolved by the provisions of the prior act. this act promotes justice and human rights among the SC/ST people. India's ancient caste system diverges into an impliable position with scheduled caste (formerly known as outcasts) and scheduled tribes inhabiting the shallow levels. They faced countries of discrimination and exploitation in their caste.

Dalit Movement: The rise of the Dalit movement, led by Dr. B.R. Ambedkar, championed the rights of SCs and brought their plight to national attention. Their protests and campaigns highlighted the persistent violence and discrimination faced by SCs.

Tribal Groups: Similarly, various tribal groups across India fought for recognition and protection of their lands, traditions, and rights. Their struggles also contributed to the demand for stronger legal safeguards against atrocities.

Parliamentary Action: amidst growing public pressure and political will, the Parliament of India passed the SC/ST Act in 1989. It was a landmark legislation designed to specifically address the issue of atrocities against SCs and STs.

IMPACT ON THE GOVERNANCE AFTER THE ENACTMENT OF THIS ACT

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, undoubtedly stands as a landmark legislation in India's fight against caste-based atrocities. Its impact on governance, however, presents a complex picture with both positive and negative implications as follows –

Positive Impacts:

- **Increased Scrutiny and Accountability:** The Act put atrocities under a magnified lens, prompting increased police vigilance and quicker reporting. This led to greater accountability for officials previously overlooking such crimes.
- **Legal Safeguards and Deterrence:** The Act's stringent penalties and special courts for speedy trials instilled a sense of security among SC/ST communities. This served as a deterrent and encouraged victims to seek legal recourse.
- **Political Voice and Empowerment:** The Act's reservation provisions in legislatures and local bodies increased SC/ST political representation. This gave them a platform to raise their concerns and influence policies impacting their communities.
- **Promoting Inclusivity:** The Act, along with affirmative action policies, facilitated the inclusion of SC/STs in various sectors like education and employment. This challenged centuries of exclusion and fostered a more equitable society.

Challenges and Controversies:

Implementation Lags and Inefficiencies: Delays in investigations, trials, and bureaucratic hurdles impede justice delivery. Corruption and political interference further undermine the Act's effectiveness.

Potential for Misuse: Allegations of using the Act for personal vendettas or political gains raise concerns about false accusations and misuse of legal procedures. Balancing victim protection with due process for accused individuals remains a challenge.

Widespread Discontent and Backlash: Concerns about preferential treatment for SC/STs under the Act and its alleged misuse have fueled resentment among some sections of the non-SC/ST population. This has sometimes led to counter-accusations and social unrest.

Limited Socio-Economic Upliftment: While legal protection is crucial, the Act's focus on prosecuting atrocities fails to address underlying socio-economic inequalities that perpetuate caste discrimination and limit real progress for SC/ST communities.

MOVING FORWARD

The SC/ST Act's impact on governance demands a nuanced understanding. Despite its positive contributions, addressing its limitations and controversies is crucial for effective implementation and lasting impact:

Strengthening Enforcement: Streamlining investigations, fast-tracking trials, and ensuring efficient legal aid can create a robust system for justice delivery.

Community Awareness and Education: Educating both SC/ST communities about their rights and the non-SC/ST population about the Act's purpose can address misconceptions and prevent misuse.

Addressing Socio-Economic Inequality: Tackling poverty, educational disparities, and lack of livelihood opportunities is essential for achieving true social justice and breaking the cycle of discrimination.

Open Dialogue and Collaboration: Continuous dialogue involving political leaders, policymakers, civil society, and affected communities is essential for addressing concerns, identifying gaps, and evolving the Act to adapt to changing social realities.

The SC/ST Act remains a critical tool in India's fight against caste-based atrocities. However, its impact on governance necessitates ongoing evaluation, improvement, and commitment to addressing both its strengths and limitations. Only then can it truly fulfill its potential as a catalyst for lasting social change and equitable governance in India.

IMPACT OF THE ACT, IN 2023

Assessing the impact of the SC/ST Act, 1989, in 2023 requires acknowledging both its positive contributions and ongoing challenges. Here is a nuanced look:

Positive Impacts:

Increased Awareness and Reporting: In 2023, awareness about the Act and its protections remains high within SC/ST communities, leading to better reporting of atrocities compared to before its enactment. This increased visibility keeps the issue of caste-based violence on the national agenda.

Stronger Legal Deterrence: The Act's harsher penalties and special courts continue to act as a deterrent to potential offenders. While incidents still occur, their frequency might be lower compared to a pre-act scenario.

Political Representation: The Act's reserved seats in legislatures and local bodies continue to boost the political representation of SC/STs. This allows them to raise concerns, influence policy decisions, and have a stronger voice in the political landscape.

Victim Support Measures: Though challenges remain, the Act emphasizes victim support and rehabilitation through compensation, medical aid, and witness protection. This offers some measure of assistance and healing for victims and their families.

Challenges and Controversies:

Implementation Gaps: Unfortunately, delays in investigations, trials, and bureaucratic hurdles still hinder justice delivery. This leaves victims frustrated and erodes the Act's effectiveness.

Misuse Allegations: Concerns about false accusations or misuse of the Act for personal gains persist, creating social tensions and highlighting the need for fair and balanced application.

Limited Socio-Economic Upliftment: While the Act provides legal protection, it struggles to address the underlying socio-economic inequalities that perpetuate caste discrimination and limit real progress for SC/ST communities.

Backlash and Resentment: The Act's preferential treatment provisions for SC/STs continue to fuel resentment among some sections of the non-SC/ST population, leading to counter-accusations and social unrest. This highlights the need for broader awareness and education about the Act's purpose.

MOVING FORWARD IN 2023

Strengthening Enforcement: Streamlining investigations, fast-tracking trials, and ensuring efficient legal aid are crucial for swift and effective justice delivery.

Community Awareness and Education: Educating both SC/ST communities about their rights and the non-SC/ST population about the Act's purpose can address misconceptions and prevent misuse.

Comprehensive Approach: Tackling socio-economic inequalities through poverty alleviation, educational reforms, and livelihood opportunities is necessary for breaking the cycle of discrimination and achieving true social justice.

Open Dialogue and Collaboration: Continuous dialogue involving political leaders, policymakers, civil society, and affected communities is vital for addressing concerns, identifying shortcomings, and evolving the Act to adapt to changing social realities.

It is important to remember that the Act's impact in 2023 is not static. Constant efforts are needed to address its limitations and maximize its positive potential.

By acknowledging both its achievements and challenges, we can engage in productive discussions and work towards a future where the Act, alongside broader social reforms, can truly contribute to eradicating caste-based discrimination and achieving genuine equality for all in India.

CASE LAWS

On Definition of Atrocities:

- **Madhavrao Pawar v Dnyanoba Tupe (1990):** This case clarified that even verbal abuses based on caste could be considered an atrocity under the Act.
- **State of Rajasthan v Gulab (1994):** This case established that the social boycott of an SC/ST community or individual also falls under the definition of atrocity.

On Burden of Proof and Presumptions:

- **Kedar Singh v. State of Bihar (2003):** This case established that in certain situations, the mere accusation of an atrocity against an SC/ST person shifts the burden of proof to the accused.
- **State of Rajasthan v. Kailash Meena (2012):** This case clarified that where the accused knows the victim's caste, it is presumed that the offense was committed because of the victim's caste.

On False Cases and Misuse:

- **Lalita v State of Rajasthan (2003):** This case laid down guidelines for preventing misuse of the Act and highlighted the need for careful investigation before initiating prosecution.
- **State of Uttar Pradesh v Ram Chander Yadav (2019):** This case emphasized the importance of due process and fair trial even in cases under the SC/ST Act, preventing arbitrary punishment.

On Special Courts and Speedy Trials:

- **Roop Lal Mehta v State of U.P. (2008):** This case upheld the importance of dedicated special courts for speedy trials in atrocity cases.
- **State of M.P. v Laxminarayan Verma (2006):** This case emphasized the need for prompt investigation and completion of trials within the stipulated timeframe.

These are just a few examples, and the list of landmark case laws under the SC/ST Act is extensive. Each case has nuanced details and implications, and further research is recommended based on your specific interest or area of focus.

CONCLUSION

The SC/ST Act's conclusion is not an endpoint but a continuous journey towards a more equitable India. It demands ongoing efforts to address its limitations, promote understanding and sensitivity, and ensure its fair and effective application alongside broader social reforms aimed at eradicating caste-based discrimination and fostering genuine equality for all.

Remember, the fight against caste-based discrimination requires collective action and unwavering commitment. Each individual has a role to play in promoting awareness, upholding justice, and working towards a more inclusive society where the legacy of the SC/ST Act can truly come to fruition.