

S.C. and S.T. Special Act for prevent atrocity

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Abstract:

Scheduled Caste and Scheduled Tribes faced discrimination and how legislation prevents it

Introduction

India is a diverse nation with a long history of social hierarchy and discrimination. To address the historical injustices faced by the Scheduled Castes (SC) are those communities which are suppressed due to the caste discrimination prevailed in India, Scheduled Tribes (ST) are indigenous people who are deprived from rights and development, the Government of India enacted the **Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989**, commonly known as the **SC/ST Act**.

They consider as **Marginalized communities** which are those people who are outcast by society and do not have equal access to the rights, resources, and opportunities that are available to others. These communities often face **social, economic, and political disadvantages** due to caste and race.

Earlier in Ancient time there was a system knows as Varna System in which there was four divisions in society –

Brahmins, they are mostly priests, scholars, and teachers.

Kshatriyas, they mostly are warriors, rulers, and administrators.

Vaishyas, they mostly are merchants, farmers, and traders.

Shudras, they mostly are laborers and service providers.

This system was flexible in nature then as time goes it became rigid and birth based.

This give raise to caste system in Indian Society.

Schedule Tribes are indigenous communities who have traditionally lived in forests, hills, and remote areas. They have distinct cultures, languages, and lifestyles often separate from mainstream Hindu society. Unlike Schedule Caste, Schedule tribes were not part of the Varna system, but they were seen as "outside" or "uncivilized" by mainstream society.

The Oppression of Scheduled Castes (SCs)

Scheduled Castes, formerly referred to as "untouchables" or "Dalits", were subjected to systemic discrimination for centuries under the caste hierarchy (Varna system which later on converted into Care system). Schedule Castes were forced into inhumane occupations such as human excreta removal, denied access to public spaces for example no access to wells, and marginalized them. Despite efforts by social reformers and the abolition of untouchability under **Article 17 of the Indian Constitution**, caste-based violence, segregation, and prejudice continued to persist in society.

The Marginalization of Scheduled Tribes (STs)

Unlike SCs, **Scheduled Tribes (STs)** were traditionally outside the caste structure. They are **indigenous communities**, often living in forests, hills, and remote rural regions. Their marginalization arose from

geographic and cultural isolation, lack of access to education and health services, and frequent **displacement due to industrialization, deforestation, and mining projects**. Though not victims of untouchability in the classical sense, STs have long suffered from economic exploitation and political neglect.

The **SC/ST (PoA) Act**, enacted in 1989 and enforced in 1990, is one of the strongest legislative efforts to address the **continuing atrocities against Dalits and Adivasis** (indigenous peoples). The Act goes beyond punishing violence — it aims to **prevent, deter, and correct** centuries of abuse.

Under Section 2 sub clause (c) and (h) the definition of SC and ST communities given-

Section 2(c) - Scheduled Castes, refers to “such castes, races, or tribes or parts of or groups with such races or tribes as are deemed under Article 341 of Indian constitution of India.”

Section 2(h) - Scheduled Tribes, refers to “such tribal communities or parts of groups within tribes or tribal communities as are deemed under Article 342 of the constitution to be Scheduled Tribes”

The Act provides:-

- **Special courts** for speedy trials
- **Relief and compensation** for victims
- **Witness protection and rehabilitation**
- Arrest without warrant for listed offences

These provisions ensure that **survivors of atrocities receive justice**.

The Act acknowledges the **inherent power imbalance** between oppressed communities and dominant groups. By shifting the burden of proof and emphasizing **intention and context**, the law aims to protect those who cannot easily defend themselves within regular legal structures.

Beyond legal deterrence, the SC/ST Act also seeks to **reaffirm the values of equality, dignity, and human rights** enshrined in the Constitution. It is a **moral statement** that no citizen of India should be treated as inferior, excluded, or unsafe because of their birth.

What Makes It an “Atrocity”?

Given Under Section 3(1).

To be categorized as an **atrocity under this Act**, the crime must:

- Be committed by a **person who does not belong to SC/ST community**, and
- Be committed **against a person belong to SC/ST community**, and
- Be **motivated by caste or tribal identity**, or involve the **use of caste/tribe status to humiliate, exclude, or harm**.

Section 3(2) punishes **public servants** (police officers, government staff, etc.) if they:

- **Fail to act** on complaints from SC/ST individuals, or
- **Collude with perpetrators** of atrocities, or
- **Neglect their duties** related to SC/ST protection.

An **atrocity** under this Act is **any act of violence, humiliation, discrimination, or harassment** against an SC or ST person — done **because of their caste or tribal identity** — by someone who is not part of those communities.

Article 341 – Scheduled Castes

“(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts

of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”

Article 342 – Scheduled Tribes

“(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”

Article 244 – Administration of Scheduled Areas and Tribal Areas

“(1) The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State **other than** the States of Assam, Meghalaya, Tripura and Mizoram.

(2) The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the **States of Assam, Meghalaya, Tripura and Mizoram.**”

WHAT IS NATIONAL COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

1. National Commission for Scheduled Castes (NCSC)

- **Established Under:** Article 338 of the Constitution
- **Deals With:** Scheduled Castes (SCs)
- **Objective:** Safeguard the **rights and interests of Scheduled Castes**, monitor implementation of safeguards, and investigate complaints.

Key Functions:

1. Investigate and monitor constitutional and legal safeguards for SCs.
2. Inquire into complaints about denial of rights and protections.
3. Participate in and advise on SC-related planning and development.
4. Present reports to the President regarding the implementation of safeguards.
5. Recommend measures for the welfare and socio-economic development of SCs.

2. National Commission for Scheduled Tribes (NCST)

- **Established Under:** Article 338A (inserted by 89th Amendment Act, 2003)
- **Deals With:** Scheduled Tribes (STs)
- **Objective:** Protect the rights, culture, and development of India’s tribal communities.

Key Functions:

1. Supervise legal safeguards for STs.
2. Inquire into specific complaints regarding ST rights and benefits.

3. Promote Infrastructure and Technology development among tribes.
4. Safeguard rights over land, forest, and natural resources.
5. Advise on tribal welfare legislation and developmental plans.

Structure of Both Commissions:

Each commission consists of:

- **Chairperson**
- **Vice-Chairperson** and Three other members.
- They are appointed by the **President of India** and have powers similar to a **civil court** during investigations

Fundamental Rights.

Article 14 – Equality before law.

“The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”

Article 15(4)

- *“Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.”*

Article 17 – Abolition of Untouchability

- *“Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of ‘Untouchability’ shall be an offence punishable in accordance with law.”*

Fundamental Duties.

Article 46 – Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections

“The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.”

Other Articles.

Article 330 – Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People

- *“Seats shall be reserved in the House of the People for—(a) the Scheduled Castes; and (b) the Scheduled Tribes, except the Scheduled Tribes in the autonomous districts of Assam.”*

Article 332 – Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States

“Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Legislative Assembly of every State.”

Article 334 – Reservation of seats and special representation to cease after sixty years

(Now extended periodically by constitutional amendments) “Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to—(a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States; and (b) the representation of the Anglo-Indian community in the House of the People and in

the Legislative Assemblies of the States by nomination, shall cease to have effect on the expiration of a period of seventy years from the commencement of this Constitution.”

Section 3 – Punishments for Offences of Atrocities

This is the **core section** of the Act. It lists **specific acts** that are considered **atrocities** when committed against members of Scheduled Castes or Scheduled Tribes. Examples include:

- Forcing a person to eat or drink inedible or obnoxious substances.
- Parading a person naked or with painted face/body.
- Wrongfully occupying land or water belonging to SC/ST persons.
- Sexual exploitation of SC/ST women.
- Boycotting a person socially or economically.
- Denying access to public places or institutions. Each act is punishable with **imprisonment and fines**.

Section 4 – Negligence of Duties by Public Servants

Prescribes **punishment** for **public servants** who:

- Fail to register an FIR,
- Do not take prompt action,
- Neglect to perform their duty under the Act. Punishable with **imprisonment up to 1 year**.

Section 5 – Enhanced Punishment

Provides for **enhanced punishment** if an offender has previously been convicted under the Act.

Section 14 – Special Courts

Mandates the establishment of **Special Courts and Exclusive Special Courts** for the speedy trial of offences under the Act.

Section 15A – Rights of Victims and Witnesses

Introduced by amendment, this section guarantees:

- Protection,
- Fair and dignified treatment,
- Information about legal proceedings, and
- Timely justice for **victims and witnesses**.

Section 18 – No Anticipatory Bail

Bars the provision of **anticipatory bail** to persons accused of committing atrocities under this Act.

Section 21 – Preventive Measures

Requires **state governments** to:

- Identify atrocity-prone areas,
- Provide relief and rehabilitation,
- Create awareness,
- Establish vigilance committees.

In Uttar Pradesh according to NCRB report of 2022.

Uttar Pradesh registered 12,287 cases of atrocities against Scheduled Castes accounting for approximately 23.78 per cent of total 51,656 cases reported nationwide.

1. Shashikant Sharma & Others v. State of Uttar Pradesh (2023)

In this case, the Supreme Court of India addressed the framing of charges under Section 3(2)(v) of the SC/ST Act. The appellants challenged the charges, arguing insufficient evidence to support the application of this specific section. The Court held that for Section 3(2)(v) to apply, it must be established that the offense was committed solely because the victim belonged to a Scheduled Caste or Scheduled Tribe. Consequently, the Court quashed the charges under the SC/ST Act but allowed the trial to proceed under relevant sections of the Indian Penal Code.

2. Atul Mishra v. State of Uttar Pradesh (2022)

In this case, an FIR was lodged alleging offenses under Sections 366, 376-D, 342, 328, 323, 506 of the IPC, and Section 3(2) (v) of the SC/ST Act. The allegations included kidnapping and gang rape of a woman belonging to a Scheduled Caste. The case underscores the application of the SC/ST Act in conjunction with other serious criminal offenses, emphasizing the need for thorough investigation and adherence to legal procedures

The Violence occurs in Manipur.

Manipur state has following reservation- Unreserved 40 percent, Economically Weaker 10percent, Scheduled Tribes 31percent, Scheduled Castes 2percent and Other Backward Classes 17percent.

In Manipur State there are 33 tribes got the Scheduled Tribes Quota- Aimol, Anal, Angami, Chriu, Chothe, Gangte, Hmar, Kabul, Kacha, Naga, Koriao, Koirang, Lamgang, Mizo, Lushai, Maring, Mao, Monsang, Moyon, Paite, Ralte, Sema, Simte, Suhte, Tangkhul, Vaiphei, Zou, Poumei Naga, Tarao, Kharam and any Kuki tribe. By getting reservation as ST, they get secured that 7.5 percent government jobs and help them in Higher educations.

The Meitei demanding the Schedule Tribe Quota the main reason behind they feel that their identity is on verge of existence as they are not constitutional safeguarded and they think that they belong into tribes the reason behind this belief is that they were recognized tribe under British rule.

The violence began on May 3, after the All Tribal Students Union Manipur (ASTUM) conduct solidarity march in all districts opposing the recent Manipur High Court order, which had asked the Manipur State Government to send recommendation to the center government to include the Meitei community in the Scheduled Tribes (ST).

On 4th May, The violence escalated more in the State of Manipur. The article 355 was invoked to protect the state from destruction. Article 355 of Indian Constitution state that “It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on accordance with the provisions of this Constitution.” It empowers state to use army forces and police to control the people. The Manipur Violence crosses approximately 6 months. The violence is not stopping as something emerged out which fuel the angry of people.

The impact of this violence- According to Assam Times “ Women face various health challenges, including loss of the ability to generate milk to breastfeed, lack of hygiene and privacy, hot flushes among older women, and insomnia. According to one volunteer in a relief camp, most lactating women experience a significant reduction in milk supply for breastfeeding, possibly due to the long and stressful

journey to reach the nearest safe place, often without proper food and shelter.” The children facing health issues and Kuki cannot access medical care as they living in hilly regions only Non-Profit organizations helping them.

The livelihood of Manipur is depending on Agriculture and livestock. The valley practice permanent cultivation and hilly region practice shifting cultivation. Since, riots began these means had been destroyed by the tribal communities.

According to report 4,700 students approximately displaced from the state. The Delhi and Mizoram open their doors help these students. The impact violence can be seen on the education sector as well. The hilly region student cannot return back to universities to continue their studies. The outside students facing financial challenges as their parents are unable to send money and internet blockade also create an issue.

According to the Indian express “175 people have been killed in riots and 4,789 houses are burnt down.” The people of Manipur facing lots of challenges and civil war like situation in their state.

There two radical groups present in the Meitei, one is known as Meitei Leepun and other Arambai Tenggol. The Kuki blames these organizations to carry out the onslaught on them.

On June 7 an interview was taken by Karan Thapar who is the news reporter of Wire of Chief Pramot Singh who is the leader of Meitei Leepun. In which he said that Kuki are not he indigenous people of Manipur. Earlier, he post on twitter that we should eliminate the Kuki people and live peacefully on the hills. Due, to which on complaint was filed on June 13 at the Kangpokpi police station, but was converted into an FIR on July 8 under sections 120-B, 153-A, 504, 505, 506 and 34 of the Indian Penal Code Later, court issued Non- Bail able warrant against him.

Amidst the nationwide outcry over the incident of two women being paraded naked by a mob of men in Manipur, Naga People Front (NPF) leader Lorho Pfoze on Friday called for resignation of Manipur Chief Minister.

Kuki Inpi, president name Ajang Khongsai Manipur’s territorial integrity cannot be maintain without emotional integration of different communities living in Manipur and add that everyone should live in peace.

GOVERNMENT RESPONSE.

Manipur government led by Chief Minister N. Biren Singh who belongs to B.J.P party. After, seeing so much violence in the Manipur the C.M. said this to Imphal that if the people will not stop this violence then they have to face consequents for their action. He also plead to Meitei not hurt the people with arms as his warning issue by media. The Chief of Naga thinks that government of Manipur is lean towards Meitei this reason they want that C.M. should be remove from the post.

The situation in Manipur escalated, even at that time BJP who is central Government remain muted. P.M. Narendra Modi maintained long month silence over the conflict arose in Manipur and has yet to asset Manipur on the crisis. It was only after the rape incident occur (a shocking clip of 30 second emerged on social media showing two women belongs to Kuki Tribe was paraded naked and raped by four accused belongs to Meitei Tribe.) which cause the outrage in whole India at that moment Modi Ji said these words in front of media “What happened to the daughters of Manipur can never be forgiven” and that “entire country had been shamed by the incident.”

The people blaming the ruling government that there not taking any stand in the favor of Kuki Tribe as they belongs to Christian community and Meitei belongs to Hindu the reason is this that government fol-

lows Hindu nationalist approach.

India's Union Minister pays the visit to Manipur. He was gone to stop the ceasefire among the people and bring out the peaceful resolution of the situation. He try to established peace committee but Kuki Tribe shunned down the committee is dominating by Meitei group people.

People have accused the police to that there not providing any aid to Kuki Tribes.

SUPERME COURT STANDS ON THE MATTER.

Supreme Court in a case it was hearing "Dinganglung Gangmei Vs Mutum Churamani Meitei and others." In this case, the court was initially concerned with the violent aftermath of an erroneous order passed by Manipur High Court on March 27, directing the State Government to recommend the inclusion of the Meitei Tribe in S.T. list.

The court sought o ensures the availability of critical medical care for those in relief camps and rehabilitative measures for those affected in the ethnic violence occurred in Manipur.

Soon, S.C. opens its door to hear appeals of the people who are living in threat and the people who are vulnerable in villages.

On August 7, a bench of Chief Justice of India D.Y. Chandrachud , Justice J.B. Pardiwala and Manoj Misra outlined two major things one that there is requirement to cease the violence and its perpetrators were punished according to law and order to restore the faith of law which was somewhere lost and second thing was to make people believe that law is been restored, so the investigation and proceeding can be run smoothly with course of time.

Then this bench appointed three former women judges Justice Gita Mittal from Jammu and Kashmir High Court, Justice Shalini Phansalkar Joshi from Bombay High Court and Justice Asha Menon from Delhi High Court. They were given responsibility to discover all the evidences, data and nature of violence occur in the Manipur on women on May 4. They need to hand over the report, the victims get relief.

Even S.C. directed the Manipur police to investigate the matters careful and look at 11 FIRs which got register. S.C. doing their best to restore law and order in Manipur and assisting the High Court of Manipur.

Recent Clashes.

The clashes took place between Hmar and Zomi people.

Hmar people are a schedule tribe ethnic group. They use the Hmar Language as their primary language. They believe in Christianity.

Zomi is a collective identity adopted by Kuki-Chin language-speaking people in India and Myanmar.

These tribes caught in Meitei and Kuki conflict.

On March 7 2023, Hmar woman was rape and murder but did not emerge because whole focus on big tribes. Kuki have sub tribes under which these tribes come.

Then, recently an assault happen on them which lead them to fight against the non tribal Meitei group as they always marginalized by them.

Now both communities leader said that we working on peace.

Conclusion.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was enacted as a pow-

erful tool to protect the most marginalized communities in India from historical injustice, violence, and systemic discrimination. Despite its existence, incidents of caste-based atrocities continue to surface, especially in states like Uttar Pradesh. Cases like the Hathras gang rape of 19 year old belong to Dalit community by four people named Ramu, Sandeep, Lavkush and Ravi but case was closed as no evidence to conclude it was rape, Sonbhadra massacre, and the wrongful imprisonment of Vishnu Tiwari for 20 years underscore the deep-rooted challenges within the legal and social systems.

Manipur is example how Tribes are exploited over the time.

While the Act provides a robust legal framework, its success heavily depends on sincere implementation, timely investigation, and judicial sensitivity. Law enforcement must act without prejudice, and awareness must be strengthened at all levels of society to ensure that justice is not only done but is seen to be done.

In conclusion, while legal instruments like the SC/ST Act are essential, real change requires a combined effort—legal, administrative, and societal—to dismantle caste-based hierarchies and ensure dignity, equality, and justice for all citizens, especially those from Scheduled Castes and Scheduled Tribes.