

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI,
REVENUE DEPARTMENT,
C.C. SECTION, ROOM NO. 206, B-BLOCK,
5, SHAM NATH MARG, DELHI-54.

F. 87(38)/CCS(HQ)/MISC/2016/165-167

Dated: 07.02.2018

To

The All Deputy Commissioners,
Revenue Department,
Govt. of NCT of Delhi,
Delhi.

I. T. BRANCH
Revenue Department
Diary 1282
Date 12/2/18

Sub: Regarding the Scheduled Caste and the Scheduled Tribes(Prevention of Atrocities) Act 1989, as amended by the Scheduled Castes and the Scheduled Tribes(POA) Amendment Act, 2015.

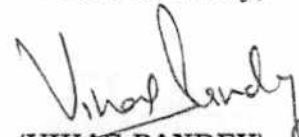
Sir,

Please find enclosed herewith a letter no. F.21/2016-2017/DSCST/PG/868 dated 18/01/2018 alongwith with its encloser regarding the subject cited above.

You are, therefore, requested to take appropriate action in this matter.

Encl: as above.

Yours faithfully,

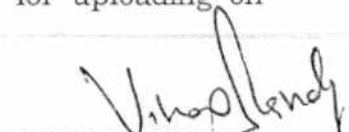

(VIKAS PANDEY) 67/18
SDM-X (HQ)

F. 87(38)/CCS(HQ)/MISC/2016/165-167

Dated: 07.02.2018

Copy to:

1. The Dy. Director(PG), Deptt for the Welfare of SC/ST/OBC, 2nd Floor, Vikas Bhawan, New Delhi.
2. The Joint Director (IT), Information Technology, Revenue Department, Govt. of NCT of Delhi, 5, Sham Nath Marg, Delhi for uploading on Revenue Department website.


(VIKAS PANDEY)
SDM-X (HQ)

67/18

GOVT. OF NCT OF DELHI
DEPARTMENT FOR THE WELFARE OF SC/ST/OBC
B-BLOCK.2ND FLOOR VIKAS BHAWAN, I.P. ESTATE, NEW DELHI

No.F.21/2016-2017/DSCST/ *PG/868*

Date: 18/01/2018

To

The Divisional Commissioner,
Revenue Department, GNCT of Delhi
5, Sham Nath Marg, Delhi-110054



Subject: The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, as amended by the Scheduled Castes and the Scheduled Tribes (POA) Amendment Act, 2015 (No.1 of 2016).... Regarding.

*Div Comm
(In my)
18/1/18*

Sir/Madam,

I am directed to forward herewith a copy of an English version of the Scheduled castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (No. 1 of 2016) received from Director (SCD), Ministry of Social Justice and Empowerment, Department of Social Justice and Empowerment, GOI, New Delhi vide letter dated 12/12/2017. The amended act can also be down loaded from the India code portal as well as from the Ministry's website viz, www.msve.nic.in.

*DC-II
18/1/18*

You are requested that the amended Act may be circulated to all District magistrate/Deputy Commissioner of GNCT of Delhi as well as put on the official website.

Yours Faithfully

Encl: - As above

[Signature]
Deputy Director (PG)

SDO/SCES

[Signature]
my

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*1093/bc/11011
19-1-18*

*Received on
20/1/18
20/1/18*

No. 11012/1/2012-PCR/Desk)
Government of India
Ministry of Social Justice and Empowerment
Department of Social Justice and Empowerment

The Principal Secretary, Secretary,
In charge of SC and ST Development Department
All State Governments, Union Territory Administrations, except Jammu and Kashmir

Subject: The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (PoA) Act, 1989, as amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (No. 1 of 2016)...regarding.

Sir/Madam,

I am directed to refer to the subject noted above and to enclose herewith a copy of an English version of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (PoA) Act, 1989, as amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (No. 1 of 2016). The amended Act can also be downloaded from the India Code Portal as well as from the Ministry's website viz, www.msje.nic.in. It is requested that the amended Act may be circulated to all concerned agencies in the State/Union Territory as well as put on the official web site of the concerned Department.

Encl: As above

Yours faithfully,

(Arvind Kumar)
(Arvind Kumar)
Director(SCD)
Tele: 011-23388519

DD (H 20.) (4)
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The Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989
No. 33 of 1989
(As amended)

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

ACT 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 ¹[Special Courts and the Exclusive 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 incidental thereto.

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(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 & Kashmir.

(3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint.

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

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

(b) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);

³[(bb) "dependent" means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for his support and maintenance;

(bc) "economic boycott" means—

(i) a refusal to deal with, work for hire or do business with other person; or

(ii) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or

(iii) to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or

(iv) to abstain from the professional or business relations that one would maintain with other person;

(bd) "Exclusive Special Court" means the Exclusive Special Court established under sub-section (1) of section 14 exclusively to try the offences under this Act;

(be) "forest rights" shall have the meaning assigned to it in sub-section (1) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);

(bf) "manual scavenger" shall have the meaning assigned to it in clause (g) of sub-section (1) of section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (25 of 2013);

(bg) "public servant" means a public servant as defined under section 21 of the Indian Penal Code (45 of 1860), as well as any other person deemed to be a public servant under any other law for the

1. Subs. by Act 1 of 2016, s. 2, for "Special Courts" (w.e.f. 26-1-2016).

2. 30th January, 1990, vide notification No. S.O. 106(E), dated 29th January, 1990. See Gazette of India, Extraordinary, Part II, sec. 3(ii).

3. Ins. by Act 1 of 2016, s. 3 (w.e.f. 26-1-2016).

(e) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;

(f) wrongfully occupies or cultivates any land, owned by, or in the possession of 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 such land transferred;

(g) 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, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce therefrom.

Explanation.—For the purposes of clause (f) and this clause, the expression “wrongfully” includes—

(A) against the person’s will;

(B) without the person’s consent;

(C) with the person’s consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or

(D) fabricating records of such land;

(h) makes a member of a Scheduled Caste or a Scheduled Tribe to do “*begar*” or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;

(i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose, or carry human or animal carcasses, or to dig graves;

(j) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;

(k) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a *devadasi* or any other similar practice or permits aforementioned acts;

(l) forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe—

(A) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;

(B) not to file a nomination as a candidate or to withdraw such nomination; or

(C) not to propose or second the nomination of a member of a Scheduled Caste or a Scheduled Tribe as a candidate in any election;

(m) forces or intimidates or obstructs a member of a Scheduled Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a Panchayat under Part IX of the Constitution or a Municipality under Part IXA of the Constitution, from performing their normal duties and functions;

(n) after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Scheduled Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;

(o) commits any offence under this Act against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;

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

(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;

(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including *jatras*;

(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public; or

(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;

(zb) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or

(zc) imposes or threatens a social or economic boycott of any person or a family or a group belonging to 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 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 (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property ¹[knowing 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;

²[(va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such

1. Subs. by Act 1 of 2016, s. 4, for "on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member" (w.e.f. 26-1-2016).

2. Ins. by s. 4, *ibid.* (w.e.f. 26-1-2016).

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.

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

(a) the accused received any financial assistance in relation to the offence committed by 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;

(c) the accused was having personal or financial dealings with a person who is known to have committed an offence under this Chapter, it shall be presumed that the accused was aware of the commission of the offence by that person.

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

- (a) for the prevention of and for dealing with any offence under this Act;
- (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 Government, the powers exercisable by a police officer under the Code in such district or part thereof, as the case may be, for such case or class or group of cases, and in particular, the powers of 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 rules, orders or orders thereunder.

(3) The provisions of the Code shall, so far as they apply, be deemed to apply to any officer under sub-section (1).

CHAPTER III

ENTRANCE

10. **Removal of person likely to commit offence**—(1) Where the Special Court is satisfied, on 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 [or any area identified under the provisions of clause (iii) of sub-section (2) of section 21], 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 [three 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.

1. Subs. by Act 1 of 2016, s. 6, for "any financial assistance to a person accused of" (w.e.f. 26-1-2016).

2. Ins. by s. 6, *ibid.* (w.e.f. 26-1-2016).

3. Ins. by s. 7, *ibid.* (w.e.f. 26-1-2016).

4. Subs. by s. 7, *ibid.*, for "two years" (w.e.f. 26-1-2016).

Provided further that the Courts so established or specified shall have power to directly take cognizance of offences under this Act.

(2) It shall be the duty of the State Government to establish adequate number of Courts to ensure that cases under this Act are disposed of within a period of two months, as far as possible.

(3) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing:

Provided that when the trial relates to an offence under this Act, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet.]

¹[14A. Appeals.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

(2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.]

²[15. Special Public Prosecutor and Exclusive Public Prosecutor.—(1) 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.

(2) For every Exclusive Special Court, the State Government shall, by notification in the Official Gazette, specify an Exclusive Special Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as an Exclusive Special Public Prosecutor for the purpose of conducting cases in that Court.]

³[CHAPTER IVA

RIGHTS OF VICTIMS AND WITNESSES

15A. Rights of victims and witnesses.—(1) It shall be the duty and responsibility of the State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence.

(2) A victim shall be treated with fairness, respect and dignity and with due regard to any special need that arises because of the victim's age or gender or educational disadvantage or poverty.

1. Ins. by Act 1 of 2016, s. 9 (w.e.f. 26-1-2016).

2. Subs. by s.10, *ibid.*, for section 15 (w.e.f. 26-1-2016).

3. Ins. by s. 11, *ibid.* (w.e.f. 26-1-2016).

- (c) to provide necessary protection to the atrocity victims or their dependents, and witnesses;
 - (d) to provide relief in respect of death or injury or damage to property;
 - (e) to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims;
 - (f) to provide the maintenance expenses to the atrocity victims and their dependents;
 - (g) to provide the information about the rights of atrocity victims at the time of making complaints and registering the First Information Report;
 - (h) to provide the protection to atrocity victims or their dependents and witnesses from intimidation and harassment;
 - (i) to provide the information to atrocity victims or their dependents or associated organisations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost;
 - (j) to take necessary precautions at the time of medical examination;
 - (k) to provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount;
 - (l) to provide information to atrocity victims or their dependents or associated organisations or individuals, in advance about the dates and place of investigation and trial;
 - (m) to give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals and to provide the legal aid for the said purpose;
 - (n) to execute the rights of atrocity victims or their dependents or associated organisations or individuals at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights.
- (12) It shall be the right of the atrocity victims or their dependents, to take assistance from the Non-Government Organisations, social workers or advocates.]

CHAPTER V

MISCELLANEOUS

16. Power of State Government to impose collective fine.—The provisions of section 10A of the Protection of Civil Rights Act, 1955 (22 of 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.

17. Preventive action to be taken by the law and order machinery.—(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 tranquillity 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.

[THE SCHEDULE
[See section 3(2)(va)]

Section under the Indian Penal Code	Name of offence and punishment
120A	Definition of criminal conspiracy.
120B	Punishment of criminal conspiracy.
141	Unlawful assembly.
142	Being member of unlawful assembly.
143	Punishment for unlawful assembly.
144	Joining unlawful assembly armed with deadly weapon.
145	Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.
146	Rioting.
147	Punishment for rioting.
148	Rioting, armed with deadly weapon.
217	Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.
319	Hurt.
320	Grievous hurt.
323	Punishment for voluntarily causing hurt.
324	Voluntarily causing hurt by dangerous weapons or means.
325	Punishment for voluntarily causing grievous hurt.
326B	Voluntarily throwing or attempting to throw acid.
332	Voluntarily causing hurt to deter public servant from his duty.
341	Punishment for wrongful restraint.
354	Assault or criminal force to woman with intent to outrage her modesty.
354A	Sexual harassment and punishment for sexual harassment.
354B	Assault or use of criminal force to woman with intent to disrobe.
354C	Voyeurism.
354D	Stalking.
359	Kidnapping.
363	Punishment for kidnapping
365	Kidnapping or abducting with intent secretly and wrongfully to confine person.

1. Ins. by Act 1 of 2016, s. 12 (w.e.f. 26-1-2016).