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SC/ST (PREVENTION OF ATROCITIES) ACT, 1989

**CONSTITUTIONAL BACKGROUND
+ SECTIONS 1 & 2**



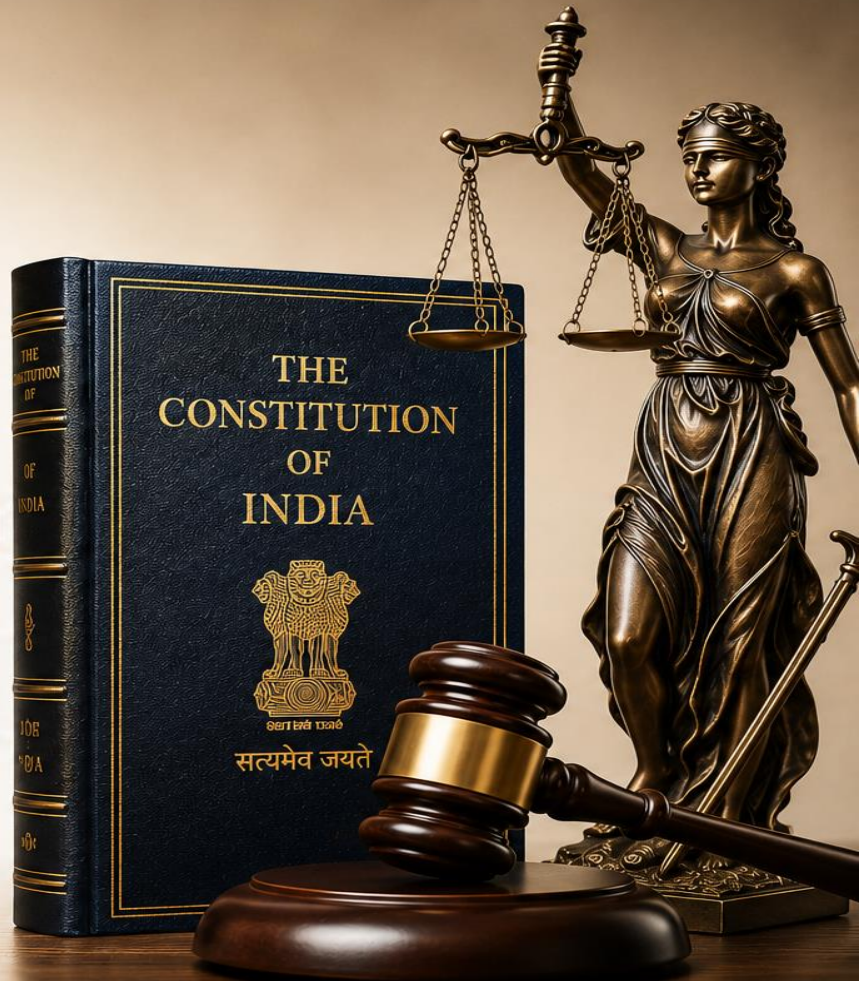
CLASS 2



By
Adv. Dr. Janist Dhanol



**FOR RPSC APO
EXAMINATION**



JUSTICE • DIGNITY • EQUALITY

Syllabus

Pre	Mains
1. Preliminary (Sec 1–2) 2. Atrocities (Sec 3–9)	1. Preliminary (Sec 1–2) 2. Atrocities (Sec 3–9) 3. Chapter IV Special Court Section 14 & 15 4. Chapter IV A Right of victims and witnesses (Sec-15A) 5. Chapter V Miscellaneous Sections 18 to 20 (Earlier 16-20)

PYQs

Q.11

Which one of the following Sections of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 relates to 'Punishment for offences of atrocities'?

- (1) Section 8
- (2) Section 7
- (3) Section 4
- (4) Section 3
- (5) Question not attempted

Q.27

What is the enhanced punishment for Subsequent Conviction under Section 5 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989?

- (1) 6 months
- (2) 3 months
- (3) A term which shall not be less than one year but which may extend to the punishment provided for that offence.
- (4) 18 months
- (5) Question not attempted

Q.66

Which one of the following is NOT correctly matched according to The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989?

- (1) Atrocity – Section 2(a)
- (2) Special Public Prosecutor – Section 2(e)
- (3) Public Servant – Section 2(bc)
- (4) Dependent – Section 2(bb)
- (5) Question not attempted

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SC/ST ACT TIMELINE



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From Enactment to Enforcement



1989



**Parliament
enacted the Act**

11 SEPTEMBER 1989



**President
gave assent**

30 JANUARY 1990



**Act
came into force**



Remember these dates –
Direct **objective questions** are frequently asked in examinations.



CONSTITUTIONAL ROOTS OF THE **SC/ST ACT**



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The Constitution is the foundation. The Act is its protection.

ARTICLE 14



EQUALITY BEFORE LAW & EQUAL PROTECTION OF LAWS

Permits reasonable classification.
Treating unequals equally may
itself result in inequality.

Basis for special protective legislation.

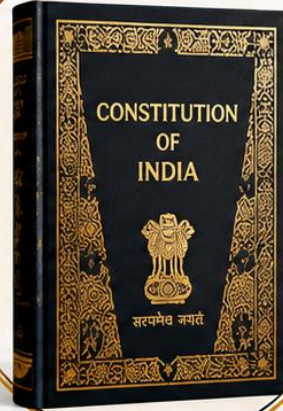
ARTICLE 17



ABOLITION OF UNTOUCHABILITY

Untouchability is abolished in
any form.
Its practice is an offence
punishable by law.

Philosophical foundation of the Act.



ARTICLE 15(4)



SPECIAL PROVISIONS FOR SOCIALLY AND EDUCATIONALLY BACKWARD CLASSES, SCs AND STs

Empowers the State to make special
provisions for advancement and upliftment
of SCs and STs.

Constitutional support for affirmative action.

ARTICLE 21



PROTECTION OF LIFE AND PERSONAL LIBERTY

Guarantees life with dignity.
Offences under the Act protect
dignity, honour and human rights
of SCs and STs.

Ensures justice, dignity and human existence.



These Articles create the **constitutional mandate**. The SC/ST Act gives it **effective implementation**.





ARTICLE 46

DIRECTIVE FOR PROTECTION AND DEVELOPMENT



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Article 46 of the Constitution directs the State to promote the welfare of Scheduled Castes and Scheduled Tribes.



PROMOTE EDUCATIONAL INTERESTS

The State shall promote and protect the educational interests of SCs and STs.



PROTECT FROM SOCIAL INJUSTICE

The State shall protect SCs and STs from all forms of social injustice.

ARTICLE 46

Promotes the interests of SCs and STs



PROMOTE ECONOMIC INTERESTS

The State shall promote and protect the economic interests of SCs and STs.



PROTECT FROM EXPLOITATION

The State shall protect SCs and STs from all forms of exploitation.



Directive Principle of State Policy

Although non-justiciable, Article 46 provides the moral and constitutional compass for protective legislation like the SC/ST (Prevention of Atrocities) Act, 1989.



EDUCATION • ECONOMIC UPLIFTMENT • SOCIAL JUSTICE • PROTECTION • EMPOWERMENT





ARTICLES 341 & 342

CONSTITUTIONAL BASIS FOR IDENTIFICATION



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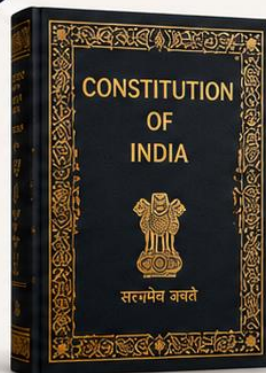
These Articles empower the President to specify who are **Scheduled Castes** and **Scheduled Tribes**.

ARTICLE 341



Scheduled Castes

- The President may, with respect to any State or Union Territory, specify the Castes, Races or Tribes or parts of or groups within Castes, Races or Tribes which shall be deemed to be **Scheduled Castes**.
- The list is notified in the **Official Gazette**.



ARTICLE 342



Scheduled Tribes

- The President may, with respect to any State or Union Territory, specify the Tribes or Tribal Communities or parts of or groups within Tribes or Tribal Communities which shall be deemed to be **Scheduled Tribes**.
- The list is notified in the **Official Gazette**.

KEY FEATURES



President's Power
Only the President can specify the lists through notification.



Official Notification
The lists are notified in the Official Gazette.



Parliament's Power
Only Parliament can include or exclude any entry from the list.



No Power to Others
State Governments and Courts have no such power.



Judicial Position
Affirmed in State of Maharashtra v. Milind (1991).



IDENTIFICATION TODAY, **PROTECTION** ALWAYS.





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SECTION 1 – PRELIMINARY PROVISIONS



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Every statute answers three questions:

- 1 What is the name of the statute?
- 2 Where does it apply?
- 3 Since when does it apply?



SHORT TITLE

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



EXTENT

It extends to the
whole of India.



COMMENCEMENT

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



SECTION 1 ESSENTIALS



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SHORT TITLE



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



EXTENT



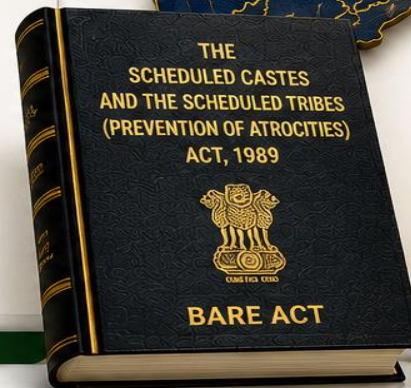
Whole of India



COMMENCEMENT



30 January 1990



A STRONG LAW FOR A **JUST SOCIETY.**



DIGNITY



JUSTICE



PROTECTION



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JOURNEY THROUGH SECTION 2



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UNDERSTANDING DEFINITIONS THROUGH A CRIMINAL CASE

Section 2 lays the foundation by clearly defining key persons, roles and institutions that drive **justice** under the Act.



These definitions ensure **clarity, accountability** and **protection** — forming the backbone of a **fair** and **effective** legal process.



KNOW
THE LAW



RESPECT
DIGNITY



ENSURE
JUSTICE



EMPOWER
SOCIETY



IMPORTANT DEFINITIONS UNDER SECTION 2



Key concepts every aspirant must remember

01

ATROCITY

Section 2(1)(a)



- "Atrocity" means an offence punishable under **Section 3**.
- Not every social injustice or wrong amounts to an atrocity.

02

VICTIM

Section 2(1)(ec)



Includes –

- ✓ Direct victim
- ✓ Relatives
- ✓ Legal guardian
- ✓ Legal heirs



03

DEPENDENT

Section 2(1)(bb)



Includes –

- ✓ Spouse
- ✓ Children
- ✓ Parents
- ✓ Brother / Sister

★ Dependency must be **wholly or mainly** on the victim

04

WITNESS

Section 2(1)(ed)



Any person who –

- ✓ is acquainted with the facts and circumstances, or
- ✓ is in possession of any information or has knowledge or documents
- ✓ necessary for investigation, inquiry or trial of an offence.

Includes the **victim** of such offence.

05

PUBLIC SERVANT

Section 2(1)(bg)



- ✓ Public servant as defined under **Section 21** of the IPC.
- ✓ Includes any other person deemed to be public servant under any other law for the time being in force.
- ✓ Includes any person acting in his official capacity under Central or State Government.

06

SPECIAL COURT

Section 2(1)(d) + Section 14



- Court of Session specified as **Special Court**.
- ✓ Exclusively to try offences under this Act.



SPECIAL PUBLIC PROSECUTOR

Section 2(1)(e) + Section 15



- Public Prosecutor specified or an **advocate** appointed.
- To conduct trials under this Act.



These definitions ensure **clarity, accountability** and **protection** – forming the backbone of a **fair and effective** legal process.



SPECIAL COURT & SPECIAL PUBLIC PROSECUTOR



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Ensuring Effective & Fair Justice under the Act



SPEEDY TRIAL

Time-bound disposal of cases for justice to the victim.



EXCLUSIVE JURISDICTION

Special Court has exclusive jurisdiction to try offences under this Act.



SPECIAL PUBLIC PROSECUTORS

Conduct prosecutions on behalf of the State before the Special Court.



Special mechanism. **Stronger protection.**
Faster justice.



JUDGE



SPECIAL
PUBLIC
PROSECUTOR



Constituted under
Section 14 (Special Court)
and **Section 15** (Special
Public Prosecutor)



A **dedicated system** for vulnerable communities.



RESPECT
DIGNITY



PROTECTION
OF RIGHTS



ACCOUNTABILITY
IN JUSTICE

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