

Bill Summary

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2013

- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2013 was introduced in the Lok Sabha by the Minister of Social Justice and Empowerment, Ms Kumari Selja on December 12, 2013.
- The Bill seeks to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Act prohibits the commission of offences against members of the Scheduled Castes and Scheduled Tribes (SCs and STs) and establishes special courts for the trial of such offences and the rehabilitation of victims.
- **Actions to be treated as offences:** The Act outlines actions (by non SCs and STs) against SCs or STs to be treated as offences. The Bill amends certain existing categories and adds new categories of actions to be treated as offences.
- Forcing an SC or ST individual to vote or not vote for a particular candidate in a manner that is against the law is an offence under the Act. The Bill adds that impeding certain activities related to voting will also be considered an offence. Wrongfully occupying land belonging to SCs or STs is an offence under the Act. The Bill defines 'wrongful' in this context, which was not done under the Act.
- Assaulting or sexual exploiting an SC or ST woman is an offence under the Act. The Bill adds that: (a) intentionally touching an SC or ST woman in a sexual manner without her consent, or (b) using words, acts or gestures of a sexual nature, or (c) dedicating an SC or ST women as a *devadasi* to a temple, or any similar practice will also be considered an offence. Consent is defined as a voluntary agreement through verbal or non-verbal communication.
- New offences added under the Bill include: (a) garlanding with footwear, (b) compelling to dispose or carry human or animal carcasses, or do manual scavenging, (c) abusing SCs or STs by caste name in public, (d) attempting to promote feelings of ill-will against SCs or STs or disrespecting any deceased person held in high esteem, (e) causing physical harm on the allegation of practicing witchcraft, and (f) imposing or threatening a social or economic boycott.
- Preventing SCs or STs from undertaking the following activities will be considered an offence: (a) using common property resources, (c) entering any place of worship that is open to the public, and (d) entering an education or health institution.
- The court shall presume that the accused was aware of the caste or tribal identity of the victim if the accused had personal knowledge of the victim or his family, unless the contrary is proved.
- **Role of public servants:** The Act specifies that a non SC or ST public servant who neglects his duties relating to SCs or STs shall be punishable with imprisonment for a term of six months to one year. The Bill specifies these duties, including: (a) registering a complaint or FIR, (b) reading out information given orally, before taking the signature of the informant and giving a copy of this information to the informant, etc.
- **Role of courts:** Under the Act, a court of Session at the district level is deemed a Special Court to provide speedy trials for offences. A Special Public Prosecutor is appointed to conduct cases in this court.
- The Bill substitutes this provision and specifies that an Exclusive Special Court must be established at the district level to try offences under the Bill. In districts with fewer cases, a Special Court may be established to try offences. An adequate number of courts must be established to ensure that cases are disposed of within two months. Appeals of these courts shall lie with the high court, and must be disposed of within three months. A Public Prosecutor and Exclusive Public Prosecutor shall be appointed for every Special Court and Exclusive Special Court respectively.
- **Rights of victims and witnesses:** The Bill adds a chapter on the rights of victims and witness. It shall be the duty of the state to make arrangements for the protection of victims, their dependents and witnesses. The state government shall specify a scheme to ensure the implementation of rights of victims and witnesses.
- The courts established under the Bill may take measures such as: (a) concealing the names of witnesses, (b) taking immediate action in respect of any complaint relating to harassment of a victim, informant or witness, etc. Any such complaint shall be tried separately from the main case and be concluded within two months.

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