

# Empowering the Marginalised

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## Empowering the Marginalised: Provisions and Progress under the SC/ST Act

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### Context:

Recently, the **Madras High Court** held that police authorities **cannot conduct a preliminary inquiry** on receiving complaints that disclose **cognisable offences** under the **SC/ST (Prevention of Atrocities) Act, 1989**. The court clarified that the police **must immediately register FIRs** against the accused under this Act, reinforcing the objective of **swift justice** for SC/ST communities.

### Introduction:

The **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**, was enacted to protect the **dignity, rights, and lives** of Scheduled Castes (SCs) and Scheduled Tribes (STs) from acts of **discrimination, violence, and exclusion**. It serves as a **legislative safeguard** to prevent atrocities and ensure justice.

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### Key Provisions of the Act:

#### Objectives and Scope

- Enacted to **prevent atrocities** against SCs and STs by persons who are **not members** of these communities.
- Aims to ensure **social equality** and protection from **violence, discrimination, and humiliation**.

#### Punishable Offences

- Covers **37 specific offences** including **denial of access to resources, forced labor, social boycotts, and physical and sexual violence**.
- The Act does **not apply** to offences committed **between SCs and STs**.

## Investigation Process

- All offences under the Act are **cognisable**.
- Only an officer of rank **not below Deputy Superintendent of Police (DSP)** can investigate cases under this Act.
- Investigations must be **completed within 30 days**, and the report should be sent to the **Director General of Police**.

## Special Courts and Prosecution

- Mandates the establishment of **exclusive Special Courts** in each district for **speedy trials** of offences under this Act.
- Courts are to function on a **day-to-day basis**.
- A **Special Public Prosecutor** with a minimum of **7 years' experience** is appointed for these courts.

## Punishment

- Minimum punishment in most offences is **6 months**, which can extend up to **5 years** with a fine.
- In severe cases, punishment may extend to **life imprisonment** or **death penalty**.
- **Section 4** provides for **penal action against public servants** (not from SC/ST communities) who **neglect their duties**, with punishment up to **6 months**.

## Relief and Support Measures

- Under the **Rules of 1995**, the **District Magistrate or Sub-Divisional Magistrate** must ensure **immediate relief** to victims.
- Relief may include **cash/kind support, food, shelter, clothing, medical care, and transport**.

## Amendments

- The Act was **amended in 2015** to expand the list of offences and enhance protections.
  - These amendments came into force on **26 January 2016**.
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### **Conclusion:**

The SC/ST (Prevention of Atrocities) Act, 1989, stands as a **crucial legal instrument** for ensuring **social justice and equality** in India. The recent judicial reaffirmation by the **Madras High Court** strengthens the Act's objective of **immediate protection and access to justice** for vulnerable communities, underscoring the need for **strict implementation** by law enforcement agencies.



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