Peer Reviewed Refereed and UGC
Listed Journal (Journal No. 40776)

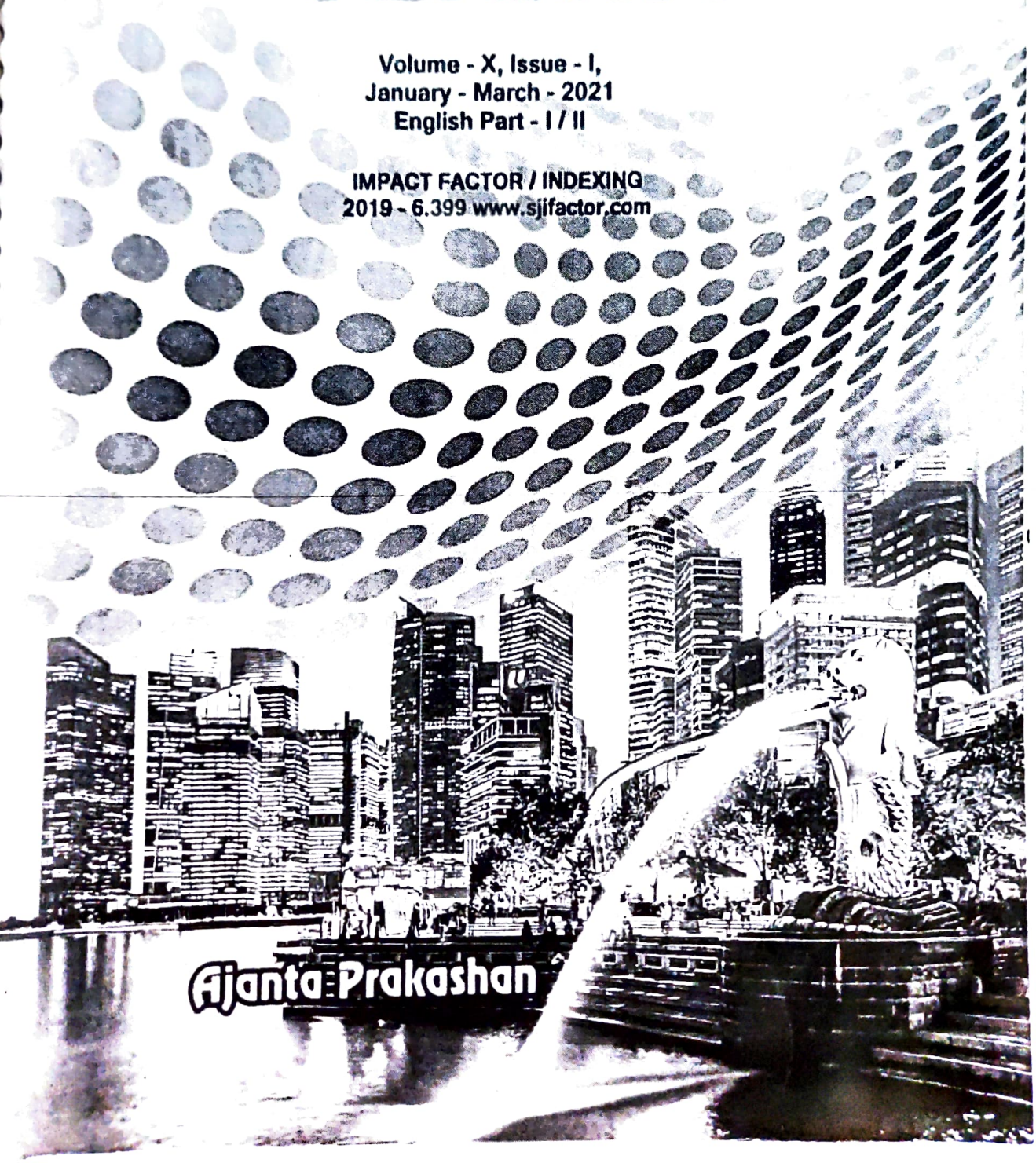
ISSN 2277 - 5730

N INTERNATIONAL MULTIDISCIPLINARY
QUARTERLY RESEARCH JOURNAL

AJANTA

Volume - X, Issue - I,
January - March - 2021
English Part - I / II

IMPACT FACTOR / INDEXING
2019 - 6.399 www.sjifactor.com



Ajanta Prakashan

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VOLUME - X, ISSUE - I - JANUARY - MARCH - 2021
AJANTA - ISSN 2277 - 5730 - IMPACT FACTOR - 6.399 (www.sjifactor.com)

1. A Critical Study on S.C. & S.T. (Prevention of Atrocities) Act, 1989 with Special Reference to Rule 12 (4) as Annexure 1 - Entitled Norms for Relief Amount

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Abstract

The Preamble of the constitution expressly stated that "to secure to all citizens justice, social, economical and political liberty of thought, expression, belief, faith and worship, equality of status and of opportunity.

Article 17 of the Constitution of India abolishes the practice of untouchability in India. For fulfillment of this object government enacted important Act and rules are

1. Protection of Civil Rights Act, 1955.
2. S.C. & S.T. (Prevention of Atrocities) Act, 1989.
3. Protection of Civil Rights Rules, 1977.
4. S.C. & S.T. (Prevention of Atrocities) Rules, 1995.

Practice of untouchability is declared as a crime and anyone doing so is punishable by law. Despite various measures to improve socio-economic conditions of the S.C. & S.T., they remain vulnerable. Serious crimes committed against them, on historical, social and economic reasons.

Because of awareness created amongst the S.C. &S.T. through spread of education, they are trying to assert their rights. When they assert their rights and resist practice of untouchability against them, or refuses to do bonded and forced labour, vested interest try to terrorize them. When S.C.& S.T. try to preserve their self respect, they become irritants for the dominant and mighty. There has been increase in the commission of atrocities like making S.C. persons drink or eat inedible/obnoxious substance, derogatory act, attacks on or mass killing of helpless S.C.& S.T. and rape on woman of S.C.&S.T.

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Under these circumstances, the existing laws and normal provisions of the IPC have been found to be inadequate to check these crimes. A Special legislation to check, deter crimes against them committed by non-S.C.& non-S.T. has, therefore, become necessary.

In the S.C and S. T. (Prevention of atrocity) Act 1989 Add Rule (4) as annexure – I Entitle norms for relief amount.

Keywords: - Relief Amount, Atrocities, untouchability, Prevention of Atrocity Act 1989, S.C and S.T.

Introduction

The Schedule cast and schedule tribes (Prevention of atrocity) Act, 1989 is an Act of the parliament of India enacted to prevent atrocities against schedule cast and schedule tribes. The act is popularly known as The Schedule cast and schedule tribes (Prevention of atrocity) Act, 1989. The prevention of atrocity act our simply the atrocity act.

It was enacted when the provisions of the existing laws (Such as The Protection of Civil Right Act 1955 and Indian Penal Code) were found to be in inadequate to check these crimes. (Define as "Atrocities" in the Act).

Need of the Study

Actually S.C and S.T. prevention of Atrocity Act 1989 enacted for punished to wrong door and eliminate cast based hatred from the society but day by day increasing the crime of atrocity and decreasing the rate of conviction. Therefore, how more strengthen the atrocity act is the need of study.

Statement of the Problem

The Schedule cast and schedule tribes (Prevention of atrocity) Act, 1989 specified "annexure – I (See Rule 12 (4) Norms for Relief Amount)

Following Some Offences & Their Relief Amount

Sr. No.	Name of the offence	Minimum amount of relief
(1)	(2)	(3)
1.	Putting any inedible or obnoxious substance [Section 3(1) (a) of the Act.	One lakh rupees to the victim. Payment to the victim be made as follows: (i) 10 per cent. at First Information Report (FIR) stage for serial
2.	Dumping excreta, sewage, carcasses or any other obnoxious substance [Section 3(1) (b) of the Act]	

3.	Dumping excreta, waste matter, carcasses with intent to cause injury, insult or annoyance. [Section 3 (1) (c) of the Act]	numbers (2) and (3) and 25 percent at FIR stage for serial numbers (1), (4) and (5); (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 40 per cent. when the accused are convicted by the lower court for serial numbers (2) and (3) and likewise 25 percent for serial numbers (1), (4) and (5).
4.	Garlanding with footwear or parading naked or semi-naked. [Section 3 (1) (d) of the Act]	
5.	Forcibly committing acts such as removing clothes, forcible tonsuring of head, removing moustaches, painting face or body. [Section 3 (1) (e) of the Act]	
6.	Wrongful occupation or cultivation of land [Section 3 (1) (f) of the Act]	One lakh rupees to the victim. The land or premises or water supply or irrigation facility shall be restored where necessary at Government cost by the concerned State Government or Union territory Administration. Payment to the victim be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
7.	Wrongful dispossession of land or premises or interfering with the rights, including first rights. [Section 3 (1) (g) of the Act]	
8.	Beggar or other forms of forced or bonded labour. [Section 3 (1) (h) of the Act]	One lakh rupees to the victim. Payment to be made as follows: (i) Payment of 25 percent. First Information Report (FIR) stage;
9.	Compelling to dispose or carry human or animal carcasses, or to dig graves. [Section 3 (1) (i) of the Act]	

10.	Making a member of the Scheduled Castes or the Scheduled Tribes to do manual scavenging or employing him for such purpose. [Section 3 (1) (j) of the Act]	(ii) 50 per cent. when the charge sheet is sent to the court. (iii) 25 per cent. when the accused are convicted by the lower court.
11.	Performing, or promoting dedication of a Scheduled Caste or a Scheduled Tribe woman as a devadasi. [Section 3 (1) (k) of the Act]	

[F. No. 11012/1/2016-PCR (Desk)]

AINDRI ANURAG, Jt. Secy.

Note : The Principal rules were published in the Gazette of India, *Extraordinary*, vide notification number G.S.R. 316 (E), dated the 31st March, 1995 and last amended vide G.S.R. 774 (E), dated the 5th November, 2014.

Importance of the Study

"A Critical Study on S.C. & S.T. (Prevention of Atrocities) Act, 1989" this topic is wide importance in the wake of present situation & to draw out lacunas under this Act.

Aim & Objectives of Study

1. To study the impact of certain provisions of S.C. & S.T. (Prevention Of Atrocities) Act, 1989.
2. To analyze whether the object of S.C.& S.T. (Prevention Of Atrocities) Act, 1989 is completely fulfilled.
3. To draw out drawbacks under S.C. & S.T. (Prevention Of Atrocities) Act, 1989.
4. To suggest measures to overcome the drawback & measures to fulfill the objectives of the Act.

Hypothesis

1. The Remedial provisions of compensation under the S.C. & S.T. (Prevention Of Atrocities) Act, 1989, is getting misused.
2. All categories of atrocities are not covered under the provisions S.C.& S.T. (Prevention Of Atrocities) Act, 1989
3. Dalits in other religions are not covered under the S.C. & S.T. (Prevention Of Atrocities) Act, 1989.

4. The provisions for relief & rehabilitation of victim are improper.

Delimitation of the Study

This is limited to "Annexure-I" [See Rule 12 (4)] Norms for Relief amount.

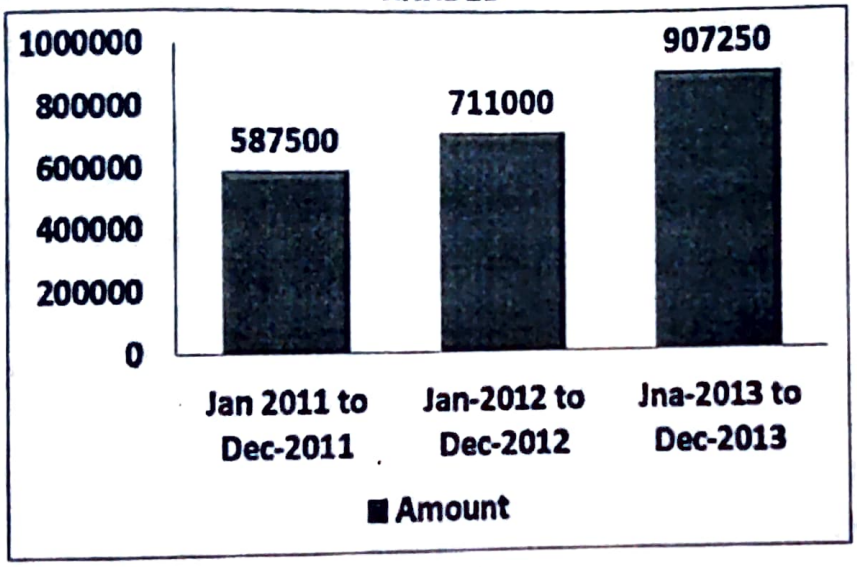
Methodology

The methodology applicable for present research is analytical, doctrinal & non doctrinal research method. The data is collected from texts, judgments, articles & websites & primary data collected from Welfare Department Nanded.

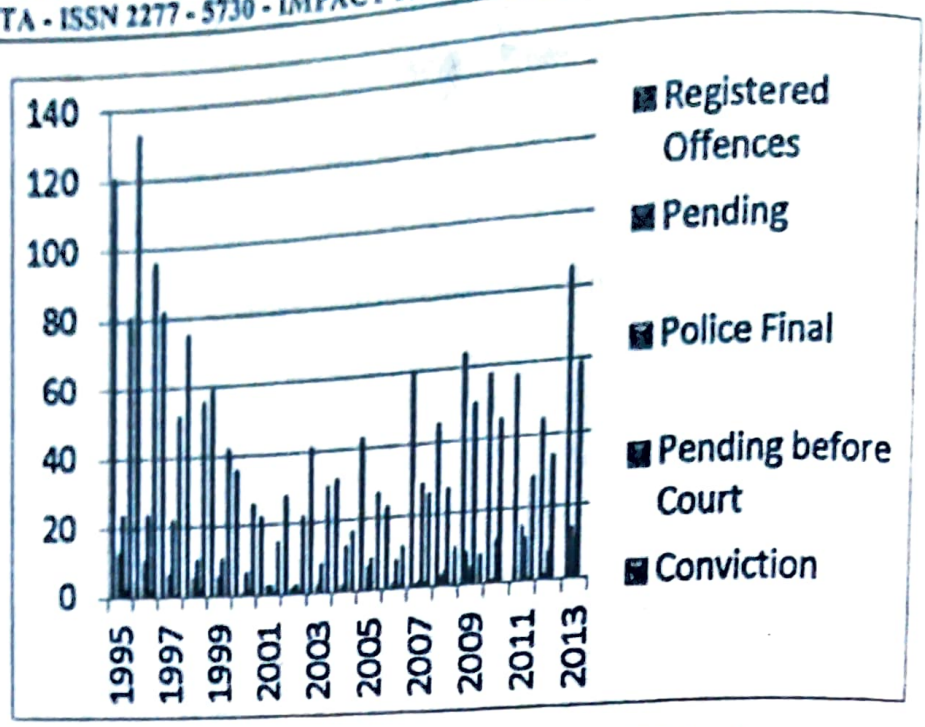
Sample of Study

The sample consist of the data of Social Welfare Department, Nanded regarding Relief amount provided to victim of Atrocity cases.

FINANCIAL ASSISTANCE PROVIDED BY WELFARE DEPARTMENT, NANDED



Statistical data regarding offences under PCR / S.C. & S.T. (Prevention of Atrocities) Act, 1989 from 1/1/1995 to 30/11/2013



Financial assistance provided by Asst. Commissioner Welfare Department, Nanded.

Report

From 1 Jan. 1995 to 30 Sep. 2015

No. of offence Registered	- 1215
Pending on investigation	- 28
Finalized matter by police	- 141
Matter Pending before Court	- 321
Convicted	- 36
Acquittal	- 691
Beneficiary	- 1105
Total Financial assistance	**Rs. 17431300**

Findings of the Study

The S.C. & S.T. Prevention of Atrocities Act 1989 & Rules 1995 having some lacunae as The Norm for Relief, given in Schedule-Annexure-I, Rule 12(4) of this Act is main drawback of the Act. Some atrocities not covered such as Social and economic boycott and blackmail. This Act to prevent the commission of offences of atrocities against SC/STs, and for the relief and rehabilitation of the victims of such offences but it is not proper. Dalits in other religions not covered - Those who suffer from caste based discrimination (CBD) but are left out of the government list.

From 1 Jan.1995 to 30 Sept. 2015 financial assistance provide by Asst. Commissioner Welfare Department, Nanded, available following report. As per this report, it is find out that Granted Compensation amount by Asst. Commissioner Welfare Department, Nanded is Rs. 2, 18,750/-

In the S.C. & S.T. (Prevention of Atrocity Act), 1989 specified Schedule-Annexure-I, Rule 12(4) of the Act for Norms for Relief amount. As per this Annexure, on the basis of each and every offence, some specified financial aid in different stages provided to the victim by the Social Welfare Department of every District. As per these Annexure, Nanded Social Welfare Department also provided above amount to the victim of Atrocity cases.

In short main object of the Act to eliminate the crime of Atrocity from the Society but these object is far away from real purpose of the Act, due to some lacunas e.g. misuse of these Act and financial aid to the victim in every crime.

Conclusion

After finding of above chart of financial Relief amount provided by Nanded Social Welfare Department, day by day increasing the offences of Atrocities and decrease the rate of conviction. In this chart, specified Relief amount from 1995 to 2015, as per these charts day-by-day relief amount also increasing and same has been provided to the victim but till today not any type of prevention to increasing the crime of Atrocity. Therefore, following suggestions specified for strengthen the law of Atrocity and increasing the conviction to real culprit of the Atrocity cases.

Suggetions

- Compensation separated from this Act.
- Appointment expert committee for look into reality of complaint.
- Detect false complaint then criminal action against complaint.
- Compensation provide to victim after conviction to accused.
- Use plea Bargaining Sec. 265 A To 265 L of Cr. P.C.
- Compensation provide to victim from convicted person
- Cover other dalits and change title.
- Cover all atrocities.
- Conducts awareness programee.
- Strict action against wrongdoer.

- Use Sec. 357 of Cr. P. C. – for given Compensation to victim.
- The Government authorized to S. C. & S. T. Commission to provide relief amount on the bases of condition of victim.

Praposed Amendment

- Change the title
- Elaborate Definition of Atrocity U/Sec. 3
- Annexure I Schedule (See Rule 12 (4) Norms For Relief Amount Sec. 3(1) Deleted)
- Provisions for list of all dalit
- Provisions regarding false complaint.
- Provisions regarding appointment of expert committee.
- Compensation provide under this Act received from convicted person and if unable to pay then enhanced punishment.
- Complainant turn hostile then offence registered against complainant

Utility of Research

This research useful to the society at large because some person of the society are misuse of provision of this Act. I tried to real justice to the suffering party and achieve ultimate aim to enact S.C. & S.T. (Prevention of Atrocities) Act 1989.

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