



Booklet – 8



# End of Atrocities

## The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989



A Joint Venture of  
National Literacy Mission Authority,  
Ministry of HRD, Govt. of India.  
&  
Department of Justice, Ministry of Law and Justice,  
Govt. of India on Legal Literacy  
Under Access to Justice (NEJ&K) Project

## **ACKNOWLEDGEMENT**

The Saakshar Bharat Mission was started on September 2009 in India. Under this programme, 410 districts have been included where the female literacy is low. The main focuses of Saakshar Bharat Programme are rural women, Scheduled Castes, Scheduled Tribes and the minorities. In this programme besides basic literacy, equivalency programme, skill development programme and continuing education are also emphasised.

To make literacy more interlinked with daily life and interesting to the learners/ beneficiaries, the Interpersonal Media Campaign has been initiated. In this campaign, along with the main subjects of emphasis, legal literacy has also been given due importance.

With the aim of creating awareness of legal literacy in an easy manner among the people, the Legal Literacy materials have been developed in Hindi by National Literacy Mission Authority (NLMA), Govt. of India. These materials have been translated into English by State Resource Centre, NEHU, Shillong with the help of Department of Justice, Ministry of Law and Justice, Government of India under the Access to Justice Project for North-East and Jammu & Kashmir (A2J NEJ&K).

The State Resource Centre, NEHU, Shillong is grateful to all the supporting organizations and departments. It is hoped that this material on legal literacy will prove to be useful in bringing legal awareness among the common people.

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## LEGAL LITERACY SERIES

Topic	Sl. No.
◆ CONSTITUTIONAL RIGHTS AND DUTIES OF INDIAN CITIZEN	1
◆ PRE-CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES ACT, 1994 AMENDED 2003	2
◆ THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009	3
◆ THE SEXUAL HARASSMENT OF WOMEN AT WORK PLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013	4
◆ RIGHT TO INFORMATION ACT, 2005	5
◆ PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005	6
◆ NATIONAL FOOD SECURITY ACT, 2013	7
◆ SCHEDULED CASTES/SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989	8
◆ THE LEGAL SERVICES AUTHORITIES ACT, 1987	9
◆ THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006 AND RULES 2008	10
◆ GOVERNMENT SCHEMES	11



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SAAKSHAR BHARAT

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**GOVERNMENT OF MEGHALAYA  
LAW (B) DEPARTMENT**

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**C E R T I F I C A T E**

This is to certify that the Law Department, Government of Meghalaya has vetted the Legal Literacy Materials consisting of 11 booklets and 11 folders in English Language. These material are found to be satisfactory and would be of immense use in disseminating legal awareness to the grassroots level in the State.

Date: 28.02.2017

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# End of Atrocities

Likokba was a poor farmer. He belonged to the Scheduled Caste community. He had two acres of agricultural land beside the street, near the river. Near Likokba's land, there was a land of Imlong, an affluent man



of the village, which was located towards the back side of Likokba's land.

Likokba was married to Menang. He was blessed with a son named Awang and a



daughter named Khumla. They all dwelled in a small hut erected on his agricultural land.

Likokba's daughter was about to get married for which he was in need of money. To seek financial help, he went to Imlong. He asked Imlong to lend him some money as a loan. Imlong agreed to provide the loan to Likokba at once. However, Imlong's intentions were not right. He always wanted to grab Likokba's land by any means so that his land will be connected with the street that runs beside Likokba's land.

Imlong considered this as a golden opportunity for him. He said to Likokba, "Likokba, I will provide you money, but you have to carry out the formalities in the government office." Khumla's marriage was in the next month and Likokba was in dire need of money. As Likokba was not educated, he believed Imlong and agreed to do what Imlong had said.

Imlong lent the money to Likokba at the government office. He prepared some document and took Likokba's thumb impression on the documents.



Likokba's daughter Khumla was married to Hopong. During that year, there was a good harvest of wheat in Likokba's field. He sold his wheat in the wholesale market for farmer's agricultural produce. The wheat was sold at good rate. Since Likokba had surplus money, he, along with his brother Mandok, went to Imlong to pay off the loan amount along with the interest.

Likokba asked Imlong for the documents wherein he had put his thumb impression while taking the money. Imlong, deferred the matter and gave the excuse that he will have to search for the documents. He assured Likokba that he will return him the documents after finding them. As Likokba and Mandok were innocent and illiterate farmers, they believed Imlong and the matter was left there itself.

Monsoon was soon approaching and time has come to till the soil once again. Likokba went to plough his field and sow the seeds for the upcoming season.

When Likokba entered his field, he saw the servants of Imlong were standing on his field. When the servants saw Likokba, they did not allow Likokba to plough his field and chased him away from his land. Imlong's servants then started sowing the seeds with the help of a tractor that belonged to





Imlong. Likokba was perplexed and could not understand what was going on. He then approached Imlong to enquire about the matter. Likokba asked Imlong, "You have not returned me the documents where I put my thumb impression on, even though I had repaid the money that I borrowed from you. Now what are your servants doing in my land? Why are they sowing seeds in my land with your tractor?"

Imlong replied in anger, "Likokba, you have sold your land to me. You are no longer

the owner of the land. If you ever set foot on my land, I will kill you."

Likokba got scared at the threat of Imlong. He started crying and pleaded for mercy. With folded hands, Likokba said, "Soon after harvesting my crops and selling them, I had returned the money that I owed to you in front of Mandok as a witness. However, you had not returned the documents of the loan. Moreover, you have even tried to deviate from the matter. For God's sake, please don't be dishonest."

On hearing this Imlong furiously said, "Are you going to fight with me? Someone throw him out of my house."

Poor Likokba had no other option. He wept and cried and came back to his home. On his way, Likokba met the Village Council Chairman. On seeing Likokba crying, he enquired as to what the matter was.

Likokba narrated the entire incident to the Village Council Chairman with tearful eyes.



The Village Council Chairman listened to him very carefully. He regained Likokba's composure and instilled courage in Likokba and said, "You need not worry. Have courage. The government has provided special facilities and rights to the people belonging to Scheduled Castes and Scheduled Tribes. People belonging to Scheduled Castes or Scheduled Tribes will receive justice, free of cost, through special courts. You will get back your land and Imlong will be put behind bars."



The Village Council Chairman took Likokba to the police station where Likokba narrated the entire story. The policeman, after hearing from Likokba as to how his land has been snatched, said, "Wrongfully dispossessing a member of a Scheduled Caste or Scheduled Tribe from his land by any person will be considered as an offence. Preparing fraud documents is a legal crime which leads to severe penalty or imprisonment. You lodge an FIR. Imlong will be punished for his misdoings."

The policeman further told Likokba, "The trial of your case will be in a special court. You don't have to pay the legal charges and the lawyer's fees. The Government of India has provided these facilities to the people belonging to Scheduled Castes or Scheduled Tribes so that they can live their life with honour and dignity. As per this law, Imlong will not be granted bail. You will receive your farm land back. We will protect your land."

Likokba was relieved on hearing what the police official said.

Likokba narrated the whole incident to the police official. The police official officially



recorded his complaint and grievance. The police arrested Imlong and took him to the special court. Thereafter, he was sent to the prison. The court returned Likokba his title deeds and other documents of the land.

Likokba was once again independent to cultivate in his own land. He sowed seeds

in his land and soon the seeds bloomed into abundant greenery. Likokba and his family were delighted to see the abundant crop in their field. They started living a normal and happy life. The police official who helped Likokba often comes and inquires about his daily state of affairs. He too was pleased that Likokba is now leading a normal life.



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

People belonging to the Scheduled Castes and the Scheduled Tribes have the right of equality in the society. It is the responsibility of the law to stop and prevent atrocities and crimes on them. For this, the government has introduced a law named The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

### **List of members of Scheduled Castes/ Scheduled Tribes**

The government has prepared a special list of the most backward castes with the aim of economic and social growth of these people. The people belonging to these castes are considered to be the members of Scheduled Castes and the Scheduled Tribes. This list has been incorporated in the Constitution of India. (Every State

Government prepares the list of Scheduled Castes and the Scheduled Tribes as per their State.)

### **Types of Atrocities**

Whoever, not being a member of a Scheduled Castes and the Scheduled Tribes, does the following activities, then such activity will be deemed as atrocity committed against a member of Scheduled Caste or Scheduled Tribe:

- ◆ Using words which are derogatory to certain caste.
- ◆ Forces a member of a Scheduled Castes and the Scheduled Tribes to drink or eat any inedible or obnoxious substance.
- ◆ Acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious

substance in his premises or neighbourhood.

- ◆ Parades the member of Scheduled Caste or Scheduled Tribe with painted face or body or commits any similar act which is derogatory to human dignity.
- ◆ Wrongfully occupies or cultivates any land owned by a member of Scheduled Caste or Scheduled Tribe.
- ◆ Compels or entices a member of Scheduled Caste or Scheduled Tribe to do forced or bonded labour.
- ◆ Forces or intimidates a member of Scheduled Caste or Scheduled Tribe not to vote or to vote to a particular candidate.
- ◆ Institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of Scheduled Caste or Scheduled Tribe.

- ◆ Gives any false or frivolous information to any government servant causing government servant to use his lawful power to investigate on a member of Scheduled Caste or Scheduled Tribe.
- ◆ Assaults or uses forces to any woman belonging to Scheduled Caste or Scheduled Tribe with intent to dishonour or outrage her modesty and also exploiting her sexually.
- ◆ Denies or obstructs any member of Scheduled Caste or Scheduled Tribe from access to public hand pump, wells, ponds or water reservoir.
- ◆ Soiling or dumping waste matter in the premises or neighbourhood of the member of Scheduled Caste or Scheduled Tribe.
- ◆ Forces or causes a member of Scheduled Caste or Scheduled Tribe to leave his house, village or other place of residence.

## **Punishment**

Persons committing such offences 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.

## **Where to complain and whom to complain**

If any crime happens to take place against a member of Scheduled Caste or Scheduled Tribe, such a member can do the following:

- ◆ Filing an oral complaint in the police station. The police official will record the report in writing and will read out the written complaint after writing.
- ◆ The complainant can give a written report to the police station.
- ◆ The police official will record the gist of the report in the official booklet/ register immediately.



- ◆ A copy of the report shall be given to the victim, free of cost.
- ◆ The report can be sent to the police by post also. The police will investigate the matter and will visit the spot to see the condition.
- ◆ A list of the victims eligible for relief and their family and their dependents will be prepared.
- ◆ An extensive report will be prepared regarding the vandalism and loss of property.
- ◆ The police will direct to keep vigil and patrol the concerned area.
- ◆ Witnesses and persons aiding the victim will be given protection.
- ◆ Instant relief will be provided to the victims.
- ◆ The police will carry out investigation for faster arrest of the accused.

## Assistance for the Victim

The victim shall receive assistance in the following ways:

- ◆ In the form of cash or commodity.
- ◆ In the form of farm land dwelling place.
- ◆ Rehabilitation facilities.
- ◆ Giving employment to the dependent or one of the family members.
- ◆ Pension scheme for widows, dependent children of the deceased, handicapped or older folks who are victims of atrocities.
- ◆ Compensation for the victims.
- ◆ Strengthening or improving the economic and social condition of the victim.
- ◆ Provisions for providing brick or stone masonry house to the victims.
- ◆ Such other elements as health care, supply of essential commodities, electrification, adequate drinking water facility,

burial or cremation ground and link road to the Scheduled Caste or Scheduled Tribe habitat.

### **Duties of the Government**

- ◆ Providing facilities to the victimised person which also includes the provision of legal aid.
- ◆ Providing travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under the Act.
- ◆ Providing economic and social rehabilitation of the victims of atrocities.
- ◆ Will appoint an Inspection Committee which from time to time will provide suggestion regarding the atrocities and the laws and also provide the provisions regarding surveys to the Scheduled Castes or Scheduled Tribes.

- ◆ The Government will take necessary measures to ensure that the people of Scheduled Castes or Scheduled Tribes do not have to face any atrocities.

### **Severe Crimes and their Respective Punishment or Penalties**

- ◆ **Crime** – Gives or fabricates false witness or evidence as a result of which member of Scheduled Caste or Scheduled Tribe shall be punished with death.

**Punishment** – The offender shall be punished with imprisonment for life and with fine.

- ◆ **Crime** – Gives or fabricates false witness or evidence as a result the member of Scheduled Caste or Scheduled Tribe shall be punished more than 7 years of imprisonment.

**Punishment** – The offender shall be punished with imprisonment for a term which shall not be less than six months

but which may extend to seven years and with fine.

- ♦ **Crime** – Commits mischief by fire or any explosive substance intending to cause damage to any property belonging to a member of Scheduled Caste or Scheduled Tribe.

**Punishment** – The offender shall be punished with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine.

- ♦ **Crime** – Commits mischief by fire or any explosive substance intending to cause destruction of any building which is ordinarily used as a place of worship or a place for human dwelling or as a place for custody of the property by a member of Scheduled Caste or Scheduled Tribe.

**Punishment** – The offender shall be punished with imprisonment for life or with fine or both.



- ♦ **Crime** – Concealing an offence or a witness as a result of which the offender escapes the law.

**Punishment** – The punishment for such an offence is fixed by law.

- ♦ **Crime** – The government official commits any offence with the members of Scheduled Caste or Scheduled Tribe.

**Punishment** – The government official shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

- ♦ **Crime** – The government official does not carry out their responsibilities towards the members of Scheduled Caste or Scheduled Tribe.

**Punishment** – Such officials shall be punishable with imprisonment not less than six months but may extend up to one year.

♦ **Crime** – The government officials commit the offence of not carrying out their responsibilities for subsequent time.

**Punishment** – The officials shall be punishable with imprisonment for a term not less than one year but which may extend to the punishment provided for that offence.

### **Place of Trial and Process of Lodging a Report**

The Government has set up special police stations and protection cell in every area to ensure that the people of Scheduled Castes or Scheduled Tribes do not face any atrocities. The police lodge the reports of such offences and investigate the matter. The police register the case and forward it to the special court where the hearings will take place.

The victimised person of Scheduled Caste or Scheduled Tribe gets the aid of

special lawyers, free of cost, appointed by the government to fight for his or her case in the Special Court.

### **Type of Judgement that the Court can Pass**

The Court can order to confiscate the property of Scheduled Caste or Scheduled Tribe to protect it during any offence taking place. The Court can also give restriction of movement order to a person in a certain place if it is found that such person's presence in a certain place can lead to commitment of an offence.

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