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LEGISLATION TRACKER

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

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CURATED & WRITTEN BY

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ACT NUMBER YEAR ENACTED

Act No. 33 of 1989 1989

REPLACES

Protection of Civil Rights Act, 1955 (still in force but supplemented by this Act)

KEY PROVISIONS

- 1 Defines 'atrocities' with an exhaustive list of offences against SC/ST persons (Section 3)
- 2 Enhanced punishments for atrocities — minimum 6 months imprisonment extendable to 5 years with fine for most offences (Section 3)
- 3 Establishment of Exclusive Special Courts for speedy trial of offences (Section 14)
- 4 Appointment of Special Public Prosecutors for conducting cases (Section 15)
- 5 Provision for relief, rehabilitation, and compensation to victims and their dependents (Section 21, Rule 12)
- 6 Mandatory registration of FIR — no preliminary inquiry required (Section 18 read with 2015 amendment)
- 7 Anticipatory bail not available for offences under this Act (Section 18A — added by 2018 amendment)

BACKGROUND

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — commonly referred to as the SC/ST (PoA) Act or the Atrocities Act — was enacted to prevent commission of offences of atrocities against members of the Scheduled Castes and Scheduled Tribes, to provide for Special Courts for the trial of such offences, and to provide relief and rehabilitation to the victims. It came into force on 30 January 1990.

Despite the abolition of “untouchability” under Article 17 of the Constitution and the Protection of Civil Rights Act, 1955 (which penalised the practice of untouchability), caste-based violence and discrimination persisted across India. The Protection of Civil Rights Act had limited scope — it dealt only with untouchability practices —

and its penalties were too mild to deter offenders. Throughout the 1970s and 1980s, horrific incidents of mass violence against Dalits — including the Kilvenmani massacre (1968, Tamil Nadu), the Belchi massacre (1977, Bihar), and the Karamchedu massacre (1985, Andhra Pradesh) — underscored the need for stronger legislation.

The Act was significantly strengthened by the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, which expanded the list of atrocities from 22 to 47 offences, introduced new categories of offences (including those related to elections, economic boycotts, garlanding with footwear, and sexual exploitation), increased penalties, and added provisions for rights of victims and witnesses. The 2018 amendment restored the bar on anticipatory bail after the Supreme Court's controversial ruling in *Subhash Kashinath Mahajan v. State of Maharashtra* (2018).

KEY CONCEPTS

- **Atrocity (Section 3):** A comprehensive list of specific acts that constitute atrocities when committed by a non-SC/ST person against an SC/ST person. Includes: forcing to eat or drink obnoxious substances; dumping excreta or waste on premises; parading naked or with painted face; wrongfully dispossessing land; compelling bonded labour; intimidation in connection with voting; instituting false, malicious, or vexatious legal proceedings; giving false evidence to secure conviction; public humiliation; assault on SC/ST women with intent to dishonour; use of dominant position for sexual exploitation; fouling water sources; denial of customary right of passage; forcing to leave house, village, or residence; and many more.
- **Willful Negligence (Section 4):** Any public servant who is not a member of SC/ST, and who willfully neglects their duties required under this Act, shall be punishable with imprisonment of 6 months to 1 year.
- **Collective Fine (Section 16):** If the state government is satisfied that inhabitants of any area are concerned in, or abetting, the commission of any offence under the Act, it may impose a collective fine on such inhabitants by notification and may also direct attachment of property.
- **Presumption as to Offence (Section 8):** In a prosecution for an offence under the Act, if the accused was acquainted with the victim or the victim's family, the court shall presume that the accused was aware that the victim was a member of SC/ST, unless the contrary is proved.
- **Exterment (Section 10A — 2015 Amendment):** If the Special Court is satisfied that a person is likely to commit an offence under this Act, it may order that person to remove themselves outside the limits of a specified area for a period not exceeding 2 years.
- **Victim and Witness Protection (Section 15A — 2015 Amendment):** Duty of the state government to make arrangements for protection of victims, their dependents, and witnesses against intimidation, coercion, inducement, or violence.

IMPORTANT PROVISIONS

- **Section 3(1) – Punishable Offences (47 categories post-2015):** Includes forcing consumption of noxious substances, forcible tonsuring/parading, land dispossession, bonded labour, electoral intimidation, public humiliation, sexual offences, economic and social boycott, false legal proceedings, obstructing SC/ST public servants, and garlanding with footwear. Punishments range from 6 months to 5 years imprisonment (extending to life imprisonment for certain offences like acid attacks or causing death).
- **Section 3(2) – Enhanced Penalties for Specific Offences:** Giving false evidence leading to conviction and execution of innocent SC/ST member – death penalty. Commission of offence in a place of worship or public place – enhanced punishment. Gang rape of an SC/ST woman – rigorous imprisonment for life and fine.
- **Section 14 – Exclusive Special Courts:** The state government shall, with the concurrence of the Chief Justice of the High Court, establish Exclusive Special Courts in each district for the purpose of trying offences under this Act. These courts must complete trial within 2 months from the date of filing the charge sheet (Section 14(2) – 2015 Amendment).
- **Section 18 – No Preliminary Inquiry:** No preliminary inquiry shall be required for registration of an FIR against any person under this Act. This was added by the 2015 amendment to counter the tendency of police to avoid registering cases.
- **Section 18A – Bar on Anticipatory Bail (2018 Amendment):** No court shall grant anticipatory bail to any person accused of having committed an offence under this Act. This provision was introduced to restore the position after the Supreme Court's 2018 ruling in the Subhash Kashinath Mahajan case, which had effectively diluted this protection.
- **Rule 12 – Relief and Rehabilitation:** The SC/ST (PoA) Rules, 1995 (amended in 2016) prescribe a detailed schedule of compensation payable to victims. Compensation ranges from Rs 85,000 to Rs 8,25,000 depending on the nature of the atrocity. In case of death, the family is entitled to Rs 8,25,000. 75% of the compensation is to be paid at the FIR stage itself, and the remaining 25% after conviction.

LANDMARK JUDGMENTS

- **Subhash Kashinath Mahajan v. State of Maharashtra (2018):** A 2-judge Supreme Court bench effectively diluted the Act by directing that: (a) a public servant could be arrested only after written permission of the appointing authority, (b) a private person could be arrested only after

approval of the Senior Superintendent of Police, and © a preliminary inquiry would be required before registration of FIR. This judgment triggered massive nationwide protests, and Parliament responded with the 2018 amendment restoring the original protections.

- **Union of India v. State of Maharashtra (2020):** The 3-judge Supreme Court bench reviewed the Subhash Kashinath Mahajan ruling after the 2018 amendment, upholding the amendment's validity and effectively restoring the bar on anticipatory bail and the provision against preliminary inquiry.
- **State of Karnataka v. Appa Balu Ingale (1993):** The Supreme Court upheld the constitutional validity of the SC/ST Act, holding that it was a special legislation designed to protect members of the weaker sections and that the higher standard of punishment was justified given the nature and gravity of atrocities.
- **Swaran Singh v. State (2008):** The Supreme Court emphasised that the Act should be interpreted in light of its purpose — to protect SC/ST members from humiliation and violence. The Court directed that cases under the Act should be tried expeditiously and that victims should receive compensation promptly.

RECENT AMENDMENTS / DEVELOPMENTS

- **SC/ST (PoA) Amendment Act, 2015:** Expanded offences from 22 to 47; introduced new categories — economic boycott, social ostracism, tonsuring, garlanding with footwear, abuse through caste names in public, obstructing SC/ST in exercise of franchise, and sexual exploitation by persons in position of dominance. Added provisions for victim and witness protection (Section 15A), externment of potential offenders (Section 10A), and no preliminary inquiry for FIR (Section 18). Prescribed 2-month trial completion timeline.
- **SC/ST (PoA) Amendment Act, 2018:** Inserted Section 18A restoring the bar on anticipatory bail and removing the requirement of preliminary inquiry and prior approval before arrest — directly overriding the Supreme Court's Subhash Kashinath Mahajan ruling. This was one of the fastest legislative responses to a judicial ruling in recent Indian history.
- **NCRB Data Trends:** As per NCRB Crime in India 2022, a total of 57,582 cases were registered for crimes against SCs (up 13.1% from 50,900 in 2021) and 10,064 cases against STs (up 14.3% from 8,802 in 2021). Uttar Pradesh (15,368), Rajasthan (8,752), Madhya Pradesh (7,733), and Bihar (6,509) report the highest number of cases against SCs. The conviction rate declined from 39.2% in 2020 to 32.4% in 2022, remaining a serious concern.
- **Chinthada Anand v. State of Andhra Pradesh (2025):** The Supreme Court upheld that conversion to a religion other than Hinduism, Sikhism, or Buddhism results in loss of Scheduled Caste status, and consequently, the person cannot invoke protections under the SC/ST Act. This has

significant implications for SC/ST members who convert to Christianity or Islam.

- **“Public View” Requirement Clarified (2025):** In *Karuppudayar v. State* (January 2025), the Supreme Court quashed proceedings where the alleged incident took place inside the complainant’s office chamber — holding that under Section 3(1)®, the offence must occur in a place within “public view.” This ruling narrowed the scope of the provision.
- **Implementation Compliance (2024):** As of May 2024, only five states — Tamil Nadu, Rajasthan, Karnataka, Haryana, and Bihar — are fully compliant with the SC/ST (PoA) Rules as amended.
- **Digital and Economic Atrocities:** With expanding SC/ST entrepreneurship and social media presence, newer forms of caste-based harassment — including online abuse, economic boycotts of SC/ST-owned businesses, and discrimination on digital platforms — are emerging areas that may require further legislative attention.

UPSC RELEVANCE

*Act year (1989, effective 30 January 1990); number of offences post-2015 (47 categories); Section 18A — anticipatory bail bar (2018 amendment); Special Courts for trial; compensation schedule under Rule 12; Section 4 — willful negligence by public servants; Subhash Kashinath Mahajan case year (2018). **Mains GS-2:** Effectiveness of the SC/ST (PoA) Act in preventing caste-based violence; analysis of 2015 and 2018 amendments; tension between protecting vulnerable communities and preventing misuse; role of Special Courts and conviction rates; interplay between judiciary and legislature (Mahajan case and legislative override). **Interview:** “The SC/ST Act has been criticised for both being too harsh and not harsh enough. How do you reconcile the need to protect vulnerable communities with the principle that law should not be misused? Can legislation alone end caste-based discrimination?”*

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