

Circular.

Sub:-Atrocities against the scheduled castes and scheduled tribes - Preventive and punitive measures - regarding.

The Government of India as well as the state Government view with great concern the atrocities or crimes perpetrated on the scheduled castes and scheduled tribes and are anxious to put an end to them.

2.The following instructions are issued for guidance to that these atrocities/crimes against the scheduled castes and scheduled tribes are effectively prevented.

(i)It has come to the notice of the government that in some instances false cases are booked against members of the scheduled castes and scheduled tribes which result in their harassment. The police officers are specially requested to screen each complaint and to take necessary action as per law against those who file false complaints. Action should be taken against those who file false complaints under section 182 IPC.

(ii)Government in order No.SWL 94 SSC 76 dated 9.7.78 have sanctioned compensation to victims of atrocities on the scale prescribed therein. The authorities concerned, particularly, the Superintendent of Police have to initiate action to see that such compensation is given expeditiously.

(iii)Whenever atrocities are committed against members of scheduled castes, scheduled tribes and cases are booked the applications for bail on behalf of the culprits should be opposed as atrocities on members of the SCs/STs are cognizable offences under the PCR ACT. Prosecutors must oppose bail applications in court.

(iv)Whenever an incident of crime against a member of the Scheduled caste takes place the Deputy Commissioner and the Superintendent of Police should visit the village and take appropriate action. Particularly in serious cases like murder, rape, arson, graveous hurt, kidnapping, wrongful restraint, wrongful confinement etc. the Deputy Commissioner and the Superintendent of Police should invariably visit the spot immediately and at any rate within 24 hours of the occurrence. They should also promptly report to the government about the incident and also the action taken.

(v)The Deputy Inspectors General of Police Ranges and the Divisional Commissioners of Divisions should periodically review the progress of action taken regarding atrocities.

(vi)The Deputy Commissioner and the Superintendent of Police should identify sensitive areas in the district where disturbances are likely to occur and should review the arms licences that are granted in these areas. Action should be taken to cancel the licences of trouble makers under the Arms act.

(vii)In spite of preventive and precautionary measures if atrocities are committed against SCs/STs the police force should be moved into the area quickly and action should be taken to arrest the offenders not only those who actually commit the crime but also those who encourage and instigate them. Special Police pickets should be stationed not only to take prompt action against offenders but also to prevent recurrence of such offends.

(viii) The police should directly and effectively intervene in instances of criminal trespass into the lands belonging to SCs/STS by others. It should be borne in mind that criminal trespass is a cognizable offence under section 447 of the IPC. The cases should be registered quickly and investigation completed as early as possible but not later than a month.

(ix) The prosecuting officers should vigorously pursue the special report cases i.e. cases registered under PCR Act and see that these cases result in conviction quickly.

3. Punishment of imprisonment is mandatory for offences committed under the PCR Act and the offences are not compoundable. When a court convicts an accused person for an offence under section 6 of the PCR Act under section 8 of the said Act if that person holds any licence in respect of any profession, trade or calling or employment in relation to which the offence is committed, the court trying the offence may, without prejudice to any other penalty to which such person may be liable under that section can direct that licence shall stand cancelled or be suspended for such period as the court may deem fit. The prosecutors in charge of the case must be alert and represent to the court accordingly to take action.

4. Under section 11 of the Act, if a person has already been convicted off an offence under this Act or of an abetment of such offence is again convicted of any such offence or abetment such person is liable for enhanced punishment on subsequent conviction.

5. Under section 15 of the PCR Act all offences under the Act except where the punishment is imprisonment for a minimum term exceeding three months shall be tried summarily by a judicial Magistrate of the first class or in a metropolitan area by a Metropolitan Magistrate in accordance with Chapter XXI of the Criminal Procedure Code 1973, the procedure is meant for speedy disposal of cases.

6. Section 110 Cr.P.C is intended to bind over persons who are adepts in committing serious offences of a specialised nature to good behaviour. Under section 110(f) of Cr.P.C if any person habitually commits, or attempts commit or abets the commission of any offence under the protection, of civil rights Act, 1955, proceedings for good behaviour before an Executive Magistrate can be initiated against such a person. Police in appropriate cases must take action under section 110(f) of Cr.P.C in order to prevent such person from committing offences under the protection of civil Rights Act, 1955.

7. The above instructions may also be brought to the notice of the officers at Sub Divisions and taluks level for their guidance and strict compliance.

Sd/-A. Mohandas Moses,
Secretary to Government,
Home Department.

No. ADH5 /82-83 Hassan, Dated 21st May, 1982.

Forwarded to all the Tahsildars of Hassan Sub Division, for necessary action.

[Signature]
Assistant Commissioner,
Hassan Sub Division, Hassan.

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(vi) In spite of preventive and precautionary measures taken into account the police force should be moved to areas where the offences are committed against SCs/STS the police should be taken to arrest the offenders not only those who actually commit the crime but also those who encourage and instigate them. Special police pickets should be stationed not only to take prompt action against offenders but also to prevent recurrence of such offences.