Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989
(Referred to as ‘Atrocities Act’ in short)

What is an atrocity?
The Atrocities Act lists specific crimes committed against persons belonging to SC/ST communities by persons belonging to non SC/ST communities as atrocities.

Complaint and FIR
When an atrocity is committed a complaint must be lodged at the local police station by the victim(s)/any concerned citizen. The police must immediately register an FIR.

Arrest and protection
The Police must immediately arrest the accused. Anticipatory bail is barred under the Act. Even to obtain regular bail, notice must mandatorily be issued to the complainant/victim.

Relief and Investigation
The police will then conduct a spot investigation and obtain statements from witnesses. The Deputy Commissioner and the Social Welfare Department must arrange for immediate relief to be provided to the victim and their family.

Special courts
In order to ensure a speedy trial, the government must set up a special court to try offences under this Act in each district.

https://oltlawforum.org/
Contents of a complaint in an atrocity case

First Information Report (FIR)
An FIR sets the investigation of a case in motion. It will be registered on the basis of a complaint lodged at a local police station or based on a private complaint submitted to a special court set-up under the atrocities act.

1. Who?
The person giving the information, the victim, the accused and the witnesses.

2. What?
What is the incident?
Details of the incident should be recorded minutely as explained below

3. Why?
What was the motive?
May include any relevant background, details of past harassment. No baseless allegations should be made.

4. How?
How was the atrocity committed?
The kind of abuse which took place—verbal/physical, weapons used, if any; property damaged, if any; vehicles used, if any; overt actions of each of the accused etc.

5. Where?
Where did the incident happen?
The place of incident—the village, taluk and district should be noted along with schedule of the place. Any landmarks for identification of the spot and local name of the place should be noted.

6. When?
When was the offence committed?
The date, month, year, the time of the day. If the person is not sure then s/he should be asked to describe the time. Certain points of reference could be used e.g. reference to the weekly bazaar, festival etc.

As far as possible, the victim(s) and their family members should go to the police station to lodge the complaint. If this is not possible, a concerned citizen who is a witness can report the offence.

Based on the complaint made the police officials are duty bound to register an FIR under appropriate sections of the Atrocities Act and the Indian Penal Code. The police must give a copy of the FIR to the complainant immediately and without any cost. They must do so even if the complainant does not ask for the FIR.

https://eiltlawforum.org/
Responsibilities of different authorities in responding to a caste atrocity

Circle Inspector/Sub-Inspector
The Police (Circle Inspector/Sub-Inspector) must register an FIR after receiving the complaint (either orally or in written) about the atrocity. Investigation must be undertaken by an officer not below the rank of Deputy Superintendent of Police.

District Magistrate (DM) / Sub-Divisional Magistrate (SDM) / Executive Magistrate (EM)
On receiving information of an atrocity, the DM/SDM/EM should visit the spot, assess the impact of the atrocity and submit a report to the government. The person must ensure provision of immediate relief to the victim’s family.

Superintendent of Police (SP)
On receiving information of an atrocity, the SP should visit the spot. If he should ensure that an FIR is registered and appoint an investigation officer not below the rank of Deputy Superintendent. When the local police fails to register an FIR, he shall direct the registration of an FIR. He must also deploy police force in the area where the atrocity occurred and undertake preventive measures.

Deputy Superintendent of Police (DySP)
The DySP should protect the victims of atrocity from any threats. Should conduct the investigation into an atrocity case effectively and submit the chargesheet to court within 60 days.

Special Public Prosecutor (SPP)
The SPP is a lawyer who is appointed by the state government to represent the complainant in an atrocity case. Complainant has a right to choose the lawyer to be appointed as SPP. If he responsible for conducting the trial, if he must provide information about the case to the victim and their dependants. If he must also provide legal aid to the victim’s family and prepare the witnesses, complainant and the victims for the trial.

https://alllawforum.org/