



Atrocities within 'public view' under SC/ST (prevention of atrocities) act: A critical analysis

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Abstract

The legislature has used the word 'within public view' under section 3 (1) (x) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 and section 3 (1) (r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 instead of 'public place'. The intention of the legislature was to cover private places also if the offence under this act is committed against the persons of Schedule Castes and Schedule Tribes. The offence of intentionally insults or intimidates with intent to humiliate a member of Scheduled Caste or a Scheduled Tribe in any place within public view means the public is able to witness the offence committed under this act. The dictionary meaning of the word "public" is "open to the people as a whole". The dictionary meaning of the word "view" is vision or sight as from a particular position. Reading these two meanings together in the context of the words "public view", it only means that the public should have viewed the incident irrespective of the place where the offence is committed, it may be private place or public place.

Keywords: public view, atrocities, scheduled castes, scheduled tribes

Introduction

The main ingredient of Section 3(1) (x) of the act is insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place 'within public view'. The offence must be committed against the member of the scheduled caste or scheduled tribe by the person who is not a member of Scheduled caste or scheduled tribes 'within public view'. If any offence is committed by the member of Scheduled Caste or Scheduled Tribes against the member of Scheduled Castes or Scheduled Tribes, then the provisions of this act will not attract. In case, petitioner/accused belongs to Scheduled Caste and Scheduled Tribe they are not punishable under section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, as the provisions does not attract itself^[1]. The provision of Section 3(1) (x) of the Act does not use the expression "public place", but instead the expression used is "in any place within public view". There is a clear distinction between the two expressions. If a private place, such as the courtyard of a residential house, can be seen by someone from road or lane outside the boundary wall, and if the incident occurred at such a place is audible and visible to the people, it would, indubitably constitute an offence under section 3(1) (x) of the Act, it being a place within public view. In other words, a place of offence can be a private place, but if the remarks made, with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe, are audible and/or if members of public have viewed the incident, even if the incident occurred at a private place, such as the courtyard of a house, in my opinion, it would constitute an offence under section 3(1) (x) of the Act. It is evident from the Statement of Objects and Reasons of the Act that it was enacted to prevent indignities, humiliation and harassment to the members of

SC/ST community. Therefore, while interpreting the expression "in any place within public view", one will have to hold that occurrence of the incident was viewed by the public. The expression "within public view" will have to be read to mean that the offence under section 3(1) (x) of the Act, should take place in view of the "public". If no member of the public has either seen the incident or heard the remarks, then even if the place is a "public place" or a place "visible to the public", it would not attract the ingredients of the offence under section 3 (1)(x) of the Act^[2].

The offence is made out if a person not being a member of Scheduled Caste or Scheduled Tribe intentionally insults or intimidates with intent to humiliate a member of Scheduled Caste and Scheduled Tribe in any place within public view. It cannot make out the offence punishable under Section 3 (1) (x) of the Act, as simply addressing a person by his caste without any intention to insult or intimidate in public view^[3]. In order to launch prosecution under Section 3(1) (x) of Act, two necessary and indispensable ingredients must exist - Victim should belong to Scheduled Caste or Scheduled Tribe and there must be humiliation of such person in public view^[4].

The word "public view" is not defined in the Act. The dictionary meaning of the word "public" is "open to the people as a whole". The dictionary meaning of the word "view" is vision or sight as from a particular position. Reading these two meanings together in the context of the words "public view", it only means that the public should have viewed the incident

¹ Taranath v. State of A.P. 1999(1) Crimes 188(A.P.)

² Mahesh Sakharam Patole v. The State of Maharashtra 2010 (1) RCR (Criminal) 39

³ Chakradhar Gopinath Jadhav v. State of Maharashtra 2010 Cr.Lj (NOC) 428 (Bom)

⁴ K. Venugopal Reddy and Others v. The Deputy Superintendent of Police and Others 2016 (1) ALT (Cri) 177 (A.P.)

irrespective of the place where the offence is committed. The offence may be in a public place within "public view" or in any other place within "public view". In either situation, the essential element that requires to be established is that it was in "public view". The word "public view" in the Section is preceded by the word "in any place within". Therefore, it is clear to my mind that insult or intimidation should be in a place within public view^[5].

Independent Witnesses

The expression within 'public view' occurring in Section 3(1) (x) of the Act means within the view which includes hearing, knowledge or accessibility also, of a group of people of the place/locality/village as distinct from few who are not private and are as good as strangers and not linked with the complainant through any close relationship or any business, commercial or any other vested interest and who are not participating members with him in any way. If such group of people comprises anyone of these, it would not satisfy the requirement of 'public view' within the meaning of the expression used^[6]."

Victim must be present at the place when the words are uttered

To constitute an offence under the section the person insulted should be present at the time when the words were uttered within public view^[7]. Insult contemplated under Sub-section (ii)^[8] is different from the insult contemplated under Sub-section (x) of Section 3 SC/ST Act. In the first case Scheduled Caste or Scheduled Tribe gets insulted by the physical act and whereas in the latter he gets insulted in public view by the words uttered by the wrong doer for which he must be present at the place. A reading of Section 3(1) shows that two kinds of insults against the member of a Scheduled Castes or Scheduled Tribes are made punishable-one as defined under clause (ii) and the other as defined under clause (x) of the said section. A combined reading of the two clauses shows that under clause (ii) insult can be caused to a member of the Scheduled Castes or Scheduled Tribes by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighborhood, and to cause such insult, the dumping of excreta, etc. need not necessarily be done in the presence of the person insulted and whereas under clause (x) insult can be caused to the person insulted only if he is present in view of the expression 'in any place within public view'. The words 'within public view', in my opinion, are referable only to the person insulted and not to the person who insulted him as the said expression is conspicuously absent in clause (ii) of Section 3(1) of Act 3 of 1989. By avoiding to use the expression 'within public view' in clause (ii), the legislature, I feel, has created two different kinds of offences, an insult caused to a member of the Scheduled Castes or Scheduled Tribes, even in his absence, by dumping excreta, etc. in his premises or neighborhood and an insult by words caused to a

member of the Scheduled Castes or Scheduled Tribes 'within public view' which means at the time of the alleged insult the person insulted must be present as the expression 'within public view' indicates or otherwise the legislature would have avoided the use of the said expression which it avoided in clause (ii) or would have used the expression 'in any public place'.

The main ingredient for attraction of the provisions of the act is that the offence should be committed by the person who should not be a member of Scheduled Caste or Scheduled Tribes.

Accused should be other than scheduled caste or scheduled tribe

According to the basic ingredients of Section 3(1) (x) of the SC/ST Act, the complainant ought to have alleged that the appellant accused was not a member of the Scheduled Caste or a Scheduled Tribe and he was intentionally insulted or intimidated by the accused with intent to humiliate in a place within public view. If, nowhere it is mentioned that the appellant-accused was not a member of the Scheduled Caste or a Scheduled Tribe and he intentionally insulted or intimidated with intent to humiliate in a place within public view. When the basic ingredients of the offence are missing in the complaint, then permitting such a complaint to continue and to compel the appellant to face the rigmarole of the criminal trial would be totally unjustified leading to abuse of process of law^[9].

In case of "Asmathunnisa^[10]" it was held that the offence must be committed within public view to attract the provisions of Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is clear from the above case laws that the offence falling under Sec.3 (1) (x) of the Act should have been committed in any place within "public view" and if this element is not present, than the conviction cannot be sustained^[11].

The ingredients of the offence i.e. 'insult', 'intimidation' and 'humiliation' of a member of the Scheduled Caste or a Scheduled Tribe by person(s) not belonging to the aforesaid categories in any place in public view must be satisfied. Expression 'public view' has been incorporated to mean that the persons, however small in number, should be independent, impartial and not interested in any of the parties^[12].

The basic ingredients of the offence under Clause (x) of Subsection (1) of Section 3 of the SC/ST Act are: (a) that there must be an 'intentional insult' or 'intimidation' with 'intent' to humiliate SC/ST member by a non-SC/ST member, and (b) that insult must have been done in any place within the "public view". The use of expression 'intentional insult or intimidation' with 'intention' to humiliate, makes it abundantly clear that the *mens rea* is an essential ingredient of the offence and it must also be established that the accused had the knowledge that the victim is the SC/ST and that the offence was committed for that reason. Merely calling a person by

⁵ Victor Paul and another v. State (2002) MLJ (Cr.) 202

⁶ Daya Bhatnagar v. State of Delhi 2004 (109) DLT 915

⁷ E. Krishnan Nayanar v. Dr. M.A. Kuttapan and Another 1997 Cr.Lj 2036

⁸ '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

⁹ Gorige Pentaiah v. State of Andhra Pradesh 2008 Cr.L.J. 350 SC

¹⁰ Asmathunnisa v. State of Andhra Pradesh (2011) 11 SCC 259, Ruma Raha Dutta and Others v. The State of West Bengal and Others MANU/WB/0267/2014

¹¹ Gowra Gobinda v. State of Orissa (2000) 2 Cr.L.J. 1978

¹² Ratikanta Ray v. State of Odisha 2015(I) OLR 917

caste would not attract the provisions of this Act. There must be specific Accusation alleged against each of the accused [13]."

Keeping in view the aims and objects of the Act of punishing the offence of untouchability and commission of atrocities on the persons belonging to SC and ST added to this, it must be noted that as per Section 3 itself, it must be prima facie shown that the accused is not a member of SC or ST and this humiliation by way of intentional insult or intimidation was conducted in a place within public view [14].

To attract the provisions of section 3 (1) (x), it is necessary that the insult or the intimidation must be done at a place in public view [15].

"Intentionally insults or intimidates with intent to humiliate a member of a scheduled caste or a scheduled tribe in any place within public view"

The judiciary on many occasions considered the offence within the public view and sometimes not in public view. The words used in sub section (x) are not 'in public place' but 'within public view' which means the public must view the person being insulted for which he must be present and no offence on the allegations under the said section gets attracted. The entire allegations contained in the complaint even if taken to be true do not make out any offence against the petitioner [16]. Accused intentionally insulted or intimidated complainant and caused aspersion in public place calling his caste name as scheduled caste citizen. Place of occurrence was within public view. Prosecution proved case beyond reasonable doubt; it was held no infirmity in Order passed by Court [17].

In *Shetty's Case* [18] the Bombay High Court held "In various decisions apart from the decision of *Bai alias Laxmibai*, this court has time and again held that the expression 'within public view' has specific meaning and in order to attract the provision of law under Section 3(1) (x) of the Atrocities Act, the acts amounting to insult or humiliation to the member of Schedule Castes or Schedule Tribes should be visible and audible to the public'. Whether the words were uttered in a public view or not is a question of fact which will have to be decided during the trial [19]. The words used are 'in any place but within public view' which means that the public view the person being insulted for which he must be present and no offence on the allegations under the said section gets attracted if the person is not present [20]. If incident has taken place in presence of villagers gathered near public tap to fetch water, it was held that incident has taken in 'public view' [21].

In *Anil Arora's case* [22] the accused persons used castiest

remarks, hurled abuses against the complainant and threatened him with dire consequences, the place of incident was a public place since it was an open field and according to the complaints-version, witnesses were also present. Therefore, it could not be said that the incident did not taken place 'in any place within public view'. The allegations in the FIR do not make out any case as the alleged statement was not made at a place within the *public view*. On going through the statement it is seen that the statement was made at a shop and it is a place within public view and on that ground the offence alleged to have been committed by the petitioner under the Act cannot be quashed [23].

Today, the word 'Chamar' is often used by people belonging to the so called upper castes or even by OBCs as a word of insult, abuse and derision. Calling a person 'Chamar' today is nowadays an abusive language and is highly offensive. In fact, the word 'Chamar' when used today is not normally used to denote a caste but to intentionally insult and humiliate someone. It may be mentioned that when we interpret Section 3(1) (x) of the Act we have to see the purpose for which the Act was enacted. It was obviously made to prevent indignities, humiliation and harassment to the members of SC/ST community, as is evident from the Statement of Objects & Reasons of the Act. Hence, while interpreting Section 3(1) (x) of the Act, we have to take into account the popular meaning of the word 'Chamar' which it has acquired by usage, and not the etymological meaning. If we go by the etymological meaning, we may frustrate the very object of the Act, and hence that would not be a correct manner of interpretation.

The supreme court in *servai's* [24] case observed

"This is the age of democracy and equality. No people or community should be today insulted or looked down upon, and nobody's feelings should be hurt. This is also the spirit of our Constitution and is part of its basic features. Hence, in our opinion, the so-called upper castes and OBCs should not use the word 'Chamar' when addressing a member of the Scheduled Caste, even if that person in fact belongs to the 'Chamar' caste, because use of such a word will hurt his feelings. In such a country like ours with so much diversity - so many religions, castes, ethnic and lingual groups, etc. All communities and groups must be treated with respect, and no one should be looked down upon as an inferior. That is the only way we can keep our country united. Keeping in view the aims and objects of the Act of punishing the offence of untouchability and commission of atrocities on the persons belonging to SC and ST added to this, it must be noted that as per Section 3 itself, it must be prima facie shown that the accused is not a member of SC or ST and this humiliation by way of intentional insult or intimidation was conducted in a place within public view [25]. On exhortation of one accused other persons had caused 'MAR PEET' with the complainant and also had humiliated him by making aspersion about his caste and also threatened him to kill. There was sufficient ground to proceed against them and a case is made out from

¹³ Sajjan Kumar v. The State and Another 132 (2006) DLT 18

¹⁴ Chikkapa and Others v. State by Sub Inspector of Police, Hangal Police Station 2002 Cr.L.J. 518

¹⁵ Govind Das v. State of Orissa (2000) 1 Ker LJ (NOC) 43 (SC)

¹⁶ Supra n. 7

¹⁷ Boologha Pandian and Kandiah Pandian v. State rep. by the Inspector of Police MANU/TN/0749/2003

¹⁸ V.P. Shetty v. Senior Inspector of Police, Colaba, Mumbai and Another 2005 Cr.Lj 3560 (Bomb.)

¹⁹ E.Tirupem Reddy v. Deputy Superintendent of Police, Nandyal 2006 Cr.Lj 1606 (AP)

²⁰ Supra n. 10

²¹ Chakradhar Gopinath Jadhav v. State of Maharashtra

²² Anil Arora and Others v. Babu Lal 2014 Cr.Lj 2008 (Uttarakhand)

²³ K.Muhammed v. K. Sukumaran 2001Cr.Lj (ker)

²⁴ Arumugam Servai v. State of Tamil Nadu 2011 (4) Scale 756

²⁵ Chikkapa and Others v. State by Sub Inspector of Police, Hangal Police Station 2002 Cr.L.J. 518

the facts on record”^[26].

Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (the Act), there was enough material on record to show prima-facie that in the presence of the villagers, the applicant was alleged to have hurled filthy abuses and threats to Complainant by taking the name of his caste. It was not disputed by applicant that Complainant was a member of the Scheduled Tribe - Therefore, for the purposes of framing charge, prima-facie a case under Section 3(1) (x) of the Act was made out since Complainant was alleged to have been humiliated by taking the name of his caste while being abused filthily in the presence of the villagers^[27].

To constitute an offence under the section the person insulted should be present at the time when the words were uttered within public view^[28]. Insult contemplated under Sub-section (ii) is different from the insult contemplated under Sub-section (x) of Section 3 SC/ST Act. In the first case Scheduled Caste or Scheduled Tribe gets insulted by the physical act and whereas in the latter he gets insulted in public view by the words uttered by the wrong doer for which he must be present at the place.

Calling a person by the caste-name "Chamar" with intention of insulting or intimidating or humiliating would also constitute the offence rendered under the section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Witnesses corroborated the statement of the complainant and they had been remained un rebutted on material point the teachers of the school clearly stated that the complainant was abused by caste name "Chamar" and threatened to kill by the accused/ Appellant in the school which was a public place. Conviction order rightly passed^[29].

“Even if the remark is made inside a building but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in public view. We, must, therefore, not confuse the ordinarily mean a place which is owned or leased by the Government.....^[30].

Acts which were considered as ‘Not Within the public view’

There are some instances also where the judiciary did not consider the act of atrocities/insulting in his caste name ‘within the public view’. To constitute an offence when insult or intimidation has been done in a place within public view, but when the things had transpired in an office of a company. There was no material to show that the office was visible to public at large, hence no offence under section 3 (1) (x) was made out^[31].

In *Pappu Singh*^[32] it was held that simply addressing a person by his caste without any intention to insult or intimidate does not constitute offence under section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,

1989. Perusal of contents of First Information Report as well as statement of complainant and other witnesses would show that Applicants were not members of Scheduled Caste or Scheduled Tribe and complainant was member of Scheduled Tribe. No intention or intimidation by accused against complainant as dispute arose on account of fact that livestock (goats) of Applicants grazed outstanding crop of complainant. No intention to commit as it was sudden fight took place between complainant and Accused/Applicants and fight which took place was not with intention to humiliate complainant who was member of Scheduled Tribe and such dispute took place partly in front of the house of the complainant and inside the house of the applicants and it cannot be said to be in public view. Thus, ingredients of Section 3 (1) (x) amended as 3(1) (r) of Act, 1989 were prima facie lacking and provisions of Act, 1989 were not attracted to present case^[33]. If language used was not made within public view or within public hearing, no offence could be made out under Section 3(1) (x) of Act, even if accepted by Petitioner that he did use language as given in complaint. Complainant was not abused by Petitioner in his official Chamber in presence of others^[34].

Sprinkling of cow dung water as part of purification ceremony in the office premises would not constitute an atrocity against a member of the Scheduled Caste. Cow-dung cannot be considered as excreta. The word excreta used in Section 3(1) (b) of the Act is in relation to human excreta and not any animal waste^[35]. Two days after his retirement, the premise occupied by the de facto complainant was sprinkled with cow-dung water by the accused, allegedly to remove the impurities caused by the de facto complainant. According to the prosecution, the accused by their conduct have committed the offence punishable under Section 3(1) (b) and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Sprinkling of cow dung water as part of purification ceremony in the office premises would not constitute an atrocity against a member of the Scheduled Caste.

On date of incident appellant demanded copy of revenue record which he was not in position to supply without permission of Court, therefore, appellant insulted him along with other co- accused. Appellant has not stated anything to show that appellant was assaulted or insulted by respondent on ground of his caste, but evidence shows that appellant was assaulted by respondent on account of demand of copy of revenue record, even he has not stated in his evidence that what words appellant has used. Evidence is admitted that appellant has insulted or assaulted respondent on ground of his caste. While convicting appellant under Act, trial court has not considered most material aspect of case and essential ingredients of offence and thereby committed illegality^[36].

"The alleged incident in that case had been taken place in the chamber of the complainant, who was working as the commercial tax officer. The argument raised on behalf of the accused, that assuming the allegations are true, yet the

²⁶ Gaurav Aggarwal v. State of Uttar Pradesh 2009 Cr.L.J. 4491 (All)

²⁷ Ayodha Prasad Soni v. State of C.G. 2006 (3) CGLJ 254

²⁸ Supra n. 7

²⁹ Bhagirathi Sahu v. State of Madhya Pradesh (Now Chattisgarh) 2009(3) CGLJ 270

³⁰ Swaran Singh v State 2008 Cr.L.J. 4369 (SC)

³¹ Alka A. Misra v. J.P. Shoke 2003 Cr.L.J. 1333

³² Pappu Singh v. State of U.P. 2002 Cr.Lj. 1251

³³ Umesh Parsad v. State of Chhattisgarh 2015 (1) CGLJ 245

³⁴ Ashim Kumar Chattrjee v. State of Jharkhand and Another (2013) J.L.J.R. 69

³⁵ Gireesh Kumar A. & Another v. State of Kerala and Another ILR (2012) 4 Kerala 125

³⁶ Manharan v. State of M.P. MANU/C.G./0102/2010

occurrence having taken place in the chamber of the complainant, it cannot be said that the offence was committed in any place within "public view" was accepted^[37]. From the material on record in the case diary, further it cannot be said that the incident took place at a place within public view. The words used in the provision are in any place within "public view and not in a "public place". There is clearly a distinction between an incident taking place within public view and an incident taking place within public place^[38]."

The expression "public view" employed in Section 3(1)(x) of the SC/ST Act, came for consideration in a case before a Division Bench of the Delhi High Court. In the said case, the *defacto* complainant is a member of Scheduled Caste. He was staying in a flat along with his family. The accused were residing in the same flats. They were alleged to have called the *defacto* complainant and his wife by their caste. It was contended that the occurrence did not take place in public view as no public person was present. Justice V.S. Agarwal (as His Lordship then was) took the view that for the purpose of 'public view' employed in Section 3(1) (x) of SC/ST Act, it is not necessary that a huge crowd must present, it is enough two or more members of the public were present, heard and viewed, as four persons residing in the same flats viewed the occurrence, the occurrence had taken place in public view^[39]. If the entire complaint is perused there is not even a single word mentioned by the complainant that she belongs to Scheduled Caste and that the petitioners intentionally and knowing her to be a member of the Scheduled Caste had uttered the words attributed to them so as to insult her^[40]. There was no material on the record much less in the written report presented by informant that occurrence took place within public view as contemplated under Section 3(1)(x) of the Act. It was found that neither the offence under Section 3(1) (x) nor under Section 3(1) (xi) of the Act was made out against the Petitioner and that apart^[41].

We must, therefore not confuse the expression 'place within public view' with the expression 'public place'. A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality for other local body) or gaon sabha or an instrumentality of the State, and not by private persons or private bodies^[42]. Simply calling any person by caste name does not attract provisions of the Act. Other ingredients are necessary in the complaint to constitute an offence under section 3 (1) (x). 'Idiot' and 'nonsense' uttered against a member of Scheduled Caste, it was held by the High Court that these words have not reference to the community and from those "words it cannot be inferred that the intention or intimidation are with reference to the community to which complainant belonged"^[43].

To attract the provisions of section 3 (1) (x), it is necessary

that insult or intimidation has been done in a place within public view. If the things happened in office of a company, it cannot be said that the office was visible to public at large. Therefore, no offence made out^[44]. If the entire occurrence had taken place inside and "within the bounded are of the house of the complainant and not in any place within public view" no offence under section 3(1) (x) made out^[45].

In Suhail Fasih^[46] case the complainant had gone to the Government Quarter on the first floor to take her wages, the accused called her 'Saali Dhobin'. It was held that place cannot be said to be 'within public view'.

Epilogue

To conclude this article, the atrocities must be done in public view. The place may be private or public but is should be in public view. Minimum two independent witnesses must be present there. Independent means that the witnesses should not be related to victim in any manner. Intention to insult the victim must be present. If the *mens rea* is not present then the act will not be considered the act of insult. Intention to insult the victim should be there. The most essential ingredient is that the complainant must be present when the words are uttered or he has been insulted. If the person who has been insulted or words have been uttered is not present then this section will not attract.

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³⁷ Chandra Poojari v. State of Karnataka (1998) 1 Cr.L.J. 53

³⁸ Karan Singh v. State of Madhya Pradesh (1992) 3 Cr.L.J. 3054

³⁹ Supra n. 5

⁴⁰ M.L. Ohri and Others v. Kanta Devi 2009(4)SCT38(P&H)

⁴¹ Md. Nisarul Haq v. The State of Jharkhand and Prakash Ram MANU/JH/0173/2011

⁴² Swarn Singh and Others v. State AIR 2008 SC (Supp) 441

⁴³ Ravinder Kumar Mishra v. State of Madhya Pradesh 1995 Cr.L.J. 3060 (MP)

⁴⁴ Alka A. Misra v. J.P.Shoke 2003 Cr.L.J. 1333(Bomb)

⁴⁵ Gorkhi Ram v. State of Haryana 2006 Cr.L.J. 4385 (P & H)

⁴⁶ Suhail Fasih v. State of Uttar Pradesh 2012 Cr.L.J. (NOC) 177 (All)