

AS INTRODUCED IN LOK SABHA

Bill No. 84 of 2021

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES
(PREVENTION OF ATROCITIES) AMENDMENT BILL, 2021

By

DR. KIRIT PREMJBHAI SOLANKI, M.P.

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BILL

*further to amend the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989.*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India
as follows:—

1. (1) This Act may be called the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Amendment Act, 2021.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 2.

2. In section 2 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the principal Act), in sub-section (1),— 33 of 1989.

(i) after clause (bg), the following clause shall be inserted, namely:— 5

“(bh) “ragging” means any act of physical or mental abuse (including bullying and exclusion) targeted at another student belonging to the Scheduled Castes or the Scheduled Tribes (fresher or otherwise) on the ground of colour, race, religion, caste, ethnicity, gender (including transgender), sexual orientation, appearance, regional origin, linguistic identity, place of birth, place of resident or economic background;” 10

(ii) the existing clauses (ec) and (ed) shall be re-numbered as (ed) and (ef) and before the clauses (ed) and (ef) as so re-numbered, the following clause shall be inserted, namely:—

“(ec) “unfavourable treatment” means any adverse changes in the working environment, denial of training and denial of opportunities for advancement, unfavourable probationary reports, vexatious grievances and exclusion of any student belonging to the Scheduled Castes or the Scheduled Tribes by his peers or any person in supervisory capacity;” 15

Amendment
of section 3.

3. In section 3 of the principle act, in sub-section (1),— 20

(i) after clause (zc), the following clauses shall be inserted, namely:—

“(zd) indulges in targeted ragging and humiliation of any student or a section of students belonging to the Scheduled Caste or the Scheduled Tribe; or

(ze) passes derogatory remarks against any student belonging to the Scheduled Caste or the Scheduled Tribe indicating caste or linking reservation quota as a reason for underperformance in classrooms of educational institutions; or 25

(zf) indulges in or attempts in segregation of any student or a section of the Scheduled Caste or the Scheduled Tribe students in classrooms and sports facilities of educational institutions; or 30

(zg) makes or attempts to make an unfavourable treatment to any student or a section of students belonging to the Scheduled Caste or the Scheduled Tribe in making available various facilities like playgrounds, labs, library, hostels or preventing them from participating in sports and cultural events.” 35

STATEMENT OF OBJECTS AND REASONS

The cases of suicide by students belonging to the Scheduled Caste and Scheduled Tribe communities due to caste based discrimination are taking place in higher education institutions of our country. This is a worrisome phenomenon as the social evil of caste based discrimination is still practiced even among the educated sections of the society. The reports by Prof. S.K. Thorat Committee and Prof. B. L. Mungekar Committee set up by the Government at various points of time to look into complaints of caste based discrimination in some of the elite higher educational institutions, point out rampant discrimination against the students belonging to the Scheduled Castes and Scheduled Tribes. Discrimination against the Scheduled Castes or the Scheduled Tribes students take many forms such as segregation of students as per caste, insulting by using derogatory remarks, ragging, labelling as below average due to reservation etc. and has caused mental agony and stress among the students belonging to the Scheduled Castes and the Scheduled Tribes. This affects the students' life in higher educational institutions adversely and pushes them to the brink of committing suicide.

This Bill, therefore, seeks to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 with a view to bring in ragging, segregation of students as per caste and labelling students as reserved category students unfavourable treatment in the category of offence under the parent Act and to put a check on such unlawful activities.

Hence this Bill.

NEW DELHI;
October 25, 2019.

KIRIT PREMJBHAI SOLANKI

ANNEXURE

EXTRACT FROM THE SCHEDULED CASTES AND THE SCHEDULED TRIBES
(PREVENTION OF ATROCITIES) ACT, 1989

(33 of 1989)

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Definitions.

2. (1) * * * *

(bg) public servant means a public servant as defined under section 21 of the Indian Penal Code, as well as any other person deemed to be a public servant under any other law for the time being in force and includes any person acting in his official capacity under the Central Government or the State Government, as the case may be;

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(ec) victim means any individual who falls within the definition of the Scheduled Castes and Scheduled Tribes under clause (c) of sub-section (1) of section 2, and who has suffered or experienced physical, mental, psychological, emotional or monetary harm or harm to his property as a result of the commission of any offence under this Act and includes his relatives, legal guardian and legal heirs;

(ed) “witness” means any person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge necessary for the purpose of investigation, inquiry or trial of any crime involving an offence under this Act, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence;

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Punishments
for offences
atrocities.

3. (1) * * * *

(zc) imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a Scheduled Tribe,

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.

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LOK SABHA

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(Prevention of Atrocities) Act, 1989.

(Dr. Kirit Premjibhai Solanki, M.P.)