

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:7425
ANSWERED ON:22.05.2012
MISUSE OF SC ST ACT
Verma Shri Sajjan Singh

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether any penal provision under the SC/ST (Prevention of Atrocities), Act exists for the use of castiest or other abusive language for scheduled castes/scheduled tribe communities;
- (b) if so, the details thereof;
- (c) whether cases of misuse of such provisions have come to light;
- (d) if so, the details thereof; and
- (e) the action taken by the Government to check such misuse of the Act?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH)

(a) to (e) Provision 3(1)(x) contained in the SCs/STs PoA Act 1989 is invoked for such offences.

Clause 3(1)(x) states 'Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view 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'.

Moreover, Hon'ble Supreme Court in its judgment in Arumugam Servai vs. State of Tamil Nadu on 19.04.2011 has observed that any word if used with intent to insult a member of the Scheduled Caste, is, in their esteemed opinion, an offence under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989

Incidents of false cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 were indicated by some agencies. For dealing with specific false cases relevant Sections of the IPC can be invoked by the concerned agencies.