

● IMPLEMENTATION OF PROTECTION OF CIVIL RIGHTS ACT, 1955 AND SC AND ST (PREVENTION OF ATROCITIES) ACT, 1989: AN EMPIRICAL STUDY

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I. INTRODUCTION

Law is an instrument of regulating society. It helps in implementation of constitutional values. It is powerful means of social change. Legal enactments play a very important role in the process of empowerment of weaker sections of society but it has its own limitations. Letters of law have to travel a long distance before it reaches to its beneficiaries. Social environment plays a crucial role in this process. As legal-system is a sub-system of social-system, preconceived notions, historical facts and such other factors are vital to the implementations of law and also in providing justice to beneficiaries of law.

The Protection of Civil Rights Act, 1955 and The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were passed in order to lead the process of empowerment of those downtrodden sections of the society, who were being subjected to social disabilities and were facing atrocities of dominant groups because of their birth in a particular community. In order to gauge the actual impact of these legislations, it is essential to know the impact of law at the ground level.

Objectives of Study:

This study aims to evaluate the impact of the Protection of Civil Rights Act, 1955 and the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 in process of empowerment of the members of schedule castes and schedule tribes. It focuses itself on the following areas to achieve its objectives:

- To know the rate of cases registered under the Protection of Civil Rights Act, 1955 and the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 during last two years.
- To know the rate of convictions in cases registered under these legislations.
- To gauge the level of security enthused in these legislations in the mind of people belonging to scheduled caste community.
- To assess the level of confidence of these communities in non-judicial enforcing agencies.
- To assess the role played by social welfare agencies in assisting the victims of caste based atrocities.

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- To suggest changes in these legislations to make them more effective.

Scope of the Study:

As proposed, two states namely Uttar Pradesh and Uttarakhand would be covered by this empirical study. The study was conducted in eight districts of Uttar Pradesh namely: Moradabad, Jyotiba Phule Nagar, Bijnore, Bareilly, Rampur, Badaun, Meerut and Buland Shahar and two districts of Uttarakhand namely: Udham Singh Nagar and Nainital.

I. ANALYSIS OF PRESENT STUDY

Sampling Procedure:

Sampling pattern for purposes of Survey was as following table:

Table-1

S.No.	Sampling Unit	Sample Size
1	States	02 (U.P. & Uttarakhand)
2	Districts	10 (8 from U.P. & 2 from Uttarakhand)
3	Blocks	20 (2 from each district)
4	Village	40 (2 Village from each block)
5	Cities	10 District headquarters.
Total No. of Samples - 500 (50 from each district)		

Total of five hundred persons of scheduled caste community were interviewed in the abovementioned manner. In order to analyze the actual position of the cases data was collected from district headquarters and state capitals. Special cell of Police Department of Uttar Pradesh has also provided crucial information in this regard.

Assessment of Responses:

Answers given by respondents on different questions were calculated by simple arithmetical method. Percentage of responses was worked out. For purposes of evaluating the judicial response of the cases registered under these legislations. Actual data regarding institution, conviction, acquittal and compromise was collected from district headquarters of Moradabad, Rampur, Bijnore, Jyotibaphule Nagar, Meerut, Buland Shahar, Badaun and Bareilly of Uttar Pradesh and Udham Singh Nagar and Nainital districts of Uttarakhand.

a) Fate of Cases registered under PCRA & SC/ST Act

Data received for calendar year 2002 and 2003 were taken into consideration for purposes of this study. Data of 8 districts of Uttar Pradesh and those of two districts of Uttarakhand were separately analysed so that comparative study may be made.

b) Cases Registered in Uttar Pradesh

Summary of the fate of cases registered in 8 district of Uttar Pradesh during the calendar year 2002 and 2003 may be described by following table.

Table-2

Years	No. of Cases Decided	Conviction		Acquittals		Compromise	
		No of case	%	No of case	Percentage	No of case	Percentage
2002	979	138	14.09	768	78.44	73	7.45
2003	772	80	10.36	690	89.37	02	0.26

As shown in the table in 2002 rate of conviction of cases registered under PCRA and SC/ST Act was 14.09% while in 78.44% cases accused were acquitted. Total of 7.45% cases ended in compromise. In 2003 , total of 772 cases were decided by different courts in the eight district for which study was conducted. Accused were convicted in 10.36% cases, while in 89.37% cases accused were acquitted. Only 2% ended in compromise between the parties.

c) Fate of Cases registered under PCRA & SC/ST Act in Uttaranchal

Data received from district headquarters of Nainital and Udham Singh Nagar are as follows:

Table-3

Year	Cases Registered	Committed for trial	Dismissed/ Acquitted	Convicted	Final Report	Pending Investigation	Frivolous Complaints
2002	23	15	01	NIL	03	NIL	04
2003	49	26	08	NIL	07	04	04

As shown in the table total of 23 cases were registered under P.C.R.A. & SC/ST Act in district Nainital and Udham Singh Nagar during calendar year 2002. There was no conviction in any case, 1 case ended in dismissal/acquittal, final report was submitted in 3 cases while 4 cases were found to frivolous after investigation. Peculiar feature of the data was that there was no conviction in any case in the two districts for last two years. It implies that either all the cases registered under PCRA & SC/ST Act were baseless and malicious or cases registered under these legislations are not properly investigated, prosecuted and pursued, by concerned authorities.

It is not rational to conclude that all the cases registered under PCRA & S.C./S.T. Act are baseless. The logical conclusion to this phenomenon is that cases registered under these legislations are not properly investigated, prosecuted and pursued. It is certainly a serious fault and it must be looked into.

Performance of Investigating Agencies:

Investigation plays an important role in grievance redressal system of state. Timely intervention and professional attitude of persons responsible for investigation contribute a lot in bringing the accused to book and in getting him convicted.

In order to assess the role of investigating agencies, we relied upon the data collected from police headquarters of concerned districts. Details of those information's may be summed up as follows:

a) Status of Cases During 2002 was as follows

Table-4

Year	State	Total Number Number of case under	Chang sheet filed	Final Report	Quashed cancelled	Pending Investing	Found Frivolous after investigation
2002	U.P Utta- ranchal	602 23	428 15	76 03	86 01	12 NIL	NIL 04
	Total	625	443	79	87	12	04
	Perce- ntage		70.88	12.64	13.92	1.92	0.64

As shown in the table during calendar year 2002, total of 625 cases were referred for investigation in which chargsheet was filed in 70-88% cases, final report was submitted in 12.64% cases, total of 13.92% cases were quashed/cancelled, there was pendency in only 1.92% cases while less than one percent (0.64%) cases were found to be frivolous by investigating agencies.

b) Status of Cases During 2003 was as follows

Table-5

Year	State	Total Number Number of case under	Chang sheet filed	Final Report	Quashed cancelled	Pending Investing	Found Frivolous after investigation
2002	U.P Utta- ranchal	187 49	140 26	10 07	40 08	13 04	NIL 04
	Total	236	166	17	48	17	04
	Perce- ntage		70.33	10.24	20.33	7.20	1.69

III. CONCLUSION

Analysis of the above data shows that during the year total of 236 cases were referred for investigation in 8 districts of Uttar Pradesh and 2 districts of Uttaranchal. Out of those cases 70.33% cases were committed for trial after charge sheet was submitted, in 10.24% cases final report was submitted, 20.33% cases were quashed, 1.69% cases were found to be frivolous after investigation while investigation in 7.20% cases were pending at the end of the year.