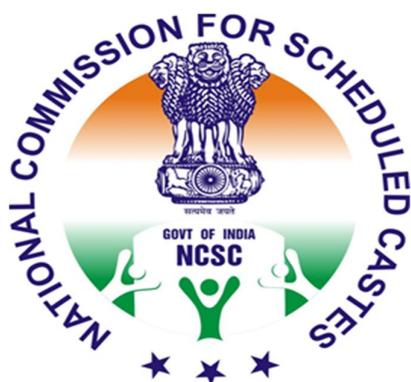


NATIONAL COMMISSION
FOR
SCHEDULED CASTES



HANDBOOK-2016

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Foreword

The Constitution of India seeks to secure for all its citizens, among other things, social and economic justice, equality of status and opportunity and assures the dignity of the individual. Article 46 of the Constitution provides that "the State shall promote with special care the educational and economic interests of the weaker sections of the society and in particular, of the Scheduled Castes and shall protect them from social injustice and all forms of exploitation".

Several provisions have been incorporated in the Constitution for safeguarding and promoting the interests of the Scheduled Castes so as to empower and enable their socio-economic development as well as to help them overcome the age old prejudices and atrocities.

The National Commission for Scheduled Castes has been set up to investigate and monitor effective implementation of these safeguards and provisions as well as to advise the Union & the State Governments in their planning process for the social and economic development of the Scheduled Castes. The Commission has been regularly presenting its Annual Reports and Special Reports to the President of India, evaluating the functioning of various welfare and development programmes for the Scheduled Castes, analysing the atrocities being committed against them as well as monitoring the actions taken by the authorities for effective implementation of the various Acts and Rules. The Commission has been making specific recommendations on all spheres including the handling of atrocity related cases, socio economic development programmes and service related safeguards.

Recently, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules thereof notified in 1995 have been amended. The Amended (POA) Act, 2015 has brought in clarity on some sections, clearly defined certain offences, fixed roles and responsibilities of the authorities and has clear timelines regarding investigation and judicial handling of atrocity cases.

The corresponding Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 were also speedily notified on 14 April 2016. Besides defining

roles and responsibilities at various levels of the State Government , these rules have also laid down the amount of relief admissable to the victims of atrocities.

These recent major developments have necessitated the revision of the Handbook of the Commission which was last revised in 2009. While the amended POA Act and Rules find place as separate Annexures in this Handbook , two new parts called *÷Norms of relief payableø* and *÷Actions by State Governmentsø* **at a glance**, have also been added for the ease of use by all concerned. The Handbook has also been systemtised and all the relevant Acts , Notifications and Rules have been placed seperately as Annexures to avoid cluttering.

I am happy to present the revised Handbook 2016 of the Commission with the hope that it will be utilized for more effective action as per the mandate of the Commission.

P.L Punia

Chairman

1. Introduction

The framers of the Constitution took note of the fact that certain communities in the country suffer from extreme social, educational and economic backwardness arising out of age-old practice of untouchability and certain others on account of this primitive agricultural practices, lack of infrastructure facilities and geographical isolation. They need special consideration for safeguarding their interests and for accelerated socio-economic development. These communities were notified as Scheduled Castes and Scheduled Tribes as per provisions contained in Clause 1 of Articles 341 and 342 of the Constitution respectively.

1.2 Consequent upon the Constitution (Eighty-Ninth Amendment) Act, 2003¹ vide Notification Regd No.D.L (N)04/0007/2003-05 dated 30.09.2003 (**Annexure –1**) the erstwhile National Commission for Scheduled Castes & Scheduled Tribes has been replaced by :

- (1) National Commission for Scheduled Castes, and
- (2) National Commission for Scheduled Tribes.

The National Commission for Scheduled Castes, Chairperson, Vice Chairperson and Members (Conditions of Service and Tenure) Rules 2004 were notified on 20 February, 2004 by the Ministry of Social Justice & Empowerment ²(**Annexure -2**).

1.3 The first National Commission for Scheduled Castes was constituted on 24/25.02.2004 vide letter No.17016/4/2004-SCD-VI of the Ministry of Social Justice & Empowerment with Shri Suraj Bhan, as Chairperson, Shri Fakir Bhai Vaghela, as Vice-Chairperson, Shri Phool Chand Verma, ,Shri V. Devendra, and Smt. Surekha Lambtureas, as Members. Due to sudden and unexpected demise of Dr. Suraj Bhan, Chairman on

¹ came into force on 19.02.2004 as per notification Regd.No.D.L33004/99 dated 19.02.2004 of the Ministry of Tribal Affairs.

² vide F.no 17016/28/2003-SCD-VI

06.08.2006, the duties and function of the Chairman were discharged by Shri Fakir Bhai Vaghela, Vice-Chairman of the Commission.

1.4 The second National Commission for Scheduled Castes was constituted on 25.05.2007 vide letter No.17016/21/2006-SCD-VI of the Ministry of Social Justice & Empowerment with Dr. Buta Singh as Chairman, Prof. Narendra M. Kamble, as Vice-Chairman, Smt. Satya Bahin, Shri Mahendra Boddh and Shri Mrutyunjay Nayak, respectively as Members.

1.5 The third National Commission for Scheduled Castes was constituted on 15.10.2010 vide Ministry of Social Justice & Empowerment letter No.17016/44/2009-SCD-VI with Dr. P. L. Punia as the Chairman, Shri Raj Kumar Verka as Vice Chairman and Shri Raju Parmar, Shri M.Shivanna and Smt Latha Priyakumar, as Members.

1.6 The fourth and present National Commission for Scheduled Castes was constituted on 22.10.2013 vide Ministry of Social Justice & Empowerment's letter No.17016/11/2013-SCD-VI with Dr. P. L. Punia as Chairman, Dr Raj Kumar Verka, as Vice Chairman and Shri Raju Parmar, Shri Ishwar Singh and Smt P.M Kamalamma, as Members.

2. Mandate and Duties of the Commission

The functions, duties and power of the Commission have been laid down in the clauses 4,5,8,9 & 10 of the Article 338 of the Constitution.

Clause 4 : empowers the Commission to regulate its own procedure for meaningful performance.

The Rules of Proceedure framed by the Commission under this provision have been notified on 25 March 2009 vide notification F.No.1/1/NCSC/2004- C.Cell of NCSC.

Clause (5) states that it shall be the duty of the Commission: -

- (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
- (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;
- (c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development under the Union and any State;
- (d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

- (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio- economic development of the Scheduled Castes; and

- (f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

Clause (8) states that - the Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:-

- a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- b) Requiring the discovery and production of any documents;
- c) Receiving evidence on affidavits;
- d) Requisitioning any public record or copy thereof from any court or office;
- e) Issuing commissions for the examination of witnesses and documents;
- f) Any other matter which the President may by rule, determine;

Clause (9) states that- the Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes.

Clause (10) states that in this article references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of Article 340, by order specify and also to the Anglo-Indian community.

3. Constitutional Safeguards

The important Constitutional Safeguards for Scheduled Castes are mentioned below:-

3.1 Development and Protective Safeguards

These safeguards are contained in the Directive Principles of State Policy of the Constitution and a specific provision in Article 46 which is a comprehensive provision comprising both the developmental and regulatory aspects. It reads as follows:-

Article 46 öThe State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitationö.

3.2 Social Safeguards

Article 17 öUntouchabilityö is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of öUntouchabilityö shall be an offence punishable in accordance with law.

To give effect to this Article, Parliament made several enactments viz., **Untouchability (Offences) Act, 1955**. In order to make the provisions of this Act more stringent, the Act was amended in 1976 and renamed as the **Protection of Civil Rights (PCR) Act, 1955**. (**Annexure-3**)

The rules framed under this Act called **Protection of Civil Rights Rules, 1977** under the provisions of the Act (**Annexure-4**).

Parliament also passed the **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**¹, (**Annexure-5**) which became effective from 30.01.1990.

The rules framed under this Act called the **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995**² were notified on 31.03.1995. (**Annexure-6**)

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (**Annexure-7**) was notified on 01.01.2015 and the Scheduled Castes and

¹ also referred as POA (Act) 1989 in this handbook

² also referred as POA (Rules) 1995 in this handbook

Scheduled Tribes (Prevention of Atrocities) Rules , 2016 (**Annexure-8**) framed under the amended Act came into force on 14.04.2016.

Article 23 prohibits traffic in human beings and beggar and other similar forms of forced labour and provides that any contravention of this provision shall be an offence punishable in accordance with law. It does not specifically mention SCs but since majority of bonded labour belong to SCs, this Article has a special significance for these communities. In pursuance of this Article, Parliament has enacted the Bonded Labour System (Abolition) Act, 1976. For effective implementation of this Act, the Ministry of Labour is running a Centrally Sponsored Scheme for identification, liberation and rehabilitation of bonded labour

Article 24 provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. There are Central and State laws to prevent child labour. This Article is also significant for SCs as a substantial portion of child labour engaged in hazardous jobs belong to these groups.

Article 25(2) (b) provides that Hindu religious institutions of a public character shall be thrown open to all classes and sections of Hindus. This provision is relevant as some sects of Hindus used to claim that only members of the concerned sects had a right to enter their temples. This was only a subterfuge to prevent entry of SC persons in such temples. For the purpose of this provision the term Hindu includes Sikh, Jain and Buddhist.

3.3 Economic Safeguards

The provisions of Articles 23, 24 and 46 mentioned above also form part of the economic safeguards for Scheduled Castes.

3.4 Educational and Cultural Safeguards

Article 15(4) empowers the State to make any special provision for the advancement of any socially and educationally backward classes of citizens or for SCs and STs. This provision was added to the Constitution through the Constitution (First Amendment) Act, 1951, which amended several Articles. This provision has enabled the State to reserve seats for SCs and STs in educational institutions including technical, engineering and

medical colleges and in Scientific & Specialized Courses. In this Article as well as in Article 16(4) the term "backward classes" is used as a generic term and comprises various categories of backward classes, viz., Scheduled Castes, Scheduled Tribes, Other Backward Classes, De-notified Communities (Vimukta Jatiyan) and Nomadic/Semi nomadic communities.

3.5 Political Safeguards

Article 164(I) provides that in the States of Bihar, Madhya Pradesh and Orissa there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.

Article 330 provides for reservation of seats for SCs and STs in the Lok Sabha.

Article 332 provides for reservation of seats for SCs/STs in the State Vidhan Sabhas (Legislative Assemblies).

Article 334 originally laid down that the provisions relating to the reservation of seats for SCs/STs in the Lok Sabha and State Vidhan Sabhas (and the representation of the Anglo-Indian community in the Lok Sabha and the State Vidhan Sabhas by nomination) would cease to have effect on the expiration of a period of ten years from the commencement of the Constitution. This Article has been amended, extending the said period by ten years on each occasion

Article 371 A, B, C and F contain special provisions with respect to Nagaland, Assam, Manipur and Sikkim respectively.

3.6 Service Safeguards

Article 16(4) empowers the State to make any provision for the reservation in appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

Article 16(4A) specifies that nothing in this Article shall prevent the State from making any provision for reservation in matters of promotion, with consequent seniority to any class or classes of posts in the services under the State in favour of the Scheduled

Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the Stateö.

Article 16(4B) Specifies that nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty percent reservation on total number of vacancies of that yearö.

Article 320 (4) provides that nothing in clause (3) shall require a Public Service Commission to be consulted as respects the manner in which any provision under Article 16(4A) may be made or the manner in which effect may be given to the provisions of Article 335.

Article 335 mentions that the claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making to appointments to services and posts in connection with the affairs of the Union or of a Stateö.

öProvided that nothing in this Article shall prevent in making of any provision in favour of Member of SCs & STs for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with affairs of Union or of a Stateö (**Constitutional 82nd Amendment, Act, 2000**).

4. Procedure for Inquiry by NCSC

4.1 Inquiry into specific complaints

The Commission is required to inquire into specific complaints with respect to the deprivation of rights and safeguards of Scheduled Castes. In order to enable the Commission to perform this function effectively and efficiently, the Commission would like the members of Scheduled Castes to know that it will be helpful to inquire into their grievances if they substantiate their complaints with supporting documents and quote the relevant provisions of the Act or Rules directions which have been violated.

4.2 The following aspect may be kept in mind while filing complaints before the Commission.

- a) The complaint should be directly addressed to the Chairman / Vice-Chairman/Secretary,National Commission for Scheduled Castes, New Delhi or the heads of its State Offices.
- b) The complaints should disclose his full identity and give his full address and should sign the representation.
- c) Complaints should be legibly written or typed and, where necessary, supported by authenticated documents.
- d) No action will be taken on matters, which are subjudice. Hence subjudice matter need not be referred to the Commission as complaint(s).
- e) Cases pending in courts or cases in which a court has already given its final verdict may not be taken up afresh with the Commission.
- f) If Commission, prima facie, feels that there is instance of allegation-Thorough enquiry may be conducted by the Commission through its Investigation Officers and report of the said inquiry may be placed before the Commission before final decision taken by the Commission.
- g) The cases of transfer/posting in the Govt. service of the members of Scheduled Castes should not be considered in the Commission unless the specific instance of violation of Rules / instructions leading to discrimination against the complainant come to the notice of NCSC.

4.3 Inquiry into cases of atrocities

4.3.1 Whenever information is received in the Commission about any incident of atrocity against a person belonging to Scheduled Castes, the Commission would immediately get in touch with the law enforcing and administrative machinery of the State and the district to ascertain the details of incident and the action taken by the district administration. If after detailed inquiry/investigation; the Commission finds substance in the allegation/complaint regarding atrocity, the Commission may recommend to file an FIR against the accused with the concerned law-enforcing agency of the State/District.

4.3.2. The Commission ensures the following while by monitoring and issuing instructions to the concerned authorities.

- a) Whether the scene of occurrence of the crime has been visited immediately by Collector and Superintendent of Police of the district on receipt of information.
- b) Whether proper FIR is registered in local Police Station.
- c) Whether names of all the persons involved/cited by the complainant has been included in the FIR.
- d) Whether investigation has been taken up by a Senior Police Officer as per provisions of the POA(Act,) 1989 and the amended POA Act 2015.
- e) Whether culprits has been apprehended and booked without loss of time.
- f) Whether proper charge sheet is filed mentioning the relevant sections of IPC together with the PCR Act, 1955 and the POA(Act,) 1989 and the amended POA Act 2015 in the Court.
- g) Whether the cases are tried by the Special Courts.
- h) Whether special Public Prosecutors are appointed to handle these cases.
- i) Whether Police assists the courts in bringing forward witnesses and see that the culprits are suitably punished by the courts.

4.3.3 The Commission will also monitor that:

- a) the victims are provided with suitable medical assistance and on time;

- b) adequate protection is arranged for the victims of such incidents by providing police protection by stationing a police party, by patrolling, etc;
- c) to see that proper compensation is paid to the victims as per provisions of law and the POA (Act, Rules 1995 and the amended POA Act Rules 2016.

4.3.4 The Commission will, wherever possible depending upon the gravity and circumstances of the case, visit the place of incident to oversee the arrangements and to console and infuse confidence among the victims.

4.3.5 The Commission has laid down detailed procedure for conducting such inquiries and monitoring at all levels. Such inquiries can be conducted by the Members of the Commission or Teams of Investigators from Headquarters or State office of the Commission.

4.3.6 When any offence as is described as an atrocity in the relevant acts for the time being in force, is committed in the view or presence of the Commission or has been found to have been taken cognizance by the Commission, in pursuance of the enquiry/investigation conducted by it in the discharge of its functions, the Commission may, after recording the facts constituting the offence, forward the case to a Magistrate having jurisdiction to try the same.

4.4 Powers of the Commission to act as a Civil Court

While investigating any matter referred to in sub-clause (a) or inquiring into specific complaints under sub-clause (b) of the clause (5) of Article 338 of the Constitution, the Commission shall have the powers of a Civil Court trying a suit and in particular in respect of the following matters:

- a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- b) requiring the discovery and production of any document;
- c) receiving evidence on affidavits;

- d) requisitioning of any public record or copy thereof from any court of office;
- e) issuing commissions for the examination of witnesses the documents;
- f) any other matter which the President may, by rule, determine.

5. Approach and methodology adopted by the Commission

5.1. Keeping in view its Constitutional obligations and the issues that are now critical, after almost half a century of independence, for the overall development and mainstreaming of the Scheduled Castes, the Commission, has adopted a more vigorous approach in its functioning. The meetings of the Commission are held regularly and the implementation of decisions taken is monitored keenly.

5.2 In order to monitor and evaluate the impact of development schemes, the Commission has decided to interact with the State/UT Governments more actively by holding State level review meetings with the Chief Secretaries and other senior officers and conducting field level visits. The Commission feels that as a result of these visits and meetings, the State/UT Governments will become more conscious of the genuine problems of the Scheduled Castes and would take the necessary initiative in working out remedial measures and adopting appropriate strategies.

5.3 The Commission has will also undertake research activities in the field of the rights of the members of SC community and the deprivation of such rights etc. and take measures to promote awareness regarding genuine problems faced by SCs among all sections of society.

5.4 The Commission will also undertake to cooperate/coordinate with NGOs and other Institutions/Organizations and participate in activities of the said institutions relating to social justice and empowerment especially involving SCs including entering into agreements or MOUs with other Institutions/Organizations or an organization/institution established under the patronage of the matter institution/organization etc.

5.5 The Commission, through its Headquarters and State Offices has also conducted field level inquiries and studies. This process has been given a renewed vigour with a view to ensure prompt relief, especially in matters, relating to crimes and atrocities on Scheduled Castes and the grant of development benefits.

5.6 The procedure for investigating into complaints, especially with reference to violation of service safeguards, has also been streamlined to ensure prompt and speedy disposal of cases and relief in genuine cases. By calling officers and concerned Liaison Officers to the Commission with all relevant records, many long pending cases are being decided in one or two sittings. The Commission has also used its powers of Civil Court to summon documents and enforcing attendance in conducting the inquiries.

5.7 The Commission is of the view that it is only through proper planning and effective implementation of appropriate schemes for development that the Scheduled Castes can hope to catch up with the rest of the population and realize their full potential. The Commission has, thus, made a beginning by actively associating itself and participating in the planning process at the National and State levels. Regular communication is being maintained with the Planning Commission, Ministry of Social Justice & Empowerment and the State/UT Governments. The Annual Plans of the Central Ministries, States and UT Governments are being analysed in the Commission to this end with the support of its State Offices.

6. Reports of the Commission

6.1 Clause 5(d) of Article 338 provides to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards and Clause 5(e) provides to make in such reports, recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes.

6.2 As per provision of these Clauses it is the duty of the Commission to present annually a report upon the working of Constitutional safeguards and measures taken by the Union and the States for the protection and welfare of the Scheduled Castes.

The Commission has presented eight Annual Reports¹ and six Special Reports² between 13.07.2006 and 17.03.2016 containing a number of recommendations.

6.3 Clause 6 of Article 338 provides, "The President shall cause all such reports to be laid before each House of Parliament along with a Memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of such recommendations.

6.4 Clause 7 of Article 338 provides, "Where any such report or any part thereof relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a Memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for non-acceptance, if any, of any of such recommendations.

¹ Annual Report 2004-05, Annual Report 2005-06, Annual Report 2006-07, Annual Report May2007-2010, Annual Report 2010-11 & 2011-12, Annual Report 2012-13, Annual Report 2013-14 & Annual Report 2014-15

² Special Reports on All India Institute of Medical Sciences (AIIMS), Reservation in Judiciary, Reservation in Promotion, , Non-implementation of reservation policy in BHU, Varanasi , The Problems of Migrant SC in obtaining Castes Certificates and Study of cases in NCSC on Bonded labour in Brick Kiln Sector.

7. Consultation with the Commission

Under the amended Article 338 (9), it has been provided that the Union and State Governments shall consult the Commission on all major policy matters affecting the Scheduled Castes. The Commission has impressed upon all concerned that this provision should be strictly enforced, as a result of which many Bills and other Policy matters affecting Scheduled Castes is now being received in the Commission for its views. The Commission would like to reiterate the obligatory nature of this provision and solicit the support of all concerned to bring to its notice new policies and change in existing policies, which have a bearing on the interests of SCs.

8. Functions of State Offices of the Commission

8.1 The State Offices¹ of the Commission work as ‘eyes and ears’ of the Commission. They keep a watch on the formulation of policy and issue of guidelines relating to the welfare of Scheduled Castes in the respective States/UTs under their jurisdiction and keep the Commission Headquarters informed about the developments periodically. Policy decisions taken by any State Government/UT Administration affecting the interest of the Scheduled Castes are brought to the notice of the concerned authorities for necessary modifications. The State officers are required to liaise with the State/UT Administration for taking up evaluation and other studies to assess the working of various development programmes implemented for the welfare of the Scheduled Castes and their impact on ameliorating the socio-economic conditions of the target groups. The findings of the studies are brought to the notice of the concerned State Government for taking remedial measures. The main observations are highlighted in the Commission’s Report.

8.2 The State Offices of the Commission are required to interact with the State Administrations and guide them with a view to see that the interests of the Scheduled Castes are protected and promoted while in formulating plans and policies. The State Offices also monitor the utilization of funds earmarked for plans pertaining to Scheduled Castes including keeping a watch on diversion of funds from Special Component Plan.

8.3 Each State Office sends Quarterly Report to the Commission Hqrs. on the activities undertaken by them highlighting major issues relating to welfare of Scheduled Castes in each States/UT under their jurisdiction. These reports contain useful information about the developments in a State and enable the Commission to have an overall view in respect of various States as well as national situation for taking appropriate action.

¹ Details and addresses of the State Offices - Annexure - 9

9. Secretariate of the Commission

The National Commission for Scheduled Castes functions from the Headquarters located at New Delhi and from 12 State Offices of the Commission located in various States/UTs. (**Annexure – 9**).

There are four Wings at Commission Headquarters.

1. Administration & Coordination Wing
2. Service Safeguards Wing
3. Atrocities and Protection of Civil Rights Wing
4. Economic & Social Development Wing

9.1 Administration and Co-ordination Wing

This Wing looks after personnel management of officers and staff of the Commission and provides administrative support in the functioning of the Commission , co-ordinates the various activities being performed in the Commission, including making arrangements for holding internal meetings of the Commission as well as with State/UT Administrations for reviewing the implementation of constitutional safeguards.

9.2 Service Safeguards Wing

This Wing deals with the implementation of service safeguards provided to Scheduled Castes in the Central/State Government services as well as Central and State Government Public Sector Undertakings. All representations/complaints relating to Scheduled Castes persons about their service matters are dealt within this Wing. In addition, policy matters

relating to enactment/Government orders and instructions pertaining to representation of Scheduled Castes in service, evaluation studies/surveys relating to implementation of the various Constitutional safeguards in respect of service matters are dealt in this Wing. Cases relating to false caste certificate and inclusion or exclusion of caste(s) in Scheduled Castes list are also dealt in this Wing.

9.3 Atrocities and Protection of Civil Rights Wing

This Wing deals with matters pertaining to atrocities caused on Scheduled Castes and cases relating to protection of Civil Rights Act, the Bonded Labour System (Abolition) Act, the Minimum Wages Act, etc. either on receipt of complaint from individuals or from newspapers report. Evaluation studies/surveys on these subjects are also conducted by this Wing.

9.4 Economic and Social Development Wing

This Wing deals with matters relating to development of Scheduled Castes particularly implementation and monitoring of plan schemes of the Central/State Governments. Some of the specific items of work handled by this Wing are:

- a) Special Component Plan for Scheduled Castes
- b) National Scheduled Castes Finance and Development Corporation.
- c) Representations/complaints made by Scheduled Castes persons regarding their grievances on matters other than atrocities, untouchability practices and service matters;
- d) Social Research Institute and other research bodies;
- e) Land Reforms Acts and their implementation;
- f) Education Schemes for Scheduled Castes etc.

10. Rules of Procedure

10.1 Constitutional Provisions:-

The duties of the Commission as laid down in the Article 338(5) of the Constitution are:-

- a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
- b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;
- c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development under the Union and any State;
- d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- e) to make in such report recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes; and
- f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

10.2 Chairperson :-

10.2.1 The Chairperson shall be the head of the Commission and shall have powers to decide on all questions and matters pertaining to the Commission.

10.2.2 The Chairperson shall allocate subjects and responsibilities among the Members of the Commission. The Orders allocating the subjects and responsibilities shall be notified to all concerned by the Secretariat of the Commission.

10.2.3 The Chairperson shall be the authority to sanction leave and approve tours of the Members, Secretary, Joint Secretary and Directors.

10.2.4 The Chairperson shall preside over the meetings of the Commission.

10.2.5 All important decisions in the Commission about its functioning shall be taken with the approval of the Chairperson.

10.2.6. All important administrative matter like appointments, promotions, transfers, posting, deputation and sanction of leave, etc. shall be placed before the Chairperson wherein he/she may pass general or specific order on such matter.

10.2.7 The Chairperson may call for any records on any matter which he/she considers important and may take a decision on it himself/herself or, if necessary, place it at the meeting of the Commission.

10.2.8 The Chairperson shall be authority to approve Annual Report, Special Report, and communicate to the Ministries/Departments of the Government of India/State Governments/Media.

10.2.9 The Chairperson shall take decision to conduct specific studies in the areas of the safeguards provided to SCs and shall sanction the budget required for such studies.

10.3 Vice-Chairperson :-

10.3.1 The Vice-Chairperson shall preside over the meetings of the Commission in the absence of the Chairperson.

10.3.2 The Vice-Chairperson shall perform such functions as are entrusted to him/her by the Chairperson.

10.3.3 All important administrative matters like appointments, promotions, transfers, posting, deputation and sanction of leave, etc. to other than Secretary, Joint Secretary and Directors shall be place before the Vice-Chairperson wherein he/she may pass general or specific order on such matter.

10.4 Members :-

10.4.1 The Members of the Commission shall have collective responsibility and shall function by participating in the 'meetings' and 'sittings' of the Commission and looking after

the subjects allocated to them. Important actions and decisions of a Member may be brought at a meeting of the Commission which may review the same.

10.4.2 Any Member may suggest items for inclusion in the agenda of a meeting of the Commission and the same shall be so included after obtaining the consent of the Chairperson.

10.4.3 Each Member shall have overall responsibility of subjects and/or regions or State(s) as may be allocated to him.

10.4.4 The Members shall play the role of advising the State Governments under their jurisdiction on matters of planning and development relating to the welfare of Scheduled Castes in accordance with the decision taken in the meetings of the Commission/with approval of the Chairman. The Commission's Secretariat at Headquarters and the State Offices shall assist the Members in keeping them fully informed of the problems and activities of the States and subjects under their respective charge.

10.4.5 One or more Members may, in accordance with the procedure specified in the rules elsewhere, hold sittings of the Commission to give hearing to the cases or to collect evidence or information on any matter, issue or case under investigation or inquiry of the Commission.

10.4.6 The Members shall communicate their tour programmes through the Secretariat of the Commission well in advance to the State Offices indicating in detail the purpose of the visit and to the State Government Department and other concerned for discussions/inquiry, etc., during the tour/visit and shall be responsible to submit tour/visit report before commencing next tour/visit or within a week of the tour/visit concerned.

10.4.7 The Member will observe the norms laid down by the State Governments regarding security/travel/accommodation, etc., during such tours.

10.5 Secretary :-

10.5.1 The Secretary shall be the administrative head of the secretariat of the Commission and shall assist the Chairperson/Commission in the discharge of its functions with the assistance of the officers of the Commission.

10.5.2 All important administrative matters shall be placed before the Secretary who may pass general or specific orders on such matters with the approval of the Chairperson only.

10.5.3 The Secretary shall be responsible for having the agenda prepared for the meetings of the Commission and for circulating the minutes with prior approval of the Chairperson.

10.5.4 The Secretary shall be responsible to assist and monitor preparation of Annual Report, Special Reports, and ensure proper liaison with the Ministries/Departments of GOI/State Governments/UTs.

10.5.5. The Secretary shall be accountable to the Commission and shall responsible to update the Commission with all relevant information relating to safeguards provided for the Scheduled Castes under the Constitution, under any other law for the time being in force or under any order of the Government.

10.5.6. The Secretary may, in his discretion, delegate any of his functions or authority to a subordinate officer of the Secretariat.

10.5.7 The Secretary shall be the authority to sanction leave to all Group "A" officers excluding himself and Joint Secretary of the Commission.

10.5.8 The Secretary shall be Chief Vigilance Officer of the Commission and shall report all important matters to the Chairperson pertaining to vigilance cases.

10.6 Joint Secretary:-

10.6.1 The Joint Secretary shall be responsible to monitor working of the Officials of the Commission including State Offices of the Commission.

10.6.2 All important administrative matters shall be placed before the Joint Secretary who may pass general or specific orders on such matters with the approval of the Chairperson/Secretary.

10.6.3 The Joint Secretary shall be responsible for having the agenda prepared for the meetings of the Commission.

10.6.4 The Joint Secretary shall be the authority to sanction leave to all officers of the Commission other than Director and above.

10.6.5 The Joint Secretary shall be accountable to the Commission and shall responsible to update the Commission with all relevant information relating to safeguards provided for the

Scheduled Castes under the Constitution, under any other law for the time being in force or under any order of the Government.

10.6.6. The Joint Secretary may, in his discretion, delegate any of his functions or authority to a subordinate officer of the Secretariat.

10.6.7 The Joint Secretary shall be responsible for updating the website of the Commission and shall function as a Appellate Authority for disposal of cases relating to the Right to Information Act.

10.6.8 The Joint Secretary shall also function as Vigilance Officer of the Commission and may act as Chief Vigilance Officer in absence of the Secretary of the Commission and shall report to the Chairperson/Secretary on vigilance matter.

10.7 Investigation and Inquiry by the Commission :-

10.7.1 The Commission shall function by holding 'sittings' and 'meetings' at any place within the country and also through its officers at the Headquarters and in the State Offices. The Members of the Commission including the Chairperson and the Vice-Chairperson shall function in accordance with the procedure prescribed under these rules.

10.7.2 The Commission may adopt any one or more of the following methods for investigating for inquiring into the matters falling within its authority:

- a) by the Commission directly;
- b) by an Investigating Team constituted at the Headquarters of the Commission;
- c) through its State Offices;
- d) by the State Agencies; and
- e) by any other institution/Deptt. funded by Central Government and its statutory bodies.

10.7.2 (a) Investigation and Inquiry by the Commission directly :

10.7.2 (a) (i) The Commission may hold sittings for investigation into matters relating to safeguards, protection, welfare and development of the Scheduled Castes for inquiry into specific complaints for which the Commission decided to take up investigation or inquiry directly. Such sittings may be held either at the Headquarters of the Commission or at any other place within the country.

10.7.2 (a) (ii) The sitting(s) of the Commission would be held after giving due notice to the parties intended to be heard and also due publicity/notice to the general public. Care will be taken to see that the members of the Scheduled Castes who are affected in the matter under investigation or inquiry are given due information through notice or publicity.

10.7.2 (a) (iii) When a decision for direct investigation is taken, an officer not below the rank of Investigator/Research Officer/Section Officer along with necessary staff may be attached to the Member(s) entrusted with such investigation or enquiry and they shall take all steps to arrange such sittings.

10.7.2 (a) (iv) The Commission shall convene meeting of all the Chief Secretaries, Secy. (Home), Secy. (Social Welfare), DGPs of the State and Secretaries of the Government of India, who may be considered accountable for the implementation of the programme of the safeguards as enumerated under Article 338(5)(a) once in a year for monitoring the safeguards and development.

10.7.2 (a) (v) In accordance with Clause (8) of Article 338 of the Constitution, while investigating in a matter referred to in sub-clause (a) or in inquiring into any complaint referred to in sub-clause (b) of clause (5) of Article 338, the Commission shall have all the powers of civil court trying a suit and in particular in respect of the following matters, namely:-

- a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- b) requiring the discovery and production of any document;
- c) receiving evidence on affidavits;
- d) requisitioning any public record or copy thereof from any court or office;
- e) issuing commissions for the examination of witnesses and documents;
- f) any other matter which the President may, by rule, determine.

10.7.2 (a) (vi) The Commission for the purpose of taking evidence in the investigation or inquiry, requires the presence of any person and when considered necessary may issue summons to him/her with the approval of the Chairman. The summons for enforcing attendance of any person from any part of India and examining him/her

during the course of investigation and inquiry by the Commission shall provide at least 15 days' notice to the person directed to be present before the Commission from the date of receipt of the summons. In serious cases of atrocities, three days' notice will be given to the person directed to be present before the Commission from the date of receipt of the summons by him/her.

10.7.2 (a) (vii) Where the property, service/employment of Scheduled Castes and other related matters are under immediate threat and prompt attention of the Commission is required, the matter shall be taken cognizance by issue of telex/fax to the concerned authority for making it known to them that the Commission is seized of the issue and that authority will be prohibited to take any action till the completion of the enquiry in the matter by the NCSC. Urgent reply by telegram or fax shall be called from the concerned authority. In case no reply is received within three working days, the authority concerned may be required to appear before the Commission at a three days' notice for enquiry.

10.7.2 (a) (viii) The Commission may issue commission/under Clause 8(e) of Article 338 of the Constitution to take evidence in any matter under investigation or inquiry and for this purpose appoint any person by an order in writing. The Commission may make further rules for payment of fee and travelling and other allowances to persons appointed to take evidence on commission.

10.7.2 (a) (ix) After holding the required sittings, the Member(s) who conducted the investigation shall make a report, which shall be sent to the enquiry officer appointed under Rule, 34 or any other officer authorized by the Commission to receive the report. The report received in the Commission shall be submitted within 3 days to the Chairperson for inspections. After examination, action may be initiated on the report with the approval of the Chairperson.

10.7.2 (b) Investigation or inquiry by an Investigation Team constituted at the Headquarters of the Commission :

10.7.2 (b) (i) The Commission may decide about the matter that is to be investigated or enquired into by an Investigating Team of officials of the Commission, provided that in case the matter is urgent, the decision for such investigation or inquiry may be taken by the Chairperson.

10.7.2 (b) (ii) The Investigating Team shall hold the investigation or inquiry, as the case may be, promptly and for this purpose, may initiate necessary correspondence including issuance of notices for production of documents in Form I, appended to these rules.

10.7.2 (b) (iii) The Investigating Team may visit the area concerned after observing due formalities for obtaining approval of tours and other administrative requirements and after giving information to the concerned local authorities regarding the matter, purpose, scope and procedure of the investigation or inquiry. The Investigating Team may enlist the help of the officers and staff of the concerned State Office but the responsibility of preparing and presenting the report shall rest with the head of the Investigating Team.

10.7.2 (b) (iv) The Investigating Team shall submit the report of the investigation or inquiry, as the case may be, to the Chairman/Secretary or a subordinate officer of the Commission as may be directed by general or specific orders by the Chairperson within the stipulated time, if any. If the time limit stipulated is likely to be exceeded, the head of the Investigating Team shall obtain the orders of the Chairperson through the Officer-in-charge of the matter. The report shall be examined and put upto the Chairperson for a decision regarding the action to be taken on the report.

10.7.2 (b) (v) The decision of the report shall be sent to the Secy Joint Secy/Officer-in-charge placed before the Chairperson of the Commission who will take appropriate action in the matter.

10.7.2 (c) Investigation and inquiry through the State Offices :

10.7.2 (c) (i) The Chairperson, the Vice-Chairperson, the Members having jurisdiction over the subject may decide about an investigation or inquiry that may be carried out through the State Offices of the Commission. The decision will be conveyed to the Officer-in-Charge of the concerned State Office who will be asked to get the matter investigated or inquired into within a stipulated time and send the report. The State Office shall conduct the investigation or inquiry through interrogation, on the spot visit, discussions and correspondence and examination of documents as may be necessary in the case and shall follow any special or general instructions issued in the

matter by the Chairperson/V.C./Member through the officials of the Commission from time-to-time.

10.7.2 (c) (ii) If the investigation or inquiry cannot be completed within the stipulated time, the officer-in-charge of the State Office may send a communication to the Secretariat of the Commission before the expiry of the stipulated time and explain the circumstances and reasons for non-completion of the investigation or inquiry, as the case may be, within the stipulated time. The Secretary to the Commission or the Member under delegated functions may consider the request and communicate a revised date after taking approval of the Chairperson for the completion of the investigation or inquiry.

10.7.2 (c) (iii) If during the course of investigation or inquiry, the Head of the State Office feels that it is necessary to invoke the powers of the Commission to require the production of any document or compelling the attendance of a person, he may make a special report with full facts to the Secretariat of the Commission. On receipt of such special report, the matter shall be placed before the Chairperson/Member in-charge of the subject/State/UT who may make an order that necessary legal processes to compel attendance or to require production of any document may be issued. The summons and warrants issued for the purpose may be served on the person concerned either directly or through the officer-in-charge of the State Office as may be directed by the Chairperson authorizing issue of such legal process.

10.7.2 (c) (iv) After completion of the investigation or inquiry, as the case may be, the head of the State Office shall submit the report to the Secretary of the Commission suggesting the course of action that could be followed in the matter. The gist or findings of the report may be placed before the Chairperson with specific proposals by the Secretary/Joint Secretary who may decide about further action in the matter.

10.7.2 (d) Investigation by the State Agencies :

The Chairperson may decide about an investigation or inquiry that may be carried out through the State Agencies. The decision will be conveyed to the Chief Secretary/Officer-in-Charge of the concerned State/State Agency(s) who will be asked to get the matter investigated or inquired into within a stipulated time and send the report.

10.7.2 (e) Investigation by any other institution/Deptt funded by Central Government and its statutory bodies.

10.7.3 Procedure for inquiry

10.7.3.1 Inquiry into specific complaints :

The Commission is required to inquire into specific complaints with respect to the deprivation of rights and safeguards of Scheduled Castes. In order to enable the Commission to perform this function effectively and efficiently, the Commission would like the members of Scheduled Castes to know that it will be helpful to inquire into their grievances if they substantiate their complaints with supporting documents and quote the relevant provisions of the Act or Rules or directions which have been violated.

The following aspect may be kept in mind while filing complaints before the Commission-

- a) The complaint should be directly addressed to the Chairman/Vice-Chairman/Secretary, National Commission for Scheduled Castes, New Delhi or the heads of its State Offices.
- b) The complainants should disclose his full identity and give his full address and should sign the representation.
- c) Complaints should be legibly written or typed and, where necessary, supported by authenticated documents.
- d) Complaints should clearly disclose the violation of Reservation policy, DOPT OMs, Government of India Orders, State Government Orders, PSUs and Autonomous Bodies orders or any other violation Rules of Reservation.
- e) No action will be taken on matters, which are subjudice. Hence subjudice matter need not be referred to the Commission as complaint(s).
- f) Cases pending in courts or cases in which a court has already given its final verdict may not be taken up afresh with the Commission.
- g) The cases of Administrative nature like transfer/posting/grading of ACRs will not be taken up by the Commission unless there is caste based harassment of petitioner.
- h) No action will be taken on the matters where there is no mention of violation of Reservation policy, DOPT OMs, Government of India Orders, State Government Orders, PSUs and Autonomous Bodies orders or any other violation of Rules of

Reservation. Hence the matters where there is no mention of violation of above Rules need not be referred to the Commission as complaints.

10.7.3.2 Inquiry into cases of atrocities

10.7.3.2.1 Whenever information is received in the Commission about any incident of atrocity against a person belonging to Scheduled Castes, the Commission would immediately get in touch with the law enforcing and administrative machinery of the State and the district to ascertain the details of incident and the action taken by the district administration. If after detailed inquiry/investigation; the Commission finds substance in the allegation/complaint regarding atrocity, the Commission may recommend to file an FIR against the accused with the concerned law-enforcing agency of the State/District. In such cases, the State Government/District Administration/Police Personnel may be called within three days through the summons.

10.7.3.2.2 The Commission ensures the following while by monitoring and issuing instruction to the concerned authorities :

- a) Whether the scene of occurrence of the crime has been visited immediately by Collector and Supdt. of Police of the district on receipt of information.
- b) Whether proper FIR is registered in local Police Station.
- c) Whether names of all the persons involved/cited by the complainant has been included in the FIR.
- d) Whether investigation has been taken up by a Senior Police Officer as per provisions of the POA Act, 1989 & Amended Act 2015.
- e) Whether culprits have been apprehended and booked without loss of time.
- f) Whether proper charge sheet has been filed mentioning the relevant sections of IPC together with the PCR Act, 1955 and POA, Act, 1989 & Amended POA Act, 2015 in Court.
- g) Whether the cases are tried by the Special Courts.
- h) Whether special Public Prosecutors are appointed to handle these cases.
- i) Whether Police assists the courts in bringing forward witnesses and see that the culprits are suitably punished by the courts.

10.7.3.2.3 The Commission will also monitor that:

- a) the victims are provided with suitable medical assistance and on time;
- b) adequate protection is arranged for the victims of such incidents by providing police protection by stationing a police party, by patrolling, etc;
- c) to see that proper compensation is paid to the victims as per provisions of law.

10.7.3.2.4 The Commission will, wherever possible depending upon the gravity and circumstances of the case, visit the place of incident to oversee the arrangements and to console and infuse confidence among the victims.

10.7.3.2.5 The Commission may laid down detailed procedure for conducting such inquiries and monitoring at all levels. Such inquiries can be conducted by the Members of the Commission or Teams of Investigators from Headquarters or State office of the Commission or any other officer(s)/agency duly appointed authorized by the Chairman.

10.7.3.2.6 When any offence as is described as an atrocity in the relevant acts for the time being in force, is committed in the view or presence of the Commission or has been found to have been taken cognizance by the Commission, in pursuance of the enquiry/investigation conducted by it in the discharge of its functions, the Commission may, after recording the facts constituting the offence, forward the case to a Magistrate having jurisdiction to try the same.

10.7.4 Confidentiality of certain reports : The Chairperson/Commission may, through a decision at a meeting or otherwise, direct that the contents of any report made on any matter shall be kept confidential and shall not be revealed to any person other than those who have been authorized access to such report.

10.7.5 Legal processes : All summons and warrants that are required to be issued in pursuance of the exercise of the powers of a civil court by the Commission shall be written in the prescribed form and shall bear the seal of the Commission. The legal process shall be issued from the Legal Cell of the Commission and shall bear its seal. The provisions of the Code of Civil Procedure applicable for the service of the legal processes shall be followed by the Commission.

10.7.5.1 Issue of letters and notices: Letters and notices requiring production of documents which are issued without exercising the powers of the civil court by the

Commission may be signed by an officer not below the rank of Research Officer/Section Officer/Senior Investigator.

10.7.5.2 Form of summons and warrants: The summons and warrants shall be as provided in Forms II and III respectively, appended to these rules.

10.8 Meetings of the Commission:-

10.8.1 Frequency of meetings:The Commission shall meet at least once in a month. The notice for a meeting shall normally be issued two weeks in advance. Emergent meetings may also be called by the Chairperson either on his own or on the request of a Member or the Secretary for disposing of important matters requiring urgent consideration by the Commission.

10.8.2 Quorum: Presence of at least three members including the Chairperson and/or Vice- Chairperson shall constitute the quorum for holding meeting of the Commission.

10.8.3 Matters requiring decisions by the Commission at its meetings: The following matters shall be brought up before the Commission at a meeting for consideration and decision:

- a) any amendment to these Rules of Procedure;
- b) matters to be investigated by the Commission directly;
- c) all the reports that are required to be considered by the Commission as provided in these rules;
- d) any matters that a Member may like to bring to the meeting, with the approval of the Chairperson;
- e) important matters relating to planning and development for the welfare and advancement of the Scheduled Castes and specially references received under Article 338(9) of the Constitution; and
- f) any matter that the Chairperson may direct to be placed at a meeting of the Commission.

10.8.4 Agenda for the meeting : The agenda will normally be circulated to all the Members at least seven days before the date of the meeting, provided that for an Emergent Meeting, this time limit may not apply.

10.8.5 Minutes : The minutes of a meeting shall be circulated as soon as possible to all the Members.

10.8.6 Place of meeting of the Commission : Normally the place of meeting of the Commission shall be the Headquarter of the Commission at New Delhi. The Commission may, however, decide to hold a meeting at any other place in India.

10.8.7 Fee : The Chairperson, the Vice-Chairperson and the Members shall not be entitled to any fee for sitting in the meeting of the Commission. However, the entitlement of part-time Members, if any, may be determined by the terms of appointment of such Members.

10.9 Sittings of the Commission:-

10.9.1 Need for sittings : whenever a matter is to be investigated into directly by the Commission it may do so by holding sittings of the Commission. In the case of such sittings, the presence of all the Member may not be necessary.

10.9.2 Officers to be present: Whenever a Member(s) is holding a sitting, an officer of the Commission, not below the rank of Research Officer/Section Officer, duly deputed for the purpose, shall be present to assist the Member(s) holding the sitting to discharge the functions properly and promptly. It shall be the duty of the officer to assist the Member(s) in preparing the report if called upon to do so by the Member(s). The officer shall also be responsible for assisting the Member(s) in following the prescribed procedure.

10.9.3 Frequency of sitting(s) : Sittings of the Commission may be held as and when necessary. The Commission may hold more than one sitting simultaneously in different parts of the country with different Members functioning separately.

10.9.4 Programme of the sittings: The programme of the sittings both at the Headquarters and at other places, would normally be worked out each month in advance and duly circulated.

10.9.5 Defraying expenses to witnesses :The Commission may defray travelling expenses to persons who have been called through summons to appear before the Commission in a sitting, provided that the place of residence of one person is more than 8 kms from the place of the sitting of the Commission. The amount so defrayed shall be limited to the actual travelling expenses plus Daily Allowance for the number of days that the person has

appeared before the Commission in its sitting, provided that the person is not entitled to travelling and daily allowance from any other source. Persons who are employees of the Government/Public Sector Undertaking shall be deemed to be on duty if they are summoned to depose before the Commission or produce documents. The limit of travelling expenses shall be determined on the basis of the rail fare and road mileage calculated on the basis of the rates that may be prescribed by the Commission. In the case of any doubt regarding the entitlement of the person, the decision of the Secretary of the Commission shall be final.

10.9.6 The officer attached to the Member for the purposes of the sitting shall take steps to ensure that sufficient cash amount is carried if the sitting is held at a place other than the Headquarters of the Commission. The Secretariat of the Commission may devise a suitable procedure to ensure that such claims as above are paid on the spot and in cash to the person(s) so appearing.

10.9.7 The claim for travelling expenses as above shall not be admissible in the case of a person who appears before the Commission during any investigation or enquiry on his own accord or in response to a communication or notice which is not a summon issued by the Commission.

10.10 Duties of the State Offices of the Commission

It shall be the duty of the State Offices of the Commission:

- a) To act as the "eyes and ears" of the Commission in the State(s) under their jurisdiction.
- b) To maintain effective interaction and liaison with State Government/UT Administration on behalf of the Commission.
- c) To serve on State Level Advisory Councils/Committees/Corporations, etc. on behalf of the Commission.
- d) To provide information and documentation about the policies and programmes of the Union Government for the welfare and advancement of Scheduled Castes to the States, NGOs, Media in their respective jurisdiction, and obtain similar information and documentation from such organizations and provide to the Headquarters of the Commission information/documentation about important developments, social

movements, policy changes, etc. in the State(s) affecting the interest of Scheduled Castes.

- e) To monitor and assist the working of voluntary and other non-governmental organizations receiving grant-in-aid from the Ministry of Social Justice and Empowerment as also other Ministries/Departments of the Central Government and the concerned State Governments, Foreign Aid Agencies etc., for Research Studies and any other development work relating to Scheduled Castes.
- f) To conduct Research Studies, Seminars, Conferences, Surveys, etc. either on their own or as entrusted to them by Headquarters from time- to-time.
- g) To conduct on-the-spot inquiries into cases of atrocities on Scheduled Castes either on their own or as entrusted to them by Headquarters and interact with the concerned Administrative/Police authorities having jurisdiction and report to the Headquarters.
- h) To deal with complaints/representations from individuals, Scheduled Castes Welfare Associations, etc., on various matters.
- i) To participate and advise in the planning process for socio-economic development of Scheduled Castes as envisaged under Clause (5) of Article 338 of the Constitution of India.
- j) To collect, compile, analyse and monitor issues pertaining to development of Scheduled Castes in the states especially with reference to Special Component Plan (SCP) and Special Central Assistance (SCA) and prepare drafts of Reports pertaining to the State(s)/UT(s) under their jurisdiction.
- k) To prepare and maintain a comprehensive and up-to-date database of Scheduled Castes population, education, development, etc. in the State(s)/UT(s); and
- l) To perform any other duty specifically assigned/entrusted to the State Office(s) by the Commission or the Secretary or any other officer empowered in this regard.

10.11 Advisory Role of the Commission Interaction of the Commission with the State Governments:-

10.11.1 The Commission shall interact with the State Governments through its Members, Secretariat and the State Offices.

10.11.2 The Members in-charge of the State/UT would interact with the State Government/UT Administration through meetings, personal contacts, visits and

correspondence. The information in this regard may be sent to the concerned Deptt./Organizations well in advance and the State Offices should also be informed about the same. For this purpose, detailed guidelines may be formulated by the Commission. The Secretariat of the Commission through its concerned Wing(s) would provide necessary assistance and information to the Member for enabling him to discharge his functions effectively. The State Governments should provide facilities for transport, security, accommodation, etc. to the Member as per his entitlement.

10.12 Interaction with the Planning Commission¹:-

10.12.1 The Commission shall interact with the Planning Commission at appropriate levels through representation in the various Committees, Working Groups or other such bodies set up by the Planning Commission. The Commission shall indicate this requirement through general or specific communication to the Planning Commission.

10.12.2. The Commission may request the Planning Commission to forward copies of all the documents concerning the process of planning and development and evaluation of all programmes and schemes touching upon the Scheduled Castes.

10.12.3 The Commission may decide about the manner of interaction between the Chairperson/Members of the Commission and the Deputy Chairman/Members of the Planning Commission.

10.13 Interaction of the State Offices with the State Governments:-

10.13.1 The State Offices of the Commission shall work in a manner so as to provide a regular and effective link between the State Governments concerned and the Commission. For this purpose, the Commission may send communications to the State Governments suggesting that the officers-in-charge of the State Offices of the Commission may be taken on important Planning, Evaluation and Advisory bodies including Corporations concerned with the welfare, protection and development of the Scheduled Castes.

10.13.2 The officers-in-charge of the State Offices may be directed or authorized by the Commission to convey to any State authority the formal views, opinion or approach of the

¹ Now called Niti Ayog

Commission on any specific or general matter or issue arising at any meeting or deliberation.

10.14 Research/Studies/Surveys/Evaluation:-

10.14.1 The Commission may undertake studies to evaluate the impact of the development schemes on the socio-economic development of the Scheduled Castes taken up by the Union or State Governments. For this purpose, the Commission may constitute Study Teams either at the Headquarters or at the State Offices. The Study Teams may undertake investigations, surveys or studies either in collaboration with Central or State Government authorities or Universities or Research Bodies, as the case may be, or may do so independently.

10.14.2 The Commission may entrust surveys or evaluation studies to any professional body or person considered suitable and competent to undertake such work and, for this purpose, may make any reasonable payment to such body or person towards the cost of the study by way of fee or grant.

10.14.3 The studies so undertaken or their gist may form part of the Annual or Special Report of the Commission to be presented to the President or may be published separately by the Commission.

10.14.4 The Commission may forward a copy of such a study report to the Union or the State Government concerned, as the case may be, asking for their comments, if any. The comments or action taken reports by the Union/State Government may also form part of the Annual Report of the Commission.

10.15 Monitoring Functions of the Commission:-

10.15.1 The Commission may determine from time to time the subjects or matters and areas that it would monitor relating to safeguards and other socio-economic development measures provided for the Scheduled Castes under the Constitution or under any other law for the time being in force or under any order of the Government.

10.15.2 Prescribing returns and reports

10.15.2.1 The Commission may prescribe periodical returns or reports to be furnished by any authority responsible for or having control of the subject-matter of which monitoring is being done by the Commission.

10.15.2.2 The Commission may from time to time issue instructions to its State Offices to collect information and data on any particular subject or matter from the State Governments, Local bodies, Corporate Bodies or any other authorities which is charged with the implementation of the safeguards provided for the Scheduled Castes.

10.15.2.3 The Commission may direct its State Offices to process the information of data in the State Offices with a view to arriving at conclusions with regard to the deficiencies/shortcomings discovered through such processing or analysis of the data and to bring these to the notice of the concerned authority for comments and rectification, where necessary.

10.15.2.4 The Commission may have data relating to the subjects monitored, collected at the headquarters and may prescribe returns and reports for the purpose to be sent directly to its Headquarters by the Ministries/Departments of the Central Government or a State Government or Public Sector Undertaking or any other body or authority which is charged with the responsibility of implementing safeguards relating to the Scheduled Castes.

10.16 Follow-up action:-

10.16.1 In order to ensure that monitoring is done effectively, the Commission, after getting the information as prescribed in the above rules and after reaching conclusions may as early as possible send out communications to the concerned authority describing the shortcomings that have been noticed in the implementation of the safeguards and suggesting corrective steps. Decisions on sending out such a communication may be taken at a level not lower than that of Joint Secretary/Secretary at Headquarters. Directors-in-Charge of State Offices may take decisions on routine matter whereas they will seek approval of the Secretary and the concerned Member on complete and important matters affecting the interest of Scheduled Castes as a group.

10.16.2 The Commission may ask for the comments of the concerned authority on the action taken in pursuance of the communications sent under Rule 7.6.

10.16.3 The Commission may include in its Annual Report or any Special Report, findings and conclusions arrived at through the process of monitoring of the subjects relating to the safeguards and socio-economic development measures provided for the Scheduled Castes under the Constitution or under any other law for the time being in force or under any order of the Union/State Government.

10.17 Non-formal actions by the Commission:-

10.17.1 The Commission may initiate correspondence in special cases in matters which are not strictly covered under the law if the matter is such that the welfare of an individual person belonging to Scheduled Castes or that of a group of such persons is involved and it is necessary for the Commission in its inherent capacity as the protector of the interests of these classes of persons, to take action. The decision for correspondence on such matter shall be taken at the level of Director or above.

10.17.2 All routine formal communications from the Commission shall be issued under the signatures of an Officer not below the rank of Research Officer/Section Officer.

10.17.3 The Commission can sue or be sued through its Secretary.

10.17.4 The Scheduled Castes in these rules will have the same connotation as is given in Clause (10) of Article 338 of the Constitution.

10.18 Applicability of rules, etc., of the Central Government:

10.18.1 All rules, regulations and orders issued by the Central Government and applicable in the Ministries/Departments will also apply in the Commission.

10.18.2 The provisions relating to the delegation of financial powers in the Government of India shall apply to the corresponding officers in the Commission.

10.19 Use of Staff cars :

The Staff Car Rules of the Government of India shall apply for the purposes of utilization of staff cars in the Commission.

10.20 Decision on matters not specified in these rules:-

If a question arises regarding any such matter for which no provision exists in these rules, the decision of the Chairperson shall be sought. The Chairperson may, if he deems fit, direct that the matter may be considered at a meeting of the Commission.

11. Norms of Financial Relief at a glance :

(as prescribed under POA Act 2015 and POA Rules 2016)

Sr. No.	Name of the offence	Minimum amount of relief
(1)	(2)	(3)
1.	Putting any inedible or obnoxious substance [Section 3(1)(a) of the Act]	<p>One lakh rupees to the victim. Payment to then victim be made as follows:</p> <p>(i) 10 per cent. at First Information Report (FIR) stage for serial numbers (2) and (3) and 25 percent at FIR stage for serial numbers (1), (4) and (5);</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 40 per cent. when the accused are convicted by the lower court for serial numbers (2) and (3) and likewise 25 percent for serial numbers (1), (4) and (5).</p>
2.	Dumping excreta, sewage, carcasses or any other obnoxious substance [Section 3(1)(b) of the Act]	
3.	Dumping excreta, waste matter, carcasses with intent to cause injury, insult or annoyance [Section 3(1)(c) of the Act]	
4.	Garlanding with footwear or parading naked or semi-naked[Section 3(1)(d) of the Act]	
5.	Forcibly committing acts such as removing clothes, forcible tonsuring of head, removing moustaches, painting face or body [Section 3(1)(e) of the Act]	
6.	Wrongful occupation or cultivation of land [Section 3(1)(f) of the Act]	<p>One lakh rupees to the victim. The land or premises or water supply or irrigation facility shall be restored where necessary at Government cost by the concerned State Government or Union territory Administration. Payment to the victim be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
7.	Wrongful dispossession of land or premises or interfering with the rights, including forest rights. [Section 3(1)(g) of the Act]	
8.	Begar or other forms of forced or bonded labour [Section 3(1)(h) of the Act]	<p>One lakh rupees to the victim. Payment to be made as follows:</p>
9.	Compelling to dispose or carry human or animal carcasses, or to dig graves [Section	

	3(1)(i) of the Act]	
10.	Making a member of the Scheduled Castes or the Scheduled Tribes to do manual scavenging or employing him for such purpose [Section 3(1)(j) of the Act]	(i) Payment of 25 per cent. First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
11.	Performing, or promoting dedication of a Scheduled Caste or a Scheduled Tribe woman as a devadasi [Section 3(1)(k) of the Act]	
12.	Prevention from voting, filing nomination [Section 3(1)(l) of the Act]	Eighty-five thousand rupees to the victim. Payment to be made as follows:
13.	Forcing, intimidating or obstructing a holder of office of Panchayat or Municipality from performing duties [Section 3(1)(m) of the Act]	(i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court;
14.	After poll violence and imposition of social and economic boycott [Section 3(1)(n) of the Act]	(iii) 25 per cent. when the accused are convicted by the lower court.
15.	Committing any offence under this Act for having voted or not having voted for a particular candidate [Section 3(1)(o) of the Act]	
16.	Instituting false, malicious or vexatious legal proceedings [Section 3(1)(p) of the Act]	Eighty-five thousand rupees to the victim or reimbursement of actual legal expenses and damages, whichever is less. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
17.	Giving false and frivolous information to	One lakh rupees to the victim or reimbursement of actual legal expenses and damages, whichever is

Norms of Financial Relief at a glance

	a public servant [Section 3(1)(q) of the Act]	less. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
18.	Intentional insult or intimidation to humiliate in any place within public view [Section 3(1)(r) of the Act]	One lakh rupees to the victim. Payment to be made as follows:
19.	Abusing by caste name in any place within public view [Section 3(1)(s) of the Act]	(i) 25 per cent. at First Information Report (FIR) stage;
20.	Destroying, damaging or defiling any object held sacred or in high esteem [Section 3(1)(t) of the Act]	(ii) 50 per cent. when the charge sheet is sent to the court;
21.	Promoting feelings of enmity, hatred or ill-will [Section 3(1)(u) of the Act]	(iii) 25 per cent. when the accused are convicted by the lower court.
22.	Disrespecting by words or any other means of any late person held in high esteem [Section 3(1)(v) of the Act]	
23.	Intentionally touching a Scheduled Caste or a Scheduled Tribe woman without consent, using acts or gestures, as an act of sexual nature, [Section 3(1)(w) of the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
24.	Section 326B of the Indian Penal Code (45 of 1860)--Voluntarily throwing or attempting to throw acid. [Section 3(2)(va) read with Schedule to the Act]	(a) Eight lakh and twenty-five thousand rupees to the victim with burns exceeding and 2 per cent and above burns on face or in case of functional impairment of eye, ear, nose and mouth and or burn injury on body exceeding 30 per cent; (b) four lakh and fifteen thousand rupees to the victim with burns between 10 per cent. to 30 per cent. on the body; (c) eighty-five thousand rupees to the victim with burns

		<p>less than 10 per cent. on the body other than on face.</p> <p>In addition, the State Government or Union territory Administration shall take full responsibility for the treatment of the victim of acid attack.</p> <p>The payment in terms of items (a) to (c) are to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. after receipt of medical report.</p>
25.	<p>Section 354 of the Indian Penal Code (45 of 1860) -- Assault or criminal force to woman with intent to outrage her modesty.</p> <p>[Section 3(2) (va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>
26.	<p>Section 354A of the Indian Penal Code (45 of 1860)--Sexual harassment and punishment for sexual harassment. [Section 32) (va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>
27.	<p>Section 354 B of the Indian Penal Code (45 of 1860)-- Assault or use of criminal force to woman with intent to disrobe [Section 3(2)(va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>
28.	<p>Section 354 C of the Indian Penal Code (45 of 1860)-- Voyeurism. [Section 3(2)(va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 10 per cent. at First Information Report (FIR) stage</p> <p>(ii) 50 per cent. when the charge sheet is sent to the</p>

		<p>court.</p> <p>(iii) 40 per cent. when the accused are convicted by the lower court.</p>
29.	Section 354 D of the Indian Penal Code (45 of 1860) -- Stalking. [Section 3(2)(va) read with Schedule to the Act]	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 10 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 40 per cent. when the accused are convicted by the lower court.</p>
30.	Section 376B of the Indian Penal Code (45 of 1860)-- Sexual intercourse by husband upon his wife during separation. [Section 3(2)(va) read with Schedule to the Act]	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
31.	Section 376C of the Indian Penal Code (45 of 1860) -- Sexual intercourse by a person in authority. [Section 3(2)(va) read with Schedule to the Act]	<p>Four lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>
32.	Section 509 of the Indian Penal Code (45 of 1860)-- Word, gesture or act intended to insult the modesty of a woman. [Section 3(2)(va) read with Schedule to the Act]	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
33.	Fouling or corrupting of water [Section 3(1)(x) of the Act]	<p>Full cost of restoration of normal facility, including cleaning when the water is fouled, to be borne by the concerned State Government or Union territory Administration. In addition, an amount of eight lakh twenty-five thousand rupees shall be deposited with the District Magistrate for creating community</p>

		assets of the nature to be decided by the District Authority in consultation with the Local Body.
34.	Denial of customary right of passage to a place of public resort or obstruction from using or accessing public resort [Section 3(1)(y) of the Act]	Four lakh twenty-five thousand rupees to the victim and cost of restoration of right of passage by the concerned State Government or Union territory Administration. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
35.	Forcing of causing to leave house, village, residence desert place of residence [Section 3(1)(z) of the Act]	Restoration of the site or right to stay in house, village or other place of residence by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim and reconstruction of the house at Government cost, if destroyed. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
36.	Obstructing or preventing a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to (A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing <i>ghat</i> , any public	(A): Restoration of the right using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing <i>ghat</i> , any public conveyance, any road, or passage equally with others, by the concerned State

	<p>conveyance, any road, or passage [Section 3(1)(za)(A) of the Act]</p> <p>(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions [Section 3(1)(za)(B) of the Act]</p> <p>(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including <i>jatras</i> [Section 3(1)(za)(C) of the Act]</p>	<p>Government or Union Territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p> <p>(B): Restoration of the right of mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions, equally with others by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) Payment of 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court;</p> <p>(C): Restoration of the right of entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out any religious procession or <i>jatras</i>, as is open to the public or other persons professing the same religion, social or cultural processions including <i>jatras</i>, equally with other persons, by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court.</p> <p>(iii) 25 per cent. when the accused are convicted</p>
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	<p>(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public [Section 3(1)(za)(D) of the Act]</p> <p>(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to [Section 3(1)(za)(E) of the Act]</p>	<p>by the lower court.</p> <p>(D): Restoration of the right of entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public, equally with other persons by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p> <p>(E) Restoration of the right of practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to, by the concerned State Government/Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
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37.	Causing physical harm or mental agony on the allegation of being a witch or practicing witchcraft or being a witch [Section 3(1)(zb) of the Act]	One lakh rupees to the victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
38.	Imposing or threatening a social or economic boycott. [Section 3(1)(zc) of the Act]	Restoration of provision of all economic and social services equally with other persons, by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. To be paid in full when charge sheet is sent to the lower court.
39.	Giving or fabricating false evidence [Section 3(2)(i) and (ii) of the Act]	Four lakh fifteen thousand rupees to the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted

		by the lower court.
40.	Committing offences under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more [Section 3(2) of the Act]	Four lakh rupees to the victim and or his dependents. The amount would vary, if specifically otherwise provided in this Schedule. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
41.	Committing offences under the Indian Penal Code (45 of 1860) specified in the Schedule to the Act punishable with such punishment as specified under the Indian Penal Code for such offences[Section 3(2) (va) read with the Schedule to the Act]	Two lakh rupees to the victim and or his dependents. The amount would vary if specifically otherwise provided in this Schedule. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court;
42.	Victimisation at the hands of a public servant[Section 3(2) (vii) of the Act]	Two lakh rupees to the victim and or his dependents. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
43.	Disability. Guidelines for evaluation of various disabilities and procedure for certification as contained in the Ministry of Social Justice and Empowerment Notification No. 16-18/97-NI, dated the 1 st June, 2001. A copy of the notification is at Annexure-II. (a) 100 per cent. incapacitation	Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows:

	<p>(b) where incapacitation is less than 100 per cent. but more than 50 per cent.</p> <p>(c) where incapacitation is less than 50 per cent.</p>	<p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>Four lakh and fifty thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>Two lakh and fifty thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court.</p>
44.	<p>Rape or Gang rape.</p> <p>(i) Rape [Section 375 of the Indian Penal Code(45 of 1860)]</p> <p>(ii) Gang rape [Section 376D of the Indian Penal Code(45 of 1860)]</p>	<p>Five lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p> <p>Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>
45.	<p>Murder or Death.</p>	<p>Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after post mortem report;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court.</p>

46.	Additional relief to victims of murder, death, massacre, rape, gang rape, permanent incapacitation and dacoity.	<p>In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows:-</p> <p>(i) Basic Pension to the widow or other dependents of deceased persons belonging to a Scheduled Caste or a Scheduled Tribe amounting to five thousand rupees per month, as applicable to a Government servant of the concerned State Government or Union territory Administration, with admissible dearness allowance and employment to one member of the family of the deceased, and provision of agricultural land, an house, if necessary by outright purchase;</p> <p>(ii) Full cost of the education up to graduation level and maintenance of the children of the victims. Children may be admitted to Ashram schools or residential schools, fully funded by the Government;</p> <p>(iii) Provision of utensils, rice, wheat, dals, pulses, etc., for a period of three months.</p>
47.	Complete destruction or burnt houses.	Brick or stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed.

12. Actions of State Governments at a glance

(as prescribed under POA Rules)

(Rule 1) Precautionary and Preventive Measures:

1. With a view to prevent atrocities on the Scheduled Castes and the Scheduled Tribes, the State Government shall: -
2. identify the area where it has reason to believe that atrocity may take place or there is an apprehension of reoccurrence of an offence under the Act ;
3. order the District Magistrate and Superintendent of Police or any other officer to visit the identified area and review the law and order situation ;
4. if deem necessary, in the identified area cancel the arms licenses of the persons, not being member of the Scheduled Castes or the Scheduled Tribes, their near relations, servants or employees and family friends and get such arms deposited in the Government Armoury ;
5. seize all illegal fire arms and prohibit any illegal manufacture of fire arms ;
6. with a view to ensure the safety of person and property, if deem necessary, provide arms licenses to the members of the Scheduled Castes and the Scheduled Tribes ;
7. constitute a high power State-level committee, district and divisional level committees or such number of other committees as deem proper and necessary for assisting the Government in implementation of the provisions of the Act ;
8. set-up a vigilance and monitoring committee to suggest effective measures to implement the provisions of the Act ;
9. set-up Awareness Centres and organise Workshops in the identified area or at some other place to educate the persons belonging to the Scheduled Castes and the Scheduled Tribes about their rights and the protection available to them under the provisions of various Central and State enactments or rules, regulations and schemes framed thereunder ;
10. encourage Non-Government Organisations for establishing and maintaining Awareness Centres and organising Workshops and provide them necessary financial and other sort of assistance ;
11. deploy special police force in the identified area ;

12. by the end of every quarter, review the law and order situation, functioning of different committees, performance of Special Public Prosecutors, Investigating Officers and other Officers responsible for implementing the provisions of the Act and the cases registered under the Act.

(Rule 4) Supervision of Prosecution and Submission of Report: -

1. The State Government, on the recommendation of the District Magistrate , shall prepare for each District a panel of such number of eminent senior advocates who have been in practice for not less than seven years, as it may deem necessary for conducting cases in the Special Courts and Exclusive Special Courts.

(1A) The State Government in consultation with the Director Prosecution or in charge of the prosecution, shall also specify a panel of such number of Public Prosecutors and Exclusive Special Pubic Prosecutors, as it may deem necessary for conducting cases in the Special Courts and Exclusive Special Courts, as the case may be.

2. The District Magistrate and the Director of prosecution/in-charge of the prosecution shall review at least twice in a calendar year, in the month of January and July, the performance of Special Public Prosecutors so specified or appointed and submit a report to the State Government.
3. If the State Government is satisfied or has reason to believe that a Special Public Prosecutor so appointed or specified has not conducted the case to the best of the ability and with due care and caution, his name may be, for reasons to be recorded in writing, denotified.
4. The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review,óó
 - (a) the position of cases registered under the Act ;
 - (b) the implementation of the rights of victims and witnesses, specified under the provisions of Chapter IV A of the Act,and submit a monthly report on or before 20th day of each subsequent month to the Director of Prosecution and the State

Government, which shall specify the actions taken or proposed to be taken in respect of investigation and prosecution of each case.

5. Notwithstanding anything contained in sub-rule (1) the District Magistrate or the Sub-Divisional Magistrate may, if deem necessary, or if so desired by the victims of atrocity engage an eminent Senior Advocate for conducting cases in the Special Courts or Exclusive Special Courts on such payment of fee as he may consider appropriate.
6. Payment of fee to the Special Public Prosecutor and Exclusive Special Public Prosecutor shall be fixed by the State Government on a scale higher than the other panel advocates in the State.

(Rule 5) Information to Police Officer In-Charge of a Police Station :

1. Every information relating to the commission of an offence under the Act, if given orally to an officer in-charge of a police station shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the persons giving it, and the substance thereof shall be entered in a book to be maintained by that police station.
2. A copy of the information as so recorded under sub-rule (1) above shall be given forthwith, free of cost, to the informant.
3. Any person aggrieved by a refusal on the part of an officer in-charge of a police station to record the information referred to in sub-rule (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who after investigation either by himself or by a police officer not below the rank of Deputy Superintendent of Police, shall make an order in writing to the officer in-charge of the concerned police station to enter the substance of that information to be entered in the book to be maintained by that the police station.

(Rule 6) Spot Inspection by Officers:

1. Whenever the District Magistrate or the sub-Divisional Magistrate or any other

Executive Magistrate or any police officer not below the rank of Deputy Superintendent of Police receives an information from any person or upon his own knowledge that an atrocity has been committed on the members of the Scheduled Castes or the Scheduled Tribes within his jurisdiction, he shall immediately himself visit the place of occurrence to assess the extent of atrocity, loss of life, loss and damage to the property and submit a report forthwith to the State Government.

2. The District Magistrate or the sub-Divisional Magistrate or any other executive Magistrate and the Superintendent of Police, Deputy Superintendent of Police after inspecting the place or area shall on the spot:-

- (i) draw a list of victims, their family members and dependents entitled for relief;
- (ii) prepare a detailed report of the extent of atrocity loss and damage to the property of the victims;
- (iii) order for intensive police patrolling in the area;
- (iv) take effective and necessary steps to provide protection to the witnesses and other sympathizers of the victims;
- (v) provide immediate relief to the victims;

(Rule 7) Investigating Officer

1. An offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police. The investigating officer shall be appointed by the State Government/Director General of Police/Superintendent of Police after taking into account his past experience, sense of ability and justice to perceive the implications of the case and investigate it along with right lines within the shortest possible time.
2. The investigating officer so appointed under sub-rule (1) shall complete the investigation on top priority, submit the report to the Superintendent of Police, who

in turn shall immediately forward the report to the Director General of Police or Commissioner of Police of the State Government , and the officer in- charge of the concerned police station shall file the charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days (the period is inclusive of investigation and filing of charge-sheet).

3. The Home Secretary and the Social Welfare Secretary to the State Government, Director of Prosecution the officer in-charge of Prosecution and the Director General of Police shall review by the end of every quarter the position of all investigations done by the investigating officer.

(Rule 8) Setting up of the Scheduled Castes and the Scheduled Tribes Protection Cell

1. The State Government shall set up Scheduled Castes and the Scheduled Tribes Protection Cell at the State head quarter under the charge of Director of Police/Inspector General police. This Cell shall be responsible for:-

- (i) conducting survey of the identified area;
- (ii) maintaining public order and tranquility in the identified area;
- (iii) recommending to the State Government for deployment of special police force or establishment of special police post in the identified area;
- (iv) making investigations about the probable causes leading to an offence under the Act;
- (v) restoring the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes;
- (vi) informing the nodal officer and special officer about the law and order situation in the identified area;
- (vii) making enquiries about the investigation and spot inspections conducted by various officers;

- (viii) making enquiries about the action taken by the Superintendent of Police in the cases where an officer in -charge of the police station has refused to enter and information in a book to be maintained by that police station under sub-rule (3) of rule 5;
- (ix) making enquiries about the willful negligence by a public servant;
- (x) reviewing the position of cases registered under the Act; and
- (xi) submitting a monthly report on or before 20th day of each subsequent month to the State Government nodal officer about the action taken/proposed to be taken in respect of the above.

(Rule 9) Nomination of Nodal Officer

The State Government shall nominate a nodal officer of the level of a Secretary to the State Government preferably belonging to the Scheduled Castes or the Scheduled Tribes, for coordinating the functioning of the District Magistrates and Superintendent of Police or the offices authorized by them investigating officers and other officers responsible for implementing the provisions of the Act. By the end of the every quarter, the nodal officer shall review;-

- (i) the reports received by the State Government under sub-rule (2) and (4) of Rule 4, Rule 6, clause (xi) of Rule 8.
- (ii) the position of cases registered under the Act;
- (iii) law and order situation in the identified area;
- (iv) various kinds of measures adopted for providing immediate relief in cash or kind or both to the victims of atrocity or his or her dependent;
- (v) adequacy of immediate facilities like rationing, clothing, shelter, legal aid, traveling allowance, daily allowance, and transport facilities provided to the victims of atrocity or his/her dependants;
- (vi) performance of non-Governmental organizations, the Scheduled Castes and the Scheduled Tribes Protection Cell, various committees and the public servants

responsible for implementing the provisions of the Act.

(Rule 10) Appointment of a Special Officer

In the identified area a Special Officer not below the rank of a Additional District Magistrate, Superintendent of Police or other officers responsible for implementing the provisions of the Act, various committees and the Scheduled Castes and the Scheduled Tribes Protection Cell. The Special Officer shall be responsible for:

- (i) providing immediate relief and other facilities to the victims of atrocity and initiate necessary measures to prevent or avoid re-occurrence of atrocity ;
- (ii) setting up an awareness centre and organizing workshop in the identified area or at the district head quarters to educate the persons belonging to the Scheduled Castes and Scheduled Tribes about their rights and the protection available to them under the provisions of various Central and State enactments or rules and schemes etc. framed therein ;
- (iii) co-coordinating with the non Governmental organizations and providing necessary facilities and financial and other type of assistance to non-Governmental Organization for maintaining centers or organizing workshops ;

(Rule 11). Travelling Allowance, Daily Allowance, Maintenance Expenses and Transport Facilities to the victims of Atrocities, dependents and witnesses

- (1) Every victim of atrocity or his/her dependent and witnesses shall be paid to and fro rail fare by second class in express/mail/passenger train or actual bus or taxi fare from his /her place of residence or actual bus or taxi fare from his/her place of residence or place of stay to the place of investigation or hearing of trial of an offence under the Act.
- (2) The District Magistrate or the sub-Divisional Magistrate or any other Executive Magistrate shall make necessary arrangements for providing transport facilities

- or reimbursement of full payment thereof to the victims of atrocity and witnesses for visiting the investigating officer, Superintendent of Police, Deputy Superintendent of Police, District Magistrate or any other Executive Magistrate.
- (3) Every women witness, the victim of atrocity or her dependent being a woman or a minor, a person more than sixty years of age and a person having 40 percent or more disability shall be entitled to be accompanied by an attendant of her/his choice. The attendant shall also be paid traveling and maintenance expenses as applicable to the witness or the victim of atrocity when called upon during hearing, investigation and trial of an offence under the Act.
 - (4) The witness, the victims of atrocity or his/her dependent and the attendant shall be paid daily maintenance expenses, for the days he/she is away from the place of his /her residence or stay during investigation, hearing and trial of an offence, of such rates but not less than the minimum wages, as may be fixed by the State Government for the agricultural labourers.
 - (5) In addition to daily maintenance expenses the witness, the victim of atrocity (or his/her dependant) and the attendant shall also be paid diet expenses at such rates as may be fixed by the State Government from time to time.
 - (6) The payment of traveling allowances, daily allowance, maintenance expenses and reimbursement of transport facilities shall be made immediately or not later than three days by the District Magistrate or the Sub-divisional Magistrate or any other Executive Magistrate to the victims that dependants attendant and witnesses for the days they visit the investigating officer or in-charge police station or hospital authorities or Superintendent of Police/Deputy Superintendent of Police or District Magistrate or any other officer concerned or the Special Court.
 - (7) When an offence has been committed under Section 3 of the Act, the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall reimburse the payment of medicines, special medical consultation, blood transfusion, replacement of essential clothing, meals and fruits provided to the victim (s) of atrocity.

(Rule 12) Measures to be Taken by the District Administration:

- (1) The District Magistrate and the Superintendent of Police shall visit the place or area where the atrocity has been committed to assess the loss of life and damage to the property and draw a list of victim their family members and dependents entitled for relief.
- (2) Superintendent of Police shall ensure that the First information Report is registered in the book of the concerned police station and effective measures for apprehending the accused are taken.
- (3) The Superintendent of Police, after spot inspection, shall immediately appoint an investigation officer and deploy such police force in the area and take such other preventive measures as he may deem proper and necessary.
- (4) The District Magistrate or the Sub- Divisional Magistrate or any other Executive Magistrate shall make necessary administrative and other arrangements and provide relief in cash or in kind or both within seven days to the victims of atrocity, their family members and dependents according to the scale as provided in Annexure-I read with Annexure-II of the Schedule annexed to these rules and such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items.
 - (4A) For immediate withdrawal of money from the treasury so as to timely provide the relief amount as specified in sub-rule (4), the concerned State Government or Union territory Administration may provide necessary authorisation and powers to the District Magistrate.
 - (4B) The Special Court or the Exclusive Special Court may also order socio-economic rehabilitation during investigation, inquiry and trial, as provided in clause (c) of sub-section 6 of section 15A of the Act. The relief provided to the victim of the atrocity or his/her dependent under sub-rule (4) in respect of death, or injury or damage to property shall be in addition to any other right to claim compensation in respect there of under any other law for the time being in force.

- (5) The relief and rehabilitation facilities mentioned in sub-rule (4) above shall be provided by the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate in accordance with the scales provided in the Schedule annexed to these rules.
- (6) A report of the relief and rehabilitation facilities provided to the victims shall also be forwarded to the Special Court or Exclusive Special Court by the District Magistrate or the Sub-Divisional Magistrate or the Executive Magistrate or Superintendent of Police. In case the Special Court or Exclusive Special Court is satisfied that the payment of relief was not made to the victim or his/her dependent in time or the amount of relief or compensation was not sufficient or only a part of payment of relief or compensation was made, it may order for making in full or part the payment of relief or any other kind of assistance.

(Rule 13) Selection of Officers and Other Staff Members for Completing the Work Relating to Atrocities:

- (1) The State Government shall ensure that the administrative officers and other staff members to be appointed in an area prone to atrocity shall have the right aptitude and understanding of the problems of the Scheduled Castes and the Scheduled Tribes.
- (2) It shall also be ensured by the State Government that person from the Scheduled Castes and the Scheduled Tribes are adequately represented in the administration and in the police force at all levels, particularly at the level of police posts and police station.

(Rule 14) Specific Responsibility of the State Government

- (1) The State Government shall make necessary provisions in its annual budget for providing relief and rehabilitation facilities to the victims of atrocity, as well as for implementing an appropriate scheme for the rights and entitlements of victims and witnesses in accessing justice as specified in sub-section (11) of section 15A of Chapter IV A of the Act.

- (2) The State Government shall review at least twice in a calendar year, in the month of January and July the performance of the Special Public Prosecutor and Exclusive Special Public Prosecutor specified or appointed under section 15 of the Act, various reports received, investigation made and preventive steps taken by the District Magistrate, Sub-Divisional Magistrate and Superintendent of Police, relief and rehabilitation facilities provided to the victims and the reports in respect of lapses on behalf of the concerned officers.

(Rule 15) Contingency Plan by the State Government

- (1) The State Government shall frame and implement a plan to effectively implement the provisions of the Act and notify the same in the Official Gazette of the State Government. It should specify the role and responsibility of various departments and their officers at different levels, the role and responsibility of various departments and their officers at different levels, the role and responsibility of Rural/Urban, Local Bodies and Non-Government Organizations. Inter alia this plan shall contain a package of relief measures including the following:
- a) scheme to provide immediate relief in cash or in kind or both ;
 - (aa) an appropriate scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15 A of Chapter IV A of the Act;
 - b) allotment of agricultural land and house sites ;
 - i) the rehabilitation packages ;
 - ii) scheme for employment in Government or Government undertaking to the dependant or one of the family members of the victim ;
 - iii) pension scheme for widows, dependant children of the deceased, handicapped or old age victims of atrocity.
 - iv) mandatory compensation for the victims ;
 - v) Scheme for strengthening the socio-economic condition of the victim ;
 - vi) provisions for providing brick/stone masonry house to the victims;
 - vii) such other elements as health care, supply of essential commodities, electrification, adequate drinking water facility burial/cremation ground and link roads to the Scheduled Castes and the

Scheduled Tribes habitats.

- (2) The State Government shall forward a copy of the contingency plan or a summary thereof and a copy of the scheme, as soon as may be, to the Central Government in the Ministry of Welfare and to all the District Magistrates, Sub-Divisional Magistrates. Inspectors General of Police and Superintendents of Police.

(Rule 16) Constitution of State-Level Vigilance and Monitoring Committee

- (1) The State Government shall constitute high power vigilance and monitoring committee of not more than twenty-five members consisting of the following, namely:--
- a) Chief Minister or Administrator ó Chairman (in case of a State under President's Rule, the Governor shall be the Chairman);
 - b) Home Minister, Finance Minister and Minister(s) in-charge of welfare and development of the Scheduled Castes and the Scheduled Tribes - Members (in case of a State under the President's Rule, the Advisors shall be Members);
 - c) all elected Members of Parliament and State Legislative Assembly and Legislative Council from the State belonging to the Scheduled Castes and the Scheduled Tribes shall be Members;
 - d) Chief Secretary, the Home Secretary, the Director General of Police, Director/Deputy Director, the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes shall be Members;
 - e) the Secretary in-charge to the welfare and development of the Scheduled Castes and the Scheduled Tribes shall be Convener.
- (2) The high power vigilance and monitoring committee shall meet at least twice in a calendar year, in the month of January and July to review the implementation of the provisions of the Act, scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers or

agencies responsible for implementing the provisions of the Act and review of various reports received by the State Government including that of the nodal officer and special officer.

(Rule 17) Constitution of District Level Vigilance and Monitoring Committee

- (1) In each district within the State, the District Magistrate shall set up a vigilance and monitoring committee in his district to review the implementation of the provisions of the Act, scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the District Administration.

REGD.NO.D.L(N)04/0007/2003-05

The Gazette of India

Extraordinary

PARTII-Section 1

PUBLISHED BY AUTHORITY

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1925**

Separate paging is given to this Part in order that it may be filed as a separate compilation.

**MINISTRY OF LAW AND JUSTICE
(Legislative Department)**

New Delhi, the 30th September, 2003/Asvina 8, 1925 (Saka)

The following Act of Parliament received the assent of the President on the 28th September, 2003, and is hereby published for general information:-

THE CONSTITUTION (EIGHTY-NINTH AMENDMENT) ACT, 2003

[28th September, 2003]

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:-

1.(1) This Act may be called the Constitution (Eighty-ninth Amendment) Act, 2003.

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.

2. In article 338 of the Constitution--

Amendment of
article 338

(a) for the marginal heading, the following marginal heading shall be substituted namely:-

“National Commission for Scheduled Castes”,

(b) for clause (1) and (2), the following clauses shall be substituted, namely:-

(1) There shall be a Commission for the Scheduled castes to be known as the National Commission for Scheduled Castes.

(2) Subject to the provisions of any law made in this behalf by Parliament the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.:

(c) in-clauses (5) and (10), the words “and Scheduled Tribes” where they occur shall be omitted.

Insertion of New
Article 338A.

(3). After Article 338 of the Constitution, the following article shall be inserted namely:-

National
Commission
for Scheduled
Tribes

“338 A (1) There shall be a Commission for the Scheduled Tribes to be known as the National Commission for the Scheduled Tribes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure

(5) It shall be the duty of the Commission----

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under this Constitution or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled tribes;

(c) to participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled tribes; and

(f) to discharge such other functions insulation to the protection, welfare and development and advancement of the Scheduled tribes as the President may, subject to the provisions of any law made by Parliament by rule specify.

(6) The President shall cause all such reports to be laid before each House of Parliament alongwith a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5) have all the powers of a civil court trying a suit and in particular in respect of the following manners namely:-

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents;

(f) any other matter which the President may, by rule, determine.

SUBHASH C. JAIN
Secy to the Govt. of India

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.ö

Annexure-1A

Article 338 National Commission for Scheduled Castes,

- (1) There shall be a Commission for the Scheduled castes to be known as the National Commission for Scheduled Castes.
- (2) Subject to the provisions of any law made in this behalf by Parliament the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.:
- (3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.
- (4) The Commission shall have the power to regulate its own procedure.
- (5) It shall be the duty of the Commission----
 - (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any order of the Government and to evaluate the working of such safeguards;
 - (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;
 - (c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development under the Union and any State;
 - (d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
 - (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes; and
 - (f) to discharge such other functions in addition to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament by rule specify.
- (6) The President shall cause all such reports to be laid before each House of Parliament alongwith a memorandum explaining the action taken or proposed to be taken

on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5) have all the powers of a civil court trying a suit and in particular in respect of the following manners namely:-

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses and documents;
- (f) any other matter which the President may, by rule, determine.

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes.

(10) In this article, reference to the Scheduled Castes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340 by order specify and also to the Anglo-Indian community.

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

NOTIFICATION

New Delhi, the 20th February, 2004

G.S.R.129(E).-In exercise of the powers conferred by clause (2) of article 338 of the Constitution and in supersession of the National Commission for Scheduled Castes and Scheduled Tribes Chairperson and Members (Conditions of Service and Tenure) Rules, 1990, except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules, namely:-

1. Short title and commencement:- (1) These rules may be called the National Commission for Scheduled Castes Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules, 2004.

(2) They shall come into force on the date of commencement of the Constitution (Eighty-Ninth Amendment) Act, 2003.

2 Definition- In these rules, unless the context otherwise requires,

- (a) "article" means article of the Constitution;
- (b) "Chairperson" means the Chairperson of the Commission;
- (c) "Commission" means the National Commission for Scheduled Castes established under article 338;
- (d) "Member" means a Member of the Commission and includes the Chairperson and the Vice-Chairperson;
- (e) the expression "Scheduled Castes" shall have the meaning assigned in clause (24) of article 366;
- (f) "Vice-Chairperson" means the Vice-Chairperson of the Commission.

3 Qualifications:- (1) The Members shall be appointed from amongst persons of ability, integrity and standing who have had a record of selfless service to the cause of justice for the Scheduled Castes.

(2) Subject to the provisions of sub rule (1)-

- (a) The Chairperson shall be appointed from amongst eminent socio-political workers belonging to the Scheduled Castes, who inspire

confidence amongst the Scheduled Castes by their very personality and record of selfless service.

- (b) The Vice-Chairperson and all other Members out of whom at least two shall be appointed from amongst persons belonging to the Scheduled Castes.
- (c) At least one other Member shall be appointed from amongst women.

4 Appointment of Members- The Members to be appointed under these rules may be appointed on part-time basis also.

5 **Term of Office-** (1) Save as otherwise provided in these rules, every Member shall hold office for a term of three years from the date on which he/she assumes such office.

- (2) The Members shall not be eligible for appointment for more than two terms.

6 Salaries and allowance:-

(1) Every Member shall have the rank of a Secretary to the Government of India unless otherwise specified.

(2) Every Member shall be entitled to such salaries, allowances and other facilities as admissible to a Secretary to the Government of India.

Provided that the Chairperson shall also be entitled to a rent free accommodation,

(3) Notwithstanding anything contained in sub rule (1) and (2), if the Chairperson, Vice-Chairperson or any other Member is a Member of Parliament, or a State Legislature he shall not be entitled to any remuneration other than the allowances, defined in clause (a) of Section 2 of the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959) or as the case may be, other than the allowances, if any, which a Member of the Legislature of the State may, under any law for the time being a force in the State relating to the prevention of disqualification for membership of the State Legislature receive without incurring such disqualification.

(4) Notwithstanding anything contained in sub-rules (1) and (2), a member appointed on part-time basis shall be entitled to traveling allowance and daily allowance during tour applicable to a Secretary to the Government of India.

7 Arrangement in case of permanent or temporary vacancies-

(1) If the office of the Chairperson becomes vacant or if the Chairperson is for any reason absent or unable to discharge the duties of his office, those duties shall, until the new Chairperson assumes office or the existing Chairperson resumes his office, as the case may be, be discharged by the Vice-Chairperson.

(2) If the office of the Vice-Chairperson becomes vacant or if the Vice-Chairperson is for any reason absent or unable to discharge the duties of his office, these duties shall, until the new Vice-Chairperson assumes office or the existing Vice-Chairperson resumes his office, be discharged by such other Member as the President may direct.

8. Special provision for retired persons appointed as Chairperson, Vice-Chairperson and other Members of the Commission-

Where any person, being a retired judge of Supreme Court or of a High Court or a retired government servant or retired servant of any other institution or autonomous body and in receipt of a pension in respect of any previous service, is appointed as Chairperson, Vice-Chairperson or a Member, the salary admissible to him under these rules shall be reduced by the amount of that pension and if he had received in lieu of a portion of the pension, the commuted value thereof, by the amount of that portion of the pension.

9. Resignations and Removal- (1) The Chairperson and Vice-Chairperson and any other Member, may, by notice in writing under his hand addressed to the President, resign his post. (2) (a) The Chairperson shall only be removed from his office by order of the President on the ground of misbehavior after the Supreme Court, on reference being made to it by the President, has on inquiry held in accordance with the procedure prescribed by it under sub-clause(i) of clause(1) of article 145 of the Constitution, reported that the Chairperson ought on any such ground to be removed.

(b) The President may suspend from office the Chairperson in respect of whom a reference has been made to the Supreme Court under this sub-rule until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(c) Notwithstanding anything in clause (a) the President may by order remove from office the Chairperson if the Chairperson.

- (i) is adjudged an insolvent; or
- (ii) engaged during his term of office in any paid employment outside the duties of his office; or
- (iii) gets convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude; or
- (iv) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body or has so abused the position of Chairman as to render that person's continuance in office detrimental to the interests of the Scheduled Castes.

Provided that the Chairperson shall not be removed under this clause until he has been given a reasonable opportunity of being heard in the matter.

(d) If the Chairperson is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of clause (a) be deemed guilty of misbehavior.

(3) The President shall remove a person from the office of Vice-Chairperson or Member, if that person.-

- (a) becomes an un-discharged insolvent;
- (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude;
- (c) is in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body;
- (d) refuses to act or becomes incapable of acting;
- (e) is without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or
- (f) in the opinion of the President, has so abused the position of Vice-Chairperson or Member as to render that persons continuance in office detrimental to the interest of the Scheduled Castes;

Provided that no person shall be removed under this sub-rule until he has been given reasonable opportunity of being heard in the matter.

(F.No.17016/28/2003-SCD-VI)

P. NARAYANA MURTHY, Jt. Secy.

THE PROTECTION OF CIVIL RIGHTS ACT, 1955

(Act, No.22 OF 1955)

(As on the 1st September, 1977)

(8th May, 1955)

An Act to prescribe punishment for the preaching and practice of "Untouchability" for the enforcement of any disability arising therefore and for matters connected therewith.

Be it enacted by Parliament in the Sixth Year of the Republic of India as follows:-

Short title, extent and commencement

1 (1) This Act may be called (the Protection of Civil Rights Act),1955.

(2) It extends to the whole of India.

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

Definition

2. In this Act, unless the context otherwise requires:-

(a) "civil rights" means any right accruing to a person by reason of the abolition of "untouchability" by article 17 of the Constitution;

(aa) "hotel" includes a refreshment room, a boarding house, a lodging house, a coffee house and a café;

(b) "place" includes a house, building and other structure and premises; and also includes a tent, vehicle and vessel;

(c) "Place of public entertainment" includes any place to which the public are admitted and in which an entertainment is provided or held.

Explanation”- “Entertainment” includes any exhibition, performance, game, sport and other form of amusement;

(d) “place of public worship” means a place, by whatever name known, which is used as a place of public religious worship or which is dedicated generally to, or is used generally by, persons professing any religion or belonging to any religious denomination or any section thereof, for the performance of any religious service, or for offering prayers therein; and includes-

(i) all lands and subsidiary shrines appurtenant attached or to any such place;

(ii) a privately owned place of worship which is, in fact, allowed by the owner thereof to be used as a place of public worship, and

(iii) such land or subsidiary shrine appurtenant to such privately owned place of worship as is allowed by the owner thereof to be used as a place of public religious worship;)

(da) “prescribed” means prescribed by rules made under this Act;

(db) “scheduled castes” has the meaning assigned to it in clause (24) of article 366 of the Constitution;)

(e) “shop” means any premises where goods are sold either wholesale or by retail or both wholesale and by retail and includes-

(i) any place from where goods are sold by a hawker or vendor or from a mobile van or cart,

(ii) a laundry and a hair cutting saloon;

(iii) any other place where services are rendered to customers.

3 Whoever on the ground of “untouchability” prevents any person-

(a) from entering any place of public worship which is open to other persons professing the same religion or any section thereof, as such person; or

Punishment for enforcing religious disabilities

(b) from worshipping or offering prayers or performing any religious service in any place of public worship, or bathing in or using the waters of, any sacred tank, well, spring or water-course (river or lake or bathing at any ghat of such tank, water-course, river or lake) in the same manner and to the same extent as is

permissible to other persons professing the same religion or any section thereof, as such person;

shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees

Explanation- For the purpose of this section and section 4 persons professing the buddhist, Sikh or Jain religion or persons professing the Hindu religion in any of its forms or development including Virashaivas, Lingayats, Adivasis, followers of Brahma, Prarthana, Arya Samaj and the Swaminarayan Sampraday shall be deemed to be Hindus.

4 Whoever on the ground of "untouchability" enforces against any person any disability with regard to-

Punishment for enforcing social disabilities

(i) access to any shop, public restaurant, hotel or place of public entertainment; or

(ii) the use of any utensils, and other articles kept in any public restaurant, hotel, dharmshala, sarai or musafirkhana for the use of the general public or of any section thereof; or

(iii) the practice of any profession or the carrying on of any occupation, trade or business or employment in any job; or

(iv) the use of, or access to, any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, burial or cremation ground, any sanitary convenience, any road, or passage, or any other place of public resort which other members of the public, or any section thereof, have a right to use or have access to; or

(v) the use of, or access to, any place used for a charitable or a public purpose maintained wholly or partly out of State funds or dedicated to the use of the general public or any section thereof ; or

(vi) the enjoyment of any benefit under a charitable trust created for the benefit of the general public or of any section thereof; or

(vii) the use of, or access to, any public conveyance; or

(viii) the construction, acquisition or occupation of any residential premises in any locality, whatsoever; or

(ix) the use of any dharmshala, sarai or musafirkhana which is open to the general public, or to any section thereof; or

(x) the observance of any social or religious custom, usage or ceremony or taking part in, or taking out, any religious, social or cultural procession; or

(xi) the use of jewelry and finery;

shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees

Explanation- For the purposes of this section, enforcement of any disability includes any discrimination on the ground of untouchability

5 Whoever on the ground of untouchability-

(a) refuses admission to any person to any hospital dispensary, educational institution or any hostel, if such hospital, is plenary, educational institution or hostel is established or maintained for the benefit of the general public or any section thereof; or

Punishment for refusing to admit persons to hospital, etc.,

(b) does any act which discriminates against any such person after admission to any of the aforesaid institution;

shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees

6 Whoever on the ground of untouchability refuses to sell any goods or refuses to render any service to any person at the same time and place and on the same terms and conditions at or on which such goods are sold or services are rendered to other persons in the ordinary course of business shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees.

Punishment for refusing to sell goods or render services.

7. (1) Whoever-

Punishment for other offence arising out of untouchability

(a) prevents any person from exercising any right accruing to him by reason of the abolition of 'untouchability' under article 17 of the Constitution; or

(b) molests, injures, annoys, obstructs or causes or attempts to cause obstruction to any person in the exercise of any such right or molests, injures, annoys or boycotts any person by reason of his having exercised any such right; or

(c) by words, either spoken or written, or by signs or by visible representations or otherwise, incites or encourages any person or class of persons or the public generally to practice 'untouchability' in any form whatsoever; or

(d) insults or attempts to insult, on the ground of 'untouchability' a member of a Scheduled Caste,

shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees

Explanation-I A person shall be deemed to boycott another person who-

(a) refuses to let to such other person or refuses to permit such other person, to use or occupy any house or land or refuses to deal with, work for hire for, or do business with, such other person or to render to him or receive from him any customary service, or refuses to do any of the said things on the terms on which such things would be commonly done in the ordinary course of business; or

(b) abstains from such social, professional or business relations as he would ordinarily maintain with such other person.

Explanation-II.- For the purpose of clause (c) a person shall be deemed to incite or encourage the practice of 'untouchability'-

(i) if he, directly or indirectly, preaches 'untouchability' or its practice in any form; or

(ii) if he justifies, whether on historical, philosophical or religious grounds or on the ground of any tradition of the caste system or on any other ground, the practice of 'untouchability' in any form.

(1A) Whoever commits any offence against the person or property of any individual as a reprisal or revenge for his having exercised any right accruing to him by reason of the abolition of 'untouchability' under article 17 of the constitution, shall, where

the offence is punishable with imprisonment for a term exceeding two years, be punishable with imprisonment for a term which shall not be less than two years and also with fine.

Ø Whoever-

(i) denies to any person belonging to his community or any section thereof any right or privilege to which such person would be entitled as a member of such community or section, or

(ii) takes any part in the ex-communication of such person, on the ground that such person has refused to practice 'untouchability' or that such person has done any act in furtherance of the objects of this Act.

shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees

7A. (1) Whoever compels any person, on the ground of 'untouchability' to do any scavenging or sweeping or to remove any carcass or to flay any animal or to remove the umbilical cord or to do any other job of a similar nature, shall be deemed to have enforced a disability arising out of 'untouchability'

Unlawful compulsory labour when to be deemed to be a practice of untouchability.

(2) Whoever is deemed under sub-section (1) to have enforced a disability arising out of 'untouchability' shall be punishable with imprisonment for a term which shall not be less than three months and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees.

Explanation- For the purposes of this section, "compulsion" includes a threat of social or economic boycott.

8 When a person who is convicted of an offence under section 6 holds any license under any law for the time being in force in respect of any profession, trade, calling or employment in relation to which the offence is committed, the court trying the offence may, without prejudice to any other penalty to which such person may be liable under that section, direct that the license shall stand cancelled or be suspended for such period as the court may deem fit, and every order of the court so canceling or suspending

Cancellation or
suspension of
licenses in certain
cases

a license shall have effect as if it had been passed by the authority competent to cancel or suspend the license under any such law.

Explanation:- In this section, license includes a permit or a permission.

9. Where the manager or trustee of a place of public worship or any educational institution or hostel which is in receipt of a grant of land or money from the government is convicted of an offence under this Act and such conviction is not reversed or quashed in any appeal or revision, the Government may, if in its opinion the circumstances of the case warrant such a course, direct the suspension or resumption of the whole or any part of such grant.

Resumption or suspension of grants made by Government.

10. Whoever abets any offence under this Act shall be punishable with the punishment provided for the offence.

Abetment of offence.

Explanation:- A public servant who willfully neglects the investigation of any offence punishable under this Act shall be deemed to have abetted an offence punishable under this Act.

10A (i) If, after an inquiry in the prescribed manner, the State Government is satisfied that the inhabitants of an area are concerned in, or abetting the commission of, any offence punishable under this Act, or harboring persons concerned in the commission of such offence or failing to render all the assistance in their power to discover or apprehend the offender or offenders or suppressing material evidence of the commission of such offence, the State Government may, by notification in the Official Gazette, impose a collective fine on such inhabitants and apportion such fine amongst the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the State Government's judgement of the respective means of such inhabitants and in making any such apportionment the State Government may assign a apportion of such fine to a Hindu undivided family to be payable by it:

Power of State Government to impose collective fine.

Provided that the fine apportioned to an inhabitant shall not be realised until the petition, if any, filed by him under sub-section(3) is disposed of.

(2) The notification made under sub-section(1) shall be proclaimed in the area by beat of drum or in such other manner as the State Government may think best in the circumstances to

bring the imposition of the collective fine to the notice of the inhabitants of the said area.

(3) (a) Any person aggrieved by the imposition of the collective fine under sub-section(1) or by the order of apportionment, may, within the prescribed period, file a petition before the State Government or such other authority as that Government may specify in this behalf for being exempted from such fine or for modification of the order of apportionment:

Provided that no fee shall be charged for filing such petition.

(b) The State Government or the authority specified by it shall, after giving to the petitioner a reasonable opportunity of being heard, pass such order as it may think fit:

Provided that the amount of the fine exempted or reduced under this section shall not be realisable from any person, and the total fine imposed on the inhabitants of an area under sub-section (1) shall be deemed to have been reduced to that extent.

(4) Notwithstanding anything contained in sub-section (3), the State Government may exempt the victims of any offence punishable under this Act or any person who does not, in its opinion, fall within the category of persons specified in sub-section (1), from the liability to pay the collective fine imposed under sub-section (1) or any portion thereof.

(5) The portion of collective fine payable by any person (including a Hindu undivided family) may be recovered in the manner provided by the Code of Criminal Procedure, 1973 for the recovery of fines imposed by a Court as if such portion were a fine imposed by a Magistrate.

2 of 1974

11 Whoever having already been convicted of an offence under this Act or of an abetment of such offence is again convicted of any such offence or abetment, shall, on conviction, be punishable-

Enhanced penalty on subsequent

(a) for the second offence, with imprisonment for a term of not less than six months and not more than one year, and also with fine which shall not be less than two hundred rupees and not more than five hundred rupees.

(b) For the third offence or any offence subsequent to the third offence, with imprisonment for a term of not less than one year and not more than two years, and also with fine which shall be not less than five hundred rupees and not more than one thousand rupees.

12 Where any act constituting an offence under this Act is committed

Presumption by courts in certain cases

in relation to a member of a Scheduled Caste the court shall presume, unless the contrary is proved, that such act was committed on the ground of untouchability.

13. (1) No civil court shall entertain or continue any suit or proceeding or shall pass any decree or order or execute wholly or partially any decree or order if the claim involved in such suit or proceeding or if the passing of such decree or order or if such execution would in any way be contrary to the provisions of this Act.

Limitation of jurisdiction of civil courts.

(2) No court shall, in adjudicating any matter or executing any decree or order, recognise any custom or usage imposing any disability on any person on the ground of untouchability

14. (1) If the person committing an offence under this Act is a company, every person who at the time the offence was committed was in-charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Offences by companies

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent of any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section-

(a) "company" means any body, corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

(14A)(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or a State Government for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith

(2) No suit or other legal proceeding shall lie against the Central Government or a State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

15. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable and every such offence, except where it is punishable with imprisonment for a minimum term exceeding three months, may be tried summarily by a Judicial Magistrate of the first class or in a metropolitan area by a Metropolitan Magistrate in accordance with the procedure specified in the said code. 2 of 1974

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, when any public servant is alleged to have committed the offence of abetment of an offence punishable under this Act, while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence of abetment except with the previous sanction- 2 of 1974

(a) of the Central Government, in the case of a person employed in connection with the affairs of the Union; and

(b) of the State Government, in the case of a person employed in connection with the affairs of a State.

15A. (1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for ensuring that the rights arising from the abolition of 'untouchability' are made available to, and are availed of by, the persons subjected to any disability arising out of 'untouchability' Duty of State Government to ensure that the rights accruing from the abolition of 'Untouchability' may be availed of by the concerned persons

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include-

- (i) the provision of adequate facilities, including legal aid, to the persons subjected to any disability arising out of 'untouchability' to enable them to avail themselves of such rights;
- (ii) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;
- (iii) the setting up of special courts for the trial of offences under this Act;
- (iv) the setting up of Committees at such appropriate levels as the State Government may think fit to assist the State Government in formulating or implementing such measures;
- (v) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provisions of this Act.

(vi) the identification of the areas where persons are under any disability arising out of untouchability and adoption of such measures as would ensure the removal of such disability from such areas.

3. The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1).

4. The Central Government shall, every year, place on the Table of each House of Parliament, a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

16. Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom or usage or any instrument having effect by virtue of any such law or any decree or order of any court or other authority.

Act to override other laws.

16A. The provisions of the Probation of Offenders Act, 1958, shall not apply to any person above the age of fourteen years who is found guilty of having committed any offence punishable under this Act.

20 of 1958 Probation of Offenders Act, 1958 not to apply to

16B.(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.)

17. The enactment specified in the Schedule are hereby repealed to the extent to which they or any of the provisions contained therein correspond or are repugnant to this Act or to any of the provisions contained therein. Repeal

THE SCHEDULE

(See section 17)

Power to make rules

1. The Bihar Harijan (Removal of Civil Disabilities) Act, 1949 (Bihar Act XIX of 1949).
2. The Bombay Harijan (Removal of Social Disabilities) Act, 1946 (Bombay Act X of 1974).
3. The Bombay Harijan Temple Entry Act, 1947 (Bombay Act XXXV of 1974).
4. The Central Provinces and Berar Scheduled Castes (Removal of Civil Disabilities) Act, 1947 (Central Provinces and Berar Act XXIV of 1947).
5. The Central Provinces and Berar Temple Entry Authorisation Act, 1947 (Central Provinces and Berar Act XIII of 1947).
6. The East Punjab (Removal of Religious and Social Disabilities) Act, 1948 (East Punjab Act XVI of 1948).
7. The Madras Removal of Civil Disabilities Act, 1938 (Madras Act XXI of 1938).
8. The Orissa Removal of Civil Disabilities Act, 1946 (Orissa Act XI of 1946).
9. The Orissa Temple Entry Authorisation Act, 1948 (Orissa Act XI of 1948).

10. The United Provinces Removal of Social Disabilities Act, 1947 (U.P. Act XIV of 1947).
11. The West Bengal Hindu Social Disabilities Removal Act, 1948 (West Bengal Act XXXVII of 1948).
12. The Hyderabad Harijan Temple Entry Regulation, 1358F (No.LV of 1358F Fasli).
13. The Hyderabad Harijan (removal of Social Disabilities) Regulation, 1358F (No.LVI of 1358F Fasli).
14. The Madhya Bharat Harijan Ayogta Nivaran Vidhan, Samvat 2005 (Madhya Bharat Act No.15 of 1949).
15. The Removal of Civil Disabilities Act, 1943 (Mysore Act XLII of 1943).
16. The Mysore Temple Entry Authorisation Act, 1948 (Mysore Act XIV of 1948).
17. The Saurashtra Harijan (Removal of Social Disabilities) Ordinance (No.XL of 1948).
18. The Travancore-Cochin Removal of Social Disabilities Act,1125 (Travancore-Cochin Act VIII of 1125).
19. The Travancore-Cochin Temple Entry (Removal of Disabilities Act, 1950 (Travancore Cochin Act XXVII of 1950).
20. The Coorg Scheduled Castes (Removal of Civil and Social Disabilities) Act, 1949 (Coorg Act I of 1940).
21. The Coorg Temple Entry Authorisation Act, 1949 (Coorg Act II of 1949).

THE PROTECTION OF CIVIL RIGHTS

RULES, 1977

S.O. 3006-DATED 15TH September, 1977- In exercise of the powers conferred by section 16-B of the Protection of Civil Rights Act, 1955 (22 of 1955), the Central Government hereby makes the following rules namely:-

1. Short title and commencement-

- (1) These rules may be called the **Protection of Civil Rights Rules, 1977.**
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definition-In these rules unless the context otherwise requires-

- (b) "Act" means the Protection of Civil Rights Act, 1955 (22 of 1955);
- (c) "Section" means a section of the Act.

3. Manner of Inquiry under sub-section (1) of Section 10-A.

(1) The State Government may appoint an officer not below the rank of a Sub-divisional Magistrate for the purpose of making an inquiry referred to in sub-section (1) of section 10-A.

(2) The Officer appointed under sub-rule (1) (hereinafter in this rule referred to as the inquiry officer) shall issue public notice specifying the date, time, place and the purpose of such inquiry and calling upon all the residents of the area in respect of which the inquiry is to be held to furnish such information and materials including documents in their possession, as may be relevant for the purposes of the enquiry, or

(3) The public notice referred to in sub-rule (2) shall be in the local language or languages of the area and the same shall be:-

- (i) published on the notice board in the offices of the District Magistrate, the District Superintendent of Police, the Village Panchayat or Municipal

Committee of the area and such other places as the inquiry officer deems fit and at least in one daily newspaper circulating in the area; and

- (ii) proclaimed in the area by beat of drum or in such other manner as the inquiry officer may think best in the circumstances to bring the contents of the public notice to the notice of the inhabitants of the area.

4. The inquiry officer, while making such inquiry shall follow as nearly as practicable, the procedure for summary trials including the recording of evidence as laid down in Chapter XXI of Code of Criminal Procedure, 1973,2 of 1974).

(5) The inquiry officer shall complete the inquiry as expeditiously as possible and submit his report to the State Government within such period, not exceeding six weeks as may be specified by the State Government in the order appointing the inquiry officer.

Provided that the State Government may having regard to the nature of the inquiry, extend the period of submission of the report by such period not exceeding two months in total as it may consider necessary.

4. Period for filing a petition under sub-section (3) of Section 10-A.

Any person aggrieved by the imposition of a collective fine under sub-section (1) of section 10-A or by the order of appointment, may within a period of thirty days from the date of proclamation of the notification under sub-section (2) of that section file a petition before the State Government or the authority specified by it:

Provided that where the State Government or the authority, as the case may be, may entertain the petition after the expiry of the said period if it is satisfied that the petitioner was prevented by sufficient cause from filing the petition in time.

(2) The State Government or the authority before which the petition is filed shall dispose off the petition as expeditiously as possible.

5. Report by the State Government

Every State Government shall, for the purpose of enabling the Central Government, place the report referred to in sub-section (4) of Section 15-A on the Table of each House of Parliament, furnish to the Government before the 15th day of February each year, a summary of the measures taken by it under sub-section (1) and (2) of that section during the preceding calendar year and shall also furnish such other information as maybe required by the Central Government from time to time.

The Gazette of India

EXTRAORDINARY

PART-II-Section 1

PUBLISHED BY AUTHORITY

No.39, NEW DELHI, TUESDAY, SEPTEMBER 12, 1989/

BHADRA 21, 1911

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 12th September, 1989

Bhadra 21, 1911 (Saka)

The following Act of Parliament received the assent of the President on the 11th September, 1989, and is hereby published for general information.

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

No.33 of 1989

(11th September, 1989)

An Act to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Court for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:-

CHAPTER-1

PRELIMINARY

- 1.** (1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- 2.** (1) In this Act, unless the context otherwise requires-
 - (a) "Atrocity" means an offence punishable under section 3;
 - (b) "Code" means the Code of Criminal Procedure, 1973;

- (c) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution;
- (d) "Special Court" means a Court of Session specified as a Special Court in section 14;
- (e) "Special Public Prosecutor" means a Public Prosecutor specified as a Special Public Prosecutor or an advocate referred to in section 15;
- (f) words and expressions used but not defined in this Act and defined in the Code or the Indian Penal Code shall have the meanings assigned to them respectively in the Code, or as the case may be, in the Indian Penal Code.

(2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER- II

OFFENCES OF ATROCITIES

3. (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe-

- (i) forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance;
- (ii) 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 in his premises or neighborhood;
- (iii) Forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or

body or commits any similar act which is derogatory to human dignity;

- (iv) wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred;
 - (v) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water;
 - (vi) Compels or entices a member of a Scheduled Castes or a Scheduled Tribes to do 'begar' or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government;
 - (vii) forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law;
 - (viii) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;
 - (ix) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or Scheduled Tribe;
 - (x) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;
 - (xi) assaults or uses force to any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonor or outrage her modesty;
 - (xii) being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually to which she would not have otherwise agreed;
 - (xiii) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;
 - (xiv) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to;
 - (xv) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence;
- 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.

- 2 Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe-
- (i) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled Tribes be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death;
 - (ii) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine;
 - (iii) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of 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 seven years and with fine;
 - (iv) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine;
 - (v) commits any offence under the Indian Penal Code punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;
 - (vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false shall be punishable with the punishment provided for that offence; or
 - (vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.
- 4 Whoever, being a public servant but not being a member of a Scheduled Caste or

a Scheduled Tribe, willfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

5 Whoever, having already been convicted of an offence under this Chapter is convicted for the second offence or any offence subsequent to the second offence, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

6. Subject to the other provisions of this Act, the provisions of section 34, Chapter III, Chapter IV, Chapter V, Chapter VA, section 149 and Chapter XXIII of the Indian Penal Code, shall, so far as may be, apply for the purposes of this Act as they apply for the purposes of the Indian Penal Code.

7. (1) Where a person has been convicted of any offence punishable under this Chapter, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both, belonging to the person, which has been used for the commission of that offence, shall stand forfeited to Government.

(2) Where any person is accused of any offence under this Chapter, it shall be open to the Special Court trying him to pass an order that all or any of the properties, movable or immovable or both, belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the property so attached shall be liable to forfeiture to the extent it is required for the purpose of realisation of any fine imposed under this Chapter.

8. In a prosecution for an offence under this Chapter, if it is proved that-

(a) the accused rendered any financial assistance to a person accused of, or reasonably suspected of committing, an offence under this Chapter the, Special Court shall presume, unless the contrary is proved, that such person had abetted the offence;

(b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was sequel to any existing dispute regarding land or any other matter, it shall be presumed that offence was committed in furtherance of the common intention or in prosecution of the common object.

9. (1) Notwithstanding anything contained in the code or in any other provision of this Act, the State Government may, if it considers it necessary or expedient so to do-

(a) for the prevention of and for coping with any offence under this Act, or

(b) for any case or class or group of cases under this Act, in any district or part thereof, confer, by notification in the Official Gazette, on any officer of the State Government, the powers exercisable by a police officer under the Code in such district or

part thereof or, as the case may be, for such case or class or group of cases, and in particular, the powers of arrest, investigation and prosecution of persons before any Special Court.

(2) All officers of police and all other officers of Government shall assist the officer referred to in sub-section (1) in the execution of the provisions of this Act or any rule, scheme or order made there under.

(3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1)

CHAPTER III

EXTERNMENT

10. (1) Where the Special Court is satisfied, upon a complaint or a police report that a person is likely to commit an offence under Chapter II of this Act in any area included in "Scheduled Areas" or "tribal areas" as referred to in article 244 of the Constitution, it may, by order in writing, direct such person to remove himself beyond the limits of such area, by such route and within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself for such period, not exceeding two years, as may be specified in the order.

(2) The Special Court shall, along with the order under sub-section (1), communicate to the person directed under that sub-section the grounds on which such order has been made.

(3) The Special Court may revoke or modify the order made under sub-section (1), for the reasons to be recorded in writing, on the representation made by the person against whom such order has been made or by any other person on his behalf within thirty days from the date of the order.

11. (1) If a person to whom a direction has been issued under section 10 to remove himself from any area-

(a) fails to remove himself as directed; or

(b) having so removed himself enters such area within the period specified in the order,
otherwise than with the permission in writing of the Special Court under sub-section (2), the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

(2) The Special Court may, by order in writing, permit any person in respect of whom an order under section 10 has been made, to return to the area from which he

was directed to remove himself for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observation of the conditions imposed.

(3) The Special Court may at any time revoke any such permission.

(4) Any person who, with such permission, returns to the area from which he was directed to remove himself shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside such area and shall not return thereto within the unexpired portion specified under section 10 without a fresh permission.

(5) If a person fails to observe any of the conditions imposed or to remove himself accordingly or having so removed himself enters or returns to such area without fresh permission the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

12. (1) Every person against whom an order has been made under section 10 shall, if so required by the Special Court, allow his measurements and photographs to be taken by police officer.

(2) If any person referred to in sub-section (1), when required to allow his measurements or photographs to be taken resists or refuses to allow his taking of such measurements or photographs, it shall be lawful to use all necessary means to secure the taking thereof.

(3) Resistance to or refusal to allow the taking of measurements or photographs under sub-section (2) shall be deemed to be an offence under section 186 of the Indian Penal Code.

(4) Where an order under section 10 is revoked, all measurements and photographs (including negative) taken under sub-section (2) shall be destroyed or made over to the person against whom such order is made.

13. Any person contravening an order of the Special Court made under section 10 shall be punishable with imprisonment for a term which may extend to one year and with fine.

CHAPTER -IV

Special courts

14. For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for each district a Court of Session to be a Special Court to try offences under this Act.

15. For every Special Court, the State Government shall, by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

CHAPTER-V Miscellaneous

16. The provisions of section 10A of the Protection of Civil Rights Act, 1955, shall, so far as may be, apply for the purposes of imposition and realisation of collective fine and for all other matters connected therewith under this Act.

17. (1) A District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of a Deputy Superintendent of Police may, on receiving information and after such inquiry as he may think necessary, has reason to believe that a person or a group of persons not belonging to the Scheduled Castes or the Scheduled Tribes, residing in or frequenting any place within the local limits of his jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take necessary action for keeping the peace and good behavior and maintenance of public order and tranquility and may take preventive action.

(2) The provisions of Chapters VIII, X and XI of the Code shall, so far as may be, apply for the purposes of sub-section (1)

(3) The State Government may, by notification in the Official Gazette, make one or more schemes specifying the manner in which the officers referred to in subsection (1) shall take appropriate action specified in such scheme or schemes to prevent atrocities and to restore the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes.

18. Nothing in section 438 of the code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.

19. The provisions of section 360 of the Code and the provisions of the Probation of Offenders Act, 1958 shall not apply to any person above the age of eighteen years who is found guilty of having committed an offence under this Act.

20. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

21. (1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include-

(i) the provision for adequate facilities, including legal aid, to the persons subjected to atrocities to enable them to avail themselves of justice;

(ii) the provision for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under this Act;

(iii) the provision for the economic and social rehabilitation of the victims of the atrocities;

(iv) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;

(v) the setting up of committees at such appropriate levels as the State Government may think fit to assist that Government in formulation or implementation of such measures;

(vi) provisions for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provisions of this Act;

(vii) the identification of the areas where the members of the Scheduled Castes and the Scheduled Tribes are likely to be subjected to atrocities and adoption of such measures so as to ensure safety for such members.

(3) The Central Government shall take such steps as maybe necessary to co-ordinate the measures taken by the State Governments under sub-section- (1).

(4) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

22. No suit, prosecution or other legal proceedings shall lie against the central Government or against the State Government or any officer or authority of Government or any other person for anything which is in good faith done or intended to be done under this Act.

23. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if,

before the expiry of the session immediately following the session or the successive sessions, aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; show however, that any such modification annulment shall be without prejudice to the validity of anything previously done under that rule.

**V.S. RAMA DEVI,
Secy. to the Govt. of India**

MINISTRY OF WELFARE
New Delhi, the 31st March, 1995

NOTIFICATION

G.S.R. 316 (E). - In exercise of the powers conferred by sub-section (1) of Section 23 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the Central Government hereby makes the following rules, namely: -

1. SHORT TITLE AND COMMENCEMENT: (1) These rules may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. DEFINITIONS: In these rules, unless the context otherwise requires: -

- (a) "Act" means the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989);
- (b) "dependent", with its grammatical variations and cognate expressions, includes wife, children, whether married or unmarried, dependent parents, widowed sister, widow and children of pre-deceased son of a victims of atrocity;
- (c) "identified area" means such area where State Government has reason to believe that atrocity may take place or there is an apprehension of reoccurrence of an offence under the Act or an area prone to victim of atrocity;
- (d) "Non Government Organisation" means a voluntary organisation engaged in the welfare activities relating to the Scheduled Castes and the Scheduled Tribes and registered under the Societies Registration Act, 1866 (21 of 1866) or under any law for the registration of documents or such organisation for the time being in force;
- (e) "Schedule" means the Schedule annexed to these rules;
- (f) "Section" means section of the Act;
- (g) "State Government", in relation to a Union Territory, means the Administrator of that Union Territory appointed by the President under Article 239 of the Constitution;
- (h) words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. PRECAUTIONARY AND PREVENTIVE MEASURES:

1 With a view to prevent atrocities on the Scheduled Castes and the Scheduled Tribes, the State Government shall: -

- (i) identify the area where it has reason to believe that atrocity may take place or there is an apprehension of reoccurrence of an offence under the Act ;
- (ii) order the District Magistrate and Superintendent of Police or any other officer to visit the identified area and review the law and order situation ;
- (iii) if deem necessary, in the identified area cancel the arms licenses of the persons, not being member of the Scheduled Castes or the Scheduled Tribes, their near relations, servants or employees and family friends and get such arms deposited in the Government Armoury ;
- (iv) seize all illegal fire arms and prohibit any illegal manufacture of fire arms ;
- (v) with a view to ensure the safety of person and property, if deem necessary, provide arms licenses to the members of the Scheduled Castes and the Scheduled Tribes ;
- (vi) constitute a high power State-level committee, district and divisional level committees or such number of other committees as deem proper and necessary for assisting the Government in implementation of the provisions of the Act ;
- (vii) set-up a vigilance and monitoring committee to suggest effective measures to implement the provisions of the Act ;
- (viii) set-up Awareness Centres and organise Workshops in the identified area or at some other place to educate the persons belonging to the Scheduled Castes and the Scheduled Tribes about their rights and the protection available to them under the provisions of various Central and State enactments or rules, regulations and schemes framed thereunder ;
- (ix) encourage Non-Government Organisations for establishing and maintaining Awareness Centres and organising Workshops and provide them necessary

financial and other sort of assistance ;

- (x) deploy special police force in the identified area ;
- (xi) by the end of every quarter, review the law and order situation, functioning of different committees, performance of Special Public Prosecutors, Investigating Officers and other Officers responsible for implementing the provisions of the Act and the cases registered under the Act.

4. SUPERVISION OF PROSECUTION AND SUBMISSION OF REPORT: -

(1) The State Government on the recommendation of the District Magistrate shall prepare for each District panel of such number of eminent senior advocates who has been in practice for not less than seven years, as it may deem necessary for conducting cases in the Special Courts. Similarly, in consultation with the Director Prosecution in-charge of the prosecution, a panel of such number of Public Prosecutors as it may deem necessary for conducting cases in the Special Courts, shall also be specified. Both these panels shall be notified in the Official Gazette of the State and shall remain in force for a period of three years.

(2) The District Magistrate and the Director of prosecution/in-charge of the prosecution shall review at least twice in a calendar year, in the month of January and July, the performance of Special Public Prosecutors so specified or appointed and submit a report to the State Government.

(3) If the State Government is satisfied or has reason to believe that a Special Public Prosecutor so appointed or specified has not conducted the case to the best of the ability and with due care and caution, his name may be, for reasons to be recorded in writing, denotified.

(4) The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20th day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the action taken/proposed to be taken in respect of investigation and prosecution of each case.

(5) Notwithstanding anything contained in sub-rule (1) the District Magistrate or the Sub-Divisional Magistrate may, if deem necessary, or if so desired by the victims of atrocity engage an eminent Senior Advocate for conducting cases in the Special Courts on such payment of fee as he may consider appropriate.

(6) Payment of fee to the Special Public Prosecutor shall be fixed by the State Government on a scale higher than the other panel advocates in the State.

5. INFORMATION TO POLICE OFFICER IN-CHARGE OF A POLICE STATION :

(1) Every information relating to the commission of an offence under the Act, if given orally to an officer in-charge of a police station shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the persons giving it, and the substance thereof shall be entered in a book to be maintained by that police station.

(2) A copy of the information as so recorded under sub-rule (1) above shall be given forthwith, free of cost, to the informant.

(3) Any person aggrieved by a refusal on the part of an officer in-charge of a police station to record the information referred to in sub-rule (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who after investigation either by himself or by a police officer not below the rank of Deputy Superintendent of Police, shall make an order in writing to the officer in-charge of the concerned police station to enter the substance of that information to be entered in the book to be maintained by that the police station.

6. SPOT INSPECTION BY OFFICERS:

(1) Whenever the District Magistrate or the sub-Divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of Deputy Superintendent of Police receives an information from any person or upon his own knowledge that an atrocity has been committed on the members of the Scheduled Castes or the Scheduled Tribes within his jurisdiction, he shall immediately himself visit the place of occurrence to assess the extent of atrocity, loss of life, loss and damage to the property and submit a report forthwith to the State Government.

(2) The District Magistrate or the sub-Divisional Magistrate or any other executive Magistrate and the Superintendent of Police, Deputy Superintendent of Police after inspecting the place or area shall on the spot:-

- (i) draw a list of victims, their family members and dependents entitled for relief;
- (ii) prepare a detailed report of the extent of atrocity loss and damage to the property of the victims;
- (iii) order for intensive police patrolling in the area;
- (iv) take effective and necessary steps to provide protection to the witnesses and other sympathizers of the victims;
- (v) provide immediate relief to the victims;

7. INVESTIGATING OFFICER

(1) An offence committed under the Act shall be investigated by a police officer not

below the rank of a Deputy Superintendent of Police. The investigating officer shall be

appointed by the State Government/Director General of Police/Superintendent of Police after taking into account his past experience, sense of ability and justice to perceive the implications of the case and investigate it along with right lines within the shortest possible time.

(2) The investigating officer so appointed under sub-rule (1) shall complete the investigation on top priority within thirty days and submit the report to the Superintendent of Police who in turn will immediately forward the report to the Director General of Police of the State Government.

(3) The Home Secretary and the Social Welfare Secretary to the State Government, Director of Prosecution the officer in-charge of Prosecution and the Director General of Police shall review by the end of every quarter the position of all investigations done by the investigating officer.

8. SETTING UP OF THE SCHEDULED CASTES AND THE SCHEDULED TRIBES PROTECTION CELL

(1) The State Government shall set up Scheduled Castes and the Scheduled Tribes Protection Cell at the State head quarter under the charge of Director of Police/Inspector General police. This Cell shall be responsible for:-

- (i) conducting survey of the identified area;
- (ii) maintaining public order and tranquility in the identified area;
- (iii) recommending to the State Government for deployment of special police force or establishment of special police post in the identified area;
- (iv) making investigations about the probable causes leading to an offence under the Act;
- (v) restoring the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes;
- (vi) informing the nodal officer and special officer about the law and order situation in the identified area;
- (vii) making enquiries about the investigation and spot inspections conducted by various officers;
- (viii) making enquiries about the action taken by the Superintendent of Police in the cases where an officer in -charge of the police station has refused to enter and information in a book to be maintained by that police station under sub-rule (3) of rule 5;

- (ix) making enquiries about the willful negligence by a public servant;
- (x) reviewing the position of cases registered under the Act; and

- (xi) submitting a monthly report on or before 20th day of each subsequent month to the State Government nodal officer about the action taken/proposed to be taken in respect of the above.

9. NOMINATION OF NODAL OFFICER

The State Government shall nominate a nodal officer of the level of a Secretary to the State Government preferably belonging to the Scheduled Castes or the Scheduled Tribes, for coordinating the functioning of the District Magistrates and Superintendent of Police or the offices authorized by them investigating officers and other officers responsible for implementing the provisions of the Act. By the end of the every quarter, the nodal officer shall review;-

- (i) the reports received by the State Government under sub-rule (2) and (4) of rule 4, rule 6, clause (xi) of rule 8.
- (ii) the position of cases registered under the Act;
- (iii) law and order situation in the identified area;
- (iv) various kinds of measures adopted for providing immediate relief in cash or kind or both to the victims of atrocity or his or her dependent;
- (v) adequacy of immediate facilities like rationing, clothing, shelter, legal aid, traveling allowance, daily allowance, and transport facilities provided to the victims of atrocity or his/her dependants;
- (vi) performance of non-Governmental organizations, the Scheduled Castes and the Scheduled Tribes Protection Cell, various committees and the public servants responsible for implementing the provisions of the Act.

10. APPOINTMENT OF A SPECIAL OFFICER

In the identified area a Special Officer not below the rank of a Additional District Magistrate, Superintendent of Police or other officers responsible for implementing the provisions of the Act, various committees and the Scheduled Castes and the Scheduled Tribes Protection Cell. The Special Officer shall be responsible for:

- (i) providing immediate relief and other facilities to the victims of atrocity and initiate necessary measures to prevent or avoid re-occurrence of atrocity ;
- (ii) setting up an awareness centre and organizing workshop in the identified area or at the district head quarters to educate the persons belonging to the Scheduled Castes and Scheduled Tribes about their rights and the protection available to them under the provisions of various Central and State enactments or rules and schemes etc. framed therein ;

- (iii) co-coordinating with the non Governmental organizations and providing necessary facilities and financial and other type of assistance to non-Governmental Organization for maintaining centers or organizing workshops ;

11. TRAVELLING ALLOWANCE DAILY ALLOWANCE MAINTENANCE EXPENSES AND TRANSPORT FACILITIES TO THE VICTIM OF ATROCITY, HIS OR HER DEPENDENT AND WITNESSES

(1) Every victim of atrocity or his/her dependent and witnesses shall be paid to and fro rail fare by second class in express/mail/passenger train or actual bus or taxi fare from his /her place of residence or actual bus or taxi fare from his/her place of residence or place of stay to the place of investigation or hearing of trial of an offence under the Act.

(2) The District Magistrate or the sub-Divisional Magistrate or any other Executive Magistrate shall make necessary arrangements for providing transport facilities or reimbursement of full payment thereof to the victims of atrocity and witnesses for visiting the investigating officer, Superintendent of Police, Deputy Superintendent of Police, District Magistrate or any other Executive Magistrate.

(3) Every women witness, the victim of atrocity or her dependent being a woman or a minor, a person more than sixty years of age and a person having 40 percent or more disability shall be entitled to be accompanied by an attendant of her/his choice. The attendant shall also be paid traveling and maintenance expenses as applicable to the witness or the victim of atrocity when called upon during hearing, investigation and trial of an offence under the Act.

(4) The witness, the victims of atrocity or his/her dependent and the attendant shall be paid daily maintenance expenses, for the days he/she is away from the place of his /her residence or stay during investigation, hearing and trial of an offence, of such rates but not less than the minimum wages, as may be fixed by the State Government for the agricultural laboures.

(5) In addition to daily maintenance expenses the witness, the victim of atrocity (or his/her dependant) and the attendant shall also be paid diet expenses at such rates as may be fixed by the State Government from time to time.

(6) The payment of traveling allowances, daily allowance, maintenance expenses and reimbursement of transport facilities shall be made immediately or not later than three days by the District Magistrate or the Sub-divisional Magistrate or any other Executive Magistrate to the victims that dependants attendant and witnesses for the days they visit the investigating officer or in-charge police station or hospital authorities or Superintendent of Police/Deputy Superintendent of Police or District Magistrate or any other officer concerned or the Special Court.

⑦ When an offence has been committed under Section 3 of the Act, the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall reimburse the payment of medicines, special medical consultation, blood transfusion, replacement of essential clothing, meals and fruits provided to the victim (s) of atrocity.

12. MEASURES TO BE TAKEN BY THE DISTRICT ADMINISTRATION: -

(1) The District Magistrate and the Superintendent of Police shall visit the place or area where the atrocity has been committed to assess the loss of life and damage to the property and draw a list of victim their family members and dependents entitled for relief.

(2) Superintendent of Police shall ensure that the First information Report is registered in the book of the concerned police station and effective measures for apprehending the accused are taken.

(3) The Superintendent of Police, after spot inspection, shall immediately appoint an investigation officer and deploy such police force in the area and take such other preventive measures as he may deem proper and necessary.

(4) The District Magistrate or the Sub Divisional Magistrate or any other Executive Magistrate shall make arrangements for providing immediate relief in cash or in kind or both to the victims of atrocity, their family members and dependents according to the scale as in the schedule annexed to these Rules (Annexure-1). Such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items necessary for human beings.

(5) The relief provided to the victim of the atrocity or his/her dependent under sub-rule (4) in respect of death, or injury or damage to property shall be in addition to any other right to claim compensation in respect there of under any other law for the time being in force.

(6) The relief and rehabilitation facilities mentioned in sub-rule (4) above shall be provided by the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate in accordance with the scales provided in the Schedule annexed to these rules.

(7) A report of the relief and rehabilitation facilities provided to the victims shall also be forwarded to the Special Court by the District Magistrate or the Sub-Divisional Magistrate or the Executive Magistrate or Superintendent of Police. In case the Special Court is satisfied that the payment of relief was not made to the victim or his/her dependent in time or the amount of relief or compensation was not sufficient or only a part of payment of relief or compensation was made, it may order for making in full or part the payment of relief or any other kind of assistance.

(13) SELECTION OF OFFICERS AND OTHER STAFF MEMBERS FOR COMPLETING THE WORK RELATING TO ATROCITY:

(1) The State Government shall ensure that the administrative officers and other staff members to be appointed in an area prone to atrocity shall have the right aptitude and understanding of the problems of the Scheduled Castes and the Scheduled Tribes.

(2) It shall also be ensured by the State Government that person from the Scheduled Castes and the Scheduled Tribes are adequately represented in the administration and in the police force at all levels, particularly at the level of police posts and police station.

14. SPECIFIC RESPONSIBILITY OF THE STATE GOVERNMENT

The State Government shall make necessary provisions in its annual budget for providing relief and rehabilitation facilities to the victims of atrocity. It shall review at least twice in a calendar year, in the month of January and July the performance of the Special Public Prosecutor specific or appointed under Section 15 of the Act, various reports received, investigation made and preventing steps taken by the District magistrate, Sub-Divisional Magistrate and Superintendent of Police, relief and rehabilitation facilities provided to the victims and the reports in respect of lapses on behalf of the concerned officers.

15. CONTINGENCY PLAN BY THE STATE GOVERNMENT

(1) The State Government shall prepare a model contingency plan for implementing the provisions of the Act and notify the same in the Official Gazette of the State Government. It should specify the role and responsibility of various departments and their officers a different level, the role and responsibility of various departments and their officers a different levels, the role and responsibility of Rural/Urban, Local Bodies and Non-Government Organizations. Inter alia this plan shall contain a package of relief measures including the following:

- (a) scheme to provide immediate relief in cash or in kind or both ;
- (b) allotment of agricultural land and house sites ;
- (c) the rehabilitation packages ;
- (d) scheme for employment in Government or Government undertaking to the dependant or one of the family members of the victim ;
- (e) pension scheme for widows, dependant children of the deceased, handicapped or old age victims of atrocity.
- (f) mandatory compensation for the victims ;

(g) Scheme for strengthening the socio-economic condition of the victim ;

- (h) provisions for providing brick/stone masonry house to the victims;
- (i) such other elements as health care, supply of essential commodities, electrification, adequate drinking water facility burial/cremation ground and link roads to the Scheduled Castes and the Scheduled Tribes habitats.

(2) The State Government shall forward a copy of the contingency plan or a summary thereof and a copy of the scheme, as soon as may be, to the Central Government in the Ministry of Welfare and to all the District Magistrates, Sub-Divisional Magistrates, Inspectors General of Police and Superintendents of Police.

16. CONSTITUTION OF STATE-LEVEL VIGILANCE AND MONITORING COMMITTEE

(1) The State Government shall constitute a high power vigilance and monitoring committee of not more than 25 members consisting of the following:

- (i) Chief Minister/Administrator-Chairman (in case of a State under President's Rule Governor-Chairman).
- (ii) Home Minister, Finance Minister and Welfare Minister- Members (in case of a State under the President's Rule Advisors-Members).
- (iii) All elected Members of Parliament and State Legislative Assembly and Legislative Council from the State belonging to the Scheduled Castes and Scheduled Tribes-Members.
- (iv) Chief Secretary, the Home Secretary, the Director General of Police, Director/Deputy Director National Commission for Scheduled Castes and the Scheduled Tribes-Members.
- (v) The Secretary in-charge of the Welfare and Development of the Scheduled Castes and the Scheduled Tribes-Convener

(2) The high power vigilance and monitoring committee shall meet at least twice in a calendar year, in the month of January and July to review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing, the provisions of the Act and various reports received by the State Government.

17. CONSTITUTION OF DISTRICT LEVEL VIGILANCE AND MONITORING COMMITTEE

(1) In each district within the State, the District Magistrate shall set up a vigilance and monitoring committee in his district to review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different

officers/agencies responsible for implementing the provisions of the Act and various reports received by the District Administration.

(2) The district level vigilance and monitoring committee shall consist of the elected Members of the Parliament and State Legislative Assembly and Legislative Assembly and Legislative Council, Superintendent of Police, three group 'A' officers/Gazetted officers of the State Government belonging to the Scheduled Castes and the Scheduled Tribes, not more than 5 non- official Members belonging to the Scheduled Castes and the Scheduled Tribes and not more than 3 members from the categories other than the Scheduled Castes and the Scheduled Tribes having association with Non-Government Organizations. The District Magistrate and District Social Welfare Officer shall be Chairman and Member Secretary respectively.

(3) The district level committee shall meet at least once in three months.

18. MATERIAL FOR ANNUAL REPORT

The State Government shall every, before the 31st March, forward the report to the Central Government about the measures taken for implementing provisions of the Act and various schemes plans framed by it during the previous calendar year.

[File No. 11012/1/89-PCR (Desk)]

GANGA DAS
Joint Secretary



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

[भाग II — खण्ड 1]

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1]

नई दिल्ली, शक्र वार, जनवरी 1, 2016 / पौष 11, 1937 194शक1१२

No. 1]

NEW DELHI, FRIDAY, JANUARY 1, 2016/PAUSHA 11, 1937 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 1st January, 2016/Pausha 11, 1937 (Saka)

The following Act of Parliament received the assent of the President on the 31st December, 2015, and is hereby published for general information:ô

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) AMENDMENT ACT, 2015

No. 1 OF 2016

[31st December, 2015.]

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

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:ô

1. (1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

Short title
and com-
mencement.

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

33 of 1989. 2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the principal Act), in the long title, for the words ôSpecial Courtsö, of long title. the words ôSpecial Courts and the Exclusive Special Courtsö shall be substituted.

3. In section 2 of the principal Act, in sub-section (1),

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

(bb) dependent means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for his support and maintenance;

(bc) economic boycott means

(i) a refusal to deal with, work for hire or do business with other person; or

(ii) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or

(iii) to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or

(iv) to abstain from the professional or business relations that one would maintain with other person;

(bd) Exclusive Special Court means the Exclusive Special Court established under sub-section (1) of section 14 exclusively to try the offences under this Act;

(be) forest rights shall have the meaning assigned to it in sub-section (1) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;

2 of 2007.

(bf) manual scavenger shall have the meaning assigned to it in clause (g) of sub-section (1) of section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013;

25 of 2013.

(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;

45 of 1860.

(ii) after clause (e), the following clauses shall be inserted, namely:

(ea) Schedule means the Schedule appended to this Act;

(eb) social boycott means a refusal to permit a person to render to other person or receive from him any customary service or to abstain from social relations that one would maintain with other person or to isolate him from others;

(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;

45 of 1860.
1 of 1872.
2 of 1974.

(iii) for clause (f), the following clause shall be substituted, namely:—

(f) the words and expressions used but not defined in this Act and defined in the Indian Penal Code, the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, as the case may be, shall be deemed to have the meanings respectively assigned to them in those enactments.

4. In section 3 of the principal Act,—

Amendment
of section 3.

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(a) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;

(b) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;

(c) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood;

(d) garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;

(e) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;

(f) wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;

(g) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce therefrom.

Explanation.—For the purposes of clause (f) and this clause, the expression “wrongfully” includes—

(A) against the person’s will;

(B) without the person’s consent;

(C) with the person’s consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or

(D) fabricating records of such land;

(h) makes a member of a Scheduled Caste or a Scheduled Tribe to do *begar* or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;

(i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;

(j) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;

(k) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a *devadasi* or any other similar practice or permits aforementioned acts;

(l) forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe

(A) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;

(B) not to file a nomination as a candidate or to withdraw such nomination; or

(C) not to propose or second the nomination of a member of a Scheduled Caste or a Scheduled Tribe as a candidate in any election;

(m) forces or intimidates or obstructs a member of a Scheduled Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a Panchayat under Part IX of the Constitution or a Municipality under Part IXA of the Constitution, from performing their normal duties and functions;

(n) after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Scheduled Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;

(o) commits any offence under this Act against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;

(p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

(q) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

(t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

Explanation.—For the purposes of this clause, the expression "object" means and includes statue, photograph and portrait;

(u) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;

(v) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

(w)(i) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent;

(ii) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.

Explanation.—For the purposes of sub-clause (i), the expression "consent" means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act:

Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity:

Provided further that a woman's sexual history, including with the offender shall not imply consent or mitigate the offence;

(x) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;

(y) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;

(z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence:

Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;

(za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to

(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing *ghat*, any public conveyance, any road, or passage;

(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;

(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including *jatras*;

(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any

other public place; or using any utensils or articles meant for public use in any place open to the public; or

(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;

(zb) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or

(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.¶

(ii) in sub-section (2),¶¶

(a) in clause (v), for the words ðon the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such memberð, the words ðknowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such memberð shall be substituted;

(b) after clause (v), the following clause shall be inserted, namely:¶¶

ð(va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code for such offences and shall also be liable to fine.ö.

45 of 1860.

Substitution of new section for section 4.

Punishment for neglect of duties.

5. For section 4 of the principal Act, the following section shall be substituted, namely:ö

ö4. (1) Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

(2) The duties of public servant referred to in sub-section (1) shall includeöö

(a) to read out to an informant the information given orally, and reduced to writing by the officer in charge of the police station, before taking the signature of the informant;

(b) to register a complaint or a First Information Report under this Act and other relevant provisions and to register it under appropriate sections of this Act;

(c) to furnish a copy of the information so recorded forthwith to the informant;

(d) to record the statement of the victims or witnesses;

(e) to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;

(f) to correctly prepare, frame and translate any document or electronic record;

(g) to perform any other duty specified in this Act or the rules made thereunder:

Provided that the charges in this regard against the public servant shall be booked on the recommendation of an administrative enquiry.

(3) The cognizance in respect of any dereliction of duty referred to in sub-section (2) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant.

6. In section 8 of the principal Act,

Amendment of section 8.

(i) in clause (a), for the words "any financial assistance to a person accused of", the words "any financial assistance in relation to the offences committed by a person accused of" shall be substituted;

(ii) after clause (b), the following clause shall be inserted, namely:

"(c) the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved."

7. In section 10 of the principal Act, in sub-section (1),

Amendment of section 10.

(a) after the words and figures "article 244 of the Constitution", the words, brackets and figures "or any area identified under the provisions of clause (vi) of sub-section (2) of section 21" shall be inserted;

(b) for the words "two years", the words "three years" shall be substituted.

8. For section 14 of the principal Act, the following section shall be substituted, namely:

Substitution of new section for section 14.

14. (1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, establish an Exclusive Special Court for one or more Districts:

Special Court and Exclusive Special Court.

Provided that in Districts where less number of cases under this Act is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try the offences under this Act:

Provided further that the Courts so established or specified shall have power to directly take cognizance of offences under this Act.

(2) It shall be the duty of the State Government to establish adequate number of Courts to ensure that cases under this Act are disposed of within a period of two months, as far as possible.

(3) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing:

Provided that when the trial relates to an offence under this Act, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet.

Insertion of new section 14A.

9. After section 14 of the principal Act, the following section shall be inserted, namely:ô

Appeals.

ô14A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law. 2 of 1974.

(2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973, an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail. 2 of 1974.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.ô

Substitution of new section for section 15.

10. For section 15 of the principal Act, the following section shall be substituted, namely:ô

Special Public Prosecutor and Exclusive Public Prosecutor.

ô15. (1) For every Special Court, the State Government shall, by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

(2) For every Exclusive Special Court, the State Government shall, by notification in the Official Gazette, specify an Exclusive Special Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as an Exclusive Special Public Prosecutor for the purpose of conducting cases in that Court.ô

Insertion of new Chapter IVA.

11. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:ô

ôCHAPTER IVA

RIGHTS OF VICTIMS AND WITNESSES

Rights of victims and witnesses.

15A. (1) It shall be the duty and responsibility of the State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence.

(2) A victim shall be treated with fairness, respect and dignity and with due regard to any special need that arises because of the victim's age or gender or educational disadvantage or poverty.

(3) A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.

(4) A victim or his dependent shall have the right to apply to the Special Court or the Exclusive Special Court, as the case may be, to summon parties for production of any documents or material, witnesses or examine the persons present.

(5) A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Special Court or the Exclusive Special Court trying a case under this Act shall provide to a victim, his dependent, informant or witnesses

(a) the complete protection to secure the ends of justice;

(b) the travelling and maintenance expenses during investigation, inquiry and trial;

(c) the social-economic rehabilitation during investigation, inquiry and trial; and

(d) relocation.

(7) The State shall inform the concerned Special Court or the Exclusive Special Court about the protection provided to any victim or his dependent, informant or witnesses and such Court shall periodically review the protection being offered and pass appropriate orders.

(8) Without prejudice to the generality of the provisions of sub-section (6), the concerned Special Court or the Exclusive Special Court may, on an application made by a victim or his dependent, informant or witness in any proceedings before it or by the Special Public Prosecutor in relation to such victim, informant or witness or on its own motion, take such measures including

(a) concealing the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to the public;

(b) issuing directions for non-disclosure of the identity and addresses of the witnesses;

(c) take immediate action in respect of any complaint relating to harassment of a victim, informant or witness and on the same day, if necessary, pass appropriate orders for protection:

Provided that inquiry or investigation into the complaint received under clause (c) shall be tried separately from the main case by such Court and concluded within a period of two months from the date of receipt of the complaint:

Provided further that where the complaint under clause (c) is against any public servant, the Court shall restrain such public servant from interfering with the victim, informant or witness, as the case may be, in any matter related or unrelated to the pending case, except with the permission of the Court.

(9) It shall be the duty of the Investigating Officer and the Station House Officer to record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and a photocopy of the First Information Report shall be immediately given to them at free of cost.

(10) All proceedings relating to offences under this Act shall be video recorded.

(11) It shall be the duty of the concerned State to specify an appropriate scheme to ensure implementation of the following rights and entitlements of victims and witnesses in accessing justice so as

(a) to provide a copy of the recorded First Information Report at free of

-
- (b) to provide immediate relief in cash or in kind to atrocity victims or their dependents;
 - (c) to provide necessary protection to the atrocity victims or their dependents, and witnesses;
 - (d) to provide relief in respect of death or injury or damage to property;
 - (e) to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims;
 - (f) to provide the maintenance expenses to the atrocity victims and their dependents;
 - (g) to provide the information about the rights of atrocity victims at the time of making complaints and registering the First Information Report;
 - (h) to provide the protection to atrocity victims or their dependents and witnesses from intimidation and harassment;
 - (i) to provide the information to atrocity victims or their dependents or associated organisations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost;
 - (j) to take necessary precautions at the time of medical examination;
 - (k) to provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount;
 - (l) to provide information to atrocity victims or their dependents or associated organisations or individuals, in advance about the dates and place of investigation and trial;
 - (m) to give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals and to provide the legal aid for the said purpose;
 - (n) to execute the rights of atrocity victims or their dependents or associated organisations or individuals at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights.
- (12) It shall be the right of the atrocity victims or their dependents, to take assistance from the Non-Government Organisations, social workers or advocates.

Insertion of new Schedule.

12. After section 23 of the principal Act, the following Schedule shall be inserted, namely:

THE SCHEDULE

[See section 3(2) (va)]

Section under the Indian Penal Code	Name of offence and punishment
120A	Definition of criminal conspiracy.
120B	Punishment of criminal conspiracy.
141	Unlawful assembly.
142	Being member of unlawful assembly.

Section under the Indian Penal Code	Name of offence and punishment
143	Punishment for unlawful assembly.
144	Joining unlawful assembly armed with deadly weapon.
145	Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.
146	Rioting.
147	Punishment for rioting.
148	Rioting, armed with deadly weapon.
217	Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.
319	Hurt.
320	Grievous hurt.
323	Punishment for voluntarily causing hurt.
324	Voluntarily causing hurt by dangerous weapons or means.
325	Punishment for voluntarily causing grievous hurt.
326B	Voluntarily throwing or attempting to throw acid.
332	Voluntarily causing hurt to deter public servant from his duty.
341	Punishment for wrongful restraint.
354	Assault or criminal force to woman with intent to outrage her modesty.
354A	Sexual harassment and punishment for sexual harassment.
354B	Assault or use of criminal force to woman with intent to disrobe.
354C	Voyeurism.
354D	Stalking.
359	Kidnapping.
363	Punishment for kidnapping.
365	Kidnapping or abducting with intent secretly and wrongfully to confine person.
376B	Sexual intercourse by husband upon his wife during separation.
376C	Sexual intercourse by a person in authority.
447	Punishment for criminal trespass.
506	Punishment for criminal intimidation.
509	Word, gesture or act intended to insult the modesty of a woman.

Repeal and
saving.

13. (1) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014 is hereby repealed.

Ord.
1 of 2014.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
(Department of Social Justice and Empowerment)
NOTIFICATION

New Delhi, the 14th April, 2016

G.S.R. 424 (E).—In exercise of the powers conferred by sub-section (1) of section 23 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the Central Government hereby makes the following rules further to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, namely:-

1. (1) These rules may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter referred to as the said rules), in rule 2, for clause (b), the following clause shall be substituted, namely:-

‘(b) “ dependent” means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for support and maintenance; ’

3. In the said rules, in rule 4, —

(a) for sub-rule (1) , the following shall be substituted, namely:-

“ (1) The State Government, on the recommendation of the District Magistrate , shall prepare for each District a panel of such number of eminent senior advocates who have been in practice for not less than

Courts.

(1A) The State Government in consultation with the Director Prosecution or in charge of the prosecution, shall also specify a panel of such number of Public Prosecutors and Exclusive Special Public Prosecutors, as it may deem necessary for conducting cases in the Special Courts and Exclusive Courts, as the case may be.

(1B) Both the panels referred to in sub-rule (1) and sub-rule (1A) shall be notified in the Official Gazette of the State and shall remain in force for a period of three years. “ ;

(b) in sub-rule (2) , for the words “ Special Public Prosecutors”, the words “Special Public Prosecutors and Exclusive Special Public Prosecutors” shall be substituted;

(c) in sub-rule (3) , for the words “ a Special Public Prosecutor”, the words “ a Special Public Prosecutor or an Exclusive Special Public Prosecutor” shall be substituted;

(d) for sub-rule (4) of rule 4, the following sub-rule shall be substituted,

“ (4) The District Magistrate and the officer-in-charge of the prosecution at the District level, review,—

(a) the position of cases registered under the Act ;

(b) the implementation of the rights of victims and witnesses, specified under the provisions of Chapter IV A of the Act,

and submit a monthly report on or before 20th day of each subsequent month to the Director of Prosecution and the State Government, which shall specify the actions taken or proposed to be taken in respect of investigation and prosecution of each case. ”;

(e) in sub-rule (5), for the words “ conducting cases in the Special Courts”, the words “ conducting cases in the Special Courts or Exclusive Special Courts” shall be substituted;

(f) in sub-rule (6) , for the words “ Special Public Prosecutor”, the words “Special Public Prosecutor and Exclusive Special Public Prosecutor ” shall be substituted.

4. In the said rules, in rule 7, —

(a) for sub-rule (2), the following shall be substituted, namely:-

“ (2) The investigating officer so appointed under sub-rule (1) shall complete the investigation on top priority, submit the report to the Superintendent of Police, who in turn shall immediately forward the report to the Director General of Police or Commissioner of Police of the State Government , and the officer in- charge of the concerned police station shall file the charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days (the period is inclusive of investigation and filing of charge-sheet).

(2A) The delay, if any, in investigation or filing of charge-sheet in accordance with sub-rule (2) shall be explained in writing by the investigating officer.”;

(b) for sub-rule (3), the following sub-rule shall be substituted, namely:-

“ (3) The Secretary, Home Department and the Secretary , Scheduled Castes and Scheduled Tribes Development Department (the name of the Department may vary from State to State) of the State Government or Union territory Administration, Director of Prosecution, the officer in-charge of Prosecution and the Director General of Police or the Commissioner of Police in-charge of the concerned State or Union territory shall review by the end of every quarter the position of all investigations done by the investigating officer. ”

5. In the said rules, in rule 8, in sub-rule (1), after clause (vi), the following clause shall be inserted, namely:-

“ (via) informing the nodal officer and the concerned District Magistrates about implementation of rights of victims and witnesses specified under the provisions of Chapter IV A of the Act;”

6. In the said rules, in rule 9, after clause (vi), the following clause shall be inserted

“ (vii) implementation of the rights of victims and witnesses specified under the provisions of Chapter IVA the Act. ”

7. In the said rules, in rule 10, after clause (iii), the following clause shall be inserted,

“ (iv) implementation of the rights of victims and witnesses specified under the provisions of Chapter IVA of the Act, in the identified areas. ”

8. In the said rules, in rule 12, —

(a) for sub-rule (4), the following shall be substituted , namely:-

“ (4) The District Magistrate or the Sub- Divisional Magistrate or any other Executive Magistrate shall make necessary administrative and other arrangements and provide relief in cash or in kind or both within seven days to the victims of atrocity, their family members and dependents according to the scale as provided in Annexure-I read with Annexure-II of the Schedule annexed to these rules and such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items.

(4A) For immediate withdrawal of money from the treasury so as to timely provide the relief amount
as

necessary authorisation and powers to the District Magistrate.

(4B) The Special Court or the Exclusive Special Court may also order socio-economic rehabilitation during investigation, inquiry and trial, as provided in clause (c) of sub-section 6 of section 15A of the Act. ”;

(b) in sub-rule (7), for the words “ Special Court” at both the places where they occur, the words “Special Court or Exclusive Special Court” shall respectively be substituted.

9. In the said rules, for rule 14, the following rule shall be substituted, namely:-

14. SPECIFIC RESPONSIBILITY OF STATE GOVERNMENT.—(1) The State Government shall make necessary provisions in its annual budget for providing relief and rehabilitation facilities to the victims
of

atrocity, as well as for implementing an appropriate scheme for the rights and entitlements of victims Act.

(2) The State Government shall review at least twice in a calendar year, in the month of January and July the performance of the Special Public Prosecutor and Exclusive Special Public Prosecutor specified or appointed under section 15 of the Act, various reports received, investigation made and preventive steps taken by the District Magistrate, Sub-Divisional Magistrate and Superintendent of Police, relief and rehabilitation facilities provided to the victims and the reports in respect of lapses on concerned officers. ”

10. In the said rules, in rule 15, —

(i) in sub-rule (1),—

(A) for the words “shall prepare a model contingency plan for implementing”, the words “shall frame and implement a plan to effectively implement” shall be substituted;

(B) after clause (a), the following clause shall be inserted, namely:-

“ (aa) an appropriate scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15 A of Chapter IV A of the Act;

(ii) in sub-rule (2), for the words " to the Central Government in the Ministry of Welfare", the words " to the Central Government in the Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment" shall be substituted.

11. In the said rules , for rule 16, the following rule shall be substituted, namely:-

16. CONSTITUTION OF STATE-LEVEL VIGILANCE AND MONITORING COMMITTEE:

(1) The State Government shall constitute high power vigilance and monitoring committee of not more than twenty-five members consisting of the following, namely:--

(i) Chief Minister or Administrator – Chairman (in case of a State under President's Rule, the Governor shall be the Chairman);

(ii) Home Minister, Finance Minister and Minister(s) in-charge of welfare and development of the Scheduled Castes and the Scheduled Tribes - Members (in case of a State under the President's Rule, the Advisors shall be Members);

(iii) all elected Members of Parliament and State Legislative Assembly and Legislative Council from the State belonging to the Scheduled Castes and the Scheduled Tribes shall be Members;

(iv) Chief Secretary, the Home Secretary, the Director General of Police, Director/Deputy Director, the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes shall be Members;

(v) the Secretary in-charge to the welfare and development of the Scheduled Castes and the Scheduled Tribes shall be Convener.

(2) The high power vigilance and monitoring committee shall meet at least twice in a calendar year, in the month of January and July to review the implementation of the provisions of the Act, scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers or agencies responsible for implementing the provisions of the Act and review of various reports by the State Government including that of the nodal officer and special officer. "

12. In the said rules in rule 17, in sub-rule (1), after the words "review the implementation of the provisions of the Act, ", the words " scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act, " shall be inserted.

13. In the said rules, in rule 17A, in sub-rule(1), after the words, " review the implementation of the provisions of the Act", the words "scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act, ", shall be inserted.

14. In the said rules, in the Schedule, for Annexure-I, the following Annexure shall be substituted, namely:-

"ANNEXURE-I

[See rule 12(4)]

NORMS FOR RELIEF AMOUNT

Sr. No.	Name of the offence	Minimum amount of relief
(1)	(2)	(3)
1.	Putting any inedible or obnoxious substance [Section 3(1)(a) of the Act]	<p>One lakh rupees to the victim. Payment to then victim be made as follows:</p> <p>(i) 10 per cent. at First Information Report (FIR) stage for serial numbers (2) and (3) and 25 percent at FIR stage for serial numbers (1), (4) and (5);</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 40 per cent. when the accused are convicted by the lower court for serial numbers (2) and (3) and likewise 25 percent for serial numbers (1), (4) and (5).</p>
2.	Dumping excreta, sewage, carcasses or any other obnoxious substance [Section 3(1)(b) of the Act]	
3.	Dumping excreta, waste matter, carcasses with intent to cause injury, insult or annoyance [Section 3(1)(c) of the Act]	
4.	Garlanding with footwear or parading naked or semi-naked[Section 3(1)(d) of the Act]	
5.	Forcibly committing acts such as removing clothes, forcible tonsuring of head, removing moustaches, painting face or body [Section 3(1)(e) of the Act]	
6.	Wrongful occupation or cultivation of land [Section 3(1)(f) of the Act]	<p>One lakh rupees to the victim. The land or premises or water supply or irrigation facility shall be restored where necessary at Government cost by the concerned State Government or Union territory Administration. Payment to the victim be made as follows:</p>
7.	Wrongful dispossession of land or premises or interfering with the rights, including forest rights. [Section 3(1)(g) of the Act]	<p>Payment to the victim be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>

8.	Begar or other forms of forced or bonded labour [Section 3(1)(h) of the Act]	One lakh rupees to the victim. Payment to be made as follows:
9.	Compelling to dispose or carry human or animal carcasses, or to dig graves [Section 3(1)(i) of the Act]	(i) Payment of 25 per cent. First Information Report (FIR) stage;
10.	Making a member of the Scheduled Castes or the Scheduled Tribes to do manual scavenging or employing him for such purpose [Section 3(1)(j) of the Act]	(ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
11.	Performing, or promoting dedication of a Scheduled Caste or a Scheduled Tribe woman as a devadasi [Section 3(1)(k) of the Act]	
12.	Prevention from voting, filing nomination [Section 3(1)(l) of the Act]	Eighty-five thousand rupees to the victim. Payment to be made as follows:
13.	Forcing, intimidating or obstructing a holder of office of Panchayat or Municipality from performing duties [Section 3(1)(m) of the Act]	(i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court;
14.	After poll violence and imposition of social and economic boycott [Section 3(1)(n) of the Act]	(iii) 25 per cent. when the accused are convicted by the lower court.
15.	Committing any offence under this Act for having voted or not having voted for a particular candidate [Section 3(1)(o) of the Act]	
16.	Instituting false, malicious or vexatious legal proceedings [Section 3(1)(p) of the Act]	Eighty-five thousand rupees to the victim or reimbursement of actual legal expenses and damages, whichever is less. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage;

		(ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
17.	Giving false and frivolous information to a public servant [Section 3(1)(q) of the Act]	One lakh rupees to the victim or reimbursement of actual legal expenses and damages, whichever is less. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
18.	Intentional insult or intimidation to humiliate in any place within public view [Section 3(1)(r) of the Act]	One lakh rupees to the victim. Payment to be made as follows:
19.	Abusing by caste name in any place within public view [Section 3(1)(s) of the Act]	(i) 25 per cent. at First Information Report (FIR) stage;
20.	Destroying, damaging or defiling any object held sacred or in high esteem [Section 3(1)(t) of the Act]	(ii) 50 per cent. when the charge sheet is sent to the court;
21.	Promoting feelings of enmity, hatred or ill-will [Section 3(1)(u) of the Act]	(iii) 25 per cent. when the accused are convicted by the lower court.
22.	Disrespecting by words or any other means of any late person held in high esteem [Section 3(1)(v) of the Act]	
23.	Intentionally touching a Scheduled Caste or a Scheduled Tribe woman without consent, using acts or gestures, as an act of sexual nature, [Section 3(1)(w) of the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
24.	Section 326B of the Indian Penal Code (45 of 1860)--Voluntarily throwing or	(a) Eight lakh and twenty-five thousand rupees to the victim with burns exceeding and 2 per cent

	<p>attempting to throw acid. [Section 3(2)(va) read with Schedule to the Act]</p>	<p>and above burns on face or in case of functional impairment of eye, ear, nose and mouth and or burn injury on body exceeding 30 per cent;</p> <p>(b) four lakh and fifteen thousand rupees to the victim with burns between 10 per cent. to 30 per cent. on the body;</p> <p>(c) eighty-five thousand rupees to the victim with burns less than 10 per cent. on the body other than on face.</p> <p>In addition, the State Government or Union territory Administration shall take full responsibility for the treatment of the victim of acid attack.</p> <p>The payment in terms of items (a) to (c) are to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. after receipt of medical report.</p>
25.	<p>Section 354 of the Indian Penal Code (45 of 1860) -- Assault or criminal force to woman with intent to outrage her modesty.</p> <p>[Section 3(2) (va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>
26.	<p>Section 354A of the Indian Penal Code (45 of 1860)--Sexual harassment and punishment for sexual harassment. [Section 32) (va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>

27.	Section 354 B of the Indian Penal Code (45 of 1860)-- Assault or use of criminal force to woman with intent to disrobe [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. at First Information Report (FIR) stage; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court.
28.	Section 354 C of the Indian Penal Code (45 of 1860)-- Voyeurism. [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 10 per cent. at First Information Report (FIR) stage (ii) 50 per cent. when the charge sheet is sent to the court. (iii) 40 per cent. when the accused are convicted by the lower court.
29.	Section 354 D of the Indian Penal Code (45 of 1860) -- Stalking. [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 10 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 40 per cent. when the accused are convicted by the lower court.
30.	Section 376B of the Indian Penal Code (45 of 1860)-- Sexual intercourse by husband upon his wife during separation. [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
31.	Section 376C of the Indian Penal Code (45 of 1860) -- Sexual intercourse by a person in authority. [Section 3(2)(va) read with Schedule to the Act]	Four lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 25 per cent. when the charge sheet is sent to

		the court; (iii) 25 per cent. on conclusion of trial by the lower court.
32.	Section 509 of the Indian Penal Code (45 of 1860)-- Word, gesture or act intended to insult the modesty of a woman. [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
33.	Fouling or corrupting of water [Section 3(1)(x) of the Act]	Full cost of restoration of normal facility, including cleaning when the water is fouled, to be borne by the concerned State Government or Union territory Administration. In addition, an amount of eight lakh twenty-five thousand rupees shall be deposited with the District Magistrate for creating community assets of the nature to be decided by the District Authority in consultation with the Local Body.
34.	Denial of customary right of passage to a place of public resort or obstruction from using or accessing public resort [Section 3(1)(y) of the Act]	Four lakh twenty-five thousand rupees to the victim and cost of restoration of right of passage by the concerned State Government or Union territory Administration. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
35.	Forcing of causing to leave house, village, residence desert place of residence [Section 3(1)(z) of the Act]	Restoration of the site or right to stay in house, village or other place of residence by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim and reconstruction of the house at Government cost, if destroyed. Payment to be

		<p>made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
36.	<p>Obstructing or preventing a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—</p> <p>(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing <i>ghat</i>, any public conveyance, any road, or passage [Section 3(1)(za)(A) of the Act]</p> <p>(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions [Section 3(1)(za)(B) of the Act]</p>	<p>(A) Restoration of the right using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing <i>ghat</i>, any public conveyance, any road, or passage equally with others, by the concerned State Government or Union Territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p> <p>(B) Restoration of the right of mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions, equally with others by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment</p>

	<p>(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including <i>jatras</i> [Section 3(1)(za)(C) of the Act]</p> <p>(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public [Section 3(1)(za)(D) of the Act]</p>	<p>to be made as follows:</p> <p>(i) Payment of 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court;</p> <p>(C): Restoration of the right of entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out any religious procession or <i>jatras</i>, as is open to the public or other persons professing the same religion, social or cultural processions including <i>jatras</i>, equally with other persons, by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court.</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p> <p>(D): Restoration of the right of entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public, equally with other persons by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR)</p>
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	<p>(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to [Section 3(1)(za)(E) of the Act]</p>	<p>stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p> <p>(E): Restoration of the right of practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to, by the concerned State Government/Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
37.	<p>Causing physical harm or mental agony on the allegation of being a witch or practicing witchcraft or being a witch [Section 3(1)(zb) of the Act]</p>	<p>One lakh rupees to the victim and also commensurate with the indignity insult, injury and defamation suffered by the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>

38.	Imposing or threatening a social or economic boycott. [Section 3(1)(zc) of the Act]	Restoration of provision of all economic and social services equally with other persons, by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. To be paid in full when charge sheet is sent to the lower court.
39.	Giving or fabricating false evidence [Section 3(2)(i) and (ii) of the Act]	Four lakh fifteen thousand rupees to the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
40.	Committing offences under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more [Section 3(2) of the Act]	Four lakh rupees to the victim and or his dependents. The amount would vary, if specifically otherwise provided in this Schedule. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
41.	Committing offences under the Indian Penal Code (45 of 1860) specified in the Schedule to the Act punishable with such punishment as specified under the Indian Penal Code for such offences[Section 3(2) (va) read with the Schedule to the Act]	Two lakh rupees to the victim and or his dependents. The amount would vary if specifically otherwise provided in this Schedule. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court;
42.	Victimisation at the hands of a public servant[Section 3(2) (vii) of the Act]	Two lakh rupees to the victim and or his dependents. Payment to be made as follows:

		<p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
43.	<p>Disability. Guidelines for evaluation of various disabilities and procedure for certification as contained in the Ministry of Social Justice and Empowerment Notification No. 16-18/97-NI, dated the 1st June, 2001. A copy of the notification is at Annexure-II.</p> <p>(a) 100 per cent. incapacitation</p> <p>(b) where incapacitation is less than 100 per cent. but more than 50 per cent.</p> <p>(c) where incapacitation is less than 50 per cent.</p>	<p>Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>Four lakh and fifty thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>Two lakh and fifty thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court.</p>
44.	<p>Rape or Gang rape.</p> <p>(i) Rape[Section 375 of the Indian Penal Code(45 of 1860)]</p>	<p>Five lakh rupees to the victim. Payment to be made as follows:</p>

	(ii) Gang rape [Section 376D of the Indian Penal Code(45 of 1860)]	<p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p> <p>Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>
45.	Murder or Death.	<p>Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after post mortem report;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court.</p>
46.	Additional relief to victims of murder, death, massacre, rape, gang rape, permanent incapacitation and dacoity.	<p>In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows:-</p> <p>(i) Basic Pension to the widow or other dependents of deceased persons belonging to a Scheduled Caste or a Scheduled Tribe amounting to five thousand rupees per month, as applicable to a Government servant of the concerned State Government or Union territory Administration, with admissible dearness allowance and employment to one member of the family of the deceased, and provision of agricultural land, an house, if necessary by outright purchase;</p> <p>(ii) Full cost of the education up to graduation level and maintenance of the children of the victims. Children may be admitted to Ashram</p>

		schools or residential schools, fully funded by the Government; (iii) Provision of utensils, rice, wheat, dals, pulses, etc., for a period of three months.
47.	Complete destruction or burnt houses.	Brick or stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed.”

[F. No. 11012/1/2016-PCR(Desk)]
AINDRI ANURAG, Jt. Secy.

Note: The principal rules were published in the Gazette of India, extraordinary, vide notification number G.S.R. 316(E), dated the 31st March, 1995 and last amended vide G.S.R. 774(E), dated the 5th November, 2014.

Annexure-9

Sl. No.	Address and Telephone Nos.	State Offices and Jurisdiction
1.	National Commission for Scheduled Castes , 5 th Floor, Lok Nayak Bhawan , Khan Market, New Delhi-110003, 24606842, 1800118888	New Delhi

State Offices of NCSC

Sl. No.	Address and Telephone Nos.	State Offices and Jurisdiction
1.	Tripura SC Finance Corporation Building, 3 rd Floor, Pragati Road, Lake Chowmohani, Agartala-799001. (Tripura West) 0381-2223140, 2315967	Agartala (Tripura)
2.	2 nd Floor, Mavlankar Haveli, Vasant Chowk, LalDarwaja, Ahmedabad-380001. 079-25509762, 25510717	Ahmedabad (Gujarat, Rajasthan, Daman and Diu, Dadra & Nagar Haveli)
3.	3 rd Floor, -Dø Wing, Kendriya Sadan, Koramangala, Bengaluru- 560034 080-25537155, 25527767	Bengaluru (Karnataka)
4.	6 th Floor, Kendriya Sadan, Sector-9-A, Chandigarh-160017 0172-2742561, 2743784	Chandigarh (Haryana, Punjab, HP, J&K, Uttarakhand & Chandigarh UT)
5.	2 nd Floor, Block-5, Shastri Bhawan, Chennai-600006 044-28276430, 28312851	Chennai (Tamil Nadu & Pondicherry)
6.	7, Nilamani Phukan Path, Christian Basti, Dispur, Guwahati-781005 0361-2347040, 2346885	Guwahati (Assam, Arunachal Pradesh, Nagaland, Meghalaya, Mizoram & Manipur)
7.	Block 204, Maithry Vihar, Ameer Peth, Hyderabad-500038 040-23734907(Fax), 23754908	Hyderabad (Andhra Pradesh, Madhya Pradesh & Chhattisgarh)
8.	Mayukh Bhawan, (Ground Floor), Salt Lake City, Kolkata-700091 033-23370977, 23213259	Kolkata (West Bengal, Orissa, Sikkim, Andaman and Nicobar Islands)
9.	5 th Floor, Kendriya Bhawan, Sector-H, Aliganj, Lucknow-226024 0522-2330288 (Fax), 2323860	Lucknow (Uttar Pradesh)
10.	Karpuri Thakur Sadan, Kendriya karamchari Prishar, 5 th floor, F wing, Ashiana-Digha Road, Patna-800001, 0612-2540285	Patna (Bihar & Jharkhand)
11.	Kendriya Sadan, -Aø Wing, First Floor, Opp. Akurdi Rly. Station, Nagdi Pradhikaran, Pune 411044 020-27658033, 27658973 27655580(Fax)	Pune (Maharashtra & Goa)
12.	TC-24/547(1), Sastha Gardens Residency Road, Near Govt. Guest House, Thycaaud, Thiruvananthapuram-695014, 0471-2327530	Thiruvananthapuram (Kerala & Lakshadweep)

