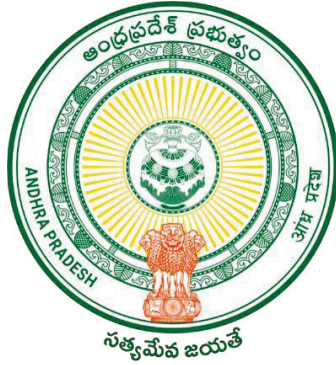


STANDARD OPERATING PROCEDURE



PREVENTION OF ATROCITIES
on SCs & STs Act & Rules



AMARAVATI

Date:26.04.2021

**CHIEF MINISTER
ANDHRA PRADESH**

Y.S. JAGAN MOHAN REDDY

MESSAGE

I am happy to note that the Social Welfare Department has brought out Standard Operating Procedure (SOP) and Model Contingency Plan for the effective implementation of the SCs and STs (POA) Act.

I hope, the booklet will be of immense use for the field functionaries and serve as a ready reckoner for discharging their duties as per the POA (Prevention of Atrocities) Act and bridges gaps in timely monitoring and implementation.

The Government is committed to social justice and for the welfare and protection the Scheduled Castes and Scheduled Tribes. In case, the victims are unable to get relief as prescribed, provision is being made for the victim to directly complain online at poa.apcfss.in

I hope the Standard Operating Procedure (SOP) would help in improving the administration of criminal justice system, deterring atrocities against SCs and STs and effective delivery of relief and rehabilitation.

(YS JAGAN MOHAN REDDY)



PINIPE VISWARUP

MINISTER FOR SOCIAL WELFARE
GOVERNMENT OF ANDHRA
PRADESH

MESSAGE

I am glad to inform that during State Level High Power Vigilance and Monitoring Committee Meeting chaired by our Hon'ble Chief Minister, it was resolved to bring out a Standard Operating Procedure (SOP) for the implementation of the SCs and STs (POA) Act 1989 and POA Rules 1995 (amended from time to time). As per the instruction of the Hon'ble Chief Minister Standard Operating Procedure (SOP) and Model Contingency Plan were prepared by due consultation with all stake holders by the Social Welfare Department.

This booklet would guide the officers and give clarity on the role of implementing authorities with specific timelines. It is useful for effective implementation of the POA Act and Rules and makes the Officers accountable.

The Government is deeply committed to the welfare and protection of the members of Scheduled Castes and Scheduled Tribes. It is implementing many schemes under 'Navaratnalu' and other programmes in an unprecedented way.

I congratulate all the Officers involved in the preparation of this booklet in a short time keeping in view the guidance given by the Hon'ble Chief Minister.

PINIPE VISWARUP



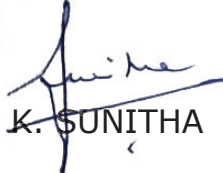
K. SUNITHA, I.A.S

PRINCIPAL SECRETARY TO GOVT,
SOCIAL WELFARE DEPARTMENT
ANDHRA PRADESH
AMARAVATI

MESSAGE

I express my sincere gratitude to our Hon'ble CM for inspiring us to prepare the SOP document on POA. His guidance helped us shape the document after extensive consultations with multiple Government Departments, elected representatives and welfare associations. This document will serve as a guiding light for officials at various levels of the government in delivering their duties in both letter and spirit. It also clearly delineates the role to be played by each functionary and makes the Government functionaries more accountable.

The SOP in chapter 3 gives the event wise actions, the 'Role of Officers' in chapter 4 clearly indicates the action to be taken by each Officer and the 'Model Contingency Plan' in chapter 5 gives the timelines by which the action has to be completed. A provision is also being made for the victims to directly raise grievance online on the website if any of the rights of the victims is denied at poa.apcfss.in


K. SUNITHA

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INTRODUCTION

The population of Scheduled Castes is about 84.69 lakhs and that of Scheduled Tribes is about 27.39 lakhs. Out of the total state population of 4.69 crores in Andhra Pradesh (Census 2011), which constitutes 17.08% of SCs and 5.53% of STs in the total state population.

Special rights have been conferred by the Indian Constitution to address the social, educational and economic backwardness of Scheduled Castes & Scheduled Tribes arising out of age-old social practices. To protect the rights of the people and prevent any further discrimination and exploitation, various legislations have been passed and special provisions have been provided for the social empowerment and protection of the SC/STs in the Indian Constitution:

Some of the key provisions in Indian Constitution:

- *Article 15(4)* refers to the special provisions for their advancement.
- *Article 16(4A)* speaks of "reservation in matters of promotion to any class or classes of posts in the services under the State in favour of SCs/STs, which are not adequately represented in the services under the State'.
- *Article 17* abolishes Untouchability.
- *Article 46* requires the State 'to 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 to protect them from social injustice and all forms of exploitation.
- Under *Article 243D* in *Part IX* relating to the Panchayats and *Article 243T* in *Part IXA* of the Constitution relating to the Municipalities,

reservation for Scheduled Castes and Scheduled Tribes in local bodies has been envisaged and provided.

- *Article 330 and Article 332* of the Constitution respectively provide for reservation of seats in favour of the Scheduled Castes and the Scheduled Tribes in the House of the People and in the legislative assemblies of the States.
- *Article 335* provides 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 of appointments to services and posts in connection with the affairs of the Union or of a State [Allows 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 the affairs of the Union or of a State]
- *Articles 338 & 338A* provides for a National Commission for the Scheduled Castes and Scheduled Tribes with duties to investigate and monitor all matters relating to safeguards provided for them, to inquire into specific complaints and to participate and advise on the planning process of their socio-economic development etc.

Landmark legislations for safeguarding the special rights provided for SC/STs:

- The Protection of Civil Rights Act, 1955: In pursuance of Article 17 of the Constitution of India, the Untouchability (Offences) Act, 1955 was enacted further amended in 1976 as the "Protection of Civil Rights Act, 1955". The Act extends to the whole of India and provides punishment for the practice of untouchability. It is implemented by the respective State Governments and Union Territory Administrations.
- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989: This Act is enacted to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts and the

Exclusive Special Courts, for the trial of such offences and for the relief and rehabilitation of the victims of such offences. Financial assistance is provided to the States/ UTs for implementation of these Acts, by way of relief to atrocity victims, incentive for inter-caste marriages, awareness generation, setting up of exclusive Special courts, etc. This Act was further amended extensively in 2015 and also in 2018.

- Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995: The PoA Rules provides the various measures to be taken by the Government for the implementation of the PoA Act. The rules were amended in June 2016. The relief amount to the victims of atrocities is enhanced ranging between Rs. 85,000/- to Rs. 8,25,000/- depending upon the nature of an offence. Further Amendment was done in 2018.
- The 'Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013' (MS Act, 2013): The primary objective was eradication of dry latrines and manual scavenging and rehabilitation of manual scavengers in alternative occupation.
- Andhra Pradesh Scheduled Castes Sub-Plan & Tribal Sub-Plan (Planning, Allocation and Utilization of Financial Resources) Act, 2013: has been enacted to ensure, accelerated development of Scheduled Caste and Scheduled Tribes with emphasis on achieving equality, focusing on economic, educational and human development by earmarking a portion, in proportion to population of Scheduled Castes and Scheduled Tribes in the State, of the total plan outlay of the State of Andhra Pradesh.

Objective of this SOP

The primary objective of this Standard Operation Procedure (SOP) is to clearly demarcate the course of action of various government functionaries – police, revenue, judiciary, welfare - across the hierarchy with relevant timelines, wherever applicable, for ensuring effective coordination and implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 - both in letter and in spirit.

Note:

This SOP shall be read and interpreted in consonance with - the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 along with its amendments in 2015 and 2018, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 along with its amendments in 2016.

Unless otherwise mentioned, "Rules" mentioned below refer to the rules mentioned in Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 and Section connotes the Scheduled Castes and Scheduled Tribes Act 1989.

Standard Operating Procedures (SOP)

The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) is enacted to prevent offences of atrocities against the members of the Scheduled Castes & Scheduled Tribes, to provide relief and rehabilitation of the victims of such offences and to provide for special courts / exclusively special courts for trial of such offences and for matters connected there with.

The Act & Rules are implemented by the various functionaries of Police, Revenue, Judiciary and Welfare Departments. For effective implementation of the POA Act & POA Rules, activity and role wise Standard Operating Procedures are prescribed as follows.

I. Precautionary & Preventive measures:

1. Identify the atrocity prone areas / villages by the District Police authorities. [Rule 3(i) and Chapter 5, Section 17 of PoA Act]
2. District Magistrate and Superintendent of Police or any other officer to visit the identified area and review the law and order situation every quarter. [Rule 3(ii)]
3. Setup awareness centres and organise workshops in the identified areas to educate the SCs / STs about their rights and protections by Revenue, Police and Welfare Departments with the support of NGOs. [Rule 3(viii)]
4. Deploy special police force in the identified area, if necessary. [Rule 3(x)]
5. Set-up a vigilance and monitoring committees to suggest effective measures to implement the provisions of the Act (State Level, District Level and Divisional Level) [Rule 3(vii), 16, 17]

II. On the occurrence of atrocity case, the following steps have to be followed

II. (a) Spot inspection by officers:

District Magistrate / Sub Divisional Magistrate / Executive Magistrate / Police Officer (not below the rank of DSP) shall immediately visit the place of occurrence of atrocity to assess the extent of atrocity, loss of life, loss of damage to property and submit a detailed report to Government forthwith. [Rule 6]

II. (b) Registering the case:

1. Case shall be registered under correct Sections and Sub Sections of the POA Act and other appropriate acts.
2. Any attempt of suppressing or minimising the gravity of the offence shall be treated as "wilful neglect of duty". [Section 4(1)]
3. FIR copy in every case should be sent to the District Magistrate, to enable him to take decision regarding sanction of relief and rehabilitation measures within 24 hours. Online registration shall be transferred on real-time basis.
4. A copy of the FIR should be given to the complainant at free of cost. [Section 15A-11(i)]
5. FIR copy should also be sent to the CP / SP promptly with a request to appoint the Investigating Officer (IO) within 24 hours.
6. Cases related to "*Jogini system*" to be dealt with extra sensitivity in those districts where the system is practiced, in accordance with Section 3[k] of POA Act.

II. (c) Investigation:

1. The CP / SP shall appoint Investigating Officer, (not below the rank of DSP) immediately to investigate the case expeditiously, **within 24 hours**. [Rule 7(1)]
2. IO to complete the investigation on top priority basis, which include examining all the witnesses (including u/s 164 Cr.PC.), so as to

enable filing of charge-sheet in the court within a period of 60 days.
[2016 Rules 4(a)]

3. IO shall send the Investigation Report to DGP/CP/SP and also to the SHO of the concerned Police Station. [Rule 7]
4. IO after recording the statements of the witnesses shall handover a copy of the same to the witnesses concerned and take an acknowledgement. [Section 15A - (3),(9)]
5. IO should arrest the accused promptly after completing the investigation. Timely arrest goes a long way in preventing the offence and to foster confidence in the victims and the community.
6. On knowing that anticipatory bail petition has been filed in the court by the accused, the IO should **immediately meet the Special Public Prosecutor** and apprise him of facts of the case to enable him to oppose the bail, if need be. If such petition is entertained, IO / Special Public Prosecutor should rely upon Section 18 of the SCs & STs (POA) Act.

II. (d) Filing of Charge Sheet:

1. The Station House Officer concerned shall file the charge-sheet in the Special Court or Exclusive Special Court **within a period of 60 days, which is inclusive of investigation & filing of charge-sheet.** [2016 Rules – Rule 7(2)]
2. The delay in filing of charge-sheet beyond 60 days from the date of filing FIR shall be explained in writing by the IO to the SP. [2016 Rules – Rule 7(2A)]

III. Trial & Appeal

(a) Trial:

1. In every trial in **Special Court or Exclusive Special Court**, proceedings shall be continued on a day-to-day basis until all the witnesses are examined. [Section 14(3)]
2. If the case is adjourned beyond the following day, reasons are to be recorded in writing. [Section 14(3)]

3. Trial shall, as far as possible, be completed **within a period of 2 months** from the date of filing of charge-sheet. [Section 14(3)]

(b) Appeal:

1. If Special Court or Exclusive Special Court grants a bail or any judgement / sentence / order, appeal shall be referred **within a period of 90 days** from the date of judgement, sentence or order. [Section 14A(3)]
2. High Court may entertain appeal after 90 days if it feels that the appellant had sufficient cause, provided **no appeal shall be entertained after 180 days from the date of judgement, sentence or order.** [Section 14A(3)]

IV. Relief & Rehabilitation

1. District Magistrate / Sub Divisional Magistrate / Executive Magistrate shall **provide relief in cash or kind or both within 7 days [2016 Rules - Rule 12(4)] of the atrocity to the victims,** their family members and dependents according to the scale as provided in POA rules (scale as per G.O.Ms.No.95, SW Dept., Dt.29.08.2016).
2. Travel (to and fro) Maintenance (for the days he/she is away from the place of his/her residence or stay during investigation, hearing and trial of an offence, not less than the minimum wages) and Diet expenses to the victim, dependent, attendant and witnesses are provided irrespective of the offence. **They shall be paid immediately or not later than 3 days** by the DM through the concerned DSP[Section 15A-6(b)]
3. Monetary relief shall be paid as per the Annexure I in Rules 2016. Additional relief to the victims of murder, death, massacre, rape, gang rape permanent incapacitation and dacoit as per the (POA) rules shall be provided within 3 months from date of atrocity [2016 Rules, Annexure I (46)]

Sl. No.	Additional relief	Officers concerned
1.	Basic pension of Rs.5,000/- per month to the widow or other dependents of the deceased persons with admissible Dearness Allowance [2016 Rules, Annexure I - 46(i)].	District Magistrate / Sub-Divisional Magistrate / Executive Magistrate
2.	Permanent employment to one member of the family of the deceased. [2016 Rules, Annexure I - 46(i)]	
3.	Allotment of Agricultural Government land as per Government Land Assignment Policy.	
4.	Permanent house (under Rural Housing or Urban Housing scheme with full subsidy).	
5.	Full cost of the education up to graduation level and maintenance of the children of the victims. [2016 Rules, Annexure I - 46(ii)]	
6.	Children may be admitted into APSWREIS / APTWREIS / Ashram Schools fully funded by the Government. [2016 Rules, Annexure I - 46(ii)]	
7.	Provision of utensils, rice, wheat, dals, pulses, etc., for a period of three months. [2016 Rules, Annexure I - 46(iii)]	

V. Rights of the victims [PoA Act, Chapter IVA]

S.No.	Right of the victim/witnesses	Officer concerned
1	To reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding	Special Public Prosecutor
2	The complete protection to the victim / dependents, informant / witnesses during investigations and trial	Deputy Superintendent of Police
3	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	Investigating Officer and the Station House Officer
4	Photocopy of the First Information Report shall be immediately given to them at free of cost	Station House Officer
5	All proceedings relating to offences under this Act shall be video recorded	Investigating Officer
6	Immediate relief in cash or in kind to atrocity victims or their dependents	District Magistrate / Sub Divisional Magistrate / Executive Magistrate within 7 days, by meeting the expenditure from monetary relief head of account.
7	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	Investigating Officer
8	To provide travel expenses which includes attendant (for women witness, the victim of atrocity or her dependent being a woman or a minor, a person more than sixty years of age and person having 40 percent or more disability)	District Magistrate to release advance to the DSP concerned DSP should ensure that it is disbursed through the court duty constable
9	To provide maintenance expenses	Spl. Sessions Judge

		should ensure payment when he conducts court and Addl. District Magistrate should ensure payment during review.
10	To provide information atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount	District Magistrate/ Sub Divisional Magistrate/ Executive Magistrate to send a copy of the sanction order to the victim and IO.
11	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	Investigating Officer and Public Prosecutor.
12	To take necessary precautions at the time of medical examination	Investigating Officer and Medical Officer
13	To arrange food, water, clothing, shelter, medical aid transport facilities and daily allowances to the victims	Mandal Executive Magistrate (as per the need)
14	To provide relief in respect of death, injury or damage to property	District Magistrate/ Sub Divisional Magistrate/ Executive Magistrate (as prescribed in the POA rules
15	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	Special Public Prosecutor/ Exclusive Public Prosecutor.

VI. Constitution of committees and conduct of meetings [Rule 3]

S.No.	Committees	Review & Periodicity
1	State Level High Power Vigilance & Monitoring Committee under the Chairmanship of the Hon'ble Chief Minister.	<p>(a) Review the implementation of the Act.</p> <p>(b) Review the delay in implementation of relief, filing of charge sheet and disposal of cases.</p> <p>Periodicity: Twice in a year (Jan & July)</p>
2	<p>District Level Vigilance & Monitoring Committee under the Chairmanship of the District Magistrate. The District Social Welfare Officer shall be the Member-Secretary.</p> <p><i>All the DVMC members shall be invariably invited to the DVMC meetings-</i> (a) Members of the Parliament and State Legislative Assembly and Legislative Council. (b) Superintendent of Police. (c) Three-group 'A' Officers, Gazetted Officers of the State Government belonging to the SC/ST. (d) Not more than 5 non-official members belonging to the Scheduled Castes and the Scheduled Tribes. (e) Not more than 3 members from the categories other than SCs/STs having association with NGOs.</p>	<p>(a) Review the delay in implementation of relief filing of charge sheet and disposed of cases.</p> <p>(b) Minutes of the meeting shall be submitted to the Nodal Officer / Government within 7 days.</p> <p>Periodicity: Once in 3 months.</p>
3	Sub Divisional Level Vigilance & Monitoring Committee under the Chairmanship of the Sub Divisional Magistrate.	<p>(a) Review the delay in implementation of relief filing of charge sheet and disposed of cases.</p> <p>(b) Minutes of the meeting shall be submitted to the District Magistrate within 7 days from date of conduct of the meeting.</p> <p>Periodicity: Once in 3 months.</p>

4	SC & ST Protection Cell <ul style="list-style-type: none"> • At Addl. DG, CID Office (State Level) • At Additional SP (Admin) Office (DistrictLevel) 	(a) To ensure proper implementation of the provisions of the Act. Periodicity: submit a monthly report to the Nodal Officer on or before 20 th day of each subsequent month.
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VII. Review by the officers

Sl.No.	Officer	Review & Periodicity
1.	District Magistrate and Officer in-charge of prosecution at the district level - Dy. Director of Prosecution	(a) Position of the cases registered under the Act (b) Implementation of the rights of the victims and witnesses. (c) Submit a monthly report on or before 20 th of day of subsequent month to the Director of Prosecution and State Government. [Rule 4(4)] Periodicity: Every month.
2.	District Magistrate and the Director of Prosecution.	(a) Review the performance of the Special Public Prosecutors and Exclusive Special Public Prosecutors. (b) Submit a performance report to the State Government. [Rule 4(2)] Periodicity: At least twice in a calendar year.
3.	Nodal Officer	(a) Shall review the reports received by the State Government, position of the cases registered, Law & Order situation in the identified areas, relief and rehabilitation provided, performance of NGOs, implementation of the rights of the victims / witnesses.

		<p>(b) Submit a report to the State Level High Power Vigilance & Monitoring Committee.</p> <p>[Rule 9]</p> <p>Periodicity: End of every quarter.</p>
4.	<p>Special Officer (Additional District Magistrate) – Regular Joint Collector (Rythu Bharosa & Revenue)</p>	<p>Officer is responsible for:</p> <p>(a) Providing immediate relief and other facilities to the victims of atrocities.</p> <p>(b) Setting up of awareness centers and organising workshops in the identified area or district headquarters.</p> <p>(c) Coordinating with NGOs.</p> <p>Submission of report: To District Magistrate once in every quarter and District Magistrate in turn to submit the report to the State Government. [Rule 10]</p>

VIII. Role of State Government

1. Preparation of panel and notification:
 - a. Law Department to prepare panel of eminent senior advocates with not less than 7 years of practice on recommendation of the District Magistrate and to notify in the Gazette. [Rule 4(1)]
 - b. Home Department to prepare a panel of Special Public Prosecutors and Exclusive Special Public Prosecutors in consultation with the Director of Prosecution and to notify in the Gazette. [Rule 4(1)]
2. Setting up of SC & ST Protection Cell at the State-level at Addl. DG CID Office [Rule 8]
 - a. At District level, it should be set up at Addl. SP (Admin) Office.
3. Nomination of Nodal officer. [Rule 9]
4. Appointment of Special Officer (Additional District Magistrate in the identified areas / districts). [Rule 10]
5. To ensure adequate representation of the Scheduled Castes and the Scheduled Tribes in the administration and in the police force at all levels, particularly at the level of police posts and police station. [Rule 13(2)]
6. State Government shall review at least twice in a calendar year (January & July) implementation of the POA Act & Rules. [Rule 14]
7. Shall make necessary provisions in its annual budget for providing relief and rehabilitation facilities to the victims of the atrocity. [Rule 14]
8. Preparation of model contingency plan for implementing the provisions of the Act and notify in the Gazette and to communicate to Government of India, all District Magistrates, Sub Divisional Magistrates, Inspector General of Police and Superintendent of Police. [Rule 15]
9. Forward a report to Central Government about the measures taken for implementing provisions of the act before 31st of March every year. [Rule 18]
10. A "*Call centre*" to be setup by the Nodal Officer to facilitate easy submission of complaints in cases where officers are being unresponsive to / taking no action on complaints.

STANDARD OPERATING PROCEDURE

ROLE OF OFFICERS

PREVENTION OF ATROCITIES

on SCs & STs Act & Rules

List of all Officers responsible for implementation of various provisions within the Act & Rules:

1. SHO
2. Investigating Officer (IO)
3. Medical Officer
4. District officer in-charge of Prosecution
5. Sub Divisional Magistrate (SDM)
6. Additional District Magistrate (Additional DM)
7. Additional Superintendent of Police (ASP) - Admin
8. Deputy Superintendent of Police (DSP)
9. Special Public Prosecutor (Spl. PP)
10. Superintendent of Police (SP)
11. District Magistrate (DM)
12. Director of Prosecution
13. State Director or Regional Director, Forensics Science Lab
14. Nodal Officer – Director, SW
15. Principal Secretary / Secretary, Law Department
16. Principal Secretary / Secretary, Social Welfare Department
17. Principal Secretary / Secretary, Home Department
18. Additional Director General, CID
19. Director General Police (DGP)
20. Chief Secretary (CS)
21. Hon'ble Chief Minister

STATION HOUSE OFFICER

- Register FIR under relevant section & sub-sections of POA Act.
- Record complaint of victim, informant or witnesses against intimidation or violence, whether given orally or in writing.
- Send a copy of FIR to the DM and the SP within 24 hours.
- File charge-sheet in Special Court within 60 days of the date of offence.
- Give a copy of FIR & charge-sheet to the victim free of cost.
- Cases related to "Jogini system" to be dealt with extra sensitivity in those districts where the system is practiced, in accordance with Section 3[k] of POA Act.

INVESTIGATING OFFICER

- IO to record the statement of witnesses and give a copy of the same to the witnesses. [S.15A-(3),(9)]
- IO to complete investigation & examination of witnesses on priority.
- Record complaint of victim, informant or witnesses against intimidation or violence, whether given orally or in writing.
- IO to ensure video recording of all proceedings.
- IO to send Investigation Report to DGP/CP/SP and to SHO. [Rule 7(2)]
- IO to explain to SP in writing for any delays in investigation or filing of charge-sheet. [2016 Rules – Rule 7(2A)]
- IO to arrest the accused after completing investigation.
- If an anticipatory bail petition has been filed by the accused in the Court, IO to immediately meet the Spl. PP and apprise him with facts of the case. If such petition is entertained, IO / Spl. PP to rely on S.18 of POA Act.
- IO to provide information to victims / dependents on status of investigation and charge sheet.
- IO to take necessary precautions along with Medical Officer during medical examinations.
- IO to receive a copy of the sanction order of relief to the victims, and store it as part of the case documents.

MEDICAL OFFICER (MO)

- MO shall give Medical (wound) certificate within 1 day.
- MO shall give FSL and Medical report within 25 days.

DISTRICT OFFICER IN-CHARGE OF PROSECUTION

- To review monthly, position of all cases registered under PoA Act, along with District Magistrate.
- To review monthly, the implementation of the rights of victims and witnesses.

SUB DIVISIONAL MAGISTRATE (SDM)

- To chair the quarterly Sub-Divisional Level Vigilance & Monitoring Committee.
- To submit the minutes of the quarterly review meeting to the DM within 7 days of the meeting.

SPECIAL OFFICER (ADDITIONAL DM) – JOINT COLLECTOR (RYTHU BHAROSA & REVENUE)

- To ensure provision of immediate relief.
- Setting up awareness centres, organizing workshops in the identified area or district headquarters.
- Coordinating with NGOs for effective implementation of PoA Act & Rules.
- To submit a quarterly report to DM on the above tasks.
- To ensure travel & diet expenses are paid to the victim.

ADDITIONAL SUPERINTENDENT OF POLICE (ADMIN)

- To set up and run the SC & ST Protection Cell at the district-level.

DEPUTY SUPERINTENDENT OF POLICE (DSP)

- To identify atrocity prone areas / villages in the district.
- Provide protection to victim / dependents, informant / witnesses during investigations and trial.
- To pay "travel maintenance" and "diet expenses" within 3 days to victim, dependent, attendant and witnesses through the Court-duty Constable.

SPECIAL PUBLIC PROSECUTORS (SPL. PP)

- To provide to timely notice of any Court proceeding, including bail proceeding to the victims.
- To brief the victims on the case to prepare them for the trial.
- To provide legal aid to the victims.
- If an anticipatory bail petition by the accused is entertained by the Court, Spl. PP to rely on S.18 of PoA Act.

SUPERINTENDENT OF POLICE (SP)

- To perform quarterly visit to "*identified areas*" & review of law & order situation along with DM. [Rule 3(ii)]
- Deploy special police force in "identified area", if necessary. [Rule 3(x)]
- To visit the site of offence (spot inspection) along with DM/ SDM / EM to assess the extent of atrocity, loss of life/property within 24 hours of occurrence of the offence, and submit a report. [Rule 6]
- To appoint an "Investigation Officer" within 24 hours of the occurrence of the offence. [Rule 7(1)].
- To instruct the concerned IO to give an explanation in writing in case of delays in investigation beyond 30 days or filing of charge-sheet beyond 60 days.

DISTRICT MAGISTRATE (DM)

- To perform quarterly visit to “identified areas” & review law & order situation, along with SP. [Rule 3(ii)]
- To visit the site of offence (spot inspection) along with SP / SDM / EM to assess the extent of atrocity, loss of life/property within 24 hours of occurrence of the offence, and submit a report. [Rule 6]
- To instruct the SHO to send a copy of the FIR in order to start the processing of relief to victim(s).
- DM / SDM / EM to pay “travel maintenance” and “diet expenses” within 3 days to victim, dependent, attendant and witnesses through the DSP Office.
- DM / SDM / EM to provide relief in cash or kind or both within 7 days of atrocity to victims, their family members and dependents according to scale in POA rules. [2016 Rules - 12(4)]
- Send a copy of sanction order of relief to the victim and the IO.
- To provide *additional relief* to victims of murder, death, massacre, rape, gang rape, permanent incapacitation and dacoit within 3 months from date of atrocity. [2016 Rules, Annex. I (46)]. Items under Additional relief include:
 - To provide basic pension of Rs.5,000/- p.m. to widow or other dependents of deceased with admissible Dearness Allowance [2016 Rules, Annex. I - 46(i)].
 - To provide permanent employment to one member of family of deceased. [2016 Rules, Annex. I - 46(i)].
 - To provide agricultural land, if necessary, by outright purchase, to the victims.
 - To provide permanent house (under Rural Housing or Urban Housing scheme with full subsidy).
 - To provide full cost of education up to graduation level; maintenance for children of victims. [2016 Rules, Annex. I - 46(ii)]
 - To admit children of the victims (or the victims, if victim is a child) into APSWREIS / APTWREIS / Ashram Schools fully funded by Government. [2016 Rules, Annex. I - 46(ii)]

- To ensure provision of utensils, rice, wheat, dals, pulses, etc., for 3 months. [2016 Rules, Annex. I - 46(iii)]
- To review monthly, the position of cases registered under PoA Act
- To review monthly, the implementation of rights of victims and witnesses.
- To submit a monthly report on the above reviews, before 20th of the subsequent month, to the Director of Prosecution and State Government. [Rule 4(4)]
- To chair the quarterly District Level Vigilance & Monitoring Committee meeting, and submit the minutes of the meeting to the Nodal Officer within 7 days.
- To review half-yearly, the performance of Special Public Prosecutors and Exclusive Spl. PPs, at least on video, and submit a performance report to the State Government. [Rule 4(2)]
- To recommend a panel of eminent senior advocates with min. 7 years of practice to the Secretary / Principal Secretary, Law Department of the State Government.

DIRECTOR OF PROSECUTION

- To recommend a panel of Spl. PPs & Exclusive Spl. PPs to the Secretary / Principal Secretary, Home Department.
- To review half-yearly, the performance of Spl. PPs and Exclusive Spl. PPs, at least on video, along with DM.
- To submit the above performance report to the State Government.

STATE DIRECTOR/ REGIONAL DIRECTOR, FORENSIC SCIENCE LAB (FSL)

- Shall give the FSL report within 10 days.

NODAL OFFICER

- Review all the reports received by State Government:
 - Monthly report on position of cases and implementation of rights of victims & witnesses.
 - Quarterly reports on District Level Vigilance & Monitoring Committee meetings of all districts.
 - Half-yearly reports on performance of Spl. PPs and Exclusive Spl. PPs.
- Review law & order situation in identified areas.
- Review performance of NGOs working towards social justice for SCs and STs.
- Submit quarterly report to State Level High Power Vigilance & Monitoring Committee. [Rule 9]

SECRETARY / PRINCIPAL SECRETARY, LAW DEPARTMENT

- To prepare panel of eminent senior advocates with min. 7 years of practice on recommendation of DM and notify in Gazette. [Rule 4(1)]

SECRETARY/ PRINCIPAL SECRETARY, SOCIAL WELFARE DEPARTMENT

- Make provisions in its annual budget for providing relief and rehabilitation to victims. [Rule 14]
- Review implementation of the POA Act & Rules twice in a year (January & July). [Rule 14(2)]
- Submit a report to Central Government about the measures taken for implementing provisions of the act before 31st of March every year. [Rule 18]

SECRETARY / PRINCIPAL SECRETARY, HOME DEPARTMENT

- To prepare a panel of Spl. PPs & Exclusive Spl. PPs in consultation with the Director of Prosecution and notify in Gazette. [Rule 4(1)]
- Ensure adequate representation of SCs & STs in administration and in police force at all levels, particularly at the level of police station. [Rule 13(2)]
- To review quarterly the position of all investigations done by the IO [Rule 7(3)]

ADDITIONAL DIRECTOR GENERAL OF POLICE, CID

- Set up and run the SC & ST Protection Cell at the State-level.

DIRECTOR GENERAL OF POLICE (DGP)

- To review quarterly, the position of all investigations done by the IO [Rule 7(3)]

- To review quarterly, the cases of atrocities / negligence of duty committed by police officials in the State.
- Ensure adequate representation of SCs & STs in administration and in police force at all levels, particularly at the level of police station.
[Rule 13(2)]

CHIEF SECRETARY

- To conduct a half-yearly meeting of State Level High Power Vigilance & Monitoring Committee.

HON'BLE CHIEF MINISTER

- To conduct State Level High Power Vigilance & Monitoring Committee meetings twice in a year (January & July).

MODEL CONTINGENCY PLAN

PREVENTION OF ATROCITIES

on SCs & STs Act & Rules

**PREPARATION OF MODEL CONTINGENCY PLAN WAS
DONE UNDER RULE 15 OF
THE SC/STs (PREVENTION OF ATROCITIES) RULES 1995
AND THE AMENDED RULES, 2016**

The Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Rules, 1995, and amended Rules 2016 have come into force with effect from 31st March 1995 and 14th April 2016 respectively.

As per rule 15 of the said rules, the State Government is required to prepare a Model Contingency Plan for implementation of the provisions of the Act and notify the same in the Official Gazette of the State Government. It has also been specified therein that such Contingency Plan should specify the role and responsibilities of various departments and their officers at different levels, the role and responsibility of Rural /Urban local bodies and Non- Governmental Organizations containing package of relief measures on various aspects specified therein.

It has to be notified in the official Gazette under Rule 15 of SC/ST PoA) Rules 1995 and the Amendment Rules 2016. It shall be the duty of the District administration, particularly the District Magistrates and Superintendents of Police / Commissioners of Police, to ensure that effective steps are taken to prevent the occurrence of atrocities on any Scheduled Caste / Scheduled Tribe citizen in their jurisdiction. This shall include periodic visits in sensitive areas, supervision of investigation /prosecution of offences under the Act, periodical meeting of the members of the community from all over the district and all other measures prescribed in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the Amended Act 2015, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules 1995 and the Amended Rules, 2016.

Whenever an atrocity takes place in the districts, it shall be the duty of all departments/agencies/corporations/ organizations of Government in the district to fulfil their role prescribed in the State Contingency Plan as hereunder so that the victims of atrocities are properly rehabilitated as soon as possible, effective action is taken against the culprits who perpetrate the atrocity and ensure that security is restored not only amongst the members of SC/ST affected due to the atrocity but also among the general public in the area.

The Model Contingency Plan will contain a package of relief measures including the following:

1. Scheme to provide immediate relief in cash or in kind or both
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 (Sub -section 11(a) to 11(n))
2. Allotment of Agricultural land and House-sites
3. The Rehabilitation packages
4. Schemes for employment in Government /Government undertaking to the dependent or any of the family members of the victim
5. Pension scheme for widows, handicapped or old-age victims of atrocity
6. Mandatory compensation for the victims
7. Scheme for strengthening the Socio-economic conditions of the victims
8. Provisions of brick / stone masonry house to the victims
9. Such other elements such 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.

SN.	Provision	Functions and Benefits	Time limit & Officer responsible	Department concerned
1	Rule 15 (1) (a) Scheme to provide immediate relief in cash or in kind or both	In order to provide immediate relief in cash or in kind or both, as stipulated in rule 15(1)(a), the Officers concerned shall visit the place or area of atrocity to assess the damage to life and the property immediately and draw a list of victims, family members and dependents entitled to relief (Rule12(1)).	Relief to be provided within 7 days District Magistrate / Sub Divisional Magistrate/ Executive Magistrate/ DD(SW) / DD(TW) / DTWO / SP /DSP in the Districts and Commissioners of Police in cities.	a) Revenue Department b) Social Welfare & Tribal Welfare Department c) Home Department
2	Rule 15 (1) (aa) Appropriate Scheme for rights of the victims and witnesses in accessing justice as in subsection 11 of section 15 (A) of Chapter IVA of the Act, 2015	I) The victims of atrocities have to be provided with a copy of the recorded First Information Report (FIR) at free of cost as stipulated in sub section 11 (a) of Section 15A of the Act. The copy of the FIR has to be provided after reading out the contents to the complainant.	Immediately on registering the FIR Inspector of Police / Sub- Inspector of Police in charge of the Police Station.	Home Department
		II) The victims of atrocities have to be provided with immediate relief in cash or in kind as stipulated in sub section 11(b) of Section 15A of the Act.	Within seven days District Magistrate / Sub Divisional Magistrate / Executive Magistrate	Revenue Department
		III) To provide necessary protection to the victims of atrocity or their dependents and witnesses as per sub section 11(c) of Section 15A of the Act, the officers concerned shall visit the place of incident and make arrangements of the safety and protection of the affected persons.	Within 24 hours Assistant Commissioners of Police in cities / Deputy Superintendents of Police in Districts	Home Department
		IV) To provide relief in respect of death or injury or damage to property to the victims of atrocities and the affected families as per the sub section 11(d) of Section 15A of the Act. Necessary proposals shall be sent to the District Administration by the Officers concerned immediately	Within 24 hours District Magistrate/ Sub Divisional Magistrate / Executive Magistrate and Investigating Officer	a) Revenue Department b) Home Department
		V) The victims of atrocities have to be provided with	Within seven days	a) Revenue Department

	<p>immediate relief in cash or in kind as stipulated in sub section 11(e) of Section 15A of the Act,. Such relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items necessary for human beings as stipulated in Rules 12(5) and rule 12(7).</p>	<p>District Magistrates / Sub Divisional Magistrates / Executive Magistrate/ DD(SW) / DD(TW) / DTWO</p>	<p>b) Social Welfare & Tribal Welfare Department</p>
	<p>VI) Maintenance expenses has to be provided to the atrocity victims and their dependents as per sub section 11(f) of Section 15A of the Act till the victims of atrocities return to normal life.</p>	<p>Within 24 hours District Magistrate / SDM / EM</p>	<p>Revenue Department</p>
	<p>VII) To provide the information about the rights of atrocity victims at the time of making complaints and registering the First Information Report as per sub section 11(g) of Section 15A of the Act. Apart from that, additional information if any related to the atrocity and assistance required by the complainants have also to be provided.</p>	<p>Immediately on registering the FIR Inspector of Police / Sub- Inspector of Police in charge of Police Station</p>	<p>Home Department</p>
	<p>VIII) To provide protection to atrocity victims or their dependents and witnesses from intimidation and harassment as per the sub section 11(h) of Section 15A of the Act, necessary steps should be taken to provide protection to them and also prevent any further atrocities.</p>	<p>Within 24 hours Assistant Commissioners of Police in cities / Deputy Superintendents of Police in the Districts</p>	<p>Home Department</p>
	<p>IX) To provide information to atrocity victims or their dependents or associated organizations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost as per sub section 11(i) of Section 15A of the Act.</p>	<p>Immediately on filing of charge sheet - within 60 days Charge sheeting authority (Inspector of Police / Sub-Inspector of police)</p>	<p>Home Department</p>
	<p>X) Necessary precautions should be taken at the time of medical examination as per the subsection 11(j) of</p>	<p>Within 24 hours Medical Officers in the districts and</p>	<p>a) Health, Medical & Family Welfare Department.</p>

		Section 15A of the Act.	Investigating Officer	b) Home Department
		XI) To provide information to atrocity victims or their dependents or associated organizations or individuals, regarding the relief amount as stipulated in subsection 11(k) of Section 15A of the Act.	Within 7 days District Magistrate / SDM / EM	Revenue Department
		XII) To provide information to atrocity victims or their dependents or associated organizations or individuals, in advance about the dates and place of investigation and trial as per sub section 11(l) of Section 15A of the Act so as to ensure fair and proper investigation.	3 days in advance Investigating Officers (IO) and Spl. Public Prosecutors	Home Department
		XIII) To give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organizations or individuals and to provide the legal aid for the said purpose as per subsection 11(m) of Section 15A of the Act.	2 days before the trial Spl. Public Prosecutor / Exclusive Public Prosecutor	Home Department
		XIV) To execute the rights of atrocity victims or their dependents or associated organizations or individuals at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights as stipulated in the sub section 11(n) of Section 15A of the Act.	At every stage of the proceeding District Magistrate / Sub Divisional Magistrate / Executive Magistrate/ Commissioner of Police in cities / Superintendent of Police in districts / and Spl. Public Prosecutors / DD(SW) / DD(TW) / DTWO	a) Revenue Department b) Home Dept c) Social Welfare and Tribal Welfare Department
3	Rule 15 (1) (b) Allotment of agricultural land and house sites to the victim/dependents of the atrocities	Allotment of Agricultural land and House sites as per rule 15(1) (b). Steps should be taken to allot land subject to the guidelines to be issued from time to time and house sites where necessary for the purpose of rehabilitation. If Government land is not available, the agriculture land may be provided under	Within 3 months District Magistrate / Sub Divisional Magistrate / Executive Magistrate	Revenue Department

		Land Purchase Scheme.		
4	<u>Rule 15(1) (c)</u> Rehabilitation measures.	The immediate need of the victims of atrocity / dependents are food, clothing, shelter, etc. Thus, shelters to be provided in schools, community halls and any Government buildings and immediate arrangement should be made to supply minimum cooking vessels, clothes required by the victims of atrocities / dependents. If permanent rehabilitation is required the same may be provided through District SCSC Society and TRICOR schemes.	Within 24 hours District Magistrate / Sub Divisional Magistrate/ Executive Magistrate / Municipal Commissioner / Panchayat Secretary Within 2 months District Magistrate / ED, District SCSC Society / DD(TW) / DTWO for TRICOR	a) Revenue Department b) Municipal Administration c) Panchayat Raj and Rural Development d) Social Welfare and Tribal Welfare Departments
5	<u>Rule 15 (1) (d)</u> Schemes for employment in Government / its undertakings	Permanent employment in Government/ Government undertakings shall be provided to the dependent or any of the family members of the deceased victim or rape victims	Within 3 months District Magistrate and all Department District level officers	Any Department where vacancy exists
6	<u>Rule 15 (1) (e)</u> Pension scheme	Pension shall be provided for widows, handicapped or old-age victims of atrocity in the existing pension schemes	within 15 days District Magistrate/ Project Director, DRDA / MPDO	a) Revenue Dept b) Panchayat Raj and Rural Development Department
7	<u>Rule 15 (1) (f)</u> Mandatory compensation for the victims	Mandatory compensation shall be provided for the victims as mentioned in Annexure-I of POA Rules, 2016.	As per the scale and stage of the case as mentioned in Annexure-I of POA Rules, 2016. District Magistrate / Sub Divisional Magistrate/ Executive Magistrate / DD(SW) / DD(TW) / DTWO	a) Revenue Dept b) Social Welfare & Tribal Welfare Departments
8	<u>Rule 15 (1) (g)</u> Scheme for strengthening the socio-economic conditions of the victims	If the victim or dependent, own agricultural land they should be supplied with seeds, fertilizers, etc., under the existing schemes. <u>Livelihoods:</u> The victims of	Within 1 month District Magistrate / Joint Director of Agriculture / Assistant Director of Agriculture / Agricultural Officer / Horticulture Officer.	a) Revenue Dept b) Agriculture Department
				a) Panchayat Raj

		atrocities may be organized into Self-Help Groups, skill development training and assisted for viable activity for deriving sustainable income under any of the schemes implemented through APSCCF. They shall be provided with necessary assistance/guidance to avail the benefits of Economic Development schemes of District SCSC Societies / TRICOR. They may be provided wage employment scheme work for immediate relief.	Training to be done within 6 months Project Director, DRDA/ Project Director, DWMA / ED, District SCSC Societies /DD(TW)/DTWO, TRICOR	and Rural Development Department b) Social Welfare and Tribal Welfare Department
9	Rule 15(1)(h) Provision of brick / stone masonry house to the victims	If the houses of the victims of atrocities are damaged fully, they may be provided funds under housing scheme for construction of new houses under existing housing schemes.	Sanctioning shall be given within 15 days And construction shall be completed within 6 months District Magistrate / Sub Divisional Magistrate / Executive Magistrate / D.M Housing	a) Revenue Department b) Housing Department
10	Rule 15(1)(i) (a) Health care	Health care should be provided to the victims of atrocities. Immediate preventive measures and medical relief should be provided at free of cost by all the Government Hospitals in the State / District / Primary Health Centers. For this purpose free health services, transport, emergency medication shall be provided to ensure diagnosis and treatment. Free treatment should be given inclusive of free medicines and the doctor concerned will be made responsible for ensuring proper treatment and relief. In case of emergency the cost of transporting victims and their attendants must be borne by the Government, either through	Within 24 hours District Magistrate / DMHO	a) Revenue Department b) Health, Medical and Family Welfare Dept

	<p>its own Ambulances or through hired transport.</p> <p>Further, DMHO should take necessary steps to constitute comprehensive Mobile Health Care Teams which shall give required medical treatment and medicines.</p>		
(b) Supply of essential commodities	<p>The victims of atrocities shall be given essential commodities such as Rice, Wheat, Sugar, Kerosene Pulses etc., for a period of 3 months. Ration commodities should be released from the Public Distribution System (PDS) on priority.</p> <p>The quantum of articles to be released shall depend on the period for which atrocity victims / dependents are to be taken care of.</p> <p>The total quantity may be decided by the District Magistrate. To arrange the release of these commodities from the nearest Civil Supplies go down on credit basis and shall recoup the cost of these items from the funds available under</p> <p>Monetary Relief and Legal aid (Government of India): 2225-01-800-12-04-310-312</p> <p>Monetary Relief and Legal aid (matching state share): 2225-01-800-06-04-310-312</p>	<p>Within 5 days</p> <p>District Magistrate/ Sub Divisional Magistrate / Executive Magistrate / DM Civil Supplies Corporation / District Supply Officer</p>	<p>a) Revenue Department b) Civil Supplies Dept.</p>
(c) Electrification	<p>Electrification of the rehabilitated colonies of victims of atrocities shall be done by DISCOMS.</p> <p>Even in case where an individual becomes victim of atrocities and if the Government builds and allots a house, such house shall be given electrical connection if necessary, by extending the LT (Low Tension) line.</p>	<p>Within 3 months</p> <p>SE/EE, DISCOMS</p>	<p>Energy Department</p>

		In case of total damage of electric lines in the habitations due to community clash, immediate restoration of electricity is necessary. If temporary shelters are provided to the victims of atrocities such shelters should be provided with immediate electrical connection.		
(d) Drinking water	Adequate drinking water facility shall be provided on priority basis		Within one month District Magistrate / Municipal Commissioner/ S.E. (RWS) / Panchayat Secretary	a) Revenue Department b) Municipal Administration & Urban Development Department c) Panchayat Raj & Rural Development (RWS)
(e) Burial / cremation ground	Allot land for Burial/Cremation ground for SCs and STs in the area		Within 3 months District Magistrate/ Sub Divisional Magistrate / Executive Magistrate	Revenue Department
(f) Link roads	Link Roads to be provided to the habitations affected by the community clashes/atrocities		Within 3 months District Magistrate / S.E. (PR) / S.E. (R&B)	a) Revenue Department b) Panchayat Raj & Rural Development Department c) R&B Dept

The implementation of the Model Contingency Plan shall be reviewed in the DVMC meetings along with other items and a quarterly report on the implementation of contingency plan shall be submitted as a part of the DVMC report by the DM to the Director of Social Welfare (Nodal Officer) and to the State Government.

SPECIAL STEPS TAKEN BY GOVERNMENT OF ANDHRA PRADESH

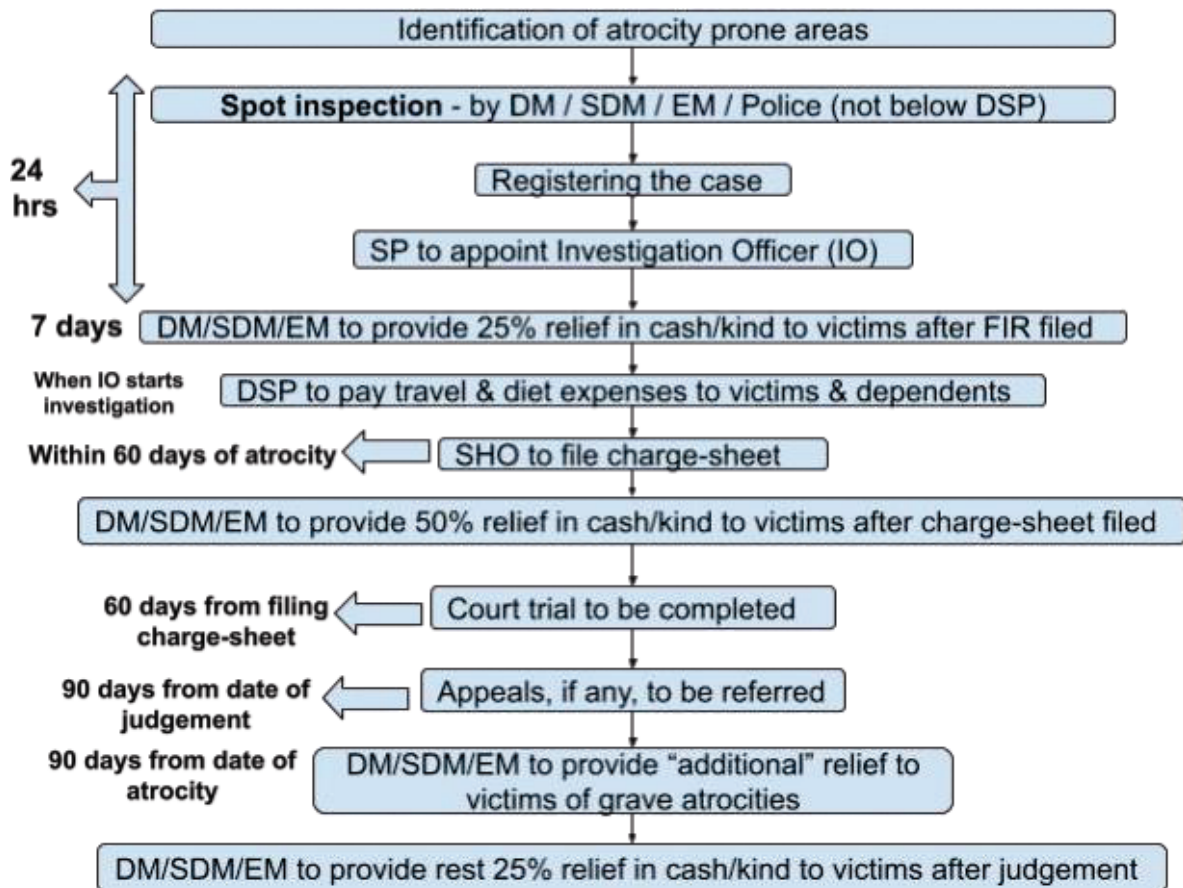
- 1) New caste certificate need not be taken by the victim, existing certificate already issued in the past will suffice.
- 2) All Grama/Ward Sachivalayams (Gram/Ward Secretariat offices) should have SOP booklet which also has POA Act and Rules.
- 3) District-level review meetings shall be attended by a State-level Government officer (at least on video) from the Social Welfare Department
- 4) District level meeting should ensure that the elected representatives mentioned in POA Rule-17(2) are invited to the meeting.
- 5) A provision shall be provided for victims to raise a grievance request in a suitable web portal, in cases where FIR is not being registered by the police.
- 6) In case if any counter-case is registered against the SCs/STs, it should be informed to the SDPO immediately. *(to be read as point-7 of II(b) of SOP- Page11).*
- 7) Provide employment to the victims of rape cases also, after providing employment to the dependents in the deceased cases in the district.
- 8) Offences mentioned under Section 3[r] of the POA Act are cognizable even when they are found on the social media.

TIMELINE

OF STANDARD OPERATING PROCEDURE (SOP)

for

SCs & STs POA Act & Rules



Annexures – POA Act & Rules

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

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THE SCHEDULE

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

ACT 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 ¹[Special Courts and the Exclusive Special Courts] 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 I

PRELIMINARY

1. Short title, extent and commencement.—(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^{2***}.

(3) It shall come into force on such date³ as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “atrocities” means an offence punishable under section 3;

(b) “Code” means the Code of Criminal Procedure, 1973 (2 of 1974);

⁴[(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 (45 of 1860), as well as any other person deemed to be a public servant under any other law for the

1. Subs. by Act 1 of 2016, s. 2, for “Special Courts” (w.e.f. 26-1-2016).

2. The words “except the State of Jammu & Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

3. 30th January, 1990, vide notification No. S.O. 106(E), dated 29th January, 1990, See Gazette of India, Extraordinary, Part II, sec. 3(ii).

4. Ins. by Act 1 of 2016, s. 3 (w.e.f. 26-1-2016).

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;]

(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;

¹[(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 (I) 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;]

²[(f) the words and expressions used but not defined in this Act and defined in the Indian Penal Code (45 of 1860), the Indian Evidence Act, 1872 (1 of 1872) or the Code of Criminal Procedure, 1973 (2 of 1974), as the case may be, shall be deemed to have the meanings respectively assigned to them in those enactments.]

(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. Punishments for offences atrocities.—³[(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;

1. Ins. by Act 1 of 2016, s. 3 (w.e.f. 26-1-2016).

2. Subs. by s. 3, *ibid.*, for clause (f) (w.e.f. 26-1-2016).

3. Subs. by s. 4, *ibid.*, for sub-section (1) (w.e.f. 26-1-2016).

(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.]

(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 Tribe 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 a 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 (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property ¹[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 imprisonment for life and with fine;

²[(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

1. Subs. by Act 1 of 2016, s. 4, for “on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member” (w.e.f. 26-1-2016).

2. Ins. by s. 4, *ibid.* (w.e.f. 26-1-2016).

member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to 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.

¹[4. Punishment for neglect of duties.—(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 include—

(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 their 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.]

5. Enhanced punishment subsequent conviction.—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. Application of certain provisions of the Indian Penal Code.—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 (45 of 1860), 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. Forfeiture of property of certain persons.—(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,

1. Subs. by Act 1 of 2016, s. 5, for section 4 (w.e.f. 26-1-2016).

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. Presumption as to offences.—In a prosecution for an offence under this Chapter, if it is proved that—

(a) the accused rendered ¹[any financial assistance in relation to the offences committed by 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 a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object;

²[(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.]

9. Conferment of powers.—(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 thereunder.

(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

EXTERMENT

10. Removal of person likely to commit offence.—(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, ³[or any area identified under the provisions of clause (vii) of sub-section (2) of section 21], 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 ⁴[three 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.

1. Subs. by Act 1 of 2016, s. 6, for “any financial assistance to a person accused of” (w.e.f. 26-1-2016).

2. Ins. by s. 6, *ibid.* (w.e.f. 26-1-2016).

3. Ins. by s. 7, *ibid.* (w.e.f. 26-1-2016).

4. Subs. by s. 7, *ibid.*, for “two years” (w.e.f. 26-1-2016).

11. Procedure on failure of person to remove himself from area and enter thereon after removal.—(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. Taking measurements and photographs, etc., of persons against whom order under section 10 is made.—(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 a 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 the 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 (45 of 1860).

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

13. Penalty for noncompliance of order under section 10.—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

¹**14. Special Court and Exclusive Special Court.**—(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:

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:

1. Subs. by Act 1 of 2016, s. 8, for section 14 (w.e.f. 26-1-2016).

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.]

STATE AMENDMENTS

Karnataka

Amendment of section 14.—In section 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989), for the words “to try offences under this Act”, the words “to take cognizance of offences under this Act as a court of original jurisdiction and to try such offences” shall be substituted.

[*Vide* Karnataka Act 35 of 2003, s. 2]

¹[**14A. Appeals.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), 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) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(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.]

²[**15. Special Public Prosecutor and Exclusive Public Prosecutor.**—(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.]

1. Ins. by Act 1 of 2016, s. 9 (w.e.f. 26-1-2016).

2. Subs. by s.10, *ibid.*, for section 15 (w.e.f. 26-1-2016).

¹[CHAPTER IVA

RIGHTS OF VICTIMS AND WITNESSES

15A. Rights of victims and witnesses.—(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 (2 of 1974), 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.

1. Ins. by Act 1 of 2016, s. 11 (w.e.f. 26-1-2016).

(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 cost;
- (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.]

CHAPTER V

MISCELLANEOUS

16. Power of State Government to impose collective fine.—The provisions of section 10A of the Protection of Civil Rights Act, 1955 (22 of 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. Preventive action to be taken by the law and order machinery.—(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 requesting 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 behaviour 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 sub-section (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. Section 438 of the Code not to apply to persons committing an offence under the Act.—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.

¹[**18A. No enquiry or approval required.**—(1) For the purposes of this Act,—

(a) preliminary enquiry shall not be required for registration of a First Information Report against any person; or

(b) the investigating officer shall not require approval for the arrest, if necessary, of any person, against whom an accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply.

(2) The provisions of section 438 of the Code shall not apply to a case under this Act, notwithstanding any judgment or order or direction of any Court.]

19. Section 360 of the Code or the provisions of the Probation of Offenders Act not to apply to persons guilty of an offence under the Act.—The provisions of section 360 of the Code and the provisions of the Probation of Offenders Act, 1958 (20 of 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. Act to override other laws.—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. Duty of Government to ensure effective implementation of the Act.—(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) 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 provision of this Act;

1. Ins. by Act 27 of 2018, s. 2 (w.e.f. 20-8-2018).

(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 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.

22. Protection of action taken in good faith.—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. Power to make rules.—(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; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

¹[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.
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.

1. Ins. by Act 1 of 2016, s. 12 (w.e.f. 26-1-2016).

Section under the Indian Penal Code	Name of offence and punishment
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.]

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 an 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 incharge 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/incharge 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 incharge 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 sympathisers 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 co-ordinating the functioning of the District Magistrates and Superintendent of Police or the offices authorised 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, travelling allowance, daily allowance, and transport facilities provided to the victims of atrocity or his/her dependants;
- (vi) performance of non-Governmental organisations, 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 organising 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-ordinating with the non Governmental organisations and providing necessary facilities and financial and other type of assistance to non-Governmental Organisation for maintaining centres or organising 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 travelling 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 travelling 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 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 Organisations. 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-Convenor

(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 Organisations. 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)]

NORMS FOR RELIEF AMOUNT

U/s 12(4) of SCs and STs (POA) Rules,1995

- | | | |
|-----|--|--|
| 1. | Drink or eat inedible or obnoxious substance (Section 3 (1) (I))

Causing injury insult or annoyance [Section 3(1)(ii) | Rs. 25,000 or more depending upon the nature and gravity of the offence to each victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim

payment to be made as follows: |
| 3. | Derogatory act [Sec.3(1)(iii)] | 25% when the chargesheet is sent to the court.

75% when accused are convicted by the lower court. |
| 4. | Wrongful occupation or cultivation of land, etc. [Section 3(1)(iv)] | At least Rs.25,000/- or more depending upon the nature and gravity of the offence. The land/premises/water supply shall be restored where necessary at Govt. cost. Full payment to be made when charge-sheet is sent to the Court. |
| 5. | Relating to land, premises and water [section 3(1)(v)] | |
| 6. | Begar or forced or bonded labour [Section 3(1)(vi)] | Atleast Rs.25,000/- to each victim. Payment of 25% at FIR stage and 75% on conviction in the lower court. |
| 7. | Relating to right to franchise [Section 391)(vii) | Upto Rs.20,000/- to each victim depending upon the nature and gravity of the offence. |
| 8. | False, malicious or vexatious legal proceedings [Section 3(1)(viii) | Rs.25,000/- or reimbursement of actual legal expenses and damages or whichever is less after conclusion of the trial of the accused. |
| 9. | False and frivolous information [Section 391)(ix) | |
| 10. | Insult, intimidation and humiliation [Section 3(1)(x) | Upto Rs.25,000/- to each victim depending upon the nature of the offence. Payment of 25% when chargesheet is sent to the court and rest on conviction. |
| 11. | Outraging the modesty of a woman [Section391)(xi)] | Rs.50,000/- to each victim of the offence. 50% of the amount may be paid after medical |

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|-----|--|--|
| 12. | Sexual exploitation of a woman [Section 3(1)(xii)] | examination and remaining at the conclusion of the trial. |
| 13. | Fouling of water (section 3(1)(xiii)) | Upto Rs.1,00,000/- or full cost of restoration of normal facility, including clearing when the water is fouled. Payment may be made at the stage as deemed fit by District Administration. |
| 14. | Denial of customary rights of passage [Section 3(1)(xiv)] | Upto Rs.1,00,000/- or full cost of restoration of right of passage and full compensation of the loss suffered if any. Payment of 50% when chargesheet is sent to the court and 50% on conviction in lower court. |
| 15. | Making one desert place of residence [Section 3(1)(xv)] | Restoration of the site/right to stay and compensation of Rs.25,000/- to each victim and reconstruction of the house of Govt. cost, if destroyed. To be paid in full when charge sheet is sent to the lower court. |
| 16. | Giving false evidence Section 3D(2)(I) and (ii)] | At least Rs.1,00,000/- of full compensation of the loss or harm sustained. 50% to be paid when charge sheet is sent to Court and 50% on conviction by the lower court. |
| 17. | Committing offences under the Indian Penal Code punishable with imprisonment for a term of 10 years or more Section 3(2) | Atleast Rs.50,000/- depending upon the nature and gravity of the offence to each victim and/or his dependents. The amount would vary if specifically otherwise provided in the Schedule. |
| 18. | Victimization at the hands of public servant [Section 3(2)(vii)] | Full compensation on account of damages or loss or harm sustained. 50% to be paid when charge-sheet is sent to the Court and 50% on conviction by lower court. |
| 19. | Disability, the definitions of physical & mental disabilities are contained in the Ministry of Welfare, GOI notification No.4-2/83-HW.III dated 6-8-1986 as amended from time to time.A copy of the notification isatAnnexureII.100%incapacitatio. | |
| | Non-earning Member of a family.Where incapacitation is | At least Rs.1,00,000 to each victim of offence.50% on FIR and 25% at chargesheet |

- less than 100% and 25% on conviction by the lower court.
- Earning member of a family. At least Rs.2,00,000/- to each victim of offence. 50% to be paid on FIR/Medical examination stage. 25% when charge-sheet sent to court and 25% at conviction in lower court.
- The rates as laid down in a (I) and (ii) above shall be reduced in the same proportion, the stages of payments also being the same. However, not less than Rs.15, 000/- to non-earning member and not less than Rs.30, 000/- to an earning member of a family.
20. Murder/Death
 Non-earning member of a family. At least Rs.1,00,000/- to each case. Payment of 75% after postmortem and 25% on conviction by the lower court.
- Earning member of a family. At least Rs.2,00,000/- to each case. Payment of 75% after postmortem and 25% on conviction by the lower court.
21. Victim of murder, death massacre, rape, mass rape and gang rape, permanent incapacitation and dacoity. In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows:-
- Pension to each widow and/or other dependents of deceased SC and ST @ Rs.1,000/- per months, or employment to one member of the family of the deceased, or provision of agricultural land and house, if necessary by outright purchase.
- Full cost of the education and maintenance of the children of the victims. Children may be admitted to Ashram Schools/residential schools.
- Provision of utensils, rice, wheat, dals, pulses etc. for a period of three months.
22. Complete destruction/burnt houses. Brick/stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed.

Appendix to Annexure-I

**No.4-2/83-HW.III
GOVERNMENT OF INDIA
MINISTRY OF WELFARE
New Delhi, the 6th August, 1986**

Subject: Uniform Definitions of the Physically Handicapped

1. At present, different definitions for various categories of handicapped are adopted in various schemes/programmes of the Central and State Governments. In order to have a standard set of definitions, authorized certification authorities and standard tests for purpose of objective certification, Government of India, Ministry of Welfare set up three committees under the Chairmanship of Director General of Health services-one each in the area of visual handicaps, speech and hearing disorders and locomotor disabilities and a separate Committee for mental handicaps.

2. After having considered the reports of these committees and with the concurrence of the State Governments/UTs and the concerned Ministries/Departments the undersigned is directed to convey the approval of the President to notify the definitions of the following categories of physically handicapped:-

1. Visually handicaps
2. Locomotor handicaps
3. Speech and hearing handicaps
4. Mental handicaps.

Report of the Committee as indicated in the Annexure*

3. Each category of handicapped persons has been divided into four groups viz. mild moderate, severe and profound/total. It has been decided that various concessions/benefits would in future be available only to the moderate, severe and profound/total groups: and not to the mild groups. The minimum degree of disability should be 40 percent in order to be eligible for any concession/benefits.

4. It has been decided that the authorized certifying authority will be a medical board at the district level. The board will consist of the Chief Medical Officer Sub-Divisional Medical Officer in the District and another expert in the specified field viz. ophthalmic surgeon in case of visual handicaps, either an ENT Surgeon or an audiologist in case of speech and hearing handicaps an orthopaedic surgeon or a specialist in physical medicine and rehabilitation in case of locomotor handicaps, a psychiatrist or a clinical psychologist or a teacher in special education in case of mental handicaps.

5. Specified tests as indicated in Annexure should be conducted by the medical board and recorded before a certificate is given.

6. The certificate would be valid for a period of three years.

7. The State Governments/UTs Admn. may constitute the medical boards indicated in para 4 above immediately.

**M.C. NARSIMHAN,
Jt. Secretary to the Government of India**

ORDER

Ordered that the above notification be published in the Gazette of India for general information. A copy of the Gazette notification may be sent to all Ministries/Department of the Central Government all State Governments/UT Admn. President Sectt., P.M.s Office, Lok Sabha, Rajya Sabha Sectt. For information and necessary action.

**M.C. NARSIMHAN,
Jt. Secretary to the Government of India**

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 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 Public Prosecutors, as it may deem necessary for conducting cases in the Special Courts and Exclusive Special 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, namely:-

" (4) The District Magistrate and the officer-in-charge of the prosecution at the District level, shall 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 the 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 namely:-

“ (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, namely:-

“ (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 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. ”;

(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 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. ”.

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 received 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]	
7.	Wrongful dispossession of land or premises or interfering with the rights, including forest rights. [Section 3(1)(g) 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>

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;
11.	Performing, or promoting dedication of a Scheduled Caste or a Scheduled Tribe woman as a devadasi [Section 3(1)(k) of the Act]	(iii) 25 per cent. when the accused are convicted by the lower court.
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;
14.	After poll violence and imposition of social and economic boycott [Section 3(1)(n) of the Act]	(ii) 50 per cent. when the charge sheet is sent to the 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]	(iii) 25 per cent. when the accused are convicted by the lower court.
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

	attempting to throw acid. [Section 3(2)(va) read with Schedule to the Act]	<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.</p> <p>[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; (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.</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; (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.</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; (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.</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.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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सामाजिक न्याय और अधिकारिता मंत्रालय (सामाजिक न्याय और अधिकारिता विभाग)

अधिसूचना

नई दिल्ली, 27 जून, 2018

सा.का.नि. 588(अ).—केन्द्रीय सरकार, अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम, 1989 (1989 का 33) की धारा 23 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) नियम, 1995 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) संशोधन नियम, 2018 है।

(2) यह राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) नियम, 1995 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 2 में खंड (छ) के पश्चात् निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :-

‘(छक) “स्वेच्छया” का वही अर्थ होगा, जो भारतीय दंड संहिता (1860 का 45) की धारा 39 में उसे दिया गया है।’

3. उक्त नियम के नियम 12 में उपनियम (5) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात् :-

“(5) उपनियम (4) के अधीन अत्याचार पीड़ित व्यक्ति या उसके/उसकी आश्रित को मृत्यु या क्षति या बलात्संग या सामूहिक बलात्संग या प्रकृति विरुद्ध अपराध या अम्ल के प्रयोग द्वारा स्वेच्छया घोर उपहित कारित करने या स्वेच्छया अम्ल फेंकना या फेंकने का प्रयत्न करना आदि या सम्पत्ति को नुकसान के लिए राहत तत्समय प्रवृत्त किसी अन्य विधि के अधीन प्रतिकार का दावा करने के किसी अन्य अधिकार के अतिरिक्त होगी।”

4. उक्त नियम के, नियम 16 के उपनियम (1) में “अधिक से अधिक 25 सदस्यों की” शब्दों और अंकों का लोप किया जाएगा।

5. उक्त नियमों की अनुसूची में, उपाबंध 1 में,-

(क) क्रम संख्यांक 24 के सामने स्तम्भ (2) में, प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :-

“भारतीय दंड संहिता (1860 का 45) की धारा 326क – अम्ल आदि का प्रयोग करके स्वेच्छया घोर उपहति कारित करना।”

“भारतीय दंड संहिता (1860 का 45) की धारा 326ख – स्वेच्छया अम्ल फेंकना या फेंकने का प्रयत्न करना, [अधिनियम की अनुसूची के साथ पठित “धारा 3(2)(फ), 3(2) (फक)”] रखा जाएगा;

(ख) क्रम संख्यांक 26 के सामने स्तम्भ (2) में “धारा 32(फक)” शब्दों, अंकों, कोष्ठकों और अक्षरों के स्थान पर “धारा 3(क)(फक)” शब्द, अंक, कोष्ठक और अक्षर रखे जाएंगे।

(ग) क्रम संख्यांक 44 के सामने स्तम्भ (2) में, -

(i) “बलात्संग या सामूहिक बलात्संग” शब्दों के स्थान पर “बलात्संग, प्रकृति विरुद्ध अपराध या सामूहिक बलात्संग” शब्द रखे जाएंगे।

(ii) मद (i) के स्थान पर, निम्नलिखित मद रखा जाएगा, अर्थात् :-

“(i) बलात्संग आदि या प्रकृति के विरुद्ध अपराध [भारतीय दंड संहिता (1860 का 45) की धारा 375, धारा 376, धारा 376क, धारा 376 ड. और धारा 377]।”।

[फा.सं. 11012/1/2016-पीसीआर (डेस्क)]

आइन्ट्री अनुराग, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Social Justice and Empowerment)

NOTIFICATION

New Delhi, the 27th June, 2018

G.S.R. 588(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 Caste 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, 2018.

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

2. In the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter referred to as the rules), in rule 2, after clause (g), the following clause shall be inserted, namely:-

‘(ga) “voluntarily” shall have the same meaning as assigned to it in section 39 of the Indian Penal Code (45 of 1860).’.

3. In the said rules, in rule 12, for sub-rule (5), the following sub-rule shall be substituted, namely:-

“(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 rape, or gang rape, or unnatural offences, or voluntarily causing grievous hurt by use of acid, or voluntarily throwing or attempting to throw acid etc. or damage to property shall be in addition to any other right to claim compensation respect thereof under any other law for the time being in force.”.

4. In the said rules. In sub-rule (1) of rule 16, the words and figures “of not more than 25 members” shall be omitted.

5. In the said rules, in the Schedule, in annexure-I,-

(a) against Sr. No. 24, in column (2), for the entries, the following entries shall be substituted, namely:-

“Section 326A of the Indian Penal Code (45 of 1860)- Voluntarily causing grievous hurt by use of acid, etc.,

Section 326B of the Indian Penal Code (45 of 1860)- Voluntarily throwing or attempting to throw acid,

[Section 3(2)(v), 3(2)(va) read with Schedule to the Act]” shall be substituted;

(b) against Sr. No. 26, in column (2), for the words, figures, brackets and letters “Section 32)(va)”, the words, figures, bracket and letters “Section 3 (a) (va)” shall be substituted;

(c) against Sr. No. 44, in column (2),-

(i) For the words, “Rape or Gang rape”, the words “Rape, Unnatural Offences or Gang rape” shall be substituted;

(ii) For item (i), the following item shall be substituted, namely:-

“(i) Rape, etc., or Unnatural Offences (Sections 375, 376, 376A, 376E and 377 of the Indian Penal Code (45 of 1860)).”.

[F. No. 11012/1/2016-PCR (Desk)]

AINDRI ANURAG, Jt. Secy.