

**THE SCHEDULED CASTES AND 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 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 except the State of Jammu and Kashmir.
    - 3) It shall come into force on such date 1 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);
      - c) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution;
      - d) "Special Court" means a Court of Session specified as a Special Court in section 14;
      - e) "Special Public Prosecutor" means a Public Prosecutor specified as a Special Public Prosecutor or an advocate referred to in section 15;
      - f) words and expressions used but not defined in this Act and defined in the Code or the Indian Penal Code (45 of 1860) shall have the meanings assigned to them respectively in the Code, or as the case may be, in the Indian Penal Code.
  
    - 2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area.
- 1.30-1-1990; Vide Notifi. No. S.O. 106 (E), dated 29-1-1990

CHAPTER - II  
**OFFENCES OF ATROCITIES**

3. Punishments for offences of atrocities
  - 1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,
    - i) forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance;
  
    - ii) acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or

neighborhood;

iii) forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity;

iv) wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred;

v) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water;

vi) compels or entices a member of a Scheduled Caste or a Scheduled Caste or a Scheduled Tribe to do 'beggar or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government;

vii) forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law;

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

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

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

xi) assaults or uses force to any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonor or outrage her modesty;

xii) being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually to which she would not have otherwise agreed,

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

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

xv) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe-)

i) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence

which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled 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 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 on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine.;
- vi) Knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or
- vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

#### **4. Punishment for neglect of duties**

Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, willfully neglects his duties required to be performed by him under this Act. Shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

#### **5. Enhanced punishment for 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 W, Chapter V, Chapter V A, 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, 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 realization 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 any financial assistance to a person accused of, or reasonably suspected of committing, an offence under this Chapter, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence;
- b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was 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.

### **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 subsection 1) in the execution of the provisions of this Act or any rule, scheme or order made there under.
- 3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1)

## CHAPTER-III

### **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, it may, by order in writing, direct such person to remove himself beyond the limits of such area, by such route and within such time as may be specified in the order, and not to return

to that area from which he was directed to remove himself for such period, not exceeding two years, as may be specified in the order.

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

#### **11. 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 his taking of such measurements or photographs, it shall be lawful to use all necessary means to secure the taking thereof.
- 3) Resistance to or refusal to allow the taking of measurements or photographs under sub-section (2) shall be deemed to be an offence under section 186 of the Indian Penal Code (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 non-compliance 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**

**14. Special Court**

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

**15. Special Public Prosecutor**

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

CHAPTER-V  
**MISCELLANEOUS**

**16. Power of State Government to impose collective fine**

The provision of section 10 A of the Protection of Civil Rights Act, 1955 (22 of 1955) shall, so far as may be, apply for the purposes of imposition and realization 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 frequenting any place within the local limits of his jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take necessary action for keeping the peace and good behavior and maintenance of public order and tranquility and may take preventive action.

2) The provision 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 Caste 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.

**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 and 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 traveling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under the 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 provisions of this Act;
  - vii) the identification of the areas where the members of the Scheduled Castes and the Scheduled Tribes are likely to be subjected to atrocities and adoption of such measures so as to ensure safety for such members.
- 3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under subsection (1).
- 4) The Central Government shall, every year, place on the table of each House of Parliament a report of 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.

**GOVERNMENT OF INDIA**  
**MINISTRY OF WELFARE**

NOTIFICATION

*(New Delhi, 31st March, 1995.)*

G.5.R. No. 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 Schedule 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 victim 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 atrocities;
- d) "Non-Government Organization" means a voluntary organization engaged in the welfare activities relating to the Scheduled Castes and the Scheduled Tribes and registered under the Societies Registration Act 1860 (21 of 1960) or under any law for the registration of documents or such organization 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 meaning 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 Scheduled Tribes, their near relations, servants or employees and family friends and get such arms deposited in the Government Armory;

(vi) seize all illegal fire arms and prohibit any illegal manufacture of fire arms;

(v) with a view to ensure the safety of person and property, if deem necessary, provide arms licenses to the members of the Scheduled Castes and the Scheduled Tribes;

vi) constitute a high power State-level committee, district and divisional level committees or such number of other committees as deem proper and necessary for assisting the Government in implementation of the provision of the Act;

vii) set-up a vigilance and monitoring committee to suggest effective measure to implement the provisions of the Act;

viii) set-up Awareness Centers and organize 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 there under;

ix) encourage non-Government Organizations for establishing and maintaining Awareness Centers and organizing 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 and 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. Similarly, in consultation with the Director of Prosecution/in-charge of the prosecution, a panel of such number of Public Prosecutors as it may deem necessary for conducting cases in the Special Courts, shall also be specified. Both these panels shall be notified in the Official Gazette of the State and shall remain in force for a period of three years.
- 2) The District Magistrate and the Director of Prosecution/ in-charge of the prosecution shall review at least twice in a calendar year, in the months 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 his ability and with due care and caution, his name may be, for reasons to be recorded in writing, de-notified.
- 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 actions taken / Proposed to be taken in respect of investigation and prosecution of each case.

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

#### **6. Spot inspection by officers :-**

- (1) Whenever the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of Deputy Superintendent of Police receives an information from any person or upon his own knowledge that an atrocity has been committed on the members of the Scheduled Castes or the Scheduled Tribes within his jurisdiction, he shall immediately himself visit the place of occurrence to assess the extent of atrocity, loss of life, loss and damage to the property and submit a report forthwith to the State Government.
- 2) The District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate and the Superintendent of Police/Deputy Superintendent of Police after inspecting the place or area shall, on the spot,
  - i) draw a list of victims, their family members and dependents entitled for relief;
  - ii) prepare a detailed report of the extent of atrocity, loss and damage to the property of the victims;
  - iii) order for intensive police patrolling in the area;
  - iv) take effective and necessary steps to provide protection to the witnesses and other sympathizers of the victims;
  - v) provide immediate relief to the victim.

#### **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 basis 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 the 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**

I) The State Government shall set up a Scheduled Castes and the Scheduled Tribes Protection Cell at the State head quarters under the charge of Director-General of Police/Inspector General of 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 an 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**

- 1) The State Government shall nominate a nodal officer of the level of a Secretary to the State Government, preferably belonging to the Scheduled Castes or the Scheduled Tribes, for coordinating the functioning of the District Magistrates and Superintendent of Police or other officers authorized by them, investigating officers and other

officers responsible for implementing the provisions of the Act. By the end of every quarter, the nodal officer shall review

- i) the reports received by the State Government under sub-rules (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 dependant;
- v) adequacy of immediate facilities like rationing, clothing, shelter, legal aid, traveling allowance, daily allowance and transport facilities provided to the victims of atrocity or his/her dependants;
- vi) performance of non-Governmental organizations, the Scheduled Castes and the Scheduled Tribes Protection Cell various committees and the public servant 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 shall be appointed to coordinate with the District Magistrate, Superintendent of Police or other officers responsible for implementing the provisions of the Act, various committees and the Scheduled Castes and the Scheduled Tribes Protection Cell. The Special Officer shall be responsible for

- i) providing immediate relief and other facilities to the victims of atrocity and initiate necessary measures to prevent or avoid re-occurrence of atrocity;
- ii) setting up an awareness centre and organizing workshop in the identified area or at the district headquarters 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 and schemes, etc., framed therein;
- iii) co-coordinating with the non-Governmental Organization and providing necessary facilities and financial and other type of assistance to nongovernmental organization for maintaining centers or organizing workshops.

#### **11. Traveling allowance, daily allowance, maintenance expenses and transport facilities to the victim of atrocity, his or her dependant and witnesses -**

- 1) Every victim of atrocity or his/her dependant and witnesses shall be paid to an fro rail fare by second class in express/mail/passenger train 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 woman witness, the victim of atrocity or her dependant being a woman or a minor, a person more than sixty years of age, and a person having 40 percent, or more disability shall be entitled to be accompanied by an attendant of her/his choice. The attendant shall also be paid traveling and maintenance expenses as applicable to the witness or the victim of atrocity when called upon during hearing, investigation and trial of an offence under the Act.

- 4) The witness, the victim of atrocity or his/her dependant 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, at such rates but not less than the minimum wages, as may be fixed by the State Government for the agricultural laborers.
- 5) In addition to daily maintenance expenses the witness the victim of atrocity (or his/her dependant) and the attendant shall also be paid diet expenses at such rates as may be fixed by the State Government from time to time.
- 6) The payment of traveling allowance, 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, their dependants/ attendants and witnesses for the days they visit the investigating officer or in-charge of 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 victims, their family members and dependants 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 measure for apprehending the accused are taken.
- 3) The Superintendent of Police, after spot inspection, shall immediately appoint an investigating 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 dependants according to the scale as in the Schedule annexed to these Rules (Annexure-I read with Annexure-II). 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 dependant under sub-rule (4) in respect of death, or injury, or damage to, property shall be in addition to any other rights 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 dependant 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 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 persons 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 the State Government -**

(1) The State Government shall make necessary provisions in its annual budget for providing relief and rehabilitation facilities to the victims of atrocity. It shall review at least twice in a calendar year, in the months of January and July the performance of the 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.

### **15. Contingency plan by the State Government -**

1) The State Government shall prepare a model contingency plan for implementing the provision 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 Rural/Urban Local Bodies and non-Government Organizations. Inter alia this plan shall contain a package of relief measures including the following:-

- a) scheme to provide immediate relief in cash or in kind or both;
- b) allotment of agricultural land and house sites;
- c) the rehabilitation packages;
- d) scheme for employment in Government or Government undertaking to the dependant or one of the family members of the victim;
- e) Pensions 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 conditions of the victim;
- h) provisions for providing brick/ stone masonry houses 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:

Chief Minister/Administrator - Chairman (in case of a State under President's Rule Governor - Chairman);

- i) Home minister, Finance Minister and Welfare Minister  
Members (in case of a State under the President's Rule  
Advisors -Members);
- iii) some of the Members of the elected Members of Parliament and State Legislative Assembly and Legislative Council from the State belonging to the Scheduled Castes and the Scheduled Tribes -  
Members (not more than 16);

- iv) Chief Secretary, the Home Secretary, the Director-General of Police, Director/Deputy Director National Commission for the Scheduled Castes and the Scheduled Tribes - Members;
  - v) the Secretary in-charge of the welfare and development of the Scheduled Castes and the Scheduled Tribes - Convener.
- 2) The high power vigilance and monitoring committee shall meet at least twice in a calendar year, in the months of January and July to review the implementation of the provision 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 setup 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 Parliament and State 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 nonofficial members belonging to the Scheduled Castes and the Scheduled Tribes and not more than 3 members from the categories other than the Scheduled Castes and the Scheduled Tribes having association with non-Government Organizations.
- (3) The district-level committee shall meet at least once in three months.

**18. Material for annual report**

The State Government shall, every year before the 1st July, forward the report to the Central Government about the measures taken for implementing the provisions of the Act and various schemes / plans framed by it during the previous calendar year.

Ganga Das  
Joint Secretary

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

**THE SCHEDULED CASTES AND THE SCHEDULED TRIBES  
(PREVENTION OF ATROCITIES) ACT, 1995**

**ANNEXURE -I**

Schedule

[ See Rule 12 (4) ]

**NORMS FOR RELIEF AMOUNT**

| Sl. No. | Name of the Offence  | Minimum Amount of Relief   |
|---------|--|--|
| 1       | Drink or eat inedible or obnoxious Substance<br>[Section 3(1) (i)]       | 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.<br>Payment to be made as follows:<br>1.25 % when the charge sheet is sent to the court.<br>2. 75 % when accused are convicted by the lower court |
| 2.      | Causing injury, insult or annoyance<br>[Section 3(1) (ii)]               |  |
| 3       | Derogatory act<br>[Section 3(1) (iii)]                                   |  |
| 4.      | Wrongful occupation or cultivation of land, etc.<br>[Section 3 (1) (iv)] | At least Rs. 25,000 or more depends upon the nature and gravity of the offence. The land/premises/ water supply shall be restored where necessary at Government cost. Full payment to be made when charge sheet is sent to the Court.  |
| 5.      | Relating to land premises and water<br>[Section 3(1)(v)]                 |  |
| 6.      | Beggar or forced or bonded labour<br>[Section 3(1)(vi)]                  | At least 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<br>[Section 3(1) (vii)]                   | Up to 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 which ever is less after conclusion of the trial of the accused.   |
| 9.      | False and frivolous information<br>[Section 3(1)(ix)]                    |  |
| 10.     | Insult, intimidation and humiliation<br>[Section 3(l)(x)]                | Upto Rs. 25,000 to each victim depending upon the nature of the offence. Payment   |

|     |  |  |
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|     |  | of 25 % when charge sheet is sent to the court and rest on conviction.   |
| 11. | Outraging the modesty of a women<br>[Section 3(l)(xi)]   | Rs. 50,000 to each victim of the offence. 50% of the amount may be paid after medical examination and remaining 50% at the conclusion of the trial.  |
| 12. | Sexual exploitation of women<br>[Section 3 (1) (xii)]  |  |
| 13. | Fouling of water<br>[Section 3 (1) (xiii)]   | Up to Rs. 1,00,000 or full cost of restoration of normal facility, including cleaning 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<br>[Section 3 (1) (xiv)]   | Up to 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<br>[Section 3 (l)(xv)]  | Restoration of the site right to stay and compensation of Rs. 25,000 to each victim and reconstruction of the house at Government cost, if destroyed. To be paid in full when charge sheet is sent to the lower Court. |
| 16. | Giving false evidence<br>[Section 3 (2) (1) and (ii)]  | At least Rs. 1,00,000 or 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<br>[Section 3(2)]                            | At least Rs. 50,000 depending upon the nature and gravity of the offence to each victim and or his dependants. The amount would vary if specifically otherwise provided in the Schedule.                               |
| 18. | Victimization at the hands of a public servant   | 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 and mental disabilities are contained in the Ministry of Welfare, G.O.I. Notification No. 4 2/83-HW.III dt. 6-8- |  |

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|     | 1986 as amended from time to time. A copy of the notification is at Annexure-II.<br>a) 100% incapacitation |   |
|     | i) Non-earning Member of a family  | At least Rs. 1,00,000 to each victim of offence. 50% on FIR and 25% at charge-sheet and 25 % on conviction by the lower Court.  |
|     | ii) 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.   |
|     | b) Where incapacitation is less than 100%  | The rate 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. 25,000 to non-earning member and not less than Rs. 30,000 to a earning member of a family.  |
| 20. | Murder/Death:  |   |
|     | a) 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.   |
|     | b) 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:<br>i) Pension to each widow and/ other dependants of deceased, SC and ST @ Rs. 1,000 per month, or Employment to one member of the family of the deceased, or provision of agricultural land, and house, if necessary by outright purchase.<br>ii) Full cost of the education and maintenance of the children of the victims. Children may be admitted to Ashram, Schools / residential schools. |

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|     |                                     | iii) Provisions of utensils, rice, wheat, dais, 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. |

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

Dated: .....

Ganga Das  
Joint Secretary