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**ANNUAL REPORT
ON
THE SCHEDULED CASTES AND THE
SCHEDULED TRIBES (PREVENTION
OF ATROCITIES) ACT, 1989 FOR
THE YEARS 1993 TO 1995
(THIRD REPORT)**



**GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
NEW DELHI**

**Laid on the Table of Lok Sabha on 7/12/99
Laid on the Table of Rajya Sabha on 13/12/99**

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AUTHENTICATE

Maneka Gandhi

(मिनेका गान्धी)

ANNUAL REPORT (MANEKA GANDHI)
मानिका गान्धी जी: एन. डी. राज्य मंत्री
Minister of State for
Social Justice and Empowerment

ON
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सत्यमेव जयते

GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE AND
EMPOWERMENT
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FOREWORD

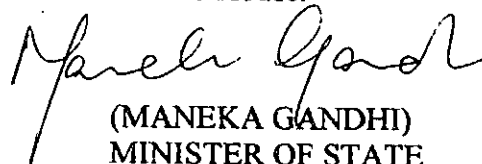
The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 became effective on 30.1.1990. It aims to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes. The Act provides for Special Courts for the trial of offences and contains provisions for the relief and rehabilitation of the victims of offences.

Immediately after the enactment, one or the other provision of the Act was challenged in some High Courts of the country. The Supreme Court of India, however, held its validity in its judgment dated 6.2.1995. Likewise full Bench of Allahabad High Court also upheld all the provisions of the Act in its judgment dated 19.5.1995.

In the year 1995, Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules were notified by the Government of India. I appeal to all the State Governments and the Union Territory Administrations to provide adequate and timely relief under these Rules to the victims of atrocities or their dependents and to take effective steps for speedy trial of cases by the Special Courts. Exclusive Special Courts may be set up in those districts where large number of cases are registered. Proposals for seeking Central Assistance for this purpose may be forwarded to the Ministry.

I urge the police machinery as well as the Non Governmental Organisations in the country to rise to the occasion and stand by the weakest at the time of need. Kindly have empathy towards them. Practice of untouchability and commissioning of atrocities on the vulnerable people of society need to be curbed with firm hand and commitment.

With these words, I place the Third report on the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act on the Table of the House.



(MANEKA GANDHI)
MINISTER OF STATE

MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT

NEW DELHI
DATED:

TO BE LAID IN RAJYA SABHA/LOK SABHA
AUTHENTICATED

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Manohar Gaud



INTRODUCTION

National Crime Records Bureau, Ministry of Home Affairs in their 1995 Report on Crime in India has classified crimes committed against Scheduled Castes and Scheduled Tribes under two categories.

- (1) Under the Indian Penal Code (IPC)
 - (a) Murder
 - (b) Dacoity
 - (c) Robbery
 - (d) Arson
 - (e) Kidnapping and Abduction
 - (f) Rape
 - (g) Others (other classified IPC crimes)
- (2) Under Special Laws (SL)
 - (a) Protection of Civil Rights Act, 1955
 - (b) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Incidence of Crime against Scheduled Castes and Scheduled Tribes (Under IPC as well as Special Laws)

The table given below indicates that crimes against Scheduled Castes increased in 1994 as compared to 1993 but came down during 1995. Crimes against Scheduled Tribes have been showing an increasing trend.

TABLE - I **NO. OF CRIMES AGAINST SCs AND STs**
(under IPC as well as Special Laws)

Year	SCs	STs	Total
1993	24973	3652	28625
1994	33908	5019	38927
1995	32996	5498	38494

**TABLE-II INCIDENCE OF CRIME AGAINST SCs AND STs
(under IPC as well as Special Laws)**

S.No.	State/UT	No. of Crimes reported (In descending order)			Average per year
		1993	1994	1995	
1.	Uttar Pradesh	10390	16263	14310	13654
2.	Rajasthan	5251	6193	6981	6142
3.	Madhya Pradesh	5191	5519	5669	5460
4.	Gujarat	2001	2366	2210	2192
5.	Maharashtra	1604	1921	2127	1884
6.	Andhra Pradesh	795	1395	1929	1373
7.	Tamil Nadu	539	1593	1333	1155
8.	Karnataka	936	1024	1267	1076
9.	Bihar	827	892	979	899
10.	Kerala	567	805	881	751
11.	Orissa	268	680	472	473
12.	Himachal Pradesh	71	83	87	80
13.	Haryana	57	67	82	69
14.	Sikkim	25	43	73	47
15.	Jammu and Kashmir	20	14	33	22
16.	Pondicherry	15	16	24	18
17.	Punjab	14	10	12	12
18.	Dadra & Nagar Haveli	15	12	3	10
19.	Delhi	4	8	6	6
20.	West Bengal	14	1	NIL	5
21.	Chandigarh	NIL	14	NIL	5
22.	Goa	6	2	4	4
23.	Meghalaya	6	1	4	4
24.	Manipur	3	2	3	3
25.	Daman and Diu	2	NIL	3	2
26.	Arunachal Pradesh	1	2	2	2
27.	Mizoram	3	NIL	NIL	1
28.	Nagaland	NIL	1	NIL	0.3
29.	Assam	NIL	NIL	NIL	NIL
30.	Tripura	NIL	NIL	NIL	NIL
31.	Andaman and Nicobar Islands	NIL	NIL	NIL	NIL
32.	Lakshadweep	NIL	NIL	NIL	NIL
Total		28625	38927	38494	35349

ATROCITY FREE AREAS

During the period 1993, 1994 and 1995 following four States/UTs, have not reported a single offence against SCs and STs.

1. Assam
2. Tripura
3. Andaman and Nicobar Islands
4. Lakshadweep

AREAS WITH MILD INCIDENCE OF ATROCITIES

The following 11 States/UTs have reported upto 10 number of offences against SCs and STs ;

<u>S.No.</u>	<u>State/UT</u>	<u>Average no. of cases</u>
1.	Nagaland	0.3
2.	Mizoram	1.0
3.	Arunachal Pradesh	2.0
4.	Daman and Diu	2.0
5.	Manipur	3.0
6.	Meghalaya	4.0
7.	Goa	4.0
8.	Chandigarh	5.0
9.	West Bengal	5.0
10.	Delhi	6.0
11.	Dadra and Nagar Haveli	10.0

The following 6 States/UTs have reported 11 to 100 cases per year accounting for less than 1% of the total number of cases:

<u>S.No.</u>	<u>State/UT</u>	<u>Average no. of cases</u>
1.	Punjab	12.0
2.	Pondicherry	18.0
3.	Jammu & Kashmir	22.0
4.	Sikkim	47.0
5.	Haryana	69.0
6.	Himachal Pradesh	80.0

ATROCITY PRONE AREAS

The 11 States which reported a large number of atrocities and other crimes during 1993, 1994 and 1995 are shown as under.

<u>S.No.</u>	<u>State</u>	<u>Average no. of cases</u>
1	Uttar Pradesh	13654

2.	Rajasthan	6142
3.	Madhya Pradesh	5460
4.	Gujarat	2192
5.	Maharashtra	1884
6.	Andhra Pradesh	1373
7.	Tamil Nadu	1155
8.	Karnataka	1076
9.	Bihar	899
10.	Kerala	751
11.	Orissa.	473

Atrocities and other crimes against SCs and STs reported from the 3 States of Uttar Pradesh, Rajasthan and Madhya Pradesh (25256 out of 35349) account for 71.45 % of the total offences in the country.

CRIME-WISE OFFENCES AGAINST SCs AND STs

Statement showing the different types of offences against SCs and STs during 1993, 1994 and 1995 are summarised as under:-

TABLE - III **CRIME WISE OFFENCES**

S.No.	Offences	Scheduled Castes			Scheduled Tribes		
		1993	1994	1995	1993	1994	1995
1.	Murder	510 2.04%	546 1.61%	571 1.73%	105 2.88%	105 2.09%	75 1.36%
2.	Rape	798 3.19%	992 2.93%	872 2.64%	328 8.98%	385 7.67%	369 6.71%
3.	Arson	369 1.48%	533 1.57%	500 1.52%	26 0.71%	36 0.72%	40 0.73%
4.	Others	23296 93.29%	31837 93.89%	31053 94.11%	3193 87.43%	4493 89.52%	5014 91.20%
	Total	24973 100%	33908 100%	32996 100%	3652 100%	5019 100%	5498 100%

It is seen from the above table that number of cases of murder have been increasing in respect of Scheduled Castes and that of arson in respect of Scheduled Tribes.

CHAPTER

2

REGISTRATION AND DISPOSAL OF CASES UNDER THE SC AND ST (PREVENTION OF ATROCITIES) ACT, 1989

REGISTRATION OF CASES BY POLICE AND THEIR DISPOSAL

The following table shows the number of cases with the police and their disposal during 1993, 1994 and 1995.

TABLE - IV DISPOSAL OF CASES BY POLICE (under SC & ST(POA) Act, 1998

S. No.	Item	1993	1994	1995
1.	Total No. of cases	24,236 (100%)	27,343 (100%)	29,867(100%)
2.	No. of cases closed after investigation	4,660 (19.23%)	4,716 (17.24%)	4,967 (16.63%)
3.	No. of cases Charge-sheeted in Court	16,996 (70.13%)	18,907 (69.15%)	18,710 (62.64%)
4.	No. of cases pending with the police at the end of the year	2,580 (10.64%)	3,720 (13.61%)	6,190 (20.73%)

It may be seen from the above table that whereas registration of cases with Police increased by 23% in 1995 over 1993, pendency in Courts had increased by 140 %. The State-wise details of cases disposed by the Police are at Annexure-I

DISPOSAL OF CASES BY COURTS

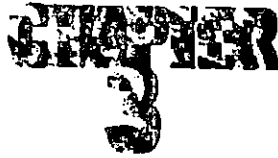
The disposal of cases by Courts during 1993 , 1994 and 1995 is given below:

TABLE-V DISPOSAL OF CASES BY COURTS

S.No.	Item	1993	1994	1995
1.	Total number of cases	41,359 (100%)	56,002 (100%)	67,209 (100%)

2.	Number of cases disposed by Courts	4,678 (11.31%)	7,581 (13.54%)	7,191 (10.70%)
(a)	Number of cases ending in conviction	490 (1.18%)	711 (1.27%)	713 (1.06%)
(b)	Number of cases ending in acquittal	4,188 (10.13%)	6,870 (12.27%)	6,478 (9.64%)
3.	Number of cases pending With Courts.	36,681 (88.69%)	48,421 (86.46%)	60,018 (89.30%)

It is obvious from the above table that the number of cases ending in conviction are approximately 10% of the total cases disposed. Since 90% of the cases end in acquittal, the need for a thorough investigation by Police authorities which has to be followed by speedy trial process by incessant efforts of Special Public Prosecutors need no over emphasis. State-wise details are enclosed at Annexure II.



MEASURES TAKEN BY GOVERNMENT OF INDIA

DIRECTIONS TO STATES

Subsequent to enactment of the SC and ST (Prevention of Atrocities) Act, 1989, the Ministry of Social Justice & Empowerment continuously monitored the progress of action taken by various State Governments and UT Administrations to check crimes against members of SCs and STs. On 20th January, 1993, a D.O. letter was addressed to all the Chief Secretaries of the States/UTs to expedite the investigation and disposal of cases involving atrocities on Scheduled Castes and Scheduled Tribes to instil confidence amongst the victims of atrocities. During June 1993, the then Minister requested all the Chief Ministers to:

- (a) initiate measures for speedy disposal of cases of atrocities preferably within a definite time frame;
- (b) to conduct systematic study and analysis of the reasons responsible for delayed or faulty investigation; and
- (c) to consider due representation of persons belonging to SC and ST communities in the police forces at various levels in order to inspire confidence amongst them in the police machinery and also to create a deterrent effect among the perpetrators of atrocities.

Another letter was written by the then Minister of State ON 27th April, 1994 to State Governments with the request to take measures to arrest the increasing trend in the number of atrocity cases against the members of SCs and STs and take adequate measures such as the following:

- (a) atrocity cases are disposed of on priority and reasons for delay are investigated to expedite disposal;
- (b) due protection and remuneration are provided to the witnesses in atrocity cases;
- (c) officers with proven integrity and sympathy to Scheduled Castes and Scheduled Tribes community are posted in atrocity prone areas at cutting edge level;
- (d) watch may be kept on major disputes between Scheduled Castes and Scheduled Tribes and the dominating people through district officers and ensure preventive action wherever necessary to avoid untoward happenings.

MEASURES FOR SOCIO-ECONOMIC DEVELOPMENT

With a view to ameliorate the economic conditions of the Scheduled Castes and Scheduled Tribes, the Govt. of India released Special Central Assistance to the State Govts./UTs as an addition to their Special Component Plans and Tribal Sub-Plans. During the years 1993 to 1995 following amount was released as Special Central Assistance.

Year	(Rs. in crores)	
	S.C.A.to SCP	Release of SCA to TSP
1993 - 94	272.12	294.84
1994 - 95	273.85	275.00
1995 - 96	275.00	330.00

The Scheduled Castes and Scheduled Tribes families were assisted under the Twenty Point Programme to enable them to reach above the poverty line. During the period of this report, the following number of families were assisted in the country:-

Year	No. of Scheduled Castes families assisted			No. of Scheduled Tribes families assisted		
	Target	Achievement	%	Target	Achievement	%
1	2	3	4	5	6	7
1993 - 94	2524800	2323722	92%	900000	1042128	116%
1994 - 95	2583500	2696412	104%	1012175	1051059	104%
1995 -96	2562000	2482075	97%	1083300	1084828	100%

ASSISTANCE FOR IMPLEMENTATION OF THE POA ACT

During the period of the report the Ministry of Welfare (now Ministry of Social Justice & Empowerment) released the following Central Assistance under the Centrally Sponsored Scheme for implementation of the Protection of Civil Rights Act, 1955 and the

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act , 1989 on 50:50 basis to the State Govts and 100%to UT Administrations.

Year	Central Assistance release (Rs. in lakh)
1993 – 94	706.19
1994 – 95	974.71
1995 – 96	1536.84

States \UT- wise details of release of Central assistance are at **Annexure - III**

The Central assistance was released mainly for taking up following measures under the SCs & STs (POA) Act, 1989 and the Protection of Civil Rights Act, 1955:

- (i) the provision of adequate facilities , including legal aid, to persons subjected to any disability arising out of “untouchability” to enable them to avail themselves of such rights;
- (ii) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of these Acts;
- (iii) the setting up of Special Courts for the trial of offences under these Acts.
- (iv) the setting up of Committees at such appropriate levels as the State Government may think fit to assist the State Government in formulating or implementing such measures;
- (v) provision for a periodic survey of the working of the provisions of these Acts with a view to suggesting measures for better implementation of the provisions of these Acts;
- (vi) the identification of the areas prone to atrocity and where persons are under any disability arising out of “untouchability “ and adoption of such measures as would ensure the removal of such disability from such areas,
- (vii) The provision for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences committed under SCs and STs (POA) Act; and
- (viii) the provision for the economic and social rehabilitation of the victims of the atrocities under SCs and STs (POA) Act.

REVIEW OF IMPLEMENTATION OF THE POA ACT

The Ministry of Social Justice & Empowerment assist the research organisations and Universities to undertake, inter alias, the research and evaluation studies to review the implementation of the POA Act. Salient findings/recommendations of the two studies conducted on the subject are as follows:

1. **Study on the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 – Implementation in Uttar Pradesh - conducted by Ethnographic & folk culture society Lucknow.**
 - (i) Handbook containing detailed information should be made available in the Thanas and other levels and should also be used in the police training establishments. Further, the general public should also be educated about the law and its need in the context of equity and social justice.
 - (ii) Rule 7 of SCs and STs (POA) Rules, 1995 lays down that all cases under the Act have to be investigated by officers of Dy.S.P.rank. This rule needs to be amended as the number of such officers available in the districts is not large enough to take up this task.
 - (iii) The police record should also clearly state whether the victims belonged to a Scheduled Caste or a Scheduled Tribe and it should be ensured that State's periodical returns contain the correct position in this regard.
 - (iv) The official machinery should understand the attitudes of certain land-owning dominant castes in the area/region towards the Scheduled Castes, who are predominantly landless agricultural labourers. This factor should be used significantly in any exercise to identify atrocity-prone areas, diagnostically analyse tension generating situations and , devise ways, for atrocity prevention.
 - (v) There is an urgent need to evolve a comprehensive set of measures which can be done only through a combined effort of the legal and executive wings of the government and help from the judiciary. Some of the measures would include :
 - providing necessary infrastructure in the special courts to cut down inordinate delays;
 - setting up exclusive special courts for cases under this Act, at least in the districts where such cases are in large number;
 - streamlining the process of preparation of charge sheets to avoid delays and defects in their contents;
 - arriving upon some modus vivendi to eliminate and counter various factors causing long chains of adjournments
 - (vi) There also appears to be a need to request the Hon'ble High Courts to issue some guidelines to Special Courts to curb the tendency on the part of the accused persons to delay trial through the device of absenting themselves, so to say by turns, thus prolonging even the first stage of trials.
 - (vii) Close supervision over the prosecution work would contribute considerably to ensure that the Special Public Prosecutors press the courts for issuing non-bailable warrants whenever it seems that the accused persons are absenting themselves continuously, as a planned strategy.

2. **Study on Efficacy of the Enforcement System in Delivering Justice to Raped Scheduled Caste Women conducted by the Multiple Action Research Group(MARG),New Delhi..**

- (i) Information regarding the caste of the victim and the accused must be specified in all relevant records.
- (ii) Preliminary investigation often takes too long as a result of which filing of the chargesheet gets delayed.
- (iii) To ensure speedy and fair trial, special women prosecutor who are gender sensitive must be appointed under Sections 14 and 15 of the SCs/STs(POA) Act, which already provides for special courts and special public prosecutors.
- (iv) Certain guidelines on medical examination of a rape victim must be provided to medical practitioners, both Government and Private. These guidelines can be jointly prepared by medico-legal experts and women's groups. An immediate action is required to this effect as, under the revised norms for monetary relief (Ministry of Welfare, Notification dated 31st March, 1995), 50% of the amount is to be paid after medical examination while the remaining 50% at the conclusion of the trial. In other words, since monetary relief to a rape victim depends largely on the medical examination report, we need to ensure that such an examination is properly conducted on the basis of the guidelines worked out in this regard.
- (v) It should also be ensured that free medical treatment is provided to the victim. Moreover, in cases where the victim was pregnant at the time the rape was committed on her, if the child born out of such pregnancy requires medical treatment, it should be provided free of cost.
- (vi) The Panchayats should be made responsible to ensure that no hardship is inflicted on the Scheduled Caste persons by the vested interests.
- (vii) Knowledge of legal rights and various laws related to women should form a special feature of any training programme for the newly elected Panchayat members and information on the SC/ST(POA) Act, 1989 should become an integral part of this exercise.
- (viii) Medical examination and treatment of rape victims, investigation in rape cases and the role of the judiciary are some of the vital factors in deciding a rape case in a fair and just manner. In order to overcome the lacunae in these areas it is essential to work out practical measures which can be fed into Government policies and plans. To decide upon these measures, workshops need to be organised with experts from various fields.

Training Courses:-

3. The Indian Institute of Public Administration New Delhi was provided financial assistance by this Ministry to organise a one week Training Course on implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 during March 15-19, 1994.

The broad objectives of the Course were to:

- (i) provide an opportunity for the participants to discuss, analyse and throughsharing their experiences and interaction with eminent jurists, political and social activists, scholars and administrators involve effective strategies for dealing with and operational obstacles that stand in way of implementation of the PCR and POA Acts;
- (ii) provide them with professional knowledge and skills to evolve an integrated information system and mode of coordination among various functional agencies responsible for implementation of these legislations;
- (iii) expose them to laudable administrative measures and welfare programmes initiated by certain State Governments for enforcement of these Acts; and
- (iv) enable them to prepare an integrated action plan

Another Training Course on 'Implementation of the PCR Act, 1955 and the SCs and STs (Prevention of Atrocities) Act, 1989' sponsored by this Ministry was also organised by the Indian Institute of Public Administration (IIPA), New Delhi during April 3-7,1995.

The courses were attended by the officers from District Administration, the Police, the Judiciary , the Development Departments and Social Workers representing N.G.Os.

MEETING OF THE NODAL OFFICERS

A meeting of the Nodal Officers of Social Welfare/Scheduled Castes & Scheduled Tribes Welfare and Home Department of States/UTs was held on 14.7.95 to discuss and review the implementation of the Protection of Civil Rights and the Scheduled Castes and the Scheudled Tribes (Prevention of Atrocities) Act, 1989.

CHAPTER 4

MEASURES TAKEN BY STATE GOVERNMENTS/UT ADMINISTRATIONS

Section 21 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 stipulates that the State Governments/UT Administrations take such measures as may be necessary for ensuring effective implementation of the Act. These measures include:

- (i) Provision of adequate facilities, including legal aid;
- (ii) Provision of travelling and maintenance expenses to victims and witnesses during investigation and trial of offences;
- (iii) Provision of economic and social rehabilitation of victims;
- (iv) Appointment of officers for initiating or supervising prosecutions;
- (v) Setting up Committees at appropriate levels to assist in the formulation or implementation of such measures;
- (vi) Provision for a periodic survey of the working of the Act with a view to improving its implementation; and
- (vii) The identification of areas where the Scheduled Castes and Scheduled Tribes are likely to be subjected to atrocities and adoption of measures to ensure their safety.

(I) LEGAL AID

ANDHRA PRADESH

On the recommendation of the Parliamentary Committee on Scheduled Castes and Scheduled Tribes, the grant of free legal aid was considered by the Government of Andhra Pradesh and order was issued in 1976 for providing free legal aid in atrocity related cases.

ASSAM

The Assam Legal Aid Rules 1987 make provisions to grant free legal aid to the applicants whose annual income from all sources does not exceed Rs. 15,000/- in case of general applicants and Rs.20, 000/- in case of applicants belonging to Scheduled Tribes, Scheduled Castes and OBCs. In view of this no separate legal aid Rules specifically under the SC/ ST (Prevention of Atrocities) Act, 1989 have been framed. As no case under this Act has been reported to be registered either by police or by the Special Courts

during 1993, 1994 and 1995 there is no beneficiary under the free legal aid scheme of the State under the SC and ST (Prevention of Atrocities) Act, 1989. However beneficiaries who have been provided legal aid and advice through law Courts under general Rule of Law i.e. I.P.C. etc. were as under.

Years	Beneficiaries		
	SC	ST	Total
1993	-	1	1
1994	3	-	3
1995	-	-	-

In Assam Legal Aid Committees have been functioning in all the districts.

GUJARAT

A free Legal Aid scheme is implemented at the District level. Financial assistance between Rs. 500 and Rs. 3,000 is given in related Civil and Criminal cases to Scheduled Caste and Scheduled Tribe persons with annual income upto Rs. 12, 000.

HARYANA

Legal Aid is provided to Scheduled Caste persons in cases relating to the practice of untouchability, access to temples, wells and other public places, disputes relating to women and for ensuring reservation in services. Assistance for witnesses and for payment of Court fees is also provided.

KARNATAKA

Free Legal Aid Committees have been established in all the districts and talukas. These committees extend facilities to the Scheduled Caste/Scheduled Tribe persons who are subjected to atrocities. Atrocity victims are provided legal aid free of cost. The Karnataka Legal Board has extended Legal Aid to SC and ST persons.

KERALA

The scheme of providing legal aid is being implemented in the State from 1992-93 onwards

MADHYA PRADESH

Legal Aid is provided to SC and ST victims of atrocities irrespective of their income through Legal Aid Cell set up in each district. The scheme is governed in accordance with the 'Madhya Pradesh Samaj Ke Kamjor Vargon Ke Liye Vidhik Sahayata Tatha Vidhik Salah (Sanshodhan) Adhiniyam 1995'.

MAHARASHTRA

Police Deptt. registered the cases under the Atrocity Prevention Act at different Police stations on the basis of complaints, launched by the Scheduled Castes and Scheduled Tribes people. After ascertaining the seriousness of the cases, Police Department arrests the accused and sends for trial in Session Court, which are recognised and declared as Special Court for the trial of the cases registered under this Act.

There are legal aid committees existing at every district and taluka place established to help the persons from the categories of economically weaker section of the society by providing free legal aid. Those having annual income below Rs. 6000/- are entitled to get the benefit of the said scheme. Scheduled Castes and Scheduled Tribes members get the benefit of the free legal aid from these centers.

ORISSA

Legal Aid is paid to the Scheduled Castes and Scheduled Tribes persons under the Legal Aid and Advice Programme, 1981 and Legal Aid and Advice Scheme, 1981 administered by the Law Deptt. Besides, the Scheduled Castes and Scheduled Tribes litigants are also given legal aid under a separate scheme in operation by Welfare (erstwhile H. and T.W. Deptt.) Deptt. under the scheme of enforcement of P.C.R. Act, 1955. Hence Legal Aid to the SCs. And STs under the Scheme "Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989" is also covered through the provisions of the Legal Aid Schemes referred to above.

PUNJAB

Free legal aid is provided to all those persons (including those belonging to SC and ST) who are bonafide residents of Punjab State and whose annual income from all sources does not exceed Rs. 18,000/-. Now Legal Services Authorities Act, 1987 has come into force w.e.f. 9.11.1995. According to rule 12(a) of this Act, a member of a Scheduled Caste or Scheduled Tribe is also entitled for legal service. Legal Service Committees have already been set up at State, District and Sub divisional levels for the implementation of legal aid scheme.

RAJASTHAN

Legal Aid is provided to the SC and ST victims of atrocities irrespective of income limit. A person is eligible to get Rs. 1000/- as legal aid for meeting the cost of Court fees (Rs. 100), Advocate fees (Rs.500/-), for witness (Rs.300/-) and for typing and stationery (Rs.100/-).

TAMIL NADU

The Tamil Nadu State Legal Aid and Advice Board provides legal aid through its various Committees.

The Board is mainly funded by the State Government and the funds are allotted through grants provided in the budget for each financial year. The grant provided by the State Government for the financial year 1993-94 was Rs. 91 lakhs and the grant for financial year 1994-95 was Rs. 1 crore.

The Board gives legal aid to all. The total number of applications for legal aid received in the year 1994 was 38,937. Out of those the number of applications from Scheduled Caste persons was 2,597 and from those belonging to Scheduled Tribes was 2,649.

As for the income limit, the Board, has not prescribed any income limit to entertain an application for legal aid and under its guidelines the panel lawyer has to decide about eligibility on the means of the applicant as to whether he has got means or not to focus the particular matter which he has brought before a Court.

Anyhow under the Board's guidelines the approach as to means is to be liberal in case of women, persons belonging to Scheduled Castes and Scheduled Tribes and ex-service men.

TRIPURA

No case of atrocity on SCs and STs has been registered in Tripura during 1993, 1994 and 1995. However, provision of financial assistance has been kept in the Annual Plan for providing legal aid, travelling and maintenance expenses and for economic and social rehabilitation of victims of atrocities.

WEST BENGAL

Phenomenon of practice of untouchability is absent in West Bengal and as such there was never any occasion for or need of having scheme for providing legal aid.

ANDAMAN AND NICOBAR ISLANDS

A Legal Aid Advisory Board chaired by the Counsellor or the Administrator renders legal aid to Scheduled Tribes and other needy persons. No income limit is prescribed.

CHANDIGARH

In year 1992, the 'Legal Aid to Scheduled Castes Rules, 1992' were notified to provide free Legal Aid to the Scheduled Caste persons. No case for legal aid came to notice during the period under report.

DADRA AND NAGAR HAVELI

A Legal Aid and Advice scheme was incorporated in the Annual Plan of the Union Territory.

DAMAN AND DIU

A scheme of Free Legal Aid and Advice to the Weaker Sections has been introduced.

PONDICHERRY

Free Legal Aid is provided to those who are subjected to any disability arising out of the practice of untouchability.

(II) TRAVELLING AND MAINTENANCE EXPENSES

Witnesses and victims of atrocities are provided travelling and maintenance expenses by the States/UTs during investigation and trial of offences under the Act.

(III) ECONOMIC AND SOCIAL REHABILITATION OF VICTIMS OF ATROCITIES

The Preamble to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 mentions that provisions of relief and rehabilitation to the victims of offences is one of the important objectives of the Act. Section 21(2) (iii) of the Act also provides for the economic and social rehabilitation of the victims of atrocities as one of the measures to be undertaken by the States/UTs. Most of the States had formulated

schemes for providing monetary relief to the victims of atrocities. With some variations, the scales of relief provided by the State Governments were generally as under:

TABLE- VI SCALE OF RELIEF

(Prior to notification of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Rules, 1995)

S.No.	Nature of Crime	Quantum of Relief/ Compensation suggested
1.	Death for each person killed in in a family (whether earning or non-earning member of family).	Rs.10,000/-
2.	Permanent incapacitation for each member in a family.	Rs 10,000/ -
3.	Temporary incapacitation	Rs. 2,000/-
4.	Grievous hurt, short of incapacitation	Rs. 1,000/-
5.	Rape	Rs. 5,000/-
6.	Loss of House .	Rs. 2,000/-
7.	Loss of immovable property.	Rs. 2,000/-
8.	Loss of earning assets like a Vehicle, a boat or cattle etc.	Rs. 2,000/ - pending expeditious payment of the actual cost of replacement.
9.	For loss of moveable property such as grains, clothes and other household effects.	Rs. 2,000/-
10.	Damage to irrigation well, drinking water well, tubewell, electric motors, electric fittings and fruit bearing trees in the ownership of the victims to be assessed separately.	The amount of compensation should be equal to the actual loss as assessed. (An immediate grant of Rs.500/- should be made).

NOTE:

1. Higher scales of monetary relief were provided by some States, such as Andhra Pradesh, Goa, Gujarat, Karnataka, Kerala and Madhya Pradesh.

2. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995).

In exercise of the powers conferred by Sub-Section (1) of the Section 23 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 the Central Govt. notified the Rules vide No. GSR-3/6 (E) dated 31 March 1995. Norms for relief amount have been substantially enhanced, for example, in case of murder/death of an earning member of the family, the dependent shall be given at least Rs. 2 lakhs. Salient features of the Rules stated above have been given at Annexure VI.

(IV) APPOINTMENT OF OFFICERS FOR INITIATING SUPERVISION OVER PROSECUTIONS

ANDHRA PRADESH

The Government has created a Special SC and ST Cell in Crime Branch, Criminal Investigation Deptt. to ensure prompt investigation, efficient conduct of prosecutions and quick disposal of cases of untouchability offences and also cases of atrocities on SCs and STs. One D.I.G., 3 Deputy Superintendents of Police and 6 Inspectors with supporting force and ministerial staff are manning this cell.

Government has made the C.I.D. branch of the State Government responsible for keeping due vigil on the atrocity prone areas.

ASSAM

Police vigilance continues throughout the State along with District Administration. Department of Welfare of Plains Tribes and Backward Classes, Assam collects and compiles the data relating to offences registered under the Act and monitors the implementation of this Act.

At the State level Director Welfare of SCs has been appointed as the nodal officer to supervise prosecution of cases filed in Courts under the provision of the Act. At the sub-divisional level the Welfare Officers are directed to supervise and monitor the cases under the Act.

BIHAR

Monitoring of cases is done by D.I.G. Police in the C.I.D. wing of Police Head Quarters (Scheduled Castes Cell) All offences registered under the POA Act are treated as Special Report cases and their investigation is carried out under the supervision of District Superintendents of Police. District Magistrate and district level officers in police head quarters and Special Cell in Home (Police) Deptt. also review the implementation of SC and ST (Prevention of Atrocities) Act. State Govt. has also setup 11 Police Stations exclusively for SCs and STs, one each at Patna, Nalanda, Rohtas, Bhojpur, Gaya,

Vaishali, Samstipur, Bhojpur, Monghyr, Beguserai and Ranchi. In the remaining Police Stations, one officer has been put in exclusive charge of cases registered under the POA act.

GUJARAT

At Secretariat level Additional Chief Secretary, Deputy Secretary and Under Secretary are looking after the work, while at Directorate level, a special cell called the 'Nagrik Cell' is created and a Deputy Director has, been appointed. Three Regional Vigilance Officers are working at Baroda, Ahmedabad and Rajkot.

Instructions were issued to all the District Magistrates, all District Superintendents of Police and other Officials for strict and effective enforcement of the prosecution under the Act, vide Home Department Circular No.AUIT/1089/5552-76 dated 6.4.90.

The Social Welfare Deptt. has also translated the (Prevention of Atrocities) Act, 1989 and rules made under the Act in Gujarati and circulated to all Social Workers, non-Government Organisations, all police stations and Govt. officers for effective implementation and better awareness of various provisions of the Act. A State level Special Control room has been set up at Secretariat in Social Welfare Department for effective prevention and prompt action in cases of atrocities on SCs and STs. The Deputy Secretary and Under Secretary are entrusted with the responsibility of the control room.

GOA

Cases under the Act are investigated by the officer-in-charge of the Police Station of the rank of Dy. Superintendent of Police.

HIMACHAL PRADESH

No such case of contravention of the provisions of the Act has come to the notice of the Government. Hence no need has been felt to appoint any Officer in this regard.

KARNATAKA

The Directorate of Prosecution in consultation with the High Court of Karnataka has issued instructions to the Special Courts established in Gulburga, Bijapur, Raichur and Kolar to try the cases of atrocities committed exclusively on the SC and ST persons. Apart from this, all District Courts in the State have been treated as Special Courts to conduct cases under Prevention of Atrocities Act, 1989.

Four posts of Public prosecutors along with staff were sanctioned and they are working in Special Courts at Raichur, Bijapur, Kolar and Gulburga. Sanction has also been accorded for to establish Special Courts in districts of Belgaum and Mysore for trial of cases related to atrocities and communal incidents on Scheduled Castes and Scheduled Tribes.

Civil Rights Enforcement Directorate has taken action to investigate and supervise important cases and to appointed Special Investigation Officer to supervise prosecution of cases under the Act.

KERALA

The Special Cell at Police Headquarters headed by Superintendent of Police is dealing with matters relating to SCs and STs (Prevention of Atrocities) Act, 1989. The monitoring of the implementation of this Act is also being done by Special Mobile Squads, which are functioning in Palakkad, Kasaragod and Wayanad districts where SCs and STs are densely populated. The Special Cell controlled by Additional D.G. of police of State Crime Branch supervises the enforcement of this Act. FIRs and progress investigation of the cases registered under the Act are being scrutinised in the special cell at police headquarters and necessary instructions are given to the investigating officers. Wherever it is found necessary inquiries are conducted by the Superintendents of Police Special Cell (Intelligence), F.I.Rs are scrutinised for further follow-up action with regard to completion of investigation in time and submission of charge sheets to the courts expeditiously. Three Special Mobile Squads in Wayanad, Palakkad and Kasaragode provide assistance to SC and ST persons.

MADHYA PRADESH

Implementation of SC and ST (Prevention of Atrocities) Act, 1989 has been entrusted to the PCR Cell in the Directorate of Scheduled Castes Development in so far as economic and social rehabilitation of Scheduled Castes and Scheduled Tribes victims and other publicity measures are concerned. The law and order part is being looked after by a Police Officer of the rank of I.G.P. in the Police headquarters.

MAHARASHTRA

Cases registered by the Police Department under the Act are assigned to Public Prosecutor for speedy trial.

Vigilance Committees have been constituted under the Chairmanship of the District Collector to eradicate untouchability from the society and to safeguard the interests of Scheduled Castes. These Vigilance Committees are the forum for deciding upon measures to be taken in all cases of atrocities in the district. Membership of these Committees consist of District Superintendent of Police, Chief Executive Officer, Members of Legislative Assembly and Member of Parliament, Social Workers, Dalit Mitras, President of Zilla Parishad and Chairman of the Social Welfare Committee. The

representation is also given to women in this committee. This Committee meets once a month or more frequently when felt necessary. Like District Vigilance Committee a State level Committee has also been constituted under the chairmanship of Minister of Social Welfare of the State. Members of the State Level Committee are Secretaries various Departments and Police Authorities. Issues related to the implementation of the Acts are discussed for removing obstacles and bottleneck. This Committee can issue directives to various Departments for smooth implementation of the Acts.

MANIPUR

The State Intelligence Department is assigned the task to unearth commission of offences under the Act and to bring the culprits to book.

ORISSA

The PCR Cells are functioning under the direct supervision of the Superintendent of Police in all district of the State. Similarly, the State PCR Cell is functioning under the direct supervision of the Director-cum-I.G. of Police, who is monitoring all cases of atrocities against SCs and STs and women in co-ordination with the district PCR Cells. The Police Officers have been requested to register all atrocity cases and not to harass any complainant.

PUNJAB

Govt. of Punjab has already created a Special Court for each district to decide the cases of atrocities committed on SCs and STs. The subject of atrocities on SC and ST is directly under the Home Deptt. All the Senior Superintendents of Police have been directed by the Home Department to take prompt action if any incident of atrocities on SCs and STs comes to their notice. Suitable instructions have also been issued by the State Govt. to all the Distt. Welfare Officers to take immediate relief and rehabilitation measures wherever offences of atrocities are committed on SCs and STs.

RAJASTHAN

A Civil Rights Cell in the State Police Headquarter has been functioning in the State to oversee the implementation of the SC and ST (Prevention of Atrocities) Act, 1989.

Instructions have been issued to the District Superintendents of Police to entrust the investigation of cases to officers not below the rank of Dy. S.P., who are expected to carry out the work within one month. DIGs at range level have also been made responsible to supervise the investigation and ensure its completion within 1 to 2 months, failing which Additional I.G. Police (CID Crime Branch) is to examine the case files and take appropriate action.

TRIPURA

The State Govt. has appointed Sub-Divisional Officers of Sub-division, Sub-Deputy collectors (Circle officers of Revenue circles) and Police officers of the rank of Sub Inspector for initiating and exercising supervision under the provisions of the Act.

A separate Directorate for the Welfare of Scheduled Castes has been set up in the State since September 1982 to safeguard the interests of SCs.

TAMIL NADU

For effective enforcement of this Act, Mobile Squads, consisting of an Inspector of Police, a Sub-Inspector of Police, 2 Head Constables and 2 Police Constables are functioning for registration and prosecution of all cases related to atrocities on SCs and STs in all the 25 Police districts of the State except Madras City. In North Arcot Ambedkar district and Thiruvannamalai Sembuvarayar district, sanctioned strength of the Mobile Squad is short by 1 Sub-Inspector of Police, 1 Head Constable and 1 Police Constable. Except Chithambaranar, Villupuram, Ramasamy Padayachiyar, Tiruvannamalai Sembuvarayar and Pasumpon Muthuramalianga Thevar districts in all other districts a jeep has been provided with a driver(Police Constable).

For collection of statistical information regarding to cases registered under PCR Act, 1955 and SC and ST (Prevention of Atrocities) Act, 1989 and conducting surveys in atrocity prone villages, a statistical unit consisting of one Sub-Inspector of Police and one statistical Inspector is functioning in each Police District except Tiruvannamalai Sembuvarayar district.

In addition to Mobile Squads, 6 prosecuting wings consisting of a Sub-Inspector of Police, a Head Constable and a Grade-II Police Constable are also functioning in the districts of Thanjavur, Trichy, Madurai City, Tirunelveli Katabomman, South Arcot Vallalar and Coimbatore Rural.

The Deputy Inspector General of Police, Directorate of Civil Rights Madras, monitors the enforcement of PCR Act and SC and ST (Prevention of Atrocities) Act, 1989 and also supervises the functioning of the Mobile Squads. The Deputy Inspector General of Police, Protection of Civil Rights has been provided with necessary back-up staff including an Economist, a Sociologist, 6 Assistants, 3 Typists, 6 Office Assistants and 2 Driver (Head Constables) with a Car (for routine office work). Three Supervisory squads exist each headed by a Deputy Superintendent of Police, with the supporting staff of a sub-inspector of Police, a Head Constable, a Camp Junior Assistant and a Driver (Police Constable) with a Jeep are functional at Madras, Trichirapalli and Madurai.

The Superintendents of Police in the districts have been instructed from time-to-time to adopt various measures (where adi-dravidars are victims) such as immediate registration of cases, arresting of accused, expeditious and appropriate investigation and trial of the cases, posting of pickets in vulnerable areas, immediate sanction and provision of relief and rehabilitation measures in co-ordination with District Administration

forming of peace committees, initiation of stern disciplinary action against the delinquent officials etc. The Sub-Divisional Officers and District Superintendents of Police have been instructed to conduct critical review of the cases under investigation/trial under Protection of Civil Right Act and SCs and STs (Prevention of Atrocities) Act) against a checklist. Extensive personal contact has been maintained by the Deputy Inspector General of Police (Protection of Civil Rights) with the District Superintendents of Police and range Deputy Inspector General of Police apart from keeping a regular correspondence with them for individual cases and for general matters to ensure effective and efficient enforcement of Protection of Civil Rights Act and SC and ST (Prevention of Atrocities) Act. The District Collectors are also reviewing the cases of atrocities bi-monthly with Superintendents of Police and Public Prosecutors. The Chief Judicial Magistrate of each district also issued suitable instructions to ensure safety and security of the members of SC and STs.

The implementation of the Act is closely monitored by the Office of Deputy Inspector General of Police, Protection of Civil Rights, Madras. Omissions in inclusion of relevant provisions of the Act either by default or design in cases under this Act are pointed out to the district officials and modifications are carried out accordingly.

UTTAR PRADESH

A Special Enquiry Cell under the PCR Act headed by an Inspector General Police and supported by Divisional Inspector General, a Superintendent of Police an Addl. Superintendent of Police and Deputy Superintendent of Police has been entrusted with the responsibility to oversee the cases registered under POA Act.

Special Enquiry Cells have also been set up in all the 65 districts and 6 State Railway divisions. Each such cell is headed by a Deputy Superintendent Police and supported by a Sub Inspector, a Head constable and 2 police constables.

WEST BENGAL

The normal administrative machinery including the State Police is considered sufficient for the administration of the Act. At the State level one Special Officer, of the rank of a Deputy Secretary, one Assistant Secretary and a Section Officer alongwith other supporting staff are to look after the implementation of the Act in addition to other normal work. Director Scheduled Castes and Tribal Welfare at the State level, special Officer, Scheduled Castes and Tribal Welfare at the District level and Inspectors at Block level are responsible for the implementation of the Act, in addition to their normal work.

ANDAMAN AND NICOBAR ISLANDS

The existing law and order machinery available with the Administration is in a position to implement the Act. Public Prosecutor of the UT Administration has also been appointed as special Public Prosecutor for dealing with the cases of atrocities and the District and Session Judge Andaman and Nicobar Islands, Port Blair has been designated

as Special Court to try the cases of atrocities. Andaman and Nicobar Island legal and advisory Board is functioning to render legal aid to needy persons, including Scheduled Tribes to get prompt justice.

DADRA AND NAGAR HAVELI

Five officers namely, the Collector, Dadra and Nagar Haveli, the Resident Deputy Collector, the land Reforms Officers – I and the land Reforms Officers II Dadra and Nagar Haveli and the Mamlatdar, Dadra and Nagar Haveli have been conferred powers exercisable by the Police Officers under the Code of Criminal Procedure and in particular the power of arrest, investigation and prosecution before the special court.

DAMAN AND DIU

The Collector and District Magistrate, Daman and the Mamlatdar and the Executive Magistrate, Daman have been empowered to exercise the powers of Police Officer and in particular the power of Arrest, Investigation and Prosecution of persons before the Special Court under the said Act

PONDICHERRY

Protection of Civil Rights Cell is functioning in Pondicherry, Karaikkal and Yenam regions of this Union Territory. The Directorate of Protection, under the Law Dept., guides the prosecuting agencies in investigation and effective prosecution of cases registered under the Act.

(V) SETTING UP OF COMMITTEES TO ASSIST IN FORMULATION OR IMPLEMENTATION OF THE MEASURES.

ASSAM

At the State level the Scheduled Castes Advisory Council and the Scheduled Tribes Advisory Council are entrusted with the responsibility of effective implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. At the Sub-Division level the Scheduled Castes Development Boards and the Scheduled Tribes Development Boards are entrusted to keep vigilance on the implementation of the Act, and to submit appropriate schemes for taking necessary measures to help the victims of atrocities.

ANDHRA PRADESH

For effective and proper implementation of the two Acts, the Government have constituted (i) District Monitoring and Vigilance Committees in each district under the Chairmanship of Collector and District Magistrate vide G.O.Ms.No.232, Social Welfare (H) Deptt. dated 26.11.1991 and (ii) State Level Review Committees under the Chairmanship of Hon'ble Chief Secretary to Govt. vide G.O.Ms.No.116, Social Welfare (H) Deptt. dated 26.11.1992. The Committees are empowered to review the measures taken to prevent the atrocities on Scheduled Castes and Scheduled Tribes in the State at frequent intervals. The District Level Committees review the cases of atrocities on Scheduled Castes and Scheduled Tribes, for their speedy investigation and prosecution alongwith proper relief and rehabilitation to the victims/dependents of victims and submit reports.

BIHAR

A State Level Committee under the Chairmanship of Chief Minister has been constituted to review the progress of implementation of the Act. Another Committee called Bihar State Scheduled Castes Advisory Board is functioning under the Chairmanship of Minister incharge of Scheduled Castes Development. Committees have also been formed at Divisional and District levels

GOA

As the cases registered in Goa are negligible, Special Committees have not been set up .

GUJARAT

- (i) A High Level Committee at State level is set up under the Chairmanship of the Chief Minister and a Sub-Committee under the chairmanship of the Minister for Social Welfare.
- (ii) A State Level Vigilance Committee is set up under the Chairmanship of the Additional Chief Secretary, (Social Welfare) for review of the work done by Regional Vigilance Officers and other concerned departments, i.e. Home, Revenue, Legal, Panchayat and R.D.D. etc.
- (iii) District Vigilance Committees are also set up at district level under the chairmanship of District Collectors, and Taluka Level Committees are set up under the Chairmanship of Mamlatdars of concerned Talukas. Further, in urban Municipal Corporation area a city Vigilance Committee is set up under the Chairmanship of the Municipal Commissioner.

HARYANA

A Committee has been constituted under the Chairmanship of the Chief Secretary with the Secretary, Home Department, Director General of police and others as members to monitor cases. District level Committee has also been formed under the Chairmanship of the Deputy Commissioner with the Senior Superintendent of Police and Members of Legislative Assembly (representing Scheduled Castes and Scheduled Tribes constituency of the district) as members.

HIMACHAL PRADESH

To look into the cases of atrocities on Scheduled Castes and Scheduled Tribes, a Cell has been set up in the Home Department, Himachal Pradesh Secretariat, as well as in the C.I.D. Hqrs. to monitor such cases on day to day basis.

KARNATAKA

The State Government has constituted State/District/Sub-division/Taluka level Scheduled Castes and Scheduled Tribes Welfare Committees consisting of important functionaries of Government, elected representatives and social workers belonging to the weaker sections. They meet regularly and review the welfare measures under taken for the Scheduled Castes and Scheduled Tribes and redress their grievances.

Apart from this, a High Level Committee under the Chairmanship of the Principal Secretary to Government, Home Department has also been constituted to monitor the investigation of major cases of Atrocities against Scheduled Castes and Scheduled Tribes. The other members of the Committees are Addl. Director General of Police, DCRE Secretary, Social Welfare Deptt. and Secretary Deptt. of Law and Parliamentary Affairs.

KERALA

The Govt. have formulated the Advisory Committees at the State and District Levels for discussing the matter related to Scheduled Castes and Scheduled Tribes. All Scheduled Castes and Scheduled Tribes Member of Parliaments, Member of Legislative Assembly's. District officers and non-officials nominated by the State Govt. are members of the State Level Committee. This committee has been constituted for effective implementation of various welfare schemes and to chalk out measures for effective implementation of the rules and orders intended to safeguard the interests of Scheduled Castes and Scheduled Tribes. The Govt. of Kerala have constituted a district Level Committee in each district under the Chairmanship of District Collector for review and effective implementation of the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 vide GO (Rt) No. 1052/92/Home dated 29.2.92. The

Supdt. of Police of the districts (in the case of cities, the City Commissioner) and Superintendent of Police Rural are the members of the district Level Committee. The Deputy Director Prosecutions, District Social Welfare Officer and district Officers of the Scheduled Castes and Scheduled Tribes Development Department are also the members of the District Level Committees. These Committees are functioning effectively in the State. Legislative Committees also watch the implementation of provision of the PCR Act and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

MADHYA PRADESH

State Govt. has set up a State Level Monitoring and Vigilance Committee under the Chairmanship of the Chief Minister to suggest measures for checking atrocities on Scheduled Castes and Scheduled Tribes vide their notification No.F.23-52/95/25/4 dated 25.9.96. The Committee is required to meet twice a year. Committees at Divisional and District levels have also been set up.

MANIPUR

District Magistrate and Superintendents of Police have been suitably instructed to take preventive measures if there is any imminent threat of atrocities on Scheduled Castes and Scheduled Tribes. Timely suitable security measures are taken on all the religious and social functions held in Scheduled Caste and Scheduled Tribe areas and also at various elections.

MAHARASHTRA

Vigilance Committees in connection with the atrocities in the district are constituted under the Chairmanship of the Collector. The original concept in creating this Committee at the district level was to eradicate untouchability from the society and to safeguard the interests of Scheduled Castes persons. Now the functioning of the vigilance Committee is made multi-dimensional and related subjects are discussed in length, with the non-officials and official members to look out corrective measures. The Committee of comprise the District Superintendent of Police, Chief Executive Officer of Zilla Parishad, Member of Legislative Committee, Member of Legislative Assembly and Member of Parliament, social workers, Dalit Mitras, President of Zilla Parishads and Chairman of the Social Welfare committee, etc. Representation is also given to the women on this Committee. Committee meets once every month at a suitable date (and more than one time even in month, if necessary). A State Level Committee has also been constituted under the Chairmanship of the Minister of Social Welfare of the State. Other members of the Committee are Secretaries of various Departments and Police authorities. Various topics regarding the implementation of these Acts are discussed to remove the bottlenecks. Committee can issue directives to various departments for smooth implementation of these Acts.

ORISSA

The State Govt. have set up Committees at various levels to discuss the problems and to take effective steps for eradication of untouchability under the scheme of Enforcement of PCR Act, 1955. At the State level there are committees like – Scheduled Castes Welfare Advisory Board and Tribal Advisory Board under the Chairmanship of Chief Minister (M.Ps and M.L.As as members) to review the smooth functioning of various developmental schemes for the Scheduled Castes and Scheduled Tribes.

District Welfare Committees are functioning under the Chairmanship of Collectors concerned with officials and non-officials as members. The Committee reviews the progress of different programmes taken up.

Scheduled Castes Welfare Boards are functioning at the Sub-Divisional level under the Chairmanship of Sub-Divisional Police Officers. Tahasildars, Asst. District Welfare Officers and Non-Officials in each Sub-Division are the members of the Committee at Sub-Divisional level. The Board reviews the cases of untouchability and initiates suitable action for effective implementation of the PCR Act, 1955.

All these committees have been empowered to review the cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

RAJASTHAN

District Level Vigilance and Monitoring Committees under the Chairmanship of District Magistrates have been functioning in the State since 1992.

A State Level Committee under the Chairmanship of the Chief Minister has also been set up for taking effective action in matters relating to prevention of atrocities on Scheduled Castes and Scheduled Tribes. Home Department and the Law Department of the State Government also review and monitor atrocity cases at their level.

TAMIL NADU

The District Level Vigilance and Monitoring Committee has been constituted in each District in this State under the Chairmanship of District Collector. It reviews 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.

UTTAR PRADESH

Grievance Redress Committees have been set up at district level to assist the Scheduled Castes and Scheduled Tribes persons.

DADRA AND NAGAR HAVELI

The Vigilance and Monitoring Committee has been set up in Dadra and Nagar Haveli to see that the cases of atrocities against Scheduled Castes and Scheduled Tribes are pursued vigorously and brought up before the Courts.

DAMAN AND DIU

The District Level Committee has been set up in Daman District to follow strictly the measures of banning transfer of land from tribes to non-tribes.

PONDICHERY

A State Level Committee for the Welfare of Scheduled Castes has been constituted with the Hon'ble Minister in-charge of Scheduled Castes Welfare as Chairman and both the MPs as members and all the sitting MLAs of Scheduled Castes as members for the following purpose:

- (1) Review the progress of the schemes for the welfare of Scheduled Castes, evaluate their impact and suggest measures for further improvement.
- (2) Review the implementation of Protection of Civil Rights Act, 1955 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and suggest measures for its proper enforcement.
- (3) Review the implementation of reservation orders in the services under the Pondicherry Administration including Government Undertakings, Boards, Cooperative Bodies, Municipalities, etc. and suggest measures for further improvement.
- (4) Review the implementation of Special Component Plan and suggest measures for further improvement.
- (5) Review the functioning of the Revenue-cum-Police, Scheduled Castes Cell and of the High level Cell.
- (6) Make an on the spot study of situation, if need be, in case of atrocities on Scheduled Castes or in cases where harassment of Scheduled Castes has been reported.
- (7) Discuss any other matter, which affect the rights and interests of persons belonging to the Scheduled Castes and suggest appropriate measures.

- (8) A High level Cell under Secretary, Welfare Dept. has also been constituted for this purpose.

Periodic Survey is undertaken by the Committee on the working of the provisions of the Act.

(VI) SURVEY AND IDENTIFICATION OF ATROCITY PRONE AREAS.

The Act provides for periodic surveys by the State Governments about the working of the provisions of the Act with a view to suggesting measures for better implementation. A list of atrocity prone areas identified by the State Govts. is at Annexure IV.

(VII) OTHER MEASURES

ANDHRA PRADESH

The Director General of Police has been instructed to hold review meeting of officials, to organise training of field level police officials to make them aware of the provisions of the Act, and also to ensure that atrocity cases are given top priority. The Director General of Police has also addressed all Superintendents and Commissioners of Police and other law enforcement authorities on effective implementation of the Act.

The District Collectors have been asked to conduct workshops and training programmes of all officers of the District Administration connected with enforcement alongwith the Judicial Officers, and to educate them about the Constitutional safeguards for Scheduled Castes and Scheduled Tribes and the effective implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Several such programmes have already been conducted and the results are encouraging.

District Collectors were also asked: -

- (i) to identify atrocity-prone areas in their districts and prepare action plans for preventive measures and also for overall development of SCs and STs.
- (ii) To convene Distt. Vigilance and Monitoring Committee meetings regularly and to review cases of atrocities.

A brochure containing the instructions of State Govt. and Govt. of India on the subject of atrocities has been circulated to District level functionaries for their guidance.

BIHAR

The State Govt. have circulated copies of the Act to all the District Collectors, Superintendents of Police, Sub-Divisional Officers and Police Station Officers with instructions to ensure proper implementation.

GUJARAT

District Level Seminars have been organised with the participation of the IGP Superintendents of Police and other Police officials, the Director of Social Welfare, the Chairman of Social Justice Committee and others.

The Act has been circulated in Gujarati and English to all the concerned Departments, Village Panchayats, Social Workers and Voluntary Organisations.

Informative advertisements on the Act have also been published in the leading Gujarati newspapers. A Radio and T.V. talk was also prepared with Doordarshan, Ahmedabad and All-India Radio.

KARNATAKA

The Karnataka Scheduled Castes and Scheduled Tribes Development Corporation has been entrusted with the rehabilitation of the victims of atrocities. The corporation's rehabilitation assistance included financing of land purchase, construction of house-cum-work sheds and self-employment schemes. The State Govt. has also provided for training to the Scheduled Castes and Scheduled Tribes rape victims in the departmental tailoring cum training centers. In a few cases, employment has also been provided to the next of kin of persons who lost their lives in incidents of atrocities.

MADHYA PRADESH

The State Govt. are considering ways to disseminate information on the Act and the legal rights of Scheduled Castes and Scheduled Tribes through students of High Schools, Higher Secondary Schools and Hostels and those attending the National Social Service Camps. The organisation of campaigns is envisaged with the help of educated youth to ensure legal protection to the atrocity affected persons. Outstanding contributions to the campaign would be rewarded.

MAHARASHTRA

The concerned police officers have been instructed that persons who are likely to incite caste disturbances should be removed from sensitive areas. Protection of Civil Right. Units have been instructed on 31.1.1991 to take preventive action against persons likely to commit atrocities. The Act has been included in the syllabus of the Police Training Institute.

ORISSA

At the end of 1990 District Magistrates and Superintendents of Police were asked to ensure that:

- (a) All Investigating officers familiarize themselves with the provisions of the Act.
- (b) Training programmes are organised for all concerned police officers.
- (c) Government servants acquaint themselves with the provisions of Section 4 of the Act, read with Section 21 of the I.P.C.
- (d) Wide publicity is given to the provisions of Section 3 of the Act through the Public Relations Wing, School Teachers and Gram Panchayats.

PUNJAB

The Act has been circulated to all district police authorities in the State with instructions to enforce its provisions effectively.

TRIPURA

Systematic efforts are being made for creating harmony and brotherhood between communities in sensitive areas.

CHAPTER

5

SPECIAL COURTS

The preamble as well as Chapter IV of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 provide for the specification of 'Special Courts' and the appointment of 'Special Prosecutors' with a view to deliver speedy justice. Under Section 14 the State Government must, with the concurrence of the Chief Justice of the High Court, by Notification in the official Gazette, specify for each District a Court of Session to be a Special Court to try offences under the Act.

Various State Governments have accordingly notified the Courts of Sessions as Special Courts. Though not mandatory under the Act, Special Courts have been constituted in Andhra Pradesh (3), Gujarat (3), Karnataka (4), Madhya Pradesh (25) and Rajasthan (16) exclusively for trying such cases. The State Governments of Arunachal Pradesh, Mizoram and Nagaland (which are predominantly tribal area States) have not specified any Special Courts. State/UT – wise details are given at **Annexure V**.

Section 15 of the Act provides that 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 for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in the Courts.

In pursuance of the above provisions, Special Public Prosecutors have accordingly been specified by the State Governments.

CHAPTER

6

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) RULES 1995

The Government of India in exercise of the powers conferred by the sub-section (i) of the Section 23 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 notified the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995. These rules provide for the following:

- (i) Precautionary and preventive measures
- (ii) Supervision of prosecution and submission of report and information to police officer in charge of police station
- (iii) Investigation Officer
- (iv) Setting up of the SC and ST Protection Cell.
- (v) Nomination of Nodal Officer
- (vi) Appointment of special officer
- (vii) Travelling Allowance, Daily Allowance, maintenance expenses, transport facilities to the victims of atrocity his or her dependent and witness
- (viii) Measures to be taken by District Administration
- (ix) Selection of Officers and other staff member for completing the work relating to atrocity
- (x) Special responsibility of the State Government
- (xi) Contingency Plan by the State Govt.
- (xii) Constitution of State Level Vigilance and Monitoring Committee
- (xiii) Constitution of District Level Vigilance and Monitoring Committee
- (xiv) Norms for relief in respect of major offences (Annexure VI)
- (xv) Submission of material for annual report.

CHAPTER

7

IMPORTANT JUDGEMENTS OF THE HIGH COURTS OF SOME OF THE STATES AND SUPREME COURT OF INDIA UPHOLDING THE VALIDITY OF THE SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT 1989

To curb the increasing trend of offences against Scheduled Castes and Scheduled Tribes, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was enacted and it came into force from 30th January 1990. The Act extends the concepts of positive discrimination and affirmative action in the field of criminal law in favour of Scheduled Castes and Scheduled Tribes. When the Act was still in its infancy and within two years of the enactment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 the vires of the Act was challenged in various State High Courts including the one before the full Bench of Allahabad High Court. In special leave Petition filed in the Supreme Court, the validity of the Act was contested. Although the Act faced several teething troubles it could with stand the test of law even before the Supreme Court of India. Judgements of some of the High Courts and Supreme Court of India are discussed in succeeding paragraphs.

1. JUDGEMENT OF HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR

The Hon'ble High Court of Judicature for Rajasthan at Jaipur Bench in their judgement dated 28.1.1993 has upheld the provision contained in Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in the Civil Writ Petition No.4155/1991 -- Jai Singh and others Vs. Union of India and others.

2. JUDGEMENT OF HIGH COURT OF JUDICATURE AT MADRAS

In their judgement dated 3.8.1994 the High Court of Judicature at Madras also dismissed several Writ Petitions numbering 31 of 1993 and 30 of 1994 in the Writ Petition of 4986 of 1993 of S. Sivaraj Vs Union of India and the Sub-Inspector of Police, Civil Right Protection Wing, Coimbatore, challenging section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the grounds that it offends Articles 14 and 21 of the Constitution of India.

3. JUDGEMENT OF HIGH COURT OF MADHYA PRADESH, JABALPUR

In Misc. Petition No.798 of 1992 (K.P. Jaiswal Vs Union of India and others) filed in the Hon'ble High Court of Madhya Pradesh at Jabalpur, the High court has by order dated 25.3.1994 upheld the constitutional validity of the Act except Section 18 which barred applicability of Section 438 of Criminal Procedure Code, 1973. It has been held by the Hon'ble High Court that Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is unreasonable and violates Articles 14 and 21 of the Constitution. The State Government of Madhya Pradesh as well as the Government of India filed Special Leave Petitions in Supreme Court of India on the operation of the Judgement of Madhya Pradesh High Court. The Supreme Court vide their judgement dated 6.2.1995 has held that Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not violative of Article 14 and 21 of the Constitution.

4. CASES BEFORE NAGPUR BENCH OF HIGH COURT OF BOMBAY

The Nagpur Bench of Bombay High Court dismissed the writ petitions filed in the court on the ground that challenge to the provisions contained in Section 18 of the Act does not survive in view of the Supreme Court judgement dated 6.2.1995.

5. CASES BEFORE HIGH COURT OF KARNATAKA AT BANGALORE

The Senior Central Government Standing Counsel, Bangalore has intimated to this Ministry that the cases filed before the High Court, inter-alia, challenging the constitutional validity of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been disposed of following the Supreme Court judgement dated 6.2.1995.

6. WRIT PETITION IN HIGH COURT OF ALLAHABAD, BENCH AT LUCKNOW

Further over 300 writ petitions were filed in the High Court of Alahabad, Bench at Lucknow and a large number of such petitions were filed in various courts of Uttar Pradesh against the vires of the Act. The Ministry of Welfare (now Social Justice & Empowerment) filed a counter affidavit in the High Court Bench at Lucknow on 26.11.1994 and at Allahabad on 2.2.1995. The three Judges Bench concluded their hearing at Lucknow on 19.5.1995. The Union of India was defended by Additional Solicitor General of India. The High Court upheld the validity of the Act.

7. CIVIL APPELLATE JURISDICTION IN THE SUPREME COURT OF INDIA

In the petitions which were filed by the respondents before the High Court of Madhya Pradesh under Article 226 of the Constitution, the respondents had challenged the constitutional validity of certain provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The High Court, while negating this challenge in respect of some of the sections of the said Act has, however, held that Section 18 of the said Act is unconstitutional since it violates Articles 14 and 21 of the Constitution of India. The appeals were filed by the State of Madhya Pradesh to challenge the finding of the Madhya Pradesh High Court in respect of Section 18 of the said Act.

The Supreme Court in their Judgement dated 6.2.1995 said that Section 18 of the said Act does not violate Articles 14 and 21 of the Constitution.

ANNEXURE - I (STATEMENT - A)

**STATEMENT SHOWING CASES REGISTERED BY POLICE UNDER THE SCHEDULED CASTES AND
SCHEDULED TRIBES (POA) ACT, 1989 DURING 1993**

S.NO.	State/UT	No. of cases registered during 1993	No. of cases with police during 1993 including B.F.	No. of cases closed after investigation	No. of cases chargesheeted in courts	No. of cases pending with police at the end of 1993
1.	Andhra Pradesh	113	113	11	80	22
2.	Assam	3	3	0	3	0
3.	Bihar	907	1112	213	734	165
4.	Goa	1	2	1	1	0
5.	Gujarat	1768	2130	165	1533	432
6.	Himachal Pradesh	13	15	7	3	5
7.	Karnataka	836	1046	355	688	3
8.	Kerala	300	488	188	200	100
9.	Madhya Pradesh	2688	2697	126	2548	23
10.	Maharashtra	1590	1676	117	1421	138
11.	Manipur	6	6	0	2	4
12.	Orissa	662	765	52	456	257
13.	Rajasthan	3547	4137	2237	1153	747
14.	Tamil Nadu	980	1159	496	252	411
15.	Uttar Pradesh	8458	8878	692	7919	267
16.	West Bengal	4	5	0	1	4
17.	Dadra & Nagar Haveli	1	4	0	2	2
Total		21,877	24,236	4,660	16,996	2,580

Note: 1. Scheduled Castes and Scheduled Tribes (POA) Act, 1989 is not applicable in Jammu & Kashmir State.
2. Nil data reported by 14 States/UTs viz Arunachal Pradesh, Haryana, Meghalaya, Mizoram, Nagaland, Punjab, Sikkim, Tripura, Andaman & Nicobar, Chandigarh, Delhi, Daman & Diu, Lakshadweep & Pondicherry.

ANNEXURE - I (STATEMENT - B)

STATEMENT SHOWING CASES REGISTERED BY POLICE UNDER THE SCHEDULED CASTES AND SCHEDULED TRIBES (POA) ACT, 1989 DURING 1994.

S.No.	State/UT	No. of cases registered during 1994	No. of cases with police during 1994 including B.F	No. of cases closed after investigation	No. of cases chargesheeted in courts	No. of cases pending with police at the end of 1994
1.	Andhra Pradesh	266	288	15	159	114
2.	Assam	1	1	0	1	0
3.	Bihar	1194	1359	446	774	139
4.	Goa	1	1	0	0	1
5.	Gujarart	2171	2603	178	1990	435
6.	Haryana	5	5	0	5	0
7.	Himachal Pradesh	27	32	10	17	5
8.	Karnataka	990	993	86	888	19
9.	Kerala	310	410	30	254	126
10.	Madhya Pradesh	2750	2773	152	2582	39
11.	Maharashtra	1810	1948	119	1483	346
12.	Manipur	0	4	0	4	0
13.	Orissa	764	1021	78	350	593
14.	Punjab	1	1	1	0	0
15.	Rajasthan	3974	4721	2251	1354	1116
16.	Tamil Nadu	922	1333	506	361	466
17.	Uttar Pradesh	9561	9828	842	8680	306
18.	West Bengal	7	11	0	1	10
19.	Dadra & Nagar Haveli	8	10	2	3	5
20.	Delhi	1	1	0	1	0
TOTAL		24,763	27,343	4,716	18,907	3,720

- Note:-
1. Scheduled Castes and Scheduled Tribes(POA) Act, 1989 is not applicable in Jammu & Kashmir State.
 2. Nil data reported by 11 States / UTs, viz Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, And. & Nic.Island, Chandigarh, Daman & Diu, Lakshdweep and Pondicherry.

ANNEXURE – I (STATMENT – C)

STATEMENT SHOWING CASES REGISTERED BY POLICE UNDER THE SCHEDULED CASTES AND SCHEDULED TRIBES(POA) ACT, 1989 DURING 1995

S.NO.	State /UT	No. of cases registered during 1995	No. of cases with police during 1995 including B.F.	No. of cases closed after investigation	No. of cases charge-sheeted in courts	No. of cases pending with police at the end of 1995
1.	Andhra Pradesh	346	460	103	194	163
2.	Bihar	278	417	163	193	61
3.	Goa	3	4	2	1	1
4.	Gujarat	2098	2533	191	2057	285
5.	Haryana	21	21	4	10	7
6.	Himachal Pradesh	23	28	10	10	8
7.	Kerala	435	561	27	383	151
8.	Karnataka	1267	1286	129	1111	46
9.	Madhya Pradesh	3896	3935	119	3609	207
10.	Maharashtra	2077	2423	117	1675	631
11.	Manipur	4	4	0	0	4
12.	Orissa	930	1523	67	197	1259
13.	Punjab	1	1	1	0	0
14.	Rajasthan	6343	7459	2752	2188	2519
15.	Tamil Nadu	750	1216	461	374	381
16.	Uttar Pradesh	7659	7965	816	6702	447
17.	West Bengal	9	19	0	5	14
18.	Dadra & Nagar Haveli	2	7	5	0	2
19.	Delhi	4	4	0	1	3
20.	Daman & Diu	1	1	0	0	1
TOTAL		26,147	29,867	4,967	18,710	6,190

- Note:-
1. Scheduled Castes and Scheduled Tribes (POA) Act, 1989 is not applicable in Jammu & Kashmir State.
 2. Nil data reported by 11 States/UTs, viz Arunachal Pradesh, Assam, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, And. & Nic. Islands , Chandigarh, Lakshadweep and Pondicherry

ANNEXURE - II (STATEMENT - A)

STATEMENT SHOWING CASES WITH COURTS UNDER THE SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989 AND THEIR DISPOSAL DURING 1993

S.No	State /UT	No. of cases in Courts including B.F.in 1993	No. of cases ended in conviction	No. of cases ended in acquittal	No. of cases pending with courts at the end of 1993
1.	Andhra Pradesh	400	0	4	396
2.	Assam	3	0	0	3
3.	Bihar	1224	50	85	1089
4.	Goa	3	0	0	3
5.	Gujarat	4361	10	165	4186
6.	Himachal Pradesh	7	0	0	7
7.	Karnataka	1712	7	371	1334
8.	Kerala	531	13	173	345
9.	Madhya Pradesh	7215	174	1737	5304
10.	Maharashtra	2812	8	91	2713
11.	Manipur	2	0	0	2
12.	Orissa	1198	5	36	1157
13.	Rajasthan	4570	93	965	3512
14.	Tamil Nadu	313	1	38	274
15.	Uttar Pradesh	17001	129	523	16349
16.	West Bengal	2	0	0	2
17.	And. & Nic. Islands	1	0	0	1
18.	Dadra & Nagar Haveli	4	0	0	4
TOTAL		41,359	490	4,188	36,681

NOTE:-

1. Scheduled Castes and Scheduled Tribes (POA) Act, 1989 is not applicable in J & K State.
2. Nil data reported by 13 States/UTs, viz Arunachal Pradesh, Haryana, Meghalaya, Mizoram, Nagaland, Punjab, Sikkim, Tripura, Chandigarh, Delhi, Daman & Diu, Lakshadweep and Pondicherry

ANNEXURE – II (STATEMENT – B)

STATEMENT SHOWING CASES WITH COURTS UNDER THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989 AND THEIR DISPOSAL DURING 1994.

S.NO.	STATE/UT	No. of cases in Courts including B.F. in 1994	No. of cases ended in conviction	No. of cases ended in acquittal	No. of cases pending with courts at the end of 1994
1.	Andhra Pradesh	555	3	27	525
2.	Assam	4	0	0	4
3.	Bihar	1443	35	120	1288
4.	Goa	3	0	2	1
5.	Gujarat	6176	65	451	5660
6.	Haryana	5	0	1	4
7.	Himachal Pradesh	24	0	6	18
8.	Karnataka	2222	6	367	1849
9.	Kerala	599	18	178	403
10.	Madhya Pradesh	7886	123	1910	5853
11.	Maharashtra	4196	4	60	4132
12.	Manipur	6	0	0	6
13.	Orissa	1507	7	65	1435
14.	Rajasthan	5700	222	1744	3734
15.	Tamil Nadu	635	22	148	465
16.	Uttar Pradesh	25,029	206	1790	23,033
17.	West Bengal	3	0	0	3
18.	Andman & Nicobar Islands	1	0	0	1
19.	Dadra & Nagar Haveli	7	0	1	6
20.	Delhi	1	0	0	1
Total		56,002	711	6,870	48,421

- Note:
1. Scheduled Castes and Scheduled Tribes(POA) Act,1989 . is not applicable in J & K State.
 2. Nil data reported by 11 States/UTs, viz Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Punjab, Sikkim, Tripura, Chandigarh, Daman & Diu, Lakshadweep and Pondicherry.

ANNEXURE - II (STATEMENT - C)

STATEMENT SHOWING CASES WITH COURTS UNDER THE SCHEDULED CASTES AND SCHEDULED TRIBES (POA) ACT, 1989 AND THEIR DISPOSAL DURING 1995.

S.No	State /UT	No. of cases in Courts including B.F. in 1995	No. of cases ended in conviction	No. of cases ended in acquittal	No. of cases pending with Courts at the end of 1995
1.	Andhra Pradesh	719	2	26	691
2.	Assam	4	0	0	4
3.	Bihar	1488	21	28	1439
4.	Goa	2	0	0	2
5.	Gujarat	7717	37	614	7066
6.	Haryana	14	0	0	14
7.	Himachal Pradesh	28	0	14	14
8.	Karnataka	2960	7	456	2497
9.	Kerala	786	13	148	625
10.	Madhya Pradesh	9462	242	1771	7449
11.	Maharashtra	5807	12	373	5422
12.	Manipur	6	0	0	6
13.	Orissa	1632	2	19	1611
14.	Rajasthan	5993	222	1666	4105
15.	Tamil Nadu	839	22	178	639
16.	Uttar Pradesh	29735	133	1184	28418
17.	West Bengal	8	0	0	8
18.	And. & Nic. Island	1	0	0	1
19.	Dadra & Nagar Haveli	6	0	1	5
20.	Delhi	2	0	0	2
TOTAL		67,209	713	6,478	60,018

NOTE:-

1. Scheduled Castes and Scheduled Tribes (POA) Act, 1989 is not applicable in J & K State.
2. Nil data reported by 11 States/UTs, viz Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Punjab, Sikkim, Tripura, Chandigarh, Daman & Diu, Lakshadweep and Pondicherry.

ANNEXURE -III

**STATEMENT SHOWING THE STATE/UT-WISE DETAILS OF CENTRAL ASSISTANCE RELEASED UNDER
CENTRALLY SPONSORED SCHEME FOR IMPLEMENTATION OF THE PROTECTION OF CIVIL RIGHTS ACT,
1955 AND THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989
DURING 1993-94, 1994 -95 AND 1995 -96**

(Rs. in Lakhs)

Sl.No.	State / UT	1993 - 94		1994 - 95		1995 - 96	
		PCR	POA	PCR	POA	PCR	POA
1.	Andhra Pradesh	61.82	29.20	55.00	66.12	36.68	00.00
2.	Assam	00.00	00.00	00.00	00.00	00.00	2.50
3.	Bihar	06.50	20.00	00.00	00.00	18.00	98.00
4.	Goa	00.05	00.00	00.00	00.00	00.25	00.00
5.	Gujarat	36.65	56.09	34.56	77.55	36.18	231.87
6.	Haryana	04.69	00.52	03.44	01.38	02.89	01.83
7.	Himachal Pradesh	01.00	00.00	01.00	00.00	01.50	00.00
8.	Karnataka	112.11	36.76	75.70	64.12	105.09	53.42
9.	Kerala	05.03	14.96	09.20	15.87	12.32	23.04
10.	Madhya Pradesh	16.75	00.00	07.39	197.13	103.12	91.50
11.	Maharashtra	93.65	02.50	01.79	08.73	121.07	03.29
12.	Mizoram	00.00	00.00	04.20	00.00	00.00	00.00
13.	Orissa	02.00	00.00	02.00	00.00	05.00	00.00
14.	Punjab	13.40	00.00	33.50	00.00	20.45	00.00
15.	Rajasthan	00.00	51.00	00.00	39.88	00.00	57.50
16.	Tamil Nadu	69.37	00.00	70.34	00.00	82.54	00.00
17.	Uttar Pradesh	00.00	49.60	05.00	173.51	00.00	399.43
18.	West Bengal	03.90	00.50	04.65	00.50	00.00	00.00
19.	D & N Haveli	00.00	05.00	00.00	08.22	00.00	14.92
20.	Daman & Diu	00.00	00.00	00.00	00.00	00.00	00.10
21.	Pondicherry	13.14	00.00	13.93	00.00	14.35	00.00
	TOTAL	440.06	266.13	321.70	653.01	559.44	977.40

LIST OF ATROCITY PRONE AREAS

S.No.	Name of State	Name of districts identified as sensitive
1.	<i>Andhra Pradesh</i>	Chittoar, East Godavari, Mahboobnagar, Nellore, Khammam and Warangal (6 Districts)
2.	<i>Bihar</i>	Patna, Nalanda, Rohtas, Bhojpur, Gaya, Vaishali, Samastipur, Begusarai, Bhagalpur, Monghyr and Ranchi (11 Districts)
3.	<i>Gujarat</i>	Ahmedabad Rural, Mehasana, Surendranagar, Junagarh, Kheda, Amreli, Rajkot Rural, Banaskantha, Vadodara Rural, Bharuch and Kutch (11 Districts).
4.	<i>Haryana</i>	Ambala, Karnal, Sonapat, Gurgaon and Faridabad (5 Districts).
5.	<i>Karnataka</i>	Bangalore, Bijapur, Kolar, Mysore, Tumkur, Gulbarga, Belgaum, Bidar, Chitradurga and Raichur (10 Distts.)
6.	<i>Madhya Pradesh</i>	Some villages in 10 Districts.
7.	<i>Maharashtra</i>	Aurangabad, Beed, Osmanabad, Nanded, Parbhani and Buldana (6 Districts).

- 8. *Tamil Nadu* Cuddalore (S. Arcot), Villupuram Police District, Tiruchirapalli, Madurai, Thanjavur, Ramanathapuram, Tirunelveli, Kattabomman, Kamarajar Chidambarnar and Tiruvanamalai Sambuvarayar (10 Districts).
- 9. *Uttar Pradesh* Lucknow, Hardoi, Sitapur, Rai- Bareilly, Unnao, Gonda, Bahraich, Barabanki, Sultanpur, Fatehgarh, Etawah, Banda, Jalon, Basti, Gorakhpur, Azamgarh, Badaun, Meerut, Varanasi and Agra (20 Districts).

Total:	9 States	89 Districts
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ANNEXURE-V

SPECIAL COURTS SPECIFIED/SET UP IN VARIOUS STATES/UTS UNDER THE SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989

ASSAM

The State Govt. vide Notification No. JDJ 3/90/32 dated 30th January, 90 established 18 (eighteen) number of Special Courts under Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by redesignating the existing Districts and Session Courts. Accordingly under section 15 of the Act. Special Public prosecutors are also appointed by redesignating the existing public prosecutors.

ANDHRA PRADESH

There are 3 independent Special Session Court in the districts of Guntur, Chittoor and Mahboobnagar to try exclusively all the cases of atrocities against SCs and STs.

The Courts of all the 1st Additional District and Session Judges, where there are two District Courts, and all 2nd Additional District and Session Judges where there are more than two District Courts are designated as Special Courts for the trial of offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 vide G.O.No.12 (SW) (H1) Department, dated 25.1.90

The Public Prosecutors/Additional Public Prosecutors/ Special Public Prosecutors attached to the courts of the 1st Additional District and Session Judges/ Second Additional district and Session Judges which are notified as Special Courts under Section 14 of the said Act are designated as Special Public Prosecutors in such courts vide G.O.Ms.No.11 S.W (H1) Department, dated 25.1.1990.

BIHAR

Courts of Additional Session Judges numbering 40 have been specified to try cases registered under the Prevention of Atrocities Act.

GOA

The State of Goa vide notification No. 13-26-89 SWD, dated 18.5.1990 has designated Courts of Sessions at Marmagoa and Panaji a Special Court for trial of cases arising under the Atrocities Act. Similarly, State Govt. of Goa has also designated and notified Public Prosecutors attached to the Courts of session at Marmagoa and Panaji to be Public Prosecutor for prosecution of Scheduled Castes in these courts.

GUJARAT

The Government of Gujarat has specified all the Session's Courts as Special Courts in each district with effect from 30th January 1990. Under Section 14 of the Act vide Social Welfare Department Notification No. GHIL/2/90 HSL/1089/1/8/Hcell dated 30.1.1990, three special courts at Ahmedabad (Rural), Palanpur and Bhuj have been established to try exclusively cases of SCs and STs (Prevention of Atrocities) Act, 1989 vide legal Department resolution No. SCT/1089/4287/D dated 20.12.1995.

HARYANA

The Government of Haryana has specified the Senior most Additional Session Judge at each District Headquarter the State to be the Court to try offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The cases falling in the areas of the new districts of Kaithal, Rewari, Panipat and Yamuna Nagar will be tried by the senior most Additional Session Judges of Kurukshetra, Mahendergarh, Karnal and Ambala respectively as specified under the Atrocities Act.

HIMACHAL PRADESH

Nine District and Session Courts have been specified as Special Courts under the Act.

KARNATAKA

The following Court of Session have been specified as Special Courts:

Session Courts Bangalore, Bangalore (Rural), Belgaum, Bellary Bidar, Bijapur, Chikmagalur, chitradurga, Dharwad, Gulbarga, Hassan, Dakshina, Kannada, Uttar Kannada, Kodagu, Kolar, Mandya, Mysore, Raichur, Shimoga, Tumkur.

KERALA

Each of the principal courts of all Districts of Kerala has been specified to be a Special Court to try the offences under the Atrocities Act and Public Prosecutors of all district have been nominated as Special Prosecutors for conducting the cases in the Special Court vide G.O. (Rt) 622/90/Home, dated 29.1.90. This is intended to remove the delay in the Prosecution of such cases. The cases registered under the said Act are now being filed before the Special Courts.

The following Principal District Courts have been specified as Special Courts:

District Court with Headquarters at Trivandrum, Quilon, Pathanamthitta, Alleppey, Kottayam, Thodupuzha, Ernakulam, Trichur, Palghat, Kozhikode Tellicherry, Mangeri, Kalpetta, Kasargode.

MADHYA PRADESH

In addition to Specifying existing Courts as Special Courts for trying cases of Prevention of Atrocities Act, the State Govt. has also set up 10 Exclusive Special Courts at Dhar, Shajapur, Morena, Shahdol, Damoh, Raisen, Mandla, Raipur, Baster, and Bilaspur for expeditious disposal of cases. Public Prosecutors and Additional Public Prosecutors have also been posted in each district for marshalling effective prosecution.

MAHARASHTRA

The Government of Maharashtra has specified in every district, excluding Greater Bombay, the Court of District and Session Judge to be the Special Court. The Bombay City Civil Courts of Session have been specified as Special Court for the District of Greater Bombay.

MANIPUR

Even though there is no occurrence of atrocities against the SC./ST communities attracting the provision of the Act, the govt. of Manipur under Section 14 of the Act has declared the Court of District and Session Judge, Manipur East as the Special Court covering Imphal and Ukhrul district of Manipur and appointed an additional Public Prosecutor for Special Court, Manipur East. The Court of District and Session Judge, Manipur West has been declared as the Special Court for the district of Senapati Tamenlong, Churachandpur, Chandel, Thoubal and Bishnupur. Their Public Prosecutor for Manipur West Court have been designated as the Special Public Prosecutor for the Special Court, Manipur West for trial of the cases under the said Act.

MEGHALAYA

Special Court have been specified for different district of the State

ORISSA

The Court of District and Session Judge has been specified as Special Court in each district.

PUNJAB

Govt. of Punjab has created a Special Court for each district under this Act. The subject of atrocities on Scheduled Castes and Scheduled Tribes is directly under the Home Deptt. The Home Deptt has directed all the Senior Superintendents of Police to take prompt action if any incident of atrocities on Scheduled Castes and Scheduled Tribes came to their notice. Suitable instructions have also been issued by the State Govt. to all the District Welfare Officers to take up immediate relief and rehabilitation in all cases of atrocities.

RAJASTHAN

Exclusive Special Courts have been set up by the State Govt. in 16 districts viz. Jaipur, Jodhpur, Udaipur, Ajmer, Kota, Bikaner, Pali, Medhta (Nagaur), Alwar, Pratapgarh, Dausa, Sriganganagar, Jhalawad, Sawai Madhopur, Baran and Tonk.

In other districts, Session Courts has been specified as Special Court under the Act. Public Prosecutors have also been notified for all the above courts in the State.

TAMIL NADU

Principal Session Court of Madras. N. Arcot, S. Arcot, Coimbatore, Periyar, Madurai, Ramanathpuram, Salem, Trirapali and Tirunelveli, and the Session Court of Chengai Nilgiri, Dharmapuri, Kanyakumari, district Quaid-e-Millik, Pudukottai, Thanjavur West, and Thanjavur East have been specified as Special Court.

TRIPURA

With the approval of Guwahati High Court the State Government has specified the Court of Judicial Magistrate 1st Class as Special Court. Public Prosecutors have also been appointed.

UTTAR PRADESH

Court of District and Session Judges in the hill district and the Additional Session Judges (II) in other district have been specified as Special Courts for trying the cases registered under the POA Act.

WEST BENGAL

State Govt. has specified 17 Courts as Special Courts and appointed Special Public Prosecutors in the districts to carry out trial of all cases of atrocities against SCs and STs on priority basis.

ANDAMAN and NICOBAR ISLANDS

Public Prosecutor of the UT Administration has also been appointed as Special Public Prosecutor for dealing with the cases of atrocities and the District and Session Judge A and N Island Port Blair has been designated as Special Courts to try the cases of atrocities. Andman and Nicobar Island Legal Aid Advisory Board is functioning to render legal aid to needy persons, including Scheduled Tribes to get prompt justice.

CHANDIGARH

The Court of Additional Session Judge, Chandigarh, has been specified as Special Court to try the Offences under the POA Act. District Attorney, Chandigarh has also been specified as Special Public Prosecutor for the purpose of conducting cases.

As there is no case of atrocity during the period under report, no area has been specified where the members of Scheduled Castes are likely to be subjected to atrocities in the UT of Chandigarh.

DADRA and NAGAR HAVELI

Session Court of Selvasa has been specified as Special Court for the purpose of this Act.

DAMAN and DIU

In UT of Daman and Diu the Session Court of Daman and Diu has been declared Special Court as per provision of Section 14 of SCs and STs (Prevention of Atrocities) Act, 1989. Since, no cases have been registered under this Act so far there is no need to set up Special Court exclusively for this Act.

DELHI

One Court of Addl. District and Sessions Judge, has been specified as a 'special court' to try the offences under the Act, 1989.

LAKSHADWEEP

Union Territory Administration has notified the Session Court, Kozhikode in Kerala as special court for the UT of Lakshadweep.

PONDICHERY

The Second Additional district and Session Judge, Pondicherry has been specified as Special Court for the entire Union Territory.

OTHER STATES

This Act is not applicable in the State of Jammu & Kashmir.

Special Courts have not been specified by the tribal majority States of Arunachal Pradesh, Mizoram and Nagaland.

NORMS FOR RELIEF AMOUNT

Sl. No.	Name of Offence	Minimum amount of relief
1.	Drink or eat inedible or obnoxious substance (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.
2.	Casusing injury insult or annoyance (Section 3(1)(ii))	
3.	Derogatory act (Sec. 3(1) (iii))	Payment to be made as follows: I. 25% -when the chargesheet is sent to the court. II. 75% -when accused are convicted by the lower court.
4.	Wrongful occupation or cultivation of land, etc. (Section 3(1)(iv))	Atleast 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 Government cost. Full payment to be made when chargesheet 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 3(1) (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 3 (1)(ix))	Rs. 25,000/- or reimbursement of actual legal expenses and damages or whichever is less after conclusion of the trial of the accused.

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| 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 (Section 3 (1)(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 a woman (Section 3(1) (xii)). | 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. |
| 13. | Fouling of water (Section 3 (1) (xiii)) | Upto 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 (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 charge sheet 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 at Govt. cost, if destroyed, to be paid in full when charge sheet is sent to the lower court. |
| 16. | Giving false evidence (Section 3(2)(i) 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 (Section 3 (2)(v)). | At least Rs. 50,000 depending upon the nature and gravity of the offence to each victim or his dependents. The amount would vary if specifically otherwise provided in the Schedule. |

18. Victimization at the hands of a public servant (Section 3(2)(vii). Full compensation on account of damages or loss or harm sustained. 50% to be paid when chargesheet 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, G.O.I. notification No.4-2/83-HW.III, dated 6.8.1986 as amended from time to time. A copy of the notification is at Annexure-II.
- (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 chargesheet 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 rates as laid down in a (i) and (ii) above shall be reduced in the same proportion, the stage 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
- (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:-

(i) Pension to each widow and/or other dependents 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, an house, if necessary by outright purchase.

(ii) Full cost of the education and maintenance of the children of the victims. Children may be admitted to Ashram Schools/ residential schools.

(iii) 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.