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**ANNUAL REPORT
ON
THE SCHEDULED CASTES AND THE
SCHEDULED TRIBES (PREVENTION
OF ATROCITIES) ACT, 1989 FOR
THE YEARS 1991 AND 1992**

(SECOND REPORT)



सत्यमेव जयते

GOVERNMENT OF INDIA
MINISTRY OF WELFARE
NEW DELHI

LAI D ON THE TABLE OF LOK SABHA ON 09-06-1998
LAI D ON THE TABLE OF RAJYA SABHA ON 06-07-1998

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FOREWORD

In order to check and deter certain categories of crimes against Scheduled Castes and Scheduled Tribes by persons belonging to other communities; provide for Special Courts for the expeditious trial of such offences, and for the relief and rehabilitation of victims and related matters, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was brought into force from 30th January, 1990. Along with the Protection of Civil Rights Act, 1955, the Act has extended the concept of positive discrimination in favour of Scheduled Castes and Scheduled Tribes to the domain of criminal law, inasmuch as it prescribes punishments that are generally more stringent than for corresponding offences under the Indian Penal Code. Comprehensive Rules were notified under the Act in March, 1995. These provide a systematic framework and procedures for the effective implementation of the Act and prescribe, in particular, enhanced scales of relief and rehabilitation. The Act and Rules are administered and enforced by the State Governments and Union Territory Administrations, who are required to undertake various measures for dealing with atrocities. The Central Government are responsible for coordinating such measures, and are expected to lay Reports on the working of the Act on the Tables of both Houses of Parliament.

2. In order to give an impetus to their efforts, Central assistance is provided to the State Governments on a 50:50 basis (100% to the Union Territories) for the measures undertaken by them for the implementation of the Act and Rules. Substantial increases in the off-take of Central assistance each year reflect greater attention to implementation and also, more recently, the enhanced relief and rehabilitation norms prescribed under the Rules of 1995. However, further steps are required, and I do not anticipate any budgetary constraints in supporting them in view of our commitment to social justice and the protection of the Scheduled Castes and Scheduled Tribes.
3. When the Act was still in its infancy, concerted efforts were made to thwart it. A large number of cases was filed in several High Courts challenging the validity of its provisions as being discriminatory and otherwise inconsistent with the Fundamental Rights guaranteed in the Constitution. I am happy to say that these challenges have, by and large, been emphatically dismissed, in the High Courts as well as the Supreme Court, in a series of landmark judgements delivered in 1994 and 1995. With these verdicts, the contextual relevance of the Act, and the fact that atrocities committed against the Scheduled Castes and Scheduled Tribes constitute a distinct and separate class of offences, have been confirmed in law.

4. It is my privilege to place on the Table of both Houses of Parliament this Second Report on the working of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for the calendar years 1991 and 1992.

NEW DELHI
DATE :


(MANEKA GANDHI)
WELFARE MINISTER

सामाजिक न्याय और अधिकारिता मंत्रालय
Ministry of Social Justice and
Empowerment
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

CHAPTER-I

INTRODUCTION

Constitutional safeguards and special enactments

Various Constitutional safeguards provided to the Scheduled Castes and Scheduled Tribes for their protection and advancement have been further supported by special enactments relevant in this context. They include laws such as the Minimum Wages Act, 1948, the Protection of Civil Rights Act, 1955, the Bonded Labour System (Abolition) Act, 1976 and the Child Labour (Prohibition and Regulation) Act, 1986, among many others.

Planned Development

While on the one hand, Constitutional and legislative safeguards for Scheduled Castes and Scheduled Tribes have been provided, successive Five Year Plans have emphasised welfare and development of weaker sections of society, especially the Scheduled Castes and Scheduled Tribes. The Tribal Sub-Plan approach was adopted in the Fifth Plan, and the Special Component Plan for the Scheduled Castes in the Sixth Plan. This strategy envisaged earmarked allocations for SC/ST development and a greater devolution of funds with separate targets for different sectors. The thrust in subsequent Plans has been to further strengthen the economic base of the Scheduled Castes and Scheduled Tribes, and to facilitate occupational mobility. Comprehensive approaches covering economic, educational, health and other programmes have been attempted in various States. Special programmes, have included anti-poverty schemes, distribution of surplus lands and economic assistance from the Scheduled Castes and Scheduled Tribes Finance Development Corporations. This strategy and programmes are being refined in the light of experience gained so far.

Social Conflicts

The thrust towards the welfare and development of the Scheduled Castes and Scheduled Tribes has often not been taken kindly to by others. Social and economic factors of long standing, which have placed the Scheduled Castes and Scheduled Tribes in a position of dependence, have also made them vulnerable to various crimes committed against them.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

In view of the increasing offences against SCs and STs, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (No. 33 of 1989) was enacted, and came into force from 30.1.1990. The Act further extends the concept of positive discrimination and affirmative action in the field of criminal law in favour of SCs and STs. It provides for punishments for certain categories of crimes committed against SCs/STs (defined as atrocities) by persons from other communities which are generally higher than for corresponding offences under the Indian Penal Code. The Act also provides, inter alia, for collective fines and externment, debars anticipatory bail, and requires the State Govts. to take various measures to deter and deal with atrocities.

Reports on the implementation of SCs & STs (POA) Act, 1989

In pursuance of section 21(4) of the SC & ST (POA) Act, 1989, the First Report for the year 1990 was placed on the Tables of both Houses of Parliament in 1994. The Report in hand is the Second in the series and covers the years 1991 and 1992.

The present Report contains Seven Chapters. Chapter Two deals with the incidence of atrocities and other offences. Chapters Three and Four outline the various measures taken by the Government of India, the State Governments and UT Administrations for effective implementation of the Act. Chapter Five sets out the Special Courts which have been designated or established in various States and UTs for the trial of offences. Chapter Six relates to some aspects of the socio-economic development of the SCs and STs which is a pre-requisite for their empowerment and the prevention of atrocities. Chapter Seven contains extracts from the Report of the Committee set up for the birth centenary celebration of Baba Saheb Dr. B.R. Ambedkar, which has several recommendations for the prevention of atrocities.

CHAPTER-II

INCIDENCE OF ATROCITIES

During the years 1981-90 the number of cases of crimes committed against the Scheduled Castes and Scheduled Tribes on an average each year under I.P.C. and related laws was 15,337 and 3,715, respectively. On the basis of data with the National Crime Records Bureau in the Ministry of Home Affairs, the registration of offences has been on the rise during 1991 and 1992.

Year	<u>No. of Offences</u>		Total
	Scheduled Castes	Scheduled Tribes	
1991	18336	4168	22504
1992	24922	4306	29228

State/UT-wise details are at Annexure I, an abstract of which is given below :

**TABLE NO.1 STATEMENT OF ATROCITIES AND OTHER CRIMES AGAINST
SCs & STs DURING 1991 and 1992**

S.No.	State/UT	No. of offences against SCs and STs		
		1991	1992	Trend
1.	Madhya Pradesh	7710	6528	-
2.	Uttar Pradesh	4700	9405	+
3.	Rajasthan	3616	5419	+
4.	Gujarat	1376	1785	+
5.	Karnataka	983	961	-
6.	Maharashtra	763	1475	+
7.	Kerala	648	781	+
8.	Bihar	621	1026	+
9.	Andhra Pradesh	589	690	+
10.	Tamil Nadu	584	586	+
11.	Orissa	308	252	-
12.	Haryana	89	72	-
13.	Himachal Pradesh	55	53	-
14.	J & K	42	13	-

15.	Sikkim	29	26	-
16.	Pondicherry	27	22	-
17.	Assam	23	0	-
18.	Punjab	18	18	=
19.	Arunachal Pradesh	13	1	-
20.	Goa	9	5	-
21.	D & N Haveli	8	10	+
22.	Delhi	6	83	+
23.	Manipur	5	3	-
24.	Meghalaya	5	4	-
25.	West Bengal	5	7	+
26.	Daman & Diu	3	3	=
27.	A & N Islands	1	0	-
28.	Mizoram	NIL	NIL	NIL
29.	Nagaland	NIL	NIL	NIL
30.	Tripura	NIL	NIL	NIL
31.	Chandigarh	NIL	NIL	NIL
32.	Lakshadweep	NIL	NIL	NIL

Total	22504 (SC & ST)	29228 (SC & ST)
SC = 18336		SC = 24922
ST = 4168		ST = 4306

Atrocity Free Areas

During this period, five States/UTs have not registered offence against SCs and STs.

1. Mizoram
2. Nagaland
3. Tripura
4. Chandigarh
5. Lakshadweep

Seven States/UTs have reported 10 or less offences against SCs & STs in each of the two years under report.

1. Manipur
2. Meghalaya
3. Goa
4. West Bengal
5. Daman & Diu
6. Dadra & Nagar Haveli
7. Andaman & Nicobar Islands

Low Atrocity Areas

Nine States/UTs have reported 11 to 100 cases per year:

1. Arunachal Pradesh
2. Haryana
3. Sikkim
4. Jammu & Kashmir
5. Himachal Pradesh
6. Punjab
7. Assam
8. Delhi
9. Pondicherry

The 16 States/UTs referred to above account for a little over 1% of the total number of cases of Crimes and atrocities against SCs/STs in the country.

Atrocity-Prone States

The eleven States which reported a large number of atrocities and other Crimes during 1991 and 1992 are:

TABLE NO.2 **OFFENCES AGAINST SC AND ST IN 11 STATES**

S.No.	State/UT	No. of Offences	
		1991	1992
1.	Madhya Pradesh	7710	6528
2.	Uttar Pradesh	4700	9405
3.	Rajasthan	3616	5419
4.	Gujarat	1376	1785
5.	Karnataka	983	961
6.	Maharashtra	763	1475
7.	Kerala	648	781
8.	Bihar	621	1026
9.	Andhra Pradesh	589	690
10.	Tamil Nadu	584	586
11.	Orissa	308	252
	Total	21898	28908

Total India	22504	29228
% of 11 States to India	97.3	98.9

Atrocities and others crimes against SCs/STs reported from the three States of Madhya Pradesh, Uttar Pradesh and Rajasthan account for 71% of the total offences in the country in 1991 and 73% in 1992.

Crime-wise Offences Against SCs and STs

Statements showing the different types of offences against SCs and STs in the years 1991 and 1992 are at Annexure-I, and summarised below:-

TABLE NO.3 **CRIME-WISE OFFENCES**

S.No.	Offence	Scheduled Castes		Scheduled Tribes	
		1991	1992	1991	1992
1.	Murder	521 (3%)	616 (2%)	154 (4%)	103 (2%)
2.	Rape	655 (3%)	849 (3%)	319 (8%)	334 (8%)
3.	Arson	324 (2%)	406 (2%)	41 (1%)	47 (1%)
4.	Others	16836 (92%)	23051 (93%)	3654 (87%)	3822 (89%)
Total		18336 (100%)	24922 (100%)	4168 (100%)	4306 (100%)

The incidence of murder declined in 1992 as compared to 1991, while other crimes increased.

Causes of Offences/Atrocities

Some of the major causes of atrocities and other offences against Scheduled Castes and Scheduled Tribes are related to

issues of land and property, access to water, wage payments, indebtedness and bonded or forced labour. Issues of human dignity, including compulsion to perform distasteful tasks traditionally forced on Scheduled Castes, and molestation and exploitation of women are also involved. Caste related tension is exacerbated by economic factors which contribute to violence. It is the assertion of their rights, be they economic, social or political, by the Scheduled Castes and Scheduled Tribes and their development, which often invite the wrath of the vested interests. Disputes during elections, animosity due to reservation, jealousy due to increasing economic prosperity, violence related to the process of taking possession and retaining Government allotted land, tension due to refusal of SCs to perform tasks such as disposal of dead cattle or cutting umbilical cord, are manifestations of the resentment of the status quoists against increasing awareness, assertion and prosperity among the SCs and STs.

Like land, water is another sensitive issue. Accessibility of drinking water and water for irrigation and disposal of water removed from water logged areas become issues that can trigger off atrocities on SCs and STs. Casteist fervour during religious and social ceremonies, disputes arising during sowing and harvesting operations, and removal of crops from the granary after harvesting, have also been known to cause tension. Increasing awareness and empowerment of SCs/STs, manifested in resistance to suppression, also result in clashes. For the same reason, it is likely that incidents which would have gone unreported in the past are now increasingly registered by the authorities and pursued by the victims or others on their behalf.

Disposal of Cases by Police

The following Table shows the number of cases with the police authorities and their disposal during 1991 and 1992:

TABLE NO.4 DISPOSAL OF CASES BY POLICE

S.No.	Item	1991		1992	
			%		%
		(16 States)		(14 States)	
1.	Total No. of cases	12,929	100	16,478	100

	with Police				
2.	No. of cases closed after Investigation	1,621	13	2,512	15
3.	No. of cases chargesheeted in Court	10,457	81	12,173	74
4.	No. of cases pending with the Police at the end of the year.	851	6	1,793	11

The number of cases filed and being investigated by the Police authorities has increased from 12,929 in 1991 to 16,478 in 1992. This increase has resulted in an accumulation of cases with them. State-wise details of cases disposed by the police are at Annexure II.

During 1991, 11,280 fresh cases were registered in 16 States/UTs. The total number of cases including those carried forward from the previous year, was 12,929 (791 cases of Bihar have been excluded here). A large number of cases was reported from Madhya Pradesh (4254), Uttar Pradesh (2968) and Rajasthan (2820) followed by Gujarat (1535), Karnataka (532), Maharashtra (312), Kerala (240) and Andhra Pradesh (110). 13% of the cases (1621) were closed by the Police after investigation, and 81% (10,457) were chargesheeted in the Courts. 6% (851) of the cases were pending with the Police at the end of 1991. The pendency was substantial in the States of Tamil Nadu, Kerala and Karnataka.

During 1992, 15,823 fresh cases were registered. The total number of cases including those brought forward, was 16,478 in 14 States/UTs (excluding cases from Bihar and Madhya Pradesh). The number was large in the States of Uttar Pradesh (7536), and Rajasthan (4036) followed by Gujarat (1960), Maharashtra (937), Karnataka (808), Kerala (399), Tamil Nadu (317) and Andhra Pradesh (249). 15% of the cases (2512) were closed by the police after investigation and 74% (12,173) were chargesheeted in the Courts. The number of cases pending with the police at the end of 1992 was 1793 (11%). The proportion of pendency was high in the States of West Bengal (100%), Orissa (81%), Tamil Nadu (56%) and Kerala (47%).

DISPOSAL OF CASES BY COURTS

The disposal of cases by Courts during 1991 and 1992 is given below :

TABLE NO.5 DISPOSAL OF CASES BY COURTS

S.No.	Item	1991 (16 States)	%	1992 (14 States)	%
1.	Total number of cases with Courts	11,636	100	17,283	100
2.	Number of cases ending in conviction	107	1	201	1
3.	Number of cases ending in acquittal	742	6	1,115	6.5
4.	Number of cases pending	10,787	93	15,967	92.4

The volume of cases in the Courts has increased during 1992 as compared to 1991. Although the number of cases decided by the Courts has improved from 849 in 1991 to 1316 in 1992, the pendency continues to rise. Assuming that the Courts are able to decide 1500 cases a year, it would require more than a decade to dispose of existing cases alone. The need for setting up exclusive Special Courts exclusively for trying cases under the Act can therefore, not be over emphasised. State/UT-wise details are at Annexure III.

During 1991, out of 11,636 cases with the Courts in 16 States/UTs, only 107 cases (1%) resulted in convictions and 6% (742) in acquittals. Pendency of cases (reported to be 10,787) was high in the States of Tamil Nadu (100%), Orissa (100%), Uttar Pradesh (96%), Kerala 96%), Karnataka (92%) , Rajasthan (85%), Goa (75%), Andhra Pradesh (71%), Haryana (66%) and Himachal Pradesh (50%).

In 1992, there were 17,283 cases in the Courts in 14 States. Convictions were decreed in 201 cases (1%), while acquittals resulted in 1115 cases (6.5%). 92.4% (or 15,967) of

the cases remain pending. The pendency was particularly high in the States of Orissa, Kerala, Karnataka, Andhra Pradesh, Tamil Nadu, Uttar Pradesh and Maharashtra.

Disposal of Cases by 'exclusive' Special Courts

The Governments of Andhra Pradesh and Rajasthan have set up three and sixteen Special Courts respectively exclusively for trying cases under the SCs and STs (Prevention of Atrocities) Act, 1989. The comparative Table below indicates that disposal of cases is quicker in Andhra Pradesh and Rajasthan, which have set up 'exclusive' Special Courts, as compared to other States

TABLE NO.6 DISPOSAL OF CASES IN STATES HAVING DESIGNATED SPECIAL COURTS AND EXCLUSIVE SPECIAL COURTS

	Total No. of cases	Cases disposed during 1992	Cases pending at the end of 1992
1. State of Andhra Pradesh and Rajasthan having "Exclusive" Special Courts	3,346 (100%)	463 (14%)	2,883 (86%)
2. States having Special Courts under the Act (other than Andhra Pradesh and Rajasthan)	13,937 (100%)	853 (6%)	13,084 (94%)
Total	17,283 (100%)	1,316 (7.6%)	15,967 (92.4%)

The States of Uttar Pradesh, Gujarat, Karnataka, Maharashtra and Kerala and others with a heavy pendency of cases in the Courts need to consider setting up exclusive Special Courts on priority .

CHAPTER-III

MEASURES TAKEN BY GOVERNMENT OF INDIA

Guidelines issued by the Government of India in 1980, 1985 and 1987 regarding precautionary, preventive and rehabilitation measures relating to crimes and atrocities against the Scheduled Castes and Scheduled Tribes were reiterated after the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 came into force.

In pursuance of a recommendation of the Working Group on Development of Scheduled Castes (set up for the VIIIth Five Year Plan) that existing rates of relief in various States were low and needed review, some States enhanced the scale of monetary relief to atrocity victims. Government of India were of the view that relief norms should be laid down in Rules under the Act and be uniformly applied. The Ministry of Welfare have since notified the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 on 31.3.1995. Apart from enhanced scales of relief and rehabilitation, the Rules provide a statutory, systematic framework and procedure for effective implementation of various provisions of the Act.

Conference of Chief Ministers held on October 4-5, 1991

A Conference of Chief Ministers chaired by the Prime Minister was held at New Delhi on October 4-5, 1991 to discuss prevention of atrocities on Scheduled Castes and Scheduled Tribes, and concluded inter alia that:

1. Since this was a national issue cutting across political affiliations, it needed to be addressed on the basis of a national consensus.
2. State Chief Ministers should involve themselves directly with matters relating to atrocities in order to ensure effective and timely action.
3. SC/ST officers should be adequately represented in important positions.

4. The State Governments would identify areas with high incidence of atrocities and which are tension-prone. Special measures to curb atrocities should be devised in these areas.

5. Since land is a major cause of tension, distribution of surplus land under the land ceiling Laws should be completed early.

6. The provisions of the Act regarding Special Courts should be complied with by all the States and Union Territories.

7. The following recommendations made by the Sub-Committee appointed by the Conference were accepted for appropriate action:

(i) The provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, appeared to be adequate, as Section 4 provides for imprisonment for a term not less than six months for wilful neglect of duties by a public servant. The Act came into effect only in 1990 and modifications therein could be considered subsequently in the light of experience gained of its implementation.

(ii) Wherever necessary, the work pertaining to Scheduled Castes may be entrusted to a separate administrative machinery.

(iii) In sensitive Districts with a history of atrocities, exclusive charge of matters pertaining to Scheduled Castes and Scheduled Tribes should be given to an Additional District Magistrate. Where necessary, a full time post of Additional District Magistrate may be created for the purpose. The incumbent would oversee schemes for the welfare of Scheduled Castes and Scheduled Tribes and take action for protecting their interests. He may be assisted in follow-up action, such as investigation of offences by officers at appropriate levels headed by an Additional Superintendent of Police.

(iv) Whenever an incident of atrocity against Scheduled Castes/Scheduled Tribes takes place, the local officers must invariably visit the scene of the crime immediately and initiate the legal process. Senior officers such as Deputy Superintendent of Police should also personally pay visits in cases of serious atrocities within 24 hours to 48 hours.

(v) To ensure transparency in investigation and follow up action, a Vigilance and Monitoring Committee comprising the District Magistrate as Chairman, the and Superintendent of Police, District Welfare Officer and other concerned District Officers, and five non-official members should be established. The majority of its members should belong to the Scheduled Castes/Scheduled Tribes. The Additional District Magistrate (Scheduled Castes/Scheduled Tribes), where appointed, should be the Committee's Member-Secretary. The Committee would ensure that atrocity cases are pursued vigorously and brought to the Courts.

(vi) To ensure speedy investigation, particularly in sensitive districts, special investigation cells should be created at the Circle/District levels.

(vii) Every effort should be made to have cases heard by the Courts on a day-to-day basis to ensure that they are disposed of quickly.

(viii) Many atrocities against Scheduled Castes and Scheduled Tribes arise from land disputes. Methods must, therefore, be devised for securing speedy disposal of land cases. Land disputes pending in the Courts should be followed up expeditiously.

(ix) The responsibility for investigating cases of atrocity should generally vest in the normal police machinery, and should be closely supervised by the Vigilance and Monitoring Committee.

(x) The Committee should have the authority to recommend proceedings against a public servant for wilful neglect of duties as prescribed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 if they find that to be the case. In such cases, in particular, investigation should be entrusted to an agency other than the District Police, such as the Vigilance Bureau, Anti-Corruption Branch, State CID etc., so as to inspire confidence that the guilty would not be shielded.

(xi) A separate panel of prosecutors may be appointed by the State Government for such cases.

Many of these recommendations were subsequently given a statutory basis in the Rules notified in 1995.

Conferences of State Welfare Ministers/Secretaries

Three Conferences of State Welfare Ministers and Secretaries were convened by the Union Welfare Minister in 1992 to focus inter alia, on the need to curb atrocities on SCs and STs. These were held at Thiruvananthapuram on August 28-29, 1992 with the Welfare Ministers of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Pondicherry; at New Delhi on September 18-19, 1992, with Welfare Ministers and Secretaries of all States/UTs and Mayors of Municipal Corporations; and at Bombay on September 24-25, 1992, with Welfare Ministers and Secretaries of the States of Gujarat, Goa, Madhya Pradesh, Maharashtra, Rajasthan and Daman & Diu.

Setting up of Atrocity Control Room in the Ministry of Welfare

An 'Atrocity Control Room' was set up in the Ministry of Welfare on 15.10.1991 to assist in monitoring cases of untouchability and atrocity, particularly major crimes such as, murder, grievous hurt, rape, arson and group violence against SCs and STs on the basis of reports from the States/UTs.

Centrally Sponsored Scheme

In order to strengthen the machinery and support other measures for its effective implementation, the Centrally Sponsored Scheme for the implementation of the Protection of Civil Rights Act, 1955 was enlarged to include measures envisaged under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 from the financial year 1990-91. Under the Scheme, financial assistance is provided by the Welfare Ministry to State Governments on a matching basis (100% to the UT Administrations). The Central assistance is released on the basis of proposals received from them. In addition to the

revalidation of unspent balances, the following amounts were provided to the States/UTs from 1990-91 to 1992-93:

TABLE NO.7 CENTRAL ASSISTANCE RELEASED UNDER CENTRALLY SPONSORED SCHEME

(Rs. in crores)

Years	Outlay	C.A. released under	
		POA Act	PCR Act
1990-91	5.00	1.94	2.29
1991-92	5.50	4.02	2.07
1992-93	5.50	3.33	2.17

State/UT-wise details of Central assistance released in respect of the component of the scheme relating to the SC/ST (Prevention of Atrocities) Act, 1989 are at Annexure IV. Some States have claimed or been provided Central assistance only for the PCR Act component in the years under report. It may be noted that the machinery set up under that Act is often deployed for the prevention of atrocities as well.

CHAPTER-IV

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 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.

The measures taken by the State Governments and UT Administrations include:

(A) LEGAL AID

(i) 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 orders issued in 1976 for providing legal aid in atrocity related cases.

(ii) 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 those Scheduled Caste and Scheduled Tribe persons with annual income upto Rs.12,000.

(iii) 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. During 1992, an amount of Rs.36,380/- was given as assistance to seventy two persons.

(vi) 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.

(v) MADHYA PRADESH

The "Madhya Pradesh Samaj Ke Kamjor Vargon Ke Liye Vidhik Sahayata Tatha Vidhik Salah Adhiniyam, 1976" has been in force since May, 1976. Legal aid and advice are provided to members of

the weaker sections including those belonging to the Scheduled Castes and the Scheduled Tribes, to provide them with access to the judicial system and protect them from vexatious litigation. The State level Legal Aid and Legal Advice Board has committees at the District and tehsil levels.

(vi) ORISSA

The District Legal Aid Committees under the respective District and Sessions Judges sanction financial assistance to needy Scheduled Castes and Scheduled Tribes persons involved in litigation.

(vii) PUNJAB

Free legal aid to all sections, including the Scheduled Castes and weaker sections, is offered by the State Legal Service Board.

(viii) RAJASTHAN

Legal assistance to those belonging to the Scheduled Castes and Scheduled Tribes is provided irrespective their income.

(ix) TRIPURA

The State Govt. provides legal aid and other facilities in related cases to SCs/STs.

(x) WEST BENGAL

Assistance is provided to witnesses and others in related cases.

(xi) ANDAMAN AND NICOBAR ISLANDS

A Legal Aid Advisory Board Chaired by the Counsellor of the Administration renders legal aid to Scheduled Tribe and other needy persons. No income limit is prescribed.

(xii) CHANDIGARH

In year 1992, the 'Legal Aid to Scheduled Castes Rules, 1992' were notified to provide free Legal Aid to the Scheduled Castes.

(xiii) DADRA AND NAGAR HAVELI

A Legal Aid and Advice scheme was incorporated in the Annual Plan 1993-94 of the Union Territory.

(xiv) DAMAN AND DIU

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

(xv) PONDICHERRY

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

(B) 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.

(C) 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) 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 have formulated schemes for providing monetary relief to the victims of atrocities. With

some variations, the scales of relief provided by the State Governments are generally as below:

TABLE NO.8 SCALES OF RELIEF

S.No.	Nature of Loss	Quantum of Relief
1.	Death of person (whether earning or non-earning)	Rs.10,000/-
2.	Permanent incapacitation	Rs. 10,000/-
3.	Temporary incapacitation	Rs. 2,000/-
4.	Grievous hurt short of incapacitation	Rs. 1,000/-
5.	Rape	Rs. 5,000/-
6.	House	Rs. 2,000/-
7.	Other immovable property	Rs. 2,000/-
8.	Earning assets (vehicle, boat, cattle etc.)	Rs. 2,000/- pending compensation at replacement cost.
9.	Movable property such as (i.e. as grains, clothes and other house-hold effects.)	Rs. 2,000/-
10.	Damage to well/tubewell, electric fittings, fruit bearing trees etc. to be assessed separately.	Compensation should be equal to be actual loss (An immediate grant of Rs.500/- should also be provided).

2. Higher scales of monetary relief provided in same States, such as Andhra Pradesh, Goa, Gujarat, Karnataka, Kerala and Madhya Pradesh are indicated at **Annexure V**. (Substantially enhanced scales of relief and rehabilitation were subsequently incorporated in the Rules of 1995)

D. ADMINISTRATIVE MACHINERY

In pursuance of Section 21(2)(iv) of the Act, the State Govts/UT Administrations are required to take measures for the appointment of officers for initiating or supervising prosecutions. Steps taken by some States/UTs include :

(i) **ANDHRA PRADESH**

A Cell has been established at the State level. It functions under a Dy. Inspector General of Police. It was strengthened in 1992-93, with an outlay of Rs.23 lakhs. Six additional zones in the Protection of Civil Rights Wing have been sanctioned for the Districts of Vizianagaram, Nellore, Warangal, Khammam, Karimnagar and Nalgonda, and the Headquarters of the Crime Branch.

The District Collectors and Superintendents of Police were also instructed to review atrocity cases and entrust them to the Special Investigation Cell.

(ii) **BIHAR**

A SC/ST Cell headed by a D.I.G. of Police has been set up in the Home (Police) Department. Special Cells have also been set up under the District Superintendent of Police to monitor offences. Each Police Station has an officer responsible for steps to prevent atrocities.

In atrocity prone districts, a Magistrate has been put in charge of the cases relating to SCs and STs. Scheduled Castes Police Stations are functioning in the 11 Districts of Patna, Gaya, Rohtas, Vaishali, Ranchi, Munghyr, Bhagalpur, Nalanda, Begusarai, Bhojpur and Samastipur. Another 14 such Police Stations are being considered at Nawada, Saran, Bettiah, Muzaffarpur, Motihari, Sitamarhi, Madhubani, Saharsa, Purnea, Palamu, Hazaribagh, Dhanbad, Dumka and Darbhanga.

(iii) GOA

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

(iv) GUJARAT

Instructions have been issued for strict and effective enforcement of the Act and prompt registration of cases. Investigation of atrocity cases has been entrusted to officers of the rank of Dy. Inspector General of Police. Police protection is provided in villages where there is tension.

A Special Cell has been created in the Directorate of Social Welfare to look after cases of atrocities.

Three Vigilance squads have been created, and the establishment of two more Vigilance squads is under consideration. The squads report to the District authorities cases of tension with a view to preventive action.

(v) KERALA

A Special Cell at Police Headquarters headed by a Deputy Inspector General of Police deals with matters relating to both the PCR Act and Atrocities Act. Special Mobile Squads have also been set up in Palakkad and Kasargod Districts.

(vi) MADHYA PRADESH

A Civil Rights Cell under the charge of I.G. of Police has been set up in the SC, ST and BC Development Department for dealing with complaints from SC and ST victims. For expeditious registration, investigation and submission of charge sheet in the Courts, a separate machinery has also been set up under the

charge of an I.G. of Police in the State Police Headquarters. Scheduled Castes Police Stations are also functioning in 8 Districts. The remaining Districts have Scheduled Castes Welfare Cells.

(vii) MAHARASHTRA

Six PCR Units have been set up in each police range under the respective D.I.G. of Police.

(viii) ORISSA

All cases of atrocities againsts SCs and STs are being treated as a Special Report cases under Circular dated 30.9.91.

(ix) PUNJAB

S.S.Ps have been instructed to ensure that all steps be taken to safeguard the interests of the SCs/STs in cases of atrocities and to provide them justice.

(x) UTTAR PRADESH

The State Govt. have issued the following orders :

1. Touring officers should check registration of cases, their investigation and implementation of relief measures every month.
2. The performance of Police Officers in providing security to SCs and STs should be reflected in their character rolls.
3. Police should provide assistance to SCs and STs in obtaining possession of lands allotted to them.
4. Distt. Planning Officers and Distt. Panchayat Officers should also assist in redressing the grievances of SCs and STs.

5. Officers should make special efforts for the effective investigation and prosecution of cases.

6. SC and ST persons should be detained under Sections 107/116 of the Cr.P.C. only when absolutely warranted.

7. Officers should take preventive and remedial measures as and when they come to know of the likelihood of clashes between the SCs and STs and persons from other communities.

8. Investigation of cases should be completed within 14 days and the Inspecting Officers should visit the scene of the offence within 24 hours.

9. Prompt action should be taken for cancelling arms licences and seizing weapons where incidents occur.

10. Adequate patrolling should be undertaken so as to ensure security to the SCs and STs.

11. Those in need of medical attention should be attended to regardless of whether the offence is cognizable or otherwise .

(xi) WEST BENGAL

Training is envisaged for the Police personnel on the effective implementation of the Act. A Monitoring Cell has been set up in the State Criminal Investigation Department.

(xii) ANDAMAN AND NICOBAR ISLANDS

The existing machinery available with the Administration to implements the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

(xiii) DADRA AND NAGAR HAVELI

The District Collector, the Mamlatdar, the Resident

Deputy Collector, and the Land Reforms Officers have been conferred powers exercisable by the Police officers under the Code of Criminal Procedure. These includes, in particular the power of arrest, investigation and prosecution of persons before the Special Court

(xiv) PONDICHERRY

The stray cases of harassment of SC persons reported to the Cell are investigated promptly, and legal action is taken. PCR Cell staff regularly visits villages to educate the members of the SC about their rights and the protective laws for their protection.

E. SETTING UP OF COMMITTEES TO ASSIST IN FORMULATION OR IMPLEMENTATION OF THE MEASURES.

(i) ANDHRA PRADESH

Under orders dated 26.11.1992, a State Level Review Committee under the Chairmanship of the Chief Minister has been constituted to review cases of atrocities on Scheduled Castes and Scheduled Tribes. Quarterly review meetings are to be held under the Chairmanship of the Chief Secretary.

Under Orders dated 20.11.1991, the State Government have constituted District Vigilance and Monitoring Committees chaired by the District Magistrate. Each Committee includes 5 non official members, of whom the majority are required to belong to SC/ST.

The Committees' functions include:

- (a) Identification of atrocity-prone areas
- (b) Analysis of problems with a view to settlement of the issues

(c) Review of measures taken by the concerned officers and recommending action plan for implementation.

(d) Ensuring effective presentation of cases in Courts, and adequate legal aid to the victims.

(e) Ensuring proper relief and rehabilitation measures.

(ii) BIHAR

A State Level Committee under the Chairmanship of Chief Minister, and Committees at Divisional level headed by Divisional Commissioners, have been set up. Vigilance and Monitoring Committees at District level, chaired by the District Magistrates, have also been constituted.

(iii) GOA

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

(iv) GUJARAT

A Committee has been constituted under the Chairmanship of the Chief Minister to review the implementation of the Act.

A Committee chaired by the Secretary of Social Welfare and Tribal Development Department reviews cases under the Act. District Level Vigilance Committees under the Chairmanship of Collectors and Taluk Level Committees chaired by the Mamletdars have also been set up.

In the Metropolitan Cities, Committees have been constituted under the Chairmanship of the respective Police Commissioners.

(v) 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 Committees have also been formed under the Chairmanship of the Deputy Commissioners with the S.S.P. and M.L.As. (representing SC/ST constituency of the District) as members.

(vi) KARNATAKA

District, Sub-Divisional and Taluk level Committees have been constituted to safeguard the interests of Scheduled Castes and Scheduled Tribes. At the State level, a Committee under the Chairmanship of the Home Commissioner has also been constituted to monitor cases of atrocities. Its members include the Secretary, Social Welfare, the Secretary, Deptt. of Law, Director General of Police, Director of Civil Rights Enforcement and Director of Prosecution.

(vii) MADHYA PRADESH

Committees at State and District levels have been set up to advise on matters relating to implementation of the Act.

(viii) PUNJAB

A Standing Committee has been constituted to review atrocity cases.

(ix) TRIPURA

A Committee is envisaged at the appropriate level for formulation and implementation of measures under the Act.

(x) UTTAR PRADESH

Committees have been set up in each District.

(xi) DADRA AND NAGAR HAVELI

A Vigilance and Monitoring Committee has been set up to ensure that cases of atrocities against Scheduled Castes and Scheduled Tribes are pursued vigorously and brought up before the Courts.

(xii) DAMAN AND DIU

A District Level Committee has been set-up in Daman to ensure that measures for banning transfer of land from tribals to non-tribals and other related matters which have a bearing on atrocities are strictly followed.

(xiii) PONDICHERRY

A State Level Committee for the Welfare of Scheduled Castes has been constituted with the Minister in charge of Scheduled Castes Welfare as Chairman, MPs and M.L.As belonging to Scheduled Castes as members.

F. 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 VI.

G. OTHER MEASURES

(i) ANDHRA PRADESH

The Director General of Police has been instructed to hold review meetings 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 D.G.P. 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 SCs/STs 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 Government and Government of India on the subject of atrocities has been circulated to District level functionaries for their guidance.

(ii) BIHAR

The State Government 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.

(iii) GUJARAT

District level seminars have been organised with the participation of the I G P 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.

(iv) KARNATAKA

The Karnataka SC/ST Development Corporation has been entrusted with the rehabilitation of the victims of atrocities. Rs.20 lakhs were provided to the Corporation for the purpose during the year 1991-92. The Corporation's rehabilitation assistance included financing of land purchase, construction of house-cum-worksheds and self-employment schemes. The State Government have also provided for training to the Scheduled Caste/Scheduled Tribe rape victims in the departmental tailoring cum training centres. In a few cases, employment has also been provided to the next of kin of persons who lost their lives in incidents of atrocities.

(v) MADHYA PRADESH

The State Government 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.

(vi) MAHARASHTRA

No public servant has been convicted in 1991 for neglect of duties under the Act. There was no case in the year 1991 in which the enhanced punishment for subsequent conviction was recommended to the Court. The concerned police officers have been instructed that persons who are likely to incite caste disturbances should be removed from sensitive areas. P.C.R. 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.

(vii) ORISSA

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

(a) All investigating officers familiarise 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.

(viii) PUNJAB

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

(ix) TRIPURA

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

CHAPTER-V

SPECIAL COURTS

The Preamble as well as Chapter IV of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 provide for the specification of 'Special Courts' and the appointment of 'Special Prosecutors' with a view to 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. However, the Government of Andhra Pradesh have also established three Special Courts exclusively for trying such cases at Guntur, Chittoor and Mahbubnagar. The Government of Rajasthan have also established sixteen exclusive Special Courts at Alwar, Pali, Pratapgarh, Jaipur, Ajmer, Udaipur, Jodhpur, Kota, Bikaner, Medta, Tonk, Ganganagar, Baran, Sawai Madhopur, Dausa and Jhalawar.

The State Governments of Arunachal Pradesh, Mizoram and Nagaland, which are predominantly tribal, have not specified any Special Court.

State/UT-wise details are given at Annexure VII.

SPECIAL PUBLIC PROSECUTORS

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-VI

SOCIO-ECONOMIC DEVELOPMENT OF SCHEDULED
CASTES AND SCHEDULED TRIBES

The enactment of laws alone is not likely to bring about the desired improvement in the social conditions of the Scheduled Castes and Scheduled Tribes so long as they remain economically and socially dependent. A lasting solution lies in their economic betterment, since it is the burden of poverty that renders them vulnerable to exploitation.

DEVELOPMENT MEASURES

(a) 20 Point Programme

With a view, among other things, to focus on efforts to enable SCs and STs to cross the poverty line, the Twenty Point Programme was revised in 1986. Points 11A & 11B concerning Justice to Scheduled Castes and Scheduled Tribes provide for monitoring the assistance given under various schemes for their economic betterment and improvement in their quality of life. Targets and achievements during 1990-91 to 1992-93 are given below :

TABLE NO.9 NO. OF SCHEDULED CASTES AND SCHEDULED TRIBES FAMILIES
ASSISTED UNDER POINT 11 OF THE TWENTY POINT PROGRAMME

Years	Number of Families (in <u>Lakhs</u>)			
	S.C.		S.T.	
	Target	Achievement	Target	Achievement
1990-91	22.30	22.39 (100.40%)	8.24	8.92 (108%)
1991-92	25.56	21.87 (85.59%)	8.00	9.15 (114%)
1992-93	25.95	20.66 (79.60%)	8.96	8.88 (99.10%)

(b) **Employment in Public Services**

In pursuence of the policy of reservation for SCs and STs (15% and 7.5%, respectively) in direct recruitment and promotion, the Government of India have improved the intake of SCs and STs during the period 1991-93 as follows:

TABLE NO.10 PERCENTAGE OF SC & ST EMPLOYEES

Institution	S.C.		S.T.	
	1.1.91	1.1.93	1.1.91	1.1.93
Central Govt.	17.19	18.83	5.44	7.29
Public Sector Nationalised Banks and financial Institutions	15.75	16.42	4.25	4.52

Details are at **Annexure VIII.**

The data as on 1.1.1993 show that there was still some SC backlog in Group A and B posts in Central Govt. Services, Public Sector Undertakings and among officers and clerks in Public Sector Banks . With regard to Scheduled Tribes, there was backlog in all the groups in Central Govt. Services, Group A and B posts in Public Sector Undertakings and at all levels in Public Sector Banks.

(c) **Development of SCs and STs out of State Plan funds**

Under the strategy of Special Component Plan (SCP) for SCs, States/UTs are required to ensure flow of funds out of the State Plans towards Scheduled Castes atleast in proportion to their percentage to the total population of the State. Although the objective is yet to be achieved, flows to SCP are increasing over the years, i.e. from Rs.2375.41 crores in 1990-91 to

Rs.3091.53 crores in 1992-93. In respect of the Tribal Sub-Plan, the flows have exceeded the base level of 7.5%, and in absolute terms have risen from Rs.1991.98 crores in 1990-91 to Rs.3019.74 crores in 1992-93.

TABLE NO.11 FLOW OF FUNDS OUT OF STATE PLANS TO SCP

(Rs. in crores)

Years	State Plan	Flow to S.C.P	%age
1990-91	23225.49	2375.41	10.23
1991-92	28041.84	2924.75	10.43
1992-93	30366.51	3091.53	10.18

TABLE NO.12 FLOW OF FUNDS OUT OF STATE PLAN TO T.S.P.

(Rs. in crores)

Years	State Plan	Flow to T.S.P.	%age
1990-91	20818.64	1991.98	9.57
1991-92	24939.82	2671.27	10.71
1992-93	24611.65	3019.74	12.27

(d) Schemes funded by Ministry of Welfare

The Union Welfare Ministry provides a thrust to the efforts of other Central Ministries and the States/UTs under SCP/TSP, as well as voluntary organisations, through various schemes which are intended to supplement and fill critical gaps in these efforts. From 1990-91 to 1992-93, the Ministry administered several Central/Centrally Sponsored Scheme for the educational and economic development of SCs and STs, including those exclusively for the liberation and rehabilitation of scavengers who belong mostly to the Scheduled Castes. Central assistance was also released to the States/UTs to support

measures under taken by them for effective implementation of the PCR Act, 1955 and SC & ST (POA) Act, 1989. Funds were placed at the disposal of Dr. Ambedkar Foundation for spreading his message of Social Justice through translation of his works and feature films, etc. Assistance is also given to NGOs for Training and other activities which strengthen the economic base of SCs and STs. Universities, Research Institutes and other agencies of repute are financed to carry out research studies, and to organise seminars, workshops, and training courses on themes related to the issues confronting SCs and STs.

Scheme-wise details of allocations made and expenditure incurred during 1990-91 to 1992-93 are given at Annexure IX .

Drive for concerted efforts

The depressed socio-economic condition of Scheduled Castes and Scheduled Tribes calls for massive interventions on several fronts so as to enable them to withstand the exploitative forces. The paradox is that development in the Scheduled Castes villages and tribal hamlets is seen as a threat by the more powerful in the rural areas, bringing in its wake attempts at subjugation, humiliation and obstructions to their access to developmental schemes and assets such as lands allotted to them. The benefits provided through developmental schemes are sought to be negated, sometimes ruthlessly, by dominant groups. The responsibility of the State, therefore, becomes two fold, i.e. to implement developmental programmes in such a manner that the SCs and STs are able to reap the benefits of these planned efforts on the one hand and, on the other, to implement protective legislations such as the SC and ST (POA) Act, 1989 in such a manner that not only are oppressors brought to book, but the damage done to the life and property of victims is fully compensated and their dependents rehabilitated. Special vigil continues to be required in those atrocity-prone areas.

CHAPTER-VII

SOME RECOMMENDATIONS OF THE COMMITTEE SET UP FOR BIRTH CENTENARY CELEBRATIONS OF BABA SAHEB DR B R AMBEDKAR REGARDING PREVENTION OF ATROCITIES AND LEGISLATION

In pursuance of the Government of India, Ministry of Welfare Resolution No.29/90 Cent.Cell dated 9th August, 1990, Sub-Committee on Atrocities and Legislation constituted under the Chairmanship of Mr Justice K. Ramaswamy, Hon'ble Judge, Supreme Court of India made several recommendations.

1. Land.

Land allotted to Scheduled Castes and Scheduled Tribes is the main cause of atrocity. Though the land is allotted out of Government land or out of surplus land of the big landlords to them, no physical possession is being given to them. When they go to allotted lands, they are beaten up and even their women folk are harassed, humiliated and harmed. The Sub-Committee, therefore, strongly recommend that adequate arrangement should be ensured to make revenue/law and order authorities responsible to ensure physical possession of the allotted lands on a continuing basis, periodically verifying the occupation and enjoyment of those lands by the allottees.

2. Minimum Wages

Directions should be issued to the State Governments for effectively implementing the provisions of the Minimum Wages and Bonded Labour Acts. The Bonded Labourers released should be rehabilitated immediately and periodical checks should be made.

3. Amendment to the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

- (i) Section 3(i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 should be amended, inserting a provision so that the burden of proof lies on the accused. It was indicated that the amendment could be on the lines of Dowry Prohibition Act.
- (ii) Whenever a person is convicted either under the Protection of Civil Rights Act, 1955, or, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, suitable specific references/amendments should be made in all election laws, be they central or state laws, making it disqualification, debarring the person to contest any elective post for a specific period of time.
- (iii) Information given by Scheduled Castes and Scheduled Tribes, is not properly recorded and the FIRs are manipulated. There should be a system of recording oral FIRs. Anything contemplated or done should not be in conflict with the content of Sections 154 and 162 of Criminal Procedure Code.
- (iv) There should be timebound programme for investigation and trial of the cases of atrocities, preferably a maximum period of three months. The victims of atrocities should be arranged to be compensated by the perpetrators of the atrocities. This would act as a deterrent against commission of atrocities.
- (v) Special Cells should be established in all the Districts and the Officer-incharge of the cells should be made answerable directly to the DIG Headquarters, so that he would be able to act independently and without the interference of the local police officers.

- (vi) District Magistrate of Superintendent of Police wherever available in every District, should belong to the Scheduled Caste or Scheduled Tribe. The Sub-Committee also suggested that in police stations, at least 25% of police officials and staff should belong to Scheduled Castes and Scheduled Tribes with a view to provide a sense of confidence and security to the Scheduled Castes and Scheduled Tribes.
- (vii) There should be provision of arms to SCs and STs on the pattern, of village Defence Scheme of Uttar Pradesh.
- (viii) A standing Committee should be formed in each District where the local MLAs, and MPs and Members of backward classes and minorities have proper representation.
- ix) There should be a Public/local committee in each village/town with the chairperson and majority members being from Scheduled Castes and Scheduled Tribes with due powers to go into the details of atrocities; and
- (x) Special Police Force should be established for Protection of details and such a force should have members other than upper caste Hindus.

4. Legal Aid

Public spirited young practising Scheduled Caste and Scheduled Tribe advocates and educated young should be co-opted into legal aid committees and there should be separate legal aid arrangement for Scheduled Castes and Scheduled Tribes. The publicity to the benefits given to them and ills in the society, like insanitary conditions, drinking of alcohol etc. be made.

ANNEUXRE I
STATEMENT NO.1

INCIDENCE OF CRIMES COMMITTED AGAINST SCHEDULED CASTES
DURING 1991 (STATE AND UT-WISE)

S. No.	State/UT	Murder	Dacoity	Robbery	Arson	Kidnapping & Abduction	Rape	PCR Act	Others	Total
1	2	3	4	5	6	7	8	9	10	11
1.	Andhra Pradesh	36	0	0	2	2	32	298	160	530
2.	Arunachal Pradesh	1	0	0	0	1	0	0	3	5
3.	Assam	1	0	0	0	3	1	0	12	17
4.	Bihar	59	16	16	23	15	40	30	359	558
5.	Goa	1	0	0	0	0	0	4	4	9
6.	Gujarat	20	5	14	16	20	18	198	874	1165
7.	Haryana	5	0	0	0	7	10	2	58	82
8.	Himachal Pradesh	0	0	0	1	0	6	19	29	55
9.	Jammu & Kashmir	0	0	0	1	0	1	2	35	39
10.	Karnataka	11	0	0	3	2	4	694	226	940
11.	Kerala	9	0	0	5	9	17	23	499	562
12.	Madhya Pradesh	92	2	33	63	59	245	280	4638	5412
13.	Maharashtra	14	0	12	13	7	23	217	323	609
14.	Manipur	2	0	0	0	0	0	0	0	2
15.	Meghalaya	0	0	0	0	0	0	0	1	1
16.	Mizoram	0	0	0	0	0	0	0	0	0
17.	Nagaland	0	1	7	9	3	10	17	179	240
18.	Orissa	14	0	0	0	3	0	0	6	16
19.	Punjab	7	0	0	0	3	82	292	2443	2906
20.	Rajasthan	26	1	11	38	13	1	0	2	4
21.	Sikkim	0	0	0	10	9	6	412	108	562
22.	Tamil Nadu	17	0	0	0	0	0	0	0	0
23.	Tripura	0	0	0	0	0	155	433	3489	4585
24.	Uttar Pradesh	204	47	70	138	49	2	0	0	2
25.	West Bengal	0	0	0	0	0	0	0	0	0
26.	A & N Islands	0	0	0	0	0	0	0	0	0
27.	Chandigarh	0	0	0	0	0	0	0	1	1
28.	Dadra & Nagar Haveli	0	0	0	0	0	0	0	1	1
29.	Daman & Diu	0	0	0	0	0	1	3	2	6
30.	Delhi	0	0	0	0	0	0	0	0	0
31.	Lakshadweep	0	0	0	0	0	1	20	2	27
32.	Pondicherry	2	0	0	2	0	1	20	2	27
Total		521	72	164	324	202	655	2944	13454	18336

ANNEXURE I
STATEMENT 2

INCIDENCE OF CRIMES COMMITTED AGAINST SCHEDULED TRIBES
DURING 1991 (STATE AND UT-WISE)

Sl. No.	State/UT	Murder	Dacoity	Robbery	Arson	Kidnapping & Abduction	Rape	PCR Act	Others	Total
1	2	3	4	5	6	7	8	9	10	11
1.	Andhra Pradesh	5	0	0	0	0	20	12	22	59
2.	Arunachal Pradesh	0	0	0	0	0	2	0	6	8
3.	Assam	0	0	1	0	0	2	0	3	6
4.	Bihar	7	3	2	2	4	15	2	28	63
5.	Goa	0	0	0	0	0	0	0	0	0
6.	Gujarat	20	0	0	2	6	14	1	168	211
7.	Haryana	1	0	0	0	0	0	0	1	7
8.	Himachal Pradesh	0	0	0	0	0	0	0	0	0
9.	Jammu & Kashmir	0	0	0	0	2	0	0	1	3
10.	Karnataka	0	0	0	0	0	3	17	23	43
11.	Kerala	1	0	0	0	1	3	0	81	86
12.	Madhya Pradesh	75	3	25	26	22	220	27	2170	2568
13.	Maharashtra	6	1	6	3	6	15	12	105	154
14.	Manipur	2	0	0	0	0	0	0	1	3
15.	Meghalaya	0	1	0	0	0	0	0	3	4
16.	Mizoram	0	0	0	0	0	0	0	0	0
17.	Nagaland	0	0	0	0	0	0	0	0	0
18.	Orissa	9	3	3	3	6	5	2	37	68
19.	Punjab	0	0	0	0	0	0	0	0	0
20.	Rajasthan	9	1	0	4	17	17	61	601	710
21.	Sikkim	1	0	1	0	0	0	0	23	25
22.	Tamil Nadu	2	0	1	1	2	0	14	2	22
23.	Tripura	0	0	0	0	0	0	0	0	0
24.	Uttar Pradesh	13	3	3	0	4	2	2	88	115
25.	West Bengal	3	0	0	0	0	0	0	0	3
26.	A & N Islands	0	0	0	0	0	1	0	0	1
27.	Chandigarh	0	0	0	0	0	0	0	0	0
28.	Dadra & Nagar Haveli	0	0	0	0	1	0	0	6	7
29.	Daman & Diu	0	0	0	0	0	0	0	2	2
30.	Delhi	0	0	0	0	0	0	0	0	0
31.	Lakshadweep	0	0	0	0	0	0	0	0	0
32.	Pondicherry	0	0	0	0	0	0	0	0	0
Total		154	15	42	41	76	319	150	3371	4168

ANNEXURE I

STATEMENT 3

INCIDENCE OF CRIMES COMMITTED AGAINST SCHEDULED CASTES
DURING 1992 (STATE/UT-WISE)

Sl. No.	State/UT	Murder	Dacoity	Robbery	Arson	Kidnapping & Abduction	Rape	PCR Act	Others	Total
1	2	3	4	5	6	7	8	9	10	11
1.	Andhra Pradesh	40	0	0	2	12	42	285	210	591
2.	Arunachal Pradesh	0	0	0	0	0	0	0	0	0
3.	Assam	0	0	0	0	0	0	0	0	0
4.	Bihar	31	5	4	34	12	39	9	617	751
5.	Goa	1	0	0	0	0	0	3	1	5
6.	Gujarat	28	3	17	13	10	14	118	1312	1515
7.	Haryana	3	0	1	1	7	17	2	40	71
8.	Himachal Pradesh	1	0	0	0	0	4	21	27	53
9.	Jammu & Kashmir	0	0	0	0	2	1	2	8	13
10.	Karnataka	13	1	1	1	0	14	602	273	905
11.	Kerala	5	0	2	17	2	28	15	565	634
12.	Madhya Pradesh	97	2	32	70	23	287	109	3951	4571
14.	Manipur	0	0	0	0	0	0	1	1	2
15.	Meghalaya	1	0	0	0	0	0	0	0	1
16.	Mizoram	0	0	0	0	0	0	0	0	0
17.	Nagaland	0	0	0	0	0	0	0	0	0
18.	Orissa	10	1	5	7	5	7	23	162	220
19.	Punjab	4	0	0	0	4	2	1	7	18
20.	Rajasthan	58	5	10	41	17	85	353	3810	4379
21.	Sikkim	1	0	0	0	0	0	0	4	5
22.	Tamil Nadu	15	0	1	1	7	4	359	163	550
23.	Tripura	0	0	0	0	0	0	0	0	0
24.	Uttar Pradesh	288	56	116	199	103	263	342	7929	9296
25.	West Bengal	0	0	0	0	1	2	0	2	5
26.	A & N Islands	0	0	0	0	0	0	0	0	0
27.	Chandigarh	0	0	0	0	0	0	0	0	0
28.	Dadra & Nagar Haveli	0	0	0	0	0	0	0	1	1
29.	Daman & Diu	1	0	0	0	0	0	0	0	1
30.	Delhi	3	4	67	7	1	0	1	0	83
31.	Lakshadweep	0	0	0	0	0	0	0	0	0
32.	Pondicherry	1	0	0	0	0	0	19	1	21
Total		616	81	265	406	213	849	2900	19592	24922

ANNEXURE I
STATEMENT 4

INCIDENCE OF CRIMES COMMITTED AGAINST SCHEDULED TRIBES DURING 1992 (STATE/UT-WISE)

Sl. No.	State/UT	Murder	Dacoity	Robbery	Arson	Kidnapping & Abduction	Rape	PCR Act	Others	Total
1	2	3	4	5	6	7	8	9	10	11
1.	Andhra Pradesh	12	1	0	2	4	8	20	52	99
2.	Arunachal Pradesh	0	0	0	0	0	0	0	1	1
3.	Assam	0	0	0	0	0	0	0	0	0
4.	Bihar	4	0	2	5	5	6	2	251	275
5.	Goa	0	0	0	0	0	0	0	0	0
6.	Gujarat	13	2	0	2	10	29	2	212	270
7.	Haryana	1	0	0	0	0	0	0	0	1
8.	Himachal Pradesh	0	0	0	0	0	0	0	0	0
9.	Jammu & Kashmir	0	0	0	0	0	0	0	0	0
10.	Karnataka	1	1	0	0	1	0	0	0	0
11.	Kerala	0	0	0	1	1	0	40	13	56
12.	Madhya Pradesh	40	1	10	16	3	13	1	129	147
13.	Maharashtra	17	3	1	2	20	217	29	1624	1957
14.	Manipur	0	0	0	0	0	20	22	177	244
15.	Meghalaya	0	0	0	0	0	1	0	0	1
16.	Mizoram	0	0	0	1	1	0	0	1	3
17.	Nagaland	0	0	0	0	0	0	0	0	0
18.	Orissa	1	0	0	0	0	0	0	0	0
19.	Punjab	0	0	2	3	2	4	2	18	32
20.	Rajasthan	12	0	0	0	0	0	0	0	0
21.	Sikkim	0	0	4	15	11	32	118	848	1040
22.	Tamil Nadu	0	0	0	0	0	1	0	20	21
23.	Tripura	0	0	0	0	2	0	12	22	36
24.	Uttar Pradesh	1	0	0	0	0	0	0	0	0
25.	West Bengal	0	0	0	0	0	0	0	108	109
26.	A & N Islands	0	0	0	0	0	2	0	0	2
27.	Chandigarh	0	0	0	0	0	0	0	0	0
28.	Dadra & Nagar Haveli	0	0	0	0	0	0	0	0	0
29.	Daman & Diu	1	0	0	0	1	0	0	8	9
30.	Delhi	0	0	0	0	0	1	0	0	2
31.	Lakshadweep	0	0	0	0	0	0	0	0	0
32.	Pondicherry	0	0	0	0	0	0	0	0	0
	Total	103	8	19	47	62	334	248	3485	4306

ANNEXURE-II

STATEMENT SHOWING CASES WITH POLICE
AND THEIR DISPOSAL DURING 1991

Statement No.1

S.No.	State/UT	No. of cases registered during 1991	No. of cases with police during 1991 including B.F. cases	No. of cases closed after investigation	No. of cases charge-sheeted in courts	No. of cases pending with Police at the end of 1991 %
1	2	3	4	5	6	7
1.	Andhra Pradesh	107	110	2	108	0
2.	Goa	2	2	0	2	0
3.	Gujarat	1524	1535	78	1453	4(0.26%)
4.	Haryana	0	70	5	65	0
5.	Himachal Pradesh	5	6	4	2	0
6.	Karnataka	420	532	64	318	150(28%)
7.	Kerala	222	240	42	126	72(30%)
8.	Madhya Pradesh	3237	4254	107	3981	196(5%)
9.	Maharashtra	301	312	10	302	0
10.	Orissa	27	28	1	24	3(11%)
11.	Rajasthan	2494	2820	1108	1414	298(11%)
12.	Tamil Nadu	15	16	3	6	7(44%)
13.	Uttar Pradesh	2920	2968	195	2652	121(4%)
14.	A & N Islands	1	1	0	1	0
15.	D & N Haveli	2	2	1	1	0
16.	Daman & Diu	3	3	1	2	0
17.	Bihar	791	Not Reported			
G. TOTAL		12071	12929(100%)	1621(13%)	10457(81%)	851(6%)

NOTE : 1. SC & ST(POA)Act, 1989. Not applicable in J & K State.
2. NIL data reported by 14 States/UTs, viz Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Punjab, Sikkim, Tripura, West Bengal, Chandigarh, Delhi, Lakshadweep and Pondicherry.

STATEMENT SHOWING CASES WITH POLICE AND THEIR DISPOSAL DURING 1992 ANNEXURE II
Statement No.2

S.No.	State/UT	Number of cases registered during 1992	Number of cases with Police including B.F. cases during 1992	Number of cases closed after investigation	Number of cases charge-sheeted in courts	Number of cases pending with Police at the end of 1992 %
1	2	3	4	5	6	7
1.	Andhra Pradesh	249	249	1	248	0
2.	Goa	5	5	1	3	1 (20%)
3.	Gujarat	1956	1960	112	1839	9 (0.5%)
4.	Haryana	88	88	8	80	0
5.	Himachal Pradesh	10	10	4	4	2 (20%)
6.	Karnataka	658	808	92	506	210 (26%)
7.	Kerala	327	399	12	199	188 (47%)
8.	Maharashtra	937	937	3	848	86 (9%)
9.	Orissa	124	127	3	21	103 (81%)
10.	Rajasthan	3738	4036	1711	1735	590 (15%)
11.	Tamil Nadu	310	317	82	56	179 (56%)
12.	Uttar Pradesh	7415	7536	483	6633	420 (6%)
13.	West Bengal	2	2	0	0	2 (100%)
14.	D & N Haveli	4	4	0	1	3 (75%)
15.	Bihar	1334	Not furnished	0	0	
16.	Madhya Pradesh	3392	Not furnished	0	1	
Total		20549 (15823)	16478 (100%)	2512 (15%)	12173 (74%)	1793 (11%)

NOTE : 1. SC & ST (POA) Act, 1989 not applicable in J & K State.
 2. NIL information reported by 15 States/UTs, viz Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Punjab, Sikkim, Tripura, A&N Islands, Chandigarh, Daman & Diu, Delhi, Lakshadweep and Pondicherry.

ANNEXURE III

STATEMENT SHOWING CASES WITH COURTS
AND THEIR DISPOSAL DURING 1991

Statement No.1

S.No.	State/UT	No. of cases in courts including B.F. in 1991	Cases ended in conviction	Cases ended in acquittal	Cases pending with courts at the end of 1991
1	2	3	4	5	6
1.	Andhra Pradesh	121	1	34	86 (75%)
2.	Goa	4	0	1	3 (66%)
3.	Gujarat	1453	44	272	1137 (78%)
4.	Haryana	74	2	23	49 (66%)
5.	Himachal Pradesh	2	0	1	1 (50%)
6.	Karnataka	605	2	49	554 (92%)
7.	Kerala	143	0	5	138 (96%)
8.	Madhya Pradesh	3983	4	5	3974 (99%)
9.	Maharashtra	302	2	27	273 (90%)
10.	Orissa	24	0	0	24 (100%)
11.	Rajasthan	1808	25	239	* 1544 (85%)
12.	Tamil Nadu	8	0	0	8 (100%)
13.	Uttar Pradesh	3104	27	84	2993 (96%)
14.	A & N Island	1	0	0	1 (100%)
15.	D & N Haveli	2	0	0	2 (100%)
16.	Daman & Diu	2	0	2	0
TOTAL		11636 (100%) ✓	107 (1%) ✓	742 (6%) ✓	10787 (93%) ✓

- NOTE :
1. SC & ST (POA) Act, 1989. Not applicable in J & K
 2. NIL data from 14 States/UTs
 3. Bihar - Information not furnished
 4. * includes 1277 cases transferred to CJM Court.

STATEMENT SHOWING CASES WITH COURTS AND THEIR DISPOSAL DURING 1992

ANNEXURE III
Statement No.2

State/UT		Number of in courts including B.F.in 1992	Cases ended in conviction	Cases ended in acquittal	Cases ended with courts at end of the 1992 %	Cases pending S.No.
1	2	3	4	5	6	
1.	Andhra Pradesh	334	3	11	320 (96%)	
2.	Goa	4	0	2	2 (50%)	
3.	Gujarat	1839	21	172	1646 (89%)	
4.	Haryana	129	5	22	102 (79%)	
5.	Himachal Pradesh	5	0	1	4 (80%)	
6.	Karnataka	1060	6	30	1024 (97%)	
				(1 case compromised)		
7.	Kerala	337	2	4	331 (98%)	
8.	Maharashtra	848	11	29	808 (95%)	
9.	Orissa	21	0	0	21 (100%)	
10.	Rajasthan	3012	46	403	2563 (85%)	
					(incl. 167 cases transferred to CJM Courts)	
11.	Tamil Nadu	64	1	2	61 (95%)	
12.	Uttar Pradesh	9626	106	438	9082 (94%)	
13.	A & N Island	1	0	0	1 (100%)	
14.	D & N Haveli	3	-	1	2 (67%)	
Total		17283 ✓ (100%)	201 ✓ (1%)	1115 ✓ (6.5%)	15967 (92.4%) ✓ (92.4%)	

NOTE : 1. SC&ST(POA) Act, 1989 not applicable in J & K State
2. NIL information furnished by 15 States/UTs.
3. Bihar and Madhya Pradesh - Information not furnished

CENTRAL ASSISTANCE RELEASED FOR IMPLEMENTATION OF THE PROTECTION OF
CIVIL RIGHTS ACT, 1955 AND THE SCHEDULED CASTES AND THE SCHEDULED TRIBES
(PREVENTION OF ATROCITIES) ACT, 1989. -
DURING 1990-91, 1991-92 and 1992-93.

(Rs. in Lakhs)

Sl.No.	State/UT	P C R			ATTROCITY		
		1990-91	1991-92	1992-93	1990-91	1991-92	1992-93
1.	Andhra Pradesh	14.65	20.00	3.00	5.345	70.20	43.50
2.	Bihar	9.68	7.00	7.00	-	9.95	8.00
3.	Gujarat	35.43	22.86	26.52	43.555	10.35	51.815
4.	Haryana	-	0.85	2.48	-	1.00	3.57
5.	Himachal Pradesh	0.75	1.05	1.00	-	0.25	0.04
6.	Karnataka	39.62	66.63	12.352	57.75	83.00	10.00
7.	Kerala	0.50	1.625	5.685	-	12.08	2.00
8.	Madhya Pradesh	25.77	9.44	1.00	-	80.005	100.00
9.	Maharashtra	2.04	1.54	35.247	-	-	-
10.	Orissa	1.00	3.65	3.00	-	-	-
11.	Punjab	6.00	9.375	12.00	-	-	-
12.	Rajasthan	-	-	-	-	14.00	49.03
13.	Tamil Nadu	72.24	43.69	90.605	-	-	-
14.	Uttar Pradesh	9.03	6.52	1.00	79.355	121.56	65.00
15.	West Bengal	3.78	3.375	3.91	-	12.08	0.50
16.	D & N Haveli	-	-	-	8.37	-	-
17.	Pondicherry	8.34	9.41	11.746	-	-	-
Total:		228.83	207.015	216.545	194.37	414.475	333.455

NORMS FOR RELIEF AND REHABILITATION

ANNEXURE V
(In Rupees)

S.No.	Nature of offence	Amount of Relief as per guidelines issued in 1981 followed by most States/UTs.	Upward revised scale of relief by some State Governments					
			Andhra Pradesh w.e.f. 12.10.93	Goa w.e.f. 12.2.86	Gujarat	Karnataka w.e.f. 1.6.92	Kerala	Madhya Pradesh w.e.f. 3.4.93
1	2	3	4	5	6	7	8	9
(a)	Death per person killed in a family (whether earning or non-earning member of family)	10,000	25,000		1,00,000	1,00,000	25,000	1,00,000
(b)	Permanent incapacitation per member in a family	10,000	25,000		25,000	15,000	25,000	50,000
(c)	Temporary incapacitation	2,000	5,000		5,000	2,500		10,000
(d)	(i) Grievous hurt, short of incapacitation	1,000	2,500		5,000	1,500		5,000
	(ii) Simple hurt and other injuries		1,000					
(e)	(i) Rape	5,000	10,000		10,000	10,000		10,000
	(ii) Rape of minor girl		25,000					
(f)	Loss of House	2,000	2,500	3,000 or estimated cost which ever is less	Upto 20,000 as per actual loss	10,000 to 20,000	10,000	Upto 5,000 for Kutcha, 15,000 for
(g)	Loss of immovable property	2,000	1,000		5,000			
(h)	Loss of earning assets like vehicle, boat or cattle etc.	2,000 pending expeditious payment of the actual cost of replacement			10,000			
(i)	For loss of movable property such as grains, clothes and other household effects	2,000		Estimated cost of property or 3,000 whichever is less.	5,000	2,000 to 20,000		
(j)	Damage to irrigation well, drinking water well, tubewell, electric motors, electric fitting and fruit bearing trees in the ownership of the victim to be assessed separately.	The amount of compensation should be equal to the actual loss as assessed, an immediate grant of 500/- should be made		The amount of compensation should be equal to the loss or 3,000/- whichever is less	Amount equivalent to actual loss (1,000 to be paid immediately)	Amount equivalent to actual loss		

1 2 3 4 5 6 7 8 9

(k) Help to the surviving children where the money earning member has been killed
(a) below 12 years
(b) above 12 years but below 21 years

1. Rs.2 per head per day for food
Rs.4 per head per day for food
2. 2 sets of dress per head per year
3. Cost of books and Note books will be borne by Govt.
4. Free boarding and lodging upto Higher Secondary level will be provided.

ANNEXURE VI

LIST OF ATROCITY-PRONE AREAS

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

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

1. ANDHRA PRADESH

Courts of all the First Additional District and Sessions Judges where there are only two District Courts are functioning in the District and all the Second Additional District and Sessions Judges where there are more than two District Courts are functioning in the District are designated as Special Courts. For the effective implementaion and speedy disposal of the cases relating to the atrocities on Scheduled Castes and Scheduled Tribes, three Special Sessions Courts were established at Guntur, Mahabubnagar and Chittor districts in Andhra Pradesh. These Special Sessions Courts are headed by Special Sessions Judges. The Courts are also provided with supporting staff with necessary infrastructure. In addition to this one post of Special Public Prosecutor in each district with supporting staff has also been created.

2. ASSAM

Although, there is no existance of cases, Government has already constituted Special Courts and appointed Special Public Prosecutors for the purpose of conducting trial of cases registered under the Atrocities Act.

S.No.	Districts	Special Courts	Headquarters
(A) IN CASE OF PLAINS			
1.	Dhubri	Court of Sessions	Dhubri
2.	Goalpara & Bongaigaon	-do-	Goalpara
3.	Kokrajhar	-do-	Kokrajhar
4.	Barpeta	-do-	Barpeta
5.	Nalbari	-do-	Nalbari
6.	Kamrup	-do-	Guwahati
7.	Darrang	-do-	Mangaldoi
8.	Sonitpur	-do-	Tezpur
9.	Lakhimpur & Dhemaji	-do-	North Lakhimpur

10.	Nagaon & Morigaon	-do-	Nagaon
11.	Golaghat	-do-	Golaghat
12.	Sibeagar	-do-	Sibeagar
13.	Jorhat	-do-	Jorhat
14.	Dibrugarh & Tinsukia	-do-	Dibrugarh
15.	Cachar & Hailakandi	-do-	Silchar
16.	Karimganj	-do-	Karimganj

(B) In case of Autonomous Hill District

1.	Karbi Ab long	Court of Deputy Commissioner	Diphu
2.	North Kachar Hills	-do-	Haflong

3. **BIHAR**

Eleven Special Courts have been set-up at Patna, Gaya, Muzaffarpur, Chhapra, Darbhanga, Saharsa, Hazaribagh, Ranchi, Dumka, Bhagalpur and Purnea. Setting up of Special Courts at Munger and Palamau are under consideration of the State Government. Post of one Additional District and Sessions Judge and three non-Gazetted officers have been created in each of the Special Court.

4. **GOA**

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

5. **GUJARAT**

The following courts of Sessions have been specified as Special Courts :

S.No.	Districts	Headquarters
1.	City Sessions Division, Ahmedabad	Ahmedabad
2.	Sessions Division,	Ahmedabad(Rural) at

	Ahmedabad(Rural), Ahmedabad	Ahmedabad
3.	Sessions Division, Amreli	Amreli
4.	Sessions Division, Bhavnagar	Bhavnagar
5.	Sessions Division, Bharuch	Bharuch
6.	Sessions Division Banaskantha at Palanpur	Banasakantha at Palanpur
7.	Sessions Division, Junagarh	Junagarh
8.	Sessions Division, Jamnagar	Jamnagar
9.	Sessions Division, Kachchh at Bhuj	Kachchh at Bhuj
10.	Sessions Division Kheda at Nadiad	Kheda at Nadiad
11.	Sessions Division, Mehsana	Mehsana
12.	Sessions Division, Panchmahals at Godhra	Panchmahals at Godhra
13.	Sessions Division, Rajkot	Rajkot
14.	Sessions Division, Surat	Surat
15.	Sessions Division, Surendranagar	Surendranagar
16.	Sessions Division, Sabarkantha at Himatnagar	Sabarkantha at Himatnagar
17.	Sessions Division, Vadodara	Vadodara
18.	Sessions Division, Valsad at Navsari	Valsad at Navsari

6. **HARYANA**

Specified the Senior most Additional Sessions Judge at each District Headquarters in the State to be a 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 Sessions Judges of Kurukshetra, Mohindergarh, Karnal and Ambala, respectively as specified under the Atrocities Act.

7. **HIMACHAL PRADESH**

The following District and Sessions Courts have been specified as Special Courts :

S.No.	Distt. & Sessions Courts	Headquarters	Jurisdiction
1.	Shimla	Shimla	Shimla, Kinnaur and Bilaspur
2.	Mandi	Mandi	Mandi, Kullu and Lahaulspiti
3.	Sirmour	Nahan	Sirmour
4.	Solan	Solan	Solan
5.	Hamirpur	Hamirpur	Hamirpur
6.	Kangra	Dharamsala	Kangra
7.	Una	Una	Una
8.	Chamba	Chamba	Chamba

8. **KARNATAKA**

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

S.No.	Court of Session	District
1.	City Civil Session Court, Bangalore.	Bangalore
2.	District and Sessions Court, Bangalore.	Bangalore (Rural)
3.	District and Sessions Court, Belgaum	Belgaum
4.	District and Sessions Court, Bellary	Bellary
5.	District and Sessions Court, Bidar	Bidar
6.	District and Sessions Court,	Bijapur

	Bijapur	
7.	District and Sessions Court, Chikmagalur	Chikmagalur
8.	District and Sessions Court, Chitradurga	Chitradurga
9.	District and Sessions Court, Dharwad	Dharwad
10.	District and Sessions Court, Gulbarga	Gulbarga
11.	District and Sessions Court, Hassan	Hassan
12.	District and Sessions Court, Dakshina Kannada, Mangalore	Dakshina Kannada
13.	District and Sessions Court, Uttar Kannada, Karwar	Uttar Kannada
14.	District and Sessions Court, Kodagu, Mercara	Kodagu
15.	District and Sessions Court, Kolar	Kolar
16.	District and Sessions Court, Mandya	Mandya
17.	District and Sessions Court, Mysore	Mysore
18.	District and Sessions Court, Raichur	Raichur
19.	District and Sessions Court, Shimoga	Shimoga
20.	District and Sessions Court, Tumkur	Tumkur

9. **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 Districts have been nominated as Special Prosecutors for conducting the cases in the special courts 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 :

S.No.	District Court	Headquarters
1.	Trivandrum	Trivandrum
2.	Quilon	Quilon
3.	Pathanamthitta	Pathanamthitta
4.	Alleppey	Alleppey
5.	Kottayam	Kottayam
6.	Thodupuzha	Thodupuzha
7.	Ernakulam	Ernakulam
8.	Trichur	Trichur
9.	Palghat	Palghat
10.	Kozhikode	Kozhikode
11.	Tellicherry	Tellicherry
12.	Mangeri	Mangeri
13.	Wyanad	Kalpetta
14.	Kasargode	Kasargode

10. **MADHYA PRADESH**

District Sessions Courts in all the 45 districts have been designated as Special Courts for trying cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. A decision for setting up of 10 exclusive Courts for this purpose has been taken by the State Government during 1994-95.

A Public Prosecutor has also been designated in each district under the Act.

11. **MAHARASHTRA**

Specified in every District, excluding Greater Bombay, a Court of District and Sessions Judge to be a Special Court. Also specified the Bombay City Civil Court and the Court of Sessions for Greater Bombay as Special Court for the District of Greater Bombay.

12. **MANIPUR**

Special Courts have been specified in all the Districts.

13. MEGHALAYA

Special Courts have been specified for different districts of the State.

14. ORISSA

Under Section 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the State Government with the concurrence of the Chief Justice of High Court have specified the Courts of District and Sessions Judges as Special Courts of 13 Districts to try the offences under the said Act (vide Notification No.58307, dated 30.8.1990). Under Section 15 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the State Government specified the Public Prosecutors of each District as the Special Prosecutors for the purpose of conducting cases under the said Act. (vide Notification No.16770 dated 7.1.1990)

15. PUNJAB

Special Public Prosecutor and Special Courts have been set up by State Government under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 to pursue the cases of SC/ST persons. Specified for each District, the Court of the Senior most Additional Sessions Judge as Special Court to try offences under the said Act within their respective jurisdiction.

16. RAJASTHAN

Exclusive Special Sessions Courts at Jaipur, Ajmer, Udaipur, Jodhpur, Kota, Bikaner, Alwar, Merita, Pali, Pratapgarh, Tonk, Ganganagar, Baron, Sawai Madhopur, Dausa and Jhalawar have been set-up. For the remaining districts, District and Sessions Judges have been designated as Special Courts.

17. SIKKIM

Court of Session at Gangtok has been specified as Special Court for four Districts of Sikkim.

18. Tamil Nadu

Principal Sessions Court of Madras, North Arcot, South

Arcot, Coimbatore, Periyar, Madurai, Ramanathapuram, Salem, Trichirapalli and Tirunelveli and the Sessions Courts of Chengai-Anna, Nilgiris, Dharmapuri, Kanyakumari, Dindigul-Quaid-e-Milleth, Pudukottai, Thanjavur West and Thanjavur East have been specified as Special Courts.

19. **TRIPURA**

Special Courts have been identified in three Districts of Tripura and Special Public Prosecutors have been appointed for the purpose of implementation of the Act.

20. **UTTAR PRADESH**

The State Government has specified Special Courts and Special Public Prosecutors for trying the offences under the Act specified vide Notification No.44/VII-AN 124/89, dated 30.1.1990, the District and Sessions Judges of Pauri Garhwal, Chamoli, Tehri Garhwal, Uttarkashi, Almora and Pithoragarh and the Second Additional District and Sessions Judges of other Districts of the State as Special Courts of their respective Districts. Also specified vide Notification No.6855/VII-Nyaya-2-124/89, dated 23.11.1991, the Sessions Judges of the District of Mau, Siddharth Nagar, Firozabad, Hardwar, Maharaj Ganj and Sone Bhadra and the Sessions Judges of such other Districts where the court of Second Additional Sessions Judge has not been created or lying in abeyance or is vacant for any reason whatsoever, to be the Special Courts of their respective Districts to try offences under the Act.

21. **WEST BENGAL**

The State Government is sensitive to the need for thorough investigation and expeditious trial of the cases registered for such atrocities. With this end in view, the State Government have specified 17 Special Courts and 17 Special Public Prosecutors in the Districts. Court of First Additional Sessions Judge at South 24 Paraganas, North 24 Paraganas, Howrah, Hooghly, Burdwan, Birbhum, Bankura, Murshidabad, Nadia, Midnapore, Malda, West Dinajpur, Cooch Behar, Purulia, Jalpaiguri, Darjeeling and the Court of First City Sessions Judge at Calcutta have been specified as Special Courts.

22. **ANDAMAN & NICOBAR ISLANDS**

District and Sessions Judge, Andaman & Nicobar Islands has been designated as Special Court to try the cases of Atrocities. The Public Prosecutor of this Administration has been appointed as Special Public Prosecutor to deal the cases of atrocities against the Scheduled Tribes.

23. **CHANDIGARH**

The Court of the Additional Session Judge, Chandigarh has been specified as Special Court to try the offences vide Notification No.56/9/3-FII(14)90/6909, dated 12.7.1990 and the District Attorney, Chandigarh as Special Public Prosecutor for the purpose of conducting cases in the Special Court vide Notification No.56/9/3-FII(14)/6903 dated 12.7.1993.

24. **DAMAN & DIU**

One Special Court has been specified in the U.T.

25. **DADRA AND NAGAR HAVELI**

The Sessions Court of Silvassa has been specified as Special Court.

26. **DELHI**

The Court of Additional District & Sessions Judge, Delhi has been specified as Special Court for the entire U.T.

27. **LAKSHADWEEP**

Notified the Sessions Court, Kozhikode in Kerala as special Court for the U.T.

28. **PONDICHERRY**

The Second Additional District & Sessions Judge, Pondicherry has been specified as Special Court for the entire U.T.

ANNEXURE VIII

**STATEMENT SHOWING THE REPRESENTATION OF SCHEDULED CASTES
AND SCHEDULED TRIBES IN THE SERVICES UNDER THE GOVT. OF
INDIA, PUBLIC SECTOR UNDERTAKINGS AND NATIONALISED BANKS
(INCLUDING FINANCIAL INSTITUTIONS) (As on 1.1.1993)**

(a) CENTRAL GOVERNMENT SERVICES						
GROUP OF POSTS	SCs			STs		
	TOTAL INCLUDING SCs & STs	NUMBER	%AGE	NUMBER	%AGE	
A	64,197	5,976	9.31	1,967	3.06	
B	1,07,120	13,036	12.17	2,513	2.35	
C	23,09,603	3,67,401	15.91	1,25,424	5.43	
D (Excl. Sweepers)	10,49,703	2,17,617	20.73	72,164	6.87	
TOTAL	35,30,023	6,04,030	17.11	2,02,068	5.72	
D (Sweepers)	1,33,305	85,785	64.35	4,940	3.71	
TOTAL	36,63,328	6,89,815	18.83	2,07,008	7.29	
(b) PUBLIC SECTOR UNDERTAKINGS (225 ENTERPRISES)						
A	1,91,236	14,088	7.37	3,600	1.88	
B	1,62,250	14,794	9.12	5,473	3.38	
C	11,97,782	2,24,074	18.71	1,00,852	8.42	
D (Excl. Sweepers)	5,33,646	1,16,878	21.90	52,075	9.76	
TOTAL	20,84,914	3,69,834	17.74	1,62,000	7.77	
D (Sweeper)	25,362	21,606	85.19	801	3.51	
TOTAL	21,10,276	3,91,440	18.19	1,62,801	7.71	
(c) PUBLIC SECTOR (NATIONALISED BANKS INCLUDING FINANCIAL INSTITUTIONS)						
OFFICERS	2,49,016	25,515	10.24	8,333	3.34	
CLERKS	4,70,873	68,051	14.45	21,500	4.56	
SUB-STAFF	1,81,619	42,313	23.30	19,609	5.84	
TOTAL	9,01,508	1,35,879	15.05	40,442	4.49	
Sweepers	34,200	12,785	52.00	1,810	5.29	
TOTAL	9,35,708	1,53,664	16.42	42,252	4.52	

ANNEXURE IX
STATEMENT NO.1
ALLOCATION AND EXPENDITURE INCURRED UNDER DIFFERENT SCHEMES FOR
THE DEVELOPMENT OF SCHEDULED CASTES
(Rs. in Crores)

S.No.	Scheme	1990-91		1991-92		1992-93	
		Allocation	Actual Exp.	Allocation	Actual Exp.	Allocation	Actual Exp.
1	2	3	4	5	6	7	8
1.	Post Matric Scholarship	21.35	18.60	40.00	35.00	46.00	54.20
2.	Pre Matric	3.00	0.23	4.00	4.00	11.00	6.39
3.	Book Bank	1.00	0.41	1.25	0.56	5.00	0.67
4.	Coaching & Allied	1.15	0.74	1.75	1.37	1.75	1.71
5.	Girls Hostels	8.00	5.91	12.00	0.74	5.33	5.33
6.	Boys Hostels	5.33	5.33	8.00	10.02	5.00	5.00
7.	Liberation & Rehabilitation of Scavengers	23.00	29.05	25.00	50.50	60.00	60.73
8.	S.C.D.C.	17.00	32.18	20.00	28.19	20.00	22.00
9.	N.S.F.D.C.	-	-	10.00	-	10.00	10.00
10.	P.C.R. and Atrocity	5.00	4.23	5.50	6.09	5.50	5.50
11.	Aid to Voluntary Organisations	2.75	1.83	5.00	2.47	2.75	4.57
12.	Research & Training for SCs	0.80	0.31	0.80	0.05	0.80	0.04
13.	SCA to SCP	215.00	216.81	225.00	228.96	225.00	248.80
14.	Special Educational Dev. Programme for SC girls	NIL	NIL	NIL	NIL	4.00	NIL
15.	Upgradation of merit of SC/ST students	0.50	0.38	0.55	0.18	0.55	0.22
16.	Translation and publication of Dr. Ambedkar's writing and speeches	-	-	0.38	0.38	-	-
17.	Feature film on Dr. Ambedkar	-	-	0.50	-	2.50	-
18.	Dr. Ambedkar Foundation	-	-	8.50	-	1.00	0.0036
Total		303.88	316.01	368.23	368.51	406.18	425.16

ALLOCATION AND EXPENDITURE INCURRED UNDER DIFFERENT
SCHEMES FOR THE DEVELOPMENT OF SCHEDULED TRIBES

ANNEXURE IX
STATEMENT 2

(Rs. in Crores)

S.No.	Scheme	1990-91		1991-92		1992-93	
		Allocation	Actual Expenses	Allocation	Actual Expenses	Allocation	Actual Expenses
1	2	3	4	5	6	7	8
1.	SCA to TSP	224.70	225.46	250.00	249.82	250.00	250.00
2.	Grant under Article 275(i)	20.00	20.00	20.00	20.00	40.00	40.00
3.	Girls Hostels (ST)	4.00	3.09	4.00	3.05	2.50	2.50
4.	Boys Hostels(ST)	2.67	2.81	2.67	2.98	2.67	2.67
5.	Ashram Schools(ST)	2.00	2.00	2.00	2.56	2.00	2.00
6.	Vocational Training Institutes(ST)	NIL	NIL	NIL	NIL	1.00	1.00
7.	Grant-in-aid to STDC for MFP Operations	NIL	NIL	NIL	NIL	2.00	2.00
8.	TRIFED (Share Capital)	8.00	8.00	8.00	7.00	7.00	7.00
9.	Grant-in-aid to TRIFED	2.00	2.00	2.00	2.00	1.00	1.00
Total		263.37	263.36	288.67	287.41	308.17	308.17