

**Karnataka State Report on the  
Implementation of the SCs&STs (Prevention of Atrocities) Act 1989  
in Karnataka in the calendar year 2018**

With recommendations to the Chief Minister (Chairperson, SVMC under Rule 16(1)i)

**December 2019**

Source: Social Welfare Department, Govt. Of Karnataka  
Directorate of Public Prosecution, Govt. Of Karnataka  
Directorate of Civil Rights Enforcement, Govt. Of Karnataka

Committee Monitoring And Strengthening SCs and STs in Karnataka  
Office: #4, 4th Right Cross, Bye-Pass Road, C.K. Palya,  
Sakalavara (Post), Bannerughatta Road, Bengaluru - 560083  
Mobile: +91 8494888999 Email: [cmaskpoaact@gmail.com](mailto:cmaskpoaact@gmail.com), kmdv2005@gmail.com

**Karnataka State Report on the  
Implementation of the SCs & STs (Prevention of Atrocities) Act 1989  
in Karnataka in the calendar year 2018**

**Publisher:**

Committee Monitoring And Strengthening SCs and STs in Karnataka (CMASK)  
Office: #4, 4th Right Cross, Bye-Pass Road, C.K. Palya,  
Sakalavara (Post), Bannerughatta Road, Bengaluru - 560083  
Mobile: +91 8494888999 Email: [cmaskpoaact@gmail.com](mailto:cmaskpoaact@gmail.com), [kmdv2005@gmail.com](mailto:kmdv2005@gmail.com)

Pages:

First Print: 2009

Copies: 2000

Copyright: CMASK

Price: Rs. 350

Front Page Design: SHREAYA

Printers:

Shreya Printer & Publisher

Bengaluru

Mobile: 9538186800

In this report, we have made efforts to analyse how the Schedule Caste & Schedule Tribes (Prevention of Atrocities Act 1989) has been implemented in the State of Karnataka for the year 2018. Since 9 years, both "Committee Monitoring And Strengthening SCs and STs in Karnataka-CMASK and Karnataka DalitaMahilaVedike -KMDV" is releasing the Report on implementation of Prevention of Atrocities Act. In this report for the year 2018 also it has been elaborately described and analysed as to how effectively the Act has been implemented in our State. This is the 10th Report that has been released by these Committees and we are proud about our efforts.

In this year about 1751 atrocity cases have been reported and it is an indication that on an average there are 4 to 5 atrocities taking place against the Schedule Caste and Schedule Tribes. This means, that every 5 hours one or more than one person from Schedule Caste or Schedule Tribe are being subjected to atrocity this year. This year together 164 rape cases have been reported, which means every two days once women belonging to Schedule Caste or Schedule Tribe are being raped. Similarly about 122 murders/attempt murder cases have been registered and this means every three days once one or the other member of Schedule Caste or Tribe are being killed or an attempt is made to kill. More specifically every year cases of murder and rape is increasing against members of Schedule Caste.

Out of 1087 cases disposed off in the Courts 46 cases have resulted in conviction. 874 cases are disposed off as acquitted. About 167 cases have been disposed of by other means. This year the conviction rate is 4.23 percent and acquittal rate is 80.40 percent. If you observe number of cases where B Report is filed before the courts, this year it is 17.52 percent which means it has decreased by 4.10 percent. In 10 districts of the State the conviction rate is 0%. Also 1205 cases (68.81 percent) are pending for disposal.

This year out of 120 mandatory meetings, which ought to have been conducted by the "District Vigilance and Monitoring Committees", 90 meetings have been conducted by the District Commissioners of 30 Districts. However out 2 mandatory "State Vigilance and Monitoring Committee" meetings, which ought to have been conducted under the chairmanship of Chief Minister, it is reported that not one meeting has been conducted.

In our opinion the Schedule Caste and Schedule Tribe (Prevention of Atrocity) Act is not being completely implemented the State. When observed that the conviction rate is not crossing 5% in the State, we feel that Special Courts of the State are also are also not performing appropriately. Therefore, our intention is that those departments who are responsible for the effective implementation of the Act and its officers must function with utmost devotion for effective implementation of the Atrocity Act.

I hope that this Report will be useful for every person who is engaged in monitoring the "Prevention of Atrocity Act".

Yashodha P.

State Convenor-CMASK & KMDV

Bengaluru, 13th November 2018.

## WISHES

Bhagawan Buddha bestowed us with an inner eye to see what is rightly visible. If one has to review by keeping Dr. Baba Saheb Ambedkar as our model, the land rights, duties and the legislative intent of the constitution as perceived by Baba Saheb have been rightly imprinted in this report by the Schedule Caste and Schedule Tribes Monitoring and Strengthening Committee-Karnataka.

The Social Welfare Department has been spontaneously making efforts to upgrade people's education, socio-economic and political status who were subjected to grave injustice and exploitation from time immemorial. It is appreciable that CMASK and KMDV with the cooperation and coordination of this Department has been presenting the overall implementation of Prevention of SC/ST Atrocities Act with in detail analysis, its shortcomings, failure by the Government and also by giving its opinion about overall reformation in the form of recommendation.

Ms. P. Yashodha, head of CMASK has understood the law, departmental programs/projects and at different stages by coordinating with Departmental Officers has consolidated information in abundance and has presented it to the oppressed community, which effort is worth praising. If their efforts has to receive due credit, people must reach all the aspects of this report to lakhs of people and thereby the people are uplifted to the mainstream of the society. With this, I wish that all good efforts of P. Yashodha of CMASK and KMDV to be successful.

Dr. Devaraj  
Joint Director  
Social Welfare Department

<b>Part 1: Karnataka State Report for the year 2018</b>	
<b>Schedule Caste/Schedule Tribe (PO) Act-1989, Amend Act 2015, Rules 1995, Amended Rules 2016 implementation Report</b>	
1. Prevention of Atrocities Act-Implementation: An overview 2018	1
2. Schedule Caste and Schedule Tribes in Karnataka	5
3. Places of high atrocities cases in Karnataka	6
4. Brief Report on atrocity cases, murder/attempt to murder and Rape cases	6
5. Tables & Charts	9
6. Registration of cases in Courts and Disposals	19
7. Conviction by Courts-description	22
8. Atrocity Cases, performances of Special Public Prosecutors in its disposal-brief description	24
9. Tables and Charts	25
10. Pending Cases-description	30
11. Atrocity Cases: B Reports rate	32
12. Tables and Charts	33
13. District Vigilance and Monitoring Committees-Meetings	37
14. State Vigilance and Monitoring Committees-Meetings	39
15. Analysis on beneficiaries in respect of lending justice in Atrocity Cases	41
16. Recommendations to the Government	43
<b>Part 2: Constitutional Laws and the State's status</b>	
1. SC/ST (Prevention of Atrocity )Amended Act 2015& Amended Rules 2016	50
2. Duties of the Police Department	72
3. Actions to be initiated by District Administration and Social Welfare Department	72
4. Duties of Department of Prosecution and Government Litigations	73
5. SC/ST (Prevention of Atrocities) Rules	84
6. Compassionate based Employment	96
7. Right to Information Act	97
8. Nodal Officer-Notification	98
9. Directorate of Civil Rights Enforcement-DCRE	99
10. Ambedkar Foundation Details	100
11. Model Contingency Plan	104
12. Supreme Court Case: ArmugamServoy and Others	109
<b>Part 3: Tools for monitoring the implementation of the Act</b>	
1. Simple rules for monitoring the Prevention of Atrocity Act	111
2. Sections under Indian Penal Code and other Acts	119
3. How to give evidence in the Courts	127
4. Details of the Case and Forms for monitoring	129
5. Monthly Diary for monitoring the SC/ST (PoA) Act 1989/Rules 1995	137
<b>Part 4: Atrocity against Women-Tools for Prevention</b>	
1. About Protection of Women from Domestic Violence Act 2005	149
2. Tools to prevent Atrocity against Women	159
3. Karnataka State Expert Committee on prevention of sexual harassment	160
4. Eradication of discrimination against women	162
5. State Obligations regarding domestic violence against women	162
6. Protection of Women from Domestic Violence	163
7. Police duty under the Protection of Women from Domestic Violence Act	164
8. Protection of Women from Sexual Violence	165
9. Challenges faced by Dalit Women who are subjected to atrocity in availing justice	168
10. Recommendations	168
<b>PART 5:</b>	
1. Programs for the development of SC/ST's by different Departments under SCSP/TSP Project	173



**Part 1:**

**Prevention of Atrocities Act-Implementation: An overview 2018  
Cases of Atrocities**

**Brief Report on atrocity cases, murder/attempt to murder and Rape cases**

**Registration of cases in Courts and Disposals**

**Conviction by Courts-description**

**Atrocity Cases, performances of Special Public Prosecutors in its disposal-  
Brief description**

**Pending Cases-description**

**Atrocity Cases: B Reports rate**

**Tables and Charts**

**District Vigilance and Monitoring Committees (DVMC)-Meetings**

**State Vigilance and Monitoring Committees (SVMC)-Meetings**

**Analysis on beneficiaries in respect of lending justice in Atrocity Cases**

**Recommendations to the Government**

## **Prevention of Atrocities Act-Implementation: An overview 2018**

In this report we have tried best to put forth detailed analysis of implementation of Atrocity Act in the State of Karnataka for the year 2018. We have obtained information from respective Departments under the provisions of the Right to Information Act and the same is consolidated in this Report. The data reported herein is based on information received officially from respective Departments.

At the start of this report we would like to mention that the Prevention of Atrocity Act is not satisfactorily implemented in the State of Karnataka. The reason behind such opinion is facts and figures in this report. Clear analysis made in this report confirms our opinion.

This year 1751 cases are reported under the Atrocity Act. Compared to last year number of cases has declined this year. In the year 2017 a total of 2010 atrocity cases were reported. At the outset there is a decline of 14% in the atrocity cases reported. Though it is a good development, 1751 cases that are reported is definitely not appreciable.

If we look back, in the year 2013, totally 1925 atrocity cases were reported. In the year 2014 it increased to 1950. However in the year 2015 alarmingly it rocketed to 2037 cases and it was highly concerning among all. In the year 2016 it reduced to 1912 cases. But again in the year 2017, it increased to 2140 atrocity cases. It is a feel good factor that it is reduced to because number of atrocity cases reported is 1751. In the year 2017 there was an increase of 11.92% compared to the year 2016. We are little happy that this year number of cases have been reduced by 18%. However, when we see that so many number of cases are reported against persons belonging to SC/ST, it is really disheartening and on the other side one feel resented against such perpetrators.

If we closely observe the data this year, one can note that every day there are at least 4 to 5 cases reported. This means every 5 hours once there is an atrocity against member of SC/ST community. This means, members of SC/ST are not allowed to live independently, peacefully and without fear. They are not allowed to live a life of equality like persons belonging to any other community. From the above factors it is evident that special laws and rules that are promulgated for up keeping safety of particular community are not effectively implemented. Despite the fact that several decades have lapsed after independence, its irony that persons belonging to SC/ST community in our country are in the pursuit of fundamental rights and are continuously struggling to access their fundamental rights.

In the year 2018 out of 1751 atrocity cases reported, Bengaluru Urban districts infamously bags first rank with highest number of 163 cases. Similarly Gadag District ranks the lowest with 23 cases this year.

Perusal of rape cases reported this year, there is decline compared to the year 2017. In the year 2017 a total number of 190 rape cases were reported against women and children belonging to SC/ST community. As per information received, this year number of rape cases reported against women and children belonging to SC/ST community are 164. It is notably visible that this year there is a decline in rape cases by 13.68%. Though there is decline in rape cases and it is a good development, yet 164 cases reported is very painful and we feel that women are not being given due respect. A question arises from the innermost conscience as to how many more years our women have to be victims of such heinous offence. Everyone will have to make up their mind to take this challenge and work hard to enable women belonging to SC/ST shall live with dignity, freedom and without any fear in our society. When we analysed 164 rape cases reported this year, it is evident that every two days once a women belonging to SC/ST are being raped. Is it not shocking? This

data is limited to only the State of Karnataka. In the event data of the entire Indian nation and its Union Territories is considered, the data available will be much more shocking. Obtaining such information itself is very disappointing as various departments are backing out to give any information related to atrocity. In our considered opinion we feel that these departments do not have information in respect of atrocity.

When we observe cases such as murder and or attempt to murder, 122 such cases have been reported this year. It makes us feel fearful and filled with anxiety. Previous year in 2017, about 73 murder and or attempt to murder cases were reported. It was also reduced by 6.4% compared to the year 2016. With the present year's data analysis, there is an increase of 67.12% murder and or attempt to murder cases compared to the previous year 2017. This is absolutely condemnable and reflects how the laws are not effectively being implemented. There seems to be no value for the lives of members of SC/ST community. We wonder how the mind set of such perpetrator's is?

It seems that perpetrators have no compassion, respect and human values in whatsoever manner. We feel such apathy is also because of ineffective implementation of laws. Therefore it is now time that these perpetrators have to be punished under strict penal provisions and we have to enable such provisions. According to the data, every three days once one member of the SC/ST Community is killed and this is condemnable. In addition to cases of murder and or attempt to murder we have learnt that cases of assault, arson have also occurred. However, despite repeated requests since we were unable to obtain official information, we are unable to give any clear data in respect of such cases. However in the ground reality such atrocious incidents are taking place.

In respect of cases that are registered before the courts, unlike last year this year also three is difference. This year number of cases that are reported is 1751. However number of cases reported before the courts are 1486. In this way every year, we are finding difference in number of cases reported and registered by the Courts. The respective departments alone will have to answer for such difference. This year also there is no change in the trend.

This way, number of atrocity cases registered in the Courts this year is 1486. Previous year pending cases added to this year's reported cases, there are 6508 pending cases yet to be disposed by courts. In the year 2017 there were 5022 cases that were pending. Both this year's case and previous pending cases put together the courts ought to have disposed 6508 cases. However this year there are 5421 atrocity cases that are pending, which is not satisfactory. When we analysed data related to cases registered before the courts as against disposal, only in 46 cases courts have convicted out of 1486 registered cases. Which means conviction rate this year is only 4.23%. Off the total number of pending cases only 1987 cases are reported to have been disposed this year.

This year there is a rise in number of acquittals. Total number of acquittal this year is 874 that is 80.40%. It is not a good development. Due to such high number of acquittals while justice is denied to victims of atrocity, they lose their heart and become desperate, this makes way to the perpetrators walk away unpunished. Our theory is that we should not let the cases end up in acquittals but end in conviction in most atrocity cases.

An analysis of rate of conviction, last year the rate was 3.79% and this year it has increased, which is of some solace. However it is tragedy to know the conviction rate is less than 5%. Courts must work hard to enhance the rate of conviction.

An analysis of cases ending in filing 'B' Report, this year out of 1751 cases in 235 cases 'B' Reports have been filed. This means 13.42% of cases have resulted in filing 'B' report which is again not good development. The Special Public Prosecutors of the Special Courts and Investigating officers should not let 'B' reports filed before the Courts. In this section it is pertinent to note that in the year 2017 a total number of 375 cases have ended up in B report. In the year 2016 it is 356 cases and 333 cases in the year 2015. All previous three years, number of cases where B reports filed is higher than this year. This is little satisfactory. From 375 cases of B report in the previous year is reduced into 235, this is highly satisfactory and we appreciate it.

Cases reported in the courts clearly indicate that this year Courts and Special Public Prosecutors have satisfactorily functioned. Upon observation of functioning of Special Public Prosecutors in disposing of cases, convictions, pendency, we feel that Special Public Prosecutors could have functioned better.

Similarly respective Departments. When we observe cases ending in B reports, pendency of cases and under Investigation cases, the Departments could have put in much more efforts.

For effective implementation of Prevention of Atrocities Act the Deputy Commissioner's under their chairmanship will have to compulsory conduct meetings of District Vigilance and Monitoring Committee. There are 30 Districts in the state. In every District a minimum 4 meetings will have to be conducted in a year, which means 30 District Commissioners ought to have conducted 120 meetings in a year. However, this year only 90 SC-ST-DVMC meetings have been held, which is not at all appreciable. Previous year in all Districts 110 meetings had been conducted and we had appreciated the development. However this year the number of meetings that are held

indicates that there is a gross negligence in not conducting mandatory SC-ST-DVMC meetings. Legal action should be initiated against those Deputy Commissioners who have shown dereliction of duty.

Similarly two meetings of the State Vigilance and Monitoring Committees established at State level must have been held under the chairmanship of the Hon'ble Chief Minister of the State. The information available indicates that not a single SVMC meeting was held in the year 2018. Though we feel reason for not conducting SVMC meetings was due to serious political developments, not conducting a single meeting is a painful feeling. When the State Power Centre itself shows negligence, we can certainly assume the functioning of Districts and Deputy Commissioners who work under State's guidance. In respect of DVMC Meetings to be conducted at District Levels, detailed information is given in the next part.

In the upcoming parts we have made attempts with detailed analysis to understand how effectively the Prevention of Atrocities Act has been implemented in the State of Karnataka. Overall, the Prevention of Atrocities Act is not being satisfactorily implemented to safeguard the welfare of the Schedule Caste and Schedule Tribes. We have analysed it in this report.

### **Schedule Caste and Schedule Tribes in Karnataka**

Karnataka has a total population of 61,095,297 according to the Census 2011. Of this, 30,966,657 (50.69%) are male and 30,128,640 (49.31%) are female. The 101 Scheduled Castes (SC, Dalit) are 10,474,992 of the population (Female 5,210,447 male 5,264,545). They are 17.15% of the state. Kolar district has the highest (30.3%) SC population, followed by Chamarajanagar (25.4%). Udupi has the least percentage of SC population (6.41%). They are more than 71% rural – about 10% above the state average of 61% rural residence.

There are 4,248,987 persons (women 2,114,233 men 2,134,754) in 50 Scheduled Tribes (ST or Adivasi) in Karnataka. They constitute 6.95% of the total state population. They are primarily rural (80.72%), almost 20% more than the state average. The ST have over two lakh population in eight districts—Bellary (18.4%), Raichur (19.03%), Mysore (11.15%), Chitradurga (18.23%), Belgaum (6.22%), Bidar (13.85%), Davanagere (11.98%) and Tumkur (7.82%)—which account for 57% of the ST population in the state. Apart from the above, in terms of percentage to total population, Yadgir (12.51%), Chickballapur (12.47%), Koppal (11.82%), Chamrajnagar (11.78%), and Kodagu (10.47%) have above 10% STs.

#### Annex-1

SC and ST in Karnataka				
Sl. No.	Indicator	Karnataka	SC	ST
1	Total population	61,095,297	10,474,992	42,48,987
2	Population %	100%	17.15%	6.95%
3	Male	30,966,657	5,264,545	2,134,754
4	Male %	50.69%	50.26%	50.24%
5	Female	30,128,640	5,210,447	2,114,233
6	Female %	49.31%	49.74%	49.76%
7	Urban	38.67%	(2,979,229) 29.44%	(819,196) 19.18%
8	Rural	61.33%	(7,495,763) 71.56%	(3,429,791) 80.72%

**Source: Census of India 2011**

## Atrocity Prone Areas in Karnataka

Of the 30 districts in the state, 15 are declared 'atrocity prone' by the state government. However there are Special Courts only in 8 Districts. They are Belagavi, Bijapura, Gulbarga, Kolara, Mysore, Raichur, Ramanagara and Tumkuru. In remaining 22 Districts, though there are high pendency of cases, no Special Courts are established in these Districts. Though Dharwad, Bidar, Chitradurga, Shimoga, Belagavi, Bengaluru, Mandya and Hassan are declared to be Atrocity prone areas no Special Courts are not established.

Atrocity prone districts in Karnataka		
No	District	Villages
1	Dharwad	Satar, Honnapur, Kehgeri, Byadagi, Battikoppa, Varada, Warangalia.
2	Bijapur	Baradala.
3	Gulbarga	Alagi, Seethanur, Ganjelkhed, Bhusnoor, Surapur, Chincholi, Vothana, Hippigere, Petannapur, Hagaragundagi, Royakode, Mimhergi, Afzalpur.
4	Raichur	Idaparar, Gudihalla, lagapur, Karatagi, Manvi, Gangavathi, Turvinala, Khanapuri.
5	Bidar	Torekalla, Bhalki, Dhakulli, Kushnur, Horahatti.
6	Chitradurga	Gudihalli, Babbuliriya, Somaguddakyamadu, Chikkanayakanahalli, Obbenahalli, Anaji.
7	Shimoga	B.R. Project, Malavalli, Tyagadakana, Kargal, Honnali, Belagutti.
8	Bellary	Deshnur, Teleggh.
9	Bangalore	Kumbalgad, Channasandra, Tattanagar, Srinivasapur, Kadathippur, Horohalli, Kaduguda, Beechinahalli.
10	Kolar	HaratiVillage, HanagattiVillage.
11	Tumkur	Doddaballa Villages.
12	Mysore	Kushalanagar, K. Gudu, G. Marelli, Devanur, Chitenahalli, Hannur, Kilagere, Badanavalu, Kelasur.
13	Mandya	Shivasalli, Malligere, Sandahalli, Hulikere, Koppala, Kshettyhalli.
14	Hassan	Gandasi village, Chigahalli, Bandashettalli.
15	Belgaum	Anogola villages, Bendigere, Baladabagewadi, Mapanadinne, Patagundi, Anjivali.

### Cases of Atrocities: A brief note on Murder/Attempt to Murder and Rape Cases

In this part we would like to analyse and discuss cases of Murder, Attempt to Murder and Rape against members of Schedule Caste and Schedule Tribes.

Before advancing detailed discussion, we would like to mention that this year, though we have preferred application under Right to Information

Act to respective Departments, we are not given the requisite information in the manner that is helpful for us. Therefore we are unable make comprehensive analysis of the information. For example, when information is sought from the Departments in respect of cases under Atrocity Act, the information is given without separating atrocities against Schedule Caste and Schedule Tribe. On the contrary it is always given together, which makes it difficult to clearly analyse as to how many murders or rapes have taken against whom. However, with the available information we have tried to analyse and discuss.

This year totally 164 rape cases are registered against the Schedule Caste and Schedule Tribe Women. It is very surprising that number of rape cases have declined compared to previous year. It is pertinent to note that atrocity against S.C./S.T. women are on the increase from day to day. Number of rape cases reported in the year 2016 was 164 and it was increased to 190 in the year 2017. Reduction in number of cases reported this year that is 164 is a relief.

Previous year out of 190 cases reported, 155 rape cases were reported against Schedule Caste Women. Remaining 35 cases were against Schedule Tribe Women. Out of 164 cases reported this year we are unable give a break up of rape cases against SC & ST Women as the information given by the Departments are not helpful.

Further analysis of all reported rape cases, it is clear that on an average every two days once one woman belonging to SC/ST community is subjected to rape. Similarly this year also on an average every two days once one woman belonging SC/ST community is subjected to rape. It is shame on the society at large. This type of heinous offence against women should end. The society should enable women from Schedule Caste and Schedule Tribe live independently and commute freely without any fear. The rapes against

women member of SC/ST should be completely prevented. The perpetrators of rape should compulsorily be punished under existing laws and ensure the victim women is rendered justice.

The rape cases reported this year is further filtered and analysed as followed.

Firstly, Mysore District ranks first by reporting 13 rape cases this year. Previous year Mysore District stood second with 12 rape cases. Previous Bengaluru ranked first with 17 rape cases. However this year Bengaluru has ranked fifth with 8 rape cases.

Similarly this year Shimoga District has bagged second rank with 12 rape cases. Previous year Shimoga District ranked sixth with 7 cases. It is shameful to jump from sixth to second place. In the year 2016 Shimoga District had reported 16 rape cases and ranked first. It is disgraceful that Shimoga District is securing top ranks in commission of rape against women members of Schedule Caste and Schedule Tribes.

Similarly Koppala and Bengaluru Rural Districts have shared third rank with both District reporting 11 rape cases this year. Bengaluru Rural District had secure third place even last year with 10 cases. However Koppala District was in 7<sup>th</sup> place with 5 cases reported previous year. By reporting 11 cases this year Koppala District has stepped up to third rank.

In Dakshina Kannada 12 rape cases have been registered this year. With this, the Dakshina Kannada District ranks 2<sup>nd</sup> in the table. Previous year about 10 cases were registered and ranked 5<sup>th</sup> in the table. This is really pathetic.

In Bengaluru Urban, Belagavi and Chikkamagaluru District 8 cases are registered each. With this all three Districts are in 5<sup>th</sup> Rank. As already stated earlier, previous year 17 cases were registered in Bengaluru Urban District and

it was in the first rank of the table for rape cases. However it is somewhat consoling that this year it has registered 8 cases and ranks 5<sup>th</sup> in the table. Similarly it is shameful that Belagavi and Chikkamagaluru Districts have increased from 6<sup>th</sup> place and 7<sup>th</sup> place(2017) respectively to 5<sup>th</sup> place(2018).

This year(2018) Bijapura, Haveri Kolar and Kodagu districts have registered 7 rape cases each and they are in 6<sup>th</sup> rank. Similarly both Gulbarga and Yadagiri have registered 6 rape cases each and are in 7<sup>th</sup> rank of the list. Ballari and Chamarajanagara Districts have registered 5 rape cases each and are in 8<sup>th</sup> rank. While Ramanagara, Bagalakote and Mandya Districts have registered 4 cases each and are in 9<sup>th</sup> place. Tumakuru, Chitradurga and Bidar Districts with 3 cases each are in 10<sup>th</sup> rank.

Chikkaballapura, Dharawada, Davanagere and Raichur have registered 2 cases each, Hassan and Uttara Kannda Districts have registered 1 case each.

In the year 2017, Davanagere had not registered any case and this year (2018) has registered 2 cases. It is a disturbing factor.

Gadag and Udupi Districts have not registered any case this year, which makes us feel happy. Previous year (2017) Gadag District was in 8<sup>th</sup> rank and from there zero case is laudable aspect.

The injustice caused against women members of Schedule Caste/Schedule Tribes with all type of atrocities must instantly stop and heinous atrocity like the one such as rape must never reoccur. In order to render justice to the women rape victims, we all must make earnest efforts by getting conviction to the rape perpetrators.

## **Cases of Murder/Attempt to Murder: Analysis**

From the data available, in the year 2018 together 122 murder/attempt to murder cases are registered. When we compared this figure with the previous year, it is very shocking. Previous year(2017), together 73 murder cases were registered. In the year 2016, together 78 murder cases were reported. The whopping rise in murders/attempt to murders cases (122 cases) has put every community members in fear for their life.

It means that this year every two or three days once, one member of Schedule Caste/Schedule Tribes is subjected to murder/attempt to murder. It is really shocking and makes it sound as if killing or attempt to kill a member of Schedule Caste/Schedule Tribes is very normal. We do not know whether the perpetrators in their conscience feel that they are committing such a grave crime? Or do they not feel feared to commit such heinous act? If in the perpetrators conscience had an iota of feeling and fear of punishment, they would not have indulged in such heinous crimes. A microscopic analysis of murder and attempt to murder cases this year(2018) reflects the increasing trend, as 122 cases are reported as against 73 cases previous year. This means there is an increase of 67.12 percentage in murder and attempt to murder cases and we condemn such increase of ghastly crimes. The members of Schedule Caste/Schedule Tribes are leading a tough life in the state of Karnataka and their life seems to be not valued at all. Taking away lives of members of Schedule Caste/Schedule Tribes seems to very easy. The Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act and Rules, which is a Special enactment brought to force only for the purpose of preventing atrocities against SC and ST community members is not at all being implemented in its entirety. We intend that the respective Departments and Officers must make themselves involved in comprehensive implementation of the act.

In the state of Karnataka 78 murder/attempt to murder cases were reported in the year 2016. Out of 78 murder/attempt to murder cases 67 cases were reported to have committed against Schedule Caste and 11 cases against Schedule Tribes. Similarly in the year 2017 out of 73 reported cases 60 were against Schedule Caste and 13 cases were against Schedule Tribes. However out of 122 murder/attempt to murder cases that are reported, we do not have separate data to make a distinguish murder/attempt to murder committed against Schedule Caste and Schedule Tribe members. Further the respective Departments have backed out to give information in respect of this and therefore we are unable to analyse data in respect of this and we regret for this inconvenience.

District-wise analysis of murder cases: Belagavi District tops in reporting 16 murder/attempt to murder cases this year. Previous year(2017) 6 murder cases were reported in Belagavi and again stood 1<sup>st</sup> rank in the list.

Gulabarga District has reported 14 murder/attempt to murder cases and stands second in the list. Gulabarga stood 2<sup>nd</sup> in the list even in the year 2017.

Hassan District stands number 3 in the list with 10 reported cases. In the year 2017 Hassan ranked 5.

Vijayapura District with 9 reported cases stands 4<sup>th</sup> rank while Bengaluru Rural, Dharawada and Yadagiri District with 7 cases each stands 5<sup>th</sup> in the rank list. Further Ballari, Chikkamagaluru with 5 murder/attempt to murder cases each stands 6<sup>th</sup> in the list. Bengaluru Urban, Bagalakote, Gadaga, Chitradurga and Chamarajanagara Districts with 4 murder/attempt to murder cases each stands 7<sup>th</sup> rank in the list. Shivamogga stands 8<sup>th</sup> with 3 reported cases. This year Kolara, Haveri, Beedar, Koppala, Raichuru, Mysore, Dakshina

Kannada and Udupi Districts with 2 murder/attempt to murder cases each have bagged 9<sup>th</sup> rank.

Ramanagara, Davanagere and Kodagu Districts have not reported one murder/attempt to murder cases each against members of Schedule Caste and Schedule Tribes.

Previous year(2017), Gadaga, Davanagere, Chamarajanagara, Kodagu, Chikkamagaluru Districts were hailed and appreciated by us for not having registered a single murder/attempt to murder cases against members of SC/ST. This year(2018) by registering one or the other murder/attempt to murder cases, it reflects a bad trend.

This year(2018), Chikkaballapura, Tumakuru, Mandya and Uttara Kannada District have reported zero murder/attempt to murder cases against members of Schedule Caste and Schedule Tribes. We are really happy about it. In the coming year(2019) if all these districts report zero murder/attempt to murder cases against members of Schedule Caste and Schedule Tribes, which would bring solace.

Day by day cases of Murder, Attempt to murder and rape is increasing, which is disturbing and it has set fearful atmosphere all over. Previous year as per our analysis the trend shows more crimes(murder, attempts, rape) committed against members of Schedule Caste. This year also we feel that the trend continued. Though we do not have data, we also do not have data or information indicating otherwise. Similarly, we do not have data about reduction in crimes against members of Schedule Caste and Schedule Tribes. Atrocity against members of Schedule Caste and Schedule Tribes is continuing and we condemn it and we recommend that respective departments, officers, elected representatives, ministers must mandatorily ensure that the Prevention of Atrocity Act and its rules must be implemented in totality all over the State.

Also they are duty bound to implement the Act in letter and spirit. Therefore we request each responsible member of the society to do your duty honestly as a ritual. Every Officer, Minister should empathise with pain and agony that members of Schedule Caste and Schedule Tribes undergoing from time immemorial and enable them to access their rights. The atrocious acts must be prevented from happening and the State machinery should function in this direction. The Prevention of Atrocity Act and Rules have in detail mechanism to prevent atrocity. If this Act and Rules are comprehensively implemented the members of Schedule Caste and Tribes will definitely lead a happy and peaceful life. We recommend and believe that at least henceforth the respective Officers and elected representatives shall diligently do their duties with utmost conviction and enable the victims to access justice.

#### **Courts: Registration of cases and disposal**

We have always noticed differences in number of atrocity cases reported as against number of cases registered and disposed in the Courts. This year also 1751 cases are reported to have been registered under the provisions of Schedule Caste/Schedule Tribes (Prevention of Atrocity) Act. However only 1486 cases are reported to have been registered in the Courts. There could be many reasons for such huge discrepancy, but respective departments alone have to clarify on such huge discrepancy.

In the year 2016, together 1475 cases were registered in the courts. However in the year 2017 it increased to 1808, which fact was published by us in our previous year's report(2017). We had reported that there was an increase of 22.57 percentage in cases reported. This year we can observe that there is a decrease in number of cases reported. Which means comparatively there is 21.66 percentage decrease in number of cases reported this year compared to previous year? We may think that it is a good development, but

we do not rule out possibility of many atrocity cases going unnoticed or they did not see the court door.

With the available data, in the year 2017, Bengaluru Urban District had registered 107 atrocity cases and ranked first. This year Bengaluru Rural District with competition snatched away first rank from Bengaluru Urban District with 105 reported atrocity cases. Bengaluru Urban District with 92 cases has secured 2<sup>nd</sup> rank. What is consoling is that the Bengaluru Urban District has reported 11.21% less atrocity cases compared to previous year. Despite the analysis, both Bengaluru Urban and Bengaluru Rural Districts are in the forefront in respect of registering highest number of atrocity cases, which is very dangerous trend.

Following footsteps of Bengaluru Urban and Rural Districts, Hassan District(87), Raichuru District(80), Belagavi District(79), Mysore District(75), Gulbarga District(73), Chikkamagaluru (72), Mandya (68) and Bijapura (59) have respectively secured first 10 ranks.

Like previous year both Hassan(2017-95 cases, 2018-87 cases) and Raichur(2017-90 cases, 2018-80 cases) Districts have secured third and fourth rank respectively. Though both districts have retained their ranks, there is a decrease in number of cases reported as against previous year, shows there is change in the trend, which is a consoling factor.

This year(2018), lowest number of atrocity cases are reported in Davanagere(18 cases), Chitradurga(15 cases) and Uttara Kannada(13 cases).

While analysing cases disposed in the courts, this year there were 6508 cases pending for disposal in all the courts across the State. In the year 2017, 5022 cases were not disposed and were brought forward to this year. This year number of cases reported in the courts is 1486 and together it makes 6508

pending cases. In the year 2017 there were 6154 atrocity cases that were pending disposal. This year there is a rise in number of pending cases from 6154 to 6508, which means there is of 5.43% rise in pendency. This is not a good trend.

This year the pendency was 6508 and only 1087 cases are disposed, which shows a bad trend and reflects the pathetic situation in courts. When compared to number of cases disposed across the state last year, only 16% of the pending cases are disposed.

In the previous year courts had disposed off 18% of total pending cases. The same has decreased by 16.70% in the year 2018. That gives the picture of efficacious functioning of our courts. If the trend continues, people will definitely lose their faith on courts. Our intention is that the courts, which take up Atrocity cases must function with utmost devotion and must make efforts to dispose all cases effectively and diligently.

Going District wise disposal of cases in the courts, Kodagu stands first with highest disposal of 56 cases as against 87 total cases. This means a disposal of 64.36% cases as against total pending cases. Chitradurga District stands second with total 50 pending and disposal of 32 cases amounting to 64% disposal.. Kolar District stands third in the list with 143 pending cases and disposal of 72 cases. Thereafter Davanagere District (66 cases -22 cases disposed) and Bengaluru Urban (449 cases -142 cases disposed) are in fourth and fifth place respectively. This year(2018) Raichur has secured sixth place with 94 cases disposed as against total 317 cases, it means 29.65% disposal and has secured 6<sup>th</sup> place. Yadagiri District(197 cases-51 cases disposed 25.88%) is in 7<sup>th</sup> place. Ballari District(169 cases-26 disposed-24.07%), Chamarajanagara (108 cases-26 disposed 24.07%) and Dharawada (145 cases-33 disposed 22.75%) are respectively in 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> place.

This year(2018) Bengaluru Rural has secured last place in number of cases disposed. There are 509 pending cases and only 10 cases are disposed off amounting to 1.96% of the total cases. We would like to draw attention of the respective Departments. Courts must diligently function in timely disposal of cases. Similarly Mandya, Gadaga, Chikkaballapura, Shivamogga, Uttara Kannada and Koppala Districts have disposed least cases as follows:

Mandya: 272 cases-8 disposal, 2.94%;

Gadaga: 80 cases-3 disposal, 3.75%;

Chikkaballapura: 283 cases-19 disposal, 6.71%;

Shivamogga: 244 cases-14 disposal, 5.74%;

Uttara Kannada: 102 cases-8 disposal, 7.84% and

Koppala: 218 cases-11 disposal, 5.04%

An analysis of pendency of cases in the courts, data reflects that the courts are not functioning diligently. Because from five years number of pendency is increasing and shows that the courts are working in snail pace. The data shows that in the year 2014 total number of pendency in the State of Karnataka was 3510, in the year 2015 it increased to 3854, from there it became 4346 in the year 2016 and crossed 5000 and became 5010 in the year 2017. This year the pendency increased to 5421 cases. If the pendency grows like this, how and when would victims of atrocity cases access to justice?

The increase in pendency of cases in courts shows the trend that court functioning is inappropriate. We feel that the courts are not disposing cases properly and swiftly. We express our intent that victims of atrocities who are anxiously looking forward to accessing justice will access the justice as early as possible.

## **Conviction Rate: A picture**

This year, courts have convicted in very less number of cases. The data available in this regard shows that conviction this year is only 4.23%. This means out of 1486 registered cases only in 46 cases perpetrators are convicted. The judges are convicting in very less number of cases, which is not a good development. The victims of atrocity, who are anxiously waiting for access to justice will definitely be disappointed and will lose their faith on courts.

We have analysed functioning of courts. The only satisfactory aspect is that the conviction rate has increased from previous year by a margin of 0.44%. This year conviction rate is 4.23%. Previous year(2017) the conviction rate was 3.79%. In our previous report we had expressed our disappointment about functioning of courts. This year it is slightly better and there is little increase in the conviction rate and we feel little relieved. However we demand through this Report that the conviction rate has to increase.

What is very surprising is that this year, Bengaluru Urban Court has convicted in 6 cases and stands first in the list.

While discussing about conviction rates in Bengaluru Urban Court, we had reported that in Bengaluru Urban District conviction was not to be seen. Since the year 2013 until 2016 the conviction rate in Bengaluru Urban Court was 0%. Previous year the conviction rate in Bengaluru Urban District was 6.25%. We were relieved to know that the conviction rate had increased from 0 to 6%. However this year in 6 atrocity cases perpetrators are convicted and we feel consoled. Which means, the Bengaluru Urban Court that had not convicted in a single case, has become alert through our report and in order to avoid critic it has reflected its progress by disposing cases in conviction. We appreciate it. We express our intention that the conviction rate must increase every year in Bengaluru Urban District. We appreciate the progressive

functioning style of Ms. Meena Kumari who is the Special Public Prosecutor of Bengaluru Urban District. Previous year also we had appreciated her and similarly this year.

In Bengaluru Urban District together there were 449 pending cases. Previous year there were 357 pending cases and this year 92 cases were reported. Totally 142 cases are disposed. Out of 142 cases disposed 6 cases have resulted in conviction.

While discussing district wise conviction rate next highest conviction is reported in Madikeri District. By convicting in 5 cases Madikeri stands 2<sup>nd</sup> in the list of conviction. In the previous year Madikeri had convicted in 4 atrocity cases and was in 4<sup>th</sup> place. This year it has bagged 2<sup>nd</sup> place. In Madikeri District there were 87 pending cases, out of whom 56 cases are disposed off and 5 has resulted in conviction. We appreciate and thank the Hon'ble Judge Krishnaveni M who is functioning in Madikeri District and we request through this report to kindly enhance the number of conviction.

Dharawada, Vijayapura, Kalaburgi, Beedar and Raichur Districts have seen 3 convictions each and are in 3<sup>rd</sup> place. Previous year, Dharawada had reported zero conviction and this year it is increased to 3 convictions and we are happy about it. The Special Public Prosecutor in Dharawada Court is Ms. Girija S. Taminal and we thank are. Similarly previous year Bijapura and Raichur Districts had recorded one conviction each and this year it has increased to 3, which is a great relief. In this way if all District progress in increasing convictions, we are pretty sure that the victims of atrocity will access justice.

Yadagiri, Koppala, Chikkamagaluru, Chitradurga, Davanagere, Mysore and Kolar Districts with 2 conviction each stands 4<sup>th</sup> rank in convictions. In all these Districts the Special Public Prosecutors have worked hard for

resulting in 2 convictions each. It is pertinent to note that previous year Yadgiri District had reported 7 convictions and this year it has reached rock bottom with 2 convictions. This is not a good development. However, Mysore which had zero conviction last year has reported 2 convictions this year and the same is appreciable.

This year Chikkaballapura, Tumakuru, Hassana, Shivamogga, haveri and Udupi Districts have reported 1 conviction each. Previous year, both haveri and Tumakuru Districts had reported 2 convictions each. However, this year they have recorded zero conviction, which is pathetic. Similarly Chikkaballapura District had reported one conviction last year and this year it has recorded zero conviction, which is not a good factor.

Unlike our recommendation in previous year's report, we once again recommend to appoint a Watch Officers to watch functioning of Special Public Prosecutors and Judges in all the Districts which have recorded zero conviction. We hope that at least under such circumstances, they will conduct their duty diligently. This year Bengaluru Rural, Ramanagara, Mandya, Chamarajanagara, Mangaluru(Dakshina Kannada), Karawara, Belagavi, Bagalakote, Gadaga and Ballari have reported zero conviction. Last year also Bengaluru Rural, Ramanagara, Belagavi, Gadaga and Ballari had reported zero conviction. This very clearly reflects that the judges in these districts are not functioning properly. Further we also feel that they have no concern in whatsoever manner towards members of Schedule Caste and Schedule Tribes. If not, they would not have reported zero conviction from last two years. Strict action has to be initiated against them.

After making detailed analysis about convictions this year, we can ascertain and declare that Special Courts working in the State are not functioning with devotion and honestly, swiftly to enable the atrocity victim

access to justice. If not, the conviction rate in the State would not have been so less. Therefore we express our intention and urge that respective Ministers and Officers will give attention towards this aspect and show interest in enhancing conviction rate in the State. We would like to foresee more number of convictions in the forthcoming years.

**Atrocity Cases: Functioning and Role of Special Public Prosecutors. A brief note.**

Across the State, if we observe atrocity cases that are disposed, we feel that the Special Public Prosecutors have not functioned properly and conducted their duty diligently. Because a bare analysis in number of convictions against acquittals will depict the functioning of Special Public Prosecutors.

In the entire Karnataka State there were 6508 pending cases in the Courts. Previous year there were 5022 cases were pending for disposal and this year 1486 cases are reported. Together 6508 were pending for disposal. Out of 6508 pending cases only 1087 cases are disposed off that amounts to 16.70%. This reflects on the pathetic condition in which our Courts are functioning.

Similarly from last three years Courts are convicting in very less number of cases and are showing their functioning. Because in the year 2015, the conviction rate was 4.43%, in 2016 it had increased to 4.83%. Again in the year 2017, the conviction rate had decreased to 3.79% and this year there is improvement and has increased to 4.23%. From this one thing is confirmed that the Special Public Prosecutors who are exhibiting bad show are not discharging their duties and responsibilities with utmost devotion and interest. We recommend that strict action must be initiated against these Judges who are functioning with utmost irresponsibility. When we observe

that the courts are having uphill task to surpass 5% conviction, we feel that the courts are not functioning properly.

An observation of the analysis on slow paced results from the courts we have to take the Special Public Prosecutors to task of the Districts, which have recorded zero conviction. The Special Public Prosecutors are Ms. Lakshmidevi Patil of Ballari, Savita M. Shiggi of Gadag, S.R. Patil of Bagalakote, M.L. Kulakarni of Belagavi, Tanaja Baburao of Uttara Kannada, B.Shekhar Shetty of Dakshina Kannada, T.H. Lokakshi of Chamarajanagara, S.D. Sudha of Mandya, L.Nagaraju of Ramanagara and S.B. Haveri of Bengaluru Rural District. Watch Officers should be appointed against all these Special Public Prosecutors and initiate strict action on them.

On the other hand we appreciate Ld. Special Public Prosecutor Ms.Meena Kumari I., Special Public Prosecutor of Bengaluru Urban District Court. This year she stands ahead of all other Special Public Prosecutor and she has secured conviction in 6 atrocity cases. In Bengaluru Urban District conviction has commenced only from last year prior to that for a period of four years(2013 to 2016) continuously it recorded zero convictions. Only previous year Bengaluru Urban has opened the account of conviction by convicting in 3 cases. This year Bangalore Urban District by increasing rate of conviction has from 3 to 6 and has successfully retained its honor. Therefore we appreciate Ms.Meena Kumari I. She is highly successful by disposing off 142 cases out of 449 atrocity cases. Out of them in 6 cases are convicted, amounting to 4.22%. However, her functioning is also not very satisfactory as there is an acquittal in 103 cases out of 142 disposed cases.

This way highest number of cases that has resulted in acquittal is Tumakru District. Out of 263 pending cases that were supposed to have disposed off by the Special Public Prosecutor, Judge S. Rajanna has disposed

23 cases out of which 22 cases he has acquitted. Which means this year he has disposed off together 193 out of which he has acquitted 41 cases. That means acquittal rate is 97.61%. This is not a good development. Our argument is that out of so many number of cases that are acquitted he ought to have convicted at least in one case.

Similarly, this year in Belagavi District 50 cases are disposed by the Special Public Prosecutor. Out of 50 disposed cases 48 have resulted in acquittal. Two cases are disposed off otherwise. This way zero conviction is recorded, which is not satisfactory. Similarly in Ballari District the Special Public Prosecutor Lakshmidevi Patil has disposed off 42 cases out of 169 cases. Out of which 36 cases are acquitted. Disposal rate is 24.85% and acquittal rate is 85.71%.

This way higher rate of acquittals by Special Public Prosecutors are as follows: Kolar District 143 total cases, disposal 72(50.35%) and acquittal 62(86.11%). Mysore total cases 292: 23 (8.75%)-22 (95.66%). Mandya District, Special Public Prosecutor is S.T. Sudha. Out of 272 number of pending cases only 8 are disposed off and all resulted in acquittal, which means 100% acquittal. Further we are highly suspicious about her functioning. This highly inferior display of functioning must be watched by Officers and a Watch Officer must be appointed against her and also initiate strict action. Another Special Public Prosecutor who has functioned in her footsteps is Special Public Prosecutor Tanuja Babu Rao Hosapattana, because out of 102 pending cases only 8 cases are disposed off and out of them 7 are acquitted and the remaining is disposed off otherwise. We have observed that both these Special Public Prosecutors have functioned very badly and we therefore feel that they are not doing their duty properly. If not they would not have exhibited bad performance. The Special Courts that are constituted only to handle cases of

PoA Act and the Special Public Prosecutors therewith must function with utmost honest and enable the victims of atrocities access to justice.

### **Pending Cases-An overview:**

When we analysed the pending cases out of 1751 reported cases this year(2018) and reported our observation in this part. Previous year there were 1560 cases pending. This year number of pendency has reduced compared to last year, which we feel is better. It is reported that this year 1205 cases are pending. From last year there is a reduction of 31.18% in pendency of cases.

In Bengaluru Urban District 163 cases are reported out of which 59 cases are under investigation and 54 cases are pending for disposal. Similarly, Bengaluru Rural District, which is in second rank of the list for second highest number(94 cases) reported cases, out of which 9 cases are under investigation. 64 cases are pending for disposal. Both these districts are ranking high in number of cases pending for disposal, this is causing apprehension in the mind of people. We feel that the Special Courts and the Special Public Prosecutors therein seems to be not functioning appropriately. In the same way other Districts where higher number of cases are pending for disposal, Bengaluru Rural District, Kalaburgi and Raichur Districts have 64 pending cases each and all these three districts ranks first in highest number of pending cases.

Yadagiri District with 62 pending cases has second highest pendency. In this district totally 67 atrocity cases were registered. Out of them 4 cases are under investigation and one case has been transferred.

Similarly, in Mysore District 88 cases are registered, out of them 7 are under investigation and 59 cases are pending for disposal.

Similarly, in Belagavi District there are 77 atrocity cases registered. Out of them 4 are under investigation and 57 are pending for disposal. In the next rank of the list is Chikkamagaluru District with 56 cases pending for disposal. In this district 60 cases were reported and 2 cases are under investigation.

Bengaluru Urban District and Mandya Districts have 54 cases pending and both these districts are in 6<sup>th</sup> rank.

In this way if number of pendency is very high in all these districts, how and when will the victims of atrocity be able to access justice? Higher number of pendency before courts are as follows: Koppala 52 pending cases out of 59 total cases. Shivamogga, 43 pending cases off 54. Tumakuru 42 pending off 51 cases. Dakshina Kannada District 39 pending out of 88 cases, Hassana District 39 pending out of 49 cases. These Districts rank 7 to 10 respectively. Dakshina Kannada and Hassana District both are in 10<sup>th</sup> rank for keeping high number of pendency of cases.

Previous year(2017), Hassana District had highest pendency and was under criticism and this year it is dropped down to 10<sup>th</sup> rank, which is very good development. Previous year Hassan had 96 cases pending for disposal and this year it is only 39 cases, which is satisfactory.

However, in respect of Kalaburgi district, which was second in the list last year has gone up to 1<sup>st</sup> rank, which is not a good development. Special Courts should be more focused in disposing off atrocity cases and render higher penalty to the perpetrators and extend justice to victims of atrocity. When cases are kept pending in this manner by the courts the victims of atrocity who are anxiously waiting to access justice, will get frustrated and their hopes will shatter. The Special Courts that are constituted in the State of Karnataka for disposal of atrocity cases should consider these aspects seriously and should be determined to dispose off the cases as early at the

earliest. The Special Public Prosecutors who draw more salary than remaining judges, should be functioning with more honesty according to their conscience.

### **Atrocity Cases: 'B' Reports rate.**

This year in 235 cases 'B' Reports are filed. Last year out of 2140 cases that were registered in 375 cases 'B' Report was filed. However this year out of 1751 cases registered, in 235 cases 'B' Report is filed, yet is not a good indicator. Because rate of 'B' this year is 13.42%.

Compared to the previous year's data one can observe that there is slight reduction in the percentage of 'B' Report. During last year(2017), in 375 cases 'B' report was filed and it amounts to 17.52%. This year the reduction in 'B' report is 4.1%. This is a good development. We wish that every year the percentage of 'B' report should decrease.

In the year 2013 the rate of 'B' report was 13% and it was reduced to 12% in the year 2014. However in the year 2015, it jumped to 15% and in the year 2016 it reached the highest rate of 18.61%. However previous year there was a marginal reduction in 'B' report and became 17.52%. Therefore we feel little relieved about reduction of 'B' report this year to 13.42%.

This year, while making an analysis of 'B' report we have observed that Ramanagara District has filed highest 'B' Report and ranks first. This year Ramanagara District has reported together 73 cases and out of which 23 cases have resulted in 'B' reports amounting to 31.51%. The second highest in 'B' Reports is Bengaluru Urban District. In Bengaluru Urban District a total of 163 cases are reported this year and in 47 cases 'B' reports are filed amounting to 28.83%.

Similarly, Bagalakote District stands third in the list with 10 cases ending in 'B' Report out of 38 registered cases, amounting to 26.32%. It is not a good development

Next comes, Chikkaballapura (45:11 = 24.44%), Bidar (36:11 = 22.22%), Dharawada (55:11 = 20%), Vijayapura (46:9 = 19.57%), Belagavi (77:14 = 18.18%), Tumakuru (51:9 = 17.65%) and Bengaluru Rural (94:15 = 15.95%) in registering highest 'B' reports ranking 4<sup>th</sup> to 10<sup>th</sup> respectively.

The least 'B' Report rate that is less than 10% is reported in Uttara Kannada District (52:5 = 9.62%), Mysore (88:8 = 9.09%), Gadaga (23:2 = 8.7%), Ballari (39:3 = 7.69%), Haveri (41:3 = 7.32%), Ballari (39:3 = 7.69%), Haveri (41:3 = 7.32%), Chitradurga (35:3 = 8.57%), Koppala (59:4 = 6.78%), Chamarajanagara (35:1 = 2.86%), Gulabarga (84:2 = 2.38%), Chikkamagaluru (60:1 = 1.67%) and Raichuru (72:1 = 1.39%).

District with zero 'B' Reports are: In Yadagiri District 67 cases are reported and the Special Public Prosecutor of this District must be appreciated for having ensured zero 'B' report. Also in Mandya and Shivamogga Districts 62 and 54 cases are reported respectively and Special Public Prosecutors of both Districts have to be appreciated for their functioning in ensuring zero 'B' Reports.

If Special Public Prosecutors appointed to conduct atrocity cases function in this manner in disposing cases and also ensuring lesser 'B' reports, it will be a good effort on their part in availing justice to victims of atrocity act.

Special Courts should be constituted in all the 30 Districts of the State and ensure speedy disposal of all cases reported under prevention of atrocity cases and courts should not let cases end in 'B' Report and must enhance the penal rate.

## **DISTRICT VIGILANCE AND MONITORING COMMITTEE MEETINGS**

In order to ensure effective implementation of “Atrocity Act”, District Vigilance and Monitoring Committees-DVMC” is formed up under the chairmanship of the Deputy Commissioner. As per the Prevention of Atrocity Rules in every District 4 DVMC meetings must be compulsorily conducted every year.

If one can closely observe the data indicated in our “State Report”, these DVMC meetings are increasing every year. Previous year(2017) totally 110 meetings were held in the State of Karnataka. However, this year(2018) it has reduced to 90 meetings. It could be because of the unwarranted political developments in the State of Karnataka. Also Elections, frequent transfer of Deputy Commissioners and unstable political situation were reasons behind reduced rate in conducting DVMC meetings. In the year 2008 only 36 DVMC meetings were held across the State of Karnataka. Due to our State Report the DVMC meetings have increased from 36 to 110 between 2008 and 2017. Therefore, our State Report has been appreciated by respective Departments and State Government and we feel that Departments and the State of Karnataka have taken our State Report seriously.

In the State of Karnataka there are 30 Districts and accordingly this year 120 DVMC meetings should have been conducted. However, as per the available data this year 90 DVMC meetings are conducted. Whatever the reasons may be for such reduction in conducting the meetings, but we would like to directly point out that it is because of irresponsibility and apathy of respective Officers. The DVMC meetings are mandatory meetings and not conducting such meetings reflects carelessness of Officers.

In the year 2016, in Bagalakote and Mandya Districts totally 5 DVMC meetings were held each. In the year 2017, 5 DVMC meetings were held in Yadagiri District. We had appreciated this development and reported

accordingly. Similarly in the year 2018, the Bengaluru Rural Deputy Commissioner has held 6 DVMC meetings. It is really appreciable.

Similarly, this year in 10 Districts of Karnataka 4 mandatory DVMC meetings are held each. These Districts are, Belagavi, Ballari, Chamarajanagara, Chitradurga, Dakshina Kannada, Haveri, Tumakuru, Udupi, Uttara Kannada and Yadagiri. The respective Deputy Commissioners have conducted their duty diligently and we appreciated them for their efforts.

Similarly this year in 10 Districts of Karnataka 3 DVMC meetings are held each as against 4 mandatory meetings. These Districts are Bagalakote, Bengaluru Urban, Bijapura, Chikkamagaluru, Davanagere, Gadaga, Gulbarga, Kolar, Koppala and Raichur. It is really pathetic that they have not conducted mandatory 4 DVMC meetings this year. However, it is a good relief that they have conducted at least 3 meetings as against 4 meetings.

However, this year(2018) only 2 DVMC meetings are held each in Bidar, Chikkaballapura, Dharawada, Kodagu and Shivamogga Districts. In case of Mysore and Ramanagara Districts only 1 DVMC meeting is held each. As per the Rule they have not held 4 compulsory DVMC meetings and prima facie they have behaved irresponsibly. We request the Government to initiate stringent action against these Deputy Commissioners who have violated "Atrocity Act" Rules.

Previous year(2017) Bidar, Kodagu and Shivamogga Districts had held 4 mandatory DVMC meetings each and were appreciated by us for the same. This year they have conducted only two. Similarly Mandya and Mysore have documented one DVMC meeting each, which is highly condemnable development.

However Uttara Kannada District has been consistently conducting 4 mandatory DVMC meetings since last 7 years (2012 to 2018) and they are appreciated by everyone.

Also Haveri, Ballari Districts are conducting 4 mandatory DVMC meetings since 4 years and Chitradurga District is conducting from 3 years.

Belagavi District had conducted 3 DVMC meetings in the year 2017 and this year has conducted 4 DVMC meetings. Bengaluru District had conducted 2 DVMC meetings in the year 2017 and this year(2018) have conducted 3 DVMC meetings. Raichur District had conducted 2 meetings in the year 2016 and 2017, but this year has conducted 3 DVMC meetings. This is a good development and we are little happy about it.

However in case of Hassan and Ramanagara Districts, had conducted 3 DVMC meetings in the year 2017, but have reduced to only 1 meeting this year(2018), which is highly condemnable. Stringent Action must be initiated against Deputy Commissioners of respective District.

Since a State Report is being published every year, there is considerable increase in the DVMC meetings every year. In the year 2008 only 36 DVMC meetings were held. However, in the year 2017 the DVMC meetings increased up to 110. Based on this, we had expressed our wishes that the next year(2018) all mandatory 120 meetings could be held. However, this year very unfortunately number of DVMC meetings did not even reach previous year's numbers(110) and only 90 meetings were held across the State of Karnataka. The reduction rate could be because of the reasons assigned earlier. Whatever reasons could be, we wish that the Deputy Commissioner's will do their duty diligently.

## Annex-6

Cases under SCs/STs (PA) Act 1989: 2010-2018									
Sl	Year	Rep.	P.T.	U.I	Con.	Acq.	O.D	B Report	Trans.
[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]	[9]	[10]
1	2010	1633	904	0	27	273	37	384	8
2	2011	1792	1285	0	16	100	25	360	6
3	2012	1762	1173	262	0	11	27	275	14
4	2013	1925	1287	8	5	136	67	405	17
5	2014	1950	1269	339	0	11	74	243	14
6	2015	1961	1393	159	2	817	41	333	22
7	2016	1825	1284	163	53	955	88	356	22
8	2017	2140	1560	121	42	983	83	375	23
9	2018	1751	1205	182	46	874	167	235	59

Rep: Reported; PT: Pending Trial; UI: Under Investigation; Con: Convicted; Acq: Acquitted; OD: Otherwise Disposed;Trans: Transferred

### State Vigilance and Monitoring Committee Meetings-SVMC:

At least two SVMC meetings must be held under the Chairmanship of the Chief Minister of Karnataka. Out of two not even one SVMC meeting was conducted this year. There could be strong reasons for not conducting meetings. However, it shows the level of concern these Ruling Parties who are in the power centre have with regard to members of Schedule Caste and Schedule Tribes.

Whatever may be the political developments, rule is a rule. As per "Prevention of Atrocity" Rules two mandatory SVMC meetings must have been conducted. This year not a single SVMC meeting is held and it is regretful development. Politicians, Officers and respective Departments are indulged in self-centric interests and have utterly failed in their function to enable victims of atrocity to access justice.

In the year 2017 at least 1 SVMC meeting was held. This year number of meetings held is zero and reflects pathetic situation in implementation of the Atrocity Act. In our previous year's report, we had drawn attention on one SVMC meeting conducted in the year 2013. Similarly in the year 2015, 2016 and 2017 one SVMC meeting was held in the State of Karnataka. But it is really

bad to mention that in the year 2014 and 2018 not a single SVMC meeting was held. We condemn this development. The Chief Minister of the State is the Chairman of State Vigilance and Monitoring Committee. He should lead the State from the front and become role model to the State. If he fails in his duty by not conducting a single SVMC meeting, we can well imagine how Chairman of DVMC and Deputy Commissioners will function. Therefore we wish that Chief Minister and respective Deputy Commissioner's will make best efforts to conduct mandatory SVMC and DVMC meetings.

DVMC Meetings held (2008 – 2012)												
Sl.	District	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
1	Bagalkote	1	2	2	3	4	2	2	4	5	4	3
2	Bangalore Urban	2	1	2	3	2	1	1	1	4	2	3
3	Bangalore Rural	1	2	1	3	4	3	4	3	3	4	6
4	Belgaum	1	1	3	4	3	2	3	3	4	3	4
5	Bellary	2	1	1	1	2	3	3	4	4	4	4
6	Bidar	0	1	3	2	3	1	3	2	1	4	2
7	Bijapur	1	1	3	3	3	3	1	2	4	4	3
8	Chamaraja Nagar	3	2	1	0	2	4	3	3	3	4	4
9	Chikballapur	1	1	1	3	2	1	1	2	2	2	2
10	Chikmagalur	4	2	1	3	2	3	1	3	2	4	3
11	Chitradurga	0	1	2	3	4	1	1	2	4	4	4
12	Dakshin Kannada	2	1	1	1	2	2	3	2	3	4	4
13	Davanagere	1	3	1	3	4	1	1	2	2	3	3
14	Dharwad	1	2	1	1	2	3	1	2	3	3	2
15	Gadag	0	1	1	3	1	2	2	2	3	4	3
16	Gulbarga	1	1	2	2	3	2	1	3	4	4	3
17	Hassan	2	1	2	3	3	1	1	2	3	3	1
18	Haveri	1	1	1	3	4	3	3	4	4	4	4
19	Kodagu	0	1	3	2	2	2	1	2	3	4	2
20	Kolar	0	1	0	0	0	1	2	1	2	4	3
21	Koppal	2	1	2	3	3	2	3	2	3	4	3
22	Mandya	0	2	1	3	2	2	3	1	5	4	1
23	Mysore	2	1	3	3	2	2	1	1	4	4	1
24	Raichur	0	1	2	0	3	2	1	1	2	2	3
25	Ramanagar	1	1	2	0	2	1	1	2	2	3	1
26	Shimoga	2	1	1	2	1	1	2	1	3	4	2
27	Tumkur	0	1	1	4	2	1	2	1	3	4	4
28	Udupi	3	2	2	3	2	4	2	4	3	4	4
29	Uttara Kannada	2	1	2	3	4	4	4	4	4	4	4
30	Yadgiri	NA	NA	2	3	3	2	1	5	3	5	4
	Total	36	38	50	70	76	62	58	71	95	110	90

## **Beneficiaries in Access to Justice in Atrocity Cases-Analysis**

We observed following factors while analysing data obtained from respective Department in respect of relief accessed in Atrocity cases.

With available data 2348 persons have registered in the beneficiaries list for the year 2018. Out of 2348 victims 1911 persons belong to Schedule Caste and remaining 437 victims belong to the Schedule Tribe. Like last year this year also members of Schedule Caste community are greater in number in beneficiaries list. It indicates high gravity of atrocity is against members of Schedule Caste community.

During previous year 2451 persons had accessed relief under the Atrocity Act. Out of them 1939 beneficiaries belonged to Schedule Caste and 512 beneficiaries belonged to Schedule Tribes. Compared to previous year, this year there is decrease in number of beneficiaries.

Out of the 1911 beneficiaries from Schedule Caste, 1216 persons are Male and 695 persons are female. The Male beneficiaries are greater in number compared to female. Similarly out of 437 Schedule Tribe beneficiaries 279 persons are Male and remaining 158 victims are female. This way in total number of 1911 Schedule Caste beneficiaries, 1216 are Male and 695 are female and out of 437 Schedule Tribe beneficiaries 279 are Male and 158 are female.

While discussing about beneficiaries, we have further discussed about District-wise beneficiaries in this Report. This year Raichur District has reported 278 persons accessing relief package and ranks first. Out of whom 188 are Male and 90 are female beneficiaries. Out of 188 Male beneficiaries, 123 belong to Schedule Caste and 65 Male belong to Schedule Tribe. Out of 90

female beneficiaries 67 belong to Schedule Caste and 23 belong to Schedule Tribes.

Belagavi District stands second in accessing benefits of relief package. There are 243 beneficiaries reported accessing relief package. Off whom 150 are Male and 93 are female. Out of 150 Male beneficiaries 110 Male belong to Schedule Caste and remaining 40 belong to Schedule Tribes. Similarly out of 93 female beneficiaries 65 belong to Schedule Caste and 28 female belong to Schedule Tribes.

Kalaburgi District stands third in the rank list in accessing benefits of relief package. This year together 127 persons have registered in the beneficiaries list. Out of whom 121 persons belong to Schedule Caste and 6 persons belong to Schedule Tribes. Off 121 Schedule Caste victims 82 are Male and 39 are female. Similarly out of 6 victims of Schedule Tribe 3 are Male and 3 are female.

This way, Kolar District stands fourth rank in the list. Together 11 persons have availed relief. Out of them 77 are Male (71 SC:6 ST) and 34 are female (32 SC:2 ST). Mandya District stands 5<sup>th</sup> rank. Number of beneficiaries are 109 (63 Male: 46 Female). Out of 63 male beneficiaries 61 belong to Schedule Caste and 2 belong to Schedule Tribes. Off 46 females 45 belong to Schedule Caste and 1 belongs to Schedule Tribes.

District that stand 6<sup>th</sup> to 10<sup>th</sup> rank in accessing relief package under "Atrocity Act" are as follows:

Tumakuru District, total beneficiaries 104. Off them 59 male (48 SC:11 ST); Bengaluru Urban District, total beneficiaries 93. Off them 89 persons belong to Schedule Caste, 43 are male and 46 female. Remaining 4 members belong to Schedule Tribe, off them 2 male and 2 are female; Haveri District

total beneficiaries 92. Off them 57 are male (31 SC's and 26 belong to ST). 35 female SC's and 11 female ST members. In Hassana District there are 84 beneficiaries. Out of whom 57 members are male and all of them are from Schedule Caste. Remaining 27 members are female and all of them are from Schedule Tribes; Shivamogga Districts ranks 10<sup>th</sup> in the beneficiaries list. There are 77 beneficiaries registered and are split into 70 SC:7 ST. Off 70 SC beneficiaries 42 are male and 28 are female. Out of 7 ST beneficiaries 5 are male and 2 are female.

It is the primary duty of the respective Departments to avail relief to the victims of Atrocity under the "Prevention of Atrocity" Act. In order to distribute every type of relief under the law in a speedy manner, the Officers must function with utmost honesty. They must ensure that the relief reaches the victims of atrocity. In the State of Karnataka the Special Public Prosecutors also must ensure that the relief reaches the victims of Atrocity. Stringent action must be initiated against those officers who are irresponsible.

### **Recommendations to the Government**

1. In all the Districts of the Karnataka State separate Special Courts must be constituted, a Presiding Officer who is capable and sensitive about the atrocities only must be appointed to conduct the proceedings.
2. A survey has to be conducted in respect of practice of untouchability in the State, its forms, levels and its gravity. Results of such surveys must be disseminated in the public domain.
3. Workshops must be conducted in association with NGOs and Civil Societies that have expertise to bring awareness among the community and also to sensitise among those officers who are not

sensitive enough to understand the atrocity cases faced by the members of Schedule Caste and Schedule Tribes community.

4. Special Public Prosecutors of Courts where zero convictions are recorded must immediately be changed. That is S.B. Haveri (Bengaluru Rural), L. Nagarajud (Ramanagara), ST Sudha (Mandya), TH Lolakshi (Chamarajanagara), B. Shekhara Shetty (Dakshina Kannada), Tanuja Baburao Hosapattana (Uttara Kannada), ML Kulakarni (Belagavi), S.R. Patil (Bagalakote), Savitha M. Shigli (Gadaga) and Lakshmidevi Patil (Ballari).
5. Watch Officers must be appointed to observe work-efficiency of Special Public Prosecutors who are responsible for zero conviction this year and adverse remarks must be recorded in their yearly confidential report.
6. A system must be adopted in the Directorate of Prosecution for reviewing the work-efficiency of Special Public Prosecutors and those who are inefficient must be immediately changed.
7. In Bengaluru Urban District and Bengaluru Rural Districts separate Special Courts must be constituted without further delay.
8. Officers(Police, IAS, IPC, KAS and Judges) who have correctly understood depth of the Atrocity and its forms and who are functioning efficiently must be appointed in respective places for disseminating justice to victims of atrocity.
9. Legal action must be initiated against those Deputy Commissioners of Hassana, Mandya, Mysore and Ramanagara Districts who have not conducted even single DVMC meetings. Also adverse remarks must be recorded in their S.R. Similarly against Deputy

Commissioners of Bidar, Chikkaballapura, Dharawada, Kodagu and Shivamogga who have conducted only 2 DVMC meetings. Also adverse remarks must be recorded in their S.R.

10. As per Rule 4 and Criminal Appeal No.959/2011 legal action must be initiated against Officers and Deputy Commissioners who have shown dereliction in their duty and continue show dereliction in duty. Also strict legal action must be initiated against those Deputy Commissioners who have conducted only 1 or 2 DVMC meetings.
11. There is a Government Order fixing time frame in respect of conducting 2 SVMC meetings in a given year. Similarly time frame must be fixed for conducting DVMC meetings.
12. Police Officers who indulge in compounding Atrocity cases of Schedule Caste and Schedule Tribe must be suspended and respective Superintendent of Police must be directly made responsible.
13. The Dalit Day, which has to be conducted at Police Station level must be implemented without fail. On every second Sunday of the month, information must be collected from victims of atrocity and should work in order to avail justice to them.
14. To enable Courts to dispose Atrocity cases across the state, a new position of Additional Advocate General must be created and they should be given specific and clear responsibility. They should be given responsibility only to monitor functioning of courts that are conducting Atrocity Cases. In this manner victims of atrocity must be enabled to access speedy justice.

15. At State level, the Chief Minister must concentrate on conducting 2 SVMC mandatory meetings under his chairmanship every year. In addition, he must pass Orders for effective implementation of "Prevention of Atrocities" Act to make respective departments and Deputy Commissioners to function with utmost responsibility.

Part 2:

## **Constitutional Laws and status in the Karnataka State**

SC/ST (Prevention of Atrocity) Amended Act  
2015&Amended Rules 2016

Duties of the Police Department

Actions to be initiated by District Administration and Social  
Welfare Department

Duties of Department of Prosecution and Government  
Litigations

SC/ST (Prevention of Atrocities) Rules

Compassionate based Employment

Right to Information Act

Nodal Officer-Notification

Directorate of Civil Rights Enforcement-DCRE

Ambedkar Foundation Details

Model Contingency Plan

Supreme Court Case: Armugam Servoy and Others

F. No. 16/5/2016-CP&R  
Government of India  
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi  
Dated 18.02.2016

1. The Chief Secretaries of all State Governments (except Jammu & Kashmir)
2. The Administrator of all Union Territories

Sub: The Schedule Castes and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 (1 of 2016)-regarding.

Sir/Madam,

1. As you are aware of the fact that Article 17 of the Constitution of India abolished the "Untouchability", and prohibited its practice in any form and enforcement of any disability arising out of untouchability an offence punishable as per law. Parliament enacted an Act by name Scheduled Castes and Scheduled Tribes (prevention of Atrocities) Act, 1989 to effect provisions Article 17 of the Indian Constitution, which was enacted to prevent atrocities against members of Schedule Tribes to provide Special Courts for trying out of offences under Atrocity Act and also enable victims of atrocity to access relief, rehabilitation. The Prevention of Atrocity Act extends to the whole of India except Jammu and Kashmir and respective State Governments are responsible for its effective implementation.
2. Despite enabling provisions of the Act against the Members of Schedule Tribes (ST's) there are complaints and allegations, this is matter of great concern. Therefore the Act is strengthened to make it more effective. On the basis of consultation with the stakeholders, amendments to Prevention of Atrocity was proposed to cover all five areas namely (i) Amendments to II Chapter (Offences of Atrocities) in order to include ne definitions, new offences, to rephrase existing sections and expand scope of presumptions, (ii) Institutional strengthening, (iii) Appeals (new section), (iv) establishing rights of victims and witness (new chapter) and (v) strengthening preventive measures. The objective of these amendments in the Prevention of Atrocities Act is to deliver members of the Schedule Tribes a greater justice as well as a strict deterrence to the perpetrators. The Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 is notified in the Gazette of India Extraordinary on

01.01.2016. In view of its sub-section (2) of section 1, the Central Government has assigned 26-01-2016 as the date of enforcement of this Amended Act, notified in Gazette of India, Extraordinary, on 18-01-2016. Copies of the gazette notification issued in respect of this are appended.

3. You are hereby requested to apprise your concerned offices for information and action therewith.

Sd/-  
Manoj Kumar Pingva)  
Joint Secretary to the Government of India

Copy to:-

- i. Tribal Welfare Departments of all States and Union Territories for necessary action.
- ii. The Secretary, National Commission for Scheduled Tribes, New Delhi.
- iii. Managing Director, Trifed, New Delhi,
- iv. CMD, NSTFDC, New Delhi,
- v. NIC- for uploading in MoTA website.

THE GAZETTE OF INDIA

EXTRAORDINARY

PART II - SECTION 1

PUBLISHED BY AUTHORITY

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

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

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

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

**THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) AMENDMENT ACT, 2015 NO. 1 OF 2016**

[31st December, 2015.]

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

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

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

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

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

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

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

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

(bc) "economic boycott" means–

- (i) a refusal to deal with, work for hire or do business with other person; or
- (ii) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or
- (iii) to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or
- (iv) to abstain from the professional or business relations that one would maintain with other person;

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

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

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

(bg) "public servant" means a public servant as defined under section 21 of the Indian Penal Code, as well as any other person deemed to be a public servant under any other law for the time being in force and includes any person acting in his official capacity under the Central Government or the State Government, as the case may be;'

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

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

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

(ec) "victim" means any individual who falls within the definition of the "Scheduled Castes and Scheduled Tribes" under clause (c) of sub-section (1) of section 2, and who has suffered or experienced physical, mental, psychological, emotional or monetary harm or harm to his property as a result of the commission of any offence under this Act and includes his relatives, legal guardian and legal heirs;

(ed) "witness" means any person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge

necessary for the purpose of investigation, inquiry or trial of any crime involving an offence under this Act, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence;

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

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

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

(Central Act No.1 of 2016 came into force on SO No. 152(E) dated 18-01-2016 and Amended Rules 2016

(Published in the Gazette of India Extraordinary dated 14-04-2016 vide Notification F No.11012/1/2016-PCR (desk) dated 14.04.2016)

It is noticed that while registering FIR, relevant provisions under the Amended Act is not are not levelled against the perpetrators and as such there is confusion in giving compensation and also difficulty in addressing arguments in the courts.

Therefore we have decided to prepare this handbook with relevant provisions as per the Amended Prevention of Atrocities Act and distribute it to among Police Officers use relevant provisions while registering FIR's and also to the Officers of Social Welfare Department/Schedule Caste Welfare Department.

Punishment for dereliction in duty:

As per the Amended Act Section-4(1), 4(2) and 4(3) the Government Officers are penalised for dereliction of their duties effective from 26-01-2016 and the details of penalty is also given herewith.

Section 3 of the THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) AMENDMENT ACT, 2015 and Rules are as follows:

Sl.No.	Amended Section 3(1) and 3(2), nature of Crime	Relevant Provisions	Relief as per Rule 12(4) of the Prevention of Atrocities Rules
--------	--	---------------------	--

1	Sec 3(1): Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,- puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;	Section 3(1) (a)	<ul style="list-style-type: none"> <li>- One lakh rupees to the victim. Payment to the victim be made as follows:</li> <li>- (i) 10 percent. At First Information Report (FIR) stage for serial numbers (2) and (3) and 25 percent at FIR stage for serial numbers (1), (4) and (5);</li> <li>- (ii) 50 per cent. when the charge sheet is sent to the court;</li> <li>- (iii) 40 percent. When the accused are convicted by the lower court for serial numbers (2) and (3) and likewise 25 percent for serial numbers (1), (4) and (5).</li> </ul>
2	dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;	3(1)(b)	
3	with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood;	3(1) (c)	
4	garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;	3(1) (d)	
5	forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;	3(1) (e)	
6	wrongfully occupies or cultivates	3(1) (f)	

	<p>any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;</p> <p><i>For the purposes of clause ( f) and this clause, the expression “wrongfully” (A) against the person’s will; (B) without the person’s consent; (C) with the person’s consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or (D) fabricating records of such land;</i></p>	<p>victim. The land or premises or water supply or irrigation facility shall be restored where necessary at Government cost by the concerned State Government or Union territory Administration. Payment to the victim be made as follows:</p> <ul style="list-style-type: none"> <li>(i) 25 percent at First Information Report (FIR) stage;</li> <li>(ii) 50 percent when the charge sheet is sent to the court;</li> <li>(iii) 25 percent when the accused are convicted by the lower court.</li> </ul>
7	<p>wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce there from</p> <p><i>For the purposes of clause ( g) and this clause, the expression “wrongfully” (A) against the person’s will; (B) without the person’s consent; (C) with the person’s consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt;</i></p>	3(1) (g)

	<i>or (D) fabricating records of such land;</i>		
8	makes a member of a Scheduled Caste or a Scheduled Tribe to do "begar" or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;	3(1) (h)	One lakh rupees to the victim. Payment to be made as follows:  - (i) Payment of 25 percent First Information Report (FIR) stage;
9	compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;	3(1) (i)	- (ii) 50 per cent. when the charge sheet is sent to the court;  - (iii) 25 per cent when the accused are convicted by the lower court.
10	makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;	3 (1) (j)	
11	performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a Devadasi or any other similar practice or permits aforementioned acts;	3 (1) (k)	
12	forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe – (A) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law; (B) not to file a nomination as a candidate or to withdraw such nomination; or (C) not to propose or second the	3 (1) (l)	Eighty-five thousand rupees to the victim. Payment to be made as follows:  (i) 25 per cent. at First Information Report (FIR) stage;  (ii) 50 per cent. when the charge sheet is sent to the

	nomination of a member of a Scheduled Caste or a Scheduled Tribe as a candidate in any election;		court;  (iii) 25 per cent. when the accused are convicted by the lower court.
13	forces or intimidates or obstructs a member of a Scheduled Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a Panchayat under Part IX of the Constitution or a Municipality under Part IXA of the Constitution, from performing their normal duties and functions;	3 (1) (m)	
14	after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Scheduled Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;	3 (1) (n)	
15	commits any offence under this Act against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;	3 (1) (o)	
16	institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;	(p)	Eighty-five thousand rupees to the victim or reimbursement of actual legal expenses and damages, whichever is less. Payment to be made as

			<p>follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
17	(q) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;		<p>One lakh rupees to the victim or reimbursement of actual legal expenses and damages, whichever is less. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
18	(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;		<p>One lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p>
19	(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place		<p>(ii) 50 per cent. when the charge sheet is sent to the</p>

	within public view;		court;
20	<p>(t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.</p> <p>Explanation.--For the purposes of this clause, the expression "object" means and includes statue, photograph and portrait;</p>		(iii) 25 per cent. when the accused are convicted by the lower court.
21	(u) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;		
22	(v) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;		
23	<p>(i) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent;</p> <p>(ii) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled</p>	(w)	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by</p>

	<p>Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.</p> <p>Explanation.--For the purposes of sub-clause (i), the expression "consent" means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act: Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity: Provided further that a woman's sexual history, including with the offender shall not imply consent or mitigate the offence;</p>		<p>the lower court.</p>
24	<p>(x) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;</p>		<p>Full cost of restoration of normal facility, including cleaning when the water is fouled, to be borne by the concerned State Government or Union territory Administration. In addition, an amount of eight lakh twenty-five thousand rupees shall be deposited with the District Magistrate for creating community assets of the nature to be decided by the District Authority in consultation</p>

			with the Local Body.
25	( y) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;		<p>Four lakh twenty-five thousand rupees to the victim and cost of restoration of right of passage by the concerned State Government or Union territory Administration. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
26	(z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence: Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;		<p>Restoration of the site or right to stay in house, village or other place of residence by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim and reconstruction of the house at Government cost, if destroyed. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the</p>

			<p>court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
27	<p>(za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to –</p> <p>(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage;</p> <p>(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;</p> <p>(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including jatras;</p> <p>(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using</p>		<p>(A): Restoration of the right using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage equally with others, by the concerned State Government or Union Territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p> <p>(B): Restoration of the right of mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding</p>

	<p>any utensils or articles meant for public use in any place open to the public; or</p> <p>(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;</p>	<p>procession, or mounting a horse or any other vehicle during wedding processions, equally with others by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) Payment of 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court;</p> <p>(C): Restoration of the right of entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out any religious procession or jatras, as is open to the public or other persons professing the same religion, social or cultural processions including jatras, equally with other persons, by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be</p>
--	--	--

		<p>made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court.</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p> <p>(D): Restoration of the right of entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public, equally with other persons by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court. (E):</p>
--	--	--

			<p>Restoration of the right of practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to, by the concerned State Government/Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
28	(zb) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or		<p>One lakh rupees to the victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the</p>

			<p>court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
29	(zc) imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a Scheduled Tribe,;		<p>Restoration of provision of all economic and social services equally with other persons, by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. To be paid in full when charge sheet is sent to the lower court.</p>

Note: Offences under section 3(1) (a) to 3 (1) (zc) shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

30	Giving or fabricating false evidence [Section 3(2)(i) and		<p>Four lakh fifteen thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
31	(ii) of the Act		
32	Section 326B of the Indian Penal Code (45 of 1860)--Voluntarily throwing or attempting to throw acid. [Section 3(2)(va) read with Schedule to the Act]		<p>a) Eight lakh and twenty-five thousand rupees to the victim with burns exceeding and 2 per cent and above burns on face or in case of</p>

		<p>functional impairment of eye, ear, nose and mouth and or burn injury on body exceeding 30 per cent;</p> <p>(b) four lakh and fifteen thousand rupees to the victim with burns between 10 per cent. to 30 per cent. on the body;</p> <p>(c) eighty-five thousand rupees to the victim with burns less than 10 per cent. on the body other than on face. In addition, the State Government or Union territory Administration shall take full responsibility for the treatment of the victim of acid attack. The payment in terms of items</p> <p>(a) to (c) are to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. after receipt of medical report.</p>
33	<p>Section 354 of the Indian Penal Code (45 of 1860) -- Assault or criminal force to woman with intent to outrage her modesty. [Section 3(2) (va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the</p>

			<p>court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>
34	Section 354A of the Indian Penal Code (45 of 1860)--Sexual harassment and punishment for sexual harassment. [Section 32 (va) read with Schedule to the Act]		<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>
35	Section 354 B of the Indian Penal Code (45 of 1860)-- Assault or use of criminal force to woman with intent to disrobe [ Section 3(2)(va) read with Schedule to the Act]		<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>
36	Section 354 C of the Indian Penal Code (45 of 1860)-- Voyeurism. [Section 3(2)(va) read with Schedule to the Act]		<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 10 per cent. at First Information Report (FIR)</p>

		<p>stage</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court.</p> <p>(iii) 40 per cent. when the accused are convicted by the lower court.</p>
37	Section 354 D of the Indian Penal Code (45 of 1860) -- Stalking. [Section 3(2)(va) read with Schedule to the Act]	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 10 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 40 per cent. when the accused are convicted by the lower court.</p>
38	Section 376B of the Indian Penal Code (45 of 1860)-- Sexual intercourse by husband upon his wife during separation. [Section 3(2)(va) read with Schedule to the Act]	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
39	Section 376C of the Indian Penal Code (45 of 1860) -- Sexual intercourse by a person in	Four lakh rupees to the victim. Payment to be made

	authority. [Section 3(2)(va) read with Schedule to the Act]		as follows:  (i) 50 per cent. after medical examination and confirmatory medical report;  (ii) 25 per cent. when the charge sheet is sent to the court;  (iii) 25 per cent. on conclusion of trial by the lower court.
40	Section 509 of the Indian Penal Code (45 of 1860)-- Word, gesture or act intended to insult the modesty of a woman. [Section 3(2)(va) read with Schedule to the Act]		Two lakh rupees to the victim. Payment to be made as follows:  (i) 25 per cent. at First Information Report (FIR) stage;  (ii) 50 per cent. when the charge sheet is sent to the court;  (iii) 25 per cent. when the accused are convicted by the lower court.
41	Giving or fabricating false evidence [Section 3(2)(i) and (ii) of the Act]		Four lakh fifteen thousand rupees to the victim. Payment to be made as follows:  (i) 25 per cent. at First Information Report (FIR) stage;  (ii) 50 per cent. when the charge sheet is sent to the court;  (iii) 25 per cent. when the accused are convicted by the

			lower court.
42	Committing offences under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more [Section 3(2) of the Act]		<p>Four lakh rupees to the victim and or his dependents. The amount would vary, if specifically otherwise provided in this Schedule. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
43	Committing offences under the Indian Penal Code (45 of 1860) specified in the Schedule to the Act punishable with such punishment as specified under the Indian Penal Code for such offences[ Section 3(2) (va) read with the Schedule to the Act]		<p>Two lakh rupees to the victim and or his dependents. The amount would vary if specifically otherwise provided in this Schedule. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court;</p>
44	Victimisation at the hands of a public servant[ Section 3(2) (vii) of		Two lakh rupees to the victim and or his

	the Act]		<p>dependents. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
45	<p>Disability. Guidelines for evaluation of various disabilities and procedure for certification as contained in the Ministry of Social Justice and Empowerment Notification No. 16-18/97-NI, dated the 1st June, 2001. A copy of the notification is at Annexure-II.</p> <p>(a) 100 per cent. incapacitation</p> <p>(b) where incapacitation is less than 100 per cent. but more than 50 per cent.</p> <p>(c) where incapacitation is less than 50 per cent.</p>		<p>Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>Four lakh and fifty thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>Two lakh and fifty thousand rupees to the victim. Payment to be made as</p>

		<p>follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court.</p>
46	<p>Rape or Gang rape.</p> <p>(i) Rape[Section 375 of the Indian Penal Code(45 of 1860)]</p> <p>(ii) Gang rape [Section 376D of the Indian Penal Code( 45 of 1860)]</p>	<p>Five lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p> <p>Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>
47	Murder or Death.	Eight lakh and twenty-five thousand rupees to the

		<p>victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after post mortem report;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court.</p>
48	<p>Additional relief to victims of murder, death, massacre, rape, gang rape, permanent incapacitation and dacoity.</p>	<p>In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows:-</p> <p>(i) Basic Pension to the widow or other dependents of deceased persons belonging to a Scheduled Caste or a Scheduled Tribe amounting to five thousand rupees per month, as applicable to a Government servant of the concerned State Government or Union territory Administration, with admissible dearness allowance and employment to one member of the family of the deceased, and provision of agricultural land, an house, if necessary by outright purchase;</p> <p>(ii) Full cost of the education up to graduation level and maintenance of the children of the victims. Children may be admitted to Ashram schools or residential schools, fully funded by the</p>

			Government;  (iii) Provision of utensils, rice, wheat, dals, pulses, etc., for a period of three months.
49	Complete destruction or burnt houses.		Brick or stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed."

**THE SCHEDULE**

[Refer Section 3(2) (va)]

Sl. No.	Name of the Offence and Punishment	IPC	Relief as per Rule 12(4) of the Amended Rule 2016
1.	Definition of Criminal Conspiracy	120A	
2.	Punishment for Criminal Conspiracy	120B	
3.	Being member of unlawful assembly	142	
4.	Punishment for unlawful assembly	143	
5.	Joining unlawful assembly armed with deadly weapon	144	
6.	Joining or continuing in unlawful assembly, knowing it has been commanded to disperse	145	
7.	Rioting	146	
8.	Punishment for rioting	147	
9.	Rioting, armed with deadly weapon	148	
10.	Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture	217	
11.	Hurt	319	
12.	Grievous hurt	320	
13.	Punishment for voluntarily causing hurt	323	
14.	Voluntarily causing hurt by dangerous weapons or means	324	
15.	Punishment for voluntarily causing grievous hurt	325	
16.	Voluntarily throwing or attempting to	326B	

	throw acid		
17.	Voluntarily causing hurt to deter public servant from his duty	332	
18.	Punishment for wrongful restraint	341	
19.	Assault or criminal force to woman with intent to outrage her modesty	354	
20.	Sexual harassment and punishment for sexual harassment	354A	
21.	Assault or use of criminal force to woman with intent to disrobe	354B	
22.	Voyeurism	354C	
23.	Stalking	354D	
24.	Kidnapping	359	
25.	Punishment for kidnapping	363	
26.	Kidnapping or abducting with intent secretly and wrongfully to confine person	365	
27.	Sexual intercourse by husband upon his wife during separation	376B	
28.	Sexual intercourse by a person in authority	376C	
29.	Punishment for criminal trespass	447	
30.	Punishment for criminal intimidation	506	
31.	Word, gesture or act intended to insult the modesty of woman	509	

## **DUTIES OF DIFFERENT DEPARTMENTS IN IMPLEMENTING PREVENTION OF ATROCITY ACT 1989, 2015, RULES 1995 AND AMENDED RULES 2016**

### **1. Duties of the Police Department**

- Immediately after the incident Superior Police Officers must ensure registration of FIR and take other precautions.
- Police Officers must visit the spot and appoint Investigating Officers and take other precautions
- Protection must be given to the victims of atrocity, their dependents and witness
- Based on age, sex, education, poverty and other factors of victims of atrocity they must be treated with respect
- Maintain law and order and peace at the place of atrocity
- In the event the victim, informant or witness orally or in writing reveals existence of threat the IO/SHO should immediately register FIR and such FIR must be given free of cost
- Provide protection to victim of atrocity from threat
- Supply information to the victims of atrocity about stage of investigation and charge sheet free of cost
- Conduct impartial investigation within 60 days on the cases and submit it to the court
- Take abundant caution at the time of conducting medical examination

### **2. Duties of the District Administration and Social Welfare Department**

- When heinous crimes occur the Deputy Commissioner/District Superintendent of Police must immediately visit the place of crime, inspect the loss of property/life and make arrangements for protection and relief
- Must conduct a peace meeting with assistance of the Police Department and maintain law and order
- The Deputy Commissioner must grant relief amount to the victims and their family members within 7 days
- Supply information with regard to the relief amount to the victims of atrocity or their dependants and in the event of loss of property/life give relief immediately
- Give Travel and Dearness Allowance, food, water, shelter, cloth, medical assistance travel facility to the victims
- Give information to the victims and witness about their rights
- Based on age, sex, education, poverty and other factors of victims of atrocity they must be treated with respect

- Give Travel and Dearness Allowance to the victim of atrocity, their dependants, informant or witness at the time of availing legal assistance, investigation and during trial in the court
- Every 3 months once District Vigilance and Monitoring Committee meeting must be called for and make review of the stages of cases under atrocity act, relief and rehabilitation facilities
- Every 3 months once Sub-Division Vigilance and Monitoring Committee meetings must be called for and monitor the review of cases under the act

### **3. Duties of the Government Litigation and Prosecution Department**

- The victims of atrocity or their dependants must be given prior notice about trial in the courts, enquiry on bail applications and Special Public Prosecutor must give information about the trial
- The victims of atrocity or their dependants can pray to the court to summon any person to produce any document or any witness for trial
- The victims of atrocity or his dependants in respect of this act are eligible to submit written memo or arguments in respect of trial, bail, discharge, parole or sentence
- Information must be given to the Special Courts with regard to protection given to the victims, his dependants, informants or witness. The Courts shall make analysis of the same and pass suitable orders
- Information in respect of date and place of investigation/trial must be given to the victims of atrocity and their dependants
- Information in respect of case should be given to victims of atrocity or their dependants or related organisations. In respect of prosecution they must be prepared and legal assistance must be given to them
- Make provision to the victim of atrocity or his dependants or the relevant organisation to know about every stages of enquiry and exercise their rights

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

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

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

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

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

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

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

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

(g) to perform any other duty specified in this Act or the rules made thereunder: Provided that the charges in this regard against the public servant shall be booked on the recommendation of an administrative enquiry.

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

#### **5. Enhanced punishment for subsequent conviction**

Whoever, having already been convicted of an offence under this Chapter punishment is convicted for the second offence or any offence subsequent to the second offence, shall be punishable with imprisonment for a term which shall not be

less than one year but which may extend to the punishment provided for that offence.

## **6. Application of certain provisions of the Indian Penal Code**

Subject to the other provisions of this Act, the provisions of section 34, Chapter III, Chapter IV, Chapter V, Chapter VA, Section 149 and Chapter XXIII of the Indian Penal Code (45 of 1860), shall, so far as may be, apply for the purposes of this Act as they apply for the purposes of the Indian Penal Code.

## **7. Forfeiture of property of certain persons**

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

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

## **8. Presumption as to offences**

In a prosecution for an offence under this Chapter, if it is proved that –

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

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

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

## **9. Conferment of Powers**

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

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

(b) for any case or class or group of cases under this Act, in any district or part thereof, confer, by notification in the Official Gazette, on any officer of the State Government, the powers exercisable by a police officer under the Code in such district or part thereof or, as the case may be, for such case or class or group of cases, and in particular, the powers of arrest, investigation and prosecution of persons before any Special Court.

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

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

### CHAPTER III

#### EXTERNMENT

#### **10. Removal of person likely to commit offence**

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

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

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

#### **11. Procedure on failure of person to remove himself from area and enter thereon after removal**

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

(a) fails to remove himself as directed; or

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

(2) The Special Court may, by order in writing, permit any person in respect of whom an order under section 10 has been made, to return to the area from which he was directed to remove himself for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observation of the conditions imposed.

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

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

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

## **12. Taking measurements and photographs, etc., of persons against whom order under section 10 is made.**

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

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

(3) Resistance to or refusal to allow the taking of measurements or photographs under sub-section (2) shall be deemed to be an offence under section 186 of the Indian Penal Code (45 of 1860).

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

### **13. Penalty for noncompliance of order under section 10**

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

## CHAPTER IV

### SPECIAL COURTS

#### 14. Special Court and Exclusive Special Court.

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

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

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

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

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

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

#### 14A. Appeals.

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

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

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

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

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

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

#### **15. Special Public Prosecutor and Exclusive Public Prosecutor.**

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

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

### **CHAPTER IVA**

#### **RIGHTS OF VICTIMS AND WITNESSES**

15A. Rights of victims and witnesses.

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

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

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

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

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

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the Special Court or the Exclusive Special Court trying a case under this Act shall provide to a victim, his dependent, informant or witnesses

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

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

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

(d) relocation.

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

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

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

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

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

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

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

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

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

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

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

(b) to provide immediate relief in cash or in kind to atrocity victims or their dependents;

(c) to provide necessary protection to the atrocity victims or their dependents, and witnesses;

(d) to provide relief in respect of death or injury or damage to property;

(e) to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims;

(f) to provide the maintenance expenses to the atrocity victims and their dependents;

(g) to provide the information about the rights of atrocity victims at the time of making complaints and registering the First Information Report;

(h) to provide the protection to atrocity victims or their dependents and witnesses from intimidation and harassment;

(i) to provide the information to atrocity victims or their dependents or associated organisations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost;

(j) to take necessary precautions at the time of medical examination;

(k) to provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount;

(l) to provide information to atrocity victims or their dependents or associated organisations or individuals, in advance about the dates and place of investigation and trial;

(m) to give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals and to provide the legal aid for the said purpose;

(n) to execute the rights of atrocity victims or their dependents or associated organisations or individuals at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights.

(12) It shall be the right of the atrocity victims or their dependents, to take assistance from the Non-Government Organisations, social workers or advocates.]

## CHAPTER V

### MISCELLANEOUS

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

The provisions of section 10A of the Protection of Civil Rights Act, 1955 (22 of 1955) shall, so far as may be, apply for the purposes of imposition and realisation of collective fine and for all other matters connected therewith under this Act.

#### **17. Preventive action to be taken by the law and order machinery.**

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

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

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

#### **18. Section 438 of the Code not to apply to persons committing an offence under the Act.**

Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act. 1

**18A. No enquiry or approval required.**

(1) For the purposes of this Act,

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

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

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

**19. Section 360 of the Code or the provisions of the Probation of Offenders Act not to apply to persons guilty of an offence under the Act.**

The provisions of section 360 of the Code and the provisions of the Probation of Offenders Act, 1958 (20 of 1958) shall not apply to any person above the age of eighteen years who is found guilty of having committed an offence under this Act.

**20. Act to override other laws.**

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

**21. Duty of Government to ensure effective implementation of the Act.**

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

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

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

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

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

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

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

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

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

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

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

## **22. Protection of action taken in good faith.**

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

23. Power to make rules.

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

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

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

### **1. Short title and commencement.**

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

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

### **2. Definitions:-**

In these rules, unless the context otherwise requires:-

a. "Act" means the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989);

b. "dependent", with its grammatical variations and cognate expressions, includes wife, children, whether married or unmarried, dependent parents, widowed sister, widow and children of pre-deceased son of a victims of atrocity;

c. "identified area" means such area where State Government has reason to believe that atrocity may take place or there is an apprehension of reoccurrence of an offence under the Act or an area prone to atrocity;

d. "Non-Government Organisation" means a voluntary organisation engaged in the welfare activities relating to the scheduled castes and the scheduled tribes and registered under the Societies Registration Act, 1860 (21 of 1860) or under any law for the registration of documents or such organisation for the time being in force;

e. "Schedule" means the Schedule annexed to these rules;

f. "Section" means section of the Act;

g. "State Government", in relation to a Union Territory, means the Administrator or the Union Territory appointed by the President under Article 239 of the Constitution;

h. words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Precautionary and Preventive Measures.- (1) With a view to prevent atrocities on the Scheduled Castes and the Scheduled Tribes, the State Government shall:-

(i) identify the area where it has reason to believe that atrocity may take place or there is an apprehension of reoccurrence of an offence under the Act;

(ii) order the District Magistrate and Superintendent of Police or any other officer to visit the identified area and review the law and order situation;

(iii) if deem necessary, in the identified area cancel the arms licences of the persons, not being member of the Scheduled Castes or Scheduled Tribes, their near relations, servants or employees and family friends and get such arms deposited in the Government Armoury;

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

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

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

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

(viii) set-up Awareness Centres and organise Workshops in the identified area or at some other place to educate the persons belonging to the Scheduled Castes and the Scheduled Tribes about their rights and the protection available to them under the provisions of various Central and State enactments or rules, regulations and schemes framed thereunder;

(ix) encourage Non-Government Organisations for establishing and maintaining Awareness Centres and organizing Workshops and provide them necessary financial and other sort of assistance;

(x) deploy special police force in the identified area;

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

#### **4. SUPERVISION OF PROSECUTION AND SUBMISSION OF REPORT:-**

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

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

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

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

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

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

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

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

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

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

(1) Every information relating to the commission of an offence under the Act, if given orally to an officer in-charge of a police station shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced

to writing as aforesaid, shall be signed by the persons giving it, and the substance thereof shall be entered in a book to be maintained by that police station.

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

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

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

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

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

(i) draw a list of victims, their family members and dependents entitled for relief;

(ii) prepare a detailed report of the extent of atrocity loss and damage to the property of the victims;

(iii) order for intensive police patrolling in the area;

(iv) take effective and necessary steps to provide protection to the witnesses and other sympathisers of the victims;

(v) provide immediate relief to the victims.

#### **7. INVESTIGATING OFFICER:**

(1) An offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police. The investigating officer shall be appointed by the State Government /Director General of Police/Superintendent of Police after taking into account his past

experience, sense of ability and justice to perceive the implications of the case and investigate it along with right lines within the shortest possible time.

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

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

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

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

- (i) conducting survey of the identified area;
- (ii) maintaining public order and tranquility in the identified area;
- (iii) recommending to the State Government for deployment of special police force or establishment of special police post in the identified area;
- (iv) making investigations about the probable causes leading to an offence under the Act;
- (v) restoring the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes;
- (vi) informing the nodal officer and special officer about the law and order situation in the identified area;
- (vii) making enquiries about the investigation and spot inspections conducted by various officers;
- (viii) making enquiries about the action taken by the Superintendent of Police in the cases where an officer in-charge of the police station has refused to enter an information in a book to be maintained by that police station under sub-rule (3) of rule 5;
- (ix) making enquiries about the wilful negligence by a public servant;
- (x) reviewing the position of cases registered under the Act; and
- (xi) submitting a monthly report on or before 20th day of each subsequent month to the State Government nodal officer about the

action taken/proposed to be taken in respect of the above.

#### **9. NOMINATION OF NODAL OFFICER:**

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

(i) the reports received by the State Government under sub-rule (2) and (4) of rule 4, rule 6, clause (xi) of rule 8;

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

(iii) law and order situation in the identified area;

(iv) various kinds of measures adopted for providing immediate relief in cash or kind or both to the victims of atrocity or his or her dependent;

(v) adequacy of immediate facilities like rationing, clothing, shelter, legal aid, travelling allowance, daily allowance and transport facilities provided to the victims of atrocity or his/her dependents;

(vi) performance of non-Governmental organisations, the Scheduled Castes and the Scheduled Tribes Protection Cell, various committees and the public servants responsible for implementing the provisions of the Act.

#### **10. APPOINTMENT OF A SPECIAL OFFICER:**

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

The Special Officer shall be responsible for:

(i) providing immediate relief and other facilities to the victims of atrocity and initiate necessary measures to prevent or avoid re-occurrence of atrocity;

(ii) setting up an awareness centre and organizing workshop in the identified area or at the district head quarters to educate the persons belonging to the Scheduled Castes and the Scheduled Tribes about their rights and the protection available to them under the provisions of various Central and State enactments or rules and schemes etc. framed therein:

(iii) co-ordinating with the Non Governmental organisations and providing necessary facilities and financial and other type of assistance to non-Governmental Organisation for maintaining centres or organising workshops;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **13. SELECTION OF OFFICERS AND OTHER STAFF MEMBERS FOR COMPLETING THE WORK RELATING TO ATROCITY:**

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

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

### **14. SPECIFIC RESPONSIBILITY OF THE STATE GOVERNMENT:**

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

### **15. CONTINGENCY PLAN BY THE STATE GOVERNMENT:**

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

- (a) scheme to provide immediate relief in cash or in kind or both;
- (b) allotment of agricultural land and house sites;
- (c) the rehabilitation packages;
- (d) scheme for employment in Government or Government undertaking to the dependant or one of the family members of the victim;
- (e) pension scheme for widows, dependent children of the deceased, handicapped or old age victims of atrocity;
- (f) mandatory compensation for the victims;
- (g) scheme for strengthening the socio-economic condition of the victim;
- (h) provisions for providing brick/stone masonry house to the victims;

(i) such other elements as health care, supply of essential commodities, electrification, adequate drinking water facility, burial /cremation ground and link roads to the Scheduled Castes and the Scheduled Tribes habitats.

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

#### **16. CONSTITUTION OF STATE-LEVEL VIGILANCE AND MONITORING COMMITTEE:**

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

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

(ii) Home Minister, Finance Minister and Welfare Minister - Members (in case of a State under the President's Rule Advisors - Members).

(iii) All elected Members of Parliament and State Legislative Assembly and Legislative Council from the State belonging to the Scheduled Castes and the Scheduled Tribes Members.

(iv) Chief Secretary, the Home Secretary, the Director General of Police, Director/Deputy Director National Commission for the Scheduled Castes and the Scheduled Tribes Members.

(v) The Secretary in-charge to the welfare and development of the Scheduled Castes and the Scheduled Tribes convener.

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

#### **17. CONSTITUTION OF DISTRICT LEVEL VIGILANCE AND MONITORING COMMITTEE:**

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

implementing the provisions of the Act and various reports received by the District Administration.

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

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

#### **18. MATERIAL FOR ANNUAL REPORT:**

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

AMENDMENT DATD 08-11-2013

2. In the Schedule Castes and the Schedule Tribes (Prevention of Atrocities) Rules 1995 in clause (iv) of sub-rule (1) of rule 16, after the words "Scheduled Tribes" the words "not more than three social workers nominated by the Central Government" shall be inserted.

3. In the said rules after sub-rule (2) of rule 17, the following sub-rule shall be inserted, namely:-

(2A) Not more than three social workers nominated by the Central Government - members"

4. In the said rules after rule 17, the following rule shall be inserted namely

#### **17(A) Constitution of Sub-Division Level Vigilance and Monitoring Committee**

(1) In each Sub-Division within the State, the Sub-Divisional Magistrate shall set up a vigilance and monitoring committee in his sub-division to review the implementation of the provisions of the Act, scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IVA 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 Sub-Division Administration.

(2) The sub-division level vigilance and monitoring committee shall consist of members of State Legislative Assembly and State Legislative

Council from the sub-division, elected members of Panchayati Raj Institutions belonging to the Scheduled Castes and the Scheduled Tribes, Deputy Superintendent of Police, Tahsildar, Block Development Officer, not more than two non-official members belonging to the Scheduled Castes and the Scheduled Tribes and not more than two members from the categories other than the Scheduled Castes and the Scheduled Tribes having association with non-Government Organisations.

(3) Not more than three social workers nominated by the Central Government-members.

**Note:** As per Notification of the Ministry of Social Justice and Empowerment dated 23 June 2014 the relief amount in Annexure-1 under Rule 12(4) is revised and in the forthcoming pages the said Notification and revised Annexure-1 is printed.

(H. Vanitha)

Under Secretary to the Government Government-2 (1/C)  
Social Welfare Department

## **Government employment on compassionate grounds**

According to the Karnataka Civil Services (Appointment of family members of persons belonging to SC/STs who die in atrocities on SC/STs, on compassionate grounds) (Special) Rules 1999 (amended 2012), a member of the family who is wholly dependent on the person deceased due to the atrocity (and whose family has no other income other than that earned by the deceased), may be appointed in any group 'C' (First or Second Division Assistant or equivalent) or 'D' category post, depending on the qualification specified.

### **1.1 Requirements**

- a) Be wholly dependent on the deceased.
- b) Produce a certificate from the Deputy Commissioner (DC) of the concerned district must be produced in form 'D' regarding income, entitlement etc. and that no other member has claimed the appointment.
- c) Be within the age limit.
- d) Possess the educational qualification specified.
- e) Produce the death certificate of the person deceased from the registrar of births and deaths.
- f) Produce an affidavit to the effect that the family has no other income.

In order of preference, the appointment will be

- a) Wife or husband, as the case may be.
- b) Son.
- c) Unmarried daughter.
- d) Unmarried brother or sister.

### **1.2 Application**

- a) The application should be submitted to the DC in form 'A' within one year of the death of the deceased (within two years if the applicant was a minor at the time of death and has attained 18 years on the date of making the application).
- b) On receipt of such application, the DC shall verify the particulars, and recommend the same to the Divisional Commissioner of the concerned Revenue Division within three months from the date of receipt.
- c) The Divisional Commissioner will verify the recommendation of the DC and, if the applicant is entitled to the appointment, forward it to any one of the Heads of the Department (HoD), which his recommendation, depending on the vacancy in that department.
- d) The HoD on receipt of such application will appoint the person to a direct recruitment vacancy if the person is found suitable for appointment in all respects.

## **RIGHT TO INFORMATION ACT**

### **Finding**

None of the departments concerned (Directorate of Public Prosecutions, Nodal Officer, DCRE or the Karnataka State Commission for Scheduled Castes and Scheduled Tribes) have fulfilled their mandatory obligations under Section 4 (Sections 4(1), 4(2), 4(3) and 4(4)) of the Right to Information Act 2005.

### 1.2.1 Recommendation

- a) The State Nodal Officer under this Act should take cognisance of this serious lapse and act immediately to ensure that the information, especially the periodic reports under this Act, is put in the public domain and updated in fixed timeframes.
- b) All concerned departments (Social Welfare, DPP, DCRE, LSA) should immediately implement the Section 4 of the RTI by putting up information on the progress of implementation of the Act on the respective websites. All monthly, quarterly and half-yearly reports mandated under this Act should be part of the suo moto declarations.
- c) The DPP should immediately put on its website and update half yearly (i) The quarterly and six monthly performance review of the SPPs (ii) For each SPP the number of cases appeared, cases won (convictions), cases lost (acquittals) otherwise disposed and compromised. (iii) For each judge of the special court, number of cases tried under this Act, convictions, acquittals, otherwise disposed and compromise.
- d) The DCRE should immediately put up for every case, and update monthly, (i) Date of atrocity (ii) Date and number of FIR numbers (iii) Name and designation of officer recording the FIR. (iv) Name and designation of the investigating officer. (v) Date and number of Charge Sheet/B report (vi) Name of SPP (vii) Name of Judge (viii) Judgement/Result (ix) Date of judgement (x) Date of appeal.
- e) The State and District Nodal Officer should put on the website and update monthly/quarterly (i) The contingency plans. (ii) Minutes, ATR and next meeting date and venue of the SVMC/DVMC. (iii) Monthly and quarterly review meeting minutes. (iv) Details of awareness camps. (v) Details of programmes, awareness centres and NGOs provided financial support under 3(ix). (vi) Performance reports of NGOs, protection cell and concerned officials under Rule 9(i). (vii) Details of TA, DA etc paid to the victims, witnesses and their dependents.

## **Rule 9 Appointment of Nodal Officer**

The State Government shall appoint a Nodal Officer, which officer is Rank of Secretary to the Government.

Fact:

Until 14-5-2010 there was no Nodal Officer as per the Rule. On 14, May 2010 as per the State Government Notification No. SWD 34 SPA 2010, Bengaluru the following Officers are appointed

- i. Secretary/Principial Secretary (Social Welfare Department) as the State Nodal Officer
- ii. The Commissioner, Social Welfare Department as Additional Nodal Officer
- iii. Joint Director (Administration), Social Welfare Department as Joint Nodal Officer

### **At the District:**

- i. Deputy Commissioner and District Magistrate as District Nodal Officer
- ii. District Social Welfare Officer as the Additional District Nodal Officer

### **At the Taluk**

- i. Tahsildar and Taluk Magistrate as Taluk Nodal Officer
- ii. Taluk Social Welfare Officer

## **Police Manual: Chapter 54**

### **DIRECTORATE OF CIVIL RIGHTS ENFORCEMENT**

2089. The Civil Rights Enforcement Cell was created in Karnataka during the year 1974 with a Superintendent of Police heading the same. Later in view of the importance of the Cell, the post of a Deputy Inspector General of Police was created in order No.SWL 355 SSC 77 dated 4th February, 1978 to head the Cell for the effective implementation of the provisions of the PCR Act and also to achieve better overall control over the Superintendents of Police of the districts.

2090. The Cell was again expanded in G.O. No.SWC 154 SSC 79, dated 16th October 1980 by creating Regional C.R.E. Cells at Bangalore, Mysore, Gulbarga and Belgaum for each of the four Revenue Divisions. Subsequently, in G.O.No. HD 297 PEG 88 dated 4.1.1989 the Government created the post of Inspector General of Police, C.R.E. Cell.

2091. Later the post of the Inspector General of Police was upgraded to the rank of Additional Director General of Police and further during the year 1992 in Government Notification No. DPAR 175 SPS 92 dated 18-8-92 the post was further upgraded to the rank of Director General of Police and the CRE Cell was redesignated as the Directorate of Civil Rights Enforcement. However the post was reverted subsequently and currently this Unit is headed by an Officer of the rank of Additional Director General of Police. (Appendix - XLIII).

After reorganisation the Directorate comprises of six regions each region being placed under the charge of a Superintendent of Police.

#### **Functions**

2092. The object behind the creation of this Unit originally was to bring about stricter enforcement of the provisions of the PCR Act 1955, and to deal with the cases of harassment and atrocities against the persons belonging to Scheduled Castes and Scheduled Tribes. The functions of this Unit were further expanded during the year 1975 through a Government Order, which stipulated that this Unit shall collect intelligence and the investigate into cases of :-

- 1) Violation of Government Orders pertaining to reservation of 18% posts.

- 2) Violation of Government Order pertaining to earmarking and utilisation of funds.
- 3) Violation of the provisions of Karnataka Land Grant Rules.
- 4) Violation of Government directions, relating to eviction from Gomal lands.
- 5) Violation of rules pertaining to grant of sites.
- 6) Wrongful alienation of the inam land and house sites.
- 7) Wrongful eviction of SCs/STs by the landlords.
- 8) Wrongful eviction of SC/STs by other communities and Government agencies.
- 9) Cases of production of false caste certificates.
- 10) Offences under Bonded Labour System Ordinance 1975.
- 11) Offences under Karnataka Debt Relief Order 1975.
- 12) All instances of mis-managements and misuse of grants pertaining to Social Welfare Department.
- 13) Any other matters pertaining to violation of Constitutional Safeguards and protection to SCs/STs.
- 14) Any matter pertaining to violation of any law or rule aimed at the Welfare of the SCs/STs.
- 15) The implementation of Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of certain lands) Act, 1978 which came into force on 1st January, 1979 was entrusted to CRE Cell.

With the enactment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 the Constitutional provisions for the eradication of social disabilities and preventing discrimination against the SC/ST were further buttressed and the Cell was entrusted with its enforcement.

GOVERNMENT OF INDIA  
MINISTRY OF SOCIAL JUSTICE AND WELFARE  
DR. AMBEDKAR FOUNDATION  
15, JANAPATH, NEW DELHI-100001

DR. AMBEDKAR NATIONAL RELIEF SCHEME FOR VICTIMS OF  
ATROCITY BELONGING TO SCHEDULE CASTE

**Introduction**

Dr. Baba Sahib Ambedkar is the greatest leader of twentieth century, he's an intellectual giant. His contribution to nation building is immeasurable. He worked relentless to protect human rights of the weak and initiated several movements for their emancipation. By presenting the first constitution to the Indian Nation he has left indelible impression in all our mind. Baba Saheb Ambedkar is the symbol of Social Justice. The main objective of Dr. Ambedkar Foundation is to implement Baba Saheb's philosophy and spread his message through various programs across the globe. He showed deep concern towards the plight of Schedule Caste members, untouchable practice and atrocity against them. He made emphasis on socio-economic and political empowerment. Despite existence of Schedule Caste and Schedule Tribes Prevention of Atrocity Act 1989 cases of atrocity is rampant. In this regard, Ambedkar Foundation is engaged in availing relief to the victims of atrocity and equally important is to console them Ambedkar Foundation is involved in this work.

**Scheme**

These Schemes are known as *Dr. Ambedkar National Relief to the SC Victims of Atrocities Scheme*'. This scheme is a contingent measure to provide immediate financial relief to the victims of Atrocity as per the Prevention of Atrocity Act. The relief will be given directly to the victims of Atrocity or their dependants immediately upon registration of FIR. Under the permission of the Chairperson of this Foundation, every person who is subjected to Atrocity will be given a relief of Rs.5,00,000/-. This relief amount is additional to the relief in Rule 12(4) of the Prevention of Atrocity Rules. In this connection, every year Rupees one crore is granted for this scheme. The relief given by this foundation is financial assistance to the family of victims of atrocity.

**Eligibility**

1. The Applicants must compulsorily belong to the Schedule Caste.

2. The Applicants must belong to Schedule Caste and they must have been subjected to atrocity by non member of Schedule Caste knowing that the Applicants belong to Schedule Caste.

3. As per the Prevention of Atrocity Act if Applicants are subjected to heinous offence such as Murder, Rape, Arson.

### **Limit**

The maximum limit of monetary relief is Rs. 5,00,000 or as requested by the Applicants in the Application, whichever is less.

### **Rule for releasing relief amount**

1. The relief amount shall be released to the Applicants on the decretory powers of the Chairperson of Foundation. The relief amount shall be directly given to the victims of Atrocity(Applicant) or to members of their family or dependants by way of cross cheque/DD.

2. In the event of Rape, it is compulsory to submit Medical Certificate by a competent Medical Officer appointed by the State Government.

3. The relief amount for different types of disability caused due to acts of atrocity, the relief amount shall be intimated with prior permission of the Foundation Chairman.

4. In the event of disability the Certificate from the competent authority for disability with percentage must be submitted.

### **How to submit Application**

The person who is subjected to act of atrocity is a minor, his/her parents should submit the Application for assistance directly to the Dr. Ambedkar Foundation, Ministry of Social Justice and Empowerment, Government of India, New Delhi. This Application must be filled by the person who is subjected to Atrocity and get it certified by the Tahsildar. The Deputy Commissioner will send the Application to the Foundation. Along with the Application, Caste Certificate and FIR must be annexed. The Application is in Annexure-1 and the Relief amount in Annexure-2

The Deputy Commissioner shall send Application to Dr. Ambedkar Foundation, Ministry of Social Justice and Empowerment, Government of India, New Delhi. All Applications will be reviewed by the Dr. Ambedkar Foundation. The powers to grant relief amount shall be vested with the Chairperson, Dr. Ambedkar Foudation.

## ANNEXURE-1

### APPLICATION FOR MONETARY ASSISTANCE TO VICTIM OF ATROCITY

1. Name of the Applicant (Person subjected to Atrocity:  
(Must indicate Mr./Mrs./Ms./Master)
  
2. Name of the Father/Mother/Husband/Dependant's Name:
  
3. Caste (Whether belongs to Schedule Caste):  
Annex Attested Caste Certificate
  
4. Residence Address:
  
5. Date of Birth and Age:
  
6. Date and place when subjected to Atrocity:
  
7. Type and Details of Atrocity:
  
8. Whether person subjected to Atrocity brings income to the family or not?:
  
9. Disability (100% disability or less than 100% disability)  
(Disability Certificate with percentage certified by the notified State Medical

Officer must be annexed).

10. Details of family members of or dependants of person subjected to Atrocity

11. Family members Annual Income

12. Monetary Relief sought

13. Whether the Applicant has obtained any other monetary assistance from any other source? If yes, Please indicate:

I do hereby certify that aforementioned details are true to the best of my knowledge and I have not concealed anything.

Signature of the Applicant

(Own Signature. In the event of minor, parent's or dependant's signature)

Remarks by the Tahsidar and Signature along with Rubber Stamp

Name of the Deputy Commissioner who is sending Application to the Foundation along with his signature and Rubber Stamp

## MODEL CONTINGENCY PLAN

As per SC/ST (Prevention of Atrocities) Rules 1995, Rule 15 the Contingency Plan must be notified in the State Gazette.

It shall be the duty of the district administration, more particularly the District Magistrate and Superintendent of Police/Commissioner of Police, to ensure that effective measures are taken to prevent act of atrocities against SC/ST persons within their jurisdiction. This shall include periodic visits to sensitive areas, supervision of investigation/prosecution of offences under the Act, periodically meeting the members of community from all over the district and implementation of all other provisions of SC/ST (Prevention of Atrocities) Act 1989/Amended Act 2015 and Rules 2016 there under.

Whenever atrocity takes place in the district, it shall be the duty of all departments/agencies/corporations/organisations of Government in the district to fulfil their role in the implementation of Contingency Plan effectively so that the victims of atrocities are properly rehabilitated as soon as possible, effective action is taken against perpetrators fo atrocity and security is restored not only amongst members of SC/ST affected by atrocity but also among general public in the area.

Sl. No.	Scheme	Action to be taken by various authorities	Time limit & Officer/ Department responsible
1	Rule 12(1) (2) (3) Visiting place of atrocity and register FIR etc.,	<p>1. The District Magistrate ad the Superintendent of Police/Deputy Commissioner of Police/ Commissioner of Police shall visit the place or area where the atrocity has been committed immediately to assess the loss of life and damage to the property and draw a list of victims, their family members and dependants entitled for relief under Rule 12(4)</p> <p>2. SP/DyCoP/CoP shall ensure that FIR is registered in the book of the concerned Police station in the area and take such other preventive measures including</p>	Within 24 hours DM/ SP/DyCoP/CoP ADGP, DCRE CELL

		<p>security arrangement apprehending the accused as deemed necessary.</p> <p>3. SP/DyCoP/CoP shall after spot inspection shall immediately appoint an investigation officer who is able and experienced and not below the rank of DySP for investigation and deploy such other preventive measures as he may deemed proper and necessary under Rule 12(3)</p> <p>All proceedings relating to offences shall be video recorded</p> <p>Independently an officer of DCRE not below the rank of SP shall visit the scene of occurrence and report the facts to the Government and ADGP, DCRE cell.</p>	
2	Rule 15(1) (a)	<p>The DM or the SDM or any other Executive Magistrate shall make arrangements for providing immediate relief in cash or in kind or both to the victims of atrocity, their family members and dependants as prescribed in annexre-1 of Rule 12(4) of the amended rules 2016. But the immediate relief like food, water clothing shelter medical aid transport facilities and other essential items necessary for victims shall be provided. Further the Action under Rule 12(5) (6) and (7) shall also be</p>	<p>Within 7 days</p> <p>DM/SDM/TM/JD/DD SWD/DTWO</p>

		<p>taken by them.</p> <p>The DM may order appropriate authorities of other Government department departments/agencies to arrange for short term/long term relief and rehabilitation measures</p>	
3	<p>Rule 7</p> <p>Investigation of atrocity cases and Supervision</p>	<p>The IO shall complete the investigation on top priority and submit the report to the SPs/DCPs/ COP who in turn should send a detailed report to the DG &amp; IGP and head of the DCRE (ADGP, DCRE) immediately and arrange to file the charge sheet in the Special Court or exclusive Special Court within a period of 60 days.</p> <p>The investigation should be directly and personally supervised by the SPs/DCPs/COP as the case may be</p> <p>They should also take action against any erring plice officials if there is any delay and negligence in the process of investigation and filing charge sheet. Further such officers are also liable for the punishment under Section 4 of the Act</p>	DySP/SP/DCP/CoP
4	<p>Rule 15(1) (aa)</p> <p>Rights of victims and witnesses in accessing justice as in subsection 11 of Section 15</p>	<p>(a) to provide a copy of the recorded First Information Report at free of cost;</p> <p>(b) to provide immediate relief in cash or kind to atrocity victims</p>	<p>Inspector of Police/ DySP/SP</p> <p>DM/SDM/TM/JD/DD SWD</p>

	<p>(A) of Chapter IV-A of the Act, 2015</p>	<p>or their dependants as at Sl.No.2</p> <p>(c) to provide necessary protection to the atrocity victims or their dependants and witnesses;</p> <p>(d) to provide relief in respect of death or injury or damage to property</p> <p>(e) to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims (see rule 11)</p> <p>(f) to provide the maintenance expenses to the atrocity victims and their dependants</p> <p>(g) to provide information about the rights of atrocity victims at the time of making complaints and registering the FIR;</p> <p>(h) to provide the protection to atrocity victims or their dependants and witnesses from intimidation and harassment;</p> <p>(i) to provide the information to atrocity victims or their dependants or associated organisations or individuals, on the status of investigations and charge sheet and to provide copy of the charge sheet at free of cost;</p> <p>(j) to make necessary precaution at the time of medical examination</p> <p>(k) to provide information to</p>	<p>DySP/Dy CoP/CoP</p> <p>DM/SDM/TM/JD/DD SWD/DHO</p> <p>DySP/Dy CoP/CoP</p> <p>DHO/District Surgeon</p> <p>DM/SDM/TM/JD/DD SWD</p>
--	---	--	---

		<p>Atrocity victims or their dependants or associated organisations or individuals, regarding the relief amount;</p> <p>(l) to provide information to atrocity victims or their dependants or associated organisations or individuals in advance about the dates and place of investigation and trial;</p> <p>(m) to give adequate briefing on the case and preparation for trial to atrocity victims or their dependants or associated organisations or individuals and to provide the legal aid for the said purpose;</p> <p>(n) to execute the right of atrocity victims or their dependants or associated organisations or individuals at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights.</p>	SP/Dy CoP/CoP
5	<p>Rule 15(1) (b)</p> <p>Allotment of agricultural land and house sites to the victims of atrocities if they do not possess the land/house/site/houses</p>	<p>The Revenue Department at the divisional District/Taluk level shall take steps to allot land where available subject guidelines to be issued from time to time and sites where necessary for the purpose of rehabilitation Pattas/Hakku patra shall be distributed.</p> <p>Ref: Circular No. RD 39 LGP 2000 dated 24.06.200</p> <p>If Government land is not</p>	<p>DC/AC/Tahasildar MDs of SC/ST Development Corporations Local Bodies and MD RGRHC</p>

		<p>available, the agriculture land may be provided under Land Purchase Scheme by SC/ST Development Corporations</p> <p>The Rural and Urban local bodies and Rajiv Gandhi Rural Housing Corporation may provide the house sites/houses wherever necessary.</p> <p>The SC/ST Development Corporations shall provide Ganga Kalyana scheme to the victims of atrocities who is having agriculture land and for those land is provided under LPS.</p>	
6	Rule 15(1) (c) Rehabilitation Packages	<p>The Deputy Commissioner shall implement the rehabilitation measures listed in amended Rules 2016 and as outlined in this Contingency Plan. The immediate heed of the victims of an atrocity/dependents is food, shelter etc.,</p> <p>The Tahasildar/EO of Taluk Panchayath shall provide shelter to the victims and dependents in schools, community halls or any public building if necessary</p> <p>The Rural and Urban Local Bodies like Gram/Taluk Panchayat shall immediately arrange to supply minimum cooking vessel, bedding and cloths required by victims of atrocity/dependents. If adequate funds are not available in the</p>	The DC and other Officers as directed by the DC/CEO ZP/ EO TP/PDOGP

		Grama Panchayat, the Taluka Panchayat may meet the expenditure	
7	Rule 15(1) (d) Schemes for employment in Government/its undertakings to the dependent or one of the family members of deceased	Application to be made dependant or a family member of the deceased of atrocities within one year from the date of death and action to be taken in accordance with Notification No.DPAR 53 SCA 97 Dt: 14-03-2000 and amended Notifications issued by DPAR from time to time	DC to forward the application within 3 months to RC/Head of Department of SWD/TWD
8	Rule 15 (1) (e) Pension Scheme for widows, dependent children of the deceased, handicapped or old age victims of atrocity	The competent authority in the Revenue Department/Tahasildar shall sanction pension to the Widow, handicapped or old age victims of atrocity as per the existing rules	DC/Tahsildar of Revenue Department within one week
9	Rule 15(1)(f) Mandatory compensation for the victims  Additional relief to the victims of murder, death, massacre, rape, gang rape, permanent incapacitation and dacoity	As per Rule 12(4) as per the Scale provided in Annexure-1 of the Rules, 2016  Relief under Rule 12(4) at Sl. No. 46 of Annexure-1  1. Basic pension to the widow or other dependants of the deceased persons belonging to a SC/ST amounting to Rs.5,000/- per month as applicable to State Government servant with admissible DA to be sanctioned,	DM/JD/DD SWD  DM/JD/DD SWD/ DDPI/DDPU within three months

		<p>Employment to one member of the family of the deceased.</p> <p>Provide agricultural land, house if necessary by outright purchase</p> <p>2. Full cost of the education upto graduation level and maintenance of children of the victims. Children to be admitted to Ashrama Schools or Resident Schools of the Government</p> <p>Provision of utensils rice, wheat dals pulses etc., for a period of three months</p> <p>Note: Any Assistance/Relief should not be duplicated for the same victim</p>	
10	<p>Rule 15(1) (g)</p> <p>a) Scheme for strengthening the socio-economic condition of the victim</p>	<p>The victims of atrocities need assistance for their livelihood. Hence they may be organised into self help groups, trained in skill development and assisted in viable activities for deriving sustainable income under the various schemes. They may be provided wage employment schemes under MGNAREGA for immediate relief.</p> <p>If the victims or dependants own agricultural land they could be supplied with seeds, fertilizers etc., under the existing schemes by the Agricultural Department</p> <p>The SC/ST development</p>	<p>Within 1 month</p> <p>DM/CEO, ZP</p> <p>JD, Agriculture Department/ EOTP</p> <p>JD/DD of SWD and TWD Officers of SC/ST Development Corporation</p>

		corporation shall provide Ganga Kalyana Scheme to the victims of Atrocities	
11	<p>Rule 15(1) (i) (a)health care</p> <p>(b) supply of essential commodities</p>	<p>Immediate medical relief will be provided to atrocity victims free of charge at all Government Hospitals at State/District/Taluk and PHC levels. For this purpose, free referral services, transport, emergent medication will be provided to ensure diagnostic/treatment at District and Specialist Government Hospitals where necessary. Free treatment will be given inclusive of free medicines and the concerned doctor will be made responsible for ensuring proper relief and treatment. In an emergency, the cost of transporting victims and their attendants must be done by Government, either through its own ambulances or through hired transport. A team of District Surgeon, DHO and one Doctor nominated by DHO should be automatically activated who would co-ordinate with the District Authority in all relief operations. Further, DHO/District Surgeons will be instructed to constitute Comprehensive Mobile Health care Teams were requir3ed to give onsite medical treatment and medicines. The victims are also to be covered under Karnataka Arogya Bhagya</p>	<p>DC/DHO/Dist. Surgeon within 24 hours</p> <p>Within 3 days DM/DD (F&amp;CS)</p>

	<p>(c) Electrification</p> <p>(d) adequate drinking water</p> <p>(e) burial/cremation ground</p>	<p>Scheme</p> <p>The victims of atrocities shall be given rice, wheat dal, pulses etc., for a period of 3 months as mentioned at Sl.No.46 for 3 months under rule 12(4)</p> <p>The DD (F&amp;CS) shall arrange to release rationed commodities from the PDS on priority at BPL prices. The quantum of articles to be released shall depend on the period for which atrocity victims/dependants are to be found. The total quantity may be decided by the DC of the district.</p> <p>The DC shall arrange to release these commodities from the nearest authoincreased wholesale depot on credit basis and shall recoup the cost of these items from the funds available under Atrocities Act</p> <p>The DC shall report quantum of rationed articles issued in all such cases immediately to the Commissioner, F &amp; CS who will replenish such stocks in the coming months if need be.</p> <p>Concerned ESCOMS shall electrify the rehabilitated colonies of victims of atrocities under SCSP/TSP. Even in case where an individual becomes victim of atrocity and if Govt. builds/allots house, such a house will be given electrical connection if necessary by</p>	<p>ESCOMS</p> <p>DC/CEO, ZP/EO TP/PDOGP</p> <p>DM/SDM/TM/ RURAL &amp; URBAN LOCAL BODIES</p>
--	--	--	--

	(f) Link roads	<p>extending the LT line</p> <p>ESCOMS shall energise the IP sets provided to the victims of atrocities under Ganga Kalyana schemes on priority. The funds provided to Energy Department under SCSP/TSP shall be utilised. Further, these funds may also be utilised for electrification of SC/ST colonies/tandas and providing Kutir Jyothi connections etc.,</p> <p>In case of atrocities, adequate drinking water facility shall be arranged if necessary by making temporary arrangement both for drinking and bath/cooking purpose.</p> <p>The DC/DM in Revenue Department shall allot land for burial/cremation ground for SC/STs in the village with the funds available under the existing scheme and provide necessary facilities in such allotted burial grounds</p> <p>To the habitations/colonies where atrocities have taken place the necessary link road to the village main road may be provided by the RDPR and PWD under SCSP TSP schemes</p>	<p>DC/CEO, ZP/EXE. ENGINEER, PWD</p>
--	----------------	---	--

## **Annex: Supreme Court of India in Arumugam Servai and others**

Immediate suspension of government officials (DC, SSP and SP) in case of failure to prevent or respond

17. Hence we direct the administrative and police officials to take strong measures to prevent such atrocious acts. If any such incidents happen, apart from instituting criminal proceedings against those responsible for such atrocities, the State Government is directed to immediately suspend the District Magistrate/Collector and SSP/SPs of the district as well as other officials concerned and charge sheet them and proceed against them departmentally if they do not (1) prevent the incident if it has not already occurred but if they have knowledge of it in advance, or (2) if it has occurred, they do not promptly apprehend the culprits and others involved and institute criminal proceedings against them, as in our opinion they will be deemed to be directly or indirectly accountable in this connection.
  
19. Copy of this judgement shall be sent to all Chief Secretaries, Home Secretaries and Director Generals of Police in all States and Union Territories of India with the direction that it should be circulated to all officers upto the level of District Magistrates and the S.S.P/S.P for strict compliance. Copy will also be sent to the Registrar Generals / Registrars of al High Courts who will circulate it to all Hon'ble Judges of the Court.

*Supreme Court of India in Criminal Appeals 958 of 2011 and 959 of 2011, Arumugam Servai, Ajit Kumar and others Vs State of Tamilnadu, 19 April 2011*

## **Part - 3**

### **Tools for monitoring the implementation of the Act**

Simple rules for monitoring the Prevention of

Atrocity Act

Sections under Indian Penal Code and other Acts

How to give evidence in the Courts

Details of the Case and Forms for monitoring

Monthly Diary for monitoring the SC/ST (PoA) Act

1989/Rules 1995

## **SPOATS: Simple POA Tracking System**

Monitoring a case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Amended Act 2015 and Rules 1995 and 2016

1. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Rules 1995 (POA) can be monitored by using the Right to Information Act 2005 (RTI) and the internal mechanisms provided within the POA itself.
2. In this document, the figures within square brackets [ ] refer to the rules under the Act. Where they refer to the sections, it is prefaced by 'S' [S4 ].

### **BEFORE COMMENCEMENT OF MONITORING**

3. Arming oneself with the correct information is the first step. Be conversant with the Act and Rules. Know who the implementing authorities are. Knowing the existing state mechanisms to implement and monitor implementation is a prerequisite to monitoring. We need information on the existing mechanisms of the state – the government orders appointing the appropriate authorities, setting up the mechanisms and the details of the actual persons in these posts and their contact details.
4. Get this information as soon as possible, or apply for them under RTI. The identification of the case to be monitored and the actual monitoring of the case can begin simultaneously. You need not wait for all this information to be in your hand before you start.
5. Get copies of the following documents (available in bookstores)
  - (a) The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Rules 1995.
  - (b) The Right to Information Act 2005 and Rules. (This may be specific to each state).

**1. This Act may be called as Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amended Act 2015**

**2. And it shall come into force on the date of their publication in the Official Gazette**

- (c) Updated copy of the compensation amounts [12(4) Schedule Annex I]. The latest as on 1 October 2014 is GSR 416(E) dated 23 June 2014.

**GOVT. ORDER No. SWD 37 SPA 2016, DTD. 20-06-2016 ANNEXURE-2**

**G.S.R. 424 (E). – In exercise of the powers conferred by sub-section (1) of section 23 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,**

**1989 (33 of 1989), the Central Government hereby makes the following rules further to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, namely:-**

6. Get copies of the following from the ministry of social welfare, or the social welfare department. Ask them first, if they don't give it, then get it using RTI. (Many of them are supposed to be mandatorily shared through websites, press notifications, as per the good governance and transparency guidelines. However, in practice, most are ignorant. Asking directly and through RTI is an effective mechanism to educate the officials whose task it is to implement the POA, and make them aware that these exist, what their rules are, and the penalties for non-implementation.)

- (a) Notification of atrocity prone areas 'area where it has reason to believe that atrocity may take place or apprehension' that an atrocity may take place [3(1)].
- (b) Government gazette notification or order for setting up of the Scheduled Castes and Scheduled Tribes Protection Cell [8].
- (c) Government notification appointing the state nodal officer for coordinating the officials responsible for implementing the Act and reviewing their performance (normally the Principal Secretary, Social Welfare) [9].
- (d) Name and designation of the Special Officer in the atrocity prone area [10]. This would typically be at the district level. Ask for the relevant government notification.
- (e) Government notification of the constitution of the State-level vigilance and monitoring committee (SVMC) [16(1)].
- (f) Government notification of the constitution of the district-level vigilance and monitoring committee (DVMC) [17(1)]. This should have the names of all the members and designations [17(2)]. Note that some are ex-officio members, and this will have to be mentioned.
- (g) State contingency plan as notified in the official gazette of the state government [15(1)]. This can be got from any district magistrate, sub-divisional magistrate, inspector of police or superintendent of police, since they will have a copy [15(2)].
- (h) Gazette notification of the setting up Special Court to try cases under this Act [S14]. It is sufficient if you get this notification for your district.
- (i) Obtain the Annual Report [18]
- (j) Updated copy of 'Dr. Ambedkar National Relief to the SC Victims of Atrocities Scheme' (<http://ambedkarfoundation.nic.in/html/atro.htm>) that provides instant monetary relief to the victims of heinous offences from the Ambedkar Foundation (<http://ambedkarfoundation.nic.in>).

7. Gazette notification specifying a panel of Public Prosecutors or panel of eminent Senior Advocates as Special Public Prosecutor for the purpose of conducting cases under this Act and Rules [4(1)].

### **CHOOSING A CASE TO MONITOR**

8. Choose a case where the organisation has strong presence either as a CSO or CBO. This is a must to protect the victims, witnesses and survivors. If we cannot insure such protection, then those cases should not be pursued since that would lead to adverse consequences for the victim-survivors and witnesses.

9. Strong CSO presence is also required for systematic monitoring of the cases – something that is difficult for individual activists. Ideally, an organisation would need three persons to monitor one case.

10. If this is your first case, choose one in which you think there is a reasonable chance of meeting the victim-survivors and witnesses at least once a week for the duration of the case (often three years or more). Choose one in which you have a reasonable chance of winning.

11. Be prepared for delays. Victims (after a year) and witnesses (after six months) often turn hostile. Accompany them and give them moral strength to the extent possible. Victims and witnesses must be visited *at least* once a week, and oftener depending on the circumstances. Local support structures are critical for the victims and witnesses.

### **FIRST INFORMATION REPORT-FIR**

Monitoring should ideally take place before an atrocity since this Act is the *Prevention of Atrocities Act*. Few atrocities happen on the spur of the moment. Often there is a long build up. Be aware that sometimes the build up is below the threshold of cognisance i.e. too minor to be noticed, but the escalation in intensity or frequency should serve as a warning.

12. Always ask the community to file written complaints – even before an atrocity takes place – and get a signed acknowledgement with the official stamp. They are entitled to a free copy of their complaint [5(2)].

13. In Odisha, the district legal services authority will depute an officer to help file complaints.

14. They can also give oral complaints. If such complaints are not accepted at the local police station, send it by registered post to the SP along with a covering note mentioning the date, time, police officer and police station in which the original complaint has been refused. [5(3)].

15. Ask for the spot inspection report [12(1)]. Use Rule 12 rather than Rule 6 [6(1) and 6(2)] since Rule 12 makes the District Magistrate and the Superintendent of Police directly responsible.
16. Check if all the victims are mentioned, and if they have got all the relief they are entitled to (under 12(4) Schedule and the state contingency plan [15(1)]). If not, bring it to the notice of the Special Court [12(7)].
17. Ask for travel log book of the SP and District Magistrate. In the event they have not arrived for spot inspection as per section 12(1), lodge a complaint for dereliction of duty under section 4 of the act. For this purpose there is no necessity to obtain prior consent.
18. Ask for a copy of the report sent under 12(7) from the Special Court. If such a report has not been filed, ask for permission to prosecute under Section 4.
19. If at any time there is apprehension of threat to life or body or intimidation to the victims or witnesses, accompany them to any magistrate and ask to record their statements under CrPC 164. This is considered evidence in court, and it does not matter if the victims and witnesses turn hostile later (though it does mean that we were not strong enough to support them, and therefore it was a wrong choice of a case).
20. *Every month:* Ask for a copy of the monthly report sent to the nodal officer by the SCs and STs protection cell to the state nodal officer [8(xi)]. The report should have the 'action taken/proposed to be taken'. Insure that the case details are mentioned correctly. If not, write to district collector, with a copy to the state nodal officer, mentioning that the information is missing/incorrect and that it has to be corrected in the next month. Follow it up on a monthly basis till rectified.

## **FILING OF FIR**

21. The Superintendent of Police (SP) shall insure that the FIR is filed [12(2)]. Get the name of the SP who got the FIR filed.
22. Get a copy of the FIR. This will be given free to the informant, victim-survivors and their families. [5(2)].
23. The FIR should contain all the names mentioned in the spot inspection report [12(1)]. Check if that is the case, if not request that a supplementary FIR be filed to include the specific names. Use your fact finding reports as a backup/secondary reference.
24. Check whether the correct sections of the POA are mentioned in the FIR. See annexe 1 *Relevant Sections of POA vis a vis the Indian Penal Code and other Acts* for the sections of the IPC sections (which the police normally put in) and check whether the

corresponding POA sections are mentioned. If not request that a supplementary FIR be filed.

25. Ensure that the case is discussed at the quarterly DVMC meeting [17(3)] by sending a letter to the district social welfare officer, the member-secretary [17(2)] asking for the case to be discussed. After the meeting ask for a copy of the minutes. Similarly, ask for the case to be discussed at the SVMC half-yearly [16(2)] by sending a letter to the Principal Secretary (Social Welfare), convenor of the SVMC, and asking for a copy of the minutes after the meeting. Your letter should contain the bare facts of the case at this point, including the names of the officials involved. Ask for the SPs report [12(1) and 12(7)] be discussed. Attach a copy if you have one.

26. The provision of relief [12(4) to (7)] should be monitored.

27. Some part of the compensation will be due at this stage. Ensure it reaches the victim and dependents.

28. If it is a 'heinous offence', the SC victims are entitled to 'instant monetary relief' from the Ambedkar Foundation. Application has to be made through the state government (DC, DM). Write using the appropriate format. The 'proposal for financial assistance for the Scheduled Caste victim of atrocities may be forwarded by the State / UT Government or District Magistrate or Collector in the Prescribed Format to the Director, Dr. Ambedkar Foundation, 15, Janpath, New Delhi -110001, along with the copy of the FIR, Inquiry Report, Postmortem Report, Medical or Disability Certificate etc. (as the case may be).

### **MONITORING THE INVESTIGATION (FROM FIR TO CHARGE SHEET)**

29. Ask for the name of the investigating officer. It is normally the DySP, and is easy to get. The SP appoints the IO [12(3)].

30. Ask for the following details about the IO for 5 years

(a) Cases investigated.

(b) Cases for which investigation is completed within 30 days [7(2)]

(c) Cases for which 'B' report has been filed.

(d) Cases for which charge sheet has been filed.

(e) Accused in FIR.

(f) Accused in charge sheet.

(g) Cases ending in conviction.

(h) Number of accused acquitted (including in the cases for which there is conviction).

This is not explicitly mentioned in the Act or Rules, but a review of the past experience [7(1)], quarterly review of cases [7(3)] role of the IO [17(1)] would entail this at the very minimum. If the number of charge sheets filed is low, or the number of acquitted is high these are danger signals. Check the judgements to see what was the cause of the acquittals. If a pattern of shoddy investigation becomes apparent, then ask for another IO with better credentials. That is clear under 7(1).

31. Ensure that the allowances are paid to the victims, dependents and witnesses [11] immediately or within three days [11(7)]. They are entitled to taxi fare from place of stay to place of investigation [11(1)] or visiting officials concerning the investigation [11(2)]. The District Magistrate or Executive Magistrate shall make arrangements for the same in an equivalent mode of transport [11(2)]. They are entitled to daily maintenance allowance, diet allowance etc for the days away from place of residence during investigation [11(4)].

32. Ensure that women victims, witnesses and dependents being a woman, minor, over 60 years of age or over 40% disability has an attendant of their choice. The attendant is entitled to the same allowances [11(3)].

33. Ensure that the case is discussed at the quarterly DVMC meeting [17(3)] by sending a letter to the district social welfare officer, the member-secretary [17(2)] asking for the case to be discussed. After the meeting ask for a copy of the minutes. Similarly, ask for the case to be discussed at the SVMC half-yearly [16(2)] by sending a letter to the Principal Secretary (Social Welfare), convenor of the SVMC, and asking for a copy of the minutes after the meeting. Your letter should contain the bare facts of the case at this point, including the names of the officials involved. If the IO is found to be unsatisfactory, ask for that to be specifically noted at the DVMC/SVMC meeting. Give the statistics that you got through the use of RTI.

34. Some part of the compensation will be due at the time of filing the charge sheet. Ensure it reaches the victim and dependents. Follow up on the Ambedkar Foundation relief amount.

35. If there is reasonable concern that the investigation could be compromised for any reason (is not impartial or dilutes the case - not recording the right sections, weak or irrelevant charges, some of the accused not mentioned) petition the magistrate at the district court for a judicial inquiry or petition the high court to request a CBI inquiry.

## **MONITORING THE JUDICIAL SYSTEM**

Once the charge sheet is filed, then the case is handed over to the courts. At that point an SPP is appointed who will argue the case. Not all SPPs are equal. We will need to track them and the judge according to their proven history, which has a long paper trail. It is best to have your own lawyers' collective in each district so that one can immediately be assigned to the case. A lawyers' collective has the added

benefits of the power of solidarity and that they will specialise in this Act thereby acquiring domain expertise.

36. PREFERRED OPTION: If you are going to provide support for any case (new or old) always insist that the victim has a private advocate of choice, paid for by the state. That is their right under Rule 4(5). This advocate will be paid higher than the panel advocates, who are paid more than the SPPs. There will be reluctance by the state. Assert your right. Use the steps below to get the performance of the SPPs and panel advocates to bolster your case.

37. Ensure that the allowances are paid to the victims, dependents and witnesses [11] immediately or within three days [11(7)]. They are entitled to taxi fare from place of stay to court for hearing and trial [11(1)]. The District Magistrate or Executive Magistrate shall make arrangements for the same in an equivalent mode of transport [11(2)]. They are entitled to daily maintenance allowance, diet allowance etc for the days away from place of residence during hearing and trial [11(4)]. Ensure that women victims, witnesses and dependents being a woman, minor, over 60 years or age or over 40% disability has an attendant of their choice. The attendant is entitled to the same allowances [11(3)].

38. These allowances have to be paid within three days [11(7)]. If it is not done, lodge a complaint with the judge at the next hearing. Ask for the amount to be paid before the court ends hearing on that day, and for specific action to be taken against the District /Executive Magistrate under S4 for not doing their duty under this Act. Give it as a written submission in court.

39. For every Special Public Prosecutor (SPP) and panel advocate, ask for number of: [4(2)]

- (a) Cases argued.
- (b) Cases ending in conviction.
- (c) Accused in charge sheet.
- (d) Accused who are acquitted (including in the cases for which there is conviction).

The report submitted to the state government on the performance of the SPPs in January and July [4(2)], which will (should) contain this information.

40. If the performance of the SPP or panel advocate is unsatisfactory, ask for a Senior Advocate of choice from the district magistrate at the expense of the state [4(5)].

41. For every judge hearing cases under this Act (whether designated special court or not) review the number of:

- (a) Cases listed.
- (b) Cases heard.
- (c) Cases ending in conviction.
- (d) Accused in charge sheet.
- (e) Accused who are acquitted (including in the cases for which there is conviction).

This is not explicitly mentioned in the Act, but a review of the role of the judge would entail this at the very minimum. This review has to be done by getting information from the court registry using RTI. Some judges have a 100% acquittal rate and they need to be removed from the special courts.

- 42. Collect interim orders and take a review of the case proceedings which will be handy to gauge the development over each case.
- 43. It is important to track *both* the number of cases ending in conviction *and* the number of accused convicted since even in the cases ending in conviction 9 out of 10 accused may be acquitted (i.e. 90% acquittal) for the (a) IO (b) SPP and (c) Judge.
- 44. Ensure that the DVMC minutes [17(3)], SVMC minutes [16(2), SPs report [12(1) and 12(7)] are introduced as evidence, as also the medical reports and other material evidence. Pray for spot inspection under the provisions of section 310 of Cr.P.C. With this, the court can very well perceive the local environment and background.
- 45. Ensure that the case is discussed at the quarterly DVMC meeting [17(3)] by sending a letter to the district social welfare officer, the member-secretary [17(2)] asking for the case to be discussed. After the meeting ask for a copy of the minutes. Similarly, ask for the case to be discussed at the SVMC half-yearly [16(2)] by sending a letter to the Principal Secretary (Social Welfare), convenor of the SVMC, and asking for a copy of the minutes after the meeting. Your letter should contain the bare facts of the case up to this point, including the names of the officials involved. If the SPP's record or performance is found to be unsatisfactory (high number of acquittals), ask for that to be specifically noted at the DVMC/SVMC meeting. Give the statistics that you got through the use of RTI.
- 46. A part of the compensation will be due at the end of the trial. Ensure it reaches the victim and dependents. Ensure that the Ambedkar Foundation relief amount has been received.

## JUDGMENT

- 47. Get a copy of the judgement.

48. Some part of the compensation will be due at conviction. Ensure it reaches the victim and dependents.
49. If acquitted, check if the state plans for appeal (DPP under RTI). If not, request an appeal. At the time be even more particular about the choice of advocates. Choose the best possible.
50. If the judgement mentions anything adverse about any official, immediately pass the judgement with a covering note on who the official is and what the court has said about them on to (a) District collector (b) District social welfare officer (c) State SCs and STs Protection Cell (d) State Nodal Officer (e) Director of Public Prosecutions (f) Principal secretary (Home) asking them to take action against the particular officer under Section 4 of the Act.

## Sections under Indian Penal Code and other Acts

Sections to be included in FIR/Charge Sheet			
Punishment for Atrocity Crimes: (1) In the event a person not belonging to Schedule Caste or Schedule Tribes commits following offence against a member of Schedule Caste and Scheule Tribes			
Section	Sections under the Prevention of Atrocities Act	Sections under IPC	Others
1.	Puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance; 3(1)(a)	<b>Section 328. Causing hurt by means of poison, etc. with intent to commit an offence-</b>	
2.	dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe; 3(1)(b)	<b>Section 268. Public nuisance-</b> <b>S. 295- Injuring or defiling place of worship with intent to insult the religion or class</b> <b>S. 290- Public Nuisance</b> <b>S. 278- Making atmosphere noxious to health</b>	
3.	with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood; 3(1)(c)	<b>S. 503- Criminal Intimidation</b> <b>S. 504- Intentional insult with intent to provoke breach of the peace</b>	
4.	garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe; 3(1)(d)	<b>S. 503- Criminal Intimidation</b> <b>S. 504- Intentional insult with intent to provoke breach of the peace</b> <b>S. 374</b>	

5.	forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity; 3(1)(e)	<b>S. 403- Dishonest misappropriation of property</b> <b>S. 503- Criminal Intimidation</b>	PCRA Section 4
6.	wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred; 3(1)(f)	<b>S. 403- Dishonest misappropriation of property</b> <b>S. 503- Criminal Intimidation</b>	PCRA Section 7A  Unlawful compulsory labour
7.	wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce there from 3(1)(g)	<b>Section 171 A &amp; E. Undue influence or impersonation at an election</b>	
8.	makes a member of a Scheduled Caste or a Scheduled Tribe to do "begar" or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government; 3(1)(h)	<b>Section 374. Unlawful compulsory labour-</b>	

9	compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves; 3(1)(i)	Ss. 268 - Public Nuisance  <b>S. 295- Injuring or defiling place of worship with intent to insult the religion or class</b>  <b>S. 290- Public Nuisance</b> <b>S. 278- Making atmosphere noxious to health</b>	
10	makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose; 3(1)(j)	Section 506, 321, 374, 503, 509	S. 7(1)(d), PCRA- insult or attempt on ground of untouchability
11	performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a Devadasi or any other similar practice or permits aforementioned acts; 3(1)(k)	Section 503, 504, 506, 509, 321	
12	forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe not to vote, not to file a nomination as a candidate 3(1)(l)	Section 171, 506, 503, 504, 321	
13	forces or intimidates or obstructs a member of a Scheduled Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a Panchayat 3(1)(m)	Section 503, 504, 171, 182	
14	after the poll, causes hurt or	Section 503. 504, 171, 321,	

	grievous hurt or assault or imposes or threatens to impose social or economic boycott 3(1)(n)	500, 499, 182	
15	commits any offence under this Act against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law; 3(1)(o)	Section 326, 327, 341, 339	
16	institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe; 3(1)(p)	Section 203, 209, 211, 321, 499, 500, 503	
17	gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe; 3(1)(q)	Section 182, 403, 503	
18	intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view; 3(1)(r)	Section 283, 339, 341, 503, 504	
19	abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view; 3(1)(s)	Section 503, 504, 321, 499, 500, 506	

20	destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes. 3(1)(t)	Section 503, 504, 506	
21	by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes; 3(1)(u)	Section 506, 503, 504, 200, 166, 167, 217, 218, 295, 268	
22	by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes; 3(1)(v)	Section 321, 166, 167, 405	
23	intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent; 3(1)(w)	Section 354, 503, 504	
24	corrupts or fouls the water of any spring; 3(1)(x)	Section 277, 268, 290, 503, 506, 504	
25	denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to	Section 283, 339, 341, 403, 503, 504	

	a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to; 3(1)(y)		
26	forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence: Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty; 3(1)(z)	Section 321, 403, 503, 504	
27	<p>(za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—</p> <p>(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage;</p> <p>(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding</p>	Section 283, 339, 341, 403, 503, 504, 436, 435	

	<p>processions;</p> <p>(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including jatras;</p> <p>(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public; or</p> <p>(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;</p>		
28	<p>causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch;</p> <p>3(1)(zb)</p>	Section 503, 504, 506, 403, 290, 278, 268, 295	
29	<p>(zc) imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a</p>	Section 503, 504, 278, 268, 321	

	Scheduled Tribe,;		
30	Section 326B of the Indian Penal Code (45 of 1860)-- Voluntarily throwing or attempting to throw acid. [Section 3(2)(va) read with Schedule to the Act]	Section 290, 354, 295, 268	
31	Section 354 of the Indian Penal Code (45 of 1860) -- Assault or criminal force to woman with intent to outrage her modesty. [Section 3(2) (va) read with Schedule to the Act]	Section 376, 376(B), 376(C), 376(D), 354	
32	Section 354A of the Indian Penal Code (45 of 1860)-- Sexual harassment and punishment for sexual harassment. [Section 32) (va) read with Schedule to the Act]	Section 354(A) 1(45th of 1860), 503, 506, 504	
33	Section 354 B of the Indian Penal Code (45 of 1860)-- Assault or use of criminal force to woman with intent to disrobe [ Section 3(2)(va) read with Schedule to the Act]	Section 354(B) 1(45th of 1860), 503, 506, 504	
34	Section 354 C of the Indian Penal Code (45 of 1860)-- Voyeurism. [Section 3(2)(va) read with Schedule to the Act]	Section 354(C) 1(45th of 1860), 503, 506, 504	
35	Section 354 D of the Indian Penal Code (45 of 1860) -- Stalking. [Section 3(2)(va) read with Schedule to the Act]	Section 354(D) 1(45th of 1860), 503, 506, 504	
36	Section 376B of the Indian Penal Code (45 of 1860)-- Sexual intercourse by husband	Section 376(B) 1(45th of 1860), 503, 506, 504	

	upon his wife during separation. [Section 3(2)(va) read with Schedule to the Act]		
37	Section 376C of the Indian Penal Code (45 of 1860) -- Sexual intercourse by a person in authority. [Section 3(2)(va) read with Schedule to the Act]	Section 376(C) 1(45th of 1860), 503, 506, 504	
38	Section 509 of the Indian Penal Code (45 of 1860)-- Word, gesture or act intended to insult the modesty of a woman. [Section 3(2)(va) read with Schedule to the Act]	Section 509 1(45th of 1860), 503, 506, 504	
39	Giving or fabricating false evidence [Section 3(2)(i) and (ii) of the Act]	Section 196, 203, 209, 211, 321	
40	Committing offences under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more [Section 3(2) of the Act]	Section 115 (Part 2) 302, 304, 305, 306, 307, 326, 327, 329, 364, 366, 372, 373, 376, 377, 386, 388, 389, 392, 394, 395, 396, 397, 398, 399, 436, 450, 455, 458, 499, 460	
41	Committing offences under the Indian Penal Code (45 of 1860) specified in the Schedule to the Act punishable with such punishment as specified under the Indian Penal Code for such offences[ Section 3(2) (va) read with the Schedule to the Act]	Section 115 (Part 2) 307, 305, 306, 373, 376, 377, 394, 395	
42	Victimisation at the hands of a public servant[ Section 3(2) (vii) of the Act]	Section 182, 499, 500, 503, 321, 196, 209, 203	

43	<p>Disability. Guidelines for evaluation of various disabilities and procedure for certification as contained in the Ministry of Social Justice and Empowerment Notification No. 16-18/97-NI, dated the 1st June, 2001. A copy of the notification is at Annexure-II.</p> <p>(a) 100 per cent. incapacitation</p> <p>(b) where incapacitation is less than 100 per cent. but more than 50 per cent.</p> <p>(c) where incapacitation is less than 50 per cent.</p>	Section 220, 203m 211, 321, 405, 503, 307, 306, 376, 304, 305	
44	Murder or Death.	Section 302, 304, 305, 306, 307, 326, 504, 503, 506, 403	
45	Additional relief to victims of murder, death, massacre, rape, gang rape, permanent incapacitation and dacoity.	Section 302, 304, 305, 306, 307, 326, 327, 329, 364, 373, 376, 377, 386, 388, 389, 392, 394, 395, 396, 397, 398, 399, 436	
46	Complete destruction or burnt houses.	Section 435, 436, 211, 321, 403, 503, 509, 506	

## HOW TO GIVE EVIDENCE IN COURT

The courts are a new, and often intimidating experience for everyone except the judge. So it is normal to be a little tense. However, as a human rights defender, it is your duty to help the victim-survivor and witnesses to clearly tell the court the facts. This can be done by preparing them before hand, telling them what to expect and what to do. Go over their testimony with them, both individually and collectively. They need to be confident when in court.

Before the trial starts the prosecutor in-charge of the case (the special public prosecutor) will prepare his case and know what his witnesses are going to state in the court. He will, therefore, interview each witness well in time and ascertain from the facts to which they would testify in the court and instruct him how he should behave in the court (don't lose temper, to answer questions distinctly and in a natural manner, and not to volunteer more information than is asked). He would encourage a timid or nervous witness and warn a self-opinionated, talkative one against making answers unnecessarily long or speaking about matters regarding which he has not been questioned (1586.5). During this preliminary interview, the Prosecutors will try to anticipate questions which may be put to the witnesses in cross-examination and put those questions to the witnesses and find out what answers they have to give. This would help them to face the defence lawyers' questions with confidence. There should be no attempt to tutor witnesses (1586.6).

Remember, the witnesses, victims and their dependents are entitled to transport and allowances. In case they are a person with disability, a minor, elderly or woman, each of them is entitled to an attender of their choice (who is also entitled to the same allowances) at the cost of the state [11(1), (3), (4) and (5)]. The payments will be made immediately, but not later than three days [11(6)] by the district magistrate or any other executive magistrate.

### **The following are essential when attending the court.**

1. Always appear in neat, formal (not dirty, festive or casual) clothes when giving evidence in court;
2. Acknowledge the judge (look into the eye and nod), both when entering and leaving the witness box;
3. Be attentive, never fidget;
4. Be calm and dignified while giving evidence, to impress the court and the counsel favourably;
5. In giving evidence, look straight towards the court.
6. When questioned by the adverse party, never turn towards the prosecution counsel.

7. Answer a question only if you fully understand it. If the question is not clear enough, say so and politely ask the counsel to repeat it in a simpler form.
8. Do not answer a question with a counter-question.
9. If you do not remember any fact, say so at once rather than attempt a random answer.
10. Never show irritation and do not be offended if the cross-examiner questions in a way you do not like.
11. If questions are unnecessarily vexations or obnoxious, represent the matter to the court and seek its protection. Above all, do not quarrel with the counsel.
12. Carefully distinguish between what you know personally and what you may have heard from others.
13. In answering a question, do not give unnecessary information. For example, if asked whether the colour of a certain article is white, do not say "No, it is black", say simply "No" or "Yes".
14. If you consider that some of your answer requires an explanation which the counsel failed to elicit, you may, when both the sides have finished, represent the matter to the court.
15. Remember that all that the court wants to ascertain is the guilt or innocence of the accused and not your intelligence.
16. Give no more details regarding the source of your information than from information received "I did this or that".
17. Avoid lengthy answers. They furnish more material for cross-examination. Replies should be concise.
18. Do not leave the court without its permission.

Paraphrased from the Karnataka Police Manual, paragraphs 1586 and 1588 (accessed 1 July 2013 <http://www.ksp.gov.in/home/policemanual/ch39.php>).

### Case Details

1. Case Number (Crime No./SC No.:
2. Case Description:
3. Place of incidence (Village/town, District, State)
4. Date of incidence
5. Type of atrocity
6. Number of victims: Male \_\_\_\_\_ Female \_\_\_\_\_ Community \_\_\_\_\_
7. Witnesses: Male \_\_\_\_\_ Female \_\_\_\_\_ Community \_\_\_\_\_
8. No of accused: Male \_\_\_\_\_ Female \_\_\_\_\_ Community \_\_\_\_\_
9. Brief details of the case

### Details of Actions

1. Whether any action taken (Yes/No):
2. What action was taken and by whom (it may include all kind of actions taken by respective department, community, police etc.)
3. Date of Spot visit by SP and DM [12(1)]
4. Name of Superintendent of Police (SP)
5. Name of District Magistrate (DM)
6. Name of investigating officer appointed by SP [12(3)]
7. Got report of SP [12(7), 6(2)] [Yes/No]

### FIR Details

1. Did the SP get the FIR registered? [12(2)]
2. Whether FIR registered
3. If FIR not registered, why:
4. Date of FIR
5. Police station
6. POA sections
7. PCRA sections
8. IPC sections
9. Any missing POA sections
10. Name of the officer writing FIR

### Counter Case

1. Whether counter case filed: Yes /No.
2. If yes, Date

3. Case No.
4. Police Officer
5. Police station

**Charge sheet**

1. Date of charge sheet
2. Case charge sheet no.:
3. Number of accused Total \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_

**Court**

1. Type of court
2. Name of public prosecutor:
3. Name of Judge:
4. Number of witnesses called: Total \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_
5. Number of witnesses hostile: Total \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_
6. Number of victims turned hostile: Total \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_
7. Number convicted: Total \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_
8. Date of trial start
9. Date of judgment:

**Compensation received:**

	Immediate	Interim	Final	Total
Rupees				
Material				

<b>Case follow up: Support to Victims and Witnesses (at least once a week) year:</b>			
Name of victim/Witness	Victim-survivor/witness 1	V-S/W2	V-S/W3
Mobile number			
Week 1			
Week 2			
Week 3			
Week 4			

Week 5			
Week 6			
Week 7			
Week 8			
Week 9			
Week 10			
Week 11			
Week 12			
Week 13			
Week 14			
Week 15			
Week 16			
Week 17			
Week 18			
Week 19			
Week 20			
Week 21			
Week 22			
Week 23			
Week 24			
Week 25			
Week 26			
Week 27			
Week 28			
Week 29			
Week 30			

Week 31			
Week 32			
Week 33			
Week 34			
Week 35			
Week 36			
Week 37			
Week 38			
Week 39			
Week 40			
Week 41			
Week 42			
Week 43			
Week 44			
Week 45			
Week 46			
Week 47			
Week 48			

Week 49			
Week 50			
Week 51			
Week 52			
Total visits			

FIR No. & Date		Compensation tracker: Loss of life and property						
		When due	% due	Amount due	Date due	Date received	Amount received	Remarks
1.1	Name of Victim-survivor/witness							
1.2	Immediate relief							
1.3	Installment 1							
1.4	Installment 2							
1.5	Installment 3							
2.1	Name of Victim-survivor/witness							
2.2	Immediate relief							
2.3	Installment 1							
2.4	Installment 2							
2.5	Installment 3							
3.1	Name of Victim-survivor/witness							
3.2	Immediate relief							
3.3	Installment 1							
3.4	Installment 2							
3.5	Installment 3							
4.1	Name of Victim-survivor/witness							
4.2	Immediate relief							
4.3	Installment 1							
4.4	Installment 2							
4.5	Installment 3							









## Calander for Monitoring of Mandatory Provisions under SC/ST (PoA) Act 1989 & Rule 2005

Calendar Date	Activity	DHRD
<b>January</b>		
<b>20</b>	<p>The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20<sup>th</sup> day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case.</p> <p style="text-align: center;">Rule 4(4)</p> <p style="text-align: center;">Action by the District Magistrate &amp; Department of Prosecution</p>	<p>On 22<sup>th</sup> of every month, file RTI to DC/DM for Copy of review report on the status of the cases.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DVMC members and Nodal Officer of the Act.</p>
<b>20</b>	<p>SC/ST Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police submit a monthly report to the state government/ nodal officer on action taken.</p> <p style="text-align: center;">Under Rule 8(1)xi Action by SC/ST Protection Cell</p>	<p>File RTI to DG or IG on every 22<sup>th</sup> of the month for action taken report that to be submitted to Nodal officer and state govt. as per Rule 8(1)xi.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act.</p> <p>If Rule 8(1)xi is not executed, write an appeal letter to State Govt / Nodal Officer to direct DG or IG to execute it.</p>

31	<p>The District Magistrate and the Director of Prosecution/in-charge of the prosecution shall review the month of January and July, the performance of Special Public Prosecutors so specified or appointed and submit a report to the State Government.</p> <p>Rule 4(2)</p> <p>Action by the District Magistrate &amp; Department of Prosecution</p>	<p>At the end of January &amp; July, file RTI to DC &amp; Director of Prosecution / incharge of the prosecution for a review report on the performance of SPP as per Rule 4(2) of SC/ST (PoA) Rule1995.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act. <b>If review not done:</b> Write an appeal letter to the Nodal officer to direct the DC/DM &amp; Director of Prosecution/in-charge to review the performance of SPP as per Rule 4(4) of SC/ST (PoA) Rule 1995</p>
31	<p>High power vigilance and monitoring committee shall meet at least twice in a calendar year, in the month of January and July to review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the State Government.</p> <p>Rule 16(2)</p> <p>Action by SVMC</p>	<p>If committees are formed but meetings are not organised regularly, then write an appeal letter to CM and Secretary in-charge of SC/ST welfare dept. as per Rule 16(2) of SC/ST (PoA) Rule 1</p> <p>At the end of January &amp; July, file RTI to Director and secretary in-charge of SC/ST Welfare Dept. for copy of review meeting minutes and actoin taken report.</p>
<b>February</b>		
20	<p>The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20<sup>th</sup> day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case.</p> <p>Rule 4(4)</p> <p>Action by the District Magistrate &amp; Department of Prosecution</p>	<p>On 22<sup>th</sup> of every month, file RTI to DC/DM for Copy of review report on the status of the cases.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DVMC members and Nodal Officer of the Act.</p>

20	<p>SC/ST Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police submit a report to the state government nodal officer on action taken.</p> <p>Rule 8(1)xi Action by SC/ST Protection Cell</p>	<p>File RTI to DG or IG on every 22th of the month for action taken report that to be submitted to Nodal officer and state govt. as per Rule 8(1)xi.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act.</p> <p>If Rule 8(1)xi is not executed, write an appeal letter to State Govt / Nodal Officer to direct DG or IG to execute it.</p>
<b>March</b>		
20	<p>The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20<sup>th</sup> day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case.</p> <p>Rule 4(4) Action by the District Magistrate &amp; Department of Prosecution</p>	<p>On 22th of every month, file RTI to DC/DM for Copy of review report on the status of the cases.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DVMC members and Nodal Officer of the Act.</p>
20	<p>SC/ST Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police submit a report to the state government nodal officer on action taken.</p> <p>8(1)xi Action by SC/ST Protection Cell</p>	<p>File RTI to DG or IG on every 22th of the month for action taken report that to be submitted to Nodal officer and state govt. as per Rule 8(1)xi.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act.</p> <p>If Rule 8(1)xi is not executed, write an appeal letter to State Govt / Nodal Officer to direct DG or IG to execute it.</p>

31	<p>The district level committee shall meet at least once in three months.</p> <p>Rule 17(3) Action by DVMC</p>	<p>If committees are formed but meetings are not organised regularly, then write an appeal letter to DC/DM and DWO as per Rule 16(2) of SC/ST (PoA) Rule 1995.</p> <p>File RTI to DC/DM for copy of review meeting minutes and actoin taken report.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DC/DM, Chief Secretary and Nodal Officer of the Act.</p>
31	<p>Forward a report to the Central government about the measures taken for implmenting provisions of the act and various schemes/plans framed by it during the previous claendar year.</p> <p>Rule 18 Action by State Government</p>	<p>On 10th July, file RTI to State Social Welfare Dept. for copy of action taken report of the state govt. that was submitted to central govt. as per Rule 18 of SC/ST (PoA) Rule 1995</p>
31	<p>The Home Secretary and the Social Welfare Secretary to the State Government, Director of Prosecution the officer in-charge of Prosecution and the Director General of Police shall review by the end of every quarter the position of all investigations done by the investigating officer.</p> <p>Rule 7(3) Action by State Secretary Home, Social Welfare, DPP, OiC Prosecution, DGP</p>	<p>by the end of every quarter, file RTI to DGP and Secretary of Social Welfare Dept. for copy of review report on position of all investigations done by IO.</p> <p>Assess the report collected through RTI and prepare a status report and send it to Chief Secretary and Nodal Officer of the Act.</p>
31	<p>Quarterly Review by nodal officer</p> <p>Rule 9 Action by State Government</p>	<p>File RTI to Nodal officer, for a review report carried out on the report submitted by the state govt.</p>
<b>April</b>		
20	<p>The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20<sup>th</sup> day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case.</p> <p>Rule 4(4)</p>	<p>On 22th of every month, file RTI to DC/DM for Copy of review report on the status of the cases.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DVMC members and Nodal Officer of the Act.</p>

	Action by the District Magistrate & Department of Prosecution	
20	<p>SC/ST Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police submit a report to the state government nodal officer on action taken.</p> <p>Rule 8(1)xi SC/ST Protection Cell</p>	<p>File RTI to DG or IG on every 22th of the month for action taken report that to be submitted to Nodal officer and state govt. as per Rule 8(1)xi.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act.</p> <p>If Rule 8(1)xi is not executed, write an appeal letter to State Govt / Nodal Officer to direct DG or IG to execute it.</p>
<b>May</b>		
20	<p>The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20<sup>th</sup> day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case.</p> <p>Rule 4(4) Action by the District Magistrate &amp; Department of Prosecution</p>	<p>On 22th of every month, file RTI to DC/DM for Copy of review report on the status of the cases.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DVMC members and Nodal Officer of the Act.</p>

20	<p>SC/ST Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police submit a report to the state government nodal officer on action taken.</p> <p>Rule 8(1)xi SC/ST Protection Cell</p>	<p>File RTI to DG or IG on every 22th of the month for action taken report that to be submitted to Nodal officer and state govt. as per Rule 8(1)xi.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act.</p> <p>If Rule 8(1)xi is not executed, write an appeal letter to State Govt / Nodal Officer to direct DG or IG to execute it.</p>
<b>June</b>		
20	<p>The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20<sup>th</sup> day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case.</p> <p>Rule 4(4) Action by the District Magistrate &amp; Department of Prosecution</p>	<p>On 22th of every month, file RTI to DC/DM for Copy of review report on the status of the cases.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DVMC members and Nodal Officer of the Act.</p>
20	<p>SC/ST Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police submit a report to the state government nodal officer on action taken.</p> <p>Rule 8(1)xi SC/ST Protection Cell</p>	<p>File RTI to DG or IG on every 22th of the month for action taken report that to be submitted to Nodal officer and state govt. as per Rule 8(1)xi.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act.</p> <p>If Rule 8(1)xi is not executed, write an appeal letter to State Govt / Nodal Officer to direct DG or IG to execute it.</p>

30	<p>The district level committee shall meet at least once in three months.</p> <p>Rule 17(3) Action by DVMC</p>	<p>If committees are formed but meetings are not organised regularly, then write an appeal letter to DC/DM and DWO as per Rule 16(2) of SC/ST (PoA) Rule 1995.</p> <p>File RTI to DC/DM for copy of review meeting minutes and actoin taken report.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DC/DM, Chief Secretary and Nodal Officer of the Act.</p>
30	<p>The Home Secretary and the Social Welfare Secretary to the State Government, Director of Prosecution the officer in-charge of Prosecution and the Director General of Police shall review by the end of every quarter the position of all investigations done by the investigating officer.</p> <p>Rule 7(3) Action by State Secretary Home, Social Welfare, DPP, OiC Prosecution, DGP</p>	<p>by the end of every quarter, file RTI to DGP and Secretary of Social Welfare Dept. for copy of review report on position of all investigations done by IO.</p> <p>Assess the report collected through RTI and prepare a status report and send it to Chief Secretary and Nodal Officer of the Act.</p>
30	<p>Quarterly Review by nodal officer</p> <p>Rule 9</p> <p>Action by State Government</p>	<p>File RTI to Nodal officer, for a review report carried out on the report submitted by the state govt.</p>
<b>July</b>		
20	<p>The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20<sup>th</sup> day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case.</p> <p>Rule 4(4) Action by the District Magistrate &amp; Department of Prosecution</p>	<p>On 22<sup>th</sup> of every month, file RTI to DC/DM for Copy of review report on the status of the cases.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DVMC members and Nodal Officer of the Act.</p>

<p>20</p>	<p>SC/ST Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police submit a report to the state government nodal officer on action taken.</p> <p>Rule 8(1)xi Action by SC/ST Protection Cell</p>	<p>File RTI to DG or IG on every 22th of the month for action taken report that to be submitted to Nodal officer and state govt. as per Rule 8(1)xi.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act.</p> <p>If Rule 8(1)xi is not executed, write an appeal letter to State Govt / Nodal Officer to direct DG or IG to execute it.</p>
<p>31</p>	<p>The District Magistrate and the Director of Prosecution/in-charge of the prosecution shall review the month of July, the performance of Special Public Prosecutors so specified or appointed and submit a report to the State Government.</p> <p>Rule 4(2) Action by the District Magistrate &amp; Department of Prosecution</p>	<p>At the end of January &amp; July, file RTI to DC &amp; Director of Prosecution / incharge of the prosecution for a review report on the performance of SPP as per Rule 4(2) of SC/ST (PoA) Rule1995.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act. <b>If review not done:</b> Write an appeal letter to the Nodal officer to direct the DC/DM &amp; Director of Prosecution/in-charge to review the performance of SPP as per Rule 4(4) of SC/ST (PoA) Rule 1995</p>
<p>31</p>	<p>SC/ST Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police submit a report to the state government nodal officer on action taken.</p> <p>Rule 8(1)xi Action by SC/ST Protection Cell</p>	<p>File RTI to DG or IG on every 22th of the month for action taken report that to be submitted to Nodal officer and state govt. as per Rule 8(1)xi.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act.</p> <p>If Rule 8(1)xi is not executed, write an appeal letter to State Govt / Nodal Officer to direct DG or IG to execute it.</p>

31	<p>High power vigilance and monitoring committee shall meet at least twice in a calendar year, in the month of January and July to review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the State Government.</p> <p>Rule 16(2) Action by SVMC</p>	<p>If committees are formed but meetings are not organised regularly, then write an appeal letter to CM and Secretary in-charge of SC/ST welfare dept. as per Rule 16(2) of SC/ST (PoA) Rule 1</p> <p>At the end of January &amp; July, file RTI to Director and secretary in-charge of SC/ST Welfare Dept. for copy of review meeting minutes and action taken report.</p>
<b>August</b>		
20	<p>The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20<sup>th</sup> day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case.</p> <p>Rule 4(4) Action by the District Magistrate &amp; Department of Prosecution</p>	<p>On 22<sup>th</sup> of every month, file RTI to DC/DM for Copy of review report on the status of the cases.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DVMC members and Nodal Officer of the Act.</p>
20	<p>SC/ST Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police submit a report to the state government nodal officer on action taken.</p> <p>Rule 8(1)xi Action by SC/ST Protection Cell</p>	<p>File RTI to DG or IG on every 22<sup>th</sup> of the month for action taken report that to be submitted to Nodal officer and state govt. as per Rule 8(1)xi.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act.</p> <p>If Rule 8(1)xi is not executed, write an appeal letter to State Govt / Nodal Officer to direct DG or IG to execute it.</p>
<b>September</b>		

20	<p>The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20<sup>th</sup> day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case.</p> <p>Rule 4(4) Action by the District Magistrate &amp; Department of Prosecution</p>	<p>On 22<sup>th</sup> of every month, file RTI to DC/DM for Copy of review report on the status of the cases.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DVMC members and Nodal Officer of the Act.</p>
	<p>SC/ST Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police submit a report to the state government nodal officer on action taken.</p> <p>Rule 8(1)xi Action by SC/ST Protection Cell</p>	<p>File RTI to DG or IG on every 22<sup>th</sup> of the month for action taken report that to be submitted to Nodal officer and state govt. as per Rule 8(1)xi.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act.</p> <p>If Rule 8(1)xi is not executed, write an appeal letter to State Govt / Nodal Officer to direct DG or IG to execute it.</p>
30	<p>The district level committee shall meet at least once in three months.</p> <p>Rule 17(3) Action by DVMC</p>	<p>If committees are formed but meetings are not organised regularly, then write an appeal letter to DC/DM and DWO as per Rule 16(2) of SC/ST (PoA) Rule 1995.</p> <p>File RTI to DC/DM for copy of review meeting minutes and actoin taken report.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DC/DM, Chief Secretary and Nodal Officer of the Act.</p>

30	<p>The Home Secretary and the Social Welfare Secretary to the State Government, Director of Prosecution the officer in-charge of Prosecution and the Director General of Police shall review by the end of every quarter the position of all investigations done by the investigating officer.</p> <p>Rule 7(3) Action by State Secretary Home, Social Welfare, DPP, OiC Prosecution, DGP</p>	<p>by the end of every quarter, file RTI to DGP and Secretary of Social Welfare Dept. for copy of review report on position of all investigations done by IO.</p> <p>Assess the report collected through RTI and prepare a status report and send it to Chief Secretary and Nodal Officer of the Act.</p>
30	<p>Quarterly Review by nodal officer</p> <p>Rule 9</p> <p>Action by State Government</p>	<p>File RTI to Nodal officer, for a review report carried out on the report submitted by the state govt.</p>
<b>October</b>		
20	<p>The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20<sup>th</sup> day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case.</p> <p>Rule 4(4) Action by the District Magistrate &amp; Department of Prosecution</p>	<p>On 22<sup>th</sup> of every month, file RTI to DC/DM for Copy of review report on the status of the cases.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DVMC members and Nodal Officer of the Act.</p>
20	<p>SC/ST Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police submit a report to the state government nodal officer on action taken.</p> <p>Rule 8(1)xi By SC/ST Protection Cell</p>	<p>File RTI to DG or IG on every 22<sup>th</sup> of the month for action taken report that to be submitted to Nodal officer and state govt. as per Rule 8(1)xi.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act.</p> <p>If Rule 8(1)xi is not executed, write an appeal letter to State Govt / Nodal Officer to direct DG or IG to execute it.</p>
<b>November</b>		

20	<p>The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20<sup>th</sup> day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case.</p> <p>Action by the District Magistrate &amp; Department of Prosecution</p>	<p>On 22<sup>th</sup> of every month, file RTI to DC/DM for Copy of review report on the status of the cases.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DVMC members and Nodal Officer of the Act.</p>
20	<p>SC/ST Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police submit a report to the state government nodal officer on action taken.</p> <p>Rule 8(1)xi By SC/ST Protection Cell</p>	<p>File RTI to DG or IG on every 22<sup>th</sup> of the month for action taken report that to be submitted to Nodal officer and state govt. as per Rule 8(1)xi.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act.</p> <p>If Rule 8(1)xi is not executed, write an appeal letter to State Govt / Nodal Officer to direct DG or IG to execute it.</p>
<b>December</b>		
20	<p>The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20<sup>th</sup> day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case.</p> <p>Action by the District Magistrate &amp; Department of Prosecution</p>	<p>On 22<sup>th</sup> of every month, file RTI to DC/DM for Copy of review report on the status of the cases.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DVMC members and Nodal Officer of the Act.</p>

20	<p>SC/ST Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police submit a report to the state government nodal officer on action taken.</p> <p>Rule 8(1)xi By SC/ST Protection Cell</p>	<p>File RTI to DG or IG on every 22th of the month for action taken report that to be submitted to Nodal officer and state govt. as per Rule 8(1)xi.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members, Chief Secretary and Nodal Officer of the Act.</p> <p>If Rule 8(1)xi is not executed, write an appeal letter to State Govt / Nodal Officer to direct DG or IG to execute it.</p>
31	<p>The district level committee shall meet at least once in three months.</p> <p>Rule 17(3) Action by DVMC</p>	<p>If committees are formed but meetings are not organised regularly, then write an appeal letter to DC/DM and DWO as per Rule 16(2) of SC/ST (PoA) Rule 1995.</p> <p>File RTI to DC/DM for copy of review meeting minutes and actoin taken report.</p> <p>Assess the report collected through RTI and prepare a status report and send it to DC/DM, Chief Secretary and Nodal Officer of the Act.</p>
31	<p>The Home Secretary and the Social Welfare Secretary to the State Government, Director of Prosecution the officer in-charge of Prosecution and the Director General of Police shall review by the end of every quarter the position of all investigations done by the investigating officer.</p> <p>Rule 7(3) Action by State Secretary Home, Social Welfare, DPP, OiC Prosecution, DGP</p>	<p>by the end of every quarter, file RTI to DGP and Secretary of Social Welfare Dept. for copy of review report on position of all investigations done by IO.</p> <p>Assess the report collected through RTI and prepare a status report and send it to Chief Secretary and Nodal Officer of the Act.</p>
31	<p>Quarterly Review by nodal officer</p> <p>Rule 9</p> <p>Action by State Government</p>	<p>File RTI to Nodal officer, for a review report carried out on the report submitted by the state govt.</p>

	<p>The state government shall... by the end of every quarter, review the law and order situation, functioning of different committees, performance of Special Public Prosecutors, Investigating Officers and other Officers responsible for implementing the provisions of the Act and the cases registered under the Act.</p> <p>Rule 3(1) ix By State Government</p>	<p>File RTI to Secretary in-charge of State SC/ST Welfare Dept. for copy of action taken report as per Rule 3(1)ix of SC/ST (PoA) Rule 1995.</p> <p>Assess the report collected through RTI and prepare a status report and send it to SVMC members.</p>
<b>Annual</b>	<p>The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section</p> <p>SC/ST (PoA) Act 21(4) Action by Central Government to parliament</p>	<p>Each year file RTI to Principal Secretary of MSJE for copy of report.</p>
<b>Once in three years (If counting from 1995, then 2010)</b>	<p>The State Government on the recommendation of the District Magistrate shall prepare for each District a panel of such number of eminent senior advocates who has been in practice for not less than seven years, as it may deem necessary for conducting cases in the Special Courts. Similarly, in consultation with the Director Prosecution/incharge of the prosecution, a panel of such number of Public Prosecutors as it may deem necessary for conducting cases in the Special Courts, shall also be specified. Both these panels shall be notified in the Official Gazette of the State and shall remain in force for a period of three years.</p> <p>Rule 4(1) Action by State Government</p>	<p>File RTI to DC/DM for copy of the list of eminent senior advocates who conduct cases in the special courts.</p>

## **Part 4: Atrocity against Women-Tools for Prevention**

About Protection of Women from Domestic Violence Act 2005

Tools to prevent Atrocity against Women

Karnataka State Expert Committee on prevention of sexual harassment

Eradication of discrimination against women

State Obligations regarding domestic violence against women

Protection of Women from Domestic Violence

Police duty under the Protection of Women from Domestic Violence Act

Protection of Women from Sexual Violence

Challenges faced by Dalit Women who are subjected to atrocity in  
availing justice

Recommendations

## **About Protection of Women from Domestic Violence Act**

The Domestic Violence Act 2005 is in force throughout India and it was implemented in the year 2006 with its Rules

Prior to this Act IPC section 498(A) was backing up women and also in Article 20(3) of the Indian Constitution violence against women is detailed

### **Importance of the Act**

Prior to implementation of the Domestic violence Act, women in India had to take shelter under section 498(A) of IPC to seek any relief. Prior to this Act the perpetrators of violence were sent to jail and penalty was levied and thereby violence against women was prevented.

The Protection of Women from Domestic Violence Act 2005 is different from section 498(A) of IPC. This Act is in favour of women and protects rights of women from any violence in domestic relationship. Women who is subjected to violence can avail instant assistance, protection and other reliefs. Importantly woman need not be dependent upon Police under this Act.

### **Can a woman also use IPC section 498(A)**

Yes, women who is subjected to cruelty can also make a complaint under section 498(A) of IPC. Woman can make a complaint to arrest the perpetrator of violence under section 498(A) of IPC. The decision to use the new Act(Domestic Violence Act) or section 498(A) of IPC depends on need and objective of women who is subjected to cruelty.

### **What is Domestic Violence?**

- Causing hurt, injury or danger to life, limb, health, safety or well-being, whether mental or physical.
- Causing harm, injury, or danger to the woman with an intention to coerce her or any other person related to her to meet any demand for dowry.

### **Types of violence identified by the Act**

- **“Physical abuse”** includes hurt of any kind. Assault, criminal intimidation and criminal force.
- **“Sexual abuse”** such as conduct of a sexual nature such as forced sexual intercourse, forcing the aggrieved person to watch pornography or other obscene material. Forcibly using woman to entertain others, any other act of sexual nature, abusing, humiliating, degrading or otherwise violative of one’s dignity.
- **Verbal and emotional abuse”** such as Accusation/aspersion on character or conduct. Insult for not bringing dowry, Insult for not having a male child. etc. Forcing to not attend school, college or any other educational institution

preventing one from taking up a job repeated threats to cause pain to any person in whom the woman is interested. Preventing from marrying a person of your choice.

- **"Economic abuse"** such as not providing money for maintaining woman or her children Not providing food, clothes, medicine. etc, Forcing woman out of the house. Preventing from accessing or using any part of the house, preventing or obstructing one from carrying on employment Non-payment of rent in case of a rented accommodation, selling or pawing stridhan or any other valuables without informing and without consent. Forcibly taking away salary, income or wages etc. Non-payment of other bills such as electricity, etc

### **Who can seek relief under this Act?**

- Any woman who is subjected to violence in domestic relationship can seek relief under this Act.

### **Domestic Relationship means?**

- Relationship between two persons who live or have at any point of time lived together in a shared household
- Includes relationship of consanguinity, marriage, relationship in the nature of marriage.
- Blood Relation: Mother, Son, Brother, Sisters, Father, Daughter
- Other Relationship: Widow, Undivided Hindu Family Relation

### **Other Relationship**

Any relationship that are created through illegal marriage, second wife, bigamy and those who lived like husband and wife.

### **Shared household means**

Shared household is a household where the woman lives or has lived with the man in a domestic relationship. She may not be living in the shared household at the time of the application for relief but such women are entitled to relief under the Domestic Violence Act as long as the domestic relationship subsists.

(Every woman in a domestic relationship has the right to reside in the shared household, even if she does not have any right, title or interest in it.)

### **Against whom can a complaint be filed?**

Any adult male member who has been in a domestic relationship with the woman Relatives of the husband or the male partner

Includes both male and female relatives of the male partner

## What are the reliefs available if a complaint is made under this Act

Following reliefs may be availed under this Act

- Protection Order

It is also known Violence Prevention Order. The Court directs the accused to instantly stop the violence. The woman according to her requirement can stop the accused from visiting her workplace and from meeting violence against her.

The accused can be stopped from communicating with woman in any manner such as Telephone, Letter Correspondence etc.,

Also prevent the accused from making any decision to alienate any property where woman's interest is vested.

- Residential Order

Main objective of this order is to ensure safe shelter to woman. When the woman has doubts that she will be thrown away from the shared household, she can avail residential orders.

In the event woman feels that she is not safe to stay in the shared household along with the man who is subjecting her to violence and his relatives, she can seek orders to force the accused out of the shared household or to avail a safe residence to woman.

(Under this Act woman members of the shared household cannot be forced out of the residence)

- Financial Relief

In the event, woman has spent money for medical expenses resulting out of Domestic Violence, the order directs to bear such expenses along with her maintenance and also of children.

- Medical Expenses of illness and injuries

- Value of the item belonging to woman which is damaged

- Married Women, women who are in living relationship can also avail maintenance from their husband and living partner.

- Order for loss

Other than relief mentioned above, women can also avail financial relief for loss caused due to physical and mental violence.

- Child Custody Orders

Can obtain interim order declaring custody of children. This will enable from stopping separating children and thereby blackmailing her.

This order is temporary in nature and will no way detrimental to the rights conferred under Guardians and Wards Act.

- Ex-Parte Order  
Objective of this order is to avail instant protection from immediate danger during the pendency of the case.

When the case trial is pending, until the final order the Court can give a temporary order.

An order passed in the absence of the Respondent/Opponent, is known as Ex-Parte Order. When the Respondent does not appear before the Court in time also this type of orders are passed.

Eg: Selvi had filed complaint against her brother Edward, because he was assaulting her and her life was in danger. The Court had to make immediate action. Under these circumstances the Court made and Ex-Parte protection orders in the absence of Edward

## **Panels of wives, retirees, volunteers will not evaluate dowry complaint filed by a married woman under 498-A: SC**

NEW DELHI, SEPTEMBER 14, 2018 12:32 IST

UPDATED: SEPTEMBER 14, 2018 16:28 IST

Krishnadas Rajagopal

The apex court, while modifying the verdict given by a two-judge Bench last year, restores to the police their power to immediately register an FIR and act on a dowry harassment complaint filed by a married woman.

The Supreme Court on Friday modified its July 2017 order, which roped in retirees, wives of "working officers" and social workers to sift genuine complaints of dowry harassment from the frivolous ones.

Last year, the court ordered that 'family welfare committees' to be set up in districts. These committees, comprising choice citizens, were supposed to act as a vanguard against "disgruntled wives" using the anti-dowry harassment provision of Section 498-A of the Indian Penal Code (IPC) as a "weapon" against their husbands and in-laws, young and old, rather than as a "shield".

Even the police, as per the last year order, could register an FIR only after the committee concerned cleared the complaint as valid and not frivolous.

On Friday, getting rid of these committees, a three-judge Bench led by Chief Justice of India Dipak Misra held that such panels had no place under the established criminal procedural law. They were beyond the Code of Criminal Procedure Code.

With this, the Bench, also comprising Justices A.M. Khanwilkar and D.Y. Chandrachud, has restored to the police their power to immediately register an FIR and act on a dowry harassment complaint filed by a married woman.

Chief Justice Misra observed that the Bench of Justices A.K. Goel (now retired) and U.U. Lalit, which passed the last year order, merely wanted to craft a fair and reasonable procedure for complaints under Section 498-A.

Nevertheless, Justice Goel's Bench could not have interpreted Section 498-A beyond the scope of the established law, Chief Justice Misra, who authored the 35-page Friday judgment, observed.

Chief Justice Misra reasoned that one of the major factors that influenced the last year order was statistics published by the National Crime Records Bureau, which showed that 1,97,762 husbands and relatives were arrested in 2012 alone for dowry harassment. Justice Goel had observed how an arrest "brings humiliation, curtails freedom and casts scars forever".

But Chief Justice Misra rationalised that the blame does not lie with Section 498-A, which was introduced in 1983 by Parliament to protect hapless married women against dowry menace. The evil lay in the misuse of arrest powers by the police "who behave like emperors considering the notion that they can do what they please".

Section 498-A IPC is cognisable and non-bailable offence. A guilty person faces up to three years in prison.

Chief Justice Misra agreed with the last year order to have a designated police officer to probe dowry complaints. It had ordered the Director General of Police of every State to provide such officers rigorous training.

The Chief Justice however differed with Justice Goel's direction to empower district judges to close dowry harassment cases if the parties reached out-of-court settlement. Instead, the parties would now have to approach the High Court concerned for quashing of the complaint filed by the married woman.

The Friday judgment concurred with the last year order that recovery of dowry items by itself cannot be a ground for denial of bail to the accused. The judgment also saw eye-to-eye with the direction of Justice Goel that impounding of passport of an accused person or issuance of Red Notice should not be done on a routine basis.

The three-judge Bench also held that accused persons should apply for exemption from personal appearance in dowry harassment hearings.

## **PART 5**

Programs for the development of SC/ST's by different Departments  
under SCSP/TSP Project

Government Orders

## **MAJOR AND MINOR IRRIGATION DEPARTMENT**

- For individual and collective irrigation facility Lift Irrigation, open well, tube well other facilities are provided in irrigation areas based on the land holdings of Schedule Caste/Schedule Tribe Farmers.
- Infrastructure such as Road, Community Centres are provided in Schedule Caste/Schedule Tribe Colonies coming under Irrigated areas.
- Based on the land holdings of Schedule Caste/Schedule Tribes members canal constructions and repair work is taken up

## **COOPERATIVE DEPARTMENT**

- Financial Assistance to interest on agriculture loans availed by Schedule Caste/Schedule Tribe and membership registration fee in Cooperative Societies is given
- Under **Yashaswini Program**, Health Facility is given to Schedule Caste/Schedule Tribe Farmers having membership in Cooperative Societies
- Under sub-programs LAMP Cooperative Societies are given Financial Facilities

## **LABOUR, EMPLOYMENT AND TRAINING, SKILL DEVELOPMENT DEPARTMENT**

- Skill Development Programs
- Free Toolkit distribution to ITI Students belonging to Schedule Caste/Schedule Tribe
- Laptop, Uniform, Shoes and other facilities
- Financial Assistance to Private ITI institutions run by the Schedule Caste/Schedule Tribe
- Payment of EPF/ESI for Schedule Caste/Schedule Tribe workers who have obtained employment in Private Sector

## **TOURSIM DEPARTMENT**

- Schedule Caste/Schedule Tribe Candidates having Driving License are given a maximum Rs.3.00 lakhs financial assistance for Travels Taxis and remaining amount is given in the form of loans from the Banks.
- **Karnataka Darshana** tour program for Schedule Caste/Schedule Tribe students
- Guide Training to Schedule Caste/Schedule Tribe

## **COMMERCIAL AND INDUSTRIAL (MAJOR, MEDIUM, MINOR INDUSTRY, HANDLOOM AND TEXTILE) DEPARTMENT**

- Reservation for Schedule Caste/Schedule Tribe beneficiaries in distribution of Industrial Sheds/Plots
- 50% Financial Assistance to Schedule Caste/Schedule Tribe to avail Industrial Sheds/Plots from Industrial Development Corporation/Corporation
- Providing Rs.3.00 to 3.25 lakhs for residence cum shed construction to Artisans
- Financial Assistance to Readymade garment units
- Financial Assistance under Weavers Package

#### **FOOD AND CIVIL SUPPLY DEPARTMENT**

- Supply of Food grains to Schedule Caste/Schedule Tribe members Anna Bhagya Program

#### **POWER DEPARTMENT**

- Electricity Supply Connection for Bore-Wells dug under Dr. B.R. Ambedkar Development Corporation
- Free Electricity to irrigation pump-sets belonging to Schedule Caste/Schedule Tribe Farmers
- Free Electricity to Schedule Caste/Schedule Tribe BPL families

#### **RURAL DEVELOPMENT AND PANCHAYAT RAJ DEPARTMENT**

- Individual toilets and toilet complex constructed for Schedule Caste/Schedule Tribe families
- Drinking Water Facility and Water purifier units to Schedule Caste/Schedule Tribe colonies, hostels and residential schools
- Construction of Link Roads Colonies

#### **PRIMARY, HIGH SCHOOL AND HIGHER EDUCATION DEPARTMENT**

- Fee and examination fee reimbursement to Schedule Caste/Schedule Tribe students
- Free laptop distribution to Schedule Caste/Schedule Tribe students
- Free books, uniform, shoe, bicycle etc., to school students
- Special lecture to Schedule Caste/Schedule Tribe students
- Additional boarding expenses given to students studying in Universities and Composite Colleges
- Grants released for construction of hostel buildings to Schedule Caste/Schedule Tribe students in University Campus
- Grants released for modernisation and up gradation of school buildings in reserved legislative constituency

#### **MEDICAL EDUCATION DEPARTMENT**

- Schedule Caste/Schedule Tribe Students with 2.5 lakhs to 10.00 lakhs annual income studying in MBBS, BDS and other courses will be reimbursed with 50% admission fee.
- Examination Fee reimbursement to Schedule Caste/Schedule Tribe students.
- Free Laptop, Uniform, Books and Stethoscope are given to Schedule Caste/Schedule Tribe Medical Students
- Grants released for construction of students hostel building in University precinct

**HEALTH AND FAMILY WELFARE DEPARTMENT:**

- Free Medical and Examination Facility to Schedule Caste/Schedule Tribe B.P.L. families in Government/Autonomous Medical Institutions, Medical Colleges and Government Hospitals.
- Free Health Check-up camps and Mobile Health Centres are managed in Rural areas
- Health Insurance, Service and Free Medical Facility to HIV patients

**WOMEN AND CHILD WELFARE DEPARTMENT:**

- **Bhagyalakshmi Program:** Life Insurance Bonds are given to first and second girl child at Rs.19,300/- and Rs.18350/-. When the child has attained 18 years, 1.00 lakh rupees will be given.
- Rehabilitation facility to Devadasi and Sexual Workers.
- Housing facility and pension scheme to Devadasis.
- ICDS-National Nutritional Food Program
- Scholarship to handicap children and free equipments are distributed
- Different programs are implemented for economic development through Women Development Corporation

**URBAN DEVELOPMENT DEPARTMENT**

- Rs. 6.00 Lakhs, Financial Assistance to Permanent Civic Workers for house construction
- Programs such as Development of Slums and supply of water is implemented
- Infrastructure is given in residential areas where members of Schedule Caste and Schedule Tribes are high in number

**HOUSING DEPARTMENT**

- Under Dr. B.R. Ambedkar Housing Program Financial Assistance is given for construction of houses to the extent of Rs.1.75 lakhs in rural areas and Rs. 2.00 lakhs in urban areas.

**REVENUE DEPARTMENT**

- Under Social Security Program Old age pension, widow and other pensions are given

**INFORMATION TECHNOLOGY AND BIO-TECHNOLOGY DEPARTMENT**

- Skill Development Training in Information Technology to unemployed Youths

**INFORMATION AND BROADCASTING DEPARTMENT**

- Media kits are given to Schedule Caste/Schedule Tribes Journalists
- Financial Assistance for release of Cinema directed produced by Schedule Caste/Schedule Tribes-10 lakhs.
- Awareness with regard to Schedule Caste Sub Program/Schedule Tribes Sub Programs

#### **YOUTH EMPOWERMENT AND SPORTS DEPARTMENT**

- Prize money from Rs.1.00 lakh to 5.00 lakh to State/National and International Schedule Caste/Schedule Tribes sportsperson
- Financial Assistance upto 2.00 lakhs is given to establish GYM
- Sports equipments are given to Sports Residential School, Schedule Caste/Schedule Tribes Hostels and Residential Schools

#### **PLANNING DEPARTMENT**

-

## **SOCIAL WELFARE/SCHEDULE CASTE WELFARE DEPARTMENT**

### **I. Education Development Programs**

1. Entrance to Hostels
2. Management of Residential Schools
3. Pre Metric Student's Scholarship
4. Post Metric Student's Scholarship
5. Financial Assistance to the students who have secured admission in National Institutions
6. Honouring Talent (Prize Money)
7. Entrance opportunity in premium schools
8. Advanced Programs-Financial Assistance to students studying in Foreign Universities

### **II. Infrastructure**

1. Construction of Community Centres
2. Infrastructure to colonies of Schedule Caste

### **III. Training Programs**

1. Training for competitive exams
2. GNM and B.Sc. Nursing Training
3. Internship to Law Graduates

### **IV. Social Empowerment Programs**

1. Relief for victims of atrocity
2. Motivation Financial Assistance to inter-caste marriage couples
3. Awareness Programs for eradication of untouchable practice
4. Simple Marriage Program
5. Widow remarriage Motivation Financial Assistance
6. Financial Assistance for Inter caste marriages among sub castes
7. Financial Assistance for marriage of Devadasi Children

### **V. Economic Development Programs through different Development Corporations**

1. Land Holding Program
2. Ganga Kalyana Program
3. Self Employment Financial Assistance - Iravata, Samruddi
4. Micro Finance Program for members of Self-Help Groups
5. Micro Finance Program
6. Diary Development
7. Financial Assistance to Entrepreneurs belonging to Schedule Caste/Tribe and Collateral Security Program

**GOVERNMENT ORDER NO. SWD(SA.KA.E) 200 SLP 2015 BENGALURU  
DATED 29-07-2015**

For reasons assigned in the preamble in order to eradicate untouchability practice the prize money of Rs.50,000/- given to Schedule Caste Man who marry woman of other caste is revised and increased to Rs.2,00,000 (Two Lakhs only) and prize money of Rs.1,00,000/- given to other caste man who marry Schedule Caste woman is revised and increased to Rs.3,00,000/-(Three Lakhs Only) and ordered accordingly as per terms and conditions herein below.

This Order is issued with concurrence Finance Department's Note No. A.E. 499 Expenses-3/2015, dated 10-06-2015 and Project, Program, Coordination and Statistics Department Note PD 66 IMM 2015 dated 22-07-2015

In the name and  
Orders by Governor of Karnataka  
Sd/-  
29-07-15  
(Girijamma)  
Under Secretary to the Government-1  
Social Welfare Department

**GOVERNMENT ORDER NO. SWD(SA.KA.E) 89SAMANVAYA 2013(2) BENGALURU  
DATED 04-09-2013**

As discussed in the preamble the prize money given to Schedule Caste/Schedule Tribe Students who have secured 60% more marks and 75% and more marks in SSLC examination is increased as follows with effect from 2013-14 year.

DESCRIPTION	PRIZE MONEY GIVEN PRESENTLY	INCREASED PRIZE MONEY
Who have secured 60% marks and more in SSLC exams	Rs.5,000/-	Rs.7,000/-
Who have secured 75% marks and more in SSLC exams	Rs.10,000/-	Rs.15,000/-

The expenditure must be given to Schedule Caste and Schedule Tribes Students from the consolidated grant budget head 2225-01-102-0-08

This Order is issued with concurrence Finance Department's Note No. A.E. 532 Expenses-3/2013, dated 31-08-2013

In the name and  
Orders by Governor of Karnataka  
Sd/-  
29-07-15  
(Girijamma)  
Under Secretary to the Government-1  
Social Welfare Department

**GOVERNMENT ORDER NO. SWD(SA.KA.E) 174 PA.KA.V 2015 BENGALURU  
DATED 10-08-2015**

As explained in the preamble as per declaration No.197 of the 2015-16 budget the prize money being given to the Students who pass in First Class in First Attempt is enhanced as follows and ordered accordingly.

PROGRAM DETAILS	PRIZE MONEY IN RUPEES
II PUC	20,000/-
Degree	25,000/-
Pot Graduate Course like MA, M.Sc., M.Com, MBA, MCA, MFA, etc.,	30,000/-
Agriculture/Engineering/Medicie/Veterinary	35,000/-

This Order is issued as per the Finance Department vide its Note No. A.E. 464 Expenses-3/2015, dated 12-06-2015 and consent of the Planning Department vide its Note No. PD71 EMM 2015 dated 27-07-2015

In the name and  
Orders by Governor of Karnataka  
Sd/-  
10-08-15  
(Girijamma)  
Under Secretary to the Government-1  
Social Welfare Department

**GOVERNMENT ORDER NO. SWD(SA.KA.E) 183 PA.KA.V 2015 BENGALURU  
DATED 24-08-2015**

For reasons assigned in the preamble the guidelines published in the Government Order No. SA.KA.E. 132 PA.KA.V 2011, dated 06-09-2011 is hereby revoked and revised guidelines are published the annexure to this Order for selection of Schedule Caste/Schedule Tribe candidates for higher studies in foreign universities. Accordingly it is ordered to implement this program.

This Order is issuedwith concurrenceFinance Department's Note No. A.E. 183 Expenses-3/2015, dated 19-08-2015.

In the name and  
Orders by Governor of Karnataka  
Sd/-  
24-08-15  
(Girijamma)  
Under Secretary to the Government-1  
Social Welfare Department

**GOVERNMENT ORDER NO. SWD(SA.KA.E) 183 PA.KA.V 2015 BENGALURU  
DATED 24-08-2015**

In view of the aspects described in the preamble the Government has granted and approved a onetime Financial Assistance of Rs.50,000/- (Fifty Thousands Only) to Schedule Caste and Schedule Tribes couples who perform simple marriage with the following conditions and ordered accordingly.

The expenditure for this purpose shall be incurred within limitation of grant given to Social Welfare Department (the Schemes under various Development Programmes for Schedule Castes) under State account head 2225-02-800-0-19 and Schedule Tribes Welfare Department (Schemes under various Development Programmes for ST's) under State account head 2225-02-800-0-06 for the year 2015-16.

This Order is issued with concurrence Finance Department's (Expenses 3 & 9) Note No. A.E. 664 Expenses-3/2015, dated 15-07-2015 and Program Co-ordination and Statistics Department Note No. PD 67 IMM 2015, dated 27-07-2015 and separate economic powers conferred to the Government Principal Secretary/Secretary.

In the name and  
Orders by Governor of Karnataka  
Sd/-  
11-08-15  
(Girijamma)  
Under Secretary to the Government-1  
Social Welfare Department

**GOVERNMENT ORDER NO. SWD(SA.KA.E) 3237 PA.KA.V 2015 BENGALURU  
DATED 16-09-2015**

In view of the aspects described in the preamble the revised guidelines for construction of Dr.B.R. Ambedkar Community Hall, Dr.BabuJagajeevana Ram Community Hall, Sevalal Community Hall and MaharshiValmiki Hall at Village/Hobali (Town Panchayat) Taluk/District and State level is given in the Annexure. It is hereby ordered that Unit Expenditure and Procedure/guidelines shall come into immediate effect. Respective Officers shall take necessary actions for implementation of these guidelines. The guidelines dated 28-09-2011 are hereby withdrawn.

In the name and  
Orders by Governor of Karnataka  
Sd/-  
11-08-15  
(Girijamma)  
Under Secretary to the Government-1  
Social Welfare Department

**GOVERNMENT ORDER NO. SWD(SA.KA.E) 322 PA.VA.YO.(STP) 2015  
BENGALURU DATED 09-10-2015**

1. Where there is no space for burial ground, on the basis of S.C/S.T. population the Government Land has to be identified and allocate. In the event Government Land is not available private land shall be purchased under the provisions of Land Acquisition Act or purchase it from Private persons. The Deputy Commissioner shall purchase the private land with prior approval from the Regional Commissioner. While purchasing land the existing guidelines value price must be borne in mind and on the basis of the population one or two acres of private land shall be purchased after payment of price as per the fixed value from Rajiv Gandhi Rural Housing Ltd., for the purpose of Housing.
10. This Order is issued as per the Finance Department's Note No. A.E. 783 Expenses-3/2015, dated 04-09-2015 and with consent of the Planning Department vide its Note No. PD109 IMM 2015, dated 05-10-2015

In the name and  
Orders by Governor of Karnataka  
Sd/-  
(H. Vanitha)  
Under Secretary to the Government-2  
Social Welfare Department

**GOVERNMENT ORDER NO. SWD(SA.KA.E) 176 PA.KA.V 2015 BENGALURU  
DATED 20-10-2015**

In view of the aspects described in the preamble, those job oriented students who would like to avail Skill Development Training through "Karnataka German Technical Training Centre", subject to the following conditions the Government has ordered in principle grant to establish Men and Women Student Hostels in Bengaluru, Hubballi, Kalaburagi, Belagavi and Mangaluru at the rate of 1.00 crore rupees for each training centre and together 5.00 crores to 5 centres.

This Order is issued vide separate economic powers conferred to the Government Principal Secretary/Secretary as per Government Order No. FD 02 TFP 2015 dated 0904-2015.

In the name and  
Orders by Governor of Karnataka  
Sd/-  
20-10-15  
(Girijamma)  
Under Secretary to the Government-1  
Social Welfare Department

**GOVERNMENT ORDER NO. SWD(SA.KA.E) 162SDC 2015, BENGALURU  
DATED 09-09-2015**

In view of the aspects described in the preamble the selection of beneficiaries for programs that are being implemented through Dr. B.R. Ambedkar Development Corporation, Karnataka Maharshi Valmiki Schedule Tribes Development Corporation and D. Devaraj Arasu Backward Class Development Corporation coming under the Social Welfare Department jurisdiction the Selection Committees are being reformed with the following Chairpersons/Members and ordered accordingly.

In the name and  
Orders by Governor of Karnataka  
Sd/-  
20-10-15  
(Girijamma)  
Under Secretary to the Government-1  
Social Welfare Department

**GOVERNMENT ORDER NO.SWD(SA.KA.E) 178 PA.KA.V 2015 BENGALURU  
DATED 31-12-2015**

As described in the preamble, with the following qualification and conditions it is hereby ordered to grant fees/reimburse fee to the Students studying post metric courses belonging to Schedule Caste and Schedule Tribes.

**I. Qualification for post metric students to avail grant of fees/reimbursement of fee.**

1. The student must be Indian Citizen, on the date of making application one must have studied 7 years in Karnataka and must be permanent resident of Karnataka State. Must submit Caste Certificate given by the Tahasildar of State of Karnataka in Form-D.
2. Post Metric Students who are studying in Government/Local Organisations/Private Aided/Approved Private Non-Aided Education Institutions falling under Karnataka Statutory Universities/PU Board are eligible.
3. Students, who have not passed in all the subjects in the previous year's Public Examinations, shall not be qualified for next year's fee grant/fee reimbursement. However in the event courses have carry over facility, and the students are eligible for next standard/year's admission they are eligible for availing fee grant/fee reimbursement.

This Order is issued vide Planning Department Note No. PD 30 IAM 2015, dated 06-06-2015 and consent of Finance Department vide Note No. A.E 656 Expenditure-3/2015 dated 21-07-2015.

In the name and  
Orders by Governor of Karnataka  
Sd/-  
(Girijamma)  
Under Secretary to the Government-1  
Social Welfare Department

**GOVERNMENT ORDER NO.VA.I (HD) 67 HAH 2015, BENGALURU DATED 16-11-2015**

As described in the preamble, in order to provide housing to houseless Rural and Urban Schedule Caste and Schedule Tribe members to implement the new project "Dr.B.R. AmbedraNivasa" to Rural areas for 1,00,000 proposed houses each house unit expenditure of Rs.1.5 lakhs will be given and to Urban areas for 50,000 proposed house, each house unit expenditure a sum of Rs.1.8 lakhs Government Assistance will be given. In order to implement this project to the Rural areas for construction of 1,00,000 houses a sum of Rs.1500 crores and to Urban areas for construction of 50,000 houses a sum of Rs. 900 crores, together Rs.2400 crores grant will be given this year and next two years budget (for the year 2015-16, 2016-17 and 2017-18).

This Order is issued with the consent of Finance Department's Note No. A.E 497 Expenditure-9/2015 dated 16-11-2015.

In the name and  
Orders by Governor of Karnataka  
Sd/-  
(Girijamma)  
Under Secretary to the Government-1  
Social Welfare Department

**GOVT ORDER NO. SWD(SA.KA.E) 10 SLP 2015 BENGALURU DATED 12-01-2016**

As explained in the preamble as per declaration in the 2015-16 budget for the betterment of socio, economic and education conditions of communities of Schedule Caste and Schedule Tribes (nomads, semi-nomads/sensitive and highly sensitive communities) the government has granted for the overall development of the above communities the Government through existing various programs. The list of sensitive and highly sensitive nomads/semi-nomads community of the Schedule Caste and Schedule Tribes is herewith given in Schedule 1 and Schedule 2.

This order dated 26-05-2015 is published as per the approval of SCSP/TSP State Development Council and its Government Order No. SWD(SA.KA.E) 284 SLP 2015 dated 23-07-2015

In the name and  
Orders by Governor of Karnataka  
Sd/-  
12-01-16  
(P.N. Nagaraj)  
Under Secretary to the Government-1  
Social Welfare Department

**GOVERNMENT ORDER NO. SWD(SA.KA.E) 335 PA.VA.YO.(STP) 2015 BENGALURU DATED 04-02-2016**

As explained in the preamble in order to formulate Special Development Program for the development of Aborigines in the State, it is hereby granted for a Study Centre as a unit in the Karnataka State Schedule Tribes Research Centre, Mysore with following conditions as described in the annexed positions.

1. To formulate a Special Development Program for the development of Aborigines in the State and to incur program expenses within the grant given to the Department.
2. When necessary for this Study obtain a Mini-Bus for rent or on the basis of Pay and Use.

This Order is issued as per the Finance Department vide its Note No. A.E. 810 Expenses-3/2015, dated 15-12-2015 and consent of the Planning Department vide its Note No. P 01 IMM 2016 dated 19-01-2016

In the name and  
Orders by Governor of Karnataka  
Sd/-  
(H. Vanitha)  
Under Secretary to the Government-2  
Social Welfare Department

GOVERNMENT ORDER NO. SWD 158 SLP 2016, BANGALORE, DATED 12-07-2016

In order to encourage Scheduled Caste/Scheduled Tribe entrepreneurs to establish micro, small and medium scale industrial/service units, it is hereby ordered to extend the interest subsidy scheme on term/working capital loans to Scheduled Caste/Scheduled Tribe entrepreneurs by the Nationalised Banks/The Karnataka State Cooperative Apex Bank Limited (Apex Bank) and District Cooperative Central Banks (DCC Banks) subject to the following terms and conditions.

This issues with the concurrence of Finance Department vide No. FD 408 Exp.3/2016 dated 28-05-2016.

By order and in the name of  
Governor of Karnataka  
Sd/-  
(SHAMBULINGAIAH)  
Deputy Secretary to Government-1  
Social Welfare Department

The above aspects are examined intensely and ordered as follows:

**GOVERNMENT ORDER No. SWD 210 SLP 2017, BENGALURU, DATED 12-12-2017**

For reasons ascribed in the preamble, in order to enable Scheduled Caste/Scheduled entrepreneurs to avail loans from the Karnataka State Finance Corporation the Government has ordered to form Karnataka Collateral Security Funds with immediate effect. The details of this program are described in the annexure.

This order is issued with the concurrence of Finance Department vide No. AE 573 Exp.3/2017 dated 15-11-2017.

By order and in the name of  
Governor of Karnataka  
Sd/-  
(P.N. Nagaraj)  
Deputy Secretary to Government-1  
Social Welfare Department

GOVERNMENT OF KARNATAKA

No. OE 48 PCR 2015

Government of Karnataka Secretariat  
Vidhana Soudha,  
Bengaluru, Dated 21/07/2015

CIRCULAR

The following actions shall be taken in order to prevent continuous atrocity against members of Schedule Caste and Schedule Tribes.

- a. When the members of Schedule Caste and Schedule Tribes are subjected to atrocity, the Senior Police Officers must personally make a visit to the spot and examine.
- b. The District Police Officers should keep constant touch with the Deputy Commissioners of the District and make suitable arrangements to distribute suitable relief and rehabilitation facilities.
- c. Register complaint under necessary laws against perpetrators.
- d. The Police and Prosecution must bring the perpetrators to book under law by presenting vociferous argument and secure conviction to the perpetrators. The Police Officers must cooperate. Presently the conviction rate is very low and this has to be enhanced.
- e. The Police must come forward to establish harmony with the Dalith community.
- f. Conduct high level Vigilance Committee Meetings and avail necessary suggestions and review them from time to time.
- g. With the help of DCRE, quickly eradicate fake caste certificate cases.
- h. The aforementioned cases must be investigated appropriately and must initiate action within time limit.
- i. Initiate suitable action against Police Officers who have failed implementation in the aforementioned situations.

It is hereby instructed to strictly follow the aforementioned instructions.

Sd/-  
(Prakash Y.K.)  
Under Secretary to the Government  
Inland Department (Crimes)  
Phone: 080 22033245  
[Uscrimes-home@karnataka.gov.in](mailto:Uscrimes-home@karnataka.gov.in)