

Government of Himachal Pradesh
Department of Social Justice & Empowerment (B)

No. SJE-B-A(5)-4/2012 Dated Shimla-171002, the 30th October, 2012

NOTIFICATION

The Governor, Himachal Pradesh, in pursuance of Rule 15(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 is pleased to notify the model contingency plan for implementation of the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 indicated therein 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 Organization as well as package of relief measures as per Annexure appended to this notification for information and taking necessary action by all concerned.

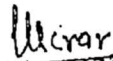
By Order

Principal Secretary (SJ&E) to the
Government of Himachal Pradesh.


Endst. No. as above Dated Shimla-171002, the
Copy forwarded to:-

30th October, 2012.

1. All the Additional Chief Secretaries/Pr. Secretaries/Secretaries to the Government of H.P. Shimla-2.
2. The Principal Secretary to the Hon'ble Chief Minister, H.P. Shimla-2.
3. The Director General of Police, Himachal Pradesh, Nigam Vihar Shimla - 171002 for information and necessary action.
4. The Special Secretary-cum-Pr. Private Secretary to the Hon'ble Chief Minister Himachal Pradesh, Shimla-171002.
5. The Secretary to HE the Governor, Himachal Pradesh, Shimla-171002.
6. The Principal Accountant General(A&E)/AG (Audit), HP, Shimla-3.
7. All the Div. Commrs./HODs/DCs in HP for information and necessary action.
8. The Special Secretary (RD & PR) to the Government of Himachal Pradesh-cum Director, RD & PR, HP, SDA Complex, Kasumpti, Shimla - 171009 for information and necessary action.
9. The Director, SCs, OBCs and Minority Affairs, HP, SDA Complex, Kasumpti Shimla - 171009 alongwith 5 spare copies for information and necessary action. It is requested that the aforesaid Scheme may be got printed from the HP Govt. Print Press, Shimla - 171005 and its 20 copies may be supplied to this office for record purpose.
10. The Director, Women and Child Development, HP, SDA Complex, Kasumpti Shimla - 171009.
11. The Controller Printing and Stationary H.P. Government Printing Press Shimla for publication in the Gazette as the same has been uploaded on e-Gazette.
12. Guard file/Spare copies (25).


Deputy Secretary (SJE) to the
Government of Himachal Pradesh

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Directorate for the Empowerment of
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CONTINGENCY PLAN UNDER SC/ST (POA) RULES 1995

1. ROLE AND RESPONSIBILITIES OF VARIOUS DEPARTMENTS AND THEIR OFFICERS AT DIFFERENT LEVEL

When a view to prevent atrocities on SC/STs and for the proper implementation & monitoring of the provisions of the SC/ST (POA) Act, 1989 & Rules, 1995 the role & responsibilities of various officers at different level of different departments are specified as below:-

(A) STATE LEVEL OFFICERS

(i) SECRETARY (SJ&E) TO THE GOVT. OF H.P.

The State Govt. has notified Secretary (SJ&E) to the Govt. of H.P. as Nodal Officer under Rule 9 of the SC/ST (POA) Rules 1995. The Nodal Officer shall be coordinating the functioning of District Magistrate/ Superintendents of Police, Investigating Officers, Special Officers, Special Public Prosecutors and shall quarterly review:-

- (i) Reports received by State Govt. under sub rule (2) & (4) of rule 4, rule 6, clause(xi) of rule 8.
- (ii) The position of cases registered under the Act, Relief measures, adequacy of immediate facilities like rationing, clothing, shelter, legal aid, traveling & daily allowance and transport facilities provided to the victims and their dependents, performance of NGOs, SC/ST Protection Cell and public servant responsible for implementing the provisions of the Act.

(ii) SECRETARY (HOME) TO THE GOVT. OF H.P.


He shall review atleast twice in a calendar year in the month of January & July:

- ❖ The position of cases registered under investigation and under trial cases in the District & Session Courts.
- ❖ In case of long pendency of cases under the Act, he shall take up the matter with the high court for speedy disposal of the cases.
- ❖ Functions performance of Protection Cell.

(iii) SECRETARY (LAW) TO THE GOVT. OF H.P.

He shall ensure that Legal Aid to the victim of atrocities may be provided through the District Level Legal Aid Committees and shall review atleast twice in a calendar year in the month of January & July legal aid

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provided to the victims of atrocities by various District Level Legal Committees.

(IV) **DIRECTOR (SOMA)**

The Director, SCs, OBCs and MA has been notified as Member Secretary of State Level Vigilance & Monitoring Committee vide notification No. Kalyan -F(4)-14/76-6 dated 8.1.97 & 12.11.98 by the State Govt. He convene atleast 2 meetings in a calendar year in the month of January & June for review:

- ❖ The implementation of the provision of the Act.
- ❖ Relief & rehabilitation facilities provided to the victims.
- ❖ Prosecution of cases under the Act.
- ❖ Role of different officers/agencies responsible for implementing provisions of the Act.
- ❖ Various reports received by the Govt.

He shall make necessary provisions in the annual budget of department for providing relief & rehabilitation facilities to victims.

(V) **DIRECTOR GENERAL OF POLICE**

The State Govt vide notification No. Kalyan-F(4)-14/76 dated 18.2.1997 constituted protection cell for SC/ST under the charge of DGP. The main functions of the cell are:

- ❖ Conducting survey of the identified areas.
- ❖ Maintaining public order and tranquility in the identified areas.
- ❖ Recommending the State Govt. for deployment of special police force.
- ❖ Making investigations about the probable causes leading to an offence under the Act.
- ❖ Restoring the feeling of security amongst the members of SC/ST.
- ❖ Informing the Nodal Officer about the law and order situation in identified areas.
- ❖ Making enquiries about the investigation and spot inspection conducted by various officers.
- ❖ Making enquiries about action taken by the Superintendent of Police.
- ❖ Making enquiries about the willful negligence by a public servant.
- ❖ Reviewing the position of cases registered under the Act.
- ❖ Submitting a monthly report on or before 20th day of each subsequent month to Nodal Officer about the action taken/proposed to be taken.

The protection cell shall submit a monthly report on or before 20th day of each subsequent month to nodal officer i.e. Secretary (SJ&E), Secretary (Home) about the action taken/proposed to be taken in respect of cases registered under the Act.

(VI) DIRECTOR PROSECUTION


- He shall review atleast twice in a calendar year in the month of January & July, the performance of Special Public Prosecutors as notified vide notification no. Home © F (11)-16/89 dated 30.1.90.
- He shall also review the position of cases pending in the courts. In case of long pendency of cases in the courts, he shall issue the directions to the Special Public Prosecutors for speedy prosecution of cases and also report the matter to Secretary (Home) & Nodal Officer i.e. Secretary (SJ&E) with a copy to Director, P.I. (SC) and Secretary (SOMA).

(B) DISTRICT LEVEL OFFICERS

(i) DISTRICT MAGISTRATE

- ❖ The District Magistrate of the district will be the overall in-charge for the implementation of SC/ST (POA) Act 1989/Rules 1995 in his district.
- ❖ With a view to prevent atrocities on SC/ST he will take all the precautionary & preventive measures as specified in rule 3 of the Act.
- ❖ The District Magistrate shall review atleast twice in a calendar year in the month of January & July the performance of Special Public Prosecutors and submit a report to Secretary (Home), Secretary (SJ&E), Secretary (Law) with a copy to Director (SOMA).
- ❖ The District Magistrate shall review the position of cases registered under the Act & submit a monthly report on or before 20th day of each subsequent month to Director, Prosecution/Director, SOMA. This report shall specify the action taken, proposed to be taken in respect of investigation & prosecution of each case.
- ❖ The District Magistrate or Sub-Divisional or any other Executive Magistrate as and when receives an information from any person or upon his own knowledge that an atrocity have been committed on SC/ST within his jurisdiction, he shall immediately visit the place of occurrence to assess the extent of atrocity, loss of life, loss & damage of property and submit a report to Nodal Officer i.e. Secretary (SJ&E) with a copy to Director (SOMA).

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❖ The District Magistrate or Sub-Divisional Magistrate or any other Executive Magistrate authorized by him, after inspecting the place or the area shall do 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 or damage to the property of the victims.
- (iii) Order for intensive police patrolling in the areas.
- (iv) Take effective & necessary steps to provide protection to the witnesses and other sympathizers of victims.
- (iv) On the basis of spot inspection report, District Magistrate shall sanction the monetary relief as per norms laid down in Rule 12(4).

The relief shall be disbursed through the concerned SDMs or Executive Magistrate of the area. A copy of sanction of relief & rehabilitation facilities provided to the victims of atrocities shall also be forwarded to Special Courts, SP & SDMs.

❖ The District Level Vigilance & Monitoring Committees shall be constituted by the District Magistrate as per rule (1), (2) of rule 17.

(II) ADDITIONAL DISTRICT MAGISTRATE

The State Govt. has notified ADMs as Special Officers vide notification no. Kalyan -F (4)-14/76 dated 8.11.96. The Special Officer shall be responsible for:

- (i) Providing immediate relief and other facilities to the victims of atrocities and initiate necessary measures to prevent or avoid re-occurrence of atrocity.
- (ii) Setting up of awareness centre and organizing workshop in identified area at district headquarter to educate the persons belonging to the SC/ST about their rights & protection available to them under Act/Rules.
- (iii) Co-ordinate with the NGO and providing necessary facilities and financial & other type of assistance to NGOs for maintaining centers or organizing workshop.

(III) DISTRICT WELFARE OFFICERS

The cases of relief to the victims of atrocities will be dealt by the respective DWO. The reports received by District Magistrate under the Act from police/SDMs, the DWO shall put up the cases of relief for sanction to District Magistrate. He shall be the drawing and disbursing officers under the head of account "2225-Welfare of SC/ST/OBCs-01-Welfare of SCs-102- Economic Betterment-02(Plan)(SOON)-20-Other Charges". The amount of relief shall be disbursed through SDM/Executive Magistrate. He will be responsible for keeping all the

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records pertaining to the relief drawn/dispensed in the district. He shall submit an annual report to the Director (SOMA) through District Magistrate on the prescribed format regarding relief sanctioned, dispensed etc. to the victims of atrocities as per Annexure-1.

- (ii) He shall be the Member Secretary of the District Level Vigilance & Monitoring Committee constituted under the chairmanship of District Magistrate at district level. He will ensure that quarterly meeting of the committee is convened and all other matters concerning Act & Rules are monitored in the meeting.
He shall hold awareness camps/workshops to the propagation of Act & Rules.

(IV) SPECIAL PUBLIC PROSECUTORS

- ❖ The Special Public Prosecutors notified vide notification no. Home OF (11)-16/89 dated 30.1.90. He shall be responsible for conducting the cases in District & Sessions Courts under the Act.
- ❖ On the conclusion of trial in the cases under the Act, he shall report the District Magistrate alongwith copy of judgement so that the balance amount of relief may provided to the victim of atrocity.

(IV) SUPERINTENDENT OF POLICE

- ❖ He shall take all preventive & precautionary measures as prescribed in rule 3.12. He shall monitor the working of Investigating Officers & ensure that investigations under the cases registered may be completed by the Investigating Officers within 30 days from the registration of case.
- ❖ He shall ensure that every information relating to the commission of an offence under the Act is registered in police station under his jurisdiction and procedure is followed by their respective SHOs as laid down in rule 5.
- ❖ He shall send monthly reports of cases registered and investigation under the Act alongwith copy of F.I.R. to the Superintendent of Police.

(V) STATION HOUSE OFFICER

- ❖ The Police Officer in charge of police station shall ensure that any information given to an officer in charge of police station orally or in writing with regard to the atrocity committed on SC/ST, shall be entered in a book being maintained by that police station.
- ❖ A copy of information so recorded shall be given forthwith, free of cost to informant.
- ❖ After the entry of F.I.R., the in charge of the police station shall inform his immediate superior forthwith.

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ANNUAL REPORT REGARDING RELIEF SANCTIONED & DISBURSE
UNDER SC/ST (POA), RULE 1995

Sr. no.	Name address & caste of the victim	Name, address & caste of the accuse	Date of atrocity along with FIR no. & date	Nature of atrocity	Clause/Rule under which case has been registered	Amount sanctioned	Sanction no. & date	Date of disbursement amount
1.	2.	3.	4.	5.	6.	7.	8.	9.

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(VI) INVESTIGATING OFFICER

The Investigating Officer shall complete the investigation of priority within thirty days from the date of registration of case and submit the report to Superintendent of Police who in turn will immediately forward the report to DGP.

(C) ROLE AND RESPONSIBILITIES OF RURAL/UNBAN/LOCAL BODIES/NGOS

(I) PANCHAYATI RAJ INSTITUTIONS/URBAN/RURAL LOCAL BODIES

- It shall be the responsibility of members of PRIs i.e. Pradhan, Panchayat member of Panchayats/Chairman & Member of Panchayat Samiti/Zila Parishad to report the case of atrocity committed on SC/ST in their areas.
- The members of PRIs shall extend their full co-operation during investigation of the case of atrocity committed in their area to the Investigating Officer.

In case of atrocity on SC/ST in their area, the member of Panchayat shall play non-particular role in creating tension free atmosphere.

ROLE OF VOLUNTARY ORGANIZATIONS

The NGOs shall organize workshop/camps for creating awareness among masses with regard to the provision of the Act/Rules. For organizing such camps they can formulate project proposals & submit to Ministry of Justice & Empowerment, Government of India through Director (SOM) to avail the scheme Grant-in aid to Voluntary Organizations.

PACKAGES OF RELIEF MEASURES

- (i) The victim of atrocities shall be provided monetary relief as provided in the schedule laid down in rule 12(4).
- (ii) In case of complete destruction/ burnt of his own house, a single room hutment is to be provided by District Administration at Govt. cost. In case of destruction/burnt of rented house, 4 Biswa Land shall be provided by the District Administration and a single room hutment shall be provided by District Admn. At Govt. cost. Electrification connection shall be provided by H.P. State Electricity Board/Institution on priority basis.
- (iii) In case of death of earning member of family, employment shall be provided to the dependent or one family member of the victim by the Department of Personnel.
- (iv) For the strengthening of socio-economic condition of victims of atrocities, the victim shall be covered under the various schemes implemented by H.P. SC/ST Dev. Corporation on priority basis.

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