

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989  
(As amended to date)



# Monitoring the Monitors



## Atrocity Case Tracking A guide to ACT

July 2023



Human Rights Advocacy and Research Foundation

## Monitoring and Review Calendar

Periodicity	Deadline	Section / Rule	Report	Responsibility
Every case	Immediate	12(7)	Relief and rehabilitation provided	DM to Judge of the Special Court
		S15A(6)	Ensure protection, TAME, relief, socioeconomic rehabilitation, and relocation during inquiry, investigation, and trial.	Special Court
		S15A(7)	Inform about the protection provided to any victim or his dependent, informant or witnesses	The State to the concerned Special Court or the Exclusive Special Court
			Review the protection being provided to any victim or his dependent, informant or witnesses and pass appropriate orders.	The concerned Special Court or the Exclusive Special Court
Monthly	On or before 20	4(4)	Review and report position of all cases in the district	DM to the state government (Protection cell) and Director of Prosecutions
		8(1)(xi)	Review and report position of all cases in the state	Protection cell to nodal officer
Quarterly	Once in three months	9	Review meeting minutes and reports	Nodal officer
		7(3)	Review of all investigations done by the investigating officer	Nodal officer, Secretary of the Home Department, Director of Prosecutions, and the Director-General of Police
		17(3)	DVMC meeting minutes	DM
		17A(4)	SdVMC meeting minutes	SDM
Twice a year	January and July	4(2)	Performance report of SPP in the district	DM and DOP
		14(2)	Performance report of all SPPs in the state	State government
		16(2)	SVMC meeting minutes	Nodal Officer
Annual	On or before 31 March	18	State Annual Report	Nodal officer to MoSJ&E
		S21(4)	Annual action taken report of union government, consolidate all state reports and place it on the tables of both Houses of Parliament	MoSJ&E

The Scheduled Castes and the Scheduled Tribes  
(Prevention of Atrocities) Act, 1989  
(As amended to date)

**Atrocity Case Tracking**  
**A guide to ACT**

July 2023



# Atrocity Case Tracking

## A guide to ACT

The Scheduled Castes and the Scheduled Tribes  
(Prevention of Atrocities) Act, 1989  
(As amended to date)

July 2023

Creative Commons License 4.0



The latest version of this guide is available at

<https://www.cvmc.in/wp-content/uploads/2023/08/poa-act.pdf>



**Human Rights Advocacy and Research Foundation**

m: +91 86680 91452 | e: [justice@hrf.net.in](mailto:justice@hrf.net.in) | w: [www.hrf.net.in](http://www.hrf.net.in)



## **Human Rights Advocacy and Research Foundation**

The Human Rights Advocacy and Research Foundation (HRF) works to protect and promote the human rights of socially excluded communities and vulnerable sections of society, mindful of intersectionality.

The Foundation enables these communities to exercise their constitutional rights, amplifies their voice, and enhances their participation in decisionmaking through demystifying laws and state mechanisms, building their capacity, and supporting them to deepen democracy and build inclusive, sustainable, and resilient communities.

We broaden space for civic engagement and support human rights defenders to promote a culture of human rights to secure a life with dignity for all at all times.



## **Commonwealth Foundation**

The Commonwealth Foundation is an international organisation established by Heads of Government in support of the belief that the Commonwealth is as much an association of peoples as it is of governments.

It is the Commonwealth agency for civil society; a unique, standalone organisation established by, funded by, and reporting to governments.

The Foundation is dedicated to strengthening people's participation in all aspects of public dialogue, to act together and learn from each other to build democratic societies.

Ultimately, the Foundation seeks to ensure that policy and government institutions are more effective contributors to development through the influence of civic voices.

The Commonwealth Foundation supports people's participation in democracy and development by providing grants, platforms, and expertise.

# Content

---

---

## Introduction

Context

The legal ecosystem

A note on style

This guide

<b>ACT: Atrocity Case Tracking</b> .....	<b>1</b>
1 Introduction .....	1
2 Before you start .....	1
2.1 Using RTI to monitor implementation.....	1
2.2 Know the Acts and Rules .....	3
2.3 Get the latest notifications .....	4
2.4 Know the duties of the state .....	6
2.5 Know the state mechanisms.....	6
2.6 Know the rights of the victims, witnesses, and their dependents.....	8
2.7 Know the rights of human rights organisations and defenders.....	10
2.8 Know the allowances.....	10
2.9 Know the relief and socioeconomic rehabilitation .....	11
2.10 Online Resource .....	11
3 Choose a case to monitor .....	12
4 Information: Filing a complaint.....	13
4.1 Procedures.....	14
4.2 Allowances, relief, and socioeconomic rehabilitation .....	14
4.3 Monitoring mechanisms.....	15
4.4 Additional tracking .....	16
5 Inquiry: Spot assessment.....	16
5.1 Procedure .....	16
5.2 Allowances, relief, and socioeconomic rehabilitation .....	16
5.3 Monitoring mechanisms.....	17
5.4 Additional tracking .....	17
6 Inspection .....	17
6.1 Procedure .....	17
6.2 Allowances, relief, and socioeconomic rehabilitation .....	18
6.3 Monitoring mechanisms.....	19
6.4 Additional tracking .....	19

---

---

# Content

---

---

7	Investigation .....	20
7.1	Procedure .....	20
7.2	Allowances, relief, and socioeconomic rehabilitation .....	21
7.3	Monitoring mechanisms.....	22
7.4	Additional tracking .....	22
8	Trial .....	24
8.1	Procedure .....	24
8.2	Allowances, relief, and socioeconomic rehabilitation .....	25
8.3	Monitoring mechanisms.....	25
8.4	Additional tracking .....	26
9	Judgement .....	28
9.1	Procedure .....	28
9.2	Allowances, relief, and socioeconomic rehabilitation .....	28
9.3	Monitoring mechanisms.....	29
9.4	Additional tracking .....	29
10	Appeal.....	30
10.1	Procedure .....	30
10.2	Allowances, relief, and socioeconomic rehabilitation .....	30
10.3	Monitoring mechanisms.....	31
10.4	Additional tracking .....	31
11	Jail and release .....	31
11.1	Procedure .....	31
11.2	Allowances, relief, and socioeconomic rehabilitation .....	32
11.3	Monitoring mechanisms.....	32
11.4	Additional tracking .....	32
	<b>Formats</b> .....	33
1	Form No PS01.....	33
2	Form No PR01.....	35
3	Form No SP01.....	37

## Table

- 1 Monitoring and Review Calendar - Front inside cover
  - 2 Stages of a case (Responsibilities and Rehabilitation) - Back inside and back cover
- 
-



## Introduction

### Context

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules, 1995 (POA) together are arguably the most important laws to protect the scheduled communities of our society. They have precise internal monitoring mechanisms to ensure efficient implementation in letter and spirit and to ensure community and civil society solidarity with the victims, participation in implementation, and engagement in monitoring.

The process is iterative, and repetitive (monthly, quarterly, half yearly, and annual) by design, since citizen's monitoring is based on the official calendar and mechanisms enshrined in the Act, and closely mirrors it. It is a gentle nudge so that the entire state monitoring mechanism is activated, which consequently will prevent atrocities, and if committed they will be promptly redressed, and perpetrators brought to book.

The objective of monitoring is to ensure that all the provisions of the Act and Rules are fulfilled, assisting the victims and survivors, the police, the special public prosecutor, and the judge of the special court – ensuring justice, benefitting the victims, the law enforcement, administration of justice, and society.

### The legal ecosystem

For monitoring, this guide uses tools developed from three sources – the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules 1995, a landmark judgement of the Supreme Court of India in the *State of Gujarat Vs. Kishanbhai etc.* [Criminal Appeal No. 1485 of 2008] dated 7 January 2014 and the Right to Information Act, 2005 (RTI).

The internal monitoring mechanisms provided within the Act are precise and comprehensive. The reports of the standing committee set up in each state on the orders of the Supreme Court of India in the *State of Gujarat Vs. Kishanbhai etc.* fixes responsibility for acquittals and the RTI enables us to get the information.

Together, the three form a powerful enabling ecosystem to ensure that the state mechanisms work. Used in combination, the implementation of the POA can be monitored and enhanced by informed citizens. The prerequisite is domain expertise, so master these laws and be conversant with the ecosystem.

### A note on style

Numbers in square brackets [] refer to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 as amended to date. When they refer to sections of the Act, they are prefaced with 'S'.

The RTI requisition formats are alphanumerically coded. The first alphabet refers to the level of monitoring – U for union, S for state and D for district. The second alphabet is for periodicity. A=Annual; H=Half-yearly; Q=Quarterly; M=Monthly;

O=Once (or occasional). So SA01 is a state (S) level annual (A) information request format (01). Some notifications (for special courts, exclusive special courts, nodal officer, protection cell) are done only once or occasionally, and therefore the ‘SO’ formats are used for those.

For brevity, special public prosecutors (SPP) includes exclusive special public prosecutors (ESPP), and special courts includes both designated special courts and exclusive special courts. The generic ‘victim’ is used to include several legal terms used in the Act and Rules: victim, witness, informer, and their dependents, family members, and attenders. Their rights often overlap (information, relief, rehabilitation), some provisions are similar (protection), and some are the same (travel allowance and maintenance expenses). Familiarity with the context is advised. The reader could refer to the particular section or rule for the specifics.

Also for brevity, the generic ‘civil society organisation’ (CSO) is used to refer to nongovernment organisations, non–profits, charitable organisations, and registered or unregistered associations, social movements, and human rights organisations.

On the other hand, we prioritised clarity over brevity in the actions for tracking, resulting in some of the steps being repeated. We felt that comprehensiveness at each stage was an acceptable cost to ensure that no vital step is missed, given that most of us do not read from cover to cover. This repetition, we hope, would help those who would like to dip into the section most relevant to them for instant guidance.

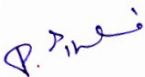
## This guide

This guide is for monitoring a case as it moves through the different mechanisms at the state, district, and subdivisional levels. It is available for download on the website <https://www.cvmc.in/resources/> in English and Tamil.

This, the first stage of citizen’s monitoring is to ensure that the planned events or tasks are being done at the mandated times by the mandated authorities. The quality is not monitored at this stage. Once the state of inertia is transformed to momentum, we will move on to quality.

This guide has been developed by HRF based on our experience, and incorporates the lessons shared with us by several human rights defenders. We thank Nanda Gopal Vudayagiri, Dr V Suresh, and Comrade Mohan for comments on the text and valuable suggestions to make it more user friendly.

We trust that these tools will be useful for human rights defenders. It is work in progress. Kindly send your feedback so that the next edition can be improved.



**Tamilarasi**  
Deputy Director, HRF  
28 July 2023

# ACT: Atrocity Case Tracking

## 1 Introduction

Registering a First Information Report (FIR) that invokes sections of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules, 1995 (POA) is only the start of a long and winding path to justice. Though there are specific provisions for support, relief, socioeconomic rehabilitation, and protection in the Act and Rules, they are seldom enforced. Human rights defenders who seek to accompany the survivors in solidarity know that all too well.

This guide will take you through the different stages of a case where the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is invoked, and at each stage the:

- Statutory provisions to be followed.
- State mechanisms available.
- Authorities responsible.
- Rights of victims, witnesses, and their dependents.
- Rights of associated organisations and associated individuals.
- Additional information to be tracked.

This guide will help monitor the progress of a case registered under the Act. It should be used in conjunction with the latest provisions of the Act and Rules so that all provisions – from protection, to relief, socioeconomic rehabilitation, and state support – are accessed by the survivors so that they have adequate access to justice. Only when their socioeconomic rehabilitation is such that the circumstances and vulnerabilities that made the atrocity possible no longer exist, can they start their life anew with safety and security.

## 2 Before you start

### 2.1 Using RTI to monitor implementation

This guide assumes a basic understanding of how to use the Right to Information Act, 2005 (RTI). Most of the RTI requests are to the district magistrate (collector) and a few to the state nodal officer, and the director of the scheduled castes and the scheduled tribes protection cell, since these are the key officials monitoring the implementation of this Act in the state. There are a few to the director general of police (DGP), and the director of prosecutions (DOP) as well.

Ideally, and legally, all the information about the functioning of the committees, its members, functioning of the officials and agencies, and status of the cases, should be made available suo moto – online or on the notice board of the district collectorate or the district protection cell (SJ&HR Unit in Tamil Nadu). Most officials do not know that RTI requests are supposed to be the exception and suo moto declaration should be the norm [RTI, 2005 Section 4(2)]. If that is not done, then all the information should be given in response to just one RTI request (*RTI format DQ01*) for the briefing notes and minutes of the quarterly subdivisional [17A(4)] and district [17(3)] vigilance and monitoring committee meetings. If the meeting agenda is comprehensive and all of it is discussed and recorded in the minutes, the report would have all the information required.

In practice, this is rarely the case. Most of the required information is seldom on the agenda of these meetings, rarely a part of the briefing notes, and even more rarely ever discussed. At best, the cases which the police close as ‘mistake of fact’ are mentioned, and data informed discussions and decisions are exceptions to the norm. Multiple requests may be required to get this basic information, even for the vigilance and monitoring committee members.

All this information will (should) be given to the committee members *as a right* since it is essential for them to fulfil their responsibilities. For other citizens most of this should be available on the websites of the government, but that is seldom the case. Therefore, some RTI request formats with the address of the competent authority have been provided in this guide for monitoring. They will need to be modified for the first and second appeals if the information is not provided. The modification will be state specific.

None of the requests can be denied, since the requests are only for copies of existing reports (so no additional work is required in collating the information), and in any case should be disclosed suo moto by the departments on their websites. Denial of information on the grounds of additional work is grounds for invoking Section 4 of the Act on dereliction of duty since it is an admission that they have not compiled the mandatory periodic reports as required under the Act.

The confidentiality clause of the RTI Act cannot be invoked since these are your rights as an associated organisation or individual [S15A(11)(i), S15A(11)(k), S15A(11)(l), S15A(11)(m), S15A(11)(n), S15A(12)]. Therefore, any denial of information should immediately be brought to the notice of the first appellate

authority, and then to the state information commission. At best the authorities can say that they have not prepared the reports, in which case Section 4 will apply, and they should be prosecuted for dereliction of duty.

As a norm, ask for the information personally and encourage the concerned department to put it up on their website which they are supposed to do suo moto under RTI. If they do not comply, file a request under RTI. Many of these documents are supposed to be mandatorily shared through websites, press notifications, and other mass media as per the RTI provisions. However, in practice, most officials 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 mechanisms, provisions, and compliances exist, what the rules are, and the penalties for non-implementation.

Put up scanned copies of any information you get under RTI on your own webpage or on a file sharing site (slideshare, dropbox, google drive etc) in a dedicated channel with the appropriate tags.

## **2.2 Know the Acts and Rules**

Knowing the correct legal position is the first step. Be conversant with the Acts and the Rules as amended to date. Know the rights of victims, witnesses, and their dependants, the rights of associated organisations and individuals, the duties of the state mechanisms, and the names and designations of the implementing authorities. 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. Knowing the existing state mechanisms to implement and monitor implementation is a prerequisite to monitoring.

Get this information as soon as possible or apply for them under the Right to Information Act, 2005 (RTI). Identifying 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.

1. Get copies of the following documents, available online, in bookstores, and government press outlets.
  - (a) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules, 1995 as amended to date.

- (b) The latest relief amounts [12(4) Schedule Annexure I]. There will be a copy of the schedule annexed to the Act and Rules, but it might have been updated after the latest amendment to the Act and Rules by a government notification. So, it is always good to check. ([Annexure II](#), details the methodology for calculating disability, and is relatively constant).
- (c) The Right to Information Act, 2005 and Rules. The Rules are specific to each state, especially the mode of payment, though in some states the fees are also different. The fees for documents from the courts also sometimes vary.

### 2.3 Get the latest notifications

There are a few more documents to be collected in addition to the core Acts and Rules. Most of them are government orders and notifications issued to set up the state, district, and subdivisional level mechanisms required by the POA, preventive action, and standard operating procedures when an atrocity takes place, from inquiry, investigation, and trial up to socioeconomic rehabilitation.

- 2. Get copies of the following from the ministry of social welfare, or the social welfare department of your state.
  - (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)] (*RTI format*).
  - (b) Gazette notification specifying a panel of public prosecutors and panel of eminent senior advocates as special public prosecutors for the purpose of conducting cases under this Act and Rules [4(1B)] (*RTI format*). The notification is valid for three years.
  - (c) The latest gazette notification or order for setting up the Scheduled Castes and the Scheduled Tribes Protection Cell [8] (*RTI format*).
  - (d) 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] (*RTI format*).
  - (e) Name and designation of the special officer in the identified (atrocity prone) area [10]. This officer would typically be at the district level and will be a ‘special officer’ under this Act as an additional duty. Ask for the relevant government notification. (In Tamil Nadu, all district

- collectors are designated as special officers by government notification G.O (Ms) No. 96 Adi Dravidar and Tribal Welfare (PA) Department dated 10 August 2006) (*RTI format*).
- (f) State contingency plan (SCP) as notified in the official gazette of the state government [15(1)]. This can be got from any district magistrate (DM), subdivisional magistrate (SDM), inspector of police, or superintendent of police (SP) since they will (should) have a copy [15(2)]. It is a good practice to ask this from the district level officials, so that the district level mechanisms are activated. In case of delay, ask the nodal officer who will have it, since they send it to the union government every year along with the state annual report (*RTI format*).
  - (g) Notification of the constitution of the state level high power vigilance and monitoring committee (SVMC) [16(1)] (*RTI format*).
  - (h) Notification of the constitution of the district–level vigilance and monitoring committee (DVMC) [17(1)] (*RTI format*). This should have the names of all the members and their designations [17(2)]. Note that some are ex–officio members, and their names and designations will have to be mentioned. Make a note of the MP and MLA of the constituency who is a member of the DVMC.
  - (i) Notification of the constitution of the subdivisional level vigilance and monitoring committee (SdVMC) [17A(1)] (*RTI format*). This should have the names of all the members and their designations [17A(2)]. Note that most are ex–officio members, and this will have to be mentioned. In particular, note the name of the jurisdictional elected members of local government institutions, MPs, MLAs, the deputy superintendent of police (who will also be the investigating officer), and the subdivisional magistrate who also has several important responsibilities regarding the case.
  - (j) Gazette notification setting up special courts and exclusive special courts to try cases under this Act [S14] (*RTI format*). It is sufficient if you get this notification for your district. This RTI request should be to the registrar of the high court of your state.
  - (k) Copy of the ‘*Dr Ambedkar National Relief to the SC/ST Victims of Atrocities Scheme*’ (<http://ambedkarfoundation.nic.in/atrocities.html>) that provides instant monetary relief to the victims of heinous offences

under POA from the Dr Ambedkar Foundation in addition to the relief provided by the state government.

## 2.4 Know the duties of the state

Every case of caste-based violence (atrocities) is a failure of the state – in particular of the officials tasked with the *prevention* of atrocities. In effect, this means the DM, the special officer, and the SP have failed in their duty to prevent the atrocity. It is this failure at the top level of the district administration and, as we shall see later, at the state level as well, that results in atrocities. Therefore, they have to personally monitor the consequences of their failure – the ‘case’ – to ensure that restitution is done. It is to remedy the guilt (and culpability) of the state, that the state provides relief and socioeconomic rehabilitation.

The DM at the district level, and the SDM at the subdivisional level, monitor implementation monthly, as also the chief of the scheduled castes and the scheduled tribes protection cell (usually an officer of rank additional director general of police, ADGP) and the nodal officer (usually an officer of rank secretary or principal secretary to government) at the state level.

It is the duty of the state to ensure that the victims, witnesses, informants, and their dependents can exercise their rights [S15A]. In practice, insofar as it relates to the everyday handling of the case, ‘the state’ means the investigating officer. The government is dutybound to assist the associated organisations and individuals to execute the rights of victims and witnesses under this Act [S15A(11)(n)]. The right of the victims and witnesses to receive assistance from CSOs – defined as associated individuals, associated organisations, non government organisations, and social workers in the Act – is an important right that has to be supported and ensured by the state [S15A(11)(n), S15A(12)].

It is the duty of the state to fix responsibility for every case that ends in acquittal on the investigating officer (the deputy superintendent of police, DSP) or the prosecutor (the special public prosecutor, SPP) through the standing committee set up on the orders of the Supreme Court of India in the *State of Gujarat Vs. Kishanbhai etc.* [Criminal Appeal No. 1485 of 2008 of 7 January 2014].

## 2.5 Know the state mechanisms

There are government mechanisms to monitor implementation of the POA at the state, district, and subdivisional levels. The state level mechanism is the state level high power vigilance and monitoring committee, SVMC [16], the DVMC



at the district level [17] and the SdVMC at the subdivisional level [17A]. The state is required to take preventive action, and when an atrocity takes place, provide protection [12(2)], relief [15(1)], and rehabilitation to the communities (victims, witnesses, informants, their dependents, and families) [12(4)], and provide allowances to them and their attendants for travel [11(1), 11(2), 11(3)], maintenance [11(4)], and diet expenses [11(5)] during investigation and trial.

The Scheduled Castes and the Scheduled Tribes Protection Cell at the state headquarters (the Social Justice and Human Rights SJ&HR Wing in Tamil Nadu, the Directorate of Civil Rights Enforcement, DCRE in Karnataka), oversees the implementation of the Act and supervises the functioning of the district units consisting of a DSP and support staff. For collection of statistical information under the Act, a statistical unit consisting of one statistical inspector is attached to each district unit in Tamil Nadu, or that role is fulfilled by the district crime records bureau.

In the *State of Gujarat Vs. Kishanbhai etc.* [Criminal Appeal No. 1485 of 2008 of 7 January 2014, paragraphs 20 and 21], the Supreme Court of India ordered the home departments of all states to constitute a standing committee comprising of senior officials of the police and prosecution departments. These standing committees review all cases of acquittal and fix responsibility for the acquittal – on the investigating officer for negligent investigation, or the prosecutor for negligent prosecution. This order and standing committee are applicable for all cases, not just for those booked under the POA. The data in their quarterly report contains the performance of the investigating officer and the special public prosecutor, which should be culled out and made available to the DVMC. Though this standing committee is not a part of the POA, it is a critical state mechanism that provides essential information for implementing this Act.

The Government of Tamil Nadu set up the standing committees at the district and city levels consisting of the SP, Addl. SP (Hqrs) and Asst. Director/ Deputy Director of Prosecution in case of districts; Commissioner of Police, Deputy Commissioner of Police (Crime) and Asst. Director/ Deputy Director of Prosecution in case of cities. The district and city level reviews are held monthly, with reports being sent to the state every quarter. [Ref: Circular Memorandum from DGP office, TN, Rc.No.053884/ Crime. 4(3)/2014 Dated: 26.04.2016]. Most states will have similar mechanisms.

These state mechanisms need to be monitored at every stage for the administration of justice, as an integral part of monitoring cases registered under the POA.

## 2.6 Know the rights of the victims, witnesses, and their dependents

There are specific rights for victims, witnesses, and their dependents. ‘Victims, witnesses, and their dependents’ includes their family, informants, and attendants. It is the duty of the state to ensure that the victims, witnesses, and their dependents can freely execute these rights [S15A(11)(n)].

Section	Rights of victims and witnesses (S15A)	Responsibility
<b>Right to protection</b>		
S15A(1)	For victims, their dependants, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence.	State, designated special court (DSC) and exclusive special courts (ESC) S15A(7), S15A(8)
S15A(6)(a)	The victims, dependants, informants, and witnesses should be provided complete protection to secure the ends of justice.	
<b>Right to respect and dignity</b>		
S15A(2)	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.	All concerned officers
<b>Right to be informed</b>		
S15A(3)	Reasonable, accurate, and timely notice of any court proceeding including any bail proceeding.	SPP or state government
S15A(11)(g)	Information regarding their rights.	Officer recording complaint, FIR
S15A(11)(k)	Information regarding the relief amount.	Officer recording complaint, FIR
S15A(11)(l)	Advance information of the dates and place of investigation and trial.	SPP or state government
S15A(11)(m)	Briefing on the case and preparation for trial and legal aid.	SPP or state government
<b>Right to apply to summon</b>		
S15A(4)	Apply to the special court to summon parties for production of any documents or material, witnesses or examine the persons present.	DSC, ESC

Section	Rights of victims and witnesses (S15A)	Responsibility
<b>Right to be heard</b>		
S15A(5)	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.	DSC, ESC
<b>Right to IMR, relief, TAME, and socioeconomic rehabilitation</b>		
R12(5) R15(1)(a)	Instant monetary relief in cases of murder, rape, arson, and permanent disability (from the Dr Ambedkar Foundation).	District Magistrate (DM)
S15A(6)(b)	Travelling allowance and maintenance expenses (TAME) during inquiry, investigation, and trial; (immediate, or at the latest within 3 days, Rule 11).	DSC, ESC S15A(6), Rule 12(7)
R11(5)	Diet expenses (this is in addition to the maintenance expenses and travel reimbursement).	In practice by the IO, supervised by the SP, and DM.
S15A(6)(c)	Socioeconomic rehabilitation during inquiry, investigation, and trial. This varies from immediate to 24 hours to 6 months depending on the section invoked. Refer to Rule 12(4) Schedule Annexure 1 and the state contingency plan under Rule 15(1).	DSC, ESC S15A(6), Rule 12(7). In practice by the line departments, supervised by the DM.
S15A(6)(d)	Relocation.	
<b>Right to get FIR and charge sheet</b>		
S15A(9)	A copy of the recorded First Information Report free of cost.	Investigating officer or station house officer
S15A(11)(i)	A copy of the charge sheet free of cost.	DSP
<b>Right to privacy</b>		
S15A(8)(a) and S15A(8)(b)	The victim, dependent, informant, or witness can have their names and addresses concealed in orders or judgments or in any records of the case accessible to the public.	State government
<b>Right to assistance</b>		
S15A(12)	Assistance from the nongovernment organisations, social workers, or advocates.	State government
R4(5)	An advocate of their choice, paid for by the state government	DM or SDM (subdivisional magistrate)

## 2.7 Know the rights of human rights organisations and defenders

It is the right of victims or their dependents to get assistance of NGOs, social workers, and advocates [S15A(12)]. Human rights organisations (associated organisations) and defenders (associated individuals) [S15A(11)] have the right to certain information to support the victims, witnesses, informants, and their dependents to exercise their rights.

The rights of these associated organisations and individuals include getting information on the status of investigation and charge sheet free of cost [S15A(11)(i)], relief amount [S15A(11)(k)], dates and places of investigation and trial in advance [S15A(11)(l)], briefing on the case and preparation for trial [S15A(11)(m)], and assistance for execution of rights of victims and witnesses [S15A(11)(n)].

All the above are the rights of the associated organisations and individuals. If you or your organisation are identified as an associated individual or organisation (by the victim, witness, government, or judiciary), these are *your* rights.

## 2.8 Know the allowances

The victims, dependents, witnesses, and attendants are entitled to a travelling allowance, daily allowance, maintenance expenses, and transport facilities during investigation, and trial from place of residence or place of stay to the place of investigation or hearing of trial, hospitalisation, and hospital visits.

These remain the same regardless of the section invoked and must be paid immediately or within three days at the latest [11(6)]. It is the responsibility of the district magistrate or the subdivisional magistrate or any executive magistrate to make the necessary arrangements for providing transport facilities or reimbursement of full payment [11(2), 11(6)].

Every woman witness, victim or dependent, a minor, a person more than sixty years of age, and a person having 40 per cent or more disability are entitled to an attendant of their choice. The attendant is entitled to all allowances and expenses – travelling allowance, daily allowance, diet expenses, maintenance expenses – as applicable to the victim [11(3)].

Travel allowance is calculated as to and fro rail fare by second class train or actual bus or taxi fare from place of residence or place of stay to the place of investigation or hearing of trial [11(1)].

Daily maintenance expenses are paid for the days away from the place of residence or stay during investigation and hearing of trial. It is paid at a rate not less than the minimum wages for the agricultural labourers in the state [11(4)]. Diet expenses are paid at a rate fixed by the state government. This payment is in addition to TAME [11(5)].

Hospitalisation expenses includes reimbursement for medicines, special medical consultation, blood transfusion, replacement of essential clothing, meals, and fruits provided to the victim(s) of atrocity [11(7)].

## 2.9 Know the relief and socioeconomic rehabilitation

The victims and their dependents are entitled to relief and socioeconomic rehabilitation depending on the severity of the crime and the sections invoked. This dependence of entitlements on the section invoked is an additional reason to ensure that the right sections are mentioned in the FIR.

In cases of murder, rape, permanent disability, or arson, the victims are entitled to ‘instant monetary relief’ [15(1)(a)] from the Dr Ambedkar Foundation. The [application format](#) is on the foundation’s website. The proposal for financial assistance for the scheduled caste and scheduled tribe victim of atrocities may be forwarded by the state / UT government or district magistrate or district collector in the prescribed format to the director, Dr Ambedkar Foundation, Ground floor, Narcotics Control Bureau building, West Block–I, Wing No. VII, R.K. Puram, New Delhi – 110 066, along with the copy of the FIR, inquiry report, post–mortem report, medical or disability certificate.

Relief is generally paid in three tranches – about 25% when the FIR is registered, 50% when the charge sheet is filed, and 25% on conviction. Depending on the sections invoked, some of the relief is released on receipt of the medical certificate (for acid attacks, crimes under IPC326B, 376B, and 376C, disability or incapacitation, rape or gangrape) or post–mortem report (murder or death).

In cases of murder, rape, permanent disability, or dacoity, the victims are entitled to *all* the following for socioeconomic rehabilitation – pensions (₹5000+DA), and a government job, and a house, and agricultural land, and fully supported education for children up to graduation [12(4) Schedule Annexure 1 #46].

## 2.10 Online Resource

The online resource at <https://www.cvmc.in/relief/#socioeconomicrehabilitation> is a quick reference for the instant relief, relief, and socioeconomic rehabilitation due

at each stage of the process. These entitlements are dependent on the sections invoked. Oftentimes, only the IPC sections are invoked, and the corresponding sections of this Act are not, or vice versa. Both are required for the proper administration of justice.

This online resource brings together Section 3, Rule 12(4) Schedule Annexure I, Rule 12(5), Rule 15(1)(a) – the Dr Ambedkar Foundation norms for instant monetary relief – and the IPC sections for ready reference. It can be sorted by column so that concerned organisations and individuals can verify and ensure that the FIR and chargesheet have both the POA and IPC sections, and the instant monetary relief, relief, and socioeconomic rehabilitation are fulfilled as per law and on schedule.

Familiarity with the resource will be helpful in ensuring all the entitlements are secured. You don't need to know all of it – just know that it is there, what is in it, and how to search it for the relevant results. Then you can use it as a ready reckoner when you need to.

### 3 Choose a case to monitor

3. 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. Sometimes the build-up is below the threshold of cognisance i.e., too minor to be noticed. Many a time the aggravation is constant but low intensity, and the police (and sometimes we too!) tend to brush off each of them as 'a' minor incident. The escalation in intensity or frequency in 'minor incidents' should serve as a warning.
4. Choose a case where the organisation has strong presence either as a civil society organisation (CSO) or community organisation (CBO). This is an essential requirement to protect the witnesses and survivors. Cases where protection cannot be ensured should not be pursued since that would lead to adverse consequences for the survivors and witnesses.
5. Strong CSO presence is also required for systematic monitoring of the cases – something that is difficult for individuals. Ideally, an organisation would need three persons to monitor one case.
6. If this is your first case, chose one in which you think there is a reasonable chance of meeting the 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.

7. Be prepared for delays. Witnesses (after six months) and victims (after a year) 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 more often depending on the circumstances. Local support structures are critical for the victims and witnesses.
8. Constant follow up with the state mechanisms is important to ensure that the victims and witnesses do not turn hostile due to social pressure, state apathy, or delays. Do this by regular visits, ensuring victims and witnesses rights [S15A], that the charge sheet is filed within 60 days [7(2)], and the trial is completed within two months of filing the charge sheet [S14(3)].
9. Once you choose the case, get yourself and your organisation recognised by the state as an ‘associated individual’ and an ‘associated organisation’ referred to in Section 15A(11)(n) or a nongovernment organisation, social workers, or advocate referred to in Section 15A(12) so that you are kept informed as per Section 15A(11) subsections (i), (k), (l), (m), and (n). Associated organisations do not have to be registered, though it helps, but nongovernment organisations need to be. This recognition considerably eases the flow of information, as the information can then be claimed as a right by the human rights organisation and defender also.
10. It is best to have a lawyers’ collective in each district so that one can immediately be assigned to the case. A lawyers’ collective has the added benefits of a lawyer being on call so that there will be a lawyer present right from the time of complaint, that they will specialise in POA thereby acquiring domain expertise, and the uplifting power of solidarity. Always have a lawyer in your team, so that they can help with the process even before you make a complaint. If you include them with their role in the complaint [S15A12], the government will pay them. Assert the right to an advocate of choice from the time of filing the complaint [R4(5)].

## **4 Information: Filing a complaint**

### **4.1 Procedure**

11. All proceedings under this Act – from filing a complaint, to FIR, to inquiry, investigation, trial, and beyond, and everything in between – must be video recorded [S15A(10)].

12. Any ‘informant’ can file a complaint in any police station [5(1)]. It is not necessary that the informant be the victim or an eyewitness. Oral complaints by survivors and witnesses are permissible. Use format PS01 to file the complaint.
13. The police officer will register an FIR immediately without conducting any preliminary inquiry [S15A(9), S18A].
14. If the atrocity did not take place in the jurisdiction of that police station, then they will record a ‘Zero FIR’ (an FIR without a serial number) and transfer it to the correct police station.
15. The station house officer (SHO, usually an inspector or sub-inspector), immediately after registering the FIR [The Code of Criminal Procedure, 1973 (CrPC) Section 154], will read it out to the complainant before getting the signature [S4(2)(a)], and provide a copy of the FIR free of cost to the victims [S4(2)(b), S4(2)(c), S5(2)].
16. The officer will inform the victims, witnesses, and their dependents of their rights, including relief amount due, protection, and the dates of investigation and trial [S15A(11)].
17. If the complaint is not accepted, or if the FIR is not registered, send it in writing by registered post to the SP along with a covering note mentioning the date, time, name, and designation of the police officer, and the police station in which the original complaint has been refused [5(3)] (use format SP01). The victim, witness, concerned individual, concerned organisation, or advocate can complain to the superior officer [5(3)].
18. Victims and their dependents have a right to take the assistance from NGOs, social workers, and advocates at all stages of a case [S15A(12)] – meaning the informant can go with an individual or advocate of choice to file the complaint, and the state will pay the advocate [4(5)].

#### **4.2 Allowances, relief, and socioeconomic rehabilitation**

19. Once the FIR is filed, several entitlements are due immediately or, at the latest, within seven days. In practice, most times, it takes more time. Even in cases of heinous crime, it awaits the greenlight from the DM and SP.
20. The victims, their dependents, and witnesses [S15A(1), R12] are entitled to relief and assistance including medical aid, food, clothing, shelter etc. [12(4)], depending on the severity of the crime and the sections invoked. Use the [online resource](#) as a quick reference.



21. In cases of murder, rape, permanent disability, or arson, the victims are entitled to ‘instant monetary relief’ [15(1)(a)] from the Dr Ambedkar Foundation. The proposal must be forwarded by the state / UT government or district magistrate or district collector using the [prescribed format](#) on the foundation’s website to the director, Dr Ambedkar Foundation, along with the copy of the FIR, inquiry report, post–mortem report, medical or disability certificate.
22. One part of the monetary relief will be due at the time of filing the FIR, and some more (depending on the sections invoked) on receipt of the medical certificate (for acid attacks, crimes under IPC326B, 376B, and 376C, disability or incapacitation, rape or gangrape) or post–mortem report (murder or death). Ensure it reaches the victim and dependents.
23. In cases of murder, rape, gang rape, permanent incapacitation, or dacoity, the victims, dependents, and their families are entitled to *all* the following for socioeconomic rehabilitation – pension (₹5000+DA), a government job, a house, agricultural land, and fully supported education for children up to graduation [12(4) Schedule Annexure 1, #46].
24. The relief due at the FIR stage should be paid immediately, or within seven days. In practice, it is included in the monthly monetary proposal only after the SP gives the greenlight after the inspection visit, and released to the victims and eligible others only after it is sanctioned and credited to the district administration’s account.
25. Make sure that the relief due at the FIR stage and, where required, for the medical report and post–mortem stages as well, are included in the monthly monetary proposals sent by the district administration to the nodal officer (*format*). This ‘advance notice’ is to ensure that there is no delay at any subsequent stage of the case since the mechanisms have been informed well in advance about the sums needed for relief at every stage, the time periods for each stage is well–known, and therefore the amounts are easy to forecast and keep in reserve. Monitor when it is sanctioned (*RTI format*). Ensure the relief due at the FIR stage reaches the victim and dependents immediately after it reaches the account of the district administration.

#### 4.3 Monitoring mechanisms

26. The complaints are followed up by an officer not below the rank of DSP *or* SDM *or* any executive magistrate [6(1)].

27. Once a complaint is received, an FIR must be filed. After a spot visit for inquiry, an inquiry report [6(2)] is sent to the state government which, in practice, means the local SP.

#### 4.4 Additional tracking

28. Always file written complaints – even before an atrocity ‘takes place’ – and get a signed acknowledgement with the official stamp. The complainants are entitled to a free copy of their complaint [5(2)].
29. Ensure that you are included in the complaint as an associated organisation and individual. This step is critical for you to be kept informed officially at all stages of the case [S15A(11), S15A(12)].
30. 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 (*RTI format*). 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).

## 5 Inquiry: Spot assessment

### 5.1 Procedure

31. When there is information (from any source) that an atrocity may be, or may have been committed, an officer not below the rank of DSP *or* SDM *or* any executive magistrate must visit the spot and conduct a inquiry to assess the extent of atrocity, loss of life, loss and damage to the property, [6(1)] and submit a report to the state government [6(2)].
32. If they confirm that an atrocity has taken place, they must (i) draw up 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 steps to provide protection to the witnesses and other sympathisers of the victims; (v) provide immediate relief to the victims [6(2)], and inform their superior officer – the SP or DM.

### 5.2 Allowances, relief, and socioeconomic rehabilitation

33. The inquiring officer must provide immediate protection, relief, and assistance to the victims, their dependents, and witnesses [S15A(1), R6(2), R12(4), SCP]. Where necessary, it includes medical aid, food, clothing,

shelter, utensils, rice, wheat, dals, pulses, etc. [12(4) Schedule Annexure 1 #46, and SCP].

34. If you haven't done so already, make sure that the relief due at the FIR stage and, where required, for the medical report and post-mortem stages as well, are included in the monthly monetary proposals sent by the district administration to the nodal officer (*format*). Monitor when it is sanctioned (*RTI format*). Ensure it reaches the victim and dependents immediately after it reaches the district administration.

### 5.3 Monitoring mechanisms

35. The inquiry report [6(2)], is sent to the state government – the protection cell and, through it, the SP, DM, and the nodal officer.
36. These officials will make a spot visit of their own if the report confirms that an atrocity has been committed.

### 5.4 Additional tracking

37. Ensure that all proceedings under this Act (including spot investigations) are video recorded [S15A(10)].
38. Ask for the spot inspection report filed under Rule 6(2) (*RTI format*).
39. Check if all the victims are mentioned in the Rule 6(2) report, and if they have got all the relief that they are entitled to [12(4)] and the state contingency plan [15(1)].
40. If not, bring it to the notice of the special court (*format*) which is empowered to order relief according to the schedule 1 of Rule 12(4) or even increase it [12(7)] right from the time of inquiry [S15A(6)].

## 6 Inspection

### 6.1 Procedure

41. On receiving information from their subordinate that an atrocity has taken place (through the Rule 6(2) report), *both* the SP *and* the DM will visit the area within 24 hours and conduct a spot inspection to assess the extent of damage, loss of life and property and identify the victims, witnesses, and their dependents entitled to relief [12(1)], and the accused.
42. On confirmation, the SP will ensure that the FIR is registered, *effective measures* for apprehending the accused are taken [12(2)], and necessary protection is provided [12(3)]. Immediately [6(1)] or latest within 24 hours [15(1), state contingency plan]. Get the name of the SP (*RTI format*).

43. The SP will appoint an investigating officer (of DSP rank or higher) to continue the investigation [12(3)]. According to Rule 7(1), investigation of an offence committed under this Act must be investigated by an officer not below the rank of DSP.

## 6.2 Allowances, relief, and socioeconomic rehabilitation

44. The DM will provide relief and assistance including medical aid, food, clothing, shelter etc. [12(4)] to the victims, their dependents, and witnesses [S15A(1), R12].
45. In cases of murder, rape, permanent disability, or arson, the victims are entitled to ‘instant monetary relief’ [15(1)(a)] from the Dr Ambedkar Foundation. The [application format](#) is available on the foundation’s website. The proposal for financial assistance for the scheduled caste and scheduled tribe victim of atrocities may be forwarded by the state / UT government or district magistrate or district collector in the prescribed format to the Director, Dr Ambedkar Foundation, Ground Floor, Narcotics Control Bureau Building, West Block–I, Wing No. VII, R.K. Puram, New Delhi – 110 066, along with the copy of the FIR, inquiry report, post–mortem report, and medical or disability certificate.
46. One part of the monetary relief will be due at the time of filing the FIR, and some more (depending on the sections invoked) on receipt of the medical certificate (for acid attacks, crimes under IPC326B, 376B, and 376C, disability or incapacitation, rape or gangrape) or post–mortem report (in case of murder or death).
47. If it hasn’t been done already, make sure that the relief due at the FIR and the charge sheet stages and, where required, for the medical report and post–mortem stages as well, are included in the monthly monetary proposals sent by the district administration to the nodal officer (*format*). Monitor when it is sanctioned (*RTI format*). Ensure it reaches the victim and dependents immediately after it reaches the district administration.
48. In cases of murder, rape, permanent disability, or dacoity, the victims are entitled to *all* the following for socioeconomic rehabilitation – pensions (₹5000+DA), and government job, and house, and agricultural land, and fully supported education for children up to graduation [12(4) Schedule Annexure 1, #46].

### 6.3 Monitoring mechanisms

49. The report of the relief and socioeconomic rehabilitation provided to the victims, their families, and their dependents, will be sent to the judge of the special court by the district magistrate [12(7)].
50. It is the *duty of the judge of the special court* to provide protection, travel allowance and maintenance expenses, relief, socioeconomic rehabilitation, and relocation during inquiry, investigation, and trial [S15A(6)] at the appropriate time as required. In practice, however, it will be done by the line departments, and monitored by the DM. Even so, it is good practice to bring this duty to the attention of the judge of the special court.
51. Ensure that the case is discussed at the quarterly SdVMC [17A(4)] and 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 (*format*). After the meeting ask for a copy of the minutes (*RTI format*).
52. Similarly, ask for the case to be discussed at the January and July SVMC meetings [16(2)] by sending a letter (*format*) to the Principal Secretary (Social Welfare), who is the convenor of the SVMC. Your letter should contain the bare facts of the case at this point, including the names of the officials involved. Ask for the spot inspection reports [12(1) and 12(7)] be discussed. Attach a copy if you have one.

### 6.4 Additional tracking

53. Ensure that all proceedings under this Act (including spot inspections) are video recorded [S15A(10)].
54. Ask for a copy of the report sent under 12(7) from the Special Court (*RTI format*). If such a report has not been filed, ask for permission to prosecute the concerned official under Section 4 (*format*).
55. Ask for a copy of the final FIR since filing the FIR (presumably with the correct sections) is ensured by the SP [12(2)] after he makes a spot inspection [12(1)].

This will be given free to the informant, victims and their families [5(2)], and to associated individuals and organisations [S15A(9)] (*RTI format*). The FIR should contain all the names mentioned in the spot inspection reports [6(2), 12(1)]. If not, request that a supplementary FIR be filed to include the specific names. Use your fact–finding reports as a backup/secondary reference.

56. Check whether the correct sections of the POA are mentioned in the FIR. The tool at <https://www.cvmc.in/relief/#socioeconomicrehabilitation> can be used to match the relevant sections of POA vis a vis the Indian Penal Code (IPC) and other Acts. Usually, the police only invoke the IPC section, so check whether the corresponding POA sections are mentioned. If not, request that a supplementary FIR be filed (*format*).
57. *Every month*: Ask for a copy of the monthly report sent to the state government by the district collector [4(4)] (*RTI format*), the monthly monetary proposal and abstract, and the monthly report sent by the protection cell to the state nodal officer [8(xi)] (*RTI format*). The Rule 4(4) and Rule 8(xi) compliance reports should have the ‘action taken and proposed to be taken’. Ensure that the case details are mentioned correctly.
58. If not, write to district collector, with a copy to the state nodal officer, mentioning that the information is missing/incorrect and that it must be corrected (*format*). Follow it up monthly till rectified. Ensure that this report is sent to the director of prosecutions *also* so that the progress is tracked at the highest levels right from the outset.
59. Ask for copies of the minutes after the SdVMC, DVMC, and the SVMC meetings (*RTI format*). Check the status of your case and ensure that it has not been disposed of as ‘false’ or ‘mistake of fact’.
60. Check if all the eligible victims have got the instant monetary relief from the Dr Ambedkar Foundation, and all the relief they are entitled to [12(4) to 12(7), and the state contingency plan 15(1)]. If not, bring it to the notice of the special court (*format*) which is empowered to order relief according to the norms prescribed under Rule 12(4) Schedule Annexure 1 or even increase it [12(7)].

## 7 Investigation

### 7.1 Procedure

61. A case where this Act is invoked should be investigated by an officer of minimum DSP rank appointed by the government for each case [7, 12(3)]. Usually, this would be the DSP from the district unit of the Scheduled Castes and the Scheduled Tribes Protection Cell. In Tamil Nadu, it would be the DSP from the SJ&HR unit, in Karnataka from the DCRE.
62. Dates, places, and the status of investigation should be informed to the victims or their dependents or associated organisations or individuals [S15A(11)(i), S15A(11)(l), SCP].

63. The victims, witnesses, dependents, attendants are entitled to travel and daily allowances, and maintenance and diet expenses during investigation. They should get this immediately or at the latest within three days [11(6)].
64. After completing the investigation on top priority, the charge sheet should be filed in the special court by the investigating officers within 60 days from the date of registering the FIR [7(2)].
65. Any delay in the investigation or filing of the charge sheet must be explained in writing by the investigating officer [7(2A)]. If the written explanation is not filed, the investigating officer is liable for prosecution under Section 4 for violation of Section 4(2)(e).
66. If, in the opinion of the judge of the special court, the investigation is unsatisfactory, further investigation can be ordered [CrPC 173(8)].
67. A copy of the charge sheet should be given to the victims, their dependents, associated organisations, or associated individuals free of cost [S15A(11)(i), R5(2)].
68. Once the charge sheet is filed, the victims are entitled to a part of the relief as stipulated in Rule 12(4), Schedule, Annexure 1. Check the online tool for details.

## **7.2 Allowances, relief, and socioeconomic rehabilitation**

69. Victims, dependents, and witnesses [11] are entitled to taxi or second-class train fare from their place of stay to the place of investigation [11(1)] or visiting officials concerning the investigation [11(2)]. The district magistrate or executive magistrate will make arrangements for the travel in an equivalent mode of transport [11(2)].
70. They are entitled to daily maintenance allowance, diet allowance etc for the days away from place of residence during investigation [11(4)]. Victims, witnesses, and dependents being a woman, minor, over 60 years of age, or with over 40% disability are entitled to an attendant of their choice. The attendant is entitled to the same allowances [11(3)]. All allowances and reimbursements must be paid to the victims, dependents, witnesses, and attendants [11] immediately or within three days at the latest [11(6)].
71. Some part of the monetary relief (usually 50%) will be due at the time of filing the charge sheet [12(4)]. The relief due at the charge sheet stage should be paid immediately, or within seven days, especially if we had reminded them earlier. Ensure it reaches the victim, dependents, and others who are eligible immediately after it reaches the district administration.

72. Now make sure that the relief due at the end of trial or conviction stages are included in the monthly monetary proposals sent by the district administration to the nodal officer (*RTI format*). Monitor when it is sanctioned (*format*) to ensure that those eligible get it immediately.
73. Follow up on the instant monetary relief [15(1)(a)] due from the Dr Ambedkar Foundation to ensure that it reaches those eligible. It should have been credited to the bank account by now. If not, verify with the nodal officer when the application was sent (*RTI format*), and with DAF when it was received (*RTI format*).

### 7.3 Monitoring mechanisms

74. It is the duty of the judge of the special court to provide protection, travel allowance and maintenance expenses, relief, socioeconomic rehabilitation, and relocation during inquiry, investigation, and trial [S15A(6)] at the appropriate time as required. Bring any lapses to the attention of the judge of the special court.
75. Ensure that the case is discussed at the quarterly SdVMC [17A(4)] and DVMC [17(3)] meetings by sending a letter to the social welfare officer who is the member–secretary of the SdVMC [17A(3)] and DVMC [17(2)] asking for the case to be discussed (*format*).
76. Similarly, ask for the case to be discussed at the January and July SVMC meetings [16(2)] by sending a letter to the Principal Secretary (Social Welfare), who is the convenor of the SVMC (*format*). Your letter should contain the bare facts of the case at this point and lapses of any. It should include the names of the officials involved.
77. If the investigating officer is found to be unsatisfactory, ask for that to be specifically noted at the SdVMC, DVMC, and SVMC meeting. Give the statistics that you got using RTI (*RTI format*).
78. Ask for a copy of the minutes after the meeting (*RTI format*).

### 7.4 Additional tracking

79. Ensure that all proceedings under this Act (including spot assessment and investigation) are video recorded [S15A(10)].
80. Ask for the name and rank of the investigating officer appointed by the SP [12(3)] (*RTI format*). Ask for the following details about the investigating officer for 5 years (*RTI format*) – the number of:
  - (a) Cases investigated.



- (b) Cases for which investigation is completed within 60 days [7(2)].
- (c) Cases for which charge sheet has been filed.
- (d) Cases for which charge sheet has not been filed (disposed of or closed by the police).
- (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).
- (i) Details of cases from the standing committee set up on the orders of the Supreme Court of India in the *State of Gujarat Vs. Kishanbhai etc.* [Criminal Appeal No. 1485 of 2008 of 7 January 2014] in which this officer was involve for the past five years at least.

These are not explicitly mentioned in the Act or Rules, but a review of the experience [7(1)], quarterly review of cases [7(3)] and role of the investigating officer [16(2), 17(1), 17A(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 and the reports of the standing committee to ascertain the cause of the acquittals. If a pattern of shoddy investigation becomes apparent, then ask for another investigating officer with better credentials. That is clear under Rule 7(1). The lapses will be recorded in the January and July review reports [14(2)] (*RTI format*), and the reports of the standing committee (*RTI format*).

- 81. If the chargesheet is not filed within 60 days of the FIR being registered, ask for the report filed under Rule 7(2A) which will have reasons for the delay. If the 7(2A) report has not been filed, immediately ask for prosecution of the investigating officer for dereliction of duty under Section 4 for violation of Section 4(2)(e).
- 82. After the SdVMC, DVMC, and SVMC meetings ask for copies of the briefing notes and minutes (*RTI format*).
- 83. If there is reasonable concern that the investigation could be compromised for any reason (is not impartial or dilutes the case by not recording the right sections, weak or irrelevant charges, or some of the accused are not mentioned) petition the magistrate at the district court for a judicial inquiry or petition the high court to request a CBI inquiry (*format*).

84. Providing protection is a duty of the state [S15A(1)] and the protection provided has to be periodically reported to, and reviewed by, the special court [15A(7)]. It is good practice to request protection (*format*), since one of the frequent reasons for acquittal is victim/ witness ‘turn hostile’. They ‘turn hostile’ because they are threatened. They are threatened because they are inadequately protected by the state (meaning the police, specifically the investigating officer). Requesting protection – which the state is bound to provide under Section 15A(11)(h) – should be a norm repeated frequently at every stage of the administration of justice, so that the authorities are kept aware of the threats and can be held accountable.
85. The officer directly responsible for protection is the investigating officer. If a victim or witness turns hostile, file a case of dereliction of duty against the investigating officer (and senior officers as well, if you have informed them in writing) for not providing adequate protection.

## 8 Trial

### 8.1 Procedure

86. Once the charge sheet is filed, the case is handed over to the courts. At that point the government assigns a special public prosecutor (SPP) to the case. (If we have our own lawyer with the requisite experience, and have informed the district magistrate, then this step will not be necessary).
87. The cases should be disposed of within two months as far as possible [S14(2)]. Proceedings should be conducted daily until all witnesses in attendance have been examined [S14(2)]. There should be no unnecessary adjournments. Reasons for any adjournment beyond the following day must be recorded in writing by the judge of the special court [S14(3)].
88. It is the duty of the special public prosecutor to give adequate briefing on the case and preparation for trial including cross questioning to the victims, witnesses, associated individuals and organisations [S15A(11)(m)].
89. It is the responsibility of the DMs, SPs, and commissioners to protect the witnesses from intimidation and harassment [S15A(11)(h), SCP]. If they face any such harassment, a complaint can be made before the special court which will pass appropriate orders for their protection [S15A(8)] (*format*).
90. Victims and their dependents have a right to be heard in respect of bail, discharge, release, parole, conviction, or sentence of an accused [S15A(5)]. Notice for such hearings must be given to them well in advance.

## 8.2 Allowances, relief, and socioeconomic rehabilitation

91. Ensure that the allowances are paid to the victims, dependents, witnesses, and attendants [11] immediately or within three days [11(6)].
92. They are entitled 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 place of stay to the place of investigation or hearing of trial [11(1)]. The district magistrate or executive magistrate shall make arrangements for the same in an equivalent mode of transport [11(2)].
93. The victims, dependents, witnesses, and attendants are entitled to daily maintenance allowance, diet allowance etc for the days away from place of residence during trial [11(4)]. Victims, witnesses, and dependents being a woman, minor, over 60 years of age or over 40% disability have the right to an attendant of their choice. The attendant is entitled to the same allowances [11(3)].
94. If it is not done already, make sure that the relief due at the end of trial or conviction stages are included in the monthly monetary proposals sent by the district administration to the nodal officer (*RTI format*). Monitor when it is sanctioned (*format*). Ensure it reaches the victim and dependents immediately after it reaches the district administration.

## 8.3 Monitoring mechanisms

95. Ensure that the case is discussed at the quarterly SdVMC [17A(2)] and DVMC [17(3)] meetings by sending a letter to the subdivisional and district social welfare officer, the member–secretary, asking for the case to be discussed (*format*). After the meeting ask for a copy of the briefing notes and minutes (*RTI format*).
96. Similarly, ask for the case to be discussed at the January and July SVMC meeting [16(2)] by sending a letter (*format*) to the Principal Secretary (Social Welfare) who is the convenor of the SVMC. Ask for a copy of the briefing notes (including the performance appraisals and the action taken reports of the previous meeting) and the meeting minutes (*RTI format*) after the meeting.
97. Your letter should contain the facts of the case up to this point, detailing the lapses. Include 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 SdVMC, DVMC, and SVMC meetings. Give them the statistics that you got using RTI.

#### 8.4 Additional tracking

98. Ensure that all proceedings under this Act are video recorded [S15A(10)].
99. If you are providing support for any case (new or old) always insist that the victim has a private advocate of choice, paid for by the state (*format*) right from the complaint stage. That is their right under Rule 4(5). This advocate will be paid higher than the panel advocates [4(6)], who are paid more than the SPPs. There will be reluctance by the state. Use the steps below to get the performance of the SPPs and panel advocates to bolster your case to have an advocate of choice.
100. Not all SPPs are equal. We will need to evaluate them based on their track record, which will have a paper trail at least seven years long [4(1)]. For every SPP and panel advocate, ask for number of: (*RTI format*) [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).
  - (e) Reports of the standing committee set up on the orders of the Supreme Court of India in the *State of Gujarat Vs. Kishanbhai etc.* [Criminal Appeal No. 1485 of 2008 of 7 January 2014] regarding cases in which this SPP was involved in, at least for the previous five years.

The report submitted to the state government on the performance of the SPPs in January and July [4(2)], will (should) contain this information. The lapses will be mentioned in the January and July review reports [14(2)] (*RTI format*) and in the reports of the standing committee (*RTI format*). If the performance of the SPP or panel advocate is unsatisfactory, ask for a senior advocate of choice at the expense of the state, which is a right of the victims and survivors [4(5)].

101. For every judge hearing cases under this Act (whether designated special court or exclusive special court) 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 [16(2), 17(1), 17A(1)] would entail this at the very minimum. This review has to be done by getting information from the court registry using RTI (*RTI format*). Some judges have a 100% acquittal rate, and they need to be removed from the special courts. Some of this information can be taken from the annual report of the state crime records bureau, by consolidating and analysing the district crime data for POA.

102. 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) investigating officer (b) SPP and (c) judge. Reports of the standing committee will help in this (*RTI format*), though some more research will be required.
103. Ensure that the spot visit reports of the DSP [6(2)], SP [12(1)] and DM [12(7)], SdVMC minutes [17A(4)], DVMC minutes [17(3)], and the SVMC minutes [16(2)], are introduced as evidence, as also the medical reports and other material evidence (in some cases even the post-mortem report has not been introduced as evidence). Work closely with the SPP to do so.
104. If the trial is not conducted on a daily basis, the judge will record in writing the reasons for the longer adjournments. Get copies of the reasons. Analyse them and, if required, make the analysis available to the nodal officer, DOP, the chief justice of the state, and the vigilance and monitoring committees, with a request to take action as required. Let them know that delay means that the relief is also being delayed (*format*).
105. Collect interim orders and take a review of the case proceedings (*RTI format*) which will be handy to gauge the development over each case.
106. If the victims or witnesses turn hostile, file cases against the investigating officer and the DM for dereliction of duty (*format*) since it is likely that they were coerced into withdrawing the case, indicating insufficient protection, or because they were not rehabilitated in time – both of which are the duties of the state [S15A].
107. If the allowances are not paid within three days at the latest [11(6)] or if there are any pending, 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 Section 4 for not doing their duty under this Act. Give it as a written submission in court (*format*). It is the duty of the court to ensure complete

protection, the travelling and maintenance expenses, the socioeconomic rehabilitation, and relocation for them [S15A(6)].

108. A part of the relief, stipulated in Rule 12(4) and detailed in Annexure 1 of the Schedule, will be due at the conclusion of the trial for some crimes against women irrespective of conviction, in particular those booked under Section 3(1)(w) and some under Section 3(2)(va). Ensure it reaches the victim and dependents.
109. Ensure that those eligible have received the instant monetary relief [15(1)(a)] due from the Dr Ambedkar Foundation.
110. All the socioeconomic rehabilitation should be completed within three months of the FIR being registered. File RTI requests and memos to the responsible officers and competent authorities to ensure that they are on track (*format*).

## **9 Judgement**

### **9.1 Procedure**

111. The judgement is delivered by the special court at the conclusion of the trial. The cases under this Act should be disposed of within two months as far as possible [S14(2)].
112. Victims and their dependents have a right to be heard in respect of bail, discharge, release, parole, conviction, or sentence of an accused [S15A(5)]. Notice for such hearings must be given to them well in advance.
113. If the case ends in conviction, the victims are entitled to a part of the relief stipulated in Rule 12(4) and detailed in the Schedule Annexure 1.

### **9.2 Allowances, relief, and socioeconomic rehabilitation**

114. Ensure that the travel allowance, daily maintenance allowance, and diet allowance for the days away from place of residence during hearing of trial are paid to the victims, dependents, witnesses, and attendants immediately or within three days [11(6)].
115. They are entitled to taxi fare from place of stay to court for hearing and trial [11(1)]. The district magistrate or executive magistrate will arrange for the same in an equivalent mode of transport [11(2)].
116. Victims, witnesses, and dependents being a woman, minor, over 60 years of age or over 40% disability have the right to an attendant of their choice. The attendant is entitled to the same allowances [11(3)].
117. Some part of the relief will be due at conviction. Ensure it reaches the victim and dependents. [Rule 12(4) Schedule Annexure 1].

118. Socioeconomic rehabilitation – a pension, a government job, agricultural land sufficient for a life with dignity, a house, and enrolment of children in schools, with in residential three months of the FIR being filed, should be complete by now. If not, bring it to the notice of the judge in court, with a request for court monitored, timebound implementation and fulfilment, so that the judge can order it to be done and will monitor compliance [S15A(7), R12(7)] (*format*). [Rule 12(4) Schedule Annexure 1 #46].
119. The relief due at the FIR and charge sheet stages should have been paid by now. The remaining part should be paid immediately, or within seven days, especially if we had reminded them earlier. Monitor when it is sanctioned (*format*). Ensure it reaches the victim and dependents immediately after it reaches the district administration.

### 9.3 Monitoring mechanisms

120. The monthly report [4(4)], the protection cell, nodal officer, director of prosecutions, special officers, and the vigilance and monitoring committees at the subdivisional, district, and state levels should be keenly monitoring the cases at this stage since all their credibility is at stake in case of an acquittal or adverse judicial comments.

### 9.4 Additional tracking

121. Ensure that all proceedings under this Act are video recorded [S15A(10)].
122. Get a copy of the judgement. If acquitted, check if the state plans for appeal (*RTI format*). If not, request an appeal (*format*). Appeals need to be made within 90 days of the order (180 days at the discretion of the judge) [S14A(3)] and be disposed of within three months of admission of appeal [S14A(4)]. Be even more particular about the choice of advocates at this stage. Choose the best possible [4(5)].
123. If the judgement mentions anything adverse about any official, immediately send copies of 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) The scheduled castes and the scheduled tribes protection cell (d) state nodal officer (e) director of prosecutions (f) principal secretary (Home) asking them to take action against the particular officer(s) under Section 4 (*format*).

124. Get the report of the standing committee (*RTI format*) and disseminate it to the same officials with the request to ensure that the investigating officer or the SPP be barred from future cases due to the lapses identified in this one.
125. Ask for continuing protection if required (*format*).

## 10 Appeal

### 10.1 Procedure

126. Those convicted will appeal against conviction. Appeals against the judgement of the special court are made before the high court within 90 days [14A(3)] or 180 days at the discretion of the judge. Both issues of fact and law can be appealed.
127. Appeals against acquittal can be made either by the government or the victims, their dependents, or family. They have an independent right to appeal against an order passed by the special court acquitting the accused or convicting them for lesser offences (Section 372 of CrPC; *Mallikarjun Kodagali vs State of Karnataka & Ors., Criminal Appeal Nos. 1281–82 of 2018*). These appeals should be disposed of within three months [14A(4)].
128. Victims, their dependents, and families have all the rights under Section 15A in the appellate stage, especially right to be heard [S15A(5)]. Notice for such hearings must be given to them well in advance.

### 10.2 Allowances, relief, and socioeconomic rehabilitation

129. Ensure that the travel, maintenance, and dietary allowances are paid to the victims, dependents, witnesses, and attendants [11] immediately or within three days at the latest [11(6)].
130. They are entitled to taxi fare from place of stay to court for hearing and trial [11(1)]. The district magistrate or executive magistrate will arrange for the same in an equivalent mode of transport [11(2)].
131. Victims, witnesses, and dependents being a woman, minor, over 60 years of age or over 40% disability have the right to an attendant of their choice. The attendant is entitled to the same allowances [11(3)].
132. All the relief due should have been paid by now [Rule 12(4) Schedule Annexure 1], if not make sure the entire amount is in the monthly monetary proposals sent by the district administration to the nodal officer (*RTI format*), monitor when it is sanctioned (*format*), and ensure it reaches the victim and dependents immediately after it reaches the district



administration. Bring all lapses and delays to the notice of the judge of the special court (*format*).

133. Socioeconomic rehabilitation – a pension, a government job, agricultural land sufficient for a life with dignity, a house, and enrolment of children in schools, with a deadline of three months of the FIR being filed, should be complete by now [Rule 12(4) Schedule Annexure 1 #46]. If not, bring it to the notice of the judge in court, with a request for court monitored, timebound implementation and fulfilment, so that the judge can order it to be done and will monitor compliance [S15A(7), R12(7)] (*format*).

### 10.3 Monitoring mechanisms

134. Given that very few cases are actually appealed in superior courts by the government, the very fact that one has come up for appeal will draw the attention at the highest levels of the administration and police, in addition to the director of prosecutions. Rest assured that they will be monitoring it.
135. Even so, it is best to inform the nodal officer, protection cell, the DOP and the vigilance and monitoring committees at all levels.

### 10.4 Additional tracking

136. Ensure that all proceedings under this Act are video recorded [S15A(10)].
137. If you have not chosen your own advocate, now is the time. Choose the best possible [4(5)].
138. If the judgement mentioned anything adverse about any official, make that a part of the appeal, as also the report of the standing committee.
139. Ask for continuing the protection if required.

## 11 Jail and release

### 11.1 Procedure

140. Given that caste-based crimes have high emotional investment, it is important that the convicts are kept behind bars until they, their families, or their castes cannot cause additional harm to the victims, witnesses, their dependents, and their families, individually or collectively.
141. Even after decades of incarceration, it is likely that the tendency for revenge remains high (by the convicts and their castes), and the chances of retaliation due to the imbibed sense of privilege (*‘how dare they complain and put me in jail, I will show them the power of my caste’*) are real. Jail is

thus a period of healing justice – for corrections, for passions to cool, lives to be rebuilt, and to ensure security for the whole community.

142. Release can be temporary (parole) or permanent – due to reduction of sentence (remission or reduction due to ‘good behaviour’), pardon, or on completing the sentence.
143. During the sentence, convicts can be released on parole to attend family functions and rituals and on other specified grounds.
144. The victims, witnesses, concerned organisations, and individuals have the right to be heard before any parole or remission of sentence and be given a chance to challenge it [S15A(5)].

### **11.2 Allowances, relief, and socioeconomic rehabilitation**

145. The victims, witnesses, their families, dependents, and their attendants are entitled to the same allowances at the same rates and conditions to attend the hearings.

### **11.3 Monitoring mechanisms**

146. The village (atrocities spot) is kept on a watchlist by the police as an ‘identified area’ (in popular parlance ‘atrocities prone area’). Different states use different methodologies. Check the method in your state (*RTI format*) and ensure that the particular spot is included (*format*).
147. The convict is monitored within the jail, and ‘good behaviour’ informs decisions regarding parole and remission. Though it is time consuming and requires stamina, especially for long sentences, it is worthwhile to monitor the reports of the prison officials.

### **11.4 Additional tracking**

148. Keep track of the appeals against conviction, parole, and whenever the convicts are allowed out of jail. It is the right of victims, witnesses, dependents, families, and associated individuals and organisations to get this information [S15A(5)].
149. If the convicts commit another crime, ensure that the previous crime(s) under this Act are a part of the complaint FIR, evidence, and sentencing for that as well (which means that the punishment and incarceration will be longer).
150. Maintain vigilance right through the sentence, and for a period after release too, to ensure that the survivors are safe.

Dear Sir,

Subject: Immediate registration of FIR and arrest under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, and Rules 1995 as amended to date.

Ref: Section 18A the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, and Rules 1995 as amended to date.

I bring to your notice the following:

1. An atrocity has been committed as per Section 3 of the aforementioned Act.

2. Details of incident:

2a. Date:

2b. Time:

2c. Place:

2d. Perpetrators:

2e. Victims:

2f. Narrative:

3. The crimes fall under the following subsections of Section 3:

3a. Section 3(1)(r) IPC

3b. Section 3( ) ( ) IPC

3c. Section 3( ) ( ) IPC

4. I fear further criminal intimidation and threat to the life and property of the victims (listed in 2(3) above), witnesses, and their dependents.

5. I therefore ask you to immediately

5a. Record all proceedings under this Act on video as you are required to do under Section 15A(10) of the aforementioned Act

5b. Register an FIR against the persons mentioned in 1(a) above (mandatory under Section 18A).

5c. Extern the persons mentioned in 1(a) above from the district (as per Section 10), seizure of their assets and tools used for the atrocity, and attach their property (mandatory under Section 10)

5d. Immediately arrest and hold without bail the persons mentioned in 1(a) (Section 18A).

5e. Immediately provide total protection to the victims (listed in 2(3) above), witnesses, and their dependents (mandatory under Section 15A(h), (including

relocation), relief, and rehabilitation due to imminent threat to my and my family's life, and forced denial of livelihood due to the threats.

6. Place on record the following as the concerned individual, organisation, and advocate as specified under Section 15A and Rule 4(5), and fulfil all the duties of the state towards them (S15A(11)) with immediate effect:
  - 6a. Concerned individual (S15A(12)): (name, mobile, email. address)
  - 6b. Concerned organisation (S15A(12)): (name, mobile, email. address)
  - 6c. Advocate (S15A(12) and Rule 4(5)): (name, mobile, email. address)
7. Immediate, thorough investigation
  - 7a. Complete the investigation on a priority and file the chargesheet within 60 days (Rule 7(2)).
  - 7b. If there is any delay, keep those mentioned in point 6 above informed, including sharing the report filed under Rule 7(2A).
  - 7c. Furnish copies of the reports under Rule 6(2) and Rule 12(7) to me and those mentioned above in point 6 within one week.

Signed  
Address:  
Mobile:  
Email:

To  
The SHO  
Police station \_\_\_\_\_

Cc:  
Senior Superintendent of Police  
ADGP, SCs and STs Protection Cell (Rule 8).  
District Magistrate, Chairperson, DVMC (Rule 17).  
Principal Secretary, Social Welfare Department, Nodal officer (Rule 9).  
Chief Minister, Chairperson, SVMC (Rule 16).

Dear Sir,

Subject: Provision of immediate relief, rehabilitation, travel allowance and maintenance expenses under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, and Rules 1995 as amended to date.

Ref:

1. FIR number xxx
2. Rule 11 of the aforementioned rules.
3. Rule 12(4) Annex 1 Norms for relief amount, especially Sr No 46 Additional relief to victims of murder, death, massacre, rape, gang rape, permanent incapacitation and dacoity.

I bring to your notice the following:

1. An atrocity has been committed as per Section 3 of the aforementioned Act.
2. Details of incident are in the aforementioned FIR (copy attached).
3. The crimes fall under the following subsections of Section 3:
  - a) Section 3(1)(r) IPC
  - b) Section 3( ) ( ) IPC
  - c) Section 3( ) ( ) IPC

We request the following:

4. Immediate relief and rehabilitation.

- 4a. Ensure that the victims and their dependents are provided with the relief due as per Rule 12(4) Annexe.

Immediate on registering FIR	₹ x,xx,xxx.00
On getting medical certificate	₹ x,xx,xxx.00
Within 60 days / filing chargesheet	₹ x,xx,xxx.00
Within 120 days / completion of trial	₹ x,xx,xxx.00
Within 120 days / conviction	₹ x,xx,xxx.00
Total	₹ x,xx,xxx.00

- 4b. Ensure that the victims and their dependents are provided with due rehabilitation as per Rule 12(4) Annexe.

Immediate

Within 7 days

Within 15 days

Within 1 month

Within 3 months

Within 6 months

Pension to \_\_\_\_\_

Agriculture land and house

Government job to \_\_\_\_\_

New built house.

Children to be provided education up to graduation: Girls: xx Boys: xx

- 4c. Ensure that the victims and their dependents are provided with the travel allowance and maintenance expenses (TAME) due during investigation and trial as per Rule 11. (\_\_\_\_\_)
  - 4d. Immediately complete and forward the application to Ambedkar Foundation for relief.
  - 4e. Keep me and those mentioned in point 6 informed of and updated on the release of the relief, rehabilitation, and TAME.
5. Immediate spot visit and regular review
- 5a. Kindly visit the spot immediately, as required under Rule 12(1).
  - 5b. Review the progress of this case in the monthly report (Rule 4(4)), quarterly DVMC meetings (Rule 17(3)), and the quarterly performance of the officials (Rule 3(xi)).
6. Place on record the following as the concerned individual, organisation, and advocate as specified under Section 15A and Rule 4(5), and fulfil all the duties of the state towards them (S15A(11)) with immediate effect:
- 6a. Concerned individual (S15A(12)): (name, mobile, email. address)
  - 6b. Concerned organisation (S15A(12)): (name, mobile, email. address)
  - 6c. Advocate (S15A(12) and Rule 4(5)): (name, mobile, email. address)

Signed

Address:

Mobile:

Email:

To

The District Magistrate (Collector)

District \_\_\_\_\_

Cc:

Senior Superintendent of Police/ SP/ DSP

ADGP, SCs and STs Protection Cell (Rule 8).

District Magistrate, Chairperson, DVMC (Rule 17).

Principal Secretary, Social Welfare Department, Nodal officer (Rule 9).

Chief Minister, Chairperson, SVMC (Rule 16).

Form No SP01

Date \_\_/\_\_/20\_\_

Ref: CVMC/POA/ss/dd/20\_\_/SP01/\_\_\_

Dear Sir,

Subject: Non registration of FIR under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, and Rules 1995 as amended to date.

Ref:

1. Section 4 and Section 18A of the aforementioned Act.
2. Rule 5(3) of the aforementioned Rules.
3. Complaint given to the SHO, Police Station \_\_\_\_\_, on dd/mm/yyyy at hh:mm.

I bring to your notice the following:

1. An atrocity has been committed as per Section 3 of the aforementioned Act.
2. Details of the incident, the atrocities committed, and the sections violated, are detailed in the aforementioned complaint ref 3 above (copy attached).
3. The complaint was given to the SHO

Name:

Designation:

Police station:

Date:

Time:

4. Refusal to register the FIR.
- 4a. The aforementioned officer refused to register the FIR as required under Section 18A of the aforementioned Act even after it was pointed out by us and written in the complaint itself.
- 4b. The aforementioned officer is therefore liable for punishment of a minimum of six months and up to one year imprisonment as per Section 4(1) for dereliction of a duty prescribed under Section 4(2)(b).
5. We request you to take the following action immediately:
  - 5a. Visit the spot, as you are required to do under Rule 12(1).
  - 5b. Order the FIR to be filed under Rule 12(2) after the spot visit or under Rule 5(3) immediately.
  - 5c. Register an FIR and arrest of the SHO for dereliction of duty prescribed under Section 4(2)(b) of the Act.
  - 5d. Provide security to me (victim), and my family (witnesses and dependents) as required under Section 15A.
6. Place on record the following as the concerned individual, organisation, and advocate as specified under Section 15A and Rule 4(5), and fulfil all the duties of the state towards them (S15A(11)) with immediate effect:
  - 6a. Concerned individual (S15A(12)): (name, mobile, email. address)

- 6b. Concerned organisation (S15A(12)): (name, mobile, email. address)
- 6c. Advocate (S15A(12) and Rule 4(5)): (name, mobile, email. address)

7. Keep me and those mentioned in point 6 above informed of the progress and action taken.

Signed

Address:

Mobile:

Email:

To

The Senior Superintendent of Police

District \_\_\_\_\_

Cc:

District Magistrate, Chairperson, DVMC (Rule 17).

ADGP, SCs and STs Protection Cell (Rule 8).

Principal Secretary, Social Welfare Department, Nodal officer (Rule 9).

Chief Minister, Chairperson, SVMC (Rule 16).



## Stages of a case (Responsibilities, Relief, Rehabilitation)

Days	Stage	Section / Rule	Responsibility	Action Taken	Report	Relief and Rehabilitation
Immediate	Information	5(1)	Any informant to police or public servant	File zero FIR (Section 154 of the Code of Criminal Procedure, 1973)	FIR	25%*
	Verification	6(1)	DSP, SDM or senior officer	Spot visit, verify if an atrocity has taken place, and if so prepare a list of victims, assess extent of damages, inform the DM and SP, provide protection (victims, their family members and dependents, witnesses and other sympathisers of the victims), relief,...	6(2)(ii)	-
Day 0	Confirmation	12(1)	SP and DM	Spot visit, confirm if atrocity has taken place	-	-
	FIR	12(2)	Superintendent of Police	Order protection, ensure FIR is filed, assign DSP for investigation	FIR	-
7 Days	Relief and rehabilitation	12(4)	District Magistrate	Order immediate relief and rehabilitation	12(7)	-
	If murder, rape, arson, permanent disability	12(5), 12(15)(i)(a)	District Magistrate	File for immediate monetary relief from the Dr Ambedkar Foundation	12(7)	-
15 Days	If murder, rape, permanent disability or dacoity	12(4) Schedule Annexure I Serial #46	District Magistrate	Rehabilitation	12(7)	Pension for parents; education for children up to graduation

\* Depending on the clause recorded under section 3, the percentage of relief and rehabilitation varies

## Stages of a case (Responsibilities, Relief, Rehabilitation)

Days	Stage	Section / Rule	Responsibility	Action Taken	Report	Relief and Rehabilitation
30 Days	If murder, rape, permanent disability or dacoity	12(4) SA1 Serial #46	District Magistrate	Rehabilitation	12(7)	House and agricultural land
	Investigation	7(2)	DSP or senior officer	Investigate with top priority	Chargesheet	50%*
60 Days	Investigation (whenever called)	11	District Magistrate	Reimburse travel expenses, maintenance expenses (TAME) immediately (latest within 3 days)	Judge, Special Court S15A(6)(b)	TAME
	Investigation	7(2A)	Investigation officer (IO) DSP or senior officer	If investigation takes more than 60 days, submit reason in writing	7(2A)	-
90 Days	If murder, rape, permanent disability or dacoity	12(4) SA1 Serial #46	District Magistrate	Rehabilitation	12(7)	Government job and house
	Complete destruction or burnt houses	Serial #47	District Magistrate	Rebuild the house	12(7)	House
120 Days	Trial (whenever called)	11	District Magistrate	Reimburse travel expenses, maintenance expenses (TAME) immediately (latest within 3 days)	Judge, Special Court S15A(6)(b)	TAME
	Trial	S14	Judge, Special Court	Conduct trial on daily basis (or record in writing why not)	Judgement	25%*
		S15A(6)	Special Court	Ensure protection, TAME, relief, socio-economic rehabilitation, and relocation during inquiry, investigation, and trial.	-	-

\* Depending on the clause recorded under section 3, the percentage of relief and rehabilitation varies