



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

A handbook for Justice

*(A field guide for human rights defenders, advocates,
victims, witnesses, and their supporters)*



Human Rights Advocacy and Research Foundation



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The Citizens' Audit of the Union Report u/s 21(4) on the Implementation of the Act for the calendar year 2021 – the executive summary of which forms the first part of this handbook – benefitted greatly from the patient hearing, gentle questions, and discerning feedback of Justice Madan Lokur. We deeply appreciate MoS (SJ&E) Ramdas Athawale's encouragement and willingness to engage. The first CVMC members Deepthi Sukumar, Thomas Franco, and Sudha Ramalingam helped get the initiative off the ground. D Tangaraj has been a source of strength right from inception in Karnataka.

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These tools are informed by the experience of civil society monitoring the implementation of the Act in Karnataka since 2009 and in Tamil Nadu since 2017. The present handbook has been comprehensively updated, and is the outcome of a collective effort of the HRF team – Anitha C, Chitra N, Divya N, Geetha Vani S, Halcyon F, Revathy R, and Treseena F.

This handbook is designed to be used in the field by DAHRDs. It will be updated based on field experience, so if you find it lacking in any area, or if something is not clear, or if some other topics need to be added to make it more comprehensive and useful for the DAHRDs, do let us know. We do not promise to incorporate every suggestion and addition (field guides and encyclopaedias are different), but we will seriously consider every suggestion and feedback. If necessary, we will bring out a companion volume based on your feedback.

If, despite this galaxy of stars, some errors of omission and commission have crept in, they are ours alone. Please bring them to our notice so that they can be corrected in future editions. Suggestions for improvement are always welcome. Please send feedback and suggestions to justice@hrf.net.in.

Tamilarasi P
March 2024

A guide to the handbook

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and its Rules, 1995 are the only legal instruments to *prevent* atrocities against the scheduled castes and the scheduled tribes and to secure justice without compromise through legal means if atrocities are committed. Unique among Indian legislation, this Act provides for (a) preventive measures before the commission of the crime, (b) adequate protection and support not only for the victims but also for their dependents, witnesses, and attendants (including provision of daily allowance and travel allowance), (c) completion of the investigation and trial within a short period to ensure that the victims and witnesses are not tampered with, (d) relief in three stages to prevent further suffering for the victims, and (e) the possibility of taking action against public servants who have not properly fulfilled their duties.

This *handbook for justice* has been developed as a comprehensive guidebook for everyone, including the judiciary, desirous of securing justice for the affected individuals, families, and communities. It is a compendium of ten self-contained books. The reader can dip into any as per need or interest. Book 1 is the executive summary of the *The Citizens' Audit of the Union Report u/s 21(4) on the Implementation of the Act for the calendar year 2021*. It is, as Justice Madan B Lokur puts it, a performance audit of the law. One can learn the current situation and make comparisons between states and the performance of the responsible government bodies and judiciary at every level. This report will serve as a model for those who wish to create similar reports at the district, state, or national level.

For those unfamiliar with the Act or desire a brief introduction, Book 2: *An introduction to the Act and Rules*, will be helpful. Victims of atrocities face numerous hardships such as violence, poverty, the inability to immediately return to work, intimidation, and social ostracism. Immediate relief, socioeconomic rehabilitation, and the contingency plans of the government have been introduced to protect survivors from further misery and to restore them to a sustainable standard of living with less reliance on the oppressor communities, removing them from the circumstances that led to the atrocity, including by relocation, when required. Guidance on how much, at what stage, and whom to approach, depending on the nature of the case, is detailed in Book 3: *Mandatory minimum state response*. However, do temper expectations since only five states (Tamil Nadu, Rajasthan, Karnataka, Haryana, and Bihar) report updated state contingency plans compliant with the Amended Rules 2016.

Book 4: *Monitoring a case*, explains how victims or persons and organisations assisting them can learn about the progress of a case, how to monitor it at various levels, who the relevant authorities are, and whom to approach in case of violations of legal procedures. The state mechanisms under this Act, the officials, their responsibilities, the reports they must submit, the time limits, etc., are precisely and meticulously defined. The reader is provided the tools to monitor their functioning and assess their performance at the union (Book 5), state (Book 6), district (Book 7), and subdivisional (Book 8) levels. The tools are fairly simple to use and the methodology is spelt out in detail.

It is sometimes difficult for ordinary people to understand the law, rules, and other guidelines in their original version. Therefore, we have compiled all the important information needed by the victims in a simple manner in Book 9: *A survivors' guide*. This book will serve as a complete guide for victims, dependents, and witnesses who need not read the other books. It can be used independently as a standalone resource for community awareness programmes and survivors' forums.

Finally, in Book 10: *CVMC and survivors' forums*, we have described the structure, duties, and functions of the citizens' vigilance and monitoring committee, as well as a forum for the victims and survivors, which serve as important civil society mechanisms for the effective monitoring and implementation of the Act.

The only way to secure justice for the scheduled communities is to properly implement this Act. We hope this *Handbook for Justice* will contribute to that endeavour.

The need for citizens' monitoring

Laws, no matter how noble, do not implement themselves. It does not matter how good a law is, it is only as effective as its implementation. And implementation is only as good as the capacity and intent of the people tasked with its implementation. The Act envisages a 'whole of society approach' to what is essentially a set of crimes that arise out of societal norms. Therefore, it is too serious a matter to be left to formal institutions, or 'law enforcement', alone. Though the law does set out the minimum standards, it is the society – citizens – who set the normative standards of acceptable behaviour. It is citizens with the same biases from caste society that staff the institutions tasked with implementing the law and monitor implementation.

On the 31st anniversary of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, a global review of its implementation over three decades brought together 31 national and international human rights defenders for a stocktaking. The consensus is reflected in the title of the anniversary compendium – *the elusive search for justice*. This elusiveness is despite the successful civil society campaign to strengthen the Act from 2007 that culminated in its amendment in 2015. It is a continuum of the results of similar civil society exercises in 2009, on the 20th anniversary of the Act, the 2004 NHRC review by K B Saxena, and even the 1969 review of the predecessor Untouchability Offences Act, 1955 commissioned by the union Ministry of Social Welfare by a committee chaired by L Elayaperumal, a member of parliament from Tamil Nadu. *The Citizens' Audit of the Union Report u/s 21(4) on the Implementation of the Act for the calendar year 2021* exposed the utter shallowness of implementation at all levels, with low or even nil compliance in several statutory requirements for over 30 years.

Though the Act is very precise and specific, compliance rates on several parameters are nil or in the low single digits as revealed by the sea of red in the heat map (pullout) summing up the implementation in the calendar year 2021. Even the easy to schedule and conduct state vigilance and monitoring committee meetings (January and July each year) have a compliance rate of only 6.5%. Over 75% of the chief ministers have a 0% compliance rate. Though 34 years have passed since the Act came into force, the victims have yet to receive justice within the stipulated time of four months from the time of the FIR being registered.

Crime In India (CII), the annual report of the National Crime Records Bureau (NCRB), records that 3,650 scheduled community women and 1,951 children were subjected to inter–community rape in 2022. There are 1,184 recorded inter–community murders in 2022. The year marks the second consecutive year in which there are more than 5,000 recorded inter–community rapes and the fourth consecutive year in which there are more than 1,000 recorded inter–community murders.

There are over 327,816 cases pending in the courts (up 11% from 295,115 on 31 December 2021) some of them for over 30 years. As per law, cases are to be disposed off within two months of the charge–sheet being filed. At the present rate of disposal of 30 cases per court per annum (NCRB CII 2022), there should be a minimum of 1,796 special courts if the courts are to be compliant with the law and dispose off the 53,877 cases charge–sheeted in 2022 within two months of the charge–sheet being filed. This is the minimum required to clear the cases sent to court in 2022, and does not include the backlog of 327,816 pending cases which need 11,000 exclusive special courts. For context, at present there are 173 exclusive special courts and 487 designated special courts for a combined total of 663 special courts – just 6% of the requirement.

Despite all the special provisions, the implementation is lacklustre. To illustrate, a charge–sheet is filed in court after investigation by an officer not below the rank of deputy superintendent of police. The investigation itself commences after two stages of verification after information is received: an inquiry by a deputy superintendent of police *or* a subdivisional magistrate that confirms that an

atrocities have taken place followed by a spot inspection by *both* the superintendent of police and the district magistrate to ensure that the correct sections of the Act are invoked in the FIR. Yet, most cases (66% in India and 79% in Tamil Nadu in 2022) end in acquittal. Appeals are even less at 3.5%. Conviction rates are zero or close to zero in several courts, and single digits or low double digits in most states. Several DSPs and exclusive special public prosecutors have a perfect 0% conviction rate.

This calls into question the competence of all the top officials and special public prosecutors who handled the case. The fact that the government or the officials, who should have taken this as an insult, did not appeal in over 95% of acquittals nation-wide shows that they have no faith in themselves or that they too are bound by the caste structure. The lack of proper enforcement indicates a total failure of the government, the police, and the judiciary.

This has real world consequences in what should be the easy to fulfil post-atrocity provisions – instant monetary relief from the Dr Ambedkar National relief, reimbursements, and socioeconomic rehabilitation. Less than 1% of the over 35,000 eligible victims or their families – of murder, rape, arson, or permanent incapacitation – have got instant monetary relief from 2017 to 2022 – resulting in the denial of over ₹900 crores to the victims from the union government administered Dr Ambedkar National relief. Since there was insufficient citizens’ vigilance, this scheme was quietly ‘merged’ with the centrally sponsored scheme on 13 January 2023, and vanished from the new ‘guidelines’ issued on 26 February 2023. The ₹900 crores due to the victims of the most horrible atrocities – murder, rape, arson, and permanent disability – delayed and denied by bureaucratic venality vanished unsung by a bureaucratic sleight of hand.

The government has no data of fulfilment of the over 35,000 pensions, jobs, houses, agricultural land, and residential education up to graduation for children, due to the victim families as socioeconomic rehabilitation. Socioeconomic rehabilitation given after 30 years (and even then, partially) are not unknown. Relief, when given, is unconscionably delayed. Travel allowance and maintenance expenses are seldom paid.

This Act is ‘effectively implemented’ by senior officers, most of them from the IAS and IPS cadre. Every step from registering the FIR to verifying the complaint through an inquiry (by a DSP or SDM), to a spot inspection (SP and DM), to the investigation (DSP), relief, socioeconomic rehabilitation, trial, and the monitoring of progress at each stage – is overwhelmingly by officials from these cadres. All the procedures and protocols from prevention to restitution and socioeconomic rehabilitation are designed, implemented, and monitored by public servants from these cadres. Therefore, it is only right that they are held accountable for any miscarriage of justice or delay at any or all stages – since it is their entirely preventable lapses that have permanent, irrevocable, and multi-generational consequences for the scheduled communities.

Monitoring implementation of this Act by the officers from these self-same IAS and IPS cadre has been a failure. Correctives, let alone accountability, is unheard of. There is dramatic improvement in the administration of justice, including fulfilment of entitlements and delivery of services, when officials are monitored and held accountable. In the light of this multiorgan failure of the state, it falls on civil society, human rights organisations, and enlightened individuals, to take up the responsibility to address this gap and bridge it. In this environment where systemic failure is the chosen institutional normative virtue, it becomes the moral imperative of enlightened citizens to be sentinels of the constitution, monitor the monitors, and follow through using all democratic means to ensure effective implementation of the Act. Only when such independent monitoring is done, the performance of the officials can be benchmarked, systemic barriers can be identified, the under- and non-performance of officials will be exposed, and they can be held accountable.

Rather than focusing solely on filing FIRs and securing partial relief for the victims, civil society should pay equal attention to monitoring, and holding accountable, those tasked with the effective implementation of the Act at all levels. However, though some human rights organisations and defenders ensure that the FIRs are filed and the first tranche of relief is paid, few follow through to socioeconomic rehabilitation, and even less focus on the culpability of the officials in delays and denials. Few have both the capacity and the wherewithal to do so.

Since this Act is different from other laws in India and has many unique features, there is a compelling need to raise awareness and provide training on the implementation and nuances of this law to everyone – from the victims, individuals, NGOs, people’s organisations, lawyers, and social activists, in addition to the police, district administration (including the district magistrate), social welfare department (Adi Dravidar and Tribal Welfare Department in Tamil Nadu), the scheduled castes and the scheduled tribes protection cell (Social Justice and Human Rights Wing in Tamil Nadu), the state nodal officer, special officers, the exclusive special public prosecutors, directors of prosecution, and the judiciary at all levels.

As the Chief Justice of India Dr DY Chandrachud writes [W.P.(C) No.–000880 / 2017 *Association for Democratic Reforms & Anr. vs Union of India & Ors.*]:

64. ... citizens have a duty to hold the government of the day accountable for their actions and inactions.

To those who love justice, monitoring thus becomes an imperative for a healing justice for the perpetrators, for securing timely relief and socioeconomic rehabilitation for the victims, and for ensuring accountability of the state mechanisms and officers. It is nothing less than a constitutional obligation of a citizen. It is for these conscientious citizens that this *handbook for justice* provides the tools to move from an *elusive search for justice* towards making *healing justice* a reality.

This *handbook for justice* is based on the lessons learnt and best practices from decades of defending the constitutional values of equality, liberty, and fraternity in the community, subdivisional, district, state, and union levels, to the highest courts of the land and in parliament. Monitoring the monitors and holding them accountable is the remedy to decades of non-implementation. It could well be a gamechanger in the effective implementation of the Act.

Glossary

Abbreviation	Full form / explanatory notes
4I syndrome	Pronounced 'four-eye'. Individually intelligent, institutionally idiotic. Here used in relation to suppression and trivialisation in crime recording, it means any action that seems intelligent at the individual level but is rather idiotic at the collective level (due to the consequences, or due to exposure through technology, or newer forms of analysis).
ACP	Assistant commissioner of police. The investigating officer in urban areas. Equivalent to DSP in peri-urban and rural areas.
ACS	Additional Chief Secretary.
AD&TW	Adi Dravidar and Tribal Welfare.
ADGP	Additional Director General of Police.
Adivasi	Indigenous and tribal peoples, literally 'first dweller'. They are classified as scheduled tribes. Some tribes, especially from the northeast, do not like to be called Adivasi and prefer the term tribal.
ASATYA	Atrocity Suppression and Trivialisation Yearly Assessment. A tool to track under-recording of crime.
Assault	Assault on Women with Intent to Outrage her Modesty (adult+children) [Section 354, 354A, 354B, 354C, 354D IPC and POCSO Act 8 & 10 or POCSO Act and Sec. 8 & 10 r/w 354 IPC / 73, 74, 75, 76, 77 BNS].
AtM	Attempt to Commit Murder (Section 307 IPC and 107 BNS).
AtR	Attempt to Commit Rape (Section 376/511 IPC and 64/62 BNS).
Autopsy	Popularly 'post-mortem'. Medical examination of a body after death to find the cause and the manner of death.
BNS	Bharatiya Nyaya Sanhita, 2023 replaces the Indian Penal Code (IPC) 1860 with effect from 1 July 2024, along with the related laws, Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) which replaces the Code of Criminal Procedure, 1973 (CrPC), and Bharatiya Sakshya, 2023 (BS) which replaces the Indian Evidence Act, 1872.
CBDV	Caste-based discrimination and violence.
CDR	Call Detail Record. The call details from the mobile phone (most often of the accused's mobile phone). To be obtained from the cyber cell.
CEC	The monitoring mechanism at the union level, with the Minister for Social Justice and Empowerment as the chairperson and the Minister for Tribal Affairs as the co-chair. The full form is: Committee for Effective Coordination to Devise Ways and Means to Curb Offences of Untouchability and Atrocities Against the Scheduled Castes and the Scheduled Tribes and Effective Implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Continued...

Glossary

Abbreviation	Full form / explanatory notes
Charge–sheet	Case final report, submitted by the investigating officer to the jurisdictional court at the end of investigation.
Charge–sheeting rate	$(\text{Cases charge–sheeted} \div \text{Cases disposed off by police}) * 100$.
Contingency plan	Standard operating procedure under Rule 15, developed and notified by each state.
Conviction rate	$(\text{Cases convicted} \div \text{Cases in which trials were completed}) * 100$.
Crime rate	Cases registered per 100,000 population
CRC	Crime Review Compendium, annual report and statistics published by the Tamil Nadu State Crime Records Bureau.
Crore	Ten million. Popular Indian measurement unit, since it works out to 100 lakhs.
CrPC	The Criminal Procedure Code 1973.
DANR	Dr Ambedkar National Relief to the Scheduled Castes and the Scheduled Tribe Victims of Atrocities Scheme. It was administered by the Dr Ambedkar Foundation till 31 March 2023. Since then it has been merged with the centrally sponsored schemes and administered by the Ministry of Social Justice and Empowerment.
DAHRD	Dalit Adivasi Human Rights Defenders. Inclusive term encompassing human rights defenders who are Dalits or Adivasis (i.e., those from the communities), and those who defend the human rights of the Dalits and Adivasis.
Dalit	Those who face extreme forms of caste oppression, especially untouchability. Some of them (the Buddhists, Hindus) are classified as scheduled castes, while others (Christians, Muslims) are not.
DGP	Director General of Police.
DLSA	District Legal Services Authority. Supposed to give free legal aid for those who cannot afford to pay for their own lawyers.
DM	District magistrate, popularly ‘collector’ or ‘district collector’. In some states also referred to as ‘deputy commissioner’.
DOP	Director of prosecutions, sometimes abbreviated as DoP. In some states the designation is director of public prosecutions (DPP). We use DOP throughout this text for consistency.
DPP	Director of public prosecutions. See DOP above.
DSP	Deputy superintendent of police. Some states use the term DySP. In this report we use DSP for consistency.
DVMC	District level vigilance and monitoring committee, set up under Rule 17.
DWD	Descent and Work based Discrimination (the present international terminology used to describe caste–based discrimination).

Continued...

Glossary

Abbreviation	Full form / explanatory notes
DySP	Deputy superintendent of police. See also DSP.
ESC	Exclusive special court.
ESPP	Exclusive special public prosecutors. Often political appointees, they have a track record of zero convictions. In this document the abbreviation SPP is used inclusive of ESPP for brevity.
FIR	First Information Report.
FSL	Forensic Science Laboratory.
GH	Grievous hurt.
HRD	Human rights defender.
IAS	Indian Administrative Service.
Insult	Insult to the Modesty of Women (Section 509 IPC and 78 BNS).
IO	Investigating officer, normally the DSP in rural areas and ACP in urban areas.
IPC	Indian Penal Code, 1860.
IPS	Indian Police Service.
Lakh	100,000. Popular Indian measurement unit.
LSA	Legal services authority. A government funded body to provide free legal aid for those who cannot afford to pay for their lawyers.
MBC	Most backward classes.
MLC	Medico–legal case.
MoSJ&E	Ministry of Social Justice and Empowerment.
Murder	Murder (Section 302 IPC and 101 BNS).
NCRB	National Crime Records Bureau.
NCSC	National Commission for Scheduled Castes.
NCST	National Commission for Scheduled Tribes.
Nodal officer	Appointed under Rule 9 to coordinate the functioning of the various officials under the Act (district magistrates, superintendents of police etc), and to review their performance and the implementation of the POA every quarter.
OBC	Other backward classes.

Continued...

Glossary

Abbreviation	Full form / explanatory notes
Panchnama	The seizure or inventory report prepared by the police during investigation. A detailed record and description of the items, property, or evidence seized by the police from a location or individual including the date, time, and location of the seizure, the names and designations of the police officers involved. It plays a crucial role in the legal process, providing an essential record of the seized items that may be used as evidence in court proceedings.
Patwari	A government official who maintains land records of villages in northern India.
Patta	Title deed.
PCRA	Protection of Civil Rights Act, 1955. The revamp of the Untouchability (Offences) Act, 1955 in 1976. The 1976 amendment also changed its name but retained the year of enactment.
PI	Police inspector.
POA	The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended to date. Contextually, it includes the Rules 1995 as amended to date.
r/w	'read with'. A term used in criminal law to show how a specific offence(s) is connected with another offence or offences. For example murder r/w unlawful assembly; or murder r/w conspiracy.
Rape	Rape (Section 376 IPC, 64 BNS).
RTI	Right to information, also used as a popular abbreviation for the Right to Information Act, 2005.
SAR	State annual report, prepared by the state and sent to the union government on or before 31 March every year, under Rule 18.
SC	Scheduled caste, administrative classification of some communities based on historical discrimination based on work and descent. Drawing from Article 341 of the Constitution of India, these are implemented through 'Presidential Orders': Constitution (Scheduled Castes) Order 1950, and the periodic amendments, that lists the scheduled castes in its schedules. As of 2021, a total of 1258 communities have been classified as scheduled castes. No community has been specified as scheduled caste in the states of Arunachal Pradesh and Nagaland and the union territories of Andaman and Nicobar Islands and Lakshadweep. (see also Dalit).
SCI	Supreme Court of India.
SCRB	State Crime Records Bureau.
SDM	Subdivisional magistrate.
SdVMC	Subdivisional vigilance and monitoring committee, set up under Rule 17A of the POA.
SH	Simple Hurt (Section 323 r/w IPC 324, 327, 328, 330, 332, 353 and BNS 113 r/w 116, 117, 121, 118, 119, 130.

Continued...

Glossary

Abbreviation	Full form / explanatory notes
SP	Superintendent of police.
Special officer	Appointed under Rule 10 to oversee implementation of the Act in atrocity prone areas.
SPP	Special public prosecutor, appointed under Rule 4(1A) of the Act. For ease of reading, in this document SPP includes the exclusive special public prosecutors (ESPP).
ST	Scheduled tribe, an administrative classification of some tribal communities that grants them specific recognition under the Constitution of India. Drawing from Article 342 of the Constitution of India, these are implemented through 'Presidential Orders' Constitution (Scheduled Tribes) Order 1950, and the periodic amendments, that lists the scheduled tribes in its schedules. There are over 700 scheduled tribes spread all over India except in the states of Haryana and Punjab and the union territories of Chandigarh and Delhi. (See also Adivasi).
SVMC	State level high power vigilance and monitoring committee, set up under Rule 16 with the chief minister as the chair.
TA/DA	Popularly travel allowance and dearness allowance. The correct terminology under this Act is TAME.
TAME	Travel allowance and maintenance expenses, specified under Rule 11. It includes travel allowance [Rule 11(1)], daily allowance [Rule 11(4)], and dietary expenses [Rule 11(5)]. The daily allowance is to be at least the rural minimum wages [Rule 11(4)]. To be paid within three days [Rule 11], but rarely done. (Sometimes also referred to as TA/DA).
UOA	Untouchability (Offences) Act, 1955, later renamed as the Protection of Civil Rights Act, 1955 in 1976.
u/s	Under section of the Act.



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Justice Madan B. Lokur

Former Judge
Supreme Court of India



FOREWORD

The Citizen's Report on the working of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is a remarkable document. It is the first of its kind and concerns itself with issues relating to the calendar year 2021.

The Report is based on information and data collected entirely from government sources. Any specific gap or absence of information was made up through applications filed under the Right to Information Act. As such, therefore, the integrity of the data, information and source is unimpeachable. The Report covers all aspects of the working of the law and the overall picture that appears is that the law is not being implemented either in letter or in spirit. For example, state-level vigilance and monitoring committees rarely meet and the national average in this regard is barely 12%. This is unfortunate because the Report makes it quite explicit that crimes against members of these communities and tribes is on the rise. With the vigilance and monitoring committees not meeting as mandatorily required, an important aspect of prevention of crime becomes secondary.

The Report highlights deficiencies in investigation and trial of offences not only in terms of procedures but also in terms of substantive relief that victims and witnesses are entitled to under the law. For example, the disbursement of compensation during investigation and trial is minimal, if at all and rehabilitative measures including monetary steps are rarely taken. The problem is compounded by the fact that cases of atrocities against members of these communities and tribes sometimes take years to get resolved that it is not unknown that such cases remain pending for more than 20 years. In such bleak situation of access to justice, rehabilitative measures, even if they are minuscule, have no real meaning whatsoever.

The importance of the Report lies not only in bringing out the deficiencies in the implementation of the law but more importantly, making practical recommendations and suggestions. Increase in the number of special courts and improving their efficiency is only one of the many suggestions made in the Report but there are several others concerning different aspects of implementation of the law. These are certainly worth debating and discussing so that we are in a position to provide access to justice to the members of these communities and tribes and make their rehabilitation real and meaningful.

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Justice Madan B. Lokur

Former Judge
Supreme Court of India

We tend to look at crime in terms of numbers and statistics. While this is important, the time has come to look beyond numbers and look at the human side of crime. While victims have been given certain privileges under the law, the Report brings out that this is really only on paper. That apart, it is also time to look at the emotional and psychological impact of the crimes against members of these communities and tribes. Rehabilitation cannot be confined only to monetary relief but must take into account the entire personality of the victim, including counselling and holistic support.

The Report is just the beginning what one may call a performance audit of the law. Such reports must be encouraged for the betterment of society and the long-term rehabilitation of victims of crime. The Report must be taken seriously and its recommendations implemented at the earliest so that justice is done to large sections of our society who, in most cases, have no voice or visibility.



(Madan B. Lokur)

30 September 2023

रामदास अठावले
RAMDAS ATHAWALE



75
आज़ादी का
अमृत महोत्सव

सामाजिक न्याय और अधिकारिता राज्य मंत्री
भारत सरकार

MINISTER OF STATE FOR
SOCIAL JUSTICE & EMPOWERMENT
GOVERNMENT OF INDIA

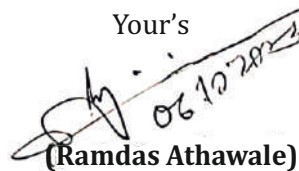
Date:-06.10.2023

I am happy to know that the Citizens' Vigilance and Monitoring Committee (CVMC) has developed the First National Civil Society Report under Section 21(4) on the Implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

This report will make mechanisms aware of their human rights responsibilities and provide guidance on their implementation. The report is also likely to help communities to understand the various approaches for the prevention and mitigation of the impacts of atrocities and equip them with practical guidance on the same.

I extend my heartiest greetings for the successful publication of this report, which will be released on 14th October 2023 at the Constitution Club, New Delhi, and wish the Citizens' Vigilance and Monitoring Committee (CVMC), all success in its future activities.

Your's


(Ramdas Athawale)

सबका साथ, सबका विकास

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Why a citizens' audit report?

There are several regular, periodic, statutory monitoring reports on the implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. There are monthly reports and reviews from each district to the state level protection cell, director of prosecutions, and the state nodal officer. There are quarterly reports and reviews at the state, district, and subdivisional levels, followed by state level half-yearly reports reviewed by the chief minister every January and July. Each state prepares its annual report under Rule 18 and sends it to the union government on or before 31 March of the subsequent year. The union government (Ministry of Social Justice and Empowerment, MoSJ&E) consolidates them all and adds what the union has done to make a comprehensive national report which is tabled in both houses of parliament each year under Section 21(4).

When there are already official reports prepared after such an elaborate process across many levels of the union and state executive hierarchy, what is the necessity for an independent citizens' report? There are several reasons, from the omissions to the commissions, from the incomplete data to deliberate distortions in the analysis, and finally, the lack of official and political will to ensure fair and proper implementation of the law.

The three most important are detailed below.

Fill the gaps

As far back as 1969, the Elayaperumal committee reviewing the implementation of the Untouchability (Offences) Act, 1955 noted that¹

- (b) ... the Department do not make any use of the information collected through their proforma.
- (d) Because there was no follow up by the Government of India for collection of information from the State Governments/ Union Territory Governments/Administrations it is possible that the States/Union Territories might not have even

The official report u/s 21(4) falls short due to several acts of omission and commission, from the incomplete data to deliberate distortions in the analysis.

¹ Paragraph VI.22; Chapter VI Working of the Untouchability (Offences) Act, 1955; Report of the Committee on Untouchability, Economic and Educational Development of Scheduled Castes and Connected Documents, Department of Social Welfare, Government of India, 1969.

furnished the complete data to the Government of India on the subject and hence the failure on the part of the States/Union Territories as also the Department of Social Welfare, Government of India to furnish the necessary statistics to the Committee.

The report of the union government is only a compilation. With the government report as a basic starting point, this independent citizens' report brings together additional government data. It therefore has a more detailed analysis with evidence of what is working and where, lacunae in the law, and incontrovertible evidence of lapses in its implementation – by omission, commission, or compulsion. This report highlights the status of implementation and distils the actionable points to make specific, actionable, timebound recommendations for better implementation, prevention, and remedial action.

To understand the union report u/s 21(4) presented to parliament, the readers need to be familiar with bureaucratise – the context specific meaning of seemingly common 'everyday' words – which, unfortunately, is a skill that few have. The parliamentary discussions on the report therefore are quite shallow and let the state mechanisms (including the judiciary) off the hook without any accountability or liability, and the discussions rarely move beyond platitudes. The most 'adventurous' of the questions is to ask for the (publicly available) statistics on atrocities. The government of the day easily answers those easily predictable questions with data available on the website of the National Crime Records Bureau. It requires little more than a copy-paste job, which most of the 'answers' in both houses of parliament are, regarding the implementation of this Act. The rest are deflected with the stock answer that 'law and order is a state subject'.

We will illustrate this point with a few examples below.

- (a) For most states, the union annual report u/s 21(4) says that the '*State Level Vigilance and Monitoring Committee has been constituted and is functioning*'. If the SVMC has met during the calendar year, then the dates of the meetings are given. If not, it means that the committee did not meet. Now comes the interesting part: the only function of the SVMC is to meet, with the chief minister as the chair, to review the implementation of the Act. It has no other function. Therefore, if it did not meet, it did not function – something that the bureaucratise hides in plain sight, and the

An independent citizens' report is to fill the gaps with a full system analysis, highlighting the findings, and provide actionable recommendations.

parliamentarians are unlikely to know. Until MP Ravikumar of Tamil Nadu raised the question in parliament (AS323, Lok Sabha, 17 March 2020), none even knew that 16 states where it was reported that the SVMC '*has been constituted and is functioning*' did not meet at all in the pre-pandemic calendar years 2016–18. It is not a one-off error. It has been going on for several years – perhaps from the days of the Untouchability (Offences) Act, 1955 as the Elayaperumal committee report notes in 1969.

- (b) The union annual report has data on the rate of compliance of every state in conducting the district and subdivisional vigilance and monitoring committee meetings – yet this is buried in the data of individual states rather than tabulated for comparison. It is a short step from comparison to action to hold the officials responsible for non-compliance accountable. This is a glaring omission.
- (c) The union report presents a very truncated version of the crime data recorded under this Act. But for the basic identification of the 12 states which cumulatively account for 95% of the recorded atrocities each for the scheduled castes and the scheduled tribes, no other analysis is presented to the parliamentarians, much less actionable recommendations.
- (d) Nine of these states – including Uttar Pradesh which had 13,150 recorded cases and Rajasthan which had 9,645 recorded cases in 2021 – do not have contingency plans yet. Just a few paragraphs below, the union report lists the 16 states that have a contingency plan (a standard operating procedure) that kicks in when an atrocity takes place [Rule 15(1)]. The report has both sets of data, yet fails to draw out the action point naming the states that need to have the contingency plan in place immediately.

Only 12 states and the union territory of Andaman and Nicobar Islands have identified the atrocity prone areas. Uttar Pradesh with the highest number of recorded cases has not identified even one area.

A simple line connecting these two data points to recommend that these seven states notify the state contingency plans post haste, and the remaining states within the next reporting period would make it an actionable report, which can then be reported on and reviewed when the next annual report u/s 21(4) is tabled in parliament. Of course, if such scrutiny is conducted, it will also bring to light that only four states have updated their contingency plans to harmonise them with the Amendment Rules 2016, and that some contingency plans date from 1998.

This report is to fill these gaps, so that the parliamentarians are provided with a comprehensive report that has the data analysed and the action points distilled out for informed discussion in the temple of our democracy.

Fulfil fundamental duties

As eternal vigilance is the price of freedom, it is the duty of citizens to monitor the monitors (sentinels) and to ensure implementation through all democratic means necessary. Laws, no matter how noble, do not implement themselves.

The situation regarding the SVMCs is not new or even unique. This 'evasiveness' and 'no action taken' seems to be hardwired into the respective ministries and department. It was the same situation in 1969 as well when the Elayaperumal committee was reviewing the implementation of the Untouchability (Offences) Act, 1955.² As the report rather poignantly notes (*italics as in original*):

The only function of the SVMC is to meet in January and July to review the implementation of the Act, with the chief minister as the chair. It has no other function. From 2016-18, 16 states where SVMCs were 'constituted and functioning' did not meet at all.

Appointment of Committees to look after the successful implementation of Untouchability (Offences) Act, 1955.

VI.4. The Committee, therefore, wanted to find out from the State Governments and the Union Territory Administrations as to what action they took on the above mentioned communication of the Ministry of Home Affairs. *It is regretted that though a specific question was inserted in our questionnaire to elicit information on this issue, most of the State Governments and the Union Territory Governments/ Administrations have given evasive replies, as a result of which it became an up-hill task for the Committee to gauge the correct situation. However, from the replies received it is gathered that none of the Governments/ Administrations except Bihar and Madhya Pradesh appointed Committees to review the working of the Untouchability (Offences) Act, 1955. The Committee appointed by the Bihar and Madhya Pradesh Governments, no doubt, made a number of recommendations, but we are sorry to note that no action was taken by the respective Governments on these recommendations.*

Even a cursory reading of the Act will reveal that the individuals tasked with implementing this Act are senior officers, most of

² Paragraph VI.4, Chapter VI Working of the Untouchability (Offences) Act, 1965; Report of the Committee on Untouchability, Economic and Educational Development of Scheduled Castes and Connected Documents, Department of Social Welfare, Government of India, 1969.

them from the elite Indian Administrative Service (IAS) and Indian Police Service (IPS) cadres – more so when it comes to monitoring implementation. Every step from registering the FIR to verifying the complaint through an inquiry by a deputy superintendent of police (DSP) or subdivisional magistrate (SDM), to a spot inspection by the district magistrate (DM) and the superintendent of police (SP), to investigation by a deputy superintendent of police, relief, socioeconomic rehabilitation, trial, and the monitoring of progress at each stage – rests with officials from these cadres. All these are bureaucratic procedures fully within the powers of the state and these officials to discharge within the time limits set by the Act and Rules. It is clear evidence of multi-organ failure that relief is delayed, socioeconomic rehabilitation is denied, acquittals are high, appeals are low, and accountability is absent though there are sufficient provisions in the legal ecosystem.

All the procedures and protocols from prevention to restitution and socioeconomic rehabilitation are designed by the state (read those from these elite cadres), implemented, and monitored by them. It is they who are the cause and reason for the delay of relief, denial of justice, and destruction of communities – though they have the legal authority, executive power, and the financial, human, and institutional resources required to ensure that justice is done, and socioeconomic rehabilitation is completed within the time limit. Therefore, it is only right that they are held accountable for any delay at any stage – lapses that have permanent irrevocable adverse multi-generational consequences for the scheduled communities.

Implementation reports prepared by the officers from these self-same IAS and IPS cadre are unlikely to highlight the wholly preventable, and sometimes deliberate, lapses done by their brother, and increasingly sister, officers. Proposed solutions are absent in the official reports prepared by them, and their reviews are echo chambers at best.

To return to the Elayaperumal committee report (*italics as in original*):³

VI.7. ... the discussion in the meeting of the Central Advisory Board for Harijan Welfare held on 7th December, 1963, in which it transpired that the recommendations of the

It is clear evidence of multi-system failure that relief is delayed, socioeconomic rehabilitation is denied, acquittals are high, appeals are low, and accountability is absent though there are sufficient provisions in the legal ecosystem.

³ Paragraph VI.7, Chapter VI Working of the Untouchability (Offences) Act, 1965; Report of the Committee on Untouchability, Economic and Educational Development of Scheduled Castes and Connected Documents, Department of Social Welfare, Government of India, 1969.

Government of India regarding setting up small committees to review the working of the Act from time to time were generally not carried out. It was stated that the general experience was “that no such committees had come into existence or having come into existence they had become dormant.”

[...]

It is also regretted that the Central Government themselves did not appoint any committee for this purpose at the Central level till the formation of this Committee.

These facts make it abundantly clear that the sentinels recommended by the Joint Committee of both Houses of Parliament which were absolutely essential to gauge the working of the Act were not created by the various Governments, and thus, watch was not kept on the working of the Act, which was very essential for the removal of social disabilities.

The state annual reports do not contain all information requested in the format provided, and are sometimes whimsical in the use of terminology. Some states are reluctant to share information even with the union government.

Full systems monitoring

Monitoring the monitors – the states, state mechanisms, and individuals – can be done by citizens using instruments from three powerful 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 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 Act can be monitored and enhanced by informed citizens.

True, the emotional return of seeing the relieved smiles of the victims and dependents get their entitlements and socioeconomic rehabilitation is hard to beat. In contrast, monitoring implementation at the systems and mechanisms level is drab and dreary. However, the effect of monitoring the performance of officials and state mechanisms can, at times, bring more dramatic results than the monitoring of individual cases. In the special court in Tirunelveli, Tamil Nadu, SPP S. Bagathsingh was replaced with

SPP Rajaprabakaran in 2020. The convictions shot up from 1 of 111 cases tried with a conviction rate of 0.9% in 2019 to 55 convictions of 86 cases tried with a conviction rate of 63.95% in 2020. Monitoring the sentinels and fixing chokepoints gives better results and has greater impact than if the cases were monitored individually – the difference between wholesale and retail.

Terminology

In conversation, the terms scheduled castes–Dalit–SC, scheduled tribes–Adivasi–ST, sometimes SCST or SC/ST to refer to them collectively, and POA–SC/ST Act–Atrocities Act are used interchangeably. However, that is erroneous at several different levels. Several indigenous and tribal people ('Adivasis' in casual conversation and popular usage) are administratively misclassified as Scheduled Castes or Most Backward Class (MBC) or Other Backward Classes (OBC). The same misclassification affects those referred to as Dalits in conversation and popular usage. More precision is required in the written form especially in a report such as this.

In this report, when each is referred to individually, the legal terms are used – Scheduled Caste (SC) and Scheduled Tribe (ST). The collective term 'scheduled communities' (but not the initials as a short form, to prevent confusion) is used, unless contextually required otherwise. The term 'communities' is preferred, as an explicit rejection of the ritual impurities of caste ascribed onto these communities by caste society. Each is a community, not a sub–community, and certainly not a 'sub–caste'. Precision in language is a small step towards increasing individual self–esteem and empowering the communities.

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

We use the term 'recorded' crime rather than 'reported', since we are using the crime data recorded by the National Crime

Lapses by the senior government officials – many from the IAS and IPS cadres – have permanent irrevocable adverse multi-generational consequences for the scheduled communities.

Records Bureau. The National Crime Records Bureau only records the cases reported to them by the state crime records bureaus, which in turn record only what the police report to them. It is somewhat difficult to be sure that all crimes reported to the police are recorded by them, though anecdotal evidence indicates they do not. The police only report the number of cases in which the first information reports (FIRs) were *registered*, which is less than the number of crimes reported to them (complaints etc.) by informants, witnesses, and survivors. Rather than second guess, we stick with the official data, but subject it to rigorous analysis.

Methodology

The report is based solely on the government data on the functioning of the mechanisms under the Act at the union, state, district, and subdivisional levels: from the National and State Crime Records Bureaus (NCRB and SCRB), state annual reports (SAR) sent to the union government under Rule 18, and the union annual reports u/s 21(4) tabled in parliament. Some requests under the Right to Information Act, 2005 (RTI) were filed with the respective states and union ministries to fill in the gaps, since some of these reports were not disclosed suo moto as required under the RTI Act, 2005. The analysis and presentation are done inhouse by a dedicated team of DAHRDs using this union and state government data.

Though monitoring implementation at the systems level is drab and dreary, monitoring the sentinels and fixing chokepoints has better long term results and has greater impact than monitoring individual cases.

Since the reviews [Rule 4 and Rule 14] are official wise and are performance assessments of individual officers, it is methodologically simple (though time consuming) to identify the precise mechanisms and officials that are underperforming and therefore need attention at progressively higher levels. The emphasis on the performance of individual officers is a feature of the Act rather than any crime or crime related classification. The rules are clear that the cases are supposed to be reviewed as per the official involved: 'position of all investigations done by the investigating officers [Rule 7(3)], and performance of the special public prosecutors [Rule 4(2) and Rule 14(2)]. The union government has the means and tools to identify the individual officers at all levels and take corrective action.

In this report, the scorecard on the performance of key individuals is restricted to the chief ministers, their parties, and the states. Being the first report, it has the scorecard on their performance since the Rules came into force on 31 March 1995.

People and process

This report and the roundtable are anchored by the citizens' vigilance and monitoring committee (CVMC) and is an outcome of a collective effort of various initiatives. It includes various human rights organisations, campaigns, and civil society initiatives such as the Right to Information Network and lawyers' collectives. The initiative is by active citizens coming together on the CVMC platform at the district, state, and union levels. The report was prepared by a distributed team of Dalit and Adivasi Human Rights Defenders, verified, and released by a group of eminent citizens from the national CVMC.

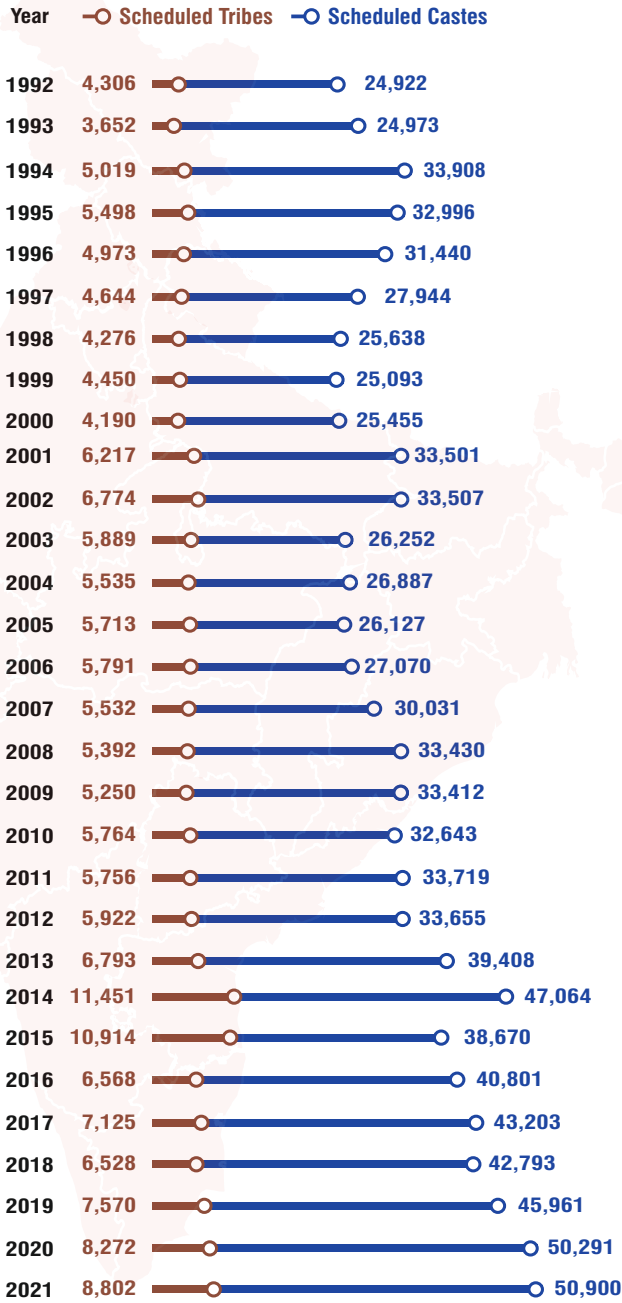
The report is a scaled-up version of the previous scorecards and status reports prepared on the implementation of the Act in Karnataka and Tamil Nadu, all of which, along with the union and state annual reports and source data, are available on the exclusive website <https://www.cvmc.in/>.

The preparation of the national report formally kicked off on 22 October 2022, rooted in the Tamil Nadu experience since 2017, and the Karnataka experience since 2009. The RTI requests were sent out by the end of February 2023, and the information analysed in June 2023.

This inclusive and participatory process holds within it an optimistic attempt to rejuvenate the union, state, district, and subdivisional level mechanisms under the Act. In presenting a more comprehensive report to the nation and parliament, using the same data, it is to forge a better long-term access to justice and to enable the *prevention* of atrocities against the scheduled communities.

Citizens have a duty to hold the government of the day accountable for their actions and inactions.
~ Dr DY Chandrachud,
Chief Justice of India

Figure 1: Recorded crime (1992 to 2021)



(Table O1 page 82)

The table and page numbers reference the data tables and page numbers in the full audit report.

Context

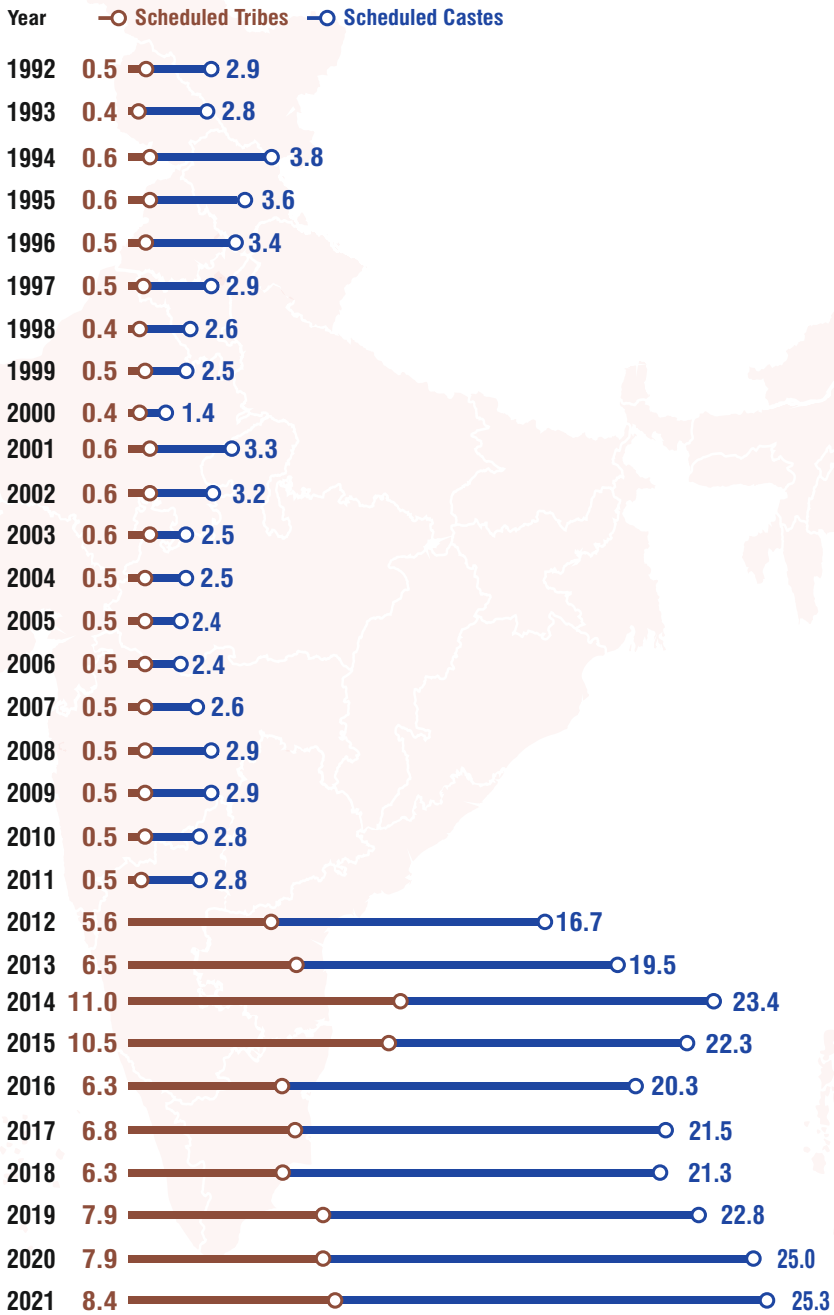
The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and its predecessors – the Untouchability (Offences) Act, 1955 and the Protection of Civil Rights Act, 1955 – are rooted in Articles 15 and 17 of the Constitution of India. Article 15 prohibits discrimination based on caste. Article 17 states that ‘Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law’.

It is the key legislation in India to prevent atrocities against the scheduled communities by those from other communities and, in the unfortunate event that an atrocity does take place, for timebound administration of justice, relief, instant monetary relief, allowances, reimbursements, and socioeconomic rehabilitation within three months. It has periodic reviews at the subdivisional, district, state, and union levels, dedicated officials for investigation and prosecution, and special officers for coordination. It is a comprehensive and precise legislation with precise dates, timeframes, precise roles and responsibilities of various departments and their officers at different levels, the role and responsibility of local governments, non-government organisations, and monitoring mechanisms with written reports at every stage to confirm compliance or explain non-compliance.

The implementation of the Act is reviewed quarterly by the subdivisional, district, and state level vigilance and monitoring committees, chaired by the subdivisional magistrate, district magistrate, and nodal officer respectively. In addition, there is a state level high power vigilance and monitoring committee that reviews implementation in January and July every year. At the national level, the Committee for Effective Coordination to Devise Ways and Means to Curb Offences of Untouchability and Atrocities Against the Scheduled Castes and the Scheduled Tribes and Effective Implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter ‘CEC’) does the reviews with the minister for social justice and empowerment as the chairman.

The SCs and the STs (PoA) Act, 1989 is the key legislation to prevent atrocities against the scheduled communities and, if an atrocity takes place, for time-bound administration of justice, relief, and socioeconomic rehabilitation. It has precise dates, timeframes, roles and responsibilities of various departments and their officers, from local, state to union governments, non-government organisations, and monitoring mechanisms with written reports at every stage to confirm compliance or explain non-compliance.

Figure 2: Recorded crime rate (1992 to 2021)



The CEC reviews and coordinates the following (all emphasis as in the union report 2021):

- (i) Setting up of *exclusive special courts* for speedy trial of offences under the Act.
- (ii) *Regular conduct of meetings* of the State and District level *Vigilance & Monitoring Committees*, as per Rules 16 and 17 of the Rules.
- (iii) *Identification of Atrocity Prone Areas* as per Section 21(vi) of the Act and Rule 3(i) of the Rules.
- (iv) Invoking relevant provisions of the Rules for *de-notifying defaulting public prosecutors*.
- (v) *Reviewing all cases of acquittal*, for appropriate remedial action.

The implementation status of the Act for the calendar year 2021 detailed in this report is *after* these multi-level high power monitoring and effective coordination has been done. It is compiled using data from the National Crime Records Bureau, the state annual reports prepared under rule 18, the union reports u/s 21(4), and additional information got through the Right to Information Act, 2005. The state and union annual reports have been uploaded onto the website <https://www.cvmc.in/> for public reference and use.

Status of implementation

Crime recording

The calendar year 2021 has crossed several milestones in the recorded inter-community crime against the scheduled communities (scheduled castes and the scheduled tribes). Since 1992, when the National Crime Records Bureau started keeping disaggregated records of crimes registered this Act, cumulatively over a million (1,021,694) cases of atrocities against the scheduled castes have been recorded by 31 December 2021. This is in addition to the 184,566 atrocities against the scheduled tribes during the same period, making a total of 1,206,260 recorded crimes against the scheduled communities from 1 January 1992 to 31 December 2021.

The calendar year 2021 marks the first time there were over 5,000 recorded inter-community rapes of scheduled community women in a year, and the third consecutive year in which over a thousand from the scheduled communities were murdered in inter-community crime – i.e., by persons from non-scheduled communities. It is also the third consecutive year when rape is the most recorded inter-community crime against women and

The calendar year 2021 has crossed several milestones in the recorded inter-community crime against the scheduled communities. Cumulatively, over a million (1,021,694) cases of atrocities against the scheduled castes. For the first time over 5,000 inter-community rapes of scheduled community women were recorded in a year, and the third consecutive year in which over a thousand from the scheduled communities were murdered in inter-community crime.

girls from the scheduled communities in India as a whole, and in 10 states in the case of women and girls from the scheduled castes and in 14 states and one union territory in the case of women and girls from the scheduled tribes.

Just 15 states record over 98% of the crimes recorded under this Act. The states where most of the atrocities against the scheduled castes take place, and their crime rates are Uttar Pradesh (13,146, 31.8%), Madhya Pradesh (7,214, 63.6%), Rajasthan (7,524, 61.6%), Bihar (5,842, 35.3%) and Maharashtra (2,503, 18.9%). Other states with high rates are Telangana (1,772, 32.6%), Odisha (2,327, 32.4%), Haryana (1,628, 31.8%), Kerala (948, 31.2%), and Gujarat (1,201, 29.5%).

Most of the recorded atrocities against the scheduled tribes are from Madhya Pradesh (2,627, 17.2%), Rajasthan (2,121, 23.0%), Odisha (676, 7.0%), Maharashtra (628, 6.0%), and Telangana (512, 15.6%). In addition, high rates are recorded in Kerala (133, 27.4%), Andhra Pradesh (361, 13.7%), Karnataka (361, 8.5%), Bihar (103, 7.7%), and Chhattisgarh (506, 6.5%).

An analysis of the crimes recorded shines the light on the official behaviour in recording atrocities against the scheduled communities and on the underlying trends in recording. It reveals a systemic suppression and trivialisation of crimes against the scheduled communities.

The atrocity suppression and trivialisation yearly assessment (ASATYA), was done by comparing the recorded murder, attempt to commit murder, grievous hurt, and simple hurt in three categories – India overall, atrocities against the scheduled castes, and atrocities against the scheduled tribes, for the calendar years 2017 to 2021.

ASATYA reveals a curious pattern. While for the overall India total there is a logical inverse relationship (a tapering tail) between frequency and severity of the atrocity – about 1.85 attempts to commit murder for every murder, 1.7 grievous hurt for every attempt to commit murder, and about five simple injuries for every grievous hurt, the sequence gets skewed for inter–community crimes.

For the scheduled castes, about one (0.97- half the national average) attempt to commit murder is registered for every murder, 1.6 grievous hurt for every attempt to commit murder, but over 11 simple injuries for every grievous hurt. For the scheduled tribes it is worse – about 0.8 attempts to commit murder are recorded for every murder, one grievous hurt for

Analysis of the crimes recorded shines the light on the official behaviour in recording atrocities against the scheduled communities and on the underlying trends in recording. It reveals a systemic suppression and trivialisation of crimes against the scheduled communities. While for the overall India total there is a logical inverse relationship (a tapering tail) between frequency and severity of the atrocity, the sequence gets skewed for inter–community crimes.

every attempt to commit murder, but about 14 simple injuries for every grievous hurt. The implication that the scheduled communities – especially the scheduled tribes who are in remote locations – rush to police stations for registering simple hurt rather than attempt to commit murder is rather intriguing.

Compared to the national mean of recorded inter-community murder to attempt to commit murder, recording is only 53% for the scheduled castes and 45% for the scheduled tribes. For the scheduled tribes, there is an over 41% gap between the recorded grievous hurt to attempt to commit murder and rate of those recorded overall, while for the scheduled castes it is just a 5%

gap indicating little divergence from the overall national recording trend. The difference from the all India average for grievous hurt to simple hurt is an astounding 220% for the scheduled castes and 284% for the scheduled tribes.

Crimes against women

While the patriarchal nature of the state and society is a given, the extent it plays out through caste in the fragile bodies of women and girls from the scheduled communities is revealed through the records of the National Crime Records Bureau. There, the ASATYA effect of suppression and trivialisation – the pernicious effect of the intersection of gender, caste, ethnicity, and class – manifests starkly, shorn of emotion in cold numbers. Overall, India records only 13% attempt to commit rape for every rape. This cannot be attributed to social compulsions, since 257% assault on the modesty of women are recorded compared to rape. It is rather unlikely that women would report rape and assault on their modesty but shy away from reporting attempt to commit rape. The further degrading of the women from the scheduled castes is revealed by recording just 3.7% attempt to commit rape and even lower at 1.9% for women and girls from the scheduled tribes. For the scheduled communities, recorded assault on the modesty of women

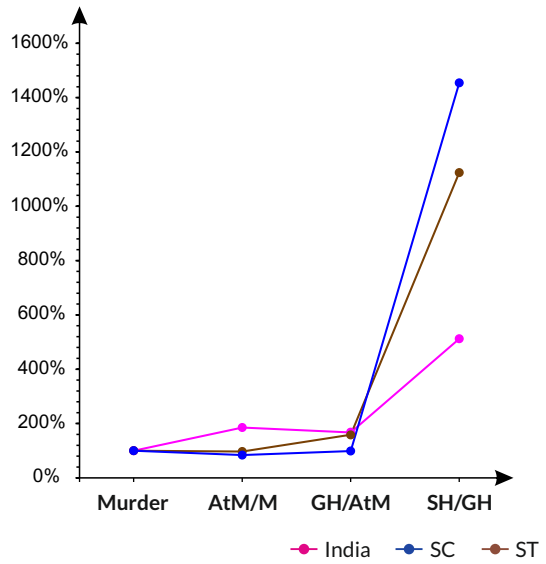
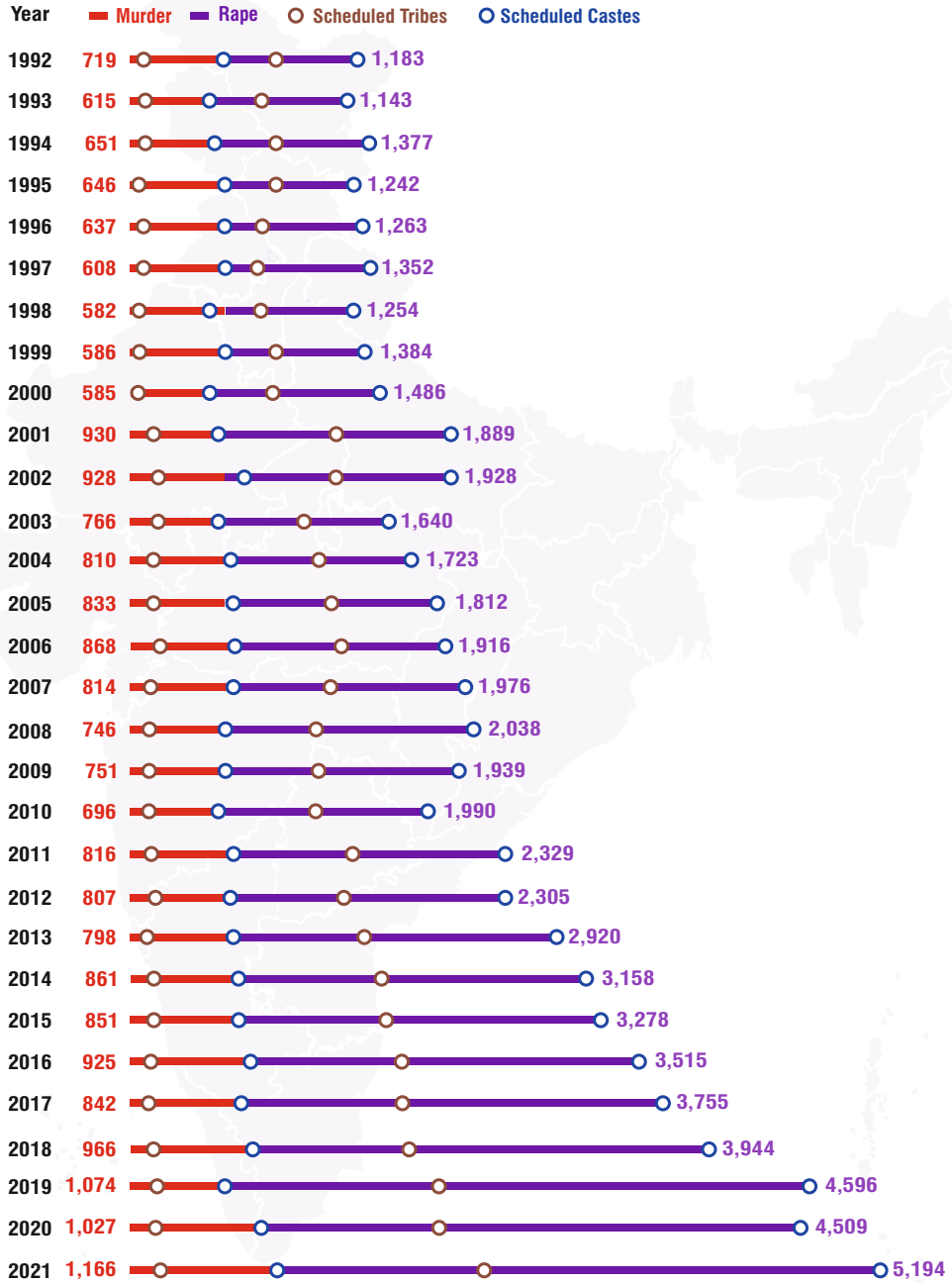


Figure 5: Recorded bodily harm: All India (2017 to 2021)

(Table O4 page 85)

Figure 6: Recorded murder and rape (1992 to 2021)



(Table 01 page 80)

compared to rape is also lower than the India average (257%), just 106% for women from the scheduled castes and lowest for women from the scheduled tribes (82%). The recorded insult to the modesty of women to recorded assault on their modesty in India overall is over 260% more than that recorded for women from the scheduled castes and almost 360% more than for the scheduled tribes.

Data from the National Crime Records Bureau for the calendar year 2021 reveals shocking trends. Twenty states and the union territory of Delhi have registered inter-community crime against scheduled caste women. Rape is the most recorded inter-community crime against women from the scheduled castes in ten states: Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Kerala, Odisha, Sikkim, Tamil Nadu, Telangana, and Uttarakhand.

Rape is the most recorded inter-community crime against women and girls from the scheduled tribes in 14 states – Bihar, Chhattisgarh, Gujarat, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Odisha, Rajasthan, Sikkim, Tamil Nadu, Telangana, Uttar Pradesh, and Uttarakhand – and the union territory of Andaman and Nicobar Islands.

There are virtually no recorded ‘attempts to commit rape’ or ‘insult to the modesty of women’ recorded in conjunction with relevant sections under this Act, but most are lumped with ‘assault on woman with intent to outrage her modesty’. Of the 100 cases of attempt to commit rape women from the scheduled castes, a bulk are recorded in Rajasthan (67) and Uttar Pradesh (9). All eight union territories and 17 of 28 states record nil attempt to commit rape of women from the scheduled castes in 2021, though one union territory and 17 states have recorded rapes. There is a discernible increasing trend of targeting the minor girls for rape – indicating caste-warlike consolidation of prejudice and execution of hate.

In 2021, there were 3,780 recorded cases of inter-community rape of women and girls from the scheduled castes, and 1,324 of women from the scheduled tribes. Incredibly, data for the calendar year 2021 reveals that rape is the most recorded inter-community crime against women from both the scheduled castes and the scheduled tribes. It is higher than attempt to commit rape (SC100, ST25), or assaults on women with intent to outrage her modesty (3764, 881) or insult to the modesty of women (157, 29). This pattern holds true for 2014 to 2021 for

Data from the National Crime Records Bureau for the calendar year 2021 reveals shocking trends. Rape is the most recorded inter-community crime against women from the scheduled castes in ten states and against women and girls from the scheduled tribes in 14 states. There is a discernible increasing trend of targeting the minor girls for rape.

women from the scheduled tribes, and for 2019 and 2021 for women and girls from the scheduled castes as well. The pattern shows systematic suppression and trivialisation in crime recording – the ASATYA effect.

The eight-year average (2014 to 2021, the years for which data is available) show a 96.3% difference between rape and attempt to commit rape – with an increasing trend to 97.4% in 2021 – with meagre records for voyeurism, stalking, and other crimes that precede rape for a considerable stretch of time. The data shows trivialisation with recorded assaults on women with intent to outrage her modesty being almost 30 times recorded attempted inter-community rape for scheduled caste women, and over 40 times for women from

scheduled tribes. When it comes to recorded insult to the modesty of women, the figures again plummet to an eight-year average of 3.45% for scheduled caste women and girls, and 2.52% for scheduled tribe women and girls. This could mean that these crimes are not recorded since the women do not come forward to register cases of ‘insult to the modesty of women’ or that the police are not recording them or, worse, they are normalised in society. In any case, it is strange that women would register complaints about assault with intent to outrage their modesty but not (attempt to) register complaints on attempt to commit rape.

In atrocities against women from the scheduled castes, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, and Uttarakhand record rapes and assaults on women with intent to outrage her modesty but no attempts to commit rape or insult to the modesty of women. Kerala, Maharashtra, Odisha, Sikkim, and Delhi record rapes but no attempt to commit rape. States with wide disparity in recorded rape and attempt to commit rape are Andhra Pradesh (rape 135, attempt to commit rape 4), Haryana (234, 9), Jharkhand (16, 2), Karnataka (190, 1), Madhya Pradesh

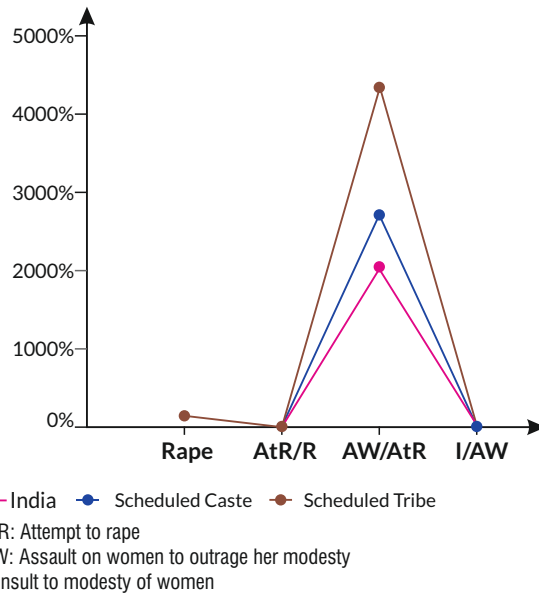


Figure 8: Recorded Atrocities: Women and Girls (2014 to 2021)

(Table O7 page 90)

(564, 2), Punjab (20, 2), Tamil Nadu (123, 2), Telangana (256, 1), and Uttar Pradesh (559, 9).

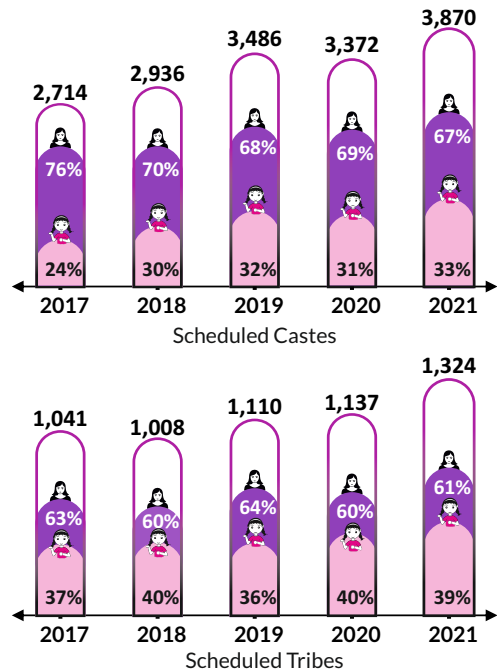
Implausibly, in some states rape is the most recorded inter-community crime – more rapes than attempt to commit rapes (which are incredibly low) and even assaults on women with intent to outrage her modesty – Bihar (117 rapes, 2 assaults on women with intent to outrage her modesty), Chhattisgarh (103, 45), Gujarat (120, 59), Himachal Pradesh (13, 3), Kerala (209, 166), Odisha (255, 126), Tamil Nadu (123, 34), Telangana (256, 98), and Uttarakhand (19, 3).

Analysis reveals a wide variation in the number of recorded rape, the number of recorded rape of children, and the percentage-wise ranking. Of the 21 states and union territories that recorded inter-community rape of scheduled caste women and girls, 10 have recorded zero attempts to commit rape of scheduled caste women and girls, and the bulk of recorded attempt to commit rape of scheduled caste women and girls is from just one state (Rajasthan, 67 of 100).

On average, about a third (33%) of the recorded rapes are of minor girls. The top five states, in descending order of recorded incidence are Madhya Pradesh (189, 34%), Maharashtra (163, 41%), Uttar Pradesh (145, 26%), Karnataka (118, 62%), and Telangana (118, 46%). In terms of percentage (excluding Sikkim which recorded only one and therefore is 100%), the top five states are Tamil Nadu (89, 72%), Gujarat (77, 64%), Karnataka (118, 62%), Kerala (105, 50%), and Punjab (10, 50%). Of them, Gujarat, Kerala, and Sikkim recorded zero attempts to rape, Karnataka one, and Tamil Nadu two – a clear indicator of suppression.

The recorded rape of little girls from the scheduled castes is overwhelmingly from Madhya Pradesh, followed by Maharashtra, Uttar Pradesh, and Haryana, with these states (in a decreasing trend), accounting for over half the cases involving children from the scheduled castes. The recorded rape of little girls from the scheduled tribes is overwhelmingly from Madhya

Figure 10:
Rape against woman and girls (2017 to 2021)



(Table 10, 11 page 96)

Pradesh, followed by Chhattisgarh. Together, these two states account for about 25% of the recorded atrocities against little girls from the scheduled communities. They are followed by Maharashtra, Telangana, and Gujarat. Of them, Telangana and Gujarat show an increasing trend.

Crimes against women are less likely to be chargesheeted. While the difference in charge–sheeting of murder and rape is not as significant (SC: murder 92: 89 rape and ST 93:95), for attempt to commit murder and attempt to commit rape it is almost double (SC 92:58 and ST 94:42).

The data indicates that the incidence of inter-community rape, its rate, and the percentage of minor girls is steadily increasing. While the National Crime Records Bureau data reveals that the most vulnerable age for women in India is from 18 to 35, the same data reveals that there is disproportionate inter-community rape of minor girls in some states. As a pattern, it could reveal specific targeting of girls with rape as an instrument of caste war, as is evident from the state specific data. The data reveals that the inter–community rape of children from the scheduled tribes shot up even during the pandemic.

Even with the limited data available, an uncomfortable truth is self–evident – women and girls from the scheduled communities continue to be much more vulnerable to rape than women belonging to other communities. Women from the scheduled communities are more likely to be raped by men from other communities (in addition to intra–community rape) than women belonging to other communities in total (by inter and intra–community men). The remoteness of the tribal communities does not provide adequate protection to them. All crimes against them increased, with the little girls being the most affected in 2021.

Charge–sheeting

Overall, the charge–sheeting rate for atrocities against the scheduled communities is about 80% in 2021. While murder and attempt to commit murder are taken seriously (92%) and rape just a shade lower (89%), there are considerably less charge–sheets filed for assault on women with intent to outrage her modesty (81%), insult to the modesty of women (75%), and just 58% for attempt to commit rape. This is a clear indication of suppression of crimes against women from the scheduled castes at the police station itself in both recording and charge–sheeting.

As a pattern, it could reveal specific targeting of girls with rape as an instrument of caste war, as is evident from the state specific data. The data reveals that the inter–community rape of children from the scheduled tribes shot up even during the pandemic.

The pattern for atrocities against the scheduled tribes seem to be the same overall – with the charge–sheeting rate being a little higher for the total (82%), for murder (95%), and assault on women with intent to outrage her modesty (89%). In contrast, the charge–sheeting for attempt to commit rape plummets from 87% (2019) to 69% (2020) to just 42% (2021).

Sikkim, the Andaman and Nicobar Islands, and Dadra and Nagar Haveli have a 100% charge–sheeting record, and Chhattisgarh, Gujarat, Madhya Pradesh, and Odisha have a respectable charge–sheeting rate of over 90%. At 23%, the charge–sheeting rate is extremely low for atrocities against the scheduled castes in Assam.

Five states (Uttarakhand 88%, Sikkim 50%, Tripura 0%, Punjab 72%, and Assam 87%) and three union territories (Puducherry 86%, Jammu and Kashmir 46%, and Delhi 79%) have a police disposal rate of less than 90% for atrocities against scheduled castes, while for scheduled tribes it is seven states (Arunachal 0%, Assam 75%, Bihar 76%, Goa 90%, Tamil Nadu 49%, Uttarakhand 83%, and West Bengal 80%), and three union territories (Dadra and Nagar Haveli, Daman and Diu 33%, Delhi 80%, and Jammu and Kashmir 0%). These states are likely to fall behind in fulfilling the statutory requirement of completing investigations in 60 days, and their backlog of cases pending investigation and pendency rate will only increase.

A majority of the cases are not charge–sheeted within the stipulated time (just 46%). This results in a huge delay and denial of relief to the victims since, in most cases, 50% of the relief amount is released only when the charge–sheet is filed. In most cases, the statutory written reason for the delay [Rule 7(2A)] is not filed either.

Though there were cases registered in the state or union territory, Assam, Manipur, Uttar Pradesh, West Bengal, Chandigarh, and Lakshadweep did not file a single charge–sheet in 2020. Assam did not file a single charge–sheet in 2021 either, though there were cases registered.

Of the states that filed charge–sheets, Goa, Tripura, and Puducherry did not file a single charge–sheet on time in 2020, possibly due to the pandemic. Manipur, Tripura, West Bengal, and Dadra and Nagar Haveli did not file any charge–sheet on time in 2021.

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Figure 13: States with exclusive special courts

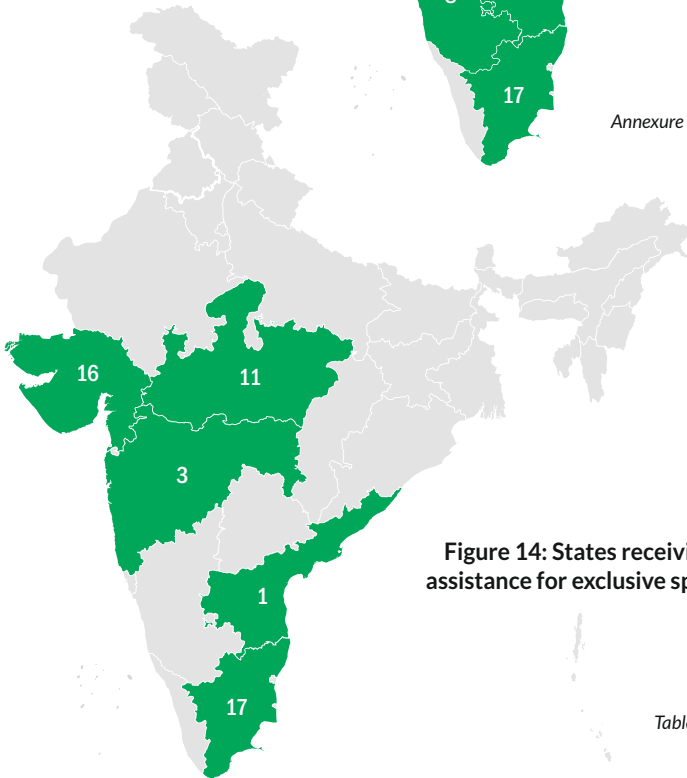
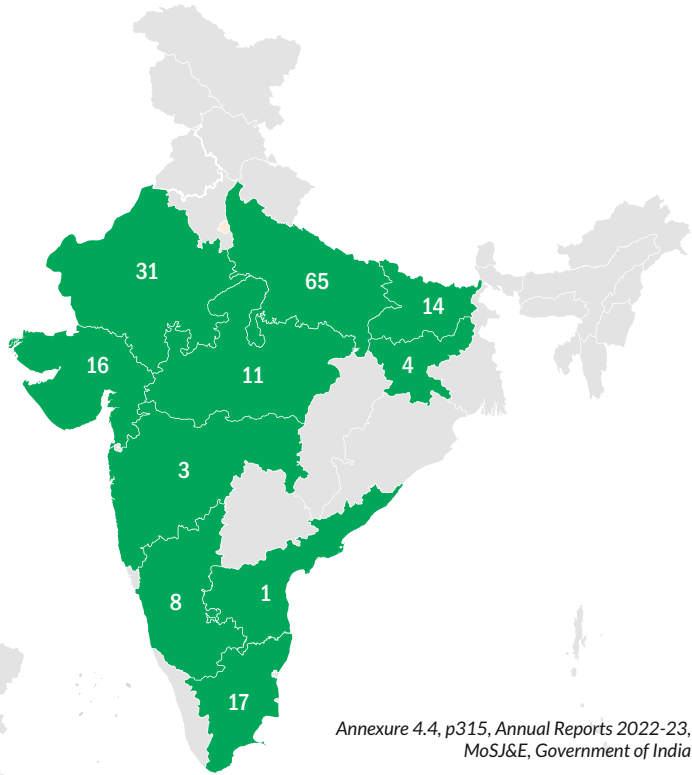


Table 4.6, p56, Annual Reports 2022-23, MoSJ&E, Government of India

Four states – Gujarat, Himachal Pradesh, Tamil Nadu, and Uttarakhand – filed less charge-sheets in 2021 than in the pandemic year 2020. Four states – Himachal Pradesh, Jharkhand, Karnataka, and Telangana – and the union territory of Dadra and Nagar Haveli has a less compliance rate in 2021 than in 2020.

Uttar Pradesh records almost 88% compliance in 2021, which means that charge-sheets for the cases registered pre-2021 will have abnormal delays since Uttar Pradesh recorded 12,714 atrocities in 2020 and 13,146 atrocities in 2021, did not file a single charge-sheet in 2020, and filed only 11,397 charge-sheets in 2021. So even assuming there are no pending recorded cases for charge-sheeting pre-2021, they have over 13,000 cases that have not been charge-sheeted for more than a year.

Special courts and pendency

There are 663 districts with either a designated special court (487) or an exclusive special court (176) in 2021. The number of exclusive special courts has increased from 157 in 2017 to 176 in 2021. Of the 176 exclusive special courts in 11 states, only 48 courts in five states (Andhra Pradesh 1, Gujarat 16, Madhya Pradesh 11, Maharashtra 3, Tamil Nadu 17) were given due central assistance for strengthening of the enforcement and judicial machinery in 2021 compared to 69 courts in five states in 2020.

There are fewer special public prosecutors than special courts, and fewer exclusive special public prosecutors than exclusive special courts, which violates Section 15(1) and Section 15(2) respectively, which mandate one special prosecutor for one special court, and one exclusive special prosecutor for one exclusive special court. Eleven states (Chhattisgarh, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Meghalaya, Mizoram, Odisha, Punjab, Tamil Nadu, and Uttarakhand) are non-compliant. Himachal Pradesh, Maharashtra, and Manipur do not report on this indicator. In most states, the number of exclusive special courts do not match with the number of identified areas and pendency rate. Of the top 15 states in recorded atrocities against the scheduled communities, Haryana and Kerala do not have any exclusive special courts.

A total of 12,184 cases were disposed off in 2021 – at an average disposal of 18.37 cases per annum per court (in the 487 designated special courts and 176 exclusive special courts). Despite the increase in number of special courts, the number of cases disposed off is decreasing.

Four states – Gujarat, Himachal Pradesh, Tamil Nadu, and Uttarakhand – filed less charge-sheets in 2021 than in the pandemic year 2020.

A total of 12,184 cases were disposed off in 2021 - at an average disposal of 18.37 cases per annum per court (in the 487 designated special courts and 176 exclusive special courts).

Of 222,974 cases of atrocities against the scheduled castes pending from 2020 just 10,223 (4.58%) were disposed off by courts in 2021. For cases of atrocities against the scheduled tribes, of the 35,415 cases pending from 2020, only 1,961 (5.5%) were disposed off in 2021. These figures do not include the cases sent to court in 2021, so these 10,223 and 1,961 cases are all more than a year old. Courts seldom comply with the guideline to complete the trial within two months of filing the charge-sheet [Section 14(3)].

In the five years (2017 to 2021) the number of atrocity cases pending in court have increased by 68% - from 176,067 in 2017 to 295,115 in 2021. It has resulted in a 66% increase in pending cases of atrocities against the scheduled castes (from 153,154 to 254,475), and 77% increase in pending cases of atrocities against

the scheduled tribes (from 22,913 to 40,640). At this rate the pendency will keep increasing and the backlog will never be cleared. Even if unintended, these delays are fatigue inducing and lead to acquittals.

Cases of murder pending in court have increased 58% from 4,077 in 2017 to 6,424 in 2021. Cases of rape pending in court have increased 94% - almost doubled - from 11,793 in 2017 to 22,860 in 2021. Even within three years (2019 to 2021) the number of pending cases has increased 30% for murder and 44% for rape. Pending cases of insult to the modesty of women has almost doubled (93%) in three years for the scheduled castes

and by two thirds (62%) for scheduled tribes - yet another indicator of women getting the short end of the stick. Scheduled tribes whose cases have been charge-sheeted as simple hurt have 75% of their cases pending.

The states with the largest number of pending cases of atrocities against the scheduled castes are Uttar Pradesh (67,512 pending cases, 25% of the pending cases nation-wide), Bihar (53,387), and Madhya Pradesh (30,770). For the scheduled tribes they are Madhya Pradesh (11,442), Odisha (5,852), and Rajasthan (4,882).

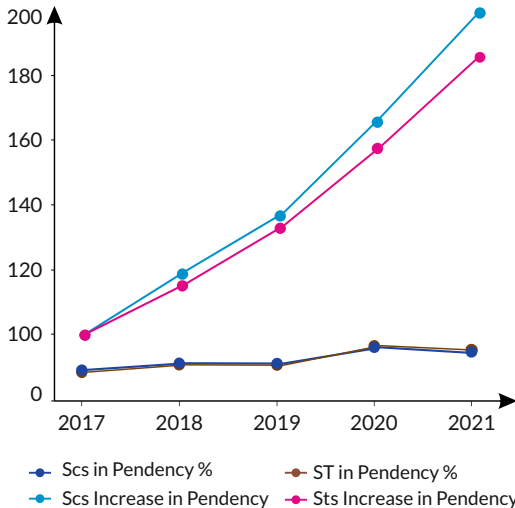


Figure 15: Cases in court: Rape (2017 to 2021)

(Table 27 page 118)

In this 2017 to 2021 period, only West Bengal (2,797 to 836, -70%), and Chandigarh (5 to 3, -40%) have reduced the number of pending cases of atrocities against the scheduled castes. Only Manipur (4 to 3, -25%) has reduced the number of pending cases of atrocities against the scheduled tribes.

The number of pending cases of atrocities against the scheduled castes doubled in Andhra Pradesh (126%), Assam (125%), Haryana (205%), Himachal Pradesh (109%), Punjab (178%), Telangana (181%), Uttarakhand (183%), Dadra and Nagar Haveli (100%), and Jammu and Kashmir (200%). Similarly, for cases of atrocities against the scheduled tribes, the number doubled in Andhra Pradesh (101%), Chhattisgarh (116%), Telangana (172%), Uttar Pradesh (579%), and Uttarakhand (169%).

Though there were pending cases from 2020, courts in three states (Assam 62, Manipur 6, and Arunachal Pradesh 2) and five union territories (Puducherry 53, Dadra and Nagar Haveli 14, Tripura 3, Chandigarh 3, and Jammu and Kashmir 3), did not dispose off a single case in 2021. Similarly, courts in six states (Uttar Pradesh 1083, Tamil Nadu 100, Uttarakhand 31, Himachal Pradesh 18, Tripura 2, and Haryana 1), and one union territory (Delhi 14) did not dispose of a single case of atrocity against the scheduled tribes in 2021.

Mizoram is an outlier, having disposed off all the eight charge-sheeted cases (100%). The next in rate of disposal is Punjab, which has disposed off one of three cases (33%)

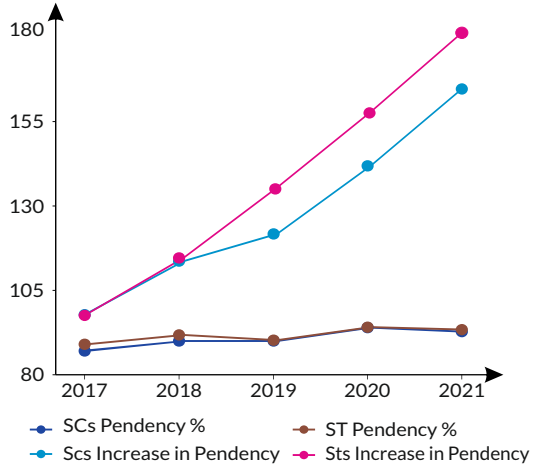


Figure 16: Cases in court: Murder (2017 to 2021)
(Table 26 page 116)

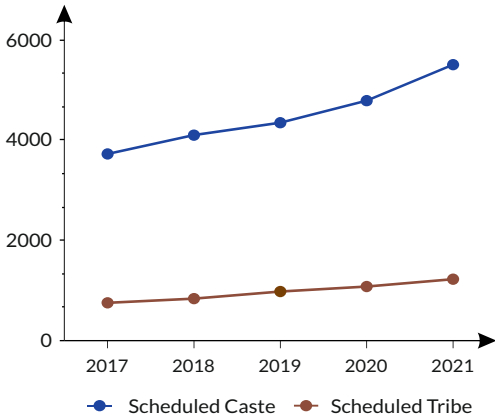


Figure 17: Cases for trial: Murder (2017 to 2021)
(Table 26 page 116)

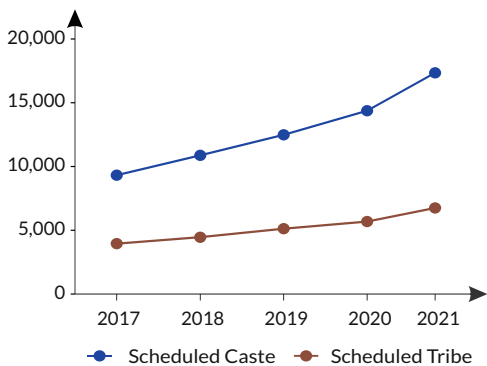


Figure 18: Cases for trial: Rape (2017 to 2021)
(Table 27 page 118)

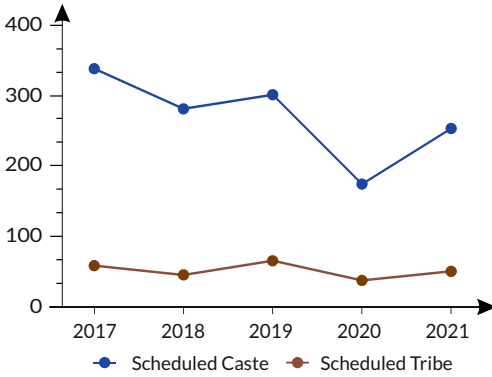


Figure 19: Cases disposed off by courts: Murder (2017 to 2021)
(Table 26 page 116)

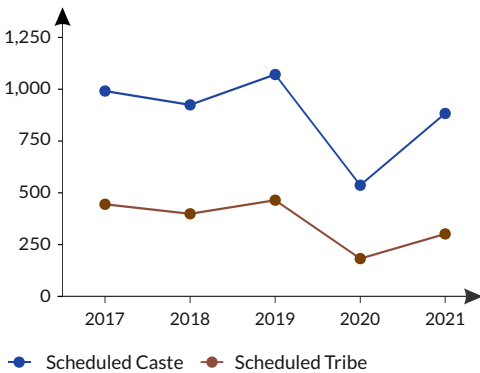


Figure 20 Cases disposed off by courts: Rape (2017 to 2021)
(Table 27 page 118)

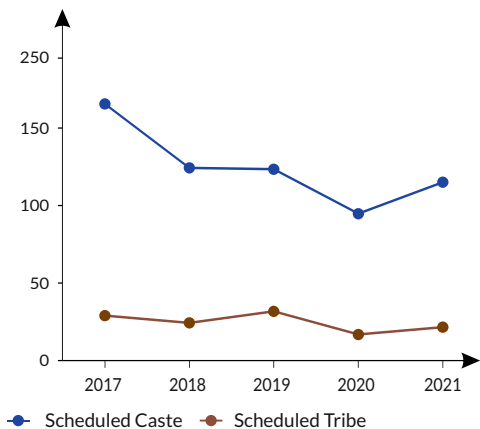


Figure 21: Cases convicted: Murder (2017 to 2021)
(Table 26, 29 page 116, 122)

of atrocities on scheduled tribes, and Sikkim which has disposed off three of eleven cases (27%). All the rest are in single digits, close to zero.

Increasing pendency has led to a low conviction rate in a vicious cycle. Longer delays are also due to less cases being heard, which leads to more pendency and more delays, resulting in lower convictions in a vicious cycle. Since 25% of the relief is paid only at the end of the trial, the monetised value of this delay is a minimum of ₹738 crores and possibly over ₹3,000 crores.

There is no significant difference in the time taken for conclusion of trial and judgement in regular courts in other crimes, and the special courts and the exclusive special courts under this Act. On the contrary, in several instances the performance of these ‘special’ and ‘exclusive’ mechanisms – the DSPs, the prosecutors, and the courts – are demonstrably inferior to the general mechanisms. There are several DSPs and ESPPs and SPPs with a zero percent conviction rate. There are thousands of cases pending for more than 20 years, some of them for over 30 years though the trial – from charge-sheet to judgement – should be completed within two months [Section 14].

Convictions

The union annual report u/s 21(4) notes that with regard to disposal of cases by Courts under the Act in conjunction with the IPC,⁴ during 2021, it is seen

⁴ Both the union report and this report use data from the Crime In India report of the National Crime Records Bureau. The citizens’ report uses the number of cases where the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are invoked (some of which do not invoke sections of the Indian Penal Code (IPC). The union report uses the number of cases where the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is invoked in conjunction with IPC, which is a subset of the former.

that 3.95% of the total cases relating to scheduled castes were disposed of by courts during the year out of which 33.60% ended in conviction. Likewise, 4.93% of the total cases relating to scheduled tribes were disposed of by courts during the year out of which 28.55% ended in conviction.

The all India conviction rates for cases where the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are invoked, are just 36% for atrocities against the scheduled castes and 28% for atrocities against the scheduled tribes in 2021. Only Mizoram, which stands out with a 100% conviction rate, Uttar Pradesh (SC 76%), and Jharkhand (SC 54%, ST 63%) have above 50% conviction rates in 2021. The states and union territories in club zero – those that have disposed off cases with zero convictions – are Goa, Sikkim, and West Bengal (both scheduled castes and scheduled tribes), Uttarakhand and Delhi (scheduled castes) and Gujarat, Karnataka, Odisha, Punjab, and the Andaman and Nicobar Islands (scheduled tribes).

In 2021, the conviction rate in cases of inter– community murder of the scheduled castes is 49.0% and of the scheduled tribes is 46.0% (India average 42.4%), for the rape of women and girls from the scheduled castes it is 28.8% and for the rape of women and girls from the scheduled tribes it is 30.8% (India average 28.6%) – meaning virtual impunity with no appreciable difference from the all India rate despite being investigated, charge–sheeted, prosecuted, and monitored by senior officials. Though the number of special courts and exclusive courts have increased, they are completing trials of fewer cases of murder

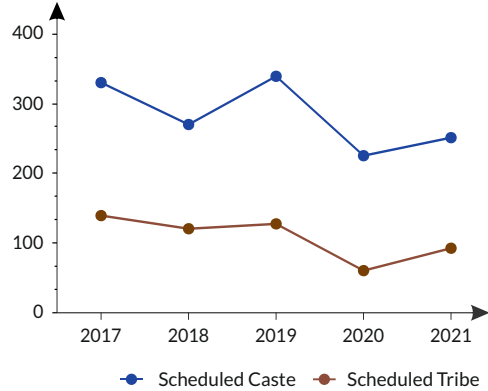


Figure 22: Cases convicted: Rape (2017 to 2021)

(Table 27, 30 page 118,124)

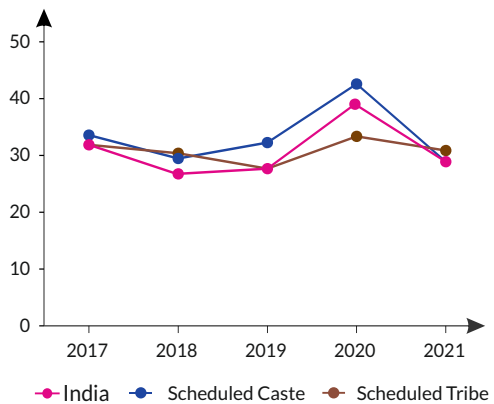


Figure 23: Conviction rate: Rape (2017 to 2021)

(Table 27, 30 page 118,124) India data taken from NCRB

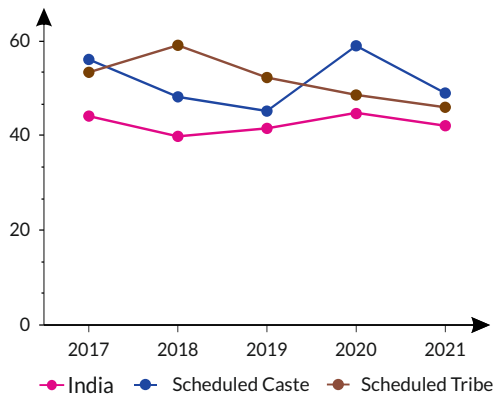


Figure 24: Conviction rate: Murder (2017 to 2021)

(Table 26, 29 page 116, 122) India data taken from NCRB

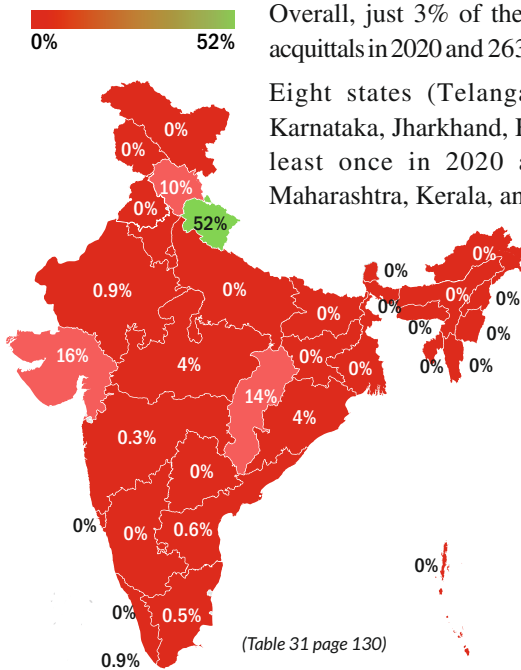
Though the number of special courts and exclusive courts have increased, they are completing trials of fewer cases of murder of the scheduled communities (from 395 in 2017 to 303 in 2021) under this Act and the convictions are also coming down from 56 in 2017 to 49 in 2021 for the scheduled castes and from 53 in 2017 to 46 in 2021 for the scheduled tribes.

of the scheduled communities (from 395 in 2017 to 303 in 2021) under this Act and the conviction are also coming down from 56% in 2017 to 49% in 2021 for the scheduled castes and from 53% in 2017 to 46% in 2021 the scheduled tribes.

Conviction rates for murder peaked in the pandemic year 2020 at 59% for the scheduled castes and at 59% for the scheduled tribes in 2018. For rape over the same period (2017 to 2021) conviction rates are lower at barely 32%, pendency rose to 232%, and cases disposed off per annum plunged from 989 in 2017 to 881 in 2021 (-11%) for the scheduled castes, and from 443 in 2017 to 300 in 2021 (a stunning -32%) for the scheduled tribes. Conviction rates for rape peaked in the pandemic year 2020 to 42.5% for scheduled castes and 33% for scheduled tribes.

Less than half the cases of murder end in conviction, in a decreasing trend. The overall conviction rate for rape of women and girls from the scheduled communities is just about 32% compared to 51% for murder – another reminder of the hurdle to justice for women, and the deeply embedded systemic patriarchy. To reiterate, these are cases where a senior police officer of rank deputy superintendent of police or higher has completed the investigation and filed a charge-sheet.

Figure 25: Appeals % (2021)



Appeals

Overall, just 3% of the acquittals are appealed – 161 of 5,027 acquittals in 2020 and 263 of 8,003 acquittals in 2021.

Eight states (Telangana, Tamil Nadu, Punjab, Odisha, Karnataka, Jharkhand, Haryana, and Bihar) filed 0% appeals at least once in 2020 and 2021. Four states (Rajasthan, Maharashtra, Kerala, and Andhra Pradesh) appeal less than 1% of the acquittals.

The low rate of appeals indicates, at best, a low level of confidence of the states in the capacity and competence of its senior officials – the deputy superintendent of police in investigation, senior public prosecutors in prosecution, and IAS officials in monitoring the cases. Or it is a vote of no confidence in them. Of course, at a stretch, it could also mean that the entire state machinery is just going through the motions in an elaborately

choreographed pantomime of performative justice, since the caste proclivities of the personnel spills over into their professional life and stains the institutions as well. If so, it is an indication of subverting the spirit of the law and sabotaging a system designed to support the most oppressed sections of our society.

Relief, socioeconomic rehabilitation

Instant monetary relief [Rule 15(1)(a)] is provided by the Dr Ambedkar Foundation under the *Dr Ambedkar National Relief to the Scheduled Castes and Scheduled Tribes Victims of Atrocities Scheme* to the victims of heinous offences of atrocities (murder, rape, arson, complete and permanent disability) under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The relief amount up to ₹500,000 is paid to each victim of atrocity or their family members or dependents. Even a conservative estimate drawn from the Crime In India 2021 report of the National Crime Records Bureau, reveals that the victims and their families could be losing at the very minimum about ₹170 crores (₹1.7 billion) in instant monetary relief in 2021 alone, and about ₹734 crores (₹7.3 billion) from 2017 to 2021 due to the apathy and dereliction of duty by the district magistrates. This figure is almost certainly an underestimate, since only the number of victims of murder, rape, and arson are considered. The Crime In India report does not have disaggregated data for the number of victims suffering from complete and permanent disability leading to loss of earning capacity, and therefore those numbers are omitted.

In 2021, only 7.75% of the relief was given within the stipulated time. Though an increase from 5.56% in 2020, it is a clear indication that the district magistrates – all IAS officers – are not using the money at their disposal to provide relief on time to over 92% of the victims. As in all government guidelines, the ‘minimum’ is often the maximum. Tamil Nadu is the only state that has increased the quantum of relief from the union guidelines in Rule 12(4) Schedule Annexure I.

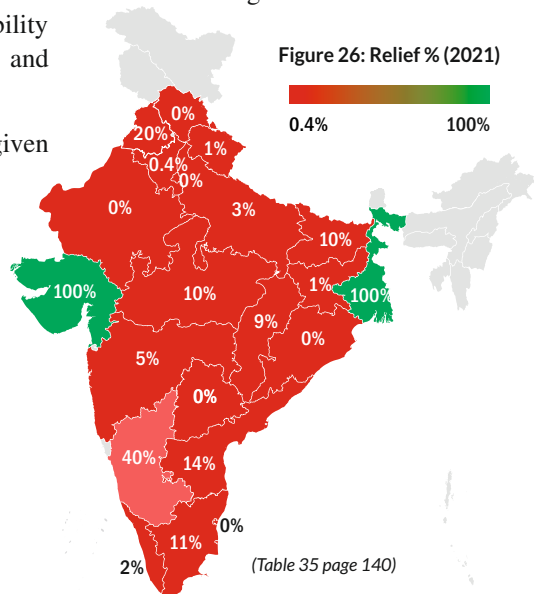


Figure 27: DANR, Relief, TAME

States	DANR	Relief given	TAME
	₹ in Lakhs	% Compliance	% Compliance
AP	₹2,667	14%	2
AR	NA	NA	NA
AS	₹14	NA	NA
BR	₹4,367	10%	16
CG	₹3,325	9%	659
GA	₹4	NA	0
GJ	₹2,838	100%	0
HR	₹3,188	0%	0
HP	₹158	0%	0
JH	₹382	1%	100
KA	₹3,308	40%	58
KL	₹2,229	2%	16
MP	₹12,671	10%	80
MH	₹6,877	5%	1
MN	₹6	NA	NA
ML	NA	NA	NA
MZ	₹40	NA	0
NL	NA	NA	NA
OD	₹3,865	0%	175
PB	₹466	20%	2,484
RJ	₹8,181	0%	2
SK	₹20	NA	0
TN	₹2,477	11%	261
TS	₹4,122	0%	0
TR	₹7	NA	NA
UP	₹11,750	3%	0
UK	₹302	1%	0
WB	₹101	100%	0
AN	₹6	NA	0
CH	₹2	NA	NA
DD	₹4	NA	NA
DL	₹48	0%	0
JK	NA	NA	NA
LA	NA	NA	NA
LD	NA	NA	NA
PY	₹16	0%	NA
	₹73,441	11%	62

(Table 33, 35, 37 page 136, 140, 144)

The number of those given travel allowance and maintenance expenses increased 40% in 2021 over the pandemic year. Some states do not provide for it at all. In 2021, a total of 7,569 persons (4,465 from the scheduled castes and 2,302 from the scheduled tribes) from 12 of the 36 states and union territories, are reported to have been given travel allowance and maintenance expenses. Surprising omissions are Goa, Gujarat, Haryana, Himachal Pradesh, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal – all states that have recorded investigations and trials during 2021. It is unlikely that there was no investigation or trial or visits to the investigating officer, superintendent of police/deputy superintendent of police, district magistrate, or any other executive magistrate in the rest of the states and union territories.

The quantum of reimbursement is arbitrary – most have flat rates which, apart from being unreasonably low, also defeats the very purpose of the provision. Most of the victims need to use mixed modes of transport to reach the courts and police stations. No state factors mixed modal transport into their norms. Daily maintenance and dietary expenses are virtually never paid by any state. Going by the number of active investigations and cases in court and the amounts reported, it is unlikely that any state provides all those who are eligible the maintenance expenses equivalent to one day’s minimum wage of the state norm for rural agricultural workers, in addition to mixed modal transport, dietary expenses, and daily allowance as required.

The victims, dependents, and families of murder, rape, dacoity, and the permanently incapacitated are eligible for socioeconomic rehabilitation. At the very minimum, in the last five years alone, the victims, dependents, and family should have got a minimum of 27,724 pensions, 27,724 government jobs, 27,724 houses with homestead land, and a minimum of 27,724 children (an undercount at one child per family) should be enrolled on their way to graduation, within three months of the heinous atrocities. This is most certainly an undercount since those permanently incapacitated are not included, as the National Crime Records Bureau does not provide that data yet.

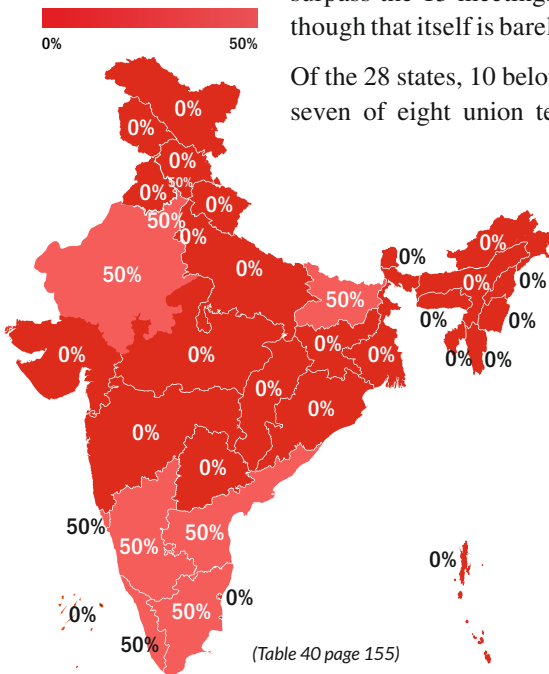
The state annual reports do not have data on the number of job appointments that have been given, the houses and

chief ministers (109 of 146, 75%), and political parties (25 of 35, 71%) are honourable members of club zero.

The first ever meetings of the state level high power vigilance and monitoring committee were conducted in 1997 – by CM Digvijaya Singh of Madhya Pradesh (Indian National Congress, INC) on 23 April 1997, followed by CM Karunanidhi of Tamil Nadu (Dravida Munnetra Kazhagam, DMK) on 7 November 1997. This was followed by CM Keshubhai Patel of Gujarat (Bhartiya Janata Party, BJP) on 27 January 1999, incidentally the first to be conducted on a mandated month.

Only 119 of the statutory 1800 meetings have been conducted since inception – a compliance rate of just 6.6% (or 8.35% if the union territories are excluded). Most of these meetings (60, 50%) were conducted from 2010 to 2015 (8, 10, 12, 13, 9, 8 respectively) – which coincide with the civil society campaign to amend the Act, Finance Minister Amit Mitra being the Chair of the SVMC in West Bengal, and CM Nitish Kumar’s meetings during the Mahadalit initiative – and, surprisingly, also in the pandemic year 2020 (8). After the Amendment Act was passed in 2015, there was a sharp drop in 2016 (4), with some recovery (7) in 2017. With nine SVMC meetings, 2021 is one of the better years, though it is yet to surpass the 13 meetings in 2013 with less number of states, though that itself is barely 19% compliance.

Figure 29:
SVMC Meeting % (2021)



Of the 28 states, 10 belong to club zero since inception, as also seven of eight union territories (Chandigarh conducted one SVMC meeting in 2021). The ranking order of compliance among states is West Bengal (15, 28%) followed by Haryana (12, 23%). Bihar and Gujarat (10, 19%) tie for the third place. With the Indian practice of 5% grace marks, West Bengal alone might scrape through with Grade E, else all states and union territories, without exception, only qualify for the rock bottom Grade F.

Finance Minister Amit Mitra from West Bengal has chaired the most meetings – 15 – with a conscientious 100% record for six

years from 2011 to 2015, and 2018, and one meeting each in 2016, 2017, and 2019, followed by CM Nitish Kumar (9 of 29, 31%, E) and Manohar Lal Khattar (8 of 14, 57%, C). The top grades, as of 2021 go to M K Stalin (100%, O), Pramod Sawant (60%, C), Manohar Lal Khattar (57, C), Jitan Ram Manjhi (50%, C), and Prithviraj Chavan (50%, C).

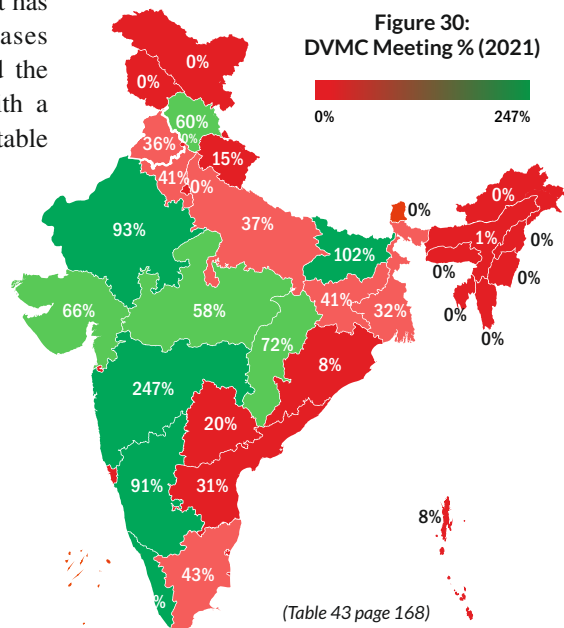
Only ten (29%) of the 34 parties in government in the period 31 March 1995 to 31 December 2021 have ever conducted an SVMC meeting. SVMC meetings have never been conducted during president's rule. Party-wise, the All India Trinamool Congress gets a grade B, with Finance Minister Amit Mitra conducting 67% (14 of 21) of the required SVMC meetings. With 30.3% (10 of 33 statutory meetings) Janata Dal (United) just about scrapes through to a grade E. All other parties get an F.

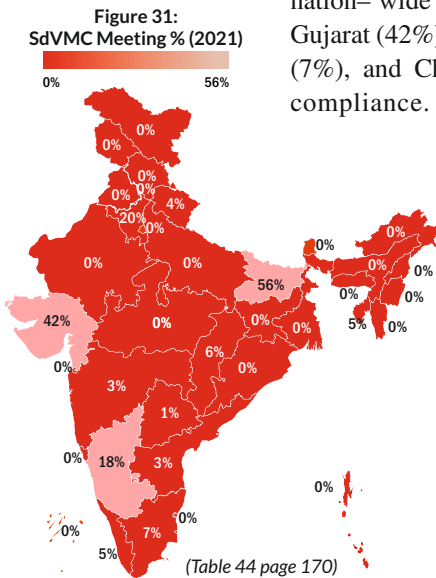
The district vigilance and monitoring committee

In 2021, the all India district vigilance and monitoring committees meeting compliance rate is just over 50%, though if normalised (i.e., if states conduct more than the minimum required number of meetings, then it is only counted as 100%) then all India compliance rate falls to 43%. Maharashtra tops in compliance (247%), since it conducts the DVMC meetings every month (though if the internal standard of monthly meetings is considered, compliance falls to 60%). This is followed by Kerala at 123%, since it has separate DVMC meetings for cases related to the scheduled castes and the scheduled tribes. Bihar is third with a compliance rate of 102%. Other notable states are Rajasthan (93%) and Karnataka (91%). None of the north-eastern states (but for Tripura, one meeting, 3.1% compliance) or union territories (but for the Andaman and Nicobar Islands, one meeting, 8.3% compliance) have conducted a DVMC meeting in 2021.

The subdivisional vigilance and monitoring committee

The subdivisional committees are seldom constituted. Just 5.3% of the meetings were conducted



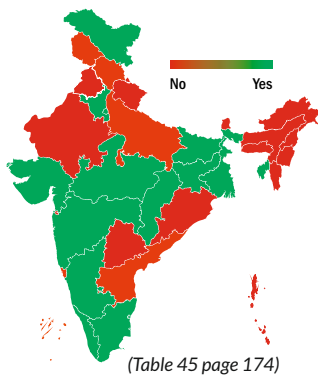


nation-wide in 2021. Bihar (56%) tops the list, followed by Gujarat (42%), Haryana (20%), Karnataka (18%), Tamil Nadu (7%), and Chhattisgarh (6%). Ten states have below 10% compliance. All union territories, and 14 states – the north-eastern states (but Tripura), Uttar Pradesh, Rajasthan, Odisha, Madhya Pradesh, Jharkhand, Goa, and Assam – belong to club zero.

Other state mechanisms

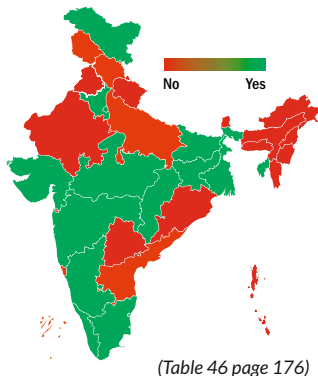
The nodal officer is key to coordinating different departments and different levels of government that need to work in concert to make this law work. Nine states (Arunachal Pradesh, Karnataka, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, and Uttarakhand) and five union territories (Dadra and Nagar Haveli, Daman and Diu, Jammu and Kashmir, Ladakh, and Lakshadweep) have not appointed nodal officers. Four states (Uttar Pradesh, Sikkim, Haryana, and Jharkhand) and the union territory of Andaman and Nicobar Islands have not appointed officers of the required rank.

Figure 32: Nodal Officers (2021)



Most states have at least some semblance of a protection cell, even if it is some designated officers or departments. Some (Andhra Pradesh, Karnataka, Tamil Nadu) have repurposed the existing cells, while others have housed the cell in existing units (Odisha, Tripura, the Andaman and Nicobar Islands). However, some do not have the capacity to fulfil their statutory tasks.

Figure 33:
Protection cell (2021)



Only four states (Tamil Nadu, Karnataka, Haryana, and Bihar) report updated contingency plans to bring them in line with the Amendment Rules 2016. Himachal Pradesh (2012) updated only the travel allowance and maintenance expense on 12 March 2018. Uttarakhand (2016), Punjab (2010), and Gujarat (1998) report earlier notifications. Sikkim, Maharashtra, and Madhya Pradesh report contingency plans, but without the notification details. Eighteen states (Andhra Pradesh, Arunachal Pradesh, Assam, Chhattisgarh, Goa, Jharkhand, Kerala, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha,

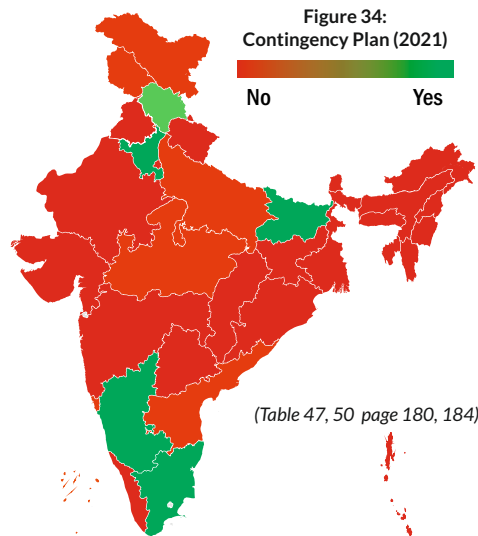
Rajasthan, Telangana, Tripura, Uttar Pradesh, and West Bengal) do not report having contingency plans in their state annual reports for the calendar year 2021. The union territories probably follow the union guidelines, though only Delhi says so explicitly. The union guidelines are not enclosed with their state annual reports for the calendar year 2021.

Uttar Pradesh, which tops the number of registered cases under this Act does not have a contingency plan yet. Though they are among the top 12 in recorded crime against the scheduled castes (Uttar Pradesh), scheduled tribes (Chhattisgarh, Kerala, and Jharkhand), or both (Telangana, Rajasthan, Odisha, Maharashtra, and Andhra Pradesh), nine critical states do not have contingency plans.

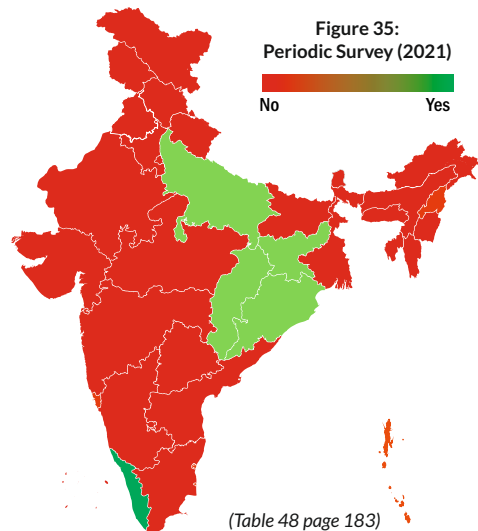
Not one contingency plan has a 'mandatory compensation' [Rule 15(1)(f)], probably conflating it with relief and, in a miscarriage of justice, deeming relief to be sufficient.

Periodic surveys have been conducted by only five states in 2021 (Chhattisgarh, Jharkhand, Kerala, Odisha, and Uttar Pradesh), with Kerala conducting 239 of the 261 (92%) surveys in the year. Surveys are prerequisites for identifying atrocity prone areas and forms of discrimination that could become friction points. Identifying and notifying atrocity prone areas is important since other provisions of the Act are dependent on it – including the appointment of special officers, the location of special police stations, exclusive special courts with exclusive special public prosecutors, special courts with special public prosecutors, the location of the peace committee meetings, and regular visits of the police for protection.

Only 12 states and the union territory of Andaman and Nicobar Islands have identified the atrocity prone areas. Uttar Pradesh with the highest number of

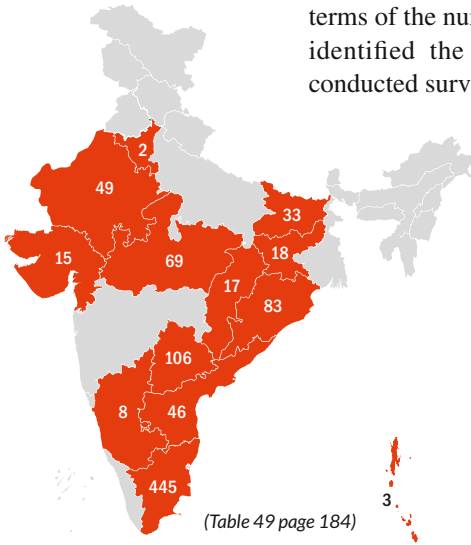


(Table 47, 50 page 180, 184)



(Table 48 page 183)

Figure 36: Identified (Atrocity prone) areas (2021)



recorded cases does not have even one identified area. Maharashtra and Kerala are the others in the top 15 states in terms of the number of recorded atrocities that have not even identified the atrocity prone areas (though Kerala has conducted surveys and has three special police stations). The

criteria for determining an identified area are different across the states. Only Tamil Nadu discloses the methodology of classification.

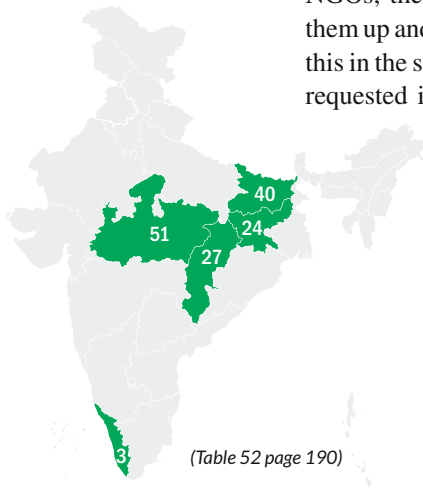
Most states and union territories have appointed special officers. However, 10 of 28 states (Arunachal Pradesh, Goa, Himachal Pradesh, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Uttar Pradesh, and Uttarakhand) and three of nine union territories (Jammu and Kashmir, Ladakh, and Lakshadweep) have not. Among them, Madhya Pradesh, Maharashtra, and Uttar Pradesh have a high

incidence of atrocities. Only five states (Bihar 40, Chhattisgarh 27, Jharkhand 24, Kerala 3, Madhya Pradesh 51, and Manipur 10) have special police stations, though there are many more states and districts with identified (atrocity prone) areas.

Awareness is not the top priority, though it is an essential component of prevention, relief, rehabilitation, and the administration of justice. Only 19 of 28 states and four of eight union territories have conducted awareness programmes. Though government reports detail the rationale and need for NGOs, their role, and the requirement to consciously build them up and to provide financial support, there is no data about this in the state annual reports, perhaps because this data is not requested in the format. No state reports supporting NGOs financially in running awareness centres or conducting workshops.

Knowledge of the Act and Rules by the officials and the community is fundamental to its effective implementation. The authorised translation of the latest version of the Act (with amendments up to 2019) is available only in English. The latest version of the Rules with amendments is 2016. The full Rules integrating the amendments of 2018 are not available in any language, including English.

Figure 37: Special police station (2021)



Only Tamil Nadu and Chhattisgarh report having a scheme or prize for prevention of atrocities. No other state nor any union territory has a scheme to recognise or reward those who prevent atrocities.

States seldom hold officials responsible, and rarely take punitive action. But for three in Bihar, no police official has been punished in 2021. The special public prosecutors were changed in Bihar (37), Jharkhand (3), Karnataka (7), and Tamil Nadu (1). No official in any state has been charged u/s 5 as a repeat offender. Despite Rule 4(3) and specific judgements of the Supreme Court of India (*Arumugam Servai vs State of Tamil Nadu* criminal appeal 958 of 2011 and *State of Gujarat vs Kishanbhai etc.* Criminal Appeal 1485 of 2008), officials are not being held accountable.

Going by the management mantra of ‘measure what you treasure’ and ‘what is measured gets done’, there are some management orphans – serious data gaps that impede effective monitoring resulting in serious gaps in prevention of atrocities. In the state annual reports [Rule 18] there is no data on financial support to NGOs [Rule 3(ix)] though it is a statutory requirement. Similarly the state annual reports do not contain data on arms licenses cancelled [Rule 3(iii)], arms confiscated [Rule 3(iv)], arms licenses provided to scheduled communities [Rule 3(v)], socioeconomic rehabilitation (number of pensions, government jobs, houses, and children being educated up to graduation) [Rule 12(4) Schedule Annexure 1], instant monetary relief [Rule 15(1)(a), Dr Ambedkar National Relief, forfeiture of property [Section 7], persons externed [Section 10], or collective fines [Section 16].

The state annual reports do not contain all information and are sometimes whimsical in the use of terminology. Some states and union territories do not file the statutory annual report u/s 21(4). There is reluctance of the states to share information even with the union government. The union report for the calendar year 2020 states that ‘(ii) *Despite several reminders, no information has been received from the state of Manipur*’. Of the top 15 states in incidence of atrocities, Uttar Pradesh and Kerala do not get the district magistrate’s monthly report. Arunachal Pradesh and the Andaman and Nicobar Islands disclose that they get reports from the district magistrates but did not review them in 2021. Haryana and Chhattisgarh don’t report the status in their state annual report.

Though government reports detail the rationale and need for NGOs, their role, and the requirement to consciously build them up and to provide financial support, no state reports supporting NGOs financially in running awareness centres or conducting workshops.

These management orphans need to be addressed by filling the data gaps as soon as possible. The format for the state annual report will need to be updated accordingly.

Action required

Given below are a series of specific suggestions to improve specific parts of the system. However, as the status detailed above demonstrates, there is a need for a complete systems overhaul so that impact is greater than the sum of the parts. It requires all the constituent parts of the system to work in harmony so that the evil of atrocities can be prevented and eradicated. As per the system designed in the Act, each link builds on, and mutually reinforces, the others. For instance, surveys [Section 21(2)(vi)] should be conducted so that atrocity prone areas are identified [Rule 3(i)], following which special officers [Rule 10] and exclusive special prosecutors [Section 15(2)] are appointed in the identified areas, special police stations (with majority officers from the scheduled communities) [Rule 13(2)] and exclusive special courts [Section 14(1)] are set up, and administrative officers and other staff members with the right aptitude and understanding of the problems of the scheduled communities are posted [Rule 13(1)]. There is similar interlocking harmony in socioeconomic rehabilitation, reporting and reviews, each of which individually and collectively build on the other. No state fulfils these criteria.

There are fewer special public prosecutors than special courts, and fewer exclusive special public prosecutors than exclusive special courts, which violates Section 15(1) and Section 15(2) respectively, which mandate one special prosecutor for one special court and one exclusive special prosecutor for one exclusive special court. Eleven states (Chhattisgarh, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Meghalaya, Mizoram, Odisha, Punjab, Tamil Nadu, and Uttarakhand) are non-compliant.

Crime recording

- Record even the most ‘trivial’ complaints. From these ‘trivial’ beginnings grow the non-trivial endings. As we show, there is significant under recording of crimes against women that result in virtually no records of ‘attempt to commit rape’ – let alone crimes such as voyeurism and stalking – that precede rapes and serve as an early warning. It is this trivialisation that has led to the 1145% rise in rapes over the past decade. This trivialisation is also why the classification of ‘atrocity prone areas’ is faulty and does not provide sufficient early warning.
- If any counter-case is registered against the scheduled communities, it should be brought to the notice of the superintendent of police immediately, recorded in the DVMC meeting minutes, and monitored by the district magistrate.
- Offences mentioned under Section 3(1)(r) should be made cognizable even when they are found on social media, as is the case in Andhra Pradesh.

- Community certificates are the leading cause of delay. They should be issued at birth to those whose parents belong to the scheduled communities. Issue community certificates to those who do not have them as on date through special drives and camps within a strict timeframe of not more than six months.

Charge-sheeting

- The state annual reports should have, and MoSJ&E should track, the data on the Rule 7(2A) reports filed, and the reasons for the delay in filing the charge-sheet. The top five reasons could be highlighted in the report to parliament, and the states should address the specific causes applicable to them.
- Track the location of the ‘mistake of fact’ or ‘false’ cases as an indicator of potential conflict.
- Track the number of cases charge-sheeted, and the number pending beyond six months of registering the FIR.
- Add a new classification for identified areas where the charge-sheeting rate is below the national average.

Administration of justice

Special courts

- More judges are urgently required in these courts. Institute exclusive special courts, and additional benches, once there are more than 50 pending cases in any special court or exclusive special court.
- Exclusive special courts should be established in each district once there are more than 50 cases registered in a district in a year, and one more for every 100 registered per annum.
- The judges of the special courts should prioritise these cases, just as the investigating officers do (or are supposed to do) under Rule 7(2). An advisory should be issued by the Chief Justice of India to this effect.
- Institute temporary special courts to clear the backlog, with special attention to the long pending cases, if there are over 50 pending cases in a state, or if the pendency is over 25%, or if there is any case pending for over a year with priority to heinous crimes and long-pending ones.

Support and protection for victims and witnesses

- Police protection should be provided to all the victims, witnesses, and their families if the case is not completed within 120 days of the FIR being registered irrespective of the nature of the case (heinous or not), and irrespective of whether the victims and witnesses request it or not.

A complete systems overhaul is urgently required to enable all the constituent parts work in harmony, building on and mutually reinforcing each other as per the system design of the Act. Officials cannot cherry-pick which rules they will implement.

More exclusive special courts are urgently needed. Once there are more than 50 pending cases in any special court or exclusive special court, institute additional special courts.

- Legal aid and advocates services should be provided from the time of filing the complaint or FIR, whichever is earlier, to the victim–survivors, witnesses, informants, and their dependents.
- The victim–survivors, witnesses and their dependents, and the concerned individuals and organisations should be given the performance report of the SPP and panel advocates, that clearly discloses the number of trials appeared for and the number of convictions. The reports of the DGPs district level standing committees should also be made available to them so that they can make an informed choice on who their advocate should be.
- The advocates of choice should be given secretarial and research assistance, or an allowance to employ them, as also reimbursement of travel expenses at a higher scale than the SPPs and panel advocates, as permitted in Rule 4(5). Closer coordination with them by the investigating officer and the DVMC would also help in the joint effort towards the administration of justice.

Relief

- Release the entire balance relief amount when the case has been delayed for six months after registering the FIR.
- Clear the backlog by immediately sanctioning the final tranche of relief for all cases where the charge–sheet has been sent to court on or before 1 January 2023.

Convictions

- Ensure that the cases are heard on a daily basis and that they are disposed off within two months of filing the charge–sheet.
- Provide protection to the victims, witnesses, and their families at least till the judgement is pronounced.
- In all the cases of acquittal, the performance of the SPP and ESPP should be reviewed by director of prosecution and district magistrate and appropriate steps taken to remove those SPPs or ESPPs from the panel of advocates.
- The DGP should send the extract of the reports of the standing committees (*State of Gujarat vs Kishanbhai etc.* Criminal Appeal 1485 of 2008, SCI judgement dated 7 January 2014) reviewing the cases of acquittal to the director, the scheduled castes and the scheduled tribes protection cell, and the nodal officer with details of findings for all cases registered under this Act. The extract must identify the responsible officials.

- Take action on the DSP and SPP based on the responsibility fixed in the above report. If the report notes that the acquittal is due to ‘witness turning hostile’, initiate action against the concerned DSP for dereliction of duty in not providing adequate protection to the victims and witnesses as they are required to do u/s 15A(9) r/w 15A(11)(c).
- Fees and payment schedules for all the offences mentioned in Section 3 of the Act should be notified subsection–wise, so that advocates of choice are informed of their remuneration, and when they can expect to get it. Issue a separate advisory on additional appearance–based fees which applies over and above the notified fees when the trials do not get over within the specified two–month period.

Appeals

- Issue an advisory to automatically appeal in higher judiciary all cases of acquittal. Empower the director of prosecutions to do so.
- The district magistrate’s monthly report [Rule 4(4)] should be sent to the director of prosecutions, as legally required, with guidance notes on acquittals, appeals, and delays in addition to the status of the case.
- Acquittals and status of appeals should be tracked in the government internal reports [Rule 4(4), Rule 8(1)(xi)] and action taken to ensure that appeals are filed within 90 days.
- The reasons for every case not being appealed should be reported in the annual reports individually, in an annexure to be prepared by the director of prosecutions, endorsed by the director of the scheduled castes and the scheduled tribes protection cell, and approved by the nodal officer. It should be discussed in the SVMC meetings. The action taken should be reported in the state annual report [Rule 18].
- Ensure that all posts of exclusive public prosecutors and special public prosecutors are filled immediately.
- Notify and disseminate widely the names and contact details of the empanelled advocates [Rule 4(1)].
- Notify the rates payable and the schedule of payment by the government to advocates of choice for appeals.

Delays in court provides opportunity for victim intimidation and ‘witnesses turning hostile’. Cases must be disposed off quickly so that timely protection and relief can be given to the victims.

Relief, socioeconomic rehabilitation

Instant monetary relief

- District magistrate: Make it mandatory for the district magistrate to send the requests for the Dr Ambedkar National Relief along with the Rule 4(4) monthly report, for

all cases of heinous offences of atrocities (murder, rape, arson, complete and permanent disability) under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

- All district magistrates should immediately apply for the Dr Ambedkar National Relief instant monetary relief for all those eligible at least for the past five years (longer if possible).
- A government order (GO) should be issued to make it mandatory for the district magistrate to automatically file the applications for the Dr Ambedkar National Relief immediate monetary relief for all those eligible every month, since only he is authorised to do so. Compliance should be reported in the district magistrate's monthly report [Rule 4(4)].
- Nodal officer: The state nodal officers should forward the applications to the Dr Ambedkar National Relief within a month.
- The Dr Ambedkar National Relief should report state-wise, crime-wise applications received and approved in its annual report. It has the power to take suo moto cognisance of any case of atrocity and depute an officer for visiting the place of atrocity for taking necessary action under the scheme. It should do so, whenever there is a mismatch in applications it receives and the National Crime Records Bureau data. Bridging the gap should be the action agenda of the Dr Ambedkar National Relief for the subsequent year.
- MoSJ&E: The union report u/s 21(4) should report the Dr Ambedkar National Relief compliance with an explanation as to the divergence between the National Crime Records Bureau data and the Dr Ambedkar National Relief figures. This would require changes to the reporting template under Rule 18 for the states. The state annual report format should have (a) number of persons eligible (verified with the National Crime Records Bureau data for murder, rape, arson, and medical records for permanent disability) (b) applications filed, (c) applications sanctioned, and (d) amount received by all eligible persons.
- NCSC and NCST: The Dr Ambedkar National Relief compliance on instant monetary relief should be monitored by the respective national commissions for the scheduled castes and the scheduled tribes.

All cases of acquittal should be automatically appealed. The performance of the investigating officer, SPP, and ESPP should be reviewed and they should be held accountable, as per law. Remove the SPPs or ESPPs from the panel of advocates and the investigating officers from the protection cell for repeated failure.

- Judges in the special courts and exclusive special courts trying these cases should monitor if the Dr Ambedkar National Relief applications have been filed, the progress of the applications, and the receipt of immediate monetary relief.

Relief

- The relief sanctioned by the union government, and the state government's budgetary provision, should be 120% of the eligible relief of the previous year.
- There is insufficient accountability. There need to be standards against which the district magistrates need to be benchmarked (at least 90% of the money should be paid on time and 90% of the victims should have benefitted on time). Those consistently below the state average must be formally reprimanded.
- Immediate remedial action needs to be taken against district magistrates who are particularly lax to ensure that the delayed relief is paid on a priority – including remarks in their annual confidential reports. Their performance should be actively monitored.
- Nodal officers of states below the national average in disbursal of relief, allowances, and socioeconomic rehabilitation need to give a written explanation for the low score, and how they plan to improve performance in an annexure to the state annual report [Rule 18]. Ranking of the state, and how to improve its ranking, should be a part of the SVMC agenda.
- Record relief details based on the stage of the case and the compliance. Verify with the National Crime Records Bureau data (FIR, chargesheet, court disposal). The state annual report should be modified to include these data points. The consolidated data with analysis should be in the report presented to parliament.

The objective of providing relief, allowances, and socioeconomic rehabilitation is to ensure that the victims of atrocities and their families are provided with full financial and other support to become permanently economically self-reliant without their having to seek wage employment from their very oppressors and classes of oppressors.
~ P S Krishnan

Travel allowance and maintenance expenses

- It is the duty of the special court to ensure that the allowances are paid, and reimbursements are done, on time [Section 15A(6)]. The courts should take this more seriously.
- The victims, witnesses, and their attendants are overwhelmingly daily wagers, for whom loss of income is unaffordable. The schedule for travel reimbursement,

It is the duty of the special court to ensure that the allowances, reimbursements, and relief are paid in full on time, and relocation and socioeconomic rehabilitation, are done on time during inquiry, investigation, and trial. The courts should take this responsibility more seriously.

maintenance expenses, and dietary expenses – immediate reimbursement or within three days maximum – should be scrupulously followed and ensured.

- The judges should also ensure that the *quantum of reimbursement* is as per the law – that the travel allowance covers the full cost of mixed modal travel, that the maintenance expense is at least the agricultural minimum wages, and the dietary expense is as per the norms for government employees.
- Travel allowance needs to be notified at actuals or as per a fixed rate, factoring in hybrid means of travel, and the remoteness/ inaccessibility of the place of stay. Travel allowance needs to be paid immediately or within three days, as per statute.
- Dietary expenses need to be notified and paid immediately, as per statute.
- Maintenance expense is not being paid at all, and needs to be paid immediately, as per statute. This should be tracked separately in the state annual report by modifying the report format.

Socioeconomic rehabilitation

- Ensure timebound relief and socioeconomic rehabilitation: Relief should be within the shortest period possible. Socioeconomic rehabilitation should be complete within three months of the incident.
- Eligibility: Eligibility for pension should not be dependent on widowhood or permanent victimhood, since the relief and socioeconomic rehabilitation are provided because the government and the officials failed in their statutory duty to prevent an atrocity let alone a heinous crime. Collect data on the number of persons eligible for socioeconomic rehabilitation and ensure that it is fulfilled proactively. This could be done by modifying the reporting format, collection of additional data points, or triangulation of the state crime records bureau data and the district magistrate’s monthly report [Rule 4(4)].
- Pensions: Monitor the number and quantum of pensions annually. For pensions it is a net figure, adding those eligible every year and weeding out those who have passed.
- Dearness allowance: The pensions need to be enhanced immediately to meet the statutory requirements, and the arrears need to be paid to the victims. This should be

automatic every time the scales and/or the dearness allowances are revised in the state.

- Government jobs: This seems to be one of the least complied with provisions, along with the travel allowance and daily maintenance expense. MoSJ&E needs to proactively track this.
- Education: MoSJ&E needs to proactively track this, and the children of the victims of these most heinous crimes are taken care of not as a tokenism, but as valued members of the community. They should be enabled to graduate from professional courses. There is a ready model for this in the way the armed forces take care of the children of those lost in service.
- For every murder, rape, dacoity, and permanent disability (for which we have no data) MoSJ&E and the state social welfare department, by whatever name called, should know the number of children, their present age and class, number eligible, and how many of them are in government residential schools/colleges. For education, it is a net figure, adding those eligible every year and weeding out those who have graduated. Those data points need to be added to the format of the state annual report [Rule 18].

Monitoring mechanisms

State level high power vigilance and monitoring committee meetings

- Most states and union territories do not conduct SVMC meetings at all. This needs to be brought to the notice of parliament and rectified immediately.
- Even in states where the SVMCs are being conducted, they have settled into one meeting a year. This needs to be enhanced at least to two per annum – the legal minimum requirement.
- Include the state, chief ministers', and political parties' performance as a table in the annual report of the union government [Section 21(4)] to foster healthy competition on implementation.
- Conduct the SVMC meetings on fixed dates – 15 January and 15 July – so that they benefit from the proceedings and insights of the DVMC and SdVMC meetings.

District vigilance and monitoring committee meetings

- The DMs that conduct less than three (75%) DVMC meetings per annum should be put on a watchlist, and it should be recorded in their annual confidential report.

Delay in socioeconomic rehabilitation, relief, and TAME defeats their very purpose. Officials tasked with implementation, monitoring, and review should ensure on time delivery of these entitlements so that the survivors, witnesses, and their dependents are not forced to turn to the perpetrator class for their sustenance.

- Conduct the DVMC meetings on fixed dates so that they benefit from the SdVMC meetings and feed in to the SVMC meetings – for instance 15 March, 15 June, 15 September, and 15 December to benefit from the SdVMC meetings on 1 March, 1 June, 1 September, and 1 December, and to feed into the SVMC meetings on 15 January and 15 July.

Subdivisional vigilance and monitoring committee meetings

- There needs to be specific attention to ensure that SdVMC meetings are constituted and conducted. All elected representatives in the subdivision from the scheduled communities need to be a part of these committees (just as all MPs and MLAs from the scheduled communities are in the SVMC).
- Notify SdVMCs as standing committees with all the elected representatives (panchayat presidents, ward members, MLAs, and MPs) from the scheduled communities as ex-officio members.
- Conduct the SdVMC meetings on fixed date – 1 March, 1 June, 1 September, and 1 December – so that their insights and findings feed into the DVMC and SVMC meetings.

Conduct SdVMC, DVMC, and SVMC meetings on fixed dates so that the proceedings and insights of the meetings flow to the higher levels for review, action, and accountability.

Other state mechanisms

State level

- Ensure that nodal officers of the required seniority are appointed in all the states and union territories.
- The scheduled castes and the scheduled tribes protection cells need to be strengthened to fulfil their tasks. That only five states conducted surveys in 2021, and that most of the other functions are possibly in the doldrums given the performance of the officials, is a demonstration of their capacity, which needs to be bolstered.

Contingency plans

- MoSJ&E should notify a model contingency plan applicable for all states that do not have their own, with the proviso that states can better the minimum standards when they notify their own state specific contingency plan.
- All states (but Tamil Nadu, Karnataka, Haryana, and Bihar) should update and notify the contingency plans to bring them in tune with the Amendment Rules 2016. High priority states are those with the maximum number of atrocities (Uttar Pradesh, Rajasthan, Odisha, Gujarat, Maharashtra, Andhra Pradesh, Telangana, Kerala, and Jharkhand).

Surveys

- Identifying (atrocities prone) areas is essential to prevention. Issue advisories to ensure that a minimum number of areas are surveyed each year on a minimum number of parameters so that all areas are covered periodically, with all areas where complaints are received (whether later found false or not) are covered at least once a year.
- Design surveys to uncover local practices (often justified as ‘custom’ and ‘tradition’) that are discriminatory so that they can be proactively addressed and eradicated. The surveys should be forward looking to identify potential atrocity prone areas, especially where the social context is rapidly changing (such as upwardly mobile scheduled communities and relatively stagnant others, more areas for socialisation especially between genders), so that atrocities can be *prevented*.
- Conduct surveys where ‘mistake of fact’ or ‘false’ cases are reported to identify prevalence of any form of discrimination (new or traditional). These indicate areas of potential conflict due to changing power relations.
- Ensure that all local self-governments are covered within a specific timeframe, with a repeating cycle of not more than five years.
- Areas where atrocities have taken place in the past five years must be resurveyed every six months, so that remedial measures for a healing justice can be implemented.

Uttar Pradesh, Rajasthan, Odisha, Gujarat, Maharashtra, Andhra Pradesh, Telangana, Kerala, and Jharkhand (states with maximum number of atrocities) should immediately update and notify contingency plans in tune with the Amendment Rules 2016.

Atrocity prone areas

- Uttar Pradesh, Maharashtra, and Kerala – states that figure among the top in number of cases registered or atrocity rate – should identify atrocity prone areas immediately, using the Tamil Nadu criteria as a starting point.
- States that have not yet identified (atrocity prone) areas and others that do not have such norms should do so immediately.
- Locations of the ‘mistake of fact’ or ‘false’ cases are indicators of potential conflict due to changing power relations and/or assertion. They could be put on a ‘watchlist’ under a new category of identified (atrocity prone) areas, with increased protection and prevention by using the infrastructure fund and education efforts.

States that have not yet identified atrocity prone areas - especially Uttar Pradesh, Maharashtra, and Kerala with most cases registered or atrocity rate - should do so immediately.

Special officers

- Since the special officers are to coordinate the implementation of this Act in the district, it is better to have a district magistrate level officer in this position, rather than the subdivisional magistrate though that is also permitted under the Act. This is purely for practical reasons. Senior officials are more likely to follow the orders and respond to the requests of a district magistrate rather than a junior.
- Ensure special officers of appropriate rank are appointed at the subdistrict or village level in all identified (atrocity prone) areas, with priority for those in Madhya Pradesh, Maharashtra, and Uttar Pradesh which have a high incidence of atrocities.
- Ensure that all the special officers appointed under Rule 10 are from the scheduled communities.

Special police stations

- Ensure that all identified (atrocity prone) areas have special police stations at the district level, and special police outposts at the subdistrict levels.
- Collect data on the personnel in these special police stations and outposts (total personnel and number from the scheduled communities) to ensure that personnel from the scheduled communities are a majority in them.

Awareness programmes

- The government should conduct the statutory workshops, run awareness centres, and financially support NGOs to do both as statutorily required.
- Replicate the innovations done by some states (hoardings, digital screens, and wall paintings) in the other states and union territories.
- Translations: Make available authorised translations of the latest version of the Act (up to 2019) and the Rules (integrating all amendments up to 2018, including annexure I). The MoSJ&E or the National Commission for Scheduled Castes could take up this task as was done earlier.

Support to NGOs

- To substantially increase the conviction rate, the rate of relief disbursement, and compliance with socioeconomic rehabilitation, the state should urgently evolve better – and different – systems, including supporting NGOs as it is required to do [Rule 3(ix)].

- Financially support NGOs [Rule 3(ix)] and concerned organisations [Section 15A(12)] to run awareness centres and conduct workshops for easy accessibility at least at the subdivisional level. The allocation is mandatory and should be executed in letter and spirit. The NHRC recommendation of one NGO per district and one women NGO per state (to provide perspective and support to the constitutional mechanisms, and NGOs, to specifically look at the gender should be the minimum aspects, in addition to those of caste).
- Notify a panel of ‘first responders’ in each district who are trained to accompany and assist the victims through all stages from prevention, inquiry, investigation, and trial in all the essential tasks including filing complaints, the Dr Ambedkar National Relief, relief, socioeconomic rehabilitation, travel allowance, and maintenance expenses. They could be a part of the DVMCs with specific responsibility to report on the fulfilment of Section 15A, especially the adequacy or otherwise of the support and protection given to witnesses to prevent them from turning hostile and potential conflict areas.
- Add compliance data on the district-wise NGOs to the state annual report [Rule 18] format as a separate annexure. The data points would be the amount sanctioned in the state budget, district-wise names of NGOs selected under Rule 3(ix), their activities, and annual grants received from the state government.

Financially support NGOs to run awareness centres and conduct workshops at the subdivisional level. The allocation is mandatory and should be executed in letter and spirit. The NHRC recommendation of one NGO per district and one women NGO per state should be the minimum.

Accountability

- District magistrates who do not conduct at least 75% of the DVMC meetings, and the subdivisional magistrates who do not conduct at least 75% of the statutory SdVMC meetings should have adverse remarks noted in their annual confidential reports and repeat offenders should be denied increments and promotions.
- Check the report of the standing committee (*State of Gujarat vs Kishanbhai etc.* Criminal Appeal 1485 of 2008, SCI judgement dated 7 January 2014), and take penal action based on the findings on the investigating officer or special public prosecutor.
- If no one is identified, or if the reason given is that the witnesses turned hostile, then take penal action on the

investigating officer for dereliction of duty since the witnesses can turn hostile only if they are left unprotected.

- If the identified officer (investigation or prosecution) does not have a greater than 75% success rate (or conversely is identified in over 25% of the cases as the cause for acquittal), they must be immediately removed from, and barred from any further involvement in, any case in which this Act is invoked.

Reporting

- All states should file the state annual report as mandated under Rule 18 with NIL (as Nagaland reported in 2020, and Arunachal Pradesh in 2019) until an exemption is made.
- All states should ensure that all districts file the monthly report [Rule 4(4)] which should be reviewed by the competent authority.

Data and information management

- Upload all the state annual reports [Rule 18] received by MoSJ&E from the states onto the ministry website as soon as they are received.
- Upload all the union annual reports u/s 21(4) annually when ready. At present there are long delays, and the earlier reports are not available online.
- Upload all monthly reports of the districts [Rule 4(4)] and states [Rule 8(xi)] on the status of implementation of the Act, including headline numbers of FIRs registered and the progress of investigations, the instant monetary relief provided through the Dr Ambedkar National Relief, relief paid, due, and overdue, and socioeconomic rehabilitation done, due, and overdue (disaggregated by number of pensions, houses, jobs, agricultural land, and children supported for education up to graduation).
- Develop appropriate data collection formats and analytical tools for the Rule 4(4) report. The lack of data kneecaps even well-intentioned attempts for prevention of atrocities, speedy administration of justice, and socioeconomic rehabilitation. The reporting should contain data for the decisions and action to be taken.

The reports need to have data:

- (a) Disaggregated by officer as mentioned in the Act and Rules (the investigating officer during the investigating stage, and the special public prosecutor in the trial stage).

Hold officials accountable for non- or delayed compliance. Note adverse remarks in their annual confidential reports. Repeat offenders should be denied increments and promotions, and penal action should be taken.

- (b) On the number of days of delay in filing the charge–sheet (maximum 60 days from registering FIR) and in conclusion of the trial (maximum 60 days from when the charge–sheet was filed, and maximum 120 days from which the FIR was registered – whichever is shorter).
- (c) On the number of days, quantum, and number of persons affected by the delay in relief (mentioned in the contingency plan), travel allowance, maintenance expense and dietary expenses (immediate or, if not possible, within three days; track and report from day 4 onwards).
- (d) On the number of days by which socioeconomic rehabilitation is delayed. Socioeconomic rehabilitation includes (i) Full relief payment and (ii) house, and (iii) government job, and (iv) education for children up to graduation, and (v) agricultural land, and (vi) restoration of defiled or damaged community goods and the infrastructure (wells etc).

Then, and only then, will the higher echelons of the state have the data for informed decision making for timely prevention and socioeconomic rehabilitation.

Additional data needed for the state annual reports

- Cases pending in court: Number of cases pending in court year–wise (Tamil Nadu already has it and the other states will have it as well).
- Accountability for acquittals: The standing committee findings (Kishanbhai Judgement, *State of Gujarat vs Kishanbhai etc.*, Criminal Appeal 1485 of 2008, SCI judgement dated 7 January 2014) should be annexed to the state annual report.
- Advocates of choice: Collate data of the number and performance of the advocates of choice separately.

Prevention

- Include the number of NGOs supported in the state, the budget allocated to them, and their performance report.
- Rule 3(ix) budget compliance on financial support to NGOs should be monitored in the state annual report.

Recorded crime

- Include data of cases charge–sheeted beyond six months of registering the FIR and those pending charge–sheet year–wise.

Data collection should be streamlined to include data required for decisions, followed by action. All district, state, and union reports should be uploaded on to the respective websites.

- Include data of cases pending trial beyond six months of filing the charge–sheet and those pending trial year–wise.

Relief, allowances, socioeconomic rehabilitation

- Include relief details based on the stage of the case and the compliance in the state annual report format. This is already available at the state and district levels.
- Include socioeconomic rehabilitation details [house, agricultural land, government jobs, pensions (new and from previous years), children’s education (new and from previous years)] in the state annual report format.
- Include instant monetary relief details in the state annual report format from (a) number of persons eligible (verified with the National Crime Records Bureau data for murder, rape, arson, and medical records for permanent disability) (b) applications filed, and (c) applications and amount received by each person eligible.
- Record relief details based on the stage of the case and the compliance. Verify with the National Crime Records Bureau data (FIR, chargesheet, court disposal).
- Record socioeconomic rehabilitation details for the past 10 years and check for compliance with the National Crime Records Bureau data (murder, rape, dacoity) and medical records (permanent disability).

Active management throughout the system is required for the socioeconomic rehabilitation of victims and to meet the objective of this Act, which is to prevent atrocities.

The lack of these data leads to information blind spots and monitoring blackholes, creating management orphans. These management orphans need to be addressed immediately by adding these data points to the format for the state annual reports [Rule 18]. Active management throughout the system is required for the socioeconomic rehabilitation of victims and to meet the objective of this Act, which is to *prevent* atrocities.



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A history of the Act

The Constitutional architecture

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is a comprehensive and precise legislation with several firsts to its credit – the foremost being Chapter IVA, Section 15A which, for the first time in India, spells out the rights of the victims and witnesses, and the duty of the state and specific officers to protect these rights. It is the first law which makes it a crime if the designated officer fails to implement the law to protect the rights of the scheduled communities.

The Act and its predecessors – the Untouchability (Offences) Act, 1955 and the Protection of Civil Rights Act, 1955 – are rooted in Articles 15 and 17 of the Constitution of India. Article 15 prohibits discrimination based on caste. Article 17 states that ‘Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “untouchability” shall be an offence punishable in accordance with law’.

The Constitution of India explicitly abolished the practice of ‘untouchability’ and declared it an offence under Article 17, in addition to guaranteeing liberty, equality, and fraternity and prescribing affirmative action measures to the socially and economically backward classes. However, it did not define the term ‘untouchability’. Article 35 authorised the parliament to enact laws for prescribing punishment for those acts which are declared to be offences under Part III of the Constitution.

The promise of the Constitution of India towards its citizens is found in the Directive Principles of State Policy in Part IV. Articles 38 and 46 require special emphasis. Article 38 envisages a society characterised by social, political, and economic justice. Article 46 obligates the state to promote with special care the educational and economic interests of the scheduled communities, and to protect them from social injustice and exploitation.

The Untouchability (Offences) Act, 1955 (UOA), amended and renamed the Protection of Civil Rights Act, 1955 (PCRA) in 1976, and the Scheduled Castes and the Scheduled Tribes

The caste system faced a significant de jure attack in independent India when the Constitution of India explicitly abolished the practice of ‘untouchability’ and declared it an offence under Article 17, in addition to guaranteeing liberty, equality, and fraternity and prescribing affirmative action measures to the socially and economically backward classes.

(Prevention of Atrocities) Act, 1989 were enacted to enforce these provisions of the Constitution.

From the Constitution to PCRA

Even before the Constitution of India was adopted, many states enacted their own 'removal of social disabilities' laws. The Schedule to Section 17 of the Untouchability (Offences) Act 1955 lists 21 separate legislations in India at the time.¹

Post-independence, India witnessed an increase in atrocities against the scheduled communities. Normally, when a crime is committed, the Indian Penal Code (IPC) and the Criminal Procedure Code (CrPC) are invoked. In the case of the scheduled communities however, many crimes against them were not even recognised as crimes by the IPC or CrPC, and Article 20(1) of the Constitution of India is clear that no one can be convicted for an act which is not defined as an offence at the time.

Special laws became necessary to recognise and define these crimes, to give effect to Articles 15, 17, 39A (equal justice and free legal aid to the poor), and Article 46 (to promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the scheduled castes and the scheduled tribes, and protect them from social injustice and all forms of exploitation).

The last is particularly important since it is only now being understood in legal and administrative circles how the atrocities are economic crimes with intergenerational consequences. Since

If the system does not work for the victim, it works for the perpetrator. Oftentimes, the inertia of the state mechanisms is to ensure precisely this result.

¹ The Madras Removal of Civil Disabilities Act, 1938 (Madras Act XXI of 1938).
The Removal of Civil Disabilities Act, 1943 (Mysore Act XLII of 1943).
The Orissa Removal of Civil Disabilities Act, 1946 (Orissa Act XI of 1946).
The Bombay Harijan (Removal of Social Disabilities) Act, 1946 (Bombay Act of 1947).
The Bombay Harijan Temple Entry Act, 1947 (Bombay Act XXXV of 1947).
The Central Provinces and Berar Scheduled Castes (Removal of Civil Disabilities) Act, 1947 (Central Provinces and Berar Act XXIV of 1947).
The Central Provinces and Berar Temple Entry Authorisation Act, 1947 (Central Provinces and Berar Act XLI of 1947).
The United Provinces Removal of Social Disabilities Act, 1947 (U.P. Act XIV of 1947).
The East Punjab (Removal of Religious and Social Disabilities) Act, 1948 (East Punjab Act XVI of 1948).
The Mysore Temple Entry Authorisation Act, 1948 (Mysore Act XIV of 1948).
The Orissa Temple Entry Authorisation Act, 1948 (Orissa Act XI of 1948).
The Saurashtra Harijan (Removal of Social Disabilities) Ordinance (No XL of 1948).
The West Bengal Hindu Social Disabilities Removal Act, 1948 (West Bengal Act XXXVII of 1948).
The Bihar Harijan (Removal of Civil Disabilities) Act, 1949 (Bihar Act XIX of 1949).
The Madhya Bharat Harijan Ayogta Nivaran Vidhan, Samvat 2005 (Madhya Bharat Act No. 15 of 1949).
The Coorg Scheduled Castes (Removal of Civil and Social Disabilities) Act, 1949 (Coorg Act I of 1949).
The Coorg Temple Entry Authorisation Act, 1949 (Coorg Act II of 1949).
The Travancore–Cochin Temple Entry, Removal of Disabilities Act, 1950 (Travancore–Cochin Act XXVII of 1950).
The Hyderabad Harijan Temple Entry Regulations, 1358F (No.LV of 1358 Fasli).
The Hyderabad Harijan (Removal of Social Disabilities) Regulation, 1358F (No. LVI of 1358 Fasli).
The Travancore–Cochin Removal of Social Disabilities Act, 1125 (Travancore–Cochin Act VIII of 1125).

the atrocities cover the entire spectrum of human activity, the prevention of atrocities encompasses virtually every right – from work to freedom of movement to voting – mentioned in the Constitution of India.

Five years after the Constitution of India was adopted, the necessary legislation – the Untouchability (Offences) Act, 1955 – was enacted. Though the Untouchability (Offences) Act, 1955 did not precisely define the offence, it was a major step forward, and had several enabling provisions. The Untouchability (Offences) Act, 1955 recognised ‘wilful negligence’ [UOA Section 10] and was proactive in that it stated clearly that the presumption of court would be that the crime arose from ‘untouchability’ and it was the defendant who should prove that it wasn’t [UOA Section 12]. The Act was farsighted in that it recognised the culpability of companies and those in charge, including their directors [UOA Section 14].

It was soon recognised that the Untouchability (Offences) Act, 1955 was not sufficient to eradicate untouchability and to punish the perpetrators since it suffered from certain inherent limitations. In 1965, a Committee on Untouchability, Economic and Educational Development of Scheduled Castes was set up with L. Elayaperumal, an MP from Tamil Nadu, as the chairperson. The first of three points in its terms of reference was *to study the various aspects of untouchability in particular the working of the Untouchability (Offences) Act, 1955, and the restrictions if any, imposed on the entry of Harijans into public places of worship and to suggest remedial measures.*

The committee examined the functioning of the UOA in depth and made several recommendations to strengthen it in 1969. Subsequently, it was comprehensively amended and renamed as the Protection of Civil Rights Act, 1955 (PCRA) on 19 November 1976 (the then prime minister’s birthday).

In the 1976 amendment, discrimination based on untouchability was also brought under the Protection of Civil Rights Act, 1955 [PCRA Section 4]. The amendments made it clear that all offences under PCRA are cognisable [PCRA Section 15(1)]. It made mandatory the provision of legal aid, appointment of supervising officers, setting up of special courts and committees, and periodic survey of the working of the provisions of this Act to suggest measures for the better implementation [PCRA Section 15A(2)]. One of the major improvements made was the

The Untouchability (Offences) Act, 1955 was a major step forward with several enabling provisions: it recognised ‘wilful negligence’, stated clearly that the presumption of court would be that the crime arose from ‘untouchability’, and was farsighted in that it recognised the culpability of companies and those in charge, including their directors.

provision for state and central government annual implementation reports to be placed before parliament [PCRA Section 15A(4)]. Many of these new provisions were carried forward to the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and its amendments. A major shortcoming of the changes however is the removal of liability of companies practicing untouchability.

Despite the changes in the law against untouchability, the Protection of Civil Rights Act, 1955 still suffered from infirmities, chief among them being that it did not even recognise many of the caste-based crimes, was too lenient, and did not have an empowered mechanism to monitor the implementation of the Act, given that the police and judiciary were drawn from the same social milieu.

According to law, if an 'act' or 'omission' is not defined as an offence [Article 20(1)], then it is not a crime. The Protection of Civil Rights Act, 1955 covered disabilities arising out of untouchability, but not of atrocities against the scheduled communities. Omitting this fundamental tenet of law, by not recognising many forms of caste-based discrimination and violence as crimes, was the fatal flaw of the Protection of Civil Rights Act, 1955.

The general criminal law framework (IPC and CrPC) and PCRA was found to be inadequate to curb these acts of caste-based violence and discrimination and violence due to the following reasons:

- Lack of definitions of distinct acts of atrocities committed against the scheduled communities.
- Prohibited certain social and religious disabilities imposed on the scheduled communities but had meagre punishments. Therefore, it was not a deterrent.
- Invoking IPC sections for atrocities against the scheduled communities failed to recognise the caste and ethnic dimensions of those crimes.
- The non-victim friendly criminal law procedures affected the victims – the scheduled communities who were already disadvantaged – and was a hurdle in their access to justice. The Anglo-Saxon jurisprudence that presumed that the accused was 'innocent till proven guilty' and based on the dictum of 'better a hundred guilty go free rather than one

Discrimination based on untouchability was brought under the Protection of Civil Rights Act, 1955, making legal aid, supervising officers, special courts and committees, periodic survey, and state and union government annual implementation reports to be placed before parliament mandatory. Removing the liability of companies is a setback.

innocent be convicted’ failed to take into account the acute asymmetry of power and the total dependence of the survivors (the plaintiffs) on the perpetrators (ironically the ‘defendants’) for their life and livelihoods.

- Rising indignation among the scheduled communities on the increasing incidents of atrocities.

Therefore, separate legislation to curb the atrocities against the scheduled communities was favoured, and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was enacted.

Instead of tinkering with the Protection of Civil Rights Act, 1955, the parliament passed this new legislation with the explicit purpose of *preventing* atrocities against the scheduled communities by members of other communities. It would also set up mechanisms for speedy justice, monitoring, accountability, relief, and rehabilitation.

The Act, 1989

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was enacted on 11 September 1989 (Act 33 of 1989) by the Parliament of India. The Act is popularly known as the SC/ST Act, POA, or the Atrocities Act. The Act was notified in the Gazette of India, Extraordinary, Part II, sec. 3(ii), dated 29 January 1990 (notification No. S.O. 106(E)) and came into force on 30 January 1990. The 1989 Act underwent substantial amendments in 2013, 2014, 2015, 2018, and 2019. As on 1 October 2023, the Act was last amended on 31 October 2019.

In passing the Act, the parliament acknowledged that existing laws, including the Indian Penal Code 1860 (IPC), were inadequate to check the caste-based indignities and hate crimes (defined as ‘atrocities’ in Section 3 of the Act) perpetrated on the scheduled communities by the non-scheduled communities.

The statement of objects and reasons appended to the Bill while moving the same in the Parliament,

‘despite various measures to improve the socioeconomic conditions of SCs & STs, they remain vulnerable. They are denied a number of civil rights; they are subjected to various offences, indignities, humiliations, and harassment. They have, in several brutal incidents, been deprived of their life and property. Serious atrocities are committed against them for various historical, social, and economic reasons’.

In passing the Act, the parliament acknowledged that existing laws, including IPC 1860, were inadequate to check the caste-based hate crimes perpetrated on the scheduled communities by the non-scheduled communities.

The objectives of the Act clearly emphasise that the intention of the Act is for the government to deliver justice to the scheduled communities through *preventive* and *proactive* efforts. The preamble of the Act states that the Act is

‘to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts and the Exclusive Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto’.

The Act brings the crimes against the scheduled communities directly to the notice of the highest political, civil, executive, and judicial officers of the state and district. At the state level it involves the chief minister directly monitoring implementation of the Act every January and July, together with a state level high power vigilance and monitoring committee (SVMC), comprising the ministers and principal secretaries of social welfare, home, the director general of police (DGP), head of the scheduled castes and the scheduled tribes protection cell (normally the additional director general of police, ADGP), director of prosecutions (DOP), with specific roles, and specific tasks to be executed in specific timeframes.

The 2009 civil society review of the POA found that (a) most of the provisions of the Act and Rules were not used (b) several new crimes needed to be added and (c) victims and witnesses had to be protected.

In 2009, on the twentieth anniversary of the Act, knowing the gaps in implementation, armed with the evidence of multiple studies and government datasets, several civil society organisations and human rights defenders mobilised to rectify the law. There were a series of multi-stakeholder consultations. Civil society organisations and human rights defenders undertook a countrywide review of the functioning of the Act and Rules. The review found that (a) most of the provisions of the Act and Rules were not used (b) several new crimes needed to be added and (c) victims and witnesses had to be protected.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2013, which comprehensively overhauled the parent Act and Rules was introduced in parliament on 12 December 2013, but could not be taken up for discussion. Therefore, the Amendment Ordinance 2014 (1 of 2014) was promulgated by the president on 4 March 2014 – the last day before the model code of conduct for parliamentary elections came into force in view of the parliamentary elections – and came into force immediately. Unsurprisingly, dominant

communities campaigned for the total repeal of the Act during the parliamentary elections.

The virtually unchanged ordinance was reintroduced as an amendment bill in parliament on 7 July 2014 and referred to the standing committee on 17 July 2014 by the newly elected National Democratic Alliance government. Since the ordinance was not ratified by parliament within six months, it lapsed and was referred back to the cabinet. Subsequently, it was passed by the Lok Sabha on 4 August 2015 and by the Rajya Sabha in December 2015. The amendments received presidential assent on 31 December 2015, was notified as Act 1 of 2016 on 1 January 2016 in the Gazette of India Extraordinary and came into force on 26 January 2016.

The Amendment Act, 2015 [1 of 2016] added several new offences in Section 3 and (bizarrely) renumbered the entire section, probably because the recognised crime almost doubled. It added a schedule for Section 3(2)(va) clarifying the IPC sections to be invoked under each subsection. Dereliction of duty by officials was more precisely defined in Section 4(2). Section 14 was tweaked to ensure time bound trials, and Section 14A was added for time bound appeals. The new Chapter IVA Section 15A defined the rights of victims and witnesses (trailblazing in India), and the duty of the state and state mechanisms to protect those rights starting with the right to be treated with respect.

The Amendment Act, 2018 [27 of 2018] was triggered by the verdict of a two-judge bench of Justices UU Lalit and AK Goel of the Supreme Court of India in *Subhash Kashinath Mahajan vs State of Maharashtra & Anr.* on 20 March 2018. Questioning Section 18 of the Act, which prohibits grant of anticipatory bail for offences committed under the Act, the court issued orders that an investigating officer should conduct a preliminary inquiry before registering an FIR, and in the case of government officials, only after permission from the appointing authority. They wilfully ignored provisions of the Act that an FIR could be filed only after an inquiry by a subdivisional magistrate or a deputy superintendent of police [Rule 6] followed by a spot inspection by the district magistrate (DM) and the superintendent of police (SP) in the case of civilians [Rule 12(2)] and only after an administrative enquiry in the case of public servants [Section 4(2)].

A historical footnote: The parliamentary debate to pass the bill had to be postponed three times for want of quorum because non-Dalit MPs went to the canteen. It forced Dalit MPs to go out and persuade other MPs to attend so there was quorum!

If the steps for the investigation outlined above are followed, there is virtually no scope for ‘false’ or ‘mistake of fact’ let alone ‘malicious’ cases being filed, much less being charge-sheeted and brought before court. Instead of taking the officials to task for not following the legally mandated procedure, the judges held that the cases were false and the Act was being misused to terrorise innocent citizens – in effect blaming the victim. Unsurprisingly, the judgement was perceived to considerably dilute the Act, impute scurrilous motives on the victims, and thereby deny justice. It resulted in a furore which, in turn, led to a stunned parliament voting to override the judgement.

In August 2018, the parliament passed the Amendment Act, 2018 removing the requirement for preliminary inquiry for registering an FIR and removing the need for approval before arrest of officials by inserting section 18A(1)(a) ‘*preliminary enquiry shall not be required for registration of an FIR against any person*’ and section 18A(1)(b), ‘*the investigating officer shall not require approval for the arrest, if necessary, of any person against whom an accusation of having committed an offence under this Act has been made and no procedure, other than that provided under this Act or the Code, shall apply*’.

The 2018 amendments to the Act, upheld by the Supreme Court of India, categorically rule out anticipatory bail for any person accused of atrocities against the scheduled communities, notwithstanding any court order.

The 2018 amendments to the Act categorically rule out anticipatory bail for any person accused of atrocities against the scheduled communities, notwithstanding any court order. The Amendment Act, 2018 (No. 27 of 2018), was notified in the Gazette of India, Extraordinary on 17 August 2018 and enforced on 20 August 2018. On 10 February 2020 the Supreme Court of India upheld the constitutional validity of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018.

On 31 October 2019, Section 1(2) was amended to extend the Act to the whole of India.

The Rules, 1995

The Rules were notified on 31 March 1995 – some five and a half years after the Act [G.S.R. 316(E), published in the Gazette of India, Extra, Part II, Section 3(i), dated 31 March 1995]. As on 1 October 2023, the rules were last amended on 27 June 2018.

The rules underwent substantial amendments in 2013, 2014, 2015, and 2018. In addition, there were periodic amendments to the rules (for instance by G.S.R 896(E) on 23 December 2011

and G.S.R 416(E) on 23 June 2014) to enhance relief and rehabilitation.

The Amendment Rules, 2013 [G.S.R. 725 (E) dated 8 November 2013] inserted Rule 17A that added vigilance and monitoring committees at the subdivisional level and provided for nominees of the union government in the vigilance and monitoring committees.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules 2016 (G.S.R. 424(E) dated 14 April 2016) broadly relate to:

- A comprehensive list of 47 offences.
- Rationalised payment of relief.
- Enhancement of the minimum relief amount to between ₹85,000 to ₹8,25,000 depending upon the nature of the offence.
- Payment of relief within seven days.
- Linking pension to the dearness allowance of government employees.
- Completion of investigation and filing of charge-sheet within sixty days to enable timely commencement of prosecution.
- Periodic review of the scheme for the rights and entitlements of victims and witnesses in accessing justice, by the state, district, and subdivisional vigilance and monitoring committees in their respective meetings.

The Rules were further amended by G.S.R. 588(E) dated 27 June 2018 to:

- Clarify through amended Rule 12(5) that the relief provided in the Rule 15(1) contingency plan and Rule 12(4) Schedule Annexure I in case of death, injury, rape, gang rape, unnatural offences, grievous hurt by throwing acid etc., damage to property, shall be *in addition to* any other right to claim compensation in respect thereof under any other law.
- Remove the restriction of 25 members in the state vigilance and monitoring committee [Rule 16(1)].
- Tweak the relief provisions in the Rule 12(4) Schedule Annexure I to provide for relief to victims of unnatural offences and grievous hurt by throwing acid.

Delink relief from the stage of investigation or trial. Socioeconomic rehabilitation should be complete within three months of the incident. The present system further penalises the victims for delays by the state mechanisms, especially in investigation and trial. Hold the district magistrate accountable for delays and/or noncompliance.

The social context

The protection of the life and liberty of the weakest sections of society is the prime duty of any government. Successive governments have acknowledged that the plight of the Scheduled Castes (SC) and the Scheduled Tribes (ST) is dismal. Caste-based discrimination and violence is endemic in India. The atrocities are committed when the scheduled communities become less dependent on the others and break out of their ascribed boundaries and start to wear slippers or trousers, get better marks in schools, or sit in a bus. When discrimination, such as making only Dalit girls clean school toilets, and atrocities are committed close to exams, there is multi-generational impact and opportunity costs being paid by the entire community. They live about 10 years less, have higher incidence of maternal mortality, school dropouts, and lower literacy rates.

Caste-based violence is to prevent the economic development of Dalits and Adivasis, to prevent them from becoming less dependent on the dominant castes. Preventing atrocities and ending impunity to the perpetrators thus becomes the first step in the advancement of the Dalits and Adivasis. This is admitted even by the government at the highest levels as the following quotations show:

Attempts by the Scheduled Castes and Scheduled Tribes to ... improve their lot and claim what is rightfully theirs, are often the principal cause of the atrocities that are perpetrated on them. The law enforcers themselves, in many cases, fail to act promptly or collude with the other side.
~ PM PVN Rao,
4 October 1991

Despite various measures to improve the socioeconomic conditions of the SCs and STs, they remain vulnerable... They have, in several brutal incidents, been deprived of their life and property... Because of the awareness created... through the spread of education, etc., when they assert their rights and resist practices of untouchability against them or demand statutory minimum wages or refuse to do any bonded and forced labour, the vested interests try to cow them down and terrorise them.

Statement of the basic objective and purpose of the SCs and STs (Prevention of Atrocities) Act when the Bill was introduced in the Lok Sabha in 1988; Quoted from National Commission for SCs, First Report 2004–05, New Delhi, 2006, pp.222–3

Attempts by the Scheduled Castes and Scheduled Tribes to ... improve their lot and claim what is rightfully theirs, are often the principal cause of the atrocities that are perpetrated on them. There is a lack of sensitivity on the part of the police and the district administration. The law enforcers themselves, in many cases, fail to act promptly or collude with the other side.

Prime Minister P V Narasimha Rao inaugural address, meeting of chief ministers, 4 October 1991

'The offences of atrocities are committed to humiliate and subjugate the SCs and STs with a view to keep them in a state of servitude. Hence, they constitute a separate class of offences and cannot be compared with offences under the Indian Penal Code.'

The Supreme Court in State of Madhya Pradesh & Anr vs Ram Krishna Balothia & Anr (1995 (2) SCC 221)

Untouchability has been abolished by the law but the shades of it remain in the ingrained attitude nurtured by the caste system. Though the provisions of reservation in educational institutions and public services flow from our constitution, these provisions remain unfulfilled through bureaucratic and administrative deformation or by narrow interpretations of these special provisions.

President K R Narayanan, 26 January 2000

Even after 60 years of constitutional legal protection and support ... Dalits have faced a unique discrimination in our society that is fundamentally different from the problems of minority groups in general. The only parallel to the practice of untouchability was Apartheid. Untouchability is not just social discrimination, it is a blot on humanity'.

Prime Minister Manmohan Singh, Dalit-minority international conference, 27 December 2006

The only parallel to the practice of untouchability was Apartheid.

~ PM Manmohan Singh, 27 December 2006.

In fact, a part of the reason why atrocities are committed is economic activity. It is because of the economic activity, because of the enterprise, there are areas where the Scheduled Caste people have also become prosperous. The Scheduled Caste people are able to build brick and stone houses. The Scheduled Caste people are able to acquire vehicles. The Scheduled Caste people are able to dress better, send their children to better schools. One of the reasons why atrocities take place in those places is to cripple them economically. Every riot, every arson case cripples them economically. Therefore, it is important that the State must immediately rush in social and economic measures for the rehabilitation of those who have suffered through these atrocities.

Home Minister P Chidambaram in the Lok Sabha on 30 August 2010

The practice has been to articulate lofty ideals but ensure that the practice of these ideals does not happen. The government admits its failure in implementing the law and protecting scheduled communities from horrific atrocities committed against them but simultaneously refrains from taking steps for effective implementation of the law of the land. India does have some of the most progressive legislation possible, but they remain on paper due to weak political and bureaucratic will and

commitment to implement these protective legislations leading to the unchecked, rising atrocities being committed on the scheduled communities.

Wilful and conscious subversion of these laws by government officials tasked with implementing the Act has more to do with the caste consciousness and biased attitudes and perspectives of officials, both police and revenue, than with lack of knowledge about the laws. The experience of human rights defenders (HRDs) in their effort to get the government to implement this Act fairly, firmly, and decisively has been frustrating and a story of betrayed trust. Implementation remains weak and faulty since inception. The record of successful use of the Act against caste Hindu perpetrators remains patchy, uneven, and restricted to individual cases rather than addressing systemic issues of caste discrimination.

The flagship annual publication Crime in India of the National Crime Records Bureau data documents the increase in the number and severity of recorded atrocities. Nationally, the number of recorded atrocities against the scheduled communities has been rising from 29,228 (1992) to 32,588 (1997), 40,281 (2002), 35,563 (2007), 39,577 (2012), 51,712 (2017), to 67,646 (2022). The data reveals not just an increase in the number of recorded atrocities but also a worrying increase in the commission of heinous crimes revealing increasing brutality and newer forms of caste-based violence.

The data reveals not just an increase in the number of recorded atrocities but also a worrying increase in the commission of heinous crimes, increasing brutality and newer forms of caste-based violence.

We cannot be happy about the fact that approximately 33,000 cases are being registered as atrocities against Scheduled Castes in one year. What makes it doubly painful is that there is a rise in atrocities, but when you try to prosecute and convict, the conviction rate is only 30%. Not only are acquittals very high; pendency is about 80%. Look at the kind of crimes that are committed against these people! The worst kind of crimes... murder, rape, kidnapping, abduction and arson. These are not petty crimes. These are pre-meditated crimes ... among the worst crimes in the Indian Penal Code. This shows how vulnerable the Scheduled Castes and the Scheduled Tribes are.

*Minister for Home Affairs P Chidambaram,
Lok Sabha, 30 Aug 2010*

Since the above statement was made, registered cases have more than doubled to 67,646, the conviction rate has barely moved to 36%, pendency has increased to over 96%, and the number of pending cases has increased by over 300% to 327,816 in 2022.

The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The Courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

Chief Justice of India N.V. Ramana, Justice J Surya Kant and Justice Hima Kohli, 25 October 2021, Criminal Appeal 1393 of 2011 Ramawatar vs State of Madhya Pradesh.

Though the scheduled tribes also face untouchability and stigma, and this Act always mentions the scheduled castes and the scheduled tribes together, this Act has not been used to record atrocities against the scheduled tribes as much it has been for atrocities against the scheduled castes. The focus of the tribal communities was more on the forest rights and therefore on the Indian Forest Act, 1927 and the Wild Life (Protection) Act, 1972, which denied them their homelands, and the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, (FRA) by which they hoped to regain basic rights. The officials too make a false identification of the Act with the scheduled castes and the FRA with the scheduled tribes. Consequently, the recording and convictions of atrocities against scheduled tribes under this Act are relatively less. The amendments of 2015 brought the much-needed integration of the interests of the scheduled tribes into this Act – most notably Sections 3(1)(g) land and forest rights, 3(1)(w) sexual offenses against women, and 3(1)(x), 3(1)(y), and 3(1)(z) related to common resources and right of way.

The merging of the identity of the scheduled communities under the unified ‘SCST’ moniker by the non-scheduled communities and more social interaction has resulted in untouchability practices, stigma, and atrocities which were only inflicted on the scheduled castes earlier, now being extended to the scheduled tribes. With more atrocities and more awareness, atrocities against the scheduled tribes are being registered under this Act, though there is a long way to go and impunity is still the norm per data from the National Crime Records Bureau.

The dominant castes are emboldened to commit atrocities since the conviction rates are so low as to virtually assure them impunity.

The dominant castes are emboldened to commit atrocities since the conviction rates are so low as to virtually assure them impunity. The ‘harsh’ and ‘draconian’ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules, 1995 has just a single digit or low double digit conviction rate in all but four states.

This impunity results in more and more gruesome cases of violence and atrocities, with heinous crimes (murder, attempt to commit murder, rape, attempt to commit rape, grievous injury) showing a fast-paced increase, apart from the increase in instances overall. Preventing atrocities and ensuring swift action in accordance with the law thus becomes the first step – and a prerequisite – in enabling the sustained social and economic development of the scheduled communities. Ending impunity will prevent, in large measure, repetition of caste-based discrimination and violence.

A unique feature of the Act is the legislative duty of the executive to monitor and supervise the implementation of the law by the police at every stage and also to ensure that the interest of the victims of atrocities are safeguarded at all stages.

Official roles and responsibilities

One of the unique features of the Act is the legislative duty cast on the executive to monitor and supervise the implementation of the law by the police at every stage and also to ensure that the interest of the victims of atrocities are safeguarded, right from the stage of registration of the complaint till the end of the prosecution process, viz., trial and eventual appeal stages. To ensure this, stage by stage monitoring duties have been assigned in the Act to various levels of police and administration, from the deputy superintendent of police to the superintendent of police to the director general of police, from the exclusive special public prosecutor to the in-charge prosecutions to the director of prosecutions, from the subdivisional magistrate to district magistrate to the principal secretary and finally right up to the chief minister and the union minister.

Responsibility for implementation

State

The responsibility for implementation of the Act primarily rests with the respective state governments and the union territory administrations and their subordinate authorities (police and executive magistrates).²

Each state will (should) have a high power vigilance and monitoring committee at the state level with the chief minister as the chairperson that reviews implementation every January and July. Its members are the home minister, finance minister and

² This section is largely paraphrased from the union annual report for the calendar year 2021.

minister(s) in-charge of welfare and development of the scheduled castes and the scheduled tribes, all elected members of parliament and state legislative assembly and legislative council from the state belonging to the scheduled castes and the scheduled tribes, the chief secretary, the home secretary, the director general of police, director/deputy director, the national commission for the scheduled castes and the national commission for the scheduled tribes.

The convenor is the secretary in-charge of the welfare and development of the scheduled castes and the scheduled tribes. There are similar vigilance and monitoring committees at the district and subdivisional levels reviewing implementation quarterly by the district magistrate and the subdivisional magistrate respectively.

They are supported by the scheduled castes and the scheduled tribes protection cell at the state level, and protection units at the district level. There are special courts, exclusive special courts, special public prosecutors, and exclusive special prosecutors for the timely administration of justice.

In addition, in the identified (atrocities prone) areas, there are special police stations and special officers of rank additional district magistrates or higher for coordination among the different arms of the state.

Union

As per the Government of India (Allocation of Business) Rules, 1961, the responsibility to implement the Act at the union level is split between the Ministry of Home Affairs (administration of criminal justice), the Ministry of Social Justice and Empowerment (insofar as it relates to scheduled castes, excluding the administration of criminal justice) and the Ministry of Tribal Affairs (insofar as it relates to the scheduled tribes excluding the administration of criminal justice).

Constitutional bodies to monitor safeguards

The National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST) are constitutional bodies to monitor the safeguards provided to the scheduled castes and the scheduled tribes.

National Commission for Scheduled Castes

The NCSC is established under Article 338 of the Constitution. Article 338(5) lays down the duties of the commission, which

The 'harsh' and 'draconian' Act and Rules has just a single digit or low double digit conviction rate in all but four states.

have a bearing on prevention of atrocities against the scheduled castes:

- (a) To investigate and monitor all matters relating to the safeguards provided for the scheduled castes under the Constitution of India or under any other law for the time being in force or under any order of the government and to evaluate the working of such safeguards;
- (b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the scheduled castes;

The NCSC has an Atrocities and Protection of Civil Rights Wing, which deals with cases relating to Scheduled Castes under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Protection of Civil Rights Act, 1955, either on receipt of complaints from individuals or information from other sources (including the media). Evaluation studies/surveys on these subjects are also conducted by this Wing.

The National Commission for Scheduled Castes (NCSC), the National Commission for Scheduled Tribes (NCST), the inter-ministerial Committee for Effective Coordination, and the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes are bodies to monitor the safeguards provided to the scheduled castes and the scheduled tribes.

National Commission for Scheduled Tribes

The NCST is established under Article 338–A of the Constitution of India. Article 338–A(5) lays down certain duties of the commission, which have a bearing on prevention of atrocities against the scheduled tribes:

- (a) to investigate and monitor all matters relating to the safeguards provided for the scheduled tribes under the Constitution of India or under any other law for the time being in force or under any order of the government and to evaluate the working of such safeguards;
- (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the scheduled tribes;

On receiving information about an incident of atrocity against a person belonging to a scheduled tribe, the commission gets in touch with the law enforcing and administrative machinery of the concerned state and the district to ascertain the details of incident and the action taken by the district administration.

The commission has six regional offices at Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi, and Shillong with specified jurisdiction to cover states and union territories.

Committee for effective coordination

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in its fourth report recommended that the Ministry of Social Justice and Empowerment, Ministry

of Home Affairs, National Commission for Scheduled Castes, and National Commission for Scheduled Tribes should meet regularly to devise ways and means to curb offences and ensure effective administration of the Act.

In pursuance of this recommendation, a committee for effective coordination to devise ways and means to curb offences of untouchability and atrocities against the scheduled castes and the scheduled tribes and effective implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 with the union minister for social justice and empowerment as the chairperson, was set up in March 2006.

The present composition of the committee is Minister for Social Justice and Empowerment (Chairperson), Minister of Tribal Affairs (Co–Chairperson), Minister for State for Social Justice and Empowerment and Minister for State for Tribal affairs (Special invitees); Secretaries from the Ministry of Social Justice and Empowerment, Ministry of Home Affairs, Department of Justice, Ministry of Law and Justice, Ministry of Tribal Affairs, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, Joint Secretary, Ministry of Home Affairs (In charge of National Crime Records Bureau), two non–official representatives from amongst the scheduled castes, one non–official representative from amongst the scheduled tribes (Members), and the Joint Secretary (SCD), Ministry of Social Justice and Empowerment (Member– Secretary). The committee has met 25 times from inception till end 2021.

To ensure the rights of victims and witnesses, stage by stage monitoring duties have been assigned in the Act to various levels of police, administration, legal services, judiciary, and finally right up to the chief minister and the union minister.

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes consists of 30 members – 20 from the Lok Sabha and 10 from the Rajya Sabha – elected from amongst those in the respective houses of parliament. They have a term of one year. They can consider the reports, report on the action taken or to be taken, and examine any other matters it may deem fit or are referred to it by the house or speaker.

Centrally sponsored schemes

The union government provides assistance to the respective state governments and union territory administrations for effective implementation of the Protection of Civil Rights Act, 1955 and

the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 mainly for following purposes:

- (a) Functioning and strengthening of the scheduled castes and the scheduled tribes protection cell and special police stations.
- (b) Setting up and functioning of exclusive special courts.
- (c) Relief and rehabilitation of atrocity victims.
- (d) Incentive for inter-caste marriages, where one of the spouses is a member of scheduled caste.
- (e) Awareness generation.

The funding pattern of the scheme is such that, over and above the committed liability of respective state governments, the expenditure is shared between the union and the states on a 50:50 basis, and the union territory administrations receive 100% central assistance. Central assistance of ₹610.11 crores was granted to 23 states, 5 union territories and the National Helpline Against Atrocities (NHAA) during 2021–22.

The official report u/s 21(4) falls short due to several acts of omission and commission, from the incomplete data to deliberate distortions in the analysis.

National helpline against atrocities

The Department of Social Justice and Empowerment has taken an initiative of launching the NHAA to ensure proper implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is a toll-free number 14566 across the country.

The objective is to build informed awareness about the provisions of the law that are aimed at ending discrimination and provide protection. It is an initiative for grievance redressal and real time monitoring of registered grievances.

At present, nine states and union territories have established call centres and their integration with the central call centre is in progress. The department is coordinating with the other states to set up call centres.

Key features of the Act

POA is a special legislation enacted with the following major purposes:

- Definition of atrocities.
- Prevention of atrocities against the scheduled communities.
- Constitution of special courts for trial of such offences.
- Providing relief and rehabilitation of victims of such atrocities.

The presumption of offences and the rights of victims provided under POA makes it distinct from the general criminal law framework. This Act has a distinct purpose. Hence, the provisions of POA should be maximally utilised for progressive achievement of the purpose. Any attempt to dilute the distinctness of POA must be prevented. Unfortunately, the non-victim friendly and caste-ridden Indian criminal justice system functions in such a way that weakens this distinctness of the Act.

In this guide book you will learn:

- When the Act can be invoked.
- The provisions that make it the Act special.
- Why the Act should be invoked for all crimes against the scheduled communities.

When it can be invoked

This Act can be invoked only if three conditions are fulfilled:

- (a) The action must be listed as an atrocity in Section 3 of the Act and,
- (b) The perpetrator must be from a non-scheduled community and,
- (c) The victim must be from a scheduled community (scheduled caste or scheduled tribe).

All three conditions must be fulfilled for a case to be registered under this Act. Even if the crime is mentioned in section 3 but is committed by persons from the scheduled castes or tribes on each other (including crimes by scheduled castes on scheduled tribes and vice versa), they will only be registered under IPC and not under this Act.

Definition of crimes

Unless an action (or inaction) is classified as a crime, it is not a crime. If it is not defined as a crime in Section 3 of this Act, then it is not an atrocity – though it may still be a crime recognised in other statutes and can be punished under the Indian Penal Code, IPC.

The provisions of this Act – punishment, relief, and rehabilitation – are in addition to the punishment, relief, and rehabilitation under any other legislation [Rule 12(5)].

As the Parliamentary Committee on the Welfare of the Scheduled Castes and the Scheduled Tribes put it (4th Report 2004–05, para 1.1), in addition to being a ‘crime’ – which is an act punishable by law by invoking just the IPC – atrocities are shockingly cruel and inhumane.

This Act, for the first time, defined certain offences committed against the scheduled communities as caste based hate crimes. Until 1989, many of the crimes were not punishable because they were not classified as crimes, and therefore the quantum of punishment was not linked to it. A new category of offences were included through the Amendment Act, 2015, after a push from the civil society groups in the preceding years.

Additional punishment and relief

The provisions of this Act – punishment, relief, and rehabilitation – are *in addition to* the punishment, relief, and rehabilitation under any other legislation [Rule 12(5)]. So a survivor–family of an atrocity (say death due to manual scavenging) can get instant monetary relief from Dr Ambedkar National Relief (₹500,000), relief, reimbursements, and rehabilitation under Rule 12(4) Schedule Annexure I of the Act (₹825,000; monthly pension of ₹5000+applicable dearness allowance, a government job, a house, and all–expense paid residential education up to graduation for children), *and* the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (PEMSRA) (₹30 lakhs, \$37,500). The bail conditions and punishment will also be stricter. Similarly for children under POCSO, where the survivors get the benefit of trial under POSCO which is more child friendly, the compensation under POCSO (up to ₹500,000), and the relief, reimbursements, and rehabilitation under the Act.

Who can file a complaint

Any ‘informant’ can provide information to any police station [Rule 5(1)]. It is not necessary that the informant be the victim or an eyewitness. The victims, informants, or witnesses can also make a complaint to the investigating officer against any kind of intimidation, coercion or inducement or violence or threats of violence. The investigating officer shall register an FIR on the basis of this information [Section 18A]and take necessary action [Section 15A(9)]. An application against harassment can also be made by the victims before the special court which shall take immediate action and pass appropriate orders.

The Act provides for mandatory registration of FIR. There is no requirement for a preliminary inquiry before registering the FIR according to Section 18A. It is the responsibility of the SP to ensure that the FIR is registered [Rule 12(2)] after a spot investigation.

Registration of FIR

The Act provides for mandatory registration of FIR. There is no requirement for a preliminary inquiry before registering the FIR according to Section 18A. It is the responsibility of the SP to ensure that the FIR is registered [Rule 12(2)] after a spot investigation.

The Act and Rules are very precise about who should do the investigation, the sequence, and the procedure at every stage. On receiving information, a (zero) FIR should be registered, the DSP or SDM should go to the spot for an inquiry to verify whether the incident comes under this Act [Rule 6(1)], and if so will inform the SP. On intimation from the DSP or SDM, the SP and the DM will then visit the spot for an inspection [Rule 12(1)], confirm the incident and ensure that the FIR is registered [Rule 12(2)].

No anticipatory bail

Section 438 of CrPC which provides for anticipatory bail is not applicable to atrocity cases committed under the Act [Section 18]. The accused can avail the benefit of section 438 of CrPC only if a prima facie case is not made out under the Act.

Time bound investigation

The Act provides for quality and speedy investigation. The Investigating Officer (IO) must complete the investigation on top priority and the officer-in-charge of the concerned police station shall file the charge sheet within 60 days from the date of filing of FIR [Rule 7(2)]. Any delay in investigation or filing of charge-sheet must be explained in writing by the IO [Rule 7(2A)].

Since 50% of the relief is dependent on the charge-sheet being filed, this is an important deadline.

The survivors, their dependents, accompaniers, witnesses, are entitled to daily travel and maintenance expenses during the investigation from the place of their residence even if they move to another place of residence after the atrocity. It is the right of the victims, dependents, informants, and witnesses and the duty of the special court to provide them protection, relief, rehabilitation, and relocation [Section 15A(6)(d)].

Time bound trial and appeals

Once the charge-sheet is filed, the trial should be conducted on a day-to-day basis and completed within two months [Section 14(3)]. Appeals must be filed within 90 days (or 180 days

It is the right of the victims, dependents, informants, and witnesses and the duty of the special court to provide them protection, relief, rehabilitation, and relocation [Section 15A(6)(d)].

in exceptional circumstances, with the permission of the High Court), and be disposed off in three months.

So the maximum time for judgement at the High Court would be nine months. From information to FIR to judgement, all cases should be completed within 11 months.

This has additional bearing on the payment of relief. Relief is paid in stages, depending on the progress of the case. For most of the offences, payment of the final 25% of the relief depends on the outcome of the judgement.

Precise, timely reporting

The Act does not just say ‘the district collector will send a monthly report’. It is much more specific: ‘on or before the 20th of the month...’

Statutory recording and reporting in this Act is of two types. The first is the immediate horizontal reporting of the status of a case at every stage from information [Rule 5] to inquiry [Rule 6] to inspection [Rule 12(1)], investigation [Rule 7], and trial [Section 14]. These reports are sent by the police to the district magistrate [Rule 6(2)], and by the district magistrate to the judge of the special court [Rule 12(7)]. They are done immediately at each stage of compliance or delay in compliance (for instance a Rule 7(2A) report must be submitted in writing to the superintendent of police by the investigating officer when an investigation has not been completed in 60 days).

Investigations should be completed and the charge-sheet filed within 60 days of filing the FIR [Rule 7(2)], if not a written explanation should be given [Rule 7(2A)]. The trial should be conducted on a daily basis. If there is an adjournment beyond the next day, the reason should be given in writing [Section 14(3)].

The second is periodic vertical reporting. The district magistrate sends the periodic monthly reports to the scheduled castes and the scheduled tribes protection cell and the director of prosecutions on or before the 20th of every month [Rule 4(4)]. These reports have the status of each case, what has been done, and what will be done in the next month in each district with respect to immediate relief, instant monetary relief, relief, socioeconomic rehabilitation, allowances, investigation, trial, appeal, and parole.

The scheduled castes and the scheduled tribes protection cell consolidates all the district reports and sends the consolidated report to the state nodal officer on or before the 20th of every

Investigations should be completed and charge-sheet filed within 60 days of filing the FIR [Rule 7(2)], if not a written explanation should be given [Rule 7(2A)].

month [Rule 8(1)(xi)]. The nodal officer, the director of prosecutions, and the head of the scheduled castes and the scheduled tribes protection cell review these reports every quarter. The district and subdivisional vigilance and monitoring committees also review their respective reports every quarter.

The nodal officer consolidates them for review at the state level high power vigilance and monitoring committee (SVMC) meeting, chaired by the chief minister every January and July [Rule 16(2)].

The reports are consolidated into the State Annual Report and sent to the union Ministry of Social Justice and Empowerment (MoSJ&E) on or before 31 March every year [Rule 18].

The union Ministry of Social Justice and Empowerment tables a report on the measures taken by the union government and by the state governments (by consolidating the annual reports of all the states) for the effective implementation of this Act in both houses of parliament every year [Section 21(4)].

Precise vigilance and monitoring mechanisms

This provides for several monitoring mechanisms at the state, district, and subdivisional levels such as SVMC, DVMC, SdVMC, and the scheduled castes and the scheduled tribes protection cell. There are specific officials such as the state nodal officer, special officer, exclusive special public prosecutors, with specific duties and functions assigned to them under the Act.

The vigilance and monitoring committee meetings are an essential part of ensuring compliance. Each has its own role. The SVMC meetings are in January and July to be conducted before the assembly sessions. The SVMC demonstrates the personal commitment of the chief minister and the top administrative and executive echelons of the state. The DVMC demonstrates the same at the district level with more attention to execution and performance of officials. The DVMC and SdVMC meetings are to be once in three months, so that the socioeconomic rehabilitation is done on time. The SdVMCs – with its composition of all the scheduled castes and the scheduled tribes elected representatives in local self-government (panchayat raj), MLAs, and MPs in the jurisdiction – are uniquely positioned to follow up protection and rehabilitation at the individual and household levels.

The performance review of the special public prosecutors and the exclusive special public prosecutors are to be conducted by

This provides for several monitoring mechanisms at the state, district, and sub-divisional levels such as SVMC, DVMC, SdVMC, and the Scheduled Castes and the Scheduled Tribes Protection Cell.

the district magistrate and director of prosecutions at least twice a year in January and July [Rule 4(2)].

Instant monetary relief

Instant monetary relief is provided to the victims of heinous offences of atrocities (murder, rape, arson, complete and permanent disability) under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the 'Dr Ambedkar National Relief to the Scheduled Castes and Scheduled Tribes Victims of Atrocities Scheme'. This relief could be up to ₹5.00 lakhs and is in addition to any other relief or compensation. This scheme was merged with the centrally sponsored schemes from 1 April 2023.

TAME, relief, and socioeconomic rehabilitation

The Act provides relief for the victims of atrocities at different stages in the criminal justice process. It is the responsibility of the district magistrate / subdivisional magistrate / executive magistrate to provide relief in cash or in kind within seven days from the date of atrocity.

For certain offences such as murder, death, massacre, rape, gang rape, permanent incapacitation and dacoity, the victims are also entitled to pension (₹5000 + applicable DA), house and agricultural land, government employment (within three months), complete all expenses paid residential educational for children up to graduation, provision of utensils, rice etc. for a period of three months, construction of brick or stone masonry house (within three months).

In addition to relief, the victims, dependants, and attendants are entitled to diet expenses, travelling allowances, maintenance expenses (TAME), during investigation, inquiry, and trial. Maintenance expense should be at least the daily minimum wage for rural agricultural workers, and is paid to both victims and attendants. Every child, women, senior citizen, or person with disability is entitled to an attender who is also entitled to diet expenses, travelling allowances, and maintenance expenses.

The relief is given by the government (between the state and union governments), which may or may not recover it from the perpetrators. The delinking is to ensure that the survivors are given relief and socioeconomic rehabilitation immediately, so that they can rebuild their life without waiting for the amount to be recovered from the perpetrators, who would litigate it up to

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the highest courts, making for decades of delays in addition to the decades of delays in the lower courts.

Arming scheduled communities

As an unparalleled measure to prevent atrocities against the scheduled communities, Rule 3(iv) obligates the state government to ‘seize all illegal firearms and prohibit any illegal manufacture of firearms’. Rule 3(v) goes a step ahead and allows the state government to ‘provide arms license to the members of scheduled castes and the scheduled tribes’ to ensure their safety.

Extermment of offenders

To prevent atrocities against the scheduled communities, the Act provides for externment of potential offenders. The special court may order a person who is likely to commit an atrocity in the scheduled areas or tribal areas or in atrocity prone areas to remove himself beyond the limits of such area and not to return for a certain period not exceeding three years as may be specified in the order [Sections 10 and 11]. The court passes the order based on a complaint from the aggrieved parties (victims, witnesses, or their dependents) or the police (normally the deputy superintendent of police, DSP).

Duty of the state to protect witnesses

The Act provides for a strong victim and witness protection mechanism compared to the general Indian criminal law framework. Chapter IVA, Section 15A, inserted via the Amendment Act 2016, provides for the rights of victims and witnesses. If any of these are not done, then the officials concerned can be prosecuted for dereliction of duty under Section 4 [specifically Section 4(2)(g)] of the Act.

It is the duty of the state government to provide protection to the victims, informants, witnesses, and their dependents, against any kind of intimidation, coercion, inducement, or violence or threats of violence [Section 15A(1)]. The state should inform the concerned special court about the protection so provided, and the court should periodically review the protection being offered and pass appropriate orders [Section 15A(7)].

Since it is the duty and responsibility of the state to make arrangements for protection, any victim or witness turning hostile shall immediately result in a case under Section 4(2)(g) against the investigating officer specifically and all officers concerned with the case for not providing protection under

Since it is the duty and responsibility of the state to make arrangements for protection, any victim or witness turning hostile shall immediately result in a case under Section 4(2)(g) against the investigating officer specifically and all officers concerned with the case for not providing protection under Section 15A(6)(a).

Section 15A(6)(a). *So, it is important that the victims, witnesses, informants, and their dependents immediately file for protection under Section 15A(6)(a) along with filing the FIR.*

All proceedings relating to offences under this Act shall be video recorded [Section 15A(10)]. The duties of the state to ensure implementation of the rights and entitlements of victims and witnesses in accessing justice [Section 15A(11)] are elaborated in the contingency plan (CP) drawn up as per the Rule 15(1).

Direct responsibility of highest political, civil, legal, and police officials

It is the duty of the state government to ensure effective implementation of POA [Sections 21 and 15A]. This Act makes it explicit that the well-being of the scheduled communities is the responsibility of the highest political, civil, legal, and police officials at all levels.

At the state level, it through the SVMC includes the chief minister, ministers of home, finance, social welfare (Adi Dravidar and tribal welfare in Tamil Nadu), all elected members of parliament and state legislative assembly/council belonging to the scheduled communities, chief secretary, home secretary, principal secretary social welfare, director/deputy director of NCSC / NCST, director of public prosecutions, director general of police, and the head of the scheduled castes and the scheduled tribes protection cell.

At the district level, it similarly has the highest district level officials (district magistrate, superintendent of police, in charge of prosecutions). The district magistrate plays a very important role in preventing atrocities against the scheduled communities, bringing the perpetrators to justice, providing relief to the victims and supervising the officials involved in the implementation of the Act.

When an atrocity takes place, both the district magistrate (the highest civilian authority in the district) *and* the superintendent of police (the highest police official in the district) must conduct a spot inspection [Rule 12(1)] within 24 hours (Tamil Nadu Model Contingency Plan, TNCP), provide relief and protection, and the SP must ensure that the FIR is filed [Rule 12(2)]. The judge of the special court is sent a report of their findings and actions after their spot inspection [Rule 12(7)].

The district magistrate plays a very important role in preventing atrocities against the scheduled communities, bringing the perpetrators to justice, providing relief to the victims and supervising the officials involved in the implementation of the Act.

Appointment of officials with the right aptitude only

Apart from the informant, all the processes in this Act are done by the state officials. Therefore the officials tasked to implement this Act are critical to its success. The success of prevention, the timeliness of response, the convictions, and the accountability are solely due to senior (sometimes the seniormost) officials in the police, administration, and judiciary.

The state government is obliged to ensure that:

- (a) officers having '*right aptitude and understanding of the problem of the Scheduled Castes and the Scheduled Tribes*' are appointed in areas prone to atrocity [Rule 13(1)] and
- (b) *members from SCs and STs are adequately represented in the administrative and in the police force at all levels, particularly at the level of police posts and police station* [Rule 13(2)].

The investigating officer should be appointed taking into account his past experience, sense of ability and justice to perceive the implications of the case, and investigate it along with right lines within the shortest possible time [Rule 7(1)].

Rights of victims and witnesses

This is the first Act in India to explicitly spell out the rights of victims, informants, witnesses, and their dependents. The highlights of rights as enumerated in Chapter IVA, Section 15A are:

- *Dignity*: 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 [Section 15A(2)].
- *Information*: Reasonable, accurate, and timely notice in advance about the dates and place of investigation and of any court proceeding including any bail proceeding [Section 15A(3)], and about their rights, relief, and rehabilitation schemes.
- Apply to the Special Court to *summon parties* for production of any documents or material, witnesses or examine the persons present [Section 15A(4)].
- *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 [Section 15A(5)].

Apart from the initial FIR, complaints of victims, informants, or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, must be recorded by the investigating officer or the station house officer, and a photocopy shall be immediately given to them free of cost [Section 15A(9)].

- *All complaints to be recorded:* Apart from the initial FIR, complaints of victims, informants, or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, must be recorded by the investigating officer or the station house officer, and a photocopy shall be immediately given to them free of cost [Section 15A(9)].
- *Advocate of choice* [Rule 4(5)] who will be paid by the state at a rate higher than the state panel of special public prosecutors.
- *Right to protection, reimbursement of expenses, relocation, and rehabilitation* [Section 15A(6)]. In addition, they are entitled to *relief and restoration of services* [Rule 12(4) Schedule Annexure I]. Reimbursement of expenses is detailed in Rule 11 and socioeconomic rehabilitation is detailed in Rule 12(4) Schedule Annexure I.

Consistent with the right to privacy, 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 [Section 15A(8)(a)] and [Section 15A(8)(b)].

The special court or the exclusive special court should provide to the victims, dependents, informants, and witnesses the following [Section 15A(6)]:

- (a) Complete protection to secure the ends of justice;
- (b) Travelling and maintenance expenses during investigation, inquiry, and trial;
- (c) Socioeconomic rehabilitation during investigation, inquiry, and trial; and
- (d) Relocation.

In practice, it would be the special officer or the investigation officer, but the special court must still monitor that these rights are fulfilled since the special court comes into the picture right from the time the FIR is filed when they get the report of the district magistrate under Rule 12(7).

Consistent with the right to privacy, 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 [Section 15A(8)(a) and Section 15A(8)(b)].

In addition to immediate relief, maintenance, and protection, the state must also provide victims, witnesses, informants, and their dependants (and in some cases associated organisations or individuals too):

- Information about their rights at the time of making complaints and registering the FIR [Section 15A(11)(g)].

- Protection from intimidation and harassment [Section 15A(11)(h)].
- Information on the status of investigation and charge sheet and a copy of the charge sheet free of cost [Section 15A(11)(i)].
- Necessary precautions at the time of medical examination [Section 15A(11)(j)].
- Information regarding the relief amount [Section 15A(11)(k)].
- Information in advance about the dates and place of investigation and trial [Section 15A(11)(l)].
- Adequate briefing on the case and preparation for trial and to provide the legal aid for the said purpose [Section 15A(11)(m)].
- Execute their rights at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights [Section 15A(11)(n)].

Victims and their dependents have a right to take assistance from the non government organisations, social workers or advocates at all stages of the case [Section 15A(12)].

If any of these are not done, then the officials concerned can be prosecuted for dereliction of duty under Section 4 of the Act [Specifically under Section 4(2)(g)].

Victims and their dependents have a right to take assistance from the non government organisations, social workers or advocates at all stages of the case [Section 15A(12)].

Formal role for civil society organisations

The Act had a formal role for civil society organisations right from the beginning, in spreading awareness about the Act [Rule 3(ix)] and in monitoring at the district level, by being mandatory members of the DVMC [Rule 17(2)]. In the Amendment Act 2015, this was enlarged to include the right of the survivors to get the assistance of NGOs, social workers, or advocates [Section 15A (12)].

The expansion of the role of NGOs encompasses all the stages of the investigation and trial, and the right to be informed of the progress of the case, and relief provided. The state must also promote and assist the NGO in executing its rights [Section 15A(11)(n)].

It is the duty of the state to provide associated organisations (NGOs) or associated individuals (DAHRS):

- Status of investigation and charge sheet and to provide a copy of the charge sheet free of cost [Section 15A(11)(i)].

- Information regarding the relief amount [Section 15A(11)(k)].
- Information in advance about the dates and place of investigation and trial [Section 15A(11)(l)].
- Adequate briefing on the case and preparation for trial and to provide the legal aid for the said purpose [Section 15A(11)(m)].
- Execute the rights at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights [Section 15A(11)(n)].

Convergence, anchored by social justice

The Act brings together functionally and administratively all three branches of the government – the executive, judiciary, and the civil service. Normally, each is semi-autonomous. Given the gravity of the atrocities, this Act has a nodal officer of principal secretary rank from the scheduled communities, to coordinate the implementation. All reports – from the police to the directorate of prosecutions and finance – are to this nodal officer. This is the bureaucratic equivalent to heading an empowered group of ministers (EGOM).

The Act defines and responds to atrocities (and their prevention) through a whole of society approach, much beyond a ‘law and order’ or even a bureaucratic or whole of government approach. It is an acknowledgement that atrocities are rooted in the caste system of society, and that it is from there that its causes must be rooted out. The Act therefore, is restricted to preventing atrocities and to institutional response post atrocity.

Lapses by the senior government officials – many from the IAS and IPS cadres – have permanent, irrevocable, adverse, multi-generational consequences for the scheduled communities.



3 MANDATORY MINIMUM STATE RESPONSE

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The objective of providing relief, allowances, and socioeconomic rehabilitation is to ensure that the victims of atrocities and their families are provided with full financial and other support to become permanently economically self-reliant without their having to seek wage employment from their very oppressors and classes of oppressors.

– P.S. Krishnan

In this guide book you will find:

- The minimum relief amount for each crime.
- The stage of the case in which the minimum relief is released, and how much.
- Other relief and socioeconomic rehabilitation, and how to access it.
- Officials responsible to sanction relief and socioeconomic rehabilitation.

In India, victims are entitled to restitution, reparations, and compensation for loss or injury suffered by them under Article 21 of the Indian Constitution which guarantees fundamental right to life and liberty.

One of the objectives of the Act is to provide relief and rehabilitation for victims and survivors from the scheduled communities. Accordingly, the Act guarantees relief for the injury suffered and reimburses the expenses incurred during the investigation, inquiry, and trial. Victims should ensure that the case is registered under the Act so that they can avail of these special protections, relief, and socioeconomic rehabilitation. All relief and socioeconomic rehabilitation provided for in this Act and Rules are the minimum, and in addition to, relief and rehabilitation provided under any other Act or scheme [Rule 12(5)].

All relief and socioeconomic rehabilitation provided for in this Act and Rules are the minimum, and in addition to, relief and rehabilitation provided under any other Act or scheme [Rule 12(5)].

Relief

The norms for minimum relief and socioeconomic rehabilitation is given in Rule 12(4) Schedule, Annexure I read with Annexure II. It has the total amount, the stages, and how much at each stage.

Relief is given to the survivors and dependents as the case moves through different stages as detailed in the pullout. This is in addition to other relief and rehabilitation measures. Not all cases pass through all the stages (most notably stage 2). Stage 4 and 5 are at the end of the trial, though with different outcomes.

- Stage 1 : When the first information report (FIR) is filed.
- Stage 2 : After the confirmatory medical report or post mortem report.
- Stage 3 : When the Police Final Report, the ‘charge-sheet’ in popular parlance, is sent to court.
- Stage 4 : On conclusion of trial, whether there is a conviction or not (mainly for crimes of a sexual nature against women [Section 3(2)(va)]).
- Stage 5 : On conviction by the lower court.

The relief amount is shared equally by the union and state governments. The Government of Tamil Nadu gives an additional amount as ex-gratia since 24 November 2021.

It is the duty of the state government to always provide protection to the scheduled community to prevent atrocities, and to restore the rights and services in case of an atrocity.

The socioeconomic rehabilitation in cases of murder, rape, arson, dacoity, and permanent incapacitation is in addition to relief amounts paid, and should be arranged within three months of date of atrocity, independent of the progress of the case.

Socioeconomic rehabilitation

The socioeconomic rehabilitation in cases of murder, rape, arson, dacoity, and permanent incapacitation is *in addition to relief amounts paid* and should be arranged within three months of date of atrocity. Socioeconomic rehabilitation is independent of the progress of the case.

It includes *all* of the following:

- (a) Basic Pension of ₹5,000 per month with admissible dearness allowance as applicable to a government servant of the concerned state government or union territory administration, to the widow or other dependents of deceased persons belonging to a scheduled caste or a scheduled tribe.
- (b) Employment to one member of the family of the deceased.
- (c) Provision of agricultural land, if necessary by outright purchase.
- (d) Provision of house, if necessary by outright purchase.
- (e) Full cost of residential education up to graduation level and maintenance of the children of the victims, fully funded by the government.
- (f) Provision of utensils, rice, wheat, dals, pulses, etc., for a period of three months.

Mandatory restoration of rights and services

It is mandatory for the government to restore assets, services, rights – including rights of passage and access – and the environment to be habitable so that a life with dignity is possible.

Mandatory restoration of rights and services		
Sections	Offence	Mandatory actions by the government
3(1)(f)	Wrongful occupation or cultivation of land.	The land or premises or water supply or irrigation facility shall be restored where necessary at government cost by the concerned state government or union territory administration.
3(1)(g)	Wrongful dispossession of land or premises or interfering with the rights, including forest rights.	
3(1)(p)	Instituting false, malicious or vexatious legal proceedings.	Either the amount specified here (₹85,000) or the actual legal expenses and damages, whichever is lesser, should be paid/reimbursed.
3(1)(q)	Giving false and frivolous information to a public servant.	
3(2)(v)	Voluntarily causing grievous hurt by use of acid, etc., [Section 326A of the Indian Penal Code (45 of 1860)].	The state government or union territory administration shall take full responsibility for the treatment of the victim of acid attack.
3(2)(va)	Voluntarily throwing or attempting to throw acid. [Section 326B of the Indian Penal Code (45 of 1860)].	
3(1)(x)	Fouling or corrupting of water.	Full cost of restoration of normal facility, including cleaning when the water is fouled, to be borne by the concerned State government or union territory administration. In addition, an amount of ₹8,25,000 shall be deposited with the District Magistrate for creating community assets of the nature to be decided by the district authority in consultation with the local body.
3(1)(y)	Denial of customary right of passage to a place of public resort or obstruction from using or accessing public resort.	Cost of restoration of right of passage by the concerned state government or union territory administration.
3(1)(z)	Forcing or causing to leave house, village, or place of residence.	Restoration of the site or right to stay in house, village or other place of residence by the concerned state government or union territory administration. Reconstruction of the house at government cost, if destroyed.
3(1)(za)(A)	Obstructing or preventing a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage.	Restoration of the right by the concerned state government or union territory administration.

Mandatory restoration of rights and services		
Sections	Offence	Mandatory actions by the government
3(1) (za)(B)	Obstructing or preventing a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to mounting or riding bicycles or motorcycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions.	Restoration of the right by the concerned state government or union territory administration.
3(1) (za)(C)	Obstructing or preventing a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including jatras.	Restoration of the right by the concerned state government or union territory administration.
3(1) (za)(D)	Obstructing or preventing a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public.	Restoration of the right by the concerned state government or union territory administration.
3(1) (za)(E)	Obstructing or preventing a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to practising any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to.	Restoration of the right by the concerned state government/union territory administration.
3(1)(zb)	Causing physical harm or mental agony on the allegation of being a witch or practising witchcraft.	Commensurate with the indignity, insult, injury, and defamation suffered by the victim.
3(1)(zc)	Imposing or threatening a social or economic boycott.	Restoration of provision of all economic and social services equally with other persons, by the concerned state government or union territory administration.
	Additional relief to victims of murder, death, massacre, rape, gang rape, permanent incapacitation, and dacoity.	In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows: (a) Basic Pension to the widow or other dependents of deceased persons belonging to a Scheduled Caste or a Scheduled Tribe amounting to five thousand rupees per month, as applicable to a government servant of the concerned state government

Mandatory restoration of rights and services		
Sections	Offence	Mandatory actions by the government
		<p>or union territory administration, with admissible dearness allowance and employment to one member of the family of the deceased, and provision of agricultural land, and house, if necessary by outright purchase;</p> <p>(b) Full cost of the education up to graduation level and maintenance of the children of the victims. Children may be admitted to Ashram schools or residential schools, fully funded by the government;</p> <p>(c) Provision of utensils, rice, wheat, dals, pulses, etc., for a period of three months.</p>
	Complete destruction or burnt houses.	Brick or stone masonry house to be constructed or provided at government cost where it has been burnt or destroyed.

Dr Ambedkar National Relief

'Dr Ambedkar National Relief to The Scheduled Castes and Scheduled Tribe Victims of Atrocities Scheme' (revised scheme February 2020) provides instant monetary relief to the victims of heinous offences (murder, rape, arson, complete and permanent disability) under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in addition to the amount granted by the state government.

The proposal for financial assistance to the victims of atrocities must be prepared by the state or union territory government or the district administration for the cases falling under the categories of atrocities identified under the scheme in the prescribed format and forward it to the union Ministry of Social Justice and Empowerment for its consideration under the sponsored schemes.

The eligibility criteria are the following:

- Victim should belong to a scheduled caste or scheduled tribe.
- Has suffered atrocities committed by other communities on the grounds of caste, community or identity in the society.
- The atrocity should be murder, rape, arson, or permanent disability.
- Rates of relief will be as indicated in the the Act and Rules as amended from time to time.

This additional relief could be up to ₹5.00 lakhs.

Scale of relief amount

1. Murder/ Death
 - 1.1 Earning member of a family – ₹5.00 lakhs.
 - 1.2 Non-earning member of family – ₹2.00 lakhs.
2. Rape – ₹2.00 lakhs.
3. Arson leading to complete homelessness – ₹3.00 lakhs.
4. Disability (complete and permanent disability leading to loss of earning capacity).
 - 4.1 Earning member of a family – ₹3.00 lakhs.
 - 4.2 Non-earning member of a family – ₹1.50 lakhs.

By notification DAF/1/2023-ADMIN-DAF EO-64933 of Dr Ambedkar Foundation, Ministry of Social Justice & Empowerment dated 13 January 2023, the Dr. Ambedkar Scheme for Social Integration through Inter-Caste Marriages and the Dr Ambedkar National Relief to the Scheduled Castes And Scheduled Tribes Victims of Atrocities Schemes were merged with the Centrally Sponsored Scheme for Implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 respectively run by Ministry of Social Justice and Empowerment with effect from 01 April 2023.

'Dr Ambedkar National Relief to The Scheduled Castes and Scheduled Tribe Victims of Atrocities Scheme' which provides instant monetary relief to the victims of heinous offences (murder, rape, arson, complete and permanent disability) under the Act, 1989 in addition to the amount granted by the state government, has been quietly withdrawn by the union government by 'merging' it with the centrally sponsored schemes.

In the 'merger' process, DANF has been silently eliminated, as can be seen in the attached documents. DAHRDs could hold the respective state governments accountable for not applying for the scheme when it was in force.

From 01 April 2023 the application would be through the procedures of the social welfare department of the respective state government or union territory administration for the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 Scheme being run by the union government, state government, or union territory administration.


(REVISED as on February, 2020)**DR. AMBEDKAR NATIONAL RELIEF TO THE SCHEDULED CASTES
/SCHEDULED TRIBES VICTIMS OF ATROCITIES SCHEME**Revised Scheme (Year – 2020)**I. INTRODUCTION:**

Babasaheb Dr. B. R. Ambedkar was a great national leader of twentieth century. He was an intellectual, scholar, statesman and contributed greatly in the nation building. He led a number of movements to emancipate the downtrodden masses and to secure human rights to millions of depressed classes. He has left an indelible imprint through his immense contribution in framing the Constitution of India. He stands as a symbol of struggle for achieving Social Justice.

2. The main objectives of the Dr. Ambedkar Foundation, inter-alia, include implementation of programmes and activities for furthering the ideology and message of Babasaheb Dr. B. R. Ambedkar among the masses in India as well as abroad. The Foundation has been entrusted with the responsibility of managing, administering and carrying on the important and long term schemes and programmes identified during the Centenary Celebrations of Bharat Ratna Dr. B. R. Ambedkar. Dr. Ambedkar was extremely concerned with the plight of the Scheduled Castes (SCs) / Scheduled Tribes (STs) and the untouchability practiced and atrocities committed against them. He advocated for their social, economic and political empowerment.

3. The incidents of atrocities still continue to be committed against the members of scheduled castes despite the enactment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA Act) which seeks to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto. At present under the Centrally Sponsored Scheme for implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA Act), 50% of the total expenditure over and above the committed liability is provided to the State Governments by way of central assistance and the Union Territories get 100% central assistance. The central assistance is mainly provided to support measures undertaken by them for effective implementation of the Acts which include providing relief and rehabilitation to the victims/dependents of atrocities, etc. as prescribed under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (POA Rules). However, the relief is available to the victims through the State Governments/UT Administrations.

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03/11/2020
(D.P. Mahajan)
Dir. DAF

4. The Ministry of Social Justice & Empowerment cannot provide relief and rehabilitation to the victims direct even in respect of heinous crimes committed against SCs like, arson, rape, murder, etc. and hence in that respect Central Government feels slightly handicapped. Therefore, a need has been felt to provide instant monetary relief to the victims of relatively serious offences of atrocities under the POA Act in the nature of contingency arrangement and that the relief amount be directly provided to the victims by the Central Government through the Foundation. Therefore, a suitable Scheme for financial assistance to the SC victims of atrocities by the Foundation would be a befitting tribute to this illustrious Son of India.

II. THE SCHEME:

5. The Scheme would be known as 'Dr. Ambedkar National Relief to the SC/ST Victims of Atrocities Scheme'. This Scheme would be in the nature of contingency arrangement to provide instant monetary relief to the victims of heinous offences of atrocities under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6. The State / UT Government or the District Administration may, in the cases falling under the categories of atrocities identified under the scheme, prepare proposal for financial assistance to the SC/ ST Victim(s) of Atrocities, in the Prescribed Format (Annexure-II), and forwarded to the Foundation for its consideration. The Foundation may also take suo-motto cognizance of any case of atrocity and depute an officer(s) for visiting the place of atrocity for taking necessary action under the scheme.

7. The relief amount up to Rs. 5.00 lakh would be paid to each victim, with the approval of the Chairperson of the Foundation. **The amount of relief will be in addition to the relief grant/ amount being given by the respective State Governments**. This Scheme is meant for providing financial assistance to SC victims of atrocities or their family members or dependents in order to compensate them financially. This Scheme is formulated keeping in view the growing atrocities against the Scheduled Castes and with a view to financially assist SC / ST victims of atrocities.

III. ELIGIBILITY:

8. The eligibility criteria is as under :

- (i) The victim should belong to Scheduled Caste / Scheduled Tribes.
- (ii) The victim should be a Scheduled Caste / Scheduled Tribe who has suffered atrocities committed by other communities on the grounds of his/ her caste, community or identity in the society.
- (iii) The atrocity should be of heinous type under the POA Act, 1989 like murder, rape, arson, etc.

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03/11/2020
D.P. Mishra
Dir. DAF

IV. EXTENT OF ASSISTANCE:

9. The assistance shall be up to a maximum limit of Rs. 5.00 lakhs. The scale of relief amounts is given at Annexure - I.

V. NORMS FOR RELEASE OF ASSISTANCE:

10. The norms for release of the relief amount under the Scheme is as follows:

- (i) The assistance shall be released to the victim or his/ her family members or legal heir solely under the discretion of the chairperson of the Foundation. The financial assistance given will be directly transferred to the Aadhar linked bank account of the Victim or his/her legal heir.
- (ii) In the case of the crime of rape, submission of 'medical certificate' issued by an authorized medical officer of the concerned State Government is a pre-requisite for sanction of relief.
- (iii) In the case of atrocities resulting in disabilities, the same should be certified by the competent authority indicating the percentage of disability.

VI. HOW TO APPLY

11. A proposal for financial assistance for the Scheduled Caste/ Scheduled Tribes victim of atrocities may be forwarded by the State / UT Government or District Magistrate or Collector in the Prescribed Format (Annexure - II) to the Director, Dr. Ambedkar Foundation, 25 K. G. Marg, Jeevan Prakash Building, 9th Floor, New Delhi - 110001, along with the copy of the FIR, Inquiry Report, Postmortem Report, Medical or Disability Certificate etc. (as the case may be).

12. All such proposals will be processed in the Dr. Ambedkar Foundation. It shall be the discretion of the Chairperson of Dr. Ambedkar Foundation to sanction the financial assistance to the victim(s):

Provided that the Chairperson of Dr. Ambedkar Foundation may relax the norms of the Scheme in deserving cases.


03/11/2020
Dr. DAF

Annexure -I

**DR. AMBEDKAR NATIONAL RELIEF TO THE SCHEDULED CASTES
/ SCHEDULED TRIBES VICTIMS OF ATROCITIES SCHEME**

Revised Scheme (Year 2020)

Scale of relief amounts:

S. No.	Nature of Atrocity	Approved amount of Relief (Rs. In lakhs)*
1.	Murder/ Death (a). Earning member of a family (b) Non-earning member of family	5.00 2.00
2.	Rape	2.00
3.	Arson leading to complete homelessness	3.00
4.	Disability (complete and permanent disability leading to loss of earning capacity) (i) Earning member of a family (ii) Non-earning member of a family	3.00 1.50

*** The amount of relief will be in addition to the relief grant / amount being given by the respective State Governments.**


 03/11/2020
 (D.P. Majhi)
 Dir. DAF

Annexure-IIProformaProposal for financial assistance for SC/ST Victims of Atrocities under

“Dr. Ambedkar National Relief to SC/ST Victims of Atrocities Scheme”
of Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Government of India

1. Name of the Victim
2. Name of the Father / Husband
3. Date of birth and age of the victim
4. Indicate whether belongs to SC/ST.....
5. Residential Address
6. Date and Place of incident of atrocities
7. Complete details of the atrocities
8. 12 digits Aadhaar Number of the Victim.
9. Whether the case has been registered under SC and ST (Prevention of Atrocities) Act, 1989? If yes, give details
10. Whether disability is complete and permanent?
11. Details of family members or dependents who have suffered due to atrocity.....
12. In Murder case, details of the person (wife / husband/ children/ father / mother) to whom the relief is to be paid. In case, it is to be paid to some other member of the family, copy of the succession certificate issued by the competent authority is to be enclosed.....
13. In case of death of the victim, details of the legal heir along with 12 digits Aadhaar Number
14. Annual Family Income (from all sources) Rs.....
15. Whether the victim has been given such assistance from any other sources? If yes, give details
16. Details of the Aadhaar linked bank account of the beneficiary

The above information has been verified and found to be correct.

It is recommended that an amount of Rs..... may be sanctioned to the victim or his / her dependents as stated at S.No. 11 above.

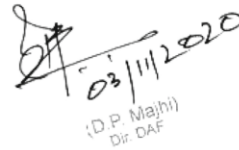
.....
Name & Signature of
Tehsildar / SDM / Competent Authority
(with rubber stamp)

RECOMMENDED & FORWARDED

.....
District Collector / Magistrate / Dy. Commissioner
(Name and signature with rubber stamp)

Note:

- (i) Please submit separate proposal for each victim.


(D.P. Majhi)
Dir. DAF

DAF/1/2023-ADMIN-DAF

I/25058/2023

EO-64933
Dr Ambedkar Foundation
Ministry of Social Justice & Empowerment

Wing No-7, West Block-1,
Ground Floor, RK Puram,
New Delhi-110066

Dated : 13 January, 2023

Subject: Merger of Dr. Ambedkar Scheme for Social Integration through Inter-Caste Marriages & Dr. Ambedkar National relief to the scheduled castes/scheduled tribes victims of Atrocities Schemes of DAF- regarding

Kindly refer the Dr. Ambedkar Scheme for Social Integration through Inter-Caste Marriages and Dr. Ambedkar National relief to the scheduled castes/scheduled tribes victims of atrocities scheme being run by Dr. Ambedkar Foundation.

2. The Inter Caste Marriage and Atrocity Schemes of DAF will merge with the Centrally Sponsored Scheme for implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 respectively run by SJE with effect from 01st April, 2023.

3. In light of the above all eligible couples/Atrocity cases may apply to DAF upto 28 February, 2023. All backlog/pending cases of Dr. Ambedkar Scheme for Social Integration through Inter-Caste Marriages and Dr. Ambedkar National relief to the scheduled castes/scheduled tribes victims of atrocities scheme, **if any** shall be resolved upto 31st March 2023.

4. All Inter Caste Marriages and Atrocity cases are requested to apply on the following channels wef 01st April 2023:-

(a) Inter Caste Marriages Cases. Apply through the procedures of Social Welfare Department of respective State Govt/UT, for PCR Act, 1955 Scheme being run by Govt of India/State Govt & UT.

(b) Atrocity Cases. Apply through the procedures of Social Welfare Department of respective State Govt/UT, for PoA Act, 1989 Scheme being run by Govt of India/State Govt & UT.

DAF/1/2023-ADMIN-DAF

- 1/25058/2025.
5. No applications will be entertained for Dr. Ambedkar Scheme for Social Integration through Inter-Caste Marriages and Dr. Ambedkar National relief to the scheduled castes/scheduled tribe's victims of atrocities scheme by the Dr. Ambedkar Foundation with effect from 01st April 2023.
 6. Further guidelines if any, will be uploaded on website on receipt from M/o SJE.
 7. This information may, please be given wide publicity.

(Vikas Trivedi)
Director DAF

3

Contingency plan simplified				
Timeline	Officers Responsible	Relief and Rehabilitation Facilities	Departments Concerned	Reference
Immediately on registering the FIR	(a) Inspector (b) Sub-Inspector in charge of the Police Station	(a) Read out the contents of the FIR to the complainant. (b) Provide a copy of the recorded First Information Report (FIR) free of cost.	Home Prohibition and Excise Department	Section 15A (11)(a)
		Provide the victim, witness, informant, or their dependents, or associated organisation (NGO) or individual (DAHRD): (a) Information about their rights. (b) Any additional information related to the atrocity. (c) Any assistance required.	Home Prohibition and Excise Department	Section 15A (11)(g)
Immediately on filing of charge-sheet	Charge-Sheeting Authority (Inspector or Sub-Inspector of Police)	Provide information to atrocity victims or their dependents or associated organisations or individuals: (a) Status of investigation. (b) Status of charge-sheet. (c) Copy of the charge-sheet free of cost.	Home Prohibition and Excise Department	Section 15A (11)(i)
Within 24 Hours	(a) District Collectors (b) SP of District (c) Commissioners of Police in cities	The officers concerned shall visit the place of incident and make arrangements of the safety and protection of the affected persons.	(a) Revenue Department (b) Adi Dravidar and Tribal Welfare Department (c) Home Prohibition and Excise Department	Section 15A (11)(c) Rule12(1)
Within 24 Hours	(a) District Collectors (b) SP of District (c) Commissioners of Police in cities	In cases of death, injury to victims/ affected families and damage to their property, necessary proposals for relief should be sent to the District administration by the officers responsible.	(a) Revenue Department (b) Adi Dravidar and Tribal Welfare Department (c) Home Prohibition and Excise Department	Section 15A (11)(d)
Within 24 Hours	(a) District Collectors (b) SP of District (c) Commissioners of Police in cities	Food, clothing etc. Officers responsible should visit the place of atrocity to assess the damages. Then, they should arrange for food, clothing, and other facilities.	(a) Revenue Department (b) Adi Dravidar and Tribal Welfare Department (c) Home Prohibition and Excise Department	Section 15A (11)(e)

Contingency plan simplified				
Timeline	Officers Responsible	Relief and Rehabilitation Facilities	Departments Concerned	Reference
Within 24 Hours	(a) District Collectors (b) District Adi Dravidar and Tribal Welfare Officers	Maintenance expenses should be given to the victims and their dependents until they return to normal life.	(a) Revenue Department (b) Adi Dravidar and Tribal Welfare Department (c) Home Prohibition and Excise Department	Section 15A (11)(f)
Within 24 Hours	(a) District Collectors (b) SP of District (c) Commissioners of Police in cities	Victims, dependents, and witnesses must be protected from intimidation and harassment. Steps should be taken to provide protection to them and also prevent any further atrocities.	(a) Revenue Department (b) Home Prohibition and Excise Department	Section 15A (11)(h)
Within 24 Hours	(a) District Collector/Joint Director (Health) (b) Deputy Director (Public Health)	All the government hospitals in the state should provide medical relief/ health care services including transport, medical treatment, medicines etc. at free of cost to the victims. A team of district surgeons and a doctor (nominated by JDHS) should coordinate with the District authority in medical relief operations. District surgeons should be instructed to constitute comprehensive mobile health care teams for providing medical treatment.	(a) Health and Family Welfare (b) Revenue Department	Rule 15(1)(i) and CP
Within 24 Hours	(a) SP of District (b) Commissioners of Police in cities	Necessary precautions should be taken at the time of medical examination. Effective steps should also be taken to provide assistance and other required information to the complainants.	Home Prohibition and Excise Department	Section 15A (11)(i)
Within 24 Hours	(a) Inspector of Police (b) Sub-Inspector of Police	To provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount. After registering the FIR, the complainants shall be informed about the amount of relief eligible to them.	Home Prohibition and Excise Department	Section 15A (11)(k)

Contingency plan simplified				
Timeline	Officers Responsible	Relief and Rehabilitation Facilities	Departments Concerned	Reference
Within 24 Hours	(a) Assistant Commissioner of Police in cities (b) DSP in Districts	To provide information to atrocity victims or their dependents or associated organisations or individuals, in advance about the dates and place of investigation and trial so as to ensure fair and proper investigation.	Home Prohibition and Excise Department	Section 15A (11)(l)
Within 24 Hours (periodic)	(a) District Collector (b) Charge Sheetting Authority (Inspector/Sub-Inspector) (c) Investigating Officer (d) Inspector of Police	To atrocity victims or their dependents or associated organisations or individuals give adequate: (a) Briefing on the case and preparation for trial and to provide legal aid. (b) Information about the case and relevant materials for the preparation of trial and also required legal assistance in support of the trial.	(a) Revenue Department (b) Home Prohibition and Excise Department	Section 15A (11)(m)
Within 24 Hours	(a) Commissioner of Police (b) SP (c) Charge Sheetting Officer (d) Revenue Divisional Officers (e) District Adi Dravidar and Tribal Welfare Officers	(a) Execute the rights of atrocity victims or their dependents or associated organisations or individuals at every stage of the proceedings under this Act. (b) Provide the necessary assistance for the execution of the rights to atrocity victims or their dependents or associated organisations or individuals.	(a) Revenue Department (b) Adi Dravidar and Tribal Welfare Department (c) Home Prohibition and Excise Department	Section 15A (11)(n)
Within 24 Hours	(a) District Collectors (b) District Adi Dravidar and Tribal Welfare Officers (c) District Supply Officer (d) Senior Regional Manager of the Civil Supplies Corporation (e) Taluk Supply officer	The victims of atrocities shall be given essential commodities such as Rice, Wheat, Sugar, Kerosene, Pulses etc., for a period of 3 months. Ration commodities should be released from the Public Distribution System on Priority at BPL prices. The quantum of articles to be released shall depend on the period for which atrocity victims / dependents are to be taken care of. The total quantity may be decided by the District Collector.	(a) Revenue Department (b) Cooperation, Food and Consumer Protection Department	CP

Contingency plan simplified				
Timeline	Officers Responsible	Relief and Rehabilitation Facilities	Departments Concerned	Reference
Within 5 days	(a) District Collector (b) District Supply Officer (c) Taluk Supply Officer (d) District Adi Dravidar and Tribal Welfare Officers	To arrange the release of these commodities from the nearest civil supplies godown on credit basis and shall recoup the most of these items from the funds available under the Act.	(a) Co-operation, Food and Consumer Protection Department (b) Revenue Department	CP
Within 7 Days	(a) District Collectors (b) Revenue Divisional Officers (c) District Adi Dravidar and Tribal Welfare Officers (d) Superintendents of Police in the Districts (e) Commissioners of Police in cities	In order to provide immediate relief in cash or in kind or both, the officers concerned shall visit the place or area of atrocity to assess the damage to life and the property immediately and draw a list of victims, family members and dependants entitled to relief [Rule 12(1)]. After assessing the damages, the relief measures have to be provided within seven days. Such relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items necessary for human beings as stipulated in Rule 12(5) and Rule 12(7).	(a) Revenue Department (b) Adi Dravidar and Tribal Welfare Department (c) Home Prohibition and Excise Department	Rule 15(1)(a)
Within 7 Days	(a) District Collectors (b) Revenue Divisional Officers (c) District Adi Dravidar and Tribal Welfare Officers (d) SP in the Districts (e) Commissioners of Police in cities	The victims of atrocities have to be provided with immediate relief in cash or in kind. Such relief shall also include food, water, clothing, shelter, medical aid, transport facilities, and other essential items necessary for human beings as stipulated in Rules 12(5) and Rule 12(7).	(a) Revenue Department (b) Adi Dravidar and Tribal Welfare Department (c) Home Prohibition and Excise Department	Section 15A (11)(b) and CP
Within 7 Days	(a) District Collectors (b) District Adi Dravidar and Tribal Welfare Officers (c) Tehsildars (d) Municipal Corporation Commissioners (e) Municipal Commissioners/ Executive Officer of Town Panchayat (f) Presidents of Village Panchayat (g) Taluk Supply Officers	The immediate need of the victims of atrocity / dependents are food, clothing, shelter etc., Shelters to be provided in schools, community halls and any public buildings and immediate arrangement should be made to supply minimum cooking vessels, clothes required by the victims of atrocities / dependents. If adequate funds are not available with the local bodies, the government shall provide funds.	(a) Revenue Department (b) Municipal Administration and Water Supply Department (c) Rural Development and Panchayat Raj Department (d) Co-operation Food and Consumer Protection Dept.	Rule 15(1)(c) and CP

Contingency plan simplified				
Timeline	Officers Responsible	Relief and Rehabilitation Facilities	Departments Concerned	Reference
Within 10 days	(a) District Collector (b) District Supply Officer (c) Taluk Supply Officer (d) District Adi Dravidar and Tribal Welfare Officers	To report the quantum of ration articles issued in all such cases immediately to the Commissioner of Civil Supplies/ Managing Director, Civil Supplies Corporation who will replenish such stocks in the coming months if need be.	(a) Co-operation, Food and Consumer Protection Department (b) Revenue Department	CP
Within 15 Days	(a) District Collectors (b) District Adi Dravidar and Tribal Welfare Officers (Relief Sanctioning Authority)	Pension scheme for widows, handicapped or old age victims of atrocity. Sanction of eligible pension to the victim as per Rule 12(4) of the Amended Rules 2016, basic pension amounting to ₹5000/- per month with admissible Dearness Allowance as applicable to a government Servant	Adi Dravidar and Tribal Welfare Department	Rule 15(1)(e) and CP
Within 15 Days	(a) District Collectors (b) District Adi Dravidar and Tribal Welfare Officers (c) Inspector of Police (d) Sub-Inspector of Police	Mandatory compensation for the victims. (Spot should be visited immediately). After assessing the damages, compensation / relief measures shall be given.	(a) Revenue Department (b) Home Prohibition and Excise Department	Rule 15(1)(f) and CP
Within 15 days	(a) Project Directors of District Rural Development Agencies (b) Managing Director, TAHDCO, TABCEDCO/ TAMCO (c) The District Manager, TAHDCO/ District Employment Officer/ Labour Officer/ Project Officer (Magalir Thittam) Rural Development Department	Scheme for strengthening the socioeconomic conditions of the victims. (a) The victims of atrocity may be organised into self help groups (SHGs), skill development training and assisted for viable activity for deriving sustainable income under any of the schemes implemented through TAHDCO. (b) They shall be provided with necessary assistance/ guidance to avail the benefits of economic development schemes of TAHDCO. (c) They may be provided wage employment scheme work for immediate relief. (d) For other caste affected persons due to intercaste marriage, loans shall be arranged through TABCEDCO and TAMCO. (e) Training (course duration of at least six months).	(a) Adi Dravidar and Tribal Welfare Department (b) Labour and Employment Department (c) Rural Development and Panchayat Raj Department (d) Backward Classes & Most Backward Classes, Minorities Welfare Department	Rule 15(1)(g) and CP

Contingency plan simplified				
Timeline	Officers Responsible	Relief and Rehabilitation Facilities	Departments Concerned	Reference
Within one month	(a) District Collector (b) District Revenue Officer (c) Revenue Divisional Officer (d) Tehsildar	Allotment of Agricultural land and House sites. (a) Steps should be taken to allot land subject to the guidelines to be issued from time to time and sites where necessary for the purpose of rehabilitation. (b) Pattas shall be distributed to the victims' families.	Revenue Department	Rule 15(1)(b) and CP
Within one month	(a) District Collectors (b) Joint Director of Agriculture (c) Assistant Director of Agriculture (d) Agricultural Officer (e) Horticulture Officer	If the victims or dependents own agricultural land they should be supplied with seeds, fertilisers, etc., under the existing schemes.	Agriculture Department	CP
Within one month	(a) Respective local bodies (b) Corporations, Municipalities, Town Panchayats, Village Panchayats and their Offices (c) TNEB Engineers	Electrification of the rehabilitated colonies of victims of atrocities with local body funds. Even in cases where an individual becomes a victim of atrocities and if the government builds and allots a house, such house shall be given electrical connection if necessary by extending the LT (Low Tension) line. In case of total damage of electric lines in the habitations due to community clash, immediate restoration of electricity is necessary. If temporary shelters are provided to the victims of atrocities, such shelters should be provided with immediate electrical connection.	(a) Energy Department (b) Rural Development and Panchayat Raj Department	CP
Within one month	(a) District Collectors (b) District Adi Dravidar and Tribal Welfare Officers (c) Respective Local bodies-Urban local body (d) Commissioners and Executive Officers of Town Panchayat (e) Block Development Officers (Panchayats)	Adequate drinking water facility shall be provided on priority basis.	(a) Municipal Administration and Water Supply Department (b) Rural Development and Panchayat Raj Department	CP

Contingency plan simplified				
Timeline	Officers Responsible	Relief and Rehabilitation Facilities	Departments Concerned	Reference
Within 3 months	District Collectors and all Department District level officers	Schemes for employment in government / government undertaking to the dependent or any of the family members of the victim be considered as per Rule 2(b) of Amended Rule 2016.	Any department where vacancy exists	Rule 15(1)(d)
Within 3 months	(a) District Collectors (b) District Adi Dravidar and Tribal Welfare Officers	Allot land for Burial/Cremation ground for SCs/STs in the area and utilise the funds available under the scheme for provision of pathways and burial grounds.	(a) Revenue Department (b) Adi Dravidar and Tribal Welfare Department	CP
Within 3 months	(a) District Collectors (b) Respective Local bodies and Highways Engineer (c) District Adi Dravidar and Tribal Welfare Officers	Link Roads to be provided to the habitations affected by the community clashes/ atrocities.	(a) Rural Development and Panchayat Raj Department (b) Highways Department (c) Municipal Administration and Water Supply Department (d) AD&TWD	CP
Within 6 months	Project Directors of District Rural Development Agency/District Collector/ District Revenue Officer/ Revenue Divisional Officer/ Sub- Collector/ Tehsildars / District AD&TWD / Managing Director of Tamil Nadu Slum Clearance Board	Provision of brick / stone masonry house to the victims. If the houses of the victims of atrocity are damaged fully, they may be provided funds under a housing scheme for constructing new houses, after giving pattas under PMAY. Green houses shall also be constructed. For this purpose, the target for that particular area shall stand enhanced automatically and funds shall be provided separately.	(a) Rural Development and Panchayat Raj Department (b) Revenue Department (c) Housing and Urban Development	Rule 15(1)(h) and CP
Within 6 months	District Collectors/Project Director, District Rural Development Agency/ District AD&TWD / Managing Director, Tamil Nadu Slum Clearance Board in urban areas	Where resettlement of victims of atrocity becomes necessary, the sites for housing on the land allotted by the District Collector shall be identified for the construction of houses.	Any department where vacancy exists	CP

Legend: S: Section; R: Rule; CP: Contingency Plan; AD&TWD: Adi Dravidar and Tribal Welfare Department

Note: Since Tamil Nadu has the most detailed contingency plan, this table is based on that. The terminology would differ based on the state. The Adi Dravidar and Tribal Welfare Department would be the Social Welfare Department or its equivalent in other states. Similarly, the Adi Dravidar and Tribal Welfare Officer would be the District Welfare Officer or something similar. Readers are requested to ascertain the usage in the respective states.





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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, the Act) 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 book will take you through the stages of a case where the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is invoked, and at each stage illuminates 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 book 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.

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 is only the start of a long and winding path to justice.

Before you start

Using RTI to monitor implementation

This guide book 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 [Rule 17A(4)], and district [Rule 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 the review 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.

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.

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 [Section 15A(11)(i), Section 15A(11)(k), Section 15A(11)(l), Section 15A(11)(m), Section 15A(11)(n),

and Section 15A(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 the Act, 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.

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.

Asking directly and through RTI is an effective mechanism to educate the officials whose task it is to implement the the Act, and make them aware that these mechanisms, provisions, and compliances exist, what the rules are, and the penalties for non-implementation.

- (b) The latest relief amounts [Rule 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, 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.

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 Act, preventive action, and standard operating procedures when an atrocity takes place, from inquiry, investigation, and trial up to socioeconomic rehabilitation.

Knowing the existing state mechanisms to implement and monitor implementation is a prerequisite to monitoring.

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 [Rule 3(I)(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 [Rule 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 [Rule 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) [Rule 9] (RTI format).
 - (e) Name and designation of the special officer in the identified (atrocity prone) area [Rule 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 [Rule 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 [Rule 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) [Rule 16(1)] (*RTI format*).
- (h) Notification of the constitution of the district level vigilance and monitoring committee (DVMC) [Rule 17(1)] (*RTI format*). This should have the names of all the members and their designations [Rule 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) [Rule 17A(1)] (*RTI format*). This should have the names of all the members and their designations [Rule 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

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.

[Section 14] (*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 Scheduled Castes and Scheduled Tribes Victims of Atrocities Scheme*’ that provides instant monetary relief to the victims of heinous offences under the Act in addition to the relief provided by the state government (up to 31 March 2023).

Know the duties of the state

Every case of caste-based violence (atrocity) 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.

Every case of caste-based violence (atrocity) is a failure of the state – in particular of the officials tasked with the prevention of atrocities.

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 state 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 [Section 15A]. 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 [Section 15A(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 [Section 15A(11)(n), Section 15A(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 1485 of 2008 of 7 January 2014].

Know the state mechanisms

There are government mechanisms to monitor implementation of the Act at the state, district, and subdivisional levels. The state level mechanism is the state level high power vigilance and monitoring committee, SVMC [Rule 16], the DVMC at the district level [Rule 17] and the SdVMC at the subdivisional level [Rule 17A]. The state is required to take preventive action, and when an atrocity takes place, provide protection [Rule 12(2)], relief [Rule 15(1)], and rehabilitation to the communities (victims, witnesses, informants, their dependents, and families) [Rule 12(4)], and provide allowances to them and their attendants for travel [Rule 11(1), 11(2), 11(3)], maintenance [Rule 11(4)], and diet expenses [Rule 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 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 Act. 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 Act, it is a critical state mechanism that provides essential information for implementing this Act.

It is the duty of the state to ensure that the victims, witnesses, informants, and their dependents can exercise their rights [Section 15A].

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 the 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 Act.

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 [Section 15A(11)(n)].

Know the rights of human rights organisations and defenders

It is the right of victims and their dependents to get assistance of NGOs, social workers, and advocates [Section 15A(12)]. Human rights organisations (associated organisations) and defenders (associated individuals) [Section 15A(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 [Section 15A(11)(i)], relief amount [Section 15A(11)(k)], dates and places of investigation and trial in advance [Section 15A(11)(l)], briefing on the case and preparation for trial [Section 15A(11)(m)], and assistance for execution of rights of victims and witnesses [Section 15A(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 victims, witnesses, government, or judiciary), these are *your* rights.

Know the allowances

The victims, dependents, witnesses, and attendants are entitled to a travelling allowance, daily allowance, maintenance expenses, and

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 [Section 15A(11)(n), Section 15A(12)].

transport facilities during investigation, and trial from the 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 [Rule 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 [Rule 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 [Rule 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 [Rule 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 [Rule 11(4)]. Diet expenses are paid at a rate fixed by the state government. This payment is in addition to TAME [Rule 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 [Rule 11(7)].

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’ [Rule 15(1)(a)] from the Dr Ambedkar National Relief scheme for crimes up to 31 March 2023, after which the scheme is merged with the centrally sponsored scheme. The proposal for financial

Human rights organisations (associated organisations), and defenders (associated individuals) [Section 15A(11)] have the right to certain information to support the victims, witnesses, informants, and their dependents to exercise their rights.

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 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 IPC 326B, 376B, 376C and BNS 122, 67 and 68, 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, fully supported residential education for children up to graduation, and emergency relief for three months [Rule 12(4) Schedule Annexure I#46].

The victims and their dependents are entitled to relief and socioeconomic rehabilitation depending on the severity of the crime and the sections invoked.

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 in all probability only BNS in future), 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 National Relief norms for instant monetary relief – and the IPC/BNS sections for ready reference. It can be sorted by column so that concerned organisations and individuals can verify and ensure that the FIR and charge-sheet have both the POA and IPC/BNS sections, and the emergency relief, 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.

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 buildup 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 [Section 15A], that the charge–sheet is filed within 60 days [Rule 7(2)], and the trial is completed within two months of filing the charge–sheet [Section 14(3)].

The escalation in intensity or frequency in ‘minor incidents’ should serve as a warning.

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.

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 worker, or advocate referred to in Section 15A(12) so that you are kept informed as per Section 15A(11) sub Sections (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 the Act 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 [Section 15A(12)], the government will pay them. Assert the right to an advocate of choice from the time of filing the complaint [Rule 4(5)].

Information: Filing a complaint

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 [Section 15A(10)].
12. Any ‘informant’ can file a complaint in any police station [Rule 5(1), and Section 39 of CrPC.]. It is not necessary that the informant be the victim or an eyewitness. Oral complaints by survivors and witnesses are permissible. Use format PS01(*page no. 311*) to file the complaint.
13. The police officer will register an FIR immediately without conducting any preliminary inquiry [Section 15A(9), Section 18A].
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 [Section 4(2)(a)], and provide a copy of the FIR free of cost to the victims [Section 4(2)(b), Section 4(2)(c) and Section 5(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 [Section 15A(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 [Rule 5(3)] (use format SP01). The victim, witness, concerned individual, concerned organisation, or advocate can complain to the superior officer [Rule 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 [Section 15A(12)] – meaning the informant can go with an individual or advocate of choice to file the complaint, and the state will pay the advocate [Rule 4(5)].

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 the Act thereby acquiring domain expertise, and the uplifting power of solidarity.

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 Sections 15A(11)(e) and 15A(11)(f) are entitled to relief and assistance including medical aid, food, clothing, shelter etc. [Rule 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' [Rule 15(1)(a)] from the Dr Ambedkar National Relief. The proposal must be forwarded by the state / UT government or district magistrate or district collector along with the copy of the

FIR, inquiry report, post-mortem report, medical or disability certificate. This scheme is for crimes up to 31 March 2023, after which the scheme is merged with the centrally sponsored scheme.

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 IPC 326B, 376B, 376C and BNS 122, 67 and 68, disability or incapacitation, rape or gang rape) or post-mortem report (murder or death). Ensure it reaches the victims and their 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 – emergency relief for three months, pension (₹5000+DA), a government job, a house, agricultural land, and fully supported education for children up to graduation [Rule 12(4) Schedule Annexure I, #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 victims and dependents immediately after it reaches the account of the district administration.

Any 'informant' can file a complaint in any police station [Rule 5(1), and Section 39 of CrPC.]. 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.

Atrocity case tracking

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

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

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 [Rule 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 [Section 15A(11), Section 15A(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 Section 164 of the CrPC. The magistrate who recorded the statement should be produced as a witness in court. Generally, the statement of Section 164 of the CrPC should be made only in extremely exceptional cases because the importance of the statement of Section 164 of the CrPC is in no way greater than the statement under Section 161 of the CrPC, though the statement before the judge will have more weightage. This is some backup 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).

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 an inquiry to assess the extent of atrocity, loss of life, loss and damage to the property [Rule 6(1)], and submit a report to the state government [Rule 6(2)].

Inquiry: Spot assessment

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 an inquiry to assess the extent of atrocity, loss of life, loss and damage to the property [Rule 6(1)], and submit a report to the state government [Rule 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 [Rule 6(2)], and inform their superior officer – the SP or DM.

Allowances, relief, and socioeconomic rehabilitation

33. The inquiring officer must provide immediate protection, relief, and assistance to the victims, their dependents, and witnesses [Section 15A(1), Rule 6(2), Rule 12(4), SCP]. Where necessary, it includes medical aid, food, clothing, shelter, utensils, rice, wheat, dals, pulses, etc. [Rule 12(4) Schedule Annexure I#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 victims and dependents immediately after it reaches the district administration.

Ensure that all proceedings under this Act from the information stage (including inquiry, inspection, investigation, trial, and autopsies) are video recorded. [Section 15A(10)].

Atrocity case tracking

35. The inquiry report [Rule 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.

Additional tracking

37. Ensure that all proceedings under this Act (including spot investigations) are video recorded [Section 15A(10)].
38. Ask for the inquiry 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 [Rule 12(4)], and the state contingency plan [Rule 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 [Rule 12(7)] right from the time of inquiry [Section 15A(6)].

Inspection

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 [Rule 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 [Rule 12(2)], and necessary protection is provided [Rule 12(3)]. Immediately [Rule 6(1)] or latest within 24 hours [Rule 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 [Rule 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.

Allowances, relief, and socioeconomic rehabilitation

44. The DM will provide relief and assistance including medical aid, food, clothing, shelter etc. [Rule 12(4)] to the victims, their dependents, and witnesses.
45. In cases of murder, rape, permanent disability, or arson (for crimes up to 31 March 2023), the victims are entitled to ‘instant monetary relief’ [Section 15(1)(a)] from the Dr Ambedkar National Relief.
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 IPC 326B, 376B, 376C and BNS 122, 67 and 68, 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 victims and dependents immediately after it reaches the district administration.

In cases of unnatural death do not cremate the body till the final verdict, since cremation will destroy vital evidence. An autopsy report is essential for relief, rehabilitation, and the trial.

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

Atrocity case tracking

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 [Rule 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 [Section 15A(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 [Rule 17A(4)] and DVMC meeting [Rule 17(3)] by sending a letter to the district social welfare officer, the member–secretary [Rule 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 [Rule 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 [Rule 6(2) and Rule 12(7)] be discussed. Attach a copy if you have one.

Ensure that the case is discussed at the quarterly SdVMC [Rule 17A(4)] and DVMC meeting [Rule 17(3)] by sending a letter to the district social welfare officer, the member–secretary [Rule 17(2)] asking for the case to be discussed. After the meeting ask for a copy of the minutes.

Additional tracking

53. Ensure that all proceedings under this Act (including spot inspections) are video recorded [Section 15A(10)].
54. Ask for a copy of the report sent under Rule 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 [Rule 12(2)] after he makes a spot inspection [Rule 12(1)].

This will be given free to the informant, victims and their families [Rule 5(2)], and to associated individuals and organisations [Section 15A(9)] (*RTI format*). The FIR should contain all the names mentioned in the spot inspection reports [Rule 6(2), Rule 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 if the correct sections of the Act are invoked in the FIR. The online tool at <https://www.cvmc.in/relief/> can be used to match the relevant sections of the Act vis a vis the Indian Penal Code (IPC) and other Acts. Usually, the police only invoke the IPC section, so check whether the corresponding the Acts' 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 [Rule 4(4)] (*RTI format*), the monthly monetary proposal and abstract, and the monthly report sent by the protection cell to the state nodal officer [Rule 8(1)(xi)] (*RTI format*). The Rule 4(4) and Rule 8(1)(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 the 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 National Relief, and all the relief they are entitled to [Rule 12(4) to Rule 12(7), and the state contingency plan Rule 15(1)]. If not, bring it to the

Stages of a case:

- Information.
- Inquiry by DSP or SDM.
- Inspection by SP and DM.
- Investigation by DSP.
- Charge-sheet filed by the officer-in-charge of the concerned police station within 60 days of the FIR.
- Judgement by judge of ESC or DSC within two months of the charge-sheet.

notice of the special court (*format*) which is empowered to order relief according to the norms prescribed under Rule 12(4) Schedule Annexure I or even increase it [Rule 12(7)].

Investigation

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 [Rule 7, Rule 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 [Section 15A(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 [Rule 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 [Rule 7(2)].
65. Any delay in the investigation or filing of the charge-sheet must be explained in writing by the investigating officer [Rule 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 [Section 15A(11)(i), Rule 5(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 I. Check the online tool for details.

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'.

Allowances, relief, and socioeconomic rehabilitation

69. Victims, dependents, and witnesses [Rule 11] are entitled to taxi or second-class train fare from their place of stay to the place of investigation [Rule 11(1)] or visiting officials concerning the investigation [Rule 11(2)]. The district magistrate or executive magistrate will make arrangements for the travel in an equivalent mode of transport [Rule 11(2)].
70. They are entitled to daily maintenance allowance, diet allowance etc for the days away from place of residence during investigation [Rule 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 [Rule 11(3)]. All allowances and reimbursements must be paid to the victims, dependents, witnesses, and attendants [Rule 11] immediately or within three days at the latest [Rule 11(6)].
71. Some part of the monetary relief (usually 50%) will be due at the time of filing the charge-sheet [Rule 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 victims, 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 [Rule 15(1)(a)] due from the Dr Ambedkar National Relief (for crimes up to 31 March 2023) 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 when it was received (*RTI format*).

If, in the opinion of the judge of the special court, the investigation is unsatisfactory, further investigation can be ordered [CrPC 173(8)].

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 [Section 15A(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 [Rule 17A(4)] and DVMC [Rule 17(3)] meetings by sending a letter to the social welfare officer who is the member–secretary of the SdVMC [Rule 17A(3)] and DVMC [Rule 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 [Rule 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*).

- Socioeconomic rehabilitation:
- Pension [₹5000 + DA].
 - Government land.
 - Fully paid residential education up to graduation.
 - House (including relocation).
 - Agricultural land.
 - Emergency relief for three months (provisions, utensils etc).
 - Restoration of access and services.

78. Ask for a copy of the minutes after the meeting (*RTI format*).

Additional tracking

79. Ensure that all proceedings under this Act (including spot assessment and investigation) are video recorded [Section 15A(10)].
80. Ask for the name and rank of the investigating officer appointed by the SP [Rule 12(3)] (*RTI format*). Ask for the following details about the investigating officer for five years (*RTI format*) – the number of:
 - (a) Cases investigated.
 - (b) Cases for which investigation is completed within 60 days [Rule 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.* in which this officer was involved for the past five years at least.

These are not explicitly mentioned in the Act or Rules, but a review of the experience [Rule 7(1)], quarterly review of cases [Rule 7(3)] and role of the investigating officer [Rule 16(2), Rule 17(1), Rule 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 [Rule 14(2)] (*RTI format*), and the reports of the standing committee (*RTI format*).

81. If the charge-sheet 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 Rule 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 [Section 15A(1)] and the protection provided has to be periodically reported to, and reviewed by, the special court [Section 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.

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 [Section 15A(6)] at the appropriate time as required. Bring any lapses to the attention of the judge of the special court.

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.

Trial

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 [Section 14(2)]. Proceedings should be conducted daily until all witnesses in attendance have been examined [Section 14(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 [Section 14(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 [Section 15A(11)(m)].
89. It is the responsibility of the DMs, SPs, and commissioners to protect the witnesses from intimidation and harassment [Section 15A(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 [Section 15A(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 [Section 15A(5)]. Notice for such hearings must be given to them well in advance.

If a pattern of shoddy investigation becomes apparent, then ask for another investigating officer with better credentials. That is clear under Rule 7(1).

Allowances, relief, and socioeconomic rehabilitation

91. Ensure that the allowances are paid to the victims, dependents, witnesses, and attendants [Rule 11] immediately or within three days [Rule 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 [Rule 11(1)]. The district magistrate or any other executive magistrate shall make arrangements for the same in an equivalent mode of transport [Rule 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 [Rule 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 [Rule 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 victims and dependents immediately after it reaches the district administration.

Atrocity case tracking

95. Ensure that the case is discussed at the quarterly SdVMC [Rule 17A(2)] and DVMC [Rule 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 [Rule 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.

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.

Additional tracking

98. Ensure that all proceedings under this Act are video recorded [Section 15A(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 [Rule 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 [Rule 4(1)]. For every SPP and panel advocate, ask for number of (*RTI format*) [Rule 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.* 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 [Rule 4(2)], will (should) contain this information. The lapses will be mentioned in the January and July review reports [Rule 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 [Rule 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).

Victims and their dependents have a right to be heard in respect of bail, discharge, release, parole, conviction, or sentence of an accused [Section 15A(5)]. Notice for such hearings must be given to them well in advance.

This is not explicitly mentioned in the Act, but a review of the role of the judge [Rule 16(2), Rule 17(1), Rule 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 the Act.

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 [Rule 6(2)], SP [Rule 12(1)] and DM [Rule 12(7)], SdVMC minutes [Rule 17A(4)], DVMC minutes [Rule 17(3)], and the SVMC minutes [Rule 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 [Section 15A].

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 right from the complaint stage.

Ensure that the case is discussed at the quarterly SdVMC [Rule 17A(2)] and DVMC [Rule 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.

107. If the allowances are not paid within three days at the latest [Rule 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 [Section 15A(6)].
108. A part of the relief, stipulated in Rule 12(4) and detailed in Annexure I 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 victims and dependents.
109. Ensure that those eligible have received the instant monetary relief [Rule 15(1)(a)] due from the Dr Ambedkar National Relief.
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*).

Judgement

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 [Section 14(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 [Section 15A(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 I.

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 [Rule 11(6)].
115. They are entitled to taxi fare from place of stay to court for hearing and trial [Rule 11(1)]. The district magistrate or executive magistrate will arrange for the same in an equivalent mode of transport [Rule 11(2)].
 116. Victims, witnesses, and dependents being a woman, minor, persons 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 [Rule 11(3)].
 117. Some part of the relief will be due at conviction. Ensure it reaches the victims and dependents. [Rule 12(4) Schedule Annexure I].
 118. Socioeconomic rehabilitation – emergency relief for three months, a pension, a government job, agricultural land sufficient for a life with dignity, a house, and enrolment of children in residential schools within 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 [Section 15A(7), Rule 12(7)] (*format*). [Rule 12(4) Schedule Annexure I#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 victims and dependents immediately after it reaches the district administration.

Atrocity case tracking

120. The monthly report [Rule 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.

Additional tracking

121. Ensure that all proceedings under this Act are video recorded [Section 15A(10)].

If the allowances are not paid within three days at the latest [Rule 11(6)] or if there are any pending, lodge a complaint with the judge at the next hearing.

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) [Section 14A(3)] and be disposed of within three months of admission of appeal [Section 14A(4)]. Be even more particular about the choice of advocates at this stage. Choose the best possible [Rule 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*).

All the socioeconomic rehabilitation should be completed within three months of the FIR being registered. Bring any delays to the attention of the special court, reminding her that she is responsible to provide protection, reimbursements, relief, rehabilitation, and relocation to the victims u/s 15A(6).

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*).

Appeal 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 [Rule 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 [Section 14A(4)].

Appeal is not limited to just conviction or acquittal. Every order of the special court is an appealable order. For example an order allowing or rejecting the bail also is

appealable order. Unlike other offences under IPC, which are appealable only against judgment of conviction or acquittal, under this Act, even interim orders can be appealed, for instance, as in an order to release the property involved in a crime, or any such orders under any circumstances.

128. Victims, their dependents, and families have all the rights under Section 15A in the appellate stage, especially right to be heard [Section 15A(5)]. Notice for such hearings must be given to them well in advance.

Allowances, relief, and socioeconomic rehabilitation

129. Ensure that the travel, maintenance, and dietary allowances are paid to the victims, dependents, witnesses, and attendants [Rule 11] immediately or within three days at the latest [Rule 11(6)].
130. They are entitled to taxi fare from place of stay to court for hearing and trial [Rule 11(1)]. The district magistrate or executive magistrate will arrange for the same in an equivalent mode of transport [Rule 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 [Rule 11(3)].
132. All the relief due should have been paid by now [Rule 12(4) Schedule Annexure I], 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 victims 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 – emergency relief for three months, 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 I #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

The monthly report [Rule 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.

to be done and will monitor compliance [Section 15A(7), Rule 12(7)] (*format*).

Atrocity case tracking

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.

Additional tracking

136. Ensure that all proceedings under this Act are video recorded [Section 15A(10)].
137. If you have not chosen your own advocate, now is the time. Choose the best possible [Rule 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.

Get the report of the standing committee 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.

Jail and release

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 [Section 15A(5)].

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.

Atrocity case tracking

146. The village (atrocity spot) is kept on a watchlist by the police as an ‘identified area’ (in popular parlance ‘atrocity 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.

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 [Rule 11(3)].

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 [Section 15A(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.

Checklist for inquiry, inspection, and investigation

This checklist will be useful to conduct an impartial and thorough probe during inquiry, inspection, investigation, collection of evidence, and preparation of the charge-sheet.

Information (FIR stage)

1. It is the duty of the investigating officer to protect the innocent, and arresting and charge-sheeting the innocent (accused in this case or victim in a 'counter' case) is a serious misconduct.
2. There would be a time lag between information, inquiry, inspection, investigation, arrest, preparation of memorandum after interrogation, issuing notice for the presence of witnesses, presence of witnesses in the police station, accompanying the witnesses to the incident spot/other places for investigation, and making the seizure. However, prolonged delays are not appreciated by the court. If the court feels that the time lag is unusual then there will be distrust in the proceedings.
3. Has the FIR been sent to the concerned court on time?

Arrest and bail

4. Although there is no provision for anticipatory bail [Section 18, 18A of the Act], the latest legal position and status of the case should be kept in mind. Therefore, before anticipatory bail for the accused can be considered, the following need to be addressed: has the FIR been filed, have all the elements related to the crime been included in the investigation, has the investigation been completed, and has the evidence been collected? Simply by writing the section in the FIR, Section 18 of the Act will not be implemented. The caste of the accused and the victims should also be included. Community certificates should be obtained. Only the SDM can issue caste certificates. They should be kept in the evidence list.
5. The statement of the accused should be taken and the facts stated by him should be verified. If he has been arrested, then in his bail application has the defence studied whether the falsity of the arguments, facts, and defence points were verified by the investigating officer?
6. Ensure compliance with the mandatory provisions of the CrPC regarding the arrest of the female accused.

The statement of the accused should be taken and the facts stated by him should be verified. If he has been arrested, then in his bail application has the defence studied whether the falsity of the arguments, facts, and defence points were verified by the investigating officer?

Inquiry

7. Has the deputy superintendent of police (DSP) or subdivisional magistrate (SDM) visited the spot for an inquiry and filed a report under Rule 6 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA, 'the Act')?
8. It should be examined which actions come under the Indian Penal Code, 1860 (IPC), which violate the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and which come under both. The DSP should take all the proceedings into consideration to prove that the offense comes under the ambit of the Act, and that invoking the Act is justified.

Inspection

9. On getting the confirmation report under Rule 6, have both the superintendent of police (SP) and the district magistrate (DM) conducted the spot inspection and filed a report under Rule 12(7) of the Act?
10. After the spot inspection, has an investigating officer (IO) of not less than DSP rank been appointed by the SP or not [Rule 12(3)]? Has the investigation been done by an officer of DSP rank or higher with previous experience and a good track record [Rule 7(1)]?
11. Was the order issued by the SP appointing an investigating officer under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rule 7, received?

Has the deputy superintendent of police (DSP) or subdivisional magistrate (SDM) visited the spot for an inquiry and filed a report under Rule 6 of the Act?

Investigation

12. Are the sections invoked in the case correct? Was it confirmed by the SP on spot inspection [Rule 12(2)]?
13. Section 3(1)(r) and 3(1)(s): In cases where the Act is invoked, (a) intention of the accused (mens rea) (b) the incident taking place in a publicly visible place, (c) the knowledge of the accused about the complainant being from a scheduled community, (d) the intention to insult (e) the incident being done intentionally. If there is no evidence to prove all five points, then the case that an atrocity that falls under Section(1)(r) or 3(1)(s) has been committed *is not made*.
14. If the FIR has been registered under sections of the IPC and later, during the investigation, sections of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)

Act, 1989 have been included, write down clearly the reasons for inclusion of the same and collect evidence. If the FIR does not identify and record an offense under a section of the Act and later if it is found that a crime under the Act is committed on the basis of a statement, then there should be more reliable evidence for it. An impression should not be given that Section 3(1)(r) or 3(1)(s) has been extended merely on the basis of caste to make bailable offenses non-bailable. (*Satvir Singh vs State of Delhi* through CBI, Criminal Appeal 920 of 2011 and *Daya Bhatnagar and others vs State of Delhi*, 2004, Delhi High Court).

If the FIR has been registered under sections of the IPC and later, during the investigation, sections of the Act, have been included, write down clearly the reasons for inclusion of the same and collect evidence.

Witness statements

15. Have the statements of all the witnesses mentioned in the FIR been taken? The complainant should be interrogated in detail and the FIR should not be copied exactly as it is.
16. Have all the witnesses under Section 160 of the CrPC been called or not for recording their statement? Have all the independent witnesses present at the scene of the incident and those having knowledge of the incident been interrogated?
17. In the statements of all the witnesses, have their names, full addresses, mobile numbers etc. been recorded?
18. Have signatures of two independent witnesses been taken on the bond papers?
19. In case the accused has a previous criminal record, conviction etc., were copies of the records obtained?

Identification

20. If the identification of the accused is to be done, has it been mentioned in the case diary and other documents about keeping him under wraps after the arrest? He should not be exposed even while presenting him in the court.
21. Has the jail superintendent been informed about the accused being sent from jail on police custody to the Honourable Court before the Honourable Court?
22. Before identification, has it been ensured that the photo of the accused has not been published or circulated in the media or any other medium?

Confessions and statements

23. According to the circumstances of the case, where statements are to be made under Section 164 of the CrPC, have copies of the confession and other related papers been

obtained by the court and included in the evidence? The magistrate who recorded the statement should be produced as a witness. Generally, the statement of Section 164 of the CrPC should be made only in extremely exceptional cases because the importance of the statement of Section 164 of the CrPC is in no way greater than the statement under Section 161 of the CrPC.

24. Since the statements under Section 161 of the CrPC are always before the statements under Section 164 of the CrPC, hence, being 'first in time', the statements under Section 161 of the CrPC have more credibility. Moreover, the statement under Section 161 of the CrPC is written after questioning and is more thorough. The second examination of the witness – the court statement – is as per the statement of the witness, without interrogation. Therefore, there is a possibility of it being incomplete.
25. If the reason for the incident is past enmity, then have the details of previous reports and actions taken on them been included in the case diary? The fact that the false report has not been made due to prior enmity should also be established in the investigation.

Absconding accused

26. If the accused is absconding, was absconding panchnama prepared on every search? In this regard, follow the provisions of Police Regulation PR 789 (MP Police Regulations). The accused/criminal should be declared absconding only when adequate investigation has been done and prima facie prosecutable evidence is available. If, even after receiving the notice under Section 41–A, the accused does not appear on his own initiative, he can be arrested. As soon as the panchnama of absconding is made, a warrant should be sought from the court under Section 73 of the CrPC. If the warrant under Section 73 of the CrPC remains unserved, an application should be filed to declare him absconding under Section 82 of the CrPC.
27. Was information about the movable and immovable property of the absconding accused obtained immediately?
28. In case of the accused absconding, have proper steps proclaiming Section 82 of the CrPC been taken? Even after the proclamation of Section 82 of the CrPC, if the accused does not appear within the prescribed period, the police

According to the circumstances of the case, where statements are to be made under Section 164 of the CrPC, have copies of the confession and other related papers been obtained by the court and included in the evidence?

should request separate proceedings under Section 174–A of the IPC / 207 of the BNS against the accused and write to the competent court under Section 195 of the CrPC to take cognizance.

29. If a charge–sheet is to be filed against a proclaimed offender (ferrari), has permission been obtained from the Superintendent of Police by taking action under Police Regulation Para 789–790 (M.P. Police Regulations), in this regard? Along with presenting the charge–sheet against the absconding accused, an application under Section 299 of the CrPC should be filed in the court. There is a provision in this that the court can record prosecution evidence against the accused only in his absence. If the accused does not appear in the court and even after presenting the charge–sheet, the court is not taking cognizance or starting the trial, then the charge–sheet becomes useless as soon as it is presented. Therefore, by filing an application, the work of recording the testimony in the absence of the accused should be started.

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Time and place

30. Has the investigating officer prepared the map(s) of the place(s) of occurrence(s)?
31. If the incident took place after sunset, then has this fact been established in the investigation as to which source of light the complainant or witnesses saw the incident and whether the accused were identified?
32. If the source of light is a streetlight or a bulb burning outside the house, has it been marked on the map?
33. After taking the statements of all the witnesses, compare them with the Naksha Mauka and see if there is any fact in the statements of the witnesses that would help in confirming the details of the Naksha Mauka. If yes, then see whether the details are available on the map or not and if not, whether its position is clear?

Evidence recovery and weapons seizure

34. If any weapon was recovered from the accused at the time of arrest, was it mentioned in the arrest memorandum / memo? If a section of the Arms Act has already been imposed, were the relevant sections added during the arrest itself?
35. Does the [arrest, recovery...] memo record that during the seizure photographs of the investigating officer, accused, and witnesses were taken at the place of seizure?

36. Whether the item to be seized was photographed at the same place? During the seizure, were photographs of the sealing proceedings taken at the spot itself?
37. Were all these photographs included in the case diary? Have all the photographs of the incident spot been included in the evidence? Was the certificate under Section 65–B Indian Evidence Act included? (It is mandatory for the certificate in support of any electronic documentary evidence to be included in the file).
38. Is the photographer’s statement documented? In this statement, the make, model, and serial number of his camera, and whether it is digital/photo reel etc. should be clearly described.
39. Has the action of each accused been made clear in the investigation, including which injured person was injured by which accused and with which weapon? Has evidence of this been collected?
40. Where sections of Arms Act or explosives etc. are also involved in the case, was prosecution approval obtained from the District Magistrate /District Collector in relation to the seized articles?
41. If firearms were recovered, did the armorer test them? Were they in working condition?

Mobile call details

42. Where necessary, was the call detail record (CDR) of the accused’s mobile obtained and analysed? Take call details from the cyber cell. Include the cyber cell officer's name and address in the prescribed proforma certificate in the case diary. Was the certificate included under Section 65–B Indian Evidence Act? (It is mandatory to include the said certificate in support of any electronic documentary evidence in the file). Appropriate documents should be attached to the charge–sheet.
43. If mobile call details are important evidence in the case, then has its analysis been done? Was the report prepared and included in the diary? What to prove in CDR? What ‘will be proved’ and ‘by whom’ should be clearly mentioned in the case diary and charge–sheet. The state police circular will be useful in this matter, follow it. Is the certificate included under Section 65–B Indian Evidence Act? This certificate in support of any electronic documentary evidence is mandatory to be included in the file.

Have all the photographs of the incident spot been included in the evidence? Was the certificate under Section 65–B Indian Evidence Act included? It is mandatory for the certificate in support of any electronic documentary evidence to be included in the file.

Specific cases

44. Section 3(1)(a): Obnoxious substance. In cases of offences under Section 3(1)(a), the record regarding whether the disputed place is in the ownership or premises of the victim or not, at the place where it is alleged that the obnoxious substance was put with the intention of annoying been received? In such cases of pouring obnoxious substances on the common path in front of the house, the evidence should be of very high standard.
45. In such cases, was the fact revealed (or not) in the investigation that the said garbage or other obnoxious substances were not thrown there naturally by other people of the locality but were thrown there deliberately by the accused with the intention of causing harm or upsetting?
46. Section 3(1)(f) and Section 3(1)(g): Have leases provided by the government, documents related to land ownership (loan book, Khasra B-1) etc., been received? Only having a name in the records or having an allotment is not enough. It is also necessary to have actual possession of the spot. If there is any civil dispute going on regarding the possession, then its records should also be collected in the investigation. If the complainant did not have possession before the allotment of the lease and there was a dispute over the possession along with the allotment of the lease, then it should be seen when the revenue authorities took possession. Was possession taken on ground or was it only on paper? For Section 3(1)(f) and Section 3(1)(g), the complainant will have to prove actual possession of the spot.
47. In such cases, the site inspection report and statements from the patwari and revenue officers should be taken after obtaining the report of possession. Those who did the site inspection should be called as witnesses.
48. If the revenue officers have taken possession and the accused has retaken possession, which continues for one or two crops and then a dispute is reported again, the date of commencement of the offense should be fixed from the date of first eviction, not from the date of complaint. In such a situation, the reason for delay in reporting should also be explained
49. If the land was forcibly ploughed by the accused with a tractor or cattle, was the ownership of the tractor or cattle determined and confiscated?

If mobile call details are important evidence in the case, then has its analysis been done? Was the report prepared and included in the diary? What to prove in CDR? What 'will be proved' and 'by whom' should be clearly mentioned in the case diary and charge-sheet.

50. In land related disputes, was the panchnama of the spot prepared and statements of independent witnesses taken? If help of laborers was taken for ploughing or harvesting, were their statements recorded?
51. If the crime has been established on the basis of the written report given by the victim, has the statement of the writer been taken? MP Police Regulation Para 711 should also be followed in this matter.

Kidnap

52. For offence under sections 303 or 366 of the IPC / 102 or 106 of the BNS and Section 3(2)(v) of the Act, have all the facts mentioned in the statement recorded by the kidnapped person after his recovery been verified? If, in the past, a missing person has been registered on the complaint of parents/guardians, then it should be verified if there is any contradiction between the facts in the complaint and the facts found in the investigation after the crime is established. Have proper steps for interrogation been taken?
53. If the kidnapping took place in a public place and the hostage was taken away by public transport or any other vehicle, was the circumstances of the kidnapped hostage not being able to tell others about the incident clearly disclosed in the statement or case diary?

If the crime has been established on the basis of the written report given by the victim, has the statement of the writer been taken? MP Police Regulation Para 711 should also be followed in this matter.

Case diary

54. In some situations, the informant reports to the nearest police station, instead of to the jurisdictional police station. The reason for this should be clarified by interrogating the complainant. Has the clarification been got from the informant, and were the circumstances disclosed in the case diary?
55. Have all the acknowledgments of the notice been included in the case diary? Have particulars of the police staff who serve the witness, been mentioned in the case diary? Has a copy of the gazette notification or list showing the scheduled caste or tribe of the complainant been included in the case diary?
56. In case a suicide note is recovered, include the handwriting expert's test report in the diary.
57. Has the acknowledgment of sending the seizure information to the concerned court been included in the diary?

58. Has the court's acknowledgment receipt for the FIR been included in the diary?
59. For the arrest of the accused in cases under Section 3(1) of the Act, as per the provisions of Section 41 of the CrPC Amendment Acts 2008 and 2010, have the reasons for arrest been clearly mentioned in the case diary?
60. To arrest the accused, was his house searched? Was the accused at home or not? During this time, was it searched for blood, dirty clothes, documentary evidence etc? If found locked, was it clearly mentioned in the diary?
61. Has information of the arrest of the accused been given and has the acknowledgment been recorded in the case diary?
62. If the DNA is being collected, is it clearly mentioned in the form and diary? Is the query for the desired opinion a clear text? If the query is wrong or incomplete/unclear then the answer will also be wrong.
63. Was the time of the proceedings recorded in the case diary? On whose orders, when, and where was the diary received for analysis, and whether each document attached to the diary was studied?
64. If the statements and other documents are not written by the investigating officer in his own handwriting but have been transcribed by a subordinate, then has the name and signature of the scribe been marked on the document and the reasons been recorded in the case diary? In the case of typing, the name of the typist should be mentioned. These should also be kept on the witness list.

Have all the acknowledgments of the notice been included in the case diary? Have particulars of the police staff who serve the witness, been mentioned in the case diary? Has a copy of the gazette notification or list showing the SC or ST of the complainant been included in the case diary?

Medical

65. After arresting the accused, it is mandatory to conduct MLC examination. Was the doctor instructed to preserve injuries, scratches, and other physical evidence on the body, clothes, body fluids etc.?
66. After reviewing the medico-legal case (MLC) report of the injured, whether X-ray or other required test has been completed by the specialist to whom he has been referred?
67. If not, has the clear reason for this been mentioned in the case diary?
68. Do the findings of the medical report and the investigation match with the FIR and the statements, type of injuries, weapon, and distance of the injured/accused, direction and

angle of fire etc.? Does the period of injuries match the time of the incident?

69. In case of contradictory MLC evidence, were law / prosecution officers (SPP) consulted?
70. Have the documents been signed?
71. Was the doctor queried regarding the nature of the injuries regarding the seized weapon, and whether the injuries were made by the seized weapon? If a query has been made, has the opinion been obtained and included in the diary?
72. Has the doctor doing MLC confirmed that the injuries were caused due to assault only and it is not possible due to fall?
73. Ask the doctor whether he has made any inquiry about the victim and mentioned it on the treatment prescription or MLC form. If not, why not? If he has written it, make him clarify whether he has done so only to determine the direction of treatment.
74. Have the injured persons' X-ray report, X-ray plates, CT scan report, MRI report, USG report, bed head ticket, discharge ticket etc. been obtained? Through their examination, are the injuries and weapons mentioned in the FIR and are the statements matching?
75. If the injured has been sent by the police to the government hospital for MLC, then a copy of the journal diary and the record of the hospital should be obtained.
76. If the statements of the injured and witnesses have been taken by the police (in the police station, police post, or hospital or any other place), have the statements of all been included in the case diary? If statements etc. have been taken before the FIR has been registered or before the crime has been established, then these should be treated as MLC investigation.

Dying declaration

77. Has the injured been declared dying? If yes, has the dying declaration, the complaint, and acknowledgment been sent to the executive magistrate *and* have been put in the case diary? If the dying declaration is not required, then its justification/reason should be written in the diary.
78. Before recording the dying declaration, the executive magistrate, tehsildar, or naib tehsildar should obtain a certificate from the doctor that the patient is in a position to give a statement. After the statement, it should be written

Do the findings of the medical report and the investigation match with the FIR and the statements, type of injuries, weapon, and distance of the injured/accused, direction and angle of fire etc.? Does the period of injuries match the time of the incident?

down by the doctor that the patient was in a position to give the statement, was understanding the questions, and answering naturally.

79. If the answer was given by gestures, record the gestures made. (Note that Section 15A(10) of the Act, and the police manuals of several states, require that all proceedings under this Act be video recorded).

Rape

80. The interrogation of female victims should be done only by a female police officer, with empathy and trust. If a female DSP is not available, the investigating officer should always have a woman police officer (of the highest rank possible) present during the investigation.

81. Section 376 of the IPC / 64 of the BNS and Section 3(1)(w) of the Act: If a woman has been beaten and raped in a field or a bushy place then the victim will have to undergo medical examination regarding abrasions and other injuries on her back. Has it been done? MLC should be done for injuries on the back of the victim's body. If there are no injuries, then this should be disclosed in the statement.

Before recording the dying declaration, the executive magistrate, tehsildar, or naib tehsildar should obtain a certificate from the doctor that the patient is in a position to give a statement.

82. DNA testing of the woman is done in some cases, especially when rape is alleged. The sample for DNA should be taken at the first available opportunity at the time of the first MLC. According to the provisions of the CrPC, medical examination of the woman within 24 hours is mandatory. Before taking a sample for DNA testing, it should be ensured that there is a possibility of finding male DNA in the female body. If the woman has taken a bath or washed or destroyed her clothes or has had sex subsequently with another, then the chances of finding the accused man's DNA from her vaginal swab are slim.

83. If the woman has become pregnant as a result of rape, and if the report is made several months after conception, then the DNA of the foetus should be taken to determine the paternity of the child to determine rape. If it is not safe, then one should wait for the child to be born.

84. Similarly, at the time of arrest of the accused man, the purpose the man's DNA being taken should be clear – to match the male DNA obtained from the woman's body or to find the woman's DNA from the man's body? If the accused is not caught immediately, if he has taken a bath, or changed his clothes, then no trace of female DNA will be found on him.

85. For a DNA test, only a vaginal swab or male semen is not necessary. DNA can also be found in blood, bile, phlegm, hair roots etc. Therefore, in each case it should be seen what type of samples should be taken.
86. The above circumstances should be reviewed in detail before considering the accused man innocent on the basis of a negative DNA test alone. Other evidence should also be considered.

Drowning

87. In the case of drowning, was the femur seized for diatom test? If so, was a doctor consulted to preserve it safely and intactly?
88. If the femur is received in a broken state, it is returned by the medico legal institute with a note that testing is not possible. Hence the bone should be kept safely from the time it is seized till it is sent for testing.

Suicide

89. In the case of suicide, was the suicide note searched and seized after carefully inspecting the incident site?
90. Was the suicide note sent to FSL for handwriting testing? Include the handwriting expert's test report in the diary.

FSL procedures

91. Have the seized goods, samples, and articles been sent to FSL for testing on time? The seized items should be sent to FSL at the first available opportunity. Unnecessary delay affects the credibility of evidence. The protocols to provide evidence of uninterrupted chain of possession should be meticulously followed. Is the FSL acknowledgment slip included in the case diary?
92. Generally, the charge-sheet should not be filed without receiving the FSL report. Since investigations for crimes recorded under the Act must be completed and charge-sheets filed within 60 days of the FIR being registered [Rule 7(2)], while sending the evidence for testing, the investigating officer should make it clear that the FSL should give the report immediately. If, due to unavoidable circumstances, the charge-sheet must be presented without the FSL report, then the FSL report should be submitted to the court and included in the case record as soon as it is received.

Have the seized goods, samples, and articles been sent to FSL for testing on time? The seized items should be sent to FSL at the first available opportunity. Unnecessary delay affects the credibility of evidence.

93. Has the blood group of the injured or deceased been determined? If yes, then has the blood group of the injured or deceased been matched with the blood group of the seized weapon and the clothes of the accused?
94. Where DNA testing is required, identification forms are required. Have the forms been filled in properly? If samples were taken or sent to the FSL, was the 'chain of custody' of each article/seized material sent for testing maintained? Was the seal of the seized sample/material intact from the time of seizure till it was opened in the FSL?
95. Satisfy yourself by studying the FSL report when you receive it. This caution should be taken in case of every sample sent to FSL, because in many cases the accused have got the benefit of doubt and been acquitted since the seal of the material arriving at FSL did not match the seal at the time of seizure or was received in a broken condition.

The interrogation of female victims should be done only by a female police officer, with empathy and trust. If a female DSP is not available, the investigating officer should always have a woman police officer (of the highest rank possible) present during the investigation.

Proof of age

96. The birth certificate is the best evidence regarding the age of the victim. Get it if possible. Has the ossification test report, copies of the school marksheet, and scholar registers been obtained, and statements of the concerned principal and clerk taken? The age estimated based on the ossification test could have a variation of up to two years. Similarly, the age estimated based on tooth development is also approximate. Age at the time of admission in school and date of birth in school records is also often written as an estimate. Therefore, the statement of parents should be taken carefully. Marksheet, being secondary evidence, is acceptable only when primary evidence i.e. admission register is unavailable. The extract from the admission register should be displayed and the principal's statement should be made during trial.
97. Have the facts regarding the age and date of birth of the victim been mentioned in the statements given by the parents? Ensure that there is no contradiction in the statements regarding the age of the victim in the missing person information, investigation, FIR, or Section 161 of the CrPC. If so, it should be clarified.
98. All the investigating officers should be conversant with the Juvenile Justice (Care and Protection of Children) Rule 12 and the Protection of Children from Sexual Offences Act (POCSO), Rules, 2016 and ensure the benefits of relief and

special provisions available for the protection of children (both victims and perpetrators) are enforced.

Reconfirmation

99. Under the Act, after the case has been established by the Deputy Superintendent of Police (DSP) or Subdivisional Magistrate (SDM) [Rule 6], further investigation must be done only by an officer of DSP rank or higher [Rule 7(1)]. If statements were taken by any inspector or subordinate, then while the DSP is taking the statement, have the contradictions in the previous statements been made clear to the witness? Has it been clarified or not based on which evidence the section has been increased or added, whereas the FIR did not invoke the Act nor include the sections? In case of contradiction, whether clear disclosure has been made in the case diary?
100. If the statement has been recorded by an officer of rank below DSP, then has the statement been rerecorded by the DSP? Mere 'verification' is not enough. Any action that can be taken again should be done again. Regarding what cannot be repeated, examine whether it is necessary from the evidentiary point of view to prove that the Act can be invoked for the offense or whether this action will only prove the offense of the IPC. For example, the seizure of an assault weapon proves only a crime under IPC 323, 324, 325, 307, or 302 and BNS 113, 116, 115, 107, or 101. Seizure of the weapon alone does not prove an offense under Sections 3(1)(r), 3(1)(s), or 3(2)(v) has been committed. Therefore, even if an inspector has seized the weapon, the investigating officer should write this in the case diary/charge-sheet. The defence team should also draw the prosecutor's attention to this during arguments and the prosecution should prove this in the oral argument.

Where DNA testing is required, identification forms are required. Have the forms been filled in properly? If samples were taken or sent to the FSL, was the 'chain of custody' of each article/seized material sent for testing maintained?

Filing the charge-sheet

101. Was legal opinion regarding all the evidence obtained from the district prosecution officer or the SPP before preparing the charge-sheet?
102. In case the accused is detained in jail after his arrest, has the time limit of 60 days for presentation of the charge-sheet been kept in mind?
103. If the charge-sheet is filed without community (caste or tribe) certificates or without the FSL report due to unavoidable circumstances or ignorance, these documents

should be acquired promptly, a supplementary charge-sheet for final analysis under Section 173(8) of the CrPC should be presented, and the documents should be included in the court record.

104. Has a brief description of the incident, every action taken during the investigation, and a detailed description of the evidence found against each accused, been written in the charge-sheet? Keep in mind that the use of Section 34 of the IPC and BNS 3 is very limited. It should be made clear that each accused has committed a separate crime under the Act.
105. Prepare A and B list of witnesses with clear addresses, mobile numbers etc. of each. Have entries been made in the charge-sheet? Which witness will give what type of evidence and which document will prove what? Is it clearly mentioned?
106. In column number 11 (MP Police Regulations), have the complete details of the seized goods, when it was sent to FSL for investigation, etc., been mentioned?
107. In case sections of Arms Act are invoked, have column number 11-A (MP Police Regulations), along with all the documents, FIR acknowledgment receipt, FSL goods deposit receipt, bond issued under section 170 of the CrPC, query related to MLC, caste certificate of the complainant and the accused been acquired and filed?
108. In case of notification related to arms where Section 353 of the IPC and BNS 130 is invoked, ensure that the charge-sheet records the evidence regarding discharge of duty by a public servant during the incident, absconding panchnama of the accused etc. (These details are often omitted by mistake while preparing the charge-sheet).
109. Are the certified copies of the previous judgement orders and previous conviction record of the accused attached with the charge-sheet?

If statements were taken by any inspector or subordinate, then while the DSP is taking the statement, have the contradictions in the previous statements been made clear to the witness?

In court

110. Previous criminal records: In case the accused has been previously convicted under the Act, has a copy of the police record been collected and all necessary evidence brought to the notice of the court for punishment for subsequent conviction under Section 5 of the Act?
111. At the trial, the seized articles should be presented to the court and identified by witnesses and investigators.



5 MONITORING AT THE UNION LEVEL

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Introduction

It is the duty of the union government to coordinate the measures taken by the state governments, and to place on the table of each house of parliament, every year, a report on the measures taken by itself and by the state governments for the effective implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 [Section 21].

The responsibility for implementation of the Act primarily rests with the respective state governments and the union territory administrations and their subordinate authorities (police and executive magistrates).

There are monitoring mechanisms under this Act at the union [Section 21(4)], state [Rule 16(2)], district [Rule 17(3)], and subdivisional [Rule 17A(4)] levels. There are some constitutional mechanisms such as the national commissions, parliamentary committees, and other national mechanisms.

As per the system designed in the Act, each link builds on, and mutually reinforces, the others with interlocking harmony in execution, reporting, and review.

As per the system designed in the Act, each link builds on, and mutually reinforces, the others with interlocking harmony in execution, reporting, and review.

If the officials do the work they are supposed to do at the mandated time, monitoring the implementation of this Act at the union level can be done by getting just the following information:

- Union annual reports submitted to parliament u/s 21(4).
- Parliamentary questions will help to fill in the gaps, if any.
- Annual reports, union Ministry of Social Justice and Empowerment.

If you are feeling particularly ambitious, you could also include the annual report of the:

- National Crime Records Bureau.
- National Commission for the Scheduled Castes.
- National Commission for the Scheduled Tribes.

and the

- Judgements of the Supreme Court of India.

In this guide book you will learn of the

- Constitutional bodies monitoring implementation of the Act.
- Other official procedures that will help.
- How to get the information required.

One caveat though. Though there are constitutional and administrative mechanisms to monitor this Act at the union level, accountability mechanisms are practically non-existent.

Union ministers routinely get away with some variation of this answer to Lok Sabha unstarred question 2562:

'Police' and 'Public Order' are State subjects under the Seventh Schedule of the Constitution of India. The responsibility of maintaining law and order, protection of life and property of the citizens including SCs/STs rest with the respective State Governments and Union Territory Administrations. The State Governments are competent to deal with such offences under the extant provisions of laws. However, the Government of India is committed to ensure protection of Scheduled Castes and Scheduled Tribes. Bureau of Police Research & Development (BPR&D) conducts training, courses and webinars from time to time for police personnel sensitizing them for effective implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. In addition, Government of India has issued advisories from time to time to implement the provisions of the PoA Act and Rules in letter and spirit.

The National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST) are constitutional bodies to monitor the safeguards provided to the SCs and the STs.

However, getting the information is shining light on their functioning and efficiency, and is a welcome step towards accountability.

Constitutional bodies to monitor safeguards

The National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST) are constitutional bodies to monitor the safeguards provided to the scheduled castes and the scheduled tribes.

The parliament

The union Ministry of Social Justice and Empowerment tables an annual report on the measures taken by the union government and by the state governments (by consolidating the annual reports of all the states) for the effective implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in both houses of parliament every year [Section 21(4)].

The members of both houses of parliament can also ask specific questions during the sessions regarding the implementation status, findings, or any data.

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes consists of 30 members – 20 from the Lok Sabha and 10 from the Rajya Sabha – elected from amongst those in the respective houses of parliament. They have a term of one year. They can consider the reports, report on the action taken or to be taken, and examine any other matters it may deem fit or are referred to it by the house or speaker. Though they can monitor the implementation of this Act (especially the information from the annual report under Section 21(4)) they are often focused only on the reserved quota for the scheduled castes and the scheduled tribes in government employment.

National Commission for Scheduled Castes

The NCSC is established under Article 338 of the Constitution. Article 338(5) lays down the duties of the commission, which have a bearing on prevention of atrocities against the scheduled castes:

- (a) To investigate and monitor all matters relating to the safeguards provided for the scheduled castes under the Constitution of India or under any other law for the time being in force or under any order of the government and to evaluate the working of such safeguards;
- (b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the scheduled castes; The NCSC has an Atrocities and Protection of Civil Rights Wing, which deals with cases relating to Scheduled Castes under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Protection of Civil Rights Act, 1955, either on receipt of complaints from individuals or information from other sources (including the media). Evaluation studies/surveys on these subjects are also conducted by this Wing.

Though there are constitutional and administrative mechanisms to monitor this Act at the union level, accountability mechanisms are practically non-existent.

National Commission for Scheduled Tribes

The NCST is established under Article 338–A of the Constitution of India. Article 338–A(5) lays down certain duties of the commission, which have a bearing on prevention of atrocities against the scheduled tribes:

- (a) to investigate and monitor all matters relating to the safeguards provided for the scheduled tribes under the Constitution of India or under any other law for the time being in force or under any order of the government and to evaluate the working of such safeguards;

- (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the scheduled tribes; On receiving information about an incident of atrocity against a person belonging to a scheduled tribe, the commission gets in touch with the law enforcing and administrative machinery of the concerned state and the district to ascertain the details of incident and the action taken by the district administration.

The commission has six regional offices at Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi, and Shillong with specified jurisdiction to cover states and union territories.

National human rights Institutions

Several human rights institutions were established in India for the purpose of protecting and promoting human rights.

- The Protection of Human Rights Act, 1993 defines human rights and provides for the creation of the National Human Rights Commissions (NHRC), and State Human Rights Commissions (SHRC), setting out their powers, functions, and procedures.
- National Commission for Women established under the National Commission for Women Act in 1990.
- The National Commission for Minorities established under the National Commission for Minorities Act in 1992.
- The National Commission for Protection of Child Rights established under the Commissions for Protection of Child Rights Act, 2005.

The reports of most of these human rights institutions do not cover this Act, though the NHRC has a mixed record. The NHRC does work on this Act periodically. Some of its reports cover the implementation of this Act. It has commissioned specific studies on implementation, but the action taken on its reports and recommendations leaves much to be desired. Depending on the resources available (time and people), these institutions can also be monitored.

Union ministries

As per the Government of India (Allocation of Business) Rules, 1961, the responsibility with regard to implementation of the Act at the union level is split between the Ministry of Home Affairs (administration of criminal justice), the Ministry of Social Justice and Empowerment (Implementation of the Act, insofar as it relates to scheduled castes, excluding the administration of criminal justice) and the Ministry of Tribal

On receiving information about an incident of atrocity against a person belonging to a scheduled tribe, the NCST gets in touch with the law enforcing and administrative machinery of the concerned state and the district to ascertain the details of incident and the action taken by the district administration.

Affairs (implementation of the Act, insofar as it relates to the scheduled tribes excluding the administration of criminal justice).

Committee for effective coordination

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in its fourth report recommended that the Ministry of Social Justice and Empowerment, Ministry of Home Affairs, National Commission for Scheduled Castes, and National Commission for Scheduled Tribes should meet regularly to devise ways and means to curb offences and ensure effective administration of the Act.

In pursuance of this recommendation, a committee for effective coordination to devise ways and means to curb offences of untouchability and atrocities against the scheduled castes and the scheduled tribes and effective implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 with the union minister for social justice and empowerment as the chairperson, was set up in March 2006.

The present composition of the committee is Minister for Social Justice and Empowerment (Chairperson), Minister of Tribal Affairs (Co-Chairperson), Minister for State for Social Justice and Empowerment and Minister for State for Tribal affairs (Special invitees); Secretaries from the Ministry of Social Justice and Empowerment, Ministry of Home Affairs, Department of Justice, Ministry of Law and Justice, Ministry of Tribal Affairs, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, Joint Secretary, Ministry of Home Affairs (In charge of National Crime Records Bureau), two non-official representatives from amongst the scheduled castes, one non-official representative from amongst the scheduled tribes (Members), and the Joint Secretary (SCD), Ministry of Social Justice and Empowerment (Member – Secretary). The committee has met 25 times from inception till end 2021.

Centrally sponsored schemes

The union government provides assistance to the respective state governments and union territory administrations for effective implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 mainly for following purposes:

- (a) Functioning and strengthening of the scheduled castes and the scheduled tribes protection cell and special police stations.

The objective is to build informed awareness about the provisions of the law that are aimed at ending discrimination and provide protection.

- (b) Setting up and functioning of exclusive special courts.
- (c) Relief and rehabilitation of atrocity victims.
- (d) Incentive for inter-caste marriages, where one of the spouses is a member of the scheduled caste.
- (e) Awareness generation.

The funding pattern of the scheme is such that, over and above the committed liability of respective state governments, the expenditure is shared between the union and the states on a 50:50 basis, and the union territory administrations receive 100% central assistance. Central assistance of ₹610.11 crores was granted to 23 states, 5 union territories and the national helpline against atrocities (NHAA) during 2021–22.

National helpline against atrocities

The department of Social Justice and Empowerment has taken an initiative of launching the NHAA to ensure proper implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is a toll-free number 14566 across the country.

The objective is to build informed awareness about the provisions of the law that are aimed at ending discrimination and provide protection. It is an initiative for grievance redressal and real time monitoring of registered grievances.

At present, nine states and union territories have established call centres and their integration with the central call centre is in progress. The department is coordinating with the other states to set up call centres.

Monitoring

Monitoring implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 can be done by collecting information in the public domain. The primary sources of information are the annual union report u/s 21(4) and the state annual reports u/r 18. These can be supplemented by information from parliament, and the annual Crime In India report of the National Crime Records Bureau.

The parliament

The union Ministry of Social Justice and Empowerment tables a report on the measures taken by the union government and by the state governments for the effective implementation of the Act in both houses of parliament every year [Section 21(4)].

The Department of Social Justice and Empowerment has taken an initiative of launching the NHAA to WITH has launched the National Helpline Against Atrocities to ensure proper implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The members of both houses of parliament can also ask specific questions during the sessions regarding the implementation status, findings, or any data.

Parliamentary questions and their replies can be accessed online on the websites of the Lok Sabha and the Rajya Sabha.

Lok sabha:

<https://sansad.in/l/questions/questions-and-answers>

Rajya sabha:

<https://sansad.in/rs/questions/questions-and-answers>

Filter the search by Ministry of Social Justice and Empowerment to get more relevant information and save time.

Union ministries

The comprehensive report on the measures taken by the union government and by the state governments for the effective implementation of the Act is prepared by the MoSJ&E every year [Section 21(4)] and has summaries of the state annual reports as well. Union reports of the past few years are on the website of the national helpline (<https://nhapoa.gov.in/en/cms/annual-reports-poa>, last accessed 20 March 2024).

All available annual union reports from 1990 to date have been uploaded to <https://www.cvmc.in/india/>. The available annual reports of states and union territories can be found at <https://www.cvmc.in/states/>. There is often some delay in uploading the latest reports on both websites. If you want the union report earlier, file an RTI request online or by mail to the MoSJ&E but you will get it only after it is tabled in parliament. For the state reports, an RTI request to the particular state nodal office may be necessary.

The annual reports of the Ministry of Tribal Affairs (MoTA) and the MoSJ&E are sources of some information. The MoSJ&E annual report can be accessed from <https://socialjustice.gov.in/> under publications.

Centrally sponsored schemes

The Section 21(4) report has only some basic information about the centrally sponsored schemes. More information is available in the MoSJ&E annual report which can be accessed from their website <https://socialjustice.gov.in/> under publications, and supplemented with parliamentary questions.

Each year the Ministry of Social Justice and Empowerment prepares a comprehensive report on the measures taken by the union and state governments for the effective implementation of the Act and tables it in both houses of parliament [Section 21(4)].

Each state sends the proposal for release of central assistance by the end of April along with the audited utilisation certificate for the previous year. Ask for all those (or that of a particular state) from MoSJE through RTIs. The prescribed guidelines and performa are in the following annexure.

Other periodic reports

- Crime In India, the annual report of the National Crime Records Bureau <https://ncrb.gov.in/crime-in-india.html>.
- Annual report of the National Commission for the Scheduled Castes (<https://ncsc.nic.in/>).
- Annual report of the National Commission for the Scheduled Tribes (<https://ncst.nic.in/>).
- Judgements of the Supreme Court of India (<https://main.sci.gov.in/judgments>).
- Annual reports and newsletters of the national human rights institutions.

The comprehensive report on the measures taken by the union government and by the state governments (by consolidating the annual reports of all the states) for the effective implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is prepared by the Ministry of Social Justice and Empowerment every year [Section 21(4)].

Meeting minutes

The minutes of the meetings of the following bodies would have some relevant information:

- The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes.
- The Committee for Effective Coordination to devise ways and means to curb offences of untouchability and atrocities against the scheduled castes and the scheduled tribes and effective implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- National Commission for Scheduled Castes.
- National Commission for Scheduled Tribes.
- National human rights institutions.

No. 11011/14/2023-PCR (DESK)
Government of India
Ministry of Social Justice and Empowerment
(Department of Social Justice and Empowerment)

Shastri Bhawan, New Delhi.
Dated: 26.02.2024

To,

1. The Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. The Secretary,
Ministry of Tribal Affairs,
Shastri Bhawan, New Delhi.
3. The Secretary,
Department of Justice,
Ministry of Law & Justice,
Jaisalmer Bhawan, New Delhi.
4. The Addl. Chief Secretary/Principal Secretary/Secretary,
SC/ST Development/Welfare Department,
All State Governments/Union Territory Administrations.

Subject: Scheme guidelines of the Centrally Sponsored Scheme for implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989-regarding.

Sir/Madam,

I am directed to refer to the subject cited above and to forward herewith the attached scheme guidelines of the Centrally Sponsored Scheme for the implementation of the PCR Act, 1955 and the SC/ST (PoA) Act, 1989 for your information please.

This issues with the approval of competent authority.

Encl: As above.

Yours faithfully,



(Subhendu Das)

Under Secretary to the Govt. of India

Copy to:

1. PPS to Secretary,SJE.
2. PPS to Additional Secretary,SJE.
3. PS to HMSJE/PS to HMoS(RA)/PS to HMoS(AN)/PS to HMoS(PB)

SCHEME FOR

IMPLEMENTATION OF

THE PROTECTION OF CIVIL RIGHTS ACT, 1955 AND

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES

(PREVENTION OF ATROCITIES) ACT, 1989

Centrally Sponsored Scheme

Guidelines

Ministry of Social Justice and Empowerment

Department of Social Justice and Empowerment

Government of India

Centrally Sponsored Scheme (CSS) for implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

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Scheme for Implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

1. Background

The Department of Social Justice and Empowerment (DoSJE), Ministry of Social Justice and Empowerment (MoSJE), Government of India (GoI) is implementing a Centrally Sponsored Scheme for **effective Implementation of Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989**. This was introduced in the year 1974-75. The scheme provided Central assistance to the State Governments and Union Territory Administrations mainly for strengthening of the enforcement and judicial machinery, relief and rehabilitation of the affected persons, incentive for inter-caste marriages where one of the spouses is a member of a Scheduled Caste and awareness generation etc.

1.1 Introduction

(i) Article 17 of the Constitution of India abolished 'untouchability', forbade its practice in any form and made enforcement of any disability arising out of 'untouchability', an offence punishable in accordance with law. In accordance with this Constitutional provision, an Act of Parliament namely the Protection of Civil Rights (PCR) Act, 1955, was enacted which prescribed punishment for enforcement of any disability arising from practice of 'untouchability'. As the PCR Act covered offences of untouchability, but not of atrocities against members of Scheduled Castes (SCs) and the Scheduled Tribes (STs), another Act of Parliament namely the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (PoA) Act, 1989, which also falls within the provisions of Article 17 of the Constitution, was enacted to prevent the commission of offences of atrocities against members of Scheduled Castes (SCs) and Scheduled Tribes (STs).

(ii) The State Governments and Union Territory Administrations, being 'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India, are responsible for prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction including crimes against members of Scheduled Castes and Scheduled Tribes as also for implementation of provisions of the PCR Act and the PoA Act.

1.2 Objective: The objective of the Scheme is to ensure effective implementing of the provisions envisaged in these two Acts of Parliament i.e. the PCR Act, 1955 and the SC/ST (PoA) Act, 1989 and the Rules made thereunder (which is a subordinate legislation).

1.3. Responsibility for implementation of the Acts: Responsibility for implementation of the PCR Act and the PoA Act lies with State Governments and Union Territory Administrations. At the Central level, as per the Government of India (Allocation of

Business) Rules, 1961, responsibility in regard to implementation of the Acts, is allocated as under:

(i) **Ministry of Home Affairs:** Criminal offences against members of the Scheduled Castes, Scheduled Tribes, including those under the Protection of Civil Rights Act, 1955, and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(ii) **Ministry of Social Justice & Empowerment:** Implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), (in so far as it relates to the Scheduled Castes, excluding administration of criminal justice in regard to offences under the Act).

(iii) **Ministry of Tribal Affairs:** Implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), (in so far as it relates to the Scheduled Tribes, excluding administration of criminal justice in regard to offences under the Act).

2. Brief of the Scheme:

2.1 The Centrally Sponsored Scheme was introduced in the year 1974-75. Initially the scheme provided Central assistance to the State Governments and Union Territory Administrations towards effective implementation of an Act of Parliament namely, the Untouchability (Offences) Act, 1955 (22 of 1955), enacted and notified on 08.05.1955, in pursuance of provisions of Article 17 of the Constitution of India which abolished "Untouchability", forbade its practice in any form and made enforcement of any disability arising out of "Untouchability" an offence punishable in accordance with law.

2.2 Subsequently, this Act was amended and renamed as the Protection of Civil Rights {PCR} Act, 1955 in the year 1976. Thereafter, another Act of Parliament namely the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)[PoA] Act, 1989, was enacted and brought into force on 31.01.1990 to prevent commission of offences of atrocities against the members of the Scheduled Castes(SCs) and the Scheduled Tribes(STs), to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences, the scope of the Scheme was extended to cover the PoA Act as well.

2.3 For effective implementation of these two Acts, State Governments and Union Territory Administrations are provided Central assistance mainly for strengthening of the enforcement and judicial machinery, relief and rehabilitation of the affected persons, incentive for inter-caste marriages where one of the spouses is a member of a Scheduled Caste and awareness generation.

3. Components of the Scheme: The scheme has mainly following components:

3.1 Functioning and strengthening of the Scheduled Castes and Scheduled Tribes Protection Cell and Special Police Stations: This has two sub-components, for bringing into effect the Section 15A (2) of the PCR Act, 1955, Section 21 (2)(iv) of the SC/ST (PoA) Act, 1989 and Rule 8 of the SC/ST (PoA) Rules, 1995, namely:

- 3.1.1 Functioning and strengthening of SC/ST Protection Cells.
- 3.1.2 Setting up and functioning of Special Police Stations.

3.2 Strengthening and Enforcement of Judicial Machinery: For bringing into effect the Section 14 and Section 15 (2) of the SC/ST (PoA) Act, 1989, this has following sub-components:

3.2.1 Setting up and functioning of Special Courts or Exclusive Special Courts for trial of offences registered under the PCR Act, 1955 and the SC/ST (PoA) Act, 1989.

3.2.2 Special Public Prosecutors and Exclusive Public Prosecutors for conducting cases in Special Courts and Exclusive Special Courts.

3.3 Relief and rehabilitation of atrocity victims: To providing relief to the Atrocity Victims/dependents and for Economic and Social Rehabilitation of victims of atrocities as specified in Section 21 (2) (iii) of the SC/ST (PoA) Act, 1989 and Rule 12 (4) of the SC/ST (PoA) Rules, 1995. Annexure to Rule 12 (4) of the PoA Rules, 1995, prescribes the minimum relief amount and rehabilitation provisions for the atrocity victims/dependents of victims. (attached as Annexure-1).

3.4 Incentive for Inter-Caste marriages where one of the spouses is a member of a Scheduled Caste:

3.4.1 To provide incentive amount for Inter-Caste marriage couples where one of the spouses is a member of a Scheduled Caste on production of the Certificate of marriage registration with the competent authority in the State/UT.

3.4.2 The incentive amount would be put by the implementing Department of the State/UT in a fixed deposit jointly in the name of the couple (the first name being of the woman) in a Government/Nationalized Bank for a lock-in period of three years without facility for its pre-mature encashment.

3.5 Awareness generation and publicity: For bringing into effect the Rule 3 (viii) and 3 (1)(ix) of the SC/ST (PoA) Rules, 1995, following activities are include:

3.5.1 Awareness generation and setting up of awareness centres, organizing workshops, Training Camps, Sadbhavanashivir etc.

3.5.2 Setting up and functioning of National Helpline against Atrocities on the members of Scheduled Castes and Scheduled Tribes.

3.6 Any special action/intervention done by the State/UT for effective implementation of the Act

4. Funding: The funding under the various components is divided into two groups; recurring components and non-recurring components. The details are as under:

4.1 Recurring components: The funds would be provided as per the actual requirement proposed by the State/UT Governments towards salary, office expenses etc. except for procurement of land and construction of building. The following activities would come under the recurring components:

4.1.1 Functioning and strengthening of the Scheduled Castes and Scheduled Tribes Protection Cell and Special Police Stations.

4.1.2 Strengthening and Enforcement of Judicial Machinery.

4.2 Non-recurring component:

4.2.1 Relief and rehabilitation of atrocity victims: As per the norms prescribed in Annexure-I to Rule 12 (4) of SC/ST (PoA) Rules, 1995, for various offences of atrocities.

4.2.2 Incentive for Inter-Caste marriages where one of the spouses is a member of a Scheduled Caste: Rs. 2.5 lakh in each case. The beneficiaries for availing the benefit may consult their welfare officers of the respective districts

4.2.3 Awareness generation and publicity: As per the requirement of the State/UT Govt.

4.2.3 Any special action/intervention done by the State/UT for effective implementation of the Act

5. Funding Pattern:

5.1 The funding pattern of the Scheme is as such that the total expenditure over and above the committed liability is shared on 50:50 basis between the Central Government and concerned State Government/UT (with legislature) whereas 100% Central assistance would be provided to Union Territory Administrations (without legislature). It is made clear that there should be no duplication of the demand of funds for the same purpose.

5.2 Committed Liability

5.2.1 The 'Committed Liability' under the scheme is referred to as the total recurring expenditure incurred, by the State under 3.1 and 3.2 of Components of the scheme as mentioned above, for the terminal year of the previous Finance Commission Cycle. Any Non-recurring expenditure/component shall not be considered while determining the 'Committed Liability' of the State.

5.2.2 The Committed Liability does not applicable for any other items of expenditure including provision of legal aid, relief, Inter-caste marriages and publicity/awareness generation etc. Besides it, there are no other parameters of the Scheme since its intent is to assist State Governments and Union Territory Administrations towards effective implementation of the PCR Act and the PoA Act and the Rules made by Central Government there under, which being legislations are specific.

5.2.3. Accordingly, the 'Committed Liability' under the scheme for each year of the 15th Finance Commission cycle (i.e from 2021-22 to 2025-26) is equivalent to the recurring expenditure incurred for the terminal year of cycle of 14th Finance Commission i.e 2020-21, under the said components mentioned above.

6. Modalities for release of Funds:

Central Assistance is released under the scheme based on the proposal received annually from the State Governments and Union Territory Administrations for Central Assistance and on the basis of instructions related to procedure for release of funds under the Centrally Sponsored Schemes issued by Department of Expenditure, M/o Finance issued from time to time, including instructions on Single Nodal Account (SNA) mechanism.

7. Monitoring Mechanisms under the scheme

7.1 Central Level: At Central level, a monitoring committee has been constituted under the Chairpersonship of Union Minister for Social Justice and Empowerment at Central level for effective coordination to devise ways and means to curb offences of untouchability and atrocities against members of SCs and STs and effective implementation of the PCR Act and the PoA Act.

7.2 State Level: There are three tier monitoring committee at State level as prescribed under Rule 16, 17 and 17 A of the SC/ST (PoA) Rules, 1995.

The details of these committees are at [Annexure-II](#).

8. Timeline for submission of proposal

State Governments/Union Territory Administrations will submit the proposal for release of Central assistance by the end of April in the prescribed proforma as at [Annexure-III](#)

along with the Utilization Certificate as per GFR-12C as at **Appendix – E** and audited figures of expenditure for the previous financial year.

Disclaimer: It is pertinent to mention here that the above mentioned scheme guidelines are illustrative and not exhaustive as the intent of the scheme is to implement the provisions laid down in the PCR Act, 1955 and the SC/ST (PoA) Act, 1989 and the rules framed thereunder. If any thing in the above guidelines are in contravention to the provisions under these Acts and Rules, the provisions of the Acts and Rules will be prevailed.

Appendix – A

Consolidated reporting of figures in respect of expenditure incurred during 2022-23 and proposed during 2023-24 under the Centrally Sponsored Scheme for implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(Rs. in lakhs)

Central assistance released during 2022-23	Expenditure actually incurred up to the end of 2022-23			Expenditure proposed during 2023-24			Committed liability of the State Government (item-wise) (Please indicate the amount)	Confirmed State Share provided in State Budget during current financial year i.e:	
	Total	State Govt. share	Central Govt. share	Total	State Govt. share	Central Govt. share		(i) for committed liability	ii) for matching State share, in addition to committed liability
1	2	3	4	5	6	7	8	9	10

(Signature)
Designation with Stamp

Appendix-B

Items for which Central assistance under the Centrally Sponsored Scheme for implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is proposed for the year

S. No.	Item	Proposed expenditure total (Rs. in lakhs)			Proposed coverage of persons			Whether new or continuing item.
		Male	Female	Total (col. 3+4)	Male	Female	Total (col. 6+7)	
1	2	3	4	5	6	7	8	9
	Recurring Grants							
	(a) Functioning and Strengthening of the Scheduled Castes and Scheduled Tribes Protection Cell and Special Police Station:							
	(i) Functioning of SC/ST Protection Cell	--	--		--	--	--	
	(ii) Functioning of Special Police Station	--	--		--	--	--	
	(b) Strengthening and Enforcement of Judicial Machinery:							
	(i) Functioning of Special Courts or Exclusive Special Courts	--	--		--	--	--	
	(ii) Funds for Special Public Prosecutors or Exclusive Public Prosecutors	--	--		--	--	--	
	Total (A)							
	Non-recurring Grants							
	(a) Relief and rehabilitation of atrocity victims				SC: ST: Total:	SC: ST: Total:	SC: ST: Total:	
	(b) Incentive for inter-caste marriages, where one of the spouses is a member of a Scheduled Caste.				SC: ST: Total:	SC: ST: Total:	SC: ST: Total:	
	(b) Awareness generation and				SC: ST:	SC: ST:	SC: ST:	

	publicity (d) Any special action/intervention for effective implementation of the Act <p style="text-align: right;">Total (B)</p> <p style="text-align: right;">Grant Total(A+B)</p>				Total:	Total:	Total:	
--	--	--	--	--	--------	--------	--------	--

(Signature)
Designation with Stamp

Appendix-C

Item wise details of expenditure incurred and physical coverage for Central assistance under the Centrally Sponsored Scheme for implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 during the year 2022-23.

S. No.	Item	Proposed expenditure total (Rs. in lakhs)			Proposed coverage of persons			Whether new or continuing item.
		Male	Female	Total (col. 3+4)	Male	Female	Total (col. 6+7)	
1	2	3	4	5	6	7	8	9
	Recurring Grants							
	(a) Functioning and Strengthening of the Scheduled Castes and Scheduled Tribes Protection Cell and Special Police Station:							
	(i) Functioning of SC/ST Protection Cell	--	--		--	--	--	
	(ii) Functioning of Special Police Station	--	--		--	--	--	
	(b) Strengthening and Enforcement of Judicial Machinery:							
	(i) Functioning of Special Courts or Exclusive Special Courts	--	--		--	--	--	
	(ii) Funds for Special Public Prosecutors or Exclusive Public Prosecutors	--	--		--	--	--	
	Total (A)							
	Non-recurring Grants							
	(c) Relief and rehabilitation of atrocity victims				SC: ST: Total:	SC: ST: Total:	SC: ST: Total:	
	(b) Incentive for inter-caste marriages, where one of the spouses is a member of a Scheduled Caste.				SC: ST: Total:	SC: ST: Total:	SC: ST: Total:	
					SC:	SC:	SC:	

(d) Awareness generation and publicity				ST: Total:	ST: Total:	ST: Total:	
(d) Any special action/intervention for effective implementation of the Act							
Total (B)							
Grant Total(A+B)							

(Signature)
Designation with Stamp

Appendix – D

Quantifiable information for 2022-23, as well as estimates for 2023-24

Items	2022-23 (Actual)		2023-24 (Proposed)	
PCR & PoA Acts: (i) District-wise, number of Exclusive Special Courts set up/functioning (Please mention the number as well as name of district where located).	Name of District	No. of Excl. Spl. Courts.	Name of District	No. of Excl. Spl. Courts.
(ii) District-wise, number of Mobile Courts(for summary trial of cases registered under the PCR Act), set up/functioning(Please mention the number as well as name of district where located).	Name of District	No. of Mobile Courts	Name of District	Mobile Courts
(ii) District-wise, number of Special Police Stations set up/functioning (Please mention the number as well as name of district where located).	Name of District	No. of Spl. Police Stations	Name of District	No. of Spl. Police Stations
(iii) Number of inter-caste marriages where one of the spouses is a member of Scheduled Caste and incentive amount per couple.	Number of inter-caste marriages	Incentive amount per couple	Number of inter-caste marriages	Incentive amount per couple
(iv) Awareness generation measures (Please mention number of Seminars, workshops, training camps, Sadbhavana Shivirs, any other such measure.	Activity	Number	Activity	Number
	• Seminar		• Seminar	
	• Workshop		• Workshop	
	• Training camp		• Training camp	
	• Sadbhavana Shivir		• Sadbhavana Shivir	
• Other activity		• Other activity		
(v) Periodic survey (please mention names of Districts/Areas within a District surveyed).	District	Area within District	District	Area within District
(vi) Number of awards given for best performing gram-panchayats and Panchayat Raj institutions to eradicate untouchability and combat offences of atrocities. (Please mention such gram-panchayats/ Panchayat Raj institutions(PRIs).	Name of gram panchayat/ PRI	Number of Awards	Name of gram panchayat/ PRI	Number of Awards
(vii) Details (Locations within a District) of Identified areas where persons are under any disability arising out of "untouchability"/ members of SC/ST are subjected to any atrocities.	District	Location within District	District	Location within District

(Signature & designation)

GFR 12 – C
 [(See Rule 239)]

FORM OF UTILIZATION CERTIFICATE (FOR STATE GOVERNMENTS)
(Where expenditure incurred by Government bodies only)

Sl. No.	Letter No. and date	Amount (Rs. in lakhs)	Certified that out of Rs..... lakhs of grants sanctioned during the year 2022-23 in favour of.....under the Ministry/Department letter No. given in the margin and Rs.....lakhs on account of unspent balance of the previous year, a sum of Rs..... lakhshas been utilized for the propose of the implementation of Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 for which it was sanctioned and that the balance of Rs.lakhsremaining unutilized of the end of the year has been surrendered to Government (vide No. Nil dated Nil) /will be adjusted towards the grants payable during the next year 2023-24.
	Total		

2. Certified that I have satisfied myself that the conditions on which the grants-in-aid was sanctioned have been duly fulfilled/ are being fulfilled and that I have exercised that following checks to see that the money was actually utilized for the purpose for which it was sanctioned.

Kinds of Checks exercised.

- 1.
- 2.
- 3.

Countersigned Signature -----

By Principal Secretary/Secretary
 Stamp

Designation with

With Stamp & Date Date-----

PS: The UC shall disclose separately the actual expenditure incurred and loans and advances given to suppliers of stores and assets, to construction agencies and like in accordance with scheme guidelines and in furtherance to the scheme objectives, which do not constitute expenditure of the stage. These shall be treated as utilized grants but allowed to be carried forward.

Our Ref: S21(4) /PoA/RTI/20__/U001

Date: __/__/20__

Dear Sir/Madam,

Subject: Request for information under the Right to Information Act 2005

Ref: Section 21(4) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended to date.

For the calendar years 1990 to 20__.

Kindly furnish the annual reports placed by the Government of India on the table of both houses of parliament.

Affix the prescribed fee under the Right to Information Rules.

Thank you,

[Signature]

[Name]

To
The Public Information Officer
Ministry of Social Justice and Empowerment

Our Ref: R18/PoA/RTI/20__/U002

Date: ____/ ____/ ____

Dear Sir/Madam,

Subject: Request for information under the Right to Information Act 2005

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

For the calendar years 1990 to 20__.

For the state of _____.

Kindly furnish the following:

1. The date on which the state annual report was received by the union government.
2. Copies of the report received by the union government.

If this does not pertain to, or is not available with, your department, kindly transfer to the appropriate authority under section 6(3) of the aforementioned Right to Information Act.

Affixed is the prescribed fee under the Right to Information Rules.

Thank you,

[Signature]

[Name]

To
The Public Information Officer
Ministry of Social Justice and Empowerment

Our Ref: R15/PoA/RTI/20__/U003

Date: ____/ ____/ ____

Dear Sir/Madam,

Subject: Request for information under the Right to Information Act 2005

Ref: Rule 15(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 as amended to date.

For the state of _____

Kindly furnish a copies of the latest State Contingency Plan under Rule 15(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 received by the union government.

If this does not pertain to, or is not available with, your department, kindly transfer to the appropriate authority under section 6(3) of the aforementioned Right to Information Act.

Affixed is the prescribed fee under the Right to Information Rules.

Thank you,

[Signature]

[Name]

To

The Public Information Officer

Ministry of Social Justice and Empowerment



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Monitoring at the state level

Citizens' Monitoring

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules, 1995 ('the Act') has government mechanisms to monitor its implementation at the union, state, district, and subdivisional levels.

This Act can be monitored by citizens using two laws and one landmark judgement of the Supreme Court of India. There are internal mechanisms provided within the Act itself, the Right to Information Act, 2005 (RTI), and the reports of the high powered standing committee on fixing responsibility for acquittals set up in each state on the orders of the Supreme Court of India (paragraphs 20 and 21) in the State of *Gujarat vs Kishanbhai etc.* [Criminal Appeal 1485 of 2008] of 7 January 2014.

The prerequisite is domain expertise, so master these laws. Equally important is to get yourself and your organisation recognised by the state as an 'associated individual' and an 'associated organisation' referred to in Section 15A(11) of the Act (Associated organisations do not have to be registered, though non governmental 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.

This guidance note is only to monitor the mechanisms under this Act at the state level. There are other formats (and manuals) for citizens' monitoring at the district and subdivisional levels, for monitoring a case, and for different mechanisms.

In this first stage of citizens' monitoring at the state level, we will only 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 issues.

The process is iterative, and repetitive (monthly, quarterly, half yearly, and annual) by design, since citizens' 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 will be brought to book.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules 1995 ('the Act') has government mechanisms to monitor its implementation at the union, state, district, and subdivisional levels.

The objective is to ensure that all the provisions of the Act and Rules are fulfilled, assisting the victims and survivors, assisting the police, assisting the special public prosecutor, and assisting the judge of the special court – thus benefiting the victims, the law enforcement (police and judiciary), and society at large – ensuring that justice is done.

Using RTI to monitor implementation

This guidance note assumes a basic understanding of how to use the RTI. Most of the requests are to the nodal officer and a few to the director of the scheduled castes and the scheduled tribes protection cell, and naturally so, since these are the two key officials for monitoring the implementation of this Act in the state. There are a few to the director general of police, and one each to the director of prosecutions, the chief minister and the Ministry of Social Justice and Empowerment, Government of India.

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 for aggregated information that is (should be) in the state annual report which is a public document. 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 all the data points requested are published in the annual state and national reports of the crime records bureaus or other authorities. Therefore, any denial should immediately be brought to the notice of the first appellate authority (first appeal), and then to the state information commission (second appeal). At best, the authorities can only say that they have not prepared the reports (from 1995 onwards), 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 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, as per the good governance and transparency guidelines. However, in practice, most are ignorant. Asking directly and through RTI is an effective mechanism to educate the officials whose task it is to implement this Act, and make them aware that these mechanisms,

The objective is to ensure that all the provisions of the Act and Rules are fulfilled, assisting the victims and survivors, assisting the police, assisting the special public prosecutor, and assisting the judge of the special court – thus benefiting the victims, the law enforcement (police and judiciary), and society at large – ensuring that justice is done.

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 etc) in a dedicated channel with the appropriate tags.

A note on style

All the RTI requisition formats are alphanumerically coded. The first alphabet 'S' is for state, since these formats are for state level monitoring. 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 (exclusive special courts, nodal officer, protection cell) are done only once, and therefore the 'SO' formats are used for those. Since the requirements vary from state to state, they are not included in this handbook, but can be made available on request.

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 'survivor' is used to include several legal terms used in the Act and Rules: victims, witnesses, informers, and their dependents, family members and attenders. Their rights often overlap (information, relief, socioeconomic rehabilitation), some provisions are similar (protection), and some are the same (travel allowance and maintenance expenses). Familiarity with the specific context is advised, and the reader could refer to the section or rule for the specifics.

The rights of victims, witnesses, informers, and their dependents, family members and attenders often overlap (information, relief, socioeconomic rehabilitation), some provisions are similar (protection), and some are the same (travel allowance and maintenance expenses).

6

The short cut

The easiest, and the most efficient, way to monitor the implementation of this Act in a state is to get a copy of the annual report prepared under Rule 18. That will be available for the previous year on or before 1 July of the subsequent year – meaning the report for 2020 will be ready by 1 July 2021 – since that is the last date by which each state has to send it to the union government [Rule 18] (RTI format SA17).

The government state annual report format is comprehensive. If diligently filled it will have all details of the performance of officials, the functioning of state mechanisms and the timely fulfilment of the rights of victims, survivors, witnesses, informants and their dependents, including protection,

relocation, relief, reimbursements, and socioeconomic rehabilitation with disaggregated data.

It is virtually a systems audit of the implementation of the Act in the state at all levels in multiple domains for the preceding calendar year. Together with the data from the state crime records bureau (SCRB), the annual report will have sufficient information for analysis, rectification, and accountability.

Of course, if it were so easy, even the government would do it – and civil society would not need to expend scarce resources on it. Most states do not prepare these reports, and virtually none have all the data. None have the names of the officials and their performance (Rule 7(3) for the investigating officers, and Rule 14(2) for the special public prosecutors), which are mandatory. The purpose of the citizens' monitoring is to compile all the relevant data in one place, so that they can be analysed and used for accountability.

The purpose of the citizens' monitoring is to compile all the relevant data in one place, so that they can be analysed and used for accountability.

The responsibilities, calendar, and schedule of reporting mandated within this Act is used in tandem with RTI to request existing, or should be existing, reports. Therefore, the information requested should be given without delay or excuse that it entails a lot of additional work. The most frequent excuse is that 'confidential' information cannot be given, since it will interfere with the investigation. As will be obvious, none of the information requested falls into this category. Even if by some stretch of imagination, the reports are confidential, the meta data – the dates on which they got the reports, the number of reports received, the quantum of relief – cannot be denied.

The process outlined below is to make sure that the information in the report is comprehensive, and therefore sufficient for action and accountability. Only this will ensure that the purpose of this Act – the *prevention* of atrocities – is fulfilled.

Before you start

1. Being informed is the first step. Be conversant with the Act and Rules. Know who the implementing authorities are. Knowing the existing state mechanisms to implement and monitor implementation is a prerequisite to monitoring. We need information on the existing mechanisms of the state – the government orders appointing the appropriate authorities, setting up the mechanisms, and the details of the actual persons in these posts and their contact details.

Get this information as soon as possible or apply for them using RTI. You need not wait for all this information to be in your hand before you start. The citizens' monitoring of the implementation can begin simultaneously.

2. Get copies of the following documents (available in bookstores and the government press):
 - (a) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules, 1995 as amended to date.
 - (b) The Right to Information Act 2005 and Rules (the rules are specific to each state).
 - (c) Updated copy of the relief amounts and provisions for socioeconomic rehabilitation [Rule 12(4) Schedule Annexure I].
 - (d) Past three annual state crime records bureau reports.
 - (e) Past three annual 'Crime in India' reports of the national crime records bureau (NCRB). <https://ncrb.gov.in/>

State level: Responsibilities and mechanisms

The responsibility for implementation of the Act primarily rests with the respective state governments and the union territory administrations and their subordinate authorities (police and executive magistrates).¹ However, there are monitoring mechanisms under this Act at the union [Section 21(4)], state [Rule 16(2)], district [Rule 17(3)], and subdivisional [Rule 17A(4)] levels.

The state is required to set up the mechanisms for implementing the Act, for monitoring implementation, and to provide adequate infrastructure, personnel, and finance for the effective implementation.

The state level mechanism is the state level vigilance and monitoring committee, SVMC [Rule 16], the DVMC at the district [Rule 17] and the SdVMC at the subdivisional level [Rule 17A]. In addition, the state is required to issue certain notifications and take preventive action, and when an atrocity takes place, provide protection [Rule 6(2)(iv), 12(2)], immediate relief [Rule 15(1)], relief, and socioeconomic rehabilitation to the communities (victims, survivors, witnesses, informants, and their dependents) [Rule 12(4)], and provide allowances to them and their accompaniers for travel and maintenance during investigation and trial [Rule 11].

The state is required to set up the mechanisms for implementing the Act, for monitoring implementation, and to provide adequate infrastructure, personnel, and finance for the effective implementation.

¹ Paraphrased from the union annual report u/s 21(4) for the calendar year 2021.

State level: Responsibilities and mechanisms		
Mechanism	Description	Duties
State high power Vigilance and Monitoring Committee (SVMC)	The SVMC is constituted under Rule 16(1) to act as a high power vigilance and monitoring committee. It consists of the chief minister (chairperson), ministers for home, finance, social welfare (Adi Dravidar and Tribal Welfare in Tamil Nadu), all elected MPs, MLAs, and members of the legislative councils from state belonging to the scheduled communities; Chief Secretary, the Home Secretary, the Director General of Police, Director/Deputy Director, the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes shall be members; the secretary in-charge of the welfare and development of the scheduled castes and the scheduled tribes (the state nodal officer) is the convener.	<ul style="list-style-type: none"> (a) Meet at least bi-annually in the months of January and July. (b) Review implementation of the Act [Rule 16]. (c) Review the scheme for the rights of victims and witnesses (Chapter IVA, Section 15A) and their relief and socioeconomic rehabilitation [Rule 16]. (d) Review prosecution of cases under the Act [Rule 16]. (e) Review the role of different agencies or officers responsible for the implementation of the Act [Rule 16]. (f) Review various reports received from the government including that of the nodal officer and special officer [Rule 16].
The Scheduled Castes and the Scheduled Tribes Protection Cell	<p>The Scheduled Castes and the Scheduled Tribes Protection cell is formed under Rule 8 as a body responsible for maintaining public order and tranquillity in an identified area by way of making inquiries, surveys, investigations, and monthly reports that devises measures to tackle these issues.</p> <p>In Tamil Nadu, the Social Justice and Human Rights wing of the police acts as the SCs and the STs protection cell.</p>	<ul style="list-style-type: none"> (a) Conduct a survey of the identified area. (b) Maintain public order and tranquillity in the identified area. (c) Recommend to the state government for deployment of special police force / special police post in the identified area. (d) Make investigations about the probable causes leading to an offence under the Act. (e) Restore the security amongst the scheduled communities. (f) Inform the nodal officer and special officer about law & order situation in the identified area. (g) Inform the DM & nodal officer about implementation of victim & witness rights under the Act. (h) Make inquiries about investigation & spot inspections conducted by various officers. (i) Make inquiries on wilful negligence of public officials. (j) Make an inquiry on action taken by SP where any officer refused to enter information maintained in the police station. (k) Review the position of cases registered under the Act [Rule 8(1)(x)]. (l) Submit a monthly report on or before the 20th of every month to the State Government/nodal officer about the action taken/ proposed to be taken in respect of the above. [Rule 8(1)(xi)].

It is the duty of the state to ensure that there are sufficient exclusive special courts and special courts to complete trials in two months [Section 14(2)] and the victims, witnesses, informants, and their dependents can exercise their rights [Section 15A].

Each state will (should) have a state level high power vigilance and monitoring committee at the state level with the chief minister as the chairperson that reviews implementation every January and July. Its members are the home minister, finance minister and minister(s) in-charge of welfare and development of the scheduled castes and the scheduled tribes, all elected members of parliament and state legislative assembly and legislative council from the state belonging to the scheduled castes and the scheduled tribes, the chief secretary, the home secretary, the director general of police, director/deputy director, the national commission for the scheduled castes and the national commission for the scheduled tribes.

The convenor is the secretary in-charge to the welfare and development of the scheduled castes and the scheduled tribes. There are similar vigilance and monitoring committees at the district and subdivisional levels reviewing implementation quarterly by the district magistrate and the subdivisional magistrate respectively. In addition, some states have state level committees. Every state has a nodal officer, who reviews implementation quarterly.

They are supported by the Scheduled Castes and the Scheduled Tribes Protection Cell at the state level, and protection units at the district level. There are special courts, exclusive special courts, special public prosecutors, and exclusive special prosecutors for the timely administration of justice.

In addition, in the identified (atrocities prone) areas, there are special police stations and special officers of rank additional district magistrates or higher for coordination among the different arms of the state.

It is the duty of the state to ensure that there are sufficient exclusive special courts and special courts to complete trials in two months [Section 14(2)] and the victims, witnesses, informants, and their dependents can exercise their rights [Section 15A]. At the present rate of disposals (30 cases per annum per court in 2022), it translates into at least one exclusive special court being set up for every 30 cases charge-sheeted per annum - at least 1,796 special courts rather than the 663 as at present.

State level: Officials

State level: Officials			
#	Official	Description	Duties
1	Chief minister	Chairperson of SVMC.	Conduct and chair the SVMC meetings every January and July [Rule 16].
2	State Nodal Officer, Principal Secretary, Social Welfare, the Secretary, the Scheduled Castes and the Scheduled Tribes Development Department (the name of the Department may vary from state to state).	<p>The state government nominates a nodal officer at the level of secretary to the state government preferably belonging to a scheduled community for co-ordinating the functioning of DM, SP or other officers authorised by them, IOs and other officers responsible for implementing the provisions of the Act.</p> <p>In Tamil Nadu, the nodal officer is the Principal Secretary, Adi-Dravidar and Tribal Welfare Department.</p>	<p>To review at the end of every quarter:</p> <ul style="list-style-type: none"> (a) Reports received by the state government under R4(2) & R4(4), R6, R8(1)(xi). (b) Position of cases registered under the Act. (c) Law and order situation in the identified area. (d) Various measures adopted for providing immediate relief in cash or kind or both to the victims of atrocity/dependents. (e) Adequacy of immediate facilities like rationing, clothing, shelter, legal aid, travelling allowance, daily allowance, and transport facilities provided to the victims of atrocity/dependents. (f) Performance of NGOs, SCs and STs Protection Cell, various committees, and public servants responsible for implementing the Act. (g) Implementation of the rights of victims and witnesses specified under chapter IVA of the Act.
3	Secretary, Home Department	<p>Home Department is responsible for the administration of Police, Subordinate work, Prisons and Transport in the State. The basic objective of the department is to formulate policies, laws, regularities for effective criminal justice and implementation of Law and order in the State.</p> <p>The Principal Secretary is</p> <ul style="list-style-type: none"> (a) The administrative head of the home department and principal adviser to the chief minister, and ministers for law and information technology and transport on all matters of policy and administration relating to these departments.² (b) Responsible for the careful observance of the business rules and secretariat instructions in the transaction of the business in the department. All important matters, including policy, should be dealt with in consultation with the secretary who is in overall charge of the department. 	<ul style="list-style-type: none"> (a) Review the position of all investigations done by the investigating officer by the end of every quarter. [Rule 7(3)]. (b) Secretary, Home Department is a member of SVMC.

² http://www.tn.gov.in/rti/proactive/home/manual_home.pdf

State level: Officials			
#	Official	Description	Duties
4	Director of Prosecution ³	<p>(a) The Directorate of Prosecution is headed by the Director of Prosecution (DOP) who is the controlling authority of overall administrative functions.</p> <p>(b) The DOP conducts monthly review meetings and critically scrutinises the pendency and disposal of the cases in each district.</p> <p>(c) The DOP scrutinises charge-sheets in cases where it is believed that innocent persons have falsely been implicated and tender advice thereon to the concerned prosecuting officers.</p> <p>(d) The Director would make frequent field visits to personally review the functioning of the prosecuting officers in the field and also to meet the judicial officers and senior police officials regarding speedy disposal of the cases.</p> <p>(e) The DOP has the power to conduct coordination meetings with police officers wherein suitable instructions and guidelines are issued to reduce the pendency for speedy disposal of cases.</p>	<p>(a) Review the performance of SPPs / ESPPs twice a year in the month of January and July and submit a report to the state government [Rule 4(2)].</p> <p>(b) Review the position of cases registered under the Act, and the implementation of the rights of victims and witnesses [Rule 4(4)].</p> <p>(c) Review by the end of every quarter the positions of all investigations done by the IO [Rule (7 (3))].</p>
5	DGP/IGP/ADGP	<p>(a) The State Police Force is headed by the DGP, who is a senior IPS Officer. The DGP looks after the Police functions in maintaining Law and order and criminal justice.⁴</p> <p>(b) In practice, the protection cell is headed by an officer of rank ADGP or IGP.</p>	<p>(a) Receive the investigation report forwarded by the SP [Rule 7(2)].</p> <p>(b) Receives the monthly reports u/r 4(4) from the district magistrates.</p> <p>(c) Consolidates the reports and sends them to the state nodal officer on or before the 20th of every month [Rule 8(1)(xi)].</p> <p>(d) Review the position of all investigations done by the investigating officer by the end of every quarter [Rule 7(3)].</p> <p>(e) Function as a member of SVMC [Rule 16].</p> <p>(f) Review the position of cases registered under the Act [Rule 8(1)(x)].</p> <p>(g) Submit a monthly report on or before the 20th of every month to the State Government/nodal officer about the action taken/ proposed to be taken in respect of the above [Rule 8(1)(xi)].</p>

³ http://www.prosecution.tn.gov.in/DOP_compendium.pdf

⁴ http://www.tn.gov.in/rti/proactive/home/manual_home.pdf Page 12.

Sequencing: Implementation road map

The Act deals with both the triggers and the consequences of atrocities. It therefore needs mechanisms to be in place for effective implementation. Cherry picking the Act will not help and may be counterproductive.

For effective implementation, the state must first set up mechanisms at the state headquarters, and then at the district and subdivisional levels up to the police outposts.

In sequence, it means:

- (a) Appoint a nodal officer of rank secretary to government or higher, preferably from a scheduled community [Rule 9]. This is perhaps the most important appointment and determines how efficient the implementation will be.
- (b) Set up a Scheduled Castes and Scheduled Tribes Protection Cell headed by an officer of at least inspector general rank [Rule 8].
- (c) Draft and notify a contingency plan [Rule 15(1)].
- (d) Set up the SVMC, DVMCs, and SdVMCs and notify the members in the gazette (every three years).
- (e) Set up the state and district level standing committees in compliance with the orders of the Supreme Court of India in *the State of Gujarat vs Kishanbhai etc.* Once these top-level mechanisms are in place, then address the periodic functions. These functions are fluid and change dynamically depending on the social situation.
- (f) Conduct surveys to identify atrocity prone areas [Section 21(2)(vi)]. Surveys should be conducted periodically so that atrocity prone areas are identified [Rule 3(i)].
- (g) Post administrative officers and other staff members with the right aptitude and understanding of the problems of the scheduled communities to all identified areas [Rule 13(1)].
- (h) Appoint special officers: In these identified areas special officers [Rule 10] should be appointed to coordinate the prevention, relief, and socioeconomic rehabilitation measures. Appoint special officers of subdivisional magistrate (SDM) rank or higher as special officers [Rule 10] to coordinate with the district magistrate, superintendent of police or other officers responsible for implementing the provisions of the Act, various committees, and the Scheduled Castes and the Scheduled Tribes Protection Cell.

The Act deals with both the triggers and the consequences of atrocities. It therefore needs mechanisms to be in place for effective implementation. Cherry picking the Act will not help and may be counterproductive.

- (i) Set up special police stations: In these identified areas, special police stations (with majority officers from the scheduled communities) [Rule 13(2)] should be set up. There should be sufficient special police stations, so that charge–sheets are filed within 60 days of the FIR being registered [Rule 7(2)], and preventive action can be taken.
- (j) Set up exclusive special courts in the identified areas [Section 14(1)]. Exclusive special prosecutors should be appointed for each exclusive special court [Section 15(2)]. There should be sufficient exclusive special courts and special courts so that trials are completed within two months of the charge–sheet being filed [Section 14].
- (k) In areas with less atrocities recorded, designated special courts should be set up [Section 14(1)] and special public prosecutors should be appointed [Section 15(1)].
- (l) Notify the SPPs, ESPPs, and panel advocates in the gazette (every three years).

Reporting: The information flow

Statutory recording and reporting in this Act are of two types. The first is the immediate horizontal reporting of the status of a case at every stage from information [Rule 5] to inquiry [Rule 6] to inspection [Rule 12(1)], investigation [Rule 7], and trial [Section 14]. These reports are sent by the police to the district magistrate [Rule 6(2)], and by the district magistrate to the judge of the special court [Rule 12(7)]. They are done immediately at each stage of compliance or delay in compliance (for instance a Rule 7(2A) report must be submitted in writing to the superintendent of police by the investigating officer when an investigation has not been completed in 60 days).

The state shall inform the concerned special court or the exclusive special court about the protection provided to any victim or his dependent, informant or witnesses and the court shall periodically review the protection being offered and pass appropriate orders, [Section 15A(7)]. This will ensure keenness in the state response: providing protection to the victims and witnesses (120 days is doable, 30 years is not), the allowances, relief, and socioeconomic rehabilitation is done on time, and to prevent administrative fatigue in execution, monitoring, and review.

The second is periodic vertical reporting. The district magistrate sends the periodic monthly reports to the scheduled castes and the scheduled tribes protection cell and the director of prosecutions on

For effective implementation, the state must first set up mechanisms at the state headquarters, and then at the district and subdivisional levels up to the police outposts.

or before the 20th of every month [Rule 4(4)]. These reports have the status of each case, what has been done, and what will be done in the next month in each district with respect to immediate relief, instant relief, relief, socioeconomic rehabilitation, allowances, investigation, trial, appeal, and parole.

The Scheduled Castes and the Scheduled Tribes Protection Cell consolidates all the district reports and sends the consolidated report to the state nodal officer on or before the 20th of every month [Rule 8(1)(xi)]. The nodal officer, the director of prosecutions, and the head of the Scheduled Castes and the Scheduled Tribes Protection Cell review these reports every quarter. The district and subdivisional vigilance and monitoring committees also reviews these reports every quarter.

The state nodal officer consolidates them for review at the state level high power vigilance and monitoring committee (SVMC) meeting, chaired by the chief minister every January and July [Rule 16(2)].

The Scheduled Castes and the Scheduled Tribes Protection Cell consolidates all the district reports and sends the consolidated report to the state nodal officer on or before the 20th of every month [Rule 8(1)(xi)].

The reports are consolidated annually and sent to the union Ministry of Social Justice and Empowerment (MoSJ&E) on or before 31 March every year [Rule 18]. The performance of the union government in enabling the effective implementation of the Act, and the consolidated report of all the states, is placed on the table of both houses of parliament each year [Section 21(4)].

Mandatory notifications

Get copies of the following from the ministry of social welfare, or the social welfare department (the name varies from state to state. In Tamil Nadu it is the Adi Dravidar and Tribal Welfare Department, AD&TWD) or the scheduled castes and the scheduled tribes protection cell (the name varies across states).

Go to the office and ask them first. If the officials don't give it, then get it using RTI. Many of these notifications are supposed to be mandatorily shared through websites and press notifications, as per the good governance and transparency guidelines. However, in practice, most are ignorant. Asking directly *and* through RTI is an effective mechanism to educate the officials whose task is to implement this Act, and make them aware that these exist, what their rules are, and the penalties for non-implementation.

3. The government must make the following gazette notifications.

- (a) Atrocity prone areas: '*area where it has reason to believe that atrocity may take place or apprehension*' that an atrocity may take place [Rule 3(i)] (*RTI format SA01*).

- (b) Panel of eminent senior advocates as special public prosecutor for the purpose of conducting cases under this Act and Rules [Rule 4(1)]. This is done every three years, on the recommendation of the district magistrate and is notified in the official gazette [Rule 4(1B)] (*RTI format SA11*).
- (c) Panel of exclusive special public prosecutors (ESPP) and special public prosecutors (SPP) in consultation with the director of prosecutions or in charge prosecutions for conducting cases under this Act and Rules [Rule 4(1A)] and is notified in the official gazette [Rule 4(1B)] (*RTI format SA11*).
- (d) Setting up the Scheduled castes and the Scheduled Tribes Protection Cell [Rule 8]. The protection cell is known by different names, for instance Directorate of Civil Rights Enforcement (DCRE) in Karnataka from its origins in the Protection of Civil Rights Act (PCRA) 1955, and the Social Justice and Human Rights wing (SJHR) in Tamil Nadu. The important thing is not the name, but whether it has been notified under this Act – a simple notification that it is the protection cell under this Act will do – and whether it is headed by an officer of equal rank (director general or inspector general of police) (*RTI format SO01*).
- (e) Appointing the state nodal officer for coordinating the officials responsible for implementing the Act and reviewing their performance (normally the principal secretary, social welfare; in Tamil Nadu, additional chief secretary, Adi Dravidar and tribal welfare department) [Rule 9] (*RTI format SO02*).
- (f) Name and designation of the special officers in the atrocity prone areas [Rule 10]. This would typically be at the district level (the district collector in Tamil Nadu) (*RTI format SO03*).
- (g) Constitution of the state high power vigilance and monitoring committee (SVMC) [Rule 16(1)]. This is required after every election/ change in government (*RTI format SA14*).
- (h) Government notification of the constitution of the district level vigilance and monitoring committee (DVMC) [Rule 17(1)]. This should have the names of all the members and designations [Rule 17(2)]. Note

The government must appoint a panel of eminent senior advocates as special public prosecutors to conduct cases under this Act and Rules [Rule 4(1)]. They will be paid by the government at a rate higher than the government special public prosecutors, and will be available to the victims free of cost [Rule 4(6)].

that some are ex-officio members, and both their name and designation will have to be mentioned (*RTI format SA15*).

- (i) Government notification of the constitution of the subdivisional level vigilance and monitoring committee (SdVMC) [Rule 17A]. (Since the monitoring is at the state level, the process and formats for Rules 17A(2), 17A(3), and 17A(4) are not elaborated here). The actual setting up is by the subdivisional magistrate or, as in the case of Tamil Nadu, the district magistrate. In either case, the state government will have the information since it must be reported in the state annual report. Get the notification of the SdVMC (*RTI format SA16*) or get it from the state annual report [Rule 18] (*RTI format SA17*).
- (j) State contingency plan for *preventive action* which will include the mandatory minimum relief and socioeconomic rehabilitation measures as notified in the official gazette of the state government [Rule 15(1)]. Get it from any district magistrate, subdivisional magistrate, inspector general of police, inspector of police or superintendent of police since they will have a copy [Rule 15(2)]. Check whether the contingency plan is sufficient to '*prevent atrocities and to restore the feeling of security amongst the members of the scheduled castes and the scheduled tribes*' and schemes '*for strengthening the socioeconomic condition of the victim*' apart from immediate relief (*RTI format SO07*).
- (k) Setting up exclusive or designated special courts to try cases under this Act [Section 14]. Most districts and many states do not have exclusive special courts. Exclusive special courts (and ESPPs) for districts with high pendency rates and atrocity prone districts (under Rule 3(i)) would be the minimum requirement, though at least one exclusive court in each district is desirable (*RTI formats SA21 and SA22*).
- (l) Standing committee of senior officials of the police and prosecution departments, set up as per the orders (paragraphs 20 and 21) of the Supreme Court of India (SCI) in the *State of Gujarat vs Kishanbhai etc.* to fix responsibilities in case of acquittal. This order is applicable for all cases, not just for those booked under this Act. However, the data in the report contains the

SVMC meetings are an important indicator of the chief minister's personal commitment to social justice and an essential state mechanism to ensure that officials perform their tasks responsibly and are held accountable.

performance of the investigating officer and the special public prosecutor and is of immense value in monitoring and accountability (*RTI format SQ14*).

4. Get copies of the documents and the notifications. If they have not been notified, request that they be notified to the nodal officer. If the nodal officer has not been appointed, request the chief minister/ minister for social welfare/ justice to appoint the nodal officer, who should then be requested to issue the notifications (Engagement with the nodal officer is *in addition to* the chief minister and the social justice minister).
5. Ask the criteria for Rule 13(1) that the administrative officers and other staff members posted in an area prone to atrocity shall have '*the right aptitude and understanding of the problems of the scheduled castes and the scheduled tribes*' (*RTI format SO05*).
6. Ask for the criteria to assess Rule 13(2) that 'scheduled castes and the scheduled tribes are adequately represented in the administration and in the police force at all levels, particularly at the level of police posts and police stations' (*RTI format SO06*).
7. You could also ask for the posting details (at least the number of officials from the scheduled castes and the scheduled tribes and others) in each police station of the area (state, district, subdivisional level) you are monitoring (*RTI format SO12*).

Exclusive special courts with exclusive special public prosecutors for districts with high pendency rates and identified (atrocity prone) areas [Rule 3(1)] is the minimum requirement, though at least one exclusive court in each district is desirable.

6

Preventive action

8. This Act is to *prevent* atrocities. The details of the preventive action are specified in Rule 3 [Rule 3(Ito 3(xi))]. Ask for the details of their implementation for the period under monitoring (*RTI formats SA01 to SA10; SQ01*). This is in addition to the mandatory gazette notifications.
9. Number and details of arms licenses cancelled in the atrocity prone areas [Rule 3(iii)] (*RTI format SA03*) and the details of the arms thus deposited in the government armoury (*RTI format SA04*).
10. Number and details of arms licenses provided to the members of the scheduled castes and the scheduled tribes [Rule 3(v)] (*RTI format SA05*).
11. Number, details (including contact details) of *awareness centres* set up to educate the persons belonging to the scheduled castes and the scheduled tribes about their rights and the protection available to them under the provisions of

various union and state enactments or rules, regulations and schemes framed thereunder [Rule 3(viii)] (RTI format SA07).

12. Number, details (including resource persons, participants and study material details) and expenses of *awareness workshops* conducted to educate the persons belonging to the scheduled castes and the scheduled tribes about their rights and the protection available to them under the provisions of various union and state enactments or rules, regulations and schemes framed thereunder [Rule 3(viii)] (RTI format SA08).
13. Number, details, finance provided and programmes conducted by non government organisations for establishing and maintaining awareness centres and organising workshops, financial and other sort of assistance and encouragement provided [Rule 3(ix)] (RTI format SQ08).
You would need to know:
 - (a) Which NGOs were paid how much to do what?
 - (b) What did they actually do?
 - (c) Who certifies that they have done it?
 - (d) What is the evidence (reports, photographs etc).

This Act is to prevent atrocities. The details of the preventive action are specified in Rule 3 [Rule 3(i) to 3(xi)]. Ask for the details of their implementation for the period under monitoring. This is in addition to the mandatory gazette notifications.

14. The annual financial allocation for relief and socioeconomic rehabilitation [Rule 14(1)] (RTI format Sa13). Without sufficient allocation, the state contingency plan [Rule 15(1)] (RTI format SO07) cannot be implemented. (We will track the travel allowance and maintenance expenses (TAME) [Rule 11] paid (RTI format SM05) and the relief provided and amount paid [Rule 12(4)] (RTI format SO07) on a monthly basis later). At the moment, getting the annual financial allocation for relief and socioeconomic rehabilitation [Rule 14(1)] is sufficient (RTI format SA13).

The full central support is available as one ‘proposal’. Each state sends the proposal for release of central assistance by the end of April along with the audited utilisation certificate for the previous year. Ask for copies of the proposal sent by your state both

Monthly reports

15. There are two monthly reports [Rule 4(4) and 8(1)(xi)] to be submitted to the state before the 20th day of each subsequent month, which will specify the action that will be taken. However, there is a slight difference between them, and they should not be confused. Under no circumstances should they be taken to mean one and the same, as most governments do. They are two different reports, with two different functions.

- (a) The report by the district magistrate and the officer-in-charge of the prosecution at the district level is submitted to the director of prosecution (*RTI format SM01*) and the state government (*RTI format SM02*) (in practice state government means either the head of the protection cell or the nodal officer herself, if the state has not notified the protection cell). This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case [Rule 4(4)].
- (b) The scheduled castes and the scheduled tribes protection cell submits a monthly report to the nodal officer about the action taken, proposed to be taken, in respect of the above [Rule 8(1)(xi)]. There are several significant differences in this report—the most important being that it is much more comprehensive in that it also reports on Rule 8(1)(i) to Rule 8(1)(x). Reviewing the position of cases registered under the Act [Rule 8(1)(x)] is only *one* of the eleven components of this comprehensive report (*RTI format SM04*).
- (c) The report under Rule 8(1)(xi) will have (i) if any survey has been conducted of the identified atrocity prone area; (ii) maintaining public order and tranquillity in the identified area; (iii) recommendations for deployment of special police force or establishment of special police post in the identified area; (iv) making investigations about the probable causes leading to an offence under the Act; (v) restoring the feeling of security amongst the members of the scheduled castes and the scheduled tribes; (vi) information about the law and order situation in the identified area; (vi-a) information about the implementation of right of victim and witnesses as specified in Chapter IVA, Section 15A (vii) the investigation and spot inspections conducted by various officers; (viii) action taken by the superintendent of police in the cases where an officer in-charge of the police station has refused to enter an information in a book to be maintained by that police station under Rule 5(3); (ix) reports of inquiries about the wilful negligence by a public servant; (x) reviewing the position of cases registered under the Act, and (xi) the action taken proposed to be taken, in respect of the above.

The report by the district magistrate and the officer-in-charge of the prosecution at the district level is submitted to the director of prosecution. This report details the actions taken/proposed to be taken in respect of investigation and prosecution of each case [Rule 4(4)].

16. Get a copy of each of these reports monthly from the director of prosecutions (*RTI format SM01*) and the nodal officer (*RTI format SM04*). Request copies of the report of any previous month after the 20th (For instance, on 21 April 2020 you can ask for the monthly report for any month from 1 January 1996 to 31 March 2020. On 21 May 2020 you can ask for the monthly report for any month from 1 January 1996 to 30 April 2020). They will normally try to forward it to the districts but insist that we want to know the districts from which the state level mechanisms have got the reports, so the request cannot be forwarded.
17. It is likely that the departments will deny information on the pretext that it is information on pending investigations. Appeal to the first appellate authority, and then to the state information commission as required. At most they can deny some information (personal details of victims or perpetrators), not all (number of crimes, total amount paid as relief, total cases pending).
18. In the meantime, pending appeal, file RTI requests to know the date on which the reports were received by the director of prosecution and the state government from the districts [Rule 4(4)], and the dates when the consolidated monthly reports were received by the nodal officer from the scheduled castes and the scheduled tribes protection cell [Rule 8(1)(xi)] for the whole calendar year. This information cannot be denied.

Departments deny information on the pretext that it is information on pending investigations. Appeal to the first appellate authority, and then to the state information commission as required.

Quarterly reviews

19. Two rules deal with reviews to be done ‘by the end of every quarter’. Of them, the review under Rule 3(xi) is comprehensive, and the review under Rule 7(3) is more specific, conducted by a larger panel. We will need to use both in combination to monitor.
20. Rule 3(xi) is a more comprehensive review of the law and order situation, functioning of different committees, performance of SPP, investigating officers and other officers responsible for implementing the provisions of the Act and the cases registered under the Act by the state government. ‘State government’ could mean the director of the protection cell or the nodal officer depending on the arrangement in each state (*RTI format SQ01*).

21. Rule 7(3) specifies that the quarterly review of the position of all investigations done by the investigating officer has to be done by the secretary, home department, and the secretary social welfare to the state government (additional chief secretary, Adi Dravidar and tribal welfare department in Tamil Nadu), director of prosecution, the officer-in-charge of prosecution and the director general of police or commissioner of police (*RTI format SQ03*).
22. Most states club the two reviews. Get the review report(s) (*RTI formats SQ01 and SQ03*).
23. For every investigating officer (IO), the review shall cover the number of:
 - (a) Cases investigated.
 - (b) Cases for which investigation is completed within 60 days [Rule 7(2)].
 - (c) Cases for which investigation has not been completed within 60 days, and for which the written explanation has been received [Rule 7(2A)].
 - (d) Cases for which the charge-sheet has been filed.
 - (e) Cases for which B reports (mistake of fact or false) have been filed.
 - (f) Accused in FIR.
 - (g) Accused in charge-sheet.
 - (h) Cases ending in conviction.
 - (i) Accused acquitted (including in the cases for which there is conviction) This is because the case is counted as 'ending in conviction' even if one of the accused is convicted and 10 are acquitted. So, both the numbers are required.
 - (j) Whether the acquittal was because of poor investigation. This will be in the report of the standing committee of senior officers (SCI orders in the Kishanbhai case), and we can get it independently using *RTI format SQ14*.

This is not explicitly mentioned in the Act, but a review of the position of the cases and the performance of all the officials [Rule 3(xi)] would entail this at the very minimum. This data is (should be) in the state annual report [Rule 18] (*RTI format SA17*), and in the annual state crime records bureau (SCRB) reports. The aggregate for the state is in the annual publication 'Crime in India' of the national crime records bureau (NCRB).

Two rules deal with reviews to be done 'by the end of every quarter'. Of them, the review under Rule 3(xi) is comprehensive, and the review under Rule 7(3) is more specific, conducted by a larger panel. We will need to use both in combination to monitor.

24. Get copies of the reports of the standing committee set up under the SCI orders in the Kishanbhai case. It will have the performance report (pinning accountability for acquittals) of the investigating officer and the SPP. The review reports could be monthly but is often done quarterly. It will contain the report of all cases (not just those invoking this Act) of acquittal, and the cases under this Act will need to be identified and culled out from it for analysis (*RTI format SQ14*).
25. Under Rule 9, every state nodal officer reviews the reports received under Rule 8 every quarter. We can get it all under one request (*RTI format SQ01*), or if that proves to be difficult, then individual requests may be necessary (*RTI formats SQ02 to SQ13*).
 - (a) Position of cases registered under the Act [Rule 9(ii)] (*RTI format SQ04*).
 - (b) Law and order situation in identified area [Rule 9(iii)] (*RTI format SQ05*).
 - (c) Measures adopted for providing immediate relief to the victims of atrocity or dependents [Rule 9(iv)] (*RTI format SQ06*).
 - (d) Adequacy of immediate facilities, legal aid, travelling allowance, daily allowance and transport facilities provided to the victims of atrocity of his/her dependents; [Rule 9(v)] (*RTI format SQ07*).
 - (e) Performance of non governmental organisations [Rule 9(vi)] (*RTI format SQ08*).
 - (f) Performance of the scheduled castes and the scheduled tribes protection cell [Rule 9(vi)] (*RTI format SQ09*).
 - (g) Performance of various committees and the public servants responsible for implementing the provisions of the Act [Rule 9(vi)] (*RTI format SQ10*).
 - (h) Implementation of rights of victims and witnesses [Rule 9(vii)] (*RTI format SQ11*).
 - (i) Reviews the following reports:
 - (i) Monthly report submitted by the district magistrate and officer in charge of prosecution under Rule 4(4) specifying the actions taken or proposed to be taken in respect of investigation and prosecution of each case (*RTI format SM01*).
 - (ii) Report submitted by the concerned authorities under Rule 6 assessing the extent of atrocity, loss of life and damage to the property (*RTI format SM03*).

Under Rule 9, every state nodal officer reviews the reports received under Rule 8 every quarter. We can get it all under one request or if that proves to be difficult, then individual requests may be necessary.

- (iii) Monthly report submitted by the Scheduled Castes and the Scheduled Tribes Protection Cell under Rule 8 (xi) (RTI format SM04).
26. For every DVMC meeting, the review will cover (and the RTI request SQ12 should ask for):
- Date on which the meeting was conducted.
 - Members present.
 - Names of habitual absentees (members not attended three consecutive meetings).
 - Whether the meeting was conducted on time (at least one a quarter).
 - Whether the district collector has a record of delay or of not conducting the DVMC meetings.
 - Implementation of the relief and socioeconomic rehabilitation schemes [Section 15(A)(11)] and safeguarding the rights of victims, witnesses, informants, and their dependents. It includes protection provided, immediate payment of medical expenses (includes consultation, replacement clothing, meals, and fruits), travel allowance, maintenance expense and diet expenses (latest within three days [Rule 11]), relief and socioeconomic rehabilitation (within one week and instalments as per stage of the investigation and trial [Rule 12(4) Schedule Annexure I]).
27. Subdivision level vigilance and monitoring committee [Rule 17A] should meet every quarter and has the same functions as the DVMC. The RTI request (SQ13) should cover:
- How many SdVMCs are constituted in the state.
 - How many are yet to be constituted.
 - How many meetings were held in the last calendar year, district-wise.

Review the monthly report submitted by the district magistrate and officer in charge of prosecution under Rule 4(4) specifying the actions taken or proposed to be taken in respect of investigation and prosecution of each case.

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Half yearly reviews

28. The performance of the SPPs are reviewed in the months of January and July at two levels.
- At the district level by the district magistrate and the director of prosecution/in charge of the prosecution and submit a report to the state government in January and July [Rule 4(2)] (RTI format SH01).
 - At the state government level [Rule 14(2)] (RTI format SH03).

29. For every SPP, the DM and DP [Rule 4(2)] and the state government [Rule 14(2)] shall review the number of:
 - (a) Cases argued.
 - (b) Cases ending in conviction.
 - (c) Accused in charge-sheet.
 - (d) Accused acquitted (including in the cases for which there is conviction).
 - (e) Whether the acquittal is because of the case being weakly argued without due care, caution, or preparation.

This is not explicitly mentioned in the Act, but a review of the role of the SPP would entail this at the very minimum. The report submitted to the state government on the performance of the SPPs in January and July [Rule 4(2)], will (should) contain this information. The finding of the reason for acquittal will be informed by the report of the high level committee set up consequent to the orders of the SCI (RTI format SQ14).

The performance of the SPPs are reviewed in the months of January and July at two levels. At the district level by the district magistrate and the director of prosecution/in charge of the prosecution and submit a report to the state government in January and July [Rule 4(2)].

30. If the review by the state government [Rule 14(2)] (RTI format SH03) of the report submitted by the districts [Rule 4(2)] (RTI format SH01) concludes that there is reason to believe that a SPP has not conducted the case to the best of his ability with due care and caution, his name may be, for reasons to be recorded in writing, denotified [Rule 4(3)]. Ask for the details of those so denotified in the period under review (RTI format SH02).
31. The reviews done by the state government under Rule 3(xi) (RTI format SQ01) and 14(2) (RTI formats SH01, SH02, SH03, and SH04), feed into the SVMC meetings in Rule 16(2) as briefing notes.

Monitoring the SVMC

32. The state government reviews the following at least twice in a calendar year in the month of January and July:
 - (a) Performance of SPP.
 - (b) Various reports received.
 - (c) Investigation made preventive steps taken by the DM, SDM, SP.
 - (d) Relief and socioeconomic rehabilitation facilities provided to the victims.
 - (e) Reports in respect of lapses on behalf of the concerned government.

This could be interpreted as the agenda for the SVMC or that the nodal officer does the review with the other concerned officials. Either way, this information will need to be a part of the briefing notes for the SVMC when it meets (*RTI formats SA12, SQ01, SH01, SH02, SH03, and SH04.*). Without this information, the SVMC will not be able to conduct the review.

Setting up the SVMC [Rule 16(1)]

33. The state government shall constitute a high power vigilance and monitoring committee [Rule 16(1)]. The state vigilance and monitoring committee (SVMC) has to be notified with every change in government. Use RTI to ask for the notification setting up the SVMC after every change in government (*RTI format SA14*).
34. The SVMC reviews are critical to ensure that the government can fulfil its duties that the
 - (a) Administrative officers and other staff members posted in an area prone to atrocity shall have the right aptitude and understanding of the problems of the scheduled castes and the scheduled tribes [Rule 13(1)] (We have asked for the criteria in *RTI format SO05*).
 - (b) Scheduled castes and the scheduled tribes are adequately represented in the administration and in the police force at all levels, particularly at the level of police posts and police stations [Rule 13(2)] (*RTI format SA12*).

If the review by the state government [Rule 14(2)] of the report submitted by the districts [Rule 4(2)] concludes that there is reason to believe that a SPP has not conducted the case to the best of his ability with due care and caution, his name may be, for reasons to be recorded in writing, denotified [Rule 4(3)].

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Members of the SVMC [Rule 16(1)]

35. The high power vigilance and monitoring committee consists of the following (*RTI format SA15*):
 - (a) Chief Minister/ Administrator–Chairman (in case of a state under president’s rule, governor) – chairman.
 - (b) Ministers in charge of home, finance and welfare and development of the scheduled castes and the scheduled tribes (in case of a state under the president’s rule advisors) – members.
 - (c) All members of parliament (MP), state legislative assembly (MLA) and legislative council from the state belonging to the scheduled castes and the scheduled tribes – members.
 - (d) Chief secretary, the home secretary, the director general of police, director/ deputy director, national

commission for the scheduled castes and the scheduled tribes – members.

- (e) Secretary in charge of the welfare and development of the scheduled castes and the scheduled tribes – convener.

Meetings [Rule 16(2)]

The SVMC reviews are critical to ensure the officers posted in an area prone to atrocity have the right aptitude and understanding of the problems of the scheduled communities, and that they are adequately represented at all levels of the police and administration.

36. The SVMC shall meet at least twice in a calendar year [Rule 16(2)], in the months of January and July to review the implementation of the provisions of the Act, relief and socioeconomic rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the state government (RTI format SH05).
37. If the meeting is not convened in January and July, remind the state nodal officer [Rule 9] and the chief minister of neglect of duties (Reminder format SR01 and SR02).
38. Follow up the letter after three months with a request under RTI asking for the action taken report on your complaint (RTI format SH07, SH08).
39. Remind the nodal officer that she has to convene the SVMC meeting [Rule 16(v)] by sending a reminder on 1 November and 1 May every year. This will give them sufficient time to coordinate dates with the other dignitaries well in advance (Reminder format SR02).
40. Ask for a copy of the minutes of the SVMC meetings on 15 February and 15 August every year. Follow it up till you get it (RTI format SH05).
41. If the SVMC meeting has not been conducted ask:
 - (a) To inspect the concerned file [RTI 2005 Section 2(j)(i) and note the reason why not [RTI 2005 Section 2(j)(ii)] (RTI format SH06).
 - (b) For the action taken report (ATR) on your reminder sent on 1 November or 1 May (RTI formats SH07 and SH08).

Briefing documents to be provided to the SVMC members

42. For effective participation in the meetings, the SVMC members should be provided the following information along with the agenda at least a week, preferably three weeks, in advance of every SVMC meeting.

43. These reports should be given for the period under review. These are existing reports and require no additional work if the monthly reports by the protection cell and reviews by the nodal officer are comprehensive and submitted on time. Most of these are consolidated reports of the reviews undertaken by the nodal officer or those provided to her.
- (a) Position of each case submitted to the state government. The cases would be
 - (i) Those registered during this time,
 - (ii) Those at various stages from registration to verdict,
 - (iii) Those that had a verdict during this time (conviction, acquittal, or otherwise disposed off) and
 - (iv) Any case for which relief or socioeconomic rehabilitation has not been fully settled.
 - (b) It should have the progress of the case (whether it is in the investigation, trial, or appeal stages or closed), and explanation for delays (60 days each for FIR to charge-sheet and charge-sheet to verdict). It should include the relief and TAME, and socioeconomic rehabilitation measures and reasons for delay (more than three days for TAME, seven days for first instalment of relief, three months for total socioeconomic rehabilitation including agricultural land, house, government job, fully paid residential education up to graduation, and provisions for three months). If the case is closed (no charge-sheet, conviction, or acquitted but no appeal), the report should have the reason why.
 - (c) *For each case* where the charge sheets have not been filed in 60 days, written explanations filed by the investigating officers [Rule 7(2A)]. *Highlight with reasons* where charge-sheets have not been filed for over 120 days from registering the complaint.
 - (d) *For each case* where trials have not been conducted on a daily basis, reasons given in writing by the judge [Section 14(3)]. *Highlight with reasons* where trials have not been completed for over 120 days from filing the charge-sheet.
 - (e) *For each case* the pending amounts and the reason for delay where TAME, diet expenses, or medical expenses have been delayed more than three days,

In the citizens' report, highlight each case where there is inordinate delay in relief, rehabilitation, or reimbursements. Highlight with reasons where reimbursements [Rule 11] have not been given for over 30 days, or relief and socioeconomic rehabilitation [Rule 12(4)] has not been completed for over one year from filing the FIR, with a request for immediate action.

relief has not been paid according to the prescribed schedule, or total socioeconomic rehabilitation have not been provided within three months. *Highlight with reasons* where reimbursements [Rule 11] have not been given for over 30 days, or total relief [Rule 12(4)] has not been fulfilled for over one year from filing the FIR.

- (f) *For each case* of acquittal, reason why appeal has not been filed. 'Awaiting legal opinion' is not a valid reason, since appeals have to be filed in 90 days and disposed of in 90 days.
- (g) *For each special public prosecutor*: Performance appraisal done in January and July every year by the district collector [Rule 4(2)] and the state government [Rule 14(2)].
- (h) *For each special public prosecutor and investigating officer*: Report of the high powered standing committee on fixing responsibility for acquittals in all cases registered under this Act during the period. The Supreme Court of India has ordered (in the *State of Gujarat vs Kishanbhai etc.*) that of 7 January 2014, a high powered standing committee consisting of senior officials of the police and prosecution departments in every state to review all cases of acquittal and fix responsibility for the acquittal – on the investigation for poor investigation, or the prosecutor for poor prosecution. This order is applicable for all cases, not just for those booked under this Act. The data in the report contains the performance of the investigating officer and the special public prosecutor and should be culled out and made available to the SVMC members.
- (i) Number, details, status of proceedings and action taken for dereliction of duty of any officials under this Act.
- (j) List of special public prosecutors removed [Rule 4(3)] and reasons.
- (k) Court orders on victim and witness protection measures undertaken [Section 15A(7)] and the orders regarding the relief provided or paid based on the reports filed under Rule 12(7).
- (l) State crime records bureau data on crimes against scheduled castes and the scheduled tribes for the duration, with disaggregated data.
- (m) Atrocity prone areas, along with changes of status.

For each case highlight with reasons where trials have not been completed for over 120 days from filing the charge-sheet.

- (n) Arms confiscated and persons extorted.
- (o) New or proposed exclusive special courts.
- (p) Performance of special courts, including district-wise cases disposed and pending (available from SCRB).

Meeting agenda and role of the SVMC [Rule 16(2)]

44. The meetings of the SVMC are restricted only to the members of the SVMC and to the specific purpose under the Act and Rules.
45. The SVMC shall review in the months of January and July the implementation of the provisions of the Act [Rule 16(2)]:
 - (a) Various reports received or reviews conducted by the state under Rules 4(2), 4(4), 6, 7(3), 8, and 9.
 - (b) Scheme for the rights and entitlements of the victims and witnesses in accessing justice as provided for in Section 15A(11).
 - (c) Investigations made and preventive steps taken by the district magistrate, subdivisional magistrate and superintendent of police.
 - (d) Relief and socioeconomic rehabilitation facilities provided to the victims, and related matters.
 - (e) Reports in respect of lapses on behalf of the concerned officers.
 - (f) The performance review of the SPP should be done separately [Rule 14(2)] and fed into the SVMC meeting held under Rule 16(2).
46. For every investigating officer (IO), the SVMC shall review the number of:
 - (a) Cases investigated.
 - (b) Cases for which investigation is completed within 60 days [Rule 7(2)].
 - (c) Reasons why investigations were not completed within 60 days [Rule 7(2A)].
 - (d) Cases for which charge-sheet has been filed.
 - (e) Accused in FIR.
 - (f) Accused in charge-sheet.
 - (g) Cases ending in conviction.
 - (h) Accused acquitted (including in the cases for which there is conviction).
 - (i) Whether defective investigation was the cause of the acquittal (from the report of the standing committee). This would be in the report of the review under Rule 8 and the review under Rule 7(3).

If the SVMC meeting is not convened in January and July, remind the state nodal officer [Rule 9] and the chief minister of neglect of duties.

47. For every SPP, the SVMC shall review the number of:
- Cases argued.
 - Cases ending in conviction.
 - Accused in charge-sheet.
 - Accused acquitted (including in the cases for which there is conviction).
 - Whether defective prosecution was the cause of the acquittal (from the report of the standing committee).
The report submitted to the state government on the performance of the SPPs in January and July [Rule 4(2)], and the review conducted in Rule 9(v) will (should) contain this information.
 - Any action taken under Rule 4(3), though it might be covered under Rule 8(1)(ix) also.

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

- Cases listed.
- Cases heard.
- Cases ending in conviction.
- Accused in charge-sheet.
- Accused acquitted (including in the cases for which there is conviction).

This is not explicitly mentioned in the Act, but a review of the role of the judge would entail this at the very minimum. Some judges have a 100% acquittal rate, and obviously would fall short of the requirement of Rule 13(1).

49. It is important to track *both* the number of cases ending in conviction and the number of accused convicted since even in the cases ending in conviction 9 out of 10 accused may be acquitted (i.e. 90% acquittal).

50. The SVMC meeting should review the orders passed by the judges regarding the protection of the rights of victims and witnesses [Section 15A], and the orders regarding the relief provided or paid based on the reports filed under Rule 12(7). This should be given as part of the minutes (*RTI format SH05*), but we can also ask for this separately (*RTI format SH09*).

Annual report

51. Ask for the state annual report forwarded by the state government to the Government of India about the measures taken for implementing provisions of the Act and various

The SVMC should review, the implementation of the Act, the scheme for the rights and entitlements of the victims and witnesses in accessing justice as provided for in Section 15A(11), and the performance of the various officials and agencies, at a meeting chaired by the chief minister every January and July. All India compliance is about 6.5%.

schemes/plans framed by it during the previous calendar year. This report is to be sent every year before 31 March [Rule 18]. You can ask for this report under RTI any time after 1 April for the previous year (For instance, on 1 April 2021 you can ask for the annual report for any year from 1995 to 2020. On 1 April 2022 you can ask for any report from 1995 till 2021) (*RTI format SA17*).

52. The Government of India tables a report on the measures taken by itself and by the state governments [Section 21(4)] in each house of parliament annually. Ask for this report and see if the sections covering your state match that of the state annual report and your experience (*RTI format SA28*). Don't be surprised if the data doesn't match even between the text and the data table of the report, let alone data from different government sources.
53. The full central financial support is available as one 'proposal'. Each state sends the proposal for release of central assistance by the end of April along with the audited utilisation certificate for the previous year. Ask for copies of the proposal sent by your state both to the union Ministry of Social Justice and Empowerment and to the concerned ministry (usually the ministry of social welfare) in the state. (The prescribed guidelines and performa are annexed to Book V, pages 195 to 123). The proposal has the precise numbers to be covered of the victims (female/male, ST/SC), special courts, special public prosecutors, special police stations, workshops, awareness camps, and much more, cross verify to see if they match the actual performance of the state government as mentioned in the state annual report.
54. With the information collected, you can make a state profile covering the mandatory requirements and the actual implementation. The comparison and analysis will give you the status of implementation of the Act in your state. Add a page on the comparative ranking of the state and the national averages taking the NCRB data into account. It is now a full systems audit of implementation of this Act for the state for the year.
55. Highlight the findings, insights, and recommendations in a summary. Your report is now ready for discussion, dialogue, and engagement.

If you have made it thus far, congratulations! Send it to us at contact@cvmc.in if you would like to be on the website.

It is important to track both the number of cases ending in conviction and the number of accused convicted since even in the cases ending in conviction 9 out of 10 accused may be acquitted (i.e. 90% acquittal).

Our Ref: R16(2)/PoA/RTI/20__/S__

Date: __/__/20__

Dear Sir/Madam,

Subject: Request for information under the Right to Information Act 2005

Ref: Rule 16(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 as amended to date.

For the state of _____

For the calendar years _____ to _____.

Kindly furnish the following for the state level high power vigilance and monitoring committee (SVMC) meetings:

1. Dates of the meetings.
2. Minutes of the meetings.
3. All briefing notes, reports, and performance appraisals prepared for the meeting.

Affixed the prescribed fee under the Right to Information Rules.

Thank you,

[Signature]

[Name]

To

The Public Information Officer
Social Welfare Department

Our Ref: R18/PoA/RTI/20__/S__

Date: ____/ ____/ ____

Dear Sir/Madam,

Subject: Request for information under the Right to Information Act 2005

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

For the calendar years 1990 to 20__

For the state of _____

Kindly furnish the following

1. The date on which the annual report was sent to the union government.
2. Copies of the state annual reports.

If this does not pertain to, or is not available with, your department, kindly transfer it to the appropriate authority under section 6(3) of the aforementioned Right to Information Act.

Affixed is the prescribed fee under the Right to Information Rules.

Thank you,

[Signature]

[Name]

To
The Public Information Officer
Social Welfare Department

Our Ref: R15/PoA/RTI/20__/S__

Date: ____/ ____/ ____

Dear Sir/Madam,

Subject: Request for information under the Right to Information Act 2005

Ref: Rule 15(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 as amended to date.

For the state of _____

Kindly furnish a copies of the latest state contingency plan under Rule 15(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in

a) English and

b) Official language(s) of the state.

If this does not pertain to, or is not available with, your department, kindly transfer it to the appropriate authority under section 6(3) of the aforementioned Right to Information Act.

Affixed is the prescribed fee under the Right to Information Rules.

Thank you,

[Signature]

[Name]

To

The Public Information Officer

Social Welfare Department

Our Ref: SR16/PoA/RTI/20__/S__

Date: ___/___/___

Dear Sir/Madam,

Subject: Request for information under the Right to Information Act 2005

For the calendar years _____ to _____

For the state of _____

Kindly furnish the following information for each chief minister:

1. Date of oath taking.
2. Date of remitting office.

If this does not pertain to, or is not available with, your department, kindly transfer it to the appropriate authority under section 6(3) of the aforementioned Right to Information Act.

Affixed is the prescribed fee under the Right to Information Rules.

Thank you,

[Signature]

[Name]

To
The Public Information Officer

Raj Bhavan

RTI Format 8: Request for translations of the Act and Rules in the official language _____

Our Ref: R3/PoA/RTI/20__/S__

Date: ____/ ____/ ____

Dear Sir/Madam,

Subject: Request for information under the Right to Information Act 2005

Ref: Rule 15(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 as amended to date.

For the state of _____

Kindly furnish copies of the following in the official language(s) of the state:

- a) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended to date.
- b) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 as amended to date.

If this does not pertain to, or is not available with, your department, kindly transfer it to the appropriate authority under section 6(3) of the aforementioned Right to Information Act.

Affixed is the prescribed fee under the Right to Information Rules.

Thank you,

[Signature]

[Name]

To
The Public Information Officer
Social Welfare Department

State nodal officer	
State	Contact details
Andhra Pradesh	The Commissioner / Director Social Welfare Department, AP Secretariat, Velagapudi, Amaravati – 522 238. Phone: 0863 – 2443360. Email: swcommissioner@gmail.com
Arunachal Pradesh	Department of Social Justice and Empowerment and Tribal Affairs, Itanagar – 791 111. Phone: 0360 – 2218638. Email: ar.sjeta@gmail.com
Assam	The Director Welfare of SC and BC, Assam Cum State Nodal Officer SC/ST POA Act, Housefed Complex, Block-2, 2nd floor, dispute last gate, Guwahati – 781 006. Phone: 0361 – 2237243. Email: secobc2017@gmail.com / addlcsjbarua62@gmail.com
Bihar	The Secretary SC and ST Welfare, Old Secretariat, Block-4, Behind Sinchai Bhawan, Patna – 800 015. Phone: 0612 – 2215377. Email: secy-welfare-bih@nic.in
Chattishgarh	The Secretary Department of ST and SC Development, Room No S-4, Mahanadi Bhawan New Raipur, Raipur – 492 015. Phone: 0117 – 2221310.
Goa	The Additional Secretary Social Welfare Department, 18th June Road, Panaji – 403 001. Phone: 0832 – 2232257. Email: socialwelfaregoa@rediffmail.com / secysw@yahoo.in
Gujarat	Principal Secretary Social Justice and Empowerment Department, Sachivala, Gandhinagar – 382 010. Phone: 079 – 23251201. Email: secswd@gujarat.gov.in
Haryana	Secretary Welfare of Scheduled Castes and Backward Classes Department, No. 53-54, Kalyan Bhawan, Sector – 2, Panchkula, Chandigarh – 134 109. Phone: 0172 – 2704006, 2564006. Email: dbcharyana@gmail.com

State nodal officer	
State	Contact details
Himachal Pradesh	The Director Directorate for the Empowerment of SCs, OBSs, Minorities and the Specially Aabled, Block No. 33–SDA Complex, Kasumpti, Shimla – 171 009. Phone: 0177 – 2621877. Email: socialjesecec-hp@nic.in
Jharkhand	The Secretary SC/ST/OBC & Minorities Welfare Department, Project Bhawan, Dhurwa, Ranchi – 834 004. Phone: 0651 – 2400215. Email: secretary.welfare@gmail.com
Karnataka	The Principal Secretary Social Welfare Department, M S Building Park, 5th, Dr Ambedkar Rd, Bengaluru – 560 001. Phone: 080 – 22034440. Email: prsocialwelfare@gmail.com / comr.sw@gmail.com
Kerala	The Principal Secretary The Scheduled Castes and the Scheduled Tribes Development Department, 4th Floor, Vikas Bhavan, Thiruvananthapuram – 695 033. Phone: 0471 – 2518232. Email: prlsecec.scdd@kerala.gov.in
Madhya Pradesh	Secretary SC Welfare Department, No. 35 Rajiv Gandhi bhawan, Shyamala hills, Bhopal – 462 002. Email: psscwbho@mp.gov.in
Maharashtra	Principal Secretary Commissionerate of Social Welfare, 3 Church Path, Agarkar Nagar, Pune – 411 001. Phone: 022 – 22026688. Email: sec.socjustice@maharashtra.gov.in
Manipur	Social Justice & Special Assistance Department, Imphal – 795 001. Phone: 0385 – 2451183, 2452629.
Meghalaya	Social Welfare Department, Shillong – 793 001.
Mizoram	Social Welfare Department, Aizawl – 796 001. Phone: 0389 – 2311014. Email: socdepmez@gmail.com

State nodal officer	
State	Contact details
Nagaland	Social Welfare Department Kohima – 797 001. Phone: 0370 – 2245762. Email: socialwelfarengl@gmail.com
Odisha	ST and SC Development, Minorities and Backward Classes Welfare Department, 6th Floor, Toshali Bhawan, A-2 Block, Bhubaneswar – 751 007. Phone: 0674 – 2392762, 2536672. Email: stscdev@gmail.com
Punjab	The Secretary/ Principal Secretary Department of Welfare of Scheduled Castes and Backward classes and Minorities, Additional Town Hall Building, 3rd Floor, Sector-17 C, Chandigarh – 160 017. Phone: 0172 – 2740214. Email: pswscbc@punjab.gov.in
Rajasthan	Secretary Social Justice and Welfare Department, G-3/1, Ambedkar Bhawan, Rajmahal Residency Area, Jaipur – 302 005. Phone: 0141 – 2227333, 2220194. Email: ps-sje@rajasthan.gov.in / raj.sje@rajasthan.gov.in
Sikkim	Deputy Secretary Social Welfare Department, Lumsay, Tadong, East Sikkim, Gangtok – 737 102. Phone: 03592 – 204884, 232596. Email: cs-skm@nic.in / sikkimsocialwelfare@gmail.com
Telangana	The Commissioner Scheduled Castes Development Department, Room 24, Floor 3, Dr. B. R. Ambedkar Telangana Secretariat Rd, Khairtabad, Hyderabad – 500 022. Phone: 040 – 23450923. Email: secycsdts@gmail.com
Tripura	Department of Welfare of SCs, OBCs, P. N Complex, Gurkhabasti, District – West Tripura, Agartala – 799 001. Phone: 0381 – 2415569, 2329034. Email: secretaryobcminority@gmail.com
Tamil Nadu	The Secretary Adi-Dravidar and Tribal Welfare Department, Secretariat, Chennai – 600 009. Phone: 044 – 25671848. Email: adisec@tn.gov.in

State nodal officer	
State	Contact details
Uttar Pradesh	The Special Secretary Social Welfare Department, Prag Narayan Rd, Butler Colony, Lucknow – 226 001. Phone: 0522 – 2237965, 3538700. Email: director.sw@dirsamajkalyan.in / psecup.socwel@nic.in
Uttarakhand	The Director Social Welfare Department, Bhagat Singh Colony, MDDA, Dalanwala, Dehradun – 248 001. Phone: 05946 – 297051, 0135 – 2669764. Email: directorsocialwelfare@gmail.com
West Bengal	The Principal Secretary Backward Classes Welfare Department, Administrative buildings, DJ-4, Dishannagar, Sector-II, Kolkata – 700 091. Phone: 033 – 23371040. Email: secy.bcw@gmail.com
Andaman and Nicobar Islands (UT)	Directorate of Tribal Welfare Andaman and Nicobar Administration, Secretariat Complex, Port Blair – 744 101. Phone: 0319 – 2233356. Email: directorsw4@gmail.com
Chandigarh (UT)	The Secretary Department of Social Welfare, Women & Child Development, Additional Town Hall Building, 3rd Floor, Sector – 17 C, Chandigarh – 160 017. Phone: 0172 – 2749132. Email: socialwelfare0312@gmail.com / socialwelfarechd@rediffmail.com
Dadra & Nagar Haveli Daman and Diu (UT)	Social Welfare Department Lekha Bhavan, 3rd floor, Behind Secretariat, Silvassa – 396 230. Phone: 0260 – 230088, 2632027. Email: secysw-dd@nic.in
Delhi (UT)	The Secretary Department of Welfare of SC/ST/OBC and Minorities, 30, Azad Bhawan Rd, ITO, IP Estate, New Delhi, Delhi – 110 002. Phone: 011 – 23378278, 23378279. Email: scstsecretary@gmail.com

State nodal officer	
State	Contact details
Jammu & Kashmir (UT)	The Secretary Social Welfare Department, Civil Secretariat, 103 A/D Opp Police Line Headquarters, Jammu, Gandhi Nagar – 180 004. Phone: 0191 – 2542759, 2500585. Email: socialwelfare.adm@gmail.com
Ladakh (UT)	The Secretary Social and Tribal Welfare department, Civil Secretariat, Leh – 194 101. Phone: 0198 – 2252585. Email: prsocialwelfare@gmail.com
Lakshadweep (UT)	Social Welfare and Tribal Affairs Department, Kavaratti – 682 555. Phone: 04896 – 262547. Email: tkassimbdo@gmail.com
Puducherry (UT)	The Secretary Adi Dravidar and Tribal Welfare and Scheduled Tribes Welfare Department, Thattanchavady, Puducherry – 605 009. Phone: 0413 – 2275631, 2276375. Email: adwel.pon@nic.in

National Commission for Scheduled Castes (Regional Offices)	
National Commission for Scheduled Castes	Jurisdiction
National Commission For Scheduled Castes, 5th Floor, Lok Nayak Bhawan, Khan Market, New Delhi – 110 003. Phone: 24620435. Mail: chairman-ncsc@nic.in	Headquarters
Deputy Secretary Tripura SC Finance Corporation Building, 3rd Floor, Pragati Road, Lake Chowmohani, Agartala – 799 001. Phone: 0381 – 2323140, 2315967. Email: dir.agt-ncsc@nic.in	Tripura
Director 2nd Floor, Mavlankar Haveli, Vasant Chowk, Lal Darwaja, Ahmedabad – 380 001. Phone: 079 – 25509762, 25510717. Email: ncscabad@yahoo.in	Gujarat Rajasthan Dadra and Nagar Haveli and Daman and Diu
Director 3rd Floor, 'D' Wing, CGO Complex, Kendriya Sadan, Koramangala, Bangalore – 560 034. Phone: 080 – 25537155, 25527767. Email: ncscblr-ka@nic.in	Karnataka
Deputy Inspector General of Police 6th Floor, Kendriya Sadan, Sector–9–A, Chandigarh – 160 017. Phone: 0172 – 2742561, 2743784. Email: arunabh.b@nic.in / ncsc.chd@gmail.com	Haryana Punjab Himachal Pradesh Jammu and Kashmir Uttarakhand Chandigarh
Director 2nd Floor, Block–5, Shastri Bhawan, Chennai – 600 006. Phone: 044 – 28276430, 28312851.	Tamil Nadu Puducherry
Deputy Secretary 7, Nilamani Phukan Path, Christian Basti, Dispur, Guwahati – 781 005. Phone: 0361 – 2347040, 2346885.	Assam Arunachal Pradesh Nagaland Meghalaya Mizoram Manipur
Director Block 204, Maithry Vihar, Ameer Peth, Hyderabad – 500038 Phone: 040 – 23534907, 23754908. Email: ncsc.ap@nic.in	Andhra Pradesh Madhya Pradesh Telangana Chhattisgarh

National Commission for Scheduled Castes (Regional Offices)	
National Commission for Scheduled Castes	Jurisdiction
<p>Director MayukhBhawan, (Ground Floor), Salt Lake City, Kolkata – 700 091. Phone: 033 – 23370977, 23213259. Email: sckolkata21@gmail.com</p>	<p>West Bengal Odisha Sikkim Andaman and Nicobar Islands</p>
<p>Director 5th Floor, Kendriya Bhawan, Sector–H, Aliganj, Lucknow – 226 024. Phone: 0522 – 2330288, 2323860. Email: ncsclko@nic.in</p>	<p>Uttar Pradesh</p>
<p>Director Karpuri Thakur Sadan, Kendriya karamchari Prishar, 5th floor, F wing, Ashiana – Digha Road, Patna – 800 001. Phone: 0612 – 2565285. Email: dirncsc-bih@nic.in</p>	<p>Bihar Jharkhand</p>
<p>Director Kendriya Sadan, 'A' Wing, 1st Floor, Opp. Akurdi Rly. Station, Nagdi Pradhikaran, Sector – 26, Pune – 411 044. Phone: 020 – 27658973. Email: dir.pune-ncsc@nic.in / ncscpune@gmail.com</p>	<p>Maharashtra Goa</p>
<p>Director TC-24/547(1), Sashta Gardens Residency Road, Near Govt. Guest House, Thycaaud, Thiruvananthapuram – 695 014. Phone: 0471 – 2327530, 2327661. Email: nscctvpm@nic.in</p>	<p>Kerala Lakshadweep</p>

National Commission for Scheduled Tribes (Regional Offices)	
National Commission for Scheduled Tribes	Jurisdiction
National Commission for Scheduled Tribes (HQ), 6th Floor, B-Wing, Loknayak Bhavan, Khan Market, New Delhi – 110 003. Phone: 24635721, 24624628. Mail: chairperson@ncst.nic.in	Headquarters
Director Room No. 309, Nirman Sadan, CGO Complex, 52–A, Arera Hills, Bhopal – 462 011. Phone: 0755 – 2576530, 2578272. Email: ro-bhopal@ncst.nic.in	Madhya Pradesh Maharashtra Karnataka Kerala Goa Dadra and Nagar Haveli Lakshadweep
Director N-1/297, IRC Village Nayapali, Bhubaneswar – 751 015. Phone: 0674 – 2551616, 2551818. Email: ro-bbsr@ncst.nic.in	Andhra Pradesh Odisha Tamil Nadu Telangana West Bengal Andaman and Nicobar Islands Puducherry
Research Officer Room No. 101 & 102, first floor, Kendriya Sadan, Sector–10, Vidhyadhar Nagar Jaipur – 302 023. Phone: 0141 – 2236462, 2235488. Email: ro-jaipur@ncst.nic.in	Gujarat Haryana Himachal Pradesh Punjab Rajasthan Uttarakhand NCT of Delhi Chandigarh Daman and Diu Jammu and Kashmir
Research Officer EAC Colony plot No 3/16, first floor, Behind District Courts, Near Purnima School, Raipur – 492 001. Phone: 0771 – 2443334, 2443335. Email: ro-raipur@ncst.nic.in	Chhattisgarh
Research Officer 14, New A.G. Co-operative Colony, Kadru, Ranchi – 834 002. Phone: 0651 – 2341677, 2340368. Email: ro-ranchi@ncst.nic.in	Bihar Jharkhand Uttar Pradesh

National Commission for Scheduled Tribes (Regional Offices)	
National Commission for Scheduled Tribes	Jurisdiction
Additional Charge Director Rabekka Villa, Temple Road, Lower Lachumiere, Shillong – 793 001. Phone: 0364 – 2504202, 2221362. Email: ro-shillong@ncst.nic.in	Arunachal Pradesh Assam Manipur Meghalaya Mizoram Nagaland Sikkim Tripura



7 MONITORING AT THE DISTRICT LEVEL

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Introduction

This guide book provides the tools to monitor one of the state mechanisms to monitor implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at the district level – the district vigilance and monitoring committee, DVMC.

It lists the processes, procedures, preparation, and execution of the statutory monitoring provisions so that compliance can be monitored using the provisions of the Right to Information Act, 2005 (RTI) or, in the case of DVMC members, by better participation in the DVMC meetings.

It will also enable the civil service to better prepare for and conduct the reviews so that the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 can be more efficiently implemented at all levels.

All the processes to be followed in the implementation of this Act, and the events within them, are documented. Therefore, once the documentation is accessed, the health of the mechanism can be assessed. On analysis, the areas where remedial action is necessary will become apparent and they can be addressed.

All the right to information (RTI) requisition formats required to get information are alphanumerically coded. The first alphabet 'D' is for district since these formats are for district level monitoring. The second alphabet is for periodicity. A = Annual; H = Half-yearly; Q = Quarterly; M = Monthly; O = Once (or occasional). So DA01 is a district (D) level annual (A) information request format (01). Some notifications (exclusive special courts, nodal officer, protection cell) are done only once, and therefore the 'O' formats are used for those. Since the requirements for RTI requests vary from state to state, the formats are not included in this handbook, but can be made available on request.

Compliance can be monitored using the provisions of the Right to Information Act, 2005 or, in the case of DVMC members, better participation in the DVMC meetings using the reports generated by the internal mechanisms of this Act.

District level: Responsibilities and mechanisms

District level: Responsibilities and mechanisms		
Mechanism	Description	Duties
District Vigilance and Monitoring Committee (DVMC)	<p>For each district, a DVMC is set up by the DM for reviewing the implementation of the Act.</p> <p>Members of DVMC include:</p> <ul style="list-style-type: none"> The elected members of the Parliament and State Legislative Assemblies/Council. SP. Three group 'A' officers / Gazetted Officers belonging to the scheduled communities. Not more than 5 non-official members belonging to the scheduled communities. Not more than three members from the categories other than the scheduled communities having association with NGOs. The DM is the chairman and the District Social Welfare Officer is the Member-Secretary of the DVMC. 	<p>To meet at least once every three months [Rule 17(3)] to review:</p> <ol style="list-style-type: none"> Implementation of the Act. Scheme for the rights and entitlements of victims and witnesses in accessing justice as specified in Section 15A (11). Relief and rehabilitation facilities provided to the victims and other matters connected therewith. Prosecution of cases under the Act. Role of different officers/agencies responsible for implementing the provisions of the act and various reports received by the district administration.
Special Court/ Exclusive Special Court	<ul style="list-style-type: none"> For the purpose of providing speedy trial, the state government shall, with the concurrence of the Chief Justice of the High Court establish Exclusive Special Court for one or more districts or designate a Sessions Court as a Special Court in districts having less number of cases under the Act. It shall be the duty of the state government to establish an adequate number of courts to ensure that cases are disposed of under the Act within two months from the date of filing the charge-sheet [Section 14(2)]. 	<ol style="list-style-type: none"> Provide protection, travel allowance, and maintenance expenses (TAME), relief, socioeconomic rehabilitation, and relocation during investigation, inquiry and trial [Section 15A(6)] at the appropriate time as required. Periodically review the protection being offered by the state government to the victims and witnesses and pass appropriate orders [Section 15A(7)]. Conceal the names and addresses of the victims in all documents accessible to the public [Section 15A(8)(b)] and order non-disclosure by others as well [Section 15A(8)(b)]. Act immediately on any complaint regarding harassment of witnesses, including conducting a separate trial to be concluded within two months [Section 15A(8)(c)]. Protect witnesses from harassment by officials by ordering non-interference in any and all matters, except with the permission of the court [Section 15A(8)(c)].

District level: Officials

District level: Officials			
#	Official	Description	Duties
1	District Magistrate	The district magistrate (DM) is the executive head of the district. The DM is generally responsible for maintenance of law and order in the district. Under this Act, the DM is an important authority responsible for implementation of the provisions of the Act for reviewing various reports and performance of authorities.	<p>(a) Within 24 hours: Do a spot inspection to assess damage to property and life and draw a list of victims, their family members and dependents entitled for relief, and forward a copy of the Relief and Rehabilitation report to the Special Court/Exclusive Special Court [Rule 12(7)].</p> <p>and</p> <p>Make necessary arrangements for immediate relief which includes food, water, clothing, shelter, medical aid, transport facilities, and other essential items [Rule 11].</p> <p>(b) Within 7 days: Make necessary arrangements to provide relief in cash or kind or both to victims of atrocity, their family members, and dependents.</p> <p>(c) During investigation and trial: Provide travel allowances, daily allowances, maintenance expenses, and diet expenses to the victims, dependents, and witnesses [Rule 11].</p> <p>(d) Monthly: To review the position of cases registered under the Act and the implementation of the rights of victims and witnesses and submit a monthly report to the Director of Prosecution and State Government on or before 20th of every month [Rule 4(4)].</p> <p>(e) Quarterly: Conduct the DVMC meeting at least once in three months [Rule 17(3)].</p> <p>(f) January and July: Review the performance of SPPs/ESPPs twice a year in January and July and submit a report to the state government [Rule 4(2)]. Review the position of all investigations done by the investigating officer by the end of every quarter [Rule 7(3)].</p> <p>(g) Periodic: To review the law-and-order situation in the identified area [Rule 3(ii)].</p> <p>(h) Every three years: Constitute DVMC to review the implementation of the Act [Rule 17].</p>
2	Special Officer	Special officers not below the rank of an Additional District Magistrate are appointed for the identified area. The purpose is to coordinate with DM, SP, and other officers responsible for implementing the provisions of the Act, various committees, and the SCs and the STs Protection Cell [Rule 10]. In Tamil Nadu, the district collector is the special officer.	<p>(a) Give immediate relief and other facilities to victims and initiate necessary preventive measures.</p> <p>(b) Set up awareness centres and organise workshops in identified areas or at district headquarters to educate the persons belonging to the scheduled communities about their rights and protection available to them under various central and state enactments or rules and schemes etc.</p> <p>(c) Coordinate with NGOs and provide them with the necessary facilities and financial assistance for conducting workshops and maintaining awareness centres.</p> <p>(d) Ensure implementation of Victim and Witness Rights in the identified area as specified in Chapter IVA of the Act [Rule 10(iv)].</p> <p>(e) Execute the rights of victims, dependents or associated organisations or individuals, at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights [Section 15A(11)(n)].</p>

District level: Officials			
#	Official	Description	Duties
3	SP / Commissioner	The Superintendent of Police is the head of the district police (non-metropolitan areas) Commissioner of Police is the head of the district police (metropolitan areas). Generally, they are responsible for the prevention of crime and maintenance of law and order within their jurisdiction. Under this Act, they play an important role in ensuring fair and just investigation. The SP is also a member of the DVMC.	<ul style="list-style-type: none"> (a) Visit the place or area where the atrocity has been committed to assess the loss of life and damage to the property and draw a list of victims, their family members and dependents entitled for relief [Rule 12(1), Rule 12(7) and Rule (6)]. (b) After spot inspection, appoint the investigating officer, take preventive measures if necessary [Rule 12(3)]. (c) Immediately forward the investigation report submitted by IO to the Director General of Police or Commissioner of Police and officer in-charge of the police station. (d) Ensure that FIR is registered, and necessary measures are taken for apprehending the accused [Rule 12(2)]. (e) Execute the rights of victims, dependents or associated organisations or individuals, at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights [Section 15A(11)(n)].
4	DSP/ Asst. Commissioner (IO)	The investigating officer is appointed to perceive the implications of the cases under the Act and investigate it along the right lines of justice. Before appointing a police officer (not below the rank of DSP) as an IO, their experience, sense of ability and justice to perceive the implications of the case and investigate it along with right lines must be considered by the state government [Rule 7(1)].	<ul style="list-style-type: none"> (a) Record the complaint of victims, informant, or witnesses whether given orally or in writing, read it out to them, and provide a photocopy of that complaint and the FIR free of cost [Rule 5(2)]. (b) Complete investigation of the case and submit the report to the Superintendent of Police & file charge-sheet within 60 days [Rule 7(2)]. (c) Explain in writing any delay in investigation or filing of charge-sheet [Rule 7(2A)]. (d) Record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and give a photocopy of the FIR immediately free of cost [Section 15A(9)]. (e) Provide information about the rights of atrocity victims at the time of making complaints and registering the FIR [Section 15A(11)(g)]. (f) Provide protection to victims, dependents, and witnesses from intimidation and harassment [Section 15A(11)(h)]. (g) Provide information to victims, dependents, or associated organisations or individuals, on the status of investigation and charge-sheet and to provide a copy of the charge-sheet free of cost [Section 15A(11)(i)]. (h) Take necessary precautions at the time of medical examination [Section 15A(11)(j)]. (i) Provide information to victims, dependents, or associated organisations or individuals, regarding the relief amount [Section 15A(11)(k)]. (j) Provide information to victims, dependents, or associated organisations or individuals, in advance about the dates and place of investigation and trial [Section 15A(11)(l)].

District level: Officials			
#	Official	Description	Duties
			<p>(k) Give adequate briefing on the case and preparation for trial to victims, dependents, or associated organisations or individuals and to provide the legal aid for the said purpose [Section 15A(11)(m)].</p> <p>(l) Execute the rights of victims, dependents or associated organisations or individuals, at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights [Section 15A(11)(n)].</p>
5	In-charge of Prosecution		<p>(a) Member of the DVMC.</p> <p>(b) Review the position of cases registered under the Act and the implementation of the rights of victims and witnesses and submit a monthly report to the Director of Prosecution and the state government which shall specify the actions taken or proposed to be taken in respect of investigation and prosecution of each case [Rule 4(4)].</p> <p>(c) Review the position of all investigations done by the investigating officer by the end of every quarter. [Rule 7(3)].</p>
6	Special public prosecutor and exclusive special public prosecutor	<p>To prosecute cases under the Act, the state government prepares two panels. One contains eminent senior advocates with not less than 7 years' experience. This panel is prepared for each district on the recommendation of the DM.</p> <p>The second panel, prepared on the recommendation of the Director of Prosecution, consists of special public prosecutors and exclusive special public prosecutors.</p>	<p>(a) Conduct cases in the special courts.</p> <p>(b) Inform the victim about any proceedings under this Act including all reasonable, accurate, and timely notice of any court proceeding including any bail proceeding [Section 15A(3)].</p> <p>(c) Give adequate briefing on the case and preparation for trial to victims, dependents, or associated organisations or individuals and to provide the legal aid for the said purpose [Section 15A(11)(m)].</p>
7	Judge of the special court	<p>Judge of the special court decides the cases under the Act. She plays a very important role in the protection of victims and securing fair access to trial and justice.</p>	<p>(a) Provide protection, travel allowance and maintenance expenses (TAME), relief, socioeconomic rehabilitation, and relocation during investigation, inquiry and trial [Section 15A(6)] at the appropriate time as required.</p> <p>(b) Check the relief and rehabilitation report submitted by the District Magistrate and order for increased relief/ any other assistance if the relief provided is found insufficient or not provided in time to the victims or dependants [Rule 12(7)].</p>

District level: Officials			
#	Official	Description	Duties
			<ul style="list-style-type: none"> (c) Periodically review the protection provided by the government to the victims and witnesses and pass appropriate orders [Section 15A(7)]. (d) Conduct proceedings day-to-day and record in writing the reasons for adjournment beyond the following day [Section 14(3)]. (e) Conceal the names and addresses of the victims in all documents accessible to the public [Section 15A(8)(b)] and order non-disclosure by others as well [Section 15A(8)(b)]. (f) Take immediate action in respect of any complaint relating to harassment of a victim, informant, or witness and on the same day, if necessary, pass appropriate orders for protection on the same day [Section 15A(8)(c)]. (g) Protect witnesses from harassment by officials by ordering non-interference in any and all matters, except with the permission of the court [Section 15A(8)(c)]. (h) Try all complaints received under Section 15A(8)(c) separately from the main case and conclude it within two months from the date of receipt of the complaint.

The DVMC

At the district level, the DVMC is the most important mechanism to ensure implementation since all the critical officials (district magistrate, superintendent of police, in charge prosecutions, the investigating officer, the special public prosecutor, and the district welfare officer) are members of the committee. All the MPs and MLAs from the scheduled communities in the district are members of the DVMC, as are two NGO representatives. This vertical and horizontal diversity makes the DVMC an apt forum to address the administrative, law and order, and social aspects of implementation and to execute locally appropriate remedies quickly.

The district magistrate and superintendent of police visit every atrocity location within 24 hours for a spot inspection (or at least that is what is required by law [Rule 12(1)]), and the investigating officer (the deputy superintendent of police, DSP), and the special public prosecutor (SPP) are direct reports of the superintendent of police (SP) and in charge prosecutions respectively, so supervision and rectification can be immediate.

The district vigilance and monitoring committee meetings are to be conducted at least once in three months so that the

socioeconomic rehabilitation is done on time – i.e., within three months of the FIR being registered [Rule 12(4)]. The DVMC demonstrates the commitment of the top administrative and executive echelons at the district level to the implementation of the Act with attention to the competence and performance of the concerned officials.

Monitoring the DVMC

Setting up the DVMC [Rule 17(1)]

1. In each district within the state, the district magistrate shall set up a vigilance and monitoring committee (*RTI format DA02*).

Members of the DVMC [Rule 17(2)]

2. The DVMC shall consist of (*RTI format DA02*)
 - (a) Members of the parliament (MP) and state legislative assembly (MLA) and legislative council.
 - (b) Superintendent of police (SP).
 - (c) Three group ‘A’ officers, gazetted officers of the state government belonging to the scheduled castes or scheduled tribes.
 - (d) Not more than five non-official members belonging to the scheduled castes or scheduled tribes.
 - (e) Not more than three members from the categories other than the scheduled castes or the scheduled tribes having association with NGOs.
 - (f) The district magistrate (chairman).
 - (g) The district social welfare officer (member-secretary).

The district vigilance and monitoring committee meetings are to be conducted at least once in three months so that the socioeconomic rehabilitation is done on time – i.e., within three months of the FIR being registered [Rule 12(4)].

Meetings [Rule 17(3)]

3. The district level committee shall meet at least once in three months (*RTI format DQ01*).
4. If the meeting is not convened every quarter, complain to the state nodal officer [Rule 9] requesting him to conduct an inquiry and take action under Section 4 of the Act *Punishment for neglect of duties*.
5. Follow up the letter after three months with a request under RTI asking for the action taken report on your complaint.

Meeting agenda and role of the DVMC [Rule 17(1)]

6. The meetings of the DVMC are restricted only to the members of the DVMC and to the specific purpose under the Act and Rules. They cannot be clubbed with the public grievances or the monthly meetings. Unfortunately, clubbing meetings tends to be the norm, and it is good

practice to bring it to the notice of the district collector so that the practices is discontinued and the committee can focus on its mandate.

7. The DVMC shall review:
 - (a) Implementation of the provisions of the Act.
 - (b) Schemes to secure the rights and entitlements to protect the victim–survivors, witnesses, informants, and dependents and enable their access to justice [elaborated in Section 15A(11)].
 - (c) Relief and rehabilitation facilities provided to the survivors and other matters connected therewith.
 - (d) Prosecution of cases under the Act.
 - (e) Role of different officers responsible for implementing the provisions of the Act.
 - (f) Role of different agencies responsible for implementing the provisions of the Act.
 - (g) Various reports received by the district administration (This would include reports under Rules 6(2) and 12(7) for each case, and the report of the supreme court ordered standing committee).
 - (h) Orders passed by the court to enforce the rights of victims, witnesses, dependents and for their protection [Section 15A(7)].
8. In addition, the DVMC can also:
 - (a) Identify atrocity prone areas.
 - (b) Suggest measures to prevent atrocities in those areas.

The meetings of the DVMC are restricted only to the members of the DVMC and to the specific purpose under the Act and Rules. They cannot be clubbed with the public grievances or the monthly meetings.

Documents to be provided to the DVMC members

9. For effective participation in the DVMC meetings, the DVMC members should be provided the following information along with the agenda at least a week, preferably three weeks, in advance of every DVMC meeting (*RTI format DQ01*). If the monthly report [Rule 4(4)] is given at the same time it is sent to the government, and the case reports [Rule 6(2) and 12(7)] are given to the DVMC members when they are sent to the special courts, it will help in informed engagement at the meeting.
10. DVMC members should get all the following reports: Three statutory monthly reports [Rule 4(4)], Rule 6(2) and Rule 12(7) reports of all cases in the quarter, Rule 7(2A) reports for all cases for which charge–sheets were not filed within 60 days, and the reports of the standing committee, etc. However, the performance appraisal of the SPP are

done only in January and July every year by the district collector [Rule 4(2)] (RTI format DH03) and the state government [Rule 14(2)] (RTI format SH03). So they will be available for discussions only for the DVMC meetings held in the first meeting after they are finalised (most likely in DVMC meetings conducted in the first and third quarters).

11. All these reports should be given for the period under review. These are existing reports and require no additional work if the monthly report [Rule 4(4)] is comprehensive and submitted on time.
 - (a) Three monthly reports [Rule 4(4)] on the position of the cases submitted to the state government. This should have the progress of the case (whether it is in the investigation, trial, or appeal stages or closed), and explanation for delays (60 days each for FIR to charge-sheet and charge-sheet to verdict). It should include the relief and TAME, and rehabilitation measures (including house, land, government job) and reasons for delay (3 days for TAME, seven days for first instalment of relief, six months for total rehabilitation including agricultural land, house, and government job, and all relief). If the case is closed (no charge-sheet, conviction, or acquitted but no appeal), the monthly report should have the reason why (RTI format DM01 and DM02).
 - (b) For each case (if the monthly report [Rule 4(4)] does not have it) the TAME [Rule 11] (RTI format DM07), relief, and rehabilitation information [Rule 12(4)] (RTI format DM06 and DM09).
 - (c) For each case the inquiry and spot inspection reports [Rules 6(2) and 12(7)] (RTI format DM04), and the orders passed by the superintendent of police for deployment of police and prevention [Rule 12(3)] (RTI format DM05).
 - (d) For each case the reports submitted to the special courts on the fulfilment of victims and witnesses rights [Section 15A(7), and Rule 12(7)] (RTI format DM03).
 - (e) For each case Orders passed by the courts based on their review of the victim and witness protection measures undertaken [Section 15A(7)] (RTI format DA06).
 - (f) For each case where the charge-sheets have not been filed in 60 days written explanations filed by the investigating officers [Rule 7(2A)] (RTI format DM08).

The DVMC should review the relief and rehabilitation facilities provided to the survivors and other matters connected therewith.

- (g) *For each case* where trials have not been conducted on a daily basis, reasons given in writing by the judge [Section 14(3)] (RTI format DM 13).
- (h) Performance appraisal of the SPP (done in January and July every year by the district collector) [Rule 4(2)] (RTI format DH03).
- (i) Performance appraisal of the SPP (done in January and July every year by the state government) [Rule 14(2)] (RTI format SH03).
- (j) Quarterly report of the high powered district standing committee on fixing responsibility for acquittals, set up on the orders of the Supreme Court of India in the *State of Gujarat vs Kishanbhai etc.* [Criminal Appeal 1485 of 2008] of 7 January 2014. The data in the report contains the performance of the investigating officer and the special public prosecutor and should be culled out and made available to the DVMC members (RTI format DQ03).

DVMC meetings should be conducted on 15 March, 15 June, 15 September, and 15 December to benefit from the SdVMC meetings on 1 March, 1 June, 1 September, and 1 December and to feed into the SVMC meetings on 15 January and 15 July.

Proceedings of the DVMC

12. For each case, the DVMC should review the present status [Rule 17] (RTI format DQ01) which includes:
 - (a) Report under Rules 6(2) and 12(7) for the case (this report is almost never filed, so asking for it would be a good first step in getting the mechanisms activated).
 - (b) Measures taken to secure the rights and entitlements of the victim–survivors, witnesses, informants, and dependents to enable their access to justice [elaborated in Section 15A(11)].
 - (c) What has been done so far in pursuing the case, including arrests, bail, counter cases, protection, and relief, travel allowance and maintenance expenses due and paid.
 - (d) Relief due and paid, and reasons for delay in payment to victim–survivors, witnesses, informants, and dependents [as per Rule 12(4) Schedule Annexure I r/w Annexure II, and Rule 15(1) contingency plan].
 - (e) Rehabilitation due, rehabilitation done, and reasons for delay in payment to victim–survivors, witnesses, informants, and dependents [as per Rule 12(4) Schedule Annexure I r/w Annexure II, and Rule 15(1) contingency plan].

- (f) TAME due, paid, and reasons for delay in payment to victim-survivors, witnesses, informants, and dependents (immediate payment, and in any case not later than three days during investigation and trial) [Rule 11].
 - (g) The stage the case is at now (rehabilitation and relief depend on this, apart from the support and security from law enforcement).
 - (h) Actions proposed to be done in the near future. This, the present status, and action taken to date are required to be in the monthly report [Rule 4(4)]. For an informed discussion, DVMC members need to be given the monthly report [Rule 4(4)] of the three months in the quarter being reviewed.
 - (i) If the investigation is not complete within 60 days, the written explanation why [Rule 7(2A)].
 - (j) If the trial is not done on a daily basis, the written explanation why [Section 14(3)].
 - (k) In case of acquittal, the reason why (the report of the standing committee will be useful here).
 - (l) If the acquittal is not appealed, the reason why.
13. All investigations are supposed to be completed and charge-sheets filed within 60 days of filing the FIR [Rule 7(2)], if not the reasons for delay must be furnished in writing [Rule 7(2A)]. For every investigating officer (IO), the DVMC shall review the number of:
- (a) Cases investigated.
 - (b) Cases for which investigation is completed in 60 days [Rule 7(2)].
 - (c) Cases for which investigation was not completed in 60 days and a written explanation for the delay was given [Rule 7(2A)].
 - (d) Cases for which charge-sheet has been filed.
 - (e) Accused in FIR.
 - (f) Accused in charge-sheet.
 - (g) Cases ending in conviction.
 - (h) Accused acquitted (including in the cases for which there is conviction).

The DVMC should review the measures taken to secure the rights and entitlements of the victim-survivors, witnesses, informants, and dependents to enable their access to justice [elaborated in Section 15A(11)].

This is not explicitly mentioned in the Act, but a review of the role of the IO would entail this at the very minimum. Completing the investigation and filing the charge-sheet within 60 days is critical to restorative justice, since relief and rehabilitation is tied

to the stage the case is in and should not be delayed because government employees – on guaranteed monthly salaries – do not do their job on time.

14. The special public prosecutor is paid more than other government public prosecutors. They have a minimum of seven years' experience. Therefore they are expected to have better results (more convictions) than average. For every special public prosecutor (SPP), the DVMC shall review the number of:
 - (a) Cases argued.
 - (b) Cases ending in conviction.
 - (c) Accused in charge-sheet.
 - (d) Accused 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 SPP would entail this at the very minimum. DVMC members can call for the report submitted to the state government on the performance of the SPPs in January and July [Rule 4(2)] and the review done by the state government in the same months [Rule 14(2)], which will (should) contain this information. If the performance of the SPP is below par, the DVMC should inform the state government to remove the particular SPPs citing the reason in writing [Rule 4(3)].

All investigations are supposed to be completed and charge-sheets filed within 60 days of registering the FIR [Rule 7(2)], if not the reasons for delay must be furnished in writing [Rule 7(2A)].

15. All trials should be completed within two months of filing the charge-sheet. Once the trial starts, it should be conducted on a daily basis. If not, the reasons for delay should be recorded in writing by the judge. For every judge hearing cases under this Act (whether special court, designated special court, or not), the DVMC shall review the number of:
 - (a) Cases listed.
 - (b) Cases heard.
 - (c) Cases ending in conviction.
 - (d) Accused in charge-sheet.
 - (e) Accused acquitted (including in the cases for which there is conviction).
 - (f) If the trial is not done on a daily basis, the written explanation why [Section 14(3)].
 - (g) Number of trials completed within 60 days of filing the charge-sheet [Section 14(2)].
 - (h) Whether appeals have been filed within 90 days [Section 14A(3)]. (This would reflect on the in charge prosecutions and the district magistrate).

- (i) Appeals disposed off within 90 days from date of admission of appeal [Section 14A(4)].

A review of the role of the judge would entail this at the very minimum. Some judges have a 100% acquittal rate. Some cases are adjourned for years on end, which goes against the spirit of the Act that requires the cases to be heard on a daily basis and completed within 60 days. Some of this information is made public by the state crime records bureau every year.

- 16. It is important to track *both* the number of cases ending in conviction and the number of accused convicted since even in the cases ending in conviction 9 out of 10 accused may be acquitted (i.e. 90% acquittal), but the case itself is recorded as ending in conviction.
- 17. The responsibility the investigating officer and the special public prosecutor in the acquittals, should be culled out from the reports of the standing committee. This data should be made available to the DVMC members to access the performance of the investigating officer and the special public prosecutor, and to ensure that officers with sub-par performance are not appointed to sensitive posts [Rule 13] and remove them when necessary [Rule 4(3)].

If the performance of the SPP is below par, the DVMC should inform the state government to remove the particular SPPs citing the reason in writing [Rule 4(3)].



8 MONITORING AT THE SUBDIVISIONAL LEVEL

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Monitoring at the subdivisional level

Introduction

This guide book provides the tools to monitor the most important, and unfortunately the most underrated, state mechanism for monitoring the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 – the subdivisional vigilance and monitoring committee, SdVMC. It lists the processes, procedures, preparation, and execution of the statutory monitoring provisions so that compliance can be monitored using the provisions of the Right to Information Act, 2005 (RTI) or, in the case of the SdVMC members, better participation in the SdVMC meetings and ensuring that the preventive and restorative provisions are fulfilled. It will also enable the civil service to better prepare for and conduct the reviews so that the Act can be more efficiently implemented at all levels.

All the processes to be followed in the implementation of this Act, and the events within them, are documented. Therefore, once the documentation is accessed, the health of the mechanism can be assessed. On analysis, the areas where remedial action is necessary will become apparent and they can be addressed.

SdVMCs can hold government officials accountable by monitoring their functioning and taking corrective action as they will know first-hand the failings and wilful negligence of the officials in each case.

Subdivisional level: Responsibilities and mechanisms

Subdivisional level: Responsibilities and mechanisms		
Mechanism	Description	Duties
Subdivision level vigilance and monitoring committee (SdVMC)	<p>The subdivisional magistrate (SDM) sets up an SdVMC for each subdivision.</p> <p>Members of SdVMC include:</p> <ul style="list-style-type: none"> • Members of state legislative assembly/council from the subdivision, elected members of local self-government belonging to the scheduled communities. • DSP. • Tehsildar. • Block Development Officer. • Not more than two non-official members belonging to the scheduled communities. • Not more than two members form categories other than the scheduled communities having association with NGOs. • The SDM is the chairperson and Block Development Officer is the member secretary of the SdVMC. 	<p>To meet at least once every three months to review:</p> <ol style="list-style-type: none"> (a) Implementation of the Act. (b) Scheme for the rights and entitlements of victims and witnesses in accessing justice as specified in Section 15A(11). (c) Relief and rehabilitation facilities provided to the victims and other matters connected therewith. (d) Prosecution of cases under the Act. (e) Role of different officers/agencies responsible for implementing the provisions of the act and various reports received by the subdivision administration.

Subdivisional level: Officials

Subdivisional level: Officials			
#	Official	Purpose	Functions
1	Subdivisional Magistrate	The subdivisional magistrate is an important authority responsible for implementation of the provisions of the Act.	<ul style="list-style-type: none"> (a) Within 24 hours: Conduct a spot visit and an inquiry to assess damage to property and life and draw a list of victims, their family members and dependents entitled for relief and forward a copy of the Relief and Rehabilitation report to the Special Court/Exclusive Special Court [Rule 6]. Make necessary arrangements for immediate relief which includes food, water, clothing, shelter, medical aid, transport facilities, and other essential items [Rule 11]. (b) Within 7 days: Make necessary arrangements to provide relief in cash or kind or both to victims of atrocity, their family members and dependents. (c) Quarterly: Conduct the SdVMC meeting at least once in three months [Rule 17A(4)].
2	Special Officer	<p>Special officers not below the rank of an Additional District Magistrate are appointed for the identified area.</p> <p>They are to coordinate with DM, SP, and other officers responsible for implementing the provisions of the Act, various committees and the SCs and the STs Protection Cell. [Rule 10].</p> <p>In Tamil Nadu, the district collector is the special officer.</p>	<ul style="list-style-type: none"> (a) Give immediate relief and other facilities to victims and initiate necessary preventive measures. (b) Set up awareness centres and organise workshops in identified areas or at district headquarters to educate the persons belonging to the scheduled communities about their rights and protection available to them under various central and state enactments or rules and schemes etc. (c) Coordinate with NGOs and provide them with the necessary facilities and financial assistance for conducting workshops and maintaining awareness centres. (d) Ensure implementation of Victim and Witness Rights in the identified area as specified in Chapter IVA of the Act [Rule 10(iv)]. Execute the rights of victims, dependents or associated organisations or individuals, at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights [Section 15A(11)(n)].

Subdivision level: Officials			
#	Official	Purpose	Functions
3	DSP/ Asst. Commissioner (IO)	The investigating officer is appointed to perceive the implications of the cases under the Act and investigate it along the right lines of justice. Before appointing a police officer (not below the rank of DSP) as an IO, their experience, sense of ability and justice to perceive the implications of the case and investigate it along right lines must be considered by the state government [Rule 7(1)].	<ul style="list-style-type: none"> (a) Member of the subdivisional vigilance and monitoring committee (SdVMC). (b) Record the complaint of victims, informant, or witnesses whether given orally or in writing, read it out to them, and provide a photocopy of that complaint and the FIR free of cost [Rule 5(2)]. (c) Complete investigation of the case and submit the report to the SP file the charge–sheet within 60 days [Rule 7(2)]. (d) Explain in writing any delay in investigation or filing of charge–sheet [Rule 7(2A)]. (e) Record the complaint of the victims, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and give a photocopy of the FIR immediately free of cost [Section 15A(9)]. (f) Provide information about the rights of atrocity victims at the time of making complaints and registering the FIR [Section 15A(11)(g)]. (g) Provide protection to victims, dependents, and witnesses from intimidation and harassment [Section 15A(11)(h)]. (h) Provide information to victims, dependents, or associated organisations or individuals, on the status of investigation and charge–sheet and to provide a copy of the charge–sheet free of cost [Section 15A(11)(i)]. (i) Take necessary precautions at the time of medical examination [Section 15A(11)(j)]. (j) Provide information to victims, dependents, or associated organisations or individuals, regarding the relief amount [Section 15A(11)(k)]. (k) Provide information to victims, dependents, or associated organisations or individuals, in advance about the dates and place of investigation and trial [Section 15A(11)(l)]. (l) Give adequate briefing on the case and preparation for trial to victims, dependents, or associated organisations or individuals and to provide the legal aid for the said purpose [Section 15A(11)(m)]. (m) Execute the rights of victims, dependents or associated organisations or individuals, at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights [Section 15A(11)(n)].

The SdVMC

The subdivisional vigilance and monitoring committee (SdVMC) is one of the most important state mechanisms to monitor the implementation of the Act – and the most important one from the preventive, restorative, and rehabilitation aspects. Its main roles are to assist the government in implementing the Act [Rule 3(vi)] and to suggest measures for effective implementation [Rule 3(vii)].

Apart from the members of parliament and legislative assembly from the subdivision, and the senior-most subdivisional government officials, the elected representatives of local government belonging to the scheduled communities in the subdivision are also members of the SdVMC.

The SdVMCs – with its composition of all the scheduled castes and the scheduled tribes elected representatives in local self-government (panchayat raj), MLAs, and MPs in the jurisdiction – are uniquely positioned to follow up protection, relief, and socioeconomic rehabilitation at the individual and household levels.

Due to this unique combination, it is therefore the state mechanism closest to the village community under this Act. Knowing the community intimately, it is best placed to fulfil all three critical roles envisaged for the state under this Act:

- *Prevention of atrocities* by identifying potential flash points ('atrocities prone areas'), provocateurs, and frictions. Being locals, they will have the best understanding of the ground situation, much before it becomes severe enough to come on to the radar at the more remote (district, state, union) levels of government. Identification of atrocities prone areas at other levels is formulaic, but theirs will be the ground truth. They are also better placed to flag events and triggers, especially due to disinformation and rumours, faster than the more distant mechanisms.
- *Redress*: The members of this committee are most likely to know those involved personally or as a community. They are best equipped to monitor the case at every stage from a victim centric perspective. This is essential to ensure timely and proper relief, socioeconomic rehabilitation, and restoration of livelihoods for the victims, survivors, and their dependents.
- *Accountability*: SdVMCs can hold government officials accountable by monitoring their functioning and taking

The SdVMCs - with the unique composition of the civil service and elected representatives of the scheduled communities in local self-government, MLAs, and MPs - are uniquely positioned to follow up protection, relief, and socioeconomic rehabilitation at the individual and household levels, and compliance, and accountability at the individual officer level.

corrective action as they will know first-hand the failings and wilful negligence of the officials in each case. The failings can be recorded in the minutes for further action. Their opinion on the credibility and neutrality of the officials, informed by data of their performance, enhances the confidence of the community in state mechanisms.

In a reversal of the norm, here the subdivisional magistrate (SDM) and the deputy superintendent of police (DSP) report to the elected village representatives (who are constitutional functionaries) as they constitutionally should.

The rules are clear that these constitutional functionaries should receive all the reports received by the subdivisional administration [Rule 17A(1)], and any other information required for their efficient and effective functioning.

Monitoring the SdVMC

Though the Right to Information Act, 2005 (RTI) is clear that all information should be disclosed proactively (suo moto) as a norm and requests by citizens should be the exception, unfortunately most of the information can be accessed only through formal RTI requests. All the RTI requisition formats required are alphanumerically coded. The first alphabet 'S' or 'D' is for state or district level monitoring. The second alphabet is for periodicity. A = Annual; H = Half-yearly; Q = Quarterly; M = Monthly; O = Once (or occasional). So DA01 is a district (D) level annual (A) information request format (01). Some notifications (exclusive special courts, nodal officer, protection cell) are done only once, and therefore the 'O' formats are used for those.

Since the requirements for RTI requests vary from state to state, the formats are not included in this handbook, but can be made available on request.

Setting up the SdVMC [Rule 17A(1)]

1. In each subdivision within the district, the subdivisional magistrate shall set up a subdivisional vigilance and monitoring committee (SdVMC) (RTI format DA09).

Members of the SdVMC [Rule 17A(2)]

2. The SdVMC shall consist of (RTI format DA09)
 - (a) Members of the state legislative assembly (MLA) and legislative council from the subdivision.
 - (b) Elected members of panchayat raj institutions belonging to the scheduled castes and the scheduled tribes.

The SdVMC meetings can identify and hold accountable officials for sub-par performance. They can assess individual needs of the victims, witnesses, and their dependents (protection, relocation, emergency relief), and customised remedial measures (socioeconomic rehabilitation, restoration of services), can be provided to efficiently implement the Act from a victim centric perspective, mindful of the local sociopolitical specificities of the case.

- (c) Deputy superintendent of police (DSP).
- (d) Tehsildar.
- (e) Block development officer.
- (f) Not more than two non-official members belonging to the scheduled castes or scheduled tribes.
- (g) Not more than two members from the categories other than the scheduled castes or scheduled tribes having association with NGOs.
- (h) The subdivisional magistrate (chairman).
- (i) The block development officer (member-secretary).

Meetings [Rule 17A(4)]

- 3. The subdivisional level committee shall meet at least once in three months [Rule 17A(4)] (*RTI format DQ01*).
- 4. If the meeting under Rule 17A(4) is not convened every quarter, give a written complaint to the state nodal officer (appointed as per Rule 9) requesting him to conduct an inquiry and take action under Section 4 of the Act *Punishment for neglect of duties*.
- 5. Follow up the letter after three months with a request under RTI asking for the action taken report on your complaint.

Meeting agenda and role of the SdVMC [Rule 17A(1)]

- 6. The meetings of the SdVMC are restricted only to the members of the SdVMC and to the specific purpose under the Act and Rules. They cannot be clubbed with the public grievances or the monthly meetings. Unfortunately, clubbing these rarely conducted meetings with other meetings tends to be the norm. It is good practice to bring it to the notice of the district collector so that the practice is discontinued and the committee can focus on its mandate.
- 7. The SdVMC shall review:
 - (a) Implementation of the provisions of the Act.
 - (b) Schemes to secure the rights and entitlements to protect the victim-survivors, witnesses, informants, and dependents and enable their access to justice [elaborated in Section 15A(11)].
 - (c) Relief and rehabilitation facilities provided to the survivors and other matters connected therewith.
 - (d) Prosecution of cases under the Act.
 - (e) Role of different officers responsible for implementing the provisions of the Act.
 - (f) Role of the different agencies responsible for implementing the provisions of the Act.

Schemes to secure the rights and entitlements to protect the victim-survivors, witnesses, informants, and dependents and enable their access to justice are elaborated in Section 15A(11).

- (g) Various reports received by the subdivision. This would include reports under Rules 6(2) and 12(7) for each case, and the report of the supreme court ordered standing committee.
 - (h) Orders passed by the court to enforce the rights of victims, witnesses, dependents, and for their protection [Section 15A(7)].
8. In addition, the SdVMC can also:
- (a) Identify atrocity prone areas.
 - (b) Suggest measures to prevent atrocities in those areas.

Documents to be provided to the SdVMC members

9. For effective participation in the SdVMC meetings, the SdVMC members should be provided the following information along with the agenda at least a week, preferably three weeks, in advance of every SdVMC meeting (*RTI format DA09*). If the monthly report [Rule 4(4)] is given at the same time it is sent to the government (i.e. on or before the 20th of each month), and the case reports [Rules 6(2) and 12(7)] are given to the SdVMC members when they are sent to the special courts, it will help in informed engagement at the meeting.
10. Every quarter, there are three statutory monthly reports [prepared under Rules 4(4), Rule 6(2) and Rule 12(7)]. For every open case there will be Rule 7(2A) reports for which charge-sheets were not filed within 60 days, reports of the standing committee, etc. The performance appraisal of the SPP is done only in January and July every year by the district collector [Rule 4(2)] (*RTI format DH03*) and the state government [Rule 14(2)] (*RTI format SH03*). So they will be available for discussions only for the SdVMC meetings held in the first meeting after they are finalised (most likely in SdVMC meetings conducted in the first and third quarters).
11. All these reports should be given for the period under review. These are existing reports and require no additional work if the monthly report [Rule 4(4)] is comprehensive and submitted on time.
- (a) *Three monthly reports* [Rule 4(4)] on the position of the cases submitted to the state government by the district administration (at least an extract covering the position of the cases in the subdivision). This should have the progress of the case (whether it is in the investigation, trial, or appeal stages or closed), and explanation for

For effective participation in the SdVMC meetings, the SdVMC members should be provided the requisite information along with the agenda at least a week, preferably three weeks, in advance of every SdVMC meeting.

delays (60 days each for FIR to charge-sheet and charge-sheet to verdict). It should include the relief [Rule 12(4)], the travel and maintenance expenses [TAME, Rule 11], and socioeconomic rehabilitation measures and reasons for delay (from date of travel for investigation or trial: maximum three days for TAME, and from the date of the FIR seven days for first instalment of relief, three months for total socioeconomic rehabilitation including index linked pensions, agricultural land, house, a government job, and fully paid residential education for children up to graduation).

Maintenance expenses include dietary expenses and the day's wages lost during investigation or trial, according to the wages prescribed for rural workers in the state for the victims, witnesses, and their attendants. They are also entitled to emergency relief for three months. If the case is closed (no charge-sheet, conviction, or acquitted but no appeal), the monthly report should have the reason why (RTI format DM01 and DM02).

The victims and dependents are also entitled to emergency relief for three months. If the case is closed (no charge-sheet, conviction, or acquitted but no appeal), the monthly report should have the reason why.

- (b) *For each case* (if the monthly report [Rule 4(4)] does not have it) TAME [Rule 11], (RTI format DM07) and relief, and rehabilitation information [Rule 12(4)] (RTI format DM06 and DM09).
- (c) *For each case* the spot visit – inquiry and inspection – reports [Rule 6(2) and 12(7)] (RTI format DM04), and the orders passed by the superintendent of police for deployment of police and prevention [Rule 12(3)] (RTI format DM05).
- (d) *For each case* the reports submitted to the special courts on the fulfilment of victims and witnesses' rights [Section 15A(7), and Rule 12(7)] (RTI format DM03).
- (e) *For each case* Orders passed by the courts based on their review of the victim and witness protection measures undertaken [Section 15A(7)] (RTI format DA06).
- (f) *For each case* where the charge-sheets have not been filed in 60 days, written explanations for the delay filed by the investigating officers [Rule 7(2A)] (RTI format DM08).
- (g) *For each case* where trials have not been conducted daily, reasons given in writing by the judge [Section 14(3)] (RTI format DM13).

- (h) Performance appraisal of the SPP (done in January and July every year by the district collector) [Rule 4(2)] (*RTI format DH03*).
- (i) Performance appraisal of the SPP (done in January and July every year by the state government) [Rule 14(2)] (*RTI format SH03*).
- (j) Quarterly report of the high powered district standing committee on fixing responsibility for acquittals, set up on the orders of the Supreme Court of India in the *State of Gujarat vs Kishanbhai etc.* [Criminal Appeal 1485 of 2008] of 7 January 2014. The data in the report contains the performance of the investigating officer and the special public prosecutor and should be culled out and made available to the SdVMC members (*RTI format DQ03*).

Proceedings of the SdVMC

12. For each case, the SdVMC should review the present status [Rule 17A] (*RTI format DA09*) which includes:
 - (a) Report under Rules 6(2) and 12(7) for the case (this report is almost never filed, so asking for it would be a good first step in getting the mechanisms activated).
 - (b) Measures taken to secure the rights and entitlements of the victim–survivors, witnesses, informants, and dependents to enable their access to justice [elaborated in Section 15A(11) of the Act].
 - (c) What has been done so far in pursuing the case, including arrests, bail, counter cases, protection, relief, travel allowance and maintenance expenses due and paid, and status of socioeconomic rehabilitation.
 - (d) Relief due and paid and reasons for delay in payment to victim–survivors, witnesses, informants, and dependents [as per Rule 12(4) Schedule Annexure I r/w Annexure II, and Rule 15(1) contingency plan].
 - (e) Socioeconomic rehabilitation due, rehabilitation done, and reasons for delay in fulfilment to victim–survivors, witnesses, informants, and dependents [as per Rule 12(4) Schedule Annexure I r/w Annexure II, and Rule 15(1) contingency plan].
 - (f) TAME due, paid, and reasons for delay in payment to victim–survivors, witnesses, informants, and dependents (immediate payment, and in any case not later than three days during investigation and trial) [Rule 11].

For each case where trials have not been conducted daily, the reasons given in writing by the judge should be made available to the SdVMC members [Section 14(3)].

- (g) The stage the case is at now (relief and rehabilitation depend on this, apart from the support and security from law enforcement).
- (h) Actions proposed to be done in the near future. This, the present status, and action taken to date, are required to be in the monthly report [Rule 4(4)]. For an informed discussion, SdVMC members need to be given the monthly report [Rule 4(4)] of the three months in the quarter being reviewed.
- (i) If the investigation is not complete within 60 days, the written explanation why [Rule 7(2A)].
- (j) If the trial is not done daily, the written explanation why [Section 14(3)].
- (k) In case of acquittal, the reason why (the report of the standing committee will be useful here).
- (l) If the acquittal is not appealed, the reason why.

All investigations are supposed to be completed and charge-sheets filed within 60 days of filing the FIR [Rule 7(2)], if not the reasons for delay must be furnished in writing [Rule 7(2A)].

13. All investigations are supposed to be completed and charge-sheets filed within 60 days of filing the FIR [Rule 7(2)], if not the reasons for delay must be furnished in writing [Rule 7(2A)]. For every investigating officer (IO), the SdVMC shall review the number of:

- (a) Cases investigated.
- (b) Cases for which investigation is completed in 60 days [Rule 7(2)].
- (c) Cases for which investigation was not completed in 60 days and a written explanation for the delay was given [Rule 7(2A)].
- (d) Cases for which charge-sheet has been filed.
- (e) Accused in FIR.
- (f) Accused in charge-sheet.
- (g) Cases ending in conviction.
- (h) Accused 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 IO would entail this at the very minimum. Completing the investigation and filing the charge-sheet within 60 days is critical to restorative justice, since relief and rehabilitation is tied to the stage the case is in and should not be delayed because government employees – on guaranteed monthly salaries – do not do their job on time.

14. The special public prosecutor is paid more than other government public prosecutors. They have a minimum of seven years' experience. Therefore, they are expected to have better results (more convictions) than average. For every special public prosecutor (SPP), the SdVMC shall review the number of:
- Cases argued.
 - Cases ending in conviction.
 - Accused in charge-sheet.
 - Accused 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 SPP would entail this at the very minimum. SdVMC members can call for the report submitted to the state government on the performance of the SPPs in January and July [Rule 4(2)] and the review done by the state government in the same months [Rule 14(2)], which will (should) contain this information. If the performance of the SPP is below par, the SdVMC should inform the state government to remove the particular SPPs citing the reason in writing [Rule 4(3)].

15. All trials should be completed within two months of filing the charge-sheet. Once the trial starts, it should be conducted on a daily basis. If not, the reasons for delay should be recorded in writing by the judge. For every judge hearing cases under this Act (whether special court, designated special court, or not), the SdVMC shall review the number of:
- Cases listed.
 - Cases heard.
 - Cases ending in conviction.
 - Accused in charge-sheet.
 - Accused acquitted (including in the cases for which there is conviction).
 - If the trial is not done daily, the written explanation why [Section 14(3)].
 - Number of trials completed within 60 days of filing the charge-sheet [Section 14(2)].
 - Whether appeals have been filed within 90 days [Section 14A(3)] (This would reflect on the in-charge prosecutions and the district magistrate).

Completing the investigation and filing the charge-sheet within 60 days is critical to restorative justice, since relief and rehabilitation is tied to the stage the case is in and should not be delayed because government employees – on guaranteed monthly salaries – do not do their job on time.

The responsibility for the acquittal - the investigating officer for negligent investigation, or the prosecutor for negligent prosecution - should be culled out from the reports of the standing committee.

Evidence of persistent failure should be followed by accountability measures including departmental action, denotification, and removal from further investigation duties or prosecution [Rule 4(3)] based on transparent benchmarking and standards.

- (i) Appeals disposed off within 90 days from the date the appeal was admitted [Section 14A(4)].

A review of the role of the judge would entail this at the very minimum. Some judges have a 100% acquittal rate. Some cases are adjourned for years on end, which goes against the spirit of the Act that requires the cases to be heard on a daily basis and completed within 60 days. Some of this information is made public by the state crime records bureau every year.

- 16. It is important to track *both* the number of cases ending in conviction and the number of accused convicted since even in the cases ending in conviction 9 out of 10 accused may be acquitted (i.e. 90% acquittal), but the case itself is recorded as ending in conviction.
- 17. The responsibility of the investigating officer and the special public prosecutor in the acquittals, should be culled out from the reports of the standing committee. This data should be made available to the SdVMC members to assess the performance of the investigating officer and the special public prosecutor, and to ensure that officers with sub-par performance are not appointed to sensitive posts [Rule 13] and remove them when necessary [Rule 4(3)].



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Content

- What are atrocities? [Section 3].
- Stagewise rights, roles, and responsibilities.
- Relief and rehabilitation (provisions and timelines) [Rule 12(4) Schedule Annexure I].
- Rights of victims and witnesses [Section 15A].

What is an atrocity?

For a crime to be an 'atrocities' (a caste-based hate crime), *all* three conditions must be fulfilled (a) the perpetrator must be from a non-scheduled community *and* (b) the victim must be from a scheduled community (scheduled caste or scheduled tribe) *and* (c) it must be listed in Section 3 of the Act. A lightly edited version is given below.

Section 3(1)

- Putting any inedible or obnoxious substance into the mouth or forcing to drink or eat such inedible or obnoxious substance;
- Dumping excreta, sewage, carcasses, or any other obnoxious substance in the premises, or at the entrance of the premises occupied;
- Intending to cause injury, insult, or annoyance by dumping excreta, waste matter, carcasses, or any other obnoxious substance in his neighbourhood;
- Forcing someone to wear garlands made of footwear or parading them naked or semi-naked; or to drink or eat any inedible or obnoxious substance;
- Forcibly committing any act that is demeaning to human dignity. This encompasses forcibly removing clothes from a person, tonsuring their head, removing their moustache, painting their face or body or any other similar act;
- Wrongfully occupying or cultivating any land or getting such land transferred forcefully;
- Wrongfully dispossessing land or expropriating and interfering with an individual's right;
- Involving an individual from a scheduled community into forced or bonded labour;

For a crime to be an 'atrocities' (a caste-based hate crime), all three conditions must be fulfilled

- *the perpetrator must be from a non-scheduled community*
- *the victim must be from a scheduled community (scheduled caste or scheduled tribe)*
- *it must be listed in Section 3 of the Act.*

Instituting a false, malicious or vexatious suit on an individual from a scheduled community, or pursuing criminal or other legal proceedings based on a false case, constitutes an atrocity under Section 3(1)(p). Remedial action can be taken through an advocate of choice, paid for by the state [Rule 12(4) Schedule Annexure I].

- (i) Compelling an individual from a scheduled community to dispose or carry human or animal carcasses, or to dig graves;
- (j) Compelling an individual to carry out manual scavenging or employ / permit the employment of an individual from the scheduled communities for such purposes;
- (k) Promoting to dedicate a woman to a deity, idol, object of worship, temple, or other religious institution as a devadasi or any other similar practice;
- (l) Coercing, threatening, intimidating, or preventing an individual to vote or to not vote for a particular candidate; threatening the individual to not file a nomination as a candidate or to withdraw such a nomination; or proposing to not second the candidate's nomination in any election;
- (m) Forcing or intimidating or obstructing any officer from performing their normal duties and functions;
- (n) After the poll, causing hurt or grievous hurt, or assaulting, or imposing, or threatening to impose social or economic boycott; preventing someone from availing benefits of any public service which is due to him;
- (o) Committing any offence for having voted or not having voted for a particular candidate;
- (p) Instituting false, malicious or vexatious suit on an individual from a scheduled community; pursuing criminal or other legal proceedings based on a false case;
- (q) Giving any false or frivolous information to any public servant and thereby causing a public servant to use his lawful power to injure or annoy an individual from a scheduled community; injuring or annoying them;
- (r) Intentionally insulting or intimidating with intent to humiliate in any place within public view;
- (s) Abusing an individual by using their caste name in any place within public view;
- (t) Destroying, damaging, or defiling any object generally known to be held sacred or in high esteem;
Explanation: For the purposes of this clause, the expression "object" means and includes statues, photographs, and portraits;
- (u) Through the use of words, either written or spoken, or through signs, or visible representation methods, attempting to promote feelings of enmity, hatred or ill will;

- (v) Through the use of words, either written or spoken, or through any other means, disrespecting any late person held in high esteem;
- (w)(i) Intentionally touching a woman, knowing well she belongs to a scheduled caste or a scheduled tribe, and touching her with a sexual intent, and the touching is without the recipient's consent;
- (w)(ii) Using words, acts or gestures of sexual nature towards a woman;
- (x) Corrupting or making foul the waters of any spring, reservoir or any other source ordinarily used, so as to render it less fit for the purpose for which it was ordinarily used;
- (y) Denying any customary right of passage to a place of public resort or obstructing or preventing an individual from a scheduled community from using or having access to the customary right of passage;
- (z) Forcing or causing an individual from a scheduled community to leave his house, village, or any other place of residence;
- (za)(A) Obstructing or preventing an individual from a scheduled community from using common property, sharing resources from an area equally with others, or using any water bodies or other watering place, or any public conveyance;
- (za)(B) Preventing an individual from a scheduled community from mounting or riding bicycles, or motorcycles, or wearing footwear, or new clothes in public places, or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;
- (za)(C) Preventing an individual from a scheduled community from entering any place of worship which is open to the public or other people professing the same religion or taking part in, or carrying out any religious, social or cultural processions including jatras;
- (za)(D) Preventing an individual from a schedule community from entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public;

The victims, dependents, witnesses, and attendants must receive the travel allowance, daily maintenance expense, diet expenses, and hospitalisation expenses reimbursed either immediately or within three days during inquiry, investigation, and trial.

- (za)(E) Preventing an individual from a scheduled community from practicing any profession or the carrying out any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;
- (zb) Causing physical harm or mental agony to an individual based on the allegation of practicing witchcraft or being a witch;
- (zc) Imposing or threatening social or economic boycott of any person, or a family, or a group;

Section 3(2)

- (i) Giving or fabricating false evidence against an individual knowing it to likely cause punishment with imprisonment for life, and with fine; and if an innocent member is convicted and executed as a consequence, the person who gives or fabricates such false evidence, shall be punished with death;
- (ii) Giving or fabricating false evidence knowing it to likely cause them to be convicted of an offence;
- (iii) Committing mischief by fire or any explosive substances, intending to cause, or knowing fully well that it will cause damage to any property;
- (iv) Committing mischief by fire or any explosive substances, intending to cause or knowing it will likely cause destruction of any building which is ordinarily used as a place of worship, or as a place for human dwelling, or as a place for custody of the property;
- (v) Committing any offence against a person or property knowing that such person is a member of a scheduled caste or a scheduled tribe, or such property belongs to such member;
- (va) Commits any offence specified in the Schedule of this clause (which specifies the Section under the Indian Penal Code and the crime) against the scheduled communities or their property;
- (vi) Causing any evidence to disappear with the intention of screening the offender from legal punishment, or gives any false information with respect to the offence;
- (vii) Being a public servant, committing any offence under this section.

It is the right of the victims, dependants, and witnesses to be treated with fairness, respect, and dignity and with due regard to any special need that arises because of the victims' age or gender or educational disadvantage or poverty.

Stage 0 Preparatory

If an atrocity is suspected to have taken place (however ‘minor’ it is), immediately approach an experienced individual or organisation for any assistance. It is the right of the victim to this assistance from any organisation, social worker, or advocate as per the Act.

In all stages of the case, starting with information (filing a complaint and getting the FIR registered), it is the right of the victims, their dependants, and the witnesses to:

- Get protection against any kind of intimidation or coercion or inducement or violence or threats of violence.
- Be treated with fairness, respect, and dignity and with due regard to any special need that arises because of the victim’s age, gender, educational disadvantage, or poverty.
- Reasonable, accurate, and timely notice of any court proceeding including any bail proceeding.
- Right to get assistance from non government organisations, social workers, or advocates at all stages.
- 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.
- Travel allowance and maintenance expenses: 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. The maintenance expense is at least one day's wage for agricultural labourers.
- 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.

If the victims face any threats/harassment, or if they do not get timely relief or socioeconomic rehabilitation as per the law, or if proper procedures are not followed by the concerned government officials, we can seek further action.

What if the rights are violated?

If the victims face any threats/harassment, or if they do not get timely relief or socioeconomic rehabilitation as per the law, or if proper procedures are not followed by the concerned government officials, we can seek further action. The rights we (victims, survivors, witnesses, lawyers, social workers, NGOs) have at each stage of the process, the duties of the appropriate government officials, and steps to follow when rights are violated are described in the following stages.

Stage 1 and 2: Information and FIR registration	
Victims' Rights	Duties of appropriate authorities
<p>Stage 1: Information</p> <ul style="list-style-type: none"> • Right to give a complaint in writing or orally. • Any 'informant' can file a complaint in any police station [Rule 5(1)] and not necessarily by the victim or an eyewitness. • The complainants are entitled to a free copy of their complaint [Rule 5(2)] and a copy of the FIR. • Right to take assistance from NGOs, social workers, and advocates at all stages of the case [Section 15A(12)] – the informant can go with an individual or advocate of choice to file the complaint, and the state will pay the advocate [Rule 4(5)]. • Victims, their dependents, and witnesses Sections 15A(11)(e), 15A(11)(f) and Rule 12(4) are entitled to medical aid, food, clothing, shelter etc. [Rule 12(4)], depending on the severity of the crime and the sections invoked. • Right to 'instant monetary relief' [Rule 15(1)(a)] from the Dr Ambedkar National Relief in the case of murder, rape, arson, and permanent disability. <p>Stage 2: FIR registration</p> <ul style="list-style-type: none"> • FIR should be registered immediately without conducting any preliminary inquiry [Section 18A]. • Get a copy of the FIR immediately, free of cost. • Get information about the victims' rights [Section 15A(11)(g), Rule 5(2); TNCP]. • The attendant is also entitled to all allowances and expenses – daily allowance, travelling allowance, diet expenses, maintenance expenses – as applicable to the victim [Rule 11(3)]. • Once the FIR is registered, the victims are entitled to 25% of the relief [Rule 12(4) Schedule Annexure I]. 	<p>The station house officer (SHO, usually an inspector or sub-inspector) should:</p> <ul style="list-style-type: none"> • Register an FIR immediately without conducting any preliminary inquiry [Section 15A(9), Section 18A]. • If the atrocity did not take place in the jurisdiction of that police station, then record a 'Zero FIR' (an FIR without a serial number) and transfer it to the correct police station. • Immediately after registering the FIR, read it out to the complainant, then get the signature [Section 4(2)(a)], and provide a copy of the FIR free of cost to the victims [Section 4(2)(b), Section 4(2)(c), Section 5(2)]. • Inform the victims, witnesses, and their dependents of their rights, including relief amount due, protection, and the dates of investigation and trial [Section 15A(11)]. • Immediately pay the relief due at the FIR stage. • It is the responsibility of the SP to ensure that the FIR is registered [Rule 12(2)]. • All proceedings from FIR to inquiry, investigation, trial, and beyond, and everything in between – must be video recorded [Section 15A(10)]. • The complaints are followed up by an officer not below the rank of DSP or SDM or any executive magistrate [Rule 6(1)].

Stage 1 and 2: Information and FIR registration

Stage 1: Information

Reporting an atrocity to a police officer or another authority by the victims, dependents, witnesses, or any person. This information may be given orally or in writing. No witness is required to be present while filing a complaint.

Write down the complaint with all the details that you remember. The complaint is the single most important document. It is best to get a lawyer's help to write that.

Stage 2: FIR registration

Give a complaint in writing or orally. A first information report should be filed immediately without any preliminary inquiry on receipt of information in writing. This report should also include sections of the Act appropriate to the nature of the crime and the relevant section of the Indian Penal Code should also be clearly mentioned.

A First Information Report (FIR) is the first step in the criminal justice process. The sections of the Act invoked will be based on the complaint.

Write down the complaint with all the details that you remember. The complaint is the single most important document. It is best to get a lawyer's help to write that.

Responsible officials

Station House Officer (SHO) (Senior officer present in the police station at that time).

What if a right is violated?

If the complaint is refused and/or the FIR is not registered immediately at the police station, then send your complaint by registered post to the Superintendent of Police.

Stage 3: Inquiry (Spot assessment)

An officer not below the rank of DSP or SDM or any executive magistrate must visit the spot and inquire whether the atrocity had taken place. If they confirm that an atrocity has taken place, victims should be provided with immediate relief and protection.

Responsible officials

- Once information is received, then a deputy superintendent of police (DSP) or a subdivisional magistrate (SDM) must visit the spot for an inquiry.
- The DSP/SDM should immediately provide protection and relief to the victims and their dependents.

Stage 3: Inquiry (Spot assessment)	
Victims' Rights	Duties of appropriate authorities
<ul style="list-style-type: none"> • Obtain the report of the spot assessment. • All victims have the right to be included in the relief list. • Right to be protected from further harm. • Right to emergency relief (includes medical aid, food, rice, wheat, dals, pulses, etc clothing, shelter, utensils, household items and other basic necessities, [Rule 12(4) Schedule Annexure I #46, and SCP]). 	<ul style="list-style-type: none"> • An officer not below the rank of DSP or SDM or any executive magistrate must visit the spot and conduct an enquiry to assess the extent of atrocity, loss of life, loss and damage to the property, [Rule 6(1)] and submit a report to the state government [Rule 6(2)]. • If they confirm that an atrocity has taken place, they must <ol style="list-style-type: none"> (a) draw up a list of victims, their family members and dependents entitled for relief; (b) prepare a detailed report of the extent of atrocity, loss and damage to the property of the victims; (c) order for intensive police patrolling in the area; (d) take effective steps to provide protection to the witnesses and other sympathisers of the victims; (e) provide immediate relief to the victims [Rule 6(2)], and inform their superior officer – the SP or DM.

Stage 4: Inspection	
Victims' Rights	Duties of appropriate authorities
<ul style="list-style-type: none"> • Be informed sufficiently in advance when the SP and DM are coming for a spot inspection. • Immediate protection, emergency relief (includes medical aid, food, rice, wheat, dals, pulses, etc clothing, shelter, utensils, household items and other basic necessities, [Rule 12(4) Schedule Annexure I #46, and SCP]. • In cases of murder, rape, permanent disability, or arson, the victims are entitled to 'instant monetary relief' [Rule 15(1)(a)] from the Dr Ambedkar National Relief. • In cases of murder, rape, permanent disability, or dacoity, each of the victims and/or their families 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 residential education for children up to graduation [Rule 12(4) Schedule Annexure I, #46]. 	<ul style="list-style-type: none"> • On receiving information from their subordinate that an atrocity has taken place (through the Rule 6(2) report), <i>both</i> the SP <i>and</i> the DM will visit the area within 24 hours and conduct a spot inspection. • Assess the extent of damage, loss of life and property, and identify the victims, witnesses, and their dependents entitled to relief [Rule 12(1)], and the accused. • The SP will ensure that the FIR is registered, effective measures for apprehending the accused are taken [Rule 12(2)], and necessary protection is provided [Rule 12(3)]. • The SP will appoint an investigating officer (of DSP rank or higher) to continue the investigation [Rule 12(3)]. • The DM will provide relief and assistance including medical aid, food, clothing, shelter etc. [Rule 12(4)] to the victims, their dependents, and witnesses and send a report to the special court [Rule 12(7)].

What if a right is violated?

- If an FIR is not filed, you can file a complaint with the SP with a copy to the director of the protection cell and the state nodal officer.
- If an inquiry is not conducted by an officer of rank DSP or SDM, then a complaint should be sent to the state nodal officer and the director of the protection cell and spot inquiry should be conducted again by a DSP or SDM. They should inform the victims and their dependents about their visit for spot inquiry and also provide a copy of the report.

Stage 4: Inspection

On confirmation that an atrocity has taken place, the SP and the DM should visit the spot and conduct a spot inspection carefully and critically. At this stage the SP will ensure that the correct sections of the Act are included in the FIR. The SP should provide extra protection to the victims. The DM should immediately provide emergency relief at this stage.

Responsible officials

Superintendent of Police

- Provide protection to the victims and their dependents.
- Ensure that appropriate sections of both the Act and the IPC are included in the FIR.
- Appoint an investigating officer with the right aptitude and track record.

District Magistrate

- Provide emergency relief, socioeconomic rehabilitation, and all necessary assistance.
- Ensure it is delivered within the stipulated time.
- Send a written report to the special court.
- Include the relief due at the FIR stage and, where required, for the medical report and post-mortem stages as well, in the monthly monetary proposals sent by the district administration to the nodal officer.

What if a right is violated?

If the spot inspection is not conducted by the SP and the DM, then a complaint should be sent to the state nodal officer and the chief of the protection cell. The spot inspection should be conducted again by the SP *and* the DM. They should inform the victims and their dependents about their visit for spot inspection and also provide a copy of the report.

Both the SP and the DM should visit the spot and conduct an inspection. If not, a complaint should be sent to the state nodal officer and the chief of the SCs and the STs protection cell, and the spot inspection should be conducted again by both of them.

Stage 5: Investigation

Investigation is the systematic inquiry of the background and motive of the incident, persons behind the incident, weapons used and other information to prove beyond reasonable doubt that an atrocity has taken place. A charge-sheet will be filed based on the investigation.

Responsible officials

- The Deputy Superintendent of Police: Complete the investigation and file the charge-sheet within 60 days. Provide protection and travel arrangements for the victims, dependents, and witnesses.
- District magistrate: Provide relief and socioeconomic rehabilitation
- The Special Court Judge should ensure that all these are provided.

Stage 5: Investigation	
Victims' Rights	Duties of appropriate authorities
<ul style="list-style-type: none"> • Dates, places, and the status of investigation should be informed to the victims or their dependents or associated organisations or individuals [Section 15A(11)(1)ection 15A(11)(l), SCP] reasonably in advance. • Victims, dependents, and witnesses [Rule 11] are entitled to taxi or second-class train fare from their place of stay to the place of investigation [Rule 11(1)] or visiting officials concerning the investigation [Rule 11(2)]. • They are entitled to daily maintenance allowance, diet allowance, etc for the days away from place of residence during investigation [Rule 11(4)]. • Victims, witnesses, and dependents being a woman, a minor, a person 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 [Rule 11(3)]. • Allowances and expenses should be paid immediately or at the latest within three days [Rule 11(6)]. • A copy of the charge-sheet should be given to the victims, their dependents, associated organisations, or associated individuals free of cost [Section 15A(11)(l)ule 5(2)]. • Once the charge-sheet is filed, the victims are entitled to a part of the relief (Usually 50%) as stipulated in Rule 12(4) Schedule Annexure I. 	<ul style="list-style-type: none"> • Any delay in the investigation or filing of the charge-sheet must be explained in writing by the investigating officer [Rule 7(2A)]. • The officer directly responsible for protection is the investigating officer. • The relief due at the charge-sheet stage (usually 50%) should be paid immediately, or within seven days. • The district magistrate or executive magistrate will make arrangements for the travel in an equivalent mode of transport [Rule 11(2)]. • 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 [Section 15A(6)] at the appropriate time as required.

What if a right is violated?

If the investigation is not done by an officer at least of a DSP rank, that alone is reason for acquittal or squashing of the case, as several high court judgements have shown. Immediately bring it to the notice of the SP, DM, special officer, state nodal officer and the chief of the SCs and STs protection cell and demand that an officer of appropriate rank be appointed as the investigating officer. The investigation should be conducted again by an officer of DSP rank or senior, if not, the concerned SP (who appoints the investigating officer) should be automatically prosecuted for dereliction of duty u/s 4. The victims and their dependents should be informed about the investigating officer and their credentials.

Stage 6: Trial	
Victims' Rights	Duties of appropriate authorities
<ul style="list-style-type: none"> • The survivor can choose an advocate from the panel appointed by the government under Rule 4(1). • The survivor also has the option of choosing an eminent advocate of their choice [Rule 4(5)]. The advocate will be paid by the government. • Getting adequate briefing from SPP before the trial. • Right to travel allowance, daily maintenance allowance, and diet allowance for the days away from place of residence during hearing of trial [Rule 11(6)] and entitled to taxi fare from place of stay to court for hearing and trial [Rule 11(1)]. • Victims, witnesses, and dependents being a woman, a minor, a person 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 [Rule 11(3)]. 	<ul style="list-style-type: none"> • The DSPs should provide adequate protection to the witnesses from intimidation and harassment [Section 15A(11)(h), SCP]. • The cases should be disposed of within two months as far as possible [Section 14(2)]. • Proceedings should be conducted daily until all witnesses in attendance have been examined [Section 14(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 [Section 14(3)]. • All proceedings should be video recorded. • The special public prosecutor has to give adequate briefing on the case and preparation for trial including cross questioning to the victims, witnesses, associated individuals and organisations [Section 15A(11)(m)]. • The special court should ensure that all those eligible have got the emergency relief, instant monetary relief, relief, socioeconomic rehabilitation, travel allowance and maintenance expenses, and relocation (if required) within the mandatory deadlines. • The district magistrate or executive magistrate should arrange for the travel in sleeper class by train or equivalent mode of transport [Rule 11(2)], and travel allowance, daily maintenance allowance, and diet allowance for the days away from place of residence during hearing of trial.

Stage 6: Trial

The trial must be completed within two months from the date of filing the charge-sheet. The special public prosecutor has to prove beyond doubt that the accused person(s) are the perpetrator(s) and that the atrocity was committed due to caste. If the victims do not have confidence in the government appointed special public prosecutor, they have the right to replace him and appoint a senior advocate of their choice who will be paid for by the state government.

Responsible officials

- It is the duty of the investigating officer, i.e. DSP, to provide information about the dates of the trial in court sufficiently in advance, provide protection, and make travel arrangements.
- It is the responsibility of the special public prosecutor (SPP) to argue the case well with all the evidence, and brief the witnesses.
- The judge of the special court should ensure protection, relief and socioeconomic rehabilitation, reimbursements, and relocation are secured for the victims and witnesses, and that the trial is conducted on a daily basis to be concluded within two months of the charge-sheet being filed.

The judge of the special court should

- ensure protection to witnesses and their families.
- provide relief, socioeconomic rehabilitation, reimbursements, and relocation.
- conduct the trial on a daily basis.
- conclude the trial within two months of the charge-sheet being filed.
- ensure protection to witnesses and their families.

What if a right is violated / dissatisfied?

- If you are not satisfied with the performance of the SPP, you can approach the judge of the special court and get another lawyer of your choice.
- If you want to transfer the trial to another district, you can apply to the High Court with valid reasons.
- If the protection provided is insufficient, bring it to the notice of the judge of the special court.

Stage 7: Judgement

Responsible officials

It is the duty of a judge to render a just judgment in a case argued before him, based on the witness testimony and evidence presented.

The judge should conduct the trial on a daily basis (or provide written explanation as to why not), and ensure that the witnesses are protected, paid all their reimbursements, relief, allowances, and the socioeconomic rehabilitation is done before the end of the trial.

Stage 7: Judgement	
Victims' Rights	Duties of appropriate authorities
<ul style="list-style-type: none"> To be heard in respect of bail, discharge, release, parole, conviction, or sentence of an accused [Section 15A(5)]. Notice for such hearings must be given to them well in advance. If the case ends in conviction, the victims are entitled to a part of the relief (usually 25%) stipulated in Rule 12(4). Right to a copy of the judgement. If acquitted, information on the state plans for appeal and to file an independent appeal. 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 [Rule 12(4) Schedule Annexure I #46]. Entitled to the travel allowance, daily maintenance allowance, and diet allowance for the days away from place of residence during hearing of trial [Rule 11(6)] and entitled to taxi fare from place of stay to court for hearing and trial [Rule 11(1)]. The district magistrate or executive magistrate will arrange for the same in an equivalent mode of transport [Rule 11(2)]. 	<ul style="list-style-type: none"> It is the duty of the Deputy Superintendent of Police to inform the victims, dependents and witnesses in advance of the date of the judgment and bring them to the court. The special court must identify whether the acquittal is due lapses in investigation or deficiency in argumentation. Appeal against the judgement of the special court (in case ends in acquittal or if unsatisfied with the judgement) within 90 days [Section 14A(3)] by the SPP. These appeals should be disposed of within three months [Section 14A(4)]. Judge of the special court should ensure that all the relief and socioeconomic rehabilitation have been completed by the end of the trial. The district standing committee must identify whose lapses – the investigating officer or the special public prosecutor – led to the acquittal, and action must be taken.

What if a right is violated / dissatisfied?

The victims and survivors have a right to appeal against the judgement of the special court if the case ends in acquittal or if they are dissatisfied with the judgement. The appeal should be within 90 days [Section 14A(3)] by the SPP.

Socioeconomic rehabilitation should be complete by now.

Stage 8 and 9: Jail and release

If convicted, the offender will be punished based on the nature of the offense and provisions of the Act.

On the other hand, if not proven guilty, the accused will be acquitted.

Responsible officials

The DSP from the district protection cell is responsible for continuous protection.

Stage 8 and 9: Jail and release	
Victims' Rights	Duties of appropriate authorities
<ul style="list-style-type: none"> 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 [Section 15A(5)]. Right to protection from the convicts or their families or their community even post trial and conviction, but especially during parole and after release. 	<ul style="list-style-type: none"> Inform the victims and witnesses before the convicts are paroled or let out of jail. Provide protection to the victims and their families from additional harm by the family and caste members of the offender and to inform the victims in advance about the release/parole of the offender.

Stage 10: Appeal

If the judgment passed by the court after the hearing is not acceptable/satisfactory, an appeal can be filed. Appeals should be filed within 60 days in regular cases and 180 days in special cases.

Responsible officials

- The recommendation for appeal must be made by the special public prosecutor and the director of prosecutions.
- The district magistrate: should re-examine the recommendation as the chairman of the district vigilance and monitoring committee.
- Additionally, as per the recommendations of the Kishan Bai judgment, the state government should find out who is responsible for the failure of the case in the court and proceed against the investigation officer or a special prosecutor.

Stage 10: Appeal	
Victims' Rights	Duties of appropriate authorities
<ul style="list-style-type: none"> Right to appeal against an order passed by the special court acquitting the accused or convicting them for lesser offences, within 90 days [Section 14A(3)] or 180 days at the discretion of the judge. These appeals should be disposed of within three months [Section 14A(4)]. Victims, their dependents, and families have all the rights under Section 15A in the appellate stage, especially right to be heard [Section 15A(5)], dignity, protection, and information. Notice for such hearings, date and status must be given to them well in advance. 	<ul style="list-style-type: none"> SPPs should appeal cases within 90 days. Courts should dispose off the appeals within three months. Even so, it is best to inform the state nodal officer, protection cell, the DOP and the vigilance and monitoring committees at all levels.

Date ___/___/20__

Ref: CVMC/POA/ss/dd/20__/PS01/___

Dear Sir,

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

Ref: Section 18A the Scheduled Castes and the 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. The accused being non-scheduled caste, non-scheduled tribe person(s) and have committed this heinous crime knowingly because the victim belongs to a scheduled caste / scheduled tribe community.

2.1 Details of informant:

2.1a. Name:

2.1b. Father/Husband name:

2.1c. Mobile number:

2.2 Details of victim(s)

2.2a. Victim name:

2.2b. Father/ Husband name:

2.2c. Age:

2.2d. Community:

[If there is more than one victim, fill in the details for each of them separately].

2.3 Details of accused (if known)

2.3a. Name(s) of the accused:

2.3b. Father/ Husband name:

2.3c. Age:

2.3d. Community:

[If there is more than one accused, fill in the known details for each of them separately].

2.4 Any connection between accused and victims

3. Details of incident:

3a. Date:

3b. Time:

3c. Place:

3d. Describe clearly how the crime occurred.

3e. Witness name (If any).

3f. Names of persons accompanying you (If any).

3g. Hospitalisation details.

3h. Details of major or minor injuries (If any).

- 3i. Wrong words used by the accused (If any).
- 3j. Things or weapons used by accused (If any).
- 3k. Details of any caste slur used:

4. Documents

- 4.1 E-documents.
 - 4.1a. Audio recording.
 - 4.1b. Video recording/ before incident or after incident (Visual or Camera).
- 4.2 Messages .
 - 4.2a. WhatsApp or any other apps.
 - 4.2b. Phone message.
- 4.3 E- conversation.
 - 4.3a. Email.
 - 4.3b. Any other network.
 - 4.3c. Any other digital evidence.
- 4.4 Medical documents.

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

- 5a. Section 3(1)(r) IPC /BNS _____.
- 5b. Section 3() () IPC /BNS _____.
- 5c. Section 3() () IPC /BNS _____.

III Immediate action required and requested

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

- 6a. Kindly provide me, victims (listed in 2.2 above), witnesses, and their dependents with immediate total protection (mandatory u/s 15A(11)(h)), including relocation, relief, and rehabilitation due to imminent threat to life, and forced denial of livelihood due to the threats.
- 6b. Record all proceedings under this Act on video as you are required to do under Section 15A(10) of the aforementioned Act.
- 6c. Register an FIR against the persons mentioned in 2.3 above (mandatory under Section 18A) and provide me a copy free of cost u/s 15A(11)(i) and Rule 5(2).
- 6d. Extern the persons mentioned in 2.3 above from the district (as per Section 10), seize their assets and tools used for the atrocity, and attach their property (mandatory under Section 10).
- 6e. Immediately arrest and hold without bail the persons mentioned in 2.3 above as per Section 18A.
- 6f. Immediately provide medical assistance, counselling, and legal aid free of cost.
- 6g. Immediate, thorough investigation: Complete the investigation on a priority and file the charge-sheet within 60 days (Rule 7(2)).
- 6h. If there is any delay, keep those mentioned in point 7 above informed, including sharing the report filed under Rule 7(2A).

- 6i. Furnish copies of the reports under Rule 6(2) and Rule 12(7) to me and those mentioned in point 7 within one week.

III. Contact details as per Section 15A(12)

I place on record the following details of the concerned individual, organisation, and advocate as specified under Section 15A(12) and Rule 4(5), and request that you fulfil all the duties of the state towards them [Section 15A(11)] with immediate effect:

7a. Concerned social worker [Section 15A(12)]: (name, mobile, email. address).

7b. Concerned organisation [Section 15A(12)]: (name, mobile, email. address).

7c. Advocate [Section 15A(12) and Rule 4(5)]: (name, mobile, email. address).

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).

Date ___/___/20__

Ref: CVMC/POA/20__/RR01/___

Dear Sir,

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

Ref:

- (a) FIR number xxx.
- (b) Rule 11 of the aforementioned rules.
- (c) Rule 12(4) Schedule Annexure I 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/BNS _____.
 - (b) Section 3() () IPC/BNS _____.
 - (c) Section 3() () IPC/BNS _____.

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) Schedule Annexure I.

Immediate on registering FIR	₹ x,xx,xxx.00
On getting medical certificate	₹ x,xx,xxx.00
Within 60 days / filing charge–sheet	₹ 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) Schedule Annexure I within three months.
 - (a) Monthly pension of ₹5000+ applicable DA to _____.
 - (b) Agriculture land.
 - (c) House.
 - (d) Government job.
 - (e) Children to be provided residential education up to graduation: Girls: xx Boys: xx
 - (f) Provisions for three months.

- 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 the union Ministry of Social Justice and Empowerment for Dr Ambedkar National 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 [Section 15A(11)] with immediate effect:
 - 6a. Concerned individual [Section 15A(12)]: (name, mobile, email. address).
 - 6b. Concerned organisation [Section 15A(12)]: (name, mobile, email. address).
 - 6c. Advocate [Section 15A(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).

Date ___/___/20__

Ref: CVMC/POA/20___/SP01/___

Dear Sir,

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

Ref:

- (a) Section 4 and Section 18A of the aforementioned Act.
- (b) Rule 5(3) of the aforementioned Rules.
- (c) 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 [Section 15A(11)] with immediate effect:
 - 6a. Concerned individual [Section 15A(12)]: (name, mobile, email. address).
 - 6b. Concerned organisation [Section 15A(12)]: (name, mobile, email. address).
 - 6c. Advocate [Section 15A(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).

Date __/__/20__

Ref: CVMC/POA/20__/SDM01/____

Dear Sir,

Subject: Provision of statutory (enhanced) pension and arrears to victims of atrocity under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules, 1995 as amended to date.

Ref:

- (a) FIR number xxx.
- (b) Rule 15(1)(e) of the aforementioned rules.
- (c) Rule 12(4) Annexure I Norms for relief amount, 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/BNS _____.
 - (b) Section 3() () IPC/BNS _____.
 - (c) Section 3() () IPC/BNS _____.
- 4. The following have been sanctioned pension based on the above:
_____.
- 5. The monthly pension due is ₹5,000 + applicable DA.
- 6. The DA has been enhanced since 2017, when the Act and Rules came into force.
- 7. However, the amount sanctioned/credited to the bank account is less than the eligible amount.

We therefore request you to

- (a) Immediately enhance the pension for the aforementioned victims and
- (b) Pay the arrears as per the dates arrears were sanctioned to government servants.

Signed

Address:

Mobile:

Email:

To

The District Magistrate (Collector).

District _____.

Cc:

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

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

Chief Minister, Chairperson, SVMC (Rule 16).

Date __/__/20__

Ref: CVMC/POA/TAME/20__/TAME01/___

Dear Sir,

Subject: Dereliction of duty: Delay and denial in providing travelling allowances, daily allowance, maintenance expenses and transport facilities to the victim of atrocity, his or her dependent and witnesses under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules, 1995 as amended to date.

Ref:

- (a) FIR number xxx
- (b) Rule 11 of the aforementioned rules.

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/BNS _____.
 - (b) Section 3(____)(____) IPC/BNS _____.
 - (c) Section 3(____)(____) IPC/BNS _____.
4. Delay and denial.
 - 4a. The statutory travel allowance and maintenance expenses (Rule 11) have not been paid to the victims, witnesses, and their attendants.
 - 4b. It is supposed to be paid immediately or within three days at the latest.
 - 4c. There is an undue delay in the socioeconomic rehabilitation.

Those eligible for TAME are:

#	Name	Travel reimbursement	Maintenance expenses	Medical expenses	# Days	Total reimbursement due (₹)

5. We request you to immediately ensure that the following entitlements u/r 11 are immediately credited to the accounts or within three days [Rule 11(6)]:
 - 5a. Travelling allowances (multi-modal) [to and fro rail fare by second class in express / mail/ passenger train or actual bus or taxi fare].
 - 5b. Daily allowance.
 - 5c. Maintenance expenses (minimum one days agricultural workers wages for every day of inquiry, investigation, and trial away from place of residence).

- 5d. Ensure that the allowances are paid to the victims, dependents, witnesses, and attendants [Rule 11] immediately or within three days [Rule 11(6)].
- 5e. Daily maintenance allowance, diet allowance etc for the days away from place of residence during trial [Rule 11(4)].
- 5f. Ensure that woman, minor, person over 60 years of age or over 40% disability are entitled to an attender who should be given the same allowances [Rule 11(3)].
6. Keep me and those mentioned in point 7 informed of and updated on the release of the TAME, and fulfilment of socioeconomic rehabilitation.
7. Place on record the following as the concerned individual, organisation, and advocate as specified under Section 15A and Rule 4(5), and request you to fulfil all the duties of the state towards them [Section 15A(11)] with immediate effect:
 - 7a. Concerned individual [Section 15A(12)]: (name, mobile, email. address).
 - 7b. Concerned organisation [Section 15A(12)]: (name, mobile, email. address).
 - 7c. Advocate [Section 15A(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).

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

Chief Minister, Chairperson, SVMC (Rule 16).

Date ___/___/20__

Ref: CVMC/POA/RREMIND/20___/___/___

Dear Sir,

Subject: Dereliction of duty: Delay in providing socioeconomic rehabilitation under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules, 1995 as amended to date.

Ref:

- (a) FIR number xxx.
- (b) Rule 12(4) Scheduled Annexure I 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/BNS _____.
 - (b) Section 3(____)(____) IPC/BNS _____.
 - (c) Section 3(____)(____) IPC/BNS _____.
- 4. Delay and denial.
 - 4a. There is an undue delay in the provision of socioeconomic rehabilitation.

Those eligible for socioeconomic rehabilitation are:

#	Name	Pension	Government job	House	Agricultural land	Residential education to graduation	Provisions for three months

II Therefore, we request you to

- 5. Immediately ensure that the following entitlements u/r 12 (4) Schedule Annexure I are immediately provided:
 - a) Monthly pension of ₹5000+ DA.
 - b) Agriculture land.
 - c) House.
 - d) Government job.
 - e) Free, all-expenses paid residential education for children up to graduation: Girls: xx Boys: xx) which also needs to be ensured.

6. Keep me and those mentioned in point 7 informed of and updated on the fulfilment of socioeconomic rehabilitation.
7. Place on record the following as the concerned individual, organisation, and advocate as specified under Section 15A and Rule 4(5), and request you to fulfil all the duties of the state towards them [Section 15A(11)] with immediate effect:
 - 7a. Concerned individual [Section 15A(12)]: (name, mobile, email. address).
 - 7b. Concerned organisation [Section 15A(12)]: (name, mobile, email. address).
 - 7c. Advocate [Section 15A(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).

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

Chief Minister, Chairperson, SVMC (Rule 16).

Giving evidence in court

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

Before the trial starts the prosecutor in-charge of the case (the special public prosecutor) will prepare his case and know what his witnesses are going to state in the court. He will, therefore, interview each witness well in time and ascertain from the facts to which they would testify in the court and instruct him how he should behave in the court (don't lose temper, to answer questions distinctly and in a natural manner, and not to volunteer more information than is asked).

He would encourage a timid or nervous witness and warn a self-opinionated, talkative one against making answers unnecessarily long or speaking about matters regarding which he has not been questioned (1586.5). During this preliminary interview, the SPPs will try to anticipate questions which may be put to the witnesses in cross-examination and put those questions to the witnesses and find out what answers they have to give. This would help them to face the defence lawyers' questions with confidence. There should be no attempt to tutor witnesses (1586.6).

Remember, the witnesses, victims, and their dependents are entitled to transport reimbursement, allowances (diet, medicines) and maintenance expense (one day's minimum wage of a rural agricultural worker in the state). In case they are a person with disability, a minor, elderly, or woman, each of them is entitled to an attender of their choice (who is also entitled to the same allowances and reimbursements) at the cost of the state [Rule 11(1), (3), (4) and (5)]. The payments will be made immediately, but not later than three days [Rule 11(6)] by the district magistrate or any other executive magistrate. This will be monitored by the special court [Section 15A(6)].

Before the trial begins, the prosecutor in-charge prepares his case by interviewing the witnesses beforehand, ascertaining the facts, understanding their testimony, and instructing them on courtroom behaviour.

The following are essential when attending the court:

1. Always appear in neat, formal clothing.
2. Acknowledge the judge (look into the eye and nod), both when entering and leaving the witness box.
3. Be attentive, never fidget.
4. Be calm and dignified while giving evidence to impress the court and the counsel favourably.
5. While giving evidence, look straight towards the court.
6. When questioned by the adverse party, never turn towards the prosecution counsel.
7. Answer a question only if you fully understand it. If the question is not clear enough, say so and politely ask the counsel to repeat it in a simpler form.
8. Do not answer a question with a counter-question.
9. If you do not remember any fact, say so at once rather than attempt a random answer.
10. Never show irritation and do not be offended if the cross-examiner questions in a way you do not like.
11. If questions are unnecessarily vexatious or obnoxious, represent the matter to the court and seek its protection. Above all, do not quarrel with the counsel.
12. Carefully distinguish between what you know personally and what you may have heard from others.
13. In answering a question, do not give unnecessary information. For example, if asked whether the colour of a certain article is white, do not say “No, it is black”, say simply “No” or “Yes”.
14. If you consider that some of your answer requires an explanation which the counsel failed to elicit, you may, when both the sides have finished, represent the matter to the court.
15. Remember that all that the court wants to ascertain is the guilt or innocence of the accused and not your intelligence.
16. Give no more details regarding the source of your information than from information received “I did this or that”.
17. Avoid lengthy answers. They furnish more material for cross-examination. Replies should be concise.
18. Do not leave the court without its permission.

The victims have a right to adequate briefing on the case and preparation for trial [Section 15A(11)(m)]. The prosecutor in-charge (the special public prosecutor) will prepare witnesses by asking anticipated cross-examination questions to ensure they can confidently respond to the defence lawyers' questions, without attempting to tutor the witness.

Paraphrased from the Karnataka Police Manual, paragraphs 1586 and 1588.

(<http://www.ksp.gov.in/home/policemanual/ch39.php> accessed 1 July 2013).

Checklist for effective followup

The Act incorporates various special features to ameliorate the additional hardships faced by the victims and witnesses due to the atrocity perpetrated on them. These range from emergency relief to socioeconomic rehabilitation within three months, and includes medical assistance, food, clothing, shelter, work, and security. This checklist is to ensure that all the rights of victims and witnesses are fulfilled at every stage in their journey to justice. Our goal is not only to ensure unhindered access to these rights, but also to ensure that government officials fulfill their duties by strictly adhering to relevant legal provisions at each stage. While these steps may be challenging initially, with practice they become routine.

This 105-question checklist guides victims and their supporters through the ten stages of a case - from initiating a complaint to judgement, convictions and imprisonment. It also has steps to follow if the trial ends in an acquittal. Following these steps diligently, and using the checklist, will help victims and their supporters on the journey to securing justice.

The checklist is arranged sequentially. However, some actions need to be done periodically, some continuously, and some forever.

Do note the following for the best results:

- Some provisions (such as protection, video recording) need to be monitored continuously.
- Monitoring the official reviews (SdVMC, DVMC, SVMC meetings) need to be done periodically (quarterly).
- TAME needs to be monitored every time victims and witnesses go for inquiry, investigation, or trial.
- Relief needs to be monitored and followed up at every stage.
- Socioeconomic rehabilitation need to be completed within three months, but monitored until all six are fulfilled.
- Post judgement monitoring is permanent.

The Act incorporates various special features to ameliorate the additional hardships faced by the victims and witnesses due to the atrocity perpetrated on them. These range from emergency relief to socioeconomic rehabilitation within three months, and includes as medical assistance, food, clothing, shelter, government employment, protection, and relocation.

#	Section	Stage	Checklist for effective followup	Yes	No
1	S3	Information	Did an atrocity take place?	<input type="checkbox"/>	<input type="checkbox"/>
2	R4(5)		Did you choose your own advocate? (state will pay)	<input type="checkbox"/>	<input type="checkbox"/>
3	R5(1)		If yes, have you informed the police?	<input type="checkbox"/>	<input type="checkbox"/>
4	R5(1)		If yes, has a complaint been written down by the SHO at the police station?	<input type="checkbox"/>	<input type="checkbox"/>
5	S18A(1)(a)		After the complaint was received, was the FIR filed?	<input type="checkbox"/>	<input type="checkbox"/>
6	R5(1)		If yes, has the FIR been read to you and then signed by you?	<input type="checkbox"/>	<input type="checkbox"/>
7	R5(1)		If yes, have you received a copy?	<input type="checkbox"/>	<input type="checkbox"/>
8	R5(3)		If not, have you sent the information 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? (use format SP01, page 322)	<input type="checkbox"/>	<input type="checkbox"/>
9	S15A(12)		Have you taken assistance from NGOs, social workers, and advocates during the course of your case?	<input type="checkbox"/>	<input type="checkbox"/>
10	R12(5)		In case of murder, rape, permanent disability, or arson, have the victims and their families received instant monetary relief from the Dr Ambedkar National Relief?	<input type="checkbox"/>	<input type="checkbox"/>
11	R12(4)		Was a part of the monetary relief received during the time of filing the FIR? [Usually 25% see Rule12(4) Schedule Annexure I]?	<input type="checkbox"/>	<input type="checkbox"/>
12	R6(1)	Inquiry	Did an officer not below the rank of DSP or SDM visit the spot for an inquiry?	<input type="checkbox"/>	<input type="checkbox"/>
13	R6(2)		Did the inquiry assess the extent of atrocity, loss of life, loss and damage to the property?	<input type="checkbox"/>	<input type="checkbox"/>
14	R6(2)		Did the SDM/DSP submit a report u/r 6(2) to the state government?	<input type="checkbox"/>	<input type="checkbox"/>
15	R6(2)		Did the SDM/DSP's report confirm that an atrocity has taken place?	<input type="checkbox"/>	<input type="checkbox"/>
16	R6(2)(i)		If yes, does the report have a list of victims, their family members, and dependents entitled for relief?	<input type="checkbox"/>	<input type="checkbox"/>
17	R6(2)(ii)		If yes, does the report have details of the extent of atrocity, loss and damage to the property of the victims?	<input type="checkbox"/>	<input type="checkbox"/>
18	R6(2)(iii)		If yes, was intensive police patrolling in the area ordered?	<input type="checkbox"/>	<input type="checkbox"/>
19	R6(2)(iv)		If yes, were effective steps taken to provide protection to the witnesses and other sympathisers of the victims?	<input type="checkbox"/>	<input type="checkbox"/>
20	R6(2)(v)		If yes, was immediate relief provided to the victims?	<input type="checkbox"/>	<input type="checkbox"/>
21	R6(1)		If yes, was their superior officer – the SP or DM – informed?	<input type="checkbox"/>	<input type="checkbox"/>

#	Section	Stage	Checklist for effective followup	Yes	No
22	R12(1)	Inspection	Did both the SP and the DM visit the area within 24 hours?	<input type="checkbox"/>	<input type="checkbox"/>
23	R12(1)		If yes, did the SP and DM conduct a spot inspection to access the extent of damage, loss of life and property?	<input type="checkbox"/>	<input type="checkbox"/>
24	R12(2)		If yes, did the SP ensure that the FIR is registered with the correct sections?	<input type="checkbox"/>	<input type="checkbox"/>
25	R12(1)		If yes, did the SP and DM identify the victims, witnesses, and their dependents entitled to relief and the accused?	<input type="checkbox"/>	<input type="checkbox"/>
26	R12(2)		Were effective measures for apprehending the accused taken?	<input type="checkbox"/>	<input type="checkbox"/>
27	R12(3)		Was the necessary protection provided?	<input type="checkbox"/>	<input type="checkbox"/>
28	R12(1)		Did you get the name of the SP?	<input type="checkbox"/>	<input type="checkbox"/>
29	R12(2)		Did the SP appoint an investigating officer to continue the investigation?	<input type="checkbox"/>	<input type="checkbox"/>
30	R7(1)		If yes, is the rank of the appointed investigation officer DSP or higher?	<input type="checkbox"/>	<input type="checkbox"/>
31	R7(1)		Did you get the name and rank of the investigating officer appointed by the SP?	<input type="checkbox"/>	<input type="checkbox"/>
32	R7(1)		Ask for the following details about the investigating officer for 5 years – the number of:	<input type="checkbox"/>	<input type="checkbox"/>
			(a) Cases investigated.	<input type="checkbox"/>	<input type="checkbox"/>
			(b) Cases for which investigation is completed within 60 days.	<input type="checkbox"/>	<input type="checkbox"/>
			(c) Cases for which charge sheet has been filed.	<input type="checkbox"/>	<input type="checkbox"/>
			(d) Cases for which charge sheet has not been filed (disposed of or closed by the police).	<input type="checkbox"/>	<input type="checkbox"/>
		(e) Accused in FIR.	<input type="checkbox"/>	<input type="checkbox"/>	
		(f) Accused in charge–sheet.	<input type="checkbox"/>	<input type="checkbox"/>	
		(g) Cases ending in conviction.	<input type="checkbox"/>	<input type="checkbox"/>	
		(h) Number of accused acquitted (including in the cases for which there is conviction).	<input type="checkbox"/>	<input type="checkbox"/>	
		(i) Details of cases in which this officer was involved in for the past five years at least.	<input type="checkbox"/>	<input type="checkbox"/>	
33	R12(7)	Has the DM sent a report to the special court?	<input type="checkbox"/>	<input type="checkbox"/>	
34	S15A(11)(l)	Investigation	Have the dates, places, and the status of investigation informed to the victims or their dependents or associated organisations or individuals in advance?	<input type="checkbox"/>	<input type="checkbox"/>
35	R11(4),(5)		Have the victims, witnesses, their dependents, and their attendants received travel and daily allowances, and maintenance and diet expenses during investigation?	<input type="checkbox"/>	<input type="checkbox"/>
36	R11(6)		If yes, have they got this immediately or at the latest within three days?	<input type="checkbox"/>	<input type="checkbox"/>
37			Has the investigation been completed?	<input type="checkbox"/>	<input type="checkbox"/>

#	Section	Stage	Checklist for effective followup	Yes	No
38	R7(2)	Investigation	If yes, has the charge-sheet been filed in the special court by the investigating officer?	<input type="checkbox"/>	<input type="checkbox"/>
39	R7(2)		If yes, was the charge-sheet filed within 60 days from the date of registering the FIR?	<input type="checkbox"/>	<input type="checkbox"/>
40	R7(2A)		If not, was the reason for delay explained in writing by the investigating officer?	<input type="checkbox"/>	<input type="checkbox"/>
41			If the written explanation is not filed, has a complaint against the investigating officer been filed?	<input type="checkbox"/>	<input type="checkbox"/>
42	R12(4) Schedule Annexure I		In case of rape or murder, was more relief received after submission of the medical certificate or post-mortem report? (usually 50%)	<input type="checkbox"/>	<input type="checkbox"/>
43	S15A(1)		Was protection requested?	<input type="checkbox"/>	<input type="checkbox"/>
44	S15A(6)(a)		If protection was requested, was it provided?	<input type="checkbox"/>	<input type="checkbox"/>
45	R17A,17	Continuous monitoring	Did you send a letter to the district social welfare officer, the member-secretary of the DVMC, asking for the case to be discussed in the quarterly SdVMC and DVMC meeting?	<input type="checkbox"/>	<input type="checkbox"/>
46			If yes, after the meeting did you ask for a copy of the minutes?	<input type="checkbox"/>	<input type="checkbox"/>
47			If yes, was the case is discussed at the meeting?	<input type="checkbox"/>	<input type="checkbox"/>
48	R7(2)		Was the case disposed of at the meeting?	<input type="checkbox"/>	<input type="checkbox"/>
49	R7(2)		If yes, have you filed a case with the special court naming all the officials involved for illegally disposing of the case?	<input type="checkbox"/>	<input type="checkbox"/>
50	S15(1),(2)	Pre-trial	Did the government arrange the SPP?	<input type="checkbox"/>	<input type="checkbox"/>
51	R4(2)		For every SPP and panel advocate, have you received the following details for at least five years:	<input type="checkbox"/>	<input type="checkbox"/>
			(a) Number of cases argued.	<input type="checkbox"/>	<input type="checkbox"/>
			(b) Number of cases ending in conviction.	<input type="checkbox"/>	<input type="checkbox"/>
			(c) Number of accused in the charge-sheet.	<input type="checkbox"/>	<input type="checkbox"/>
			(d) Number of accused who are acquitted (including in the cases for which there is conviction).	<input type="checkbox"/>	<input type="checkbox"/>
			(e) Reports regarding cases in which this SPP was involved in?	<input type="checkbox"/>	<input type="checkbox"/>
52	R13(1)	Pre-trial	For every judge hearing cases under this Act (in a designated special court or exclusive special court) did you get the following data for review for five years:	<input type="checkbox"/>	<input type="checkbox"/>
			(a) Number of cases listed.	<input type="checkbox"/>	<input type="checkbox"/>
			(b) Number of cases heard.	<input type="checkbox"/>	<input type="checkbox"/>
			(c) Number of cases ending in conviction.	<input type="checkbox"/>	<input type="checkbox"/>
			(d) Number of accused in the charge-sheet.	<input type="checkbox"/>	<input type="checkbox"/>
			(e) Number of accused who were acquitted (including in the cases for which there is conviction).	<input type="checkbox"/>	<input type="checkbox"/>
53	R13(1)		Have you tracked the number of cases pending, completed, convicted, and the number of accused that were convicted in the last five years?	<input type="checkbox"/>	<input type="checkbox"/>

#	Section	Stage	Checklist for effective followup	Yes	No
54	S15A(3)	Trial	Were the victims, witnesses informed sufficiently in advance of each and every hearing? [Section 15A(3)]	<input type="checkbox"/>	<input type="checkbox"/>
55	S15A(11)()		Were the witnesses given adequate briefing (what to expect in court) on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals, and set at ease by the investigating officer and/or the special public prosecutor so that they are not intimidated by the formal court atmosphere?	<input type="checkbox"/>	<input type="checkbox"/>
56	R11(3)		Was an attendant required for any victim or witness (one each for every woman, minor, person over 60 years of age or over 40% disability)?	<input type="checkbox"/>	<input type="checkbox"/>
57	R11(3)		If yes, did they have an attendant of their choice?	<input type="checkbox"/>	<input type="checkbox"/>
58	R11(3)		Was transportation arranged or fare reimbursed at actuals within three days for all victims, witnesses, and their attendants?	<input type="checkbox"/>	<input type="checkbox"/>
59	R11(4), 11(5),11(6)		Was the daily maintenance allowance and dietary allowance paid within three days to all victims, witnesses, and attendants?	<input type="checkbox"/>	<input type="checkbox"/>
60	S15A(6)(b)		If not, or if there is a delay, have you lodged a complaint with the judge during the following hearing?	<input type="checkbox"/>	<input type="checkbox"/>
61	S15A(9)		Did any of the witnesses face any intimidation or harassment?	<input type="checkbox"/>	<input type="checkbox"/>
62	S15A(6)(a), S15A(7)		If yes, was a complaint made before the special court?	<input type="checkbox"/>	<input type="checkbox"/>
63	S15A(1), S15A(11)(c)		Did the victims or witnesses get sufficient protection (so that they did not turn hostile?)	<input type="checkbox"/>	<input type="checkbox"/>
64	S15A(6)(a), S15A(7)		If not (i.e if they turned hostile), have you filed a case against the investigating officer and the DM for dereliction of duty? (since it is likely that the victims and witnesses 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).	<input type="checkbox"/>	<input type="checkbox"/>
65	S15A(10)		Have all proceedings under this Act been video recorded?	<input type="checkbox"/>	<input type="checkbox"/>
66	R6(2), R12(7), R17A(4), R17(3), R(16)(2)		Were the spot visit reports of the DSP or SDM, SP and DM, SdVMC minutes, DVMC minutes, and the SVMC minutes introduced as evidence?	<input type="checkbox"/>	<input type="checkbox"/>
67	S15A(11)()		Were medical reports, post-mortem reports and other material introduced as evidence in court?	<input type="checkbox"/>	<input type="checkbox"/>
68	S5		Has the the convict(s) committed another crime?	<input type="checkbox"/>	<input type="checkbox"/>
69	S5	If yes, have you ensured that the previous crime(s) under this Act are made a part of the complaint, FIR, evidence, and sentencing?	<input type="checkbox"/>	<input type="checkbox"/>	
70	S5	If the accused is a repeat offender, was it brought to the notice of the judge requesting enhanced punishment and longer incarceration?	<input type="checkbox"/>	<input type="checkbox"/>	
71		Were all the important witnesses and accused called for examination?	<input type="checkbox"/>	<input type="checkbox"/>	
72	S14(3)	Was the case conducted on a daily basis?	<input type="checkbox"/>	<input type="checkbox"/>	

#	Section	Stage	Checklist for effective followup	Yes	No
73	S14(3)	Trial	During instances of the trial not being conducted on a daily basis, did the judge record in writing the reasons for longer adjournments?	<input type="checkbox"/>	<input type="checkbox"/>
74	S14(3)		If yes, have you received a copy of the record stating the reason?	<input type="checkbox"/>	<input type="checkbox"/>
75	S14(3)		Was the case disposed of within two months of filing charge-sheet?	<input type="checkbox"/>	<input type="checkbox"/>
76	R12(4) Schedule Annexure I	Socioeconomic rehabilitation	Have the victims and their dependents received all socioeconomic rehabilitative measures that are promised, within three months of the FIR being registered?	<input type="checkbox"/>	<input type="checkbox"/>
			(a) House.	<input type="checkbox"/>	<input type="checkbox"/>
			(b) Monthly pension (₹5000 + applicable DA).	<input type="checkbox"/>	<input type="checkbox"/>
			(c) One government job per family.	<input type="checkbox"/>	<input type="checkbox"/>
			(d) Free, all expenses paid residential education for your children upto graduation.	<input type="checkbox"/>	<input type="checkbox"/>
			(e) Agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>
			(f) Emergency relief for three months.	<input type="checkbox"/>	<input type="checkbox"/>
77			Have you filed RTI requests and memos to the responsible officers and competent authorities to ensure that they are on track?	<input type="checkbox"/>	<input type="checkbox"/>
78	S14(3)		Was the case completed (disposed of) within two months of filing the charge-sheet?	<input type="checkbox"/>	<input type="checkbox"/>
79	S15A(3)	Judgement	Did you get sufficient notice as to when the judgement was going to be pronounced?	<input type="checkbox"/>	<input type="checkbox"/>
80	R11		Did you get the eligible TAME to attend court on the day?	<input type="checkbox"/>	<input type="checkbox"/>
81	R12(4)		Did the eligible victims receive the final part of the relief? (victims of certain crimes are eligible for relief at the end of the trial, with or without conviction of the accused).	<input type="checkbox"/>	<input type="checkbox"/>
82	S14	Acquittal and appeal	Did the case end in an acquittal?	<input type="checkbox"/>	<input type="checkbox"/>
83	S14A		If yes, is the state is planning for an appeal?	<input type="checkbox"/>	<input type="checkbox"/>
84	R4(5)		If not have you chosen your own advocate for the appeal?	<input type="checkbox"/>	<input type="checkbox"/>
85			Did the judgement mention whether the acquittal was because the investigation or the argument was weak?	<input type="checkbox"/>	<input type="checkbox"/>
86			Did you file to get the standing committee (Kishan Bhai judgement) report for this case?	<input type="checkbox"/>	<input type="checkbox"/>
87			Based on the above did you ask for punitive action on the investigating officer or the special public prosecutor?	<input type="checkbox"/>	<input type="checkbox"/>
88	S14A		Has an appeal been filed against the acquittal either by the government, or the victims, their dependents, or their family?	<input type="checkbox"/>	<input type="checkbox"/>
89	S14A(3)		If yes, did the appeal take place within 90 (or 180 days at the discretion of the judge)?	<input type="checkbox"/>	<input type="checkbox"/>
90	S14A(4)		Has the appeal been disposed of within three months?	<input type="checkbox"/>	<input type="checkbox"/>

#	Section	Stage	Checklist for effective followup	Yes	No
91		Conviction and incarceration	Did the case end in conviction?	<input type="checkbox"/>	<input type="checkbox"/>
92	R12(4) Schedule Annexure I		If yes, did the victims receive the final part of the relief? (Usually 25%)	<input type="checkbox"/>	<input type="checkbox"/>
93			If yes, have the convicts been kept behind bars so that they, their families, or their caste members cannot cause additional harm to the victims, witnesses, their dependents, and their families, individually or collectively?	<input type="checkbox"/>	<input type="checkbox"/>
94	S15A(5)		Has he/she/they been released?	<input type="checkbox"/>	<input type="checkbox"/>
95	S15A(5)		If yes, Is it on a temporary basis (on parole)?	<input type="checkbox"/>	<input type="checkbox"/>
96	S15A(5)		If yes, is the release permanent? Is the release due to reduction of sentence, a pardon, or on completing of a sentence?	<input type="checkbox"/>	<input type="checkbox"/>
97	S15A(5)		Have you monitored the reports of the prison officials?	<input type="checkbox"/>	<input type="checkbox"/>
98	S15A(5)		Have you tracked of the appeals against conviction, parole, and the time the convicts are allowed outside prison?	<input type="checkbox"/>	<input type="checkbox"/>
99	S15A(5)		Are you being informed sufficiently in advance and heard before parole, remission, and release? [Section 15A(5)]	<input type="checkbox"/>	<input type="checkbox"/>
100	R11		To attend the parole hearings, are you (and your attender too) being paid TAME immediately or within three days at the latest? [Rule 11]	<input type="checkbox"/>	<input type="checkbox"/>
101		Post release	If not have you filed a complaint with the special court?	<input type="checkbox"/>	<input type="checkbox"/>
102	S15A(1)		If there is an increase in threat during parole/remission/release, did you ask for protection?	<input type="checkbox"/>	<input type="checkbox"/>
103	S15A(1)		If so, has it been provided?	<input type="checkbox"/>	<input type="checkbox"/>
104	S15A(6)(a)		If not have you filed a complaint with the special court?	<input type="checkbox"/>	<input type="checkbox"/>
105	S15A(11)(n)		Have you maintained vigilance right through the sentence, and for a period after release as well to ensure safety of the survivor(s)?	<input type="checkbox"/>	<input type="checkbox"/>



10 CVMC AND SURVIVORS' FORUMS

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Citizens' Vigilance and Monitoring Committee

The citizens' vigilance and monitoring committees (CVMC) at the union, state, district, and subdivisional levels are civil society mechanisms set up to monitor the implementation of the law, including monitoring the monitors. They shadow the functioning of the vigilance and monitoring committees, functioning parallelly at all levels to ensure that the scheduled communities can live as full citizens and enjoy the benefits of development and progress. Regular, periodic, systematic assault on the life, person, or property of the scheduled communities – the most vulnerable of our society – are not acceptable and should have zero tolerance in India, as indeed in any civilised society.

Objective

The objective of the CVMCs is to address caste and ethnicity-based discrimination and violence as a social issue with a broad-based social response, so that it is not pigeon-holed into an issue of the scheduled communities alone, to be addressed as a 'law and order problem', with the burden falling only on those from the scheduled castes and the scheduled tribes.

CVMCs enable citizens to fulfil eight of the eleven fundamental duties under the Constitution of India (Chapter IVA Fundamental duties, Article 51A), namely to:

- (a) Abide by the Constitution and respect its ideals and institutions.
- (b) Cherish and follow the noble ideals which inspired our national struggle for freedom.
- (c) Uphold and protect the sovereignty, unity, and integrity of India.
- (d) Promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, and regional or sectional diversities; to renounce practices derogatory to the dignity of women.
- (e) Value and preserve the rich heritage of our composite culture.
- (f) Develop the scientific temper, humanism, and the spirit of inquiry and reform.
- (g) Abjure violence.

The citizens' vigilance and monitoring committees at the union, state, district, and subdivisional levels are civil society mechanisms set up to monitor the implementation of the law, including monitoring the monitors. They are a common forum of social movements, civil society organisations, human rights defenders, and academia that strive for social justice.

- (h) Strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

Composition

The CVMCs consist primarily of independent professionals who are supportive of social justice. They need to be those who have excelled in their spheres and have considerable social capital and/or name recognition. Though human rights defenders will also play an important part, they will not be centre staged.

The CVMCs actively strive to be a common forum of all social movements, civil society organisations, human rights defenders, and academia that strive for social justice and better implementation of this Act.

Ideally the composition of the CVMCs would be (non-cumulatively) 60% women, 60% professionals, with men and DAHRDs forming a maximum of 40% (non-cumulative). The more professionals and eminent citizens' express concern, the faster these crimes will stop.

The CVMCs base their action and engagement on incontrovertible evidence, sourced directly from the government. However, the response is not only data informed but also human centric, as healing justice needs to be.

Model structure

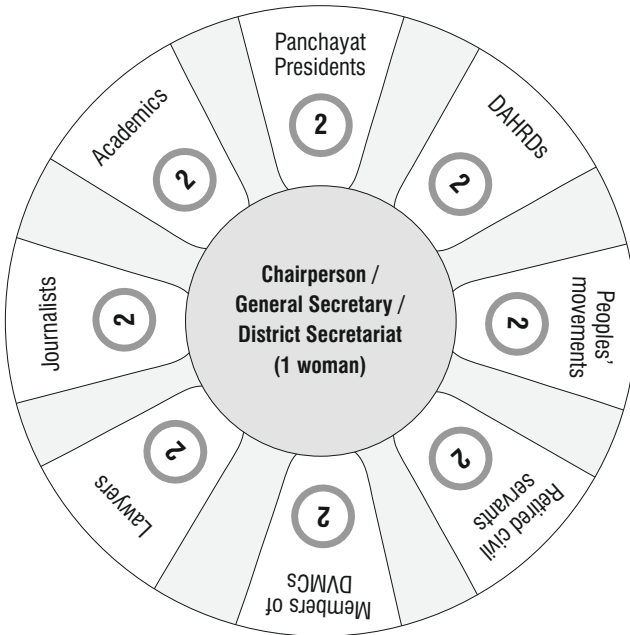


Figure 38: District level CVMC Composition

Role of CVMCs

The citizens' vigilance and monitoring committees at the union, state, district, and subdivisional levels are to ensure an autonomous citizens' watch on the functioning of the state mechanisms and efficient implementation of the Act. Their role is strategic, to broaden the scope of engagement on social justice in general, and for the DAHRDs in particular.

Their outspoken disapproval of caste and ethnicity-based discrimination and violence will reset the norms that valorise these crimes as somehow 'honourable' and a 'duty' to 'age-old customs and traditions' to a more socially just normative.

The CVMCs base their action and engagement on incontrovertible evidence, sourced directly from the government (NCRB and SCRB data, state and union reports, minutes of meetings). However, the response is not only data informed but also human centric, as healing justice needs to be.

Tasks and periodicity

The role of the CVMC is strategic and their tasks reflect this. They need to be at the forefront of the quarterly meeting with the district mechanisms and the state CVMCs need to be there at the half-yearly meeting with the state mechanisms.

The primary tasks of the CVMC are to:

- (a) Verify the reports and findings of the Dalit Adivasi Human Rights Defenders (DAHRDs).
- (b) Draw out the lessons learnt.
- (c) Advice as to the follow-up.
- (d) Engage with the state mechanisms to ensure better implementation (quarterly district wise, bi-annually at the state level, and annually at the union).
- (e) Release the findings to the public (the frequency will depend on need).
- (f) Attend the annual state / zonal convention and SMARTs (strategic multi-actor round tables).
- (g) Support and protect the DAHRDs.
- (h) Meet 4–6 weeks before the appropriate VMC (for instance 28 February, 31 May, 30 August, 30 November at the district level; 30 December and 30 June at the state level) to take stock of the progress and engage with the state mechanisms.
- (i) Mobilise and enlist other social justice institutions and formations.

The strategic role of the CVMCs is to broaden the scope of engagement on social justice for all citizens, focussing beyond just the DAHRDs and human rights organisations.

Who can join

Anyone with a deep belief in creating an uncompromising, non-violent environment for the social justice of the scheduled communities and holds a strong belief in promptly securing justice for the victims is encouraged to join the CVMC. A foundational belief that human rights are inherent, indivisible, and inalienable is a prerequisite.

Survivors' forums

Why a survivors' forum?

At the heart of the survivors' forum is the collective sharing of experience – of sorrow and hope – and the power of solidarity. 'Laugh and the world laughs with you, cry and you cry alone' is a familiar saying and experience. Survivors and their dear ones experience it all too often. It is 'received wisdom' that witnesses (after six months) and victims (after a year) often 'turn hostile' due to the feeling of abandonment which leads to despair, depression, and a perverse form of Stockholm syndrome.

While the CVMC processes are heavily evidence based – rooted in government data – the survivors forums address the human cost of atrocities. Through peer and professional support, they provide a safe space for the emotional and psychological needs of the survivors. To paraphrase Justice Lokur (foreword to the *The Citizens' Audit of the Union Report u/s 21(4) on the Implementation of the Act for the calendar year 2021*), this holistic approach is needed to address the impact of the crimes taking into account the entire personality of the victim, including counselling and holistic support, going beyond monetary relief and socioeconomic rehabilitation to embrace the entire person, and communities for a healing justice.

Local support structures are critical for the victims and witnesses. The survivors' forum is a safe space where they can share their experience and their fears, and in return receive moral strength, encouragement and understanding of peers who 'have been there' before, and the guidance to get through some of the darkest times of their lives. This is perhaps the most powerful psychosocial support that they can get, since the empathy is rooted in the strength of those who themselves are still healing, some with still raw open wounds. Counsellors will be present where required.

The forums are also spaces for survivors to get assistance on the legal remedies and their entitlements post atrocity – immediate

The survivors' forum is a safe space to share their experience, their fears, and in return receive moral strength, encouragement and understanding of peers who 'have been there' before, and the guidance to get through some of the darkest times of their lives.

relief, socioeconomic rehabilitation, reimbursements, and allowances. Lawyers will be present so that survivors can be helped with their specific cases individually.

No case is too small for the forum. 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 everyone tends to brush off each of them as 'a' minor incident. The escalation in intensity or frequency in 'minor incidents' should serve as a warning.

Objective

Provide support to all survivors of atrocities and their dependents under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and related laws to claim their entitlements and rights including:

- (a) Protection.
- (b) Immediate in-kind and monetary relief.
- (c) Relief.
- (d) TAME.
- (e) Socioeconomic rehabilitation.
- (f) Preparation for trial.

Participants

- (a) Survivors: Victim-survivors, witnesses, their families, dependents, and attendants.
- (b) Dalit Adivasi Human Rights Defenders (DAHRD).
- (c) CVMC members.
- (d) Concerned organisations [Section 15A(12)] and social movements.
- (e) Concerned individuals [Section 15A(11)] and social workers [Section 15A(12)].
- (f) Lawyers.
- (g) Counsellors.

Roles and responsibilities

All: Ensure the safety of the survivors, support them during the entire process up to conviction and rehabilitation.

Survivors

- (a) Bring copies of the required documents: Complaint, FIR, chargesheet, relief and rehabilitation received to date.
- (b) Attend the orientation session.
- (c) Share experience.

The forums are also spaces for survivors to get assistance on the legal remedies and their entitlements post atrocity – immediate relief, socioeconomic rehabilitation, reimbursements, and allowances.

- (d) The victims, dependents/family members/supporters, and witnesses who approach the legal aid centre should adhere to the norms of the legal aid centre.
- (e) The legal services provided and the follow-up service related to the case must be filled and approved by the provider.
- (f) To avail of the legal services provided, an affidavit must be given in writing with witnesses and available evidence, providing factual information about the crime committed without exaggeration.
- (g) Accept and follow the advice and instructions suggested by the centre and cooperate.
- (h) Victims and litigants may withdraw from the forum if they do not wish to continue availing the legal or support services provided through a written notice.

Lawyers

It is best to have a lawyers' collective in each district so that one can immediately be assigned to the case. A 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 the Act thereby acquiring domain expertise, and the uplifting power of solidarity.

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 the Act 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 [Section 15A(12)], the government will pay them. Assert the right to an advocate of choice from the time of filing the complaint [Rule 4(5)].

- (a) Takeover the case if possible [Rule 4(5)].
- (b) Assist survivors in drafting and filing complaints and supplementary FIRs.
- (c) Identify gaps in procedure or law and assist the survivors to rectify them.
- (d) Assist the survivors in preparing for the trial.
- (e) Join the lawyers' forum.
- (f) Must comply with the obligations and responsibilities of their duties.
- (g) The centre is a socially responsible and caring entity that provides services to victims on a fixed fee or no fee basis. Acceptance and action upon the agreement to serve are required. The individual must accept and act in accordance with a sense of duty and service, as a moral obligation.

- (h) The advocate should be an active member of the district citizens vigilance and monitoring committee and operate within its procedures and jurisdiction.
- (i) A minimum of three years of experience as an advocate in criminal courts is necessary.
- (j) Proficiency in the relevant Acts and Rules with amendments to date is required. Additionally, familiarity with the provisions of the POCSO Act, Criminal Procedure Code, Bharatiya Nyaya Sanhita, and the Indian Penal Code relating to atrocities is necessary.
- (k) Quality service should be provided to the victim without compromise.
- (l) Participation in the survivors' forums and legal awareness camps on the specified dates and times is mandatory.
- (m) In addition to the services of the centre, advocates should actively participate in activities such as field investigations, field inspections, and fact-finding teams.
- (n) Assistance should be provided to avoid delays in issuing community certificates to litigants or aggrieved persons.
- (o) All individuals who approach the centre, including aggrieved persons, their relatives, litigants, and witnesses, should be treated equally regardless of the stage at which their case is brought.
- (p) Agreement to maintain the documents of litigants/victims related to the case at the centres' office is required.
- (q) Personal details of litigants/victims must be kept confidential and not shared with others in any way.
- (r) Only the prescribed/defined service fee should be charged. No additional fee should be collected from litigants or aggrieved persons in any form.
- (s) Legal services should be provided to litigants/victims. 'Compulsions', 'compromises', and other 'negotiated settlements' in any form by whatever name called, are strictly prohibited.

Proficiency in the relevant Acts and Rules with amendments to date is required. Additionally, familiarity with the provisions of the POCSO Act, Criminal Procedure Code, Bharatiya Nyaya Sanhita and, and the Indian Penal Code relating to atrocities is necessary.

Counsellors

- (a) The primary duty is to provide prompt psychiatric treatment to litigants/victims, their dependents, and witnesses, depending on the nature of the injury and the incident. This further strengthens the legal counselling.
- (b) Provide ongoing counselling and advice to litigants/victims, their dependents, and witnesses as required, depending on the nature of the harm and needs of the survivors.

- (c) Counselling and advice may be provided through government programme facilitators, including the district social welfare department, Childline, child welfare committee, and the district child protection unit.
- (d) Volunteering can be done for awareness camps conducted by the centre.
- (e) Collaborate in legal and other services provided by the centre.

Dalit Adivasi Human Rights Defenders (DAHRD)

- (a) CVMC members: Assist the survivors in applying for the gaps in their entitlements.
- (b) Social movements, social workers, concerned organisations, and individuals: Mobilise survivors for the forum, follow-up on the entitlements, include themselves as concerned organisations and individuals in the case, attend the orientation session.

The primary duty of the counsellor is to provide prompt psychiatric treatment to litigants/victims, their dependents, and witnesses, depending on the nature of the injury and the incident.

People's movements, civil society organisations, volunteers

- (a) Be the first responders and provide immediate assistance including medical aid.
- (b) Assist the litigants/aggrieved persons in collecting and presenting documents related to the case.
- (c) Provide moral support, protection, and continuous protection from the opposite party to litigants/victims, their dependents, and witnesses.
- (d) Support for the immediate availability of benefits of the law including recovery, rehabilitation, and relief. Collaboration may be necessary.
- (e) If any incident of atrocity takes place in any part of the district, the genuineness of the incident can be verified and reported to the centre.
- (f) Volunteer in the awareness camp, forum, and at the centre during the camp and forum days.

The CVMC role in the survivors' forums

The survivors' forum is anchored by the CVMC district incharge and is distinct from, though complementary to, the CVMC process in scope, participation, and focus. The survivors' forums are people-and case-centric but the organic links between them are many.

While the CVMCs engage with the state mechanisms based on large datasets (NCRB and SCRB reports, the union and state reports) to address the systemic issues, it is also important to

ensure that the individual survivors are attended to and supported in their time of need which the survivors' forums do.

Experience demonstrates that the official government data often is at variance with ground truth, and therefore fulfilment of the preventive, protective, and restorative mandatory provisions needs to be constantly validated.

The data from the survivors' forum will form a part of the follow up (supplemented with data for the whole district) with the state mechanisms to bring to their notice social pressure, state apathy, or delays in charge-sheeting, trial, relief, reimbursement, and rehabilitation, and any other non-fulfilment of victims and witnesses rights [Section 15A].

Model schedule

- 0930 : Registration and verification of documents (complaint, FIR, community certificate, medical certificate etc).
- 1000 : Orientation session: Rights and entitlements.
- 1030 : Survivors forum: Experience sharing/common issues.
- 1130 : Individual sessions with lawyers and CVMC members.
- 1730 : Close.

The data from the survivors' forum will form a part of the follow up with the state mechanisms to bring to their notice social pressure, state apathy, or delays in charge-sheeting, trial, relief, reimbursement, and rehabilitation, and any other non-fulfilment of victims and witnesses rights [Section 15A].

For other publications



Citizens' Audit of the Union Report u/s 21(4)



Atrocity Case Tracking



The Elusive Search for Justice (English)



The Elusive Search for Justice (Tamil)



30 Years Tamil Nadu Scorecard (English)



30 Years Tamil Nadu Scorecard (Tamil)




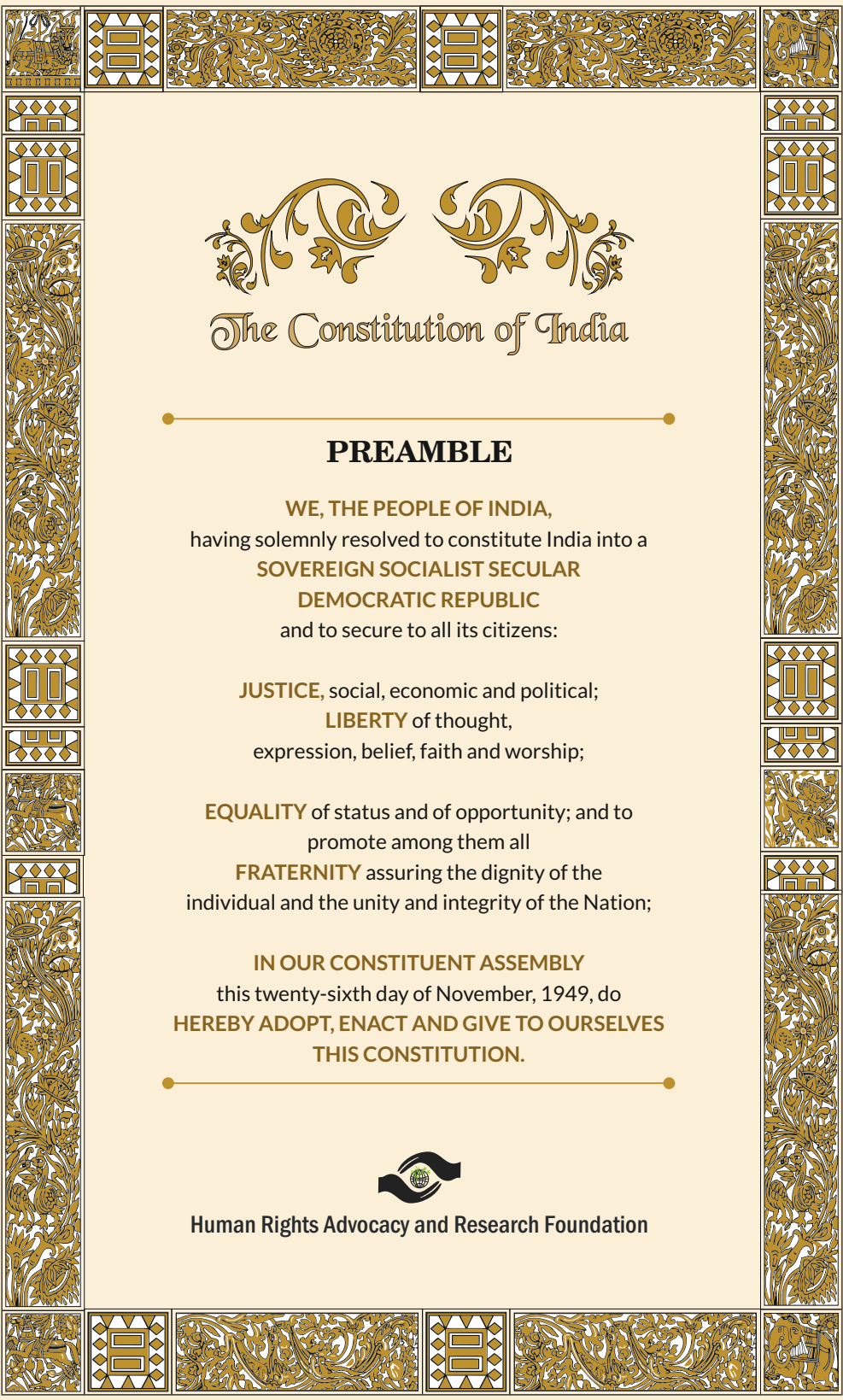
Chief Ministers' Report Cards (English)



Chief Ministers' Report Cards (Tamil)

More resources are available at <https://www.cvmc.in/>





The Constitution of India

PREAMBLE

WE, THE PEOPLE OF INDIA,
having solemnly resolved to constitute India into a
SOVEREIGN SOCIALIST SECULAR
DEMOCRATIC REPUBLIC
and to secure to all its citizens:

JUSTICE, social, economic and political;
LIBERTY of thought,
expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to
promote among them all

FRATERNITY assuring the dignity of the
individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY
this twenty-sixth day of November, 1949, do
HEREBY ADOPT, ENACT AND GIVE TO OURSELVES
THIS CONSTITUTION.



Human Rights Advocacy and Research Foundation