

GOVERNMENT OF GOA
Department of Social Welfare

Notification
13/9/92-SWD

The following Notification received from Government of India, Ministry of Welfare, New Delhi, is hereby published for general information of the public.

E.Silveira,
Under Secretary (Social Welfare).

Panaji, 17 July, 1996.

GOVERNMENT OF INDIA
MINISTRY OF WELFARE
Dated, New Delhi the 31-3-1995

Notification

G.S.R. 316(e).- In exercise of the powers conferred by sub section (1) of 23 of Scheduled Castes and scheduled Tribe (Prevention of Atrocities)Act, 1989(33 of 1989),The Central Government here by makes the following rules, namely:-

1.Short title and commencement:- (1) These rules may be called the Scheduled Castes and the Scheduled tribes (Prevention and Atrocities Act) Rules, 1995.

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

2. Definitions:- In these rules, unless the context otherwise requires:-

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

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

c) "identified area" , means such area where state government has reason to believe that atrocity may take place or there is an apprehension of reoccurrence of an offence under the Act or an area prone to atrocities;

d) "Non- Governmental Organization " , means a voluntary organization engaged in the welfare activities relating to the Scheduled Castes and Scheduled Tribes and Registered under the Society Registration Act, 1860(21 of 1860)or under any law for the registration of documents or such organization for the time being in force;

e)"Schedule", means Schedule annexed to these rules;

f) "Section " , means section of the Act;

g) "State Government", in relation to a union territory, means the Administrator of that union territory appointed by the President under Article 239of the Constitution;

h) Words and expression used herein and not defined but defined in Act shall have the same meaning respectively assigned to them in Act.

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

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

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

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

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

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

(vi) constitute a high power state level committee, district and divisional level committees or such number of other committees as deem proper and necessary for assigning Government in implementation of provision of this Act;

(vii) set up vigilance and monitor committee to suggest effective measures to implement the provision of the Act;

(viii) set up awareness centers and organize a workshops in the identified area or at some other place to educate the person belonging to Scheduled Castes ands the Scheduled Tribes about their rights

and protections available to them under the provision of various Central and State enactments or rules, regulation and schemes framed there under;

(ix) encourage Non government organizations for establishing and maintaining Awareness Centers and organizing workshops provide them necessary financial and other sort of assistance;

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

(xi) by the end of every quarter, review the law and order situation, functioning of different committees, performance of special public prosecutors investigating officers and other officer responsible for implementing the provision of the Act and cases registered under the Act.

4. Supervision of procreation and submission of report:- (1) The state Government on the recommendation of the district Magistrate shall prepare for each District a panel of such number of eminent senior advocates who has been necessary for conducting cases in the special courts. Similarly in consultation with Director of Prosecution in charge of Prosecution, a panel of such number of Prosecutors as it may deem necessary for conducting cases in special courts, shall also be specified. Both these panels shall be notified in the Official Gazette of the state and shall remain in force for three years.

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

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

(4) The District Magistrate and the officer in-charge of the prosecution at the District level, shall review the position cases registered under the Act and submit a monthly report on or before 20th Day of each subsequent months to the Director, of Prosecution and the State Government. This report shall specify the actions taken/proposed to taken in respect of investigation and position of each case.

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

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

5. Information to Police officers in-charge of police station:- (1) Every information relating to the commission of an offence under the Act, if given orally to an officer in-charge of police station shall reduced to writing by him or under his direction, and be read, over the informant, and every such informants, and every such information, whether given in writing or produced to writing as aforesaid, shall

be signed by the person giving it, and the substance thereof shall be entered in a book maintained by the police station.

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

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

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

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

- i) draw a list of victims, their family members and dependents entitled for relief;
- ii) prepare a detailed report of extent of atrocity, loss and damage to the property of the victims;
- iii) order for intensive police patrolling in the area;
- iv) take effective and necessary steps to provide protection to the witnesses and other sympathizers of the victims;
- v) provide immediate relief to the victims.

7. Investigating officer:- (1) An offence committed under the Act shall be investigated by a police officer not below the rank of Deputy Superintendent of Police. The investigating officer shall be appointed by the State Government / Director General of Police / Superintendent of police after taking into account his past experience, sense of ability and justice to perceive the implication of the case and investigate it along with right lines within the shortest possible time.

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

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

8.Setting up the Scheduled Castes and Scheduled Tribes Protection Cell:- (1)The State Government shall set up the Scheduled Castes and Scheduled Tribes Protection Cell at the State Head Quarters under the Charge of Director General of Police / Inspector General of Police. This Cell shall be responsible for:-

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

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

- i) the reports received by the State Government under sub-rules(2)and (4)of rule 4,rule6, clause(xi) of rule 8.
- ii) the position of cases registered under the Act;
- iii) law and order situation in identified area;
- iv) various kind of measures r adopted for providing immediate relief in cash or kind or both to the victims of atrocity or his or her dependents;
- v) adequacy of immediate facilities like rationing, clothing, shelter, legal aid, travelling allowance, daily allowances, and transport facilities provided to the victims of atrocity or his or her dependents;
- vi) performance of non-Governmental Organizations, the Scheduled Castes and Scheduled Tribes Protection Cell, various committees and the public servants responsible for implementing the provisions of the Act.

10.Appointment of Special Officer:- In the identified area a Special Officer not below the rank of Additional District Magistrate shall be appointed to Co-ordinate with District Magistrate, Superintendent of Police or other officers responsible for implementing the provisions of this Act, various committees and the Scheduled Castes sand Scheduled Tribes Cell. The Special Officer shall be responsible for;

- i) providing immediate relief and other facilities to the victims of atrocity and initiate necessary measures to prevent or avoid occurrence of atrocity;
- ii) setting up an awareness centre and organizing workshop in the identified area or at the District headquarters to educate the person belonging to Scheduled Castes and Scheduled Tribes about their right and the protection available to them under the provisions of State and Central Governments or rules and schemes furnished thereon;
- iii) coordinating with the Non Government Organization and providing necessary facilities and financial and other assistance to Non- Government Organization for maintaining centres or organising workshops;

11.Travelling allowance, daily allowance, maintenance expenses and transport facilities to the victim of atrocity his or her dependent and witnesses:- (1)Every victim of atrocity or his/her dependents and witness shall be paid to and fro rail fare by second class in express/mail/passenger train or actual bus or taxi fare from his place of residence or place of stay to the place of investigation or hearing or trial of an offence under the Act.

(2) The District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall make necessary arrangements for providing transport facilities or reimbursement of full payment

thereof to the victims of atrocity and witnesses for visiting the investigating officer, Superintendent of Police / Deputy Superintendent of Police, District Magistrate or any other Executive Magistrate.

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

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

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

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

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

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

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

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

(4) The District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall make arrangements for providing immediate relief in cash or in kind or both to the victims of atrocity,

their family members and dependents according to the scale as in the schedule annexed to these Rules (Annexure-I read with Annexure-II). Such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items necessary for human beings.

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

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

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

13. Selection of officers and other staff members for completing the work relating to atrocity:- (1) The State Government shall ensure that the administrative officers and other staff members to be appointed in an area prone to atrocity shall have the right aptitude and understanding of the problems of the Scheduled Castes and Schedules Tribes.

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

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

15. Contingency plan by the State Government:- (1) The State Government shall prepare a model contingency plan for implementing the provisions of the Act and notify the same in the Official Gazette of the State Government. It should specify the role and responsibility of various departments and their officers at different levels, the role and responsibility of Rural/Urban Local Bodies and Non-

Government Organizations. Inter-alia this plan shall contain a package of relief measures including the following:

- a) scheme to provide immediate relief in cash or in kind or both;
- b) allotment of agricultural land and house sites;
- c) the rehabilitation packages;
- d) scheme for employment in Government or Government undertaking to the dependant or one of the family members of the victim;
- e) pension scheme for widows, dependent children of the deceased, handicapped or old age victims of atrocity;
- f) mandatory compensation for the victims;
- g) scheme for strengthening the socio economic condition of the victim;
- h) provisions for providing brick/stone masonry houses to the victims;
- i) such other elements as health care, supply of essential commodities, electrification, adequate drinking water facility, burial /cremation ground and link roads to the Scheduled Castes and the Scheduled Tribes habitats.

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

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

- i) Chief Minister/Administrator-Chairman (in case of a State under President's Rule Governor-Chairman);
- ii) Home Minister, finance Minister and Welfare Minister-Members(in case of a State under the President's Rule Advisors-Members);
- iii) All elected Members of Parliament and State Legislative Assembly and Legislative Council from the State belonging to the Scheduled Castes and the Scheduled Tribes-Members;
- iv) Chief Secretary, the home Secretary, the Director General of Police, Director/Deputy Director National commission for the Scheduled Castes and the Scheduled Tribes-Members;
- v) The Secretary in-charge of the welfare and development of the Scheduled Castes and the Scheduled Tribes-Convenor

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

17. constitution of District Level vigilance and monitoring committee:- (1) In each district within the State , the District Magistrate shall set up a vigilance and monitoring committee in his district to review implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the District Administration.

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

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

18. Material for Annual Report:- the State Government shall every year, before the 31st March forward the report to the Central Government about the measures taken for implementing the provisions of the Act and various schemes/plans framed by it during the previous calendar year.

ANNEXURE - 1

SCHEDULE

(See Rule 12 (4))

NORMS FOR RELIEF AMOUNT

S.r No.	Name of Offence	Minimum amount of relief
1.	Drink or eat inedible or obnoxious substance [Section 3 (1) (i)]	Rs. 25,000/- or more depending upon the nature and gravity of the offence to each victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim.

2.	Causing Injury, insult or annoyance [Section 3 (1) (ii)]	Payment to be made as follows:
3.	Derogatory Act [Section 3 (1) (iii)]	I. 25% when the charge sheet is sent to the court. II. 75% when accused are convicted by the lower court.
4.	Wrong occupation of cultivation of land, etc. [Section 3 (1) (iv)]	Atleast Rs. 25,000 or more depending upon the nature and gravity of the offence. The land/premises/water supply shall be restored where necessary at Government cost. Full payment to be made when charge sheet is sent to the Court.
5.	Relating to land, premises and water [Section 2(1) (v)]	
6.	Beggar or forced or bonded labour [Section 3 (1) (vi)]	Atleast Rs. 25,000/- to each victim Payment of 25% at FIR stage and 75% on conviction in the lower court.
7	Relating to right to franchise [Section 3 (1) (vii)]	Upto Rs. 20,000/- to each victim depending upon the nature and gravity of the offence.
8	False, malicious or vexatious legal proceedings [Section 3 (1) (viii)]	} Rs. 25,000/- or reimbursement of actual legal expenses and damages or whichever is less after conclusion of the trial of the accused.
9.	False and frivolous information [Section 3 (1) (ix)]	
10	Insult, intimidation and humiliation [Section 3 (1) (x)]	Upto Rs. 25,000/- to each victim depending upon the nature of the offence. Payment of 25 % when chargesheet is sent to the court and rest on conviction.
11.	Outraging the modesty of a woman [Section 3 (1) (xi)]	} Rs.50,000/- to each victim of the offence. 50 % of the amount may be paid after medical examination and remaining 50 % at the conclusion of the trial.
12.	Sexual Exploitation of a woman [Section 3 (1) (xii)]	

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| 13. | Fouling of water [Section 3 (1) (xiii)] | Upto Rs.1,00,000 or full cost of restoration of normal facility, including cleaning when the water is fouled. Payment may be made at the stage as deemed fit by District Administration. |
| 14. | Denial of Customary rights of passage [Section 3 (1) (xiv)] | Upto Rs.1,00,000 or full cost of restoration of right of passage and full compensation of the loss suffered, if any. Payment of 50 % when charge-sheet is sent to the court and 50 % on conviction in lower court. |
| 15. | Making one desert place of residence [Section 3 (1) (xv)] | Restoration of the site/right to stay and compensation of Rs.25,000/- to each victim and reconstruction of the house at Govt. cost, it destroyed. To be paid in full when charge-sheet is sent to the lower court. |
| 16. | Giving false evidence [Section 3 (2) (ii)] | Atleast Rs.1,00,000 or full compensation of the loss or harm sustained. 50 % to be paid when charge-sheet is sent to Court and 50 % on conviction by the lower court. |
| 17. | Committing offences under the Indian Penal Code punishable with imprisonment for a term of 10 year or more [Section 3 (2)] | Atleast Rs.50,000 depending upon the nature and gravity of each victim and or his dependents. The amount would vary if specifically otherwise provided in the Schedule. |
| 18. | Victimization at the hands of a public servant [Section 3 (2) (vii)] | Full compensation on account of damages or loss or harm sustained. 50 % to be paid when charge sheet is sent to the Court and 50 % on conviction by lower court. |

19. Disability, the definitions of Physical & mental disabilities are contained in the Ministry of Welfare, G.O.I. notification No.4-2/83-H.W.III dated 6-8-1986 as amended from time to time. A copy of the notification is at Annexure-II
- a) 100 % incapacitation
- (i) Non earning Member of a family
- At least Rs.1,00,000 to each victim of offence, 50 % on FIR and 25 % at chargesheet and 25 % on conviction by the lower court.
- (ii) Earning Member of a family
- At least Rs.2,00,000 to each victim of offence, 50 % to be paid on FIR / Medical examination stage, 25 % when chargesheet sent to court and 25 % on conviction lower court.
- b) Where incapacitation is less than 100 %
- The rates as laid down in a (i) and (ii) above shall be reduced in the same proportion, the stages of payments also being the same. However, not less than Rs.15,000 to not earning member and not less than Rs.30,000 to a earning member of a family.
20. Murder / Death
- (a) Non-earning Member of a family.
- At least Rs.1,00,000 to each case Payment of 75 % after postmortem and 25 % on conviction by the lower court.
- (b) Earning Member of a family
- At least Rs.2,00,000 to each case Payment of 75 % after postmortem and 25 % on conviction by the lower court.

21. Victim of murder, death massacre, rape, mass rape and gang rape, permanent incapacitation and dacoity. In addition to relief amount paid under above items, relief may be arranged within three months of date of atrocity as follows:-
- (i) Pension to each widow and /or other dependents of deceased SC and ST @ Rs.1,000 per month, or Employment to one member of the family of the deceased, or provision of agriculture land, an house, if necessary
 - (ii) Full cost of the education and maintenance of the children of the Victims. Children may be admitted to Ashram School / residential schools.
Provision of utensils, rice, wheat, dals, pulses, etc. for a period of three months.
22. Complete destruction / burnt houses. Brick / stone masonry houses to be constructed or provided at Government cost where it has been burnt or destroyed.

GANGA DAS

Joint Secretary to Govt. of India

File No.11012/1/89-PCR (Desk)