RELEVANT ARTICLES OF THE CONSTITUTION OF INDIA FOR WOMEN

14. Equality before law:
The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth:
(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them.
(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to
   (a) Access to shops, public restaurants, hotels and places of public entertainment; or
   (b) These of wells, tanks, bathing ghats, roads and places of public resort maintain wholly or partly out of State funds or dedicated to the use of general public.
(3) Nothing in this article shall prevent the State from making any special provision for women and children.
(4) Nothing in this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

16. Equality of opportunity in matters of public employment:
(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.
(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services, under the State.

4A. Nothing in this article shall prevent the state from making any provision for reservation in matters of promotion of any classes on classes of posts in the services under the state in favour of Scheduled Castes and the Scheduled Tribes which, in the opinion of the State are not adequately represented in the services under the state.

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious of denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

21. Protection of Life and Personal Liberty:
No person shall be deprived of his life or personal liberty except according to procedure established by law.

22. Prohibition of traffic in human beings and forced labour:
(1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

(2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the state shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

39. Certain principles of policy to be followed by the State:

The State shall, in particular,, direct its policy towards securing,

(a) That the citizens, men and women equally, have the right to an adequate means of livelihood.

(b) that the ownership and control of the material resource of the community are so distributed as best to sub serve the common good;

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(d) that there is equal pay for equal work for both men and women;

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

(f) That child are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

39. A Equal justice and free legal aid: The state shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or
schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

42. Provision for just and humane conditions of work and maternity relief: The State shall make provision for securing and humane conditions of work and for maternity relief.

44. Uniform civil code for the citizens: The State shall endeavour to secure to the citizens a uniform civil code throughout the territory of India.

APPENDIX-1
THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989

Received the assent of the president on September 11th, 1989, and published in the Gazette of India, Extra, Part-II, section 1, dated 12th September, 1989, SI. No. 39.

An Act to prevent the commission of offences of atrocities against the members of the Scheduled Castes and Scheduled Tribes, to provide 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.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:
CHAPTER 1
Preliminary

1. Short title, extend, and commencement

1. This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. It extends to the whole of India except the State of Jammu and Kashmir.
3. It shall come into force on such date as the Central Government may, be notification in the Official Gazette, appoint.

2. Definition

1. In this Act, unless, the context otherwise requires:

a. "atrocity" means an offence punishable under Section 3;
c. "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under Clause (24) and (25) of Article 366 of the Constitution.


a. "Special Court" means a Court of Sessions specified as a Special Court in Section 14;
b. "Special public Prosecutor" means a Public Prosecutor specified as 'Special Public Prosecutor' or an advocate referred to in Section 15;
c. Words and expressions used but not defined in this Act, and defined in the Code or the Indian Penal Code (45 of 1860) shall have the meanings assigned to them respectively in the Code, or as the case maybe, in the Indian Penal Code.
2. Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, force in that area.

CHAPTER II

Offences of Atrocities

3. Punishments for Offences of Atrocities

(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe;

i. Forces a member of a Scheduled Caste or a Scheduled tribe to drink or eat any inedible or obnoxious substances;

ii. Acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste, or a scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;

iii. Forcibly remove clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity;

iv. Wrongfully occupies or cultivate any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted in him transferred;

v. Wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the employment of his rights over any land, premises or water;

vi. Compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do 'begging' or other similar forms of forced or bonded labour other than any, compulsory service for public purpose imposed by Government;
vii. Forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law;

viii. Institutes false, malicious or vexatious suit or criminal or legal procedures against a member of a Scheduled Caste or a Scheduled Tribe;

ix. Gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

x. Intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within the public view;

xi. Assists or uses force to any woman belonging to Scheduled Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty;

xii. Being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually to which she would not have otherwise agreed;

xiii. Corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by the members of the Scheduled Caste or the Scheduled Tribe so as to render it less fit for the purpose for which it is ordinarily used;

xiv. Denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which the members of public or any section there of have a right to use or access to;

xv. Forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence; shall be punishable with imprisonment for term which shall not be less than six months but which may extend to five years and with fine.
(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe:

i. Gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death;

ii. Gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine;

iii. Commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a Scheduled Caste or a Scheduled Tribe shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

iv. Commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby 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 by a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine;

v. Commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a
person or property on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;  

vi. Knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with punishment provided for that offence; or  

vii. Being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

4. **Punishment for Neglect of Duties**  

Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, willfully neglects his duties requires to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which shall extend to one year.

5. **Enhanced Punishment for Subsequent Conviction**  

Whoever, having already been convicted for an offence under this Chapter is convicted for the second offence or any offence subsequent to the second offence, shall be punishable with imprisonment for a term which shall not be less than one year but which shall extend to the punishment provided for that offence.


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

7. Forfeiture of Property of Certain Persons

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

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

8. Presumption as to Offences

In a prosecution of an offence under this Chapter, if it is proved that:

a. That accused rendered any financial assistance to a person accused of, or reasonably suspected of committing, an offence under this chapter, the Special Court shall assume, unless the contrary is proved, that such person has abetted the offence.

b. a group of person committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed to be presumed that the offence was committed in furtherance of the common interest or in prosecution of the common object.
9. **Conferment of Powers**

1. Notwithstanding anything contained in the code or in any other provision of this Act, the State Government may, if it considers it necessary or expedient so to do;

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

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

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

**CHAPTER III**

**Extermment**

10. **Removal of Person Likely to Commit Offence**

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

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

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

11. Procedure on Failure of the Person to Remove Himself from the Area and enter thereon after Removal

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

(a) Fails to remove himself as directed; or

(b) Having so removed himself enters such area within the period specified in the order,
Otherwise than with the permission in writing of the Special Court members sub-section (2), the Special Court may cause him to be arrested and removed in police custody to such place outside such areas the Special Court may specify.

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

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

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

12. Taking Measurements and Photographs, etc., of Person Against whom Order under Section 10 is made

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

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

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

4. Where an order under section 10 is revoked, all measurements and photographs (including negatives) taken under sub-section (2) shall be destroyed or made over to the person against whom such order is made.
13. **Penalty for Non-compliance with order under Sec. 10**
Any person contravening an order of the Special Court made under the Section 10 shall be punishable with imprisonment for a term which may extend to one year and with fine.

**CHAPTER IV**

**Special Court**

14. **Special Court**
For the process of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the official Gazette, specify for each district a Court of session to be a Special Court to try the offences under this Act.

15. **Special Public Prosecutor**
For every Special Court, the State Government shall, by notification in the official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the process of cases in that Court.

**CHAPTER V**

**Miscellaneous**

16. **Power of State Government to Impose Collective Fine**
The provision of Section 10-A of the Protection of Civil Rights Act, 1955 (22 of 1955) shall so far as may be, apply for the process of the imposition and realisation of the collective fine and four all other matters connected therewith under this Act.

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

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

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

18. Section 438 of the Code not to Apply to Persons Committing an Offence under the Act

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

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

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

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

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

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

   ii. the provision for traveling and maintenance expenses to witness, including the victims of the atrocities, during investigation and trial of offences under this Act;

   iii. the provision for the economic social rehabilitation of the victims of the atrocities;

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

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

   vi. provision for a period survey of the working of the provisions of this Act with a view to suggesting methods for the better implementation of the provisions of this Act;

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

(3) The Central Government shall take steps as may be necessary to coordinate the measures taken by the State Government under subsection (1).
(4) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Government in pursuance of the provisions of this section.

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

23. Power to Make Rules
(1) The Central Government may, by notification of the official Gazette, make rules for carrying out the purposes of this Act.

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

THE "SCHEDULED CASTES AND THE SCHEDULED TRIBES
(PREVENTION OF ATROCITIES) RULES, 1989

Ministry of Welfare, G.S.R. 316 (E), New Delhi, the 31-03-1995.

NOTIFICATION

In exercise of the Powers Conferred by sub-section (1) of Section 23 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the Central Government hereby makes the following rules, namely:

1. Short title and Commencement

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

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

2. Definitions

In these rules, unless the context otherwise requires:

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

b. "Dependent", with its grammatical variations and cognate expressions, includes wife, children, whether married or unmarried, dependent parents, widowed sister, widow and children of the predeceased son of the 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 victim of atrocity;
d. "Non-Government Organisation" means a voluntary organisation engaged in the welfare activities relating to the Scheduled Castes and the Scheduled Tribes and registered under the Societies Registration Act, 1860 (21 of 1866) or under any law for the registration of the documents of such organisation for the time being in force;

e. "Schedule" means the Schedule annexed to the Act;

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 239 of the Constitution;

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

3. Precautionary and Preventive Measures

(1) With a view to prevent atrocities on the Scheduled Castes and the Scheduled tribe, the State Government shall:

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

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

iii. if deemed necessary, in the identified area cancel the arms licenses of the persons, not being member of the Scheduled Castes and the Scheduled Tribes, their near relations, servants or employees and family friends and get such arms deposited in the Government armory;

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

v. with a view to ensure safety of a person and property, if deemed 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 assisting the Government in implementation of the provisions of the Act;

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

viii. Set up Awareness Centers and organise Workshops in the identified area or at some other place to educate the persons belonging to the Scheduled Castes and the Scheduled Tribes about their rights and protections available to them under the provisions of various Central and State enactments or rules, regulations and schemes framed there under;

ix. Encourage Non-Government Organizations for establishing and maintaining Awareness Centers and organising Workshops and provide them necessary financial and other sort of assistance;

x. Deploy special police force in the identified area;

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

**Supervision of Prosecution and Submission of Report**

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

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

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

4. The District magistrate and the Officer-in-charge of the prosecution at the District level shall review the position of the cases registered under the Act and submit a monthly report on or before 20th day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken / proposed to be taken in respect of investigation and prosecution of each case.

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

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

5. Information to Police Officer-in-charge of a Police Station

1. Every information relating to the commission of an offence under the Act, if given orally or an officer-in-charge of a police station shall be reduced to writing by him under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writings as aforesaid, shall be signed by the persons giving
it, and the substance thereof shall be entered in a book to be maintained by that police station.

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

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

6. Spot Inspection by Officers

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

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

   i. draw a list of victims, their family members and dependents entitled for relief;
   ii. prepare a detailed report of the extent of atrocity loss and damage to the property of the victims;
iii. order for intensive police patrolling in the area;
iv. take effective and necessary steps to provide protection to the witnesses and other 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 a Deputy Superintendent of Police. The investigating officer shall be appointed by the State Government and the director General of Police, Superintendent of Police after taking into account his past experience, sense of ability and justice to perceive the implications of the case and investigate it along with right lines within the shortest possible time.

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

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

8. **Setting up of the Scheduled Castes and the Scheduled Tribes Protection Cell**

   The State Government shall set up a Scheduled Caste and the Scheduled Tribe Protection Cell at the State headquarters under the charge of the Director of Police Inspector General of Police. The Cell shall be responsible for:

   i. conducting survey of the identified area;
   ii. maintaining public order and tranquility in the identified area;
iii. recommending to the State Government for deployment of special police force or establishment of special police post in the identified area;

iv. making investigations about the probable causes leading to an offence under the Act;

v. restoring the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes;

vi. informing the nodal officer and special officer about the law and order situation in the identified area;

vii. making enquiries about the investigation and spot inspections conducted by various officers;

viii. making enquiries about the action taken by the Superintendent of Police in the cases where an offence in charge of the police station has refused to enter an information in a book to be maintained by that police station under the sub-rule (3) of the Rule 5;

ix. making enquiries about the willful negligence by the public servant;

x. reviewing the position of cases registered under the Act; and

xi. submitting a monthly report on or before 20th day of each subsequent month to the State Government nodal officer about the action taken or proposed to be taken in respect of the above.

9. Nomination of Nodal Officer

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

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

ii. the position of cases registered under the Act;
iii. Law and order situation in the identified area;
iv. various kinds of measures adopted for providing immediate relief in cash or kind or both to the victims of atrocity or his or her dependent;
v. adequacy of immediate facilities like rationing, clothing, shelter, legal aid, traveling allowance, daily allowance and transport facilities provided to the victims of atrocity or his or her dependents;
vi. performance of Non-Governmental Organisations, the Scheduled Castes and the Scheduled Tribes Protection Cell, various committees and the public servants responsible for implementing the provisions of the Act.

10. Appointment of a Special Officer

In the identified area, a Special Officer not below the rank of an Additional District Magistrate shall be appointed 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 Special Officer shall be responsible for:

i. providing immediate relief and other facilities to the victims of the atrocity and initiate necessary measures to prevent or avoid reoccurrence of atrocity;

ii. setting an awareness centre and organising workshop in the identified area or at the district headquarters to educate the persons belonging to the Scheduled Caste and the Scheduled Tribe about their rights and the protection available to them under the provisions of various Central and State enactments or rules and schemes etc., framed therein;

iii. coordinating with the Non-Governmental Organisations and providing necessary facilities and financial and other type of assistance to non-Governmental Organisation for maintaining centers or organising workshop;
11. Traveling Allowance, Daily Allowance, Maintenance Expenses and Transport Facilities to the victim of Atrocity, his or her Dependent and Witnesses

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

2. The District Magistrate or 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 investigation officer, Superintendent of Police/Deputy Superintendent of Police, District Magistrate or any other Executive Magistrate.

3. Every women witness, the victim of atrocity or her dependent being a woman or a minor, or a person more than sixty years of age and a person having 40% or more disability shall be entitled to be accompanied by an attendant of his/her choice. The attendant shall also be paid traveling 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 victim 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 or trial of an offence, at such rates but not less than the minimum wages, as may be fixed by the State Government for the agricultural labourers.

5. In addition to daily maintenance expenses the witness, the victim of atrocity [or his/her dependent] and the attendant shall also be paid diet expenses at such 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 Executive Magistrate or any other officer concerned or the Special Court.

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

12. Measures to be taken by the District Administration

1. The District Magistrate and the Superintendent of Police shall visit the place or area where the atrocity has been committed to assess the loss of life and damage to the property and draw a list of victims, 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 in the area and take such other preventive measures, as he may deem proper and necessary.

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 essential items necessary for human beings.

5. The relief provided to the victim of the atrocity or his/her dependent under sub-rule (4) in respect of injury to or death of, 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 the sub-rule (4) above shall be provided by the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate in accordance to the scales provided in the schedule annexed to these rules.

7. A report of the relief and the rehabilitation facilities provided to the victims shall also be forwarded to the Special Court by the District Magistrate or the Sub-Divisional Magistrate or the Executive Magistrate or the superintendent of Police. In case the Special is satisfied that the payment of relief was not made to the victim or his/her dependent in time or amount or 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 State Members for Completing the Work Relating to Atrocity

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

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

14. Specific Responsibility of the State Government

The State Government shall make necessary provisions in its annual
budget for providing relief and rehabilitation facilities to the victims of atrocity.
It shall review at least twice in a calendar year, in the month of January and
July, the performance of the Special Public Prosecution specified or appointed
under section 15 of the Act, various report received, investigations made and
preventive measures 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) 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 Rural/Urban Local Bodies and Non-Government Organisations,
inter alia this plan shall contain a package of relief measures including the
following;

i. Scheme to provide immediate relief in cash or in kind or both;

ii. Allotment of agricultural land and house-sites;

iii. The rehabilitation package;

iv. Scheme for employment in Government or Government undertaking to
the dependent or one of the family members of the victim;

v. Pension schemes for widows, dependent children of the deceased,
handicapped or old-age victims of atrocity;

vi. Mandatory compensation for the victims;

vii. Scheme for strengthening the socio-economic condition of the victim;
viii. Provisions for providing brick/stone masonry house to the victims;
ix. 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 scheme, as soon as may be, to the Central Government in the Ministry of Welfare and to all 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 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 stage 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 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-convener.

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

17. Constitution of District Level Vigilance and Monitoring Committee

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

2. The District level vigilance and monitoring committee shall consist of the elected Members of 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 not more than five non-official members belonging to the Scheduled Castes and the Scheduled Tribes and not more than 3 members from the categories other than the Scheduled Castes and the Scheduled Tribes having association with Non-Government Organizations. The District Magistrate and the 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 of March, forward the report to the Central Government about the measures taken for implementing provisions of the Act and various schemes / plans framed by it during the previous calendar year.
APPENDIX - IV
THE PROTECTION OF CIVIL RIGHTS ACT, 1955
(Act No. 22 of 1955)

[8th May, 1955]

An Act to prescribe punishment for the "presiding and practice of "Untouchability" for the enforcement of any disability arising there from and for matters connected therewith.

Be it enacted by Parliament in the Sixth Year of the Republic of India as follows;

1. Short Title Extent and Commencement
(1) This Act may be called the Protection of Civil Rights Act, 1955.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. Definitions
In this Act, unless the context otherwise requires,
(a)" Civil rights" means any right accruing to a person by reason of the abolition of
   Untouchability by Article 17 of the Constitution.
( aa) "Hotel" includes a refreshment room, a boarding house, a lodging house, a coffee house and a cafe;
(b) "Place" includes a house, building and other structure and premises, and also includes a tent, vehicle and vessel;
(c) "Place of public entertainment" includes any place to which the public are admitted and in which an entertainment is provided or held;.
Explanation: - "Entertainment" includes any exhibition, performance, game, sport and many other form of amusement;

(d) "place of worship" means a place by whatever name known, which is used as a place of public religions worship or which is dedicated generally to, or is used generally by persons professing any religion or belonging to any religious denomination or any section or for offering prayers therein [and includes] -

   i. all lands and subsidiary shrines appurtenant or attached to any such place;
   ii. a privately owned place of worship which is, in fact allowed by the owner thereof to be used as a place of public worship; and
   iii. such land or subsidiary shrine appurtenant to such privately owned place of worship as is allowed by the owner thereof to be used as a place of public religious worship

(da) "Prescribed" means prescribes by rules made under this Act;
(db) "Scheduled Castes" has the meaning assigned to it in Clauses (24) of Article 366 of the Constitution;
(e) "Shop" means any premises where goods are sold either wholesale or by retail or both

   Wholesale and by retail and includes

   i. any place from where goods are sold by a hawker or vendor or
      From a mobile van or cart;
   ii. a laundry and a hair-cutting saloon;
   iii. Any other place where services are rendered to customers.

3. Punishment for Enforcing Religious Disabilities

   Whoever on the ground of "Untouchability" prevents any person -
a. from entering any place of public worship which is open to other persons professing the same religion of any section thereof as such person; or
b. from worshipping or offering prayers or performing any religious service in any place of public worship, or bathing in, or using the waters of, any sacred tank, well, spring or water-course\(^29\) [river or lake or bathing at any ghat of such tank, water-course, river or lake] in the same manner and to the same extent as is permissible to the other persons professing the same religions or any section thereof, as such person;

Shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more then five hundred rupees].

*Explanation:* - For the purposes of this section and Section 4 persons professing the Buddhist, Sikh and Jain religion or persons professing the Hindu religion in any of its forms or development including Virashaivas, Lingayats, Adivasis, followers of Brahmi, Prarthana, Arya Samaj and Swaminarayan Sampradaya shall be deemed to be Hindus.

**4. Punishment for Enforcing Social Disabilities**

Whoever on the ground of "Untouchability" enforces against any persons any disability with regard to -

i. access to any shop, public restaurant, hotel or place of public entertainment; or

ii. the use of any utensils; and other articles kept in any public restaurant, hotel dharmashala sarai or musafirkhana for the use of the general public or of any section thereof; or

iii. the practice of any profession or the carrying on of any occupation, trade or business or employment in any job; or
iv. the use of, or access to, any river, stream, spring, well, tank, cisten, water-tap, or other watering place, or any bathing ghat, burial or cremation ground, any other place of public resort which other members of the public, or [any section thereof], have right to use or have access to; or

v. the use of or access to, any place used for a charitable or a public purpose maintained wholly or partly out of State funds or dedicated to the use of the general public [any section thereof]; or

vi. the enjoyment of any benefit under a charitable trust created for the benefit of the general public or of [any section thereof]; or

vii. the use of, or access to, any public conveyance; or

viii. the construction, acquisition, or occupation of any residential premises in any locality, whatsoever; or

ix. the use of any dharmashala, sarai or musafirkhana which is open to the general public; or to [any section thereof]; or

x. the observance of any social or religious custom, usage or ceremony or [taking part in, or taking out, any religious, social or cultural processing]; or

xi. the use of jewelry and finery.

Shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees.

Explanation: - For the purposes of this section "enforcement of any disability" includes any discrimination on the ground of "Untouchability".

5. Punishment for Refusing to Admit Persons to Hospitals etc.

Whoever on the ground of "Untouchability":

a. refuses, admission to any person to any hospital, dispensary, educational institution or any hostel, if such hospital, dispensary, educational
institution or hostel is established or maintained for the benefit of the general public or any section thereof; or

b. does any act which discriminates against any such person after admission to any of the aforesaid institutions;

Shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and more than five hundred rupees.

6. **Punishable for Refusing to Sell goods or Render Services**

Whoever on the ground of "Untouchability" refuses to sell any goods or refuses to render any service to any person at the same time and place and on the same terms and conditions at/on which such goods are sold or services are rendered to other persons in the ordinary course of business shall be punishable with imprisonment for a term not less one month and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees.

7. **Punishable for other offences arising out of "Untouchability"**

(1) **Whoever**

a. prevents any person from exercising any right accruing to him by reason of the abolition of "Untouchability" under Article 17 of the Constitution; or

b. molests, injures, annoys, obstructs or causes or attempts to cause obstruction to any person in the exercise of any such right or molests, injures, annoys or boycotts any person by reason of his having exercised any such right; or

c. by words, either spoken or written, or by signs or by visible representation or otherwise, incites or encourages any person or class of persons or the public generally to practice "Untouchability" in any form whatsoever; [or]
d. insults or attempts to insult, on the ground of "Untouchability" a member of a Scheduled Castes.

shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees.

*Explanation 1:* - A person shall be deemed to boycott another person who –

a. refuses to let such other person or refuses to permit such other person, to use or occupy, any house or land or refuses to deal with, work for, hire for, or do business with, such other person or to render to him receive from him any customary service, or refuses to do any of the said things on the terms on which such things would be commonly done in the ordinary course of business; or

b. abstains from such social, professional, or business relations as he would ordinarily maintain with such other person.

*Explanation:* - For the purpose of clause (c) a person shall be deemed to include or encourage the practice of "Untouchability" -

i. if he, directly or indirectly, preaches "Untouchability" or it practice in any form; or

ii. if he justifies, whether on historical, philosophical or religious grounds or on the ground of any trading of the caste system or on any other ground, the practice of "Untouchability" in any form.

Whoever commits any offence against the person or property of any individual as a reprisal or revenge for his having exercised any right accruing to him by reason of the abolition of "Untouchability" under Article 17 of the Constitution, shall, where the offence is punishable with imprisonment for a term exceeding two years, be punishable with imprisonment for a term which shall not be less than two years and also with fine.
2. Whoever

i. denies to any person belonging to his community or any section thereof any right or privilege to which such person would be entitled as a member of such community or section; or

ii. takes any part in the ex-communication of such person, on the ground that such person has refused to practice "Untouchability" that such person has done any act in furtherance of the object of this Act.

shall be punishable with imprisonment for a term not less than one month and less than six months, and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees.

7-A. Unlawful Compulsory Labour when to be deemed to be A Practice of "Untouchability"

i. Whoever compels any person, on the ground of "Untouchability", to do any scavenging or sweeping or to remove any carcass or to flay any animal, or to remove the umbilical cord or to do any other job of a similar nature shall be deemed to have enforced a disability arising out of "Untouchability".

ii. Whoever is deemed under sub-section (1) to have enforced a disability arising out of "Untouchability" shall be punishable with imprisonment for a term which shall not be less than three months and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees.  

Explanation: - For the purposes of the section, "compulsion" includes a threat of social or economic boycott.

8. Cancellation or Suspension of Licenses in Certain Cases

When a person who is convicted of an offence under Section 6 holds any license under any law for the time being in force in respect of any trade, profession, calling or employment in relation to which the offence is
committed, the Court trying the offence may, without prejudice to any other penalty to which such person any be liable under that section, direct that the license shall stand cancelled or to be suspended for such period, as the Court may deem fit, and every order of the Court so canceling or suspending a license shall have effect as if it had been passed by the authority competent to cancel or suspend the license under any such law; Explanation:-in this section, "license" includes a permit or a permission.

9. Resumption or Suspension of Grants made by the Government
Where the manager or trustee of a place of public worship or any educational institution or hostel which is in respect of a grant of land or money from the Government is convicted of an offence under this Act and such conviction is not reversed or quashed in any appeal or revision, the Government may, if in its opinion the circumstances of the case warrant such a course, direct the suspension or resumption of the whole or any part of such grant.
Section 9 of the Act deals with resumption or suspension of grants made by the Government.

10. Abetment of offence
Whoever abets any offence, under this Act, shall be punishable with the punishment provided for the offence.
Explanation: - A public servant, who willfully neglects the investigation of any offence punishable under this Act, shall be deemed to be have abetted an offence punishable under this Act.

10-A. Power of State Government to Impose Collective Fine
1. If after an inquiry in the prescribed manner, the State Government is satisfied that the inhabitants of an area are concerned in, or abetting the commission of, any offence punishable under this Act, or harboring person concerned in the commission of such offence or failing to render all the assistance in their power to discover or apprehend the offender or
offenders or suppressing material evidence of the commission of such offence, the State Government, may, by notification in the Official Gazette, impose a collective fine on such inhabitants and apportion such fine amongst the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the State Government's judgment if the respective means of such inhabitants are diminished making any such apportionment the State Government may assign a portion of such fine to a Hindu undivided family to be payable by it;

Provided that the fine apportioned to an inhabitant shall not be realised until the petition, if any, filed by him under sub-section (3) is disposed of.

2. The notification made under sub-section (1) shall be proclaimed in the area by beat of drum or in such other manner as the State Government may think best in the circumstances to bring the imposition of the collective fine to the notice of the inhabitants of the said area.

3. a) A person aggrieved by the imposition of the collective fine under sub-section (1) or by the order of apportionment, may, within the prescribed period, file a petition before the State Government or such other authority as that Government may specify in this behalf for being exempted from such fine or for modification of the order of apportionment;

Provided that no fee shall be charged for filing such petition,

b) The State Government or the authority specified by it shall, after giving to the petitioner a reasonable opportunity or being heard, pass such order as it may think fit.

4. Provided that the amount of the fine exempted or reduced under this section shall not be realizable from any person, and the total fine imposed on the inhabitants of an area under sub-section (1) shall be deemed to have been reduced to that extent.

5. Notwithstanding anything contained in sub-section (4), the State Government may exempt the victims of any offence punishable under this Act or any person who does not, in its opinion, fail within the
category of persons specified in sub-section (1), from the liability to pay the collective fine imposed under sub-section (1), or any portion thereof.

6. The portion of collective fine payable by any person [including a Hindu undivided family] may be recovered in the manner provided by the Code of Criminal Procedure, 1973 (2 of 1974), for the recovery of fines imposed by a Court as if such portion were a fine imposed by a Magistrate.

11. Enhanced Penalty on Subsequent Conviction

Whoever having already been convicted of an offence under this Act or of an abetment of such offence is again convicted of any such offence or abetment, shall, on conviction, be punishable -

a. for the second offence, with imprisonment for a term of not less than six months and not more than one year and also with fine which shall be not less than two hundred rupees and not more than five hundred rupees;

b. for the third offence or any offence subsequent to the third offence with imprisonment for a term of not less than one year and not more than two years and also with fine which shall be not less than five hundred rupees and not more than one thousand rupees.

12. Presumption by Courts in Certain Cases

Where any act constituting an offence under this Act is committed in relation to a member of a Scheduled Caste, the Court shall presume, unless the contrary is proved, that such act was committed on the ground of "Untouchability".

13. Limitation of Jurisdiction of Civil Courts

No Civil Court shall entertain or continue any suit or proceeding or shall pass any decree or order or executive wholly or partially any decree or order of the claim involved in such suit or proceeding or if the passing of such decree or order or if such execution would, in any way, be contrary to the provisions of this Act.
14. Offences by Companies

(1) If the person committing an offence under this Act is a company, every person who at the time the offence was committed was in-charge of, and was responsible to, the company for the conduct of the business of the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with consent of any Director or Manager, Secretary or other Officers of the company, such Director, Manager, Secretary or other Officers shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanations: - For the purpose of this section -

(a) "company" means anybody corporate and include a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

14-A. Protection of Action Taken in Good Faith

1. No suit, prosecution or other legal proceeding shall lie against the Central Government or a State Government for anything which is in good faith done or intended to be done under this Act.

2. No suit or other legal proceeding shall lie against the Central Government or a State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.
15. Offence to be Cognizable or Trial Summarily

1. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under this Act shall be cognizable and every such offence, except where it is punishable with imprisonment for a minimum term exceeding three months, may be tried summarily by a Judicial Magistrate of the first class or in a Metropolitan area by a Metropolitan Magistrate in accordance with the procedure specified in the said Code.

2. Notwithstanding anything contained in the Code of criminal Procedure, 1973 (2 of 1974), when any public servant is alleged to have committed the offence of abetment of an offence punishable under this Act, while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence of abetment except with the purpose sanction -

a. of the Central Government, in the case of a person employed in connection with the affairs of the Union; and
b. of the State Government, in the case of a person employed in connection with the affairs of a State.

15-A.Duty of State Government to ensure that the rights accruing from the abolition of "Untouchability" may be availed of by the concerned persons

1. Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measure as may be necessary for ensuring that the rights arising from the abolition of "Untouchability" or made available to, and are availed of by, the person subjected to any disability arising out of 'Untouchability'.

2. In particular, and without prejudice to the generality of the provisions of sub-section (1), such measure may include: -
i. to provision to adequate facilities, including legal aid, to the person subjected to any disability arising out of "Untouchability" to enable them to avail themselves of such rights;

ii. the appointment of officers for initiating or exercising supervision over prosecution for the contravention of the provisions of this Act;

iii. the setting up of a Special Court for the trial of offence under this Act;

iv. the setting up of committees at such appropriate levels as the State Government may think fit to assist the State Government in formulating or implementing such measures;

v. provision for periodic survey of the working of the provision of this act with a view of suggesting measures for the better implementation of the provisions of this Act;

vi. the identification of the areas where persons are under any disability, arising out of "Untouchability" and adoption of such measures as would ensure the removal of such disability from such area.

(3) The Central Government shall take such steps as may be necessary to coordinate the measures taken by the State Government under sub-section (1).

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

16. Act to Override other Laws

Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom or usage or any instrument having effect by virtue of any such law or any decree or order or any Court or other authority.
16-A. Probation of Offenders Act, 1958, not to apply to persons above the age of fourteen years

The provisions of the Probation of Offenders Act, 1958, (20 of 1958) shall not apply to any person above the age of fourteen years who is found guilty of having committed of any offence punishable under this Act.

16-B. Power to make Rules

1. The Central Government may be notification in the Official Gazette, make rules to carry out the provisions of this Act.

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

17. Repeal

The enactments specified in the Schedule are hereby repealed to the extent to which they are any of the provisions contained therein correspond or are repugnant to this Act or to any of the provision contained therein. Section 17 of the Act deals with repeal.
APPENDIX - V

THE PROTECTION OF CIVIL RIGHTS RULES, 1977

S.O. 3006 - Dated 15th September, 1977

In exercise of the powers conferred by section 16-B of the Protection of Civil Rights Act, 1955 (22 of 1955), the central Government hereby makes the following rules namely:

1. **Short Title and Commencement**
   
   (1) These rules may be called the Protection of Civil Rights Rules, 1977.
   
   (2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definition**
   
   In these rules, unless the context otherwise requires -
   
   (a) "Act" means the Protection of Civil Rights Act, 1955 (22 of 1955);
   
   (b) "Section" means a Section of the Act.

3. **Manner of Inquiry Under sub-section (1) of the Section 10-A**
   
   1. The State Government may appoint an officer not below the rank of a Sub-Divisional Magistrate for the purpose of making an inquiry referred to in sub-section (1) of Section 10-A.
   
   2. The officer appointed under sub-rule (1) (hereinafter in this rule referred to as the inquiry officer) shall issue a public notice specifying the date, time, place and the purpose of the inquiry and calling upon all the residents of the area in respect of which the inquiry is to be held to furnish such information and materials including documents in their positions, as may be relevant for the purpose of the Enquiry, or
   
   3. The public notice referred to in sub-rule (2) shall be in the local language or language of the area and the same shall be,
      
      i. published on the notice board of the office of the District Magistrate, the Superintendent of Police, the Village Panchayat or the Municipal Committee of the area and such other place of the inquiry officer deems fit and at least in one daily newspaper circulating in the area; and
ii. Proclaimed in the area by beat of drum in such other manner as inquiry officer may think best in the circumstance to bring the contents of the public notice to the notice of the inhabitants of the area.

4. The inquiry officer, while making such inquiry shall follow as nearly as practicable, the procedure for summary trials including the recording of evidence as laid down in Chapter XXI of Code of Criminal Procedure, 1973, (2 of 1974).

5. The inquiry officer shall complete the inquiry as expeditiously as possible and submit his report to the State Government within such period, not exceeding six weeks as may be specified by the State Government in the order appointing the inquiry officer.

Provided that the State government may having regard to the nature of the inquiry, extend the period of submission of the report by such period not exceeding two months in total as it may considered necessary.

4. **Period for Filling a Petition under sub-section (3) of Section 10-A**

Any person aggrieved by the imposition of the collective fine under subsection (1) of Section 10-A or by the order of apportionment, may within a period of thirty days from the date of proclamation of the notification under sub-section (2) of that Section file a petition before the State Government or the authority specified by it:

Provided that where the State Government or the authority, as the case may be, may entertain the petition after the expiry of the said period, if it is satisfied that the petitioner was prevented by sufficient cause from filing the petition in the time.

The state Government or the authority before which the petition is filed shall dispose off the petition as expeditiously as possible.

5. **Report by the Government**

Every State Government shall, for the purpose of enabling the Central Government, place the report referred to in sub-section (4) of Section 15-A on
the Table of each House of Parliament, furnish to the Government before the 15th day of February, each year, a summary of the measures taken by it under sub-section (1) and (2) of that section during the preceding calendar year and shall also furnish such other information as may be required by the Central Government from time to time.
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QUESTIONNAIRE FOR WOMEN RESPONDENTS-1

General Information

1. Name : 
2. Address : 
3. Caste : 
4. Age : 
5. Occupation : 
6. Income : 
7. Sex : 
8. Education
9. Property
   a. Movable
   b. Immovable
   c. Small Business Men
10. Size of the Family : 

Economic Conditions

1. Do you remain below poverty line?
   a) Yes      b) No

2. Do you remain semi starved?
   a) Yes      b) No

3. Do you remain adequately fed?
   a) Yes      b) No

4. Are you working as House wife?
   a) Yes      b) No

5. Are you working in Field (land)?
   a) Yes      b) No

6. How much land you have?
   a) Above 2 Acre       b) Above 3 Acre,   c) Above 5 Acre
7. Have you any business?
   a) Yes   b) No

8. Are you running any Business?
   a) Petty shops   b) Teashops   c) Provision stores etc

9. Do you raise the Loan?
   a) Yes   b) No

10. Do you raise the loan from?
    a) Nationalised Banks   b) Agricultural Banks
    c) Cooperative Banks

11. If you raise the loan what rate of interest do you pay?
    a) 2% to 3%   b) 3% to 4%
    c) 5% to 10%   d) Above 10%

12. For which purpose you are raised the Loan,
    a) For business   b) Festivals
    c) Marriages   d) Personal use

**Social Conditions**
13) Do you know that the practice of dowry is prohibited by law (Under dowry Prohibition Act, 1961)?
    a) Yes   b) No

14. What do you think about the practice of dowry?
    a) Religious Custom   b) Social Status
    c) Economic Security   d) Love and Affection

15. Whether the system of dowry can be a cause for divorce?
    a) Yes   b) No

**Widowhood related**
16. Do you participate in marriage, festivals, religious duties being widow
    a) Yes   b) No

17. What is your view on widowhood?
    a) Miserable   b) Loneliness

18. After death of your Husband have you thought of remarriage?
    a) Yes   b) No
19. Have you got the proposal for remarriage?
   a) Yes       b) No

20. Do you know that remarriage is your right protected by the law (Under widow remarriage Act)
   a) Yes       b) No

Female Infanticide related
21. Do you know that infanticide is a crime?
   a) Yes       b) No

22. What is the reason for infanticide?
   a) Avoid the Dowry       b) Avoid the marriage expenses
   c) Religious custom      d) Poverty

23. Do you know that PNDT Act which provides for punishment for killing Foetus?
   a) Yes       b) No

Devadasi related
24. What prompts you to lead loose life?
   a) Poverty       b) Illiteracy       c) Exploitation

25. Who has compelled you to become a Devadasi?
   a) Parents       b) Husband       c) Pimps

26. Are you aware about the constitutional rights?
   a) Yes       b) No

27. Are you aware about the legal provisions or Laws?
   a) Yes       b) No

28. Are you aware of the Government programmes like
   a) Baghy laxmi yojan,       b) Metrinity facilities
   c) Widow pension scheme

33. Whether various developmental programmes of the government are being
   a) Benefited       b) Partly benefited       c) Not benefited
QUESTIONNAIRE FOR SCs/STs RESPONDENTS-2

General Information

1. Name : 
2. Address : 
3. Caste : 
4. Age : 
5. Occupation : 
6. Income : 
7. Sex : 
8. Education : 
9. Property
   a. Movable
   b. Immovable
   c. Small Business Men
10. Size of the Family : 

Economic Conditions

1. Do you remain below poverty line?
   a) Yes    b) No

2. Do you remain semi starved?
   a) Yes    b) No

3. Do you remain adequately fed?
   a) Yes    b) No

4. Are you working as Landless laborers?
   a) Yes    b) No
5. Are you cultivating own land?
   a) Yes  b) No

6. How much land you have
   a) Above 1 have  b) Above 2 acre  c) Above 5 acre

7. Are you running any business?
   a) Yes  b) No

8. What type of Business?
   a) Petty shops  b) Tea shops  c) Cloths etc

9. Do you raise loan?
   a) Yes  b) No

10. From whom do you raise the loan?
    a) Agriculturist  b) Employees  c) Business men

11. Do you raise the loan from
    a) Village money Landers  b) Nationalized Banks
    c) Agriculture Banks  d) Co-operative societies

12. If you raise the loan what rate of interest do you pay ?
    a) 1 to 2%  b) 3% to 4%  c) 5% to 10%  d) Above 10%

13. For which purpose you are raised the loan
    a) Consumption  b) For agriculture  c) Festivals
    d) Marriages / Death Ceremonies  e) Personal Use

**Social Conditions**

14. Are you discriminated in respect of,
    a) Wage rate  b) Interest Rate
    c) Providing Loan  d) Providing Employment in agricultural land

15. From where do you bring drinking water?
    a) Village public tank  b) Village public wells
    c) Tube well of your own street  d) River

16. Do you enjoy equal status in worship in village temples
    a) Yes  b) No
17. Do you enjoy equal status with the others in taking tea/Coffee snacks from the village Tea shops?
   a) Yes       b) No

18. Do you enjoy equal status in serving food in the common plates and glasses?
   a) Yes       b) No

19. Do you enjoy equal status in village meeting fairs and its decision making process
   a) Yes       b) No

20. Do you enjoy equal status in village community feasts?
   a) Yes       b) No

21. Do you enjoy equal status in the marriage process with non SCs or caste Hindus?
   a) Yes       b) No

22. Do you enjoy equal status in schools?
   a) Yes       b) No

23. Do you enjoy equal status in Barber service?
   a) Yes       b) No

24. Do you enjoy equal status in priest service in marriage/death/festival occasions?
   a) Yes       b) No

25. Do you enjoy equal status in getting groceries from grocery shops?
   a) Yes       b) No

26. What steps do you take to remove social disabilities?
   a. Complain to police station       b. Law courts
   c. Village panchayat              d. Associations/Organisations
   e. Political Representatives

27. What form of protest will you adopt to remove your social problems?
   a. Hunger strike               b. Public Meeting
   c. Holding Peaceful March    d. No protest

28. Are you aware of PCR Act and SC/ST Act 1989?
   a) Yes       b) No
29. Are you aware of constitutional provisions and reservation for SC/ST’s in Legislative, public service & Public education?
   a) Yes  b) No

30. Are you aware of the Government programmes like?
   a) IRDP  b) Jawahar Razgar Yojan
   c) Employment Guarantee Scheme,  d) Ashraya Scheme
   e) Bhagya Jyothi Scheme
   f) Ambedkar Vasati Yojan

31. Whether various developmental programmes of the Government are being,
   a) Benefited  b) Partly Benefited
   c) Not Benefited

32. How far your political representatives are helping you to overcome from poverty or discrimination?
   a) Yes  b) No

33. Are they really showing any interest in protecting your interest?
   a) Yes  b) No

34. Whether the welfare programmes of the government are really reaching you?
   a) Yes  b) No

35. Whether the social evil like Untouchability is still prevalent or not?
   a) Yes  b) No
QUESTIONNAIRE -3
Officers/ NGO’s, SC/STs Political representatives

1. Do you think that PCR Act and SC/ST (Prevention of Atrocities) Act are strictly being implemented?
   a) Yes  b) No

2. Whether adequate welfare programmes are being launched by the government?
   a) Yes  b) No

3. Do you think that ‘Reservation policy’ is strictly implemented in public services and public education?
   a) Yes  b) No

4. What reasons do you attribute for not fully implementing the ‘reservation policy’ by the government?
   a) Non utilization by the SCs/STs  b) Interference
   c) Negligence of government

5. Even after 60 years of Independence, Socio – Economic disabilities of SC/ST have not been fully removed what reasons do you attribute to this?
   a) Lack of interest from the Government
   b) Government benefits are not reaching the needy
   c) Beneficiaries are not utilizing the benefits properly
   d) Majority of the SC/ST’s are still ignorant of developmental programmes
   e) Middlemen are misusing the benefits before they reach the needy

6. Do you really think that the government has substantially contributed for ensuring social justice?
   a) Yes  b) No

7. What is your view about the prevalence of untouchability still exists in the society?
   a) Yes  b) No

8. What is to be done for eradication of untouchability?
   a) Yes  b) No