Chapter 6

Administrative Machinery and Constitutional Commissions under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
In this chapter the researcher aimed at highlighting some of the Statutory Commissions established for the Protection of Scheduled Castes and Scheduled Tribes. 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, the Central Government has set up the following administrative machinery for the Protection and Prevention of Atrocities against Scheduled Cases and Scheduled Tribes.

I. SETTING UP OF THE SCHEDULED CASTE AND SCHEDULED TRIBES PROTECTION CELL

(1) The State Government shall set up a Scheduled Castes and the Scheduled Tribes Protection Cell at the State head quarter under the charge of Director General of Police. This 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 officer in charge of the police station as refused to enter an information in a book to be maintained by that police station under sub-rule (3) of Rules 5;

(ix) making enquiries about the willful negligence by a public servant;

(x) reviewing the position of cases registered under the Act; and

(xi) submitting 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 respect of the above.

II. 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 co-ordinate the functioning of the District Magistrates and Superintendent of Police or other officers authorized by them investigation officers and other officers responsible for implementing the provisions of the Act. By the end of the 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 her dependents;

(vi) Performance of non-Governmental organizations, the Scheduled Castes and the Scheduled Tribes Protection Cell, various committees and the public servants responsible for implementing the provisions of the Act.

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III. 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 co-ordinate 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 atrocity and initiate necessary measures to prevent or avoid re-occurrence of atrocity;

(ii) setting an awareness centre and organizing workshop in the identified area or at the district headquarters to educate the persons belonging to the SC/ST 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) co-ordinating with the Non-Governmental organizations and providing necessary facilities and financial and other type of assistance to non-Governmental Organization for maintaining centres or organizing workshop;

IV. TRAVELLING ALLOWANCE, DAILY ALLOWANCE, MAINTENANCE EXPENSES AND TRANSPORT FACILITIES TO THE VICTIMS OF ATROCITY, HIS OR DEPENDENT AND WITNESSES:

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

(ii) 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 investigation officer, Superintendent of Police/Deputy Superintendent of Police, District magistrate or any other Executive Magistrate.

(iii) Every women witness, the victim of atrocity or her dependent being a woman or a minor, a person more than sixty years of agenda 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 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.

(iv) 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 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.

(v) 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.

(vi) The payment of traveling allowance, daily allowance, maintenance expenses and reimbursement of transport facilities shall be made immediately or nor 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.

(vii) 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.
V. MEASURES TO BE TAKEN BY DISTRICT ADMINISTRATION

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

(v) The relief provided to the victim of the atrocity or 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 there of under any other law for the time being in force.

(vi) 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.
(vii) 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 the 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.

VI. 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 Staged 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 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.

VII. CONSTITUTION OF DISTRICT-LEVEL VIGILANCE AND MONITORING COMMITTEE

(1) In each district within in 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 5 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 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.

VIII. 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 or Rural/Urban Local Bodies
and Non-Government Organisations, 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 dependent 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 house 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 scheme, 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 Superintendent of Police.

IX. THE CONSTITUTION OF INDIA PROVIDING FOR NATIONAL COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

The general welfare of the people is the primary duty of the welfare state. For this purpose the government has to create some commissions to recommend what measure have to be taken for the welfare of the misfortune sections. Article-46, 338 and 338A have empowered the President of India to constitute commissions to look into the grievances of scheduled castes.
The National Commission for Scheduled Castes has been set up under Article 338 and The National Commission for Scheduled Tribes has been set up under Article 338A to look after the implementation of various safeguards provided to the Scheduled Castes and Scheduled Tribes under the Constitution. These Commissions have a Chairperson, a Vice Chairperson and three full time members (including one lady member). The term of all the members of the Commission is three years from the date of assumption of charge.

Constitution of India under Article 338 and 338A has assigned the following duties and functions to the Commission.

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution or under any other law for the time being in force are under any order of the Government and to evaluate the working of such safeguards.

(b) To enquire into specific complaints with respect to the deprivation of rights and safeguards of the scheduled castes and Scheduled Tribes.

(c) To participate and advice in the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to evaluate the progress of their development under the union and any state.

(d) To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards.

(e) To make in such reports, recommendations as to the measures that should be taken by the union or any state for effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes and

(f) To discharge such other function in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by rule specify.
While investigating the matters referred in the sub-clause (a) to inquire into any compliance referred to in sub-clause (b) of clause (5), the Commission have all the powers of a civil court trying a suit in particular in respect of the following matter:
(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath.
(b) Requiring the discovery and production of any documents
(c) Receiving evidence on affidavits
(d) Requisitioning any public records or copy thereof from any court or office
(e) Issuing summons/communications for the examination of witness and documents
(f) Any other matter which the President may by rule determined.

Further Commission while investigating matters relating to safeguards provided under the constitution, monitors implementation of working of safeguards which include Article 17, Article 23, Article 15 (4), Article 16 (4), Article 16 (4) (a) and Article-335. It extends to monitor for the enforcement of various laws such as protection of civil rights act, 1955, prevention of atrocities act 1989 and further acts which benefits to these castes. This Commission has offices in several states where as its headquarters located at New Delhi co-ordinate each among them as eyes and ears of the commission.¹

¹ Bare Act of National Commission for Scheduled Castes and the National Commission for Scheduled Tribes.
X. THE ANDHRA PRADESH STATE COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES ACT, 2003

State Governments are also empowered to establish their own State Commissions as it is constitutional duty under Article-46 of Indian Constitution to promote with special care the educational and economic interest of Scheduled Castes and Scheduled Tribes and other weaker sections and to protect them from social injustice and all forms of exploitation. To aid the Government and its law and order and justice machinery in their duty are a host of legal provisions that set a frame work in which the Government could act to fulfill its professed mission to eradicate Untouchability practices and the caste discrimination.

The Government of Andhra Pradesh have appointed Sri Justice Dr. K. Punnaiah, Retired Judge of Andhra Pradesh High Court as Single Member Commission of enquiry on 31st May, 2001, to enquire into the practice of Untouchability against Scheduled Castes and Scheduled Tribes and incidence of atrocities against Scheduled Castes and Scheduled Tribes and suggest measures for eradication of Untouchability and prevention of such atrocities against Scheduled Castes and Scheduled Tribes.

The Honourable High Court in Sakti Vs. State of Andhra Pradesh² held that: “A bare perusal of the two provisions i.e., Section 12 of the State Act and Section 21 of the Central Act leaves no manner of doubt that they operate in two different fields. So far as Section 21 of the Central Act is concerned, it is the duty of the State Government to take such measures as may be necessary for effective implementation of the Act and that includes the appointment of the officers in initiating or exercising supervision over prosecutions for the contravention of the provisions of the Act.

Section 12(b) of the State Act relates to investigation and monitoring of all matters relating to safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards.

² (2010) 1 Supreme Court Cases (Cri) 693.
Above being the position, we direct the State Government to take immediate steps for appointment in terms of Section 21 (2) of the Central Act as early as practicable preferably within six months from today. The appeal is accordingly disposed of."

The Commission after examining numerous petitions presented by the Scheduled Castes and Scheduled Tribes has made certain suggestions and also measures to be taken for eradication of Untouchability and prevention of atrocities against Scheduled Castes and Scheduled Tribes and to achieve the goal, it has recommended to constitute an independent Commission to perform duties of the Commission as conferred under clause (5) of Article 338 of the Constitution of India by giving a statutory status under specific Legislation.

Accordingly, the State Government after careful examination of the said recommendations made by the Single Member Commission of enquiry have decided to make a Legislation for constituting the Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes.

The Andhra Pradesh Government has announced on 1-11-2001, that to constitute an Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes which received the accent of the President on 25th May, 2003 and this was first published in 3rd June, 2003 in Andhra Pradesh Gazette which started functioning from that day.

Composition, powers and functions of the Commission:

(2) The Commission shall consist of the following members:

(a) a Chairman shall be an eminent person belonging to Scheduled Caste or Scheduled Tribe to be appointed by the Government; and

(b) not more than five members to be appointed by the Government from amongst persons of ability, integrity and having outstanding record of selfless service to the cause of justice for the Scheduled Castes and Scheduled Tribes belonging to Scheduled Castes and Scheduled Tribes out of which one woman member shall be appointed by the Government.
(2) The Secretary shall convene the meetings of the Commission from time to time. This Commission shall, while performing its functions under Sec. 12, have the powers of a civil court trying a suit and in particular, in respect of the following matters;

(a) summoning and enforcing the attendance of any person from any part of the state and examining him on oath
(b) requiring the discovery and production of any document
(c) Receiving evidence on affidavits
(d) Requisitioning any public record or copy thereof from any court of office.
(e) Issuing commissions for the examination of witness or documents and
(f) Any other matters which may be prescribed

Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 192 and 228 of the Indian Penal Code and the Commission shall be deemed to be a court for the purpose of Sec. 195 of the code of Criminal Procedure 1973.

The Commission shall have the power to requisition such information, document and such assistance a may be required from any department of the government for the effective implementation the provisions of this Act.

The Commission shall perform the following functions:
(a) Inquire, suo-moto or on a petition presented to it by a victim or by any person of his behalf, into complaint of:-

(j) Violation of any rights provided in the protection of civil rights act 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and rules thereon or abetment thereof.

(ii) Negligence in the prevention of such violation by a public servant;

(iii) Inquire and recommend to the concerned disciplinary authority to initiate disciplinary action in cases where the commission is of the view that any public servant has been grossly negligent or grossly in different in regard to the discharge of his duties in relation to the protection of the interests of Scheduled Castes and Scheduled Tribes.
(b) To investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under the Constitution or under any other law for the time being in force or under any order of the government and to evaluate the working of such safeguard.

(c) To evaluate the working of various safeguards and civil rights accruing to a person as stipulated in the Protection of Civil Rights Act, 1955 and Scheduled Castes ad Scheduled Tribes (Prevention of Atrocities) Act, 1989 and in laws and regulations and any other orders passed by the Union and State Governments, to investigate and monitor all matters relating to safeguards provided for the Scheduled Castes and Scheduled Tribes under the constitution or under any other law.

(d) To make recommendations with a view to ensure effective implementation and enforcement of all safeguards under protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (prevention of Atrocities) Act 1989 and other laws and the rules.

(e) To undertake a review of the implementation of the policies pursued by the Union and the State Governments with respect to the Scheduled Castes and Scheduled Tribes.

(f) To look into specific complaints regarding deprivation of rights and safeguards in the interest of the Scheduled Castes and Scheduled Tribes.

Sri R. Subba Rao, I.A.S., is working as Secretary to the Commission for Scheduled Castes and Scheduled Tribes. Sri K. Praveen Kumar, I.A.S., is working as Secretary to the Social Welfare Department.

Recommendations of Justice K. Punnayya Commission:

The Government of Andhra Pradesh in exercising of the powers conferred by Section-3 of the commission of Inquiry Act 1952 (Central Act 60 of 1952) have appointed Dr. Justice K. Punnayya, Retired Judge of Andhra Pradesh High Court as Single member Commission of enquiry to inquire into the practice of Untouchability and atrocities against Scheduled Castes and Scheduled Tribes and suggest measures for eradication of Untouchability and prevention of atrocities.
The Commission after touring all the Districts in Andhra Pradesh and based on numerous petitions presented to it by the Scheduled Castes and Scheduled Tribes has presented its report in 2 parts (viz) Part-I Scheduled Castes containing suggestions and Measures to be taken for eradication of Untouchability and Prevention of Atrocities Part-II Scheduled Tribes containing suggestions and measures to be taken to solve land problems in the Scheduled Areas of the State and Prevention of Atrocities against Scheduled Tribes.

The Recommendations contained in the report of Dr. Justice K. Punnayya, Single Member Commission of enquiry to inquire into the practice of Untouchability against Scheduled Caste and Scheduled Tries and suggest measures for eradication of Untouchability and Prevention of atrocities was placed before the Cabinet during its meeting on 03-09-2001. The Cabinet while accepting the report of Dr. Justice K. Punnayya Commission decided to appoint a Cabinet Sub-Committee with 5 Ministers to further consider each of the recommendations and work out Modalities for implementation.

Accordingly, Government have constituted a Cabinet Sub-Committee of the following Misters and entrusted the responsibility to consider each of the recommendations of Dr. Justice K. Punnayya Commission of enquiry and to work out Modalities for implementation.

This Cabinet Sub-Committee consists of Ministers from Home and Cinematography, School Education, Social Welfare, Tribal Welfare and Disabled Welfare and Information and Public Relations.

Accordingly the Cabinet Sub-Committee met on 24-09-2001, 28-09-2001 in the chambers of Hon’ble Minister for Home. The Committee considered each of the recommendations of Dr. Justice K. Punnayya Commission in detail and has finalized its recommendations for the implementation of the Report.

The recommendations of Dr. Justice K. Punnayya Commission together with the recommendations of the Cabinet Sub-Committee were placed before the Cabinet during its meeting on 01-102001. The Cabinet in its Resolution 4th read above has approved the recommendations of the Cabinet Sub-Committee with certain modifications.
Recommendations of Justice K. Punnaiah Commission:

(1) Each Sub-Inspector to visit two villages in a week on Every Friday and take the Scheduled Castes to the Temples, direct to the hotel keepers to remove separate glass system in the hotel and provide access to public wells/bores, thus covering all villages in four months.

Cabinet Decision: Cabinet approved this recommendation. One Police Officer not below the rank of Sub-Inspector will visit one Village once in a week on a fixed day along with Mandal Revenue Officer, Mandal Development Officer, Sarpanch, Self Help Groups and a representative of Social Welfare Department to be associated. All Village to be covered in six months.

(2) To make use of services of Governmental machinery connected with developmental activities in the villages like Revenue Divisional Officer, Mandal Revenue Office, Mandal Praja Parishad, Mandal Parishad Development Officer, Village Development Officer, Village Administrative Officer, Mandal Revenue Inspector etc., for removal of the disabilities prevailing in the villages.

Cabinet Decision: - Approved. M.P.T.C., Z.P.T.C., Sarpanch Endowment Department and N.G.Os to be associated.

(3) To issue orders for celebrations of ‘Civil Rights Day’ on 30th of every moth for removal of the three disabilities at the rate of one village every month.

Cabinet Decision: - Approved: Endowment Department, N.G.Os and Religious leaders also to be associated.

(4) Introduction of Special Awards to encourage the designated police to deal with the cases under Protection of Civil Rights Act and Prevention of Atrocities Act effectively.

Cabinet Decision: - Approved: This has to be done for exemplary work done at the Mandal Level.

(5) Presentation of special awards on 14th April, for the Dalit Organisations ad Caste and Hindu Organisations.
Cabinet Decision: - Approved: Awards to be given to the Dalit Organisations and other Organisations. Necessary budget provision has to be made. Social Welfare Department will organize the programme.

(6) Introduction of scheme to honour the best Panchayat for its achievement in the removal of all disabilities and grant two special developmental works for the best Panchayat on 2nd October of every year.

Cabinet Decision: - Approved: Social Welfare and Panchayat Raj Departments will co-ordinate and organise the programme Mandal wise.

(7) Recommend to the Government of India to include the Sub-Inspector and Inspector of Police instead of Deputy Superintendent of Police to investigate to the offences under the P.O.A. Act of 1989 on Scheduled Castes and Scheduled Tribes.

Cabinet Decision: - Approved: To include upto Circle Inspector. The proposals are pending with Government of India.

(8) (a) Identification of Atrocity Prone Areas.

Cabinet Decision: - Approved: District Vigilance and Monitoring Committee will identify the atrocity prone areas.

(b) Visit of District Collectors, Superintendent of Police, Revenue Divisional Officer and Deputy Superintendent of Police to the identified areas as frequently as possible and ensure fair deal to the Scheduled Castes and Scheduled Tribes till normalcy is restored.

Cabinet Decision: - Approved: Instructions to be issued to the Collector and Superintendent of Police for prompt action.

© Suspension/cancellation of Arms licenses of persons other than Scheduled Castes and Scheduled Tribes in the identified areas.

Cabinet Decision: - Approved: Only for those who are involved in atrocities against Scheduled Castes and Scheduled Tribes.

(d) Deployment of Police Picket and Special striking mobile force in the villages where atrocities are likely to take place to instill the sense of confidence among Scheduled Castes and Scheduled Tribes and Government should bear the boarding charges
Cabinet Decision: Approved:
(e) District Administration should make all efforts to redress the grievances of Scheduled Castes and Scheduled Tribes relating to land minimum wages, bonded labour and indignity against women by establishing a grievance redressal cell at District Collectors Office and in each Mandal.

Cabinet Decision: Approved: Grievance Redressing Cells at the District, Division and Mandal Level to be established. The subjects will include child labour also.

(9) (a) The District Collector or Sub-Divisional Magistrate or Mandal Revenue Officer or any Police Officer not below the rank of Deputy Superintendent to be authorize to declare areas prone to atrocities.

Cabinet Decision: Approved: District Vigilance and Monitoring Committee will declare atrocity prone areas and send information to Government
(b) To constitute peace committee with all the communities in the identified areas in which atrocities are threatened or committed.

Cabinet Decision: Approved: Local Sarpanch will be the Chairman of the Committee.
© To arrest the offenders including those who have encouraged and instigated the offenders.

Cabinet Decision: Approved:
(d) Stationing of special police pickets in areas where serious crimes against Scheduled Casts have occurred.

Cabinet Decision: Approved:
(e) Arresting the tresspassers into lands belonging to Scheduled Castes and filling charge sheets against them.

Cabinet Decision – Approved: Special programme for giving physical position of assigned land to be taken up by district administration.

(f) To set up Scheduled Castes and Scheduled Tribes cell for prompt registration of the complaints and investigation by filling of FIRs and charge sheets at every police circle level.

Cabinet Decision – Approval:
(g) Completion of investigations on top priority and selection of police officers basing on the sense of social justice.

Cabinet Decision – Approved: Director General of Police to give specific instructions and monitor.

(h) Proper training of victims and witnesses by the Public Prosecutors and Investigating Officers and review of the performance of the Public Prosecutors and the reasons for acquittals of number of cases at the end of every quarter by the District Collector.

Cabinet Decision – Approved: Specific instructions to District Collectors to be issued to organize special training to Public Prosecutors and Investigating Officers.

(i) To extend the financial assistance to the witnesses and to compensate the Scheduled Castes victims and witnesses with the payment of wages which they lose for attending the Courts.

Cabinet Decision – Approved: Sufficient budget allocation to be made.

(j) Action against the investigation officers and Public Prosecutors in case the witnesses turn hostile due to threats by accused.

Cabinet Decision – Approved: On special observations by the Court.

(k) Visit by Investigating Officers, District Collector, and Superintendent of Police to the place wherever atrocity takes place, within 24 hours of occurrence.

Cabinet Decision – Approved:

(l) Ensuring the prompt and effective action by the District Magistrate and the Superintendent of Police including the Sub-Ordinate Officers working under them.

Cabinet Decision – Approved:

(10) Preparation of District panel of Public Prosecutors with eminent senior Advocates who have been in practice for not less than 10 years in consultation with the Director of Prosecution and consider to include the retired District Judges and retired Sub-Judges.

Cabinet Decision – Approved: Instructions to be given to Collectors.

(11) Review of law and order situation, functioning of different committees, Special Public Prosecutors and other officers in the atrocity prone areas by the Collectors and Superintendents of Police.
Cabinet Decision – Approved: Moreover, State Level Vigilance and Monitoring Committee also to review the functioning of the District Committees.

(12) To setup awareness centres and workshops in the identified areas to educate the caste Hindus on the efficacy of Social equality and the need to extend the attitude of Brotherhood.

Cabinet Decision – Approved: Religious leaders may also be involved in making appeals to the public.

(13) (i) To set up Scheduled Caste and Scheduled Tribe Protection Cell at State head quarters under the charge of the Director of the Director General of Police.

Cabinet Decision – Approved:

(ii) Nomination of Nodal Officers at the level of Secretary to Government preferably belonging to Scheduled Castes or Scheduled Tribes for coordinating the functioning of various agencies as per Rule 9 of Prevention of Atrocities Rules, 1995.

Cabinet Decision – Approved:

(iii) Appointment of Special Officer not below the rank of Additional District Magistrate in the identified areas to coordinate with the District Magistrate and others.

Cabinet Decision – Approved:

(14) (a) District Collector and Magistrate and Superintendent of Police to visit the place where the atrocities have been committed.

Cabinet Decision – Approved:

(b) Superintendent of Police to ensure FIRs recorded in the Police Station.

Cabinet Decision – Approved:

© Appointing an investigating officer and deploy Police force in the area immediately.

Cabinet Decision – Approved: Director General of Police to issue instructions to all concerned and monitor.

(d) Relief and Rehabilitation shall be provided in accordance with the scale prescribed.
Cabinet Decision – Approved:
(e) A report of the Relief and Rehabilitation facilities shall be forwarded to the Special Court.

Cabinet Decision – Approved: Collectors to be given specific instructions.

(15) Implementation of the Decisions in Chief Minister’s Conference:
(a) Distribution of surplus land under Land Ceiling Laws to the SCs & STs.
Cabinet Decision – Approved. The existing government instructions may be followed.
(b) Appointment of Special Officers in the 12 atrocity prone districts where there are large scale atrocities against SCs and STs.

Cabinet Decision – Approved: Joint Collectors to be nominated for effective monitoring and coordination.

(16) Relief package containing model plan for relief measures.

Cabinet Decision – Approved:
(17) Construction of pucca permanent houses, free of cost in all cases of complete damage of houses besides paying Rs.30,000/- towards relief land compensation.

Cabinet Decision – Approved:
(18) In Case of loss of assets the amount of compensation to be paid will be equal to the actual loss.

Cabinet Decision – Approved:
(19) Restoration of burial grounds or foot paths wrongfully occupied by the caste Hindus.

Cabinet Decision – Approved: District wise action plan to be drawn, to complete the task in time bound manner. To be monitored by CCLA. Moreover, where there are no traditional pathways to SCs and STs Burial grounds after proper verification.

(20) Compensation to the families of Government Servants belonging to SCs and STs effected by atrocities irrespective of their income within 15 days.

Cabinet Decision – Approved: G.O. Ms. No.3 to be modified suitably.
(21) Employment to one eligible member in case of death or permanent incapacitation and also rape victims.

Cabinet Decision – Approval: This provision is already there in the G.O.Ms.No.3.

(22) Payment of maintenance allowance to the family members who are not capable of being employed.

Cabinet Decision – Approved:

(23) Amendments to SCs & STs (POA) Act, 1989:

- Section 3 (X) – to delete the words “with intent to humiliate”

- Section 3 (XI) – Delete the expression “with intent to dishonour or outrage her modesty

- Section 3 (2)(III) – Delete the expressions “Intending to cause or knowing it to be likely that he will there by cause damage”

- Section 3(2)(IV) – Delete the expressions “Intending to cause or knowing it to be likely”

- To include in sub Section 2 of Section 3 – “Any form of disrespect of disfigure of defilement of damage to the statues of Babasaheb Dr. B.R. Ambedkar as insulting the SC community as well as an insult to the Nation and be punishable with rigorous imprisonment for a term of 3 years.

Cabinet Decision – Approved: To be take up with Government of India

(24) Establishment of permanent Scheduled Castes and Scheduled Tribes Commission with Judicial powers.

Cabinet Decision – Approved: Andhra Pradesh State Scheduled Castes and Scheduled Tribes Commission to be constituted on the pattern of Andhra Pradesh State Minorities Commission.
(25) Issue of Pattas conferring ownership right to Tribals on Government lands which are found to be unobjectionable.

Cabinet Decision – Approved:

(26) The Andhra Pradesh Scheduled Areas Land transfer Regulation Act, 1959 must prevail over other legislations like Ryotwari Settlement Regulation-2 of 69 and 2 of 70.

Cabinet Decision – Approved: Principle, subject to legal aspects being examined with reference to matters pending before Courts.

(27) Total ban on alienation of Tribal land in favour of non-tribals.

Cabinet Decision – Approved: The current laws already have this provision.

(28) Powers to Integrated Tribal Development (I.T.D.) as to appoint officers to expedite the cases of restoration of tribal lands which are pending at various levels.

Cabinet Decision – Approved:

XI. BRIEF SUMMARY OF THE CHAPTER:

In this chapter an attempt was done by the Researcher of this work to explain about the Administrative and constitutional machineries set up under the ‘Act’ by the Government for the protection of Scheduled Castes and Scheduled Tribes.