

# MINISTRY OF HOME AFFAIRS GOVT. OF INDIA

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## Action Taken by Ministry of Home Affairs

1. Central Government may issue a detailed circular indicating the necessary steps to effectively implement the SCs and STs (Prevention of Atrocities) Act, 1989 and rules, 1995 and attach with it a copy of the Manual approved by the National Human Rights Commission.
2. An Annual workshop of DMs and SPs on implementation of these laws may be organized in the State's Administrative training Institute where the State Home and Social Welfare Secretaries and DGPs may interact with participants on the whole range of issues concerning the subject and specifically to identify problems experienced by them in investigation and trial of cases of atrocities, those experienced by victims and impact of measures undertaken to prevent recurrence of such incidents. Presiding officers of courts dealing with atrocities cases may be invited to these workshops to lecture on the shortcoming in investigation leading to acquittal. Based on this feedback State Governments may take necessary corrective steps expeditiously to improved the administration of these laws.
3. Ministry of Home Affairs should set up a cell to monitor implementation of Protection of Civil Rights Act, 1955 and SCs/STs (Prevention of Atrocities) Act, 1989. Ministry of Social Justice and Empowerment should be associated in the process of monitoring. National Human Rights Commission may prescribe parameters for annual monitoring of the implementation of the Protection of Civil Rights Act, 1955 and SCs/STs (Prevention of Atrocities) Act, 1989, including the format for submission of the report by the nodal Ministry to the Parliament.

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F. NO.15011/48/2009-SC/ST-W  
GOVERNMENT OF INDIA/BHARAT SARKAR  
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA  
NORTH BLOCK NEW DELHI /CS DIVISION

New Delhi, the 1<sup>st</sup> April, 2010

OFFICE MEMORANDUM

**Subject: Advisory on Crime against Scheduled Castes/Scheduled Tribes –  
Measures needed to curb –regarding**

'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India and, therefore, the State Governments and UT Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction including crimes against Scheduled Castes/Scheduled Tribes. The Union Government, however, attaches the highest importance to matters relating to the prevention of crime; and therefore, the Union Government has been advising the State Governments/ UT Administrations from time to time to give more focused attention to the administration of the criminal justice system with emphasis on prevention and control of crime including crimes against Scheduled Castes/Scheduled Tribes.

2. The Government of India have been advising the State Governments from time to time regarding the steps that need to be taken to afford a greater measure of protection to the Scheduled Castes and Scheduled Tribes. The advisories issued earlier with particular reference to crimes against SCs/STs vide D.O. letters No. 24013/86/97-GPA VI, dtd. 8.10.1997, No. 24013/47/98-GPA VI, dtd. 12.11.1998, No. 24013/74/2001-GPA VI, dtd. 19.9.2001, No. 24013/74/2001-GPA-VI, dtd. 11.6.2002, No. 15011/50/2004-SC/ST Cell, dtd. 24.6.2004, Letter No. 24024/9/2004-SC/ST Cell, dtd. 3.2.2005, No. 24013/30/2002-GPA VI, dtd. 4.4.2006, No. 15018/20/2006-SC/ST Cell, dtd. 18.10.2006, No. 15011/36/2006-SC/ST-W, dated 1.02.2007 (HS's letter to 9 highest crime States), and Letter No. 24024/04/2005-SC/ST-W, dated 23.4.2007. (HS's letter on SC/ST Matters) may be referred to in this regard.

3. These advisories, inter-alia, include sensitization and training of the police personnel/ law enforcement agencies; minimizing delays in investigation of cases of atrocities against SCs/STs and improving the quality of investigation; recruitment of sufficient number of persons belonging to SCs/STs/minorities as police personnel; programmes for creating awareness among vulnerable sections of the society and legal recourse open to them; adopting appropriate measures for swift and salutary punishment to public servants found guilty of neglect of duty and violence against SCs/STs; setting up of special courts; and improving the effectiveness of schemes developed for the welfare and rehabilitation of SCs/STs who are victims of crime.

4. Through the aforesaid advisories, the State Governments were also requested to undertake a comprehensive review of the effectiveness of the machinery in tackling the issues of SCs/STs and to take appropriate measures aimed at increasing the responsiveness of the law enforcement/ law and order machinery. No doubt, State Governments have taken some measures in this regard; however, the inputs regarding

553 crimes against SCs/STs available with Government of India indicate that these measures need to be strengthened further, so that Scheduled Castes/ Scheduled Tribes feel secure, enjoy their human rights and live their lives with dignity and respect that every citizen of India deserves. Despite several steps being taken by the State Governments, the picture is still very grim and needs to be improved. Complaints are still being received regarding non-registration of FIRs and unsympathetic/ insensitive attitude of some police personnel towards crimes against Scheduled Castes/Scheduled Tribes.

5. The National Commission for Scheduled Castes/Scheduled Tribes has undertaken visits to various States and UT Administrations to review the cases of atrocities against SCs/STs and has also conducted its own investigations in certain cases of serious incidents of crime against them. The Commission has made available the findings of the inquiries to the State Governments/ Central Ministries concerned as well as to this Ministry. The reports of the inquiries conducted by the Commission in these specific incidents indicate that the sensitiveness and care with which crimes against SCs/STs should be handled is not up to the desired level. The Commission has pointed out laxity and insensitiveness on the part of certain police officials in some specific cases. The Commission has observed that non-filing of FIRs even in heinous cases continues to be a problem area. In its Fifth Report, titled 'Public Order' the Second Administrative Reforms Commission has also emphasized the need to combat crimes against vulnerable sections of the society, particularly SCs/STs and has made a number of important recommendations.

6. The Government of India is deeply concerned with the trends in crimes against the weaker sections of society, particularly Scheduled Castes/Scheduled Tribes and would therefore re-emphasize that urgent action should be taken by the State Governments and UT Administrations on the following:-

- I. Vigorous and conscientious enforcement of the statutory provisions and the existing legislations relating to crimes against Scheduled Castes and Scheduled Tribes including the Protection of Civil Rights (PCR) Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- II. Government must ensure proper enforcement of law and convictions in crimes committed against SCs/STs. Enforcement agencies should be instructed in unambiguous terms that enforcement of the rights of the weaker and vulnerable sections should not be downplayed for fear of further disturbances or retribution and adequate preparation should be made to face any such eventuality.
- III. The administration and police should play a more proactive role in detection and investigation of crimes against SCs/STs and ensure that there is no under reporting.
- IV. Sensitizing the law enforcement machinery towards crimes against SCs/STs by way of well-structured training programmes, meetings, conferences, workshops, seminars etc. for police personnel and other law enforcement agencies at all levels as well as other functionaries of the criminal justice system. Such programmes should be incorporated in the syllabi of various Police Training Centers/Academies at all levels. Special training to police personnel in effective implementation of Scheduled Castes and Scheduled Tribes (POA) Act, 1989 and Protection of Civil Rights Act, 1955 should be imparted.

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- V. The Police officials should be directed to apply the appropriate sections of law as per the statements of the victims under the above mentioned Acts and no dilution should be tolerated to help the perpetrators of crimes against SCs/STs.
- VI. Government must take concrete steps to increase the awareness in the administration in general and amongst the police personnel in particular, regarding crimes against SCs/STs and take steps not only to tackle such crimes but also deal with them with sensitivity.
- VII. For improving general awareness about legislations on crimes against SCs/STs the department concerned of the State Government must, inter-alia, take the following steps:
  - a) Create awareness through print and electronic media;
  - b) Develop a community monitoring system to check cases of violence, abuse and exploitation and take necessary steps to curb the same;
  - c) Involve the Community at large in creating and spreading such awareness; and
  - d) Organize legal literacy and legal awareness camps.
- VIII. Proper mechanisms must be put in place for safety and protection of SCs/STs,
- IX. Explore the possibility of associating NGOs working in the area of combating crimes against SCs/STs. Citizens groups and NGOs should be encouraged to raise awareness about these issues in society and help bring to light the cases of atrocities against SCs/STs and also assist the police in the investigation of crimes against them.
- X. There should be no delay in the registration of FIR in cases of crimes against SCs/STs.
- XI. Ensure proper supervisions at appropriate level of cases of crimes against SCs/STs from the recording of FIR to the disposal of the case by the competent court.
- XII. A separate review involving criminal cases filed by SCs/STs under investigation be conducted by the District Magistrate and District SP in the monthly meeting with I.Os to expedite investigation and guide timely collection of evidence.
- XIII. The authorities concerned in the State Governments must ensure proper follow up of reports of cases of atrocities against SCs/STs received from various sources, including the National Commission for SCs/STs.
- XIV. Atrocity-prone areas may be identified for taking preventive measures to save life and property of the members of the SC/ST communities Adequate number police personnel fully equipped with policing infrastructure should be posted in the Police Stations in such vulnerable areas.
- XV. In police stations located in areas with substantial population of SCs/STs proper representation must be given to SC/ST police personnel in postings to such police stations to gain the confidence of the SC/ST community.
- XVI. Delay in trial of cases of crimes against SCs/STs may be discussed on regular basis in the Monitoring Committee/monthly meetings Chaired by the District and

551 Sessions Judge attended by District Magistrate, Superintendent of Police and Public Prosecutor of the district.

- XVII. The District SPs must ensure timely attendance and protection of all prosecution witnesses including Police Officers and official witnesses for speedy trial of such cases in the trial courts.
- XVIII. The State Government must ensure adequate measures for the economic and social rehabilitation of the victims of atrocities. The scale of relief to the family of a SC/ST person killed in a case of atrocity needs to be revised, particularly in cases where the deceased was an earning member of the family or physically fit to earn. The States which have not prescribed any scale of monetary relief and rehabilitation facilities to SC/ST victims of atrocities may do so without further delay.
- XIX. For ensuring proper implementation of the Protection of Civil Rights (PCR) Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 the State Governments and UT Administrations may conduct sample surveys/ studies to evaluate the working of the PCRA and PAA with reference to the problems being faced by the police and the judiciary in prompt disposal of cases and take appropriate measures to resolve such problems.
- XX. In case of extreme violation of human dignity such as stripping of SC/ST women, forcing SC/ST persons to drink urine or eat human excreta, blackening their faces, shaving their heads and parading them in village streets etc. the police must take prompt preventive action at the initial stage itself. In such incidents of extreme violation of human rights, exemplary punishment should be awarded to the accused after summary trial.
7. You are requested to kindly issue suitable directions to all concerned under intimation to this Ministry. It is further requested that action taken in this regard may be reviewed by the State Governments and UT administrations and a report indicating the present status of crimes against SCs/ STs sent to this Ministry within a month.

The receipt of this letter may kindly be acknowledged immediately.

Yours faithfully,



(Nirmaljeet Singh Kalsi)

Joint Secretary to the Government of India  
Ministry of Home Affairs, North Block  
New Delhi - 110001  
Tel. No. 23092630

To,

1. The Chief Secretaries of all State Governments and UT Administrations
2. The Principal Secretary / Secretary (Home) of all State Governments and UT Administrations.

3. Copy also for information and necessary action to:

- i. The DGs / IGs (In-charge of Prisons) - All State Governments / UTs for information and necessary.
- ii. Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi.
- iii. Ministry of Women and Child Development Shastri Bhawan, New Delhi.
- iv. Secretary, National Commission for SCs, 4, Deen Dayal Upadhyaya Marg, New Delhi-110.002
- v. Secretary, National Commission for STs, 4, Deen Dayal Upadhyaya Marg, New Delhi-110 002
- vi. JS(Judicial), JS(PM), JS(P-I), JS(P-II), JS(UT), JS(NM), JS(HR) in Ministry of Home Affairs, Government of India
- vii. Director General, NCRB, RK Puram, New Delhi.



(Nirmaljeet Singh Kalsi)  
Joint Secretary to the Govt. of India

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F. NO.15011/39/2011-SC/ST-W  
GOVERNMENT OF INDIA/BHARAT SARKAR  
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA  
NORTH BLOCK NEW DELHI /CS DIVISION

New Delhi, the 25<sup>th</sup> April, 2011

**OFFICE MEMORANDUM**

**Subject: ~~Advisory on Crime against Scheduled Castes/Scheduled Tribes – Manual~~  
~~Scavenging -Measures needed to curb –regarding~~**

'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India and, therefore, the State Governments and UT Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction including crimes against Scheduled Castes/Scheduled Tribes. The Union Government, however, attaches the highest importance to matters relating to the prevention of crime; and therefore, the Union Government has been advising the State Governments/ UT Administrations from time to time to give more focused attention to the administration of the criminal justice system with emphasis on prevention and control of crime including crimes against Scheduled Castes/Scheduled Tribes.

2. The Government of India have been advising the State Governments from time to time regarding the steps that need to be taken to afford a greater measure of protection to the Scheduled Castes and Scheduled Tribes. The advisory issued earlier with particular reference to crimes against SCs/STs vide Letter No. 15011/48/2009-SC/ST-W, dated 1.4.2010 may be referred to in this regard.

3. It has been noted that manual scavenging still persists in India and despite being outlawed; almost no one has been punished in 17 years of the existence of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Government of India is deeply concerned on the continuance of this shameful practice which violates human dignity and Articles 14, 17, 21 and 23 of the Constitution and would therefore re-emphasize that urgent action should be taken by the State Governments and UT Administrations to completely eradicate this practice. Accordingly, it is advised that urgent action should be taken by the State Governments and UT Administrations on the following:-

- Vigorous and conscientious enforcement of the statutory provisions and the existing legislations relating to crimes against Scheduled Castes and Scheduled Tribes should be undertaken. It is reiterated that manual scavenging is punishable u/s 14, read with Section 3(1)(a), of the Employment of Manual Scavengers and Construction of Dry Latrines(Prohibition) Act,1993. However, the enforcement of the Act by State Governments/ UTs is generally lax.
- Further, in terms of Scheduled Castes and Scheduled Tribes ( POA) Act, 1989, any act done to violate the dignity of a member of a Scheduled Caste or a Scheduled Tribe by a non-Scheduled Caste or non-Scheduled Tribe person would amount to an offence under Section 3

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(1) (iii) of the Act. It may be noted that engaging or employing a member of a Scheduled Caste or a Scheduled Tribe to clean, handle or carrying human excreta amounts to violating his or her dignity and therefore, may fall within the ambit of Clause (iii) of Sub Section (1) of Section 3 of the Act. Therefore, such cases of manual scavenging may be pursued under appropriate Sections of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. You are requested to kindly issue suitable directions to all concerned under intimation to this Ministry for the proper implementation and enforcement of the laws. It is further requested that action taken in this regard may be reviewed by the State Governments and UT administrations and a report indicating the present status of the crime may be sent to this Ministry within a month.

The receipt of this letter may kindly be acknowledged immediately.

25/4/2011

(K.K. Pathak)

Joint Secretary to the Government of India  
Telefax: 23092630

To

1. The Chief Secretaries of all State Governments and UT Administrations
2. The Principal Secretary / Secretary (Home) of all State Governments and UT Administrations.
3. Copy also for information and necessary action to:
4. The DGs / IGs (In-charge of Prisons) - All State Governments / UTs for information and necessary action.
5. Secretary, Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi.
6. Secretary, Ministry of Women and Child Development Shastri Bhawan, New Delhi.
7. Secretary, Ministry of Housing and Urban Poverty Alleviation (M/o HUPA) Nirman Bhawan, Maulana Azad Road, New Delhi - 110108
8. Secretary, Ministry of Railways, Rail Bhavan, Rafi Marg, New Delhi.
9. Secretary, Ministry of Tribal Affairs, New Delhi
10. Secretary, National Commission for SCs, 4, Deen Dayal Upadhyaya Marg, New Delhi
11. Secretary, National Commission for STs, 4, Deen Dayal Upadhyaya Marg, New Delhi-
12. JS(Judicial), JS(PM), JS(P-I), JS(P-II), JS(UT), JS(NM), JS(HR) in Ministry of Home Affair Government of India
13. Director General, NCRB, RK Puram, New Delhi.
14. Director General, BPR&D, CGO Complex, Lodi Road, New Delhi.

25/4/2011

(KK Pathak)

Joint Secretary to the Govt. of India  
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