

सं०सं० - 1/पी०सी०आर०(विविध)-09-31/2011- 1575

प्रेषक,

हुकुम सिंह मीना, भा०प्र०से०  
सरकार के सचिव

सेवा में,

सभी जिला पदाधिकारी/सभी जिला पुलिस अधीक्षक  
बिहार।

पटना, दिनांक- 5.8.14

विषय : अनुसूचित जाति एवं अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम 1989 एवं अनुसूचित जाति एवं अनुसूचित जनजाति (अत्याचार निवारण) नियम 1995 के क्रियान्वयन हेतु समेकित निर्देश।

महाशय,

उपर्युक्त विषय के संबंध में कहना है कि अनुसूचित जाति एवं अनुसूचित जनजाति अत्याचार निवारण अधिनियम 1989 एवं तत्संबंधी नियम में विगत एक साल के अन्दर कुछ महत्वपूर्ण संशोधन किये गये हैं। अतः उपरोक्त की ओर आपका ध्यान आकृष्ट करते हुए कहना है कि:-

(क) वर्णित अधिनियम के अन्तर्गत अत्याचार से पीड़ित व्यक्ति, उसके आश्रितों तथा साक्षियों को यात्रा भत्ता, दैनिक भत्ता, परिवहन भत्ता की सुविधाएँ अनुसूचित जाति एवं अनुसूचित जनजाति अत्याचार निवारण नियम, 1995 के नियम-11 के अधीन देय है। प्राप्त सूचनानुसार यह सुविधा नियमित रूप से पीड़ितों को उपलब्ध नहीं करायी जा रही है। इस संदर्भ में विभागीय पत्रांक- 1937 दिनांक 20.8.2013 (अनुलग्नक-1) में दिये गये निर्देशों का अनुपालन सुनिश्चित किया जाए।

(ख) अनुसूचित जाति एवं अनुसूचित जनजाति (अत्याचार निवारण) नियम 1995 के नियम 16 एवं 17 में भारत सरकार के अधिसूचना GSR-725(E) दिनांक 8.11.2013 के माध्यम से संशोधन किया गया है(अनुलग्नक-2)। अनुरोध है कि अनुमंडल स्तरीय अनुश्रवण समिति का गठन कर इसकी नियमित बैठक सुनिश्चित की जाए।

(ग) अनुसूचित जाति एवं अनुसूचित जनजाति अत्याचार (निवारण अधिनियम) संशोधन अध्यादेश 2014 दिनांक 4.3.2014 को अधिसूचित किया जा चुका है (अनुलग्नक-3)। अतः नव संशोधन से संबंधित को अवगत कराते हुए अध्यादेश का प्रभावकारी अनुपालन कराने की सुनिश्चित किया जाए। इस संबंध में यह भी कहना है कि सामान्यतः प्राथमिकी दर्ज करने के क्रम में हर प्रकार के अत्याचार के लिए मात्र अनुसूचित जाति एवं अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम धारा-3(1)(x) के अधीन ही कांड दर्ज किये जाने के मामले प्रकाश में आये हैं, जबकि धारा-3(1) के अन्य Specific उप कंडिकाओं के अधीन offence की श्रेणी के अनुसार कांड दर्ज किया जाना चाहिए।

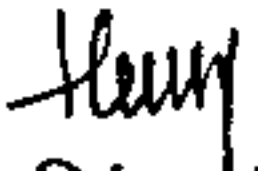
(घ) अनुसूचित जाति एवं अनुसूचित जनजाति (अत्याचार निवारण) नियम 1995 के नियम 12(4) के अधीन पीड़ितों को मिलने वाली राहत रकम की दर में संशोधन अधिसूचना GSR 416(E) दिनांक 23.6.14 निर्गत है (अनुलग्नक-4)। इस संदर्भ में यह स्पष्ट करना है कि नियमावली के अधीन राहत उपलब्ध

कराने का दायित्व जिला पदाधिकारी का है तथा इसमें किसी भी प्रकार का विलंब अधिनियम के प्रावधानों के प्रतिकूल होगा। कतिपय मामलें ऐसे प्रतिवेदित हुए हैं जिनसे यह ज्ञात होता है कि जिला स्तरीय निगरानी एवं अनुश्रवण समिति की बैठक में राहत अनुदान के मामलें प्रस्तावित किये जाने के बाद ही राहत वितरण किया जा रहा है। यह स्पष्ट कर देना समीचीन होगा कि अधिनियम अथवा नियम में निगरानी एवं अनुश्रवण समिति के माध्यम से अनुदान स्वीकृत किये जाने का कोई प्रावधान नहीं है। राहत अनुदान कांड दर्ज होने के बाद यथाशीघ्र जिला पदाधिकारी के स्तर से अनुमोदित करने एवं वितरण करने के लिए जिला पदाधिकारी स्वयं सक्षम एवं जिम्मेदार हैं। अतः अनुरोध है कि विशेष अभियान चलाकर लंबित सभी मामलों में स्वीकृति प्रदान करते हुए यथाशीघ्र पीड़ितों को राशि उपलब्ध कराना सुनिश्चित किया जाये। आपका ध्यान नियम-12 (4) की अनुसूची के कंडिका-21 की ओर आकृष्ट करते हुए कहना है कि हत्या, मृत्यु, नरसंहार, बलात्संग, सामुहिक बलात्संग, गैंग द्वारा किया गया बलात्संग, स्थायी असमर्थता और डकैती के पीड़ितों को राहत की रकम के अतिरिक्त अत्याचार की तिथि से 3 माह के अधीन पेंशन, पीड़ितों के बच्चों को शिक्षा एवं भरणपोषण का खर्च, 3 माह की अवधि तक के लिए बर्तन, चावल, गेहूँ, दाल, दलहनों की व्यवस्था सुनिश्चित किये जाने के लिए आवश्यक कदम उठाये जायें।

वर्णित स्थिति में कृपया नियमित रूप से जिला स्तर पर इन मामलों की समीक्षा की जाय तथा अनुसूचित जाति एवं अनुसूचित जनजाति अत्याचार अधिनियम एवं नियम के प्रावधानों का कड़ाई से अनुपालन सुनिश्चित कराया जाय। यह भी अनुरोध है कि इस पत्र को सभी अनुमंडल पदाधिकारी, अनुमंडल पुलिस पदाधिकारी, सभी अंचलाधिकारी, सभी प्रखंड पदाधिकारी एवं सभी थानाध्यक्षों को अपने स्तर से उपलब्ध कराने की कृपा किया जाय।

अनु० यथोक्त।

विश्वासभाजन

  
हुकुम सिंह मीना,  
सरकार के सचिव



अनुजाति एवं अनुजनजाति, कल्याण विभाग

सं०-1/पी०सी०आर० (विविध)09-28/12-1937

प्रेषक,

एस० एम० राजू,  
सरकार के सचिव।

सेवा में,

सभी जिला पदाधिकारी।

पटना, दिनांक-20.08.13

विषय-

अनुजाति और अनुजनजाति (अत्याचार निवारण) नियम-1995 एवं (संशोधन) नियम-2011 के अन्तर्गत अत्याचार से पीड़ित व्यक्ति उसके आश्रित तथा साक्षियों को यात्रा भत्ता, दैनिक भत्ता, परिवहन भत्ता की देय सुविधाओं के मार्गदर्शन के सम्बन्ध में।

प्रसंग:-

विभागीय पत्रांक-2033 दिनांक-19.09.2012।

महाशय,

कृपया उपर्युक्त विषयक एवं प्रासंगिक पत्र का सदर्थ करना चाहेंगे।

2- इस संबंध में स्पष्ट करना है कि अनुजाति और अनुजनजाति (अत्याचार निवारण) नियम-1995 के नियम-11(1) में स्पष्ट प्रावधान है कि "अत्याचार पीड़ित प्रत्येक व्यक्ति, उसके आश्रित और साक्षियों को उसके आवास अथवा ठहरने के स्थान से अधिनियम के अधीन अपराध के अन्वेषण, सुनवाई या विचारण के स्थान तक का एक्सप्रेस/मेल/यात्री ट्रेन में द्वितीय श्रेणी का आने-जाने का रेल भाड़ा अथवा वास्तविक बस या टैक्सी भाड़े का संदाय किया जाएगा।"

- i- सामान्य रूप से एक ही जिला में संबंधित वाद के अन्वेषण, सुनवाई या विचारण के दौरान उपस्थित रहने के लिए बस या टैक्सी भाड़ा तथा ट्रेन भाड़े पर एक तरफ़ी प्रति व्यक्ति ₹100/- (एक सौ रुपये) से अधिक व्यय होने की संभावना नहीं है। अतः इस हेतु भुगतान की व्यवस्था को सरल बनाने के लिए प्रति व्यक्ति/प्रति उपस्थिति ₹100/- (एक सौ रुपये) आने एवं ₹100/- (एक सौ रुपये) जाने अर्थात् कुल ₹200/- (दो सौ रुपये) के दर से भुगतान किया जा सकता है।
- ii- वैसे मामले जिसमें प्रति व्यक्ति/प्रति उपस्थिति का दावा ₹200/- (दो सौ रुपये) से अधिक होने पर वास्तविक ट्रेन टिकट/बस भाड़ा रसीद/रिक्शा भाड़ा रसीद/बस टिकट उपलब्ध कराने पर वास्तविक भाड़ा भुगतान किया जा सकता है।

3- इसी प्रकार नियम-11(4) में स्पष्ट है कि "साक्षी, अत्याचार से पीड़ित व्यक्ति या उसके/उसकी आश्रित तथा परिचर को अपराध के अन्वेषण, सुनवाई और विचारण के दौरान उसके आवास अथवा ठहरने के स्थान से दूर रहने के दिनों के लिए ऐसी दरों पर दैनिक भरण-पोषण व्यय का संदाय किया जाएगा। जो उस न्यूनतम मजदूरी से, जैसा कि राज्य सरकार ने कृषि श्रमिकों के लिए नियत की हो, कम नहीं होगा।"

- i- इस प्रावधान से स्पष्ट है कि दैनिक भरण-पोषण हेतु प्रति व्यक्ति प्रति दिन वर्तमान में श्रम संसाधन विभाग द्वारा अकुशल मजदूरी हेतु निर्धारित राशि देय होगी। यह राशि न्यूनतम मजदूरी के वर्तमान दर में संशोधन होने पर बढ़ सकता है।

4-अनु० जाति और अनु० जनजाति (अत्याचार निवारण) नियम-1995 के नियम-11 के अनुसार अत्याचार से पीड़ित व्यक्ति उसके आश्रितों तथा साक्षियों को यात्रा भत्ता, भरण-पोषण व्यय और परिवहन सुविधाएं पर होनेवाले व्यय का वहन अत्याचार राहत मद के लिए आवंटित राशि से विकलनीय होगा। अत्याचार राहत पर व्यय किये गये प्रत्येक मद के लिए अलग-अलग लेखा-जोखा पंजी में संधारित किया जाएगा। साथ ही प्रत्येक वित्तीय वर्ष के प्रारम्भ में ही प्रत्येक मद के लिए अलग-अलग आकलन कर राशि के लिए मांग पत्र विभाग को उपलब्ध कराया जायेगा।

वर्णित परिस्थिति में अनुरोध है कि कृपया उक्त नियमावली के नियम-11(4) के अनुसार राहत राशि के अतिरिक्त साक्षी, अत्याचार से पीड़ित व्यक्ति या उसका/उसकी आश्रित तथा परिचर को अपराध के अन्वेषण, सुनवाई या विचारण के दौरान यात्रा भत्ता, दैनिक भत्ता, परिवहन भत्ता की राशि का भुगतान सुनिश्चित किया जाय। साथ ही प्रत्येक माह किये गये कार्यों का मूल्यांकन एवं अनुश्रवण करते हुए प्रतिवदन भेजा जाय।

विश्वासभाजन

(एस०/एम० राजू)

सरकार के सचिव।

ज्ञापांक-1/पी०सी०आर०(विविध)-09-28/2012-1937

पटना, दिनांक-20.08.13

प्रतिलिपि- सभी प्रमंडलीय आयुक्त/पुलिस महानिरीक्षक(क०व०) अपराध अनुसंधान विभाग/सभी विशेष पदाधिकारी(नियम-10 के तहत)/सभी उप निदेशक, कल्याण/सभी जिला कल्याण पदाधिकारी को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

सरकार के सचिव।

Rameshwar babu sanjay

बिहार सरकार  
अनुसूचित जाति एवं अनुसूचित जनजाति कल्याण विभाग  
सं०सं०-1/पी०सी०आर०(विविध)-09-34/2013- 2944

प्रेषक,

एस० एम० राजू,  
सरकार के सचिव ।

सेवा में,

सभी जिला पदाधिकारी।  
सभी आरक्षी अधीक्षक।

पटना, दिनांक- 30/11/2013

विषय:- अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) संशोधन नियम-2013 के संबंध में।

महाशय,

उपर्युक्त विषय के संबंध में कहना है कि परामर्शी (SCD), सामाजिक न्याय और अधिकारिता मंत्रालय, नई दिल्ली ने पत्र संख्या-11012/12/2008-पी०सी०आर० (डेस्क) दिनांक-18 नवम्बर, 2013 द्वारा प्रसंगाधीन संशोधित नियम-2013 की प्रति उपलब्ध करायी है, जिसमें मुख्य रूप से निम्नांकित संशोधन किये गये हैं :-

1- अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) नियम-1995 (जिसे इसमें इसके पश्चात उक्त नियम कहा गया है) में, नियम-16 के उपनियम(1) के खण्ड (iv) में "अनुसूचित जनजाति आयोग" शब्दों के पश्चात " केन्द्रीय सरकार द्वारा नामनिर्देशित तीन से अनधिक सामाजिक कार्यकर्ता" शब्द अंतस्थापित किए जाएंगे।

2- उक्त नियमों में, नियम-17 के उपनियम(2) के पश्चात् निम्नलिखित उपनियम अंतः स्थापित किया जाएगा अर्थात् "(2क) केन्द्रीय सरकार द्वारा नामनिर्देशित तीन से अनधिक सामाजिक कार्यकर्ता-सदस्य"।

3- उक्त नियमों में, नियम-17 के पश्चात निम्नलिखित नियम अंतः स्थापित किया जाएगा, अर्थात्:-

"17क उपखण्ड स्तरीय सतर्कता और मानीटरिंग समिति का गठन

(1) राज्य के प्रत्येक उपखण्ड का उपखण्ड मजिस्ट्रेट, अपने उपखण्ड में इस अधिनियम के उपबन्धों के कार्यन्वयन का, पीडितों को दिए गए अनुतोष और पुनर्वास सुविधाओं और उससे संबंधित विषयों का अधिनियम के अधीन मामलों के अभियोजन का, अधिनियम के उपबन्धों के कार्यन्वयन के लिए उत्तरदायी विभिन्न अधिकारियों/अभिकरणों की भूमिका का और उपखण्ड प्रशासन द्वारा प्राप्त विभिन्न रिपोर्टों का पुनर्विलोकन करने के लिए एक सतर्कता और मानीटरिंग समिति का गठन करेगा।

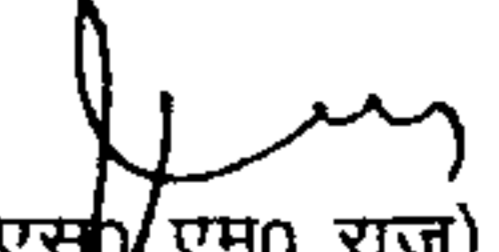
(2) उपखण्ड स्तरीय सतर्कता और मानीटरिंग समिति में अनुसूचित जातियों और अनुसूचित जनजातियों से संबंधित पंचायती राज संस्थाओं के सदस्य, पुलिस उप अधीक्षक, तहसीलदार, ब्लॉक विकास अधिकारी, अनुसूचित जातियों और अनुसूचित जनजातियों से संबंधित दो से अनधिक अशासनिक सदस्य और गैर सरकारी संगठनों से सहयुक्त अनुसूचित जातियों और अनुसूचित जनजातियों से भिन्न वर्गों से दो से अनधिक सदस्य होंगे। कमशः उपखण्ड मजिस्ट्रेट (SDM) अध्यक्ष होगा और ब्लॉक विकास अधिकारी (BDO) सदस्य सचिव होगा।

(3) केन्द्रीय सरकार द्वारा नामनिर्देशित तीन से अनधिक सामाजिक कार्यकर्ता-सदस्य।

वर्णित स्थिति में अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) संशोधन नियम-2013 की प्रतिलिपि भेजते हुए अनुरोध है कि संशोधित नियम के आलोक में आवश्यक कार्रवाई की जाय।

अनु०-यथोक्त ।

विश्वासभाजन

  
(एस० एम० राजू)  
सरकार के सचिव।

23/11/13

ज्ञापांक- 1/पी0सी0आर0(विविध)-09-31/2011- 2944 पटना, दिनांक- 30/11/2013  
प्रतिलिपि - सभी प्रमंडलीय आयुक्त/निदेशक, अनु0 जाति एवं अनु0जनजाति कल्याण  
विभाग/सभी उपविकास आयुक्त/सभी अनुमंडल पदाधिकारी/सभी प्रमंडलीय उप निदेशक  
कल्याण/सभी जिला कल्याण पदाधिकारी को सुचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

सरकार के सचिव

ज्ञापांक-1/ पी0सी0आर0(विविध)-09-31/2011- 2944 पटना, दिनांक- 30/11/2013  
प्रतिलिपि -प्रधान सचिव, गृह विभाग/सचिव, कार्मिक एवं प्रशसनिक सुधार विभाग/सभी प्रधान  
सचिव/सभी सचिव सभी विभाग/पुलिस महानिदेशक/पुलिस महानिरीक्षक(कमजोर वर्ग) अपराध  
अनुसंधान विभाग को सुचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

सरकार के सचिव

ज्ञापांक-1/ पी0सी0आर0(विविध)-09-31/2011- 2944 पटना, दिनांक- 30/11/2013  
प्रतिलिपि -संयुक्त सचिव,समाजिक न्याय एवं अधिकारिता मंत्रालय, भारत सरकार,शस्त्री भवन, नई  
दिल्ली/संयुक्त सचिव, राष्ट्रीय अनु0जाति आयोग, लोक नायक भवन, नई दिल्ली/ संयुक्त सचिव,  
राष्ट्रीय अनु0जनजाति आयोग, लोक नायक भवन, नई दिल्ली/निदेशक, राष्ट्रीय अनु0जनजाति  
आयोग,बी0-189,श्री कृष्णापुरी,पटना-1 को सुचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

सरकार के सचिव

ज्ञापांक-1/ पी0सी0आर0(विविध)-09-31/2011- 2944 पटना, दिनांक- 30/11/2013  
प्रतिलिपि -सचिव, राज्य अनुसूचित जाति आयोग, बिहार, पटना/ सचिव, राज्य अनुसूचित  
जनजाति आयोग, बिहार, पटना/ सचिव, महादलित आयोग, बिहार, पटना को सुचनार्थ एवं आवश्यक  
कार्यार्थ प्रेषित।

सरकार के सचिव

5

**Most Immediate**

No. 11012/2/2008-PCR(Desk)  
Government of India  
Ministry of Social Justice & Empowerment  
Department of Social Justice & Empowerment  
\*\*\*

Shastri Bhawan, New Delhi,  
Dated: 18-11-2013

To,  
The Principal Secretary,  
SC/ST Development Department,  
All State Governments/UT Administrations (except Jammu & Kashmir)

**Subject:-** Vigilance and Monitoring Committees under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (PoA) Rules, 1995....amendments in Rules 16 and 17 thereof.....regarding.  
\*\*\*

Sir/Madam

I am directed to refer to the subject noted above and to say that Rule 16 and Rule 17 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, as amended in 2011, provide for constitution of Vigilance and Monitoring Committees at the State and the District level respectively.

2. Consequent upon review of the existing provisions in Rule 16 and 17 of the PoA Rules and after consultation with the State Governments/Union Territory Administrations and the concerned Central Ministries, amendments in these two Rules have been made with the approval of the competent authority in this Ministry. Accordingly the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2013 have been notified in the Gazette of India Extraordinary dated 08.11.2013. A copy of the said notification (Hindi and English) is enclosed herewith for necessary action.

3. This issues with the approval of Additional Secretary, Department of Social Justice & Empowerment, Ministry of Social Justice & Empowerment.

Encl: As above

Yours faithfully,

(V.R. Malhotra)  
Consultant (SCD)  
Tele: 23071374

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**भारत का राजपत्र**  
**The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (I)

PART II—Section 3—Sub-section (I)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 554]

नई दिल्ली, शुक्रवार, नवम्बर 8, 2013/कार्तिक 17, 1935

No. 554]

NEW DELHI, FRIDAY, NOVEMBER 8, 2013/KARTIKA 17, 1935

सामाजिक न्याय और अधिकारिता मंत्रालय

(सामाजिक न्याय और अधिकारिता विभाग)

अधिसूचना

नई दिल्ली, 8 नवम्बर, 2013

सा.का.नि.725(अ).—केन्द्रीय सरकार, अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम, 1989 (1989 का 33) की धारा 23 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) नियम, 1995 का संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) संशोधन नियम, 2013 है।  
(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।
2. अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) नियम, 1995 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) में, नियम 16 के उपनियम (1) के खंड (iv) में, "अनुसूचित जनजाति आयोग" शब्दों के पश्चात् "केन्द्रीय सरकार द्वारा नामनिर्देशित तीन से अनधिक सामाजिक कार्यकर्ता" शब्द अंतःस्थापित किए जाएंगे।
3. उक्त नियमों में, नियम 17 के उपनियम (2) के पश्चात् निम्नलिखित उपनियम अंतःस्थापित किया जाएगा, अर्थात् :-  
"(2क) केन्द्रीय सरकार द्वारा नामनिर्देशित तीन से अनधिक सामाजिक कार्यकर्ता - सदस्य"।
4. उक्त नियमों में, नियम 17 के पश्चात् निम्नलिखित नियम अंतःस्थापित किया जाएगा, अर्थात् :-

"17क. उपखंड स्तरीय सतर्कता और मानीटरिंग समिति का गठन (1) राज्य के प्रत्येक उपखंड का उपखंड मजिस्ट्रेट अपने उपखंड में इस अधिनियम के उपबंधों के कार्यान्वयन का, पीड़ितों को दिए गए अनुतोष और पुनर्वास सुविधाओं और उससे संबंधित विषयों का, अधिनियम के अधीन मामलों के अभियोजन का, अधिनियम के उपबंधों के कार्यान्वयन के लिए उत्तरदायी विभिन्न अधिकारियों/अभिकरणों की भूमिका का और उपखंड प्रशासन द्वारा प्राप्त विभिन्न रिपोर्टों का पुनर्विलोकन करने के लिए एक सतर्कता और मानीटरिंग समिति का गठन करेगा।



(2) उपखंड रतरीय सतर्कता और मानीटरिंग समिति में अनुसूचित जातियों और अनुसूचित जनजातियों से संबंधित पंचायती राज संस्थाओं के सदस्य, पुलिस उप अधीक्षक, तहसीलदार, ब्लॉक विकास अधिकारी, अनुसूचित जातियों और अनुसूचित जनजातियों से संबंधित दो से अनधिक अशासनिक सदस्य और गैरसरकारी संगठनों से सहयुक्त अनुसूचित जातियों और अनुसूचित जनजातियों से भिन्न वर्गों से दो से अनधिक सदस्य होंगे। क्रमशः उपखंड मजिस्ट्रेट अध्यक्ष होगा और ब्लॉक विकास अधिकारी सदस्य सचिव होगा।

(3) केन्द्रीय सरकार द्वारा नामनिर्देशित तीन से अनधिक सामाजिक कार्यकर्ता - सदस्य"।

[फा. सं. 11012/2/2008/पीसीआर(डेस्क)]

संजीव कुमार, संयुक्त सचिव

टिप्पण : मूल नियम, भारत के राजपत्र, असाधारण में अधिसूचना संख्या सा.का.नि. 316(अ), तारीख 31 मार्च, 1995 द्वारा प्रकाशित किए गए थे।

## MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Social Justice and Empowerment)

### NOTIFICATION

New Delhi, the 8th November, 2013

**G.S.R. 725 (E).**—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 to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, namely:-

1. (1) These rules may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2013.

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

2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter referred to as the said rules), in clause (iv) of sub-rule (1) of rule 16, after the words "Scheduled Tribes" the words "not more than three social workers nominated by the Central Government" shall be inserted.

3. In the said rules after sub-rule (2) of rule 17, the following sub-rule shall be inserted, namely:—

"(2A) Not more than three social workers nominated by the Central Government – members".

4. In the said rules after rule 17, the following rule shall be inserted, namely:—

**"17A. CONSTITUTION OF SUB-DIVISION LEVEL VIGILANCE AND MONITORING COMMITTEE.**—(1) In each Sub Division within the State, the Sub-Divisional Magistrate shall set up a vigilance and monitoring committee in his sub-division 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 Sub-Division Administration.

(2) The Sub-Division level vigilance and monitoring committee shall consist of the elected Members of Panchayati Raj Institutions belonging to Scheduled Castes and Scheduled Tribes, Deputy Superintendent of Police, Tehsildar, Block Development Officer, not more than two non-official members belonging to the Scheduled Castes and the Scheduled Tribes and not more than two members from the categories other than the Scheduled Castes and the Scheduled Tribes, having association with Non-Government Organizations. The Sub-Divisional Magistrate shall be the Chairperson and the Block Development Officer, the Member Secretary respectively.

(3) Not more than three social workers nominated by the Central Government – members".

[F. No. 11012/2/2008-PCR (Desk)]  
SANJEEV KUMAR, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, vide notification number G.S.R. 316(E), dated the 31st March, 1995.

बिहार सरकार  
 अनु० जाति एवं अनु० जनजाति कल्याण विभाग  
 सं०-१/पी०सी०आर०(विविध)०९-३४/२०१३- 570

प्रेषक,

बी० प्रधान,  
 सरकार के प्रधान सचिव।

सेवा में,

सभी जिला पदाधिकारी।  
 सभी आरक्षी अधीक्षक।

पटना, दिनांक- 24.3.14

विषय:- अनु० जाति एवं अनु० जनजाति (अत्याचार निवारण) संशोधन अध्यादेश, 2014 लागू करने के संबंध में।

महाशय,

सचिव भारत सरकार, सामाजिक न्याय एवं अधिकारिता मंत्रालय नई दिल्ली ने अर्द्ध सरकारी पत्र संख्या-11012/1/2002-पी०सी०आर०(डेस्क) दिनांक-05.03.2014 द्वारा अनु० जाति एवं अनु० जनजाति (अत्याचार निवारण) संशोधन अध्यादेश, 2014 की प्रति उपलब्ध करायी है। यह संशोधन अध्यादेश दिनांक-04.03.2014 से लागू है। उक्त संशोधन अध्यादेश में मुख्य रूप से निम्नांकित संशोधन किये गये हैं:-

- (I) Amendments to Chapter II (Offences of Atrocities) to include new definitions, to re-phrase existing sections and expand the scope of presumptions.
- (II) Institutional Strengthening
- (III) Appeals
- (IV) Establishing Rights of victims & witnesses
- (V) Strengthening preventive measures

वर्णित स्थिति में संशोधित अध्यादेश की अंग्रेजी छाया प्रति भेजते हुए अनुरोध है कि अत्याचार से पीड़ितों को संशोधित अध्यादेश के अनुसार कार्रवाई सुनिश्चित किया जाय। साथ ही इस संशोधनों का सभी संबंधित पदाधिकारियों को अवगत कराया जाय।

विश्वासभाजन

24/3/14  
 (बी० प्रधान)

सरकार के प्रधान सचिव।

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ज्ञापांक- 1/पी0सी0आर0(विविध)-09-31/2011- 570 पटना, दिनांक- 24.3.14  
प्रतिलिपि - सभी प्रमंडलीय आयुक्त/निदेशक, अनु0 जाति एवं अनु0जनजाति कल्याण  
विभाग/सभी उपविकास आयुक्त/सभी अनुमंडल पदाधिकारी/सभी प्रमंडलीय उप निदेशक,  
कल्याण/सभी जिला कल्याण पदाधिकारी को सुचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

सरकार के अवर सचिव

ज्ञापांक-1/ पी0सी0आर0(विविध)-09-31/2011-

पटना, दिनांक-

प्रतिलिपि-प्रधान सचिव, गृह विभाग/सचिव, कार्मिक एवं प्रशसिनिक सुधार  
विभाग/सभी प्रधान सचिव/सभी सचिव सभी विभाग/पुलिस महानिदेशक/पुलिस  
महानिरीक्षक(कमजोर वर्ग) अपराध अनुसंधान विभाग को सुचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

सरकार के अवर सचिव।

ज्ञापांक-1/ पी0सी0आर0(विविध)-09-31/2011-

पटना, दिनांक-

प्रतिलिपि -संयुक्त सचिव,समाजिक न्याय एवं अधिकारिता मंत्रालय, भारत सरकार,शस्त्री  
भवन, नई दिल्ली/संयुक्त सचिव, राष्ट्रीय अनु0जाति आयोग, लोक नायक भवन, नई दिल्ली/  
संयुक्त सचिव, राष्ट्रीय अनु0जनजाति आयोग, लोक नायक भवन, नई दिल्ली/निदेशक, राष्ट्रीय  
अनु0जनजाति आयोग,बी0-189,श्री कृष्णापुरी,पटना-1 को सुचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

सरकार के अवर सचिव।

ज्ञापांक-1/ पी0सी0आर0(विविध)-09-31/2011-

पटना, दिनांक-

प्रतिलिपि-सचिव, राज्य अनुसूचित जाति आयोग, बिहार, पटना/सचिव, राज्य अनुसूचित  
जनजाति आयोग, बिहार, पटना/सचिव, महादलित आयोग, बिहार, पटना को सुचनार्थ एवं  
आवश्यक कार्यार्थ प्रेषित।

सरकार के अवर सचिव।

रामेश्वर बाबु

श्रीर भार्गव  
SUDHIR BHARGAVA  
सचिव  
SECRETARY  
Tel. : 23382683, Fax : 23385180  
E-mail : secywel@nic.in



भारत सरकार  
सामाजिक न्याय और अधिकारिता मंत्रालय  
सामाजिक न्याय और अधिकारिता विभाग  
शास्त्री भवन, नई दिल्ली-110 001

Government of India  
Ministry of Social Justice and Empowerment  
Deptt. of Social Justice and Empowerment  
Shastri Bhawan, New Delhi -110 001

**D.O. No. 11012/1/2002-PCR (DESK)**

श्रीर भार्गव  
31.03.2014  
Dear Shri Sinha,

1. I am enclosing for necessary action a copy of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014, which has been notified in the Gazette of India, Extraordinary on 04.03.14. The objective of amendments in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (PoA) Act, 1989 made by the aforesaid Ordinance is to deliver members of Scheduled Castes and Scheduled Tribes, greater justice and an enhanced deterrent to the offenders.

2. The amendments made in the PoA Act by the said Ordinance broadly pertain to following five areas:-

- I. Amendments to Chapter II (Offences of Atrocities) to include new definitions, to re-phrase existing sections and expand the scope of presumptions.
- II. Institutional Strengthening
- III. Appeals
- IV. Establishing Rights of Victims & Witnesses
- V. Strengthening preventive measures

With regards,

Yours sincerely,

(Sudhir Bhargava)

Encl. As above.

श्रीर भार्गव  
31.03.2014  
Shri Ashok Kumar Sinha,  
Chief Secretary,  
Government of Bihar,  
Patna - 800 015.

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URGENT

निदेशक PPS  
March 5, 2014  
For necessary follow up action.  
2) Inform all concerned.  
3) PPS to give me a copy.  
14/3/14

श्रीर भार्गव  
31.03.2014  
14/3/14

223  
12/3/14

1321

1749  
14-3-14



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 7] नई दिल्ली, मंगलवार, मार्च 4, 2014/ फाल्गुन 13, 1935 (शक)  
No. 7] NEW DELHI, TUESDAY, MARCH 4, 2014/PHALGUNA 13, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 4th March, 2014/Phalguna 13, 1935 (Saka)

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES  
(PREVENTION OF ATROCITIES) AMENDMENT ORDINANCE, 2014

(No. 1 of 2014)

Promulgated by the President in the Sixty-fifth Year of the Republic of India.

An Ordinance to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

WHEREAS the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2013, to give effect to the aforesaid objective, was introduced on the 12<sup>th</sup> December, 2013 in the House of the People;

AND WHEREAS the said Bill could not be taken up for consideration and passing in the House of the People;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

1. (1) This Ordinance may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014.

(2) It shall come into force at once.

Amendment of long title.

2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the principal Act), in the long title, for the words "Special Courts", the words "Special Courts and the Exclusive Special Courts" shall be substituted.

33 of 1989.

Amendment of section 2.

3. In section 2 of the principal Act, in sub-section (1),—

(i) after clause (b), the following clauses shall be inserted, namely:—

“(bb) “dependent” means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for his support and maintenance;

(bc) “economic boycott” means—

(i) a refusal to deal with, work for hire or do business with other person; or

(ii) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or

(iii) to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or

(iv) to abstain from the professional or business relations that one would maintain with other person;

(bd) “Exclusive Special Court” means the Exclusive Special Court established under sub-section (1) of section 14 exclusively to try the offences under this Ordinance;

(be) “forest rights” shall have the meaning assigned to it in sub-section (1) of section 3 of the Scheduled Tribes and Other

2 of 2007. Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;

25 of 2013. (bf) "manual scavenger" shall have the meaning assigned to it in clause (g) of sub-section (1) of section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013;

45 of 1860. (bg) "public servant" means a public servant as defined under section 21 of the Indian Penal Code, as well as any other person deemed to be a public servant under any other law for the time being in force and includes any person acting in his official capacity under the Central Government or the State Government, as the case may be;'

(ii) after clause (e), the following clauses shall be inserted, namely:-

'(ea) "Schedule" means the Schedule appended to this Ordinance;

(eb) "social boycott" means a refusal to permit a person to render to other person or receive from him any customary service or to abstain from social relations that one would maintain with other person or to isolate him from others;

(ec) "victim" means any individual who falls within the definition of the 'Scheduled Caste and Scheduled Tribe' under clause (c) of sub-section (1) of section 2, and who has suffered or experienced physical, mental, psychological, emotional or monetary harm or harm to his property as a result of the commission of any offence under this Ordinance and includes his relatives, legal guardian and legal heirs;

(ed) "witness" means any person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge necessary for the purpose of investigation, inquiry or trial of any crime involving an offence under this Ordinance, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence;'

(iii) for clause (f), the following clause shall be substituted, namely:-

45 of 1860.  
18 of 1872  
2 of 1974.

"(f) the words and expressions used but not defined in this Ordinance and defined in the Indian Penal Code, the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, as

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the case may be, shall be deemed to have the meanings respectively assigned to them in those enactments.”

Amendment of section 3.

4. In section 3 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

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

(a) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;

(b) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;

(c) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighborhood;

(d) garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;

(e) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;

(f) wrongfully occupies or cultivates any land, owned by, or in the possession of 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 such land transferred;

(g) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation



facilities or destroys the crops or takes away the produce therefrom.

*Explanation.*—For the purposes of clause (f) and this clause, the expression “wrongfully” includes—

(A) against the person’s will;

(B) without the person’s consent;

(C) with the person’s consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or

(D) fabricating records of such land;

(h) makes a member of a Scheduled Caste or a Scheduled Tribe to do “begar” or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;

(i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;

(j) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;

(k) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a devadasi or any other similar practice or permits aforementioned acts;

(l) forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe—

(A) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;

(B) not to file a nomination as a candidate or to withdraw such nomination; or

(C) not to propose or second the nomination of a member of a Scheduled Caste or a Scheduled Tribe as a candidate in any election;

(m) forces or intimidates or obstructs a member of a Scheduled

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Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a panchayat under Part IX of the Constitution or a municipality under Part IX A of the Constitution, from performing their normal duties and functions;

(n) after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Schedule Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;

(o) commits any offence under this Ordinance against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;

(p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

(q) 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;

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

(t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

*Explanation.*—For the purposes of this clause, the expression “object” means and includes statue, photograph and portrait;

(u) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;

(v) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

(w) (i) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent;

(ii) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.

*Explanation.*—For the purposes of sub-clause (i), the expression "consent" means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act:

Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity:

Provided further that a woman's sexual history, including with the offender shall not imply consent or mitigate the offence;

(x) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;

(y) 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 other members of public or any other section thereof have a right to use or access to;

(z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence:

Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;

(za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to -

(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing *ghat*, any public conveyance, any road, or passage;

(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;

(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including *jatras*;

(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public; or

(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;

(zb) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or

(zc) imposes or threatens a social or economic boycott of any person or a family or a group belonging to 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 five years and with fine;

(ii) in sub-section (2).--

(a) in clause (v), for the words "on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member", the words "knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member" shall be substituted;

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(b) after clause (v), the following clause shall be inserted, namely:—

“(va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code for such offences and shall also be liable to fine.”

45 of 1860.

5. For section 4 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 4.

“4. (1) Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Ordinance and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

Punishment for neglect of duties.

(2) The duties of public servant referred to in sub-section (1) shall include—

(a) to read out to an informant the information given orally, and reduced to writing by the officer in charge of the police station, before taking the signature of the informant;

(b) to register a complaint or a First Information Report under this Ordinance and other relevant provisions and to register it under appropriate sections of this Ordinance;

(c) to furnish a copy of the information so recorded forthwith to the informant;

(d) to record the statement of the victims or witnesses;

(e) to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;

(f) to correctly prepare, frame and translate any document or electronic record;

(g) to perform any other duty specified in this Ordinance or the rules made thereunder:

Provided that the charges in this regard against the public



servant shall be booked on the recommendation of an administrative enquiry.

(3) The cognizance in respect of any dereliction of duty referred to in sub-section (2) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant.”.

Amendment of section 8.

6. In section 8 of the principal Act,—

(i) in clause (a), for the words “any financial assistance to a person accused of”, the words “any financial assistance in relation to the offences committed by a person accused of” shall be substituted;

(ii) after clause (b), the following clause shall be inserted, namely:—

“(c) the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved.”.

Amendment of section 10.

7. In section 10 of the principal Act, in sub-section (1),—

(a) after the words and figures “article 244 of the Constitution”, the words, brackets and figures “or any area identified under the provisions of clause (vii) of sub-section (2) of section 21” shall be inserted;

(b) for the words “two years”, the words “three years” shall be substituted.

Substitution of new section for section 14.

8. For section 14 of the principal Act, the following section shall be substituted, namely:—

Special Court and Exclusive Special Court.

“14. (1) For the purpose 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, establish an Exclusive Special Court for one or more Districts:

Provided that in Districts where less number of cases under this Ordinance is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try the offences under this

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Ordinance:

Provided further that the Courts so established or specified shall have power to directly take cognizance of offences under this Ordinance.

(2) It shall be the duty of the State Government to establish adequate number of Courts to ensure that cases under this Ordinance are disposed of within a period of two months, as far as possible.

(3) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing:

Provided that when the trial relates to an offence under this Ordinance, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet."

9. After section 14 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 14A.

"14A. (1). Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

Appeals.

(2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973, an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the

2 of 1974.

2 of 1974.

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expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.

Substitution of new section for section 15.

10. For section 15 of the principal Act, the following section shall be substituted, namely:—

Special Public Prosecutor and Exclusive Public Prosecutor.

“15. (1) 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 purpose of conducting cases in that Court.

(2) For every Exclusive Special Court, the State Government shall, by notification in the Official Gazette, specify an Exclusive Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as an Exclusive Public Prosecutor for the purpose of conducting cases in that Court.”

Insertion of new Chapter IVA.

11. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

“CHAPTER IVA  
RIGHTS OF VICTIMS AND WITNESSES

Rights of victims and witnesses.

15A. (1) It shall be the duty and responsibility of the State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence.

(2) A victim shall be treated with fairness, respect and dignity and with due regard to any special need that arises because of the victim’s age or gender or educational disadvantage or poverty.

(3) A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Ordinance.

(4) A victim or his dependent shall have the right to apply to the Special Court or the Exclusive Special Court, as the case may be, to summon parties for production of any documents or material, witnesses or examine the persons present.



(5) A victim or his dependent shall be entitled to be heard at any proceeding under this Ordinance in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.

2 of 1974.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Special Court or the Exclusive Special Court trying a case under this Ordinance shall provide to a victim, his dependent, informant or witnesses—

- (a) the complete protection to secure the ends of justice;
- (b) the travelling and maintenance expenses during investigation, inquiry and trial; and
- (c) the social-economic rehabilitation during investigation, inquiry and trial;
- (d) relocation.

(7) The State shall inform the concerned Special Court or the Exclusive Special Court about the protection provided to any victim or his dependent, informant or witnesses and such Court shall periodically review the protection being offered and pass appropriate orders.

(8) Without prejudice to the generality of the provisions of subsection (6), the concerned Special Court or the Exclusive Special Court may, on an application made by a victim or his dependent, informant or witness in any proceedings before it or by the Special Public Prosecutor in relation to such victim, informant or witness or on its own motion, take such measures including—

- (a) concealing the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to the public;
- (b) issuing directions for non-disclosure of the identity and addresses of the witnesses;
- (c) take immediate action in respect of any complaint relating to harassment of a victim, informant or witness and on the same day, if necessary, pass appropriate orders for protection:

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Provided that inquiry or investigation into the complaint received under clause (c) shall be tried separately from the main case by such Court and concluded within a period of two months from the date of receipt of the complaint:

Provided further that where the complaint under clause (c) is against any public servant, the Court shall restrain such public servant from interfering with the victim, informant or witness, as the case may be, in any matter related or unrelated to the pending case, except with the permission of the Court.

(9) It shall be the duty of the Investigating Officer and the Station House Officer to record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and a photocopy of the First Information Report shall be immediately given to them at free of cost.

(10) All proceedings relating to offences under this Ordinance shall be video recorded.

(11) It shall be the duty of the concerned State to specify an appropriate scheme to ensure implementation of the following rights and entitlements of victims and witnesses in accessing justice so as

(a) to provide a copy of the recorded First Information Report at free of cost;

(b) to provide immediate relief in cash or in kind to atrocity victims or their dependents;

(c) to provide necessary protection to the atrocity victims or their dependents, and witnesses;

(d) to provide relief in respect of death or injury or damage to property;

(e) to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims;

(f) to provide the maintenance expenses to the atrocity victims and their dependents;

(g) to provide the information about the rights of atrocity victims at the time of making complaints and registering the First

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## Information Report:

(h) to provide the protection to atrocity victims or their dependents and witnesses from intimidation and harassment;

(i) to provide the information to atrocity victims or their dependents or associated organisations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost;

(j) to take necessary precautions at the time of medical examination;

(k) to provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount;

(l) to provide information to atrocity victims or their dependents or associated organisations or individuals, in advance about the dates and place of investigation and trial;

(m) to give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals and to provide the legal aid for the said purpose;

(n) to execute the rights of atrocity victims or their dependents or associated organisations or individuals at every stage of the proceedings under this Ordinance and to provide the necessary assistance for the execution of the rights.

(12) It shall be the right of the atrocity victims or their dependents, to take assistance from the Non-Government Organisations, social workers or advocates.”.

12. After section 23 of the principal Act, the following Schedule shall be inserted, namely:—

insertion of new Schedule.

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“THE SCHEDULE  
[See section 3(2) (va)]

Section under the Indian Penal Code.	Name of offence and punishment.
120A	Definition of criminal conspiracy.
120B	Punishment of criminal conspiracy.
141	Unlawful assembly.
142	Being member of unlawful assembly.
143	Punishment for unlawful assembly.
144	Joining unlawful assembly armed with deadly weapon.
145	Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.
146	Rioting.
147	Punishment for rioting.
148	Rioting, armed with deadly weapon.
217	Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.
319	Hurt.
320	Grievous hurt.
323	Punishment for voluntarily causing hurt.
324	Voluntarily causing hurt by dangerous weapons or means.
325	Punishment for voluntarily causing grievous hurt.
326B	Voluntarily throwing or attempting to throw acid.
332	Voluntarily causing hurt to deter public servant from his duty.

341	Punishment for wrongful restraint.
354	Assault or criminal force to woman with intent to outrage her modesty.
354A	Sexual harassment and punishment for sexual harassment.
354B	Assault or use of criminal force to woman with intent to disrobe.
354C	Voyeurism.
354D	Stalking.
359	Kidnapping.
363	Punishment for kidnapping.
365	Kidnapping or abducting with intent secretly and wrongfully to confine person.
376B	Sexual intercourse by husband upon his wife during separation.
376C	Sexual intercourse by a person in authority.
447	Punishment for criminal trespass.
506	Punishment for criminal intimidation.
509	Word, gesture or act intended to insult the modesty of a woman."

PRANAB MUKHERJEE.  
*President.*

P.K. MALHOTRA.  
*Secy. to the Govt. of India.*