

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
(Department of Social Justice and Empowerment)

NOTIFICATION

New Delhi, the 14th April, 2016

G.S.R. 424 (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 further 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, 2016.

(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 rule 2, for clause (b), the following clause shall be substituted, namely:—

'(b) " dependent" means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for support and maintenance; '

3. In the said rules, in rule 4, —

(a) for sub-rule (1) , the following shall be substituted, namely:—

" (1) The State Government, on the recommendation of the District Magistrate , shall prepare for each District a panel of such number of eminent senior advocates who have been in practice for not less than seven years, as it may deem necessary for conducting cases in the Special Courts and Exclusive Special Courts.

(1A) The State Government in consultation with the Director Prosecution or in charge of the prosecution, shall also specify a panel of such number of Public Prosecutors and Exclusive Special Public Prosecutors, as it may deem necessary for conducting cases in the Special Courts and Exclusive Special Courts, as the case may be.

(1B) Both the panels referred to in sub-rule (1) and sub-rule (1A) shall be notified in the Official Gazette of the State and shall remain in force for a period of three years. " ;

(b) in sub-rule (2) , for the words " Special Public Prosecutors", the words "Special Public Prosecutors and Exclusive Special Public Prosecutors" shall be substituted;

(c) in sub-rule (3) , for the words " a Special Public Prosecutor", the words " a Special Public Prosecutor or an Exclusive Special Public Prosecutor" shall be substituted;

(d) for sub-rule (4) of rule 4, the following sub-rule shall be substituted, namely:—

" (4) The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review,—

(a) the position of cases registered under the Act ;

(b) the implementation of the rights of victims and witnesses, specified under the provisions of Chapter IV A of the Act,

and submit a monthly report on or before 20th day of each subsequent month to the Director of Prosecution and the State Government, which shall specify the actions taken or proposed to be taken in respect of investigation and prosecution of each case. ”;

(e) in sub-rule (5), for the words ” conducting cases in the Special Courts”, the words ” conducting cases in the Special Courts or Exclusive Special Courts” shall be substituted;

(f) in sub-rule (6) , for the words ” Special Public Prosecutor”, the words ”Special Public Prosecutor and Exclusive Special Public Prosecutor ” shall be substituted.

4. In the said rules, in rule 7, —

(a) for sub-rule (2), the following shall be substituted, namely:-

” (2) The investigating officer so appointed under sub-rule (1) shall complete the investigation on top priority, submit the report to the Superintendent of Police, who in turn shall immediately forward the report to the Director General of Police or Commissioner of Police of the State Government , and the officer in- charge of the concerned police station shall file the charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days (the period is inclusive of investigation and filing of charge-sheet).

(2A) The delay, if any, in investigation or filing of charge-sheet in accordance with sub-rule (2) shall be explained in writing by the investigating officer.”;

(b) for sub-rule (3), the following sub-rule shall be substituted, namely:-

” (3) The Secretary, Home Department and the Secretary , Scheduled Castes and Scheduled Tribes Development Department (the name of the Department may vary from State to State) of the State Government or Union territory Administration, Director of Prosecution, the officer in-charge of Prosecution and the Director General of Police or the Commissioner of Police in-charge of the concerned State or Union territory shall review by the end of every quarter the position of all investigations done by the investigating officer. ”.

5. In the said rules, in rule 8, in sub-rule (1), after clause (vi), the following clause shall be inserted, namely:-

” (via) informing the nodal officer and the concerned District Magistrates about implementation of the rights of victims and witnesses specified under the provisions of Chapter IV A of the Act;”.

6. In the said rules, in rule 9, after clause (vi), the following clause shall be inserted namely:-

” (vii) implementation of the rights of victims and witnesses specified under the provisions of Chapter IVA the Act. ”.

7. In the said rules, in rule 10, after clause (iii), the following clause shall be inserted, namely:-

” (iv) implementation of the rights of victims and witnesses specified under the provisions of Chapter IVA of the Act, in the identified areas. ”.

8. In the said rules, in rule 12, —

(a) for sub-rule (4), the following shall be substituted, namely:-

" (4) The District Magistrate or the Sub- Divisional Magistrate or any other Executive Magistrate shall make necessary administrative and other arrangements and provide relief in cash or in kind or both within seven days to the victims of atrocity, their family members and dependents according to the scale as provided in Annexure-I read with Annexure-II of the Schedule annexed to these rules and such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items.

(4A) For immediate withdrawal of money from the treasury so as to timely provide the relief amount as specified in sub-rule (4), the concerned State Government or Union territory Administration may provide necessary authorisation and powers to the District Magistrate.

(4B) The Special Court or the Exclusive Special Court may also order socio-economic rehabilitation during investigation, inquiry and trial, as provided in clause (c) of sub-section 6 of section 15A of the Act. ";

(b) in sub-rule (7), for the words " Special Court" at both the places where they occur, the words "Special Court or Exclusive Special Court" shall respectively be substituted.

9. In the said rules, for rule 14, the following rule shall be substituted, namely:-

" 14. SPECIFIC RESPONSIBILITY OF STATE GOVERNMENT.—(1) The State Government shall make necessary provisions in its annual budget for providing relief and rehabilitation facilities to the victims of atrocity, as well as for implementing an appropriate scheme for the rights and entitlements of victims and witnesses in accessing justice as specified in sub-section (11) of section 15A of Chapter IV A of the Act.

(2) The State Government shall review at least twice in a calendar year, in the month of January and July the performance of the Special Public Prosecutor and Exclusive Special Public Prosecutor specified or appointed under section 15 of the Act, various reports received, investigation made and preventive steps taken by the District Magistrate, Sub-Divisional Magistrate and Superintendent of Police, relief and rehabilitation facilities provided to the victims and the reports in respect of lapses on behalf of the concerned officers. ".

10. In the said rules, in rule 15, —

(i) in sub-rule (1),—

(A) for the words "shall prepare a model contingency plan for implementing", the words "shall frame and implement a plan to effectively implement" shall be substituted;

(B) after clause (a), the following clause shall be inserted, namely:-

" (aa) an appropriate scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15 A of Chapter IV A of the Act;

