

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub: Enhancement of monetary relief to the victims of atrocities belonging to SCs/STs under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and rules – revised instruction regarding.

- Read: 1) Government Order No.SWD 19 SPA 2012, Dated:28-03-2012.
2) Government Order No.SWD 78 SPA 2014, Dated:01-08-2015.
3) Notification dated 14-04-2016 issued from GOI, Ministry of Social Justice and Empowerment.

Preamble:

In the Government Order dated 28-03-2012 and 01-08-2015 (1) & (2) above the Government issued the orders of monetary relief to the victims of atrocities belonging to SCs/STs.

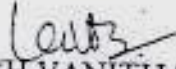
Now Government of India in the notification dated 14-04-2016 read at (3) above in exercise of the powers conferred by sub-section (1) of section 23 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, has amended relevant rules and revised the scale of relief under rule 12(4) of the rules and issued the notification. In this regard the proposal has been sent to the Finance Department and obtained the concurrence. Therefore the following order.

G.O. No.SWD 37 SPA 2016, BENGALURU, DATED 20-06-2016

The Government is hereby issued the revised order of enhancement of the monetary relief to the victims of atrocities belonging to SCs/STs as detailed in annexure-1 and the amended rules in annexure 2 appended to this order. The relief will be shared between the Central and State Government in the ratio of 50:50.

This order is issued with the concurrence of Finance Department vide its U.O.Note No.FD 421 Exp-3/2016 Dated:18-06-2016.

BY ORDER AND IN THE NAME OF
GOVERNMENT OF KARNATAKA


(H.VANITHA)

Under Secretary to Govt-2 (I/c),
Social Welfare Department.

To,

The Compiler, Karnataka Gazette, Bengaluru for publication in the next issue of the Gazette with a request to supply 1000 copies.

Copy to:

- 1) The Secretary to Government of India, Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi-110115.

- 2) The Additional Chief Secretary to Govt., Home Department, Vidhana Soudha, Bengaluru.
- 3) The Principal Secretary to Govt., Finance Department, Vidhana Soudha, Bengaluru
- 4) The Accountant General Accounts and Entitlement (Audit-I), (Audit-II), in Bengaluru
- 5) The Commissioner, Social Welfare Department, M.S. Building, Bengaluru, with request bring it to the notice of all the officers comming under the Social Welfare Department.
- 6) The Director General and Inspector General of Police, Nrupathunga Road, Bengaluru.
- 7) The Additional Director General of Police, Directorate of Civil Rights Enforcement, Bengaluru
- 8) Director, ST Welfare Department, Bengaluru, with request bring it to the notice of all the officers comming under the Tribal Welfare Department.
- 9) Secretary, Karnataka State SC/ST Commission, Bengaluru
- 10) The Regional Commissioners of Mysore, Kalaburagi, Belagavi and Bengaluru
- 11) All The Deputy Commissioners of Districts
- 12) All the Superintendents of Police in all Districts
- 13) All the District Social Welfare Officers of the Districts
- 14) All the Tahasildars of Taluks
- 15) All the Taluk Social Welfare Officers of Taluks
- 16) The Director, National SC/ST Commission, GOI, Koramangala, Bengaluru
- 17) The Private Secretary to Hon'ble Minister for Social Welfare
- 18) SGF/Spare Copies.

ANNEXURE-1 TO GOVERNMENT ORDER NO.SWD 37 SPA 2016, BANGALORE DATED:20.6.2016.

Sl. No.	Name of the offence	Minimum amount of relief
(1)	(2)	(3)
1	Putting any inedible or obnoxious substance [section 3 (1)(a) of the Act]	<p>One lakh rupees to the victim. Payment to then victim be made as follows:</p> <p>(i) 10 per cent. at First Information Report (FIR) stage for serial numbers (2) and (3) and 25 percent at FIR stage for serial numbers (1), (4) and (5);</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 40 per cent. when the accused are convicted by the lower court for serial numbers (2) and (3) and likewise 25 percent for serial numbers (1), (4) and (5).</p>
2	Dumping excreta, sewage, carcasses or any other obnoxious substance [Section 3(1)(b) of the Act]	
3	Dumping excreta, waste matter, carcasses with intent to cause injury insult or annoyance [Section 3(1)(c) of the Act]	
4	Garlanding with footwear or parading naked or semi-naked [Section 3(1)(d) of the Act]	
5	Forcibly committing acts such as removing clothes, forcible tonsuring of head, removing moustaches, painting face or body [Section 3(1)(e) of the Act]	
6	Wrongful occupation or cultivation of land [Section 3(1)(f) of the Act]	<p>One lakh rupees to the victim. The land or premises or water supply or irrigation facility shall be restored where necessary at Government cost by the concerned State Government or Union territory Administration. Payment to the victim be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
7	Wrongful dispossession of land or premises or interfering with the rights, including forest rights. [Section 3(1)(g) of the Act]	

8	Begar or other forms of forced or bonded labour [Section 3(1)(h) of the Act]	One lakh rupees to the victim. Payment to be made as follows: (i) Payment of 25 per cent. First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
9	Compelling to dispose or carry human or animal carcasses, or to dig graves [Section 3(1)(i) of the Act]	
10	Making a member of the Scheduled Castes or the Scheduled Tribes to do manual scavenging or employing him for such purpose [Section 3(1)(j) of the Act]	
11	Performing, or promoting dedication of a Scheduled Caste or a Scheduled Tribe woman as a devadasi [Section 3(1)(k) of the Act]	
12	Prevention from voting, filing nomination [Section 3(1)(l) of the Act]	Eighty-five thousand rupees to the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
13	Forcing, intimidating or obstructing a holder of office of Panchayat or Municipality from performing duties [Section 3(1)(m) of the Act]	
14	After poll violence and imposition of social and economic boycott [Section 3(1)(n) of the Act]	
15	Committing any offence under this Act for having voted or not having voted for a particular candidate [Section 3(1)(o) of the Act]	
16	Instituting false, malicious or vexatious legal proceedings [Section 3(1)(p) of the Act]	Eighty-five thousand rupees to the victim or reimbursement of actual legal expenses and damages, whichever is less. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
17	Giving false and frivolous information to a public servant [Section 3(1)(q) of the Act]	One lakh rupees to the victim or reimbursement of actual legal expenses and damages, whichever is less. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.

18	Intentional insult or intimidation to humiliate in any place within public view [Section 3(1)(r) of the Act]	One lakh rupees to the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
19	Abusing by caste name in any place within public view [Section 3(1)(s) of the Act]	
20	Destroying, damaging or defiling any object held sacred or in high esteem [Section 3(1)(t) of the Act]	
21	Promoting feelings of enmity, hatred or ill-will [Section 3(1)(u) of the Act]	
22	Disrespecting by words or any other means of any late person held in high esteem [Section 3(1)(v) of the Act]	
23	Intentionally touching a Scheduled Caste or a Scheduled Tribe woman without consent, using acts or gestures, as an act of sexual nature, [Section 3(1)(w) of the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
24	Section 326B of the Indian Penal Code (45 of 1860)--Voluntarily throwing or attempting to throw acid. [Section 3(2)(va) read with scheduled to the act]	<p>(a) Eight lakh and twenty-five thousand rupees to the victim with burns exceeding and 2 per cent and above burns on face or in case of functional impairment of eye, ear, nose and mouth and or burn injury on body exceeding 30 per cent;</p> <p>(b) four lakh and fifteen thousand rupees to the victim with burns between 10 per cent. to 30 per cent. on the body;</p> <p>(c) eighty-five thousand rupees to the victim with burns less than 10 per cent. on the body other than on face.</p> <p>In addition, the State Government or Union territory Administration shall take full responsibility for the treatment of the victim of acid attack. The payment in terms of items (a) to (c) are to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. after receipt of medical report.</p>

25	Section 354 of the Indian Penal Code (45 of 1860) -- Assault or criminal force to woman with intent to outrage her modesty. [Section 3(2) (va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. at First Information Report (FIR) stage; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court.
26	Section 354A of the Indian Penal Code (45 of 1860)-- Sexual harassment and punishment for sexual harassment. [Section 3(2) (va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. at First Information Report (FIR) stage; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court
27	Section 354 B of the Indian Penal Code (45 of 1860)-- Assault or use of criminal force to woman with intent to disrobe [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. at First Information Report (FIR) stage; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court
28	Section 354 C of the Indian Penal Code (45 of 1860)-- Voyeurism. [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 10 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 40 per cent. When the accused are convicted by the lower court
29	Section 354 D of the Indian Penal Code (45 of 1860) -- Stalking. [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 10 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 40 per cent. When the accused are convicted by the lower court.
30	Section 376B of the Indian Penal Code (45 of 1860)-- Sexual intercourse by husband upon his wife during separation. [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. After medical examination confirmatory medical report stage; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. When the accused are convicted by the lower court
31	Section 376C of the Indian Penal Code (45 of 1860)-- Sexual intercourse by a person in authority.	Four lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. after medical examination and confirmatory medical report;

	[Section 3(2)(va) read with Schedule to the Act]	<p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>
32	<p>Section 509 of the Indian Penal Code (45 of 1860)-- Word, gesture or act intended to insult the modesty of a woman.</p> <p>[Section 3(2)(va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
33	<p>Fouling or corrupting of water</p> <p>[Section 3(1)(x) of the Act]</p>	<p>Full cost of restoration of normal facility, including cleaning when the water is fouled, to be borne by the concerned State Government or Union territory Administration. In addition, an amount of eight lakh twenty-five thousand rupees shall be deposited with the District Magistrate for creating community assets of the nature to be decided by the District Authority in consultation with the Local Body.</p>
34	<p>Denial of customary right of passage to a place of public resort or obstruction from using or accessing public resort</p> <p>[Section 3(1)(y) of the Act]</p>	<p>Four lakh twenty-five thousand rupees to the victim and cost of restoration of right of passage by the concerned State Government or Union territory Administration. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court</p>
35	<p>Forcing or causing to leave house, village, residence desert place of residence</p> <p>[Section 3(1)(z) of the Act]</p>	<p>Restoration of the site or right to stay in house, village or other place of residence by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim and reconstruction of the house at Government cost, if destroyed. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>

36	<p>Obstructing or preventing a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—</p> <p>(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 [Section 3(1)(za)(A) of the Act]</p>	<p>(A): Restoration of the right 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 equally with others, by the concerned State Government or Union Territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
	<p>(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 [Section 3(1)(za)(B) of the Act]</p>	<p>(B): Restoration of the right of 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, equally with others by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim.</p> <p>Payment to be made as follows:</p> <p>(i) Payment of 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court;</p>
	<p>(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 jattras [Section 3(1)(za)(C) of the Act]</p>	<p>(C): Restoration of the right of 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 procession or jattras, as is open to the public or other persons professing the same religion, social or cultural processions including jattras, equally with other persons, by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court.</p>

	<p>(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 [Section 3(1)(za)(D) of the Act]</p> <p>(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 [Section 3(1)(za)(E) of the Act]</p>	<p>(iii) 25 per cent. when the accused are convicted by the lower court.</p> <p>(D): Restoration of the right of 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, equally with other persons by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p> <p>(E): Restoration of the right of 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, by the concerned State Government/Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
37	Causing physical harm or mental agony on the allegation of being a witch or practicing witchcraft or being a witch [Section 3(1)(zb) of the Act]	<p>One lakh rupees to the victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim. Payment to be made as follows:</p> <p>(i) 25 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. when the accused are convicted by the lower court.</p>
38	Imposing or threatening a social or economic boycott. [Section 3(1)(zc) of the Act]	Restoration of provision of all economic and social services equally with other persons, by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. To be paid in full when charge sheet is sent to the lower court.

39	Giving or fabricating false evidence [Section 3(2)(i) and (ii) of the Act]	Four lakh fifteen thousand rupees to the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
40	Committing offences under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more [Section 3(2) of the Act]	Four lakh rupees to the victim and or his dependents. The amount would vary, if specifically otherwise provided in this Schedule. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
41	Committing offences under the Indian Penal Code (45 of 1860) specified in the Schedule to the Act punishable with such punishment as specified under the Indian Penal Code for such offences [Section 3(2) (va) read with the Schedule to the Act]	Two lakh rupees to the victim and or his dependents. The amount would vary if specifically otherwise provided in this Schedule. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court;
42	Victimisation at the hands of a public servant [Section 3(2) (vii) of the Act]	Two lakh rupees to the victim and or his dependents. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court;

43	<p>Disability. Guidelines for evaluation of various disabilities and procedure for certification as contained in the Ministry of Social Justice and Empowerment Notification No. 16-18/97-NI, dated the 1 st June, 2001. A copy of the notification is at Annexure-II.</p> <p>(a) 100 per cent. incapacitation</p> <p>(b) where incapacitation is less than 100 per cent. but more than 50 per cent.</p> <p>(c) where incapacitation is less than 50 per cent.</p>	<p>Eight lakh and twenty five thousand rupees to victim. Payment to be made as follows;</p> <p>(i) 50 percent after medical examination and confirmatory medical report.</p> <p>(ii) 50 percent. When the charge sheet is sent to the court;</p> <p>Four lakh and twenty five thousand rupees to victim. Payment to be made as follows;</p> <p>(i) 50 percent after medical examination and confirmatory medical report.</p> <p>(ii) 50 percent. When the charge sheet is sent to the court;</p> <p>Two lakh and twenty five thousand rupees to victim. Payment to be made as follows;</p> <p>(i) 50 percent after medical examination and confirmatory medical report.</p> <p>(ii) 50 percent. When the charge sheet is sent to the court;</p>
44	<p>Rape or Gang rape.</p> <p>(i) Rape [Section 375 of the Indian Penal Code (45 of 1860)]</p> <p>(ii) Gang rape [Section 376D of the Indian Penal Code (45 of 1860)]</p>	<p>Five lakh rupees to the victim. Payment to be made as follows;</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p> <p>Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. after medical examination and confirmatory medical report;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>

45	Murder or Death.	Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows: (i) 50 per cent. after post mortem report; (ii) 50 per cent. when the charge sheet is sent to the court.
46	Additional relief to victims of murder, death, massacre, rape, gang rape, permanent incapacitation and dacoity.	In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows:- (i) Basic Pension to the widow or other dependents of deceased persons belonging to a Scheduled Caste or a Scheduled Tribe amounting to five thousand rupees per month, as applicable to a Government servant of the concerned State Government or Union territory Administration, with admissible dearness allowance and employment to one member of the family of the deceased, and provision of agricultural land, an house, if necessary by outright purchase; (ii) Full cost of the education up to graduation level and maintenance of the children of the victims. Children may be admitted to Ashram schools or residential schools, fully funded by the Government; (iii) Provision of utensils, rice, wheat, dals, pulses, etc., for a period of three months.
47.	Complete destruction or burnt houses.	Brick or stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed.

(H. Vanitha)
(H. VANITHA)

Under Secretary to Govt-2 (I/c),
Social Welfare Department.

ANNEXURE-2 TO THE GOVERNMENT ORDER NO.SWD 37 SPA 2016,
BENGALURU, DATED:20-06-2016

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.

(1) 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;

(ii) in sub-rule (2), for the words "to the Central Government in the Ministry of Welfare", the words "to the Central Government in the Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment" shall be substituted.

11. In the said rules, for rule 16, the following rule shall be substituted, namely:-

"16. CONSTITUTION OF STATE-LEVEL VIGILANCE AND MONITORING COMMITTEE:

(1) The State Government shall constitute high power vigilance and monitoring committee of not more than twenty-five members consisting of the following, namely:—

(i) Chief Minister or Administrator – Chairman (in case of a State under President's Rule, the Governor shall be the Chairman);

(ii) Home Minister, Finance Minister and Minister(s) in-charge of welfare and development of the Scheduled Castes and the Scheduled Tribes - Members (in case of a State under the President's Rule, the Advisors shall be Members);

(iii) all elected Members of Parliament and State Legislative Assembly and Legislative Council from the State belonging to the Scheduled Castes and the Scheduled Tribes shall be Members;

(iv) Chief Secretary, the Home Secretary, the Director General of Police, Director/Deputy Director, the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes shall be Members;

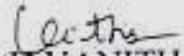
(v) the Secretary in-charge to the welfare and development of the Scheduled Castes and the Scheduled Tribes shall be Convener.

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

12. In the said rules in rule 17, in sub-rule (1), after the words "review the implementation of the provisions of the Act, ", the words " 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, " shall be inserted.

13. In the said rules, in rule 17A, in sub-rule(1), after the words, " review the implementation of the provisions of the Act", the words "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, ", shall be inserted.

14. In the said rules, in the Schedule, for Annexure-I, the following Annexure shall be substituted, namely:-


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