



NATIONAL COMMISSION  
FOR  
SCHEDULED CASTES AND SCHEDULED TRIBES

HISTORICAL BACKGROUND, FUNCTIONS, GENERAL INFORMATION

JULY 1993

## HISTORICAL BACKGROUND

### Original Article 338

The original Article 338 of the Constitution of India read as follows :

“338. Special Officer for Scheduled Castes, Scheduled Tribes, etc.—

- (1) There shall be a Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President.
- (2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.
- (3) In this article, references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify and also to the Anglo-Indian community.”

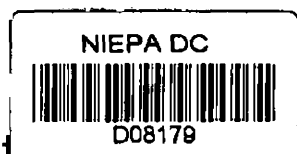
### Commissioner for SC & ST

2. The Special Officer mentioned in Article 338(1) was designated as the Commissioner for Scheduled Castes and Scheduled Tribes by the first President, Dr. Rajendra Prasad. Shri L. M. Shrikant appointed as the first Commissioner on 18-11-1950 continued till the end of 1961. He was succeeded by Shri Anil K. Chanda (1962-66), Shri S.C. Sengupta (November 1966 to June 1967), Prof. Nirmal Kumar Bose (July 1967 to September 1970), Shri Shankarrao Mane (31-7-71 to 31-7-76), Shri Shishir Kumar (November 1976 to November 1981), Dr. B.D. Sharma (February 1986 to February 1991) and Shri S.P. Bagla (February 1991 to 12-3-1992).

3. The organisation of the Commissioner for Scheduled Castes and Scheduled Tribes was weakened by the decision of the Government of India in June 1967 to take away all the 17 field offices which functioned as “eyes and ears” of the Commissioner and regrouping them into five Zonal Offices of Backward Classes Welfare and putting them under the control of a newly created post of Director General, Backward Classes Welfare, under the Union Department of Social Welfare. This step was detrimental to the interests of the Scheduled Castes and Scheduled Tribes as the Commissioner was not left with any independent agency to collect reliable information and for assessment of the problems of these disadvantaged groups and the developmental programmes undertaken for them. In its First Report (1969) the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes deplored this action of the Government and wanted the hands of the Commissioner strengthened. However, the Government did not restore the field organisation to the Commissioner for SC & ST whose effectiveness was thus undermined.

### Commission for SC & ST (non-statutory)

4. There was a persistent demand by SC & ST representatives, particularly the Members of Parliament, that the Special Officer under Article 338 should be replaced by an effective multi-member Commission with increased functions and powers. The Ministry of Home Affairs by Resolution No. 13013/9/77-SCT (I) dated 21-7-78 (copy at Annexure I) decided to set up a Commission for Scheduled Castes and Scheduled Tribes. The first Commission was constituted in



August 1978 with Shri Bhola Paswan Shastri as Chairman. However, this step was taken without abolishing the office of the Special Officer for SC & ST. On 3-8-1978 the Government introduced the Constitution (Forty-sixth Amendment) Bill, 1978, in the Lok Sabha to amend Article 338 alongwith Article 350 (B). This Bill could not be taken up in the 1978 winter session of the Parliament. It was brought up again in the Lok Sabha as the Constitution (Fifty-first Amendment) Bill, 1979, but it could not secure the requisite majority. However, in their keenness to get the Bill passed the Government advanced the monsoon session by a week. But before any other business could be taken up a no-confidence motion was moved leading to fall of the Government. The Commission set up by an executive resolution, however, continued to function. It was an unsatisfactory situation with the statutory office of the Special Officer for SC & ST and the non-statutory Commission for SC & ST co-existing charged with the same functions. After the then Commissioner for SC & ST demitted his office in November 1981 the post was not filled up for more than four years.

#### **National Commission for SC & ST (non-statutory)**

5. On 1-9-1987 the Government decided to demarcate the functions of the Special Officer for SC & ST and the Commission for SC & ST. It was decided that only the Commissioner for SC & ST would be submitting the (Annual) Reports to the President and the Parliament and the Commission which was rechristened as the National Commission for SC & ST would conduct studies. The Ministry of Welfare Notification No. BC-13015/12/86-SCD. VI dated 1-9-87 laying down the functions of the National Commission for SC & ST has been reproduced at Annexure II. The first Chairman of the Commission, Shri Bhola Paswan Shastri, was succeeded by Shri K. Rajamallu (17-8-81 to 24-3-83), Smt. M. Chandrasekhar (5-9-83 to 12-1-85), Shri Bheekhabhai (24-2-86 to 27-10-89) and Shri Ram Dhan (1-5-90 to 11-3-92).

#### **National Commission for SC & ST (statutory)**

6. The Constitution (Sixty-eighth Amendment) Bill, 1990, was passed unanimously by the Lok Sabha on 30-5-1990 and the Rajya Sabha on 31-5-1990. It received the President's assent on 7-6-1990 and was notified as the Constitution (Sixty-fifth Amendment) Act, 1990, in the official Gazette on 8-6-1990. The Act has been reproduced at Annexure III.

7. The Chairperson, the Vice-Chairperson and the Members of the new Constitutional National Commission for SC & ST (hereinafter referred to as the Commission) were to be appointed by the President of India in accordance with the conditions of service and tenure of office as the President might by rule determine. These Rules were notified on 3-11-1990. The Commission was, however, reconstituted in accordance with these Rules only on 12-3-1992. The present composition of the Commission is as follows:

- (1) **Shri Ram Dhan**, ex-MP, appointed as Chairperson for a period of five years. He was elected to the Lok Sabha five times and is a freedom fighter.
- (2) **Shri Bandi Oraon**, MLA (Bihar), appointed as Vice-Chairperson for three years. He had been a Minister in Bihar.
- (3) **Shri B. Sammaiah** appointed as Member for three years. He was a Minister in Andhra Pradesh during 1982-83.
- (4) **Dr. Smt. Sarojini Mahishi** appointed as Member for three years. She was a Minister in Smt. Indira Gandhi's Cabinet from 1966 to 1976.
- (5) **Choudhary Hari Singh**, MP (Rajya Sabha), appointed as Member for three years. He had been a Minister in U. P.

- (6) **Shri P. N. Brahma** appointed as Member for three years. He is an important Bodo leader and a well known educationist. He had been a Member of the Assam Public Service Commission.
- (7) **Shri Jhinabhai R. Darjee** appointed as Member for three years. He had been a Minister in Gujarat and Chairman of the National Commission on Rural Labour (August 1987 to May 1990).

## FUNCTIONS

8. The functions of the Commission have been laid down in clauses (5), (8), (9) and (10) of the amended Article 338 of the Constitution. These functions are briefly discussed here.

### INVESTIGATION INTO AND MONITORING OF SAFEGUARDS PROVIDED UNDER THE CONSTITUTION, LAW AND ORDERS

9. The Commission is required to investigate and monitor all matters relating to the safeguards provided for SC & ST under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards.

#### Constitutional Safeguards

The important Constitutional safeguards for SC & ST are mentioned below:

##### (A) Directive Principles of State Policy

**Article 46** is a comprehensive article comprising both the developmental and regulatory aspects. It reads as follows:

“The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.”

##### (B) Social Safeguards

**Article 17** “Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.

There are two important legislations relating to this article, viz., the Protection of Civil Rights Act, 1955, and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

**Article 23** prohibits traffic in human beings and *begar* and other similar forms of forced labour and provides that any contravention of this provision shall be an offence punishable in accordance with law. It does not specifically mention SC & ST but since the majority of bonded labour belong to SC & ST this article has a special significance for SC & ST. In pursuance of this article there is the Bonded Labour System (Abolition) Act, 1976, and there is a Centrally Sponsored Scheme for identification, liberation and rehabilitation of bonded labour.

**Article 24** provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. There are Central and State laws to prevent child labour. This article too is significant for SC & ST as a substantial portion, if not the majority, of child labour engaged in hazardous employment belong to SC & ST.

**Article 25(2)(b)** provides that Hindu religious institutions of a public character shall be thrown open to all classes and sections of Hindus. This provision is relevant as some sects of Hindus used to claim that only members of the concerned sects had a right to enter their temples. This was only a subterfuge to prevent entry of SC persons in such temples. For the purpose of this provision the term Hindu includes Sikh, Jaina and Buddhist.

### **(C) Economic Safeguards**

The provisions of Articles 46, 23 and 24 mentioned above also form part of the economic safeguards. The specific safeguards for the Scheduled Tribes are mentioned below :

**Article 244 :** According to clause (1) the provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Mizoram and Tripura.

According to clause (2) the provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the States of Assam, Meghalaya, Mizoram and Tripura.

**Article 275(1)** provides that "there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of a State such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State."

A similar provision exists in this article for paying such special grants to the States covered under the Sixth Schedule out of the Consolidated Fund of India.

**Fifth Schedule** contains provisions regarding the administration and control of the Scheduled Areas and Scheduled Tribes. There are eight States having Scheduled Areas, viz., Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Rajasthan. The Governors of these States have special responsibilities and powers. These States have Tribes Advisory Councils. (In addition, Tamil Nadu and West Bengal, which do not have any Scheduled Areas, also have statutory TACs.) The Governors of these eight States have the power to make regulations for the peace and good government of any Scheduled Area, particularly for the following purposes :

- (a) to prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area,
- (b) to regulate the allotment of land to members of the Scheduled Tribes in such area,
- (c) to regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.

**Sixth Schedule** contains provisions relating to the administration of the Tribal Areas in the States of Assam (North Cachar Hills District and Karbi Anglong District), Meghalaya, Mizoram and Tripura (Autonomous Hill District). There are Autonomous District Councils and Autonomous Regional Councils in these areas which have a long tradition of self-management systems. These Autonomous Councils not only administer the various Departments and developmental programmes but they also have powers to

make laws on a variety of subjects, e.g., land, forest, shifting cultivation, village or town administration including village or town police and public health and sanitation inheritance of property, marriage and divorce and social customs.

#### **(D) Educational and Cultural Safeguards**

**Article 15(4)** empowers the State to make any special provision for the advancement of any socially and educationally backward classes of citizens or for SC & ST. This provision was added to the Constitution through the Constitution (First Amendment) Act, 1951, which amended several articles. This provision has enabled the State to reserve seats for SC & ST in educational institutions including technical, engineering and medical colleges. In this as well as in Article 16(4) the term 'backward classes' is used as a generic term and comprises various categories of backward classes, viz., Scheduled Castes, Scheduled Tribes, (Other) Backward Classes, Denotified Communities (*Vimukta Jatiyan*) and Nomadic, Semi-nomadic Communities.

**Article 29(1)** provides that "any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same". This article has special significance for all the Scheduled Tribes. Santhals have a script of their own, viz., Olchiki.

**Article 350 A** : "It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instructions in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups, and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities." Most of the tribal communities have their own languages or dialects which usually belong to a different family of languages than the one to which the State's official language belongs. Various expert commissions and committees have recommended that instruction should be imparted to tribal children in their mother tongue in primary schools, at least in classes I and II.

#### **(E) Political Safeguards**

**Article 164(1)** provides that in the States of Bihar, Madhya Pradesh and Orissa there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.

**Article 330** provides for reservation of seats for SC & ST in the Lok Sabha.

**Article 332** provides for reservation of seats for SC & ST in the State Vidhan Sabhas (Legislative Assemblies).

**Article 334** originally laid down that the provision relating to the reservation of seats for SC & ST in the Lok Sabha and the State Vidhan Sabhas (and the representation of the Anglo-Indian community in the Lok Sabha and the State Vidhan Sabhas by nomination) would cease to have effect on the expiration of a period of ten years from the commencement of the Constitution. This article has since been amended four times, extending the said period by ten years on each occasion. This provision is now to expire in January 2000.

**Article 371A** contains special provisions with respect to Nagaland.

**Article 371B** contains special provisions with respect to Assam.

**Article 371C** contains special provisions with respect to Manipur.

**Article 371F** contains special provisions with respect to Sikkim.

## **(F) Services Safeguards**

**Article 16(4)** empowers the State to make “any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State”.

**Article 335** : “The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.”

**Article 320(4)** provides that consultation with the UPSC or any State Public Service Commission shall not be required as respects the manner in which any provision under Article 16(4) may be made or the manner in which effect may be given to the provisions of Article 335.

## **Laws**

There are a number of laws, both Central and State, which provide safeguards for SC & ST. Some of these emanate from the various Constitutional provisions. An illustrative list of such laws is given below :

The Protection of Civil Rights Act, 1955

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

The Bonded Labour System (Abolition) Act, 1976

The Child Labour (Prohibition and Regulation) Act, 1986

Acts and Regulations in force in different States to prevent alienation of land belonging to SC & ST. In some States such provision exists in the Land Revenue Code.

Acts in different States for restoration of alienated land to SC & ST

The Forest Conservation Act, 1980

The Commission proposes to compile a complete list of all such laws, both Central and State, which provide safeguards to SC & ST or protect their interests.

## **Orders**

Similarly the Commission proposes to undertake an exercise of listing such executive orders issued by the Government of India or the State Governments which are not covered by the Constitutional safeguards or the laws referred to above but which provide safeguards to SC & ST or protect their interests. For instance, in pursuance of the Constitutional provisions of services safeguards, the Government of India have issued a large number of orders for reservation of seats for SC & ST in services and posts both in recruitment and promotion. Besides they have issued many orders extending various facilities and concessions to SC/ST employees. There may be a large number of orders covering various aspects of SC & ST communities and relating to various sectors. All these orders will have to be compiled in respect of the Union and the States.

## **INQUIRY INTO SPECIFIC COMPLAINTS**

10. The Commission is required to inquire into specific complaints with respect to the deprivation of rights and safeguards of SC & ST. In order to enable the Commission to perform this function within manageable limits the Commission would like to appeal to members of SC & ST that before submitting any specific complaint to the Commission

for redress of their grievances they should clearly state if and how there has been a violation of their rights and safeguards. The Commission would not like to be burdened with flimsy or irrelevant complaints. A large number of representations are regularly received from SC & ST employees working in Government Departments, public sector undertakings and autonomous bodies. The Commission would like them to know that it will be in a position to inquire into their service grievances only if there has been a violation of any provision of the Acts governing reservation in services and posts for SC & ST (the State Governments of Manipur, Orissa and West Bengal have passed such legislations) or, in the case of the Government of India, of the orders contained in the brochures relating to reservation matters issued by the Ministry of Personnel, the BPE/administrative Ministries in relation to the public sector undertakings under them, the Ministry of Railways, the Banking Division, etc. The Commission would not like to interfere in vigilance cases, disciplinary cases, criminal cases before a court of law, merits of adverse remarks in annual confidential reports and the like. In addition, the following guidelines are laid down for submission of specific complaints :

- (i) The complaint should be directly addressed to the Chairman, National Commission for SC & ST, or the heads of its field offices. No action will be taken on representations which are addressed to other authorities with only an endorsement to the Commission.
- (ii) The complainant should disclose his full identity and give his full address. No action will be taken on an unsigned complaint.
- (iii) Complaints should be legibly written and, where necessary, supported by authenticated documents.
- (iv) No action will be taken on matters which are *sub judice*.
- (v) Cases in which a court has already given its final verdict shall not be taken up afresh by the Commission.

#### **SOCIO-ECONOMIC DEVELOPMENT**

11. The Commission is required to participate in and advise on the planning process of socio-economic development of SC & ST and to evaluate the progress of their development under the Union and any State. The role of the Commission in these areas will be at various levels, i.e., the Planning Commission, the Central Ministries and the State Governments. The Commission and its officers both at the Headquarters office and in the field offices would be involved with the formulation of policies and developmental programmes for SC & ST including the Special Component Plan for the Scheduled Castes and the Tribal Sub-Plan. The Commission would evolve the necessary procedures for such participation and evaluation work.

#### **ANNUAL REPORT**

12. The Commission is required to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of the safeguards provided for SC & ST under the Constitution, various laws and orders. These reports shall contain recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of SC & ST. The President shall cause all such reports to be laid before each House of Parliament alongwith a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

Where any such report, or any part thereof, relates to any matter with which State Government is concerned, a copy of such report shall be forwarded to the



Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

#### **POWERS OF THE COMMISSION TO ACT AS A CIVIL COURT**

13. While investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), the Commission shall have the powers of a Civil Court trying a suit and in particular in respect of the following matters :

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath,
- (b) requiring the discovery and production of any document,
- (c) receiving evidence on affidavits,
- (d) requisitioning any public record or copy thereof from any court or office,
- (e) issuing commissions for the examination of witnesses and documents,
- (f) any other matter which the President may, by rule, determine.

The Commission does not have any power to give any verdict or direction. It can only give its findings and recommendations.

#### **CONSULTATIVE ROLE OF THE COMMISSION**

14. The Constitution has made it mandatory for the Union and every State Government to consult the Commission on all major policy matters affecting SC&ST. This is a very important function of the Commission which has to keep track of all the major policy decisions taken by the Government of India or any State Government. These decisions could be legislative or executive. Obviously it is not possible for the Commission alone to find out what all policy decisions have been or are being taken by the Government. Therefore, the Commission would welcome information about this matter from all quarters so that the interests of SC & ST are not affected adversely by default.

#### **INQUIRY INTO CASES OF ATROCITIES ON SC&ST**

15. Whenever information is received by the Commission about any incident of atrocity on a person or persons belonging to SC & ST, the Commission would inquire into it to determine the circumstances that led to the occurrence of the incident and to see if the law and order and other State machinery have taken proper action including distribution of relief to the affected persons or their families. The Commission would lay down detailed procedure for conducting such inquiries at different levels. Such inquiries may be conducted directly by the Members of the Commission or through the investigating teams from the Headquarters office of the Commission or the field officers of the Commission. All the concerned authorities at the Centre or in the States would be expected to render assistance to the Commission in such inquiries. For the general information of the public copies of two important legislations, viz., the Protection of Civil Rights Act, 1955, and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, have been given at Annexures IV and V respectively.

## GENERAL INFORMATION

16. The office of the Commission is located in Loknayak Bhawan (Floor V), New Delhi-110003. Its Head of Department is Secretary to the Commission, an officer of the rank of Secretary to the Government of India. The Commission proposes to have a number of wings to perform the various functions laid down in the Constitution. It has submitted its proposals for sanction of additional staff to the Government.

17. At present the Commission has 17 field offices whose location, addresses and telephone numbers, alongwith their respective jurisdiction are given in Annexure VI.

18. The Commission hopes that with the necessary cooperation from the Government and ready response from the public in general and members of SC&ST in particular it will be able to carry out its onerous tasks and responsibilities faithfully and effectively.

## ANNEXURE I

### MINISTRY OF HOME AFFAIRS

(GRIH MANTRALAYA)

New Delhi-110001

Dated 21 July, 1978/30 Asadha, 1900

### RESOLUTION

No. 13013/9/77-SCT.I

Article 338 of the Constitution provides for the appointment of a Special Officer for the Scheduled Castes and Scheduled Tribes who is charged with the duty to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report to the President upon the working of these safeguards at prescribed intervals. In pursuance thereto, a Special Officer, commonly known as Commissioner for Scheduled Castes and Scheduled Tribes, is appointed by the President from time to time. Considering the magnitude of the problem the Government are of the view that in addition to the functioning and authority of the Special Officer, these matters should appropriately be entrusted to a high level Commission consisting of persons of eminence and status in public life. The functioning of the Commission will not be lessening the authority of the Special Officer.

2. Government have accordingly decided to set up a Commission for this purpose which shall consist of a Chairman and not more than four other Members, including the Special Officer appointed under Article 338 of the Constitution. The term of office of the Chairman and the Members of the Commission will not ordinarily exceed three years.

3. The headquarters of the Commission will be located at New Delhi.

4. The functions of the proposed Commission will broadly correspond with the functions at present entrusted to the Special Officer under Article 338 of the Constitution and will be as follows:

- (i) To investigate all matters relating to safeguards provided for Scheduled Castes and Scheduled Tribes in the Constitution. This would, *inter alia*, include a review of the manner in which reservations stipulated in public services for Scheduled Castes and Scheduled Tribes, are, in practice, implemented.
- (ii) To study the implementation of Protection of Civil Rights Act, 1955, with particular reference to the objective of removal of untouchability and invidious discrimination arising therefrom within a period of five years.
- (iii) To ascertain the socio-economic and other relevant circumstances accounting for the commission of offences against persons belonging to Scheduled Castes or Scheduled Tribes with a view to ensuring the removal of impediments in the laws in force and to recommend appropriate remedial measures including measures to ensure prompt investigation of the offences.
- (iv) To enquire into individual complaints regarding denial of any safeguards provided to any person claiming to belong to Scheduled Castes or Scheduled Tribes.

5. The Commission will devise its own procedure in the discharge of its functions. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the Commission from time to time. The

Government of India trusts that the State Governments and Union Territory Administrations and others concerned will extend their fullest cooperation and assistance to the Commission.

6. The Commission will submit an Annual Report to the President detailing its activities and recommendations. This will, however, not preclude the Commission from submitting Reports to the Government at any time they consider necessary on matters within their scope of work. The Annual Report together with a memorandum outlining the action taken on the recommendations and explaining the reasons for non-acceptance of recommendations, if any, insofar as it relates to the Central Government will be laid before each House of Parliament.

#### **ORDER**

Ordered that a copy of this Resolution be communicated to all Ministries and Departments of the Government of India, State Governments and Union Territory Administrations, etc.

Ordered also that the Resolution be published in the Gazette of India for general information.

Sd/-

**(B.G. DESHMUKH)**  
Additional Secretary

## ANNEXURE II

GOVERNMENT OF INDIA

MINISTRY OF WELFARE

New Delhi, 1st September, 1987

No. BC-13015/12/86-SCD-VI

### RESOLUTION

Whereas a Commission for Scheduled Castes and Scheduled Tribes (hereinafter referred to as the Commission) was set up under the Ministry of Home Affairs' Resolution No. BC-13013/9/77-SCT I dated the 21st July, 1978 (hereinafter referred to as the said Resolution).

2. And whereas according to the said Resolution the functions of the Commission were to broadly correspond with the functions entrusted to the Special Officer under Article 338 of the Constitution.

3. And whereas it is considered necessary to modify the functions of the Commission as originally thought of in the said Resolution to avoid any overlapping of the functions of the Special Officer and the Commission.

4. Now, therefore, in supersession of the said Resolution, the Government of India have decided to set up a National Commission for Scheduled Castes and Scheduled Tribes in place of the Commission. It shall consist of a Chairman and not more than eleven other members. The terms and conditions of the Chairman and the Members of the National Commission shall be as determined by the Government in each case, provided that their term of office shall not normally exceed three years.

5. The National Commission for Scheduled Castes and Scheduled Tribes will be a national level advisory body to advise on broad issues on policy and levels of development of Scheduled Castes and Scheduled Tribes. With this objective in view, the National Commission may include experts in the field of social anthropology, social work and other related social sciences.

6. The headquarters of the National Commission will be located at New Delhi.

7. The functions of the National Commission for Scheduled Castes and Scheduled Tribes will be as follows :

- (a) To study the extent and ramifications of untouchability and social discrimination arising therefrom and effectiveness of the present measures and recommend further measures to be taken,
- (b) to study socio-economic and other relevant circumstances leading to the commission of offences against persons belonging to Scheduled Castes and Scheduled Tribes and to recommend appropriate remedial measures to ensure prompt investigation of such offences,
- (c) to take up studies on different aspects of development of the Scheduled Castes and Scheduled Tribes with a view to ensuring integration of these groups with the main-

stream of the society in all aspects. These would include studies in the fields of socio-economic development, education, commerce, trade, art, literature, language, housing, communication, agriculture, forestry, horticulture, fisheries, rehabilitation, pollution and environment, and

- (d) such other functions as may be entrusted to the National Commission for Scheduled Castes and Scheduled Tribes in evolving general policies relating to any aspects of development of the Scheduled Castes and Scheduled Tribes as may be thought proper by the Central Government.

8. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the National Commission for Scheduled Castes and Scheduled Tribes from time to time. The Government of India trusts that the State Governments and Union Territory Administrations and others concerned will extend their fullest co-operation and assistance to the National Commission.

9. The reports of the National Commission for Scheduled Castes and Scheduled Tribes will be project based to be submitted to the Central Government as and when studies are completed.

#### ORDER

Ordered that a copy of this Resolution be communicated to all Ministries and Departments of the Government of India, State Governments and Union Territory Administrations, etc.

Ordered also that the Resolution be published in the Gazette of India for general information.

Sd/-

(B.K. MISRA)  
Joint Secy. to the Govt. of India

ANNEXURE III

रजिस्ट्री सं. डी(डोएन)127/88

REGISTERED NO. D(DN)127/88

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

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

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सं० 31] नई दिल्ली, शुक्रवार, जून 8, 1990/ज्येष्ठ 18, 1912  
No. 31] NEW DELHI, FRIDAY, JUNE 8, 1990/JYAISTHA 18, 1912

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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.

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MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the 8th June, 1990/Jyaistha 18, 1912 (Saka)

The following Act of Parliament received the assent of the President on the 7th June, 1990, and is hereby published for general information:—

THE CONSTITUTION (SIXTY-FIFTH AMENDMENT)  
ACT, 1990

(7th June, 1990)

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Constitution (Sixty-fifth Amendment) Act, 1990. Short title and Commencement
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In article 338 of the Constitution,— Amendment of article 338
  - (a) for the marginal heading, the following marginal heading shall be substituted, namely :—

“National Commission for Scheduled Castes and Scheduled Tribes”;

(b) for clauses (1) and (2), the following clauses shall be substituted, namely :—

“(1) There shall be a Commission for the Scheduled Castes and Scheduled Tribes to be known as the National Commission for the Scheduled Castes and Scheduled Tribes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and five other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

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

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;

(c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to evaluate the progress of their development under the Union and any State;

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

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

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any documents;



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- (c) receiving evidence on affidavits;
  - (d) requisitioning any public record or copy thereof from any court or office;
  - (e) issuing commissions for the examination of witnesses and documents;
  - (f) any other matter which the President may by rule, determine.
- (9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes and Scheduled Tribes.”;
- (c) existing clause (3) shall be renumbered as clause (10).

Sd/-  
(V. S. RAMA DEVI)  
Secy. to the Govt. of India

ANNEXURE IV

THE PROTECTION OF CIVIL RIGHTS ACT, 1955

(Act No. 22 OF 1955)

(As on the 1st September, 1977)

[8th May, 1955]

An Act to prescribe punishment for the <sup>1</sup>[preaching and practice of "Untouchability"] for the enforcement of any disability arising therefrom and for matters connected therewith.

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows :—

1. (1) This Act may be called <sup>2</sup>[the Protection of Civil Rights Act], 1955. Short title, extent and commencement.  
(2) It extends <sup>3</sup>to the whole of India.  
(3) It shall come into force on such date<sup>4</sup> as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

<sup>5</sup>[(a) "civil rights" means any right accruing to a person by reason of the abolition of "untouchability" by article 17 of the Constitution :]

<sup>6</sup>[(aa) "hotel" includes a refreshment room, a boarding house, a lodging house, a coffee house and a cafe;

<sup>7</sup>[(b) "place" includes a house, building and other structure and premises; and also includes a tent, vehicle and vessel;]

(c) "place of public entertainment" includes any place to which the public are admitted and in which an entertainment is provided or held.

*Explanation.*—"Entertainment" includes any exhibition, performance, game, sport and any other form of amusement :

(d) "place of public worship" means a place, by whatever name known, which is used as a place of public religious worship or which is dedicated generally to, or is used generally by, persons professing any religion or belonging to any religious denomination or any section thereof, for the performance of any religious service, or for offering prayers therein; <sup>8</sup>[and includes—

(i) all lands and subsidiary shrines appurtenant or attached to any such place.

(ii) a privately owned place of worship which is, in fact, allowed by the owner thereof to be used as a place of public worship, and

(iii) such land or subsidiary shrine appurtenant to such privately owned place of worship as is allowed by the owner thereof to be used as a place of public religious worship;]

<sup>9</sup>[(da) "prescribed" means prescribed by rules made under this Act;

(db) "Scheduled Castes" has the meaning assigned to it in clause (24) of article 366 of the Constitution;]

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<sup>1</sup>Subs. by Act 106 of 1976, s. 2, for "practice of Untouchability" (w.e.f. 19-11-1976).

<sup>2</sup>Subs. by s. 3, *ibid*, for "the Untouchability (Offences) Act" (w.e.f. 19-11-1976).

<sup>3</sup>Extended to Goa, Daman and Diu with modification by Regulation 12 of 1962, section 3 and Schedule to Dadra and Nagar Haveli by Regulation 6 of 1963, section 2 and Schedule I (with effect from 1st July, 1965) and to Pondicherry by Regulation 7 of 1963, section 3 and Schedule I (with effect from 1st October, 1963).

<sup>4</sup>1st June, 1955, *vide* Notification No. S.R.O., 1109, dated the 23rd May, 1955, Gazette of India, 1955, Extraordinary, Part II, Section 3, Page 1971.

<sup>5</sup>Ins. by Act 106 of 1976, s. 4 (w.e.f. 19-11-1976).

<sup>6</sup>Clause (a) was relettered as clause (aa) by s. 4, *ibid* (w.e.f. 19-11-1976).

<sup>7</sup>Subs. by s. 4, *ibid*, for cl. (b) (w.e.f. 19-11-1976).

<sup>8</sup>Subs. by Act 106 of 1976, s. 4 for certain words (w.e.f. 19-11-1976).

(e) "shop" means any premises where goods are sold either wholesale or by retail or both wholesale and by retail <sup>1</sup>[and includes—

(i) any place from where goods are sold by a hawker or vendor or from a mobile van or cart,

(ii) a laundry and a hair cutting saloon;

(iii) any other place where services are rendered to customers].

Punishment for enforcing religious disabilities.

3. Whoever on the ground of "untouchability" prevents any person—

(a) from entering any place of public worship which is open to other persons professing the same religion<sup>2</sup> \* \* \* or any section thereof, as such person; or

(b) from worshipping or offering prayers or performing any religious service in any place of public worship, or bathing in, or using the waters of, any sacred tank, well, spring or water-course <sup>3</sup>[river or lake or bathing at any ghat of such tank, water-course, river or lake] in the same manner and to the same extent as is permissible to other persons professing the same religion<sup>2</sup> \* \* \* or any section thereof, as such person;

<sup>1</sup>[shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

*Explanation.*—For the purposes of this section and section 4 persons professing the buddhist, Sikh or Jaina religion or persons professing the Hindu religion in any of its forms or developments including Virashaivas, Lingayats, Adivasis, followers of Brahma, Prarthana, Arya Samaj and the Swaminarayan Sampraday shall be deemed to be Hindus.

Punishment for enforcing social disabilities.

4. Whoever on the ground of "untouchability" enforces against any person any disability with regard to—

(i) access to any shop, public restaurant, hotel or place of public entertainment; or

(ii) the use of any utensils, and other articles kept in any public restaurant, hotel, *dharmshala*, *sarai* or *musafirkhana* for the use of the general public or of <sup>5</sup>[any section thereof]; or

(iii) the practice of any profession or the carrying on of any occupation, trade or business <sup>6</sup>[or employment in any job]; or

(iv) the use of, or access to, any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, burial or cremation ground, any sanitary convenience, any road, or passage, or any other place of public resort which other members of the public, or <sup>5</sup>[any section thereof], have a right to use or have access to; or

(v) the use of, or access to, any place used for a charitable or a public purpose maintained wholly or partly out of State funds or dedicated to the use of the general public or <sup>5</sup>[any section thereof]; or

(vi) the enjoyment of any benefit under a charitable trust created for the benefit of the general public or of <sup>5</sup>[any section thereof]; or

(vii) the use of, or access to, any public conveyance; or

<sup>1</sup>Subs. by Act 106 of 1976, s. 4 for certain words (w.e.f. 19-11-1976).

<sup>2</sup>The words "or belonging to the same religious denomination" omitted by s. 5, *ibid* (w.e.f. 19-11-1976).

<sup>3</sup>Ins. by s. 5, *ibid* (w.e.f. 19-11-1976).

<sup>4</sup>Subs. by s. 5, *ibid*, for certain words (w.e.f. 19-11-1976).

<sup>5</sup>Subs. by Act 106 of 1976, s. 6 for certain words (w.e.f. 19-11-1976).

<sup>6</sup>Ins. by s. 6, *ibid* (w.e.f. 19-11-1976).

(viii) the construction, acquisition, or occupation of any residential premises in any locality, whatsoever; or

(ix) the use of any *dharmshala*, *sarai* or *musafirkhana* which is open to the general public, or to [any section thereof]; or

(x) the observance of any social or religious custom, usage or ceremony or <sup>2</sup>[taking part in, or taking out, any religious, social or cultural procession]; or

(xi) the use of jewellery and finery;

<sup>4</sup>[shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

[*Explanation.*—For the purposes of this section, “enforcement of any disability” includes any discrimination on the ground of “untouchability”.]

5. Whoever on the ground of “untouchability”—

(a) refuses admission to any person to any hospital, dispensary, educational institution or any hostel<sup>5</sup> \* \* \*, if such hospital, dispensary, educational institution or hostel is established or maintained for the benefit of the general public or any section thereof; or

Punishment for refusing to admit persons to hospitals, etc.

(b) does any act which discriminates against any such person after admission to any of the aforesaid institutions;

<sup>6</sup>[shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

6. Whoever on the ground of “untouchability” refuses to sell any goods or refuses to render any service to any person at the same time and place and on the same terms and conditions at or on which such goods are sold or services are rendered to other persons in the ordinary course of business <sup>7</sup>[shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

Punishment for refusing to sell goods or render services.

7. (1) Whoever—

(a) prevents any person from exercising any right accruing to him by reason of the abolition of “untouchability” under article 17 of the Constitution; or

Punishment for other offences arising out of “untouchability”

(b) molests, injures, annoys, obstructs or causes or attempts to cause obstruction to any person in the exercise of any such right or molests, injures, annoys or boycotts any person by reason of his having exercised any such right; or

(c) by words, either spoken or written, or by signs or by visible representations or otherwise, incites or encourages any person or class of persons or the public generally to practise “untouchability” in any form whatsoever; <sup>8</sup>[or]

<sup>8</sup>[(d) insults or attempts to insult, on the ground of “untouchability” a member of a Scheduled Caste],

<sup>1</sup>Subs. by Act 106 of 1976, s. 6 for certain words (w.e.f. 19-11-1976)

<sup>2</sup>Subs. by s. 6, *ibid*, for “taking part in any religious procession” (w.e.f. 19-11-1976).

<sup>3</sup>Subs. by s. 7, *ibid*, for certain words (w.e.f. 19-11-1976).

<sup>4</sup>Ins. by s. 6, *ibid* (w.e. . 19-11-1976).

<sup>5</sup>The words “attached thereto” omitted by s. 7, *ibid* (w.e.f. 19-11-1976).

<sup>6</sup>Subs. by Act 106 of 1976, s. 7 for certain words (w.e.f. 19-11-1976).

<sup>7</sup>Subs. by s. 8, *ibid*, for certain words (w.e.f. 19-11-1976).

<sup>8</sup>Ins. by s. 9, *ibid* (w.e.f. 19-11-1976).

<sup>1</sup>[shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

<sup>2</sup>[*Explanation I*].—A person shall be deemed to boycott another person who—

(a) refuses to let to such other person or refuses to permit such other person, to use or occupy any house or land or refuses to deal with, work for hire for, or do business with, such other person or to render to him or receive from him any customary service, or refuses to do any of the said things on the terms on which such things would be commonly done in the ordinary course of business; or

(b) abstains from such social, professional or business relations as he would ordinarily maintain with such other person.

<sup>3</sup>[*Explanation II*].—For the purpose of clause (c) a person shall be deemed to incite or encourage the practice of “untouchability”—

(i) if he, directly or indirectly, preaches “untouchability” or its practice in any form; or

(ii) if he justifies, whether on historical, philosophical or religious grounds or on the ground of any tradition of the caste system or on any other ground, the practice of “untouchability” in any form.]

<sup>4</sup>[(1A) Whoever commits any offence against the person or property of any individual as a reprisal or revenge for his having exercised any right accruing to him by reason of the abolition of “untouchability” under article 17 of the Constitution, shall, where the offence is punishable with imprisonment for a term exceeding two years, be punishable with imprisonment for a term which shall not be less than two years and also with fine.]

(2) Whoever—

(i) denies to any person belonging to his community or any section thereof any right or privilege to which such person would be entitled as a member of such community or section, or

(ii) takes any part in the ex-communication of such person, on the ground that such person has refused to practise “untouchability” or that such person has done any act in furtherance of the objects of this Act,

<sup>1</sup>[shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

Unlawful compulsory labour when to be deemed to be a practice of untouchability.

<sup>4</sup>[7A. (1) Whoever compels any person, on the ground of “untouchability”, to do any scavenging or sweeping or to remove any carcass or to flay any animal or to remove the umbilical cord or to do any other job of a similar nature, shall be deemed to have enforced a disability arising out of “untouchability”.

(2) Whoever is deemed under sub-section (1) to have enforced a disability arising out of “untouchability” shall be punishable with imprisonment for a term which shall not be less than three months and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees.

*Explanation*.—For the purposes of this section, “compulsion” includes a threat of social or economic boycott.]

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<sup>1</sup>Subs. by *ibid*, s. 9, for certain words (w.e.f. 19-11-1976).

<sup>2</sup>Renumbered by s. 9, *ibid* (w.e.f. 19-11-1976).

<sup>3</sup>Ins. by Act 106 of 1976, s. 9 (w.e.f. 19-11-1976).

<sup>4</sup>Ins. by s. 10, *ibid* (w.e.f. 19-11-1976).

8. When a person who is convicted of an offence under section 6 holds any licence under any law for the time being in force in respect of any profession, trade, calling or employment in relation to which the offence is committed, the court trying the offence may, without prejudice to any other penalty to which such person may be liable under that section, direct that the licence shall stand cancelled or be suspended for such period as the court may deem fit, and every order of the court so cancelling or suspending a licence shall have effect as if it had been passed by the authority competent to cancel or suspend the licence under any such law.

Cancellation or suspension of licences in certain cases.

*Explanation.*—In this section, “licence” includes a permit or a permission.

9. Where the manager or trustee of a place of public worship <sup>1</sup>[or any educational institution or hostel] which is in receipt of a grant of land or money from the Government is convicted of an offence under this Act and such conviction is not reversed or quashed in any appeal or revision, the Government may, if in its opinion the circumstances of the case warrant such a course, direct the suspension or resumption of the whole or any part of such grant.

Resumption or suspension of grants made by Government.

10. Whoever abets any offence under this Act shall be punishable with the punishment provided for the offence.

Abetment of offence.

<sup>2</sup>[*Explanation.*—A public servant who wilfully neglects the investigation of any offence punishable under this Act shall be deemed to have abetted an offence punishable under this Act.]

<sup>3</sup>[10A (1) If, after an inquiry in the prescribed manner, the State Government is satisfied that the inhabitants of an area are concerned in, or abetting the commission of, any offence punishable under this Act, or harbouring persons concerned in the commission of such offence or failing to render all the assistance in their power to discover or apprehend the offender or offenders or suppressing material evidence of the commission of such offence, the State Government may, by notification in the Official Gazette, impose a collective fine on such inhabitants and apportion such fine amongst the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the State Government’s judgment of the respective means of such inhabitants and in making any such apportionment the State Government may assign a portion of such fine to a Hindu undivided family to be payable by it :

Power of State Government to impose collective fine.

Provided that the fine apportioned to an inhabitant shall not be realised until the petition, if any, filed by him under sub-section (3) is disposed of.

(2) The notification made under sub-section (1) shall be proclaimed in the area by beat of drum or in such other manner as the State Government may think best in the circumstances to bring the imposition of the collective fine to the notice of the inhabitants of the said area.

(3)(a) Any person aggrieved by the imposition of the collective fine under sub-section (1) or by the order of apportionment, may, within the prescribed period, file a petition before the State Government or such other authority as that Government may specify in this behalf for being exempted from such fine or for modification of the order of apportionment :

Provided that no fee shall be charged for filing such petition.

(b) The State Government or the authority specified by it shall, after giving to the petitioner a reasonable opportunity of being heard, pass such order as it may think fit :

Provided that the amount of the fine exempted or reduced under this section shall not be realisable from any person, and the total fine imposed on the inhabitants of an area under sub-section (1) shall be deemed to have been reduced to that extent.

<sup>1</sup>Ins. by Act 106 of 1976, s. 11 (w.e.f. 19-11-1976).

<sup>2</sup>Ins. by s. 12, *ibid* (w.e.f. 19-11-1976).

<sup>3</sup>Ins. by s. 13, *ibid* (w.e.f. 19-11-1976).

(4) Notwithstanding anything contained in sub-section (3), the State Government may exempt the victims of any offence punishable under this Act or any person who does not, in its opinion, fall within the category of persons specified in sub-section (1), from the liability to pay the collective fine imposed under sub-section (1) or any portion thereof.

(5) The portion of collective fine payable by any person (including a Hindu undivided family) may be recovered in the manner provided by the Code of Criminal Procedure, 1973, for the recovery of fines imposed by a Court as if such portion were a fine imposed by a Magistrate.]

2 of 1974

Enhanced penalty on subsequent conviction.

11. Whoever having already been convicted of an offence under this Act or of an abetment of such offence is again convicted of any such offence or abetment, [shall, on conviction, be punishable—

(a) for the second offence, with imprisonment for a term of not less than six months and not more than one year, and also with fine which shall be not less than two hundred rupees and not more than five hundred rupees;

(b) for the third offence or any offence subsequent to the third offence, with imprisonment for a term of not less than one year and not more than two years, and also with fine which shall be not less than five hundred rupees and not more than one thousand rupees].

Presumption by courts in certain cases.

12. Where any act constituting an offence under this Act is committed in relation to a member of a Scheduled Caste \*\* \* \*, the court shall presume, unless the contrary is proved, that such act was committed on the ground of "untouchability".

Limitation of jurisdiction of civil courts.

13. (1) No civil court shall entertain or continue any suit or proceeding or shall pass any decree or order or execute wholly or partially any decree or order if the claim involved in such suit or proceeding or if the passing of such decree or order or if such execution would in any way be contrary to the provisions of this Act.

(2) No court shall, in adjudicating any matter or executing any decree or order, recognise any custom or usage imposing any disability on any person on the ground of "untouchability".

Offences by companies.

14. (1) If the person committing an offence under this Act is a company, every person who at the time the offence was committed was a charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent of any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

<sup>1</sup>Subs. by Act 106 of 1976, s. 14, for certain words (w.e.f. 19-11-1976).

<sup>2</sup>The words "as defined in clause (2A) of article 366 of Constitution omitted by s. 15, *ibid* (w.e.f. 19-11-1976).

[14A. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or a State Government for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Central Government or a State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.]

2 of 1974

[15. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable and every such offence, except where it is punishable with imprisonment for a minimum term exceeding three months, may be tried summarily by a Judicial Magistrate of the first class or in a metropolitan area by a Metropolitan Magistrate in accordance with the procedure specified in the said Code.

Offences to be cognizable and triable summarily.

2 of 1974

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, when any public servant is alleged to have committed the offence of abetment of an offence punishable under this Act, while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence of abetment except with the previous sanction—

(a) of the Central Government, in the case of a person employed in connection with the affairs of the Union; and

(b) of the State Government, in the case of a person employed in connection with the affairs of a State.

15A. (1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for ensuring that the rights arising from the abolition of "untouchability" are made available to, and are availed of by, the persons subjected to any disability arising out of "untouchability".

Duty of State Government to ensure that the rights accruing from the abolition of "untouchability" may be availed of by the concerned persons.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include—

(i) the provision of adequate facilities, including legal aid, to the persons subjected to any disability arising out of "untouchability" to enable them to avail themselves of such rights;

(ii) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;

(iii) the setting up of special courts for the trial of offences under this Act;

(iv) the setting up of Committees at such appropriate levels as the State Government may think fit to assist the State Government in formulating or implementing such measures;

(v) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provisions of this Act;

(vi) the identification of the areas where persons are under any disability arising out of "untouchability" and adoption of such measures as would ensure the removal of such disability from such areas.

(3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1).

(4) The Central Government shall, every year, place on the Table of each House of Parliament, a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.]

Ins. by Act 106 of 1976, s.16(w.e.f.19-11-1976).

Subs. by s. 17, *ibid*, for s. 15(w.e.f. 19-11-1976).



Act to override other laws.

**16.** Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom or usage or any instrument having effect by virtue of any such law or any decree or order of any court or other authority.

Probation of Offenders Act, 1958, not to apply to persons above age of fourteen years.

<sup>1</sup>[**16A.** The provisions of the Probation of Offenders Act, 1958, shall not apply to any person above the age of fourteen years who is found guilty of having committed any offence punishable under this Act. 20 of 1958.]

Power to make rules.

**16B.** (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

Repeal.

**17.** The enactments specified in the Schedule are hereby repealed to the extent to which they or any of the provisions contained therein correspond or are repugnant to this Act or to any of the provisions contained therein.

## THE SCHEDULE

(See section 17)

1. The Bihar Harijan (Removal of Civil Disabilities) Act, 1949 (Bihar Act XIX of 1949).
2. The Bombay Harijan (Removal of Social Disabilities) Act, 1946 (Bombay Act X of 1947).
3. The Bombay Harijan Temple Entry Act, 1947 (Bombay Act XXXV of 1947).
4. The Central Provinces and Berar Scheduled Castes (Removal of Civil Disabilities) Act, 1947 (Central Provinces and Berar Act XXIV of 1947).
5. The Central Provinces and Berar Temple Entry Authorisation Act, 1947 (Central Provinces and Berar Act XLI of 1947).
6. The East Punjab (Removal of Religious and Social Disabilities) Act, 1948 (East Punjab Act XVI of 1948).
7. The Madras Removal of Civil Disabilities Act, 1938 (Madras Act XXI of 1938).
8. The Orissa Removal of Civil Disabilities Act, 1946 (Orissa Act XI of 1946).
9. The Orissa Temple Entry Authorisation Act, 1948 (Orissa Act XI of 1948).
10. The United Provinces Removal of Social Disabilities Act, 1947 (U. P. Act XIV of 1947).
11. The West Bengal Hindu Social Disabilities Removal Act, 1948 (West Bengal Act XXXVII of 1948).
12. The Hyderabad Harijan Temple Entry Regulations, 1358F (No. LV of 1358F Fasli).
13. The Hyderabad Harijan (Removal of Social Disabilities) Regulation, 1358F (No. LVI of 1358F Fasli).
14. The Madhya Bharat Harijan Ayogta Nivaran Vidhan, Samvat 2005 (Madhya Bharat Act No. 15 of 1949).
15. The Removal of Civil Disabilities Act, 1943 (Mysore Act XLII of 1943).
16. The Mysore Temple Entry Authorisation Act, 1948 (Mysore Act XIV of 1948).
17. The Saurashtra Harijan (Removal of Social Disabilities) Ordinance (No. XL of 1948).
18. The Travancore-Cochin Removal of Social Disabilities Act, 1125 (Travancore-Cochin Act VIII of 1125).
19. The Travancore-Cochin Temple Entry (Removal of Disabilities) Act, 1950 (Travancore-Cochin Act XXVII of 1950).
20. The Coorg Scheduled Castes (Removal of Civil and Social Disabilities) Act, 1949 (Coorg Act I of 1949).
21. The Coorg Temple Entry Authorisation Act, 1949 (Coorg Act II of 1949).

ANNEXURE V

सं. 39] नई दिल्ली, मंगलवार, सितम्बर 12, 1989/भाद्र 21, 1911

REGISTERED NO. D(DN)127/88

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

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 39] नई दिल्ली, मंगलवार, सितम्बर 12, 1989/भाद्र 21, 1911  
No. 39] NEW DELHI, TUESDAY, SEPTEMBER 12, 1989/BHADRA 21, 1911

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 12th September, 1989/Bhadra 21, 1911 (Saka)

The following Act of Parliament received the assent of the President on the  
11th September, 1989, and is hereby published for general information :—

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES  
(PREVENTION OF ATROCITIES) ACT, 1989

No. 33 of 1989

[11th September, 1989.]

An Act to prevent the commission of offences of atrocities against the members  
of the Scheduled Castes and the Scheduled Tribes, to provide for Special  
Courts for the trial of such offences and for the relief and rehabilitation  
of the victims of such offences and for matters connected therewith or inci-  
dental thereto.

BE it enacted by Parliament in the Fortieth Year of the Republic of India  
as follows :—

CHAPTER 1

PRELIMINARY

1. (1) This Act may be called the Scheduled Castes and the Scheduled  
Tribes (Prevention of Atrocities) Act, 1989.

(2) It extends to the whole of India except the State of Jammu and  
Kashmir.

Short title, extent  
and commence-  
ment.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) "atrocities" means an offence punishable under section 3;

(b) "Code" means the Code of Criminal Procedure, 1973;

2 of 1974

(c) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution;

(d) "Special Court" means a Court of Session specified as a Special Court in section 14;

(e) "Special Public Prosecutor" means a Public Prosecutor specified as a Special Public Prosecutor or an advocate referred to in section 15;

(f) words and expressions used but not defined in this Act and defined in the Code or the Indian Penal Code shall have the meanings assigned to them respectively in the Code, or as the case may be, in the Indian Penal Code. 45 of 1860

(2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area.

## CHAPTER II

### OFFENCES OF ATROCITIES

Punishment for offences of atrocities.

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

(i) forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance;

(ii) acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;

(iii) forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity;

(iv) wrongfully occupies or cultivates any land owned by, 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 the land allotted to him transferred;

(v) 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 over any land, premises or water;

(vi) compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do 'begar' or other similar forms of forced or bonded labour

other than any compulsory service for public purposes imposed by Government;

(vii) forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law;

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

(ix) 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;

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

(xi) assaults or uses force to any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty;

(xii) being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually to which she would not have otherwise agreed;

(xiii) 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;

(xiv) 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 section thereof have a right to use or access to;

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

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.

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

(i) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death;

(ii) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine;

(iii) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of 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 seven years and with fine;

(iv) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine;

(v) commits any offence under the Indian Penal Code punishable with imprisonment for a term of ten years or more against a person or property on the ground 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 imprisonment for life and with fine; 45 of 1860

(vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or

(vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

Punishment for neglect of duties.

4. 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 Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

Enhanced punishment for subsequent conviction.

5. Whoever, having already been convicted of an offence under this Chapter is convicted for the second offence or any offence subsequent to the second offence, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

6. Subject to the other provisions of this Act, the provisions of section 34, Chapter III, Chapter IV, Chapter V, Chapter VA, section 149 and Chapter XXIII of the Indian Penal Code, shall, so far as may be, apply for the purposes of this Act as they apply for the purposes of the Indian Penal Code.

Application of certain provisions of the Indian Penal Code.

7. (1) Where a person has been convicted of any offence punishable under this Chapter, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both, belonging to the person, which has been used for the commission of that offence, shall stand forfeited to Government.

Forfeiture of property of certain persons.

(2) Where any person is accused of any offence under this Chapter, it shall be open to the Special Court trying him to pass an order that all or any of the properties, movable or immovable or both, belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the property so attached shall be liable to forfeiture to the extent it is required for the purpose of realisation of any fine imposed under this Chapter.

8. In a prosecution for an offence under this Chapter, if it is proved that —

Presumption as to offences.

(a) the accused rendered any financial assistance to a person accused of, or reasonably suspected of committing, an offence under this Chapter, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence;

(b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object.

9. (1) Notwithstanding anything contained in the Code or in any other provision of this Act, the State Government may, if it considers it necessary or expedient so to do,—

Conferment of powers.

(a) for the prevention of and for coping with any offence under this Act, or

(b) for any case or class or group of cases under this Act.

in any district or part thereof, confer, by notification in the Official Gazette, on any officer of the State Government, the powers exercisable by a police officer under the Code in such district or part thereof or, as the case may be, for such case or class or group of cases, and in particular, the powers of arrest, investigation and prosecution of persons before any Special Court.

(2) All officers of police and all other officers of Government shall assist the officer referred to in sub-section (1) in the execution of the provisions of this Act or any rule, scheme or order made thereunder.

(3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1).

### CHAPTER III

#### EXTERMENT

Removal of person likely to commit offence.

**10.** (1) Where the Special Court is satisfied, upon a complaint or a police report that a person is likely to commit an offence under Chapter II of this Act in any area included in 'Scheduled Areas' or 'tribal areas', as referred to in article 244 of the Constitution, it may, by order in writing, direct such person to remove himself beyond the limits of such area, by such route and within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself for such period, not exceeding two years, as may be specified in the order.

(2) The Special Court shall, along with the order under sub-section (1), communicate to the person directed under that sub-section the grounds on which such order has been made.

(3) The Special Court may revoke or modify the order made under sub-section (1), for the reasons to be recorded in writing, on the representation made by the person against whom such order has been made or by any other person on his behalf within thirty days from the date of the order.

Procedure on failure of person to remove himself from area and enter thereon after removal.

**11.** (1) If a person to whom a direction has been issued under section 10 to remove himself from any area —

(a) fails to remove himself as directed; or

(b) having so removed himself enters such area within the period specified in the order,

otherwise than with the permission in writing of the Special Court under sub-section (2), the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

(2) The Special Court may, by order in writing, permit any person in respect of whom an order under section 10 has been made, to return to the area from which he was directed to remove himself for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observation of the conditions imposed.

(3) The Special Court may at any time revoke any such permission.

(4) Any person who, with such permission, returns to the area from which he was directed to remove himself shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside such area and shall not return thereto within the unexpired portion specified under section 10 without a fresh permission.



(5) If a person fails to observe any of the conditions imposed or to remove himself accordingly or having so removed himself enters or returns to such area without fresh permission the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

12. (1) Every person against whom an order has been made under section 10 shall, if so required by the Special Court, allow his measurements and photographs to be taken by a police officer.

Taking measurements and photographs, etc., of persons against whom order under section 10 is made.

(2) If any person referred to in sub-section (1), when required to allow his measurements or photographs to be taken resists or refuses to allow his taking of such measurements or photographs, it shall be lawful to use all necessary means to secure the taking thereof.

45 of 186C.

(3) Resistance to or refusal to allow the taking of measurements or photographs under sub-section (2) shall be deemed to be an offence under section 186 of the Indian Penal Code.

(4) Where an order under section 10 is revoked, all measurements and photographs (including negatives) taken under sub-section (2) shall be destroyed or made over to the person against whom such order is made.

13. Any person contravening an order of the Special Court made under section 10 shall be punishable with imprisonment for a term which may extend to one year and with fine.

Penalty for non-compliance of order under section 10.

## CHAPTER IV

### SPECIAL COURTS

14. 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, specify for each district a Court of Session to be a Special Court to try the offences under this Act.

Special Court.

15. 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.

Special Public Prosecutor.

## CHAPTER V

### MISCELLANEOUS

22 of 1955.

16. The provisions of section 10A of the Protection of Civil Rights Act, 1955, shall, so far as may be, apply for the purposes of imposition and realisation of collective fine and for all other matters connected therewith under this Act.

Power of State Government to impose collective fine.

Preventive action to be taken by the law and order machinery.

**17. (1)** A District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of a Deputy Superintendent of Police may, on receiving information and after such inquiry as he may think necessary, has reason to believe that a person or a group of persons not belonging to the Scheduled Castes or the Scheduled Tribes, residing in or frequenting any place within the local limits of his jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take necessary action for keeping the peace and good behaviour and maintenance of public order and tranquility and may take preventive action.

(2) The provisions of Chapters VIII, X and XI of the Code shall, so far as may be, apply for the purposes of sub-section (1).

(3) The State Government may, by notification in the Official Gazette, make one or more schemes specifying the manner in which the officers referred to in sub-section (1) shall take appropriate action specified in such scheme or schemes to prevent atrocities and to restore the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes.

Section 438 of the Code not to apply to persons committing an offence under the Act.

**18.** Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.

Section 360 of the Code or the provisions of the Probation of Offenders Act not to apply to persons guilty of an offence under the Act.

**19.** The provisions of section 360 of the Code and the provisions of the Probation of Offenders Act, 1958 shall not apply to any person above the age of eighteen years who is found guilty of having committed an offence under this Act.

20 of 1958

Act to override other laws.

**20.** Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

Duty of Government to ensure effective implementation of the Act.

**21. (1)** Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include.—

(i) the provision for adequate facilities, including legal aid, to the persons subjected to atrocities to enable them to avail themselves of justice;

(ii) the provision for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under this Act;

(iii) the provision for the economic and social rehabilitation of the victims of the atrocities;

(iv) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;

(v) the setting up of committees at such appropriate levels as the State Government may think fit to assist that Government in formulation or implementation of such measures;

(vi) provisions for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provisions of this Act;

(vii) the identification of the areas where the members of the Scheduled Castes and the Scheduled Tribes are likely to be subjected to atrocities and adoption of such measures so as to ensure safety for such members.

(3) The Central Government shall take steps as may be necessary to co-ordinate the measures taken by the State Governments under subsection (1).

(4) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

**22.** No suit, prosecution or other legal proceedings shall lie against the Central Government or against the State Government or any officer or authority of Government or any other person for anything which is in good faith done or intended to be done under this Act. Protection of action taken in good faith.

**23.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

V. S. RAMA DEVI,  
Secy. to the Govt. of India.

**ANNEXURE VI**  
**LOCATION, JURISDICTION AND ADDRESSES OF FIELD OFFICES**

S. No.	Location	Jurisdiction	Address	Phone No.
1	2	3	4	5
1.	Agartala	Tripura	Deputy Director for SC & ST Pragati Road, Lake Chowmohani Agartala-799001 (Tripura West)	3140
2.	Ahmedabad	Gujarat, U.T. of Dadra & Nagar Haveli	Director for SC&ST 11-A, Nathalal Society (II Floor), Stadium Road Ahmedabad-380014	409250
3.	Bangalore	Karnataka	Director for SC&ST 177, 22nd Cross, 3rd Block, Jayanagar Bangalore-560011	647537
4.	Bhopal	Madhya Pradesh	Director for SC& ST D-7, Machna Colony Shivaji Nagar Bhopal-462016	552751
5.	Bhubaneswar	Orissa	Director for SC& ST 161, Sahid Nagar Bhubaneswar-751007	52480
6.	Calcutta	Sikkim, West Bengal, U.T. of Andaman & Nicobar Islands	Director for SC& ST Mayukh Bhawan (Ground Floor), Salt Lake City Calcutta-700064	370977
7.	Chandigarh	Haryana, Punjab, U.T. of Chandigarh	Deputy Director for SC & ST H. No. 1033, Sector 21-B Chandigarh-160022	23960
8.	Guwahati	Assam	Deputy Director for SC&ST Dr. B. Borooah Road P. O. Ulubari Guwahati-781007	545131
9.	Hyderabad	Andhra Pradesh	Director for SC &ST H. No. 6-3-788/A/22 Durganagar Colony Ameerpet Hyderabad-500016	213824
10.	Jaipur	Rajasthan	Director for SC&ST B-90, Ganesh Marg Bapu Nagar Jaipur-302004	518073

1	2	3	4	5
11.	Lucknow	Uttar Pradesh	Director for SC&ST C-44, Sector-F Kapurthala Complex, Aliganj Lucknow-226020	71084
12.	Madras	Tamil Nadu, U.T. of Pondicherry	Director for SC & ST II Floor, Block 5, Shastri Bhawan Madras-600006	8276430 8271546
13.	Patna	Bihar	Director for SC&ST 189/B, Shrikrishnapuri Patna-800001	232285
14.	Pune	Goa, Maharashtra, U.T. of Daman & Diu	Director for SC&ST Chiplunkar Bhawan Navipeth, Shastri Marg Pune-411030	435510
15.	Shillong	Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland	Director for SC & ST Temple Road Lower Lachunire Shillong-793003	221362
16.	Shimla	Himachal Pradesh, Jammu & Kashmir	Deputy Director for SC&ST 35, Railway Board Building Shimla-171003	72702
17.	Thiruvananthapuram	Kerala, U.T. of Lakshadweep	Deputy Director for SC & ST TC No. 15/968, "Meenakshi" Vazhuthacaud Junction Thiruvananthapuram-695014	67530

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