

No. 15011/105/2022-SC/ST-W
Government of India
Ministry of Home Affairs
(Women Safety Division)

Major Dhyan Chand National Stadium
Near India Gate, New Delhi-110002,
Dated: 17 June 2022

To,

1. Chief Secretaries
(All States)
2. Administrators
(All Union Territories)

Subject: National review meeting of the Committee for effective implementation/status of Protection of Civil Rights (PCR) Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989- Advisory on crime against SCs/STs

Sir/Madam

The twenty sixth National review meeting of the Committee constituted for effective coordination to devise ways and means to curb offences of un-touchability and atrocities against the members of Scheduled Castes and Scheduled Tribes and effective implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was held at New Delhi on 9th May, 2022, to review the implementation/status of the Protection of Civil Rights (PCR) Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) {POA} Act, 1989.

2. The Union Government attaches the highest importance to matters relating to the prevention of crime, and therefore, the Union Government has been advising the State Governments/ UT Administrations from time to time to give more focused attention to the administration of the criminal justice system with emphasis on prevention and control of crime including crimes against Scheduled Castes/ Scheduled Tribes.

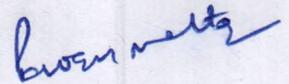
3. The Government of India is deeply concerned with the crimes against the weaker sections of society, particularly Scheduled Castes/Scheduled Tribes and would therefore re-emphasize that urgent action should be taken by the State Governments and UT Administrations on the following:-

- i. Vigorous and conscientious enforcement of the statutory provisions and existing legislations relating to crimes against Scheduled Castes and Scheduled Tribes including the Protection of Civil Rights (PCR) Act, 1955 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and amendments made thereunder from time to time;
- ii. The administration and police should play a more proactive role in detection and investigation of crimes against SCs/STs and ensure that there is no under reporting;
- iii. Government must ensure proper enforcement of law and convictions in crimes committed against SCs/STs. Enforcement agencies should be instructed in unambiguous terms that enforcement of the rights of the weaker and vulnerable sections should not be downplayed;
- iv. Sensitizing the law enforcement machinery towards crimes against SCs/STs by way of well-structured training programmes, meetings, conferences, workshops, seminars etc. for police personnel and other law enforcement agencies at all levels as well as the other functionaries of the criminal justice system. Such programmes should be incorporated in the syllabi of various Police Training Centres/ Academies at all levels. Special training to police personnel in effective implementation of Scheduled Castes and Scheduled Tribes (POA) Act, 1989;
- v. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA Act) has been amended in 2015 to make it more effective. New offences such as tonsuring of head, moustache, or similar acts, which are derogatory to the dignity of members of Scheduled Castes and Scheduled Tribes, have been added. The punishments have also been enhanced. Provisions of Special Courts and speedy trial have been added. The Act was further amended in 2018. Section 18A has been inserted whereby conduct of preliminary enquiry before registration of FIR, or to seek approval of any authority to arrest of an accused is no longer required. The provision of the PoA Act may be implemented in letter and spirit;
- vi. The Police officials should be directed to apply the appropriate sections of law as per the statements of the victims under the above mentioned Acts and no dilution should be allowed which may help the perpetrators of crimes against SCs/STs;
- vii. Response mechanism should be set up to promptly deal with incidents of crime against vulnerable, oppressed and deprived sections of society;
- viii. Government must take concrete steps to increase the awareness within the administration in general and amongst the police personnel in particular, regarding crimes against SCs/STs and take steps not only to tackle such crimes but also deal with them with sensitivity;
- ix. There should be no delay in the registration of FIR in cases of crimes against SCs/STs;
- x. Ensure proper supervision at appropriate level of cases of crimes against SCs/STs, from the recording of FIR to the disposal of the case by the competent court;
- xi. The delays in investigation (beyond 60 days from the date of filing of FIR) shall be monitored at the district and State level once a quarter, and wherever required, special DSPs shall be appointed to expedite the process of investigation;
- xii. The authorities concerned in the State Governments must ensure proper follow up of reports of cases of atrocities against SCs/STs received from various sources, including the National Commission for SCs/STs;

- xiii. Atrocity-prone areas may be identified for taking preventive measures to save life and property of the members of the SC/ST communities. Adequate number of police personnel, fully equipped with policing infrastructure, should be posted in the Police Stations in such vulnerable areas;
- xiv. Delay in trial of cases of crimes against SCs/STs may be reviewed on a regular basis in the Monitoring Committee/monthly meetings Chaired by District and Sessions Judge attended by District Magistrate, Superintendent of Police and Public Prosecutor of the district;
- xv. The District SPs must ensure timely attendance and protection of all prosecution witnesses including Police Officers and official witnesses for speedy trial of such cases in the trial courts.

4. You are requested to kindly issue suitable directions to all concerned under intimation to this Ministry.

Yours faithfully,



(Pawan Mehta)

Deputy Secretary to the Government of India

Email: pawan.mehta@gov.in

Copy to:-

1. ACS/ Principal Secretary/Secretary,
Home Department (All States/ UTs),
DGP (All States/ UTs).
2. Commissioner of Police, Delhi Police
3. Director General, Bureau of Police Research and Training, New Delhi
4. Director, National Crime Records Bureau, New Delhi

Copy for information to :-

1. Secretary, Ministry of Social Justice & Empowerment, Shastri Bhawan, New Delhi
2. Secretary, Ministry of Tribal Affairs, Shastri Bhawan, New Delhi