

**GOVERNMENT OF INDIA  
SOCIAL JUSTICE AND EMPOWERMENT  
LOK SABHA**

UNSTARRED QUESTION NO:682  
ANSWERED ON:15.07.2014  
LEGISLATION RELATED TO SCS STS  
Simha Shri Prathap

**Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:**

- (a) whether the Government has received any suggestions from public representatives/social organizations regarding the need for strict implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989;
- (b) if so, the details thereof along with the reaction of the Government thereto;
- (c) whether the Government has any proposal to amend the said Acts by incorporating certain provisions to make the concerned officers accountable as well as defining the role of the public representatives; and
- (d) if so, the details thereof and the steps being taken by the Government in this regard?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI SUDARSHAN BHAGAT)

(a) & (b): Observations have been made by certain organizations in regard to gaps in implementation of the Scheduled Castes (SCs) and the Scheduled Tribes (STs) (Prevention of Atrocities) Act, 1989. These broadly relate to under reporting of cases, non-registration of cases under appropriate sections of the PoA Act, delay in filing charge sheets, filing of false and counter cases.

Ministry of Home Affairs has sent a detailed advisory dated 01.04.2010, on crimes against SCs/STs to all States/UTs. The advisory has enumerated various steps, viz, vigorous and conscientious enforcement of the statutory provisions and the existing legislations, sensitizing the law enforcement machinery towards crimes against members of SCs/STs, developing a community monitoring system to check cases of violence, abuse and exploitation, no delay in the registration of FIR in cases of crimes against SCs/STs etc. States/UTs have also been requested to implement this advisory meticulously. However, as per the seventh schedule to the Constitution of India 'Police' and 'Public Order' are State subjects and, as such, the primary responsibility of prevention, detection, registration, investigation and prosecution of crime, lies with the State,

A Committee under the Chairpersonship of Union Minister for Social Justice & Empowerment which was constituted in the year 2006, also reviews implementation of the Protection of Civil Rights Act, 1989 and the PoA Act, in State/UTs. The Committee has so far held twenty meetings wherein implementation of the Act in 24 States and 4 Union Territories has been reviewed.

(c) & (d): Based on the consultation process with all the stakeholders, amendments in the PoA have been considered to cover the following five areas:-

I. Amendments to Chapter II (Offences of Atrocities) to include new definitions, to re-phrase certain existing sections and expand the scope of presumptions. This includes substitution of section 4 of the PoA Act which relates to punishment for neglect of duties by public servants not belonging to Scheduled Castes and Scheduled Tribes as well as their duties

II. Institutional Strengthening

III. Appeals

IV. Establishing Rights of Victims & Witnesses. This includes the right of atrocity victims or their dependents, to take assistance from the Non-Government Organisations, social workers or advocates.

V. strengthening preventive measures

The objective of above proposed amendments in the PoA Act is to deliver members of SCs and STs greater justice as well as be an enhanced deterrent to the offenders.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2013, containing the aforesaid amendments in the PoA Act was introduced in the Lok Sabha during the Winter Session of Parliament, 2013, on 12.12.2013. The said Bill, however, did not get listed in the Business of the Lok Sabha during the winter session of Parliament, 2013, and thus, was not taken up by the House for consideration and passing.

The President of recommendations of the Government and in exercise of powers conferred by clause (1) of article 123 of the Constitution promulgated an Ordinance in the matter on 04.03.2014.

Government on 09.07.2014 has approved introduction of the Scheduled Castes and the Scheduled Tribes (Preventions of Atrocities) Amendment Bill, 2014, in Parliament.