

Bill No. 269 of 2024

THE NATIONAL COMMISSION FOR DETECTION AND REPORTING OF
CASES OF ATROCITIES AND CASTE DISCRIMINATION AGAINST
SCHEDULED CASTES AND SCHEDULED TRIBES BILL, 2024

By

ADV. CHANDRA SHEKHAR AZAD, M.P.

A

BILL

*to constitute a National Commission for Detection and Reporting of Cases
of Atrocities and Caste Discrimination Against the Persons Belonging to the
Scheduled Castes and Scheduled Tribes and for matters connected
therewith or incidental thereto.*

Be it enacted by Parliament in the Seventy-fifth year of the Republic of India
as follows:-

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| 1. (1) This Act may be called the National Commission for Detection and Reporting of Cases of Atrocities and Caste Discrimination against the Persons Belonging to the Scheduled Castes and Scheduled Tribes Act, 2024. | Short title, extent and commencement. |
| (2) It extends to the whole of India. | |
| (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) "atrocitiy" means atrocity as defined in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. (Act no. 33 of 1989);

(b) "caste discrimination" means any act which results in discrimination against a member of the Scheduled Castes or the Scheduled Tribes in violation of any existing law, rule, sub-rule or bye laws or regulation or absence of fair play in the process or put such member in disadvantageous position due to his caste factor in any form by any person other than the Scheduled Castes or the Scheduled Tribes;

(c) "Commission" means the National Commission for Detection and Reporting of Cases of Atrocities and Caste Discrimination Against the Persons Belonging to the Scheduled Castes and Scheduled Tribes constituted under section 3;

(d) prescribed means as may be prescribed under this Act; and

(e) "Scheduled Castes and Scheduled Tribes" shall have the meanings as assigned to them, respectively, under clause (24) and clause (25) of article 366 of the Constitution.

2. The words and expressions used but not defined in this Act and defined in the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) or the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) shall have the same meanings assigned to them, respectively, in those enactments.

3. The Central Government shall, by notification in the official Gazette, constitute a body to be known as the National Commission for Detection and Reporting of Cases of Atrocities and Caste Discrimination against the Persons Belonging to the Scheduled Castes and the Scheduled Tribes and to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

Constitution of the National Commission for detection and reporting of cases of atrocities and caste discrimination against the Scheduled Castes and Scheduled Tribes.

3. The National Commission shall consist of-

(i) a Chairperson, who shall be a retired Judge of the Supreme Court or a retired Chief Justice or a retired Justice of the High Court, preferably belonging to the Scheduled Castes or Scheduled Tribes, or a person who is or has been committed to the cause of welfare of the persons belonging to the Scheduled Castes or the Scheduled Tribes, to be nominated by the Central Government.

(ii) twenty Members to be nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry or organization committed to cause of welfare of the persons belonging to the Scheduled Castes or the Scheduled Tribes or administration, economic development, health, education or social welfare:

Provided that at least fifteen Members shall be from amongst the persons belonging to the Scheduled Castes and the Scheduled Tribes, respectively,

(iii) a Member-Secretary to be nominated by the Central Government, who shall be-

(i) an expert in the field of management, organizational structure or sociological movement, or

(ii) an officer not below the rank of Joint Secretary in the Central Government belonging to the Scheduled Castes or Scheduled Tribes , who holds an equivalent civil post under the Union with appropriate experience.

4.(1) The Chairperson and every Member shall hold office for such period, not exceeding three years, as may be specified by the Central Government in this behalf.

(2) The Chairperson or a Member (other than the Member-Secretary who is a member of a civil service of the Union or of an all-India service or holds a civil post under the Union) may, by writing and addressed to the Central Government, resign from the office of Chairperson or of the Member, as the case may be, at any time.

Term of office and conditions of service of Chairperson and Members National Commission

(3) The Central Government shall remove a person from the office of Chairperson or a Member referred to in sub-section (2) if that person-

- (a) becomes an undischarged insolvent;
- (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or
- (f) in the opinion of the Central Government has so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed.

5. (1) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

Officers and other employees of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 11.

Salaries and allowances to be paid out of grants made under section 11.

7. No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Vacancies, etc.,
not to invalidate
proceedings of the
Commission.

8.(1) The Commission may set up such number of its offices at such places, throughout the country, as may it may consider necessary for detection and reporting of crime of atrocities and caste discrimination against persons belonging to the Scheduled Castes and Scheduled Tribes, from time to time;

Offices of the
Commission.

(2) The Commission shall have the power to depute such number of officers as it may think fit for the purpose of detection and reporting of cases throughout the country.

(3) The Officers of the Commission shall be given special assistance in discharge of their functions by the officials of the State Governments particularly by police officials in the States whenever such request is made in writing.

9. (1) The Commission shall meet as and when necessary and shall meet at such time and place as the Chairperson may think fit.

Procedure to be
regulated by the
Commission.

(2) The Commission shall regulate its own procedure and the procedure of the committees thereof.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorized by the Member-Secretary in this behalf.

10. The Commission shall-

Functions of the
Commission.

(i) detect and report the crime of atrocities and caste discrimination against persons belonging to the Scheduled Castes and Scheduled Tribes to the Home Secretary to the Central Government or State Government concerned, as the case may be, and ensure that there is no under reporting;

(ii) send the details of cases of atrocities and caste discrimination against persons belonging to the Scheduled Castes and Scheduled Tribes detected to the Home Secretary of the Central Government or State Government concerned, as the case may be, irrespective of the fact that such cases have actually been registered by the police or not;

(iii) instill the feeling of security among the persons belonging to the Scheduled Castes/Scheduled Tribes that they are safe to enjoy their human rights and live their lives with dignity and respect;

(iv) sensitize the law enforcement agencies/machinery towards crimes against persons belonging to the Scheduled Castes and Scheduled Tribes by way of suggesting well structured training programme meetings, conferences, workshops and seminars for police personnel and other law enforcement against at all level;

(v) suggest material to be incorporated in the syllabi of various Police Training Centers/ Academics at all levels for creating awareness about their duties towards prevention of crime against weaker sections of the society particularly persons belonging to the Scheduled Castes and Scheduled Tribes;

(vi) suggest material to be incorporated in the syllabi of schools, colleges, educational institutions and universities to inculcate the values of egalitarian society in the minds of teachers and students in schools, colleges and universities and to abolish the practice of untouchability and create awareness amongst teachers and students about the importance of their roles in prevention of crime against the persons belonging to the Scheduled Castes and Scheduled Tribes;

(vii) take concrete steps to increase awareness in administration in general at district level to increase awareness about methods of preventing crime against persons belonging to the Scheduled Castes and Scheduled Tribes;

(viii) take steps to improve general awareness about legislation seeking to prevent crimes against persons belonging to the Scheduled Castes and Scheduled Tribes by-

(a) creating awareness through print and electronic media;

(b) developing a community monitoring system to check cases of violence, abuse and exploitation;

(c) involving community in creating and spreading awareness.

(d) organizing legal literacy and legal awareness;

(ix) ensure that proper mechanism is in place for safety and protection of persons belonging to the Scheduled Castes and Scheduled Tribes;

(x) encourage NGOs working in the area of combating crimes against the persons belonging to the Scheduled Castes and Scheduled Tribes and working with the district administration and police to prevent such crime;

(xi) encourage citizens groups/civil society to create awareness about the issues of atrocities and caste discrimination and help in bringing to light the cases of atrocities and caste discrimination against persons belonging to the Scheduled Castes and Scheduled Tribes and also to assist the police in investigation of such crimes;

(xii) conduct study and suggest methods to overcome delay in registration of First Information Report in cases of crimes against the persons belonging to the Scheduled Castes and Scheduled Tribes;

(xiii) ensure proper supervision with the help of District Administration and Senior Police Officer at District level for timely completion of investigation and proper follow up of reports of cases of atrocities and caste discrimination against the persons belonging to the persons belonging to the Scheduled Castes and Scheduled Tribes;

(xiv) identify atrocity prone area for taking preventive measures to save life and property of the members of the Scheduled Castes and Scheduled Tribes communities and taking up matters with District Administration and police officers at District level to provide adequate infrastructure in such vulnerable areas for prevention of crimes against persons belonging to the Scheduled Castes and Scheduled Tribes;

(xv) help in economic and social rehabilitation of victims of atrocities and caste discrimination;

(xvi) conduct survey and studies to evaluate the working of legislations seeking to prevent atrocities and caste discrimination with reference to the problems being faced by police and judiciary in disposal of cases and take appropriate measures to resolve such problems;

(xvii) forward report of extreme violation of human rights and take all measures to prevent recurrence of such cases at initial stage;

(xviii) discuss issues resulting in delay in investigation and trial of cases of atrocities at least once in a month compulsorily at appropriate level in the State;

(xix) measures for swift and salutary punishment to public servants found guilty of neglect of duty and violence against persons belonging to the Scheduled Castes and Scheduled Tribes; and

(xx) undertake a comprehensive review of the effectiveness of the machinery in tackling the issues of atrocities and caste discrimination against the persons belonging to the Scheduled Castes and Scheduled Tribes;

11.(1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

Grants by the
Central
Government

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

12. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the observations of the Central Government shall be laid before each Houses of Parliament.

13. The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government. Annual report
14. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament. Annual report and audit report to be laid before Parliament.
15. The Central Government shall consult the Commission on all major policy matters affecting the persons belonging to the Scheduled Castes or Scheduled Tribes. Central Government to consult Commission.
16. The provisions of this Act shall be in addition to and not derogation of any other law for the time in force. Act not in derogation of any other law.
17. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty: Power to remove difficulties.
- Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.
18. (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 the 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.

STATEMENT OF OBJECTS AND REASONS

Entries 1 and 2 of List II - State List to the Seventh Schedule to the Constitution mention 'Public Order' and 'Police' are the subject matter of the State Governments and Union Territory Administrations. However article 15(4) enables the State to make special provisions for advancement of any socially and educationally backward classes of citizens including for the Scheduled Castes and Schedule Tribes. Article 15(3) of the Constitution enables the State to make special provisions for women and children which includes the women and children of the Scheduled Castes and the Scheduled Tribes communities. Article 17 abolishes the practice of Untouchability. However, the practice of Untouchability still persists in our society. There is no effective institutional mechanism of the Central Government at village level to prevent, detect, register, investigate, and prosecute all the crimes against the Scheduled Castes and the Scheduled Tribes communities. Absence of effective mechanisms to deal with cases at local level makes the situation worse for victims. There is an abysmal rate of prosecution in cases of atrocities. In view of the articles 15 and 17 of the Constitution central legislations such as "the Protection of Civil Rights Act 1955 and the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act 1989 have been enacted to check atrocities against SCs and STs People. To look after welfare of the Scheduled Castes and Scheduled Tribes , the National Commission for Scheduled Castes, the National Commission for Scheduled Tribes and Parliamentary Committee on Welfare of SCs and STs are functioning but not proving that much effective to check the increasing the number of cases of atrocities against these communities. In the last few years particularly from 2019 to 2021 as per National Crime Records Bureau data there is an increasing number of atrocities against SCs and STs People. It appears that there is no mechanism of the Central Government to prevent, detect and report all these crimes of atrocities at village level or police station level in the States. There are also other reasons for these social evils such as lack of awareness of legislations to prevent atrocities among civil society, local administration, teachers, students and others. Lack of courage in public to be witness or approver of such crimes. The Police personnel in the States are not very much sensitive to deal with such cases properly due lack of focused training, set up caste ridden society at local level and lack of public support in detection and reporting of cases of atrocities against the persons belonging to the Scheduled Castes and the Scheduled Tribes. Therefore, there is an urgent need for plugging the loopholes in our system to deal with the cases of atrocities and provide the appropriate guidelines to be followed and implemented in the right manner. The bill seeks to establish a National Commission with its offices at local level to prevent, detect and report the cases of atrocities and other crimes against the SCs and STs Communities. It further provides to

strengthen and streamline time bound investigation procedures to be followed by police while dealing such cases. The Bill also suggests ways to encourage civil society and youth in schools, colleges and Universities to come forward to create an egalitarian society. The Bill seeks to achieve the above objectives

Hence this Bill.

NEW DELHI;
June 12, 2024.

CHANDRA SHEKHAR AZAD

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the National Commission for prevention, detection, and reporting of crimes of atrocities and caste discrimination against the persons belonging to the SCs and STs Communities. Clause 5 provides for salaries and allowances to be paid to the officer and employees of the National Commission. Clause 6 provides for salary and allowances of the Chairperson and Members of the National Commission. Clause 10 provides for improving general awareness about legislation seeking to prevent crimes against SCs/STs by the Commission. Clause 11 provides that the Central Government shall, by way of an appropriation by the Parliament, provide the funds to the National Commission. The Bill, if enacted, will involve fund from the consolidated fund of India. It will involve rupees one hundred crore recurring amount from the consolidated fund of India. It also requires non recurring amount of rupees one hundred crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill provides that the Central Government shall make rules for carrying out the purposes of the Bill. The delegation power is of a normal character.

LOK SABHA

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to constitute a National Commission for detection and reporting of cases of atrocities and caste discrimination against the persons belonging to the Scheduled Castes and Scheduled Tribes and for matters connected therewith or incidental thereto.

(Adv. Chandra Shekhar Azad, M.P.)