

GOVERNMENT OF INDIA  
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT  
**RAJYA SABHA**  
**STARRED QUESTION NO –314**  
ANSWERED ON - 24/03/2021

**PROVISION UNDER SC/ST ACT**

314. # SHRI BRIJLAL

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

(a) whether there is a provision of at least a Deputy Superintendent of Police (DSP) level officer for carrying out the investigation of cases registered under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and owing to an excessive workload the investigation is done by the constable/head constable rank police personnel while the DSP merely signing that investigation report thus seriously impacting the overall investigation process;

(b) if so, whether the mandatory provision for investigation by a DSP rank officer in SC/ST Act can be waived-off like in other offences; and

(c) if so, the details thereof?

**ANSWER**

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT

(SHRI THAAWARCHAND GEHLOT)

(a) to (c) A Statement is laid on the table of the House.

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**Statement in answer to part (a), (b) and (c) of the Rajya Sabha Starred Question No.\*314 for 24.03.2021, by Shri Brijlal, regarding, "Provision under SC/ST Act".**

(a) to (c) As per Rule 7 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities){PoA} Rules, 1995, an offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police. The investigating officer shall be appointed by the State Government Director General Police/Superintendent of Police after taking into account his past experience, sense of ability and justice to perceive the implications of the case and investigate it along with right lines within the shortest possible time. Moreover, since 'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India and the State Governments/UT Administrations are responsible for prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction including crimes against members of Scheduled Castes (SCs) and Scheduled Tribes (STs), and also primarily responsible for implementation of provisions of the PoA Act and the PoA Rules.

The offences committed on the SC/ST communities are of serious nature and for the careful examination of the registered offences under this Act, the Provision for an officer not below the rank of DSP level has been provided under Rule 7 (1) of the SC/ST (PoA) Rules, 1995 and further, no proposal is under consideration for waiving off the provision regarding investigation by a DSP rank officer.

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