

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 1680**

TO BE ANSWERED ON THE 06TH MARCH, 2018/ PHALGUNA 15, 1939 (SAKA)

PROTECTION OF CIVIL RIGHTS ACT

1680. SHRI ASHOK MAHADEORAO NETE:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government has taken or proposes to take any steps to implement the laws more effectively after strengthening the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Protection of Civil Rights (Act) and to fix the responsibility on the District Magistrate and the Superintendent of Police in major cases of atrocities in which a large number of people belonging to these communities are killed and their properties have been damaged; and

(b) if so, the details thereof?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAM GANGARAM AHIR)**

(a) & (b): The Protection of Civil Rights(PCR) Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) {PoA} Act, 1989, have provisions to prevent the commission of offences of atrocities against the Scheduled Castes(SCs) and the Scheduled Tribes(STs), provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences, and enforce Article 17 of the Constitution of India which abolished 'untouchability'.

With an objective to deliver greater justice to the Scheduled Castes and Scheduled Tribes, the PoA Act has been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015

(No.1 of 2016), and enforced with effect from 26.01.2016. As per section 9 of PoA Act, an offence committed under this Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police/Assistant Commissioner of Police.

In exercise of powers conferred by section 23(1) of the PoA Act, the Central Government made the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) {PoA} Rules, 1995, which, inter-alia, provide for admissible relief amount to atrocity victims. These Rules have been last amended on 14.04.2016, inter-alia, enhancing the relief amount from Rs. 85,000/- upto 8,25,000/-, depending upon the nature of offences.

Rule 3, Rule 12 and Rule 14 of the PoA Rules specifically relate to 'Precautionary and Preventive Measures' to be taken by the State Government, measures to be taken by the District Administration and Specific Responsibility of the State Government, respectively.

Since 'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India, the concerned State Governments/Union Territory Administrations are primarily responsible for implementation of the PCR Act and the PoA Act. However, the Central Government from time to time advises the State Governments/ Union Territory Administrations to effectively implement provisions of the PCR and

the PoA Acts and the PoA Rules, with emphasis on sensitization of police and other concerned officers towards provisions of the PCR and the PoA Act and the PoA Rules, as amended. Central assistance is also provided to the State Governments/ Union Territory Administrations towards effective implementation of these two Acts, under the Centrally Sponsored Scheme for implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. A Committee under the Chairpersonship of Union Minister for Social Justice and Empowerment also from time to time reviews implementation status of the PoA Act in States and Union Territories.
