

****PRESS NOTE****

Advisory on crime against Scheduled Castes/Scheduled Tribes and investigation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-Regarding.

The Himachal Pradesh Police is deeply concerned about the crime committed against the members of SC & ST and other vulnerable sections of society and, therefore, re-emphasizes the need to implement the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 effectively, both in letter and spirit. The following actions are required to be taken urgently by all District SsP in this connection:-

A. Vulnerability Mapping of atrocity prone areas:-

- iv. District SsP should identify atrocity prone areas in their District at Village level, Panchayat level, Block level etc and plan deployment of beat constable and patrolling to take preventive measures for checking such offences. Police help-line numbers and ERSS 112 should be exhibited prominently in such identified areas.
- v. After identifying atrocity prone areas, matter may be taken up with District Magistrate for appointing Special Officers in such identified areas in accordance with Rule 10 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 and taking special steps to protect the life and property of Scheduled Castes and Scheduled Tribes in such areas.
- vi. In order to establish peace and prevent atrocities against members of SC & ST in the vulnerable areas, District SP should take up matter with District Magistrate in relation to protection of weaker section of the society as per provision of Sec14(vii) of HP Police Act.

B. Before registration of the case under SC& ST POA:-

- iii. Ensuring that First Information Report (FIR) is invariably registered by the Police Station wherever and whenever a complaint of atrocity is received by it. Further, the FIR should be meticulously documented. In case the registration of FIR is denied by the Police Officer on duty without any valid reason, such an officer, if not being a member of a Scheduled Caste or a Scheduled Tribe, should be prosecuted under Section 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, for wilful neglect of duties required to be performed by that Officer under the Act.
- iv. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been amended in 2015 to make it more effective. Now offences such as tongsing of head, moustache, or similar acts, which are derogatory to the dignity of members of Scheduled Caste and Scheduled Tribes, have been added. The punishments have also been enhanced. Provisions for Special Courts and speedy trial have been added. The Act was further amended in 2018, section 18 A has been inserted whereby conducting Preliminary Enquiry before registration of FIR, or to seek approval of any authority prior to arrest of an accused, is no longer required. These provisions of POA Act must be implemented in letter and spirit.

C. During investigation of case under SC& ST POA:-

- v. Deploying female police personnel in each team of investigation to record complaint of women victims of offences of atrocities under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- vi. Ensuring the visit of the District Superintendent of Police to place of occurrence of atrocity in serious cases, reviewing police protection arrangements for the atrocity victims and their family/families and prompt payment of relief to the victims of offences of atrocities, in accordance with Rule 12(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995.
- vii. In case of extreme violation of human dignity such as stripping of SC/ST woman, forcing SC/ST person to drink urine or eat excreta, blacking their faces, shaving their heads and parading them in village street etc. the District SsP must take prompt preventive action at the initial stage itself. In such incidents of extreme violation of human rights, exemplary punishment should be awarded to the accused after speedy trial.
- viii. Ensuring investigation of the offences of atrocities by an Officer not below the rank of Deputy Superintendent of Police, completing the investigation on top priority and within thirty days, in accordance with the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules 1995, and filing of charge sheet in the court at the earliest.

D. Trial management

- v. District SsP to ensure timely handling of prosecution of cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by Special Public Prosecutors.
- vi. District SsP 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.
- vii. District SsP should review the factors responsible for high level of acquittals under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and take corrective measures.
- viii. District SsP should review the performance of the Special Public prosecutor appointed for the trial of SC/ST POA cases and submit the report to DC and the Director Prosecution for further action as per rule 4(3) of SC/ST POA Rules, 1995.

E. Capacity Building:-

- a. Sensitizing Police Officers in regard to the implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also imparting regular and effective training to the Police Officers at HP PTC or other training institutes of the State or National level. District SsP should ensure that every DySP should attend the training on investigation of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at least once in a year.

- b. Displaying the salient features of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the billboards/hoardings in all the Police Stations, especially in the rural areas and at other selected places frequently visited by the public.
- c. District SsP should ensure to attend quarterly reviewing implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the Nodal Officer with District Magistrates in accordance with Rule 9 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Rules 1955.
- d. District SsP in coordination with District Magistrate may launch awareness generation campaign and organize seminars on the provisions of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 with participation of Panchayati Raj Institutions and Non-Governmental Organisations (NGOs) if required.