



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No.Policy-1/ATROCITY/MTA/2010/RU-II

छठी मंजिल, 'बी' विंग, लोक नायक भवन
खान मार्किट, नई दिल्ली-110003
6th Floor, 'B' Wing, Lok Nayak Bhawan
Khan Market, New Delhi - 110 003

Dated26.03.2010.....

To
The Secretary,
Ministry of Tribal Affairs,
Room No. 280, August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi- 110 066.

[Kind Attn : Shri C. Gosakan, Dy. Sec.]

Sub: Consideration of amendments in the SCs and STs (Prevention of Atrocities) Rules, 1995.

Sir,

I am to refer to your letter No. 16/12/2009-CP&R dated 04.12.2009 vide which the subject proposal was forwarded for comments of the Commission. The Commission deliberated on the subject in its meeting held on 22/02/2010 and recommended as follows:-

- (i) Secretary NCST informed the Commission that the amendment No. (i) to insert Rule 7-A has been proposed for obtaining timely information in respect of the cases of atrocities, especially pertaining to heinous offences. At present, there is no definition of heinous offences in the Indian Penal Code. It is also not mandatory under the Criminal Procedure Code to register an FIR immediately when a complaint is made.
- (ii) The Commission noted that a large number of atrocities against Scheduled Tribes primarily pertain to grabbing of tribal land and crimes against (their) women folk. Therefore, it is advisable to report cases registered under sub-clause (iii), (v), (xi) or (xii) of sub-section (1) of Section 3 too for monitoring purposes. The Commission also felt that there should be prompt reporting of all such complaints made to the police, without awaiting the registration of an FIR. The report should preferably be sent through the Superintendent of Police, keeping in view the varying responsibility for criminal

administration in different regions.

(iii) After detailed deliberations, the Commission recommended that the phrase "whenever FIR was registered under sub-clause (i), (iv) or (v) of sub-section 2 of Section 3, the concerned District Magistrate" of the proposed Rule 7-A should be substituted as "whenever a complaint is made to a police officer regarding an offence punishable under sub-clause (iii), (v), (xi) or (xii) of sub-section (1) of Section 3 or sub-clause (i), (iv) or (v), of sub-section (2) of Section 3, the concerned Superintendent of Police " in amendment at no. (i) relating to insertion of Rule 7A.

(iv) The Commission endorsed the proposed amendments at S.No. (ii), (iii) and (iv) of the proposal with the observation that the added reference in Item 17 pertaining to mischief by fire etc. is probably unnecessary since it is already subsumed (as life imprisonment exceeds 10 years).

2. You are requested to kindly intimate the final outcome of the proposal w.r.t. the recommendations of the Commission.

Yours faithfully,


(Vinod Aggarwal)
Director

o/c

Copy for information to :-

Secretary,
Ministry of Social Justice and Empowerment,
Shastri Bhawan,
New Delhi – 110 001.
[Kind Attn : Sri V. R. Malhotra, Director(SCD)]

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