

F.No.A.14019/1/2014-SCT
Government of India
Ministry of Health & Family Welfare
(W & PG Section)

Nirman Bhavan, New Delhi
Dated the 27th March, 2014

OFFICE MEMORANDUM

Subject : The Gazette of India in r/o the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Amendment Ordinance, 2014 - reg.

The undersigned is directed to forward herewith a copy of D.O. No.11012/1/2002-PCR(Desk) dated 14th March, 2014 together with extracts of notification of Gazette of India received from Ministry of Social Justice & Empowerment on the above subject.

It is, requested to take necessary action for implementing the instruction/guidelines laid down at Section 3(1)(za)(D) of the Gazette Notification of Ministry of Social Justice & Empowerment.

Sr. DDG (A), ICMR OFFICE

DIARY NO. 1828

DATE: 9/4/2014

Under Secretary to the Govt. of India

To

- 1) DIR.(CGHS) in r/o the CGHS Dispensaries under their control.
- 2) US(Hospital) in r/o the Hospitals under their control.
- 3) DIR(A&V), Dte.G.H.S., Nirman Bhavan, New Delhi in r/o the Institution/Hospital/PHC etc. under their control.

NIHFW, New Delhi/IIPS, Mumbai/CNCI, Kolkatta/PCI, New Delhi/INC, New Delhi/DCI, New Delhi/NBE, New Delhi/AIIMS, New Delhi/PII, Coonoor/PGI, Chandigarh/ICMR, New Delhi/NIMHNS, Bangalore/MCI, New Delhi/AIISH, sore/NIB, Noida/NEIGRHMS Shillong/LRSITAD, New Delhi/JIPMER, Puduchery/AIIMS, Bhopal/AIIMS/ Bhubaneswar/ AIIMS; Uttrakhand/AIIMS, Patna/AIIMS Rajasthan/AIIMS, Raipur/RIMS, Imphal/RIPANS, Aizwal/LGBRIMH, Tezpur.

- 4) HSCC (I), Noida/HLL Lifecare Ltd., Thiruvananthapuram.

Dy No 6088 AII
16/04/2014



सत्यमेव जयते

अनूप कुमार श्रीवास्तव
ANOOP KUMAR SRIVASTAVA

Tel : 23384239

E-mail : as-sja@nic.in

Office of Secretary

Office of Secretary

FTS No. 57564/14

Date 18/3

अपर सचिव

भारत सरकार

सामाजिक न्याय और अधिकारिता मंत्रालय
भास्त्री भवन, नई दिल्ली-110001

ADDITIONAL SECRETARY

GOVERNMENT OF INDIA

MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT

BHASTRI BHAWAN, NEW DELHI -110001

March 14, 2014

Dear Sir,

I am enclosing herewith a copy of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014, which has been notified in the Gazette of India, Extraordinary on 04.03.2014. The objective of amendments in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities){PoA} Act, 1989 made by the aforesaid Ordinance is to deliver members of Scheduled Castes and Scheduled Tribes, greater justice and an enhanced deterrent to the offenders.

2. The offence under section 3(1)(za)(D) of the Ordinance, which attracts stipulated punishment, inter-alia, relates to obstructing or preventing a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to entering any hospital, dispensary and primary health centre.

3. I would request you to kindly consider apprising for appropriate action, the concerned authorities, hospitals, agencies, organisations, institutes etc. under the administrative control of your Department, about the provision mentioned in para 2 above.

With regards,

Yours sincerely,

(Anoop Kumar Srivastava)

Shri Lov Verma,
Secretary,
Ministry of Health and Family Welfare,
Department of Health and Family Welfare,
Nirman Bhawan,
New Delhi.

Encl: as above

Handwritten notes: JS/1002/14, A S/AH

Handwritten notes: JS/1002/14 - 0.2

Handwritten notes: DSCMS

Handwritten notes: JS/1002/14

Handwritten notes: 21/3, 20/3/14, sh. J


सत्यमेव जयते

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 7] नई दिल्ली, मंगलवार, मार्च 4, 2014/ फाल्गुन 13, 1935 (शक)
No. 7] NEW DELHI, TUESDAY, MARCH 4, 2014/PHALGUNA 13, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 4th March, 2014/Phalguna 13, 1935 (Saka)

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES
(PREVENTION OF ATROCITIES) AMENDMENT ORDINANCE, 2014

(No. 1 of 2014)

Promulgated by the President in the Sixty-fifth Year of the Republic of India.

An Ordinance to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

WHEREAS the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2013, to give effect to the aforesaid objective, was introduced on the 12th December, 2013 in the House of the People;

AND WHEREAS the said Bill could not be taken up for consideration and passing in the House of the People;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

1. (1) This Ordinance may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014.

(2) It shall come into force at once.

Amendment of long title.

2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the principal Act), in the long title, for the words "Special Courts", the words "Special Courts and the Exclusive Special Courts" shall be substituted.

33 of 1989.

Amendment of section 2.

3. In section 2 of the principal Act, in sub-section (1),—

(i) after clause (b), the following clauses shall be inserted, namely:—

(bb) "dependent" means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for his support and maintenance;

(bc) "economic boycott" means—

(i) a refusal to deal with, work for hire or do business with other person; or

(ii) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or

(iii) to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or

(iv) to abstain from the professional or business relations that one would maintain with other person;

(bd) "Exclusive Special Court" means the Exclusive Special Court established under sub-section (1) of section 14 exclusively to try the offences under this Ordinance;

(be) "forest rights" shall have the meaning assigned to it in sub-section (1) of section 3 of the Scheduled Tribes and Other

Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;

(bf) "manual scavenger" shall have the meaning assigned to it in clause (g) of sub-section (1) of section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013;

(bg) "public servant" means a public servant as defined under section 21 of the Indian Penal Code, as well as any other person deemed to be a public servant under any other law for the time being in force and includes any person acting in his official capacity under the Central Government or the State Government, as the case may be;';

(ii) after clause (e), the following clauses shall be inserted, namely:-

(ea) "Schedule" means the Schedule appended to this Ordinance;

(eb) "social boycott" means a refusal to permit a person to render to other person or receive from him any customary service or to abstain from social relations that one would maintain with other person or to isolate him from others;

(ec) "victim" means any individual who falls within the definition of the 'Scheduled Caste and Scheduled Tribe' under clause (c) of sub-section (1) of section 2, and who has suffered or experienced physical, mental, psychological, emotional or monetary harm or harm to his property as a result of the commission of any offence under this Ordinance and includes his relatives, legal guardian and legal heirs;

(ed) "witness" means any person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge necessary for the purpose of investigation, inquiry or trial of any crime involving an offence under this Ordinance, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence;';

(iii) for clause (f), the following clause shall be substituted, namely:-

"(f) the words and expressions used but not defined in this Ordinance and defined in the Indian Penal Code, the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, as

the case may be, shall be deemed to have the meanings respectively assigned to them in those enactments.”.

Amendment of
section 3.

4. In section 3 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(a) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;

(b) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;

(c) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighborhood;

(d) garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;

(e) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;

(f) wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;

(g) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation

facilities or destroys the crops or takes away the produce therefrom.

Explanation.—For the purposes of clause (f) and this clause, the expression “wrongfully” includes —

- (A) against the person’s will;
 - (B) without the person’s consent;
 - (C) with the person’s consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or
 - (D) fabricating records of such land;
- (h) makes a member of a Scheduled Caste or a Scheduled Tribe to do “begar” or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;
- (i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;
- (j) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;
- (k) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a devadasi or any other similar practice or permits aforementioned acts;
- (l) forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe—
- (A) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;
 - (B) not to file a nomination as a candidate or to withdraw such nomination; or
 - (C) not to propose or second the nomination of a member of a Scheduled Caste or a Scheduled Tribe as a candidate in any election;
- (m) forces or intimidates or obstructs a member of a Scheduled

Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a panchayat under Part IX of the Constitution or a municipality under Part IX A of the Constitution, from performing their normal duties and functions;

(n) after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Schedule Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;

(o) commits any offence under this Ordinance against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;

(p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

(q) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

(t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

Explanation.—For the purposes of this clause, the expression “object” means and includes statue, photograph and portrait;

(u) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;

(v) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

(w) (i) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent;

(ii) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.

Explanation.—For the purposes of sub-clause (i), the expression “consent” means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act:

Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity:

Provided further that a woman's sexual history, including with the offender shall not imply consent or mitigate the offence;

(x) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;

(y) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;

(z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence;

Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;

(za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to —

(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing *ghat*, any public conveyance, any road, or passage:

(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;

(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including *jatras*;

(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public; or

(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;

(zb) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or

(zc) imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a Scheduled Tribe,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.;

(ii) in sub-section (2),—

(a) in clause (v), for the words “on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member”, the words “knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member” shall be substituted;