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## ADVISORY ON IMPLEMENTATION OF PCR ACT

No. 24024/9/2004-SC/ST Cell

Ministry of Home Affairs

SC/ST Cell

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New Delhi dated the 3rd February, 2005

To

The Chief Secretaries,

All State Governments/Union Territory Administrations

SUB: Need for effective implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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Sir/Madam,

- As you are aware the Government of India has been advising the State Governments, from time to time, to give more focused attention to improving the administration of criminal justice system especially to ensure prevention of atrocities against the Scheduled Castes and the Scheduled Tribes and other vulnerable sections of society. In this regard the advisories issued earlier with particular reference to the crime against Scheduled Castes and the Scheduled Tribes and other vulnerable groups vide our letter Nos. 24013/86/97-GPA.VI dated 8-10-1997, No. 24013/47/98-GPA-VI dated 12-11-1998 No. 24013/74/2001-GPA-VI dated 19-9-2001, No. 24013/30/2002-GPA-IV dated 4-4-2002, No. 24013/74/2002-GPA-IV dated 11-6-2002 and No.15011/50/2004-SC/ST Cell dated 24-6-2004 may be referred to. These guidelines, inter-alia, include the sensitization of police personnel in implementation of the Protection of Civil Rights Act and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, instructions to Police to have more empathetic approach while dealing with cases of atrocities against them, circulation among field officers a detailed note indicating the scope and responsibility of police personnel investigating such offences, recruitment of sufficient number of persons belonging to SCs/STs/Minorities as police personnel especially at the cutting edge level, setting up of special cells to deal with such offences, programmes for creating awareness among the vulnerable sections of society and legal recourse open to them, evaluation of the working of special courts, identification of atrocity prone areas for prevention of crime and measures to be taken for economic and social rehabilitation of victims of atrocities.06-10-2010
- Through the aforesaid advisories, the State Governments were also requested to undertake a comprehensive review of the effectiveness of the machinery in tackling the problems faced by the members of the SCs/STs and take appropriate measures aimed at increasing the responsiveness of the law and order machinery. No doubt, some State Governments have taken some measures in this regard. However, these measures need to be strengthened further, so that members of these vulnerable groups feel secured, enjoy their human rights and live their life with dignity and respect that they deserve.
- The National Human Rights Commission has carried out a study and recommended that necessary steps be taken to effectively implement the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules 1995.
- The Government of India 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 in this connection :-
  - 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 willful neglect of duties required to be performed by that Officer under the Act.

- 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.
- Deploying female police personnel in each police station, especially in atrocity prone areas, to record complaint of women victims of offences of atrocities under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- Ensuring the visit of District Magistrate/District Collector and the District Superintendent of Police to each place of occurrence of atrocity, 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.
- Deploying police force in the identified atrocity prone areas and to take other preventive measures for checking such offences.
- Timely handling of prosecution of cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by Special Public Prosecutors and strengthening of the institution of Special Public Prosecutors with appropriate remuneration/fee paid to them, so that they are motivated to take up such cases effectively.
- 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, Special Public Prosecutors and the concerned District Administration officers in regard to the implementation of these Acts.
- 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.
- Identifying atrocity prone areas, 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.
- Preparing Contingency Plan for implementing the provisions of the Act, in accordance with Rule 15 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995.
- Setting up of exclusive Special Courts in all Districts for trial of offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- Quarterly reviewing implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the Nodal Officer with District Magistrates and Superintendents of Police in accordance with Rule 9 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- Ensuring holding of periodic meetings of the High Power State Level Vigilance and Monitoring Committees under the chairpersonship of Chief Minister and likewise such District Level Committees under the chairpersonship of the District Magistrate/District Collector, with adequate representation of Non-Governmental Organizations working for the cause of Scheduled Castes and Scheduled Tribes.
- Launching awareness generation campaign and organizing 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).
- Reviewing the factors responsible for high level of acquittals under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- It is further suggested that annual workshop of District Magistrates and Superintendents of Police on implementation of these laws may be organized and the State Home and Social Welfare Secretaries and Directors General of Police should interact with the participants on the whole range of issues/problems faced by them in their spheres of activities. Based on this feedback, State Governments may take necessary corrective steps expeditiously to improve the administration of these laws.
- It is requested that the action taken in this regard may be reviewed by the State Governments / UT Administrations and a report indicating the present status sent to this Ministry within a month.

Yours faithfully,

(Shri Kumar Alok)

JOINT SECRETARY (CS)

Copy to: The Secretary General, National Human Rights Commission, Sardar Patel Bhawan, Parliament Street, New Delhi  
w.r.t. d.o. No.20/1/2004-PRP&P dated 3-8-2004 of Chairperson, NHRC.

(Shri Kumar Alok)

JOINT SECRETARY (CS)



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