

The Minorities (Prevention of Communal Acts, Atrocities & Attacks on Places of Worship) Act, 2008

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**The Minorities (Prevention of Communal Acts,
Atrocities & Attacks on Places of Worship) Rules,
2008**

**The Minorities (Prevention of Communal Acts,
Atrocities & Attacks on Places of Worship) Act, 2008**
[No. ____ of 2008]

18th September, 2008

An Act to prevent the commission of communal acts, atrocities and/or attacks on places of worship against the members of the Minorities, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the _____ Year of the Republic of India as follows :-

CHAPTER I *Preliminary*

I. Short title, extent, and commencement :- (1) This Act may be called **The Minorities (Prevention of Communal Acts, Atrocities & Attacks on Places of Worship) Act, 2008**.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions :- (1) In this Act, unless, the context otherwise requires, -

(a) "*atrocities*" means an offence punishable under Section 3 of this act;

(b) "*Code*" means the Code of Criminal Procedure, 1973 (2 of 1974) and modifications / upgrades thereof;

(c) "communal acts" means acts committed and/or omissions made with or of hostile intent or effect directed towards minorities or sections of them, and shall include acts and/or omissions such as but not restricted to physical assault, insult, denial of entitlements enjoyed by other non-

minority members of society, intimidation, erroneous recording of information of offences, and / or any one or more of the offences set out in the schedule hereunder.

(d) "*minorities*" shall mean and include such persons, races or sub-groups within the larger group comprising of all Muslims, Sikhs, Christians, Parsis, Buddhists and Jains irrespective of whether they be part of the said mainstream group or a variant thereof, and shall include persons who have opted to become part of the said group or sub-groups within the larger group whether by conversion, affiliation, or otherwise so claim (to belong thereto), and shall include also the spouses and children, whether natural or adopted, of such persons.

(e) "*Special Court*" means a Court of Sessions specified as a Special Court in Section 14;

(f) "*Special Public Prosecutor*" means a Public Prosecutor specified as special Public Prosecutor or an advocate referred to in section 15;

(g) Words and expressions used but not defined in this act, and defined in the Code or the Indian Penal Code (45 of 1860) shall have the meanings assigned to them respectively in the code, or as the case maybe, in the Indian Penal Code.

(2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II Offences of Atrocities

3. Punishments for offences of atrocities :- (1) Whoever, not being a member of the group comprising Minorities, -

(i) forces a member of a group comprising Minorities to drink or eat any inedible or obnoxious substance;

(ii) acts with intent to cause injury, insult or annoyance to any member of a group comprising Minorities by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;

(iii) forcibly removes clothes from the person of a member of a group comprising Minorities or parades him naked or with painted face or body, or tonsured head, or commits any

similar or other act which is derogatory to human dignity especially in the context of his religious affiliation;

(iv) wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a group comprising Minorities or gets the land allotted to him transferred, or occupies damages or demolishes premises including but not restricted to places of worship or congregation including places hired for such purpose such as grounds, convention halls, etc., belonging to or hired by such member of a group or to a group comprising Minorities either consequent upon or preparatory to such member/s of a group comprising Minorities being driven out of any area where they ordinarily reside or work for gain or come together for meetings at any set or variable periodicity;

(v) wrongfully dispossesses a member of a group comprising Minorities from his land or premises or interferes with the enjoyment of his rights over any land, premises including but not restricted to places of worship or congregation including places hired for such purpose such as grounds, convention halls, etc., or water or utility/ies such as electric supply, telecommunications, internet links, etc;

(vi) compels or entices a member of a group comprising Minorities to do any forms of forced or bonded labour other than any compulsory service for public purposes as is imposed by Government;

(vii) forces or intimidates a member of a group comprising Minorities not to vote or to vote to a particular candidate or to vote in a manner other than as freely allowed and provided by law;

(viii) institutes false, malicious or vexatious complaint, allegation of terrorism or forcible conversion, or suit or criminal or other legal proceedings against a member of a group comprising Minorities, or the group;

(ix) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the interdiction, injury or annoyance of a member of a **group comprising *Minorities***;

(x) intentionally insults or intimidates a member of a **group comprising *Minorities*** in any place within public view **or in public hearing or in any place of custody or detention, or calls in question their loyalty to the**

Indian nation and its Constitution, with intent to humiliate him or to restrict his enjoyment of his rights or to cause him to become a subject of general disdain, suspicion or dislike;

(xi) assaults or uses force or aggressive or insulting language towards any woman belonging to a **group comprising Minorities** with intent to dishonour or outrage her modesty, or secure by such acts or threats of such acts the woman's family member's compliance with any direction or order;

(xii) being in a position to dominate the will of a woman belonging to a **group comprising Minorities** and uses that position to exploit her sexually or secure by such acts or threats of such acts the woman's family member's compliance with any direction or order to which she or he would not have otherwise agreed;

(xiii) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of a **group comprising Minorities** so as to render it less fit for the purpose for which it is ordinarily used, **and/or obstructs or regulates save by authority of law any access normally used by them or any of them including but not restricted to their places of worship;**

(xiv) denies a member of a **group comprising Minorities** 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 section thereof have a right to use or access to;

(xv) forces or causes a member of a **group comprising Minorities** to leave his house, village, or other place of residence;

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.

(2) Whoever , not being a member of a **group comprising Minorities,-**

(i) gives or fabricates false complaint and/or false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a **group comprising Minorities** to be wrongly accused and possibly convicted of

an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a **group comprising Minorities** be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death;

(ii) gives or fabricates false complaint and/or false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a **group comprising Minorities** to be wrongly accused and possibly convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine; ; and if an innocent member of a **group comprising Minorities** be convicted in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with the maximum punishment that is prescribed for such offence, irrespective of whether the accused innocent member of the minority group was in fact sentenced to such maximum sentence or not;

(iii) commits mischief by fire, electricity or any gas or corrosive or explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a **group comprising Minorities**, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

(iv) commits mischief by fire, electricity or any gas or corrosive or explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a **group comprising Minorities**, shall be punishable with imprisonment for life and with fine;

(v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of a **group comprising Minorities** or such property belongs to such member, shall be punishable with imprisonment for life and with fine;

(vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear or attempts to cause its disappearance with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or

(vii) being a public servant, commits any offence under this section, or incorrectly records any details of the offence complained of, or omits to mention full details given by complainant/s, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

4. Punishment for neglect of duties :- Whoever, being a public servant but not being a member of a **group comprising Minorities**, wilfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

5. Enhanced punishment for subsequent conviction :- Whoever, having already been convicted of an offence under this Chapter is convicted for the second offence or any offence subsequent to the second offence, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

6. Application of certain provisions of the Indian Penal Code:- Subject to the other provisions of this Act, the provisions of Section 34, Chapter III, Chapter IV, Chapter V, Chapter V-A, Section 149 and Chapter XXIII of the Indian Penal Code (45 of 1860), shall, so far as may be, apply for the purposes of this Act as they apply for the purposes of the Indian Penal Code.

7. Forfeiture of property of certain persons :- (1)
Where a person has been convicted of any offence punishable under this Chapter, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both belonging to the person, which has been used for the commission of that offence, shall stand forfeited to Government.

(2) Where any person is accused of any offence under this Chapter, it shall be open to the Special Court trying him to pass an order that all or any of the properties, movable or immovable or both, belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the property so attached shall be liable to forfeiture to the extent it is required for the purpose of realisation of any fine imposed under this Chapter.

8. Presumption as to offences :- In a prosecution for an offence under this Chapter, if it is proved that -

(a) the accused rendered any financial assistance to a person accused of, or reasonably suspected of committing, an offence under this Chapter, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence;

(b) a group of person committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object.

9. Conferment of powers :- (1) Notwithstanding anything contained in the Code or in any other provision of this Act, the State Government may, if it considers it necessary or expedient so to do, -

(a) for the prevention of and for coping with any offence under this Act, or

(b) for any case or class or group of cases under this Act, in any district or part thereof, confer by notification in the Official Gazette, on any officer of the State Government the powers exercisable by a police officer under the Code in such district or part thereof or, as the case may be, for such case or class or group of cases, and in particular, the powers of arrest, investigation and prosecution of persons before any Special Court.

(2) All officers of police and all other officers of Government shall assist the officer referred to in sub-section (1) in the execution of the provisions of this Act or any rule, scheme or order made thereunder.

(3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1).

CHAPTER III *Extermment*

10. Removal of person likely to commit offence :- (1) Where the Special Court is satisfied, upon a complaint or a police report that a person, group or organization, is likely to commit an offence under Chapter II of this Act in any area such that it may cause a reasonable apprehension of restriction of rights or alarm with regard to safety and/or security of person/s or property/ies of members of a group comprising *Minorities* in the minds of one or more members of a group comprising *Minorities*, or suo motu, it may, by order in writing, direct such person, group or organization, to remove himself, itself and its members beyond the limits of such area, by such route and within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself, itself and its members for such period, not exceeding two years, as may be specified in the order.

(2) The Special Court shall, along with the order under sub-section (1), and communicate to the person, group or organization, directed and, if there be no address of such person, group or organization, effect communication by affixture on notice board of the nearest Tahsil or Revenue office, or by press release, the grounds on which such order has been made.

(3) The Special Court may revoke or modify the order made under sub-section (1) for the reasons to be recorded in writing, on the representation made by the person, group or organization, against whom such order has been made or by any other person, group or organization, on his behalf within thirty days from the date of the order.

11. Procedure on failure of person to remove himself from area and enter thereon after removal :- (1) If a person, group or organization, to whom a direction has been issued under Section 10 to remove himself from any area-

(a) fails to remove himself or itself or its members as directed; or

(b) having so removed himself or itself or its members enters such area within the period specified in the order,

otherwise than with the permission in writing of the special Court under sub-section (2), the Special Court may cause him and/or all of its members as may be deemed proper by the special Court in its discretion for reasons to be recorded in writing to be arrested and removed in police custody to such place outside such areas the Special Court may specify.

(2) The Special Court may, by order in writing, permit any person, group or organization, in respect of whom an order under section 10 has been made, to return to the area from which he was directed to remove himself for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observation of the conditions imposed.

(3) The Special Court may at any time revoke any such permission.

(4) Any person, group or organization, who, with such permission, returns to the area from which he was directed to remove himself shall observe the conditions imposed and at the expiry of the temporary period for which he was permitted to return or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside such area and shall not return thereto within the unexpired portion specified under Section 10 without a fresh permission.

(5) If a person, group or organization, fails to observe any of the conditions imposed or to remove himself accordingly or having so removed himself enters or returns to such area without fresh permission, the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

12. Taking measurements and photographs, etc., of persons against whom order under section 10 is made :- (1) Every person, group or organization, against whom an order has been made under Section 10 shall, if so required by the Special Court, allow his and its members' measurements and photographs to be taken by a police officer and such police officer shall accurately record, file and preserve the same.

(2) If any person referred to in sub-section (1), when required to allow his measurements or photographs to be taken resists or refuses to allow his taking of such measurements or photographs, it shall be lawful to use all necessary means to secure the taking thereof.

(3) Resistance to or refusal to allow the taking of measurements or photographs under sub-section (2) shall be deemed to be an offence under Section 186 of the Indian Penal Code (45 of 1860).

(4) Where an order under Section 10 is revoked, all measurements and photographs (including negatives and digital images) taken under sub-section (2) shall be destroyed or made over to the person against whom such order is made.

13. Penalty for non-compliance with order under Section 10:- Any person contravening an order of the Special Court made under Section 10 shall be punishable with imprisonment for a term which may extend to one year and with fine.

CHAPTER IV Special Courts

14. Special Court :- For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for each district a Court of Session to be a Special Court to try the offences under this Act.

15. Special Public Prosecutor :- For every Special court, the State Government shall, by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that court and such person shall so far as may be practicable be a member of such group as defined under sec. (2) (d) hereof.

CHAPTER V Miscellaneous

16. Power of State Government to impose collective fine :- The provisions of Section 10-A of the Protection of Civil Rights Act, 1955 (22 of 1955) shall so far as may be, apply for the purposes of imposition and realisation of collective fine and for all other matters connected therewith under this Act.

17. Preventive action to be taken by the law and order machinery :- (1) A District Magistrate or a Sub-Divisional Magistrate or any other Executive Magistrate or any Police Officer not below the rank of a Deputy Superintendent of

Police may, on receiving information and after such inquiry as he may think necessary, if he has reason to believe that a person or a group of persons not belonging to a group comprising *Minorities*, residing in or frequenting any place within the local limits of his jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take necessary action for keeping the peace and good behaviour and maintenance of public order and tranquility and may take effective preventive action by such means as he deems necessary including externment or arrest.

(2) The provisions of Chapters VIII, X and XI of the Criminal Procedure Code shall so far as may be, apply for the purposes of sub-section (1).

(3) The State Government may, by notification in the Official Gazette, make one or more schemes specifying the manner in which the officers referred to in sub-section (1) shall take appropriate action specified in such scheme or schemes to prevent atrocities and to restore the feeling of security amongst the members of The Minorities.

18. Section 438 of the Criminal Procedure Code not to apply to persons committing an offence under the Act :- Nothing in Section 438 of the Criminal Procedure Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.

19. Section 360 of the Criminal Procedure Code or the provisions of the Probation of Offenders act not to apply to persons guilty of an offence under the Act :- The provisions of section 360 of the Criminal Procedure Code and the provisions of the Probation of Offenders Act, 1958 (20 of 1958) shall not apply to any person above the age of eighteen years who is found guilty of having committed an offence under this act.

20. Act to override other laws :- Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

21. Duty of Government to ensure effective implementation of the Act :- (1) Subject to such rules as the Central

Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include, -

(i) the provision for adequate facilities, including legal aid, to the persons subjected to atrocities to enable them to avail themselves of justice;

(ii) the provision for travelling and maintenance expenses to witness, including the victims of atrocities, during investigation and trial of offences under this Act;

(iii) the provision for the economic and social rehabilitation of the victims of the atrocities;

(iv) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;

(v) the setting up of committees at such appropriate levels as the State Government may think fit to assist that Government in formulation or implementation of such measures;

(vi) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provisions of this Act;

(vii) the identification of the areas where the members of The Minorities are likely to be subjected to atrocities and adoption of such measures so as to ensure safety for such members.

(3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1).

(4) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

22. Protection of action taken in good faith :- No suit, prosecution or other legal proceedings shall lie against the Central Government or against the State Government or any officer or authority of Government or any other person for

anything which is in good faith done or intended to be done under this act.

23. Power to make rules :- (1) The Central Government may, by notification in the Official Gazette, make rules of carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each house of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE MINORITIES (PREVENTION OF ATROCITIES) RULES,
2008

Ministry of Minority Welfare, _____, New Delhi,
_____ -2008.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 23 of The Minorities (Prevention of Atrocities) Act, 2008 (___ of 2008), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement :- (1) These rules may be called The Minorities (Prevention of Atrocities) Rules, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :- In these rules, unless the context otherwise requires:-

(a) "Act" means The Minorities (Prevention of Atrocities) Act, 2008 (33 of 2008).

(b) "Dependent", with its grammatical variations and cognate expressions, includes wife, children, whether married or unmarried, dependent parents, widowed sister, widow and children of pre-deceased son of a victim of atrocity;

(c) "identified area" means such area where State Government has reason to believe that atrocity may take place or there is an apprehension of reoccurrence of an offence under the Act or an area prone to victim of atrocity;

(d) "Non-Government Organisation" means a voluntary organisation engaged in the welfare activities relating to The Minorities and registered under the Societies Registration act, 1860 (21 of 1866) or under any law for the registration of documents or such organisation for the time being in force;

(e) "Schedule" means the Schedule annexed to these rules;

(f) "Section" means section of the Act;

(g) "State Government" in relation to a Union territory, means the Administrator of that Union Territory appointed by the President under article 239 of the Constitution;

(h) words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Precautionary and Preventive Measures :- (1) With a view to prevent atrocities on The Minorities, the State Government shall :-

(i) identify the area where it has reason to believe that atrocity may take place or there is an apprehension of reoccurrence of an offence under the Act;

(ii) order the District Magistrate and Superintendent of Police or any other officer to visit the identified area and review the law and order situation;

(iii) if deemed necessary, in the identified area cancel the arms licences of the persons, not being member of a group comprising *Minorities*, their near relations, servants or employees and family friends and get such arms deposited in the Government armoury;

(iv) seize all illegal fire arms and prohibit any illegal manufacture of fire arms;

(v) with a view to ensure the safety of person and property, if deemed necessary provide arms licences to the members of The Minorities;

(vi) constitute a high power State-level committee, district and divisional level committees or such number of other committees as deem proper and necessary for assisting the Government in implementation of the provisions of the Act;

(vii) set-up a vigilance and monitoring committee to suggest effective measures to implement the provisions of the Act;

(viii) set-up Awareness Centre and organise Workshops in the identified area or at some other place to educate the persons belonging to The Minorities about their rights and the protection available to them under the provisions of various Central and state enactments or rules, regulations and schemes framed thereunder;

(ix) encourage Non-Government Organisations for establishing and maintaining Awareness Centres and organising Workshops and provide them necessary financial and other sort of assistance;

(x) deploy special police force in the identified area;

(xi) by the end of every quarter, review the law and order situation, functioning of different committees, performance of Special Public Prosecutors, Investigating Officers and other Officers responsible for implementing the provisions of the Act and the cases registered under the Act.

4. Supervision of Prosecution and Submission of Report:- (1) The State Government on the recommendation of the District Magistrate shall prepare for each District a panel of such number of eminent senior advocates who have been in practice for not less than seven years, as it may deem necessary for conducting cases in the Special Courts. Similarly, in consultation with the Director/Prosecution in charge of the prosecution, a panel of such number of public Prosecutors as it may deem necessary for conducting cases in the special Courts, shall also be specified. Both these panels shall be notified in the Official Gazette of the State and shall remain in force for a period of three years. So far as may be practicable, the members of such panels and such Prosecutors shall be from among persons belonging to The Minorities.

(2) The District Magistrate and the Director of Prosecution in charge of the prosecution shall review at least twice in a calendar year, in the month of January and July, performance of Special Public Prosecutors so specified or appointed and submit a report to the State Government.

(3) If the State Government is satisfied or has reason to believe that a Special Public Prosecutor so appointed on specified has not conducted the case to the best of his ability and with due care and caution, his name may be, for reasons to be recorded in writing, denotified.

(4) The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20th day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken / proposed to be taken in respect of investigation and prosecution of each case.

(5) Notwithstanding anything contained in sub-rule (1) the District Magistrate or the Sub-Divisional Magistrate may, if deem necessary or if so desired by the victims of atrocity engage an eminent senior advocate for conducting cases in the Special Courts on such payment of fees as he may consider appropriate.

(6) Payment of fee to the Special Public Prosecutor shall be fixed by the State Government on a scale higher than the other panel advocates in the State.

5. Information to Police Officer-in-charge of a Police Station:- (1) Every information relating to the commission of an offence under the Act, if given orally to an officer-in-charge of a police station shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writings as aforesaid, shall be signed by the persons giving it, and the substance thereof shall be entered in a book to be maintained by that police station.

(2) A copy of the information as so recorded under sub-rule (1) above shall be given forthwith, free of cost, to the informant.

(3) Any person aggrieved by a refusal on the part of an officer-in-charge of a police station to record the information referred to in sub-rule (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who after investigation either by himself or by a police officer not below the rank of Deputy Superintendent of Police, shall make an order in writing to the officer-in-charge of the concerned police station to enter the substance of that information to be entered in the book to be maintained by that police station.

6. Spot inspection by officers:- (1) Whenever the District Magistrate or the Sub-Divisional Magistrate or any other executive Magistrate or any police officer not below the rank of Deputy Superintendent of Police receives an information from any person or upon his own knowledge that an atrocity has been committed on the members of the Scheduled Castes or the Scheduled tribes within his jurisdiction he shall immediately himself visit the place of occurrence to assess the extent of atrocity, loss of life, loss and damage to the property and submit a report forthwith to the State Government.

(2) the district Magistrate or the Sub-Divisional Magistrate or any other executive magistrate, the Superintendent of Police and the Deputy Superintendent of Police after inspecting the place or area shall on the spot:-

(i) draw a list of victims, their family members and dependents entitled for relief:

(ii) prepare a detailed report of the extent of atrocity, loss and damage to the property of the victims;

(iii) order for intensive police patrolling in the area;

(iv) take effective and necessary steps to provide protection to the witnesses and other sympathisers of the victims;

(v) provide immediate relief to the victims.

7. Investigating Officer :- (1) An offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police. The investigating officer shall be appointed by the State Government, Director General of Police, Superintendent of Police after taking into account his past experience, sense of ability and justice to perceive the implications of the case and investigate it along with right lines within the shortest possible time.

(2) the investigating officer so appointed under sub-rule (1) shall complete the investigation on top priority within thirty days and submit the report to the Superintendent of Police who in turn will immediately forward the report to the Director general of Police of the state Government.

(3) The Home Secretary and the Social Welfare Secretary to the State Government, Director of Prosecution, the Officer-in-charge of Prosecution and the Director General of Police shall review by the end of every quarter the position of all investigations done by the investigating officer.

8. Setting up of The Minorities Protection Cell :- (1) The State Government shall set up a Minorities Protection Cell at the State head quarter under the charge of Director General of Police/Inspector General of Police. This Cell shall be responsible for:-

(i) conducting survey of the identified area;

(ii) maintaining public order and tranquility in the identified area;

(iii) recommending to the State Government for deployment of special police force or establishment of special police post in the identified area;

(iv) making investigations about the probable causes leading to an offence under the Act;

(v) restoring the feeling of security amongst the members of The Minorities;

(vi) informing the nodal officer and special officer about the law and order situation in the identified area;

(vii) making enquiries about the investigation and spot inspections conducted by various officers;

(viii) making enquiries about the action taken by the Superintendent of Police in the cases where an officer in charge of the police station has refused to enter an information in a book to be maintained by that police station under sub-rule (3) of Rule 5;

(ix) making enquiries about the willful negligence by a public servant;

(x) reviewing the position of cases registered under the Act; and

(xi) submitting a monthly report on or before 20th day of each subsequent month to the State Government nodal officer about the action taken or proposed to be taken, in respect of the above.

9. Nomination of Nodal Officer :- The state Government shall nominate a nodal officer of the level of a Secretary to the Government preferably belonging to The Minorities, for co-ordinating the functioning of the District Magistrates and Superintendent of Police or other officers authorised by them, investigation officers and other officers responsible for implementing the provisions of the Act. By the end of the every quarter, the nodal officer shall review :-

(i) the reports received by the State Government under sub-rules (2) and (4) of Rule 4, Rule 6, Clause (xi) of Rule 8.

(ii) the position of cases registered under the act;

(iii) law and order situation in the identified area;

(iv) various kinds of measures adopted for providing immediate relief in cash or kind or both to the victims of atrocity or his or her dependent;

(v) adequacy of immediate facilities like rationing, clothing, shelter, legal aid, travelling allowance, daily allowance and transport facilities provided to the victims of atrocity or his her dependents;

(vi) performance of non-Governmental organisations, The Minorities Protection Cell, various committees and the public servants responsible for implementing the provisions of the Act.

10. Appointment of a Special Officer :- In the identified area a Special Officer not below the rank of an Additional District magistrate shall be appointed to coordinate with the District Magistrate Superintendent of Police or other officers responsible for implementing the provisions of the act, various committees and The Minorities Protection Cell.

The Special Officer shall be responsible for :

(i) providing immediate relief and other facilities to the victims of atrocity and initiate necessary measures to prevent or avoid re-occurrence of atrocity;

(ii) setting an awareness centre and organising workshop in the identified area or at the district head quarters to educate the persons belonging to The Minorities about their rights and the protection available to them under the provisions of various Central and State enactments or rules and schemes etc, frames therein;

(iii) co-ordinating with the Non-Governmental organisations and providing necessary facilities and financial and other type of assistance to non-Governmental Organisation for maintaining centres or organising workshops;

11. Travelling Allowance Daily Allowance Maintenance Expenses and Transport Facilities to the victim of Atrocity, his or her dependent and witnesses :- (1) Every victim of atrocity or his/her dependent and witnesses shall be paid to and fro rail fare by second class in express / mail / passenger train or actual bus or taxi fare from his / her place of residence or actual bus or tax fare from his / her place or residence or place of stay to the place of investigation or hearing of trial of an offence under the Act.

(2) The district Magistrate or the Sub-Divisional magistrate or any other Executive Magistrate shall make necessary arrangements for providing transport facilities or reimbursement of full payment thereof to the victims of atrocity and witnesses for visiting the investigation officer, superintendent of Police / Deputy Superintendent of Police, District magistrate or any other Executive Magistrate.

(3) Every woman witness, the victim of atrocity or her dependent being a woman or a minor, a person more than sixty years of age and a person having 40 percent or more disability shall be entitled to be accompanied by an attendant of her/ his choice. The attendant shall also be paid travelling and maintenance expenses as applicable to the witness or the victim of atrocity when called upon during hearing, investigation and trial of an offence under the Act.

(4) The witness, the victim of atrocity or his/her dependent and the attendant shall be paid daily maintenance expenses for the days he / she is away from the place of his / her residence or stay during investigation, hearing and trial of an offence, at such rates but not less than the minimum wages, as may be fixed by the State Government for the agricultural labourers.

(5) In addition to daily maintenance expenses the witness, the victim of atrocity (or his/her dependent) and the attendant shall also be paid diet expenses at such as may be fixed by the State Government from time to time.

(6) The payment of travelling allowance, daily allowance, maintenance expenses and reimbursement of transport facilities shall be made immediately or not later than three days by the District Magistrate or the Sub-Divisional Magistrate or any other executive Magistrate to the victims, their dependents / attendants and witnesses for the days they visit the investigating officer or in-charge police station or hospital authorities or Superintendent of Police, Deputy Superintendent of Police or District Magistrate or any other officer concerned or the Special Court.

(7) When an offence has been committed under Section 3 of the Act, the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall reimburse the payment of medicines, special medical consultation, blood transfusion, replacement of essential clothing, meals and fruits provided to the victim(s) of atrocity.

12. Measures to be taken by the District Administration :- (1) The District Magistrate and the Superintendent of Police shall visit the place or area where the atrocity has been committed to assess the loss of life and damage to the property and draw a list of victims, their family members and dependents entitled for relief.

(2) Superintendent of Police shall ensure that the first information Report is registered in the book of the

concerned police station in the area and take such other preventive measures as he may deem proper and necessary.

(3) The Superintendent of Police, after spot inspection, shall immediately appoint an investigation officer and deploy such police force in the area and take such other preventive measures as he may deem proper and necessary.

(4) The District Magistrate or the Sub-Divisional Magistrate or any other executive Magistrate shall make arrangements for providing immediate relief in cash or in kind or both to the victims of atrocity, their family members and dependents according to the scale as in the schedule annexed to these Rules (Annexure-I read with Annexure-II). Such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items necessary for human beings.

(5) The relief provided to the victim of the atrocity or his/her dependent under sub-rule(4) in respect of death, or injury to, or damage to property shall be in addition to any other right to claim compensation in respect thereof under any other law for the time being in force.

(6) The relief and rehabilitation facilities mentioned in sub-rule (4) above shall be provided by the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate in accordance with the scales provided in the Scheduled annexed to these rules.

(7) A report of the relief and rehabilitation facilities provided to the victims shall also be forwarded to the Special Court by the District Magistrate or the Sub-Divisional Magistrate or the Executive Magistrate or Superintendent of Police. In case the Special Court is satisfied that the payment of relief was not made to the victim or his/her dependent in time or the amount of relief or compensation was not sufficient or only a part of payment of relief or compensation was made, it may order for making in full or part the payment of relief or any other kind of assistance.

13. Selection of Officers and other State Members for Completing the work Relating to Prevention of Atrocity :- (1) The state Government shall ensure that the administrative officers and other staff members to be appointed in an area prone to atrocity shall have the right aptitude and understanding of the problems of the The Minorities.

(2) It shall also be ensured by the state Government that persons from The Minorities are adequately represented in the administration and in the police force at all levels, particularly at the level of police posts and police station.

14. Specific Responsibility of the State Government :- The State Government shall make necessary provisions in its annual budget for providing relief and rehabilitation facilities to the victims of atrocity. It shall review at least twice in a calendar year, in the month of January and July the performance of the Special Public Prosecutor specified or appointed under Section 15 of the Act, various reports received, investigation made and preventive steps taken by the District Magistrate, Sub-Divisional magistrate and superintendent of Police, relief and rehabilitation facilities provided to the victims and the reports in respect of lapses on behalf of the concerned officers.

15. Contingency Plan by the state Government :- (1) State Government shall prepare a model contingency plan for implementing the provisions of the Act and notify the same in the Official Gazette of the State Government. It should specify the role and responsibility of various departments and their officers at different levels, the role and responsibility of Rural / Urban Local Bodies and Non-Government Organisations, inter alia this plan shall contain a package of relief measures including the following;

(a) scheme to provide immediate relief in cash or in kind or both;

(b) allotment of agricultural land and house-sites;

(c) the rehabilitation packages;

(d) scheme for employment in Government or Government undertaking to the dependent or one of the family members of the victim;

(e) pension scheme for widows, dependent children of the deceased, handicapped or old age victims of atrocity;

(f) mandatory compensation for the victims;

(g) scheme for strengthening the socio-economic condition of the victim;

(h) provisions for providing brick/stone masonry house to the victims;

(i) such other elements as health care, supply of essential commodities, electrification, adequate drinking water facility, burial / cremation ground and link roads to The Minorities habitats and/or places of worship.

(2) The State Government shall forward a copy of the contingency plan or a summary thereof and a copy of the scheme, as soon as may be, to the Central Government in the Ministry of Welfare and to all the District Magistrates, Sub-Divisional Magistrates, Inspectors General of Police and Superintendent of Police.

16. Constitution of State-level Vigilance and Monitoring Committee :- (1) the State Government shall constitute a high power vigilance and monitoring committee of not more than 25 members consisting of the following:

(i) Chief Minister / Administrator - Chairman (in case of a State under President's Rule Governor-Chairman).

(ii) Home Minister, Finance Minister and Minority Welfare Minister-Members (in case of a State under the President's rule, Advisors Members).

(iii) elected Members of Parliament and State Legislative Assembly and legislative Council from the state belonging to The Minorities-members.

(iv) Chief Secretary, the Home Secretary, the Director General of Police, Director / Deputy Director National Commission for The Minorities-Members;

(vi) the Secretary-in-charge of the welfare and development of The Minorities-convenor, and three journalist delegates of that State nominated by the Press Council of India, from editorial staff of two daily newspapers published in vernacular languages from the State Capital, of which at least one shall be of the Urdu language and one daily English language newspaper.

(2) The high power vigilance and monitoring committee shall meet at least twice in a calendar year, in the month of January and July to review the implementation of the provisions of the act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers / agencies responsible for implementing the provisions of the Act and various reports received by the State Government.

17. Constitution of District Level Vigilance and Monitoring Committee :- (1) In each district within the state, the District Magistrate shall set up a vigilance and monitoring committee in his district to review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers / agencies responsible for implementing the provisions of the act and various reports received by the District Administration.

(2) The District level vigilance and monitoring committee shall consist of the elected Members of the Parliament and State Legislative Assembly and Legislative Council, Superintendent of Police, three group "A" Officers Gazetted Officers of the State Government belonging to The Minorities not more than 5 non official members belonging to The Minorities and not more than 3 members from the categories other than the The Minorities having association with Non-Government Organisations. The District Magistrate and District Social Welfare Officer shall be Chairman and member-Secretary respectively, and three journalist delegates of that District nominated by the Press Council of India, from editorial staff of two daily newspapers preferably published from the District in vernacular languages of which at least one shall be of the Urdu language and one daily English language newspaper.

(3) The District level committee shall meet at least once in three months.

18. Material for Annual Report :- The State Government shall on or before the 31st March, forward the report to the Central Government about the measures taken for implementing (a) the provisions of the Act and various schemes / plans framed by it during the previous calendar year, (b) the recommendations received from the State and/or National Human Rights Commissions, and (c) (b) the recommendations received from the State and/or National Minorities Commissions.

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