

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub: Enhancement of monetary relief to the victims of atrocities belonging to SCs/ STs under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and rules - reg.

Read:- 1] Government Order No. SWD 75 SPA 2001, dated 17-05-2002
2] D.O letter No 11012/2/2008-PCR/Desk, dated 20-01-2012 from Ministry of Social Justice and Empowerment, GOI, New Delhi.

Preamble:-

In Government Order dated 17-05-2002 read at (1) above, a scheme of monetary relief payable to the victims of atrocities was revised.

The Central Government with the consultation of State Governments/ Union Territory Administrations, concerned Central Ministers, National Commission for Scheduled Castes issued a notification on 23-12-2011, in exercise of the powers conferred by sub-section (3) of Section 23 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 revised the norms of monetary relief to the victims of Atrocities under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995. Accordingly the State Government of Karnataka have also decided to revise the relief and hence the following order.

Government Order NO. SWD 19 SPA 2012,

Bangalore, Dated 28-03-2012

In super-session of the Government Order read at (1) above, the Government are pleased to issue the following order of enhancement of the monetary relief to the victims of atrocities belonging to SC/ST's and change of mode of payment of relief as amended to the Scheduled-1 of the said Rule 1995.

Sl. No	Name of the Offence	Minimum amount of Relief
(1)	(2)	(3)
1	Drink or eat inedible or obnoxious substance [Section 3 (1) (i)]	Rs.60,000/- or more depending upon the nature and gravity of the offence to each victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim.
2	Causing injury insult or annoyance [Section 3 (1) (ii)]	

		Payment to be made as follows;
3	Derogatory act [Section 3 (1) (iii)]	I. 25% when the charge sheet is sent to the Court II. 75% when accused are convicted by the lower Court
4	Wrongful occupation or cultivation of land, etc. [Section 3 (1) (iv)]	Atleast Rs.60,000/- or more depending upon the nature and gravity of the offence. The land/premises/water supply shall be restored where necessary at Government cost. Full payment to be made when charge-sheet is sent to the court.
5	Relating to land, premises and water [Section 3 (1) (v)]	
6	Begin or forced or bonded labour [Section 3 (1) (vi)]	Atleast Rs.60,000/- to each victim, payment of 25% at FIR stage and 75% on conviction in the lower court.
7	Relating to right to franchise [Section 3 (1) (vii)]	Upto Rs.50,000/- to each victim depending upon the nature and gravity of the offence.
8	False, malicious or vexatious legal proceedings [Section 3 (1) (viii)]	Rs.60,000/- or reimbursement of actual legal expenses and damages or whichever is less after conclusion of the trial of the accused.
9	False and frivolous information [Section 3 (1) (ix)]	
10	Inult, intimidation and humiliation [Section 3 (1) (x)]	Upto Rs.60,000/- to each victim depending upon the nature of the offence. Payment of 25% when charge-sheet is sent to the court and rest on conviction.
11	Outraging the modesty of a woman [Section 3 (1) (xi)]	Rs.1,20,000/- to each victim of the offence. 50% of the amount may be paid after medical examination and remaining 50% at the conclusion of the trial
12	Sexual exploitation of a woman [Section 3 (1) (xii)]	
13	Fouling of water [Section 3 (1) (xiii)]	Upto Rs.2,50,000/- or full cost of restoration of normal facility, including cleaning when the water is fouled. Payment may be made at the stage as deemed fit by District Administration.
14	Denial of customary rights of passage [Section 3 (1) (xiv)]	Upto Rs.2,50,000/- or full cost of restoration of right of passage and full compensation of the loss suffered, if any. Payment of 50% when charge sheet is sent to the court and 50% on conviction in lower court.

15	Making one desert place of residence [Section 3 (1) (xv)]	Restoration of the site/ right to stay and compensation of Rs.60,000/- to each victim and reconstruction of the house at Government Cost, if destroyed, To be paid in full when charge sheet is sent to the lower court.
16	Giving false evidence [Section 3 (2) (i) and (ii)]	At least Rs.2,50,000/- or full - compensation of the loss or harm sustained. 50% to be paid when charge sheet is sent to Court and 50% on conviction by the lower court.
17	Committing offences under the Indian Penal Code punishable with imprisonment for a term of 10 years or more [Section 3 (2)]	Atleast Rs.1,20,000/- depending upon the nature and gravity of the offence to each victim and or his dependents. The amount would vary if specifically otherwise provided in the Schedule.
18	Victimization - at the hands of a public servant [Section 3 (2) (vii)]	Full compensation on account of damages or loss or harm sustained. 50% to be paid when charge-sheet is sent to the Court and 50% on conviction by lower court.
19	<p>Disability, The definition of disability shall be as given in Section 2 of the persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and guidelines for their assessment shall be as contained in the Ministry of Social Justice & Empowerment, Government of India, Notification No.154, dated 01-06-2001, as amended from time to time. A copy of the Notification is at Annexure-II to the Schedule</p> <p>(a) 100% incapacitation</p> <p>(b) Non-earning Member of a family</p> <p>(c) Earning Member of a family</p>	<p>Atleast Rs.2,50,000/- to each victim of offence. 50% on FIR and 25% at charge sheet and 25% on conviction by the lower court.</p> <p>Atleast Rs.5,00,000/- to each victim of offence. 50% to be paid on FIR/Medical examination stage, 25% when charge-sheet sent to court and 25% at conviction in lower court.</p>

	(b) Where incapacitation is less than 100%	The rates as laid down in a (i) and (ii) above shall be reduced in the same proportion, the stages of payments also being the same. However, not less than Rs.40,000/- to non earning member and not less than Rs.80,000/- to an earning member of a family.
20	Murder / Death (a) Non-earning Member of a family (b) Earning Member of a family	At least Rs.2,50,000/- to each case. Payment of 75% after postmortem and 25% on conviction by the lower court. At least Rs.5,00,000/- to each case. Payment of 75% after postmortem and 25% on conviction by the lower Court.
21	Victim of murder, death, massacre, rape, mass rape and gang-rape, permanent incapacitation and dacoity	In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows:- (i) Pension to each widow and/or other dependents of deceased SC and ST @ Rs.3,000/- per month, or Employment to one member of the family of the deceased, or provision of agricultural land, an house, if necessary by outright purchase. (ii) Full cost of the education and maintenance of the children of the victims. Children may be admitted to Ashram Schools/ residential Schools. (iii) Provision of utensils, rice, wheat, dal, pulses, etc. for a period of three month.
22	Complete destruction / burnt houses	Brick/ stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed.

Payment of relief to SC/ST victims of atrocities is a centrally sponsored scheme. The mode of payment of relief as prescribed in Col. 3 is in accordance with SC/ST (POA) Rules 1995. The amount prescribed in Col. 3 shall be shared between the State and Central Governments in the ratio of 50:50.

These rates shall come into force with immediate effect.

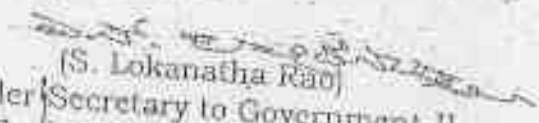
The Deputy Commissioners in-charge of Revenue districts are empowered to sanction the above relief amount.

The Tahsildar concerned is empowered to draw the amount so sanctioned by the Deputy Commissioner and to disburse it among the SC/ST victims of atrocities or their family. The Tahsildar shall be responsible to render the account.

The Deputy Commissioner should, immediately after sanction of relief to the SC/ST victims of atrocities, send a detailed report to Government, in Social Welfare Department and to the Commissioner of Social Welfare, Bangalore about the incident, the relief paid and the criminal proceedings launched against the culprits etc., This report should be sent in the already existing format.

This order issues with the concurrence of the Finance Department vide note No. FD 162 Exp-3/2012, dated 09-03-2012.

By order and in the name of the
Governor of Karnataka


(S. Lokanatha Rao)
Under Secretary to Government-II
Social Welfare Department

To,
The Compiler, Karnataka Gazette, Bangalore for publication in the next issue of the Gazette with a request to supply 1000 copies.

Copy to:-

1. The Secretary to Government of India, Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi-110115.
2. The Principal Secretary to Govt., Home Department, Vidhana Soudha, Bangalore.
3. The Principal Secretary to Govt., Finance Department, Vidhana Soudha, Bangalore.
4. The Accountant General Accounts and Entitlement (Audit-I) (Audit-II) in Karnataka, (with 3 copies each)
5. The Commissioner, Social Welfare Department, M.S. Building, Bangalore.
6. The Director General and Inspector General of Police, Nrupathunga Road, Bangalore.

7. The Additional Director General of Police, Directorate of Civil Rights Enforcement, Bangalore.
8. Director, ST Welfare Department, Bangalore.
9. Secretary, Karnataka State SC/ST Commission, Bangalore.
10. The Regional Commissioners of Mysore, Gulbarga, Belgaum and Bangalore.
11. All the Chief Executive Officers of Zilla Panchayaths.
12. All the Deputy Commissioners of Districts.
13. All the Superintendents of Police in all Districts.
14. All the District Social Welfare Officers of the Districts.
15. All the Tahsildars of Taluks.
16. The Director, National SC/ST Commission, Government of India, Kormangala, Bangalore.
17. The Private Secretary to Principal Secretary to Hon'ble Chief Minister, Vidhana Soudha, Bangalore.
18. The Private Secretary to Hon'ble Minister for Social Welfare.
19. Press Table / Weekly Gazette / SQF / Spare.