

Agenda Note

Sub : Proposal for amendment of Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989 (Annexure –I) for providing time bound disposal of cases by special courts.

I Proposal in brief

This Commission has earlier sent its recommendations vide letter No.CFJ/Atrocity(Policy)/MTA/572/2008/RU-II dated 13.01.2009 to Ministry of Tribal Affairs on the Draft Note for Cabinet regarding amendment in Section 14 of the SCs & STs(PoA) Act, 1989 forwarded by Ministry of Social Justice & Empowerment through Ministry of Tribal Affairs (Annexure –II).

2. It has been noted that a large number of cases registered under PoA Act, 1989 in different states are pending in courts (Annexure-III). It has also been observed that there is a very high rate of acquittal among disposed cases by the designated courts. Delay in disposal may be a possible reason for large scale acquittal. Therefore, we may consider fixing a time-frame for disposal of PoA Act cases, on the lines of the stipulation under section 13(3A) of the Consumer Protection Act, 1986, which provide a period of 3 to 5 months for disposal by a District forum (Annexure-IV).

3. National Commission for Women have also recommended amendment in Section 309 of CrPC sub section (1) so that judgements in cases of sexual assault i.e. where the inquiry or the trial relates to offences under Section 376 to 376(E) (both inclusive) of IPC, the judgement shall as far as possible, be delivered within a period of six months from the date of commencement of the trial, under the Draft Bill titled “Criminal Law Amendment Act, 2006” (Annexure-V).

II Earlier recommendations of the NCSC&ST and NCST

Commission have recommended for set up of special trial courts and special public prosecutor for speedy trial of cases of POA, Act 1989, but fixing of time frame to complete the trial was not recommended on earlier occasion.

III Proposed Recommendations of the Commission

In view of the above, it is proposed to send a proposal to Ministry of Social Justice and Empowerment through Ministry of tribal Affairs to consider amendment of SCs & STs (PoA) Act, 1989 for providing time bound disposal of cases by special courts along with other pending amendments.