

With reference to Secretary (TW's) minutes at para 39/N on pre page regarding payment of compensation to the victims of atrocities under the GoI Scheme, it is stated that under rule 12 (4) (portion highlighted at P-76/C of the Scheduled Tribes (Prevention of Atrocities) Rules 1995, the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate is responsible to make arrangements for providing immediate relief in cash or kind or both to the victims of atrocity, their family members and dependents according to the scale prescribed in the Schedule annexed to these rules.

Under item No.11 and 12 relating to outraging the modesty of a women and sexual exploitation of a women as per section 3(1) (XI) and (XII) of the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (portion highlighted in the schedule to the Rules at P-78/C), a compensation of Rs. 50,000/- to each victim of the offence is admissible, 50% of which is to be paid after medical examination and the remaining 50% at the conclusion of the trial.

However, it is learnt informally from the field officials of AAJVS that none of the 10 Jarawa women abducted by the non-tribal poachers admitted of having been sexually exploited by the non-tribal poachers, who abducted them to Hiran Tikri, in their statements recorded by the Police during the course of investigation into the offences at Tirur. Instead they denied it. They did not agree to medical examination either, which would have been carried out had they admitted their sexual exploitation. In fact medical examination of the victim is pre-requisite for grant of compensation in respect of the atrocity case of such nature and gravity. In that case no compensation appears to be admissible to the abducted Jarawa women on this count under the Atrocities Rules.

With regard to fund, as provided under rule 14 it is the specific responsibility of the State Govt. to make necessary provision in its annual budget for providing relief and rehabilitation facilities to the victims of atrocities. However, we have not made any provision towards relief and rehabilitation of the victims of atrocities under annual budget of the Tribal Welfare Department either Non-Plan or Plan for the current financial year in view of the fact that atrocities involving relief and rehabilitation is negligible in this UT. For similar reason we have not asked for any fund under the Centrally Sponsored Scheme either for the current financial year.

Submitted please.

[Signature] 20.02.14

AC(TW)

[Signature]
appd

(44) Draft letter is Consultant may be issued. Regarding para 42/14 we had got the report from police dept. Address them

Sec

Sec(TW)

45) Intim of the 44th, a fair letter is added for signature by the Secy

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