

has to be declared by the Court and the Court can declare any rule placed before Parliament and approved by it, to be *ultra vires* the Act and invalid.¹

(III) RULES NOT TO ACQUIRE STATUS OF STATUTE BUT TO REMAIN DELEGATED LEGISLATION :

The requirement of Section 23 (2) of laying down the rules before both Houses of Parliament is one form of parliamentary control. But by that means, the rules do not acquire the status of statute made by Parliament. The rules even after they are laid before both Houses of Parliament for the specified period, continue to be delegated legislation.²

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1. *Lohia Machines Ltd. v. Union of India*, AIR 1985 SC 421 : 1985 (2) SCR 686 : 1985 (2) SCC 197 : 1985 (1) Scale 115 : 1985 (1) Comp LJ 249 : (1985) 152 ITR 308 (SC).
2. *Bharat Hari Singhania v. CWT*, AIR 1994 SC 1355 : 1994 (2) JT 6 : 1994 Supp (3) SCC 46 : 1994 (1) Scale 644 : (1994) 207 ITR 1 (SC).

SCHEDULED TRIBES (PREVENTION OF ATROCITIES) RULES, 1995¹

In exercise of the powers conferred by sub-section (1) of Section 23 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the Central Government hereby makes the following rules, namely:

1. Short title and commencement.—(1) These rules may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

(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 Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989) ;
- (b) "dependant", with its grammatical variations and cognate expressions, include wife, children, whether married or unmarried, dependant parents, widowed sister, widow and children of predeceased son for a victim of atrocity ;
- (c) "identified area" means such area where State Government has reason to believe that atrocity may have taken 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 Scheduled Castes and the Scheduled Tribes and registered under the Societies Registration Act, 1860 (21 of 1860) 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 Scheduled Castes and the Scheduled Tribes, the State Government shall :

Ministry of Welfare, G.S.R. 316 (E), dated March, 31, 1995, published in the Gazette of India, Extra, Part II, Section 3 (1), dated 31.3.1995, No. 145.