
(2010) 04 SHI CK 0199
In the High Court Of Himachal Pradesh
Case No : CWPII No. 36 of 2009

Court on its Own Motion

APPELLANT

Vs

State of H.P. and Another

RESPONDENT

Date of Decision : 29-04-2010

Acts Referred:

Citation : (2010) 04 SHI CK 0199

Hon'ble Judges : Kurian Joseph, C.J;R.B. Misra, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—This Petition has been registered suo motu by the High Court on a news item that appeared in "Dainik Jagran" dated 28th November, 2009 pertaining to the untouchability. The State has filed the reply. To the extent paragraph 5 of the reply is relevant, reads as follows:

That in order to eradicate the untouchability in the State, the following steps are being taken by the Department of Social Justice & Empowerment:

(a) For publicity of Protection of Civil Rights Act, 1955, awareness camps are organized in the Scheduled Caste concentration area, pamphlets having information on PCR Act, 1955 and Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act, 1989 are distributed to the general masses through workshops/ awareness camps. During the year 2008-09, at District level 24 workshops and at Gram Panchayats level 148 awareness camps were organized.

(b) Inter caste marriages are promoted for which an incentive of Rs. 25,000/- is being provided to the girl/boy who marries to scheduled caste boy/girl and during the year 2008-09, 260 couples have been provided total amount of Rs. 64.81 lacs.

(c) That under the Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act, 1989 and Rules, 1995, State Level/District Level Monitoring and Vigilance Committees have been constituted. The Id. District & Session Courts have been

declared as Special Courts.

(d) At Police Headquarter special Cell has been set up and under the Act *ibid*, the Deputy Superintendents of Police have been declared as Investigating Officers, Additional District Magistrates as Special Officer and Principal Secretary (Social Justice & Empowerment) to the Government of Himachal Pradesh as Nodal Officer.

(e) That under the Scheduled Caste/Scheduled Tribes (Prevention of Atrocity) Act, 1989 there is a provision of giving compensation to the victims of atrocities which ranges between Rs. 25,000/- to Rs. 2.0 lacs and during the year 2008-09 an amount of Rs. 3.44 lacs has been provided as compensation to 34 persons.

(f) That State Legal Authority has been constituted in the State who provides free legal aid for scheduled Caste and Scheduled Tribe.

(g) That in addition to above strict instructions have been issued to all Deputy Commissioners in the 3 State on 19th January, 2009 that boards/clipping etc. prohibiting the Scheduled Castes may be got removed immediately and implementation of Protection Civil Rights Act, 1955 may be ensured. In view of the above position and the fact that the State Government is very cautious and vigilant to enforce the Protection of Civil Rights Act, 1955 strictly and any violation thereof is being treated as per provisions of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act, 1989, the detailed position indicated above by the State Government may be taken into consideration.

2. The above submission is recorded. In view of the reply, the Writ Petition is closed. It is made clear that in case any member of the public comes to know about such derogatory practice, it will be open to him/her to point out the same before the State/District/Taluk Forum under the Legal Services Authority Act, in which case the said Authority will be in a position to take appropriate action in the matter.