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NOTIFICATIONS BY GOVERNMENT

CONTENTS

	<i>Pages.</i>
ADI DRAVIDAR AND TRIBAL WELFARE DEPARTMENT	
The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Amendment Rules 2016	54-64
LABOUR AND EMPLOYMENT DEPARTMENT	
Amendment to the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules, 1983.. .. .	64-65
Draft Amendment to the Tamil Nadu Legal Metrology (Enforcement) Rules, 2011 ..	65-66

NOTIFICATIONS BY GOVERNMENT

ADI DRAVIDAR AND TRIBAL WELFARE DEPARTMENT

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Amendment Rules 2016.

[Letter No. 10614/PA2/2016-3, Adi Dravidar and Tribal Welfare (PA) Department, 2nd August 2016.]

No. SRO A-18/2016.— The following Notification of the Government of India: Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment) New Delhi, the 14th April, 2016 is Notified:-

G.S.R.424 (E).—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 further to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, namely:-

1. (1) These rules may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter referred to as the said rules), in rule 2, for clause (b), the following clause shall be substituted, namely:-

(b) “dependent” means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for support and maintenance;

3. In the said rules, in rule 4,—

(a) for sub-rule (1) , the following shall be substituted, namely:-

“(1) The State Government, on the recommendation of the District Magistrate, shall prepare for each District a panel of such number of eminent senior advocates who have been In practice for not less than seven years, as it may deem necessary for conducting cases in the Special Courts and Exclusive Special Courts.

(1A) The State Government in consultation with the Director Prosecution or in charge of the prosecution, shall also specify a panel of such number of Public Prosecutors and Exclusive Special Public Prosecutors, as it may deem necessary for conducting cases in the Special Courts and Exclusive Special Courts, as the case may be.

(1B) Both the panels referred to in sub-rule (1) and sub-rule (1A) shall be notified in the Official Gazette of the State and shall remain in force for a period of three years.”;

(b) in sub-rule (2) , for the words “Special Public Prosecutors”, the words “Special Public Prosecutors and Exclusive Special Public Prosecutors” shall be substituted;

(c) in sub-rule (3) , for the words “a Special Public Prosecutor”, the words” a Special Public Prosecutor or an Exclusive Special Public Prosecutor” shall be substituted;

(d) for sub-rule (4) of rule 4, the following sub-rule shall be substituted, namely:-

“(4) The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review,—

(a) the Position of cases registered under the Act;

(b) the implementation of the rights of victims and witnesses, specified under the provisions of Chapter IV A of the Act, and submit a monthly report on or before 20th day of each subsequent month to the Director of Prosecution and the State Government, which shall specify the actions taken or proposed to be taken in respect of investigation and prosecution of each case. “;

(e) in sub-rule (5), for the words “conducting cases in the Spedal Courts”, the words “conducting cases in the Special Courts or Exclusive Special Courts” shall be substituted;

(f) in sub-rule (6) , for the words “Special Public Prosecutor”, the words “Special Public Prosecutor and Exclusive Special Public Prosecutor” shall be substituted.

4. In the said rules, in rule 7,—

(a) for sub-rule (2), the following shall be substituted, namely:-

“(2) The investigating officer so appointed under sub-rule (1) shall complete the investigation on top priority, submit the report to the Superintendent of Police, who in turn shall immediately forward the report to the Director General of Police or Commissioner of Police of the State Government, and the officer in-charge of the concerned police station shall file the charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days (the period is inclusive of investigation and filing of charge-sheet).

(2A) The delay, if any, in investigation or filing of charge-sheet in accordance with sub-rule (2) shall be explained in writing by the investigating officer.”;

(b) for sub-rule (3), the following sub-rule shall be substituted, namely:-

“(3) The Secretary, Home Department and the Secretary, Scheduled castes and Scheduled Tribes Development Department (the name of the Department may vary from State to State) of the State Government or Union territory Administration, Director of Prosecution, the officer in-charge of Prosecution and the Director General of Police or the Commissioner of Police in-charge of the concerned State or Union territory shall review by the end of every quarter the position of all investigations done by the investigating officer.”

5. In the said rules, in rule 8, in sub-rule (1), after clause (vi), the following clause shall be inserted, namely:-

“(via) informing the nodal officer and the concerned District Magistrates about implementation of the rights of victims and witnesses specified under the provisions of Chapter IV A of the Act.”

6. In the said rules, in rule 9, after clause (vi), the following clause shall be inserted namely:-

“(vii) implementation of the rights of victims and witnesses specified under the provisions of Chapter IV A the Act.”

7. In the said rules, in rule 10, after clause (iii), the following clause shall be inserted, namely:-

“(iv) implementation of the rights of victims and witnesses specified under the provisions of Chapter IV A of the Act, in the identified areas.”

8. In the said rules, in rule 12, - (a) for sub-rule (4), the following shall be substituted, namely:-

“(4) The District Magistrate or the Sub- Divisional Magistrate or any other Executive Magistrate shall make necessary administrative and other arrangements and provide relief in cash or in kind or both within seven days to the victims of atrocity, their family members and dependents according to the scale as provided in Annexure-I read with Annexure-II of the Schedule annexed to these rules and such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items.

(4A) For immediate withdrawal of money from the treasury so as to timely provide the relief amount as specified in sub-rule (4), the concerned State Government or Union territory Administration may provide necessary authorisation and powers to the District Magistrate.

(4B) The Special Court or the Exclusive Special Court may also order socio-economic rehabilitation during investigation, inquiry and trial, as provided in clause (c) of sub-section 6 of section 15A of the Act.”

(b) in sub-rule (7), for the words “Special Court” at both the places where they occur, the words “Special Court or Exclusive Special Court” shall respectively be substituted.

9. In the said rules, for rule 14, the following rule shall be substituted, namely:-

14. SPECIFIC RESPONSIBILITY OF STATE GOVERNMENT.—(1) The State Government shall make necessary provisions in its annual budget for providing relief and rehabilitation facilities to the victims of atrocity, as well as for implementing an appropriate scheme for the rights and entitlements of victims and witnesses in accessing justice as specified in sub-section (11) of section 15A of Chapter IV A of the Act.

(2) The State Government shall review at least twice in a calendar year, in the month of January and July the performance of the Special Public Prosecutor and Exclusive Special Public Prosecutor specified or appointed under section 15 of the Act, various reports received, investigation made and preventive steps taken by the District Magistrate, Sub-Divisional Magistrate and Superintendent of Police, relief and rehabilitation facilities provided to the victims and the reports in respect of lapses on behalf of the concerned officers.”

10. In the said rules, in rule 15,— (i) in sub-rule (1),-

(A) for the words “shall prepare a model contingency plan for implementing”, the words “shall frame and implement a plan to effectively implement” shall be substituted;

(B) after clause (a), the following clause shall be inserted, namely:-

“(aa) an appropriate scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15 A of Chapter IV A of the Act;

(ii) in sub-rule (2), for the words “to the Central Government in the Ministry of Welfare”, the words “to the Central Government in the Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment” shall be substituted.

11. In the said rules, for rule 16, the following rule shall be substituted, namely:-

“16. CONSTITUTION OF STATE - LEVEL VIGILANCE AND MONITORING COMMITTEE:

(1) The State Government shall constitute high power vigilance and monitoring committee of not more than twenty-five members consisting of the following, namely:—

(i) Chief Minister or Administrator - Chairman (in case of a State under President’s Rule, the Governor shall be the Chairman);

(ii) Home Minister, Finance Minister and Minister(s) in-charge of welfare and development of the Scheduled Castes and the Scheduled Tribes - Members (in case of a State under the President’s Rule, the Advisors shall be Members);

(iii) all elected Members of Parliament and State Legislative Assembly and Legislative Council from the State belonging to the Scheduled Castes and the Scheduled Tribes shall be Members;

(iv) Chief Secretary, the Home Secretary, the Director General of Police, Director/Deputy Director, the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes shall be Members;

(v) the Secretary in-charge to the welfare and development of the Scheduled Castes and the Scheduled Tribes shall be Convener.

(2) The high power vigilance and monitoring committee shall meet at least twice in a calendar year, in the month of January and July to review the implementation of the provisions of the Act, scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers or agencies responsible for implementing the provisions of the Act and review of various reports received by the State Government including that of the nodal officer and special officer.”

12. In the said rules in rule 17, in sub-rule (1), after the words “review the implementation of the provisions of the Act,” the words “scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act,” shall be inserted.

13. In the said rules, in rule 17A, in sub-rule(I), after the words, “review the implementation of the provisions of the Act”, the words “scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act,” shall be inserted.

14. In the said rules, in the Schedule, for Annexure-I, the following Annexure shall be substituted, namely:-

“ANNEXURE-I

[See rule 12(4)]

NORMS FOR RELIEF AMOUNT

Sr.No. (1)	Name of the offence (2)	Minimum amount of relief (3)
1.	Putting any inedible or obnoxious substance [Section 3(1)(a) of the Act]	One lakh rupees to the victim, Payment to the victim be made as follows:
2.	Dumping excreta, sewage, carcasses or any other obnoxious substance [Section 3(1)(b) of the Act]	(i) 10 per cent. at First Information Report (FIR) stage for serial numbers (2) and (3) and 25 percent at FIR stage for serial numbers (1), (4) and (5);

Sr.No. (1)	Name of the offence (2)	Minimum amount of relief (3)
3.	Dumping excreta, waste matter, carcasses with intent to cause injury, insult or annoyance [Section 3(1)(c) of the Act]	(ii) 50 per cent. when the charge sheet is sent to Court;
4.	Garlanding with footwear or parading naked or semi-naked [Section 3(1)(d) of the Act]	(iii) 40 per cent. when the accused are convicted by the lower court for serial numbers (2) and (3) and likewise 25 percent for serial numbers (1), (4) and (5).
5.	Forcibly committing acts such as removing clothes, forcible tonsuring of head, removing moustaches, painting face or body [Section 3(1)(e) of the Act]	
6.	Wrongful occupation or cultivation of land [Section 3(1)(f) of the Act]	One lakh rupees to the victim. The land or premises or water supply or irrigation facility shall be restored where necessary at Government cost by the concerned State Government or Union territory Administration. Payment to the victim be made as follows:
7.	Wrongful dispossession of land or premises or interfering with the rights, including forest rights. [Section 3(1)(g) of the Act]	(i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
8.	Begar or other forms of forced or bonded labour [Section 3(1)(h) of the Act]	One lakh rupees to the victim, Payment to be made as follows:
9.	Compelling to dispose or carry human or animal carcasses, or to dig graves [Section 3(1)(i) of the Act]	(i) payment of 25 per cent. First Information Report (FIR) stage;
10.	Making a member of the Schedule Castes or the Scheduled Tribes to do manual scavenging or employing him for such purpose [Section 3(1)(j) of the Act]	(ii) 50 per cent. when the charge sheet is sent to the court (iii) 25 per cent. when the accused are convicted by the lower court.
11.	Performing, or promoting dedication of a Scheduled Caste or a Scheduled Tribe woman as a devadasi [Section 3(1)(k) of the Act]	
12.	Prevention from voting, filing nomination [Section 3(1)(l) of the Act]	Eighty-five thousand rupees to the victim, Payment to be made as follows:
13.	Forcing, intimidating or obstructing a holder of office of Panchayat or Municipality from performing duties [Section 3(1)(m) of the Act]	(i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the Court;
14.	After poll violence and imposition of social and economic boycott [Section 3(1)(n) of the Act]	(iii) 25 per cent. when the accused are convicted by the lower court.
15.	Committing any offence under this Act for having voted or not having voted for a particular candidate [Section 3(1)(o) of the Act]	
16.	Instituting false, malicious or vexatious legal proceedings [Section 3(1)(p) of the Act]	Eighty-five thousand rupees to the victim or reimbursement of actual legal expenses and damages, whichever is less. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the Court; (iii) 25 per cent. when the accused are convicted by the lower court.

Sr.No. (1)	Name of the offence (2)	Minimum amount of relief (3)
17.	Giving false and frivolous information to a public servant [Section 3(1)(q) of the Act]	One lakh rupees to the victim or reimbursement of actual legal expenses and damages, whichever is less. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the Court; (iii) 25 per cent. when the accused are convicted by the lower court.
18.	Intentional insult or intimidation to humiliate in any place within public view [Section 3(1)(r) of the Act]	One lakh rupees to the victim. Payment to be made as follows:
19.	Abusing by caste name in any place within public view [Section 3(1)(s) of the Act]	(i) 25 per cent. at First Information Report (FIR) stage;
20.	Destroying, damaging or defiling any object held sacred or in high esteem [Section 3(1)(t) of the Act]	(ii) 50 per cent. when the charge sheet is sent to the Court;
21.	Promoting feelings of enmity, hatred or ill-will [Section 3(1)(u) of the Act]	(iii) 25 per cent. when the accused are convicted by the lower court.
22.	Disrespecting by words or any other means of any late person held in high esteem [Section 3(1)(v) of the Act]	Two lakh rupees to the victim. Payment to be made as follows:
23.	Intentionally touching a Scheduled Caste or a Scheduled Tribe woman without consent, using acts or gestures, as an act of sexual nature, [Section 3(1)(w) of the Act]	(i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the Court; (iii) 25 per cent. when the accused are convicted by the lower court.
24.	Section 326B of the Indian Penal Code (45 of 1860)-voluntarily throwing or attempting to throw acid. [Section 3(2)(va) read with Schedule to the Act]	(a) Eight lakh and twenty-five thousand rupees to the victim with burns exceeding and 2 per cent and above burns on face or in case of functional impairment of eye, ear, nose and mouth and or burn injury on body exceeding 30 per cent; (b) four lakh and fifteen thousand rupees to the victim with burns between 10 per cent. to 30 per cent. on the body. (c) eighty-five thousand rupees to the victim with burns less than 10 per cent. on the body other than on face. In addition, the State Government or Union territory Administration shall take full responsibility for the treatment of the victim of acid attack. The payment in terms of items (a) to (c) are to be made as follows: (i) 50 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. after receipt of medical report

Sr.No. (1)	Name of the offence (2)	Minimum amount of relief (3)
25.	Section 354 of the Indian Penal Code (45 of 1860) — Assault or criminal force to woman with intent to outrage her modesty.[Section 3(2) (va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. at First Information Report (FIR) stage; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court.
26.	Section 354A of the India Penal Code (45 of 1860)—Sexual harassment and punishment for sexual harassment. [Section 3(2) (va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. at First Information Report (FIR) stage; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court.
27.	Section 354B of the India Penal Code (45 of 1860)—Assault or use of criminal force to woman with intent to disrobe [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. at First Information Report (FIR) stage; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court.
28.	Section 354C of the India Penal Code (45 of 1860)—Voyeurism. [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 10 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 40 per cent. when the accused are convicted by the lower court.
29.	Section 354D of the India Penal Code (45 of 1860)—Stalking. [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 10 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 40 per cent. when the accused are convicted by the lower court.
30.	Section 376B of the India Penal Code (45 of 1860)—Sexual intercourse by husband upon his wife during separation. [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.

Sr.No. (1)	Name of the offence (2)	Minimum amount of relief (3)
31.	Section 376C of the India Penal Code (45 of 1860)—Sexual intercourse by a person in authority. [Section 3(2)(va) read with Schedule to the Act]	Four lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court.
32.	Section 509 of the India Penal Code (45 of 1860)—Word, gesture or act intended to insult the modesty of a woman. [Section 3(2)(va) read with Schedule to the Act]	Two lakh rupees to the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
33.	Fouling or corrupting of water [Section 3(1)(x) of the Act]	Full cost of restoration of normal facility, including cleaning when the water is fouled, to be borne by the concerned State Government or Union territory Administration. In addition, an amount of eight lakh twenty-five thousand rupees shall be deposited with the District Magistrate for creating community assets of the nature to be decided by the District Authority in consultation with the Local Body.
34.	Denial of customary right of passage to a place of public resort or obstruction from using or accessing public resort [Section 3(1)(y) of the Act]	Four lakh twenty-five thousand rupees to the victim and cost of restoration of right of passage by the concerned State Government or Union territory Administration Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent when the accused are convicted by the lower court.
35.	Forcing of causing to leave house, village, residence desert place of residence [Section 3(1)(z) of the Act]	Restoration of the site or right to stay in house, village or other place of residence by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim and reconstruction of the house at Government cost, if destroyed. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent when the accused are convicted by the lower court.
36.	Obstructing or preventing a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to— (A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing <i>ghat</i> , any public conveyance, any road, or passage [Section 3(1)(za)(A) of the Act]	(A):Restoration of the right using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing <i>ghat</i> , any public conveyance, any road, or passage equally with others, by the concerned State Government or Union Territory Administration and relief of one lakh rupees to the victim. Payment to be made follows:

Sr.No. (1)	Name of the offence (2)	Minimum amount of relief (3)
(B)	mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions [Section 3(1)(za)(B) of the Act]	(i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
(C)	entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including <i>jatras</i> [Section 3(1)(za)(C) of the Act]	(B):Restoration of the right of mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions, equally with others by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows: (i) Payment of 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court. (C):Restoration of the right of entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out any religious procession or <i>jatras</i> , as is open to the public or other persons professing the same religion, social or cultural processions including <i>jatras</i> , equally with other persons, by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
(D)	entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public [Section 3(1)(za)(D) of the Act]	(D):Restoration of the right of entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public, equally with other persons by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
(E)	practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to [Section 3(1)(za)(E) of the Act]	(E):Restoration of the right of practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to, by the concerned State Government/Union territory Administration and relief of one lakh rupees to the victim, Payment to be made follows:

Sr.No. (1)	Name of the offence (2)	Minimum amount of relief (3)
		(i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
37.	Causing physical harm or mental agony on the allegation of being a witch or practicing with craft or being a witch [Section 3(1)(zb) of the Act]	One lakh rupees to the victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
38.	Imposing or threatening a social or economic boycott. [Section 3(1)(zc) of the Act]	Restoration of provision of all economic and social services equally with other persons, by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. To be paid in full when charge sheet is sent to the lower court.
39.	Giving or fabricating false evidence [Section 3(2)(i) and (ii) of the Act]	Four lakh fifteen thousand rupees to the victim. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
40.	Committing offences under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more [Section 3(2) of the Act]	Four lakh rupees to the victim and or his dependents. The amount would vary, if specifically otherwise provided in this Schedule. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
41.	Committing offences under the Indian Penal Code (45 of 1860) specified in the Schedule to the Act punishable with such punishment as specified under the Indian Penal Code for such offences [Section 3(2)(va) read with the Schedule to the Act]	Two lakh rupees to the victim and or his dependents. The amount would vary if specifically otherwise provided in this Schedule. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
42.	Victimisation at the hands of a public servant [Section 3(2)(vii) of the Act]	Two lakh rupees to the victim and or his dependents. Payment to be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.

Sr.No. (1)	Name of the offence (2)	Minimum amount of relief (3)
43.	Disability Guidelines for evaluation of various disabilities and procedure for certification as contained in the Ministry of Social Justice and Empowerment Notification No. 16-18/97-NI, dated the 1st June, 2001. A copy of the notification is at Annexure-II.	
(a)	100 per cent. incapacitation	Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows: (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 50 per cent. when the charge sheet is sent to the court;
(b)	where incapacitation is less than 100 percent. but more than 50 per cent.	Four lakh and fifty thousand rupees to the victim. Payment to be made as follows: (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 50 per cent. when the charge sheet is sent to the court;
(c)	where incapacitation is less than 50 per cent.	Two lakh and fifty thousand rupees to the victim. Payment to be made as follows: (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 50 per cent. when the charge sheet is sent to the court.
44.	Rape or Gang rape.	
(i)	Rape [Section 375 of the Indian Penal Code (45 of 1860)]	Five lakh rupees to the victim. Payment to be made as follows: (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court.
(ii)	Gang rape [Section 376D of the Indian Penal Code (45 of 1860)]	Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows: (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court.
45.	Murder or Death.	
		Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows: (i) 50 per cent. after post mortem report; (ii) 50 per cent. when the charge sheet is sent to the court;
46.	Additional relief to victims of murder, death, massacre, rape, 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:-

Sr.No. (1)	Name of the offence (2)	Minimum amount of relief (3)
		<p>(i) Basic Pension to the widow or other dependents of deceased persons belonging to a Scheduled Caste or a Scheduled Tribe amounting to five thousand rupees per month, as applicable to a Government servant of the concerned State Government or Union territory Administration, with admissible dearness allowance and employment to one member of the family of the deceased, and provision of agricultural land, an house, if necessary by outright purchase;</p> <p>(ii) Full cost of the education up to graduation level and maintenance of the children of the victims. Children may be admitted to Ashram schools or residential schools, fully funded by the Government;</p> <p>(iii) Provision of utensils, rice, wheat, dals, pulses, etc., for a period of three months.”</p> <p>Brick or stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed.</p>

[F.No. 11012/1/2016-PCR(Desk)]

AINDRI ANURAG,
Joint Secretary.

Note: The principal rules were published in the Gazette of India, *Extraordinary*, vide notification number G.S.R. 316(E), dated the 31st March, 1995 and last amended vide G.S.R. 774(E), dated the 5th November, 2014.

P. ANNAMALAI,
Principal Secretary to Government.

LABOUR AND EMPLOYMENT DEPARTMENT

Amendment to the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules, 1983.

[G.O. Ms. No. 187, Labour and Employment (K2), 27th September 2016, புரட்டாசி 11, துன்புறுக்கி, திருவள்ளூர் ஆண்டு-2047.]

No. SRO A-19/2016.—In exercise of the powers conferred by sub-section (1) of Section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979), the Governor of Tamil Nadu hereby makes the following amendment to the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules, 1983 the draft of the same have been previously published as required under sub-section (1) of Section 35 of the said Act.

AMENDMENT

In the said rules, for FORM XIII, the following FORM shall be substituted, namely:-

" FORM XIII

(See rule 49)

Register of workmen employed by Contractor

Name and address of Contractor.

Name and address of the establishment.

Name and address of establishment in/under which migrant workmen are employed.

Name and address of Principal Employer.

Serial Number.	Name and Surname of migrant workman.	Age and Sex.	Father's/Husband's Name.	Nature of employment.	Permanent home address of migrant workman (Village, Taluk and District).	Local address.	Date of commencement of employment.	Signature or thumb-impression of migrant workman.	Date of termination of employment.	Reasons for termination.	Remarks.	Photograph of the workman
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)".

*Signature of Contractor or his
Authorised Representative.*

Draft Amendment to the Tamil Nadu Legal Metrology (Enforcement) Rules, 2011.

[G.O. Ms. No. 188, Labour and Employment (K2), 29th September 2016, புரட்டாசி 13, துன்முக்கி,
திருவள்ளூர் ஆண்டு-2047.]

No. SRO A-20/2016.—The following draft amendment to the Tamil Nadu Legal Metrology (Enforcement) Rules, 2011, which it is proposed to be make in exercise of the powers conferred by sub-sections (1) and (2) of Section 53 of the Legal Metrology Act, 2009 (Central Act 1 of 2010), is hereby published as required under sub-section (4) of the said Section 53 of the said Act for the information of public who are likely to be affected.

2. Notice is hereby given that the draft amendment, will be taken into consideration on or after the expiry of a period of fifteen days from the date of publication of this Notification in the *Tamil Nadu Government Gazette*. Any objection or suggestion, which may be received from any person with respect thereto, before the aforesaid period of fifteen days will be considered by the Government of Tamil Nadu. Objection or Suggestion, if any, should be addressed to the Principal Secretary to Government, Labour and Employment Department, Chennai-600 009, through the Commissioner of Labour, Chennai-600 006 in duplicate.

DRAFT AMENDMENT

In the said Rules, for SCHEDULE-XI, the following Schedule shall be substituted, namely:-

"SCHEDULE - XI

(See rule 25)

Compounding fees for various offences.

Serial No.	Offences	Penal Section	Compounding Fee
(1)	(2)	(3)	(4)
1.	Section 8(3) Use of weight, measure or numeration other than the Standard weight, measure or numeration.	25	₹ 2,500

Serial No. (1)	Offences (2)	Penal Section (3)	Compounding Fee (4)
2.	Section 8(4) Manufacture of weight or measure not conforming to Standards.	27	₹ 2,000
3.	Section 10 Transaction or dealing or contract in respect of goods, etc. by weight, measure or number other than prescribed.	28	₹ 1,000
4.	Section 11 Quote or make announcement or issue or exhibit of price list or charging of price other than in accordance with standard unit of weight or measure or numeration by retailers or wholesale dealers or by manufacturers or by importers.	29	If the application for compounding is by retailers or whole sale dealers ₹ 2,000 If the application for compounding is by manufacturers or importers. ₹ 10,000
5.	Section 12 Demanding or receiving any articles or thing or service in excess or less than the quantity specified by contract or agreement.	30	₹ 1,000
6.	Section 17 Non-compliance of Maintenance of records, registers by manufacturer, dealer or repairer and non production of weight, measure document, registers on demand.	31	₹ 500
7.	Section 18(1) Non-compliance of declaration in respect of pre-packaged commodity by retailers or wholesale dealers or by manufacturers or by importers. or whole sale manufacturers dealers or importers.	36(1)	If the application for compounding is by retailers or whole sale dealers ₹ 5,000 If the application for compounding is by manufacturers or importers ₹ 25,000
8.	Section 18(2) Non-compliance of net quantity requirement of pre-packaged commodity by retailers or wholesale dealers or by manufacturers or by importers. or whole sale manufacturers dealers or importers.	36(2)	If the application for compounding is by retailers or whole sale dealers ₹ 10,000 If the application for compounding is by manufacturers or importers ₹ 50,000
9.	Section 23 Manufacture of weight or measure without licence.	45	₹ 5,000
10.	Section 23 Repair/sale of weight or measure without licence.	46	₹ 2,000
11.	Section 24 Use of unverified weight or measure in transaction or protection	33	₹ 5,000
12.	Section 33 Sale of weight or measure without verification	33	₹ 5,000
13.	Section 34 Sale or delivery of commodities by non-standard weights or measures	34	₹ 2,500
14.	Section 35 Rendering service by non-standard weight or measure	35	₹ 2,500
15.	Section 47 Tampering with licence	47	₹ 5,000
16.	Rule 23 - Contravention of any provisions of these Rules	53(3)	₹ 5,000".

P. AMUDHA,
Secretary to Government.