

**Karnataka State Report on the  
Implementation of the SCs&STs (Prevention of Atrocities) Act 1989  
in Karnataka in the calendar years 2011 and 2012**  
With recommendations to the Chief Minister (Chairperson, SVMC under Rule 16(1)i)

11 September 2013

Committee Monitoring And Strengthening SC/ST (PoA) Act in Karnataka (CMASK)  
125/1, 15<sup>th</sup> cross, 5<sup>th</sup> main, 2<sup>nd</sup> block, r t nagar, Bangalore 560032  
mobile: +91.98.4558.7502 email: [scstcmask@gmail.com](mailto:scstcmask@gmail.com)  
web: <http://openspace.org.in/scstpoakarnataka>

## Contents

### Part I

Findings.....	5
Recommendations .....	7
Scheduled Castes and Scheduled Tribes in Karnataka .....	10
Reported cases 2011 .....	11
Reported cases 2012 .....	12
Reported Cases and B Reports 2011 .....	13
Reported Cases and B Reports 2012 .....	14
Pending cases (in court) 2011 .....	15
Pending Cases (in court) 2012 .....	17
Cases acquitted by courts 2011.....	20
Cases acquitted by courts 2012.....	21
Atrocity prone areas in Karnataka .....	22
Crimes against SCs and STs .....	23
Convictions.....	26
District level vigilance and monitoring committee meetings .....	29
State level vigilance and monitoring committee meetings .....	31
Right to information.....	31

### Part II Constitutional provisions and state mechanisms

01. The SCs and STs (Prevention of Atrocities) Act (1989)	
02. The SCs and STs (Prevention of Atrocities) Rules (1995)	
03. Enhanced compensation since 23 December 2013	
04. Ambedkar foundation compensation	
05. State contingency plan	
06. Mandate of the DCRE (Karnataka state police manual Chapter 54) and investigations	
07. Nodal officers notification	
08. DVMC agenda notification	
09. SVMC Members notification 19 July 2013	
10. Important judgements .....	33
--a Arumugam Servai and others	
--b No anticipatory bail	
--c No need caste certificate for FIR	

### **Part III: Monitoring tool kit**

01. How to monitor a case
02. IPC and POA (Comparison table)
03. How to monitor the investigation and police damage (table available--also cremations)
04. Appearing in court
05. Monitoring the court (what to look for, danger signs)
06. How to monitor a DVMC meeting
07. Monitoring at the state level
08. Monitoring calendar
09. Monitoring formats (7)
10. RTI formats (24)
11. Exceptions handling

### **PART IV Important addresses and contact details**

01. Contact details of SC and ST MPs and MLAs.
02. DCRE at the divisional levels
03. State level bodies (SHRC, LSA), Legislative committee on social welfare, departments, ministries and commissions
04. National level bodies
05. NGOs
06. Helplines

## Foreword

*This is the third report on the implementation of the SCs & STs (Prevention of Atrocities) Act 1989 and Rules 1995 (POA) in Karnataka by the Committee Monitoring And Strengthening SC/ST (PoA) Act in Karnataka (CMASK). CMASK is an initiative of the Karnataka Dalit Mahila Vedike (KDMV) which works in 21 of 30 districts in Karnataka.*

*This report reviews the performance of the Government of Karnataka in the discharge of its duties under POA for the years 2011 and 2012. The government has not held a single meeting of the State Vigilance and Monitoring Committee (SVMC) for the duration. Indeed, there has not been a single meeting of the SVMC at the designated time in the whole five year period from 2007-2013. This is despite several reminders and petitions to the highest levels of the government by CMASK. The present government has issued the notification constituting the SVMC under Rule 16(1) on 19 July 2013, and therefore could not hold the statutory meeting in July 2013. It is hoped that the meeting will be conducted soon, and meetings will be held on schedule from January 2014.*

*CMASK works with data available in the public domain or accessed under RTI, and therefore is constrained by the strengths and limitations of the data available. For instance, this report does not look at the qualitative aspects of the implementation such as the attendance, agenda nor quality of discussions at the DVMC meetings. Those will be covered in the coming years.*

*All data are from government sources, available with the government and its designated officers. Required therefore is the political will to follow through on its own recommendations, at the very least, to demonstrate its stated commitment to social justice and good governance. We sincerely hope that the government will plug the gaps in implementation and fulfil the spirit and letter of the Act.*

*Part II of this report has the relevant constitutional provisions and Part III has tools to monitor the implementation. We thank Advocate Anil Derick for developing the monitoring tools. We hope it will be used human rights defenders everywhere.*

*Yashodha P*

*Convenor CMASK*

*Bangalore, 1 September 2013*

**Karnataka State Report on the  
Implementation of the SCs&STs (Prevention of Atrocities) Act 1989  
in Karnataka in the calendar years 2011 and 2012**

With recommendations to the Chief Minister (Chairperson, SVMC under Rule 16(1)i)

## **Findings**

In Karnataka, there is one crime reported against the Scheduled Castes (SCs) or Scheduled Tribes (STs) every 5 hours. Almost every week sees an SC or ST person murdered (45 in 2012) and an SC or ST woman raped (47 in 2012). Bangalore City (126) and Tumkur (121) had the highest reported cases of atrocities in 2012. Tumkur was the highest (112) in 2011.

There is a sharp variation in performance of the police and prosecution. While the police have a charge sheeting rate of over 97%, the prosecution has a conviction rate of just 7%. Though the police rate of charge sheeting is marginally *higher* in the case of crimes against SCs and STs compared to other crimes, the conviction rate of the special public prosecutors (SPP) is *drastically lower* for crimes against SCs and STs (7%) than for other IPC crimes (31.5%). In the national average too, the Karnataka police have 2% higher charge sheeting rate for POA crimes than the national average for IPC and 7% higher charge sheeting compared to the rate for POA crimes, while the Karnataka prosecutors have an 85% less conviction rate than the national average for IPC crimes and 72% less than the national POA conviction rate.

## **Atrocities**

There were 1632 crimes reported under the Act in 2010, 1757 in 2011 and 1762 in 2012. Data shows that the atrocities are increasing both in numbers and severity. Including IPC crimes, the increase is 5% in crimes against SCs and 31% in crimes against STs in 2012 compared to 2011.

The STs are facing the brunt of the increase. Rapes doubled (from 2 in 2011 to 4 in 2012) and murders tripled (3 to 9) for the STs between 2011 and 2012. There was one (1) kidnap and two (2) arson in 2012 and none in 2011, indicating increasing violence on the community.

For the SCs, murders have increased 16% (31 to 36) and rapes 34% (32 to 43). Robberies (67%), kidnapping (55%) and hurt (12%) have reduced. Other IPC crimes (15%) and PCRA (38%) crimes have increased.

Bangalore City and Belgaum are in the top four in the number of cases reported in all the three years. Mysore district has been at fifth position in 2010 and 2012 and seventh in 2011. Tumkur was first in 2011 and second in 2012. The conviction rates in Tumkur (which has an exclusive special court) is also disturbing (0% of 106 in 2011 and 3 of 47, 6% in 2012).

Overall, the state has seen an 8% increase in crime against the SCs and STs in 2012 over 2011. But this is varied, with Tumkur rising 73% (from 70 crimes in 2010 to 121 in 2012), and Bangalore city rising 48% (from 85 to 126). Eight districts have seen over 38% increase in crime, while 12 have shown a decrease in the period.

More cases are being registered and less 'B' reports are being filed. This could mean that the police are being more vigilant and sensitive or that complaints are not being accepted or registered under this Act. The state has a high, but reducing, 'B' report rate (22% in 2011, 14% in 2012). In 2012 six districts—Uttara Kannada (48%), Hubli-Dharwad (40%), Belgaum (38%), Dakshina Kannada (37%), Udupi (37%), and Kodagu (33%)—have more than a third of the cases not reaching the courts at all, being reported as 'false' or 'mistake of fact'.

### **Convictions**

Ten districts had zero convictions in 2011, and seven in 2012. Of them, four districts—Shimoga (87 cases), Raichur (78), Bangalore City (71) and Dharwad (50) have zero convictions in *both* 2011 and 2012. Tumkur disposed off 153 cases with just 3 convictions in both years combined (and had nil convictions of 106 cases in 2011).

There is not much change in the rate of conviction, which remains at an abysmal 7% overall (2012) and 7 of 30 districts have 0% conviction rates. In 2011 it is even worse with 6% conviction rate and 10 of 30 districts having 0% convictions. The top six of eight districts that disposed off more than 100 cases had conviction rates at or below 7%. Gulbarga had the highest conviction rate (29% and 26%) in both the years.

The comparison with all India figures reveals a disturbing trend that the performance of the police (at least up to charge sheeting) is just a shade better than the national average, but the performance of the SPPs in the convictions is up to 86% less than the national average.

The low conviction rates remain a mystery since the Superintendent of Police (SP) himself makes a spot visit (Rule 12(1)) and ensures the FIR is filed (Rule 12(2)). The investigation is subsequently done by a senior police officer, not below the rank of Deputy Superintendent of Police, who weeds out the 'false' or 'mistake of fact' cases.

#### **District level**

There is a sharp improvement in the number of state-level vigilance and monitoring committee (DVMC) meetings. Not even one DVMC had met quarterly in 2009 or 2010. In 2011 two districts (Tumkur and Belgaum), and in 2012 six districts (Bagalkote, Bangalore Rural, Chitradurga, Davanagere, Haveri and Uttara Kannada) met the legal requirement (Rule 17(3)).

There were no DVMC meetings in Chamaraja Nagar, Raichur, or Ramnagar in 2011. DVMC Kolar has not met even once in the last three years. This is gross dereliction of duty since Kolar is identified as an atrocity prone district by the state government.

#### **State level**

The state-level vigilance and monitoring committee (SVMC) has not met in the designated months (January and July, Rule 16 (2)) even once in the last five years. It has met only once off schedule in 27 September 2010 and despite promises, has not met subsequently either.

The SVMC has met only once instead of the required 12 times in the last six years (January 2007 to December 2012). One out of 12 in six years, and zero of four in the last two years is a gross failure under any benchmark.

## **Recommendations**

### **Preventive**

- a) The Karnataka State annual reports under the Act (Rule 18) show very poor numbers of police officers (18 from 3 districts in 2011) are being sensitised to the Act and Rules, and there is minimal involvement of civil society organisations (CSOs) in creating awareness. Full use may be made of the legal provisions in preventing atrocities.
- b) There is little disclosure of information on the status of implementation of the Act, even though it is mandatory under RTI 2005. This is despite the requests made by civil society for disaggregated data and providing formats for statutory disclosure. The light of transparency is often enough to clear the cobwebs of lethargy. Comprehensive, disaggregated data can be disclosed suo moto.

## **Investigations**

- a) Some investigations still are unduly long. They must be done within 30 days as mandated [7(2)].
- b) Threat assessment needs to be done proactively by the police and protection provided to victim, witnesses and their dependents.

## **Convictions**

The worst performance is seen in the administration of justice.

- a) With the conviction rate being 7%, the DPP has to have a better system of review in place. SPPs of 7 districts have not won a single case in 2012. In 2011 SPPs in 10 districts did not win a single case.
- b) The details of the performance of each Special Public Prosecutor (SPP) should be disclosed by the DPP in its annual disclosure under Rule 4 of the Right to Information Act 2005.  
This should include at minimum (i) Number of cases appeared (ii) number of cases ending in conviction (iii) Number of accused in charge sheet (iv) Number convicted.
- c) Long pendency in the courts has been identified as a reason for victims and witnesses turning hostile, and consequently low conviction rates. For better administration of justice, exclusive special courts should be established in all the 30 districts. At present there are only 7 special courts, and all the others are designated courts.
- d) Officials (police, SPPs, civil servants and judges) with the right aptitude and understanding should be posted in all positions of administration of justice.

## **District level**

- a) Take departmental action against the DC Kolar for gross dereliction of duty for not conducting a DVMC meeting even after being mentioned in the SVMC meeting.<sup>1</sup>
- b) In addition, prosecute DC Kolar and all concerned district officers under Section 4 of the Act and Para 17 of the judgement of the Supreme Court in Criminal Appeal 959 of 2011 and note adverse comments in the annual confidential report (ACR).
- c) Schedule the DVMC meeting on fixed calendar dates.
- d) Appoint NGOs in each district to run awareness centres, conduct workshops and assist the victim-survivors, witnesses, dependents, the community and the government machinery, and provide them necessary financial and other sort of assistance [3(ix)].

---

<sup>1</sup> Agenda item 7, Minutes of the SVMC meeting, 27 September 2010.



**State level**

- a) The Chief Minister should ensure that the SVMC meetings are convened and conducted on time (January and July each year).
- b) The new contingency plan should be issued immediately, taking into account the enhanced compensation norms.
- c) Conduct mass training and awareness programmes for the police, judicial officers (judges, lawyers and DPP) and DVMC members.
- d) Immediately issue a notification to clarify that legal fees in all cases will be borne by the state. That is to rectify the wrong translation by the state government publication of Rule 4(5).

## Scheduled Castes and Scheduled Tribes in Karnataka

Karnataka has a total population of 61,095,297 according to the Census 2011. Of this, 30,966,657 (50.69%) are male and 30,128,640 (49.31%) are female. The 101 Scheduled Castes (SC, Dalit) are 10,474,992 of the population (Female 5,210,447 male 5,264,545). They are 17.15% of the state. Kolar district has the highest (30.3%) SC population, followed by Chamaraja nagar (25.4%). Udupi has the least percentage of SC population (6.41%). They are more than 71% rural (state average 61%).

There are 4,248,987 persons (women 2,114,233 men 2,134,754) in 50 Scheduled Tribes (ST, Adivasi) in Karnataka. They constitute 6.95% of the total state population. They are primarily rural (80.72%), almost 20% more than the state average. The ST have over two lakh population in eight districts—Bellary (18.4%), Raichur (19.03%), Mysore (11.15%), Chitradurga (18.23%), Belgaum (6.22%), Bidar (13.85%), Davanagere (11.98%) and Tumkur (7.82%)—which account for 57% of the ST population in the state. Apart from the above, in terms of percentage to total population, Yadgir (12.51%), Chickballapur (12.47%), Koppal (11.82%), Chamrajnagar (11.78%), and Kodagu (10.47%) have above 10% STs.

SC and ST in Karnataka				
Sl	Indicator	Karnataka	SC	ST
1	Total population	61,095,297	10,474,992	42,48,987
2	Population %	100%	17.15%	6.95%
3	Male	30,966,657	5,264,545	2,134,754
4	Male %	50.69%	50.26%	50.24%
5	Female	30,128,640	5,210,447	2,114,233
6	Female %	49.31%	49.74%	49.76%
7	Urban	38.67%	29.44%	19.18%
8	Rural	61.33%	71.56%	80.72%

Source: Census of India 2011

## Reported cases 2011

SCs/STs (PoA) Act, 1989 Total Cases 2011											
Sl	District	Reptd	P.T	U.I.	Con.	Acq.	OD	B. Rep.	Tnf	Rank	B.R %
1	Bagalkot	44	25				5	14		18	31.82%
2	Bangalore City	98	74					24		4	24.49%
3	Bangalore District	78	57			3		18		8	23.08%
4	Belgaum	100	77		1	14		8		3	8.00%
5	Bellary	56	32		4	10	2	8		15	14.29%
6	Bidar	21	16					5		30	23.81%
7	Bijapur	57	35				2	20		14	35.09%
8	Chamaraja Nagar	30	20			5	1	4		22	13.33%
9	Chikballapur	76	59				2	15		9	19.74%
10	Chikmagalur	46	20		1	16		9		17	19.57%
11	Chitradurga	43	33					10		19	23.26%
12	Dakshina Kannada	40	26					14		20	35.00%
13	Davanagere	29	18				2	9		24	31.03%
14	Dharwad	29	29							23	0.00%
15	Gadag	24	16					8		29	33.33%
16	Gulbarga	83	75					8		6	9.64%
17	Hassan	68	54					14		10	20.59%
18	Haveri	33	22				2	9		21	27.27%
19	Hubli-Dharwad	17	9			1		4	3	32	23.53%
20	K G F	9	8					1		34	11.11%
21	Kodagu	28	21					7		25	25.00%
22	Kolar	67	49			1		17		11	25.37%
23	Koppal	27	22					5		26	18.52%
24	Mandya	101	76			3	4	18		2	17.82%
25	Mangalore City	25	12			5		8		28	32.00%
26	Mysore City	15	7					8		33	53.33%
27	Mysore District	83	50		4	10		19		7	22.89%
28	Raichur	91	80					10	1	5	10.99%
29	Ramanagar	54	36			2	6	10		16	18.52%
30	Shimoga	60	23			1	5	31		13	51.67%
31	Tumkur	112	91					21		1	18.75%
32	Udupi	26	13			5		8		27	30.77%
33	Uttara Kannada	20	8			4		7	1	31	35.00%
34	Yadgiri	67	49		1			17		12	25.37%
TOTAL		1757	1242	0	11	80	31	388	5		22.08%

Reptd=Reported Cases

PT=Pending trial

UI=Under Investigation

Con=Convicted

Acq=Acquitted

OD=Otherwise disposed

Tnf=Transferred

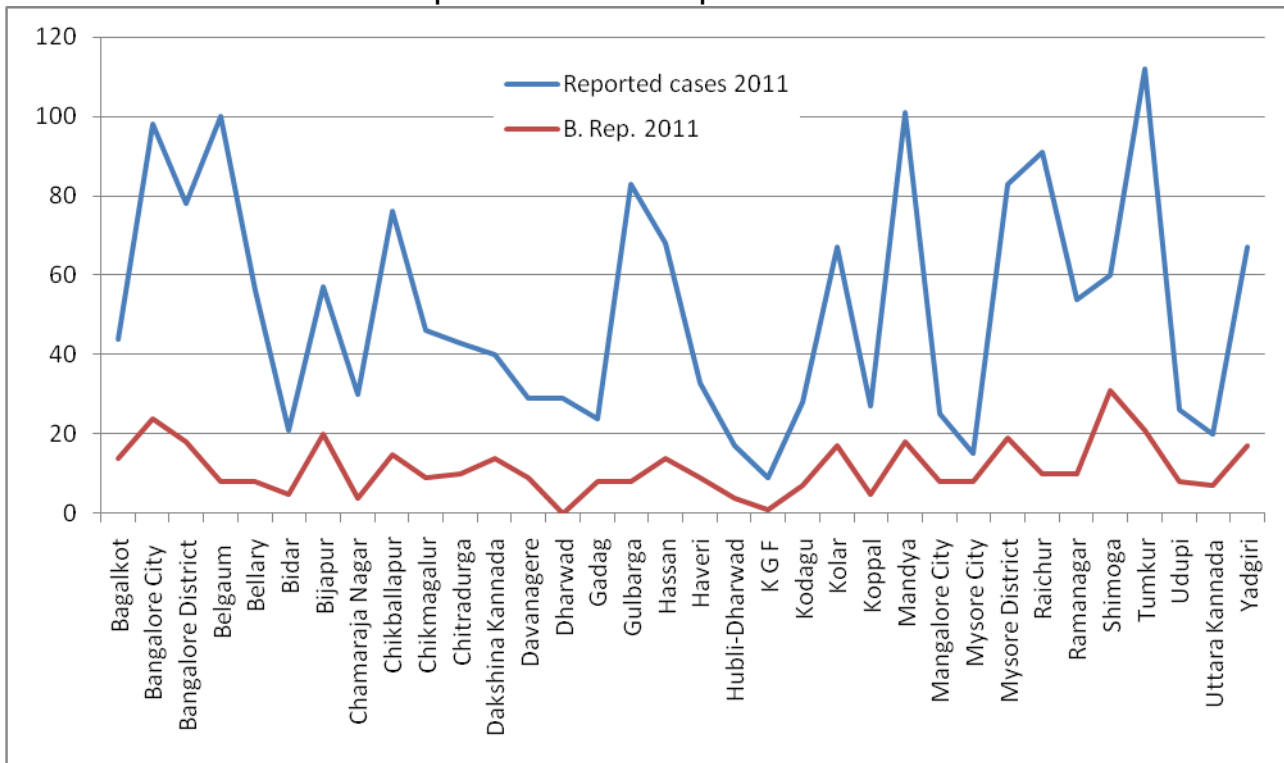
BR%=Percentage B reports

## Reported cases 2012

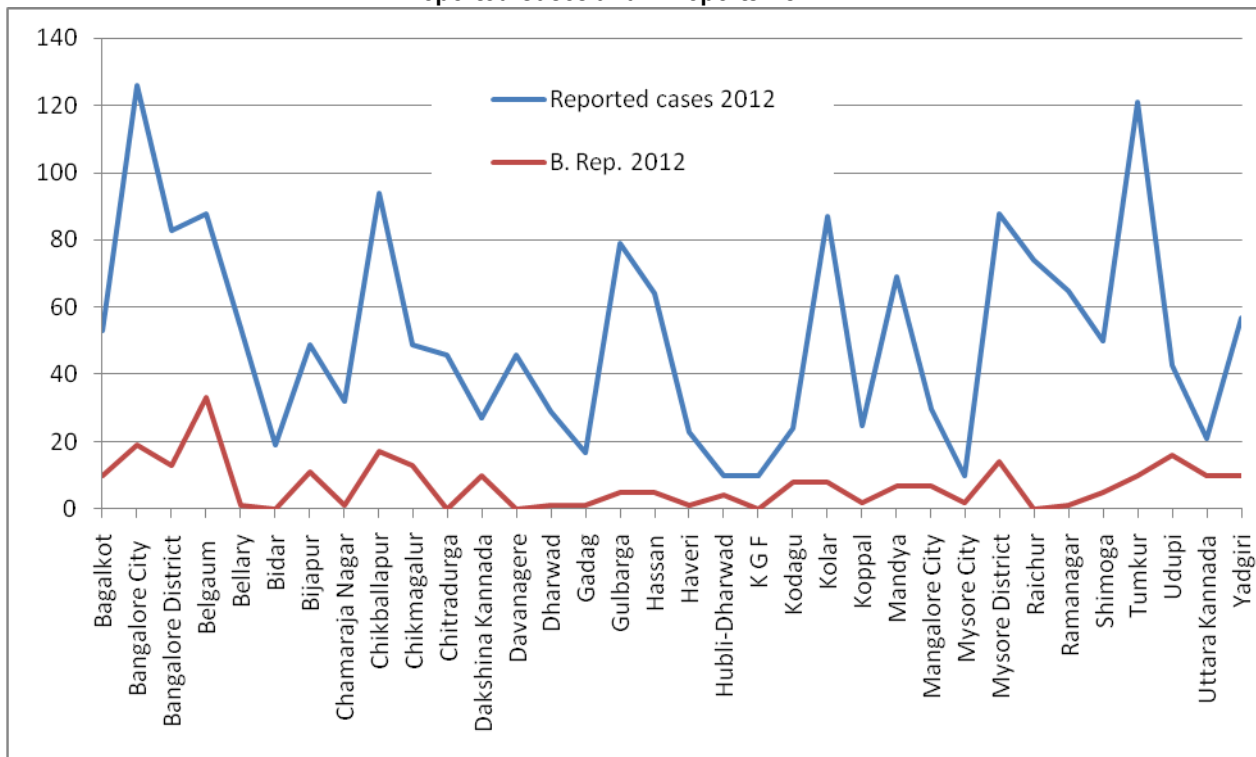
SCs/STs (PoA) Act, 1989 Total Cases 2012												
Sl	District	Reptd	P.T	U.I.	Con.	Acq.	OD	B. Rep.	Tnf	Rank	B.R %	
1	Bagalkot	53	39	3		1		10		15	18.87%	
2	Bangalore City	126	9	96				19	2	1	15.08%	
3	Bangalore District	83	38	28			4	13		7	15.66%	
4	Belgaum	88	55					33		4	37.50%	
5	Bellary	54	31	22				1		14	1.85%	
6	Bidar	19	18			1				30	0.00%	
7	Bijapur	49	32	2		1	2	11	1	17	22.45%	
8	Chamaraja Nagar	32	25	3		3		1		22	3.13%	
9	Chikballapur	94	62	15				17		3	18.09%	
10	Chikmagalur	49	30	3		3		13		18	26.53%	
11	Chitradurga	46	34	12						19	0.00%	
12	Dakshina Kannada	27	16	1				10		25	37.04%	
13	Davanagere	46	31	15						20	0.00%	
14	Dharwad	29	22	2		3	1	1		24	3.45%	
15	Gadag	17	15			1		1		31	5.88%	
16	Gulbarga	79	61	5				5	8	8	6.33%	
17	Hassan	64	54	5				5		12	7.81%	
18	Haveri	23	22					1		28	4.35%	
19	Hubli-Dharwad	10	5	1				4		32	40.00%	
20	K G F	10	6	4						33	0.00%	
21	Kodagu	24	10			1	5	8		27	33.33%	
22	Kolar	87	56	20		1	2	8		6	9.20%	
23	Koppal	25	21			1	1	2		26	8.00%	
24	Mandya	69	56	6				7		10	10.14%	
25	Mangalore City	30	21			2		7		23	23.33%	
26	Mysore City	10	8					2		34	20.00%	
27	Mysore District	88	53	21				14		5	15.91%	
28	Raichur	74	51	17			4		2	9	0.00%	
29	Ramanagar	65	45	15			4	1		11	1.54%	
30	Shimoga	50	35	8			2	5		16	10.00%	
31	Tumkur	121	92	19				10		2	8.26%	
32	Udupi	43	27					16		21	37.21%	
33	Uttara Kannada	21	7	4				10		29	47.62%	
34	Yadgiri	57	46			1		10		13	17.54%	
TOTAL		1762	1133	327	0	19	25	245	13		13.90%	

Reptd=Reported Cases  
 PT=Pending trial  
 UI=Under Investigation  
 Con=Convicted  
 Acq=Acquitted  
 OD=Otherwise disposed  
 Tnf=Transferred  
 BR%=Percentage B reports

Reported Cases and B Reports 2011



## Reported Cases and B Reports 2012



## Pending cases (in court) 2011

SCs and STs (Prevention of Atrocities) Act 1989

Implementation in Karnataka 2011

SI	District	Pending cases 1/1/2011	cases 2011	total cases	Cases disposed								Pending cases 31/12/2011	Increase in pendency
					conviction		Acquitted		otherwise disposed		Total			
					No.	%	No.	%	No.	%	No.	%		
1	Bagalkote	39	24	63	3	12%	23	88%		0%	26	41%	37	-5.13%
2	Bangalore Rural	97	70	167	4	5%	81	93%	2	2%	87	52%	80	-17.53%
3	Bangalore City	81	51	132		0%	29	88%	4	12%	33	25%	99	22.22%
4	Belgaum	68	89	157	5	6%	74	89%	4	5%	83	53%	74	8.82%
5	Bellary	78	34	112	11	16%	56	82%	1	1%	68	61%	44	-43.59%
6	Bidar	27	23	50	1	4%	20	77%	5	19%	26	52%	24	-11.11%
7	Bijapur	169	35	204	1	1%	82	94%	4	5%	87	43%	117	-30.77%
8	Chamaraja Nagar	35	23	58	5	25%	15	75%		0%	20	34%	38	8.57%
9	Chikballapur	113	55	168	1	4%	22	96%		0%	23	14%	145	28.32%
10	Chikmagalur	103	47	150	3	8%	30	81%	4	11%	37	25%	113	9.71%
11	Chitradurga	43	27	70	2	10%	12	60%	6	30%	20	29%	50	16.28%
12	D K (Mangalore)	56	35	91	2	13%	13	81%	1	6%	16	18%	75	33.93%
13	Davanagere	65	16	81	2	6%	25	81%	4	13%	31	38%	50	-23.08%
14	Dharwad	32	35	67		0%	16	84%	3	16%	19	28%	48	50.00%
15	Gadag	22	19	41		0%	1	50%	1	50%	2	5%	39	77.27%
16	Gulbarga	83	80	163	14	29%	30	63%	4	8%	48	29%	115	38.55%
17	Hassan	114	61	175	1	4%	24	96%		0%	25	14%	150	31.58%

**SCs and STs (Prevention of Atrocities) Act 1989**

**Implementation in Karnataka 2011**

SI	District	Pending cases 1/1/2011	cases 2011	total cases	Cases disposed								Pending cases 31/12/2011	Increase in pendency
					conviction		Acquitted		otherwise disposed		Total			
					No.	%	No.	%	No.	%	No.	%		
18	Haveri	83	22	105		0%	7	58%	5	42%	12	11%	93	12.05%
19	Kodagu	107	19	126	1	6%	17	94%		0%	18	14%	108	0.93%
20	Kolar	40	57	97		0%	39	100%		0%	39	40%	58	45.00%
21	Koppal	26	24	50	4	14%	20	69%	5	17%	29	58%	21	-19.23%
22	Mandya	86	70	156	3	7%	34	83%	4	10%	41	26%	115	33.72%
23	Mysore	102	53	155	5	5%	99	92%	4	4%	108	70%	47	-53.92%
24	Raichur	68	72	140		0%	34	97%	1	3%	35	25%	105	54.41%
25	Ramanagar	275	35	310		0%	56	88%	8	13%	64	21%	246	-10.55%
26	Shimoga	80	35	115		0%	39	91%	4	9%	43	37%	72	-10.00%
27	Tumkur	104	79	183		0%	97	92%	9	8%	106	58%	77	-25.96%
28	Udupi	21	10	31	1	11%	6	67%	2	22%	9	29%	22	4.76%
29	UK (Karwar)	39	16	55		0%	12	86%	2	14%	14	25%	41	5.13%
30	Yadgiri	97	46	143	9	18%	39	80%	1	2%	49	34%	94	-3.09%
	Total	2353	1262	3615	78	6%	1052	86%	88	7%	1218	34%	2397	1.87%



## Pending Cases (in court) 2012

SCs and STs (Prevention of Atrocities) Act 1989

Implementation in Karnataka 2012

SI	District	Pending cases 1/1/2012	cases 2012	total cases	Cases disposed								Pending cases 31/12/2012	Increase in pendency
					conviction		acquitted		otherwise disposed		total disposed			
					No.	%	No.	%	No.	%	No.	%		
1	Bagalkote	37	34	71	0	0%	17	94%	1	6%	18	25%	53	43.24%
2	Bangalore Rural	80	75	155	1	3%	9	29%	21	68%	31	20%	124	55.00%
3	Bangalore Urban	99	40	139	0	0%	34	89%	4	11%	38	27%	101	2.02%
4	Belgaum	74	51	125	4	9%	40	91%	0	0%	44	35%	81	9.46%
5	Bellary	44	43	87	9	20%	29	63%	8	17%	46	53%	41	-6.82%
6	Bidar	24	24	48	3	9%	28	85%	2	6%	33	69%	15	-37.50%
7	Bijapur	117	33	150	2	4%	54	96%	0	0%	56	37%	94	-19.66%
8	Chamaraja Nagar	38	29	67	1	4%	23	96%	0	0%	24	36%	43	13.16%
9	Chikballapur	145	68	213	0	0%	15	100%	0	0%	15	7%	198	36.55%
10	Chikmagalur	113	24	137	1	2%	53	96%	1	2%	55	40%	82	-27.43%
11	Chitradurga	50	38	88	2	20%	8	80%	0	0%	10	11%	78	56.00%
12	D K (Mangalore)	75	29	104	1	3%	35	95%	1	3%	37	36%	67	-10.67%
13	Davanagere	50	18	68	1	7%	11	79%	2	14%	14	21%	54	8.00%
14	Dharwad	48	44	92	0	0%	30	97%	1	3%	31	34%	61	27.08%
15	Gadag	39	11	50	1	7%	13	87%	1	7%	15	30%	35	-10.26%
16	Gulbarga	115	30	145	6	26%	16	70%	1	4%	23	16%	122	6.09%
17	Hassan	150	41	191	3	5%	54	95%	0	0%	57	30%	134	-10.67%
18	Haveri	93	27	120	1	8%	10	83%	1	8%	12	10%	108	16.13%
19	Kodagu	108	20	128	2	4%	38	67%	17	30%	57	45%	71	-34.26%
20	Kolar	58	75	133	2	15%	11	85%	0	0%	13	10%	120	106.90%

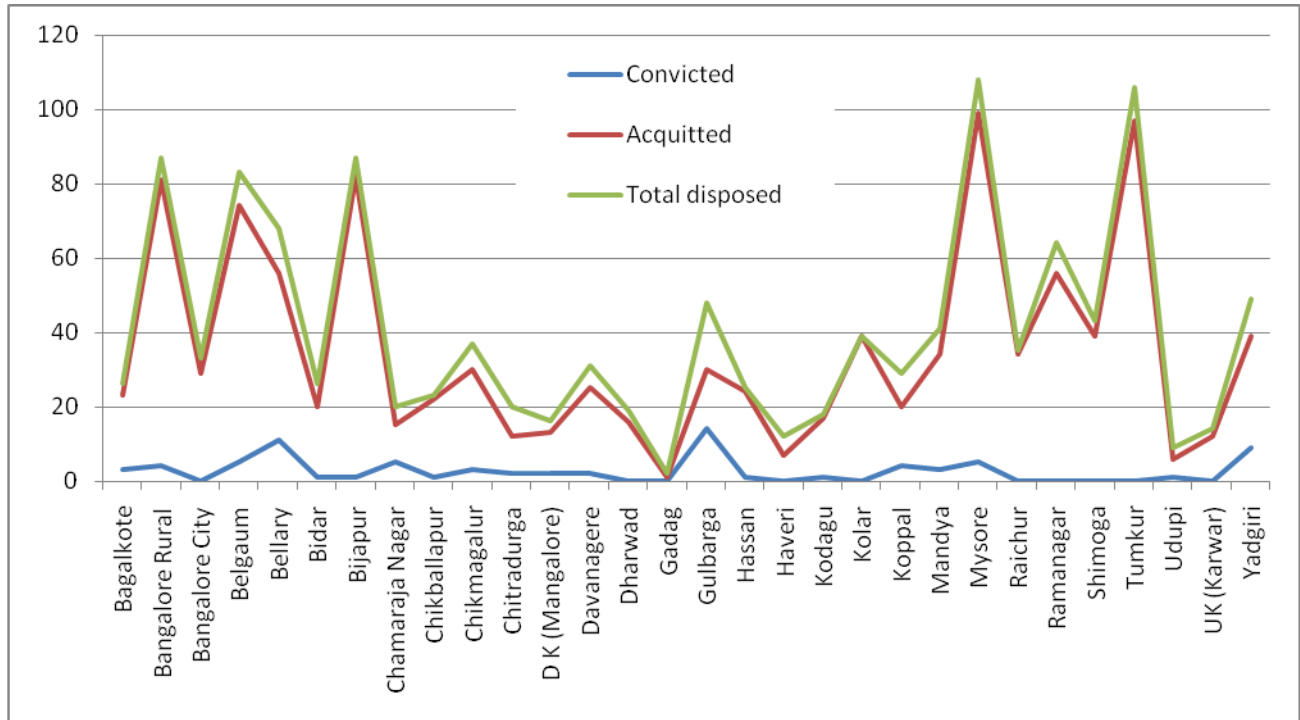
**SCs and STs (Prevention of Atrocities) Act 1989**

**Implementation in Karnataka 2012**

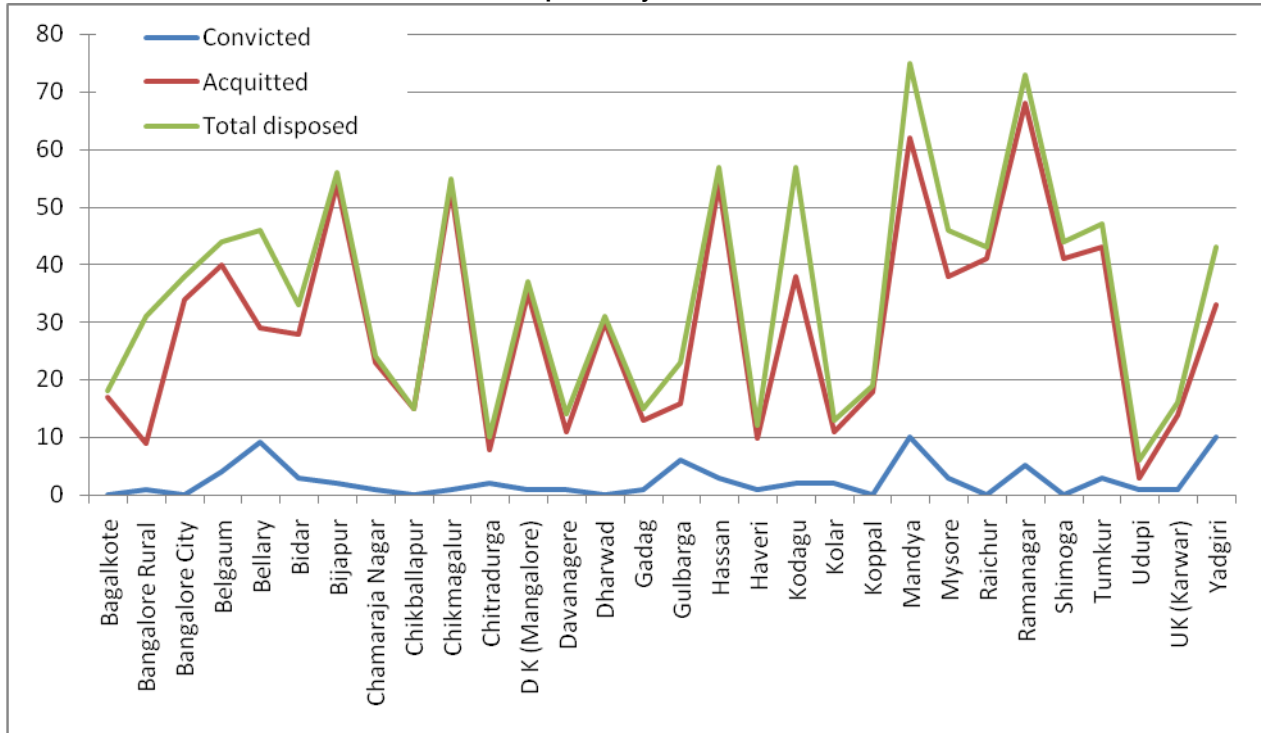
SI	District	Pending cases 1/1/2012	cases 2012	total cases	Cases disposed								Pending cases 31/12/2012	Increase in pendency
					conviction		acquitted		otherwise disposed		total disposed			
					No.	%	No.	%	No.	%	No.	%		
21	Koppal	21	19	40	0	0%	18	95%	1	5%	19	48%	21	0.00%
22	Mandya	115	60	175	10	13%	62	83%	3	4%	75	43%	100	-13.04%
23	Mysore	47	62	109	3	7%	38	83%	5	11%	46	42%	63	34.04%
24	Raichur	105	62	167	0	0%	41	95%	2	5%	43	26%	124	18.10%
25	Ramanagar	246	39	285	5	7%	68	93%	0	0%	73	26%	212	-13.82%
26	Shimoga	72	56	128	0	0%	41	93%	3	7%	44	34%	84	16.67%
27	Tumkur	77	97	174	3	6%	43	91%	1	2%	47	27%	127	64.94%
28	Udupi	22	25	47	1	17%	3	50%	2	33%	6	13%	41	86.36%
29	UK (Karwar)	41	5	46	1	6%	14	88%	1	6%	16	35%	30	-26.83%
30	Yadgiri	94	59	153	10	23%	33	77%	0	0%	43	28%	110	17.02%
	Total	2397	1238	3635	73	7%	889	85%	79	8%	1041	29%	2594	8.22%



## Cases acquitted by courts 2011



### Cases acquitted by courts 2012



## Atrocity prone areas in Karnataka

Karnataka is among the top states in India according to the number of atrocities against SCs and STs. According to the NCRB's statistics,<sup>2</sup> Karnataka ranks sixth in the country in the number of crimes against SCs and eighth in crimes against STs—though by population, Karnataka ranks ninth in the country. This means that there is a higher incidence of crimes against SCs and STs in the state than the nation.

Of the 30 districts in the state, 15 are declared 'atrocity prone' by the state government.

Atrocity prone districts in Karnataka		
No	District	Villages
1	Dharwad	Satar, Honnapur, Kehgeri, Byadagi, Battikoppa, Varada, Warangalia.
2	Bijapur	Baradala.
3	Gulbarga	Alagi, Seethanur, Ganjelkhed, Bhusnoor, Surapur, Chincholi, Vothana, Hippigere, Petannapur, Hagaragundagi, Royakode, Mimhergi, Afzalpur.
4	Raichur	Idaparar, Gudihalla, lagapur, Karatagi, Manvi, Gangavathi, Turvinala, Khanapuri.
5	Bidar	Torekalla, Bhalki, Dhakulli, Kushnur, Horahatti.
6	Chitradurga	Gudihalli, Babbuliriya, Somaguddakyamadu, Chikkanayakanahalli, Obbenahalli, Anaji.
7	Shimoga	B.R. Project, Malavalli, Tyagadakana, Kargal, Honnali, Belagutti.
8	Bellary	Deshnur, Telegh.
9	Bangalore	Kumbalgad, Channasandra, Tattanagar, Srinivasapur, Kadathippur, Horohalli, Kaduguda, Beechinahalli.
10	Kolar	Harati Village, Hanagatti Village.
11	Tumkur	Doddaballa Villages.
12	Mysore	Kushalanagar, K. Gudu, G. Marelli, Devanur, Chitenahalli, Hannur, Kilagere, Badanavalu, Kelasur.
13	Mandya	Shivasalli, Malligere, Sandahalli, Hulikere, Koppala, Kshettyhalli.
14	Hassan	Gandasi village, Chigahalli, Bandashettalli.
15	Belgaum	Anogola villages, Bendigere, Baladabagewadi, Mapanadinne, Patagundi, Anjivali.

<sup>2</sup> Crime in India Compendium, NCRB 2012, 13 (Table 7.1 and 7.9)

## Crimes against SCs and STs

### Extent of crimes

Cases under SCs and STs (PoA) Act 1989									
Sl	Year	Rep.	P.T.	U.I	Con.	Acq.	O.D	B Report	Trans
[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]	[9]	[10]
1	2011	1757	1242	-	11	80	31	388	5
2	2012	1762	1133	327	0	19	25	245	13

Rep: Reported; PT: Pending Trial; UI: Under Investigation; Con: Convicted; Acq: Acquitted; OD: Otherwise Disposed; Trans: Transferred

More cases are being registered and less 'B' reports are being filed. This could mean that the police are being more vigilant and sensitive or that complaints are not being accepted or registered under this Act. The state has a high, but reducing, 'B' report rate (22% in 2011, 14% in 2012). But even in 2012 six districts—Uttara Kannada (48%), Hubli-Dharwad (40%), Belgaum (38%), Dakshina Kannada (37%), Udupi (37%), and Kodagu (33%)—have more than a third of the cases not reaching the courts at all.

### Types of crimes

Break ups under major heads of crime							
Sl	Nature of Offence (IPC/Other)	Scheduled Castes			Scheduled Tribes		
		2011	2012	Increase	2011	2012	Increase
1	Murder (302)	31	36	16%	3	9	200%
2	Rape (376)	32	43	34%	2	4	100%
3	Kidnapping and abduction (363-369, 371-373)	11	5	-55%		1	NA
4	Robbery (392-394, 397, 398)	3	1	-67%			
5	Hurt (323-333, 335-338)	182	161	-12%	17	21	24%
6	Arson	1	1	0%		2	NA
7	Other IPC	882	1013	15%	97	172	77%
8	PCRA	8	11	38%	4	1	-75%
9	Other POA	1331	1334	0%	162	164	1%
10	Total	2481	2605	5%	285	374	31%

Source: NCRB 2012, 2013

Data shows that the atrocities are increasing both in numbers and severity. Overall the increase is 5% in crimes against SCs and 31% in crimes against STs. The STs are facing the brunt of the increase. Rapes have increased 100% (from 2 in 2011 to 4 in 2012) and murders 200% (3 to 9) for the STs between 2011 and 2012. There was one (1) kidnap and two

(2) arson in 2012 which were not the case in 2011, indicating increasing violence on the community.

For the SCs, murders have increased 16% and rapes 34%. Robberies (67%), kidnapping (55%) and hurt (12%) have all reduced. Other IPC crimes (15%) and PCRA (38%) crimes have increased.

**District ranking according to crimes reported**

Ranking of districts in number of cases reported 2010-12						
Rank	District	2010	District	2011	District	2012
1	Gulbarga	90	Tumkur	112	Bangalore City	126
2	Mandya	87	Mandya	101	Tumkur	121
3	Bangalore City	85	Belgaum	100	Chikballapur	94
4	Belgaum	79	Bangalore City	98	Belgaum	88
5	Mysore District	78	Raichur	91	Mysore Dist	88
6	Hassan	77	Gulbarga	83	Kolar	87
7	Bijapur	70	Mysore District	83	Bangalore Dist	83
8	Kolar	70	Bangalore Dist	78	Gulbarga	79
9	Tumkur	70	Chikballapur	76	Raichur	74
10	Chikballapur	68	Hassan	68	Mandya	69
11	Raichur	68	Kolar	67	Ramanagar	65
12	Ramanagar	61	Yadgiri	67	Hassan	64
13	Bangalore Dist	59	Shimoga	60	Yadgiri	57
14	Kodagu	56	Bijapur	57	Bellary	54
15	Shimoga	55	Bellary	56	Bagalkot	53
16	Yadagiri	51	Ramanagar	54	Shimoga	50
17	Dakshin Kannada	48	Chikmagalur	46	Bijapur	49
18	Chitradurga	46	Bagalkot	44	Chikmagalur	49
19	Chikmagalur	45	Chitradurga	43	Chitradurga	46
20	Bellary	43	Dakshin Kannada	40	Davanagere	46
21	Davanagere	42	Haveri	33	Udupi	43
22	Bagalkot	41	Chamaraja Nagar	30	Chamaraja Nagar	32
23	Haveri	31	Davanagere	29	Mangalore City	30
24	Dharwad	28	Dharwad	29	Dharwad	29
25	Bidar	27	Kodagu	28	Dakshin Kannada	27
26	Udupi	27	Koppal	27	Koppal	25
27	Uttara Kannada	25	Udupi	26	Kodagu	24
28	Chamaraja Nagar	23	Mangalore City	25	Haveri	23
29	Koppal	22	Gadag	24	Uttara Kannada	21
30	Gadag	15	Bidar	21	Bidar	19
31	K G F	14	Uttara Kannada	20	Gadag	17
32	Mysore City	13	Hubli-Dharwad	17	Hubli-Dharwad	10
33	Mangalore City	11	Mysore City	15	K G F	10
34	Hubli-Dharwad	7	K G F	9	Mysore City	10
	TOTAL	1632		1757		1762

Bangalore City and Belgaum are in the top four in the number of cases reported in all the three years. Mysore district has been at fifth position in



2010 and 2012 and seventh in 2011. Tumkur is first in 2011 and second in 2012. The conviction rates in Tumkur (which has an exclusive special court) is also disturbing—0% (0 of 106) in 2011 and 6% in 2012 (3 of 47).

Ranking of districts by percentage increase of cases reported 2010-12								
Sl	District	2010	2011	2012	2011 > 10	2012>11	2012>10	Rank
1	Mangalore City	11	25	30	127.27%	20.00%	172.73%	1
2	Tumkur	70	112	121	60.00%	8.04%	72.86%	2
3	Udupi	27	26	43	-3.70%	65.38%	59.26%	3
4	Bangalore City	85	98	126	15.29%	28.57%	48.24%	4
5	Hubli-Dharwad	7	17	10	142.86%	-41.18%	42.86%	5
6	Bangalore District	59	78	83	32.20%	6.41%	40.68%	6
7	Chamaraja Nagar	23	30	32	30.43%	6.67%	39.13%	7
8	Chikballapur	68	76	94	11.76%	23.68%	38.24%	8
9	Bagalkot	41	44	53	7.32%	20.45%	29.27%	9
10	Bellary	43	56	54	30.23%	-3.57%	25.58%	10
11	Kolar	70	67	87	-4.29%	29.85%	24.29%	11
12	Koppal	22	27	25	22.73%	-7.41%	13.64%	12
13	Gadag	15	24	17	60.00%	-29.17%	13.33%	13
14	Mysore District	78	83	88	6.41%	6.02%	12.82%	14
15	Yadagiri	51	67	57	31.37%	-14.93%	11.76%	15
16	Belgaum	79	100	88	26.58%	-12.00%	11.39%	16
17	Davanagere	42	29	46	-30.95%	58.62%	9.52%	17
18	Chikmagalur	45	46	49	2.22%	6.52%	8.89%	18
19	Raichur	68	91	74	33.82%	-18.68%	8.82%	19
20	Ramanagar	61	54	65	-11.48%	20.37%	6.56%	20
21	Dharwad	28	29	29	3.57%	0.00%	3.57%	21
22	Chitradurga	46	43	46	-6.52%	6.98%	0.00%	22
23	Shimoga	55	60	50	9.09%	-16.67%	-9.09%	23
24	Gulbarga	90	83	79	-7.78%	-4.82%	-12.22%	24
25	Uttara Kannada	25	20	21	-20.00%	5.00%	-16.00%	25
26	Hassan	77	68	64	-11.69%	-5.88%	-16.88%	26
27	Mandya	87	101	69	16.09%	-31.68%	-20.69%	27
28	Mysore City	13	15	10	15.38%	-33.33%	-23.08%	28
29	Haveri	31	33	23	6.45%	-30.30%	-25.81%	29
30	K G F	14	9	10	-35.71%	11.11%	-28.57%	30
31	Bidar	27	21	19	-22.22%	-9.52%	-29.63%	31
32	Bijapur	70	57	49	-18.57%	-14.04%	-30.00%	32
33	D. K.	48	40	27	-16.67%	-32.50%	-43.75%	33
34	Kodagu	56	28	24	-50.00%	-14.29%	-57.14%	34
	<b>TOTAL</b>	1632	1757	1762	7.66%	0.28%	7.97%	

Overall, the state has seen an 8% increase in crime against the SCs and STs. But this is varied, with Tumkur rising 73% (from 70 crimes in 2010 to 121 in 2012), and Bangalore city rising 48% (from 85 to 126). Eight districts have seen over 38% increase in crime, while 12 have shown a decrease in the period.

## Cases pending investigation

NCRB data shows that 861 cases against SCs were pending investigation at the end of 2012 (table 7.4). Given that only 327 are from 2012, it means that 534 cases still awaiting investigation are at least a year old. This is against Rule 7(2) which mandates completion of investigation in 30 days.

## Convictions

Ten districts had zero convictions in 2011, and seven in 2012. Of them, four districts—Shimoga (87 cases), Raichur (78), Bangalore City (71) and Dharwad (50) have zero convictions in *both* 2011 and 2012. Tumkur disposed off 153 cases with just 3 convictions in both years combined (and had nil convictions of 106 cases in 2011). Eight districts disposed off more than 100 cases. Of them, six districts had conviction rates at or below 7%. Gulbarga had the highest conviction rate (29% and 26%) in both the years.

Cases Disposed (above 100 in 2011 and 2012)			
Cases	Convictions	Convictions %	District
154	8	5%	Mysore
153	3	2%	Tumkur
143	3	2%	Bijapur
137	5	4%	Ramanagar
127	9	7%	Belgaum
118	5	4%	Bangalore Rural
116	13	11%	Mandya
114	20	18%	Bellary

The wilful negligence of both the SPPs and the police officials has been identified as a cause for low conviction rates by the DCRE. This is reflected by the SVMC which notes that ‘*Investigation Officer is not giving witness in favour of witnesses in the courts*’<sup>3</sup> and ‘*more criminals would have been convicted if the police had completed investigations within right time and also had public prosecutors argued appropriately in the courts*’.<sup>4</sup>

In comparison, convictions for general IPC crimes is 31.5%. The comparison with all India figures shows a disturbing trend that the performance of the police (at least up to charge sheeting) is just a shade better than the national average, but the performance of the SPPs in the convictions is up to 86% less than the national average.

---

<sup>3</sup> Agenda item 4, Minutes of the SVMC meeting, 27 September 2010.

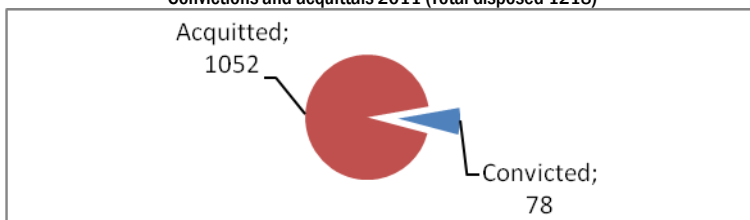
<sup>4</sup> Agenda item 3, Minutes of the SVMC meeting, 27 September 2010.

All India Comparisons (2012)						
	Charge sheeting rate			Conviction rate		
	Karnataka	All india	Table	Karnataka	All india	Table
Crimes against SC	97.4	91.8	Table 7.4	4.8	23.9	Table 7.7
Crimes against ST	97.0	95.8	Table 7.12	3.1	22.5	Table 7.15
POA SC	97.0	90.1	Table 4.8	5.3	18.8	Table 4.16
POA ST	100.0	94.8	Table 4.8	5.2	9.7	Table 4.16
POA (Total)	97.3	90.3	Table 4.8	5.2	17.9	Table 4.16

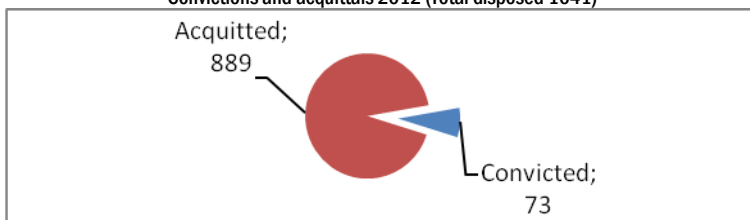
Source: NCRB 2013

According to the National Crime Records Bureau, the conviction rate in 2012 for crimes against SCs in Karnataka is 4.8% (all India 23.9%, [table 7.7](#)) and for crimes against STs is 3.1% (all India 22.5, [table 7.15](#)). This has actually come down from 2011 when the all India average was 28.8 (POA total), 30.7(POA SC), 13.9 (POA ST) and Karnataka's rates were 8.1 (POA total) 8.2 (POA SC) and 7.1 (POA ST) ([Table 4.16](#), NCRB 2012).

Convictions and acquittals 2011 (Total disposed 1218)



Convictions and acquittals 2012 (Total disposed 1041)



The conviction rate is just 14% of the national average in the case of crimes against STs. Even under the POA Act, where only senior advocates with more than seven years experience and SPPs (both of whom are paid more than other government prosecutors) represent the victim, the performance is below 30% of the national average.

Cases disposed									
Sl	District	2011				2012			
		Disposed	Convicted	%	Rank	Disposed	Convicted	%	Rank
1	Bagalkote	26	3	12%	24	18	0	0%	6
2	Bangalore City	33	0	0%	6	38	0	0%	3
3	Bangalore Rural	87	4	5%	15	31	1	3%	10
4	Belgaum	83	5	6%	18	44	4	9%	22
5	Bellary	68	11	16%	27	46	9	20%	27
6	Bidar	26	1	4%	12	33	3	9%	23
7	Bijapur	87	1	1%	11	56	2	4%	12
8	Chamaraja Nagar	20	5	25%	29	24	1	4%	13
9	Chikballapur	23	1	4%	14	15	0	0%	7
10	Chikmagalur	37	3	8%	21	55	1	2%	8
11	Chitradurga	20	2	10%	22	10	2	20%	28
12	D K (Mangalore)	16	2	13%	25	37	1	3%	9
13	Davanagere	31	2	6%	19	14	1	7%	20
14	Dharwad	19	0	0%	7	31	0	0%	4
15	Gadag	2	0	0%	10	15	1	7%	18
16	Gulbarga	48	14	29%	30	23	6	26%	30
17	Hassan	25	1	4%	13	57	3	5%	14
18	Haveri	12	0	0%	9	12	1	8%	21
19	Kodagu	18	1	6%	17	57	2	4%	11
20	Kolar	39	0	0%	4	13	2	15%	25
21	Koppal	29	4	14%	26	19	0	0%	5
22	Mandya	41	3	7%	20	75	10	13%	24
23	Mysore	108	5	5%	16	46	3	7%	17
24	Raichur	35	0	0%	5	43	0	0%	2
25	Ramanagar	64	0	0%	2	73	5	7%	19
26	Shimoga	43	0	0%	3	44	0	0%	1
27	Tumkur	106	0	0%	1	47	3	6%	16
28	Udupi	9	1	11%	23	6	1	17%	26
29	UK (Karwar)	14	0	0%	8	16	1	6%	15
30	Yadgiri	49	9	18%	28	43	10	23%	29
	Total	1218	78	6%		1041	73	7%	

There is not much change in the rate of conviction, which remains at an abysmal 7% overall (2012) and 7 of 30 districts have 0% conviction rates. In 2011 it is even worse with 6% conviction rate and 10 of 30 districts having 0% convictions. This means that the SPPs of 7 districts have not won a single case in 2012. In 2011 SPPs in 10 districts did not win a single case. This is a historical trend. 13 SPPs in 2009 and 9 in 2010—who are paid more than other public prosecutors—did not win a single case, for instance Chickballapur B R Kulkarni, 113; Tumkur Imdiyah Ahmed Khan 106; Hassan Basavanna Gowda 102; Koppal I B Choudhari 103. Others have miserable conviction records: 2010 Chamrajnagar L A Javali 2/411; Belgaum B S Jukanagoudar 2/124; Hassan Basavannagowda 1/136;

Davengere H G Banakar (3/104); Gulbarga Devapur Venkanna 11/133; Bangalore Ashok Thalavar 2/171; 2009 Gulbarga Devapur Venkanna 11/246; Davengere H G Banakar (1/100); Chamrajanagar B P Hudedgaddi 1/125. SVMC meeting minutes (27 September 2010) also note with concern that the SPPs do not argue the cases well.

#### **Recommendations**

- a) The DPP needs a better system of performance review of the SPPs.
- b) The details of the performance of each Special Public Prosecutor (SPP) be disclosed by the DPP in its annual disclosure under Rule 4 of the Right to Information Act 2005.
- c) Exclusive special courts should be established in all the 30 districts with competent and sensitive judicial officers to dispose off the cases. At present there are only 7 special courts, and all the others are designated courts.
- d) The DPP be prosecuted under Section 4 of the Act and Para 17 of the judgement of the Supreme Court in Criminal Appeal no 959 of 2011 and adverse comments be noted in the annual confidential report.

#### **District level vigilance and monitoring committee meetings**

##### **Finding**

There is a sharp improvement in the number of DVMC meetings. Not even one DVMC had met quarterly in 2009 or 2010. In 2011 two districts (Tumkur and Belgaum), and in 2012 six districts (Bagalkote, Bangalore Rural, Chitradurga, Davanagere, Haveri and Uttara Kannada) met the legal requirement (Rule 17(3)).

There were no DVMC meetings in Chamaraja Nagar, Raichur, Ramnagar in 2011. DVMC Kolar has met not even once in the last three years. This is gross dereliction of duty since Kolar is identified as an atrocity prone district by the state government

##### **Recommendations**

- a) Suspend the DC of Kolar and take departmental action for gross dereliction of duty since he has not conducted DVMC meetings even after being mentioned in the SVMC meeting (Agenda item 7, Minutes of the SVMC meeting, 27 September 2010).
- b) In addition, prosecute DC Kolar and all concerned district officials under Section 4 of the Act and Para 17 of the judgement of the Supreme Court in Criminal Appeal no 959 of 2011 and note adverse comments in the ACR.
- c) Schedule the DVMC meeting on fixed calendar dates.

DVMC Meetings held (2008–2012)									
Sl.	District	2008	2009	2010	2011	2012	Total 2008-12	Average 2011-12	Average 2008-12
1	Bagalkote	1	2	2	3	4	12	3.5	2.4
2	Bangalore Urban	2	1	2	3	2	10	2.5	2.0
3	Bangalore Rural	1	2	1	3	4	11	3.5	2.2
4	Belgaum	1	1	3	4	3	12	3.5	2.4
5	Bellary	2	1	1	1	2	7	1.5	1.4
6	Bidar	0	1	3	2	3	9	2.5	1.8
7	Bijapur	1	1	3	3	3	11	3.0	2.2
8	Chamaraja Nagar	3	2	1	0	2	8	1.0	1.6
9	Chikballapur	1	1	1	3	2	8	2.5	1.6
10	Chikmagalur	4	2	1	3	2	12	2.5	2.4
11	Chitradurga	0	1	2	3	4	10	3.5	2.0
12	Dakshin Kannada	2	1	1	1	2	7	1.5	1.4
13	Davanagere	1	3	1	3	4	12	3.5	2.4
14	Dharwad	1	2	1	1	2	7	1.5	1.4
15	Gadag	0	1	1	3	1	6	2.0	1.2
16	Gulbarga	1	1	2	2	3	9	2.5	1.8
17	Hassan	2	1	2	3	3	11	3.0	2.2
18	Haveri	1	1	1	3	4	10	3.5	2.0
19	Kodagu	0	1	3	2	2	8	2.0	1.6
20	Kolar	0	1	0	0	0	1	0.0	0.2
21	Koppal	2	1	2	3	3	11	3.0	2.2
22	Mandya	0	2	1	3	2	8	2.5	1.6
23	Mysore	2	1	3	3	2	11	2.5	2.2
24	Raichur	0	1	2	0	3	6	1.5	1.2
25	Ramanagar	1	1	2	0	2	6	1.0	1.2
26	Shimoga	2	1	1	2	1	7	1.5	1.4
27	Tumkur	0	1	1	4	2	8	3.0	1.6
28	Udupi	3	2	2	3	2	12	2.5	2.4
29	Uttara Kannada	2	1	2	3	4	12	3.5	2.4
30	Yadgiri	NA	NA	2	3	3	8	3.0	1.6
	Total	36	38	50	70	76	270	2.4	1.8

## **State level vigilance and monitoring committee meetings**

### **Finding**

The State level vigilance and monitoring committee (SVMC) has not met in the designated months (January and July, Rule 16 (2)) even once in the last five years. It has met only once off schedule in 27 September 2010 and despite promises, has not met subsequently either. At the meeting it was noted that the SVMC meeting was held after three years and nine months. The SVMC meeting prior to it was on 12 December 2006. Including the off calendar meeting, the SVMC has met only once instead of the required 12 times in the last six years (January 2007 to December 2012).

### **Recommendations**

- a) The Chief Minister should ensure that the SVMC meetings are convened and conducted on time (January and July each year).
- b) The new contingency plan should be issued immediately, taking into account the enhanced compensation norms.
- c) Conduct mass training and awareness programmes for the police, judicial officers (judges, lawyers and DPP) and DVMC members.
- d) Immediately issue a notification to clarify that legal fees in all cases will be borne by the state. That is to rectify the wrong translation by the state government publication of Rule 4(5).

## **Right to information**

### **Finding**

None of the departments concerned (Directorate of Public Prosecutions, Nodal Officer, DCRE or the Karnataka State Commission for Scheduled Castes and Scheduled Tribes) have fulfilled their mandatory obligations under Section 4 (Sections 4(1), 4(2), 4(3) and 4(4)) of the Right to Information Act 2005.

### **Recommendation**

- a) The State Nodal Officer under this Act should take cognisance of this serious lapse and act immediately to ensure that the information, especially the periodic reports under this Act, is put in the public domain and updated in fixed timeframes.
- b) All concerned departments (Social Welfare, DPP, DCRE, LSA) should immediately implement the Section 4 of the RTI by putting up information on the progress of implementation of the Act on the respective websites. All monthly, quarterly and half-yearly reports mandated under this Act should be part of the suo moto declarations.

- c) The DPP should immediately put on its website and update half yearly
  - (i) The quarterly and six monthly performance review of the SPPs
  - (ii) For each SPP the number of cases appeared, cases won (convictions), cases lost (acquittals) otherwise disposed and compromised.
  - (iii) For each judge of the special court, number of cases tried under this Act, convictions, acquittals, otherwise disposed and compromise.
- d) The DCRE should immediately put up for every case, and update monthly,
  - (i) Date of atrocity
  - (ii) Date and number of FIR numbers
  - (iii) Name and designation of officer recording the FIR.
  - (iv) Name and designation of the investigating officer.
  - (v) Date and number of Charge Sheet/B report
  - (vi) Name of SPP
  - (vii) Name of Judge
  - (viii) Judgement/Result
  - (ix) Date of judgement
  - (x) Date of appeal.
- e) The State and District Nodal Officer should put on the website and update monthly/quarterly
  - (i) The contingency plans.
  - (ii) Minutes, ATR and next meeting date and venue of the SVMC/DVMC.
  - (iii) Monthly and quarterly review meeting minutes.
  - (iv) Details of awareness camps.
  - (v) Details of programmes, awareness centres and NGOs provided financial support under 3(ix).
  - (vi) Performance reports of NGOs, protection cell and concerned officials under Rule 9(i).
  - (vii) Details of TA, DA etc paid to the victims, witnesses and their dependents.



## **Annex: Supreme Court of India in Arumugam Servai and others**

Immediate suspension of government officials (DC, SSP and SP) in case of failure to prevent or respond

17. Hence we direct the administrative and police officials to take strong measures to prevent such atrocious acts. If any such incidents happen, apart from instituting criminal proceedings against those responsible for such atrocities, the State Government is directed to immediately suspend the District Magistrate/Collector and SSP/SPs of the district as well as other officials concerned and charge sheet them and proceed against them departmentally if they do not (1) prevent the incident if it has not already occurred but if they have knowledge of it in advance, or (2) if it has occurred, they do not promptly apprehend the culprits and others involved and institute criminal proceedings against them, as in our opinion they will be deemed to be directly or indirectly accountable in this connection.
19. Copy of this judgement shall be sent to all Chief Secretaries, Home Secretaries and Director Generals of Police in all States and Union Territories of India with the direction that it should be circulated to all officers upto the level of District Magistrates and the S.S.P/S.P for strict compliance. Copy will also be sent to the Registrar Generals / Registrars of al High Courts who will circulate it to all Hon'ble Judges of the Court.

*Supreme Court of India in Criminal Appeals 958 of 2011 and 959 of 2011, Arumugam Servai, Ajit Kumar and others Vs State of Tamilnadu, 19 April 2011*