

SCs and STs (Prevention of Atrocities)

A Review of implementation in Tamil Nadu 2016-17



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Implementation of PoA in Tamil Nadu

An analysis through Government Documents 2016-2017

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The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 Review of implementation in Tamil Nadu 2016

Introduction

The Scheduled Castes (SCs, Dalits, Adi-Dravidar) and Scheduled Tribes (STs, Adivasi) are the most disadvantaged communities in India. They have been discriminated against historically and suffered from the most heinous forms of violence and stigma, including ostracisation, systematically abused and exploited both economically and socially.

Unfortunately, all that is not just ‘history’ but present day reality for these socially excluded communities that together make up one in four citizens of India. A survey by the National Council of Applied Economic Research (NCAER-2014), Delhi and the University of Maryland, found that one in four Indians practices untouchability. A total of 40,801 incidents of crime/atrocities against SCs and 6,568 against STs were recorded for the year 2016 by the National Crime Records Bureau (NCRB). Nationally, the conviction rate for crimes against SCs is 25.7% and STs is 20.8%.

To protect these communities from abuse the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Rules 1995 (POA) were enacted by parliament. These were amended in 2015 and 2016 respectively to close the gaps in the law, remove ambiguity in its scope, and give more teeth in its implementation.

Acts and Rules, no matter how good or well intentioned, do not automatically implement themselves. They need to be enforced, and the enforcement needs to be monitored by state mechanisms to ensure that the public servants tasked with its enforcement discharge their duties without fear or favour. The Act makes it mandatory for periodic review and reporting of its implementation - monthly, quarterly, biannually and annually. Now, two years since the amendments, is a good time to evaluate the functioning of the State mechanisms in enforcing the Act and the Rules by active citizens. It is of topical interest following the judgement of the Supreme Court of India diluting the provisions related to arrest in the Act and the alacrity with which the High Court of Gujarat has granted anticipatory bail to 15 people accused of assaulting a Dalit man on 21 March 2018.

The Status Report is a tool to improve transparency, accountability and effectiveness of State mechanisms. This information is to facilitate evidence-based multi-actor engagement for improving operations, transparency, performance of state mechanisms and monitoring the implementation of the rule of law. It will also help to identify issues, proactively address them and measure the progress. It also can be a step to better implementation of rule of law so that the culture of human rights is promoted and the culture of impunity is progressively reduced.

The report and the State Multi Actor Round Table (SMART) is an opportunity for the state, civil society and communities to collectively identify the gaps in implementation and correct it, and to be proactive, which is what ‘prevention’ is all about. Status reports help monitor state mechanisms to keep track of implementation and helps identify risks and other challenges that need to be addressed. This Report focuses on gaps between the existence of Acts and Rules and their actual implementation, duties and the functioning of state mechanisms. It is based on the data provided by the government through Annual Reports, State Crime Records Bureau (SCRB) data and requests under the Right to Information Act 2005 (RTI). To the degree possible, we have quoted verbatim from the government reports. The variations in the data are because the same information differs from department to department.

The findings in this report are from information obtained under RTI from various state and central government reports and departments including the Annual Report on the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 for the calendar year 2015 (hereafter ‘Annual Report’) and Annual Report 2016 of the Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu (GoTN). It is the result of a year’s work by HRF, anchored by M.S.Porkodi collecting data from multiple sources, through RTIs and innumerable appeals, follow ups and analysis. She was supported by the HRF team especially by Revathy who did the data verification, and Kumaresan the translation. Unusually for Tamil Nadu, the Annual Report, the DVMC meeting minutes and the SCRB data were not available online.

In addition, this booklet contains a toolkit to help monitor the progress of a case, the functioning of the state mechanisms at the district and state levels (SVMC and DVMC) and a monitoring calendar. A case can be monitored step by step from before an incident, filing the FIR, the investigation stage, the judicial process up to conviction, or appeal in case of acquittal. The procedure to get the compensation and allowances at each stage, to ensure that the protection mechanisms at the district and state level actively monitor the progress of the case are also given. They will help ensure that the rights of the survivors, witnesses and their dependents are protected, Human rights defenders can use them to monitor at the case, district or state level according to their inclination and need.

It is our hope that the status report becomes a tool for better implementation of the Act and leads to better cooperation of the state, civil society and the community in better implementation of the Act to fulfil our constitutional vision of a casteless society.

The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 Review of implementation in Tamil Nadu 2016

Key findings

There are four recorded crimes a day against the Scheduled Castes (SCs) and Scheduled Tribes (STs) in Tamil Nadu - one every six hours. Each week there is a murder (57 per annum) and a rape (40) of a Dalit, and two riots (113) against the community. The Dalits bear the brunt of these recorded crimes, including all the murders and attempt to murders (78), riots (113) and all other major crimes but for one rape of an Adivasi (ST). The figures could indicate severe under recording of crimes against STs and/or the normalisation of violence against them.

- Recorded cases** were 1,476 for the year 2016 down 19% from 1,822 in 2015 (Annual Report 2016 and 2015) with an average crime rate of 14.1. The State Crime Records Bureau (SCRB) records show that Madurai (270) Tirunelveli (139) and Thoothukkudi (122) had the highest recorded instances. A disproportionate number of the cases (270, 17.29% of the state total) have been recorded in Madurai, with a crime rate of 127.4. It is the only district to register a case under The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (PEMSRA). It strongly suggests **under-recording in other districts under both POA and PEMSRA**.
- Investigation:** Four of five cases investigated (78.97%) result in a charge sheet (1010 charge sheets from 1279 cases investigated). Eight districts report 100% charge sheeting of crimes against SCs and STs for which investigation is complete. Another six have 90% or more. Kanyakumari has charge sheeted 0% (the one case investigated was closed as 'mistake of fact or law'. Including Kanyakumari, 12 districts have a charge sheet rate of less than 80%. Eight districts have a greater than 25% rate of cases disposed off as 'mistake of fact or law'. Fifteen districts had 0% under 'mistake of fact or law'. Madurai, which investigated 254 cases found only 3 (1.2%) to be under that category. No cases were withdrawn by the government during investigation or not investigated under 157-1-b-CrPC. No case ended as 'Final report false' or 'Ended as Final Report as Non Cognizable Submitted'.
Timeliness: One Deputy Superintendent of Police (DSP) has been appointed in each district under the Social Justice and Human Rights Wing of the police exclusively to investigate crimes under the Act. However, only one in three (34%) investigation have been completed the on time (within 60 days) as stipulated by the law. 66% were not completed on time. The average workload per DSP comes to just 41 cases a year under this Act - less than one case a week (1306 cases for 32 DSPs). The average number of investigations completed per month is just 3.3 per DSP. Only DSPs of seven districts (Thoothukkudi, Coimbatore, Theni, Dindigul, Virudhunagar, Tirunelveli and Madurai) have completed more than a case a week. DSPs of Tirunelveli (12) and Madurai (21) have completed investigation of most cases per month. DSPs in six districts (Thiruvallur, Kanyakumari, Perambalur, Kancheepuram, Chennai and Krishnagiri) have completed less than one investigation a month on average - and still have pending cases at the end of the year.
- Cases in court:** There were a total of 4,116 cases pending from 2015, to which another 1,010 cases for which investigations were completed were sent to court making a total of 5,126 cases in all. Of them, only 989 were completed, with a pendency rate of 81%. It is not clear how many are completed within two months as envisaged in Section 14(2) of the Act.
District level pendency: No cases were completed the whole year in the Nilgiris, Perambalur and Kanyakumari. In half the districts (16 of 32) the number of pending cases actually increased by up to 55%.
One case was compounded or withdrawn - which is illegal since there is no such provision under the Act.
- Acquittal:** There have been 2825 acquittals from 2015 to 2017. The number of acquittals is increasing - 826 in 2015, 942 in 2016 (14% over 2015) and 1,007 in 2017 (7% over 2016).
Cases acquitted: The state level acquittal rate is 92.21% (national SCs is 74.3% and STs is 79.2%). 12 districts had 100% acquittal rate - Ramanathapuram, Tiruppur, Thiruvarur, Pudukkottai, Thiruvallur, Thanjavur, Theni, Chennai, Thiruvanamalai, Coimbatore, Dindigul and Cuddalore. In Ramanathapuram, a stunning 102 cases all resulted in acquittals. The other outliers are Tiruppur (45 cases all acquitted), Thiruvarur (38), Theni (47) and Coimbatore (36).
Persons acquitted: 2,242 (94%) of 2,587 accused were acquitted by by courts. 12 districts - Chennai,

Coimbatore, Cuddalore, Dindigul, Pudukkottai, Ramanathapuram, Thanjavur, Theni, Thiruvallur, Thiruvarur, Tiruppur and Thiruvanamalai - that have a 100% acquittal rate, i.e. without a single person being found guilty. The acquittal is particularly high in Cuddalore (203), Pudukkottai (165), Ramanathapuram (133) and Theni (108). Others with acute lopsidedness are Thoothukkudi (convicted=1, acquitted=133), Dharmapuri (1, 99), Villupuram (47, 594) and Tirunelveli (5, 188).

5. **Appeals:** The government has not gone on appeal against acquittal even in a single case. The standard reason given in the annual reports 2015 and 2016 is '*Legal opinion is being sought on the point of appeals to be preferred against the acquittals*'.
6. **Travel and Maintenance Expenses:** Rs 1 million has been sanctioned per district for Travel and Maintenance Expenses (TAME). Yet only three districts (Erode 65, Thiruvallur 4, Thiruvanamalai 2) report that they have actually disbursed the money, to a total of 71 witnesses and survivors during the year 2016. In 2015 too only (another) three districts (Nilgiris 5, Ramanathapuram 15 and Theni 10) reported on TAME provided for 30 persons.
7. **Compensation:** Less than one in 10 survivors (76 of 916, 8%) got the compensation/relief within the stipulated time of 7 days. Of the 1562 cases almost sixty percent (59%) did not get any relief amount during the year 2016. Of the 5,104 victims only 1,663 were paid compensation (Annex V Annual report 2016) and 3,441 victims were not.
8. **Special courts:** Only six of 32 Exclusive Special Courts have been set up – despite the government order for 16 additional exclusive special courts was passed in 6 April 2017 itself. In the remaining districts the existing Sessions Courts are designated as Special Courts and empowered to try the cases under POA and PCRA. Given the increasing pendency, it is important that more exclusive special courts are set up. Virudhunagar (246 pending cases) and Thiruvanamalai (235) are a priority based on the number of pending cases.
9. The **State Vigilance and Monitoring Committee** (SVMC) has been constituted but has not met since 2013. The total compliance of this rule is 7.1% - just 3 of the mandated 42 SVMC meetings have been conducted till date. J Jayalalithaa conducted 2 meetings and K Karunanidhi conducted 1. Consolidated figures party-wise are: AIADMK conducted two meetings out of the required 22 and DMK only one of the required 20 during their terms in office.
10. The **District Vigilance and Monitoring Committees** (DVMC) have been constituted, but only 214 (55.73%) DVMC meetings were held during the last 3 years (2015-2017). None conducted all the 12 mandatory quarterly meetings. Despite all the 'strict instructions' and 'exclusive' monitoring, in 2016, four districts (Trichy, Sivagangai, Chennai and Madurai) did not conduct a single DVMC meeting, 9 conducted only one (Kancheepuram, Kanyakumari, Karur, Pudukkottai, Thiruvallur, Thiruvanamalai, Thanjavur, Villupuram, Cuddalore), 11 conducted two and 8 conducted three. None conducted the mandatory four quarterly meetings. In 2017, 4 districts (*Erode, Tirunelveli, Cuddalore, Trichy*) have met only once.
11. **Periodic Reports and Reviews: Monthly reports** (Rule 4(4)) are not being sent (RTI Reply No.23048/RTI No.2/PA2/2017-1, Dated:5.1.2018) despite claims to the contrary by the Government of Tamil Nadu (Annual report 2016, Annex XVII). **Quarterly reviews of the cases** are not being done (Rule (7(3)) (RTI Reply No.23047/RTI No.1/PA2/2017-1 Dated:5.1.2018). **Performance reviews** of the special public prosecutors (Rule 14 (2)) are not being done. (RTI Reply 13952/POA/ (1)/ 2017-10, Dated:15.11.2017).
12. **No action against officials:** No action has been taken against the errant officials (DSP or the Special Public Prosecutor), despite the high and increasing rate of acquittals (48% in 2015, 64% in 2016, 73% in 2017) (C.No.B2/519/2017 Dated: 12.03.2018). The High Level Committee set up on the orders of the Supreme Court of India (Criminal Appeal No 1485 of 2008 in State of Gujarat Versus Kishanbhai) by the Government of Tamil Nadu at the state and district levels (vide (Ms) No.956, Home (Pol) 12) dept. Date 23.12.2015 and 24.03.2016) has not fixed the responsibility either. No action has been taken against any official under Section 4(2) despite documented evidence (cited above) of dereliction of duty and/or incompetence. (Letter No.1312./RTI No.22/PA2/2018-1 Dated: 29.01.18)
13. **Atrocity prone villages:** From 2014 to 2017, the atrocity prone villages (APV) reduced from 323 to 223 and the number of 'highly sensitive' among APVs reduced from 142 to 73. But the total number of APVs and

dormant APVs has increased from 471 to 597. The increase of 126 villages could indicate a more widespread, low intensity social conflict.

14. **A Model Contingency Plan** has been prepared based on the Amended Act 2015 and the Amended Rules 2016. It was notified on 1 September 2017 in the State Gazette.

We also find variations between the Annual Report (section 21(4)) sent by the Government of Tamil Nadu (GoTN) to the Government of India (GoI) and ground situation. For instance:

- The annual report 2016 says that '*this government is taking steps to notify the contingency plan*'. However, an RTI application got the reply that it was still 'under examination of the Government' as late as July 2017. (RTI Reply No.12280/RTI No.148/PA-2/2017-1, Dated: 14.07.2017) It was finally published in the gazette on 1 September 2017. (RTI Reply No.14828/RTI No.208/PA2/2017-2, Dated:12.10.2017).
- The annual reports of 2015 and 2016 say that the periodic reports are being sent. As shown above, that is simply not true (or if true then the RTI replies are not).
- The Annual Report mentions 1476 registered incidents in the calendar year 2016. As per SCRB records, there were 1562 registered incidents in calendar year 2016.

**The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989
Review of implementation in Tamil Nadu 2016-17**

1. Scheduled Castes and Scheduled Tribes in Tamil Nadu

Tamil Nadu is the eleventh-largest state in India by area and the sixth-most populous. Four states account for nearly half of the country's Scheduled Castes (SCs) population, reveals the 2011 census. Tamil Nadu stands fourth among states with 7.2% of the total Scheduled Caste population in India. Uttar Pradesh with 20.5% followed by West Bengal with 10.7% and Bihar with 8.2%. Scheduled Castes form around 16.6% of India's total population. According to the Census of India 2011, of the 72.1 million population of Tamil Nadu, Scheduled Castes are 14.4 million (20.01%).



The population of Scheduled Tribes (STs) in India is 104.5 million (8.6% of the total). With just under 0.8 million (794,697) Tamil Nadu stands twenty third in the Schedule Tribe population in India. They live in 20 of the 32 districts in Tamil Nadu and form 1.1% of the population.

There are around 7,627,387 women among the total SCs and STs population and 7,605,755 men. The sex ratio works out to more female than male. Nearly 67% of the SCs and STs population lives in rural areas.

SI		SC		ST		Total Tamil Nadu	
		Number	%	Number	%	Number	%
1	Total	14,438,445	20.01	794,697	1.10	72,147,030	100%
3	Male	7,204,687	49.90%	401,068	50.47%	36,137,975	50.08%
5	Female	7,233,758	50.10%	393,629	49.53%	36,009,055	49.91%
7	Urban	4,962,970		134,417		34,917,440	
8	Rural	9,475,475		660,280		37,229,590	

Villupuram (1,015,716), Kancheepuram (9,48,081), Vellore (860,212), Thiruvallur (821,646), Chennai (779,667) and Cuddalore (763,944) districts have the most population from the Scheduled Castes, about 36% of the total Scheduled Caste population in the state in 2011 (Census of India). According to the Census of India 2011, Salem (119,369), Thiruvanamalai (90,954), Vellore (72,955), Villupuram (74,859) and Dharmapuri (63,044) have the most number of Scheduled Tribes.

2. Overview of the status of offences of atrocities against SCs and STs

According to the Annual Report for the calendar year 2016, total number of 1,476 offenses were recorded against SCs and STs in Tamil Nadu for the year 2016 down from 1,822 in 2015, 1,636 in 2014 and 1,633 in 2013. That means there are four crimes a day against SCs and STs in Tamil Nadu - one every six hours. Each week there is a murder (57 per annum) and a rape (40) of a Dalit. There are two riots a week against the community. The Dalits bear the brunt of these recorded crimes, including all the murders and attempt to murders (78), riots (113) and all other major crimes but for one rape of an Adivasi (ST). The table below could indicate the severe under recording of crimes against STs and/or the normalisation of violence against them.

Curiously, the Annual Reports for the calendar years 2015 and 2016 prepared by the Government of Tamil Nadu under Rule 18 of the Act says that *This is due to free registration of cases and also an increased awareness among the people regarding the various provisions of the Act including the monetary relief.*

It is not clear whether the decrease in recorded crimes between the years 2015 and 2016 means that there is decrease in awareness or monetary relief in those years. Else it is a defamatory statement (mentioned in both reports) to the community and victims, and an admission of corruption and collusion by the Superintendent of Police in each district since he is the one who causes the FIR to be filed after a spot investigation (Rule 12(2)).

Sl.No.	Crime Head	SCs	STs	Total
1	Murder	57	0	57

SI.No.	Crime Head	SCs	STs	Total
2	Attempt to Commit Murder	78	0	78
3	Rape	40	1	41
4	Attempt to Commit Rape	1	0	1
5	Assault on Women with Intent to Outrage her Modesty	25	0	25
6	Sexual Harassment	9	0	9
7	Assault on women with intent to disrobe	3	0	3
8	Stalking	1	0	1
9	Other Sexual Harassment	12	0	12
10	Kidnapping & Abduction	8	0	8
11	Arson	2	0	2
12	Grievous Hurt	5	0	5
13	Hurt	5	0	5
14	Riots	113	0	113

3. Registration of cases as per provisions of the PoA Act

Section 3 of the Act lists the offences under the Act. More crimes were identified and included by the 2016 amendment.

At the outset, it must be pointed out that there is discrepancy in the numbers. As per SCRB Report 2016, there were 1,562 recorded cases under the Act, but as per NCRB Report there were 1,291 cases recorded during 2016. This is despite the fact that *for collection of statistical information concerning SC/ST (POA) (Amendment) Act, 2015, one Statistical Inspector is attached to each Unit, and is assisted by the staff of SJHR Units (annual report 2016).*

The highest number of incidences recorded are in Madurai (270) followed by Tirunelveli (139) and Thoothukkudi (122). This shows a combination of awareness of the community and sensitivity of the police, especially in Madurai which has a recorded rate (127.4), a high contribution to the state total (17.29) and is the only district to register a case under The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (PEMSRA). In other districts the police are not as alert nor are the citizens as assertive. The low records could mean rampant under-recording rather than absence of crime against the scheduled communities, especially the Adivasis (STs).

SI	District	Incidence	PCRA	POA	IPC	PEMSRA	SLL	Crime rate	Incidence rate in total incidence	Incidence Rank
1	Ariyalur	46	0	19	26	0	1	26.1	2.94	11
2	Chennai	10	3	7	0	0	0	1.4	0.64	26
3	Coimbatore	56	0	37	19	0	0	22.8	3.59	9
4	Cuddalore	25	0	25	0	0	0	10.2	1.6	23
5	Dharmapuri	23	0	20	0	0	3	14.8	1.47	24
6	Dindigul	62	0	61	0	0	1	13.6	3.97	7
7	Erode	28	1	27	0	0	0	7.3	1.79	21
8	Kanchipuram	5	0	5	0	0	0	0.5	0.32	29
9	Kanyakumari	5	0	3	0	0	2	6.2	0.32	30
10	Karur	15	0	15	0	0	0	6.4	0.96	25
11	Krishnagiri	9	0	9	0	0	0	3	0.58	27
12	Madurai	270	0	263	0	1	0	127.4	17.29	1

SI	District	Incidence	PCRA	POA	IPC	PEMSRA	SLL	Crime rate	Incidence rate in total incidence	Incidence Rank
13	Nagapattinam	46	0	5	41	0	0	8.9	2.94	12
14	Namakkal	38	0	38	0	0	0	12.2	2.43	18
15	Nilgiris	2	0	0	1	0	1	3.7	0.13	32
16	Perambalur	9	0	6	0	0	3	4.9	0.58	28
17	Pudukkottai	46	0	40	0	0	0	15.4	2.94	13
18	Ramanathapuram	46	0	46	0	0	0	17.6	2.94	14
19	Salem	41	0	34	1	0	6	13.6	2.62	16
20	Sivagangai	78	0	22	55	0	1	33.1	4.99	5
21	Thanjavur	79	0	79	0	0	0	16.9	5.06	4
22	Theni	60	0	60	0	0	0	23.2	3.84	8
23	Thiruvallur	5	0	139	0	0	0	5.7	0.32	31
24	Thiruvarur	28	0	5	0	0	0	6.3	1.79	22
25	Thoothukkudi	122	0	49	4	0	1	60.2	7.81	3
26	Tirunelveli	139	0	28	0	0	0	48.8	8.9	2
27	Tiruppur	42	0	52	61	0	9	18.2	2.69	15
28	Tiruvannamalai	55	0	40	0	0	2	17.3	3.52	10
29	Trichy	29	0	29	0	0	0	17.3	1.86	20
30	Vellore	39	0	39	0	0	0	4.5	2.5	17
31	Villupuram	38	0	38	0	0	0	12.8	2.43	19
32	Virudhunagar	66	0	66	0	0	0	16.6	4.23	6
	State Total	1562	4	1306	221	1	30	14.1		

PCRA= Protection of Civil Rights Act, 1955
 IPC= Crimes Committed against SCs and STs in which the Indian Penal Code (IPC) was invoked and POA was not.
 PEMSRA=The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013
 SLL= Other Special Local Law (SLL) Crimes Against SCs and STs

Only a single case has been registered under the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (PEMSRA). Most manual scavengers belong to the Scheduled Castes. It is widely reported in the mass media that 11 manual scavengers were killed in Tamil Nadu during 2014-16, The majority of sanitary workers and manual scavengers in Tamil Nadu belong to the following Scheduled Castes: Adi Andhra; Arunthathiyar; Chakkiliyan; Domban; Kuravan; Madari Madiga; Pagadai; and Thoti, though they are commonly referred to as 'Arunthathiyar'. The Census of India for 2001 and 2011 lists all these castes separately. The Kattunayakan, who are classified as Scheduled Tribes, are also among the communities engaged in sanitary work and manual scavenging. Yet, but for the lone case registered under POA in 2016 in Madurai, this is strangely absent in the records.

Not all crimes against SCs and STs are recorded under POA. The highest rate of denial of registration of crimes against SCs and STs but not registered under POA has been in the Nilgiris (100%) followed by Nagapattinam (89%) and Sivagangai (71.8%). Ten districts, including the state capital Chennai (Nilgiris, Nagapattinam, Sivagangai, Ariyalur, Thoothukkudi, Kanyakumari, Coimbatore, Perambalur, Chennai and Salem) fall below the state average of 16.39% denial. However, it is heartening to note that all crimes against SCs and STs were registered under POA Act in 15 districts (Cuddalore, Kanchipuram, Karur, Krishnagiri, Namakkal, Ramanathapuram, Thanjavur, Theni, Tirunelveli, Thiruvallur, Thiruvarur, Trichy, Vellore, Villupuram and Virudhunagar).

SI	District	Incidence	Total cases under POA	Total Crimes Against SCs&STs	POA Cases/ Total Cases	Denial %	Denial Rank
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			I	V	R	I	V	R	%		
1	Ariyalur	46	19	21	11	46	54	26.1	41.30	58.70	4
2	Chennai	10	7	7	1	10	10	1.4	70.00	30.00	9
3	Coimbatore	56	37	37	11	56	56	22.8	66.07	33.93	7
4	Cuddalore	25	25	25	10	25	25	10.2	100.00	0.00	18
5	Dharmapuri	23	20	24	11	23	27	14.8	86.96	13.04	12
6	Dindigul	62	61	61	13	62	62	13.6	98.39	1.61	17
7	Erode	28	27	34	7	28	35	7.3	96.43	3.57	15
8	Kancheepuram	5	5	5	0.5	5	5	0.5	100.00	0.00	18
9	Kanyakumari	5	3	3	3.7	5	5	6.2	60.00	40.00	6
10	Karur	15	15	15	6.4	15	15	6.4	100.00	0.00	18
11	Krishnagiri	9	9	9	10	9	10	3	100.00	0.00	18
12	Madurai	270	263	263	125	270	270	127	97.41	2.59	16
13	Nagapattinam	46	5	5	1	46	46	8.9	10.87	89.13	2
14	Namakkal	38	38	38	12	38	38	12.2	100.00	0.00	18
15	Nilgiris	2	0	0	0	2	2	3.7	0.00	100.00	1
16	Perambalur	9	6	6	3.3	9	9	4.9	66.67	33.33	8
17	Pudukkottai	46	40	41	13	46	47	15.4	86.96	13.04	11
18	Ramanathapuram	46	46	62	18	46	62	17.6	100.00	0.00	18
19	Salem	41	34	54	8.7	41	61	13.6	82.93	17.07	10
20	Sivagangai	78	22	22	9.3	78	78	33.1	28.21	71.79	3
21	Thanjavur	79	79	79	17	79	79	16.9	100.00	0.00	18
22	Theni	60	60	60	23	60	60	23.2	100.00	0.00	18
24	Thiruvallur	5	5	5	5.7	5	5	5.7	100.00	0.00	18
26	Thiruvarur	28	28	34	6.3	28	34	6.3	100.00	0.00	18
27	Thoothukkudi	122	52	53	40	122	139	60.2	42.62	57.38	5
23	Tirunelveli	139	139	141	49	139	141	48.8	100.00	0.00	18
28	Tiruppur	42	40	40	18	42	42	18.2	95.24	4.76	14
25	Thiruvanamalai	55	49	76	12	55	82	17.3	89.09	10.91	13
29	Trichy	29	29	29	17	29	29	17.3	100.00	0.00	18
30	Vellore	39	39	39	4.5	39	39	4.5	100.00	0.00	18
31	Villupuram	38	38	54	13	38	54	12.8	100.00	0.00	18
32	Virudhunagar	66	66	78	17	66	78	16.6	100.00	0.00	18
	State Total	1562	1306	1420	0	1562	1699	14.1	83.61	16.39	

I = Number of Incidents; V = Number of Victims; R = Crime Rate (Number of crimes per 100,000 population)

No cases were withdrawn by the government during investigation or not investigated under 157-1-b-CrPC (officer in charge of a police station shall not investigate the case if it appears that there is no sufficient ground for entering on an investigation). No case ended as 'Final report false' or 'Ended as Final Report as Non Cognizable Submitted'.

4. Investigation of the case and filing of charge sheet within sixty days

Rule 7(2) mandates that the investigations be complete and the charge sheet be filed in 60 days.

Four of five cases investigated (78.97%) result in a charge sheet (1010 charge sheets from 1279 cases investigated). Eight districts (Kancheepuram, Nagapattinam, Nilgiris, Perambalur, Thiruvallur, Thiruvanamalai, Vellore and Villupuram) report 100% charge sheeting of crimes against SCs and STs for which investigation is complete. Another six (Thanjavur, Chennai, Theni, Madurai, Salem, Thiruvarur) have 90% or more. Kanyakumari has charge sheeted 0% (the one case investigated was closed as 'mistake of fact or law'. Including Kanyakumari,

12 districts have a charge sheet rate of less than 80% (Tirunelveli, Thoothukkudi, Namakkal, Krishnagiri, Tiruppur, Virudhunagar, Dindigul, Erode, Pudukkottai, Dharmapuri and Cuddalore).

Apart from Kanyakumari (1 of 1 case, 100%), seven districts have a high rate of cases disposed off as ‘mistake of fact or law’: Pudukkottai (13 of 47, 28%), Erode (7 of 25, 28%), Dindigul (20 of 69, 29%), Thoothukkudi (14 of 48, 29%) Tirunelveli (45 of 139, 32%), Tiruppur (16 of 45, 36%) and Namakkal (16 of 43, 37%). Fifteen districts had 0% under this category. Madurai, which investigated 254 cases found only 3 (1.2%) to be mistake of fact or law.

Table 5: Police Disposal of Crime/ Atrocities Against SCs & STs Cases 2016

SI	District	PI 2015	Rep 2016	Tr	MF	CS	NCS	TI	PI 2016	CS %	CIPM
1	Ariyalur	3	19	0	2	10	0	12	10	83.33	1.00
2	Chennai	27	7	0	0	10	1	11	23	90.91	0.92
3	Coimbatore	22	37	0	5	46	1	52	7	88.46	4.33
4	Cuddalore	18	25	0	0	30	8	38	5	78.95	3.17
5	Dharmapuri	11	20	0	6	23	1	30	1	76.67	2.50
6	Dindigul	19	61	0	20	49	0	69	11	71.01	5.75
7	Erode	4	27	0	7	18	0	25	6	72.00	2.08
8	Kanchipuram	0	5	0	0	3	0	3	2	100.00	0.25
9	Kanyakumari	3	3	0	1	0	0	1	5	0.00	0.08
10	Karur	11	15	0	0	15	2	17	9	88.24	1.42
11	Krishnagiri	4	9	0	0	7	4	11	2	63.64	0.92
12	Madurai	110	263	0	3	230	21	254	119	90.55	21.17
13	Nagapattinam	0	5	0	0	5	0	5	0	100.00	0.42
14	Namakkal	10	38	0	16	26	1	43	5	60.47	3.58
15	Nilgiris	2	0	0	0	2	0	2	0	100.00	0.17
16	Perambalur	4	6	0	0	2	0	2	8	100.00	0.17
17	Pudukkottai	9	40	0	13	34	0	47	2	72.34	3.92
18	Ramanathapuram	18	46	0	0	37	8	45	19	82.22	3.75
19	Salem	33	34	0	2	18	0	20	47	90.00	1.67
20	Sivagangai	17	22	2	3	28	3	34	3	82.35	2.83
21	Thanjavur	45	79	0	1	26	1	28	96	92.86	2.33
22	Theni	11	60	0	0	58	6	64	7	90.63	5.33
23	Thiruvallur	8	5	0	0	1	0	1	12	100.00	0.08
24	Thiruvarur	10	28	0	0	18	2	20	18	90.00	1.67
25	Thoothukkudi	8	52	0	14	29	5	48	12	60.42	4.00
26	Tirunelveli	93	139	0	45	72	22	139	93	51.80	11.58
27	Tiruppur	15	40	0	16	29	0	45	10	64.44	3.75
28	Tiruvannamalai	12	49	0	0	31	0	31	30	100.00	2.58
29	Trichy	30	29	0	1	37	5	43	16	86.05	3.58
30	Vellore	33	39	0	0	22	0	22	50	100.00	1.83
31	Villupuram	11	38	0	0	42	0	42	7	100.00	3.50
32	Virudhunagar	19	66	0	18	52	5	75	10	69.33	6.25
	Total	620	1306	2	173	1010	96	1279	645	78.97	3.33

PI=Pending investigation; Rep=Reported; Tr=Cases Transferred to other Police station or Magistrate; MF=Cases Ended as Mistake of Fact or of Law; CS=Cases Chargesheeted; NCS=Cases Not Chargesheeted but Final Report Submitted;

TI=Total Cases Investigated; CS % =Percentage Chargesheeted; CIPM= Average cases investigated per month (total investigations completed in a year divided by 12).

Despite having one DSP per district under SJHR wing, the record of investigations does not inspire confidence. In 2016, of the total 723 charge sheets filed, only 247 (34%) fulfilled that criteria (Annual Report 2016). This would halve if the total recorded cases of crimes against SCs and STs in 2016 are considered. A total of 2,173 cases of crimes against SCs and STs were for investigation (including 643 cases reported during 2015), 704 cases were pending for investigation at the end of the year 2016. 32% of cases were pending for investigation (State Crime Records Bureau 2016).

The average workload per DSP comes to just 41 cases a year under this Act, 3.3 cases a month - less than one case a week (1306 cases for 32 DSPs). It seems quite unusual that charge sheets are filed on time in only 34% of the cases and there is such a high pendency rate (32%) for investigation. Some DSPs under the SJHR wing have little workload, yet the pendency is high. Only DSPs of seven districts (Thoothukkudi, Coimbatore, Theni, Dindigul, Virudhunagar, Tirunelveli and Madurai) have completed more than one investigation a week on average. DSPs of Tirunelveli (12) and Madurai (21) have completed investigation of most cases per month. DSPs in six districts (Thiruvallur, Kanyakumari, Perambalur, Kancheepuram, Chennai and Krishnagiri) have completed less than one investigation a month on average, and still have pending cases at the end of the year. DSPs in Nilgiris and Nagapattinam have no pending cases at the end of the year. DSPs of Dharmapuri (completed 30, pending 1) and Pudukkottai (47, 2) also have impressive records.

5. Cases in court and their disposal

5.1 Cases in court

There were a total of 4,116 cases pending from 2015, to which another 1,010 cases for which investigations were complete were sent to court making a total of 5,126 cases in all. Of them, only 989 were completed, with a pendency rate of 81%. The caseload is increasing by about half a percentage, meaning more cases are coming to court (1010) than the courts are able to clear in a year (989).

At the district level however, the pendency rates are a cause for concern. No cases were completed the whole year in the Nilgiris, Perambalur and Kanyakumari. In half the districts (16 of 32) Thanjavur, Perambalur, Vellore, Theni, Ariyalur, Chennai, Thiruvanamalai, Virudhunagar, Salem, Coimbatore, Namakkal, the Nilgiris, Dindigul, Cuddalore, Madurai and Trichy - the number of pending cases actually increased by up to 55%.

One case was compounded or withdrawn - which is illegal since there is no such provision under the Act.

5.2. Convictions and acquittals

Of considerable concern is the rate of acquittal. The state level acquittal rate is 92.21%. Apart from the three districts that did not complete a single case, 12 districts had 100% acquittal rate - Ramanathapuram, Tiruppur, Thiruvarur, Pudukkottai, Thiruvallur, Thanjavur, Theni, Chennai, Thiruvanamalai, Coimbatore, Dindigul and Cuddalore. In Ramanathapuram, a stunning 102 cases resulted in acquittals. The other outliers are Tiruppur (45 cases all acquitted), Thiruvarur (38), Theni (47) and Coimbatore (36).

Table 6: Court Disposal Of Cases of Crime/ Atrocities Against SCs & STs 2016

SI	District	PT 2015	Trial 2016	Total Trial	CW	TC	Con	Acq	PT 2016	IIP%	Acq %
1	Ariyalur	23	10	33	0	8	1	7	25	8.70	87.50
2	Chennai	22	10	32	1	7	0	7	24	9.09	100.00
3	Coimbatore	54	46	100	0	36	0	36	64	18.52	100.00
4	Cuddalore	56	30	86	0	11	0	11	75	33.93	100.00
5	Dharmapuri	60	23	83	0	46	1	45	37	-38.33	97.83
6	Dindigul	147	49	196	0	9	0	9	187	27.21	100.00
7	Erode	61	18	79	0	42	1	41	37	-39.34	97.62
8	Kancheepuram	98	3	101	0	7	5	2	94	-4.08	28.57

SI	District	PT 2015	Trial 2016	Total Trial	CW	TC	Con	Acq	PT 2016	IIP%	Acq %
9	Kanyakumari	22	0	22	0	0	0	0	22	0.00	-
10	Karur	21	15	36	0	26	1	25	10	-52.38	96.15
11	Krishnagiri	70	7	77	0	7	1	6	70	0.00	85.71
12	Madurai	342	230	572	0	69	14	55	503	47.08	79.71
13	Nagapattinam	85	5	90	0	30	17	13	60	-29.41	43.33
14	Namakkal	84	26	110	0	9	1	8	101	20.24	88.89
15	Nilgiris	8	2	10	0	0	0	0	10	25.00	-
16	Perambalur	42	2	44	0	0	0	0	44	4.76	-
17	Pudukkottai	142	34	176	0	41	0	41	135	-4.93	100.00
18	Ramanathapuram	144	37	179	0	102	0	102	77	-46.53	100.00
19	Salem	98	18	118	0	3	1	2	115	17.35	66.67
20	Sivagangai	401	28	429	0	73	8	65	356	-11.22	89.04
21	Thanjavur	136	26	162	0	21	0	21	141	3.68	100.00
22	Theni	142	58	200	0	47	0	47	153	7.75	100.00
23	Tirunelveli	59	1	60	0	2	0	2	58	-1.69	100.00
24	Thiruvallur	124	18	142	0	38	0	38	104	-16.13	100.00
25	Tiruvannamalai	156	29	185	0	49	1	48	136	-12.82	97.96
26	Thiruvarur	474	72	546	0	102	3	99	444	-6.33	97.06
27	Thoothukkudi	92	29	121	0	45	0	45	76	-17.39	100.00
28	Tiruppur	208	31	239	0	4	0	4	235	12.98	100.00
29	Trichy	52	37	89	0	8	1	7	81	55.77	87.50
30	Vellore	152	22	174	0	11	1	10	163	7.24	90.91
31	Villupuram	325	42	367	0	114	19	95	253	-22.15	83.33
32	Virudhunagar	216	52	268	0	22	1	21	246	13.89	95.45
	Total	4116	1010	5126	1	989	77	912	4136	0.49	92.21

PT=Pending trial; CW=Compounded or Withdrawn; TC=Trials Completed; Con = Cases Convicted; Acq=Acquitted or Discharged; IIP%= Increase in Pendency; Acq%=Acquittal Rate

The same pattern holds when the number of persons acquitted is taken into account. 2,242 (94%) of 2,587 accused were acquitted by courts. 938 persons were acquitted in 12 districts - Chennai, Coimbatore, Cuddalore, Dindigul, Pudukkottai, Ramanathapuram, Thanjavur, Theni, Thiruvallur, Thiruvarur, Tiruppur and Thiruvannamalai - that have a 100% acquittal rate, i.e. without a single person being found guilty. The acquittal numbers are particularly high in Cuddalore (0, 203), Pudukkottai (0, 165), Ramanathapuram (0,133), Theni (0, 108). Others with acute lopsidedness are Thoothukkudi (1, 133), Dharmapuri (1, 99), Villupuram (47, 594) and Tirunelveli (5, 188). The rest seem better, but only in comparison.

SI.No.	District	Persons Arrested during the Year	Persons Charge sheeted	Persons Convicted	Persons Acquitted	Percentage Acquitted
1	Ariyalur	87	24	1	10	90.91
2	Chennai	9	14	0	7	100.00
3	Coimbatore	58	84	0	82	100.00
4	Cuddalore	100	126	0	203	100.00
5	Dharmapuri	33	82	1	99	99.00

Sl.No.	District	Persons Arrested during the Year	Persons Charge sheeted	Persons Convicted	Persons Acquitted	Percentage Acquitted
6	Dindigul	172	163	0	35	100.00
7	Erode	50	42	1	58	98.31
8	Kanchipuram	6	5	5	14	73.68
9	Kanyakumari	7	0	0	0	-
10	Karur	23	36	1	84	98.82
11	Krishnagiri	9	21	2	9	81.82
12	Madurai	611	361	33	114	77.55
13	Nagapattinam	5	5	17	13	43.33
14	Namakkal	56	46	1	14	93.33
15	Nilgiris	0	2	0	0	-
16	Perambalur	23	2	0	0	-
17	Pudukkottai	60	76	0	165	100.00
18	Ramanathapuram	62	40	0	133	100.00
19	Salem	46	47	2	2	50.00
20	Sivagangai	83	80	20	100	83.33
21	Thanjavur	299	76	0	61	100.00
22	Theni	188	173	0	108	100.00
23	Thiruvallur	5	1	0	14	100.00
24	Thiruvarur	75	47	0	61	100.00
25	Thoothukkudi	80	64	1	133	99.25
26	Tirunelveli	282	153	5	188	97.41
27	Tiruppur	47	54	0	57	100.00
28	Thiruvanamalai	117	117	0	12	100.00
29	Trichy	98	88	1	16	94.12
30	Vellore	42	22	1	10	90.91
31	Villupuram	194	275	47	594	92.67
32	Virudhunagar	170	107	6	46	88.46
	Total	3097	2433	145	2442	94.40

5.3 Appeals

During 2016, 942 cases under which POA was invoked ended in acquittal. None was sent on appeal to a superior court against acquittal.

Year	Cases Reported	Cases Convicted	Cases Acquitted	Cases Appealed
2015	1822	53	876	0
2016	1476	73	942	0
2017	1381	95	1007	0

6. Travelling and Maintenance Expenses paid to witness and victims under the Act

As per Sec. 21(2)(ii) of the Act Travelling and Maintenance Expenses (TAME) are to be paid to witnesses, including the victims of atrocities, during investigation and trial of offences.

The Government of Tamil Nadu (vide G.O.Ms. No 32, Adi Dravidar and Tribal Welfare (IA) department, dated 27.05.2016) has allotted Rupees 10 Lakhs as the expenditure of TA/DA/BATTA to the witnesses of atrocity cases and the same has to be disbursed through Commissioners of Police in Cities and Superintendents of Police in Districts.

Table 9: Number of Atrocity Victims provided relief for the year ended 2016										
Sl.No.	District	Male			Female			Total (Male + Female)		
		SC	ST	Total	SC	ST	Total	SC	ST	Total
1	Erode	58	0	58	7	0	7	65	0	65
2	Tiruvallur	0	2	2	0	2	2	0	4	4
3	Thiruvannamalai	2	0	2	0	0	0	2	0	2

Source: Annual Report 2016 Annex II TAME paid to witnesses and victims during investigation and trial

But only three districts (Erode, Tiruvallur and Thiruvannamalai) reported on TAME provided to 71 witnesses and survivors during the year 2016. In 2015 too only three districts (Nilgiris 5, Ramanathapuram 15 and Theni 10) reported on TAME provided for 30 persons. Of them, only 4 STs were covered in 2016 and just 2 in 2015.

As mentioned earlier, this lack of information is despite one Statistical Inspector attached to each Unit assisted by the staff of SJHR Units for collection of statistical information concerning SCs and STs (POA) Act.

7. Relief and rehabilitation of survivors

As per Rule 12(4) the relief measures have to be provided to the survivors within seven days from the date of crime.

According to the Annual Report for the Calendar Year 2016, to minimize the time limit for sanctioning relief to the victims of atrocities, the District Magistrates have been authorized for the immediate withdrawal of money from the treasury.

Of the 916 persons given relief in 2016, only 76 got the relief within the stipulated time - meaning that despite authorisation for immediate withdrawal of money, payment was delayed in 91.7% of cases. Relief was paid promptly only in 8.3% of the cases. (Annual report 2016).

Of the 1562 cases (TN-SCRB), more than fifty percent (59%) did not get any relief amount during the year 2016. Of the 5,104 victims only 1,663 were paid compensation (Annex V Annual report 2016) and 3,441 victims were not.

8. Officers appointed for initiating or exercising supervision over prosecution

Officers appointed for initiating or exercising supervision over prosecution for contravention of the provisions of the Act: Setting up of SC/ST Protection Cell (Ref: Section 21(2)(iv) of the Act read with Rule 8 of the PoA Rules, 1995).

8.1 State Commission for Scheduled Castes and State Commission for Scheduled Tribes

Tamil Nadu has neither a State Commission for Scheduled Castes nor a State Commission for Scheduled Tribes. However, the commissions are not mandatory under this Act and fall outside its purview.

8.2 State nodal officer

As per Rule 9 the Government shall nominate a Nodal Officer at the level of a Secretary to the State Government preferably belonging to Scheduled Caste/ Scheduled Tribe for coordinating and functioning of the District Magistrates and Superintendent of Police or other officer authorised by them for implementing the provisions of the Act.

The Principal Secretary to Government Adi Dravidar and Tribal Welfare Department has been appointed as the Nodal Officer for coordinating the functioning of the District Magistrates, and Superintendent of Police and other Officers authorised for implementing the provisions of the Act (G.O Ms.No.18, Adi Dravidar and Tribal Welfare (PA) Department dated 20.01.2003).

State Nodal officer: Otem Dai, I.A.S.,
Principal Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai - 600 009

According to RTI replies the monthly, quarterly and half-yearly reports are not available at this office. This suggests that the quarterly reviews of the performance of Special Public Prosecutors, Investigating Officers mandated by Rule 3(xi), and of the cases registered under the Act mandated by Rule 7(3) are not being done (RTI

Reply No.23047/RTI No.1/PA2/2017-1 Dated:5.1.2018). It brings to question the effectiveness of the state nodal officer in monitoring the implementation of this Act, and the performance of the officials and mechanisms.

8.3 The Scheduled Castes and Scheduled Tribes Protection Cell

Every state must establish a Scheduled Castes and Scheduled Tribes Protection Cell (Section 21(2)(iv) and Rule 8)

The Social Justice and Human Rights Wing (SJHR) is the Scheduled Castes and Scheduled Tribes Protection Cell. It monitors the enforcement of The Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules 1995 (Amended 2015 and 16 respectively).

The Additional Director General of Police (ADGP), the Deputy Inspector General of Police and the Assistant Inspector General of Police, SJHR, Chennai monitor the enforcement of the Act and supervise the functioning of the SJHR units functioning in all the districts and the Commissionerates.

The Social Justice and Human Rights Headquarters is at

the Director General of Police's Office Complex,
Mylapore, Chennai – 600 004.

8.4 Special officers (District level)

Rule 10 requires Special Officers appointed for identified areas to coordinate with the District Magistrate, Superintendent of Police or other officers responsible for implementing the provisions of the Act, various committees and the Scheduled Castes and the Scheduled Tribes Protection Cell

The Government of Tamil Nadu (vide G.O Ms. No.96, Adi Dravidar and Tribal Welfare (PA) Department dated 10.08.2006) has appointed all the District Collectors as Special Officers for proper implementation of the Protection of Civil Rights Act, 1955 and Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

8.5 District level enforcement

The Protection of Civil Right Act 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are being enforced by all the Police Stations in Tamil Nadu. In addition, 38 posts of Deputy Superintendent of Police (DSPs) are sanctioned to investigate the atrocities against the Scheduled Castes and Scheduled Tribes.

There is one DSP with supporting staff in each district and commissionerate in the SJHR wing (vide G.O.Ms.No.189, Home (Pol.1) Department, dated 25.02.2014 and G.O.Ms.No.934, Home (Pol.2) Department, dated 21.12.2015). They are under the direct control of Commissioners / Superintendents of Police (SP) at the field level and the ADGP, Law and Order at the State level. The progress of cases is monitored by the ADGP, SJHR.

8.6 Special police posts

Special police posts are established on the recommendation of the Scheduled Castes and Scheduled Tribes Protection Cell under Rule 8(iii).

There are no Special Police Stations established to investigate offences against the SCs and STs in Tamil Nadu. All the local police stations can register and investigate the cases with assistance of the SJHR Unit staff.

The enforcement by the police stations is monitored by 38 SJHR Units located at each of 38 district headquarters / Commissionerates. Each unit is headed by a Deputy Superintendent of Police (DSP).

8.7 Crime records and statistics

The ADGP, SJHR been provided with necessary staff including one Economist and one Sociologist (for research and analysis).

For collection of statistical information concerning the Act one Statistical Inspector is attached to each unit and is assisted by the staff of the SJHR Units.

9. Vigilance and monitoring committees

Sub-section (ii) of Section 15A of Chapter IVA of the Act, Section 21 (2) (v) of PoA Act read with Rule 16 and 17.

9.1 State level vigilance and monitoring committee

Rule 16(1) The State Government shall constitute high power vigilance and monitoring committee. 16(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 [...] and various reports received by the State Government.

The SVMC has been constituted (G.O (Ms).No.95) dated 16 December 2014 (Source: Annual Report 2016, Annex V).

However, RTI inquiries reveal a rather dismal track record in the state level review process. Not only has the high power State Vigilance and Monitoring Committee (SVMC) not met since 2013 (RTI Reply No.12278/RTI No.146/PA-1/2017-1, Dated: 17.07.2017), the historical record shows a consistent pattern of callous disregard for the Act and Rules at the very highest levels of the government. Just 3 (7.1%) of the mandated 42 SVMC meetings have been conducted till date.

Sl. No.	Chief Minister	SVMC Meetings conducted	Mandatory meetings	Percentage Compliance %	Date of Oath	Date of demitting office
1	Dr. M. Karunanidhi	0	10	0%	13.05.1996	13.05.2001
2	Dr. J. Jayalalithaa	0	1	0%	14.05.2001	20.09.2001
3	O. Panneer Selvam	0	1	0%	21.09.2001	01.03.2002
4	Dr. J. Jayalalithaa	0	8	0%	02.03.2002	12.05.2006
5	Dr. M. Karunanidhi	1	10	10%	13.05.2006	14.05.2011
6	Dr. J. Jayalalithaa	2	7	28.5%	16.05.2011	28.09.2014
7	O. Panneer Selvam	0	1	0%	29.09.2014	22.05.2015
8	Dr. J. Jayalalithaa	0	3	0%	23.05.2015	05.12.2016
9	O. Panneer Selvam	0	1	0%	06.12.2016	15.02.2017
10.	Edapadi Palanisami	0	1	0%	16.02.2017	
	Total	3	42	7.1		

Source: RTI reply No.643/Special.B/2016-1, Dated: 10.5.2016, No.5634/PA-1/RTI No.56/2016-2, Dated: 14.6.2016 & No.1309/Special.B/2017-1, Dated: 12.7.2017 from Public (Special-B) Department, Government of Tamil Nadu

Even the consolidated figures party-wise are quite dismal. AIADMK conducted two meetings out of the required 22 and DMK only one of the required 20.

Sl	Party	Mandatory	Actual	%
1	DMK	20	1	5%
2	AIADMK	22	2	9%
	Total	42	3	7%

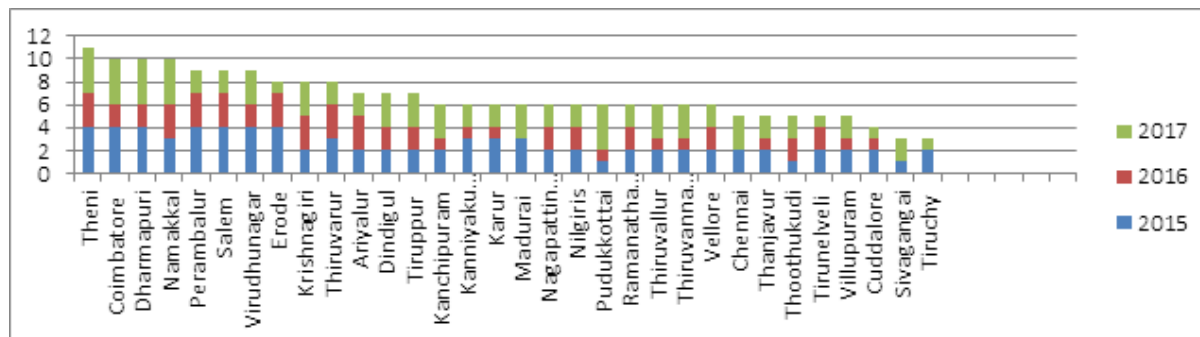
9.2 District Level Vigilance and Monitoring Committee

The District Level Vigilance and Monitoring Committees (DVMCs) have the District Collector as the Chairperson, and are to be conducted at least four times a year (Rule 17(1)).

DVMCs have been constituted vide G.O.(Ms)No.33, Adi Dravidar and Tribal Welfare Department dated 22.2.1996. The state annual report for the calendar year 2016 notes that *Strict instructions have already been issued by the Government to all the District Collectors to conduct District Level Vigilance and Monitoring Committee Meeting at least once in three months to review the implementation of the provision of the Act, relief and rehabilitation facilities provided to the victims and discuss other matters concerned with prosecution of case vide G.O.(D) No.37, Adi Dravidar and Tribal Welfare Department date 15.02.2007. Moreover, Law and Order meetings are being conducted periodically to review the implementation of PoA Act exclusively. During the meeting the frequency of conducting DLVC meetings are monitored and instructions were issued to the concerned*

District Collectors who are not conducted the DLVC meeting in the respective quarter. A video conference has also been conducted exclusively with the District Administration for the regular conduct of SDLVCs and DLVCs.

Despite all the 'strict instructions' and 'exclusive' monitoring, in 2016, four districts (Trichy, Sivagangai, Chennai and Madurai) did not conduct a single DVMC meeting, 9 conducted only one, 11 conducted two and 8 conducted three. None conducted the mandatory four quarterly meetings. Yet not one official was reprimanded nor was any administrative action taken.



The data provided on RTI request shows that only 214 (55.73%) DVMC meetings were held during the last 3 years (2015-2017). None conducted all the 12 mandatory quarterly meetings. Theni conducted the highest number of meetings (11 of 12) followed by Coimbatore, Dharmapuri and Namakkal (10 of 12). Trichy and Sivagangai conducted only 3 of the mandatory 12 meetings in the last 3 years - a compliance rate of just 25%.

The pattern shows some disturbing trends in that social justice seems to take a back seat to other administrative functions. Only 80 (63%) of the mandatory 128 quarterly DVMC meetings were held in the 32 districts in 2015. It dipped sharply to 55 (43%) in 2016 and back to 79 (62%) in 2017.

In 2016, the District Collectors of four districts did not conduct a single DVMC meeting (Some districts had multiple collectors during the year). They are **Trichy** (Dr.K.S.Palanisamy), **Sivagangai** (S.Malarvizhi, G.Latha), **Chennai** (E.Sundaravalli, G.Govindaraj and B.Maheswari) and **Madurai** (L.Subramanaiyan and K.Veera Raghava Rao). Collectors of nine districts conducted only one DVMC meeting. They are **Kanchipuram** (Gajalakshmi and P.Ponnaiah), **Kanyakumari** (Sajjan Sing R.Chavan), **Karur** (S.Jayanthi, T.P.Rajesh, Kakara Usha, G.Govindaraj), **Pudukkottai** (S.Ganesh, Dr.Swarna), **Thiruvallur** (K.Veera Raghava Rao, E.Sundaravalli), **Thiruvannamalai** (A.Gnanasekaran, Pooja Kulkarni, Prashant M.Wadnere), **Thanjavur** (Dr.N.Subbaiah, A.Annadurai), **Villupuram** (M.Lakshmi, Dr.L.Subramanian), and **Cuddalore** (Dr. S.Suresh Kumar, A.Gnanasekaran and T.P.Rajesh).

More granular data would make it possible to know which District Collector fulfilled their duty and which ones did not in the case of districts with more than one collector in a calendar year - especially in the cases of Karur (4) Thiruvannamalai (3), Cuddalore (3), Thiruvallur (3), Thiruvannamalai (3) which had multiple transfers but **one** of them still found time to review performance under the Act. Similarly, there was outstanding performance from Thiruvannamalai district which had three collectors during the calendar year, but they found time to conduct three of the four mandatory meetings. (RTI reply No.379/A1/2018 Public (Special.A) Department Dated: 23.03.2018).

2017 saw better compliance. Even so, only five districts (Pudukkottai, Coimbatore, Dharmapuri, Namakkal and Theni) conducted all the quarterly meetings. Four conducted only one meeting each (Trichy, Cuddalore, Tirunelveli and Erode), 14 conducted two and nine conducted three.

Table 12: District Level Vigilance and Monitoring Committee Meetings (DVMC)

SI	City/District	2015	2016	District Collector (2016)	2017	Total	%
1	Ariyalur	2	3	E.Saravanelraj	2	7	58.3
2	Chennai	2	0	E.Sundaravalli, G.Govindaraj, B.Maheswari	3	5	41.7
3	Coimbatore	4	2	Archana Patnaik, T.N.Hariharan	4	10	83.3
4	Cuddalore	2	1	Dr.S.Suresh Kumar, A.Gnanasekaran, T.P.Rajesh	1	4	33.3
5	Dharmapuri	4	2	K.Vivekanandan	4	10	83.3

Table 12: District Level Vigilance and Monitoring Committee Meetings (DVMC)							
SI	City/District	2015	2016	District Collector (2016)	2017	Total	%
6	Dindigul	2	2	T.N.Hariharan, Satyabrata Sahoo, T.G.Vinay,	3	7	58.3
7	Erode	4	3	Dr.S.Prabhakar,	1	8	66.7
8	Kanchipuram	2	1	Gajalakshmi, P.Ponnaiah	3	6	50
9	Kanyakumari	3	1	Sajjan Sing R.Chavan	2	6	50
10	Karur	3	1	S.Jayanthi, T.P.Rajesh, Kakara Usha, G.Govindaraj	2	6	50
11	Krishnagiri	2	3	T.P.Rajesh, C.Kathiravan	3	8	66.7
12	Madurai	3	0	L.Subramanaiyan, K.Veera Raghava Rao	3	6	50
13	Nagapattinam	2	2	S.Palanisamy	2	6	50
14	Namakkal	3	3	V.Dakshinamoorthy, M.Asia Mariam	4	10	83.3
15	Nilgiris	2	2	P.Shankar, J.Innocent Divya	2	6	50
16	Perambalur	4	3	Dr.Darez Ahamed, K.Nanthakumar	2	9	75
17	Pudukkottai	1	1	S.Ganesh, Dr.Swarna	4	6	50
18	Ramanathapuram	2	2	K.Nanthakumar, Dr.S.Natarajan	2	6	50
19	Salem	4	3	V.Sampath, Dr.D.Karthikeyan	2	9	75
20	Sivagangai	1	0	S.Malarvizhi, G.Latha	2	3	25
21	Thanjavur	2	1	Dr.N.Subbaiah, A.Annadurai	2	5	41.7
22	Theni	4	3	K.Venkatachalam, S.Nagarajan	4	11	91.7
23	Thiruvallur	2	1	K.Veera Raghava Rao, E.Sundaravalli	3	6	50
24	Thiruvannamalai	2	1	A.Gnanasekaran, Pooja Kulkarni, Prashant M.Wadnere	3	6	50
25	Thiruvarur	3	3	Dr.M.Mathivanan, T.N.Venkatesh, L.Nirmal Raj	2	8	66.7
26	Thoothukudi	1	2	M.Ravikumar	2	5	41.7
27	Tirunelveli	2	2	M.Karunakaran, C.Samyamoorthy	1	5	41.7
28	Tiruppur	2	2	G.Govindaraj, S.Jayanthi	3	7	58.3
29	Trichy	2	0	Dr.K.S.Palanisamy	1	3	25
30	Vellore	2	2	Dr.R.Nanthagopal, Rajendra Ratnoo, S.A.Raman	2	6	50
31	Villupuram	2	1	M.Lakshmi, Dr.L.Subramanian	2	5	41.7
32	Virudhunagar	4	2	V.Rajaraman, A.Sivagnanam	3	9	75
	Total	80	55		79	214	56

10. Periodic reports and reviews

10.1 Monthly reports

Rule 4(4) mandates the District Magistrate and the officer-in-charge of the prosecution at the District level, to 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.

Monthly reports (Rule 4(4)) are not being sent by the District Magistrates (RTI Reply No.23048/RTI No.2/PA2/2017-1, Dated:5.1.2018) despite claims by the Government of Tamil Nadu (Annual report 2016, Annex XVII) that 'monthly reports on the implementation of provisions of POA are being received from Additional Director General of Police (SJHR) regularly' and 'the District Collector and the Superintendents of Police and Commissioners of Police review the performance of the Public Prosecutors every month'.

10.2 Quarterly review

Three rules provide for quarterly reviews and reports - Rules 3(xi), 7(3) and Rule 9.

Quarterly review of the performance of Special Public Prosecutors, Investigating Officers mandated by Rule 3(xi), and of the cases registered under the Act mandated by Rule 7(3) are not being done (RTI Reply No.23047/RTI No.1/PA2/2017-1 Dated:5.1.2018).

10.3 Half-yearly review

Rule 4(2) The District Magistrate and the Director of prosecution/in charge of the prosecution shall review at least twice in a calendar year, in the month of January and July, the performance of Special Public Prosecutors and Exclusive Special Public Prosecutors so specified or appointed and submit a report to the State Government.

No report as stipulated in Rule 4(2) has been received by the Government. (RTI Reply No.23047/RTI.No.1/PA2/2017-1 Dated: 05.01.2018, ADTW Department). No reports have been received from the District Magistrates. On getting the RTI request, ADTW Department issued '*necessary instructions have been issued to the concerned authorities to strictly adhere to the relevant Rule*'. The reasoning however is curious: '*because many petitions and RTI petitions are being received by this department on the implementation of Rule 4 (Letter No.13952/PA1/2017-6, dt.12.09.2017, ADTW Department, TN)*'.

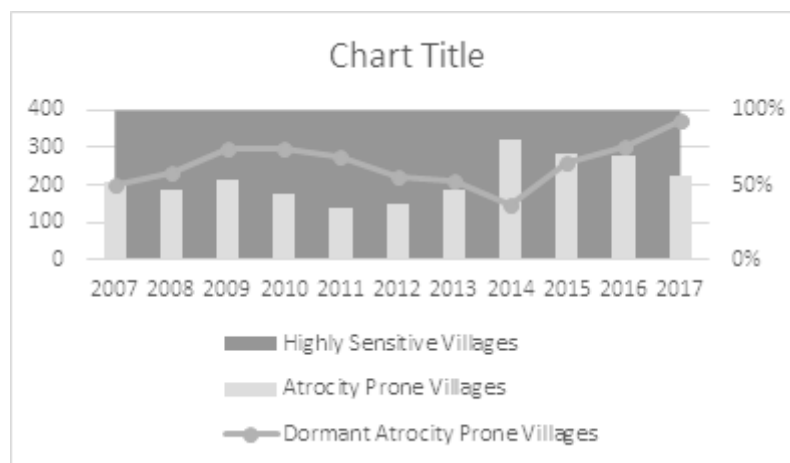
Performance reviews of the special public prosecutors (Rule 14 (2)) are not being done. (RTI Reply 13952/POA/ (1)/ 2017-10, Dated:15.11.2017)

Since the SVMC has not met since 2013, the reviews in January and July under Rule 14(2) have not taken place.

11. Atrocity prone Areas

Section 21 (2) (vii) of the Act enjoins on the government to identify areas where members of SCs and STs are likely to be subjected to atrocities and measures adopted to ensure their safety. It is one of the responsibilities of the SCs and STs Protection Cell (Rule 8i).

According to the norms in force from the year 1994, a village is considered atrocity prone, if in a mother village or in its hamlets, three or more true cases are reported within a period of three successive calendar years or if even one case of heinous offence, caste oriented tension or clash is reported. An atrocity prone village (APV) is declared 'highly sensitive', if even one case involving heinous offence such as murder, rape, arson or grievous hurt is reported.



APVs are kept in the active list for a period of two years from the last reported case and then transferred to the dormant list for further period of three years. During the dormant period, if any case is reported it will be brought back to APV. The guidelines received from the Ministry of Social Justice and Empowerment and Ministry of Home Affairs, Government of India have been circulated to all the District Collectors / Commissioners of Police in the cities / Superintendents of Police in the districts. Guidelines for preventive action were formulated and got circulated through G.O.Ms.No.2, Adi-Dravidar and Tribal Welfare (ADTW) Department dated 11.01.94, G.O Ms.No.140, ADTW Department dated 18.06.1993, Govt Lr.No.7233/PA-1/2009-2 dated 15.06.2009 from the Chief Secretary, Government of Tamil Nadu and D.O.Lr.No. 17316 /PA /2009-1 of the Principal Secretary to Government, ADTW Department date 15.09.2009.

Each district conducts the survey in five villages each month as per the norms of the unit (Annex X, Annual report 2016). The Statistical inspectors in all the units help in conducting survey. The surveys are based on (i)

Untouchability Prone Areas are identified as per Section 15A(2) (vi) of PCR Act, 1955 and (ii) Atrocity prone Areas are identified as per Section 17 and section 21(2) (vi) and (vii) of PoA Act, 1989.

277 villages have been identified as ‘Atrocity prone’ and 304 villages as ‘Dormant Atrocity Prone’ and 99 Villages as “Highly sensitive atrocity prone” for the year 2016 (based on the data of the year 2015). Villages are surveyed by the staff of SJHR Units in the districts and brought to the notice of SP and District Collector for taking precautionary and preventive measures.

Table 13: Atrocity Prone Villages (APV)				
Year	AP Villages	Dormant	Highly Sensitive	Total (2+3)
1	2	3	4	5
2007	207	200	168	407
2008	186	230	166	416
2009	211	296	173	507
2010	174	295	139	469
2011	136	275	124	411
2012	150	220	82	370
2013	186	210	102	396
2014	323	148	142	471
2015	286	259	106	545
2016	277	304	99	581
2017	223	374	73	597

Additional Director General of Police, Social Justice and Human Rights

According to Annual Report 2016, **Proactive policing** All the Deputy Superintendents of Police of Social Justice and Human Rights have been asked to prepare a list of villages which need proactive policing especially places that are sensitive and prone to atrocity. Such proactive policing will ensure prevention of tensions and potential caste clashes.

From 2014 to 2017, the number of ‘highly sensitive’ among the atrocity prone villages (APV) reduced from 142 to 73 and atrocity prone villages reduced from 323 to 223. But, on the other hand, the total number of APVs and dormant APVs which showed a reducing trend up to 370 in 2012, has increased from 2013 onwards from 471 to 597 in 2017. The increase of 126 villages seems to indicate a more widespread, low intensity social conflict. This is not a good sign.

12. Special Courts and Exclusive Special Courts set up for speedy trial of cases under the Act.

Special Courts and Exclusive Special Courts for speedy trial of cases are mandated under Section 15A (2) (iii) of Protection of Civil Rights Act and Section 14 of POA.

Tamil Nadu has notified only six Exclusive Special Courts under POA in Madurai, Sivagangai, Thanjavur, Trichy, Tirunelveli and Villupuram, which cover 12 districts and 3 Commissionerates. Ideally, there should be 32, i.e. one exclusive special court per district. In the remaining 20 districts the existing Sessions Courts are designated as Special Courts and empowered to try the cases under POA and PCRA.

A GO dated 6 April 2017 was passed for the establishment of 16 additional special courts to deal exclusively the cases under SCs and STs (PoA) Act (at the rate of four additional courts per year). Posts of 15 district judges and 510 supportive staff were sanctioned and Rs 128.9 million was earmarked. Posts for the special public prosecutors who belong to the scheduled castes were sanctioned for special courts. Dindigul, Ramanathapuram, Srivilliputhur, Virudhunagar, Pudukkottai, Kancheepuram, Chengalpattu, Perambalur, Theni, Tirupur, Thiruvanamalai, Vellore, Thiruvarur, Thoothukkudi, Kanyakumari, Coimbatore, Cuddalore and Namakkal were to have a special court each. These regions were identified by the then Registrar General, based on the number of pending cases in courts.

Given the increasing pendency, it is important that more exclusive special courts are set up. Virudhunagar (246 pending cases) and Thiruvanamalai (235) are a priority based on the number of pending cases.

Table 14: Exclusive Special Court		
Sl.No.	Location	Jurisdiction over the Districts
1.	Trichy	Trichy Police District and Trichy.
2.	Thanjavur	Thanjavur, Nagapattinam and Thiruvarur
3.	Madurai	Madurai Police District and Madurai
4.	Tirunelveli	Tirunelveli Police District, Tirunelveli, Thoothukudi and Kanyakumari
5.	Villupuram	Villupuram and Cuddalore
6.	Sivagangai	Sivagangai and Ramanathapuram

13. Special Public Prosecutors and Exclusive Public Prosecutors

Section 15 (1 and 2) and Rule 4(1A) mandates Special Public Prosecutors to be appointed.

33 posts of Special Public Prosecutors were sanctioned for conducting the prosecution of cases in the Special Courts / Designated Courts of all the Districts.

There have been 2,825 acquittals from 2015-17. The number of acquittals is increasing - 826 in 2015, 942 in 2016 and 1,007 in 2017. Yes the government has not gone on appeal against acquittal even in a single case. The standard reason given in the annual reports is *Legal opinion is being sought on the point of appeals to be preferred against the acquittals.*

14. Non-SC/ST Officers punished for willful neglect of duties

Section 4 details the duties of the officials, willful neglect and the punishment.

None of the non-SC/ST officers has come to adverse notices so far for wilful negligence of duties. This is despite the rather tardy functioning, not meeting the stipulated legal standards and indifferent results:

- 66% of cases were not investigated and filed charge sheets within sixty days even (Rule 7(2)).
- 92% of cases the relief and rehabilitation amount was not paid to concerned person(s) within seven days (Rule 12(4)).
- Only 1% of victims (71 persons) provided travelling and maintenance expenses out of 5,104 victims (section 21(2)(ii)).
- 942 cases are ended in acquittal in 2016 alone (2,825 in 2015-17) yet there has not even been one appeal.
- The District Collector and the Superintendents of Police and Commissioners of Police review the performance of the Public Prosecutors every month.

No action has been taken against any official under Section 4(2) despite documented evidence (cited above) of dereliction of duty or removed from duty for incompetence (low conviction rates, delayed relief etc).

15. Model contingency plan

Implementation of a plan prepared for implementing provisions of the Act and its notification in the State Gazette (Rule 15).

A Model Contingency Plan has been prepared based on the Amended Act the Amended Rules 2016. It was notified on 1 September 2017 in the State Gazette.

The annual report 2016 says that '*this government is taking steps to notify the contingency plan*'. However, an RTI application got the reply that it was still 'under examination of the Government' as late as July 2017. (RTI Reply No.12280/RTI No.148/PA-2/2017-1, Dated: 14.07.2017) It was finally published in the gazette on 1 September 2017. (RTI Reply No.14828/RTI No.208/PA2/2017-2, Dated:12.10.2017).

Annexures

Annexure 1 District wise Population of SCs and STs in Tamil Nadu 2011

District	Scheduled Caste			Scheduled Tribes		
	Total	Male	Female	Total	Male	Female
Thiruvallur	821646	410526	411120	47243	23692	23551
Chennai	779667	389001	390666	10061	5207	4854
Kancheepuram	948081	474264	473817	41210	20605	20605
Vellore	860212	424668	435544	72955	36663	36292
Tiruvannamalai	565329	282615	282714	90954	45956	44998
Viluppuram	1015716	510869	504847	74859	37570	37289
Salem	580512	294062	286450	119369	60489	58880
Namakkal	345392	173973	171419	57059	29383	27676
Erode	369483	184408	185075	21880	11024	10856
The Nilgiris	235878	115917	119961	32813	16091	16722
Dindigul	452376	225573	226803	8064	4095	3969
Karur	221385	108809	112576	575	297	278
Tiruchirappalli	466561	230790	235771	18198	9414	8784
Perambalur	175289	87444	87845	2584	1292	1292
Ariyalur	176230	88076	88154	10722	5274	5448
Cuddalore	763944	383943	380001	15702	7943	7759
Nagapattinam	509767	252332	257435	3756	1847	1909
Thiruvarur	430927	214717	216210	3034	1466	1568
Thanjavur	455062	225859	229203	3561	1739	1822
Pudukkottai	284804	141428	143376	1283	647	636
Sivaganga	227746	113599	114147	790	394	396
Madurai	408976	205098	203878	11096	5622	5474
Theni	258200	129900	128300	1835	954	881
Virudhunagar	399831	198704	201127	2294	1182	1112
Ramanathapuram	249008	125015	123993	1105	559	546
Thoothukkudi	347895	172663	175232	4911	2466	2445
Tirunelveli	569714	279570	290144	10270	5109	5161
Kanniyakumari	74249	36817	37432	7282	3554	3728
Dharmapuri	245392	124706	120686	63044	32130	30914
Krishnagiri	267386	135474	131912	22388	11419	10969
Coimbatore	535911	266960	268951	28342	14245	14097
Tiruppur	395876	196907	198969	5458	2740	2718

Annexure 2 Projected Population of SCs and STs in Tamil Nadu (in 100,000) 2016

Projected Population of SCs and STs in Tamil Nadu (in 100,000) 2016			
District	Population of SCs	Population of STs	Total Population of SCs and STs
Ariyalur	1.8	0.1	1.9
Chennai	6.9	0.1	7
Coimbatore	5.6	0.3	5.9
Cuddalore	7.8	0.1	7.9
Dharmapuri	2.4	0.3	2.7
Dindigul	4.6	0.1	4.7
Erode	3.8	0.2	4
Kancheepuram	10.8	0.4	11.2
Kanyakumari	0.8	0.1	0.9
Karur	2.4	0	2.4
Krishnagiri	3	0.4	3.4
Madurai	4.1	0	4.1
Nagapattinam	5.2	0	5.2
Namakkal	3.5	0.6	4.1
Nilgiris	2.5	0.3	2.8
Perambalur	1.8	0	1.8
Pudukkottai	3	0	3
Ramanathapuram	2.6	0	2.6
Salem	6	1.3	7.3
Sivagangai	2.4	0	2.4
Thanjavur	4.7	0	4.7
Theni	2.6	0	2.6
Thiruvallur	8.8	0.6	9.4
Thiruvarur	4.4	0	4.4
Thoothukkudi	3.4	0	3.4
Tirunelveli	5.9	0.1	6
Tiruppur	4.2	0.2	4.4
Thiruvanamalai	5.7	0.9	6.6
Trichy	4.8	0.2	5
Vellore	8.7	0.8	9.5
Villupuram	10.2	0.8	11
Virudhunagar	4	0	4
Total	148.4	7.9	156.3

Annexure 3 Number of atrocity survivors provided relief for the year 2016

Atrocity survivors provided relief for the year 2016				
Sl.No.	District	SC	ST	Total
1	Ariyalur	13	0	13
2	Chennai	3	0	3
3	Coimbatore	57	0	57
4	Cuddalore	73	0	73
5	Dharmapuri	32	0	32
6	Dindigul	5	0	5
7	Erode	22	1	23
8	Kancheepuram	18	8	26
9	Kanyakumari	6	0	6
10	Karur	30	0	30
11	Krishnagiri	12	2	14
12	Madurai	36	0	36
13	Nagapattinam	35	0	35
14	Namakkal	56	2	58
15	Nilgiris	0	4	4
16	Perambalur	6	0	6
17	Pudukkottai	101	0	101
18	Ramanathapuram	53	0	53
19	Salem	85	2	87
20	Sivagangai	183	0	183
21	Thanjavur	43	0	43
22	Theni	46	12	58
23	Trichy	113	2	115
24	Tirunelveli	59	0	59
25	Tiruppur	65	0	65
26	Tiruvallur	25	0	25
27	Tiruvannamalai	50	8	58
28	Tiruvarur	83	0	83
29	Thoothukudi	66	0	66
30	Vellore	137	24	161
31	Villupuram	67	8	75
32	Virudhunagar	10	0	10
	State Total	1590	73	1663

Annual Report 2016, Annexure-V, Adi Dravidar and Tribal Welfare Department

The Status Report is a tool to improve transparency, accountability and effectiveness of State mechanisms. This information is to facilitate evidence-based multi-actor engagement for improving operations, transparency, performance of state mechanisms and monitoring the implementation of the rule of law. It will also help to identify issues, proactively address them and measure the progress. It also can be a step to better implementation of rule of law so that the culture of human rights is promoted and the culture of impunity is progressively reduced.

The report and the State Multi Actor Round Table (SMART) is an opportunity for the state, civil society and communities to collectively identify the gaps in implementation and correct it, and to be proactive, which is what ‘prevention’ is all about. Status reports help monitor state mechanisms to keep track of implementation and helps identify risks and other challenges that need to be addressed. This Report focuses on gaps between the existence of Acts and Rules and their actual implementation, duties and the functioning of state mechanisms. It is based on the data provided by the government through Annual Reports, State Crime Records Bureau (SCRB) data and requests under the Right to Information Act 2005 (RTI). To the degree possible, we have quoted verbatim from the government reports. The variations in the data are because the same information differs from department to department.

The findings in this report are from information obtained under RTI from various state and central government reports and departments including the Annual Report on the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 for the calendar year 2015 (hereafter ‘Annual Report’) and Annual Report 2016 of the Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu (GoTN).

It is our hope that the status report becomes a tool for better implementation of the Act and leads to better cooperation of the state, civil society and the community in better implementation of the Act to fulfil our constitutional vision of a casteless society.

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