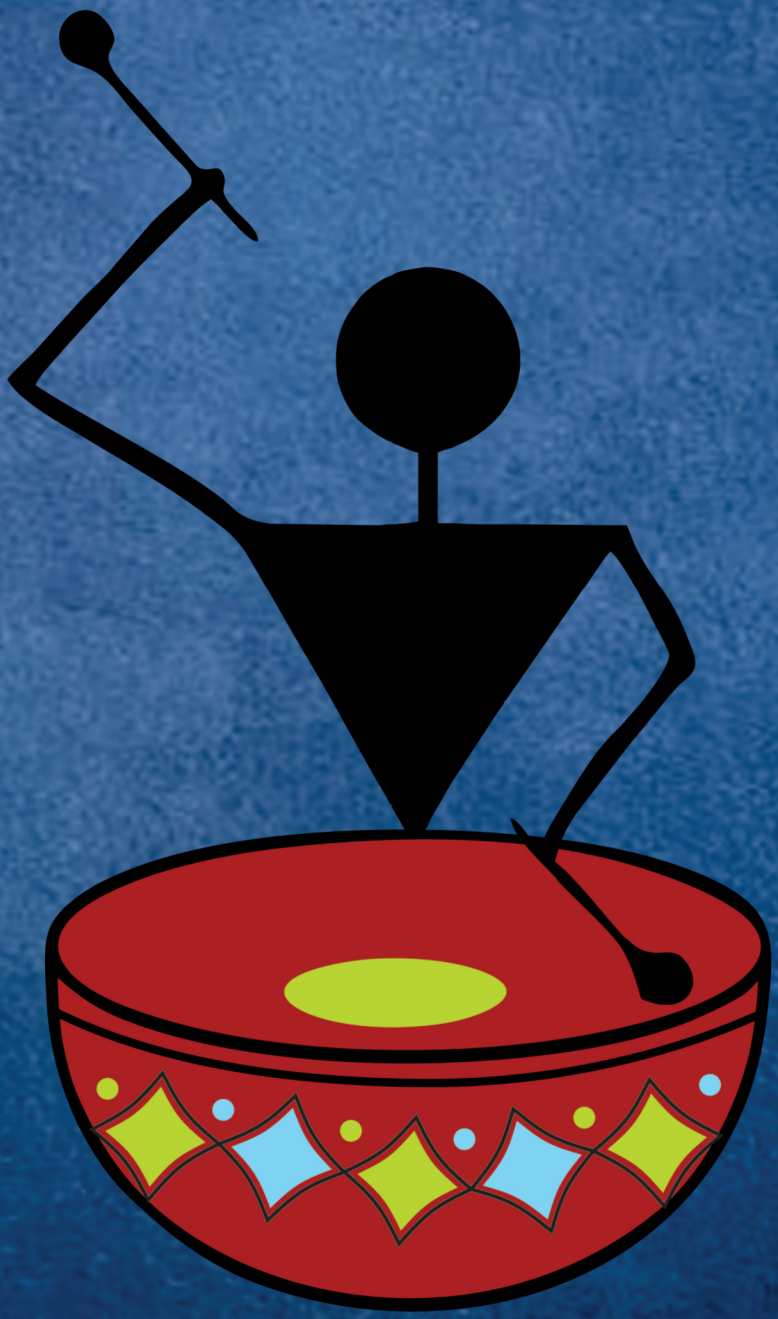
30 Year review of the SCs & STs (PoA) Act

Tamil Nadu Scorecard



Citizens Vigilance & Monitoring Committee
Tamil Nadu

30 year review of the SCs & STs (PoA) Act

The Tamil Nadu Scorecard

Tamil Nadu Citizens Vigilance and Monitoring Committee

30 year review of the SCs & STs (PoA) Act

The Tamil Nadu Scorecard

Editor: Edwin, Director (Programmes), HRF

September 2020

Review copy

Institute of Human Rights Advocacy and Research, Chennai

m: 86680 91454 ; e: justice@hrf.net.in ; w: hrf.net.in

HRF

Commonwealth Foundation

Contents

30 years... and promises to keep

31 March 2020 marked the 25th anniversary of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules. The Rules gave teeth to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act enacted on 11 September 1989. Human rights defenders rejoiced in the Act, and took it to heart – making it probably the first 'Citizen's Act' in the country. Yet thirty years down the line, the record is mixed.

The Act and Rules have survived challenges to their very constitutionality and existence right up to the Supreme Court of India. Civil society organisations and human rights defenders undertook a countrywide review of the functioning of the Act and Rules on its 20th anniversary. The review found that a) most of the provisions of the Act and Rules were not used b) several new crimes needed to be added and c) victims and witnesses had to be protected. This resulted in a comprehensive overhaul of the Act and Rules by an ordinance in 2014, and by parliament in 2016. The amended Act and Rules were notified on 26 January and 14 April 2016 respectively.

The victory of the people's campaign has still been hamstrung by the caste composition of the enforcement machinery and the administration of justice. Though the Act prescribes state, district, and sub–divisional level vigilance and monitoring committees, with specific performance rules (January and July for the state, and quarterly for the district and sub–divisional level committees), the state vigilance and monitoring committee has met only thrice in the 30 year history of the Act – when it should have met 60 times. The last two times it met was due to a pending public interest litigations for a court ordered meeting. Few districts have even constituted sub–divisional vigilance and monitoring committees. The

functioning of the district vigilance and monitoring committees leaves much to be desired – meeting without the requisite reports, reviews, or information, so much so that some who attended those meetings derisively refer to them as tea and biscuit meetings.

A review of the implementation of the Act in Tamil Nadu in 2019 for the calendar year 2018 found that the conviction rate was in the single digits, several mandatory reports – numbering in the thousands – had never been sent in the entire history of the Act, and even relatively junior IAS officers routinely disregarded the direct instructions of the additional chief secretary when it came to implementation of this Act with impunity. When, as was the case on 26 March 2019, the Additional Director General of Police (ADGP) tells the additional chief secretary of the state that the '*poor performance and lack of cooperation on the part of Public Prosecutors/ Special Public Prosecutors is the main hurdle in raising the rate of conviction in cases of atrocities*' and the Director of Prosecution not only agrees but emphasises that '*even though stringent punishment is stipulated in the Act for the negligence of duties on the part of the public servants, the Public Prosecutors are not functioning up to the required level. The Public Prosecutors, Special Public Prosecutors … are appointed by the government in power, and their attitude is not impartial in many cases and the cases they involved are mostly not ended up in conviction*' and further goes on to seemingly indict the judiciary when he says that '*the Special Courts/ Session Courts acquit most of the cases on flimsy grounds*' nothing more needs to be said about the police, advocates, judiciary, or the political leadership by ordinary citizens.

It is at this juncture that the words 'eternal vigilance is the price of freedom', took life as 'free citizens must be vigilant'. If the state, district, and sub–divisional vigilance and monitoring committees

were not vigilant, then the free citizens would be – though its contours were not known then. At the urging of the pioneering social justice champion P S Krishnan, who released the first Tamil Nadu Annual State Implementation Report (TASIR), the idea crystalised in the form of Citizen's Vigilance and Monitoring Committees (CVMC), to shadow and monitor the functioning of the state mechanisms at the state and district levels. Mr Krishnan's spirit guides us still.

This is the second annual report, placed in the broader context of the past decades. As before, all data is from official sources from the district and state departments, and state and national crime records bureaus. It is our intention to bring out such incontrovertible evidence of the functioning of the state monitoring mechanisms, and help the concerned public servants to discharge their duties effectively to prevent atrocities against the scheduled communities, as per the founding principles of our nation.

Jai Bhim.
Deepthi Sukumar
Secretary General
Citizen's Vigilance and Monitoring Committee
11 September 2020

Acknowledgements

This scorecard focuses on gaps between the existence of Acts and Rules and their actual implementation, duties, and the functioning of state mechanisms over the past 30 years in Tamil Nadu, mindful of the data gaps. It is based on the data provided by the government through the Annual Reports on the implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (hereafter 'Annual Report') of the Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu (GoTN), State Crime Records Bureau (SCRB) data and requests under the Right to Information Act 2005 (RTI) from various state and central government reports and departments. 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.

Unusually for Tamil Nadu, the Annual Report, the SVMC and DVMC meeting minutes, and the SCRB data were not available online.

This work is made possible by the HRF team – Senior Coordinator Chitra, Coordinators Halcyon and Revathy, and Associate Coordinators Murugesh, Muthurani, Roshan, and Saravanan – who went beyond the call of duty to dig up the data from multiple sources, both hard copies and online, collate and analyse it, and present it in a coherent readable form.

The effort was coordinated by Tamilarasi, Deputy Director, HRF, who also designed the cover, the book, and planned the release, in addition to working with the HRF team, coordinating the production, and quality check. Senior Coordinator Chitra worked the phones and met serving and retired officials and others to follow up leads. Coordinator Revathy sent the RTI requests, and followed up

diligently, ably assisted by Associate Coordinator Roshan Sunthar. Members of the district citizens' vigilance and monitoring committee also sent out RTI requests. Associate Coordinators R Roshan Sunthar, J Murugesh, and T Saravana Kumar classified the data and got it into shape. Saravana Kumar did the first cut of the analysis.

The translations from English to Tamil were done by Antony Francis Franklin, K Krishnaveni, R Natarajan, T Neethirajan, Sabita Robert. The Tamil proofreading was done by V Indira and J Murugesan.

The English copy edit and proofreading were done by Halcyon, Coordinator HRF.

We thank them all for their exemplary commitment and passion that enabled us to bring out this scorecard.

Edwin

11 September 2020

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

Findings

Data from the National Crime Records Bureau (NCRB) show that 28,336 crimes against the Scheduled Castes (SC) and Scheduled Tribes (ST) were recorded in Tamil Nadu from 2001 to 2018. Of them, 4398 ended in conviction of at least one accused, and in 12,896 all the accused were acquitted.

The period 1989 to 2018 (the last year for which data is available) saw some dramatic changes for the worse in Tamil Nadu regarding crimes against these scheduled communities and Tamil Nadu's track record in addressing them. Tamil Nadu has dropped steadily in comparison to other states in charge sheeting and convictions, and now lags behind the national average in both charge sheeting and the conviction rate. Though the number of reported cases has reduced by around 39% in 2018 from 2001, the pending investigations have almost doubled from 291 to 571 cases.

The charge sheeting rate shows another alarming trend. While Tamil Nadu topped the national average in charge sheeting initially, it has fallen below the national average in charge sheeting for crimes against scheduled castes in several years since 2012 (91.3% versus 91.8%) and for scheduled tribes from 2013 (92.3% versus 94.2%) – while at the same time charge sheeted cases have dropped by 50% from 1935 cases in 2001 to 963 cases in 2018.

Similarly, while the conviction rate (38.9%) for SCs was higher than the all India rate (34%) in 2001, it has dramatically decreased since 2007, when it dropped to 16% versus the national average of 31% for SCs and 17% versus 29% convictions for STs. It has never really recovered from this, touching a low of 8% versus 26% nationally for

SCs and 11% versus 31% for STs in 2016, and again 0% for STs in 2018 (it was 0% for STs in 2001 also).

The data reveals some disturbing long–term trends:

Registration

a) Cases are not being filed under PCRA.
b) Murder is increasing to more than one a week.
c) Rapes have increased exponentially over the past few years – 41 in 2016, 56 in 2017, and 73 in 2018 – an increase of 37% and 23% respectively, and a cumulative increase of 78% in two years.
d) Riots are increasing to more than two a week in the past four years. In 2015 and 2017 there was one riot every two days.
e) An increasing number of cases are being booked only under the PoA Act from 2014 onwards, from nil to 912 in 2014 to 115 (2015), 149 (2016), 93 (2017) and 78 in 2018.

Investigation

In 59% of the cases, charge sheets were not filed within sixty days (Rule 7(2)). Even the written explanation for not completing the investigation on time (Rule 7(2A)) was not given. No action is taken against the investigating officer for not turning in the report.

Relief

In 89% of the cases (1759 of 1984), the relief and rehabilitation amount was not paid to the concerned person(s) within seven days (Rule 12(4)). In some cases, it has not been done for seven to eight *years*. There is focussed attention on this aspect, with more funds being allocated in the budget estimates. A comprehensive preventive approach is being tried with Rs 2 billion being sanctioned for upgrading the basic infrastructure of villages with more than 30% scheduled caste population.

Reimbursements

Travel and maintenance expenses (TAME) should be paid immediately or latest within three days. Most do not get it within three days as stipulated in law. Some of the districts did not make any reimbursements at all (2010–2018). Though there has been considerable improvement in recent years, police commissioners of Chennai, Trichy, and Tirunelveli have not paid TAME ever. Tirunelveli city and Trichy city commissionerates did not reimburse a single person ever. Chennai, Karur, Nammakkal, and Thiruvarur have not made any payments since 2013.

Convictions

While the conviction rate was almost 40% in 2001, it has now slipped to single digits or low double digits. While the number of reported cases has reduced by around 39% in 2018 from 2001, the pending investigations have almost doubled from 291 to 571 cases. In absolute numbers, charge sheeted cases have dropped by 50% from 1935 cases in 2001 to 963 cases in 2018.

Appeals

Though there have been thousands of acquittals during the period, the state has not appealed even a single case, though the accused have appealed and got acquitted in higher courts. The standard note in the annual reports is 'Legal opinion is being sought on the point of appeals to be preferred against the acquittal'.

Manual scavenging

Though the state is aware of the prevalence and extent of manual scavenging, few cases are registered under this provision, and even then only after death and incontrovertible evidence.

Special courts

Tamil Nadu has set up only seven of the required 38 Exclusive Special Courts (under PCRA and PoA) in Madurai, Sivagangai,

Thanjavur, Trichy, Tirunelveli, Villupuram and Virudhunagar, which cover 12 districts and three commissionerates. Eight additional exclusive special courts were sanctioned and the budget allotted in 2016 itself, but five years down the line, only one of these (Virudhunagar) has been set up.

State vigilance and monitoring committee

The SVMC has been constituted but has met on 8 September for the first time since 2013. The total compliance of this rule is 8.1% – just 4 of the mandated 49 SVMC meetings have been conducted till date. J Jayalalithaa conducted two meetings, and K Karunanidhi and Edappadi K Palaniswami conducted one each, Consolidated figures party–wise are: AIADMK conducted 3 of the required 29 meetings and DMK 1 of the required 20 during their terms in office.

District vigilance and monitoring committee

DVMCs have been constituted. From 2010 to 2018, only 744 of 1152 (65%) DVMC meetings were conducted. There is progressive increment in the number of meetings held, with Chennai, Tiruvallur, and Thiruvannamalai conducting more than the statutory minimum of four meetings per annum in 2018. However, the committee members are not given the agenda in advance. Moreover, since the performance reviews are not done, the members do not have the information required to perform their duties. This results in Deputy Superintendents of Police (DSP) and Special Public Prosecutors (SPP) – the latter are political appointees – with zero convictions remain on the job independent of their performance.

Sub–divisional vigilance and monitoring committee

In addition to Rule 17A, the additional chief secretary issued a government order (G.O (Ms) No 6, AD&TW Dept dated 20 January 2015) to all the district collectors to constitute the SdVMCs.

According to the state annual report for 2018, only five of 32 districts (16% compliance) have even constituted SdVMCs – Dindigul (3 of 4 mandatory meetings), Krishnagiri (2), Trichy (2), Tirunelveli (2), and Tiruvarur (4). There is just 3% compliance in conducting the meetings – even worse than the conviction rate.

Periodic reports and reviews

a) ***Monthly reports*** (Rule 4(4)) Replies to RTI requests (Government letter no. 8486/RTI No.82/PA1/2020–2, dated17 July 2020) confirm that no monthly reports are being received by the government.

b) ***Quarterly reviews*** (Rule (7(3)) Replies to RTI requests (Letter No. 9584/RTI. Mo.133/PA1/2020–1, dated 19 August 2020) confirm that quarterly reports are still not being received.

c) ***Performance reviews*** of the special public prosecutors (Rule 14 (2)) are not being done. Since the SVMC has not met since June 2013, and only hurriedly in September 2020, despite the best efforts of the AD&TWD, the reviews in January and July under Rule 14(2) have not taken place.

d) ***Periodic reports*** Replies to RTI requests show that neither have the reports under Rule 12(7) been sent to the special courts all these years, nor have any orders from the court under Section 15A of the amended Act been received by the government.

No action against officials

No action has been taken against any official under Section 4(2) (TN annual reports 2010–2018) despite documented evidence of dereliction of duty and/or incompetence. No special public prosecutor has been removed, despite their dereliction of duty and insubordination being recorded in official minutes of the review committee.

Atrocity prone villages

From 2007 to 2018, the number of 'highly sensitive' among the atrocity prone villages (APV) has progressively reduced from a high of 168 to 73 in 2017 and none in 2018. Atrocity prone villages have varied from 136 in 2011 to 323 in 2014. The total number of APVs and dormant APVs which showed a reducing trend up to 370 in 2012, has increased from 2013 onwards from 396 to 592 in 2018. The increase of 196 villages, an almost 50% increase, seems to indicate a more widespread, low intensity social conflict. This is not a good sign, and can only be expected to increase.

Witness protection

The director of prosecution admits (26 March 2019) *that most of the victims turn hostile during the trial of the cases.* The reason for the victims and witnesses turning hostile is coercion and intimidation by the perpetrators. Five years after the amendment, the mechanisms to implement Section 15A of the Act are still not in place.

Model contingency plan

The Tamil Nadu Contingency Plan prepared based on the Act and Rules as amended to date was notified on 1 September 2017 in the State Gazette. It is available in both English and Tamil.

Availability in Tamil

Five years after the Act and Rules were amended, the Tamil translation of the Act and Rules are yet to be done, despite the additional chief secretary asking for it to be expedited (Review meeting, 26 March 2019).

Recommendations

The recommendations and their context are detailed in the main report. Most of them are also known to the concerned officials, as can be seen in internal documents. Perhaps the missing ingredient is political will.

Priority recommendations

a) *Institute a whole of society, prevention based approach:* Tamil Nadu needs to move away from treating crimes under this Act solely as 'communal' and 'law and order' problems. This approach has led to suppression in the registration of cases, and when registered, registering them under less serious sections. The new approach of prevention, by upgrading the basic infrastructure in villages with above 30% scheduled communities is one option. The other is to partner with civil society for mass awareness, and ensure speedy justice.

b) *Implement the law, build confidence.* The spot visit within 24 hours and investigation is mandatory for both the District Magistrate (DM) and the Superintendent of Police (SP) (Rule 12(1) and Tamil Nadu Contingency Plan). After this preliminary investigation, the SP should 'ensure the FIR is filed' (Rule 12(2), and the DM should send a report on relief to the judge of the special court (Rule 12(7)). The presence of the DM and SP is much more than a law and order requirement – it will be the best deterrence and confidence building mechanism.

c) *Register all cases:* Subject to Rule 12(1) and 12(2), which provide for preliminary investigation by the SP and DM before an FIR is registered, all cases should be registered with the appropriate sections. Diluting cases will be easily called out by using data – as can be seen in the case of murder, attempt to murder, rape and attempt to rape, in this report – all from government data. Police personnel need to be educated that

the number of cases registered is not an adverse comment on their capability, and that they will not be penalised for registering all cases.

d) *Ensure the rights of victims, survivors, and witnesses:* Official records admit that most of the acquittals – and therefore miscarriages of justice – take place due to the victims turning hostile in court. This is primarily because Section 15A of the Act is not implemented in letter and spirit. If the survivors have confidence in the state, they will not turn hostile.

e) *Support the victims' lawyers:* Similarly, when the survivors opt for a lawyer of their choice, the state cooperation is somewhat lacking. There needs to be better coordination between the police and the lawyers, irrespective of whether they are government employees or chosen by the survivor. The fee of the private lawyers should be enhanced to cover the costs of at least one legal assistant.

f) *Make payments on time:* The reimbursement of expenses and the payment of relief are tardy. Some reimbursements are never done. Some relief – meant to be paid within seven days – is delayed for more than seven or eight years. Since many of the victims, especially of heinous crimes, are from the economically precarious strata, every day makes a lot of difference. The reimbursements need to be paid on the same day, and the relief and rehabilitation within the time limits set in the Tamil Nadu contingency plan – which was drawn up by the state government.

g) *Ensure all reports are submitted:* Each report in the Act is for a specific purpose, for a different decision and therefore cannot, and should not, be clubbed with others that have different purposes. For instance, the intent and purpose of the quarterly review of the position of all cases done by the investigating officer under Rule 7(3) is very different from the daily law and

order situation reports received from the SJHR wing. Similarly, ensuring reports under Rule 7(2A) are submitted will help in better understanding the constraints that prevent charge sheets from being filed in 60 days, and inform decision making for better deployment of personnel, and designing better standard operating procedures (SOPs). The reports under Rule 12(7) are virtually the first information reports, and will lead to less 'mistake of fact' and therefore more operational efficiency.

h) *Ensure all statutory reviews are conducted*: The reviews help in mid–course corrections, and prevent the need for post–mortem blame games. If the mandatory performance reviews of the SPPs are done regularly in January and July as specified under Rule 14(2), the non–performing SPPs can be weeded out under Rule 4(3). Not only will the government be spared the embarrassment of recording that their political appointees are incompetent and guilty of dereliction of duty and insubordination, but more importantly, conviction rates will go up and justice will be done.

i) *Conduct the mandatory SVMC, DVMC, and SdVMC meetings*: Fix particular calendar dates for all the VMC meetings at different levels (like the grama sabha dates). Since the SVMC meetings have not been conducted, most of the statutory reviews have not been conducted either. Most SdVMCs have not even been constituted. While there has been a welcome increase in the number of DVMC meetings, the meetings are conducted with most of the statutory reports not being shared with the members of the committee at all, let alone well in advance. These meetings are essential components of the implementation architecture.

j) *Put all statutory reports in public domain:* There are several statutory reports mandated in the PoA. The FIR is already online. Other reports too should be put online suo moto, as

required under the letter and spirit of the Right to Information Act 2005. It would bring more transparency, and therefore more efficiency, to the functioning of the mechanisms under this Act.

Specific recommendations

Investigations

The drop in efficiency indicates that there are some systemic issues to be addressed. ADGP Shailesh Kumar Yadav has disclosed a new strategy of concentrating on cases involving heinous crimes (Minutes of meeting 22 October 2019, AD&TW(PA1)DEPT)). That could well be a way forward, if resources are scarce.

But in the absence of written explanations for delay, it is impossible to make even an educated guess.

a) Ensure that the written reports mandated in Rule 7(2A) are written.
b) The sharp drop in productivity in charge sheeting by 50% (from 1935 in 2001 to 963 in 2018) needs to be addressed.
c) The drop in efficiency vis a vis the absolute rates and the national average should also be addressed.

Trials

a) All cases should be tried on a priority, on a daily basis.
b) All cases of acquittal should be appealed automatically as a matter of routine.
c) The under–performing special public prosecutors and the investigating officers must be removed based on the findings of the state and district 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).
d) Only judges with the right aptitude should be appointed in the special courts and in the exclusive special courts so that special

courts and sessions courts don't 'acquit most of the cases on flimsy grounds' (Director of Prosecution (IC) T R S Ramamoorthy, at the review meeting held on 26 March 2019).

Reimbursement (TAME)

a) Make a special onetime provision in the budget to clear the backlog of reimbursements, and clear the backlog immediately.
b) In future, make budget allocations at 120% of the actual amount spent on TAME in the previous year.
c) Ensure that the amount is disbursed on the same day, and in any case not more than three days, after expenditure. In other words, follow Rule 11(6) in letter and spirit.
d) Discontinue the practice of clubbing together the disbursements quarterly, or worse, at longer or irregular, ad hoc intervals.

Rehabilitation

a) Make a special onetime provision in the budget to clear the backlog of relief and rehabilitation payments, and clear the backlog immediately.
b) Make annual budget allocations at 120% of the average amount spent on rehabilitation in the previous five financial years.
c) Ensure that the amount is disbursed within a week to follow Rule 12(4) and the state contingency plan under Rule 15(1) in letter and spirit.
d) Discontinue the practice of clubbing together the disbursements quarterly, or worse, at longer or irregular, ad hoc intervals.
e) For land and house related relief and rehabilitation, initiate a land bank and keep some readymade apartments in reserve in each district.

Reviews and action taken reports

Multiple RTI requests over the years have established that there are no periodic reviews of the performance of the officials appointed under this Act. It is therefore difficult to assess

whether they have the 'right aptitude and understanding' (Rule 13(1)), or even the skills. Going by the conviction rates, they certainly seem to lack both. Yet, not one of them is removed.a)

The periodic reviews should be done, and incompetent officers be removed. For the SPP and the investigation officer, it can based on the findings of the High Level District Level Committees, (set up due to the judgment of the Supreme Court of India in the Kishanbhai case). For others it can be done based on the disbursal of TAME, relief, rehabilitation and protection of rights, based on the standards mentioned in Rule 12(4), the timeliness and adherence to the Tamil Nadu Contingency Plan, and Section 15A of the Act.

b) That officers posted in the atrocity prone villages and taluks should be handpicked to conform to the standards prescribed in Rule 13(2) (Adequate representation of scheduled castes and scheduled tribes at all levels), particularly at the police post level. Information sought on this is denied, but there does not seem to be internal monitoring and controls either.

State vigilance and monitoring committee

The SVMCs set the tone for the entire state machinery in implementing this Act. Therefore they should be conducted on schedule without fail with all the requisite review reports and performance appraisals already being done.

a) Conduct the SVMC meetings on fixed dates in January and July.
b) One option would be to hold the SVMC meetings on the 28th of January and July of each year.
c) Ensure that all the review reports of the position of the cases (investigation, trial, allowances and reimbursements), the performance review of the SPPs and IOs, and building back their life and livelihoods with timely and adequate compensation and restoration, are made available to the members in advance.

District vigilance and monitoring committee

The DVMC is one of the key state mechanisms to monitor the implementation of the Act.

a) The quarterly DVMC meetings need to be held regularly on fixed dates, preferably 21 January, April, July, and October uniformly across all districts in the state. This will give time for their discussions to feed into the state deliberations a week later.
b) All statutory reports should be given to the DVMC members well in advance (position of the cases – investigation, trial, and TAME – the performance review of the SPPs and IOs, and building back their life and livelihoods with timely and adequate compensation and restoration).
c) All DVMC members need to be oriented on their rights, responsibilities, and duties, including the reports and reviews they are entitled to get, and how their views will be recorded.
d) All DVMCs are required to be reconstituted in 2020. Wide publicity should be given so that eligible non–official members can apply.

Sub–divisional vigilance and monitoring committee

The SdVMCs are the key mechanism to monitor the implementation of the Act at the community level.

a) The quarterly meetings need to be held regularly on fixed dates like the grama sabha. They could be held a week earlier than the DVMC meetings i.e. on 14 January, April, July, and October.
b) All statutory reports should be given to the members well in advance.
c) All members need to be oriented on their rights, responsibilities, and duties, including the reports and reviews they are entitled to get, and how their views will be recorded.
d) All SdVMCs are required to be reconstituted in 2020. Wide publicity should be given so that eligible panchayat members

know that they are ex–officio members, and keep themselves abreast of meeting dates and other developments.

Survivor and witness protection

The protection of survivors, witnesses, and informants is the key legal innovation of Chapter IVA, Section 15A of the PoA Amendment Act. It needs to be enforced in letter and spirit not only for the ends of justice, but also to retain the trust of the socially excluded communities in the rule of law and the impartiality of the state mechanisms.

a) Ensure that the 'concerned individuals and organisations' (NGOs) are named in the FIR/complaint, and keep them in the loop at all stages of the intervention. These individuals and organisations should be treated as amicus curiae of the survivors, courts and the police, and assistance should be provided to them to discharge their duties well.
b) The orders passed by the courts from time to time should be in writing, and discussed at the vigilance and monitoring committee meetings at the sub–divisional, district, and state levels.

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. Scheduled castes (SCs) form around 16.6% of India's total population (Census of India 2011). Of the 72.1 million population of Tamil Nadu, scheduled castes are 14.4 million (20.01%), which is 7.7% of the national total, and numerically fourth largest among the states.

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), scheduled tribes form 1% of the population of Tamil Nadu. That is 0.76% of the scheduled tribe population of the country, placing Tamil Nadu 23rd among the states in the scheduled tribe population in India. They live in 20 of 32 districts in Tamil Nadu.

There are around 7,627,387 women and 7,605,755 men among the scheduled castes (SC) and Scheduled Tribes (ST). The sex ratio works out to more female than male. Nearly 67% of the scheduled communities live in rural areas.

Table 1: SCs and STs Population in Tamil Nadu (2011)

Sl		SC		ST		Total Tamil Nadu	
		Number	%	Number	%	Number	%
1	Total	14,438,445	20.01%	794,697	1.10 %	72,147,030	100%
2	Male	7,204,687	49.90%	401,068	50.47%	36,137,975	50.08%
3	Female	7,233,758	50.10%	393,629	49.53%	36,009,055	49.91%
4	Urban	4,962,970	34.37%	134,417	16.91%	34,917,440	48.39%
5	Rural	9,475,475	65.63%	660,280	83.09%	37,229,590	51.61%

Villupuram (1,015,716), Kancheepuram (9,48,081), Vellore (860,212), Thiruvallur (821,646), Chennai (779,667) and Cuddalore (763,944) districts have about 36% of the total scheduled caste

population in the state (Census of India, 2011). According to the Census of India 2011, Salem (119,369), Thiruvannamalai (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 against SCs and STs

Section 3 of the Act lists the offences under the Act. More crimes were identified and included by the 2016 amendment.
For collection of statistical information concerning the Act, one Statistical Inspector is attached to each Unit, and is assisted by the staff of SJHR Units (annual report 2016).

Table 2a: Major Crimes Committed against SCs & STs 2001–2010

Sl	Crime Head	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
1	PCRA, 1955	22	79	202	71	12	84	6	3	2	3
2	Murder	38	34	16	25	30	26	39	31	27	22
3	Attempt to murder	0	0	0	0	0	0	0	0	0	0
4	Rape	29	34	30	25	21	22	30	19	11	11
5	Attempt to rape	0	0	0	0	0	0	0	0	0	0
6	Assault on women with intent to outrage her modesty	0	0	0	0	0	0	0	0	0	0
7	Kidnapping & Abduction	16	10	6	2	2	3	3	2	8	1
8	Stalking	–	–	–	–	–	–	–	–	–	–
8	Dacoity	5	0	0	0	0	0	0	0	0	0
10	Robbery	1	2	1	0	0	0	0	1	1	3
11	Arson	21	10	0	3	11	9	15	8	4	4
12	Grievous Hurt	424	253	175	163	142	147	206	152	110	149
13	Riots	0	0	0	0	0	0	0	0	0	0
14	Other IPC Crimes	1105	1064	350	196	162	255	397	221	107	191
15	Total of SC/ST (POA Act)	684	688	782	698	839	469	1064	1195	1064	1280
16	Total Crimes against SCs and STs	2345	2174	1562	1183	1219	1015	1760	1632	1334	1664

Source: NCRB; Stalking was not tracked as a separate crime till 2016.

Table 2b: Major Crimes Committed against SCs&STs 2011–2018

Sl	Crime Head	2011	2012	2013	2014	2015	2016	2017	2018
1	PCRA, 1955	12	9	1	8	1	4	1	6
2	Murder	29	38	29	44	49	57	51	46
3	Attempt to murder	0	0	0	36	69	78	59	46
4	Rape	14	36	30	33	44	41	58	73
5	Attempt to rape	0	0	0	1	5	1	0	2
6	Assault on women with intent to outrage her modesty	0	0	0	13	46	25	42	11
7	Kidnapping & Abduction : Total	7	4	5	7	12	8	8	9

Table 2b: Major Crimes Committed against SCs&STs 2011–2018									
Sl	**Crime Head**	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**
8	Stalking	–	–	–	–	–	1	4	0
9	Dacoity	0	0	0	0	0	0	0	0
10	Robbery	4	2	12	1	2	3	0	1
11	Arson	4	6	6	16	14	2	5	3
12	Grievous Hurt	221	208	271	4	3	5	12	10
13	Riots	0	0	0	39	186	113	171	108
14	Other IPC Crimes	108	223	174	398	1215	888	238	459
15	Total of SC/ST (POA Act)	1015	1148	1340	1504	1760	1306	1383	1422
16	Total Crimes against SCs and STs	1414	1674	1868	1564	1812	1310	1384	1428
Source: NCRB; Stalking was not tracked as a separate crime till 2016.									

The tables above are clear evidence of suppression in the recording of crime. Till 2013, both murder and rape were the most 'successful crimes' – there is not one case of 'attempt to murder' or 'attempt to rape' till then. It is highly unlikely that all attempts to murder are successful. Even afterwards, the number of 'attempted rapes' are in single digits, and there is a spike in *'assault on women with intent to outrage her modesty*'. This is a clear indicator that crimes against Dalit and Adivasi women are trivialised at best, or most likely normalised.

The data reveals some disturbing long–term trends:

a) Cases are not being filed under PCRA.
b) Murder is increasing to more than one a week.
c) Rapes are increasing exponentially over the past few years – 41 in 2016, 56 in 2017, and 73 in 2018 – an increase of 37% and 23% respectively, and a cumulative increase of 78% in two years.
d) Riots are increasing to more than two a week in the past four years, in 2015 and 2017 there was one riot every two days.

e) A curious trend is the increasing number of cases being booked only under PoA from 2014 onwards, going all the way from nil to 912 in 2014 to 115 (2015), 149 (2016), 93 (2017) and 78 in 2018.

Normally, an increase in the number of recorded crimes and convictions, is to be lauded. But in this case it is not so, because, as is evident from the figures above, the cases are registered only when it is impossible not to do so.

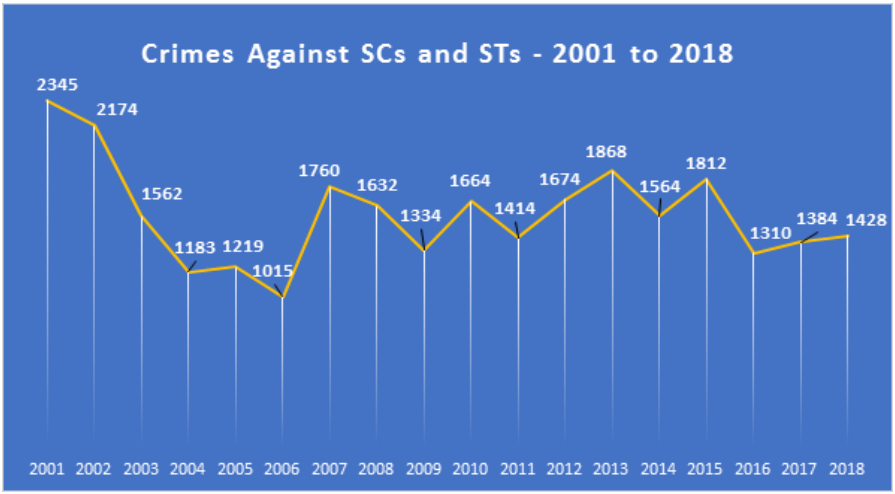
The recorded number of crimes under the Protection of Civil Rights Act (PCRA) 1955, kidnapping and abduction, dacoit, robbery, arson, grievous hurt have gradually decreased since 2011. But the major crimes such murder, rape, riots, other IPC crimes show a reverse trend, which is highly unlikely given global crime patterns. It reveals active suppression in recording crimes that can be invisibilised, and recording only those that are impossible to deny registration.

According to the status report for 2018, a total of 1428 offences were registered for crimes against the scheduled communities in Tamil Nadu, an increase of 3% over the 1384 recorded crimes in 2019. Murder and attempt to murder decreased by 10%. Incidents of rape increased by 23%. Other IPC crimes increased by 93% – a strong indicator of not invoking the Act as far as possible.

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

3.1 Overview

Data from 2001 to 2018 reveal that the highest number of major crimes recorded was murder (631) and grievous hurt (2655). Crimes such as attempt to commit rape and attempt to murder are hardly recorded, and assault on women with intent to outrage her modesty was hardly recorded till recently. Most crimes (7751) were recorded under other IPC crimes. The low records could mean rampant under–recording rather than absence of crime against the scheduled communities, especially the Adivasis (STs).



The annual reports from the year 2011 to 2018 prepared by the Government of Tamil Nadu under Rule 18 of the Act says that the increase in number of cases is due to the *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 in the years 2003, 2006, 2009, 2011, 2014 and 2016 means that there is decrease in awareness or monetary relief in those years. Else it is defamatory to the survivors, 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)).

3.2 Incidence with Tamil Nadu ranking (1995 – 2018)

Tamil Nadu has just 0.76% of the Scheduled Tribes in the country (21st rank) and 1% of the state. Scheduled Castes form 20% of the state, but Tamil Nadu has 7.7% of the national total, and is ranked fourth in terms of population.

Table 3: Incidence of crimes against SCs & STs (1995 –2018)

Sl	Year	Incidence in TN			Total Incidence in India			TN Ranking		PCIT	
		SC	ST	Total	SC	ST	Total	SC	ST	SC	ST
1	1995	1293	36	1329	3,2996	3652	36,648	7	10	3.9	0.7
2	1996	1812	85	1897	31,440	4973	36,413	4	11	5.8	1.7
3	1997	1403	227	1630	27,944	4644	32,588	6	6	5	4.9
4	1998	1562	31	1593	25,638	4276	29,914	6	12	6.1	0.7
5	1999	883	105	988	25,093	4450	29,543	7	7	3.5	2.4
6	2000	1296	9	1305	25,455	4190	29,645	7	13	5.1	0.2
7	2001	2336	9	2345	33,501	6217	39,718	5	17	7	0.1
8	2002	2097	77	2174	33,507	6774	40,281	5	13	6.3	1.1
9	2003	1495	67	1562	26,252	5889	32,141	7	11	5.7	1.1
10	2004	1156	27	1183	26,887	5535	32,422	9	14	4.3	0.5
11	2005	1206	13	1219	26,127	5713	31,840	9	15	4.6	0.2
12	2006	991	24	1015	27,070	5791	32,861	10	16	3.7	0.4
13	2007	1743	17	1760	30,031	5532	35,563	7	14	5.8	0.3
14	2008	1618	14	1632	33,615	5582	39,197	8	16	4.8	0.3
15	2009	1312	22	1334	33,594	5425	39,019	8	13	3.9	0.4
16	2010	1631	33	1664	32,712	5885	38,597	8	15	5	0.6
17	2011	1391	23	1414	33,719	5756	39,475	8	16	4.1	0.4

Table 3: Incidence of crimes against SCs & STs (1995 –2018)											
Sl	Year	Incidence in TN			Total Incidence in India			TN Ranking		PCIT	
		SC	ST	Total	SC	ST	Total	SC	ST	SC	ST
18	2012	1647	27	1674	33,655	5922	39,577	8	15	4.89	0.46
19	2013	1845	23	1868	39,408	6793	46,201	8	15	4.68	0.34
20	2014	1546	18	1564	47,064	11451	58,515	9	15	3.3	0.2
21	2015	1782	30	1812	45,003	10914	55,917	9	14	4	0.3
22	2016	1291	19	1310	40,801	6568	47,369	11	14	3.7	2.4
23	2017	1362	22	1384	43,203	7125	50,328	11	16	3.2	2.8
24	2018	1413	15	1428	44,654	6528	51,182	10	15	3.3	0.2
25	Total	36,111	973	37,084	799,369	145,585	944,954				
Source: NCRB Data/Crime In India/ Year wise Reports PCI= Percentage contribution to India total.											

A total of 37,084 crimes against SCs and STs were registered in Tamil Nadu from 1995 to 2018, of which 36,111 are crimes against SCs and 973 are against STs. 2001 saw the highest number of recorded crimes (2345) against the scheduled communities in Tamil Nadu and the lowest number registered (998) was in 1999. There is a lot of fluctuation in the crimes recorded, which could indicate that special attention is paid in some years, and not so much in others.

While analysing the NCRB position of Tamil Nadu when compared to other states (lower is better), the highest (4) was in 1996 for recorded crimes against SCs and in 1997 against STs (6) in India. The lowest rank (11) was 2016 and 2017 for crimes against SCs and in 2001 (17) for crimes against STs in India. Tamil Nadu also consistently contributes less than its population share to the national crimes against the scheduled castes, though its record with the crimes against scheduled tribe is mixed, with its contribution being above the proportion of scheduled castes in the country most

often. Though better than most, when it comes to charge sheeting, convictions and impunity, the data tells a different story.

Table 4a: District wise incidence (PCR,POA, IPC & other) in TN from 2001 to 2010										
District	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Chengai	–	20	168	13	–	–	–	–	–	–
Ariyalur	15	–	–	–	–	–	–	–	16	38
Chennai	18	7	14	0	8	15	25	19	14	15
Coimbatore	73	75	72	60	134	76	205	136	47	66
Cuddalore	26	62	74	27	29	17	46	44	68	92
Dharmapuri	24	58	98	26	18	16	35	44	19	28
Dindigul	6	22	36	34	32	25	59	49	41	45
Erode	63	46	28	27	38	25	75	78	35	45
Kanchipuram	75	30	52	26	3	14	20	14	16	28
Kanyakumari	8	20	11	3	8	2	8	8	12	11
Karur		25	11	5	30	27	56	23	21	16
Krishnagiri	16			27	26	27	31	54	20	24
Madurai	98	84	96	81	146	60	176	129	102	107
Nagapattinam	16	37	32	64	44	48	50	14	28	50
Namakkal	81	22	23	19	16	34	33	57	59	46
Nilgiris	17	8	6	12	8	2	5	4	8	4
Perambalur	30	90	68	31	54	31	49	42	14	27
Pudukottai	12	57	93	60	85	44	63	51	58	74
Ramanathapuram	2	65	59	49	25	29	31	56	59	52
Salem	39	41	40	37	60	11	40	87	58	98
Sivagangai	37	65	62	49	45	74	98	97	34	88
Thanjavur	43	120	77	87	24	59	143	99	98	87
Theni	35	13	10	11	9	118	41	31	39	62
Tirunelveli	48	59	116	113	71	14	143	145	74	96
Thiruvallur	1143	879	26	37	36	16	8	8	11	14
Thiruvannamalai	53	70	43	82	42	23	48	46	47	64
Thiruvarur	204			10	18	14	24	25	25	32
Thoothukudi	42	23	36	38	14	32	29	38	47	31

Table 4a: District wise incidence (PCR,POA, IPC & other) in TN from 2001 to 2010										
District	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Tiruppur		3	19						45	34
Trichy	26	20	44	19	37	22	32	24	36	39
Vellore	12	15	3	17	23	19	41	19	30	27
Villupuram	34	68	70	85	75	67	94	95	84	125
Virudhunagar	49	70	75	30	61	43	52	96	69	99
Total	2345	2174	1562	1183	1219	1015	1760	1632	1334	1664
Source: NCRB 2001–2010 District Wise Reports										

Table 4b: District wise incidents (PCR,POA, IPC & other) in TN 2011–2018 (Except 2013)								
District	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**
Chengai	–	–	Data not available	–	–	–	–	–
Ariyalur	11	36		13	23	19	72	43
Chennai	11	20		16	14	10	14	6
Coimbatore	52	37		45	57	37	41	22
Cuddalore	53	70		53	31	25	23	20
Dharmapuri	16	62		24	24	20	10	4
Dindigul	48	47		45	70	61	52	33
Erode	21	39		49	31	28	30	49
Kanchipuram	29	9		25	28	5	13	12
Kanyakumari	5	11		12	7	3	3	11
Karur	32	15		30	18	15	12	18
Krishnagiri	10	26		13	39	9	18	19
Madurai	91	142		208	277	263	168	92
Nagapattinam	22	40		22	29	5	42	33
Namakkal	70	43		34	30	38	23	16
Nilgiris	2	4		4	8	0	1	2
Perambalur	7	12		18	14	6	16	18
Pudukottai	52	49		52	38	40	43	49
Ramanathapuram	55	55		44	57	46	57	31
Salem	54	37		32	70	34	67	62
Sivagangai	42	68		72	86	22	57	49
Thanjavur	76	91		58	82	79	78	49
Theni	74	86		50	63	60	51	51
Tirunelveli	109	188		205	183	139	140	323
Thiruvallur	13	11		16	15	5	9	9
Thiruvannamalai	36	42		56	78	49	36	93
Thiruvarur	32	41		39	35	28	33	36
Thoothukudi	44	68		53	73	52	49	32

Table 4b: District wise incidents (PCR,POA, IPC & other) in TN 2011–2018 (Except 2013)								
District	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**
Tiruppur	26	34		42	58	40	36	24
Trichy	45	37		46	38	29	34	32
Vellore	30	22		56	49	39	30	41
Villupuram	154	132		86	100	38	73	108
Virudhunagar	92	100		46	87	66	53	41
Total	1414	1674		1564	1812	1310	1384	1428
Source: NCRB 2011–2018								

From 2001 to 2018 the overall highest number of incidents were registered in the Madurai district (2320 incidents). The number of incidents were registered lowest in the Nilgiris district (95). In 2018 there were a total of 1428 incidents registered against SCs and STs across Tamil Nadu. Tirunelveli with 323 registered incidents topped the tables, while Nilgiris district registered just two crimes under this Act. This data shows that offences in Madura are more likely to be registered (which is good performance by the police) when compared to the other districts. Low registrations often mean suppression of registration and impunity rather than absence of crime. The scheduled tribes are a little isolated in the Nilgiris, which also is sparsely populated with a lot of tea estates, and that could explain the low figures.

Data from 2001 to 2018 show the highest number (2345) registered in 2001, and the lowest (1015) in 2006. More than 20 districts have registered more incidents since 2001, while the Nilgiris, Kanyakumari, Chennai, Ariyalur, Karur, Krishnagiri, Tiruppur, Kanchipuram and Vellore have registered less than 500 during this entire period.

3.3 Recorded crimes against SCs & STs (POA 2001 – 2018)

NCRB records 19,641 crimes against SCs (19,455) and STs (186) in Tamil Nadu from 2001 to 2018. 2015 was the highest (1760) and 2006 the lowest (469). The report shows that in 2001 the cases

recorded in Tamil Nadu were around 684, it was increased to 688 in the very next year. After 2003 it had started to decline till 2006 and again the cases recorded were raised from 2007 to 2010 drastically. After 2010, the range began to decline till 2012, and in 2013 it was raised and took it to 1760 highest in 2015 between 2001 and 2018. And it followed a downward trend for further two years 2016 and 2017.Again increased in 2018.

The highest percentage of the recorded cases contribution to the national total was in 2010 (11%). The lowest percentage was in 2016 and 2017 (2.8%).

Table 5: Total Recorded cases against SCs & STs u/s POA 2001 – 2018

Sl	Year	Total recorded u/s POA in TN			Total recorded u/s POA in India			TN Percentage
		SC	ST	Total	SC	ST	Total	
1	2001	682	2	684	13,113	1667	14,780	4.6
2	2002	685	3	688	10,770	1800	12,570	5.5
3	2003	776	6	782	8048	1340	9388	8.3
4	2004	691	7	698	8891	1175	10,066	6.9
5	2005	829	10	839	8497	1283	9780	8.6
6	2006	468	1	469	8581	1232	9813	4.8
7	2007	1064	0	1064	9819	1104	10,923	9.7
8	2008	1194	1	1195	11,602	1022	12,624	9.5
9	2009	1047	17	1064	11,143	944	12,087	8.8
10	2010	1255	25	1280	10,513	1169	11,682	11
11	2011	1011	4	1015	11,342	1154	12,496	8.1
12	2012	1143	5	1148	12,576	1311	13,887	8.3
13	2013	1334	6	1340	13,975	1390	15,365	8.7
14	2014	1486	18	1504	40,283	6826	47,109	3.2
15	2015	1735	25	1760	38,217	6275	44,492	4
16	2016	1287	19	1306	40,774	6569	47,343	2.8
17	2017	1361	22	1383	42,969	7125	50,094	2.8

Table 5: Total Recorded cases against SCs & STs u/s POA 2001 – 2018								
Sl	Year	Total recorded u/s POA in TN			Total recorded u/s POA in India			TN Percentage
		SC	ST	Total	SC	ST	Total	
18	2018	1407	15	1422	42,539	6525	49,064	2.9
	Total	19,455	186	19,641	343,652	49,911	393,563	4.9
Source: NCRB/Crime in India/ Additional Tables/District wise reports								

Table 6a: District wise recorded cases against SCs & STs In TN from 2001 – 2010 (PoA)										
District	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Chengai	–	8	6	7	–	–	–	–	–	–
Ariyalur	15	–	–	–	–	–	–	–	16	33
Chennai	8	7	7	4	8	15	23	14	14	12
Coimbatore	62	50	67	50	88	10	123	126	47	40
Cuddalore	25	31	32	27	29	17	39	32	34	46
Dharmapuri	24	37	49	13	15	2	28	22	19	28
Dindigul	6	3	26	31	31	0	59	49	41	45
Erode	60	42	26	24	36	21	72	73	34	42
Kanchipuram	13	30	26	7	0	0	20	14	8	14
Kanyakumari	0	20	6	3	2	2	8	8	11	11
Karur	8	12	3	0	0	0	27	21	20	15
Krishnagiri	–	–	–	23	18	23	27	48	20	24
Madurai	80	23	66	71	101	60	93	117	95	85
Nagapattinam	10	32	29	32	21	24	25	14	14	21
Namakkal	8	22	23	19	15	17	31	53	58	46
Nilgiris	2	4	3	5	4	1	5	4	6	2
Perambalur	18	43	34	28	50	23	31	42	13	23
Pudukottai	37	52	85	56	50	21	57	51	50	74
Ramanathapuram	23	10	17	20	18	10	20	30	34	47
Salem	19	26	24	28	36	11	34	75	45	82
Sivagangai	73	58	62	47	31	37	49	48	0	43
Thanjavur	0	0	4	0	0	0	70	99	80	72
Theni	9	10	10	11	9	12	25	22	37	62
Tirunelveli	41	26	57	53	60	40	27	21	8	10

Table 6a: District wise recorded cases against SCs & STs In TN from 2001 – 2010 (PoA)										
District	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Thiruvallur	20	17	11	8	12	8	8	8	11	7
Thiruvannamalai	26	35	17	41	42	23	30	46	47	54
Thiruvarur	24	14	18	5	12	11	22	22	23	25
Thoothukudi	20	3	19	19	11	25	20	27	44	31
Tiruppur	–	–	–	–	–	–	–	–	45	34
Trichy	6	20	24	18	33	30	29	24	35	37
Vellore	12	12	2	17	22	19	41	19	30	27
Villupuram	3	6	0	8	67	0	0	0	49	125
Virudhunagar	32	35	29	23	18	7	21	66	63	63
Total	**684**	**688**	**782**	**698**	**839**	**469**	**1064**	**1195**	**1064**	**1280**
Source: NCRB–2001–2010										

Table 6b: District wise recorded cases against SCs & STs In TN from 2011 – 2018 (PoA)								
District	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**
Ariyalur	9	32	No data available	13	21	19	72	43
Chennai	11	18		16	13	7	14	6
Coimbatore	29	27		38	34	37	41	22
Cuddalore	53	70		53	31	25	23	20
Dharmapuri	15	29		16	24	20	10	4
Dindigul	48	47		45	65	61	52	33
Erode	20	34		49	31	27	30	49
Kanchipuram	14	9		25	25	5	13	12
Kanyakumari	5	11		10	7	3	3	10
Karur	31	15		30	15	15	12	18
Krishnagiri	10	24		13	35	9	18	19
Madurai	87	121		196	277	263	167	92
Nagapattinam	22	23		22	29	5	42	33
Namakkal	57	34		32	30	38	23	16

Table 6b: District wise recorded cases against SCs & STs In TN from 2011 – 2018 (PoA)								
District	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**
Nilgiris	2	2		4	6	0	1	2
Perambalur	7	9		18	14	6	16	18
Pudukottai	50	48		52	38	40	43	49
Ramanathapuram	43	50		44	57	46	57	31
Salem	47	30		26	67	34	67	62
Sivagangai	42	56		69	86	22	57	49
Thanjavur	66	84		53	82	79	78	49
Theni	60	41		50	63	60	51	51
Tirunelveli	15	20		193	183	139	140	322
Thiruvallur	13	11		16	15	5	9	9
Thiruvannamalai	36	42		56	78	49	36	93
Thiruvarur	27	41		39	35	28	33	36
Thoothukudi	44	57		53	72	52	49	30
Tiruppur	26	34		42	54	40	36	24
Trichy	37	32		46	37	29	34	32
Vellore	30	22		56	49	39	30	39
Villupuram	0	0		86	100	38	73	108
Virudhunagar	59	75		43	87	66	53	41
Total	**1015**	**1148**		**1504**	**1760**	**1306**	**1383**	**1422**
Source: NCRB 2010–2018 District Wise Reports								

4. Investigation and filing of charge sheet within sixty days

4.1 Compliance with Rule 7(2)

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

Table 7: Cases in which investigation and filling of the charge sheet was done				
Year	**within sixty days**	**later than sixty days**	**Total**	**Compliance %**
2016	247	476	723	34.16%
2017	243	454	697	34.86%
2018	322	466	788	40.86%

The data for compliance with Rule 7(2) is available since 2016 in the annual reports. The compliance is increasing, but is still just about 40%. Since there is one DSP per district in the SJHR unit, and support staff, solely for investigating crimes recorded under this Act, this can surely be improved.

Compliance with this requirement is required since the longer the case takes for resolution, the higher the chance for survivors and witnesses to be intimidated. It also consumes less resources of the state, which will otherwise have to be provided for their protection.

4.2 Compliance with Rule 7(2A)

Rule 7(2A) stipulates that a written explanation should be given by the investigating officer if the investigation is not completed within 60 days

In virtually no case is the written explanation mandated by Rule 7(2A) given. While it is understandable that a little more time may be needed to complete the investigations, what is not comprehensible is that the written reports are not being written either – and worse, no action is taken against the investigating officer for not turning in the report.

Replies to RTI requests show that these written explanations are not given in most cases. In some there is some explanation given to

seniors, but not in writing. Written reports help isolate the causes for delay, which can then be administratively or procedurally addressed.

4.3 Status of investigations

From 2001 to 2018, a total of 28,336 cases were registered under the PoA Act. In the six year period from 2001 to 2006, around 34% of cases (9492) were registered. In the next six year period from 2007 to 2012, around 33% of cases were registered. In the last six year period, around 33% of cases were registered.

The number of cases which were disposed of as mistake of fact or law (MF) has reduced by around 72% in 2018 from 2001 (596 cases to 165 cases). Though there were nil MF cases in 2014 and 2015, cases have crossed 240 in 2017.

Table 8: Police disposal of cases against SC& ST

Year	PI	TR	MF	CS	TI	Charge Sheeting Rate			
						TN		India	
						SC	ST	SC	ST
2001	298	2345	596	1935	2622	95.5	100	92.1	94
2002	325	2168	538	1533	2128	96.3	100	94.4	94.9
2003	581	1562	310	1185	1562	94.4	100	94.8	94.3
2004	197	1183	296	818	1545	65.2	88.2	92.7	95
2005	242	1219	310	821	1170	95.4	100	94.1	91.6
2006	228	1015	186	793	1025	94.4	100	91.3	95.9
2007	467	1760	447	956	1488	91.7	100	90.6	96.5
2008	527	1632	519	982	1567	93.7	93.3	90.4	96
2009	461	1334	479	837	1399	90.8	100	88.5	95.4
2010	662	1664	300	1047	1463	89.8	100	90.7	96
2011	789	1414	322	889	1286	92.2	100	90.7	93.2
2012	822	1674	316	1213	1641	91.3	100	91.8	95.8
2013	899	1868	401	1277	1791	91.9	92.3	100	94.2
2014		1564		1278	1932				
2015		1812		1398	1932				
2016	649	1310	173	1011	1932	78.5	95	78.3	81.3
2017	568	1384	244	794	2034	81.6	69.6	82.6	84.8

Table 8: Police disposal of cases against SC& ST									
Year	PI	TR	MF	CS	TI	Charge Sheeting Rate			
						TN		India	
						SC	ST	SC	ST
2018	571	1428	165	963	1996	87.5	73.3	81.3	83.4
PI= Pending Investigations; TR= Total Reported; MF= Mistake of Fact; CS= Charge Sheeted TI= Total Investigations									

While the number of reported cases has reduced by around 39% in 2018 from 2001, the pending investigations have almost doubled from 291 to 571 cases. In absolute numbers, charge sheeted cases have dropped by 50% from 1935 cases in 2001 to 963 cases in 2018.

The charge sheeting rate shows another alarming trend. While Tamil Nadu topped the national average in charge sheeting initially, it has fallen below the national average in charge sheeting for crimes against scheduled castes since 2012 (91.3% versus 91.8%) and for scheduled tribes from 2013 (92.3% versus 94.2%). It is a steady decline for a force that prides itself on being the best in Asia, let alone in the country, and it is important that it does not become a trend.

4.4 Disposal of persons arrested for crimes against SCs & STs

NCRB records that 55,996 persons were arrested for atrocities against the scheduled communities in Tamil Nadu from 2001 to 2018. The highest number arrested was 4365 in 2001 followed by 3906 in 2015 and 3844 in 2017. The lowest number arrested was 2079 in 2006, followed by 2153 in 2008, and 2214 in 2005.

The total number of persons charge sheeted 2001 to 2018 is 47,559. The highest number is 4145 in 2001 followed by 3669 in 2015 and 3640 in 2014. The lowest number is 1396 in 2002 followed by 1830 in 2006 and 2071 in 2004. The charge sheeting rate for crimes

against SCs and STs is around 85% from 2001 to 2018. The highest rate is 100% in 2003 and 2014, and 96.5% in 2008. The lowest rate was 37% in 2002.

CVMC recommendations

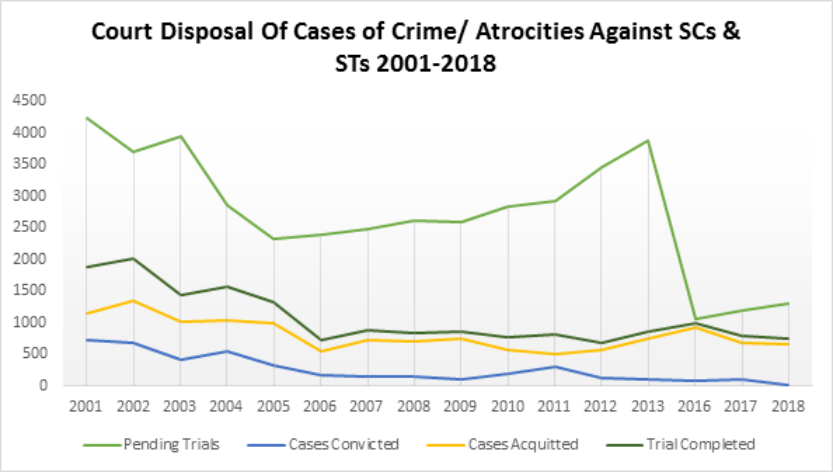
The drop in efficiency indicates that there are some systemic issues to be addressed. ADGP Shailesh Kumar Yadav has disclosed a new strategy of concentrating on cases involving heinous crimes (Minutes of meeting 22 October 2019, AD&TW(PA1)DEPT)). That could well be a way forward, if resources are scarce. But in the absence of written explanations for delay, it is impossible to make even an educated guess.

a) Ensure that the written reports mandated in Rule 7(2A) are written.
b) The sharp drop in productivity in charge sheeting by 50% (from 1935 in 2001 to 963 in 2018) needs to be addressed.
c) The drop in efficiency vis a vis the absolute rates and the national average should also be addressed.

5. Cases in court

5.1 Pendency and disposal

From 2001 to 2018, cases pending trial fluctuated from 2000 cases to 4000 cases each year. The most number of cases pending trial was 4228 in 2001. The rate of disposal of cases by the court in Tamil Nadu for SCs were around 39% in 2001, 34% in 2002, and 28% in 2003. The highest rate of disposal for SCs was in the year 2001 followed by 2011 (37%) and 2004 (35%). The lowest rate of disposal for SCs was in the year 2006 (7.7%) followed by 2017, 2018 and 2013 (13% each). For STs, disposal by courts was 0% in 2001, 42% in 2002, and 57% in 2003. The highest rate of disposal of cases for STs was in 2006 (100%) followed by 2010 (67%) and 2003 (57%). The lowest disposal rate (0%) for STs are in the years 2001, 2005, 2008, 2011, 2012 and 2018 when no trial was completed.



In India the highest rate of cases disposed of is 35% in 2010 and 2017 and the lowest is 24% in 2012. The India rate of disposal of cases for STs ranged from a high of 35% in 2004 to a low of 16% in 2013.

.

5.2. Convictions and acquittals (cases)

NCRB data show that 28,336 crimes against SCs and STs were recorded in Tamil Nadu from 2001 to 2018. The total cases that ended in convictions (of at least one accused) was 4398 and the cases where all the accused were acquitted is 12,896. The highest number of cases recorded was 2001 (2345) followed by 2002 (2168) and 2013 (1868). The lowest number of recorded cases was in 2006 (1015) followed by 2004 (1183) and 2015 (1219). The highest number of cases convicted was in 2001 (727) followed by 2002 (626) and 2004 (548). The lowest number of cases convicted was in 2015 (69) followed by 2016 (77) and 2014 (88). 2002 had the highest number of cases acquitted (1341) followed by 2001 (1144) and 2004 (1025). The lowest number of cases acquitted was in 2011 (512) followed by 2006 (552) and 2012 (570).

727 cases ended in conviction in 2001, the highest from 2001 to 2018. It declined from then on to 676 in 2012, 407 in 2013, 548 in 2004, and 332 in 2005 to only 11 cases in 2018. The acquittal rate was higher than the conviction rate throughout this period. 1341 people were acquitted in 2002, which was also the highest in this period. The highest number of trials (2017) were completed in 2002. In this entire period (2001 to 2018) cases were withdrawn by the government only in 2002 (3 cases) and 2003 (1 case).

NCRB records that in 2018 there were 1303 cases pending trial, up from 1187 in 2017. The trial was completed in 748 cases in 2018. Only 11 (1.47%) ended in conviction, and 648 were acquitted. Of 781 trials completed in 2017, there were 99 convictions and 671 acquittals. In 2016, 77 cases were convicted, and 914 acquitted, of the 991 cases in which the trial was completed.

While the conviction rate (38.9 for SCs) was higher than the all India rate (34) initially, it has dramatically decreased since 2007, when it dropped to 16% vs the national average of 31% for STs and 17% vs 29% convictions for STs. It has never really recovered from this, touching a low of 8% vs 26% nationally for SCs and 11% vs 31% for STs in 2016, and again 0% for STs in 2018.

Table 9: Court Disposal of Cases of Crime/Atrocities against SCs & STs 2001–2018

Year	PT	CC	CA	TC	CWG	Conviction Rate TN		Conviction Rate India	
						SC	ST	SC	ST
2001	4228	727	1144	1871	14	38.9	0	34.1	26.9
2002	3715	676	1341	2017	3	33.5	41.7	32.1	31.3
2003	3950	407	1024	1431	1	28.3	57.1	28.5	28
2004	2855	548	1025	1573	0	34.9	33.3	27.1	34.7
2005	2334	332	998	1330	0	25.2	0	29.8	24.4
2006	2398	177	552	729	0	24.2	100	27.6	28
2007	2476	140	732	878	0	16.1	16.7	30.9	29
2008	2606	140	698	838	0	16.9	0	31.7	27.2
2009	2594	112	736	848	0	12.5	32.3	29.6	27.2
2010	2844	189	578	767	0	24.5	66.7	35	25
2011	2928	293	512	805	0	36.7	0	31.8	19.2
2012	3452	119	570	689	0	17.7	0	23.9	22.5
2013	3874	107	748	855	0	12.5	14.3	23.8	16.4
2014		88							
2015		69							
2016	1068	77	914	991	0	7.7	11.1	25.7	20.8
2017	1187	99	671	781	0	12.5	33.3	35.3	28.3
2018	1303	11	648	748	0	13.3	0	28.5	23.5

PT= Pending Trial; CC=Cases Convicted; CA=Cases Acquitted; TC= Trial Completed; CWG= Cases Withdrawn by Government

Source: NCRB Data/Crime in India 2001–2018

5.3. Convictions and acquittals (persons)

Available NCRB data reveals that 7,830 persons were convicted between 2001 and 2018 for crimes against SCs and STs in Tamil Nadu. The conviction rate was highest in 2002 (82% – 1144 persons) followed by 2004 (54% – 1122 persons) and 2005 (22% – 475

persons). The lowest conviction rate was in 2014 (5% – 181 persons) followed by 2015 (5% – 196 persons) and 2016 (6% – 145 persons).

Total number of people acquitted for the crimes against SCs & STs in Tamil Nadu are about 20, 613 for the period between 2001 and 2018, based on available data. The acquittal rate was highest in 2004 (2776 persons) followed by 2016 (2444 persons) and 2005 (2207 persons). The lowest conviction rate was in 2012 (1264 persons) followed by 2018 (1459 persons) and 2011 (6% – 1469 persons).

Table 10: Disposal of Persons Arrested for Crime/ Atrocities against SCs & STs				
Year	Arrested	Charge sheeted	Convicted	Acquitted
2001	4365	4145	908	–
2002	3779	1396	1144	–
2003	3116	3211	572	–
2004	2229	2071	1122	2776
2005	2214	2118	475	2207
2006	2079	1830	359	1606
2007	2616	2123	330	1921
2008	2153	2078	311	1901
2009	2422	2303	336	–
2010	3049	2682	368	1699
2011	3479	2475	419	1469
2012	2968	2772	275	1264
2013	3785	3100	331	–
2014	3602	3640	181	–
2015	3906	3669	196	–
2016	3098	2434	145	2444
2017	3844	2912	178	1867
2018	3292	2600	180	1459
Source: NCRB Data/Crime in India 2001–2018				

5.4 Appeals

Though there have been thousands of acquittals during the period, the state has not appealed even a single case, though the accused have appealed and got acquitted in higher courts. The standard

note in the annual reports is 'Legal opinion is being sought on the point of appeals to be preferred against the acquittal'.

Despite such numbers of acquittals, none of the Special Public Prosecutors have been changed for not pleading the cases effectively from 2010 to 2018 in Tamil Nadu (annual reports 2010 – 2018).

Table 11: Acquittals and Appeals (cases)				
Year	Reported	Convicted	Acquitted	Appealed
2001	2345	727	1144	Nil
2002	2168	676	1341	Nil
2003	1562	407	1024	Nil
2004	1183	548	1025	Nil
2005	1219	332	998	Nil
2006	1015	177	552	Nil
2007	1760	141	737	Nil
2008	1632	140	698	Nil
2009	1334	112	736	Nil
2010	1664	189	578	Nil
2011	1414	293	512	Nil
2012	1674	119	570	Nil
2013	1868	107	748	Nil
2014	1564	88	NA	Nil
2015	1812	69	NA	Nil
2016	1310	77	914	Nil
2017	1384	97	671	Nil
2018	1428	99	648	Nil
Source: NCRB Data/Crime in India 2001–2018				

CVMC recommendations

In view of the above, the CVMC recommends that

a) All cases be tried on a priority, on a daily basis.
b) All cases of acquittal be appealed automatically as a matter of routine.
c) The under–performing special public prosecutors and the investigating officers be removed based on the findings of the state and district 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).

d) Only judges with the right aptitude be appointed in the special courts and in the exclusive special courts so that special courts and sessions courts don't 'acquit most of the cases on flimsy grounds' (Director of Prosecution (IC) T R S Ramamoorthy, at the review meeting held on 26 March 2019).

6. Travelling and maintenance expenses paid to witness and victims

As per Sec. 21(2)(ii) of the Act, and Rule 11, 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 1 million as the expenditure of TA/DA/BATTA to the witnesses of atrocity cases and it is disbursed through Commissioners of Police in Cities and Superintendents of Police in Districts. This amount is sanctioned annually in the state budget.

Rule 11(6) of the amended Act makes it mandatory for TAME to be paid immediately or latest within three days. This is for both investigation and trial. In practice, these are reimbursed at irregular intervals. At best they are clubbed together and disbursed quarterly, about the time of the quarterly DVMC meetings.

As the data below shows, some of the districts do not make any reimbursements at all. Even in 2018 some districts did not provide TAME during investigation or trial. It is unlikely that there was no investigation or trial in the year in those districts.

In 2013, only 5 of 38 police districts provided TAME, 7 in 2014, 2 in 2015, and 3 in 2016. There is improvement in 2017 and 2018 with 24 and 25 districts making TAME payments, with corresponding increases in persons getting reimbursements. The scheduled castes get the most number of repayments. Further details, gender disaggregated community wise is in the annex.

The police commissioners of Chennai, Trichy, and Tirunelveli have not paid TAME ever, though commissioners have in other cities.

There is a considerable drop in the number of reimbursements in the period 2013 to 2016. The drop is rather sharp from 1110 in 2012

to just 332 in 2013 and to a low of 30 in 2015 before reversing to 71 in 2016, to 1260 in 2018 (matching the 2010 level of 1289) and finally reaching 1743 in 2018.

Table 12: Number of survivors and witnesses provided TAME from the year 2010 – 2018											
Sl	**Police District / City**	**2010**	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**Total**
1	Ariyalur	7	4	16	0	0	0	0	98	121	246
2	Chennai	3	2	3	0	0	0	0	0	0	8
3	Coimbatore City				106	106	0	0	13	30	255
4	Coimbatore District	12	26	4	0	0	0	0	32	0	74
5	Cuddalore	34	107	64	0	0	0	0	48	83	336
6	Dharmapuri	20	32	88	0	0	0	0	58	138	336
7	Dindigul	34	96	7	0	0	0	0	57	181	375
8	Erode	41	23	11	118	118	0	65	48	165	589
9	Kancheepuram	38	40	22	0	0	0	0	30	7	137
10	Kanyakumari	6	0	2	0	0	0	0	10	10	28
11	Karur	35	9	6	0	0	0	0	0	0	50
12	Krishnagiri	18	10	13	0	0	0	0	0	74	115
13	Madurai City				0	0	0	0	72	67	139
14	Madurai District	142	28	89	0	0	0	0	37	38	334
15	Nagapattinam	14	11	22	0	0	0	0	4	0	51
16	Namakkal	37	4	36	0	0	0	0	0	0	77
17	Nilgiris	4	5	4	15	21	5	0	0	0	54
18	Perambalur	15	0	9	0	0	0	0	150	252	426
19	Pudukkottai	89	67	47	0	0	0	0	78	0	281
20	Ramanad	46	36	33	60	25	15	0	73	51	339
21	Salem City				0	42	0	0	7	17	66
22	Salem District	19	65	23	0	0	0	0	0	11	118
23	Sivagangai	30	48	24	33	0	0	0	13	46	194
24	Thanjavur	133	64	59	0	0	0	0	0	21	277
25	Theni	32	31	4	0	0	10	0	6	22	105
26	Thoothukudi	58	24	35	0	0	0	0	94	27	238

Table 12: Number of survivors and witnesses provided TAME from the year 2010 – 2018											
Sl	Police District / City	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
27	Tirunelveli City				0	0	0	0	0	0	0
28	Tirunelveli District	56	52	49	0	0	0	0	19	48	224
29	Tirupur City				0	25	0	0	0	0	25
30	Tirupur District	16	2	31	0	0	0	0	5	84	138
31	Tiruvallur	7	39	1	0	0	0	4	13	47	111
32	Tiruvannamalai	57	33	34	0	0	0	2	6	110	242
33	Tiruvarur	24	8	42	0	0	0	0	0	0	74
34	Trichy City				0	0	0	0	0	0	0
35	Trichy District	17	84	24	0	0	0	0	19	0	144
36	Vellore	46	18	23	0	126	0	0	133	28	374
37	Villupuram	100	112	136	0	0	0	0	78	0	426
38	Virudhunagar	99	84	149	0	0	0	0	59	65	456
	Total	1289	1164	1110	332	463	30	71	1260	1743	7462
Source: Annual Reports, Annex II TAME paid to witnesses and victims during investigation and trial. The city commissionerate and district distinction was made in reporting from 2013 onwards.											

Most of the districts reimbursed travelling allowance and maintenance expenses in 2018. A total of 1743 persons (1704 SCs and 39 STs) got their allowances. The highest number were from Perambalur district (252) followed by Dindigul (181) and Erode (165). Chennai, Coimbatore district, Karur, Nagapattinam, Namakkal, Nilgiris, Pudukkottai, Trichy district, Tirunelveli city, Tiruppur city, Tiruvarur and Villupuram did not receive any allowances in 2018.

Data from 2010 to 2018 reveals that the highest number of persons who received travel and daily allowances from the government was in 2018 (1743) and the least (30) in 2015. Comparing the data district wise, Erode district recorded the highest number of persons

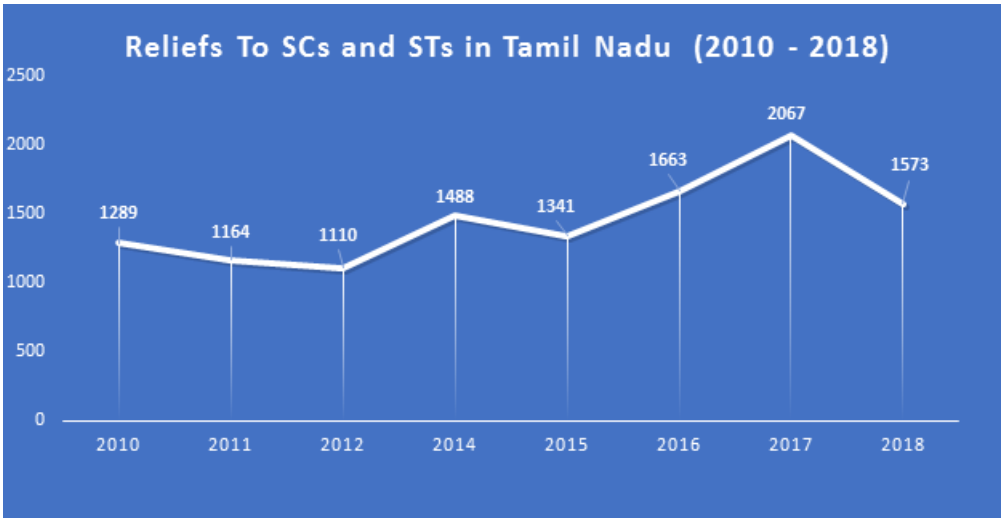
(589) who received TAME. Districts which did not reimburse a single person are Tirunelveli city and Trichy city. Chennai, Karur, Nammakkal, and Thiruvarur have not made any payments since 2013.

CVMC recommendations

a) Make a special onetime provision in the budget to clear the backlog of reimbursements, and clear the backlog immediately.
b) Make budget allocations at 120% of the actual amount spent on TAME in the previous year.
c) Ensure that the amount is disbursed on the same day and in any case not more than three days after expenditure. In other words, follow Rule 11(6) in letter and spirit.
d) Discontinue the practice of clubbing together the disbursements quarterly, or worse, at longer or irregular, ad hoc intervals.

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, and then subsequently over the next six months their livelihoods have to be restored and secured.



According to the Annual Reports,

> *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. At the beginning of the Financial Year necessary provisions are being made in the Budget Estimate in respect of relief measures meant for victims of Atrocities. Subsequently, orders will be issued by the Director of Adi–Dravidar Welfare apportioning the amount to all the District Collectors as per the proposals.*

Tamil Nadu has, in successive annual reports, mentioned why the timeframe of seven days is not possible.

For instance, para 7 of the annual report 2018 mentions that

> *For heinous crimes such as murder/ rape etc., the prescribed compensation amount and the provision of pension are being sanctioned to the victims/ families of victims within the stipulated time. In some cases, awarding compensation may get delayed since legal procedures have to be followed. Regarding provision of other additional relief measures such as employment, agricultural land, house etc., it is not feasible for the state government to stick to the prescribed time limit since, the identification of land for housing and agriculture involves certain administrative procedures and practical difficulties. However, steps are being taken to minimize the time taken for providing the aforesaid additional measures by issuing suitable instructions to the police officials and district administration for the expeditious action. In order to minimize the time limit for sanctioning relief to the victims of atrocities, the district magistrates have been authorised for the immediate withdrawal of money from the treasury.*

As the table below shows, the first part seems to be somewhat, but not quite, true. Even if only the total number of murders, rapes, attempt to murder, and attempt to rape are considered, on time disbursal falls short of the government claim.

Table 13: Number of cases in which the relief amount was paid to concerned person(s)

Year	<7 days	> seven days	Total	Compliance %	MR	TMR
2016	76	840	916	9.05%	98 (57+41)	177
2017	3	285	288	1.05%	108 (51+58)	168
2018	146	634	780	23.03%	119 (46+73)	167

M&R=Murder and rape; TMR=Total murder, rape, attempt to murder, attempt to rape. Source: Respective annual reports

What is even more astounding is that even as late as 26 March 2019 there is an implicit admission by the additional chief secretary and

the high powered review committee, that some compensation is *pending for seven or eight years*.

> *The Additional Chief Secretary enquired about the expenditure in respect of monetary relief sanctioned to the victims of atrocities to the Director of Adi Dravidar Welfare. He also instructed the concerned officials to–get the details of pending cases for which sanction of monetary relief is pending for more than 7 (or) 8 years, so as to complete the process of sanction.*

In part, it is because of the process followed. The district administration submits a requirement of funds to the state government (Minutes of the meeting held on 22 May 2019, AD&TW(PA1)Dept). This requirement is added in the budget estimates for the next year. This is perhaps administratively expedient, but for those who have lost their livelihoods, and perhaps their social security and breadwinners as well, it is punishment by process, adding insult to injury. It is against the letter and spirit of the law, which seeks to have immediate, effective, and efficient rehabilitation: build forward better.

The number of people getting relief varies widely from year to year, and the NCRB data does not reveal any particular reason for such variation. From 2010 to 2018 the largest number of victims and survivors got relief in 2017. District–wise, the highest number (830) who got relief was in Villupuram, followed by Madurai (770) and Tirunelveli (673). Chennai was lowest, where only 28 people received the relief amount followed by Nilgiris (29) and Kanyakumari (42).

In 2018 (the last year for which data is available), Madurai district provided relief to the highest number (174) of survivors, followed by Nagapattinam (110) and Vellore (105). The district which had the

lowest record was Nilgiris where only 5 people received the relief amount followed by Chennai (6) and Kanyakumari (14). Nilgiris is an outlier due to its particular geographic and other features.

A sign of hope is that Rs 202.395 million has been sanctioned for 2356 survivors in 1327 cases (Minutes of high level review meeting, held on 26 March 2019). The hope is tempered by reality, since it works out to just 85,000 per person and 105,000 per case.

Rs 118.7 million was allotted in the budget estimate 2019–20 (Minutes of the meeting held on 22 May 2019, AD&TW (PA1) Dept). Hopefully the instruction of the additional chief secretary to the Director AD&TW to ensure that all the funds are utilised will be carried out.

Table 14: Persons to whom relief given (2010–2018) in Tamil Nadu

District	2010	2011	2012	2014	2015	2016	2017	2018	Total
Ariyalur	7	4	16	7	12	13	50	26	135
Chennai	3	2	3	2	2	3	7	6	28
Coimbatore	12	26	4	65	13	57	20	61	258
Cuddalore	34	107	64	20	91	73	34	15	438
Dharmapuri	20	32	88	94	24	32	57	56	403
Dindigul	34	96	7	42	16	5	24	23	247
Erode	41	23	11	32	49	23	29	39	247
Kanchipuram	38	40	22	49	40	26	14	12	241
Kanyakumari	6	0	2	1	7	6	6	14	42
Karur	35	9	6	3	6	30	38	19	146
Krishnagiri	18	10	13	6	32	14	37	21	151
Madurai	142	28	89	56	27	36	218	174	770
Nagapattinam	14	11	22	46	29	35	86	110	353
Namakkal	37	4	36	19	27	58	41	31	253
Nilgiris	4	5	4	2	1	4	4	5	29

Table 14: Persons to whom relief given (2010–2018) in Tamil Nadu									
District	**2010**	**2011**	**2012**	**2014**	**2015**	**2016**	**2017**	**2018**	**Total**
Perambalur	15	0	9	16	9	6	8	64	127
Pudukottai	89	67	47	30	17	101	65	62	478
Ramanathapuram	46	36	33	14	24	53	73	50	329
Salem	19	65	23	33	12	87	36	33	308
Sivagangai	30	48	24	106	19	183	103	49	562
Thanjavur	133	64	59	43	171	43	43	54	610
Theni	32	31	4	47	10	58	129	33	344
Tirunelveli	56	52	49	254	54	59	84	65	673
Thoothukudi	58	24	35	47	159	66	46	52	487
Tiruvallur	7	39	1	10	63	25	74	20	239
Tiruvannamalai	57	33	34	69	65	58	45	104	465
Tiruvarur	24	8	42	27	3	83	36	40	263
Tiruppur	16	2	31	184	180	65	54	54	586
Trichy	17	84	24	35	11	115	94	28	408
Vellore	46	18	23	58	62	161	174	105	647
Villupuram	100	112	136	47	28	75	240	92	830
Virudhunagar	99	84	149	24	78	10	98	56	598
Total	1289	1164	1110	1488	1341	1663	2067	1573	11,695
Source: NCRB									

The Government of Tamil Nadu recognises (Minutes of Meeting, 22 October 2019) that material well–being – basic amenities – will reduce the atrocities. A total of Rs 2 billion has been sanctioned (a billion each in 2018–2019 and 2019–2020) to provide basic amenities to villages with over 30% scheduled castes. Director Dr Palanisamy, Joint Secretary R Jesudoss Kenndy, and Additional Director Rajashri from the Department of Rural Development and

Panchayat Raj present accepted the suggestion and to take suitable action. This needs to be followed up and ensured.

CVMC recommendations

a) Make a special onetime provision in the budget to clear the backlog of relief and rehabilitation payments, and clear the backlog immediately.
b) In future, make annual budget allocations at 120% of the average amount spent on rehabilitation in the previous five financial years.
c) Ensure that the amount is disbursed within a week, meaning, follow Rule 12(4) and the state contingency plan under Rule 15(1) in letter and spirit.
d) Discontinue the practice of clubbing together the disbursements quarterly, or worse, at longer or irregular, ad hoc intervals.
e) For land and house related relief and rehabilitation, initiate a land bank and keep some readymade apartments in reserve in each district.

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).

As the sub–sections below show, on paper Tamil Nadu has a very effective and streamlined mechanism in place for implementing and monitoring the implementation of the PoA Act. Without building alternative or parallel structures, it follows the integrated whole of government approach. This is in keeping with its enviable administrative reputation.

Equally noteworthy is that this administrative efficiency has not translated into on–ground effectiveness. Rather, as was seen in the earlier section on the crime rate and the rate of convictions, and will be seen in the sections below, the effectiveness has actually decreased in proportion to the administrative efficiency.

8.1 State commissions for scheduled castes and tribes

Tamil Nadu does not have either a state commission for scheduled castes or 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).

The present state nodal officer is:

Otem Dai, I.A.S.
Additional Chief 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 till 2018. This suggests that the quarterly reviews of the performance of special public prosecutors and 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.

However, four quarterly reviews were done in 2019, though the specific performance reports of the investigating officers and the special public prosecutors were not available. In addition, a meeting was held to prepare for the review meeting to be conducted by the National Commission for Scheduled Castes.

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 police 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 as amended to date.

The Additional Director General of Police (ADGP), the Deputy Inspector General of Police (DyIGP), and the Assistant Inspector General of Police (AIGP), 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 present head of the SJHR (protection cell) is

ADGP Shailesh Kumar Yadav, I.P.S
Social Justice and Human Rights Headquarters
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 1989.

8.5 District level enforcement

The Protection of Civil Rights 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 Superintendents of Police (DSP) 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 or SPs 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).

Consistent with the integrated whole of government approach, there are no special police stations established to investigate offences against the scheduled communities 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 the 38 district headquarters and commissionerates. Each unit is headed by a Deputy Superintendent of Police (DSP).

8.7 Crime records and statistics

The Tamil Nadu State Annual Reports say that the ADGP, SJHR has 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.

However, given that the crime records in the public domain are so sketchy – they are not available on the website of the police department – there is little to show for these appointments, or their output. Another cause for concern is that the crime records, if and

when they are published, is after long delay. These delays have become longer after computerisation and vertical integration from the police station to the state crime records bureau (Home, Prohibition and Excise Department, Administration Of Justice, Demand No.3, Policy Note 2019–2020.).

CVMC recommendations

Multiple RTI requests over the years have established that there are no periodic reviews of the performance of the officials appointed under this Act. It is therefore difficult to assess whether they have the 'right aptitude and understanding' (Rule 13(1)), or even the skills. Going by the conviction rates, they certainly seem to lack both. Yet, not one of them is removed.

The CVMC strongly recommends that

a) The periodic reviews should be done, and incompetent officers be removed. For the SPP and the investigation officer, it can based on the findings of the High Level District Level Committees (set up by the Circular Memorandum from the office of the Director General of Police, Tamil Nadu, Chennai – 600004 RC.No.053884/ Crime.4(3)/ 2014 Dated: 26.04.2016, pursuant to the judgment of the Supreme Court of India in the Kishanbhai case). For others it can be done based on the disbursal of TAME, relief, rehabilitation and protection of rights, based on the standards mentioned in Rule 12(4), the timeliness and adherence to the Tamil Nadu Contingency Plan, and Section 15A of the Act.
b) That officers posted in the atrocity prone villages and taluks must be handpicked to conform to the standards prescribed in Rule 13(2) Adequate representation of scheduled castes and scheduled tribes at all levels, particularly at the police post level. Information sought on this is denied, but there does not seem to be internal monitoring and controls either.

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 vigilance and monitoring committee

Rule 16(1) The State Government shall constitute a 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 high power State Level Vigilance and Monitoring Committee (SVMC) has been constituted in the state. However, it has met only four times in the entire duration of the Act (government Letter No. 8481/RTI No.78/PA1/2020–1. Dated 17 July 2020), the last being on 8 September 2020, and before that in June 2013.

The SVMC was constituted (G.O (Ms).No.95) dated 16 December 2014, Annual Report 2016, Annex V), but never met. RTI inquiries reveal a rather dismal track record in the state level review process. Not only did the SVMC not meet since 2013 (RTI reply quoted above) till 2020, the historical record shows a consistent pattern of callous disregard for the Act and Rules at the very highest levels of the government.

It is not that the nodal officer did not try. As the minutes of the meeting held on 7 February 2019 (AD&TW(PA1)DEPT) show, there has been several attempts to convene the SVMC meeting. The meeting on 7 February 2019 was explicitly to prepare the agenda for the SVMC meeting.

> *... the concerned official dealing with the subject stated that the file was sent to the office of the Hon'ble Chief Minister during July 2018 with a request to fix the date and time of the state level vigilance and monitoring committee meeting. Consequently, the Principal Secretary II to the Hon'ble Chief*

minister contacted the director of Adi Dravidar welfare over phone, and issued some instructions about the points to be included in the agenda of the proposed meeting. Hence, in a government letter dated 27 August 2018, the director of Adi Dravidar welfare was requested to prepare an agenda as per the instructions issued by the Office of the Chief Minister, and send the same to the government for fixing the meeting.

Immediately after this, attention turned to the forthcoming by–elections to the state assembly. These by–elections were crucial for the party in government, since the outcome of polls to the 22 seats in play would determine their fate. Naturally, the constitutional obligation to conduct the SVMC meeting was given a go by.

Para 9 of the State Annual Report 2018 (possibly written after the meeting on 7 February 2019) says that a new

GO (Ms) No. 16, Adi Dravidar and Tribal Welfare Department date 16 March 2017, the State Level High Power Vigilance and Monitoring Committee has been formed under the Chairmanship of Hon'ble Chief Minister of Tamil Nadu. After the parliamentary elections 2019 and the bye–elections for 22 constituencies, action is being taken by this government to reconstitute the committee with new members of parliament and members of legislative assembly. Steps will be taken to conduct the meeting at the earliest after the reconstruction during the current year at the earliest.

That was the promise of early 2019, when the annual report was being written (the report is sent to the federal government before 1 July every year, in keeping with the Rule 18 mandated timeline). Elections are periodic affairs. The ship of state cannot come to a standstill because of them. One year after the election, neither of the SVMC meetings were conducted.

Finally letters with over 4150 signatures was sent from 10 districts, to the present chief minister, Edappadi K Palaniswami, reminding him that has not conducted a single SVMC meeting during his tenure – and that he would be the first and only chief minister with this dubious distinction.

That, along with two public interest litigations in the Madras High Court to order the state government to conduct the meeting (WP No:10335/2020(PIL) filed by Advocate Pannerselvam, Coimbatore, Vs State of Tamil Nadu in the Madras Bench and the other in the Madurai Bench) finally convinced him to conduct an SVMC meeting on 8 September 2020, since the hearing was to be on 9 September 2020. The previous meeting held by J Jayalalithaa was also conducted in similar circumstances, just before that case came up for hearing in the Madras High Court in June 2013.

Table 15: Chief Minister's Report Card on SVMC meetings conducted

Sl	Chief Minister	Meetings conducted	Mandatory meetings	Compliance %	Date of Oath	Demitted office
1	Dr. M. Karunanidhi	0	10	0.00%	13.05.1996	13.05.2001
2	Dr. J. Jayalalithaa	0	1	0.00%	14.05.2001	20.09.2001
3	O. PanneerSelvam	0	1	0.00%	21.09.2001	01.03.2002
4	Dr. J. Jayalalithaa	0	8	0.00%	02.03.2002	12.05.2006
5	Dr. M. Karunanidhi	1	10	10.00%	13.05.2006	14.05.2011
6	Dr. J. Jayalalithaa	2	7	28.57%	16.05.2011	28.09.2014
7	O. PanneerSelvam	0	1	0.00%	29.09.2014	22.05.2015
8	Dr. J. Jayalalithaa	0	3	0.00%	23.05.2015	05.12.2016
9	O. PanneerSelvam	0	1	0.00%	06.12.2016	15.02.2017
10.	Edappadi K Palaniswami	1	7	14.28%	16.02.2017	In office
	Total	4	49	8.16%		

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; Government Letter No. 8481/RTI No.78/PA1/2020–1. Dated 17 July 2020.

Even so, just four (8%) of the mandated 49 SVMC meetings have been conducted till date.

Even the consolidated figures party–wise are quite dismal. AIADMK conducted three meetings out of the required 29 and DMK only one of the required 20.

Table 16: SVMC meetings conducted: Party–wise report card				
Sl	**Party**	**Mandatory**	**Actual**	**%**
1	DMK	20	1	5%
2	AIADMK	29	3	10%
	Total	49	4	8%

CVMC recommendations

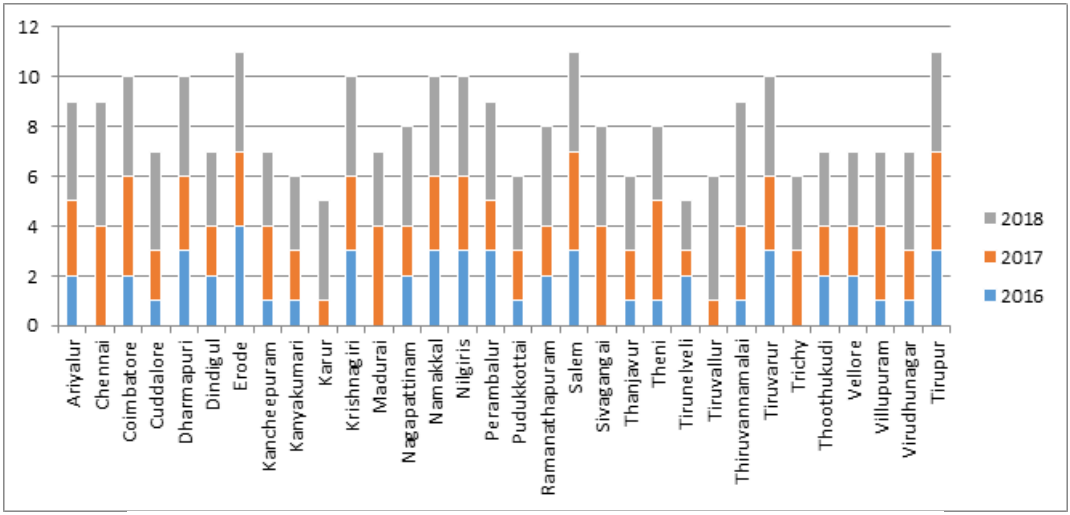
The SVMCs set the tone for the entire state machinery in implementing this Act. Therefore, they should be conducted without fail with all the requisite review reports and performance appraisals already being done.

a) Conduct the SVMC meetings on fixed dates in January and July.
b) One option would be to hold the SVMC meetings on the 28th of January and July of each year.
c) Ensure that all the review reports of the position of the cases (investigation, trial, allowances and reimbursements), the performance review of the SPPs and IOs, and building back their life and livelihoods with timely and adequate compensation and restoration) are made available to the members in advance.

9.2 District 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. District level vigilance and monitoring committee (DVMC) meetings should be conducted every quarter (4 times a year). So in the 32 districts of Tamil Nadu there should be 128 DVMC meetings should be conducted per



annum, and 1152 from 2010 to 2018. However, only 744 DVMC meetings (65%) were conducted.

Number of DVMC Meetings conducted District–wise (2016 – 2018)

The state annual reports from 2010 to 2013 note 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 to ensure speedy disposal of false cases which are as Mistake of Fact.*

The state annual reports of 2014 and 2015 additionally note that

> *Moreover, Law and Order meetings are being conducted periodically to review the implementation of PoA Act exclusively by the Chief Secretary to the government. During the meeting the frequency of conducting DLVC meetings are*

monitored and instructions were issued to the concerned District Collectors who are not conducting the DLVC meeting in the respective quarter.

The annual report of 2016 notes that

a video conference has also been conducted exclusively with the District Administration for the regular conduct of SDLVCs and DLVCs. The state annual reports for 2017 and 2018 additionally notes that the district collectors who have conducted 2 or 3 meetings have been instructed to conduct the meetings regularly.

The nine year average of DVMC meetings is better than that of SVMC meetings, with an overall average of 65% of the mandatory meetings being conducted. 2017 and 2018 saw an uptick from the historic low of 41% in 2016. The data shows that there were significant dips in 2012 and 2016 (48% and 41%) from the nine year state average of 65%. This could be attributed to the elections of 2011, and the elections and untimely demise of the chief minister in 2016. In 2016 a record five districts did not hold even one meeting, and nine held just one.

From 2010 to 2018, the highest number of meetings were conducted in Coimbatore district (31 of 36 meetings) followed by Dharmapuri (29) and Erode (29). The lowest were in Tirunelveli (18), Tiruvallur (19,) and Pudukottai (19).

In 2010 there were 96 DVMC meetings (75% of statutory minimum), and all conducted three meetings each. In 2011, 103 meetings were conducted (80%), and seven districts conducted all four DVMC meetings. In 2012, there was a sharp decline in the trend, only 61 DVMC meetings were conducted. No district conducted the required number. Ten conducted just one. In 2013, only 78 (60%)

DVMC meetings were conducted and three districts conducted all four meetings.

In 2014, 69 DVMC meetings were conducted and two districts conducted all the four meetings. Trichy did not conduct a single meeting in 2014. In 2015, 80 meetings (62.5%) were conducted and seven districts conducted four meetings. 2016 saw only 53 DVMC meetings (41%) being conducted. Only Trichy conducted all four meetings, and six did not conduct any.

In 2017, a total of 86 DVMC meetings were conducted, with Chennai, Coimbatore, Madurai, Salem, Sivagangai, Theni and Tirupur (7 of 32) conducted all four mandatory meetings. In 2018, there were 118 meetings conducted – the highest ever. In this year 2018 the collectors of three districts (Chennai, Tiruvallur and Thiruvannamalai) conducted five meetings each, and 17 conducted the four statutory meetings.

In spite of 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 eight conducted three. None conducted the mandatory four quarterly meetings.

Despite the significantly better compliance since then, Tirunelveli continued to be an outlier, holding just one meeting in 2017 and two in 2018. The district collectors at that time were Dr M Karunagaran, from 25 May 2016 to 31 May 2017, Sandeep Nanduri from June 2017 to May 2018 and Shilpa Prabhakar Satish from 25 May 2018 till date. The three could conduct only three meetings between them in two years, instead of the mandated eight. Yet not one official was reprimanded nor was any administrative action taken.

There are several official suggestions (all of them minuted) for improvement:

The Additional Chief Secretary also suggested that the monthly meeting may be fixed uniformly on the 22nd of every month. All officers present in the meeting acknowledged the suggestion (minutes of the meeting held on 7 February 2019 (AD&TW(PA1)DEPT)).

The Additional Chief Secretary instructed the official concerned to issue instructions to district collectors and SPs for the review of cases of atrocities and the compensation to be sanctioned so as to reduce the pendency (minutes of the meeting held on 22 October 2019 (AD&TW(PA1)DEPT)).

The ADGP Shailesh Kumar Yadav said that the SJHR wing is concentrating on finalising the cases involving heinous crimes. At present only eight such cases are pending for some specific reasons (minutes of the meeting held on 22 October 2019 (AD&TW(PA1)DEPT)).

The Additional Chief Secretary said that problems and their solutions have to be discussed well before conducting the district level vigilance committee meetings and presented briefly with clarity, so as to enable the chairman of the committee to focus on the point for consideration (minutes of the meeting held on 22 October 2019 (AD&TW(PA1)DEPT)).

Table 17: District Level Vigilance and Monitoring Committee Meetings (DVMC)

Sl	District	Meetings held during the year										
		2010	2011	2012	2013	2014	2015	2016	2017	2018	Total	%
1	Ariyalur	3	3	1	3	3	2	2	3	4	24	67
2	Chennai	3	3	2	3	2	2	–	4	5	24	67
3	Coimbatore	3	4	3	4	3	4	2	4	4	31	86
4	Cuddalore	3	3	2	3	2	2	1	2	4	22	61
5	Dharmapuri	3	3	2	3	4	4	3	3	4	29	81

Table 17: District Level Vigilance and Monitoring Committee Meetings (DVMC)												
Sl	District	Meetings held during the year										
		2010	2011	2012	2013	2014	2015	2016	2017	2018	Total	%
6	Dindigul	3	3	3	1	2	2	2	2	3	21	58
7	Erode	3	4	2	2	3	4	4	3	4	29	81
8	Kancheepuram	3	3	2	3	2	2	1	3	3	22	61
9	Kanyakumari	3	3	1	2	2	3	1	2	3	20	56
10	Karur	3	3	3	2	2	3	–	1	4	21	58
11	Krishnagiri	3	3	3	4	2	2	3	3	4	27	75
12	Madurai	3	3	2	2	3	3	–	4	3	23	64
13	Nagapattinam	3	3	2	3	3	2	2	2	4	24	67
14	Namakkal	3	3	1	3	2	3	3	3	4	25	69
15	Nilgiris	3	3	2	2	2	2	3	3	4	24	67
16	Perambalur	3	4	2	2	2	4	3	2	4	26	72
17	Pudukkottai	3	3	2	3	1	1	1	2	3	19	53
18	Ramanathapuram	3	3	3	1	4	2	2	2	4	24	67
19	Salem	3	4	1	2	2	4	3	4	4	27	75
20	Sivagangai	3	3	3	3	2	1	–	4	4	23	64
21	Thanjavur	3	3	1	3	2	2	1	2	3	20	56
22	Theni	3	3	1	3	2	4	1	4	3	24	67
27	Thiruvallur	3	4	2	2	1	1	–	1	5	19	53
23	Thiruvannamalai	3	3	1	2	3	2	1	3	5	23	64
28	Thiruvarur	3	3	1	3	1	2	3	3	4	23	64
24	Thoothukudi	3	4	2	2	1	2	2	2	3	21	58
25	Tirunelveli	3	3	1	1	3	2	2	1	2	18	50
26	Tirupur	3	3	1	4	2	3	3	4	4	27	75
29	Trichy	3	3	3	1	0	2	–	3	3	18	50
30	Vellore	3	3	1	2	2	2	2	2	3	20	56
31	Villupuram	3	4	3	2	2	2	1	3	3	23	64
32	Virudhunagar	3	3	2	2	2	4	1	2	4	23	64
	Total per year	96	103	61	78	69	80	53	86	118	744	
	Annual state %	75%	80%	48%	61%	54%	63%	41%	67%	92%	65%	
Source: Tamil Nadu Annual Reports of SCs & STs (PoA) Act (2010–2018)												

CVMC recommendations

The DVMC is one of the key state mechanisms to monitor the implementation of the Act.

a) The quarterly DVMC meetings need to be held regularly on fixed dates, preferably 21 January, April, July, and October uniformly across all districts in the state. This will give time for their discussions to feed into the state deliberations a week later.
b) All statutory reports should be given to the DVMC members well in advance (position of the cases – investigation, trial, and TAME), the performance review of the SPPs and IOs, and building back their life and livelihoods with timely and adequate compensation and restoration – are made available to the members in advance).
c) All DVMC members need to be oriented on their rights, responsibilities, and duties, including the reports and reviews they are entitled to get, and how their views will be recorded.
d) All DVMCs are required to be reconstituted in 2020. Wide publicity should be given so that eligible non–official members can apply.

9.3 Sub–divisional vigilance and monitoring committee

The Sub Divisional Level Vigilance and Monitoring Committees (SdVMCs) (Rule 17(A) have the Sub–Divisional Magistrate asthe Chairperson and the Block Development Officer as the Member Secretary respectively (17A(3). The SdVMC meetings are to be conducted at least four times a year (Rule 17A(4)).

In addition to the above rule, the additional chief secretary issued a government order (G.O (Ms) No 6, AD&TW Dept dated 20 January 2015) to all the district collectors to constitute the SdVMCs.

According to the state annual report for 2018, only five of 32 districts (16% compliance) have even constituted SdVMCs – Dindigul (3 of 4 mandatory meetings), Krishnagiri (2), Trichy (2), Tirunelveli

(2), and Tiruvarur (4), just 3% compliance with conducting the meetings.

It is rather strange that the second junior most IAS officer (the district collector) can so easily defy the direct government order issued by the second senior most IAS officer of the state (the additional chief secretary), without any adverse action being taken. If we go by Rule 17A, then it is even worse with the sub–divisional magistrate defying the additional chief secretary and the law with impunity. As a point of comparison, the rate of compliance with the law is even worse than the conviction rate.

It is also in line with the absence of the Secretary, Environment and Forest Department, in the preliminary meeting called by the additional chief secretary on 8 November 2019 to prepare for the meeting of the National Commission for Scheduled Castes. Since the department was not represented, the additional chief secretary was reduced to pleading *'to intimate the position to the Secretary, Environment and Forest Department and to not repeat such practice in future'*.

CVMC recommendations

The SdVMC is the key mechanism to monitor the implementation of the Act at the community level.

a) The quarterly meetings need to be held regularly on fixed dates like the grama sabha. They could be held a week earlier than the DVMC meetings i.e. on 14 January, April, July, and October.
b) All statutory reports should be given to the members well in advance.
c) All members need to be oriented on their rights, responsibilities, and duties, including the reports and reviews they are entitled to get, and how their views will be recorded.

d) All SdVMCs are required to be reconstituted in 2020. Wide publicity should be given so that eligible panchayat members know that they are ex–officio members, and keep themselves abreast of meeting dates and other developments.

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, 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'.*

Replies to RTI requests (Government letter no. 8486/RTI No.82/PA1/2020–2, dated17 July 2020) confirm that no monthly reports are being received by the government.

The official practice is mentioned in the annual report 2018:

> *The Social Justice and Human Rights Unit submit daily situation reports which contain the district wise details of atrocity and the action taken by the concerned commissioner of police/ superintendent of police (para 9, page 6).*
>
> *Monthly review meetings are being conducted with the Additional Director General of Police, Social Justice and Human Rights to review the implementation of the Act (para 17).*

If the reviews are being done monthly, then it is best to reduce them into writing, so that the reviews can be followed up with action.

The daily law and order situation reports are for a different purpose, and do not have the details specified under this rule – especially the position of the cases registered under this Act, nor the implementation of the rights of victims and witnesses. This omission leads to avoidable intimidation of survivors, heightens chances of survivors and witnesses turning hostile, and results in low rates of convictions.

The nodal officer has suggested (7 February 2019) that the monthly reports take place on the 22nd of every month, uniformly across the state, which was accepted by all officials present.

10.2 Quarterly review

Quarterly reviews and reports are mentioned in 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). Replies to RTI requests (dated 26 August 2020) confirm that quarterly reports are still not being received.

But the state reviews did take place in 2019. Though the reviews were not specific to each Special Public Prosecutor or each investigating officer, the overall tone and tenor of the meetings is that the SPPs were guilty of dereliction of duty, with the Additional director general of police even wanting them to be kept under watch (minutes of review meeting held on 26 March 2019. More details are in the section on SPPs).

This overwhelming internal awareness of the problem (including the minuted 'dereliction') has not translated into action – not even of changing the SPPs, let alone prosecuting them for dereliction of duty..

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, AD&TW Department). No reports have been received from the District Magistrates. On getting the RTI request, AD&TW 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, AD&TW 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, despite the best efforts of the AD&TWD, the reviews in January and July under Rule 14(2) have not taken place. The situation has not improved by much after the hurried 8 September 2020 SVMC meeting.

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).

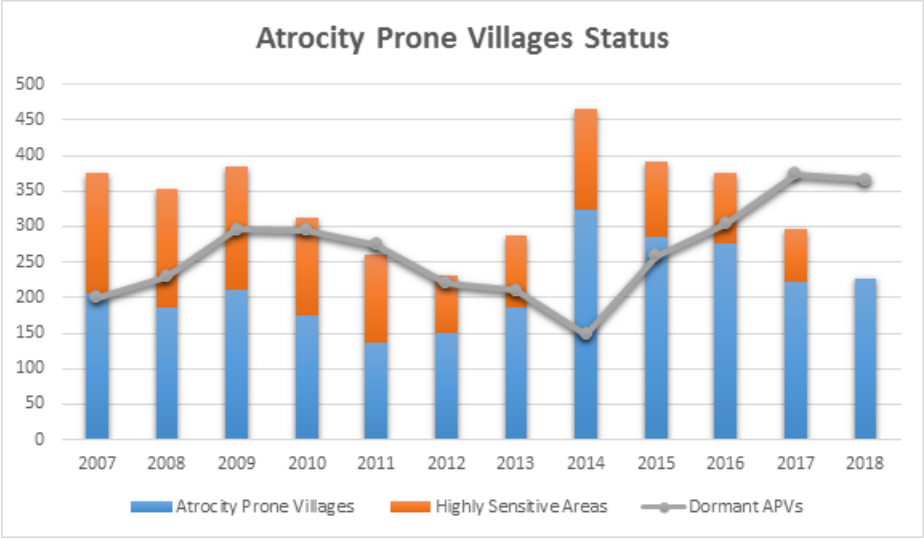
According to the norms in force from the year 1994, a village is considered atrocity prone if, in a mother village or in its hamlets, three or more true cases are reported within a period of three successive calendar years, or if even one case of heinous offence, caste oriented tension, or clash is reported. 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 two years from the last reported case and then transferred to the dormant list for a 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 (AD&TW) Department dated 11.01.94, G.O Ms.No.140, AD&TW 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, AD&TW Department dated 15.09.2009.

Each district conducts the survey in five villages each month as per the norms of the unit (standard note in Annex X of the state annual

reports). 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.



226 villages have been identified as 'Atrocity prone' and 366 villages as 'Dormant Atrocity Prone' for the year 2018. None are classified as highly sensitive (based on the data of the year 2017). 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.

According to the Annual Reports from 2011 to 2018, ***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.

The Government of Tamil Nadu recognises (Minutes of Meeting, 22 October 2019) that providing basic amenities in the APV villages will reduce the atrocities. Rs 2 billion in total has been sanctioned in 2018–2019 and 2019–2020, to provide basic amenities to villages with over 30% scheduled castes. The Department of Rural Development and Panchayat Raj accepted the suggestion and have agreed to take suitable action.

From 2007 to 2018, the number of 'highly sensitive' among the atrocity prone villages (APV) has progressively reduced from a high of 168 to 73 in 2017 and none in 2018. Atrocity prone villages have varied from 136 in 2011 to 323 in 2014 The total number of APVs and dormant APVs which showed a reducing trend upto 370 in 2012, has increased from 2013 onwards from 396 to 592 in 2018. The increase of 196 villages, an almost 50% increase, seems to indicate a more widespread, low intensity social conflict. This is not a good sign, and can only be expected to increase.

Table 18: 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

Table 18: Atrocity Prone Villages (APV)				
Year	**AP Villages**	**Dormant**	**Highly Sensitive**	**Total (2+3)**
2015	286	259	106	545
2016	277	304	99	581
2017	223	374	73	597
2018	226	366	–	592
Source: Additional Director General of Police, Social Justice and Human Rights and annual reports				

12. Special courts and exclusive special courts set up 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.

Exclusive Special Court			
No	**Location**	**Name of the court**	**Jurisdiction over the Districts**
Protection of Civil Rights Act Courts			
1.	Trichirappalli	I Additional Sessions Court, Trichirappalli	Trichy Police District and Trichy.
2.	Thanjavur	I Additional Sessions Court, Thanjavur	Thanjavur, Nagapattinam and Thiruvarur
3.	Madurai	III Additional Sessions Court, Madurai	Madurai Police District and Madurai
4.	Tirunelveli	II Additional Sessions Court, Tirunelveli	Tirunelveli Police District, Tirunelveli, Thoothukudi, and Kanyakumari
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Courts			
5.	Villupuram	Special Court in the cadre of District Judge, Villupuram	Villupuram and Cuddalore
6.	Sivagangai	Special Court in the cadre of District Judge, Sivagangai	Sivagangai and Ramanathapuram
7.	Virudhunagar	Special Court in the cadre of District Judge, Srivilliputhur	Virudhunagar
Source: Data from Policy note 2019–20 and Annual Report 2018			

Tamil Nadu has notified only seven Exclusive Special Courts (under PCRA and PoA) in Madurai, Sivagangai, Thanjavur, Trichy, Tirunelveli Villupuram, and Virudhunagar which cover 12 districts and three commissionerates. Though the policy note segregates them under the respective laws, in practice they function as exclusive special courts for both Acts, in part since the cases registered under PCRA are just in the single digits.

Ideally, there should be 38, i.e. one exclusive special court per district to try cases under these Acts. However, 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. But the government does not seem to be serious in implementing even its announcements. As the policy note tells us (Home, Prohibition and Excise Department, Administration of Justice, Demand No.3, Policy Note 2019–2020, page 14)

> *Administrative sanction has been accorded for constitution of 16 Special Courts in the cadre of District judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 in 16 Districts in four phases from 2016–2017 to 2019–2020 and financial sanction was accorded for constitution of eight courts (i.e., 4 courts in the 1st phase and 4 courts in the 2nd phase) during the year 2016–2017 and 2018–2019 as follows:*
>
> *(i) Dindigul*
> *(ii) Ramanathapuram*
> *(iii) Srivilliputhur in Virudhunagar District,*
> *(iv) Pudukkottai*
> *(v) Cuddalore*
> *(vi) Namakkal*
> *(vii) Theni*
> *(viii) Tiruvannamalai*
>
> *Among the above courts the Court at Srivilliputhur is functioning.*
>
> *In respect of the remaining districts, the Principal District and Sessions Court concerned are empowered to try the cases under the above said Acts.*

Just to get this straight – eight courts were sanctioned in 2016, money was allotted, and yet five years down the line only one has been set up.

On page 24 of the same demand note, the government set up

> *twenty six Special Courts in the cadre of Civil Judge in the State. The justification is that they were necessary Consequent to the formation of 39 Anti land grabbing special cells in all the cities and districts of the State, a large number of complaints have been registered in these cells. The accumulation of land grabbing complaints in the anti land grabbing special cells constituted all over the State has made it imperative to try these cases before a Special Court to give speedy disposal.*

The contrast could not be more stark, and the irony unmissable. Most of the land grabbed is from the Dalits and the Adivasis. Land grab is covered under PoA also (Sections 2(f) and 2(g)). The pendency is rising for the cases registered under PoA also. So if the government was really interested in justice, setting up Exclusive Special Courts under PoA in all districts is the way to go. It is unfathomable how the stellar minds in the much admired administrative system could miss the link.

13. Special public prosecutors and exclusive special public prosecutors

Section 15 (1 and 2) and Rule 4(1A) mandates Special Public Prosecutors to be appointed. Rule 4(1B) requires that the appointment be notified in the official gazette.

33 posts of Special Public Prosecutors were sanctioned for conducting the prosecution of cases in the Special Courts/ Designated Courts of all the Districts. However, replies (Letter No. 26477 / Cts. VIA/2020–1, dated 12 August 2020) states that *'copy of gazette notifications for appointment of Special Public Prosecutor for conducting cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in District and Sessions Courts/ special courts are now available for Kanniyakumari, Tirunelveli, and Vellore districts only*'. It is unclear whether the notifications were done, but copies of the notification are missing, or the notifications were never done at all.

As mentioned earlier, there have been 2233 acquittals from 2016–18. (942 in 2016, 671 in 2017 and 648 in 2018). Yet 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.*

At the review meeting held on 26 March 2019 in Tamil Nadu, the ADGP reiterated (mentioned at an earlier review on 7 February 2019) to the additional chief secretary that the

> *'lack of cooperation on the part of the Special Public Prosecutors is the main hurdle in raising the rate of conviction in cases of atrocities'*

The Director of Prosecution not only agreed but emphasised that

> *'The Special Public Prosecutors … are appointed by the government in power, and their attitude is not impartial in many cases and the cases they involved are mostly not ended up in conviction'.*
>
> *Even though stringent punishment is stipulated in the Act, for the negligence of duties on the part of the public servants, the Public Prosecutors are not functioning up to the required level…. suitable instructions have been issued to all the District Collectors and the District Level Officers in charge of Prosecution to review the cases of atrocities and furnish a report to the Government. However, the Public Prosecutors/ Special Public Prosecutors are not responding to the instructions.*

The rather exasperated Additional Director General of Police then tells the Director of Prosecution to

> *keep the record of the names of the Public Prosecutors/ Special Public Prosecutors who are not cooperating and bring the matter to the notice of the Government.*

The additional chief secretary instructed the director of prosecution

> *to put pressure in respect of review of Prevention of Atrocities cases on the officers in charge in the District Level and get the work done periodically,*

The reports of the High Level District Level Committees (set up by the Circular Memorandum from the office of the Director General of Police, Tamil Nadu, Chennai – 4 RC.No.053884/Crime.4(3)/2014 Dated: 26.04.2016, pursuant to the judgment of the Supreme Court of India in the Kishanbhai case) also seem to bear this out. The committee has the district SP and in charge prosecutions. It reviews the cases in which there were acquittals every month, and fixes the

responsibility. In all cases it is the public prosecutor who is found to be the reason for the acquittals.

Despite such overwhelming evidence and internal awareness of the problem (including recording 'dereliction' in the minutes) no action has been taken.

There has been a clear recommendation to frame a policy for the selection of SPPs from the Minister of Tribal Affairs (DO No 18012/3/2011–C&LM–I dated 24 June 2016)[1] based on the recommendations of the fourth report of the National Commission for Scheduled Tribes for the year 2008, which reiterates earlier recommendations contained in the reports of the NCSCST for the year 1994–96 and 1998–99 that the Directorate of Prosecution should ensure that the selection of the SPP

> *13. [...] should be made through a well laid down procedure. [Para 6.12.8]*
> *14. The Commission, therefore, recommends that there is an imperative need to formulate a policy to have a focussed approach for taking effective precautionary measures to check offences of atrocities and ensure effective implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 such cases [Para 6.12.9]*

The above is on the website of the Tamil Nadu police. The file has file markings with policy underlined. So obviously it has come to the notice of the higher ups. Why such a policy has not been formulated at least for the past decade, remains a mystery. Instead we have both the ADGP and the Director of Prosecution playing the blame game, as late as 2019.

[1] https://eservices.tnpolice.gov.in/CCTNSNICSDC/CitizenPublication?33 Accessed 1 September 2020

14. Non–SC/ST officers punished for wilful neglect of duties

Section 4 details the duties of the officials, wilful 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 their rather tardy functioning, not meeting the stipulated legal standards and indifferent results:

- In 59% of the cases, charge sheets were not filed within sixty days (Rule 7(2)), nor was a written explanation given as to the reasons for delay (Rule 7(2A).
- In 81% of the cases the relief and rehabilitation amount was not paid to concerned person(s) within seven days (Rule 12(4)).
- Only 1% (71 of 5,104 victims) of victims were provided travelling and maintenance expenses (section 21(2)(ii), and Rule 11).
- 648 cases ended in acquittal in 2018 alone (2233 in 2016–18) 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. Protection of victims and witnesses

Section 15A of the Act deals with the rights and entitlements of the victims and witnesses in accessing justice. It is the duty of the state government to ensure that these rights of the victims and witnesses are protected, and they can exercise these rights. The annual report 2018 mentions that

> *The rights and entitlements of victims and witnesses in accessing justice as specified in sub–section 11 of Section 15A of ChapterIVA of the Act are compiled with in each case registered under this Act (Para 3, annual report 2018)*

However, internal discussions of the government – by the same departments and authors – do not seem to validate this view. When discussing the high rate of acquittals at the review meeting held on 26 March 2019, the Director of Prosecution *intervened and explained that most of the victims turn hostile during the trial of the cases.*.The reason for the victims and witnesses turning hostile is coercion and intimidation by the perpetrators. Even if the complicity of the local police in this intimidation is discounted, it is a clear admission of dereliction of duty by the investigation officer specifically, and the SJHR and police department collectively, since the protection of victims, witnesses, informants, and their dependents is the task of the government (Section 15A(9) of the Amended Act).

In every incident, a report has to be filed under Rule 12(7) to the special courts by the collector after a spot visit. The courts are supposed to periodically review the protection given to the victims, witnesses, informants, and their dependents, and pass appropriate orders (Section 15A(7)).

Replies to RTI requests show that neither have the reports under Rule 12(7) been sent to the special courts all these years, nor have

any orders under Section 15A of the amended Act been received by the government. An RTI request for the orders received under Section 15A(7) to the nodal officer was passed on to the Home (Courts II) Department which then passed it on to the Deputy Registrar, High Court of Madras. So apparently, five years after the amendment, the mechanisms to implement Section 15A of the Act are still not in place.

CVMC recommendations

The protection of survivors, witnesses, and informants is the key legal innovation of Chapter IVA, Section 15A of the PoA Amendment Act. It needs to be enforced in letter and spirit not only for the ends of justice, but also to retain the trust of the socially excluded communities in the rule of law and the impartiality of the state mechanisms.

a) Ensure that the 'concerned individuals and organisations' (NGOs) are named in the FIR/complaint, and keep them in the loop at all stages of the intervention. These individuals should be treated as amicus curiae of the survivors, courts and the police, and assistance provided to them to discharge their duties well.
b) The orders passed by the courts from time to time should be in writing, and discussed at the vigilance and monitoring committee meetings at the sub–divisional, district, and state levels.

16. 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) in both Tamil and English.

17. Legal support

Availability in Tamil

Five years after the Act and Rules were amended, the Tamil translation of the Act and Rules are yet to be done, despite the additional chief secretary asking for it to be expedited (Review meeting, 26 March 2019).

The Tamil Nadu State Contingency Plan (under Rule 15) is available in both Tamil and English.

Legal aid

There is no specific fund under Section 21(2)(i) of the Act for legal aid. Funds under the 'Free Legal Aid Scheme' (GO (Ms) 373 Home (Court I) Department, dated 9 March 1995)) are used for those who request for it. The scheme is administered by the Tamil Nadu Legal Services Authority.

There is a general legal aid helpline in the Satta Udhavi Maiyam Building in Tamil Nadu State Legal Services Authority, Chennai. The Advocates are deputed on all working days to attend the calls and to give opinion both in the morning and evening by turns (044–25342441 or 1800–4252–441 toll free). This is a general helpline and there is no dedicated support for cases under the PoA Act.

Annex 1: Minutes of review meeting 7 February 2019

AD&TW(PA1)DEPT

A meeting was held on 07.02.2019 at 03.30.P.M. with the Additional Director General of Police, Social Justice and Human Rights and the Director of Adi Dravidar Welfare in the chambers of Additional Chief Secretary to Government, Adi Dravidar and Tribal Welfare Department regarding preparation of agenda for the State Level Vigilance and Monitoring Committee Meeting as per Rule 16 of the Scheduled Castes/Scheduled Tribes (prevention of Atrocities) Rules 1995.

The following members were present

1.	Thiru. Otem Dai, I.A.S.,	Additional Chief Secretary to Government.
2.	Thiru. K.V.Muralidharan, I.A.S.,	Director of Adi Dravidar Welfare
3.	Thiru. E.Immanuel Kirubaharan	Deputy Secretary to Government
4.	Thiru. Shailesh Kumar Yadav, I.P.S.,	Additional Director General of Police
5.	Thiru. E. Vijayakumar	Assistant Commissioner of Police, Chennai.
6.	Thiru. N.Karunanithi	Deputy Superintendent of Police

During the meeting–as per the instructions of Additional Chief Secretary, the concerned official dealing with the subject stated that a file was sent to the Office of the Hon'ble Chief Minister during July 2018 with a request to fix the date and time of the State Level Vigilance Monitoring Committee Meeting. Consequently the principal Secretary II to Hon'ble Chief Minister contacted the Director of Adi Dravidar Welfare over phone, and issued some instructions about the points to be included in the Agenda of the proposed meeting. Hence, in Government Letter dated. 27.08.2018, the Director of Adi Dravidar Welfare was requested to prepare Agenda as per the instructions issued by the Office of Chief Minister, and send the same to the Government for fixing the Meeting. Meanwhile, the Director of Adi Dravidar Welfare raised the matter about the disqualified MLAs who are the members in the

State Level Vigilance and Monitoring Committee Meeting. In this regard, the Additional Chief Secretary directed the Director of Adi Dravidar Welfare to furnish the Agenda with the required details obtained from the Additional Director General of Police so as to enable the Government to submit the file to the Office of Chief Minister for further instructions.

Subsequently, the Additional Director General of Police briefed about the cases registered under the Prevention of Atrocities Act and furnished the details to the Additional Chief Secretary. As per the details, there are 426 Under Investigation cases and 4594 Pending Trial Cases at the end of the year 2018 and the rate of conviction is 7.83%. A total number of 50 cases have been reported as Murder Cases during the year 2018 and 97 cases have been reported as Rape and POCSO Cases. The Additional Director General of police informed that the poor performance and lack of Cooperation on the part of Public Prosecutors/ Special Public Prosecutors is the main hurdle in achieving the required level of conviction in the atrocity related cases. The Additional Chief Secretary suggested that training for the preparation of affidavit and dealing of atrocity related cases has to be imparted to the Public Prosecutors and special Public Prosecutors so as to get the full involvement in the above said cases. The Additional Chief Secretary also suggested that the monthly meeting may be fixed uniformly on 22nd of every month. All the Officers present in the meeting acknowledged the suggestion. With the above discussions, the meeting concluded.

Otem Dai,
Additional Chief Secretary to Government.
//True Copy//
S.Umamaheswari, Section Officer.

Annex 2: Minutes of review meeting 26 March 2019

AD&TW(PA1)DEPT

A meeting was held on 26.03.2019 at 03.00 P.M. with the Additional Director General of Police, Social Justice and Human Rights and other concerned officials in the chamber of Additional Chief Secretary to Government, Adi Dravidar and Tribal Welfare Department, regarding review of implementation of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act 1989. The following members were present

1.	Thiru. Otem Dai, I.A.S.,	Additional Chief Secretary to Government.
2.	Thiru. K.V.Muralidharan, I.A.S.,	Director of Adi Dravidar Welfare
3.	Thiru. Ritto Cyriac, I.F.S.,	Director of Tribal Welfare
4.	Thiru. Shailesh Kumar Yadav, I.P.S.,	Additional Director General of Police
5.	Thiru. T.R.S. Ramamoorthy, B.B.A.., B.L.,	Director of Prosecution (Incharge)
6.	Thiru. E.Immanuel Kirubaharan	Deputy Secretary to Government
7.	Thiru. N.Karunanithi	Deputy Superintendent of Police

As per the Agenda, the meeting started with the review of cases of atrocities. The Additional Director General of police briefed about the cases registered under the prevention of Atrocities Act and handed over the details to the Additional Chief Secretary to government. As per the details there are 464 Under investigation cases and 4633 pending trial cases as on February 2019. The rate of conviction is 7.14%. So far, 50 cases have been reported as murder cases and 37 cases as attempt to murder cases. The Additional Director General of Police also informed that as on 28.02.2019 monetary relief for a sum of Rs. 2023.95 lakhs has been sanctioned to 2356 victims, in respect of 1327 cases. The Additional Director General of police stated that as far as the Offence 'murder' is concerned, the rate is comparatively low in the State of Tamil Nadu When compared to other States. However, poor performance and

lack of cooperation on the part of public Prosecutors/ Special Public Prosecutors is the main hurdle in raising the rate of conviction in cases of Atrocities. In this context, the Director of Prosecution intervened and explained that most of the victims turn hostile during the trial of the cases, and the Special Courts/Session Courts acquit most of the cases on flimsy grounds. Even though stringent punishment is stipulated in the Act, for the negligence of duties on the part of the public servants, the Public Prosecutors are not functioning up to the required level. The Public Prosecutors/ Special Public Prosecutors are not appointed on regular cadre and are appointed by the Government in power, and their attitude is not impartial in many cases and the cases they involved are mostly not ended up in conviction.

The Additional Chief Secretary enquired the Director of Prosecution about the action taken by the Department of Prosecution in raising the level of conviction and to have a control over the Public Prosecutors working in Exclusive Special Courts. The Director of Prosecution replied that suitable instructions have been issued to all the District Collectors and the District Level Officers in charge of Prosecution to review the cases of atrocities and furnish a report to the Government. However, the Public Prosecutors/ Special Public Prosecutors are not responding to the instructions. The Additional Director General of police suggested the Director of Prosecution to keep the record of the names of the Public Prosecutors/ Special Public Prosecutors who are not cooperating and bring the matter to the notice of the Government. Additional Chief Secretary has instructed the Director of Prosecution to put pressure in respect of review of Prevention of Atrocities cases on the officers in charge in the District Level and get the work done periodically.

Additional Chief Secretary enquired the Director of Adi Dravidar Welfare about the expenditure in respect of monetary relief sanctioned to the victims of atrocities. He also instructed the concerned officials to–get the details of pending cases for which, sanction of monetary relief is pending for more than 7 (or) 8 years, So as to complete the process of sanction.

Meanwhile, the Additional Director General of Police discussed about the vacancies in the post of

(i). Anthropologist in Cuddalore, Thiruvallur, Nagapattinam and Thanjavur (1 post)

(ii). 3 Special Court Judges in Exclusive Special Courts in Villupuram, Madurai and Tirunelveli.

(iii). Filling up of post of Sociologist and post of Economist in Social Justice and Human Rights wing.

(iv). Filling up of 16 posts of Statistical Inspectors.

Finally, the Additional Chief Secretary instructed the Director of Adi Dravidar Welfare to expedite the work of translation of Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Rules 1995 and complete the work at the earliest. With the above discussions the meeting concluded.

Otem Dai,
Additional Chief Secretary to Government.
//True Copy//
S.Umamaheswari
Section Officer.

Annex 3: Minutes of review meeting 22 May 2019

AD&TW(PA1)DEPT

A meeting was held on 22.05.2019 at 04.00.P.M. with the Additional Director General of police, Social Justice and Human Rights and other officials concerned in the chamber of Additional Chief Secretary, Adi Dravidar and Tribal Welfare Department, regarding review of implementation of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act 1989.

The following members were present

1.	Thiru. Otem Dai, I.A.S.	Additional Chief Secretary to Government.
2.	Thiru. K.V.Muralidharan, I.A.S.,	Director of Adi Dravidar Welfare
3.	Thiru.Shailesh Kumar Yadav I.P.S.,	Additional Director General of Police
4.	Tmt. G.Subulakshmi, I.P.S.,	Assistant Inspector General of Police
5.	Thiru.V.Rajendran	Deputy Secretary to Government
6.	Thiru.N.Karunanithi	Deputy Superintendent of Police
7.	Thiru. Yuvaraj	Deputy Superintendent of Police

The meeting started with the discussion on verification of Scheduled Tribes Community Certificates. The Additional Chief Secretary enquired the Additional Director General of police about the position of the Verification process, number of cases pending for want of reports from the anthropologists etc. The Additional Director General of police reported that out of the total number of cases pending for want of reports from the anthropologists etc. The Additional Director General of police reported that out of the total number of 2374 cases referred enquiry was completed in 1438 cases by the Deputy Superintendent of police / Assistant Commissioner of Police. Out of the cases in which enquiry was completed, 1260 cases have been sent to the Director of Tribal welfare and 178 cases are pending for want of report from the

Anthropologists. In this connection, Additional Chief secretary directed the concerned section to take suitable action for holding a meeting with the Anthropologists for the early completion of the verification process. The Additional Chief Secretary has also instructed the officials to collect the details from the Community Certificate Verification wing and furnish the stage of the cases in the ensuring monthly meetings. As far as filling up of vacant posts of Deputy Superintendent of police is concerned. Additional Chief Secretary instructed to address the Director General of Police / Home Department.

Subsequently, the Additional Director General of Police briefed about the cases registered under the prevention of Atrocities Act and handed over the details to Additional Chief Secretary. As per the details, there are 511 cases under investigation and 4657 cases pending trail. The Additional Director General of Police has also informed that due to the effective steps taken by the Social Justice and Human Rights wing, the conviction rate has been raised from 7.85% to 11.40%. While discussing the pending trail cases, the Additional Chief Secretary enquired the section officials about the formation of Exclusive Special Courts in 16 more districts and also instructed to send a note to the Home department to constitute the Courts in the Districts of Tamil Nadu.

As far as the provision of infrastructure facilities in atrocity prone villages and Adi Dravidar Colonies, the Director of Adi Dravidar Welfare has informed that action is being taken for the identification of works to be executed under the 'Devolution of funds' through the Rural Development and Panchayat Raj Department. The Additional Chief Secretary has stated that Government / District Collectors/ shall play a crucial role in monitoring the works executed by the Rural Development

Department and therefore instructed the officials to put a Demi Official letter to all the District Collectors on the above said issue and the Director, Adi Dravidar Welfare may sit with the Director of Rural Development and select the villages on priority basis for execution of works.

While discussing about the communal harmony, the Additional Director General of Police has stated that there are two factors prevailing in the society which determine the enmity between the Scheduled Castes and Non–Scheduled Castes. They are 1.Education 2.Mindset of people. In the cities, where literacy rate is high, community based discrimination is less. In rural areas the situation is not the same. The Additional Chief Secretary intervened and stated that as far as communal harmony is concerned the Government should play an intermediate role by creating awareness among the youth of both Scheduled Castes and Non–Scheduled Castes. The Additional Chief Secretary also instructed the officials to expedite the report to be submitted to the National Commission for Scheduled Castes on the death of Manual scavengers in various districts.

Finally, the Additional Chief Secretary enquired about the position of expenditure towards relief measures meant to the victims of atrocities out of the total allocation of Rs. 11.87 crores in Budget Estimate 2019–2020, and instructed the Director of Adi Dravidar Welfare to ensure all the funds utilized as per the requirements of funds already submitted by the District Administration so as to ascertain the actual position of additional requirements of funds.

With the above discussions the meeting concluded.

Otem Dai, Additional Chief Secretary to Government.
S.Umamaheswari, Section Officer

Annex 4: Minutes of review meeting 22 October 2019

AD&TW(PA1)DEPT

A meeting was held on 22.10.2019 at 12.30. P.M. with the Additional Director General of Police, Social Justice and Human Rights, Director of Rural Development and Panchayat Raj, Director of Tribal Welfare and other officials concerned in the chamber of Additional Chief Secretary (ACS), Adi Dravidar and Tribal Welfare Department, regarding implementation of basic amenities in the atrocity prone villages and the implementation of Scheduled Castes / Scheduled Tribes (Prevention of Atrocities) Act.

The following members were present

1.	Thiru. Otem Dai, I.A.S.	Additional Chief Secretary to Government.
2.	Dr.Palanisamy,I.A.S.,	Director of Rural Development and Panchayat Raj
3.	Thiru.Ritto Cyriac, I.F.S.,	Director of Tribal Welfare
4.	Thiru.Shailesh Kumar Yadav I.P.S	Additional Director General of Police
5.	Thiru.R.Yesudoss Kenndy	Joint Secretary to Government, RD&PR Dept
6.	Tmt.Rajashri,	Additional Director, O/o Director of RD&PR, Chennai–15
7.	Thiru.D.Selvan	Deputy Secretary to Government
8.	Thiru. Yuvaraj	Deputy Superintendent of Police

The meeting started with the mutual introduction of officers in the chamber. The Additional Chief Secretary enquired the Director of Rural Development and Panchayat Raj about the works to be carried out in the Adi Dravidar habitations with a sum of Rs.100 crore each sanctioned during the years 2018–2019 and 2019–2020. The Director, RD&PR handed over the list of works proposed to be under taken as per the orders issued by the RD&PR Department for the year 2018–2019. He has also explained that the AD habitations in the village panchayats having more than 30% of SC population are identified and other priority areas wherever necessary irrespective of community and the same will be submitted before the District

level committee for approval which also includes District Adi Dravidar and Tribal Welfare Officers and Non officials members of the District Adi Dravidar Welfare committee. Once a habitation is identified, all the basic requirements in the particular area will be fulfilled. The Additional Chief Secretary explained the definition of atrocity prone villages and the need for implementing the basic amenities in such villages which might reduce the atrocity incidents. Hence he has also suggested to include the ''Atrocity prone villages'' as one of the criteria's while identifying the AD habitations for the implementation of scheme of basic amenities. In this connection, he has instructed the concerned officials to write a letter to the Rural Development and Panchayat raj department so as to enable that department to issue instructions to the Director of Rural Development Agency in this regard. The officials from the RD&PR Department accepted the views of the ACS and assured to take suitable action in the matter. The Director Tribal welfare also discussed the implementation of PMAGY scheme with the Director of Rural Development Agency.

After completion of the discussions with the Director of Rural Development, the additional Director General of Police explained the position of cases of atrocities. He informed that the Social Justice and Human Rights wing is now concentrating on the finalizing of cases involving heinous crimes. At present, only 8 such cases are pending for some specific reasons. In this connection, the Additional Chief Secretary instructed the officials concerned to issue instructions to the District Collectors and the District Superintendents of police for the review of cases of atrocities and the compensation to be sanctioned so as to reduce the pendency. The problems and their solutions have to be discussed well before conducting of District Level Vigilance Committee meetings and

presented briefly with clarity, so as to enable the chairman of the committee to focus on the point for consideration. The Additional Director General of police also discussed about the pendency of verification of community certificates. He informed that out of 2401 cases verification has been completed in 1345 cases and 1059 cases are pending for verification. Regarding merger of all the units under the control of the Additional Director General of Police and the DTW, it has been decided in the meeting that the status quo may be maintained as the units under the control of the Additional Director General of Police would complete their assignment on the completion of the pending verification work. Moreover, The Vigilance Cells under the control of the DTW are permanent and will undertake the verification work on regular basis. The Additional Chief Secretary enquired him about the exact time for the completion of the verification of the pending cases and the Additional Director General of Police replied that it will be possible to complete all the cases within six or seven months.

With the above discussions the meeting concluded.

Otem Dai,
Additional Chief Secretary to Government.
//True Copy//
S.Umamaheswari
Section Officer.

Annex 5: Minutes of review meeting 8 November 2019

AD&TW(ADW6)Dept.

Minutes of the National commission for Scheduled Castes State Level preliminary meeting conducted by the Additional Chief Secretary to Government, Adi Dravidar and Tribal Welfare Department, held on 08.11.2019 at 11.00 a.m. In the Agricultural department conference hall first floor of Namakkal Kavingar Maligai building.

The following officers attended the meeting:–

1.	S.Mathumathi, I.A.S., Secretary to Government Social Welfare and Nutritious Meal Programme Department.
2.	Thiru. K.V.Muralidharan, I.A.S., The Director, Adi Dravidar Welfare, Chennai – 5.
3.	Thiru. Saijansingh R Chavan, I.A.S., The Managing Director, TAHDCO, Chennai–18.
4.	Thiru. Shailesh Kumar Yadav, I.P.S., Additional Director General of Police, Chennai–4.
5.	S.Amritha Jothi, I.A.S., Deputy Secretary, L&E Department.
6.	Amar Kushawha, I.A.S., Additional Director, Rural Development and Panchayat Raj Department.
7.	M.Vijayalakhsmi, I.P.S., Additional Inspector General of Police. Social Justice and Human Rights.
8.	Tmt. S.Manimegalai, B.Com.Deputy Secretary to Government.
9.	Thiru. Veerapandi, Additional Secretary, Rural Development and panchayat Raj Department.
10.	N.Ravi Sankar, Deputy Development and panchayat Raj Department.
11.	S.Murugan, Deputy Secretary, Agriculture Department.
12.	K.Naganathathevar, Deputy Secretary to Government, Revenue and Disaster Management.
13.	Tmt. B.Varalakshmi, Deputy Secretary, Rural Development and Panchayat Raj Department.

The preliminary meeting was conducted by the Additional Chief Secretary to Government, Adi Dravidar and Tribal Welfare Department to discuss about the issues to be presented before the National Commission of Scheduled Castes meeting proposed to be held on 14.11.2019 and 15.11.2019 in the conference hall.

Agricultural department first floor of Namakkal Kavingar Maligai building, Secretariat.

At the outset, the Additional Chief Secretary to Government, Adi Dravidar & Tribal Welfare Department welcomed all the officers present and described briefly about the agenda and program schedule of the proposed National Commission of Scheduled caste meeting.

The Additional Chief Secretary has informed that the National commission of scheduled caste meeting is proposed to be held on 14.11.2019 and 15.11.2019 for two days. Last National Commission for Scheduled Caste meeting was held during the year 2014–2015 and the present meeting to be chaired by the Chairman Thiru. Ram Shankar Katheria in the cadre of Union Cabinet Minister, the Vice Chairman Thiru. L. Murugan, three members and Secretary of National Commission for Scheduled Castes, New Delhi. The Additional Chief Secretary to Government, Adi Dravidar and Tribal welfare department, The Director Adi Dravidar welfare and The Managing Director, Tamil Nadu Adi Dravidar Housing and Development Corporation Limited and 14 line Departments of Secretariat, Additional Director General of police, Additional Inspector General of Police, and other concerned second level Officers of the State attended the meeting.

The following subjects are discussed during the meeting

1. SC welfare schemes
2. Prevention of atrocities
3. Special Central Assistance
4. Scheduled Caste Sub Plan
5. Allotment of funds, Sanctioned and Utilized with Details of Expenditure.

During the meeting on 14.11.2019 at 10.00 A.M the committee will be present with the Questionnaire and Relevant answers from the respective departments. All Departments were requested to prepare and review the answers carefully. The Additional Chief Secretary stated that the answers should contain the main purpose for which the question was raised and the Director, Adi Dravidar welfare will prepare the audio/visual power point presentation for Adi Dravidar and Tribal Welfare department.

The Deputy Secretary to Government, Adi Dravidar and Tribal Welfare Department has read the questionnaire one by one as instructed by the Additional Chief Secretary respective Department has given answers to the Questionnaire.

The Booklet contains 21 main items in which the introduction containing Agricultural census of our State including the number of beneficiaries of Scheduled Castes farmers. The Additional Chief Secretary to Government also emphasized that more details are required from agriculture department. Many officers from other departments stated that they will furnish the updated particulars to be included in the booklet. The Additional Chief secretary to Government instructed his subordinate officers to get the updated particulars in soft copy from Finance and Higher education Departments and to be included in the booklet. The Secretary to Government, social Welfare and Nutrition Meal Programme Department has suggested to make entries which is not entered in the Booklet of General Column as the SC hostels (girls) and also to make alignment properly. The Additional Chief Secretary to Government instructed the officials of Rural development and Panchayat Raj departments and the Housing Department to furnish clear particulars in respect of the construction and repairing of houses for scheduled castes in Rural and Urban areas respectively.

The Additional Inspector General of Police, Office of the Additional Director General of Police has suggested for updating the details furnished in the questionnaire.

The following Departments have ensured to update the particulars regarding the Questionnaire

i. Agriculture Department
ii. Labour and Employee Department
iii. Municipal Administration and Water Supply Department
iv. Rural Development and Panchayat Raj Department
v. School Education Department
vi. Health Department
vii. Home Department
viii. Revenue and Disaster Management Department

It has been decided in the meeting that the Department above may be requested to collect the particulars from all their HOD's and submit the consolidated report to this Department.

The Environment and Forest Department has not attended the preliminary meeting. The Additional Chief Secretary to Government asked to intimate the position to the Secretary to Environment and Forest Department and to avoid such practice in future.

The Director Adi Dravidar Welfare has given vote of thanks and request all the second level officers of the concerned Departments of Secretariat to furnish the consolidated report to the questionnaire in respect of their Department.

The meeting concluded with thanks to the Chair.

Otem Dai, Additional Chief Secretary to Government.
//True Copy//
S.Umamaheswari, Section Officer.

Institute of Human Rights Advocacy and Research, Chennai
8668091454 / justice@hrf.net.in / hrf.net.in