

**Karnataka State Report on the
Implementation of the SCs&STs (Prevention of Atrocities) Act 1989 in Karnataka in 2010
With recommendations to the Chief Minister (Chairperson, SVMC under Rule 16(1)i)**

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**Karnataka State Report on the
Implementation of the SCs&STs (Prevention of Atrocities) Act 1989 in Karnataka in 2010¹
With recommendations to the Chief Minister (Chairperson, SVMC under Rule 16(1)i)**

Executive summary

The protection of the life and liberty of the weakest sections of society is the prime duty of any government. This report reviews the performance of the Government of Karnataka in discharge of its duties under the SCs&STs (Prevention of Atrocities) Act 1989 for the year 2010.

All this data are from government sources, available with the government and its designated officers. What is required therefore is the political will to follow through on its own recommendations, at the very least, to demonstrate its stated commitment to social justice and good governance.

Though there seems to be a quantitative change in recording crimes against SCs and STs (more registrations and less 'B' reports) a lot more needs to be done as the low conviction rates attest. Despite acknowledgement and even warning at the State Vigilance and Monitoring Committee, SVMC, implementation has been rather poor. Ensuring accountability of officials and ending impunity of perpetrators thus assumes utmost urgency.

The key findings of this report are:

Atrocities

- Gulbarga (old district) and Bengaluru City top the number of cases reported in the three years (2008—10).
- Mandya has seen a surge in number of cases reported and is second highest in 2010 with 87 cases (39 cases in 2009 and 29 cases in 2008).
- Hassan and Chickballapur are additions in the top ten, and the trend there shows a steep increase.
- Bangalore, Gulbarga, Bellary, Mysore, Bijapur, Kolar and Tumkur are consistently in the top ten.

Convictions

- In Tumkur—an atrocity prone district—101 cases were disposed off in 2010 without a single conviction by the special court (the judge in a special court is supposed to be sensitive with right aptitude, Rule 13(i)).
- Overall conviction rate is 5%; highest rate is 25%; 7 districts have 0% convictions in 2010.
- Gulbarga (325) and Bangalore Urban (209) have disposed off the highest number of cases with a conviction rate of just 2%.
- 11 Districts have reported an increase in the number of pending cases during the year. Overall pending cases have declined by 441 (from 2779 to 2338).

Wilful negligence (District level)

- The wilful negligence of both the SPPs and the police officials has been identified as a cause for low conviction rates by the DCRE and SVMC. '*Investigation Officer is not giving witness in favour of witnesses in the courts*'² and '*more criminals would have been convicted if the Police had completed investigations within right time and also had Public Prosecutors argued appropriately in the courts*'.³
- Average number of DVMC meetings is 1 per annum (2008—10), vs the legal requirement of 4.
- Not even one district has fulfilled the legal norms for DVMC meetings.
- In Kolar—an atrocity prone district—there has been only one meeting in the last three years, even after warning by the chief minister at the last SVMC meeting.

Wilful negligence (State level) PoA and RTI

- The SVMC has not met in the designated months (January & July) even once in the last three years. It has met only once off schedule in 27 September 2010 and despite promises, has not met subsequently either.
- The state government has neither prepared nor sent the annual report under rule 18 for 2009 or 2010.
- None of the departments concerned (Directorate of Public Prosecutions, Nodal Officer, DCRE or the Karnataka State Commission for Scheduled Castes and Scheduled Tribes) have fulfilled their mandatory obligations under Section 4 (Sections 4(1), 4(2), 4(3) and 4(4)) of the Right to Information Act 2005.

¹ Report of the Committee Monitoring And Strengthening SC/ST(PoA) in Karnataka (CMASK) 2011. CMASK consists of organisations and individuals working on human rights and RTI in Karnataka namely, Anti Corruption Forum (ACF), Buddhist League, Karnataka Dalit Mahila Vedike (KDMV), National Campaign for Dalit Human Rights (NCDHR), OpenSpace, Rural Education and Development Society (REDS) and Sanchaya Nele.

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² Agenda item 4, Minutes of the SVMC meeting, 27 September 2010.

³ Agenda item 3, Minutes of the SVMC meeting, 27 September 2010.

The key recommendations of the report are:

Investigating officers

- The post of Deputy Superintendent of Police (DySP) should not be vacant in any district at any time since it directly affects the implementation of this Act as he is the primary authority for investigation.
- The Government of Karnataka can recommend to the Government of India that the law be amended so that the investigation can be done by any competent police officer under the supervision of the DySP.

Trials and administration of justice

- A government order (GO) has to be issued immediately clarifying Rule 4(5) that the services of the advocate of choice will be paid for by the state government and that the fee will be on the scale (including allowances) fixed by the government for Special Public Prosecutors under this Act. Wide publicity should be given to this provision so that the victims can avail the services of competent lawyers at the earliest, from the FIR stage itself.
- Set up exclusive special courts in all districts with judges with the right aptitude and understanding.⁴
- Time bound completion of trials (within a year) are necessary.
- All 47 cases compromised since 2008 be reopened and prosecuted as admission of guilt.
- The TA, DA needs to be given to the victims, witnesses and dependents on the date of hearing itself.

Wilful negligence by officials

While prosecution of officials must be with utmost care, repeated dereliction of duty (of which there is ample evidence even in the SVMC minutes) should have zero tolerance.

- Officers responsible for lax implementation of the Act who are not SC or ST should be prosecuted under Section 4 of the Act and Para 17(2) of the judgement of the Supreme Court in Criminal Appeal no 959 of 2011 and adverse comments be noted in the ACR.
- Officers who are SC or ST should be proceeded against under departmental action with adverse comments in the ACR.

Wilful negligence (district level)

- The Chief Minister should take action against the officials responsible for convening and conducting the DVMC meeting under Section 4 of the Act since none have done so according to the law.
- Tahsildars who issued false Caste Certificates must be prosecuted under Section 4 PoA Act without delay.
- The District Commissioner of Kolar must be suspended and departmental action be taken against him for gross dereliction of duty even after being mentioned in the SVMC meeting.⁵
- MPs and MLAs should personally and regularly attend the quarterly DVMC meetings.
- Scheduling the meetings at fixed calendar dates would help (for instance, the first of the first month of the quarter or, if that is a holiday, first working day of that month).

Wilful negligence by officials (state level)

- The Chief Minister should take action against the officials responsible for convening and conducting the SVMC meeting.
- The Chief Minister should take action against the officers responsible for preparation of the annual report.
- The annual reports must be prepared on a priority basis, and completed in time at least for the next SVMC meeting, due in January 2012.
- The State Nodal Officer under this Act should act immediately to ensure that the information, especially the periodic reports under this Act, is put in the public domain and updated in fixed timeframes. (See detailed recommendations for suggested formats on page 13).

⁴ Rule 13(i).

⁵ Agenda item 7, Minutes of the SVMC meeting, 27 September 2010.

Scheduled Castes and Scheduled Tribes in Karnataka

Karnataka has a total population of 52,850,562 according to the 2001 Census.⁶ Of this, 26,898,918 (50.89%) are male and 25,951,644 (49.11%) are female. The sex ratio is 964 females to 1000 males. The literacy rate is 66.6% with 76% of males and 57% of females being literate.

The 101 Scheduled Castes (SC or Dalit, literally 'broken people') form a total of 8,563,930 of the population (Female 4,224,185, male 4,339,745). They are 16.2% of the state and 5% of the SC population of India. The overall sex ratio of SCs in the state is 973 females per 1000 males. This is an increase from 962 registered in 1991 Census. Kolar district has the highest (26.5%) SC population, followed by Chamarajanagar (24.6%). Udupi has the least percentage of SC population (6.1%). Their residence is 74.9% rural and 25.1% urban. The literacy rate is 52.9%, up from 38.1% in 1991.

There are a total of 3,463,986 persons in 49 Scheduled Tribes (ST or Adivasi, literally first dwellers, indigenous people) in Karnataka. They constitute 6.6% of the state and 4.1% country's ST population. Of the ST, women are 1,707,748 and men are 1,756,238. The sex ratio of the ST is 972 in 2001, an improvement from 961 in the 1991 census. The literacy rate is 48.3% up from 36% in 1991. They are primarily rural (84.7%). The ST are concentrated in the districts of Bellary, Raichur, Mysore, Chitradurga, Belgaum, Davanagere and Kolar. These seven districts account for 54% of the ST population.

SC and ST in Karnataka				
Sl	Indicator	Karnataka	SC	ST
1	Total population	52,850,562	8,563,930	3,463,986
2	Population %	100%	16.2%	6.6%
3	Male	26,898,918	4,339,745	1,756,238
4	Male %	50.89%	50.67%	50.70%
5	Female	25,951,644	4,224,185	1,707,748
6	Female %	49.11%	49.33%	49.3%
7	Sex ratio	964	973	972
8	Literacy 2001	66.6	52.9%	48.3%
9	Urban	33.98%	25.1%	15.3%
10	Rural	66.02%	74.9%	84.7%

Source: Census of India 2001

Of the 225 MLAs in Karnataka, 33 belong to SC and 15 to ST in the 13th legislature. Of the 28 Loksabha MPs from the state, two are ST and five are SC.

Overview

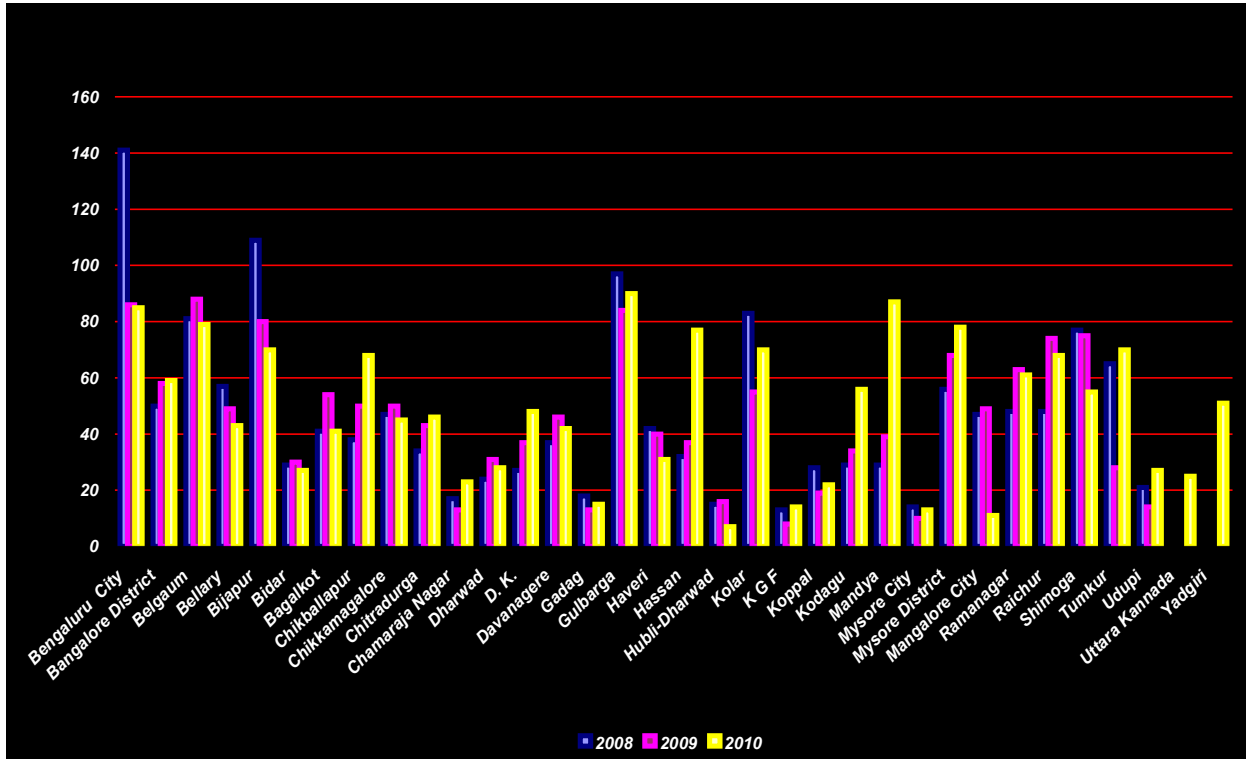
Cases under SCs/STs (PA) Act 1989										
Sl. No.	Year	Rep.	P.T.	U.I.	Con.	Acq.	O.D.	Comp.	B' Report	Undet/ Trans
[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]	[9]	[10]	[11]
1	2007	1157	617	-	27	209	20	-	286	3
2	2008	1494	747	-	28	286	21	44	333	49
3	2009	1441	924	-	23	124	27	1	343	15
4	2010 (Up to Dec)	1632	893	335	5	39	40	2	313	5

Rep: Reported; **PT:** Pending Trial; **UI:** Under Investigation; **Con:** Convicted; **Acq:** Acquitted
OD: Otherwise Disposed; **Comp:** Compromised; **Undet:** Undetected; **Trans:** Transferred

Data shows that more cases are being registered and less 'B' reports are being filed. This could mean that the police are being more vigilant and sensitive.

There is not much change in the rate of conviction, which remains at an abysmal 5% overall and 7 of 30 districts have zero percent conviction rates.

⁶ Disaggregated data from the 2011 census are not yet available.



Gulbarga (Gulbarga 90, Yadgiri 51) and Bengaluru City top the number of cases reported in all the three years. Belgaum has also been in the top five districts in all the three years. Mandya is a surprise inclusion at number 2 in 2010 with 87 cases since it was at 19 (39 cases in 2009) and 23 (29 cases in 2008) earlier. Hassan and Chikballapur are additions in the top ten districts, and the trend there shows a steep increase in reported cases. Mysore, Bijapur, Kolar and Tumkur districts have been consistently in the top ten.

Ranking of districts in number of cases reported 2008–2010						
Rank	District	2008	District	2009	District	2010
1	Bengaluru City	141	Belgaum	88	Gulbarga + Yadgiri	141
2	Bijapur	109	Bengaluru City	86	Mandya	87
3	Gulbarga	97	Gulbarga	84	Bengaluru City	85
4	Kolar	83	Bijapur	80	Belgaum	79
5	Belgaum	81	Tumkur	75	Mysore District	78
6	Tumkur	77	Shimoga	74	Hassan	77
7	Udupi	65	Mysore District	68	Bijapur	70
8	Bellary	57	Ramanagar	63	Kolar	70
9	Mysore District	56	Bangalore District	58	Tumkur	70
10	Bangalore District	50	Kolar	55	Chikballapur	68
11	Ramanagar	48	Bagalkot	54	Raichur	68
12	Shimoga	48	Chikballapur	50	Ramanagar	61
13	Chikmagalur	47	Chikmagalur	50	Bangalore District	59
14	Raichur	47	Bellary	49	DK+ Mangalore City	59
15	Haveri	42	Raichur	49	Kodagu	56
16	Bagalkot	41	Davangere	46	Shimoga	55
17	Chikballapur	38	Chitradurga	43	Chitradurga	46
18	Davangere	37	Haveri	40	Chikmagalur	45
19	Chitradurga	34	Mandya	39	Bellary	43
20	Hassan	32	DK	37	Davanagere	42

Ranking of districts in number of cases reported 2008–2010						
Rank	District	2008	District	2009	District	2010
21	Bidar	29	Hassan	37	Bagalkot	41
22	Kodagu	29	Kodagu	34	Haveri	31
23	Mandya	29	Dharwad	31	Dharwad	28
24	Koppal	28	Bidar	30	Bidar	27
25	DK	27	Udupi	28	Udupi	27
26	Dharwad	24	Koppal	19	Uttara Kannada	25
27	Uttara Kannada	21	Hubli-Dharwad	16	Chamaraja Nagar	23
28	Gadag	18	Uttara Kannada	14	Koppal	22
29	Chamrajnagar	17	Chamrajnagar	13	Gadag	15
30	Hubli-Dharwad	15	Gadag	13	K G F	14
31	Mysore City	14	Mysore City	10	Mysore City	13
32	KGF	13	KGF	8	Hubli-Dharwad	7
	Total	1494		1441		1632

Data shows that the atrocities are increasing both in numbers and severity.

Break ups under major heads of crime									
Sl. No	Nature of Offence	Scheduled Castes				Scheduled Tribes			
		2007	2008	2009	2010 (Upto DEC)	2007	2008	2009	2010 (Upto DEC)
1	Murder	13	23	24	31	05	2	01	02
2	Rape	27	37	52	46	09	10	05	04
3	Grievous Hurt	48	42	61	63	04	10	05	20
4	Arson	07	07	04	10	-	-	-	01
5	Other IPC	01	74	19	47	-	-	-	04
6	Other POA	977	1190	1173	1262	66	99	97	142
TOTAL		1073	1373	1333	1459	84	121	108	173

Source: DCRE, Bangalore

Rule 3. Precautionary and preventive measures

Rule 3 (1) (i)

With a view to prevent atrocities on the Scheduled Castes and the Scheduled Tribes, the State Government shall:- identify the area where it has reason to believe that atrocity may take place or there is an apprehension of reoccurrence of an offence under the Act:

Karnataka is among the top states in India according to the number of atrocities against SCs and STs. According to the NCRB's statistics,⁷ Karnataka ranks sixth in the country in the number of crimes against SCs and eighth in crimes against STs—though by population, Karnataka ranks ninth in the country. This means that there is a higher incidence of crimes against SCs and STs in the state than the nation.

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

Atrocity prone districts in Karnataka		
No	District	Villages
1	Dharwad	Satar, Honnapur, Kehgeri, Byadagi, Battikoppa, Varada, Warangalia.
2	Bijapur	Baradala.
3	Gulbarga	Alagi, Seethanur, Ganjelkhed, Bhusnoor, Surapur, Chincholi, Vothana, Hippigere, Petannapur, Hagaragundagi, Royakode, Mimhergi, Afzalpur.
4	Raichur	Idaparar, Gudihalla, lagapur, Karatagi, Manvi, Gangavathi, Turvinala, Khanapuri.
5	Bidar	Torekalla, Bhalki, Dhakulli, Kushnur, Horahatti.
6	Chitradurga	Gudihalli, Babbuliriya, Somaguddakyamadu, Chikkanayakanahalli, Obbenahalli, Anaji.
7	Shimoga	B.R. Project, Malavalli, Tyagadakana, Kargal, Honnali, Belagutti.

⁷ Crime in India 2008 Compendium, NCRB December 2009 (Table 7.1 and 7.9)

Atrocity prone districts in Karnataka		
No	District	Villages
8	Bellary	Deshnur, Telegu.
9	Bangalore	Kumbalgad, Channasandra, Tattanagar, Srinivasapur, Kadathippur, Horohalli, Kaduguda, Beechinahalli.
10	Kolar	Harati Village, Hanagatti Village.
11	Tumkur	Doddaballa Villages.
12	Mysore	Kushalanagar, K. Gudu, G. Marelli, Devanur, Chitenahalli, Hannur, Kilagere, Badanavalu, Kelasur.
13	Mandya	Shivasalli, Malligere, Sandahalli, Hulikere, Koppala, Kshettyhalli.
14	Hassan	Gandasi village, Chigahalli, Bandashettalli.
15	Belgaum	Anogola villages, Bendigere, Baladabagewadi, Mapanadinne, Patagundi, Anjivali.

The Directorate of Civil Rights Enforcement (DCRE) reports that it has undertaken the following preventive measures

1. The district Superintendents of Police have identified the atrocity prone areas in their jurisdiction. This has been done on the basis of frequency of offences of atrocities in the area. The DCRE is monitoring the situation in these areas in order to prevent further occurrence of crime.
2. The DCRE officers at the Regional level have been instructed to constitute a intelligence wing. The staff of this wing have been briefed to visit Dalit colonies and interact with the Dalit leaders there and ascertain whether any harassment and humiliation meted out to them by caste Hindus on the ground of their caste. If any such thing is noticed, it will be reported to SP, DCRE. The SP, DCRE will take up the matter with district SP and take action as per law. If the situation does not call for the registration of offence, the DSP, DCRE/SP, DCRE along with the local police visit the said place and interact with both the groups and advise them suitably. There are instances where such interaction has helped in curbing the differences between the two groups and has resulted in peace in the area.
3. The Superintendents of Police, DCRE have been instructed to identify the Dalit organisations in their regions, maintain a list of such organisations along with their leaders and active members, interact with them periodically and ascertain their grievances and take action to prevent atrocities and ensure peace in the area. The DCRE is also helping the Dalits by taking up their grievances with other departments and redressing the same.
4. In spite of sincere efforts to prevent the commission of offences of atrocities, if an offence is reported, the local police have been instructed to register the offence promptly under SCs/STs (PoA) Act 1989, arrest the accused immediately and finalise the case within 30 days. Whenever heinous offences like murder, rape and kidnapping of a SC/ST takes place, the DSP/SP, DCRE visit the scene of offence and see that the accused are arrested immediately and the victims are given protection.
5. The District Superintendents of Police are also instructed to recommend compensation to the victims of atrocities and ensure that they are protected and no further breach of peace is reported in such areas.
6. The seminars and workshop are being organised to educate the general public and create awareness regarding the Provisions of SCs/STs (PoA) Act 1989.

Rule 3(1) xii

By the end of every quarter, review the law and order situation, functioning of different committees, performance of Special Public Prosecutors, Investigating Officers and other Officers responsible for implementing the provisions of the Act and the cases registered under the Act.

Finding

The information provided by the director of public prosecutions (DPP) does not reflect whether or not such reviews are taking place. With the acquittal rate consistently being about 95%, it is obvious that the DPP is rather casual in the approach towards duties under the Act.

The number of pending cases, and more so the conviction rates, do not give confidence. The fact that conviction rates are lowest (0—2%) in the atrocity prone districts does not help.

Pending cases and conviction rates						
Sl. No.	District	1 January 2010	30 November 2010	Reduction	Conviction rate (%)	Rank
1	Bagalkote	48	38	-10	15	2
2	Bangalore Urban	250	80	-170	4	22
3	Bangalore Rural	96	101	5	2	17
4	Belgaum	61	69	8	8	7
5	Bellary	178	90	-88	13	3
6	Bidar	54	28	-26	6	10
7	Bijapur	198	172	-26	6	10
8	Chamaraja Nagar	61	37	-24	12	4
9	Chikballapur	65	106	41	0	24
10	Chikmagalur	72	96	24	0	24
11	Chitradurga	72	45	-27	6	10
12	Dakshin Kannada	49	52	3	6	10
13	Davanagere	82	64	-18	5	15
14	Dharwad	39	31	-8	6	10
15	Gadag	21	22	1	0	24
16	Gulbarga	280	68	-212	2	22
17	Hassan	73	105	32	5	16
18	Haveri	86	81	-5	4	17
19	Kodagu	87	110	23	25	1
20	Kolar	43	38	-5	8	7
21	Koppal	53	28	-25	9	5
22	Mandya	33	87	54	7	9
23	Mysore	104	107	3	9	5
24	Raichur	64	70	6	0	24
25	Ramanagar	303	273	-30	0	24
26	Shimoga	87	81	-6	3	21
27	Tumkur	146	105	-41	0	24
28	Udupi	29	24	-5	4	17
29	Uttara Kannada	45	38	-7	4	17
30	Yadgiri	NA	92	92	0	24
		2779	2338	-441	5	

Reduction is the number of cases cleared during the year i.e: pending cases 30 November 2010 less the sum of pending cases on 1 January 2010 and cases sent to court during the year.

Overall, 11 Districts have reported an increase in the number of pending cases during the year. There is a decrease of 441 (16%) in pending cases. But this decrease is not uniform. Five districts show an abnormal clearance in the number of cases (Bangalore Urban 250 to 80, 68%; Bellary 178 to 90, 49%, Bidar 54 to 28, 48%; Gulbarga 280 to 68, 76% and Koppal 53 to 28, 47%). Rather than efficiency, taken together with the conviction rate (84, 5%), it could be a contra indicator (Bangalore Urban 5 of 209 cases disposed, 2%; Bellary 16 of 124, 13%, Bidar 3 of 50, 6%; Gulbarga 8 of 325, 2% and Koppal 4 of 43, 9%). Seven districts have 0% conviction, 19 have single digit conviction (<10%)—meaning that in 26 of 30 districts over 90% are acquitted. 29 districts have an acquittal rate of 85% or more and all districts have a greater than 75% acquittal rate.

Gulbarga (325 cases disposed off, 2% conviction) and Bangalore Urban (209, 2%) have disposed off the highest number of cases with a conviction rate of just 2%. Tumkur comes in at number 4 with 101 cases disposed off with zero (0%) convictions. Numerically, Bellary comes third with 124 cases disposed off with 13% convictions.

Moreover, two cases (one each in Mysore and Kodagu) are reported to be ‘compromised’ in 2010, one in 2009 and 44 in 2008. This is illegal as per the Supreme Court comments in Criminal Appeal no 959 of 2011, since there is no provision in the Act for compounding offences.⁸

SVMC meeting minutes also note with concern that the SPPs do not argue the cases well.⁹

Recommendation

- a) With the conviction rate being 5%, the DPP has to have a better system of review in place.
- b) The details of the performance of each Special Public Prosecutor (SPP) be disclosed by the DPP in its annual disclosure under Rule 4 of the Right to Information Act 2005.
- c) Exclusive special courts should be established in all the 30 districts with competent and sensitive judicial officers to dispose off the cases. At present there are only 7 special courts, and all the others are designated courts.
- d) The DPP be prosecuted under Section 4 of the Act and Para 17(2) of the judgement of the Supreme Court in Criminal Appeal no 959 of 2011 and adverse comments be noted in the annual confidential report (ACR) for not taking cognisance of ‘compromises’ which are not permitted under the Act. This is a clear case of dereliction of duty.
- e) All 47 cases compromised since 2008 be reopened and prosecuted as admission of guilt.

Rule 4. Supervision of prosecution and submission of report

Rule 4(3)

If the State Government is satisfied or has reason to believe that a Special Public Prosecutor so appointed or specified has not conducted the case to the best of his ability and with due care and caution, his name may be, for reasons to be recorded in writing, denotified.

No such action has been taken against any SPP though the DCRE notes that one of the main reasons for the low conviction rate is ‘lack of proper presentation of the case by the prosecution and appreciation of evidence by the Court’.

Rule 4(5)

Notwithstanding anything contained in sub-rule (1) the District Magistrate or the Sub-Divisional Magistrate may, if deem necessary or if so desired by the victims of atrocity engage an eminent Senior Advocate for conducting cases in the Special Courts on such payment of fee as he may consider appropriate.

Finding

This rule has been wrongly translated by the Government of Karnataka to mean that the victim will have to pay for the services of the advocate of choice (Published by Department of Social Welfare, Government of Karnataka, Government Press, 2009).

Recommendation

An immediate government order (GO) has to be issued clarifying that

- a) The services of the advocate of choice will be paid for by the state government.
- b) The fee will be on the scale fixed by the government for Special Public Prosecutors under this Act.
- c) Wide publicity should be given to this provision so that the victims can avail the services of competent lawyers at the earliest, if possible at the FIR stage itself.

Rule 7. Investigating officer

Rule 7(1)

An offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police.

Finding

Three districts are without police officers of the required rank, according to the Minutes of SC & ST State Vigilance and Monitoring Committee (SVMC) meeting held under chairmanship of the Chief Minister on 27 September 2010.

⁸ <http://www.deccanherald.com/content/143942/casteist-remark-against-dalit-cant.html>

⁹ Agenda item 3, Minutes of the SVMC meeting, 27 September 2010.

Recommendation

- a) The post of DySP should not be vacant in any district at any time since it directly affects the implementation of this Act as he is the primary authority for investigation. It is not clear if officers senior to the DySP undertake investigations in his absence.
- b) The Government of Karnataka can recommend to the Government of India that the law be amended so that the investigation can be done by any competent police officer under the supervision of the DySP.

Rule 8. Setting up of the Scheduled Castes and the Scheduled Tribes Protection Cell

Rule 8(1)iv

This Cell shall be responsible for making investigations about the probable causes leading to an offence under the Act;

Finding

The Directorate of Civil Rights Enforcement (DCRE) has identified the following reasons for atrocities against the SCs and STs:

1. Unauthorised cultivating the lands belonging to Dalits.
2. Trespassing into the lands of Dalits.
3. Abusing Dalits by touching their caste.
4. Previous enmity.
5. Illicit relationship.
6. Threatening Dalits, when they complain to the police about the atrocities committed.
7. Insult and intimidating Dalits in public places.
8. Intimidating Dalits to vote for a particular candidate during the time of elections.
9. Preventing Dalits from entering into the temple or preventing them to take water from the public lake or public well or public bore-well etc.
10. Forging of documents belonging to Dalits.
11. Outraging the modesty of Dalit women.

It further analyses the reasons for murder cases reported:

1. Suspecting the loyalty of one's wife.
2. Illicit relationship.
3. When the victim refused to pledge his land and get the loan for the accused persons.
4. Due to enmity between two groups due to elections.
5. Due to gambling,
6. Refusal to draw the money from the bank and pay the accused persons.

Rule 8(1)ix

making enquiries about the wilful negligence by a public servant;

Finding

If at all any enquiry has been made, there is no appreciable difference in the functioning of the state machinery under this Act. For instance, the number of DVMC meetings is very low (see findings under Rule 17) and acquittal rates due to negligence is high, as per the DCRE's documented findings itself:

1. Lack of proper presentation of the case by the prosecution and appreciation of evidence by the Court.
2. Recording incorrect statements of witnesses by the investigating officers.
3. Lack of proper investigation.

The 'the Investigation Officer is not giving witness in favour of witnesses in the courts'¹⁰ and 'more criminals would have been convicted if the Police had completed investigations within right time and also had Public Prosecutors argued appropriately in the courts'¹¹ has been noted for the poor rate of convictions at the SVMC meeting.

Recommendation

- a) Where the responsible officer (Nodal officer, DPP, SPP, IO or others) belongs to ST or SC, the Chief Minister should take action under the service rules for dereliction of duty and adverse comments be noted in the ACR.

¹⁰ Agenda item 4, Minutes of the SVMC meeting, 27 September 2010.

¹¹ Agenda item 3, Minutes of the SVMC meeting, 27 September 2010.

- b) Where the responsible officer (Nodal officer, DPP, SPP, IO or others) does not belong to ST or SC, the Chief Minister should take action against them under Section 4 of the Act and Para 17(2) of the judgement of the Supreme Court in Criminal Appeal no 959 of 2011 and adverse comments be noted in the ACR.
- c) Investigation and follow up action needs to be tightened and rigorously followed up. At present, the functioning is below par.

Rule 9. Nomination of nodal officer

The State Government shall nominate a nodal officer of the level of a Secretary to the State Government (...)

Finding

Till 14 May 2010 the nodal officer under this Act was not according to the rules. On 14 May 2010 the government, by GO SWD 34 SPA 2010 Bangalore, has appointed

- i. The Secretary/Principal Secretary (Social Welfare) as the State Nodal Officer.
- ii. Commissioner for Social Welfare as Additional Nodal Officer.
- iii. Joint Director (Administration), Social Welfare as Joint Nodal Officer.

At the district level

- i. Deputy Commissioner and District Magistrate as District Level Nodal Officers.
- ii. District Social Welfare Officer as District Level Additional Nodal Officer.

At the Sub-divisional level

- i. Assistant Commissioner and Sub-Divisional Magistrate as Sub-Divisional Level Nodal Officers.

At the taluk level

- i. Thasildar and Taluka Magistrate as the Taluka Level Nodal Officer.
- ii. Taluk Social Welfare Officer as Additional Taluka Level Nodal Officer.

Recommendation

- a). All the responsible officers, along with the DCRE, should be made aware of, and sensitised on, the provisions of the Act. At the moment, the awareness and sensitivity levels are not optimum.
- b) This could be followed by regional trainings including the field staff.

Rule 11. Travelling allowance, daily allowance, maintenance expenses and transport facilities to the victim of atrocity, his or her dependent and witnesses

Finding

Not giving the travelling allowance (TA), daily allowance (DA), maintenance expenses and transport facilities to the victim of atrocity, his or her dependent and witnesses has been identified as a cause for low conviction rates by the DCRE. This is reflected by the SVMC also.¹²

Recommendation

TA and DA must be paid to the victims, dependents and witnesses on the day of their appearance before the Court.

Rule 13. Selection of officers and other staff members for completing the work relating to atrocity

Rule 13(1)

The State Government shall ensure that the administrative officers and other staff members to be appointed in an area prone to atrocity shall have the right aptitude and understanding of the problems of the Scheduled Castes and the Scheduled Tribes.

Finding

The wilful negligence of both the SPPs and the police officials has been identified as a cause for low conviction rates by the DCRE. This is reflected by the SVMC also 'Investigation Officer is not giving witness in favour of witnesses in the courts'¹³ and 'more criminals would have been convicted if the Police had completed investigations within right time and also had Public Prosecutors argued appropriately in the courts'¹⁴

¹² Agenda item 4, Minutes of the SVMC meeting, 27 September 2010.

¹³ Agenda item 4, Minutes of the SVMC meeting, 27 September 2010.

¹⁴ Agenda item 3, Minutes of the SVMC meeting, 27 September 2010.

So it is obvious that the government machinery does not have ‘the right aptitude and understanding of the problems of the Scheduled Castes and the Scheduled Tribes’ as required by law.

Recommendation

- a) All officials (starting with the nodal officers and investigating officers at all levels) should be trained on the provisions of the Act and their duties under it.
- b) All officials (starting with the nodal officers and investigating officers at all levels) be sensitised on the particular issues, social situation and the problems of the Scheduled Castes and the Scheduled Tribes.

Rule 14. Specific responsibility of the state government

The State Government shall make necessary provisions in its annual budget for providing relief and rehabilitation facilities to the victims of atrocity. It shall review at least twice in a calendar year, in the month of January and July the performance of the Special Public Prosecutor specified or appointed under Section 15 of the Act, various reports received, investigation made and preventive steps taken by the District Magistrate, Sub-Divisional Magistrate and Superintendent of Police, relief and rehabilitation facilities provided to the victims and the reports in respect of lapses on behalf of the concerned officers.

For finding and recommendation see Rule 16 below.

Rule 16. Constitution of state-level vigilance and monitoring committee

Rule 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, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the State Government.

Finding

The SVMC has not met in the designated months even once in the last three years. It has met only once off schedule in 27 September 2010 and despite promises, has not met subsequently either. At the meeting it was noted that the SVMC meeting was held after three years and nine months. The SVMC meeting prior to it was on 12 December 2006. Including the off calendar meeting, the SVMC has met only once instead of the required eight times in the last four years.

Though the SVMC meeting recommended that the Tahsildar must be prosecuted under Section 4 of PoA Act 1989 for giving false Caste Certificates,¹⁵ there has been no action taken report (ATR) to ascertain the present position.

Recommendation

- a) The Chief Minister should take action against the officials responsible for convening and conducting the meeting under Section 4 of the Act and Para 17(2) of the judgement of the Supreme Court in Criminal Appeal no 959 of 2011 and adverse comments be noted in the ACR if not belonging to SCs or STs or, if SC or ST then under the service rules for dereliction of duty and adverse comments be noted in the ACR.
- b). Tahsildars who issued false Caste Certificates must be prosecuted under Section 4 of PoA Act 1989 without delay.

Rule 17. Constitution of district level vigilance and monitoring committee:

Rule 17(3)

The district level committee shall meet at least once in three months.

Finding

Not even one DVMC has met quarterly in 2009 or 2010. Only Chikmagalore has met quarterly in 2008. In effect, but for Chikmagalore in 2008, all DCs are in conflict with the law for all the past three years and therefore are habitual offenders. On average, DVMCs have met only once a year for the last three years, instead of 4 times each. There is no appreciable increase in the number of meetings per year over time. DVMC Kolar has met only once in the last three years. This is gross dereliction of duty since Kolar is identified as an atrocity prone district by the state government.

In 2010 the best performing are Belgaum, Bidar, Bijapur, Mysore and Kodagu having conducted three meetings each. Kolar continued to be a laggard and did not conduct a single one.

¹⁵ Agenda item 9, Minutes of the SVMC meeting, 27 September 2010.

The attendance of elected representatives in DVMCs is sporadic, though they are elected from reserved constituencies and are expected to specifically take care of the interest of SCs and STs—the very rationale of reservations.

DVMC Meetings held (2008–2010)						
Sl. No.	District	2008	2009	2010	Total	Average per year
1	Bagalkote	1	2	2	5	1.25
2	Bangalore Urban	2	1	2	5	1.25
3	Bangalore Rural	1	2	1	4	1.00
4	Belgaum	1	1	3	5	1.25
5	Bellary	2	1	1	4	1.00
6	Bidar	0	1	3	4	1.00
7	Bijapur	1	1	3	5	1.25
8	Chamaraja Nagar	3	2	1	6	1.50
9	Chikballapur	1	1	1	3	0.75
10	Chikmagalur	4	2	1	7	1.75
11	Chitradurga	0	1	2	3	0.75
12	Dakshin Kannada	2	1	1	4	1.00
13	Davanagere	1	3	1	5	1.25
14	Dharwad	1	2	1	4	1.00
15	Gadag	0	1	1	2	0.50
16	Gulbarga	1	1	2	4	1.00
17	Hassan	2	1	2	5	1.25
18	Haveri	1	1	1	3	0.75
19	Kodagu	0	1	3	4	1.00
20	Kolar	0	1	0	1	0.25
21	Koppal	2	1	2	5	1.25
22	Mandya	0	2	1	3	0.75
23	Mysore	2	1	3	6	1.50
24	Raichur	0	1	2	3	0.75
25	Ramanagar	1	1	2	4	1.00
26	Shimoga	2	1	1	4	1.00
27	Tumkur	0	1	1	2	0.50
28	Udupi	3	2	2	7	1.75
29	Uttara Kannada	2	1	2	5	1.25
30	Yadgiri	NA	NA	2	2	0.50
	Total	36	38	50	124	1.07

Recommendation

- Prosecute all District Commissioners (except Yadgiri) who are not SCs or STs under Section 4 of the Act and Para 17(2) of the judgement of the Supreme Court in Criminal Appeal no 959 of 2011 and note adverse comments in the ACR.
- Prosecute all District Commissioners (except Yadgiri) who are SCs or STs under the service rules for dereliction of duty and note adverse comments in the ACR.
- In addition, the District Commissioner of Kolar be suspended and departmental action be taken against him for gross dereliction of duty even after being mentioned in the SVMC meeting.¹⁶
- Elected representatives (MPs/MLAs) should personally and regularly attend the quarterly DVMC meetings. Scheduling the meetings at fixed calendar dates would help.

¹⁶ Agenda item 7, Minutes of the SVMC meeting, 27 September 2010.

Rule 18. Material for annual report

The State Government shall every year before the 31st March, forward the report to the Central Government about the measures taken for implementing provisions of the Act and various schemes/plans framed by it during the previous calendar year.

Finding

The state government has neither prepared nor sent the annual report under rule 18 for 2009 or 2010.

Recommendation

- a) The Chief Minister should take action against the officers responsible for preparation of the report (if not belonging to SC or ST then under Section 4 of the Act and Para 17(2) of the judgement of the Supreme Court in Criminal Appeal no 959 of 2011 and adverse comments be noted in the ACR, or if belonging to SC or ST then prosecute under the service rules for dereliction of duty and adverse comments be noted in the ACR.).
- b) The annual reports must be prepared on a priority basis, and completed in time at least for the next SVMC meeting, due in January 2012.

Right to information

Finding

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

Recommendation

- a) The State Nodal Officer under this Act should take cognisance of this serious lapse and act immediately to ensure that the information, especially the periodic reports under this Act, is put in the public domain and updated in fixed timeframes.
- b) All concerned departments (Social Welfare, DPP, DCRE, LSA) should immediately implement the Section 4 of the RTI by putting up information on the progress of implementation of the Act on the respective websites. All monthly, quarterly and half-yearly reports mandated under this Act should be part of the suo moto declarations.
- c) The DPP should immediately put on its website and update half yearly (i) The quarterly and six monthly performance review of the SPPs (ii) For each SPP the number of cases appeared, cases won (convictions), cases lost (acquittals) otherwise disposed and compromised. (iii) For each judge of the special court, number of cases tried under this Act, convictions, acquittals, otherwise disposed and compromise.
- d) The DCRE should immediately put up for every case, and update monthly, (i) Date of atrocity (ii) Date and number of FIR numbers (iii) Name and designation of officer recording the FIR. (iv) Name and designation of the investigating officer. (v) Date and number of Charge Sheet/B report (vi) Name of SPP (vii) Name of Judge (viii) Judgement/Result (ix) Date of convictions/acquittals (x) Date of appeals
- e) The State and District Nodal Officer should put on the website and update monthly/quarterly (i) The contingency plans. (ii) Minutes, ATR and next meeting date and venue of the SVMC/DVMC. (iii) Monthly and quarterly review meeting minutes. (iv) Details of awareness camps. (v) Details of programmes, awareness centres and NGOs provided financial support under 3(ix). (vi) Performance reports of NGOs, protection cell and concerned officials under Rule 9(i). (vii) Details of TA, DA etc paid to the victims, witnesses and their dependents.

Scope and limitations of this report

This is the second annual citizens' report. The data used here are all provided by the Directorate of Civil Rights Enforcement (DCRE), Directorate of Public Prosecutions (DPP) and the Department of Social Welfare. In the analysis, the data of Yadgiri has been appropriately treated due to its status as a newly created district. It is included with the Gulbarga figures for consistency in comparisons.

The analysis is limited by the data available. In subsequent years, we will track the data over time. The qualitative aspects of the data have not been addressed. The Karnataka State Committee will address these in the forthcoming years.

Annex 1: Karnataka 2010

SCs and STs (Prevention of Atrocities) Act 1989

Implementation in Karnataka 2010

Sl. No.	District	total cases	Cases disposed																	Pending 30/11/2010	
			Conviction		conviction 2010 cases		Acquittal		acquitted 2010 cases		otherwise disposed		otherwise disposed 2010 cases		Compromised 2010 cases		total disposed		total disposed cases 2010		
			No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	No.	%		No.
1	Bagalkote	72	5	15	1	3	27	79	2	6	2	6	2	6	0	0	34	5	21	38	
2	Bangalore Rural	135	2	4	0	0	49	89	2	4	4	7	0	0	0	0	55	2	5	101	
3	Bangalore Urban	310	5	2	0	0	154	74	0	0	50	24	19	9	0	0	209	19	32	80	
4	Belgaum	118	4	8	0	0	42	86	0	0	3	6	0	0	0	0	49	0	0	69	
5	Bellary	214	16	13	0	0	100	81	0	0	8	6	3	2	0	0	124	3	8	90	
6	Bidar	78	3	6	0	0	45	90	0	0	2	4	0	0	0	0	50	0	0	28	
7	Bijapur	249	5	6	0	0	70	91	0	0	2	3	0	0	0	0	77	0	0	172	
8	Chamaraja Nagar	78	5	12	0	0	36	88	1	2	0	0	0	0	0	0	41	1	6	37	
9	Chikballapur	108	0	0	0	0	1	50	0	0	1	50	0	0	0	0	2	0	0	106	
10	Chikmagalur	110	0	0	0	0	12	86	0	0	2	14	0	0	0	0	14	0	0	96	
11	Chitradurga	108	4	6	0	0	52	83	3	5	7	11	2	3	0	0	63	5	14	45	
12	Dakshin Kannada	70	1	6	0	0	11	61	0	0	6	33	0	0	0	0	18	0	0	52	
13	Davanagere	104	2	5	0	0	37	93	0	0	1	3	2	5	0	0	40	2	9	64	
14	Dharwad	67	2	6	0	0	30	83	1	3	4	11	1	3	0	0	36	2	7	31	
15	Gadag	34	0	0	0	0	11	92	0	0	1	8	1	8	0	0	12	1	8	22	
16	Gulbarga	393	8	2	1	0	175	54	0	0	142	44	0	0	0	0	325	1	1	68	
17	Hassan	127	1	5	0	0	19	86	0	0	2	9	0	0	0	0	22	0	0	105	
18	Haveri	107	1	4	0	0	24	92	0	0	1	4	0	0	0	0	26	0	0	81	
19	Kodagu	122	3	25	1	8	9	75	0	0	0	0	0	0	1	8	12	2	6	110	
20	Kolar	102	5	8	1	2	58	91	25	39	1	2	1	2	0	0	64	27	46	38	
21	Koppal	71	4	9	0	0	34	79	0	0	5	12	0	0	0	0	43	0	0	28	
22	Mandya	101	1	7	1	7	10	71	0	0	3	21	0	0	0	0	14	1	1	87	
23	Mysore	153	4	9	0	0	28	61	0	0	14	30	2	4	1	2	46	3	6	107	
24	Raichur	116	0	0	0	0	46	100	1	2	0	0	2	4	0	0	46	3	6	70	
25	Ramanagar	328	0	0	0	0	52	95	0	0	3	5	4	7	0	0	55	4	16	273	
26	Shimoga	110	1	3	0	0	28	97	0	0	0	0	0	0	0	0	29	0	0	81	
27	Tumkur	206	0	0	0	0	94	93	0	0	7	7	0	0	0	0	101	0	0	105	
28	Udupi	47	1	4	0	0	20	87	3	13	2	9	0	0	0	0	23	3	17	24	
29	Uttara Kannada	61	1	4	0	0	15	65	1	4	7	30	1	4	0	0	23	2	13	38	
30	Yadgiri	97	0	0	0	0	5	100	0	0	0	0	0	0	0	0	5	0	0	92	
	Total	3996	84	5	5	0	1294	78	39	2	280	17	40	2	2	0	1658	86	7	2338	

Total cases is the sum of the pending cases as on 1 January 2010 and additional cases till 30 November 2010.

Collated from information supplied by DCRE

Annex 2: Ten years (2001–2010)

Cases registered under SCs/STs (PoA) Act 1989 from 2001 to 2010											
Sl. No.	District	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
1	Bangalore City	65	80	108	50	109	88	77	141	86	85
2	Bangalore District	59	132	154	133	161	129	77	50	58	59
3	Belgaum	39	28	21	24	37	68	68	81	88	79
4	Bellary	93	109	92	87	105	78	73	57	49	43
5	Bijapur	37	45	44	57	78	67	71	109	80	70
6	Bidar	38	26	36	35	31	25	31	29	30	27
7	Bagalkot	31	34	64	56	81	41	30	41	54	41
8	Chikballapur								38	50	68
9	Chikmagalur	32	43	34	47	50	73	41	47	50	45
10	Chitradurga	31	38	45	42	26	28	28	34	43	46
11	Chamaraja Nagar	34	16	11	24	12	16	13	17	13	23
12	Dharwad	20	25	25	21	25	13	16	24	31	28
13	D. K.	8	20	32	24	25	17	22	27	37	48
14	Davanagere	33	21	47	34	27	31	19	37	46	42
15	Gadag	5	7	15	13	19	20	9	18	13	15
16	Gulbarga	84	81	118	125	95	134	177	97	84	90
17	Haveri	25	19	13	20	21	14	24	42	40	31
18	Hassan	33	38	44	43	22	34	24	32	37	77
19	Hubli-Dharwad	13	15	6	6	5	17	16	15	16	7
20	Kolar	57	74	89	69	71	71	70	83	55	70
21	K G F	1	9	15	5	12	3	11	13	8	14
22	Koppal	57	66	39	44	51	25	12	28	19	22
23	Kodagu	12	20	14	21	18	26	24	29	34	56
24	Mandya	36	47	45	36	31	17	29	29	39	87
25	Mysore City	4	4	6	7	7	6	11	14	10	13
26	Mysore District	24	24	21	37	29	40	26	56	68	78
27	Mangalore City										11
28	Raichur	102	112	64	50	36	46	26	47	63	68
29	Ramanagar								48	49	61
30	Shimoga	24	17	25	33	32	18	24	48	74	55
31	Tumkur	48	63	35	55	53	76	62	77	75	70
32	Udupi	15	14	28	31	34	42	40	65	28	27
33	Uttara Kannada	10	5	3	3	3	13	6	21	14	25
34	Yadagiri										51
	TOTAL	1070	1232	1293	1232	1306	1276	1157	1494	1441	1632

Annex 3: Pending cases 2010

SCs and STs (Prevention of Atrocities) Act 1989													
Implementation in Karnataka 2010													
Sl. No.	District	1/1/2010 Pending cases	cases 2010	total cases	Cases disposed								Pending cases 30/11/2010
					conviction		acquitted		otherwise disposed		total disposed		
					No.	%	No.	%	No.	%	No.	%	
1	Bagalkote	48	24	72	5	15%	27	79%	2	6%	34	47%	38
2	Bangalore Rural	96	39	135	2	4%	49	89%	4	7%	55	41%	101
3	Bangalore Urban	250	60	310	5	2%	154	74%	50	24%	209	67%	80
4	Belgaum	61	57	118	4	8%	42	86%	3	6%	49	42%	69
5	Bellary	178	36	214	16	13%	100	81%	8	6%	124	58%	90
6	Bidar	54	24	78	3	6%	45	90%	2	4%	50	64%	28
7	Bijapur	198	51	249	5	6%	70	91%	2	3%	77	31%	172
8	Chamaraja Nagar	61	17	78	5	12%	36	88%	0	0%	41	53%	37
9	Chikballapur	65	43	108	0	0%	1	50%	1	50%	2	2%	106
10	Chikmagalur	72	38	110	0	0%	12	86%	2	14%	14	13%	96
11	Chitradurga	72	36	108	4	6%	52	83%	7	11%	63	58%	45
12	Dakshin Kannada	49	21	70	1	6%	11	61%	6	33%	18	26%	52
13	Davanagere	82	22	104	2	5%	37	93%	1	3%	40	38%	64
14	Dharwad	39	28	67	2	6%	30	83%	4	11%	36	54%	31
15	Gadag	21	13	34	0	0%	11	92%	1	8%	12	35%	22
16	Gulbarga	280	113	393	8	2%	175	54%	142	44%	325	83%	68
17	Hassan	73	54	127	1	5%	19	86%	2	9%	22	17%	105
18	Haveri	86	21	107	1	4%	24	92%	1	4%	26	24%	81
19	Kodagu	87	35	122	3	25%	9	75%	0	0%	12	10%	110
20	Kolar	43	59	102	5	8%	58	91%	1	2%	64	63%	38
21	Koppal	53	18	71	4	9%	34	79%	5	12%	43	61%	28
22	Mandya	33	68	101	1	7%	10	71%	3	21%	14	14%	87
23	Mysore	104	49	153	4	9%	28	61%	14	30%	46	30%	107
24	Raichur	64	52	116	0	0%	46	100%	0	0%	46	40%	70
25	Ramanagar	303	25	328	0	0%	52	95%	3	5%	55	17%	273
26	Shimoga	87	23	110	1	3%	28	97%	0	0%	29	26%	81
27	Tumkur	146	60	206	0	0%	94	93%	7	7%	101	49%	105
28	Udupi	29	18	47	1	4%	20	87%	2	9%	23	49%	24
29	Uttara Kannada	45	16	61	1	4%	15	65%	7	30%	23	38%	38
30	Yadgiri		97	97	0	0%	5	100%	0	0%	5	5%	92
		2779	1217	3996	84	5%	1294	78%	280	17%	1658	41%	2338

Annex 4: Total Cases 2010

SCs/STs (PoA) Act, 1989 Total Cases 2010										
Sl. No.	District	Reptd	P.T	U.I.	Con.	Acq.	OD	Comp	B. Rep.	Tran
1	Bengaluru City	85	15	30	0	0	19	0	21	0
2	Bangalore District	59	34	7	0	2	0	0	15	1
3	Belgaum	79	11	47	0	0	0	0	21	0
4	Bellary	43	24	2	0	0	3	0	13	1
5	Bijapur	70	48	4	0	0	0	0	17	1
6	Bidar	27	22	4	0	0	0	0	1	0
7	Bagalkot	41	23	1	1	2	2	0	12	0
8	Chikballapur	68	49	11	0	0	0	0	7	1
9	Chikmagalur	45	35	0	0	0	0	0	10	0
10	Chitradurga	46	28	6	0	3	2	0	7	0
11	Chamaraja Nagar	23	14	4	0	1	0	0	4	0
12	Dharwad	28	18	3	0	0	1	0	6	0
13	D. K.	48	23	0	0	0	0	0	25	0
14	Davanagere	42	30	3	0	0	2	0	7	0
15	Gadag	15	10	1	0	0	1	0	3	0
16	Gulbarga	90	37	44	1	0	0	0	8	0
17	Haveri	31	20	5	0	0	0	0	5	1
18	Hassan	77	60	2	0	0	0	0	15	0
19	Hubli-Dharwad	7	4	2	0	1	0	0	0	0
20	Kolar	70	28	12	0	22	1	0	7	0
21	K G F	14	3	3	1	3	0	0	4	0
22	Koppal	22	19	1	0	0	0	0	2	0
23	Kodagu	56	28	2	1	0	0	1	24	0
24	Mandya	87	39	40	1	0	0	0	7	0
25	Mysore City	13	1	3	0	0	2	1	6	0
26	Mysore District	78	31	35	0	0	0	0	12	0
27	Mangalore City	11	7	4	0	0	0	0	0	0
28	Ramanagar	61	40	5	0	0	4	0	12	0
29	Raichur	68	54	9	0	1	2	0	2	0
30	Shimoga	55	3	41	0	0	0	0	11	0
31	Tumkur	70	58	0	0	0	0	0	12	0
32	Udupi	27	16	1	0	3	0	0	7	0
33	Uttara Kannada	25	15	1	0	1	1	0	7	0
34	Yadgiri	51	46	2	0	0	0	0	3	0
TOTAL		1632	893	335	5	39	40	2	313	5

Annex 5: Cases SC 2010

SCs/STs (PoA) Act, 1989 Cases SC 2010										
Sl. No.	District	Reptd	P.T	U.I.	Con.	Acq.	OD	Comp	B. Rep.	Tran
1	Bengaluru City	85	15	30			19		21	
2	Bangalore District	56	31	7		2			15	1
3	Belgaum	66	9	42					15	
4	Bellary	25	13	1			1		10	
5	Bijapur	64	43	4					16	1
6	Bidar	26	21	4					1	
7	Bagalkot	32	17	1	1	2	1		10	
8	Chikballapur	58	41	10					6	1
9	Chikmagalur	45	35						10	
10	Chitradurga	33	19	4		2	2		6	
11	Chamaraja Nagar	22	13	4		1			4	
12	Dharwad	18	13	2					3	
13	D. K.	45	20						25	
14	Davanagere	27	19	2			1		5	
15	Gadag	10	7				1		2	
16	Gulbarga	88	36	43	1				8	
17	Haveri	23	13	4					5	1
18	Hassan	77	60	2					15	
19	Hubli-Dharwad	6	4	1		1				
20	Kolar	65	26	9		22	1		7	
21	K G F	14	3	3	1	3			4	
22	Koppal	18	15	1					2	
23	Kodagu	52	24	2	1			1	24	
24	Mandya	85	39	38	1				7	
25	Mysore City	12	1	3			1	1	6	
26	Mysore District	75	31	32					12	
27	Mangalore City	11	7	4						
28	Ramanagar	61	40	5			4		12	
29	Raichur	51	38	8		1	2		2	
30	Shimoga	53	3	39					11	
31	Tumkur	64	52						12	
32	Udupi	27	16	1		3			7	
33	Uttara Kannada	25	15	1		1	1		7	
34	Yadgiri	40	35	2					3	
TOTAL		1459	774	309	5	38	34	2	293	4

Annex 6: Cases ST 2010

SCs/STs (PoA) Act, 1989 Cases ST 2010										
No.	District	Reptd	P.T	U.I.	Con.	Acq.	OD	Comp	B. Rep.	Tran
1	Bangalore City									
2	Bangalore District	3	3							
3	Belgaum	13	2	5					6	
4	Bellary	18	11	1			2		3	1
5	Bijapur	6	5						1	
6	Bidar	1	1							
7	Bagalkot	9	6				1		2	
8	Chikballapur	10	8	1					1	
9	Chikmagalur									
10	Chitradurga	13	9	2		1			1	
11	Chamaraja Nagar	1	1							
12	Dharwad	10	5	1			1		3	
13	D. K.	3	3							
14	Davanagere	15	11	1			1		2	
15	Gadag	5	3	1					1	
16	Gulbarga	2	1	1						
17	Haveri	8	7	1						
18	Hassan									
19	Hubli-Dharwad	1		1						
20	Kolar	5	2	3						
21	K G F									
22	Koppal	4	4							
23	Kodagu	4	4							
24	Mandya	2		2						
25	Mysore City	1					1			
26	Mysore District	3		3						
27	Mangalore City									
28	Ramanagar									
29	Raichur	17	16	1						
30	Shimoga	2		2						
31	Tumkur	6	6							
32	Udupi									
33	Uttara Kannada									
34	Yadagiri	11	11							
TOTAL		173	119	26	0	1	6	0	20	1

Annex 7: Total Cases 2009

SCs/STs (PA) ACT 1989 Total Cases 2009										
Sl.No	District	Rep	PT	UI	con	Acq	OD	Comp	B' Rep	Trans
1	Bangalore City	86	34			15			35	2
2	Bangalore District	58	35		1	1	3		17	2
3	Belgaum	88	41		1	18			28	
4	Bellary	49	35			3			11	
5	Bijapur	80	58			2	1		19	
6	Bidar	30	17						13	
7	Bagalkot	54	37		4	7	3		5	
8	chikballapur	50	35				1		14	
9	Chikmagalur	50	40				1		9	
10	Chitradurga	43	40		2	1	1		1	
11	Chamrajnagar	13	11						1	1
12	Dharwad	31	15		1	7	1		7	
13	DK	37	17				5		15	
14	Davangere	46	24			1	2		19	
15	Gadag	13	10						3	
16	Gulbarga	84	45		6	23	2		12	1
17	Haveri	40	31				3		6	
18	Hassan	37	34						3	
19	Hubli-Dharwad	16	3		1	4			6	2
20	Kolar	55	11		3	31			12	
21	KGF	8	6						2	
22	Koppal	19	18						1	
23	Kodagu	34	32						2	
24	Mandya	39	29		2	5	1		3	1
25	Mysore City	10	5						3	2
26	Mysore District	68	50						17	1
27	Raichur	49	46			2				1
28	Ramanagar	63	37				1		24	1
29	Shimoga	74	52				2		20	
30	Tumkur	75	60						15	
31	Udupi	28	11		1	4			12	1
32	Uttara Kannada	14	5		1			1	8	
Total		1441	924	0	23	124	27	1	343	15

Annex 8: Cases SC 2009

SCs/STs (PoA) Act 1989 Cases SC 2009										
Sl.No	District	Rep	PT	UI	con	Acq	Comp	OD	B' Rep	Trans
1	Bangalore City	95	62						31	2
2	Bangalore District	55	35			1		3	15	1
3	Belgaum	80	57		1	3		1	18	
4	Bellary	36	25						11	
5	Bijapur	75	54			1			19	1
6	Bidar	27	15						12	
7	Bagalkot	50	35		2	5		3	5	
8	chikballapur	45	35						10	
9	Chikmagalur	45	36			1			8	
10	Chitradurga	33	28					1	4	
11	Chamrajnagar	13	11						1	1
12	Dharwad	28	16			4		1	7	
13	DK	37	18					4	15	
14	Davangere	38	18					1	19	
15	Gadag	13	10						3	
16	Gulbarga	84	74			2		7		1
17	Haveri	34	25						6	3
18	Hassan	37	34						3	
19	Hubli-Dharwad	16	6			3			5	2
20	Kolar	46	36			9			1	
21	KGF	8	3						5	
22	Koppal	19	18						1	
23	Kodagu	27	25						2	
24	Mandya	39	30			4		1	3	1
25	Mysore City	10	5						3	2
26	Mysore District	60	43						16	1
27	Raichur	55	44			1		2	7	1
28	Ramanagar	49	35					1	12	1
29	Shimoga	74	58						16	
30	Tumkur	60	48						11	1
31	Udupi	28	15			2			10	1
32	Uttara Kannada	14	4					1	9	
Total		1330	958	0	3	36	1	25	288	19

Annex 9: Cases ST 2009

SCs/STs (PoA) Act 1989 Cases ST 2009										
Sl.No	District	Rep	PT	UI	con	Acq	OD	Comp	B' Rep	Trans
1	Bangalore City	1							1	
2	Bangalore District	1							1	
3	Belgaum	19	8			6			5	
4	Bellary	27	17			2			8	
5	Bijapur	5	4				1			
6	Bidar	3	3							
7	Bagalkot	9	7		1				1	
8	chikballapur	13	10				1		2	
9	Chikmagalur	4	3						1	
10	Chitradurga	10	8				1		1	
11	Chamrajnagar									
12	Dharwad	15	7		1	4			3	
13	DK	4	3						1	
14	Davangere	13	10						3	
15	Gadag	5	3	2						
16	Gulbarga	4	1			2				1
17	Haveri	20	16				1		3	
18	Hassan	1	1							
19	Hubli-Dharwad	4			1				1	2
20	Kolar									
21	KGF									
22	Koppal	6	5						1	
23	Kodagu	3	3							
24	Mandya									
25	Mysore City	2	1							1
26	Mysore District									
27	Raichur	23	19			1	1		1	1
28	Ramanagar	9	6						2	1
29	Shimoga	3	3							
30	Tumkur	5	5							
31	Udupi	11	5			2			3	1
32	Uttara Kannada	1							1	
33	Yadgiri	10	6			2			2	
Total		231	154	2	3	19	5	0	41	7

Annex 10: Total Cases 2008

SCs/STs (PoA) Act 1989 Total cases 2008										
Sl.No	District	Rep	PT	UI	con	Acq	OD	Comp	B' Rep	Trans
1	Bangalore City	141	40			2		38	61	
2	Bangalore District	50	37						9	4
3	Belgaum	81	8		1	51	1		20	
4	Bellary	57	46		4	3			8	
5	Bijapur	109	69		1	15	7	1	17	
6	Bidar	29	21			3			5	
7	Bagalkot	41	7		4	19	2		6	3
8	chikballapur	38	24			5		2	6	1
9	Chikmagalur	47	18		1	14			5	10
10	Chitradurga	34	26				1		7	
11	Chamrajnagar	17	12		2				5	
12	Dharwad	24	3			16			5	
13	DK	27	16					2	9	
14	Davangere	37	26		1	1			10	
15	Gadag	18	5			1	1		11	
16	Gulbarga	97	55		1	29			12	
17	Haveri	42	30		1	1	2		8	
18	Hassan	32	23			4			5	
19	Hubli-Dharwad	15	2			4			5	4
20	Kolar	83	3		1	63			14	2
21	KGF	13	4			7			1	1
22	Koppal	28	17				1		10	
23	Kodagu	29	22						7	
24	Mandya	29	9		3	13			2	2
25	Mysore City	14	6						6	2
26	Mysore District	56	33		4	6			12	3
27	Raichur	47	24		1	12	2		8	
28	Ramanagar	48	43		2		2		3	
29	Shimoga	48	36		1	2	1		7	2
30	Tumkur	77	60						17	
31	Udupi	65	9			14	1	1	25	15
32	Uttara Kannada	21	13			1			7	
Total		1494	747	0	28	286	21	44	333	49

Annex 11: Cases SC 2008

SCs/STs (PoA) Act 1989 Cases SC 2008										
Sl.No	District	Rep	PT	UI	con	Acq	Comp	OD	B' Rep	Trans
1	Bangalore City	141	56						23	62
2	Bangalore District	50	34			1			11	4
3	Belgaum	69	13		1	38			17	
4	Bellary	38	30					1	7	
5	Bijapur	105	77			3		1	17	7
6	Bidar	28	18			5			5	
7	Bagalkot	33	6		3	12		2	8	2
8	chikballapur	36	26					2	7	1
9	Chikmagalur	45	20			10			6	9
10	Chitradurga	28	19			4		2	3	
11	Chamrajnagar	17	11		1	1			1	3
12	Dharwad	14	5			4			5	
13	DK	27	12			2		3	10	
14	Davangere	30	22			1			7	
15	Gadag	17	4			1		1	11	
16	Gulbarga	135	114			8		3	10	
17	Haveri	39	28			1		2	8	
18	Hassan	32	27			1			4	
19	Hubli-Dharwad	15	3			3			5	4
20	Kolar	76	10			59			7	
21	KGF	13	1			10				2
22	Koppal	25	17						8	
23	Kodagu	28	20						7	1
24	Mandya	29	6		3	18			1	1
25	Mysore City	14	6					1	5	2
26	Mysore District	52	36						12	4
27	Raichur	35	14		1	10		3	7	
28	Ramanagar	48	38					1	9	
29	Shimoga	45	28			2		1	7	7
30	Tumkur	75	58						4	13
31	Udupi	58	19			20			19	
32	Uttara Kannada	21	13			1			7	
Total		1418	791	0	9	215	0	23	258	122

Annex 12: Cases ST 2008

SCs/STs (PoA) Act, 1989 Cases ST 2008										
No.	District	Reptd	P.T	U.I.	Con.	Acq.	OD	Comp	B. Rep.	Undetect
1	Bangalore City	0								
2	Bangalore District	0								
3	Belgaum	12	2	2			2		6	
4	Bellary	19	18						1	
5	Bijapur	4	2						2	
6	Bidar	1							1	
7	Bagalkot	8	6		1					1
8	Chikballapur	2	2							
9	Chikmagalur	2	2							
10	Chitradurga	6	4					1	1	
11	Chamaraja Nagar	0								
12	Dharwad	10	7						3	
13	D. K.	0								
14	Davanagere	7	7							
15	Gadag	1	1							
16	Gulbarga	2	2							
17	Haveri	3	3							
18	Hassan	0								
19	Hubli-Dharwad	0								
20	Kolar	7	7							
21	K G F	0								
22	Koppal	3	3							
23	Kodagu	1							1	
24	Mandya	0								
25	Mysore City	0								
26	Mysore District	4							2	2
27	Raichur	12	7						5	
28	Ramanagar	0								
29	Shimoga	3	3							
30	Tumkur	2	2							
31	Udupi	7	6						1	
32	Uttara Kannada	0								
TOTAL		116	84	2	1	0	2	1	23	3

Annex 13: Minutes SVMC Meeting 27 September 2010

Minutes of SC & ST SVMC meeting held under chairmanship of the Hon'ble Chief Minister held on 27-09-2010

Members present in the meeting:

01	Sri R. Ashok, Hon'ble Minister for Home and Transport
02	Sri A. Narayanaswamy, Hon'ble Minister for Social Welfare Department
03	Sri. Balachandra Jarakihole, Hon'ble Minister for Municipal Administration and Local Organisations
04	Sri. Govind M. Karajola, Hon'ble Minister for Minor and Planning
05	Sri. Shivaraj Sangappa Tangadagi, Hon'ble Minister for Agricultural Market
06	Sri. P.M. Narendra Swamy, Hon'ble Minister for Women and Child Development
07	Sri. R. Dhruvanarayana, Hon'ble Member of Parliament, Chamarajanagara
08	Sri. S.V.Ranganath, Chief Secretary to the Government of Karnataka (GoK)
09	Sri. K.M. Shivakumar. Principal Secretary GoK, Department of Inland
10	Dr. Ajaykumar Singh, Director General and Inspector General of Police
11	Sri. S. Siddalingesh, Secretary GoK, Department of Law, Justice and Human Rights
12	Sri. B.C. Umapathi, Principal Director General of Police, Directorate of Civil Rights Implementation
13	Sri. A.R. Infant, Principal Director General of Police, Law and Order
14	Sri. S. Manjunath Prasad, Commissioner, Social Welfare Department
15	Sri. Mohammad Najeeb Ahmad, Inspector General of Police. Directorate of Civil Rights Implementation
16	Smt. Chitra Armugam, Director, National Scheduled Caste Commission (Karnataka State)
17	Sri. G.S. Shivaswamy, Director, Scheduled Castes Welfare
18	Sri. T.A. Parthasarathy, Joint Secretary to GoK, Inland Department
19	Sri. K.S. Puttaraju, Secretary, Karnataka State Scheduled Castes/Scheduled Tribes Commission

The Chief Minister welcomed Ministers, MPs, MLAs, MLCs, Officers and Media Representatives and said that this meeting was supposed to have held long back. However, for various reasons the meetings were not held he regretted and continued to state that henceforth two meetings will be compulsorily held as per rules and all atrocity cases against Scheduled Castes and Tribes will be reviewed. Apart from initiating legal action against those who commit atrocities against scheduled people, he said that we also need to take precautions so that such incidents do not repeat. He said that we need to follow the principle of Equal part and Equal life, so we have to prevent atrocities against the Scheduled Castes and eradicate such a social evil. He then asked to give detailed information on how many atrocities have taken place against this community? Off these how many cases have been investigated by the Directorate of Civil Rights Implementation? How many of them have been punished? How many victims have been provided relief? How many victims have been rehabilitated?

Sri. Dhruvanarayana, Hon'ble Member of Parliament repeated words of the Chief Minister and regretted for organizing this meeting after 3 years 9 months instead of holding this every six months and then requested the Chief Minister to call the meeting in time and review atrocity cases. He then stressed that the conviction rate is only 4% even when there are instances of many atrocities such as property damage, murder, social boycott. In such cases, the police is not completing investigation in time. Similarly, the Public Prosecutors too are not managing cases to their best ability and therefore he said that the people who have committed crimes are not being convicted.

The Hon'ble Chief Minister reacted and said that all of us must attend to problems of Scheduled communities together and in this context he said that the information must project reality and only then this committee can deliver some justice.

Sri. Dhruvanarayana, Hon'ble Member of parliament questioned as to what action has been initiated against the judgment of District Magistrate Courts in Kambalappalli atrocity case? It was informed that the said case is pending before the High Court of Karnataka bearing appeal no. 386/2007 and Sri. HM Thimmarayappa has been appointed as the Special Public Prosecutor of the State. In thThe Hon'ble Home Minister said that appointment of senior advocate Sri. Chandramouli in favour of those who died is being reviewed.

The Director of National SC/ST Commission, Bangalore said that the atrocity case against Sri. Lakshmikanth and his brother Sri. Deepak has to be reviewed with appropriate witnesses and book a case against those who have committed atrocity against them under PoA Act 1989. The officers of the Directorate of Civil Rights Implementation reacted to this and informed that in case of Sri Lakshmikanth and Sri Deepak

action has been initiated based on that they have accepted stolen properties and not because they belong to the scheduled caste.

At this point of time Hon'ble Minister Sri. Govinda M. Karajola intervened and said that let the officers supply information to this committee as per the agenda and suggested that the committee can discuss each point and make a decision. The Hon'ble Chief Minister seconded this suggestion and directed to give information on disposal of atrocity cases for 2007. Thus, the Commissioner of Social Welfare Department deliberated related information.

Agenda 1 and 2: -

It was brought to the notice of this committee on decisions taken action initiated in the previous State Vigilance and Monitoring Committee meeting held on 12-12-2006.

Agenda 3:-

The committee reviewed cases registered under the SC/ST (Prevention of Atrocities) Act 1989 and Civil Protection Right Act 1955. Accordingly, under the SC/ST Prevention of Atrocities Act 1989 totally 5182 cases have been registered in the year 2007. Out of these cases 192 cases have been disposed as others. 2749 cases are pending before the court for trial. 619 cases are acquitted. 484 cases are under investigation. While investigating the B report cases amounts to 1097. 41 cases conviction. The Hon'ble Ministers Sri. Govind M. Karajola, Sri. Narendraswamy, Member of the Parliament Sri. Dhruvanarayana were extremely unhappy to know that the conviction rate is only 4% and they stated that more criminals would have been convicted if the Police had completed investigations within right time and also had Public Prosecutors argued appropriately in the courts. Similarly when the committee found that cases registered under Civil Protection Act 1955 for the last 4 years (upto August 2010) 56 cases have been registered and 33 cases are under trial. Pending cases in CRE cell are 05, B Reported cases are 10 and 5 cases are acquitted. The committee expressed unhappiness.

In this connection the DG and IG of Police spoke and said that the reason for less conviction rate is because generally the prosecution witnesses turn hostile in the courts. In order to prove a crime the role of Police investigation is important and it is equally important that the Prosecutors/Special Public Prosecutors also deliberate cases properly in the courts.

910 cases are pending for the year 2009 in Belgaum, Mysore, Bijapur, Kolar, Raichur, Gulbarga and Tumkur districts where cases are registered in Special Courts. Acquittals in the year 2007, 2008 and 2009 are high. When the Commissioner, Social Welfare Department brought to the notice that there is not a single conviction the Hon'ble Chief Minister directed that in such cases the criminals should not escape from punishment due to the irresponsibility of Officers from the Police Department and Prosecution Department.

Agenda 4:-

The Commissioner of Social Welfare Department proposed action to be initiated in connection to increase of punishment for convictions. Number of registered cases under the provisions of the Act is increasing and since cases prolong in courts Prosecution witnesses are not showing interest in giving witness. In these cases the Police will have to retain the quality of investigation and the Prosecution will have to ensure that their witnesses give correct witness. While atrocity cases are registered provisions sub sections under section 3 are not being used. Other than this the Investigation Officer is not giving witness in favour of witnesses in the courts. The Officers of Civil Rights Implementation stated that because of this the conviction rate is decreasing. The committee felt that in such cases there is a need to increase the rate of conviction, so the witnesses are to be given the TA/DA in right time and also Police protection to the witnesses against the criminals in the courts.

Agenda 5:-

When the cases registered district wise under the SC/ST (PoA) Act 1989 and Civil Protection Act 1955 were reviewed in the year 2007 1157 cases are registered, out of them 619 cases are pending before the court. In 209 cases the accused are acquitted, 286 cases are reported B. In Gulbarga, Bangalore (Urban), Bangalore (Rural), Bellary, Bijapura and Kolar cases registered are high in number. In the year 2008, 1494 cases are registered: 141 in Bangalore (Urban), Bijapura 109, Kolar 83, Tumkur 77, Udupi 65. Similarly in the year 2009 number of cases registered are 1441 and out of those in Bangalore Urban 86, Belgaum 88, Bijapura 80, Shimoga 74 and Tumkur 75 cases. In the year 2010 number of cases registered are 1090 out of those 69 cases are in Gulbarga district, 64 cases are registered in Mysore District. The committee reviewed 56 cases registered under Civil

Rights Protection Act 1955 for 2007, 2008, 2009 and 2010 (up to August 2010) in Bellary, Gulbarga, Raichur, Chitradurga Districts. In order to adjudicate these cases Special Courts are established in Belgaum, Mysore, Bijapur, Kolar, Tumkur, Raichur, Gulbarga districts and it was decided to establish Special Courts in districts where more number of cases are registered.

Agenda 6:-

The details of released grant to the District Collector, relief amount, witnesses who give witness in courts in victims favour and TA & DA given to these witnesses were brought to notice of the committee.

Agenda 7:-

The Commissioner of Social Welfare Department supplied details of DVMC meetings held during 2008, 2009 and 2010 (up to August). Then the Hon'ble Ministers and MPs spoke and said The DVMC constituted under Sec 17(3) of the 1989 Act has to meet minimum every once in 3 months and has to take precautions not to repeat such atrocities and victims must be given relief amount. The committee demanded that the District Committee apart from the above work will have to look into providing rehabilitation and also see whether financial support is given for self employment? Whether investigation is being conducted in time and register case against people who have committed atrocity? Whether when the witnesses *against* suffered victims give witness in the courts are being given their TA and DA? And whether Police protection is being given? In Bangalore Urban, Mysore, Hassan, Dakshina Kannada, Uttara Kannada, Koppala, Bellary districts the DVMC meetings are held only 2 times in the year 2008, in Chitradurga, Kolar, Tumkur, Mandya, Kodagu, Gadag, Raichur and Bidar districts not even once DVMC meetings are held. The committee expressed extreme resentment towards this. In the year 2009 in many districts the meeting is held only once, in 2010 in Kolar, Dakshina Kannada, Haveri districts not a single meeting was held, at this point of time the hon'ble Member of Parliament Sri. Dhruvanarayana expressed his extreme resentment and demanded that the District Social Welfare Officer be asked for reasons and also to direct all the District Collectors to hold meetings every 3 months once.

Agenda 8:-

The Commissioner of Social Welfare Department supplied information on relief, rehabilitation details of atrocities in the year 2010 pertaining to Boodihalli and Lakshmisagara of Challakere Taluk, Chitradurga District; Ankahalli village, Gudlupete Taluk, Chamarajanagra District; Jantagondanahalli village, Anekal Taluk of Bangalore Urban and; Gopalapura village, Chikkanayakanahalli Taluk, Tumkur District. Hon'ble Minister Sri. Narendraswamy was upset due to the way Bhagyamma was treated in public place of Lakshmi Sagar Village, Chitradurga District. He then asked as to what action has been initiated against these accused? He also said that there should be no delay in getting punishment to these accused. Similarly he informed that those people should be punished who have committed atrocity and murdered Ms. Honnamma a woman belonging to Scheduled Caste from Gopalpura village, Chikkanayakanahalli Taluk of Tumkur District. The Hon'ble minister for Social Welfare spoke that it is not only sufficient to suspend police constables for duty dereliction in such cases, but need to find out at what level in the department dereliction has taken place? And action should be initiated against such officers also he said. He continued to say that there would have been no damages to houses and vehicles of Scheduled people of Ankahalli village of Gundlupet Taluk, Chamarajanagara District, had the police officers taken precaution.

Agenda 8:- Fake Caste Certificates Trial

The Officers of Directorate of CRI brought to the notice of this committee that there are 632 cases filed against those who are appointed for jobs and obtained promotions in Government Service and Government owned institutions by submitting fake caste certificates. Out of these cases 149 cases are under investigation, 177 cases are under trial in court. In 77 cases "B" report has been filed. The court has granted injunction in 64 cases to initiate action against those filed fake caste certificates. Together 253 cases are disposed out of 632 fake caste certificates and 379 cases are pending. Hon'ble minister Sri Govind M. Karajola reacted and said that criminal action needs to be initiated under Section 4 of the PoA Act 1989 against that Tahsildar who has given Scheduled Caste and Scheduled Tribes Certificates to Non-Scheduled Castes/Tribes. He also said that in order to file criminal suit, necessary amendments needs to be made to the Karnataka SC/ST & OBC Act 1990. It is being said that only a Tahsildar has power to cancel a fake Caste Certificate. When appointment has taken place based on fake SC/ST Certificates, one can prevent misuse of Government Appointment/Promotion if the

Caste Certificates are cancelled with immediate effect. However, due to the local pressure Tahsildar's do not cancel fake Caste Certificates and this results continuation in service. Thus, the power to cancel fake caste certificates need to be given to the District Collector and necessary amendments need to made, and he said that the following Government Orders to be withdrawn.

- GO No. SaKaE 713 SED 1993, dated 11-03-2002
- GO No. SaKaE 127 SED 2002, dated 29-03-2003

Other than this he also said that the Tahsildar must be prosecuted under Section 4 of PoA Act 1989 for giving false Caste Certificates.

Agenda 10:-

The Officers from the Directorate of Civil Rights Implementation brought the following information to the notice of the committee.

1. Withdrawal of Government Order dated 11-03-2002 passed in relation to Parivara, Talavara, Koli, Besta and other communities and Government Order passed on 29-03-2003 pertaining to Kotegar, Kote Kshatriya, Sherugara and other castes.
2. There are Special Courts in Gulbarga, Bijapura, Belgaum, Tumkur, Mysore, Kolar and Raichur districts to comprehensively dispose cases under SC/ST Prevention of Atrocities Act 1989 and Civil Protection Act 1955 and there is a need to start similar courts in districts where more atrocities cases are registered.
3. Since the Supreme Court of India has given directions in Kumari Madhuri Patil case that every atrocity case must be investigated by a DYSP of Directorate of Civil Rights Implementation, in this connection such posts must be granted to Bellary, Chickmagalur, Chitradurga, Mandya and Raichur districts and also provide a vehicle to such officer.

The Hon'ble Chief Minister spoke and said that no protection should be available to those who commit atrocity against the Scheduled people. He directed to review if we can withdraw the Government Notifications that are acting as obstacles to initiate action on that Tahsildar who has issued false Caste Certificate and cancellation of above said facilities. Similarly, as per the suggestions given by Ministers, MPs and Officers present in the meeting a layout has to be developed for people belonging to all communities instead of building houses in different layouts for different community. In case of building houses to the flood victims, everyone unanimously agreed that houses need to be built to everyone in the same layout. Through this action he aspired that the secular principles of Basavanna will be envisaged.

The Principal Secretary to the Home Department, Government of Karnataka said that in hostels run by Social Welfare Department admission is given mostly to the students of SC/STs, in this case, if we make provision for students of other communities that provides an opportunity to live in harmony.

Finally, the meeting was over with vote of thanks. Hon'ble Social Welfare Minister extended vote of thanks to the Chief Minister, Ministers and Officers.

Sd//-

B.S. Yediyurappa
Chief Minister