

The Scheduled Castes and the Scheduled Tribes  
(Prevention of Atrocities) Act 1989

**The Tamil Nadu Scorecard 2021**



Tamil Nadu Citizen's Vigilance and Monitoring Committee

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# The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989

## The Tamil Nadu Scorecard 2021

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# **The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989**

## **The Tamil Nadu Scorecard 2021**

### **1. Context**

The right to life with dignity is a fundamental tenet of all civilised societies and the foundation of human rights and social justice. The Constitution of India is steeped in this culture of social justice and dignity right from the preamble to the directive principles to the fundamental rights and duties, the structure and nature of the union, to economic welfare and wellbeing of the historically excluded communities and vulnerable sections of society. It has several provisions for these communities for their social security and their uplift.

It was soon realised that the structural (social, religious, and cultural) barriers to the historically excluded communities in accessing their constitutional rights, and the state guaranteed welfare measures were being enforced even in an India which abolished caste discrimination in all its forms – sometimes subtly but oftentimes with force against individuals and entire communities – just by sheer jealousy and a sense of entitlement of the dominant castes to the social integration and economic mobility of the historically marginalised communities. To address this continuing violence against two of India's most vulnerable communities – the scheduled castes (officially Adi Dravidar in Tamil Nadu) and scheduled tribes – legislation such as the Untouchability (Offences) Act 1955, the Protection of Civil Rights Act 1978, and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (POA) 1989 were promulgated.

The Act for the first time recognised specific caste induced crimes, set up mechanisms for monitoring inter-caste violence on the scheduled communities, streamlined the administration of justice with special courts, officials, and units within departments and ministries, included protection to victims and witnesses, and provided for relief and rehabilitation measures.

To reiterate, for the development of the community, we need to prevent atrocities-which this Act is meant to do. Eliminating impunity by ensuring the

arrest and conviction of the perpetrators and relief and rehabilitation to the survivors would help the scheduled communities in Tamil Nadu to develop without fear. For that the monitoring mechanisms the vigilance and monitoring committees, VMCs at the state (SVMC), district (DVMC) and sub divisional (SdVMC) levels must ensure that the officials carry out their duties as prescribed under this Act.

This citizens report therefore focuses on the performance of the statutory officials in carrying out their mandatory duties. It is hoped that this monitoring of monitors will result in better systems performance to prevent atrocities and timely relief and rehabilitation when they do occur.

## **2. The PoA Act in Tamil Nadu, an Overview**

- 2.1 As per the Act, the Chief Minister chairs the State Vigilance and Monitoring Committee (SVMC) which is supposed to meet every January and July. In 2021, one meeting was conducted on 19 August 2021 by Chief Minister Stalin, the only chief minister ever to conduct the mandated quota of meetings.<sup>1</sup> CM Paneerselvam did not conduct one, despite a rapping from the high court in 2020 – maintaining his perfect zero record. The SVMC has met only six times in 32 years – two of them in the last one year (up to July 2022) and twice before that due to litigation.
- 2.2 The Principal Secretary, Adi Dravidar and Tribal Welfare K Manivasan is the state nodal officer under Rule 9.
- 2.3 The special officer (Rule 10) is the collector of each district vide G.O Ms. No.96, Adi Dravidar and Tribal Welfare (PA) Department dated 10.08.2006.
- 2.4 Tamil Nadu has set up the Social Justice and Human Rights (SJ&HR) Wing at the state level, headed by the Additional Director General of Police (ADGP), and SJ&HR units in the districts, as the protection cell for the scheduled castes and the scheduled tribes (Rule 8).

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<sup>1</sup> He has also conducted a follow up meeting on 12 April 2022, but the meeting for the second half of 2022 has not been conducted till date.

- 2.5 However, implementation of the Act has been tardy. Apart from the difficulty in getting cases registered under the Act (which is beyond the purview of this report), conviction rates were just 6.25% in 2017, with a slow climb to 11.30% in 2021<sup>2</sup> or 18.4% according to the National Crime Records Bureau, NCRB. This is a percentage of cases that have been charge sheeted, (discounting the 20–25% of the FIRs that are not charge sheeted), in which the investigating officer (IO) (under this Act the deputy superintendent of police, DSP), has established that a crime has taken place. In comparison, NCRB notes that the all India conviction rate is 36% for cases filed under this Act in the same period.
- 2.6 Recorded rape has increased from one in 33 days in 2011 to one every three days in 2020 and 2021 - a total of 129 of whom 94 (73%) are minor girls. Recorded murder is increasing according to the AD&TWD (68 in 2021) but decreasing (52) according to the NCRB.
- 2.7 There are 30 designated courts to try cases under this Act in the state, of which 17 are exclusive special courts. Yet the delays are interminable (one case is pending in court since 1992), and judicial delay leads to justice denial (i.e., acquittals).
- 2.8 There are atrocity prone areas in all districts. There are a total of 430 atrocity prone areas and 414 dormant atrocity prone areas in the state<sup>3</sup>(as on 30.04.2022).

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2 Most of the data in this report are from three major sources: replies to RTI requests, mainly *Particulars of Social Justice and Human Rights* as on 30 April 2022, vide Right to Information (RTI) reply No. 6757/RTI No. 116/PA2/2022–2, Dated: 13.05.2022 from the Adi Dravidar and Tribal Welfare (PA) Department, Government of Tamil Nadu, but also from those of previous months, RTI requests to various offices at the district and state levels of the Government of Tamil Nadu, and *Crime in India 2021* published by the National Crime Records Bureau, NCRB accessed on 29 August 2022. The usual cravats apply – that these are only the recorded cases which are less than the reported cases, which are themselves only a fraction of the actual cases.

3 According to the norms in force from the year 1994, a village is considered atrocity prone if, in a mother village or in its hamlets, three or more true cases are reported within a period of three successive calendar years or if even one case of heinous offence, caste-oriented tension or clash is reported. An atrocity prone village (APV) is declared 'highly sensitive', if even one case involving heinous offence such as murder, rape, arson, or grievous hurt is reported. APVs are kept in the active list for a period of two years from the last reported case and then transferred to the dormant list for a further period of three years. During the dormant period, if any case is reported it is brought back to APV.

- 2.9 The superintendent of police (SP) has been empowered to provide immediate relief and Rs.10 lakhs has been sanctioned for the purpose vide G.O. Ms. No 32, Adi Dravidar and Tribal Welfare (IA) department, dated 27.05.2016.
- 2.10 For the first time ever, the State Commission for Scheduled Castes and Scheduled Tribes was constituted in September 2021. It functions from the premises of the Tamil Nadu Adi Dravidar Housing and Development Corporation (TAHDCO) with six deputed staff from TAHDCO.
- 2.11 The ADGP, SJ&HR has issued a circular memorandum (B1/1434 /SJ&HR/2022 dated 20.05.2022) reminding the district collectors to ensure that jobs are provided to the survivors and dependents, and to reinvestigate the cases that have been disposed off as mistake of fact (about 20% of the cases). Yet, there is no data being collected as to compliance.

### 3. Violence against Scheduled Castes and Tribes in Tamil Nadu in 2021

- 3.1 There is an increase in recorded crimes against the scheduled communities in 2021 over the previous year. The rate of recorded crime is much less in Tamil Nadu than in India.

Table 1: Crimes against the Scheduled Communities									
#	Data	2020				2021			
		SC		ST		SC		ST	
		TN	India	TN	India	TN	India	TN	India
1	Total Crime	1,274	50,202	23	8,272	1,376	50,879	39	8,799
2	Victims	1,408	52,721	29	8,691	1,481	52,652	41	9,142
3	Rate	8.8	25.0	2.9	7.9	9.5	25.3	4.9	8.4
Source: Crime In India 2021, National Crime Records Bureau.									

- 3.2 There is a relatively sharp jump (65%, from 23 in 2020 to 39 in 2021) in recorded crimes against the scheduled tribes. This could be, in part, due to the lifting of the pandemic related restrictions or it could be a positive indicator of better recording, perhaps due to the change in the government,



increased community confidence in the police to report crimes, or more conscientious officers.

- 3.3 Records from the nodal officer, which diverges from the data of the crime records bureau, shows 1,534 recorded cases in 2021 slightly higher than the 1,436 in 2020, and the 1,264 recorded in 2019.

#	Offence	2020	%	2021	%
1	Murder	83	5.78%	68	4.43%
2	Rape	6	0.42%	8	0.52%
3	POCSO Act	156	10.86%	166	10.82%
4	Arson (Mischief by fire-436 IPC)	1	0.07%	2	0.13%
5	Attempt to Murder (307 IPC)	77	5.36%	62	4.04%
6	Sec. 3(1)(r) or 3(1) (s) of SCs/STs (PoA) Act, 1989 with Bodily Offences (IPC)	1070	74.51%	1145	74.64%
7	Other Sections under SCs/STs (PoA) Act, 1989	43	2.99%	83	5.41%
Total		1,436	100.00%	1,534	100.00%

Source: RTI reply No. 6757/RTI No. 116/PA2/2022-2, Dated: 13.05.2022 from Adi Dravidar and Tribal Welfare (PA) Department.

- 3.4 Though there is a divergence in the data provided, the general trend holds good. There are still more recorded murders than recorded attempt to murders, a strong indication that attempts to murder are being trivialised as injury as evidenced by other bodily offenses remaining constant and the number of cases under only this Act (without IPC) almost doubling.

- 3.5 Apart from the vast divergence in the data for rape with the crime records bureau (119 cases and 126 survivors in 2020), the data shows that the dilution and trivialisation of cases continues unabated.

#	Data	Scheduled Caste		Scheduled Tribe	
		TN	India	TN	India
1	Murder (cases)	52	967	1	199

Table 3: Bodily harm					
#	Data	Scheduled Caste		Scheduled Tribe	
		TN	India	TN	India
2	Murder (victims)	53	991	1	206
3	Attempt to commit murder (cases)	58	916	0	148
4	Attempt to commit murder (victims)	61	1,045	0	160
5	Grievous Hurt (Sec. 325 & 326 IPC) (Total)	28	1,286	0	114
6	Simple Hurt	523	15,485	20	2,358
7	Arson	7	161	0	14
8	Rioting	66	1022	1	145

Source: Crime In India 2021, National Crime Records Bureau.

- 3.6 The tribal communities in Tamil Nadu are relatively isolated and long-suffering, which could explain the absence of arson and near absence of rioting.
- 3.7 The data on bodily harm again exposes the disturbing practice of trivialising crime against the scheduled communities. Even within this, Tamil Nadu fares worse than the India average, as indicated by the almost equal murder and attempt to commit murder recorded for the Adi Dravidar and none for scheduled tribes. The violent crimes that lead to murder are trivialised by not recording them at all or by recording them in a less severe category (simple injury). The low (for scheduled castes) or absent (for the Adi Dravidar) figures for attempt to commit murder and grievous hurt lend credence to the narrative.

Table 4: Crimes against women and girls					
#	Case data	Scheduled Caste		Scheduled Tribe	
		TN	India	TN	India
1	Rape (cases)	123	3,870	6	1,324
1.1	Rape of women (cases)	34	2,585	1	812
1.2	Rape of children (cases)	89	1,285	5	512
2	Attempt to commit rape (cases)	2	100	0	25

Table 4: Crimes against women and girls					
#	Case data	Scheduled Caste		Scheduled Tribe	
		TN	India	TN	India
3	Assault on adult women with Intent to outrage her modesty	10	1,957	0	480
4	Sexual harassment	7	673	0	158
5	Use of force to disrobe	0	336	0	35
6	Voyeurism	0	32	0	5
7	Stalking	0	216	0	58
8	Assault on children	17	550	2	145
9	Insult to modesty	0	157	0	29

Source: Crime In India 2021, National Crime Records Bureau.

- 3.8 Tamil Nadu does not acquit itself honourably in recording crimes against women and girls and the data points to large scale trivialisation. Some of the crimes that lead up to rape are simply not recorded – use of force to disrobe, voyeurism, and stalking – either due to a trust deficit that keeps the community from approaching the police or the police trivialising it during recording. The large gap between the India average – a reversal of the ratios – are difficult to explain as a mere oversight: just a couple of cases of attempt to rape against the Adi Dravidar and none against scheduled tribe women are recorded while there are 123 and 6 recorded cases of rape respectively.
- 3.9 Even with the limited data available, an uncomfortable truth continues to be prominent – women and girls from the scheduled communities continue to be much more vulnerable to rape than women belonging to other communities. Of 422 recorded rapes in Tamil Nadu in 2021, 123 (29.14%) are from the Adi Dravidar communities and 6 (1.42%) are from the scheduled tribes. Given the Adi Dravidar (20%) and the scheduled tribes (1.1%) population in Tamil Nadu, it means that women from Adi Dravidar communities are 50% more likely to be raped by men from other communities, (in addition to intra community rape) than women belonging

to other communities in total (by inter- and intra-community men). The remoteness of the tribal communities does not provide adequate protection to them – they are 29% more likely to be raped (intra-community) than women belonging to other communities (in total).

3.10 Age disaggregated data reveals an even more sobering reality. While the India aggregate shows that more adult women are raped, in Tamil Nadu it is the reverse. Far more girls than women are raped from the the Adi Dravidar communities (approximately 3:1) in Tamil Nadu than in India where the ratio is reversed (1:2). Similar is the case of girls and women from the scheduled tribes in Tamil Nadu (5:1) and India (1:1.6). It was the case in 2020 also, where 66% of the victim-survivors were minors. This points unequivocally to the specific targeting of the girls from these communities and their vulnerability.

Table 5: Police Investigation					
#	Cases	Scheduled Caste		Scheduled Tribe	
		TN	India	TN	India
1	Total cases for investigation	2,073	70,818	54	12,159
2	Cases ended false	0	6,279	0	1,221
3	Cases ended mistake of fact	170	1,731	1	240
4	Cases True but Insufficient Evidence or Untraced or No Clue	11	2,219	0	149
5	Charge sheeted	1,050	41,724	18	7,186
6	Charge sheeting rate	84.6	80.0	94.7	81.4
7	Investigation pendency percentage	39.8	26.2	64.8	27.3

Source: Crime In India 2021, National Crime Records Bureau.

3.11 Tamil Nadu is better than the India average in charge sheeting (NCRB, Crime in India 2021). The charge sheeting rate for crimes against the Adi Dravidar (84.6) is slightly higher than the national rate (80.0) and is tenth highest among states. At 9.5% the rate of crime against the Adi Dravidar in Tamil Nadu is the seventh lowest in India.

- 3.12 Data provided to the nodal officer, presumably by the SJ&HR, is more conservative, than the NCRB, or uses another formula. According to data provided by the state government accessed through RTI requests, the conviction rate has increased from 7.85% in 2018 to 11.35% in 2021 (data available up to 15 November 2021), an increase of 69%, and almost double that of the 6.25% reported in 2017.
- 3.13 Analysis of the data provided by the nodal officer reveals that more than one in five cases (20.65%) are still closed by the police – an uncomfortably large proportion.

Table 6: Conviction rate (as on 15 November 2021)							
Year	Recorded	Closed	% Closed	Charged	Convicted	Acquitted	% Convictions
2018	1238	311	25.12%	1008	71	833	7.85%
2019	1264	291	23.02%	1072	72	658	9.86%
2020	1436	281	19.57%	1002	54	424	11.30%
2021	1332	275	20.65%	967	58	453	11.35%

Source: Particulars of Social Justice and Human Rights as on 15 November 2021, Department of Adi Dravidar and Tribal Welfare, Government of Tamil Nadu vide RTI reply No. 19921/RTI No. 248/PA2/2021-2, Dated:21.03.2021 from AD&TW Department.

- 3.14 Investigations for crimes where this Act is invoked are supposed to be completed on a ‘top priority’ (Rule 7(2)), and charge sheets are to be filed within 60 days of the FIR being registered under this Act. There are delays, even in cases of murder (78%) and sexual crimes on children (40%). Overall, over half the cases are not charge sheeted within 60 days as stipulated. Of the 592 cases pending investigation on 30 April 2022, over a third (208, 35%) are from 2021 – meaning the investigation has not been completed even after 120 days, which is double the statutory limit.

Table 7: Pendency in investigation (as on 30.04.2022)					
Nature of crime		Pending beyond 60 days	Pending less than 60 days	Total cases under investigation	Delay
GCR cases	Murder	7	2	9	77.78%
	Rape	1	4	5	20.00%
	POCSO	21	32	53	39.62%
	Arson	-	-	-	-
	GCR Total	29	38	67	43.28%
Non GCR cases	Other than Heinous Crimes	305	220	525	58.10%
Total		334	258	592	56.42%

Source: RTI reply No. 6757/RTI No. 116/PA2/2022-2, Dated: 13.05.2022 from Adi Dravidar and Tribal Welfare (PA) Department.

3.15 'Awaiting community certificate' is the single largest cause (40%) for delay. 'Awaiting legal opinion' or DVMC approval comes next (13% each) followed by 'investigation not completed' and 'want of accused arrest' (11% each). All these procedures lie fully within the government and therefore are unreasonable delays, more so since 50% of the relief is tied to the chargesheet being filed.

3.16 The duration of the delay does not reflect well on the entire state mechanism – awaiting legal opinion and DVMC approval for four years, awaiting community certificates for three years, and awaiting arrest for two years. Even high court stays – one from 2016 – are an untenable reason for delay, since a stay is only for six *months*, and one has been on for six *years*.

Table 8: Reason for, and duration of, the delay, as on 30 April 2022									
#	Reason for delay	2016	2017	2018	2019	2020	2021	2022	Total
1	Awaiting community certificate	-	-	-	1	2	33	203	239
2	Awaiting legal opinion	-	-	1	2	5	28	42	78
3	Awaiting DVMC approval	-	-	1	-	6	45	25	77

#	Reason for delay	2016	2017	2018	2019	2020	2021	2022	Total
4	Investigation not completed	-	-	-	2	1	27	37	67
5	Want of accused arrest	-	-	-	-	1	22	44	67
6	Awaiting for TNFSL/ RFSL report	-	-	-	-	1	12	13	26
7	High Court stay	1	-	1	2	2	11	3	20
8	Awaiting medical certificate	-	-	-	-	-	1	16	17
9	Transferred to CBCID	-	1	-	-	-	-	-	1
Total		1	1	3	7	18	179	383	592

Source: RTI reply No. 6757/RTI No. 116/PA2/2022-2, Dated: 13.05.2022 from Adi Dravidar and Tribal Welfare (PA) Department.

3.17 There are over 6,175 pending cases – and counting – at the courts in Tamil Nadu after the charge sheet has been filed. One case has been pending since 1992, i.e. for 30 years. Almost 5,000 (4,946) cases are delayed more than two years, despite the statutory requirement being 60 days from the filing of charge sheet to judgement. Thirty cases are pending for over 20 years and a further 501 cases pending between 10 and 20 years.

#	Cases	Scheduled Caste		Scheduled Tribe	
		TN	India	TN	India
1	Total cases for trial	6,363	264,690	118	43,601
2	Cases disposed off by courts	579	10,223	0	1,961
3	Cases convicted	104	3,640	0	548
4	Conviction rate	18.4	36.0	0	28.1
5	Cases acquitted	451	5,788	0	1,192
6	Cases pending in court end of year	5,784	254,475	118	40,640
7	Judicial pendency percentage	90.9%	96.1%	100%	95.4%

Source: Crime In India 2021, National Crime Records Bureau

- 3.18 NCRB reports that the conviction rate for Tamil Nadu is 18.4% for crimes against the Adi Dravidar in 2021. The almost 300% increase in conviction rate in five years, while welcome and commendable, is still just about half the national average of 36% for scheduled castes. No cases were disposed off by the courts for crimes against scheduled tribes in 2021 - the second consecutive year with no cases completed – so the conviction rate for crimes against scheduled tribes in Tamil Nadu is 0% while the all India conviction rate is 28.1%.
- 3.19 Even cases of serious bodily harm such as murders and rapes have judicial delays of over five years before they even come up for trial after charge sheeting. Even cases of rape of minors do not come up for trial for years after the chargesheet has been filed.
- 3.20 Since relief is tied to the stages of the case, about Rs.30 crores (Rs.30,87,50,000 at an average of Rs.50,000 per case) is being withheld from victims only due to judicial delays.

#### 4. Data integrity

- 4.1 Data keeping by the government varies from department to department, and report to report. It also varies from the data provided by the National Crime Records Bureau (NCRB) which only publishes data that is submitted to it by the state government.<sup>4</sup>
- 4.2 The classification of atrocity prone areas is scientific and worthy of emulation by other states (see footnote 3). Though ostensibly higher than other states, it is likely that if other states follow the same methodology, the data integrity will increase across the country.
- 4.3 The State Crime Records Bureau's (SCRB) flagship publication (Crime Review Tamil Nadu) records 67 murders under this Act in 2020, the monthly consolidated reports (Rule 8(1)(xi)) received by the principal

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<sup>4</sup> *Disclaimer 1. The information published in this report has been obtained from States/UTs Police and CAPFs/CPOs. National Crime Records Bureau has only compiled and collated the data and presented it in the form of this report. As data is being furnished by States/UTs/ CAPFs/CPOs, NCRB is not responsible for authenticity of the information. Page iv, Crime in India 2021, NCRB.* [https://ncrb.gov.in/sites/default/files/CII-2021/CII\\_2021Volume%202.pdf](https://ncrb.gov.in/sites/default/files/CII-2021/CII_2021Volume%202.pdf) (accessed 29 August 2022).



secretary records 83 murders in 2020. Similarly for rape it is 119 recorded cases in the SCRB 2020 data but only six recorded cases in the monthly reports. Even granting reclassification of some cases under POCSO (156 in 2020) it still does not square with the SCRB 2020 data which says that 81 of 126 rape survivors are minors.

- 4.4 Similarly, there is variation between the data in the report to the nodal officer (April 2022) and the NCRB data for 2021.

#	Nature of offence (2021)	Nodal officer	NCRB			
			SC	ST	Total	Variance
1	Murder	68	52	1	53	15
2	Rape	8	123	6	131	(-)122
3	POCSO Act	166	17	2	19	147
4	Arson (Mischief by fire- 436 IPC)	2	7	0	7	(-)5
5	Attempt to Murder (307 IPC)	62	58	0	58	4
6	Other Sections under SCs/STs (PoA) Act, 1989	83	145	0	145	(-)62
Total		1,534	1,376	39	1,415	119

- 4.5 There is no data being collected on the stage of the case and the relief provided (which is tied to the stage of the case). There is no data on how many are eligible for the rehabilitation provisions – a Rs.5,000+DA pension for dependents within 15 days, a house and agricultural land within a month, a government job within three months, and education for children up to graduation. No data leads to – and is a predictor of – non-compliance and, worse, non-accountability and impunity in a vicious circle. Victims and survivors waiting over eight years for relief, even in cases of murder and rape are due to lack of data and absence of accountability.
- 4.6 The SJ&HR wing, which is the SCs and STs Protection Cell under Rule 8, and therefore has to statutorily collect this information and send it to the state government on or before the 20th of every month under Rule 8(1)(xi),

repeatedly asserts that it does not have the information since ‘no data bank is maintained in the SJ&HR office’ (RTI reply No.B2/225/2022, dated 05.04.2022) and points to the AD&TW department which points right back to the SJ&HR wing.<sup>5</sup>

## **5. Status of implementation in the districts**

### *5.1 Police*

- 5.11 Each district has a social justice and human rights unit to implement this Act.
- 5.12 Despite the existence of this exclusive unit, less than 30% of the chargesheets are filed on time. In some districts even one chargesheet per month is not filed.
- 5.13 The investigating officer is supposed to provide the travel allowance and maintenance expenses to the survivors, witnesses, their dependents, and accompaniers within three days. This is not done in any district.
- 5.14 Several cases end in acquittal since the victims and witnesses ‘turn hostile’. This is dereliction of statutory duties under Section 15A by the DSP. Yet no DSP has been prosecuted under Section 4 of the Act.

### *5.2 The Adi Dravidar and Tribal Welfare Office*

- 5.21 The Adi Dravidar and Tribal Welfare (AD&TW) officer is the secretary of the DVMC. Timely notices, briefing notes, and minutes are not being sent to the members.
- 5.22 The statutory requirements for relief and rehabilitation are not being fulfilled, let alone within the mandatory timeframes in the gazette notified contingency plan drafted by the Government of Tamil Nadu under Rule 15(1).
- 5.23 There is little support for the survivors from the district AD&TW office. There is considerable delay and denial even when the survivors ask for

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<sup>5</sup> For reports under Rule 4(4) see RTI reply No. B2/ 223/ 2022 Dated 05.04.2022, for spot visit reports under 6(2), RTI reply No.B2/225/2022, dated 05.04.2022, and for reports under Rule 11, travel allowance and maintenance expenses see RTI reply No. B2/992/2022, Dated 05.04.2022.

documentation to access the Ambedkar Foundation relief – which has no budget implications for the state, being a 100% union scheme.

### 5.3 District Magistrate (Collector)

5.31 The district collector is the special officer for each district (G.O Ms. No.96, Adi Dravidar and Tribal Welfare (PA) Department dated 10.08.2006) and is responsible for ensuring the proper implementation of this Act, especially Section 15A Protection of Victims and Witnesses, and reporting the status of each case, what has been done, and what is proposed to be done to the state government monthly.

5.32 There is no record of spot visits by the district magistrate (DM) as mandated by Rule 12(1) or reports sent to the special courts under Rule 12(7) by the DM.

### 5.4 Judiciary

5.41 Of the 17 exclusive special courts in Tamil Nadu set up to try only cases under this Act, four have over a 100 pending cases, four have over 200, four have over 300, the Madurai Exclusive Special Court has 674 and the Tirunelveli Exclusive Special Court has 875 cases pending – and these are ‘exclusive’ special courts. Only two special courts have less than 100 pending cases.

5.42 Special public prosecutors: New special public prosecutors (SPP) have been appointed in most districts in the last quarter of 2021. It is not known whether they are from the SC–ST wings of the parties in the governing coalition. Their performance (conviction rate) in the coming year will demonstrate whether it is a change for the better, for worse, or just continuation of the status quo.

**Table 11: Special Public Prosecutors**

#	District	Name of SPP	Date of Joining	Contact Number
1	Chennai City	Tr.Sudhakar, B.A.B.L.	17.11.2021	8610661133
2	Tiruvallur	Tr.S.Thamiliniyan, B.A.B.L.	24.09.2021	9944460302
3	Kanchipuram	Tr.Rajarajan, M.A.B.L.	18.10.2021	7010147118
4	Chengalpattu			

Table 11: Special Public Prosecutors				
#	District	Name of SPP	Date of Joining	Contact Number
5	Viluppuram	Tr.L.K.Gothandapani, B.A B.L.	16.09.2021	9894838601
6	Kallakurichi			
7	Cuddalore	Tr.M.Arumugam, B.A B.L.	2011	9894333476
8	Vellore	Tr.S.Pandiyan, MA., M.Phil.,B.L.	17.09.2021	9486173433
9	Ranipet			
10	Tirupathur			
11	T.V.Malai	Tr.Dinakaran, B.A.B.L.	01.07.2017	9894190339
12	Salem City	Tr.S.Isaiamuthan, B.A.B.L.	10.11.2021	9443072396
13	Salem District			
14	Namakkal	Tr.B.Selvan, B.A.B.L.	01.11.2021	9943577943
15	Krishnagiri	Tr.Ramesh, B.A.B.L.		9786092917
16	Dharmapuri	Tr.Ramesh Babu, B.A.B.L.	26.10.2021	9080971196
17	Coimbatore City	Tr.V.Balasubramani, M.A.B.L.	20.10.2021	9443095952
18	Coimbatore Dist			
19	Tiruppur City	Tr.Manokaran, B.A.B.L.	01.11.2021	9715057865
20	TiruppurDist			
21	Erode	Tmt.V.Poongothai, B.A B.L.		
22	Nilgiris	Vacant		
23	Tiruchirappalli City	Tr.K.P.Sakthivel, B.A.B.L.	20.10.2021	9865961431
24	Tiruchirappalli District			
25	Pudukkottai	Tr.Kumar, B.A.B.L.	01.10.2021	9443115341
26	Karur	Tr.Lakshmanan, B.A. B.L.	01.11.2021	9894255731
27	Perambalur	Tr.N.Pugalendhi, B.A.B.L.	26.10.2021	9443076915
28	Ariyalur	Tr.Sasikumar, M.A.B.L.	19.11.2021	9884454322
29	Thanjavur	Tr.S.Elansezhian, B.A.B.L.	20.10.2021	9442890098
30	Tiruvarur	Tr.J.Arjunan, B.A.B.L.		9787272654
31	Nagapattinam	i/c Tr.Paramanatham		9443417430

Table 11: Special Public Prosecutors				
#	District	Name of SPP	Date of Joining	Contact Number
32	Mayiladuthurai			
33	Dindigul	Tr.C.Manickam, BSc.B.L..		9865399839
34	Theni	Tr.R.Esakki, B.A.B.L.	20.10.2021	9566746369
35	Madurai City	Tr.Azhagan, B.A.B.L.	23.10.2021	7639940314
36	Madurai District			
37	Virudhunagar	Tr.Muthukrishnan, B.A.B.L.	27.09.2021	96267 63297
38	Ramanathapuram	Tr.Ramakrishnan, M.A.B.L.	02.11.2021	9944730758, 8248446086
39	Sivagangai	Tr.A.Dhusanth Pradeep Kumar	08.09.2021	9943418885
40	Tirunelveli City	Tr.B.Kandhasamy	11.11.2021	
41	Tirunelveli District			
42	Tenkasi			
43	Thoothukudi	Tr.I.Boonkumar, B.A.B.L.	25.10.2021	9965335350
44	Kanyakumari	Tr.C.S.Suresh Babu, BSc. B.L.	13.08.2019	9488073999
Source: Particulars of Social Justice and Human Rights as on 15 November 2021, Department of Adi Dravidar and Tribal Welfare, Government of Tamil Nadu vide RTI reply No. 19921/RTI No. 248/PA2/2021-2, Dated:21.03.2021 from AD&TW Department.				

## 6. Status of monitoring in the districts

### 6.1 Police

- 6.11 Till 2019, the state annual report only mentioned that the daily law and order report – which does not cover the status of the cases nor the rights, relief, and rehabilitation – was being prepared.
- 6.12 The special unit set up to monitor the implementation of this Act under Rule 8 – the Social Justice and Human Rights wing of the police – keeps repeating that it does not have the information.
- 6.13 Officials do not file mandatory reports (Rule 7(2A)) on why chargesheets are filed more than 60 days after the FIR was recorded – and their seniors do not ask for an explanation as to why the delay in charge sheeting nor why the report was not filed.

## 6.2 *The Adi Dravidar and Tribal Welfare office*

6.21 The district AD&TW office does not monitor, and therefore is clueless about, the relief and rehabilitation due and overdue to the survivors.

## 6.3 *District Collectorate*

6.31 Till date, the monthly reports under Rule 4(4) are not sent to the director of prosecutions – which means that appeals against acquittals are rare (though on conviction there are immediate appeals that often result in acquittals) and the overall conviction rate in the state is just in the double digits.

6.32 The AD&TW department reports that it has not got the quarterly report of the performance of the investigating officers (Rule 7(3)) nor the half yearly performance report of the special public prosecutors (Rule 4(2)) from the districts (RTI reply No. A60 RTI 1(1)/32/ 2022, Dated 10.03.2022).

6.33 This results in inefficient officers and special public prosecutors with 100% acquittal rates being retained with adverse consequences for the victims and survivors.

## 6.4 *Judiciary*

6.41 Neither the districts, nor the state, nor the courts could provide any orders passed by the courts under Section 15A after reviewing the protections provided for victims, witnesses, and their dependents – despite several cases being acquitted because of witnesses turning hostile.

6.42 The judiciary could not provide any information of any report received under Rule 12(7) about the relief provided for victims and their dependents.

6.43 The very first union report on the implementation of the Act placed before parliament on 14 December 1993 notes (page 11) that at the conference of the welfare ministers of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, and Pondicherry held at Thiruvananthapuram on 28 and 29 August 1992 the first main recommendation was that *all atrocity cases should be decided by the courts in six months to one year*. Thirty years later it remains a dream. The second main recommendation was that *cases of acquittals*

*and cases in which accused get minor punishment should be seriously examined. Thirty years later, no action is seen.*

#### 6.5 District Vigilance and Monitoring Committee

- 6.51 The district vigilance and monitoring committees (DVMC) met only 61 of the statutory 152 times in 2021 compared to 64 times in 2020 at the height of the pandemic (from a high of 118 in 2018). The DVMCs of Kallakurichi, Tiruvallur, Tenkasi, and Salem did not meet even once, DVMCs of 14 districts met only once, 15 met twice. Not one met the statutory minimum of four per annum. (For good measure, DVMC Salem did not meet for the review in the first quarter or 2022 either).
- 6.52 Most of the meetings were perfunctory. Three weeks' notice was seldom provided for the meetings, advance provision of agenda and briefing material was even more rare.
- 6.53 Though chargesheets are supposed to be filed within 60 days of registering the FIR, one case is pending investigation since 2018 (as of April 2022) since the DVMC has not yet given sanction.

#	District	Meetings
1	Ariyalur	2
2	Chengalpattu	1
3	Chennai	3
4	Coimbatore	1
5	Cuddalore	2
6	Dharmapuri	1
7	Dindigul	1
8	Erode	2
9	Kallakurichi	-
10	Kanchipuram	2
11	Kanyakumari	2
12	Karur	2
13	Krishnagiri	2

<b>Table 12: DVMC meetings conducted 2021</b>		
<b>#</b>	<b>District</b>	<b>Meetings</b>
14	Madurai	1
15	Mayiladuthurai	2
16	Nagapattinam	1
17	Namakkal	2
18	Nilgiris	1
19	Perambalur	1
20	Pudukkottai	3
21	Ramanathapuram	1
22	Ranipet	2
23	Salem	-
24	Sivagangai	2
25	Tenkasi	-
26	Thanjavur	2
27	Theni	1
28	Thoothukudi	3
29	Tiruchirappalli	3
30	Tirunelveli	1
31	Tirupathur	2
32	Tiruppur	3
33	Tiruvallur	-
34	Tiruvannamalai	1
35	Tiruvarur	3
36	Vellore	2
37	Viluppuram	2
38	Virudhunagar	2
	<b>Total</b>	<b>61</b>
Source: RTI reply No.6757/RTINo.116/PA2/2022-2 Dated: 13.05.2022 from Adi Dravidar and Tribal Welfare (PA) Department.		



## 6.6 Sub-divisional Vigilance and Monitoring Committee

- 6.61 Tamil Nadu has 94 sub-divisions. SdVMCs have not been constituted in most subdivisions despite a direct order from the nodal officer Additional Chief Secretary Otem Dei, AD&TW, in 2016 (G.O (Ms) No 6, AD&TW Department dated 20 January 2015) to all the district collectors to constitute the SdVMCs.
- 6.62 Even when constituted, all Adi Dravidar and scheduled tribe elected representatives in local government (panchayats) are not members. Nor are they intimated when the meetings are held.
- 6.63 Even where they have been constituted, and in the rarer instances when SdVMC meetings have been conducted, no information has been provided to the members beforehand.
- 6.7 Standing committees to fix responsibility for acquittals consequent to the Supreme Court of India's judgement in the Kishanbhai case and the circular memorandum from the Director General of Police, Tamil Nadu (RC.No.053884/Crime.4(3)/2014 Dated: 26.04.2016) do not send the quarterly reports. The excuses vary, but the result is that there is no record of the monthly meeting in the districts, and there are no quarterly reports to fix the responsibility for acquittals on the DSP or the SPPs.
- 6.8 Civil society organisations and individuals have a statutory role as described in Section 15A of the Act. However, there is resistance from officialdom in the participation of individual or institutional human rights defenders in securing justice, or even in relief and rehabilitation. This resistance also extends to survivor chosen lawyers.
- 6.9 The monitoring mechanisms have been dysfunctional, and some (SdVMCs, high level district standing committees) do not even exist despite direct orders from the seniors at the state headquarters. Many provisions of the Act are simply not enforced (S15A, R15(1)). Monitoring reports (Rules 4(2), (4)(4), R7(2A), 8(1)(xi), R12(7)) are not sent.
- 6.10 The net result of the laxity in enforcement of the Act is an increase in violence against the Adi Dravidar and tribal communities of the state, low

conviction rates, and unaccountability for non-performance of statutory duties by the designated officials.

## **7. Financial allocations and provisions for relief and rehabilitation measures**

- 7.1 While atrocities are failures of the preventive machinery (for what are arguably random events), the state fails even in relief and rehabilitation which are fully within its control.
- 7.2 Even in cases of murder the statutory relief to dependents is not given at all, let alone within the timeframes prescribed – no pensions in 15 days, no house or agricultural land in one month, nor a government job within three months or education support for children up to graduation.
- 7.3 Travel allowance and maintenance expenses have never ever been paid in some districts in the 32 years of the Act. Only in two districts a flat Rs.125 or Rs.150 is given as allowance.
- 7.4 There is no record of maintenance expenses during investigation or trial being paid ever in any district.
- 7.5 While more relief is being provided within the mandatory 7 days (100 of 1436 recorded cases in 2020 compared to 3 of 1981 in 2017) it is still less than 10% compliance and much more needs to be done.
- 7.6 Though there are over 200 recorded cases that are eligible for relief every year from the Ambedkar Foundation, yet the district collectors recommend very few – though it has no financial implications for the state government.
- 7.7 The government has not made any allocation in the budget for NGOs to spread awareness of this Act – as it is mandated to do under Rule 3(ix) – despite direct appeals to the finance minister, who allotted Rs 20 crores to NGOs for animal welfare.
- 7.8 The position of relief given and sanctioned but pending in the districts as on 30 April 2022 is given in table 13.

Table 13: Monetary Relief Fund Pending with Collector as on 30.04.2022				
Sl.No.	District / City	Cases	Victims	Pending amount
1	Chennai City	3	3	400,000
2	Avadi City	1	1	125,000
3	Tambaram City	2	2	437,000
4	Tiruvallur	16	51	2,800,000
5	Kanchipuram	1	1	62,000
6	Chengalpet	-	-	-
7	Viluppuram	28	80	7,370,000
8	Kallakurichi	15	44	4,227,000
9	Cuddalore	30	57	5,577,000
10	Vellore	10	10	1,437,000
11	Ranipet	10	10	1,293,000
12	Tirupathur	2	5	225,000
13	Tiruvannamalai	16	51	3,425,000
14	Salem City	3	4	1,500,000
15	Salem District	22	36	3,855,000
16	Namakkal	53	67	9,070,000
17	Krishnagiri	6	18	1,412,000
18	Dharmapuri	11	13	1,302,000
19	Coimbatore City	10	9	1,602,000
20	Coimbatore District	18	27	2,587,000
21	Tiruppur City	11	19	1,827,000
22	Tiruppur District	19	20	2,377,000
23	Erode	17	30	1,980,000
24	Nilgiris	3	3	400,000
25	Tiruchirapalli City	5	6	547,000
26	Tiruchirapalli District	20	25	1,006,000
27	Pudukkottai	25	34	4,447,000
28	Karur	3	6	350,000

<b>Table 13: Monetary Relief Fund Pending with Collector as on 30.04.2022</b>				
<b>Sl.No.</b>	<b>District / City</b>	<b>Cases</b>	<b>Victims</b>	<b>Pending amount</b>
29	Perambalur	16	17	1,475,000
30	Ariyalur	3	3	525,000
31	Thanjavur	38	52	4,222,000
32	Tiruvarur	4	8	1,600,000
33	Nagapattinam	2	4	250,000
34	Mayiladuthurai	17	27	3,487,000
35	Dindigul	47	78	4,647,000
36	Theni	19	37	7,425,000
37	Madurai City	24	24	5,160,000
38	Madurai District	53	89	9,132,000
39	Virudhunagar	27	40	5,422,000
40	Ramanathapuram	51	63	6,437,000
41	Sivagangai	14	19	2,767,000
42	Tirunelveli City	8	9	925,000
43	Tirunelveli District	32	47	7,082,000
44	Tenkasi	9	9	1,447,000
45	Thoothukudi	8	10	1,155,000
46	Kanyakumari	4	9	700,000
	<b>Total</b>	<b>736</b>	<b>1,177</b>	<b>125,498,000</b>
Source: RTI reply No. 6757/RTI No. 116/PA2/2022-2, Dated: 13.05.2022 from Adi Dravidar and Tribal Welfare (PA) Department.				

7.9. Additional monetary relief has been sanctioned for 2022-23.

<b>Table 14: Monetary Relief Fund Sanctioned for this year (as on 30.04.2022)</b>				
<b>Sl.No.</b>	<b>District / City</b>	<b>Cases</b>	<b>Victims</b>	<b>Sanctioned amount</b>
1	Chennai City	-	-	-
2	Avadi City	-	-	-
3	Tambaram City	-	-	-
4	Tiruvallur	1	1	100,000

Table 14: Monetary Relief Fund Sanctioned for this year (as on 30.04.2022)				
Sl.No.	District / City	Cases	Victims	Sanctioned amount
5	Kanchipuram	1	1	375,000
6	Chengalpet	2	7	800,000
7	Villupuram	3	9	692,000
8	Kallakurichi	8	14	1,000,000
9	Cuddalore	32	48	4,200,000
10	Vellore	3	3	330,000
11	Ranipet	2	2	100,000
12	Tirupathur	-	-	-
13	Tiruvannamalai	19	62	3,125,000
14	Salem City	-	-	-
15	Salem District	2	2	662,000
16	Namakkal	-	-	-
17	Krishnagiri	7	10	1,637,000
18	Dharmapuri	6	9	1,000,000
19	Coimbatore City	-	-	-
20	Coimbatore District	3	3	612,000
21	Tiruppur City	-	-	-
22	Tiruppur District	-	-	-
23	Erode	16	25	1,500,000
24	Nilgiris	-	-	-
25	Tiruchirapalli City	2	2	712,000
26	Tiruchirapalli District	11	12	1,062,000
27	Pudukkottai	7	19	1,375,000
28	Karur	2	2	150,000
29	Perambalur	-	-	-
30	Ariyalur	5	11	400,000
31	Thanjavur	1	1	600,000
32	Tiruvarur	-	-	-
33	Nagapattinam	4	4	1,525,000
34	Mayiladuthurai	1	1	50,000

<b>Table 14: Monetary Relief Fund Sanctioned for this year (as on 30.04.2022)</b>				
<b>Sl.No.</b>	<b>District / City</b>	<b>Cases</b>	<b>Victims</b>	<b>Sanctioned amount</b>
35	Dindigul	1	1	825,000
36	Theni	-	-	-
37	Madurai City	19	21	3,724,000
38	Madurai District	35	51	5,427,000
39	Virudhunagar	10	37	2,487,000
40	Ramanathapuram	1	1	825,000
41	Sivagangai	31	37	2,487,000
42	Tirunelveli City	13	20	2,000,000
43	Tirunelveli District	19	23	2,962,000
44	Tenkasi	8	8	1,565,000
45	Thoothukudi	4	6	550,000
46	Kanyakumari	6	8	1,045,000
	<b>Total</b>	<b>285</b>	<b>441</b>	<b>45,767,000</b>
Source: RTI reply No. 6757/RTI No. 116/PA2/2022-2, Dated: 13.05.2022 from Adi Dravidar and Tribal Welfare (PA) Department.				

## 8. Recommendations

- 8.1 *Collect data to monitor relief and rehabilitation* eligibility, implementation, and overdue status monthly as mandated under Rule 4(4). Ensure there is no backlog in fulfilling the state duties regarding travel allowance, maintenance expense, relief, and rehabilitation.
- 8.2 *Clear the relief and rehabilitation backlog within the next 12 months*, with priority to the survivors of heinous crimes (murder, rape, grievous injury, disability). Ensure that they all get government jobs, pensions, houses, agricultural land, and Ambedkar Foundation relief within three months. Clear all pending relief within 12 months by making a one-time provision in the state budget (and requisitioning the balance 50% from the union government that it is legally bound to provide). Ensure all the children graduate at government expense in the best possible schools, as provided for in the contingency plan drafted by the Government of Tamil Nadu.
- 8.3 *Clear the case backlog in the courts* on a priority, preferably within a year, to ensure that no case takes more than the statutory 120 days from registration of the FIR to judgement. Appoint or designate additional judges to do so if required. Over Rs.30 crores relief due to the survivors is tied up due to judicial delay. Delink relief and rehabilitation from the progress of the case. Pay the entire balance amount of relief on filing the charge sheet (which proves that the crime has been committed, and the Rule 6(2) and 12(7) reports identify the victims) since only the culpability of the accused needs to be proved.
- 8.4 *Legal assistance*: Provide lawyers and legal assistance to the survivors and their dependents (either official or private or from the legal services authority) right from the complaint stage. Issue a government order to the effect if necessary.
- 8.5 *Ensure that the SVMC, DVMC, and SdVMC meetings are held on time*, with sufficient notice and briefing notes provided along with the notice and agenda. The briefing notes should contain the status of each case, and relief and rehabilitation provided, highlighting those overdue. Only then can the VMCs become informed decision-making bodies, and monitor

implementation based on evidence. At the moment, even the SVMC does not get this information.

- 8.6 *Activate the SdVMCs* - which should have all the Adi Dravidar and scheduled tribe elected representatives as members. The SdVMCs need to be activated so that the elected representatives in local self-government (panchayat presidents and ward members) from the scheduled communities can monitor the implementation of the Act – and themselves be empowered with respect to the law enforcement and the civil service.
- 8.7 *Ensure that the statutory reports are filed on time* and reviewed in the vigilance and monitoring meetings at all levels.
- 8.8 *Hold officials accountable.* Ensure that the high-level district committees set up under the orders of the DGP (Circular Memorandum RC.No.053884/Crime.4(3)/2014 Dated: 26.04.2016) meet every month and hold officials accountable. This data should feed into the briefing notes to the vigilance and monitoring meetings at all levels. Prosecute DSPs for dereliction of duties if witnesses turn hostile in court. Remove special public prosecutors if three consecutive cases end in acquittal or their conviction rate is less than 50%.
- 8.9 *Partner with civil society organisations* to spread awareness of the Act, including training the officials, and the vigilance and monitoring committee members, and support them financially to do so as mandated in Rule 3(ix).
- 8.10 *Make the data public* each month (Maharashtra already does so on its website <https://www.mahapolice.gov.in/protection-of-civil-rights/using-the-same-software-that-Tamil-Nadu-uses>). The PIO AD&TW department, Government of Tamil Nadu had made a commitment at the State Information Commission hearing on 20 April 2022 to make all the data publicly available on a website (which he said was under preparation) within two months. The implementation is awaited.



## Resolutions

The IV annual Tamil Nadu State Convention on Monitoring the Implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, after careful consideration of the data provided on the implementation of the Act in Tamil Nadu on this, the 10th day of September 2022,

*Affirms* the constitutional promise of Justice, Liberty, Equality, and Fraternity, and the fundamental duty of all citizens to uphold the same,

*Convinced* that the effective implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 is an important building block and essential prerequisite for the peaceful development of society as a whole, and the Adi Dravidar and tribal communities in particular, in Tamil Nadu,

*Recognising* the vital role of the state mechanisms in law enforcement and the administration of justice,

*Reiterates* the essential role of the affected communities and a vibrant and vigilant civil society to ensure a ‘whole of society approach’ to social justice and inclusive development,

*Recalls* the social justice heritage and the manifesto promise of the governing party in general and the chief minister in particular,

*Aware* of the status of implementation of the Act from the data provided by the Government of Tamil Nadu,

*Acknowledges* the progress in implementation of the Act in the past year,

*Conscious* of the challenges faced in implementation of the Act and incrementalism,

*Encouraged* that the Tamil Nadu State Scheduled Castes and Scheduled Tribes Commission is setup, and the circular memo B1/1434/SJ&HR/2022 dated 20.05.2022 has been issued by the ADGP, SJ&HR wing, on reinvestigating ‘mistake of fact’ cases, rehabilitation, and provision of government jobs,

*Appreciates* the steps taken by the Government of Tamil Nadu (GoTN) to better implement the Act, especially conducting two meetings of the state

vigilance and monitoring committee chaired by the chief minister in its very first year in office,

*Commends* the politically courageous and proactive initiative of the GoTN to ensure that the panchayat presidents from Adi Dravidar and scheduled tribe communities hoist the national flag on 15 August 2022,

*Concerned* that despite the best effort of the government the implementation of this Act remains below par,

*Noting* that the conviction rate of recorded crimes under this Act, at 18.4% for the Adi Dravidar is just half the national rate of 36%, and not even one trial of the 118 crimes against the scheduled tribes was completed in the whole year despite 100 cases pending in the courts since 2020,

*Calls attention* to the increase in the most heinous crimes such as murder and rape, where most of the victims are minors, despite the incontrovertible evidence of suppression of recording and trivialisation of crime,

*Disturbed* that the monitoring mechanisms are dysfunctional – District Vigilance and Monitoring Committees (DVMC) have met less than 50% of the time, even less in 2021 than during the height of the pandemic, and most Sub-divisional Vigilance and Monitoring Committees (SdVMCs) have not even been constituted,

*Distressed* at the systems breakdown manifested in the non-compliance of statutory requirements of quarterly performance reviews and reports of the officials (the deputy superintendent of police, and the special public prosecutor) – nor the accountability fixing mechanism setup by the DGP vide Circular Memorandum RC.No.053884/Crime.4(3)/2014 Dated: 26.04.2016,

*Dismayed* at the systemic weakness and subpar performance in the administration of justice, relief and rehabilitation, and the support to victims and witnesses leading to delay and denial of justice, with no statutorily mandated government jobs, pensions, houses, agricultural land, or education support being made available to victims and their dependents,

*Anguished* that most of the delays are entirely preventable and are due to the failure of officials to do what they are fully mandated and empowered to

do: Judicial delay, delay in reimbursement of travel allowance, maintenance expense, relief, and rehabilitation,

*Urges* the government to hold accountable the officials responsible for the delays,

*Emphasises* the need for the government to better record the crimes under this Act and follow the mandatory provisions for prevention, administration of justice, protection of the victims and witnesses, and relief and rehabilitation in full in letter and spirit,

*Encourages* the government to ensure that all statutory reports (at least those under Rules 4(4), 6(2), 7(2A), 8(1)(xi), 12(7), and 18, minutes of meetings under Rules 4(2), 7(3), 16(2), 17(3), 17A(4)) are filed on time and make the data public in real time,

*Reminds* the government of its duty to activate the statutory multi-stakeholder monitoring mechanisms, especially the district (DVMC) and sub divisional (SdVMC) vigilance and monitoring committees and make their briefing material and proceedings public in real time,

*Calls upon* the government to partner with civil society organisations to spread awareness of the Act and support them financially to do so as mandated by law,

*To realise*, in partnership with citizens and civil society, the goal of Tamil Nadu being best in prevention of atrocities against the Adi Dravidar and Tribal communities and Tamil Nadu first in the administration of justice, securing the rights of victims and witnesses, relief, and rehabilitation.



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