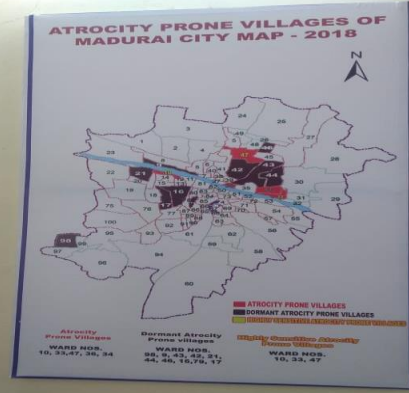


SUMMARY REPORT

Evaluation Study on Functioning of SC/ST Protection Cells as per the Responsibilities Specified under Rule 8 of the PoA Rules



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EXECUTIVE SUMMARY

Background

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 under the PoA Act were notified on 31.03.1995, which, among other things, prescribed minimum scale of relief and rehabilitation for the affected persons. The prescribed minimum scale of relief and rehabilitation under the Rules has been amended from time to time. Consequent upon amendments done in the PoA Act, certain amendments had been necessitated in the PoA Rules. Accordingly necessary amendments have been done in the PoA Rules by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016, notified in the Gazette of India on 14.04.2016. One of the salient provisions of the PoA Rules notified under the PoA Act is “Setting up of the Scheduled Castes and the Scheduled Tribes Protection Cell at State headquarters under the charge of Director General of Police/IG Police (Rule 8)”.

SC/ ST Protection Cells have been set up in the States and Union Territories of Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Manipur, Maharashtra, Meghalaya, Nagaland, Odisha, Punjab, Rajasthan, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, West Bengal, Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, NCT of Delhi, Lakshadweep and Puducherry.

Study objectives

- i) To study the outcome of the surveys conducting by the cell in identified areas pertaining to the various crimes committed against SCs/ STs;
- ii) To examine the type and number of crime committed against SCs/ STs during last three years, 2015-16, 2016-17 and 2017-18 under jurisdiction of the cell;
- iii) To study the measures undertaken by the cell & their effectiveness to decrease the crime against SCs/STs.
- iv) To study the action taken by the Superintendent of Police in the cases where an officer in-charge of the police station has refused to enter an information in a book to be maintained by that police station under sub-rule (3) of Rule 5.

- v) To study the status of the cell to inform the nodal officer and the concerned District Magistrates about implementation of the rights of victims and witnesses specified under the provisions of Chapter IV A of the PoA Act as amended;
- vi) To review the total number of cases registered under the Act; and conviction rate during last three years;
- vii) To ascertain whether the cell performs its responsibilities as specified under rule 8 of the PoA Rules;
- viii) Opinion of the social leaders of SC/ ST communities on the performance of the SC/ST Cells;
- ix) Key findings based on the data collected from the field on the objectives of the study;
- x) Recommendations/ Suggestions for necessary restructuring to be carried out in the scheme for improvement in the functioning of SC/ST protection cells and need for its continuation.
- xi) Ten case studies (2 SC/ST cells from each state)

Study Methodology & Coverage

The study was based on the explorative, descriptive and analytical approach to study. Both secondary and primary research was undertaken to generate required information. Both secondary data and primary data were used for this purpose. Semi-structured schedules were prepared for the SC/ ST protection cells at district & State level, and for community leaders to elicit the desired information.

For generating data on the wide array of issues, a combination of qualitative and quantitative research technique was adopted. Qualitative research techniques like secondary research (desk review), in-depth interview, Observation, Case study documentation were done for the purpose of the study.

The study covered five States namely; Bihar, Madhya Pradesh, Rajasthan, Tamil Nadu and Karnataka. All the SC/ST Protection Cells functioning at State/ Regional Level, Special Police Stations/ Thanas, Social Justice and Human Right Units at District Headquarters were surveyed and necessary data & information related to the study was collected from the cells. All total, 5 State Cells and 172 Special Police Stations/ Thanas, Social Justice and Human Right Units at District Headquarters were surveyed for the study.

Apart from the SC/ST protection cells, three to five social leaders of SC/ST communities from each selected state were contacted and their opinion on the functioning of the SC/ST cells in the State/ District was collected for the purpose of the study. Total 20 social leaders of SC/ST communities were interacted for the study. Also, 2 unique case studies of the cells from each state were documented during the course of the study and total 10 case studies are part of this study report. The data collection by field survey was conducted during August-September 2019.

Major Study Findings

1) Outcome of the surveys conducted by SC/ST Protection Cells in identified areas

- The study observed that survey by the SC/ST Cells in atrocity prone areas has been a regular feature in Tamil Nadu and Karnataka. In Bihar, Rajasthan and Madhya Pradesh, investigations are made by the police in the identified areas, after which the SC/ST Cells give instructions to the district officials to take necessary action for quick resolve of the cases.

2) Type & number of crime committed against SCs/STs during last three years under jurisdiction of the Cells

- The year 2018 has witnessed 1,698 crimes in Karnataka, a decrease of 3.8% in crime committed against persons belonging to Scheduled Castes and Scheduled Tribes as compared to 2,009 cases reported in the year 2016. Crimes like murder, rape, kidnapping & abduction, insulting religion or class, abetment to suicide and other crimes have been decreased against Scheduled Castes and Scheduled Tribes in recent times in Karnataka. However, the crimes like attempt to murder, sexual offence and sexual harassment have been increased against Scheduled Castes and Scheduled Tribes in recent times in Karnataka.
- Tamil Nadu witnessed 1,240 crimes in 2018, a decrease of 16.1% in crime committed against persons belonging to Scheduled Castes and Scheduled Tribes as compared to 1,478 cases reported in the year 2016. Crimes like murder, grievous hurt and other crimes have been decreased against Scheduled Castes and Scheduled Tribes in recent times in Tamil Nadu. However, the rape cases have been drastically increased against Scheduled Castes and Scheduled Tribes in recent times in Tamil Nadu.

- Bihar witnessed 7,125 crimes in 2018, an increase of 24.4% in crime committed against persons belonging to Scheduled Castes and Scheduled Tribes as compared to 5,726 cases reported in the year 2016. Crimes like murder and arson have been decreased against Scheduled Castes and Scheduled Tribes in recent times in Bihar. However, crimes like grievous hurt, rape, crimes under PoA and other crimes have been increased against Scheduled Castes and Scheduled Tribes in recent times in Bihar.
- Madhya Pradesh witnessed 6,852 crimes in 2018, a decrease of 0.8% in crime committed against persons belonging to Scheduled Castes and Scheduled Tribes as compared to 6,910 cases reported in the year 2016. Crimes like murder, attempt to murder, arson and other crimes have been decreased against Scheduled Castes and Scheduled Tribes in recent times in Madhya Pradesh. However, the rape cases have been increased against Scheduled Castes and Scheduled Tribes in recent times in Madhya Pradesh.
- Rajasthan witnessed 5,533 crimes in 2018, a decrease of 40.6% in crime committed against persons belonging to Scheduled Castes and Scheduled Tribes as compared to 9,319 cases reported in the year 2016. Crimes like grievous hurt and other crimes have been decreased against Scheduled Castes and Scheduled Tribes in recent times in Rajasthan. However, crimes like murder, rape and crimes under PoA have been increased against Scheduled Castes and Scheduled Tribes in recent times in Rajasthan.
- Overall, present study in five states observed that the number of crimes against the Scheduled Castes and Scheduled Tribes have decreased marginally. The crimes like murder, grievous hurt and other crimes against the Scheduled Castes and Scheduled Tribes have been decreased to some extent. However, crimes like rape, sexual offence, sexual harassment and crimes under PoA against the Scheduled Castes and Scheduled Tribes have been increased over the years.

3) Number of cases registered under the PoA Act and conviction rate during last three years

- The study observed that out of total 72541 crimes committed against the Scheduled Castes and Scheduled Tribes in last years in surveyed five states, 72322 cases were registered under the PoA Act, which is 99.7% to the total crimes.
- The study observed that all the cases committed against Scheduled Castes and Scheduled Tribes in Karnataka and Madhya Pradesh in last three years have been

registered; 99.9% cases in Tamil Nadu, 99.6% cases in Rajasthan and 99.3% cases in Bihar committed against Scheduled Castes and Scheduled Tribes in last three years have been registered.

- The average conviction rate for crimes against Scheduled Castes and Scheduled Tribes in last three years is 8.5% relating to registered cases. The State wise analysis of conviction rate of crimes against Scheduled Castes and Scheduled Tribes observed that the highest conviction rate in last three years was in Madhya Pradesh (14.5%), followed by Tamil Nadu (7.9%), Rajasthan (4.5%) and Karnataka (0.3%).
- Analysis of year wise conviction rate of crimes against Scheduled Castes and Scheduled Tribes observed that the conviction rate was 5.3% in the year 2016, 6% in the year 2017 and 19.9% in the year 2018. The study observed that the conviction rate of crimes against Scheduled Castes and Scheduled Tribes is gradually increased over the years.

4) Measures undertaken by the cells and their effectiveness to decrease crime against SCs/STs

- The study observed that significant and innovative measures have been undertaken by the Social Justice and Human Rights Units in Tamil Nadu as well as by the Directorate of Civil Rights Enforcement Offices in Karnataka. The measures undertaken by the SJHR units in Tamil Nadu and DCRE offices in Karnataka were observed to be very effective in reducing crimes against Scheduled Castes and the Scheduled Tribes in recent years.
- The study further observed that though sincere steps have been taken by the SC/ST Protection Cells in Bihar, Madhya Pradesh and Rajasthan, still creative measures as undertaken in Tamil Nadu and Karnataka may be carried out by the SC/ST Cells to decrease the crime against Scheduled Castes and the Scheduled Tribes in these states.

5) Responsibilities performed by SC/ST Protection Cells as specified under Rule 8 of the PoA Rules

- The first responsibility of the SC/ST Protection Cells as specified under rule 8 of the PoA Rules is to conduct surveys of identified atrocity prone areas. The study observed that the performance of the cells in conducting survey of identified areas

is excellent in Karnataka and Tamil Nadu, while the performance is average in Bihar, Madhya Pradesh and Rajasthan.

- The second responsibility of the SC/ST Protection Cells as specified under rule 8 of the PoA Rules is to maintain public order and tranquility in the identified areas. The study observed that the performance of the cells in maintaining public order and tranquility in the identified areas is excellent in Karnataka and Tamil Nadu, while the performance is good in Bihar, Madhya Pradesh and Rajasthan.
- The third responsibility of the SC/ST Protection Cells as specified under rule 8 of the PoA Rules is to recommend to the State Government for deployment of special police force or establishment of special police post in the identified areas. The study observed that the performance of the cells in recommending to the State Government for deployment of special police force or establishment of special police post in the identified areas is good in Tamil Nadu, while the performance is average in Karnataka & Madhya Pradesh, and poor in Bihar & Rajasthan.
- The fourth responsibility of the SC/ST Protection Cells as specified under rule 8 of the PoA Rules is to make investigations about the probable causes leading to an offence under the Act. The study observed that the performance of the cells in making investigations about the probable causes leading to an offence under the Act is excellent in Karnataka and Tamil Nadu, while the performance is good in Bihar, Madhya Pradesh and Rajasthan.
- The fifth responsibility of the SC/ST Protection Cells as specified under rule 8 of the PoA Rules is to restore feeling of security among the members of SC/ ST. The study observed that the performance of the cells in restoring feeling of security among the members of SC/ ST is excellent in Karnataka and Tamil Nadu, while the performance is good in Madhya Pradesh, and average in Bihar and Rajasthan.
- The sixth responsibility of the SC/ST Protection Cells as specified under rule 8 of the PoA Rules is to inform the nodal officers and special officers about law and order situation in identified areas. The study observed that the performance of the cells in informing the nodal officers and special officers about law and order situation in identified areas is excellent in Karnataka and Tamil Nadu, while the performance is good in Madhya Pradesh, and average in Bihar and Rajasthan.
- The seventh responsibility of the SC/ST Protection Cells as specified under rule 8 of the PoA Rules is to inform the nodal officer and concerned District Magistrate about implementation of the rights of victims and witnesses specified under the provisions of Chapter IVA of the PoA Act. The study observed that the performance of the cells

in informing the nodal officer and concerned District Magistrate about implementation of the rights of victims and witnesses specified under the provisions of Chapter IVA of the PoA Act is excellent in Karnataka and Tamil Nadu, while the performance is good in Madhya Pradesh, average in Rajasthan and poor in Bihar.

- The eighth responsibility of the SC/ST Protection Cells as specified under rule 8 of the PoA Rules is to make enquiries about the investigation and spot inspections conducted by various officers. The study observed that the performance of the cells in making enquiries about the investigation and spot inspections conducted by various officers is excellent in Karnataka and Tamil Nadu, while the performance is good in Madhya Pradesh, and average in Bihar and Rajasthan.
- The ninth responsibility of the SC/ST Protection Cells as specified under rule 8 of the PoA Rules is to make enquiries about the action taken by the superintendent of police in the cases where an officer-in-charge of the police station has refused to enter an information in a book to be maintained. The study observed that the performance of the cells in making enquiries about the action taken by the superintendent of police in the cases where an officer-in-charge of the police station has refused to enter an information in a book to be maintained is excellent in Karnataka and Tamil Nadu, while the performance is poor in Bihar, Madhya Pradesh and Rajasthan.
- The tenth responsibility of the SC/ST Protection Cells as specified under rule 8 of the PoA Rules is to make enquiries about the willful negligence by a public servant. The study observed that the performance of the cells in making enquiries about the willful negligence by a public servant is average in Karnataka and Tamil Nadu, while the performance is poor in Bihar, Madhya Pradesh and Rajasthan.
- The eleventh responsibility of the SC/ST Protection Cells as specified under rule 8 of the PoA Rules is to review the position of cases registered under the act. The study observed that the performance of the cells in reviewing the position of cases registered under the act is average in Karnataka and Tamil Nadu, while the performance is good in Madhya Pradesh and Rajasthan, and poor in Bihar.
- The twelfth and last responsibility of the SC/ST Protection Cells as specified under rule 8 of the PoA Rules is to submit a monthly report on or before 20th day of each subsequent month to the State government/ Nodal Officer about action taken/ proposed to be taken. The study observed that the performance of the cells in submit a monthly report on or before 20th day of each subsequent month to the State government/ Nodal Officer about action taken/ proposed to be taken is

average in Karnataka and Tamil Nadu, while the performance is good in Madhya Pradesh and Rajasthan, and poor in Bihar.

6) Status of the Cells to inform nodal officer and concerned District Magistrate about implementation of the rights of victims and witnesses specified under the provisions of Chapter IVA of the PoA Act

- The study observed that the DCRE offices in Karnataka are coordinating with District Collector, Local Police as well as Social Welfare Department for implementation of the rights of victims and witnesses specified under the provisions of Chapter IVA of the PoA Act. In Tamil Nadu, status and necessities of victims and witness intimated to the Nodal Officer/ District Magistrate details of the victim relief compensation, claims of travelling, maintenance expenses, necessary requirements of additional relief as per Sec. 15A of Act have been informed through the Superintendents of Police. Timely information is provided to the nodal officers and concerned Magistrates by some Cells in Madhya Pradesh while the information provided by the Cells to nodal officer and concerned District Magistrate about implementation of the rights of victims and witnesses specified under the provisions of Chapter IVA of the PoA Act has not been satisfactory.

7) Action taken by the superintendent of police in the cases where an officer-in-charge of the police station has refused to enter an information in a book to be maintained by that police station under sub-rule (3) of Rule 5

- It was observed that the DCRE offices in Karnataka enquires about the action taken by the SP and suggest measures in the cases where an officer-in-charge of the police station has refused to enter an information and it is maintained. In Tamil Nadu, enquiries have been made regularly and actions are being taken and necessary entries are made as soon as such incidence of negligence of complainants comes to notice. These aspects are being supervised by the District Superintendents of Police. However, the inquiries by the SC/ST cells about the action taken by the superintendent of police in the cases where an officer-in-charge of the police station has refused to enter an information in a book to be maintained by that police station were found to be not satisfactory in Bihar, Madhya Pradesh and Rajasthan.

8) Opinion of the social leaders of SC/ST communities on the performance of the SC/ST cells

- majority of the social leaders of SC/ST communities opined that effectiveness of the actions taken by the SC/ST Protection Cells in their district/region, measures taken by the SC/ST Protection Cells for maintaining public order and tranquility in the identified areas where atrocities take place, and actions taken by the SC/ST Protection Cells in restoring feeling of security among the members of SC/ST are good or excellent.
- Further, 40% social leaders of SC/ST communities reported that the number of crimes against the SCs and STs have significantly decreased in the recent years, while 55% reported that the numbers have somewhat decreased, and 5% social leaders reported that the numbers have somewhat increased in recent years.
- On being asked who should be more responsible for effective implementation of law against atrocities, 30% social leaders of SC/ST communities said that police should be more responsible, followed by judiciary (25%), society (20%), political leaders (15%) and government (10%).

Conclusion

The results of the “Evaluation study on functioning of SC/ST Protection Cells as per the responsibilities specified under Rule 8 of the PoA Rules” evaluate the various aspects of the actions taken by the Cells & their impact, and revealed that the SC/ST Protection Cells have been successful to some extent in reducing crimes against SCs and STs. Even though the Cells have made some impacts, the performance of the Cells can be improved by giving some importance to the implementation part of the scheme.

Recommendations

Based on the outcome of this evaluation study, the following recommendations are made for consideration of authorities:

- 1) **Strengthening Cells / Units:** The SC/ST Protection Cells or units may be more strengthened with the infrastructure (like vehicles, computer accessories etc.), dedicated manpower. Right for registering cases directly may also be given in consultation with the State Government to observed more impact of the scheme.
- 2) **Reduce the delay in payment:** During the interactions with various stakeholders, it was observed that there has been delay in many cases in the payment to the victims. Sometimes delay due to the process of documentation and sometimes due to non-availability of the funds with the State Government. Delay in the payment to the beneficiary victims should be minimized for more impact of the scheme.
- 3) **Payment through DBT:** The study observed that in some cases the payments to the beneficiary victims have been done through cheque/ cash. Ministry and State Government may ensure to make all the payment should be made through the Direct Bank Transfer (DBT) where it is not in practice.
- 4) **Provide more Courts / Special Courts:** Delay in the disposal/ conviction of cases has always been observed due to lack of courts and special courts. Ministry may consult with State Government to provide more courts / special courts / fast tract courts, so that the disposal of the cases will increase and conviction rate may be high.

- 5) General Awareness and Legal Awareness camps:** The study observed that awareness camps conducted by the Cells in the identified areas have brought peace in those areas. Thus, Ministry may instruct State Governments to organize general awareness camps and legal awareness camps in all identified areas to make people more aware about the laws against the atrocities. Ministry may also keep separate fund for this.
- 6) Committee to check false caste certificate:** It was observed that fabricate false caste certificate is a big issue in some states. Ministry may instruct to State Governments to constitute Committees at District level to check caste certificate produced for the cases. Necessary steps may be taken to resolve cases related to caste certificates in speedy manner.

The study noticed that the scheme for SC/ST Protection Cells has performed their responsibilities to some extent in reducing atrocity cases and maintaining harmony in society in recent years. Thus, there is the necessity for continuation of the scheme for establishment of more SC/ST Protection Cells and provide necessary support to the Cells under scheme.