

Minutes of the State Review Meeting of NCSC regarding Prevention of Atrocities on Scheduled Castes held with the Principal Secretary, Home, DGP, Addl. DGP, IG and other senior Police Officers of Government of Rajasthan on 23.05.2018 at 2.30 p.m

The DG Police , Rajasthan, Additional Chief Secretary, SW Rajasthan , Addl. DGP, IGs and other senior Police Officers of Rajasthan participated. List of participants is placed at Annexure – I.

The DG Police , Rajasthan welcomed the Commission.

1. The Chairman / NCSC in his opening remarks said that the Commission was in Rajasthan as a part of its Constitutional mandate to monitor the implementation of safeguards and rights of the Scheduled Castes in the state. The review is an exercise undertaken to point out the areas of concern of NCSC and to sensitize the Government and State Police towards the same. The Commission had sent detailed proforma to the State Government and DGP for submitting detailed information on action taken regarding trends in atrocity cases , investigation , action taken for prevention of atrocities , payment of compensation to victims of atrocities, action taken by police on cases regarding death / injuries during manual cleaning of sewers / manual scavenging etc .
2. Analysis of the replies to the various proformae and questionnaires of the Commission, data of NCRB , MSJE etc has been made by the Commission and detailed discussions will be held after a brief presentation on the findings and concerns of the Commission is given to the officers present. Responses of the State Government and DGP will be invited on the findings in the presentation during detailed discussions.

The main issues highlighting the areas of concern of the Commission in the presentation were:

2.1 Atrocities

- Reluctance of police to register cases and apply the sections of the amended PoA Act. Old provisions applied in many cases of 2017.
- Delay by District Administration to sanction monetary compensation at FIR stage, as per sections applicable.
- Recommendation for paying compensation as per POCSO Act not being made to DM

- Police not registering case under SC/ST PoA Act (as amended 2015) in cases of deaths during manual cleaning of sewers when victim is SC
- As per Rules 46 of the SC/ST Act, the additional relief like pension to the widow , education up to graduation level of the children of the victim , 3 month rasan etc , has not been provided as recommendations not sent to DM by police.
- Setting up of exclusive Special Courts - necessary as per Section 14 of PoA Act
- Appointment of exclusive public prosecutors - necessary as per Section 15 of PoA Act.
- Outcome - Trial is completed in only 10-12% of pending cases p.a.

2.2 The total no of crimes against SCs show an decreasing trend from 2014 to 2017.

Yr.	Total Case		Rate of Crime		Murder Cases		Rape Cases		Other Cases	
	All India	Raj.	All India	Raj.	All India	Raj.	All India	Raj.	All India	Raj.
2014	40401	6735	20	55.1	704	83	2233	348	21541	6122
2015	38670	5911	19.2	48.3	707	71	2326	318	22632	5358
2016	40801	5134	20.3	42	786	66	2541	327	24328	4569
2017	NA	4046	NA	33.1	NA	61	NA	282	NA	3597
2018	NA	1164	NA	6.3	NA	19	NA	71	NA	1010

- 25 Exclusive special Courts have been set up , but status of 8 districts is to be ascertained.
- No exclusive public prosecutors - necessary as per Section 15 of PoA Act
- 15.60 % and 12.6 % of total crimes against SCs in India were found committed in Rajasthan in 2015 & 2016.
- State was ranked at no 3, 3 and 2 in crimes against SCs in 2014, 2015 & 2016 respectively.

- 13 districts are identified as sensitive.
- DM & SSP do not visit the spot where atrocities against SCs occur, while Rule 12 of the SC /ST PoA Rules mandates the visit.

3. Jaipur details :

- Jaipur ranks at no 1,2& 3 respectively in 2014, 2015 & 2016 in no. of atrocities among cities in India.
- In 2016 out of 219 cases of atrocities , 157 were closed and charge sheets filed only in 93.
- Of the 4 cases where trial finalised - 3 were acquitted.

4. Cases registered under section 156(3) of atrocities against SCs:

- 2014-15 – 3147 cases (c/s in 618 cases)
- 2015-16 – 2786 cases (c/s in 538 cases)
- 2016-17 – 1777 cases (c/s in 359)
- 2017-18 – 697 cases (c/s in 83 cases)
- Alwar , Bharatpur & Hanumangarh are top 3 districts with 156(3) cases in all the 4 years

This data shows that the SCs have to resort to approaching the Court for registering cases of atrocities against them.

5. Cases pending with Police

% of cases closed as final without charge sheets is very high ie. >50%

Year	Total Cases for Investigation	Cases Charge sheeted	Total Cases with final report	Cases Pending Investigation at the end of the Year	Pendency Percentage	Pendency Percentage(All India)	Percentage of cases closed/ FR
2014	7723	2794	4041	488	11.5	25.1	52.32
2015	6799	2420	3639	732	10.8	29.7	53.52
2016	5866	2391	2953	521	8.9	29.6	50.34
2017	4121	1885	1775	461	11.18	NA	43.07

The percentage of cases which are closed or in which final reports are filed is very high ranging from 43 % to 53.52 % , while % of cases chargesheeted ranges from 35.5% to 45%.

6. Cases Pending in Court

- Trial is completed in only 10-12% of pending cases p.a

Year	Total Cases for Trial During the Year)	Cases in which Trials were Completed	Cases Convicted	Cases Disposed off by Courts	Cases Pending Trial at the end of the Year	Pendency Percentage	Pendency % (All India)	Conviction rate Rajasthan (All India)
2014	12855	1691	750	1846	11009	85.6	85.5	44.3(28.2)
2015	13429	1866	755	2009	11420	85.0	87.8	40.46(27.1)
2016	13811	1215	541	1305	12506	90.6	89.6	44.5(25.6)

7. District Level Vigilance and Monitoring Committee Quarterly meetings are to be held . In 33 districts a total of 132 meetings required annually.

SSPs must participate in the DLVMC meetings to

- inform DM of the stage wise progress of FIRs of atrocities against the SCs in the district
- cases with minor victims so that the DM can release the compensation due as per rules.

8. Compensation given

Year	Total Murder (murder cases where C/s filed)	Total Rape cases (rape cases where C/s filed)	Total Other (other cases where C/s filed)	Compensation due as per Rules {murder & rape} (in lakh)	Compensation due as per Rules Arson & Other cases (in lakh)	Expenditure(in Lakh) /Actual as per rule	No. of victims / dependents received compensation	Less Compensation paid (in Lakh)
2014-15	83(51)	348(204)	6122(2239)	701.64	230.50	847.36 932.14	2097	84.78
2015-16	71(54)	318(179)	5358(2103)	618.48	476.16	897.75 1094.64	1536	196.89
2016-17	66(33)	327(166)	4569(1821)	1770.75	406.62	999.99 2177.37	1440	1177.38
2017-18	61(7)	282(41)	3575(399)	1560.75	972.95	2562.62 2533.70	3054	28

8.1 Cases wise Information

2014-15

- 83 cases of murder - charge sheets have been filed in only 51 cases.
- 348 cases of rape - charge sheets have been filed in only 204.
- 20 case of Arson - charge sheets have been filed in only 11.
- 6122 cases of other - charge sheets have been filed in only 2239.

2015-16

- 71 cases of murder - charge sheets have been filed in only 54.
- 318 cases of rape - charge sheets have been filed in only 179.
- 21 cases of Arson - charge sheets have been filed in only 9.
- 5358 cases of other - charge sheets have been filed in only 2103.

2016-17

- 66 cases of murder - charge sheets have been filed in only 33.
- 327 cases of rape - charge sheets have been filed in only 166.
- 11 cases of Arson - charge sheets have been filed in only 4.
- 4569 cases of other - charge sheets have been filed in only 1821.

2017-18

- 61 cases of murder - charge sheets have been filed in only 7.
- 282 cases of rape - charge sheets have been filed in only 41.
- 5 cases of Arson - charge sheets have been filed in only 2.
- 3575 cases of other - charge sheets have been filed in only 399.

9. Implementation of Prohibition of Manual Scavenging Act

9.1 Sections of the Manual Scavenging Act and PoA act are not being added in FIRs where there are cases of death / injury during manual cleaning of sewers, despite the issue being emphasized by NCSC State Office , Ahemdabad. Between 2015-16 and 2017-18 there have been 25 deaths caused due to manual cleaning of sewers, and the proper sections were not added in the FIRs. The above Act & the Judgement of Hon'ble Supreme Court has not been properly implemented.

9.2 Details of FIRs lodged , MS Act & section 3(i) (j) of PoA Act if applied & arrests made have not been informed in the following cases :

2015-16

- 3 deaths during manual cleaning of sewers in Ajmer ,
- 2 deaths during manual cleaning of sewers in Jaipur
- 2 deaths during manual cleaning of sewers in Jaipur

2016-17

- 3 deaths during manual cleaning of sewers in Bikaner.
- deaths in Udaipur

9.3 Implementation of Prohibition of Manual Scavenging Act

2017-18

- 4 deaths during manual cleaning of sewers in Udaipur.
- 2 deaths during manual cleaning of sewers in Dholpur .
- 4 deaths during manual cleaning of sewers in Alwar .
- 1 deaths during manual cleaning of sewers in Barmer .
- 2 deaths during manual cleaning of sewers in Jaipur .

9.4 Details of FIRs in 2 deaths in each year , in the following districts respectively have also not been given :

- 1995-96 (Naguar),
- 1996-97(Jodhpur) ,
- 2009-10 (1 each in Jhunjhunu&Alwar) ,
- 2013-14(Nagaur),
- 2014-15 (Alwar)

9.5 Implementation of Prohibition of Manual Scavenging Act

- The SC/ST PoA Act has not been applied in the cases whereas section 3(i) (j) of Act applies.
- Provisions of the MS Act also have to be applied in FIRs .

- Workers have to be fully equipped with safety apparatus & oxygen masks etc ,in case they have to clean sewers manually. Hence the FIRs have to be lodged against officials responsible / contractors responsible for sending un equipped persons for manual cleaning of sewers.
- DM has to be informed of the post mortem and other stages of investigation in order that the compensation is paid in time.

9.6 The DG Police then gave a presentation on crime against Scheduled Castes, as the detailed data in both the NCSC presentation & the Rajasthan Police presentation were based on NCRB statistics , the conclusions were essentially the same.

10. Response on the points raised by NCSC :

10.1 DGP agreed that the state has a very high number of FIRs filed after the orders of court ie after 156 (3) CPC but stated that the same is now showing a declining trend from 2015 onward due to strict monitoring.

Pendency % was 9.54 in 2017 and rate of conviction was 25.4 % in 2017 .

10.2 DGP stated that the number of charge sheets filed (atrocity wise) as stated by the Commission does not tally with the details available with them. When shown that the data was taken from the information supplied by the State Government to the Commission , he agreed that there was some error and promised to send the year wise details to the Commission within 1 month.

10.3 There was a detailed discussion with each IG range on the action taken and status of grievous cases of atrocities like murder & rape as well as cases filed u/s 156(3) and the officers gave the details as follows :

11. Bikaner (Bikaner , Churu,Hanumangarh & Sriganganagar):

2017 : 8 pending cases of murder & 2 of rape , 106 cases of 156(3)

12. Bharatpur (Bharatpur, Dholpur , Sawai Madhopur, Karoli):

12.1 In 2017 out of 3 cases of murder in 1 case F/R was filed & in 2018 out of 6 cases of murder , FR was filed in 5 cases – reasons for FRs in murder cases need to be informed .

12.2 Chargesheets were filed in only 6 out of 15 rape cases in 2017 & 3 out of 12 rape cases of 2018 . The outcome of the remaining 9 cases of 2017 is not known despite the time limit of 2 months for investigation having ended several months ago.

There are 221 cases of 156(3).

13. Kota – [Kota (city) Kota (rural) , Bundi , Jhalawar & Bala]:

8 cases are pending and FR has been filed only in 15 cases of rape in 2017 out of a total of 45 FIRs registered. Of the 6 cases of murder in 2017 final report has been filed in 1 case.

2018 data was not available.

14. Udaipur :

In 40 cases of rape in 2017 chargesheets have been filed in 27 only & final reports have been filed in 12 cases. Chargesheets have been filed in all 3 cases of murder. In 11 cases of rape in 2018 , chargesheet has been filed in 6 cases & 1 has been closed & chargesheets have been filed in 2 cases of murder.

There are 19 cases under 156(3).

15. Ajmer (Ajmer , Tonk , Nagaur, Bhilwara):

In 46 cases of rape in 2017, chargesheets have been filed in 25 cases only & details of the remaining 21 cases were unknown. Chargesheets have been filed in 8 cases of murder & details of the remaining case was unknown. In 17 cases of rape in 2018 , chargesheet has been filed in 6 cases .

There are 173 & 49 cases under 156(3) in 2017 and 2018 respectively. In 48 out of these 173 and 16 out of 49 cases ,charge sheets have been filed .

16. Jodhpur (city):

Details of murder & rape cases were not available.

There were 19 & 37 cases under 156(3) in 2017 and 2018 respectively. In 5 out of these 19 and 2 out of 49 cases, charge sheets have been filed.

16.1 Jaipur (Alwar , Sikar , Dausa & Jhunjhunu):

In 69 cases of rape in 2017, chargesheets have been filed in 29 cases only, in 26 cases final reports have been filed, details of the remaining 14 are not known. Chargesheets have been filed in 3 out of 11 cases of murder, final reports in 3 cases & details of the remaining 5 cases was unknown.

The officers did not have 2018 data.

There are 294 cases under 156(3) in 2017. In 32 out of these cases, charge sheets have been filed.

16.2 Jaipur (city):

In 17 cases of rape in 2017, chargesheets have been filed in 8 cases only, in 9 cases final reports have been filed. Chargesheets have been filed in both cases of murder. In 10 cases of rape in 2018, chargesheet has been filed in 3 cases and final report in 3 cases.

There are 62 cases under 156(3) in 2017. In 7 out of these cases, charge sheets have been filed.

17. Jodhpur Range :

There are 117 cases under 156(3) in 2017. In 24 out of these cases, charge sheets have been filed.

17.1 Commission expressed its concern on the large number of final reports in rape & murder cases and the lack of information displayed by the officers on the fate of a number of even such heinous crime cases. The officers were also unable to give details of the number of cases where cross FIRs have been filed against SCs in cases registered by the SCs. Chairman, NCSC explained to the officers that the cross FIRs are often used by opposite parties to intimidate and harass the SCs in cases where SCs file cases of atrocities. The police should take into account this aspect during

investigation of such cross FIRs. DGP assured that the data on cross FIRs and the outcome of all the heinous crime cases of 2017 and 2018 (upto March) will be collected & sent to the Commission within 1 month.

17.2 A list of 33 cases of serious atrocities being pursued by the State office of the Commission pertaining to 2017 and 2018 had been given to the officers and the outcome was called for in the meeting . However the officers were unable to give upto date status. The DG, Police assured an uptodate report on these cases will be sent within 1 month.

17.3 Regarding the action to be taken by the Police in cases of deaths / injuries during the manual cleaning of sewers , the officers were unaware of the action taken by the field level officers in the year wise cases highlighted by the Commission.

17.4 The DG Police assured that detailed instructions will be issued to all districts for application of relevant sections of SC/ST PoA Act (as amended in 2015) and MS Act in cases of death / injury of SC persons engaged in manual cleaning of sewers / manual scavenging. He also committed that an uptodate report on the status of action taken in these cases will be sent within 1 month

18. Summing up by the Chairman NCSC :

18.1 Chairman NCSC stated that the PoA Act (as amended in 2015) and Rules (as amended in 2016) need to be implemented in Rajasthan and there should not be any delay in the completion of the investigations and in filing of charge sheets. The 60 day time limit as per the PoA Act should be adhered to.

18.2 All FIRs should be lodged and no persons should have to resort to approaching courts for lodging of FIRs. The senior officers of Police should work towards reducing the large number of cases lodged u/s 156(3).

18.3 Cross FIRs against SCs should be reexamined to ensure that they are genuine and not lodged for the simple purpose of pressurizing the SC complainants.

18.4 He further urged that the Police should send details of the stage wise progress on the cases of atrocities to the DM in time, so that the monetary compensation as per the Prevention of Atrocities Rules, 2016 can be paid in time to the victims / families.

18.5 The DMs and SSPs should visit the spot where atrocities against Scheduled Castes occur. This is mandated as per Rule 12 of the Prevention of Atrocities Rules.

18.6 He urged Director General of Police , Rajasthan and Principal Secretary (Home) to review the action taken under the PoA Act and Rules regularly, and asked them to ensure that the commitments made to the Commission today may be compiled with and reported to the Commission within the committed time frame.