

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 Telangana on 21.02.2018 at 2.00 p.m

The Principal Secretary, Home, Director General of Police , Addl. DGP, IG and other senior Police Officers of Telangana participated. List of participants is placed at Annexure - II.

Principal Secretary, Home welcomed the Commission and started with a short presentation on Telengana Police.

The Chairman / NCSC in his opening remarks said that the Commission was in Telengana 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 proformae to the State Government and DGP for submitting detailed information on action taken regarding 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.

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 were :

Action on Atrocity cases :

-) Reluctance of police to register cases – seen by cases lodged u/s 156(3) of which approx. 20% were later charge sheeted- showing that the SC victim in these genuine cases also had to take refuge of the court to get FIRs registered.
-) Rate of crime against SCs is 28.27 against National average of 20.26 in 2016 , it is higher than National average in 2014, 2015 also.
-) The percentage of atrocity cases pending for investigation at level of police (42.90 , 42.30 & 54.30 in 2014 , 2015 & 2016 respectively) are much higher than the National average of 25.10, 29.70 & 29.60 for 2014, 2015 & 2016 respectively .
-) The conviction percentage in atrocity cases (7.20 , 9.30 & 6.70 in 2014 , 2015 & 2016 respectively) are way below the than the National average of 28.80, 25.80 & 24.90 for 2014, 2015 & 2016 respectively. The State Government needs to assess and improve the performance of the Special Public prosecutors.
-) Exclusive Special Courts : Exclusive Special Courts need to be set up in all districts under sub section (1) of section 14 of the SC/ST Prevention of Atrocities Act (as amended 2015)
-) Delay by District Administration to sanction monetary compensation at FIR stage & chargesheet stage as per sections applicable of the SC/ST Prevention of Atrocities Rules , 1995 as amended in 2016 . Of the 1427 , 1293 and 1529 cases in 2014, 2015 & 2016 respectively and 861 cases registered upto July 2017 , compensation has been given in only 411, 530 , 687 and 493 cases in 2014, 2015 , 2016 & 2017. Compensation to victims of even grievous crimes like murder , rape and arson have not been paid .

The same is due to not sending of stage wise information on the progress of the cases by Police to the DM . As per amended SC/ST Prevention of Atrocities Rules (PoA Rules), 2016 stage wise compensation is payable viz, FIR stage , Medical / postmortem stage , chargesheet filing stage and conviction stage.

-) Participation by SSP / SP / Commissioner of Police in the District Level Vigilance and Monitoring Committee (DLVMC) meetings to be held every quarter ,**
- **In 2015 out of 36 meetings by 9 districts only 10 meetings were held**
 - **In 2016 , out of 36 meetings by 9 districts only 15 meetings were held.**
 - **In 2017 , out of 124 meetings by 31 districts only 24 meetings were held**

2014

-) 15 cases of murder - charge sheets in only 9. Compensation given to 12
-) 90 cases of rape - charge sheets in only 29. Compensation to 47
-) 1 case of Arson - . Compensation to NIL
-) 1321 cases of other - charge sheets in only 410. Compensation to 352

2015

-) 17 cases of murder - charge sheets in only 9. Compensation to 12
-) 108 cases of rape - charge sheets in only 42. Compensation to 70
-) 4 cases of Arson - charge sheet in zero. Compensation to 1

) 1163 cases of other - charge sheets in only 401. Compensation to
447

2016

) 32 cases of murder - charge sheets in only 8. Compensation to
14

) 164 cases of rape - charge sheets in only 37. Compensation to 97

) 2 cases of Arson - charge sheet in only 1. Compensation to 0

) 1331 cases of other - charge sheets in only 322. Compensation to
576

2017

) 12 cases of murder - charge sheets in only 0. Compensation to 3

) 108 cases of rape - charge sheets in only 14. Compensation to 67

) 741 cases of other - charge sheets in only 122. Compensation to
423

Detailed discussions :

Delay in filing Charge sheets :

Commission enquired as to reasons why the charge sheets in 2014, 2015, 2016 and 2017 (upto September 2017) cases have not yet been submitted . The delay is particularly serious in 2016 & 2017 cases as the SC/ST Prevention of Atrocities Act (as amended in 2015) has laid down ta 60 day time limit for the completion of investigation . The delay in filing charge sheets puts a pressure on the poor SC victims to compromise with the accused.

Response :

Principal Secretary, Home stated that delay in getting FSL Report / Medical Report is the reason for this gap. However the officers present were unable to inform the exact reasons for non submission of charge sheets even in the grievous cases of murder and rape of 2014 to 2016 and upto Jul 2017. The PS(

Home) and DGP assured the Commission that the cases will be examined and an up to date status report along with reasons for delay in filing of charge sheets , on the each of the murder , rape and arson cases will be submitted within 1 month to the Commission .

Cases u/s 156(3):

Due to reluctance of Police to register cases ,people have to approach Courts for registering of the FIRs u/s 156(3). Approximately 20% of such cases registered u/s 156(3) are finally charge sheeted (25.9% in 2016), hence they are genuine cases for which the poor SCs have to approach Court.

The Commission desired to know details of action taken against the Police officers who refused to register FIRs , especially in the cases where the charge sheet is filed.

Response :

Addl. DG responded that charge sheeting a case does not mean that the case is genuine. Intervening the PS(Home) stated that detailed instructions will be issued to all to expeditiously lodge all FIRswithin 1 month and the Commission informed.

Low conviction rate & high pendency of cases with Police:

The conviction percentage in atrocity cases (7.20 , 9.30 & 6.70 in 2014 , 2015 & 2016 respectively) is very low and much below the National average of 28.80, 25.80 & 24.90 for 2014, 2015 & 2016 respectively.

The percentage of atrocity cases pending for investigation at level of police (42.90 , 42.30 & 54.30 in 2014 , 2015 & 2016 respectively) are much higher than the National average of 25.10, 29.70 & 29.60 for 2014, 2015 & 2016 respectively . About 20-23% of the cases are reported as closed by the police (447& 449 in 2015 & 2016 respectively).

The Commission desired to know the reasons for the same ,as cases pending for long puts a pressure on the poor SC victims to compromise with the accused. The delays may contribute to the high % of cases being closed by Police. The details of counter cases against SCs in response to cases filed by SCs was called for .

Response :

ADG, CID stated that conviction rate has to be calculated upon total no. of cases disposed by court in a year and convictions out of it. Then the figure will be about 21%. Since the data of conviction rate is as per NCRB , which is same nationwide , the calculation method of ADG was not accepted by NCSC.

ADG stated that no cases are compromised but was unable to inform reasons for 20-23 % closure of cases .

ADG further informed that there are countercases but data is not immediately available with them.

Details of **on spot investigation** in murder , rape and arson cases by DM & SP of districts was not available. As this is laid down in the SC/ST Prevention of Atrocities Act¹ (as amended in 2015), the Commission advised that the on spot visits should be made. The PS (Home) assured that instructions will be issued for the same within 1 month and the Commission informed.

Custodial deaths:

3 cases of custodial deaths of SCs in Sircilla and Karimnagar districts were discussed. Member NCSC had made spot visits in the cases and issued findings.

ADG however denied that these were custodial deaths and stated that these persons died in hospital. The Commission heard the extracts of the reports on

¹PoA Act

the same and felt that the reports appeared whitewashed and desired a reinvestigation by the PCR cell with detailed reports to be submitted to State Office , Hyderabad of the Commission within 45 days.

Stage wise report of status of atrocity cases to DM by police.

As per amended SC/ST Prevention of Atrocities Rules , 2016 stage wise compensation is payable viz, FIR stage , Medical / postmortem stage , chargesheet filing stage and conviction stage. The Commission desired up to date status of cases sent by police for release of compensation in 2016 and 2017 cases . Commission also felt that there is need for detailed instructions to be issued to the Police officers in this regard.

Response :

The details were not available . PS (Home) & DGP assured that the 2016 & 2017 cases will be screened and it will be ensured that up to date status report is sent to DMs concerned in the cases for stage wise release of compensation. Detailed instructions will also be issued to the Police officers in this regard. Report on the action taken will be sent within 1 month to the Commission.

The Commission emphasised on the application of relevant sections of SC/ST Prevention of Atrocities Act (as amended in 2015) and MS Act in cases of death / injury of persons engaged in manual cleaning of sewers / manual scavenging.

PS (Home) & DGP assured that necessary instructions will be given and the sewer death cases of the last 4 years will be reexamined and all relevant provisions included if victims are SCs. Report on the action taken will be sent within 1 month to the Commission

Summing up the Chairman NCSC :

Chairman NCSC stated that 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. All FIRs should be lodged and no persons should have to resort to approaching courts for lodging of FIRs. 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.

There is no co ordination between Police and SCD department , as District welfare officer who has to initiate relief measures on behalf of DM as and when cases are registered. Hence Chairman , NCSC advised Police to immediately notify SCD about registration and stage wise progress of a case so that relief measures can be started by Collector.

He urged Principal Secretary(Home) to review the action taken under the POA Act and Rules regularly, and the details asked for by the Commission may be compiled and sent to the Commission in the committed time frame.

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED CASTES

List of officers who attended State Level Review Meeting with Special Chief
Secretary (Home), DGP & Senior Officers of Police Department of Telangana
held at 2.00 p.m. on 21.02.2018

S. No.	Name	Designation	Ph. No./ Mobile No.
1.	Shri Rajiv Trivedi, IPS	Principal Secretary, Home	9440627940
2.	Shri M. Mahender Reddy, IPS	DGP, Telangana	7901133333
3.	ShriGovind Singh, IPS	ADG, CID	9490617522
4.	ShriAnjani Kumar, IPS	ADG, Law & Order	9440700110
5.	Shri R.B. Nayak, IPS	IGP, PCR Cell	9440700839
6.	Shri V.V. SrinivasaRao, IPS	CP, Hyderabad	9490616000
7.	ShriSandeepShandilya, IPS	CP, Cyberabad	9490617200
8.	Shri Mahesh Bhagwat, IPS	CP, Rachakonda	9440700105
9.	Smt. Swati Lakra, IPS	Addl. CP(Cr.), Hyderabad City	9490616001
10.	Shri Stephen Ravindra, IPS	IGP, West Zone	9494770303
11.	Shri P. Karunakar	Director, SCDD	
12.	Shri Praveen Kumar, IPS	Secretary, TSWREIS	
13.	Dr. Buddhaprakash, IAS	Secretary, SCDD	