

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 Punjab on 08.03.2018 at 2.30 p.m

The Principal Secretary, SC/BC, Addl. DGP, IG and other senior Police Officers of Punjab participated. List of participants is placed at Annexure – II.

Principal Secretary, SC/BC, Punjab welcomed the Commission.

The Chairman / NCSC in his opening remarks said that the Commission was in Punjab 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 trends in atrocitycases , 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 scavengingetc.

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 o 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 :

- Need for policeto register cases as per the new sections added in the Scheduled Castes & Scheduled Tribes Prevention of Atrocities Act 1989 as amended in 2015 (PoA Act). *The district police are still registering cases under the sections of the old PoA Act whereas the amended Act with number of new sections and is in force since January 2016.*

- Reports from police on the status of cases needs to be sent to DM for release of compensation at FIR / Medical / Postmortem , charge sheet , conviction stages as the amended Scheduled Castes & Scheduled Tribes Prevention of Atrocities Rules , 2016 provide for stage wise payment of compensation. There is delay by District Administration to sanction monetary compensation at various stages, as per sections applicable since no information being sent from Police to DM on the stages at which cases have reached.
- 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 , Chandigarh. Between 2014-15 and 2017-18 there have been 13 deaths caused due to manual cleaning of sewers, and the proper sections were not added in the FIRs. In the 4 cases during 2017-18 , the relevant section of SC/ST PoA Act was added only after the cases were taken up by the Commission.
- Recommendation for paying compensation as per POCSO act not being made to DM in cases where the POCSO Act sections have been applied in the FIR .
- As per Rule 46 of the Scheduled Castes & Scheduled Tribes Prevention of Atrocities Rules 2016, the additional relief like pension to the widow , education up to graduation level of the children of the victim , 3 month rasan etc. are not been provided as recommendations not sent to DM by police.
- The percentage of atrocity cases pending for investigation at level of police (53.1, 56.6 & 48.3 in 2014 , 2015 & 2016 respectively) are much higher than the National average of 25.10, 29.70 & 29.60 for 2014, 2015 & 2016 respectively .
- Poor conviction rate (2.8 in 2016) due to the correct sections of the act not being applied. The conviction rate is much below the All India rate of 28.8 , 25.8 & 24.9 in 2014, 2015 & 2016.
- District Level Vigilance And Monitoring Committee Quarterly meetings are to be held every quarter , in which SSPs should participate and pursue cases of compensation not paid

Details of action taken in grave cases of murder and rape were as follows:

2014

- 5 cases of murder - charge sheets in only 4. Compensation given to 1
- 19 cases of rape - charge sheets in only 13. Compensation to 2
- 96 cases of other - charge sheets in only 43. Compensation to 3

2015

- 12 cases of murder - charge sheets in only 9. Compensation to 1
- 17 cases of rape - charge sheets in only 13. Compensation to 1
- 119 cases of other - charge sheets in only 58. Compensation to 2

2016

- 8 cases of murder - charge sheets in only 6. Compensation to 2
- 19 cases of rape - charge sheets in only 13. Compensation to 2
- 115 cases of other - charge sheets in only 52. Compensation to 1

2017

- 5 cases of murder - charge sheets in only 5. Compensation to 0
- 10 cases of rape - charge sheets in only 5. Compensation to 1
- 52 cases of other - charge sheets in only 7. Compensation to 1

After the presentation detailed discussions were held during which the 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 amended PoA Act and Rules have laid down a 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.

Details of on spot investigation in murder , rape and arson cases by DC & SP of districts was not available. The amended PoA Act and Rules have laid down that the

DM/ DCs & SSPs / CPs of the districts must make on the spot investigation for murder , rape and arson cases involving SC /ST victims within 48 hours of the crime.

Prior to the review , a list of 30 cases being followed up by NCSC , was sent to the DGP wherein the old provisions of the PoA Act were applied in FIRs. During detailed discussionsthe these cases were also discussed and FIRs also shown to the officers present.

During the detailed discussions theADGP, Crime , Punjab and Principal Secretary SC/BC agreed that :

- Non imposing of the new sections as per the amended PoA Act was a lapse and orders rectifying the same will be issued. ADGP further assured thatassured that the 2016 , 2017 and 2018 cases will be screened and corrective action taken within 2 months and a report sent to the Commission.
- Instructions will be issued for spot visit by the DCs and SSP / CPs in cases of for murder , rape and arson cases involving SC /ST victims within 48 hours of the crime as per rules.
- Instructions will be issued for timely reports from police to DCs on the status of cases for timely release of compensation at FIR / medical / postmortem , charge sheet , conviction stages as per the amended Scheduled Castes & Scheduled Tribes Prevention of Atrocities Rules , 2016 .
- The cases of non filing of FIRs in murder & rape cases from 2014 to 2017 will be examined and an up to date status report along with reasons for delay or non filing of charge sheets in the murder , rape and arson cases will be submitted within 2 months to the Commission .
- Instructions will be issued 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. All the 13 cases from 2014 onwards will be reexamined and rectifications made if needed.
- A report on the instructions issued and subsequent action taken on review of the 2016, 2017 cases will be sent within 2 monthsto the Commission.

Summing up by the Chairman NCSC :

Chairman NCSC stated that the PoA Act (as amended in 2015) and Rules need to be implemented in Punjab 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. 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.

He urged Principal Secretary(SCBC) to review the action taken under the POA Act and Rules regularly, and commitment made to the Commission may be compiled with and reported to the Commission within the committed time frame.

Officers present for the State Review

| S.No. | Name & Designation | Department | E-mail ID | Signature and Mobile No. |
|-------|--------------------------|-----------------------------------|-----------|--------------------------|
| 1. | Sh. H.S. Dhillon | DGP(L&O) | | 9814069778 |
| 2. | Sh. Parabodh Kumar | Director, Bureau of investigation | | 9871896429 |
| 3. | Smt. ShashiPrabhaDwivedi | IG Crime | | 959292018 |
| 4. | Sh. S.P.S. Parmar | IGP Border Zone | | |
| 5. | Sh. M.S. Chhina | IGP/Bathinda Zone | | 9592912025 |
| 6. | Sh. AshwaniKapur | DCP, Ludhiana | | 9872900011 |
| 7. | Sh. P.K. Sinha | Commr. Of Police, Jalandhar | | 9878655000 |
| 8. | Sh. S. Ss. Srivastava | Commr. Of Police, Amritsar | | 9781130101 |
| 9. | Sh. A. S. Rai | IGP, Patiala | | |
| 10. | Sh. ArpitShukla | IGP/Jalandhar | | |
| 11. | Sh. Rahul Tiwari | Secy. Home | | 9592912016 |