

Record of the Sitting taken by the Vice-Chairperson to review implementation of the SC/ST PO Act, 1989 by the Government of Andhra Pradesh.

The following Officers were present:

NCST

1. Shri Maurice Kujur, Hon'ble Vice-Chairperson (in Chair)
2. Shri Aditya Mishra, Joint Secretary
3. Smt. K.D. Bhansor, Deputy Director
4. Shri N. Balasubramanian, Research Officer.
5. Shri R.C. Behera, PS to VC

Officers of Government of Andhra Pradesh.

1. Shri Govind Singh, IPS, Special Secretary (Home)
2. Shri Hanumantha Rao, IPS, IGP (PCR Cell), CID
3. Shri K. Praveen Kumar IAS, Commissioner, Social Welfare

The Commission mentioned delay in furnishing of comments by the Police authorities and the Distt. Officials of the AP Govt. on the representations received in the Commission pertaining to atrocities on the STs. In almost all the cases while the reply has not been received within the stipulated period of 30 days, in some cases the reports furnished have also not been found to be comprehensive with specific comments on the issue raised by the Commission. Shri Hanumantha Rao, IGP, CID mentioned that the delays in furnishing of the requisite comments to the Commission had occurred as in most of the cases, the details had to be obtained from the Superintendent of Police or Commissioner of Police. He also explained that the stipulation of time-frame is not sufficient for conduct of elaborate enquiries, which are necessary most of the times. The Vice Chairperson observed that the time-frame of 30 days for investigation has been specified in the POA rules, 1995 and is, therefore, required to be adhered to.

Action: Govt. of AP

02. The Commission mentioned that, in respect of the complaints against the Police personals, it was necessary that investigation reports should pass through internal verification mechanism in the Police Department. The Commission also emphasized that suitable guidelines/instructions/procedures should be formulated by the State Government for handling such cases. The Commissioner assured that necessary action would be taken by the State Government in the matter.

Action: Govt. of AP

03. On a query from the Commission Shri Rao, IGP mentioned that during last two years action has been taken against 2 Police officers for their negligence against Section 4 of SC/ST POA Act, 1989.

04. Regarding delay in spot investigation and payment of compensation. Shri Rao, IGP mentioned that delay in investigation was attributed to non-availability of independent witnesses, non-receipt of opinions from Forensic Science Laboratories, and time involved in verification of allegations made in the complaint. After investigation, before filing of the charge-sheet, the caste certificate of the complainant and the accused are also obtained from the Mandal Revenue Officers (MROs) who are taking considerable time for verification of caste certificate after detailed enquiry. The Commission observed that the necessity of verification of caste certificate in respect of the complainants and the accused in all cases should be examined by the State Government considering the fact that any misrepresentation of caste either by the complainant or by the accused itself invites registration of cases against them for fraud. The delays occurring in seeking verification of caste certificate cannot be accepted as a reason for not meeting the stipulated time-frame of 90 days for filing of charge sheets. The Vice Chairperson desired that the State Government should strictly adhere to the stipulated time-frame in this regard.

Action: Govt of AP

05. The Commission desired to know the monitoring mechanism in the State at different levels. It was revealed that a PCR cell, headed by an officer of the rank of IGP works under the direct supervision of the Addl. Dir. Gel. Police, CID. The IGP is assisted by DSsP and Inspectors of Police who are stationed in the District

Headquarters. The PCR Cell collects information on the atrocities on Scheduled Castes and Scheduled Tribes and calls reports from the Unit Officers. Whenever the allegations are of serious nature, the officers of PCR Cell make personal enquiry/takes up investigation and submit reports. The PCR Cell is the Nodal Agency on the investigation enquiries relating to atrocities mentioned in the POA Act and PCR Act.

It was however, revealed that PCR Cell was not in a position to monitor timeliness and quality of investigation as the requisite inputs from the Collectors and SPs were not been received on monthly basis regularly, in spite of repeated instructions have been issued to the District Collectors and SPs for timely submission of the requisite report to the PCR Cell. The Commissioner, Social Welfare also emphasized need to have close monitoring of the cases pertaining to atrocities by the District Collectors and SPs on monthly basis. The Commission desired that the State Government should issue necessary instructions to the District Collectors and SPs to ensure close monitoring of Atrocity cases on monthly basis and also timely submission of periodical reports to the PCR Cell. The timeliness and quality should also be monitored at all the levels.

Action: Govt of AP

06. The Commission desired to know the proportion of the complaints against which charge-sheet have been filed in the Court. IGP, PCR Cell handed over a report (attached) which is enclosed, which shows 569 cases were pending in the court. A copy of the guidelines framed is also enclosed. The Commission also highlighted that under Sec 16 of POA Act, the State Level Vigilance & Monitoring Committee should have two meetings in a year. It was informed that stipulated frequency of meeting was not adhered though a meeting of the Committee was recently held in Feb 2010. The Commission desired to know whether any atrocity prone areas have been identified in the State. It was informed that 5 districts have been identified atrocity prone in the state of Andhra Pradesh.

07. It was stated that at present Rs. 12 is paid to persons who are coming for trial in the Court. It was mentioned that new proposal of Rs. 200/- has been sent for witness.

08. It was enquired what is legal procedure for assistance to the victims of atrocity who have to attend the courts it was informed there is no procedure for assistance to the victims of atrocity. It was also enquired that the case which was finally closed is there is any mechanism for re-opening of the cases by the Police Department. It was mentioned that the case is which was finally closed by on demand by NGOs and Villagers for this permission of Superintendent of Police is essential. The Commissioner of Social Welfare Department informed that efforts are being made by the State Government for awareness and timely action in atrocity cases. Recently, State Govt. has made 'Dalit Empowerment Week' wherein it has been noticed by the State Government there is delay in arrest of accused on various reasons make caste certificate, Dalit Christians Birth Certificate, some times the other party brings stay orders by the Court for the bail. The State Govt. is for publication and awareness. The State Govt. gives grant for publication and awareness programmes for NGOs for this social work.

09. Regarding proposed amendment of POA rules 1995, the Commission has been consulted on few of the points. The Commission has given its consultation to the MTA for onward transmission to M/o Social Justice and Empowerment. A copy of the amended proposal of the Commission was to be sent to the State Govt. for the information and necessary action.