

National Commission for Scheduled Tribes.

Minutes of the meeting taken by Shri Maurice Kujur, Hon'ble Vice-Chairperson, National Commission for Schedule Tribes, New Delhi with Sr. Officers of Chhattisgarh Government on 23-4-10 at Raipur to review the implementation of SCs and STs (PoA) Act and other related issues.

Shri Maurice Kujur, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes, New Delhi alongwith Shri Tsering Samphel, Member reviewed the implementation of SCs and STs (POA) Act, 1989 and other related issues with the Senior Officers of Chhattisgarh Government at Raipur on 23-4-10. Shri Aditya Mishra, Jt. Secretary, Shri R.C.Durga, Director and Shri R.K.Dubey, Assistant Director, NCST also attended the meeting. Secretary, Home Department, Secretary, Tribal Welfare Department and Additional DGP, Govt. of Chhattisgarh also attended the meeting.

2 The Secretary, Home Department, Government of Chhattisgarh welcomed the Commission. Thereafter, the Joint Secretary of the Commission initiated the detailed discussion. The Commission mentioned that almost in all the cases, the stipulated time frame of 30 days for submission of comments on the cases forwarded by the Commission to the State Government was not being followed. In several cases interim reply is also not received. There is no uniformity in submission of reports from the Districts and many of the vital information relating to a case such as date and time of incident, name, age and community of each victim, name, age and community of each accused, names and community of arrested accused and reasons of non-arrest of accused, if any, date of registration of FIR and its copy, details of medical examination or postmortem report, period of investigation and level of IO, date of filing of challan in the court, monetary relief paid to the victim and information on measures taken by the police for protection of the victim and witnesses is not included in the report. The police authorities may ensure that information and documents on these points are invariably included in the report sent from the districts/PHQ to the Commission. In this connection, the Commission also emphasized that the State Government should ensure adherence to the time-frame of 30 days for completion of investigation and 90 days for filing of charge sheet in the court in accordance with the laid down procedures as provided under the SCs and STs (POA) Rules, 1995.

3 Additional DGP, Government of Chhattisgarh explained that the delays had occurred as many cases required detailed investigation and also verification of caste status, both in respect of complainant and accused. The Commission desired that the State Government should take necessary action to cut down the time involved in such activities to ensure that the stipulated time-frame in the process for investigation and filing of charge sheet is adhered to.

4 The Commission also emphasized on the necessity to file proper and well documented FIRs in the atrocity cases being registered in the Police Stations of the State. On the other hand, the quality of investigation in the cases registered

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under SCs and STs (POA) Act, 1989 should also be improved. This will improve the chances of conviction of accused in the trial courts. The Police officers should be given specialized training in dealing with the cases registered under the Act and should be sensitized towards the problems being faced by the weaker sections of the society. ADG, Police, Government of Chhattisgarh requested that the provisions requiring investigation of cases registered under SCs and STs (PoA) Act by an officer of the level of Dy. Superintendent of Police may be diluted as it is resulting in delay in investigation of the cases. He suggested that by making suitable amendments in the Rules the Inspectors posted in the Police Stations should be empowered to investigate the cases registered under the SCs and STs (POA) Act. The Commission pointed out that the objective of the stipulated provision was to ensure that the level of the officer investigating the atrocity case should be of a responsible capacity for proper and effective investigation.

5 The Commission desired to know whether the monthly meetings to review the atrocity cases in the districts were being regularly organized in the State and whether the District Collector and SP were attending the same. It was informed that such meetings were regularly being organized. With reference to the query, whether the State Level Vigilance and Monitoring Committee meeting to review the atrocity cases were being organized bi-annually in the State as provided under the SCs and STs (PoA) Rules. It was informed that a meeting was organized in the year 2009 which was chaired by the Hon'ble Chief Minister of the State. The Commission desired that a copy of the proceedings of the meeting may also be forwarded to the Commission as well as to its Regional Office at Raipur. The Commission also desired that the Officer-in-charge of the Regional Office of the Commission at Raipur may also be invited in the above meeting as provided under the PoA Rules.

6 The issue relating to awareness about the provisions of SCs & STs (POA) Act, 1989 also came up for discussion in the meeting. The Commission emphasized that the publicity of the provisions of this act was one of the ways to reduce the number of incidence of atrocity on the weaker sections. There is also an urgent need to sensitize the Police Officials regarding provisions of the PoA Act and the PoA Rules. The concerned authorities should also ensure prompt action in registration and investigation of the cases of atrocities on Scheduled Tribes.

7 During the discussion, the Commission pointed out that few cases have come to the notice of the Commission where it has been reported that the police officials were not registering the cases of forceful occupation of land belonging to the tribals under the SCs & STs (POA) Act. It was mentioned that whenever such cases were referred by the Commission to the concerned SP in the District, the Commission was informed that the matter was of civil nature or it was a matter to be settled by the Revenue Deptt. The Commission insisted that such cases should be registered under Section 3 (1)(iv) or (v), as the case may be, of the Act. The Police headquarters should issue a direction to all the Police Stations in this regard.

8 The Commission desired to know about the number and working of special courts to deal with atrocity cases. It was informed that there were exclusive special courts in six districts of the State viz. Raipur, Durg, Rajnandgaon, Surguja, Bilaspur and Jagadalpur. The Commission suggested that such courts be designated in other districts of the State reporting sizeable cases of atrocities on STs. It was noted that the full point to the SPP engaged by the Government to deal with the cases of atrocities under the Act was low. The Commission, therefore, suggested to consider the payments of fee to the prosecutors/advocates engaged by Government for dealing with the atrocity cases at reasonably attractive rates so that the SPP gives due and prompt attention to the atrocity cases. The Commission also stressed to revise the rate of travelling expenses paid to the witnesses of the atrocity cases for appearing in the court and compensate them suitably for loss of the wages (at par with the minimum rate fixed by the Collector).

9 The Commission also expressed concerned over the media reports of trafficking of tribal girls of the state to work as maid in big cities and also for flesh trade. Additional DGP, Government of Chhattisgarh informed the Commission that there was a National level Cell of CBI to monitor such incidents, which coordinate with the State Police. The migration of people in search of work has recently reduced due to several programmes like MGNREGA and other programmes like providing 35 Kg rice to poor families @ of Re. 1/- or Rs. 2/- per Kg. However, he accepted that such incidents were often reported and in most of the cases, the placement agencies were responsible for it. There was a consensus in the meeting that an Act should be formulated to regulate the working of placement agencies in the country.

10 The Commission also advised the State Government for proper inquiry by the Special Police Cell in all those cases which were registered against person(s) belonging to SC/ST on the complaint by non SC/ST person(s) in accordance with the provisions of SC and ST (POA) Act.

11 The Commission also reviewed the progress of cases filed in the court and noted that a large number of cases were pending. It was also noted that the year-wise information furnished by the State Govt. during the meeting was found inconsistent as the number of cases pending at the end of the year did not compare with the number of cases brought forward into the next year. For instance number of cases pending at the end of 2008 were reported to be 323 while the number of case brought forward into 2009 and the number of new cases received in the Courts during the year was 285 only. This information needs to reconcile in respect of each year. The Commission also noted that the rate of conviction is also on a lower side. The State Government informed that it was considering appointment of a Law officer in every district to improve the quality of trial under the PoA Act. The Commission also requested the ADGP to furnish the information (of last 3 years) on the number of cases booked under atrocity Act in which the Government has appealed in higher court against the verdict given by the lower court in the last 3 years.

12 The Commission also expressed concern over a number of incidents reported in media in which many women had been killed on the ground of suspicion as witchcraft. Though there is a Tonahi Pratadana Adhiniyam in the State, such incidents are continuing. The Commission advised the Police authorities to publicize the provisions of the Act in every Majra-tolla and village so that such incidents were minimized. The Commission also advised the State Government to add suitable chapters in the curriculum of the students in tribal areas to develop scientific vision against these evil practices. The Commission also suggested that the roles of NGOs functioning in the areas could also be activated in increasing awareness about the above Act as well as PoA Act.

13 The Commission desired to know the steps being taken by the Govt. in the event of atrocities committed on STs by the Police Personnel. It was informed that the concerned Police Personnel was booked under the PoA Act, as per provisions of the PoA Act. Besides, Departmental proceedings are also initiated against the accused Police Official(s) as per the service conditions and conduct rules.

14 In the end of the meeting, Principal Secretary, Home Department thanked the Commission for very useful discussion in the meeting and assured that the State Government would take necessary steps on various issues discussed in the meeting.

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