



सत्यमेव जयते

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार
Government of India

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत दीवानी न्यायालय की शक्तियों का प्रयोग करने वाला एक संवैधानिक निकाय)
(A Constitutional body exercising powers of a Civil Court under Article 338A of the Constitution of India)

Case File No. SNR/1/2019/STGTL/ATOTH/RU-IV

Dated: 03.06.2022

To,

Shri M. Stephen Raveendra,
Commissioner of Police,
Cyberabad,
Main Road, Gachibowli,
Hyderabad - 500032,
E-mail- cp@cyb.tspolice.gov.in

Subject: Representation dated 13.06.2019 of Shri Suresh Naik Ramavath, Director, ISTTM Business School, Hyderabad regarding atrocity against ST Entrepreneur by non ST and non-completion of Police investigation with action taken against accused under SCs/STs (PoA) Act, 1989.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 26.05.2022 under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned matter for necessary action and submission of compliance report to this Commission within 30 days positively for placing the same before the Hon'ble Member, NCST.

Encl: as above

Yours faithfully,

3202-3
जारी किया
ISSUED

(Y.K. Bansal)
Research Officer
E.mail: bansal.yk@ncst.nic.in

Copy to:

Shri Suresh Naik Ramvath,
Managing Director,
ISTTM Business School,
1st Floor, Techno Pearl Building,
Plot No. 6/2 & 6/3,
HUDA Techno Enclave, Phase-II,
HITEC City, Hyderabad- 500081.
E.mail: mdisttm@gmail.com

Copy to
NIC, NCST for uploading to website

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. SNR/1/2019/STGTL/ATOTH/RU-IV

PROCEEDINGS OF HEARING HELD ON 26.05.2022 CHAIRED BY SHRI ANANTA NAYAK, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE REPRESENTATION OF SHRI SURESH NAIK RAMAVATH, DIRECTOR, ISTTM BUSINESS SCHOOL, HYDERABAD REGARDING ATROCITY AGAINST ST ENTREPRENEUR BY NON-STs AND NON-COMPLETION OF POLICE INVESTIGATION WITH ACTION TAKEN AGAINST ACCUSED UNDER SCS/STS (POA) ACT, 1989.

Date of Sitting: 26.05.2022

List of officer's presents in sitting is Annexed.

The petitioner Suresh Naik Ramavath, Director, ISTTM Business School, Hyderabad vide his representation dated 13.06.2019 had alleged that he is the Director of ISTTM Business School, Hyderabad and running a PGDM program in collaboration with Engineering Staff College of India, (ESCI) Hyderabad since, 2012.

2. Shri Umar Farook, Director, ESCI has misbehaved him and used derogatory language on caste ground. Thereafter, he filed a complaint on 17.04.2019 against Shri Umar Farook. However, no action was taken by the higher authorities of the Institute. Apart from these, during the meeting held on 27.07.2018 in the ESCI Institute, the Director, ESCI has again insulted him. Again on 03.04.2019, the Director, ESCI rudely behaved with him and gone beyond and used abusive language implying his caste and community against him. Being aggrieved, he made a Police complaint before Assistant Commissioner of Police, Madhapur Division, Cyberabad, Gachibowli, Hyderabad. However, no action was taken by the Police authority. In the mean while, the Director, ESCI has given threat to him. The petitioner who is a highly educated persons approached the police as the offences committed by the accused comes under Section 2(1) (bc) i.e. Economic Boycott and Section 2(1) (eb) i.e. Social Boycott of the SCs & STs (PoA) Act, 1989. Hence, he filed a FIR No. 196/2019 on 17.04.2019 at Raidurgam, Cyberabad Police Station, Hyderabad. The Police after completion of inquiry filed a charge sheet on 05.08.2019 and the matter is pending before the Court.

Further, the petitioner submitted that his harassment and atrocious Act continued by the Director, ESCI. Hence, he lodged a complaint to the Police authorities in July, 2019. But the Police did not file the atrocity case against accused due to which, he had to approach the Hon'ble High Court of Telangana. Thereafter, based on Hon'ble Court's order, the Raidurgam Police Station, Cyberabad registered criminal case against Shri Umar Farook under Cr. No. 615/2019, U/Sec. 504, 506 IPC, Sec. 3 (1) (s) SC/ST (PoA) Act 2015 in November, 2019. The investigation was to be completed within 60 days and a charge sheet was to be filed in time. But, the Police officials did not complete the investigation into the matter and has not filed charge sheet against accused before the Court despite passing of about 03 years.

The petitioner also stated that the Commissioner of Police, Cyberabad did not comply the Commission's recommendations of "the Police Commissioner, Cyberabad, Hyderabad is directed to complete investigation within one month and submit charge sheet before the Court", during the sitting held on 16.03.2020. But the Police has failed to take any action in the matter."



अनंत नायक/ANANTA NAYAK

सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग

NATIONAL COMMISSION FOR SCHEDULED TRIBES

भारत सरकार/Govt. of India

नई दिल्ली/New Delhi

3. Earlier, the petitioner's grievances were inquired by the Commission and subsequently Hearings were held on 13.02.2020 and 16.03.2020. The Commission had recommended that the Police Commissioner, Cyberabad, Hyderabad will complete the investigation of the case and will file the charge sheet before the Court against the accused under the relevant section of SC/ST (PoA) Act, 1989 within 07 days. However, the Police authorities has failed to complete the investigation and to file the charge sheet of the case against the accused before the Court in the stipulated time periods.

4. As the Police and other Officials failed to comply the Commission's recommendations, the case has listed for sitting on 26.05.2022 in the Commission. The Commissioner of Police, Cyberabad, Hyderabad was summoned for appearance for the sitting. However, on behalf of the Commissioner of Police, Cyberabad, the ACP, Crimes, Cyberabad appeared before the Commission. The petitioner was also present.

5. In the sitting, the petitioner has submitted the grievances of non-compliances of the Commission's recommendations and not completion of Police investigation into the atrocity case related to social boycott and economic boycott by the ST Entrepreneur by Shri Umar Farook, Director, ESCI.

6. The ACP, Crimes, Cyberabad has submitted a written report into the case and also briefed about the case. He stated that the statement of 52 witnesses were collected and recorded. The Police investigation into the matter has been completed. However, the Police has sought a Legal opinion from the Public Prosecutor about filing of charge sheet under the relevant section of SCs & STs (PoA) Act, 1989. The matter is being pursued and is expected to receive legal opinion by 06.06.2022. After, legal opinion, the charge sheet in the case will be finalised.

7. The matter was discussed in detail. The Commission observed that the Scheduled Tribe Entrepreneur, running the academic courses for the development and betterment of ST students was harassed and discriminated on caste ground. He was also deprived from his Constitutional Rights. The Police has failed to take any action against the accused persons despite filing of FIR under the relevant section of IPC and SCs & STs (PoA) Act, 1989. The Commission further observed that the accused persons were continuously harassed and committed atrocity against the ST. He filed first FIR 196/2019 on 16.04.2019. The Police completed investigation and filed charge sheet. But, the Police did not provide victim compensation under SCs & STs (PoA) Act, 1989, Rules, 2016. The second FIR No. 615/2019 was registered by the Police after Hon'ble Court's order in November. 2021. The investigation should be completed within 60 days and charge sheet should be filed timely. But, in the instant case, the Police could not complete the investigation after passing of about 03 years. Further, four Investigation Officers of the case have been changed. But, none of them could complete the investigation and filed the charge sheet. This shows further atrocities and denial justice to the ST person. No action was taken against the guilty Police officials. The Commission also felt that the atrocity committed by the non-ST person comes under the relevant provisions of SCs & STs (PoA) Act, 1989 and relevant Sections of IPC Act and there is no need to seek legal opinion in the matter.

8. The Commission recommends that:

- The Commissioner of Police, Cyberabad, Hyderabad is directed to re-investigate the case in detail and include the provisions of SCs & STs (PoA) Act, 1989 and other section of Law for the time being in force against the accused, and file of charge sheet before the Hon'ble Court.



अनंत नायक/ANANTA NAYAK
सदस्य/Member
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- As per provisions of SCs & STs (PoA) Act, 1989, Rules, 2016 and amended Rules, 2018, compensations be paid to the victim against two FIRs and payment proof be submitted before the Commission.
- Necessary action may be initiated against the guilty Police officials who have not completed the investigations within 60 days time frame.
- The ACP, Crime, Cyberabad will submit an affidavit citing the action taken on the Commission's recommendations.

The action taken report in the matter should be submitted before the Commission within 30 days.


(ANANTA NAYAK)
MEMBER

National Commission for Scheduled Tribes

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सदस्य/Member
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List of participants

Officers from Cyberabad, Hydrabad

Shri A.V.R. Narasimha Rao, ACP, Crimes, Cyberabad, Hyderabad

Petitioner

Shri Suresh Naik