

# STUDY REPORT

**Crimes and Atrocities against SCs & STs with special reference to implementation of the Protection of Civil Rights (PCR) Act, 1955 and the Prevention of Atrocities (POA) Act, 1989 in the States of Andhra Pradesh, Himachal Pradesh, Gujarat, Maharashtra, West Bengal, Orissa,**

*Sponsored by:*

**Planning Commission**

Government of India

Yojana Bhawan

New Delhi 110 001

*Conducted by:*



**Socio Economic and Educational  
Development Society (SEEDS)**

DDA Flat # 210, Pocket 13, Dwarka Phase - I, New Delhi -110 045

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**2012**

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### Abbreviations used in the Report

1. PCR: Protection of Civil Rights.
2. POA: Prevention of Atrocities.
3. SC: Scheduled Caste.
4. ST: Scheduled Tribe

## **EXECUTIVE SUMMARY**

Indian society historically had a rigid, occupation-based, hierarchical caste system in which the relative place of a caste in the social hierarchy was determined largely by its traditional occupation and birth in a particular caste. Those performing 'unclean'/'polluting' tasks came to be regarded as 'low' castes and 'untouchables'. These untouchable castes are categorised as Panchama in the Varna system. Besides these untouchable castes, the present Scheduled Castes (SCs) the Scheduled Tribes (ST) groups were also outside the Varna system and are neglected in the socio-economic development. After Independence, the Government of India abolished "untouchability" and provided several special safeguards for the SCs and STs so as to ensure that they are able to attain equality with the other social groups in the shortest possible time. The Constitution contains several provisions in the nature of safeguards for the SCs and STs for curbing untouchability and atrocities against SCs and STs. specifically **The Protection of Civil Rights Act, 1955"** and **The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989"**.

### **1. Objectives of the Study**

The offences of atrocities are still being committed in various states and they are more pronounced in rural and semi-urban areas of the country and the practice of untouchability in disguised and latent form continues even in urban areas, which is reflective in behavioural patterns and selectively discriminatory approaches. In order to probe in detail the various types of crimes and atrocities towards SCs and STs, various reasons for this, the performance of the two Centrally Sponsored Scheme in the sampled states including the provisions of the safeguards need to be analysed in detail. So the present evaluation study has been undertaken to; (i) find out the various types of crimes being committed against SCs and STs, in particular to PCR Act, 1955 and POA Act, 1989., (ii) find out whether the various provisions of the acts and rules are being followed by the State machinery, (iii) find out whether the cases are being properly reported, processed and represented by the implementing and administering agencies. The reasons for the delays in the prosecution and conviction, (IV) whether the funds allocated under the Centrally Sponsored Scheme (CSS) of the implementation of PCR, 1955 and POA Act, 1989 are adequate, being utilized properly and the associated problems, (v) what are the crimes being committed against the SCs and STs and the socio-economic associated problems of the affected victims, (vi) whether State and District level Monitoring and vigilance Committees have been constituted and functioning effectively and compensation being provided adequately and (vii) what are the measures (suggestions) which need to be taken to curtail the prevalence and occurrence of crimes against SCs and STs. The reference period of the present study is 10<sup>th</sup> and part of 11<sup>th</sup> five year plan in the selected states.

## **2. Approach and Methodology**

The present evaluation study has been conducted in 8 randomly selected states – (i) Andhra Pradesh (ii) Chhattisgarh (iii) Gujarat (iv) Himachal Pradesh (v) Maharashtra (vi) Odisha (vii) Uttar Pradesh and (viii) West Bengal. In each sampled states two districts have been covered for the study. The covered districts are (i) Ranga Reddy, (ii) Mahaboobnagar, (iii) Raipur, (iv) Durg, (v) Mehasana, (vi) Ahmadabad Rural, (vii) Shimla, (viii) Kangra, (ix) Pune, (x) Parbhani, (xi) Puri, (xii) Khurda, (xiii) Lucknow, (xiv) Gorakhpur, (xv) Burdwan and (xvi) Howrah. Schedules for State, district, affected victim/family, Focus Group Discussions (FGDs) have been designed and finalised in consultation with Planning Commission. Data relating to the financial, physical and implementing mechanism details of PCR Act, 1955 and POA Act, 1989 have been obtained from the implementing authorities of State and District. Data of 1205 SC and 428 ST victim families totaling 1613 victim families have been obtained from the 16 districts of the 8 selected states. Data has been collected through a detailed questionnaire on their socio-economic status, crimes, atrocities details with the case status and the compensation received from the 33 Taluks of these 16 districts 8 states. Besides the data in the structured schedules, FGDs were held in each of the state and district with various stakeholders and beneficiaries on the details of the implementation mechanism of the two acts, issues involved and their view points for the redressal and suggestions. Secondary Data from National Crime Records Bureau of Ministry of Home Affairs, Ministry of Social Justice & Empowerment, Planning Commission, Ministry of Tribal Affairs, National Commission of SCs and National Commission of STs, Departments of Social Welfare of selected States and Police Head Quarters of the State and District have also been obtained for the study.

## **3. Findings of the Study**

Crimes against SCs and STs can be broadly categorized under two types of crime; Major crimes & Minor crimes. The cases of murder, hurt, rape, kidnapping, abduction, dacoity, robbery, arson etc. are categories under major crime. However the cases such as eve teasing, abuse etc. are minor crime. The glance of the frequency of the different crimes over the years indicates a still a considerable number of cases and increase of specific types. Crimes officially reported during 2001 are 6217 and the latest figures of 2009, 2010 indicate the following trend in the country. The frequency and type of crimes committed indicates that in case of SCs majority of them have been reported from the states of M.P, Rajasthan, A.P, U.P and Maharashtra. In context of STs, majority of the cases have been reported from M.P, Gujarat, Arunachal Pradesh, Chhattisgarh and Bihar.. It is also a matter of concern that during 2010, the rate of conviction of cases registered under IPC is over 40%, whereas, conviction under the PCR Act, 1955 and POA Act, 1989 is only 8.0% and 15.7% respectively (*Source: National Crime Records Bureau*). The system of having designated District Session Courts as Special Courts for

trial of offences of atrocities has not resulted for expeditious disposal of cases of crimes and atrocities, as the statistics indicate that 80% of the cases remain pending with such courts at the end of 2010.

The analysis of primary qualitative data reveals that, apart from caste prejudices, practice of untouchability and deep-rooted social biases, and the major factors responsible for major atrocities namely, land disputes, land alienation, bonded labour, indebtedness, non-payment of minimum wages, forced labour, family disputes, inter-caste marriages and economic disputes. The earlier surveys conducted by various agencies, research organisations and social activists also indicates increase of crimes and atrocities, lack of uniformity and inconsistencies in the reporting of various types of crimes and atrocities being committed against the SCs and STs in various States/U.Ts, non-adherence of the rules laid down in the Acts, under reporting, delay in prosecution and conviction, etc. and a need for detailed study. The details of cases registered during the last 10 years at all India level shows that, during 2000 about 856 PCR Act cases (*Source: National Crime Bureau Record, Table 1.4*) were recorded for both SCs and STs and they have declined over the years during the mid 2004 and the latest figure shows that, *about 143 PCR cases have been registered in the year 2010*. The cases relating to PCR Act, 1955 are difficult to register and to be proved in the police stations and court of law, so, they are not getting registered properly by the authorities and most of the cases are being settled out of the police stations and court of law by the authorities on mutual consent by the victims/victims' families and the offenders. *In the PCR Act, 1955, 95% of the cases relate to SCs and only a few cases relate to the STs. Similarly, POA Act, 1989 cases have been recorded to the extent of 30,315 in 2000 and they have declined during the immediate years but again they were on raise during the mid 2005 and during the last few years they have come down to about 10,000 range for both the SCs and STs. Like in the PCR Act, about 80% of the cases relate to the SCs and about 20% of the cases relate to the STs.*

#### **4. Financial details of the Centrally Sponsored scheme (CSS) in the selected States**

For the PCR Act, 1955 and POA Act, 1989 the CSS financial contribution between centre and state governments is on 50:50 basis. The analysis of the fund allocation for the scheme indicates that, *except in Orissa state, most of the State governments have contributed higher amount than the Central government*. The states of A.P and Maharashtra and Gujarat have allocated about Rs. 25 crores, Rs. 12 crores and Rs. 13 crores respectively during 10<sup>th</sup> plan periods and these funds are still higher in the first four years of the 11<sup>th</sup> plan period. *In the states of Orissa and Chhattisgarh the allocation of funds for this scheme is very less. The States of A.P, Chhattisgarh, Gujarat, H.P and Maharashtra have allocated more funds than the centre in 10<sup>th</sup> plan and in some of the years of 11<sup>th</sup> plan. Most of the state governments have indicated that, they are not getting sufficient allocation of funds for the scheme from Government of India, due to*



*which they cannot establish special courts, special police stations and cannot bear the establishment costs of paying the transportation and subsistence allowance to the victims/victims' families, witness for appearing in the courts and police stations and rehabilitation allowance to the victims/victims' families.* Some state governments like U.P and West Bengal have not maintained proper records of the secondary data, financial and physical progress during the 10<sup>th</sup> and 11<sup>th</sup> Plan periods.

#### **5. Details of crimes relating to PCR Act, 1955 and POA Act, 1989 in selected states**

PCR Act, 1955 cases for both SCs and STs are less compared to the POA Act, 1989 in all the selected states as has been the trend at all India level. Some of the states like Chhattisgarh, Orissa, U.P and West Bengal do not have any records of the PCR Act, 1955 and most of the cases are for the POA Act, 1989 only. In some states like AP and Gujarat, few PCR Act, 1955 cases have been registered. Out of the registered cases, more than 90% cases are pending in court and a mere 10% have been convicted. PCR Act, 1955 cases for the most recent year -2010 reveals that, these are still being registered in high numbers in A.P, Gujarat and Maharashtra states. *Most of these cases are pending and brought forward cases and fresh cases are only few. In A.P about 75% of the cases have been closed after investigation; 82% of the cases have been charge sheeted in courts and about 20% of the cases are pending.* In Gujarat most of these cases are brought forward and pending still in courts. In Maharashtra also similar trend is seen though the frequencies of the cases are less. A large number of SC cases (50%) have been acquitted or discharged in A.P during 2010.

Most of the atrocities have been recorded for the POA Act, 1989 are for the SCs only in the selected states in 11<sup>th</sup> Plan period. However, in Gujarat and Chhattisgarh states, a large number of ST cases have also been registered as there are a considerable number of ST populations in these states. As observed in A.P., unlike PCR Act, 1955, in this act, about 75% of the cases are closed after investigation and out of this 50% are charge sheeted and 50% of the cases are convicted in the state. In Chhattisgarh and Gujarat states, ST cases are more than SCs in 11<sup>th</sup> plan period. Most of the cases are being charge sheeted once they are registered but, only a few cases (5%) are getting convicted in Chhattisgarh and Gujarat states. In Maharashtra and Orissa states a large number of cases are getting registered for both SCs and STs and about one third of the cases are pending in the police stations or in courts for want of witness, courts trial dates and pursuance by the police, advocates and the victims. The data from the U.P state records is not available easily and so also the case with West Bengal state. In West Bengal state only 12 SC cases have been registered during 11<sup>th</sup> plan first four years for the POA Act, 1989. Most of the selected states have reported in 2010 that, they have not refused any case of POA Act, 1989 which has been brought before them. As per interactions in the field, In A.P about 50% of the cases have been reported as falsely registered or by mistake or not tenable under rules of the act. In A.P about 12% of the

registered cases only have been convicted during 2010 and 50% of the registered cases have been acquitted in the state. For STs the data have not been available and implying that, they have not been registered any case against this act.

#### **6. Relief and Rehabilitation for the victims/victim families in selected states**

Relief and rehabilitation data for the PCR Act, 1955 for 10<sup>th</sup> and 11<sup>th</sup> Plan period are not easily available from the selected states. Most of the states do not keep any separate record for the PCR Act, and the number of cases registered is also very small against this act. For the POA Act, 1989 the relief and rehabilitation figures are given in table 3.6.. These data for some of the states are combined for both the PCR Act, 1955 and POA Act, 1989. For 10<sup>th</sup> Plan period, we could able to get data only from the states of Chhattisgarh, Gujarat, Orissa and a small data from West Bengal. Gujarat recorded the highest number of registered cases- 5745 SC cases and 792 ST cases (Please refer table 5.6)for compensation of victims during 10<sup>th</sup> plan period followed by Orissa of 1090 SC and 450 ST cases. In Chhattisgarh during 10<sup>th</sup> plan period about 547 SC cases and 161 ST cases have been registered for compensation. Chhattisgarh government has released about Rs.66 lakhs to the SCs and Rs.25 lakhs to the STs as compensation to the victims and victims' families. Gujarat government has released about Rs. 3.4 crores for the SCs and Rs.95 lakhs for the STs against this act during 10<sup>th</sup> plan period. Orissa government has released about Rs. 35 lakhs for the SCs and Rs.18 lakhs for the STs during 10<sup>th</sup> plan period.

During 11<sup>th</sup> plan period most of the states have provided data and the data for the SCs and STs are combined in the states of Andhra Pradesh and Himachal Pradesh. In Andhra Pradesh, about 17,935 SC and ST cases have been registered during 11<sup>th</sup> plan for relief and compensation and about Rs. 8 crores has been released to the victims and victims' families. In Himachal Pradesh, about 132 SC and ST cases have been registered during the first four years of the 11<sup>th</sup> plan and about Rs. 12.7 lakhs has been released to the victims and victims' families. In Gujarat, about 5133 SC cases have been registered after the police and court verdict for relief and compensation and Rs. 3.7 crores has been given to them as compensation. In the case of STs a large number of cases (930) have been registered against the POA Act and about Rs. 1.1 crores has been given as compensation for the victims/victims' families. In Maharashtra state also a very large number of cases against SCs (5745) and STs (5133) have been registered during 11<sup>th</sup> plan period due to several reasons of carnage and violence which has caught the attention of the nation. The state government has paid Rs. 3.3 crores towards SCs and Rs.3.4 crores towards STs as compensation relief to the victims. In Orissa state about 889 SC cases and 321 ST cases have been registered for relief and compensation and the government has paid about Rs. 85 lakhs and Rs. 38 lakhs respectively to the victims and victims' families. In U.P state about 108 SC cases have been registered during 11<sup>th</sup> plan for compensation and the victims have got the relief of Rs. 52 lakhs. In West Bengal only a few cases have been reported against the atrocities

during both 10<sup>th</sup> and 11<sup>th</sup> plan periods ( 4 and 2 for SCs) and compensation of Rs.3.5 lakh during 10<sup>th</sup> plan and Rs. 0.75 lakhs during 11<sup>th</sup> plan has been paid to the SC victims/victims' families.

#### **7. Implementation details of the two acts in the selected states**

In all the selected states, the departmental secretaries of Social Welfare and Tribal welfare have been made as the nodal officers for the implementation of the PCR Act, 1955 and POA Act, 1989. They have also nominated the district level social welfare and tribal welfare officers as the nodal officers at the district level. *Most of the states have also identified state and district level atrocities prone areas. The state level and district level monitoring committees have been constituted, however they are not meeting regularly as per the provisions of the committee.* Some of the state governments like Gujarat and Chhattisgarh and Orissa have indicated that they have met regularly at least twice in a year at the state level and every month in the case of districts. *The details of the atrocity prone areas have been listed in the respective states. In some states only special courts and police stations have been set up for the two acts implementation and in most of the states there are no mobile courts and police stations especially for the trial and speed justice of the victims.* The special courts and police station are only at the state head quarters level and though the atrocity prone areas have been notified but, there are no special police stations and mobile courts in these notified areas in the states/districts.

#### **8. Crime details and Victims families' socio-economic conditions in the selected states**

The study findings reveal that, 64% of the cases are individual based crimes and 34% are committed at family level in the selected states. Of the nature of crimes against the victims of SCs and STs, it is found that about **6% cases were of murder, 14% of rape and 80% of various others types.** Most of these cases in the selected districts of the states are of insult and intimidating, house burning, grievous injury types (58%). More than 50% of the cases took place in public places, 26% at the road side and half to these cases happened in the neighbourhood. About 10% of the cases were reported as the agriculture related cases and in the agriculture field. Nearly 92% of the cases have been reported by the victims have been registered by the police authorities. The police do not register a case unless it is being pursued by the victims consistently and with some witness.

About 40% of the cases have been registered within one month and in 60% of the cases, it took more than a month for registering the case with the authorities. About 71% of the victims' families have reported that, their cases are pending either with police stations or in the courts for more than six months to a year for want of various reasons like delay in getting court trial date, proper witness, records and police inaction etc. In the case of those where the case has been settled, all the victims/beneficiaries indicated that, they have got the monetary compensation and only 26% of the victims and witness

got the travelling and other miscellaneous benefits for attending the police station and courts. About 71% victims' families reported that, their cases are pending due to lack of cooperation from police authorities, due to distance of police station and courts delays (22%). About 43% of the victims' families informed that, DSP level of police authorities visited the place of crime for enquiry and in the rest of the cases lower level of authorities visited the place. About 14% of the victims' families informed that, there is coercion from the respondents and authorities not to pursue the cases. About 58% of the victims/victims' families are aware of the details of the PCR Act, 1955 and 33% are aware of the PoA Act, 1989. Only 26% of the victims' families indicated that, they are availing some or other government schemes like MNREGA, IAY, SGSY, Pre and Post-Metric scholarship to their children, housing subsidy, etc.

About 1205 SC victims/victims' families and 428 ST victims/victims families' data totalling 1613 victims/victims' families data have been obtained for the primary data analysis relating to nature of crime/atrocities faced, the factual position, the case filing and its process and the present position and compensation paid etc. The land ownership is very small of 30 to 40% among the victims/victims' families. Of the surveyed families, around 30% of them have pucca houses, 50% have semi pucca houses. The source of drinking water supply is mostly community hand pumps, whereas in about 25% victims' families had both government supply and community hand pumps. About 80% of the victims' families had electric supply. Occupational data indicate that, about 48% of the victims' families are agriculture wage labourers and about 10% families' income is based in cultivation, 12% are salaried class, and 16% own petty shops. The victims' families literacy and educational qualifications indicate that, about 54% are illiterate, 30% are literate and very few have middle school and above educational qualifications. The victims' families' data analysis indicate that, more than 50% of them are illiterate with low socio-economic status belonging to agricultural labour.

#### **9. Reasons for the Crimes and Atrocities against SCs and STs in selected States**

Analysis of the primary data from the victims of the selected states indicate that, the main reasons for the delays and low conviction rate of the persons committing crimes towards SCs and STs towards these two acts are: (i) Lack of proper evidence,(ii) Slag in the production of witness by the police,(iii) Due to the hostile nature of the witness,(iv) Long gap between the dates of offence to the date of evidence,(v) Delay caused by the judges due to vacancy and leave,(vi) Frequent adjournments taken by the lawyers, (vii) Lack of supporting administrative staff in courts and police stations,(viii) Delays in investigation, due to transfer of trial cases to other courts,(ix) Non payment of timely compensation of travel expenses to the witness and, (x) Lack of proper cooperation and coordination by the police and judicial authorities.

#### **10. Recommendations**

Some of the important recommendations which need to be followed for curbing the crimes and atrocities against SCs and STs for the two acts are:

- Adequate and timely funds for awareness generation campaigns, sensitization and publicity for the proper implementation of the scheme utilising traditional Medias, folk media and the modern Electronic Medias.
- The state governments should immediately bring out land reforms which will help in making the dalits independent and self reliant.
- Competent persons from SCs and STs should be placed at higher positions of state administration and police force.
- Adequate representation in Judiciary may be ensured from all sections of society specially the SCs and STs .
- Atrocity cases should be handed over to police officer with proven integrity or probed by SC/ST police officer.
- A village level committee comprising of social leaders from different communities be set up to test the validity of an incidents and supervise the relief and rehabilitation work.
- Three months given to police to verify/investigate is too long to dismantle with the facts of case, it is therefore necessary that the time period given to the police for the investigation be reduced to a month or so.
- The civil enforcement Directorate headed by inspector general of police should be made an autonomous body directly answerable to NHRC and not to the state home ministry.
- Taking into consideration only 0.8% conviction rate under the POA, Act the government should take responsibility to move the apex court to deliver the justice.
- The government officers, social workers, public prosecutors, judges, and police officers who has done commendable job on eradication of the untouchability and helped in giving justice to the victims of atrocities should be given special awards by the Government and incentives in services.
- Compensation amount should be enhanced as per the gravity of the cases. There is no specification of compensation quantified under murder case in each state and the procedures and compensation amount should be standardised.
- Providing of protection to the witness and disposal of the cases quickly and promptly payment of T.A. and D.A. to the witnesses.
- There should be provision of private advocates to involve in the atrocity case and the fees should be borne by the social welfare department.
- Involvement of competent and proven NGOs with good track record and known commitment to the welfare of SCs and STs is necessary to counteract official apathy and bias in dealing with cases of atrocities, provide necessary help to the victims and implementing agencies besides intervening in time to prevent such violence.
- The victims / witness must be given wages so that when he/she is attending any court or any other official work related to this act, as compensation.
- Adequate monetary relief to the atrocity victims after realization of the penalties imposed by the competent authority from the culprits instead of spending money

from the Central & State government so that the people will avoid creating hindrance/ crime in future.

- In case of damage of crops, it has been noticed that the witness is hostile in most of the cases, so there should not be any witness under this provision. The land issues, grazing land related cases need to be modified under this Act by the State governments.
- For victims belonging to other state, there is no provision for providing any compensation packages under this atrocity Act, though he/she can register the case, hence there should be some provisions for these types of cases.
- Obtaining medical and caste certificates of the Victim is time consuming so, Police officer should contact the Revenue Department to avoid delay in issuing caste certificate and Accused immediately after commencement of investigation.
- Conducting of investigation by the Police Department in a proper way and quickly. Sanctions of ex-gratia and rehabilitation measures to the victims of atrocity cases immediately.
- Toll free numbers and SMS facilities to be created at PCR Cell to lodge complaints and grievances

# 1 INTRODUCTION

## 1.1 Background

Indian caste system is perhaps the world's longest surviving social hierarchy. Caste encompasses a complex ordering of social groups on the basis of ritual purity. A person is considered a member of the caste into which he or she is born and remains within that caste until death, although the particular ranking of that caste may vary among regions and over time. Traditional scholarship has described this more than 2,000-year-old system within the context of the four principal *varnas*, or large caste categories. In order of precedence these are the Brahmins (priests and teachers), the Kshatriyas (rulers and soldiers), the Vaisyas (merchants and traders), and the Shudras (labourers and artisans). A fifth category falls outside the Varna system and consists of those known as Scheduled Castes (SCs) and they were often assigned tasks to ritually polluting, untouchables to merit inclusion within the traditional Varna system. Scheduled Tribes (STs) are also outside this Caste hierarchical order.

Within the four principal castes, there are thousands of sub-castes, also called *jatis*, endogamous groups that are further divided along occupational, sectarian, regional and linguistic lines. The SCs and STs are described as *varna-sankara*: they are “outside the system”—so inferior to other castes that they are deemed polluting and therefore “untouchable.” Even as outcasts, they themselves are divided into number of sub-castes. Whereas the first four varnas were free to choose and change their occupation, SCs have generally been confined to the occupational structures into which they are born.

For those within the four principal varnas, caste has not proved to be a completely rigid system. Just as the higher ritual status of Brahmins does not necessarily translate into economic or political supremacy, those lower in the ranks are able to move up in the local hierarchy through the capture of political power, acquisition of land, and migration to other regions. Most of the caste groups under Shudras are socially and economically backward and are also referred as “Other Backward Classes” (OBCs) in administrative parlance. Backward castes ritual rank and occupational status are above “untouchables”. Among OBCs, there are at one extreme the dominant, landowning, peasant castes which wield power and authority over local Vaishyas and Brahmins, whereas at the other extreme are the poor, near-untouchable groups living just above the pollution line which includes many artisan and servicing castes. In the recent years a new factor is emerging in the social struggle in rural areas in which the “backward classes” have been surging forward to take up positions of power and control in society, upstaging the upper castes that had held sway in such positions all along in the past. In this process of marching forward, the backward classes tend to push back the SCs and others who occupy the lower rung in the social hierarchical ladder. There is greater tension between structural neighbours in this hierarchy than between the top level and the bottom level.

## 1.2 Constitutional Safeguards

After attaining independence, the Indian Government provided Constitutional provisions of equality of status and opportunity to all the citizens of the country without

discrimination on the grounds of religion, castes or sex. Fundamental rights and specific provisions in the Constitution of India of Articles, 38, 39 and 46 are the commitment of the State to its people. As the Indian Society is characterized by heterogeneous groups and subgroups with the problems of social inequality and class divide since a long time, the role of the State becomes all the more important. So the strategy adopted is to secure distributive justice and allocations of resources to support programmes for social, economic and educational advancement of the weaker sections in general and those of SCs and STs and Other Backward Classes and Minorities. So Constitution provides the State to take special care of the educational, economic up-liftment of the weaker sections of the society in particular to SCs and STs to protect them from injustice and all forms of exploitation.

### **1.3 PCR Act, 1955 and POA Act, 1989**

Un-touchability was abolished and its practice in any form was forbidden following Article 17 of the Constitution and Protection of Civil Rights Act, 1955 was enacted in order to enforce the Constitutional provision. The provisions of the Act extended to the whole of India except the State of Jammu and Kashmir. Further to check and deter crimes against SCs and STs, the Scheduled Castes and the Scheduled Tribes Prevention of Atrocities Act, 1989 was brought into force w.e.f. 30<sup>th</sup> January, 1990 with the main objective “to prevent the commission of offences of atrocities against the members of the SCs and the STs, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.” Comprehensive Rules were also notified under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on 31<sup>st</sup> March, 1995, which inter-alia provides for relief and rehabilitation to the affected persons. The provisions of these Acts are implemented by respective State Governments/Union Territory Administrations. The Main provisions of the Act are as under: -

- I. Defines offences of atrocities and prescribes punishment therefore, (Section 3).
- II. Punishment for willful negligence of duties by non-SC/ST public servants (Section 4).
- III. Designating for each District a Court of Session as a Special Court for speedy trial of offences under the Act (Section 14).
- IV. Powers of Special Court to inter –alia, extern persons likely to commit an offence in a Scheduled or Tribal area (Section 10).
- V. Appointment of Public Prosecutors/Special Public Prosecutors for conducting cases in special courts (Section 15).
- VI. Preventive action to be taken by the law and order machinery (Section 17).

Measures to be taken by State Governments for effective implementation of the Act, Include:

- I. Adequate facilities including legal aid, to the persons subjected to atrocities to enable them to avail themselves of justice;



- II. Economic and social rehabilitation of victims of the atrocities;
- III. Appointment of officers for initiating or exercising supervision over prosecution for contravention of the provisions of the Act;
- IV. Setting up of Committees at appropriate levels to assist the Government in implementation of the Act; and
- V. Delineation of "Identified Areas"(commonly known as "Atrocity Prone Areas") where members of SC/ST are vulnerable to being subjected to atrocities and adoption of necessary measures to ensure their safety. {Section 21 (2)}.

Salient provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 notified under the POA Act are as under:

- I. Precautionary and Preventive Measures to be taken by the State Governments regarding offences of atrocities (Rule 3).
- II. Investigation of offences under the Act to be done by a DSP level Officer (Rule 7 (1))
- III. Investigation to be completed within 30 days and report forwarded to Director General of Police of the State (Rule 7 (2)).
- IV. Setting up of the Scheduled Castes and the Scheduled Tribes Protection Cell at State headquarters under the charge of Director General of Police/IG Police(Rule 8).
- V. Nomination of (a) a Nodal Officer at the State level (not below the rank of a Secretary to the State Government), and (b) a Special Officer at the district level (not below the rank of an Additional District Magistrate) for districts with identified atrocity prone areas to co-ordinate the functioning of DMs, SPs and other concerned officers, at the State and District levels, respectively. (Rule 9 and 10).
- VI. Provision of immediate relief in cash or kind to victims of atrocities as per prescribed norms. (Rule 12 (4) and Schedule).
- VII. State Level Vigilance and Monitoring Committee under the Chief Minister to meet at least twice a year (Rule 16).
- VIII. District Level Vigilance and Monitoring Committees under the District Magistrate to meet at least once in every quarter (Rule 17).

#### **1.4 Responsibility for Implementation of the Act**

Responsibility for implementation of the Act primarily lies with State Governments and their sub-ordinate authorities (police and executive magistrate). At the Central level, (as per the Government of India (Allocation of Business) Rules, 1961,) responsibility in regard to implementation of the Act is allocated as under:-

**Ministry of Home Affairs:** Criminal offences against members of the SCs and STs, including those under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

**Ministry of Social Justice & Empowerment:** Implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (in so far as they relate to Scheduled Castes) excluding the administration of criminal justice in regard to offences under the Act.

**Ministry of Tribal Affairs:** Implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (in so far as they relate to Scheduled Tribes) excluding the administration of criminal justice in regard to offences under the Act. In addition to the above two Acts following the Constitution 65<sup>th</sup> Amendment Act, 1990 National Commission for SCs and STs was constituted in March 1992 (this was later bifurcated into separate SC and ST Commissions in 2002) with wide functions and powers of civil court to take up matters which are of vital importance for socio economic development of SCs and STs.

**National Commission for Scheduled Castes (NCSC) :**The NCSC is a Constitutional body established under Article 338, of the Constitution. Following provisions of clause(5) of Article 338 lay down certain duties of the Commission, which have a bearing on prevention of atrocities against SCs: (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards; (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the SCs. The NCSC has an Atrocities and Protection of Civil Rights Wing, which deals with cases relating to PCR Act, 1955 and PoA Act, 1989. Evaluation studies/surveys on these subjects are also conducted by this Wing. The Commission has Regional Offices/Sub-Offices situated at Agartala, Ahmadabad, Bangalore, Chandigarh, Chennai, Gauwahati, Hyderabad, Kolkata, Lucknow, Patna, Pune and Thiruvananthapuram, with specified jurisdiction to cover States/Union Territories. These offices work as the "eyes and ears" of the Commission.

**National Commission for Scheduled Tribes (NCST):** The NCST is a Constitutional body established under Article 338-A of the Constitution. Following provisions of clause (5) of Article 338 –A, lay down certain duties of the Commission, which have a bearing on prevention of atrocities against STs: (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards; (b) to enquire into specific complaints with respect to the deprivation of rights and safeguards of the STs. On receiving information about an incident of atrocity against a person belonging to a ST, the Commission gets in touch with the law enforcing and administrative machinery of the concerned State and the district to ascertain the details of incident and the action taken by the District Administration. The Commission has six Regional offices at Bhopal, Bhubaneshwar, Jaipur, Raipur, Ranchi, Shillong with specified jurisdiction to cover States/Union Territories.

## **1.5 Present scenario**

It is indeed a matter of anguish and concern for the nation that despite having adopted the Constitution of India over more than 60 years ago, Article 17 which abolished 'untouchability' and its practice in any form forbidden and punishable in accordance with the

law, the offences of atrocity and un-touchability not only continue against SCs and STs but the data that is available indicates that their perpetuation is with higher propensity in some States. Whereas the offences of atrocities may be more pronounced in rural and semi-urban areas of the country, the practice of un-touchability in disguised and latent form continues even in urban areas, which is reflective in behavioural patterns and selectively discriminatory approaches.

### 1.5.1 Types and Rates of Crimes against SCs and STs

Crimes against SCs and STs can be broadly categorized as Gravious crimes like murder, hurt, rape, kidnapping, abduction, dacoity robbery, arson etc. are covered under the India Penal Code (IPC) also and some special crimes covered under special laws, namely, Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The glance of the frequency of the different crimes over the years indicates a still a considerable number of cases and increase of specific types. Crimes officially reported against SCs and STs during 2001 were 6774, crimes reported during 2003 were 5889 and the latest figures indicate the following table:

**Table1.1: Types and Rates of Crimes against SCs and STs**

S. No.	Crime Type	Scheduled Castes	Scheduled Tribes
1.	Murder	654	156
2.	Rape	1157	566
3.	Kidnapping & Abduction	253	79
4	Dacoity	26	40
5	Robbery	72	50
6	Arson	211	33
7	Hurt	3824	767
8	Protection of Civil Rights Act	364	11
9.	PCR Act	8891	1175
9	SC/ST(Prevention of Atrocities)Act	11435	2658
10	Others	26887	5535

Source: Annual report 2009-10 of National Crime Records Bureau, Ministry of Home Affairs

**Table 1.2: Average incidence of violations of civil rights and atrocities against SCs in various States**

S.No	Name of the State	Average Crime Rate in recent years
<b>High incidence States</b>		
1	Uttar Pradesh	8061
2	Rajasthan	5235

S.No	Name of the State	Average Crime Rate in recent years
3	Madhya Pradesh	4503
4	Andhra Pradesh	2088
5	Tamil Nadu	1505
6	Gujarat	1452
7	Karnataka	1409
8	Orissa	1100
9	Bihar	955
10	Maharashtra	573
<b>Low incidence States</b>		
1	West Bengal	03
2	Assam	08
3	Punjab	69
4	Haryana	156

Source: Annual report 2009-10 of National Crime Records Bureau, Ministry of Home Affairs

The frequency and types of crimes committed against SCs and STs indicates that majority of them have been reported especially from the States of Madhya Pradesh, Rajasthan, Andhra Pradesh, Uttar Pradesh and Maharashtra, Madhya Pradesh, Gujarat, Chhattisgarh and Bihar for Schedule Cast and Schedule Tribes respectively. It is also a matter of concern that during 2004, the rate of conviction of cases registered under Indian Penal Code is over 40%, whereas, the same under the Protection of Civil Rights Act, 1955 and Prevention of Atrocities Act, 1989 is only 8.0% and 15.7% respectively. The reason for such wide disparity has to be looked into and a solution to be suggested. The system of having designated District Session Courts as Special Courts for trial of offences of atrocities has not resulted for expeditious disposal of cases of offences of atrocities, as the statistics indicate that 85.37% of the cases remain pending with such courts at the end of 2004.

#### **1.5.2 The Scheme of Relief and Rehabilitation under PCR Act, 1955 and POA Act, 1989**

The PCR Act relates to the offences and punishment for the preaching and practices of "Untouchability" and its enforcement. The POA Act, 1989 relates to the broad 15 types of atrocities and offences against SCs and STs and related to punishment. The offences of atrocities against SCs and STs under the POA Act in brief are: (i) forcibly making to drink inedible substance, (ii) dumping excreta/waste matter in premises, (iii) forcibly removing clothes or parading naked, (iv) occupying or cultivating their land, (v) dispossessing land, (vi) compelling/enticing to do begar/forced labour, bonded labour, (vii) intimidating to vote against law, (viii) instituting false cases, (ix) giving false information, (x) intentional insulting in public, (xi) assaulting / dishonouring the modesty of SC/ST women, (xii) to exploit SC/ST women sexually, (xiii) corrupting/fouling the drinking water source, (ix) denying customary rights and passage to public places, (xv) causing to leave the residence or village.

Ministry of Social Justice & Empowerment financially assist the States/UTs in implementation of provisions of Protection of Civil Rights Act, 1955, and Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Under the scheme, 50% of the total expenditure over and above the committed liability is provided to the State Governments by way of central assistance and the Union Territory Administration gets 100% central assistance. Central assistance under the Scheme is mainly provided for strengthening the administrative, enforcement, judicial machinery, awareness generation, relief and rehabilitation of the affected persons / families. Inter-caste marriages are an effective instrument of combating the evil practice of casteism, so, as a part of the scheme implementation, incentive amount for inter-caste marriage is also given (subject to one of the spouse should be from SC/ST) and it varies from State to State and is in the range of Rs.2000/- in West Bengal to Rs.50,000 in Gujarat and in some States the system of giving incentive for inter-caste marriage does not exist. In pursuance of relevant provision of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 an Annual Report, on the measures taken by the State Governments/Union Territory Administrations and the Government of India is placed on the Table of both Houses of Parliament.

The details of central assistance released to the State Governments /UT Administrations during 10<sup>th</sup> Plan indicates that, the State/UTs governments have utilized more than the allocated amount in the first two years but, there is a short fall in later years. During the first four years of 11<sup>th</sup> Plan, the amount of allocation has increased and during 2008-09 and 2009-10 the expenditure amount was substantially higher than the allocation, which may be due to the backlog clearance by the State governments in subsequent years. Due to the high expenditure being incurred by the State governments, the central and state shares have increased significantly indicating that, the scheme expenditure pattern has increased many folds.

**Table 1.3: Year-wise Budget allocation and Expenditure Amount**

Year	Budget Allocation	Expenditure Amount
2002-03	32.00	40.18
2003-04	32.00	36.44
2004-05	35.00	34.62
2005-06	37.91	24.05
2006-07	37.91	24.05
2007-08	40.0	39.1
2008-09	40.0	43.0
2009-10	43.0	68.7
2010-11	59.0	Not Available

Source: Ministry of Social Justice & Empowerment

**Table 1.4: Details of cases registered under the PCR Act and POA Act**

Year	No of cases Registered under PCR	No of cases Registered under POA Act
2000	856	30315
2001	454	30202
2002	526	27894
2003	651	22603
2004	126	23629
2005	453	31387
2006	454	32407
2007	206	29819
2008	254	12624
2009	170	12087
2010	143	10513

Source: Ministry of Social Justice & Empowerment, National Crime Record Bureau, New Delhi

The National Crime Records Bureau Report 2007, states that highly endemic crimes/atrocities against STs are being reported in the states like Madhya Pradesh (27.01 per cent), Rajasthan (20.01 per cent), Andhra Pradesh (13.06 per cent), Chhattisgarh (11.01 per cent), Orissa (7.01 per cent) and Jharkhand (4.08 per cent). Therefore, there is an urgent need for effective enforcement of the special legislations of PCR and POA Acts and provisions of the IPC with more stringent measures towards protection of tribals.

Special Cells have been set up in the States of Andhra Pradesh, Bihar, Chhattisgarh, Gujarat Himachal Pradesh, Jharkhand, Karnataka, Kerala Madhya Pradesh, Maharashtra, Orissa, Punjab Rajasthan, Tamil Nadu, Uttar Pradesh, Uttaranchal and Union Territory of Pondicherry towards implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Governments of Andhra Pradesh, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Tamil Nadu and Uttar Pradesh have also identified the atrocity prone/sensitive areas in their respective States. For ensuring early prosecution of cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 exclusive Special Courts, have been set up in some States.

### **1.5.3 Need for the Study**

The legacy of untouchability and atrocities which were prevalent in one form or the other, for centuries affects more than 25 crore of SCs and STs in the country and is leaving their psyche permanently scarred and demoralised. Apart from caste prejudices, practice of un-touchability and deep-rooted social biases, there are other factors responsible for major atrocities namely, land disputes, land alienation, bonded labour, indebtedness, non-payment of minimum wages and forced labour. The earlier surveys conducted by the (i) National Crime Records Bureau, Ministry of Home Affairs, (ii) Ministry of Social Justice & Empowerment, (iii) National Commission for SCs and STs, (iv) Action Aid, (v) Peoples Report on untouchability and social activists indicates increase of crimes and atrocities. Lack of uniformity and inconsistencies in the reporting of various types of

crimes and atrocities being committed against the SCs and STs in various States/UTs, non-adherence of the rules laid down in the Acts, under reporting, delay in prosecution and conviction, etc. indicates need for detailed study. So, the present evaluation study of ***“Crimes and Atrocities against SCs and STs with special reference to implementation of PCR Act, 1955, and the Prevention of Atrocities (PoA) Act, 1989*** in the eight states i.e., Andhra Pradesh, Himachal Pradesh, Gujarat, Maharashtra, West Bengal, Orissa, Chhattisgarh and Uttar Pradesh have been undertaken with objectives outlined in the next chapter.

## **2 OBJECTIVES, APPROACH AND METHODOLOGY**

### **2.1 Objective**

The present evaluation study has been undertaken in the 8 states i.e. Andhra Pradesh, Himachal Pradesh, Gujarat, Maharashtra, West Bengal, Orissa, Chhattisgarh and Uttar Pradesh with the following objectives;

- To find out the reasons for the various types of crimes being committed against SCs and STs and in particular to PCR Act, 1955 and POA Act, 1989.
- To find out whether the various provisions of the Acts and rules are being followed by the State machinery.
- To find out whether the cases are being properly reported, processed and represented by the implementing and administering agencies. The reasons for the delays in the prosecution and conviction.
- Whether the funds allocated under the CSS scheme of the implementation of PCR Act, 1955 and POA Act, 1989 are adequate, being utilized properly and the associated problems.
- What are the direct and indirect methods of violations of crimes being committed against the SCs and STs and the socio-economic associated problems of the affected families.
- Whether State and District level monitoring and vigilance Committees have been constituted and functioning effectively and compensation being provided timely.
- What are the measures which need to be taken to curtail the prevalence and occurrence of crimes against SCs and STs.

### **2.2 Approach and Methodology**

The following methodology has been adopted for collection of data.

### **2.3 Sampling Method**

The following sampling strategy for the evaluation study has been adopted in consultation with Planning Commission.

#### **2.3.1 Selection of States**

The data for the study has been collected on the basis of highest crimes reported under PCR Act 1955 and SC/ST POA Act 1989 and as suggested by Planning Commission from the selected 8 States i.e. Andhra Pradesh, Himachal Pradesh, Gujarat, Maharashtra, West Bengal, Orissa, Chhattisgarh and Uttar Pradesh.

#### **2.3.2 Selection of Districts**

Two districts from each of the proposed states have been selected based on high incidence of crimes/atrocities against the SCs and STs. Thus a total of 16 districts have



been selected for the study. The selected 16 districts in the 8 States are: Gorakhpur, Lucknow, Shimla, Kangra, Durg, Raipur, Puri, Khurda, Burdwan, Howrah, Pune, Parbhani, Ahmadabad and Ahmadabad Rural, Mehasana, Mahaboobnagar and Ranga Reddy.

### **2.3.3 Selection of Affected Victims / Victim Families**

100 affected SCs and STs victims / victim families have been selected from each districts depending upon the population, frequency and nature of the crimes against SCs and STs, availability of the records in the district. Proportionate sample has been drawn for the number of SCs and STs affected persons based on consultation with State and District authorities. Thus a total 1637 SC and ST victims or victim families have been selected.

## **2.4 Development of Survey Tools**

The following tools have been developed for the collection of data.

### **2.4.1 State level Schedule**

State level schedule has been developed in consultation with Planning Commission to elicit information about the basic socio-economic profile of the SCs and STs in the State. The occupational pattern over the years, assets, the nature of SCs / STs in the State and type of crimes reported during 10th and 11th Plan, the implementation of the Centrally Sponsored Scheme of assistance under PCR Act, 1955 and POA Act, 1989. The structural and procedural adequacies and deficiencies, monitoring mechanism, compensation given etc. has been designed in the schedule. The data for the State level schedule has been obtained from the State level authorities i.e. Department of Social Welfare and Tribal Welfare, Department of Police. The secondary data relating to types and frequency of crimes against SCs, STs under PCR Act, 1955 and POA Act, 1989 have been obtained from the National Crime Records Bureau, New Delhi, Ministry of Social Justice & Empowerment, National Human Rights Commission, Planning Commission, National Commission for Scheduled Castes and National Commission for Scheduled Tribes.

### **2.4.2 District level schedule**

District level schedule has been developed in consultation with Planning Commission for collection of data from the District Authorities, Sessions / Addl. Sessions / Special court, Dy. Superintendent of Police Office, District Social Welfare / Tribal Welfare offices etc. regarding the crime rate, nature of crimes, prosecution procedure, conviction, acquittals, nature of compensation, infrastructure and legal facilities available, implementation of PCR Act, 1955 and POA Act, 1989 rules and scheme implementation etc. The details of the districts covered and the blocks under these districts are given below. 16 districts and 33 blocks have been surveyed for the data collection from the selected states.

### **2.4.3 Schedule for affected family**

The schedule for the affected person/ family has been developed with discussion with Planning Commission for collection of data regarding the socio-economic profile of the family, the nature and type of crime committed against victims /victim family, the

reasons, the complaint procedure, the status of the complaint, time taken for the case redressal, harassment meted out in the procedure, compensation paid, the mechanisms being adopted for the redressal of the atrocities etc.

It was originally planned to cover 100 SC and ST victims/victim families from each district, thus totaling about 1600 victims/ victim families beneficiaries. However during field based status on the field situation and discussion with the state and district authorities, availability of records, this has been slightly modified and thus, a total of 1637 victims/families beneficiaries data has been obtained from the 16 districts of 8 states, out of this total, 1209 victims/victim families are from SC families, and 428 victims/victim families belong to STs constituting 74% and 26% for SCs and STs respectively.

## **2.5 Focus Group Discussion**

At least one Focus group discussion (FGD) has been held in each district involving the community elders and community representatives about the crime and atrocities being committed against the community. The reasons, problems, remedial measures to be taken etc. were discussed to get a comprehensive picture of the issues involved in the study. Thus a total of 16 focus group discussions were held in the district/ village/ neighbour-hood of the affected SC/ST communities.

State and District level FGDs were held to assess information on: (i) Awareness of the Nodal Officer about the provisions of the PCR, Act 1955 and POA, Act 1989 and all its rules, (ii) Number of schemes being implemented by the State Government and their details, (iii) Implementation mechanism of the rules of the PCR Act, 1955 and PoA Act, 1989, (iv) Precautionary and preventive measures in the State, (v) Setting up of SC and ST protection cells, appointment of nodal and special officers, (vi) Setting up of State level and District level vigilance and monitoring committee, (vii) Reporting mechanism from the Districts to State head quarters, (viii) Filing of reports and speedy trial, appointment of special advocates, (ix) Payment to advocates, transport allowance, compensation to victims/beneficiaries, witness mechanism, (x) preparation and submission, review, periodicity of reports to Central Government and its tabling in the Parliament and its action taken mechanism, (xi) Awareness generation programmes, NGOs involvement, Awards, Special Committees and welfare programmes for SCs and STs in the state.

## **2.6 Data Analysis**

After the survey is completed, the data has been carefully checked and weighed before analysis. The weighing is a statistical procedure by which the sample is checked against known population parameters to correct for any possible sampling biases on the basis of demographic variables such as type of locality, age, gender, income, education, occupation etc.

Once the data is weighed, the results have been tabulated on computer to show how the total sample responded to each question, and the sample has been broken into relevant variables such as gender, age etc. The analysis of the State, District and Beneficiary level data has been entered into Ms-Excel and appropriate SPPSS methodology has been adopted for the analysis of the data.

### 3 IMPLEMENTATION AND EVALUATION OF PCR ACT, 1955 AND POA ACT, 1989 IN ANDHRA PRADESH

#### 3.1 Brief demographic and geographical background of State

The state of Andhra Pradesh is bound on the North by Maharashtra, on the North-East by Orissa and Chattisgarh, on the East by Bay of Bengal, on the South by Tamil Nadu and on the West by Karnataka States. The state has a long coastal line extending over 960 km. Andhra Pradesh is the 5<sup>th</sup> largest state both in terms of geographical area and population comprising of 23 districts, 1,105 revenue Mandals, 29,994 villages. The total



population of Andhra Pradesh is 76.2 million (2001 Census) out of which 12.3 million (16.2%) are SCs. **Andhra Pradesh is 4<sup>th</sup> largest in terms of SC population in the country and there are 59 SCs in the State.** Out of 59SCs, Mala, Madiga, Adi Dravida and Adi Andhra together constitute 93.6% of the SC population of the State.

Madiga are numerically the largest SCs with a population of 60.74 lakhs accounting to 49.2% of the State SC population. They are followed by Mala with 51.39 lakhs (41.6%), Adi Dravida (1.6%) and Adi Andhra (1.2 per cent). 82.5 % of SCs are living in the rural areas and in terms of concentration, Nellore has the highest (22 %) SC population and Visakhapatnam the lowest (7.6 %). The overall sex ratio of the SC population of Andhra Pradesh is 981 females per 1000 males. Agricultural labourers constitute 68.3 %.

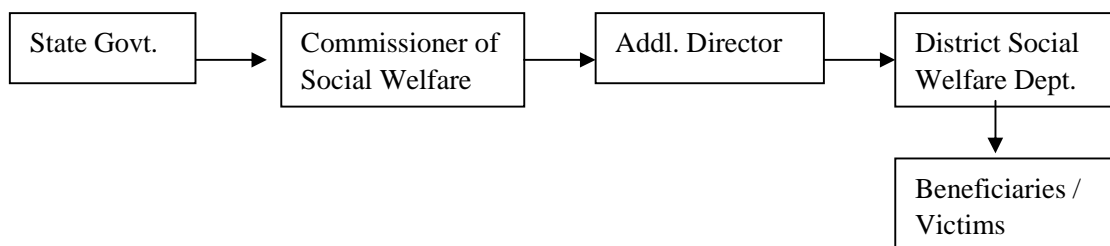
**The ST population constitutes 6 per cent of the country's ST population in the state.** Out of the 33 STs in the state twelve tribes namely, Bodo Gadaba, Guto Gadaba, Bondo Poraja, Khond Poroja, Parangiperja, Chenchu, Dongaria Khonds, Kuttia Kondhs, Kolam, Kondareddis, Konda Savaras, and Thoti have been recognized as Particularly Vulnerable Tribal Groups (PVTGs). Sugalis are numerically the largest ST (41.4%) with a population of 2,077,947. They are followed by Koya (11.3%), Yenadis (9.2%), Yerukulas (8.7%) and Gond (5 %). 92.5 per cent of STs are residing in rural areas. The overall sex ratio of the ST population is 972 females per 1000 males. Percentage of literate persons aged 7 years and above is 37% and the work participation rate is 53.9%.

### 3.2 Implementation of the scheme of Assistance under PCR Act, 1955 and POA Act, 1989 in Andhra Pradesh State

Commissioner of Social Welfare Department is the nodal officer in the state for the two schemes under PCR Act, 1955 and PoA Act, 1989. Deputy Director is the member secretary (nodal officer) in the state. The states following 12 districts have been identified as atrocity prone areas- Prakasham, Guntur, West Godavari, Krishna, Nellore, Kurnool, Cuddapah, Nizamabad, Mahaboobnagar, Karimnagar, Secunderabad and Chittoor. The state has 23 Special Courts and 22 Mobile courts (except Hyderabad) and each Mobile court is headed by a First class Judicial Magistrate. The state government has set up a Vigilance and Monitoring Committee which reviews the atrocity issues once in a quarter in the meeting along with this the Jurisdictional Superintendent of Police (SP) also conducts periodical survey. Whenever serious atrocity cases are reported, senior officers of law and order/PCR Cell make spot inspections. The state has Inspector General of Police (IGP) PCR cell which is nominated to coordinate functions of SPs.

The state government has appointed the Joint Collectors of 12 atrocity prone districts as well as in the other identified areas as a Special Officers. The state is observing Civil Rights Day every month, where all the atrocity case of that particular area is also reviewed on that day. In each districts, the Superintendent of Police reviews cases once in a month and the range DIG has the power to close any case which is found false. Due to the hostile of witness and compromise between the parties, the rate of conviction is very low. The state has mostly cases registered under abuse i.e. in the name of caste. 60% of cases have been closed in the police station due to lack of evidence. Regional Deputy Inspector General (DIG) has the power to close any case that has been registered and the case is closed after taking legal opinion from the Public Prosecutor. **An Organisation named “Dalit Stree Shakti” is working in the 8 districts of the state on the atrocity issues** like organising awareness programme, “Nukkad Natak”, publishing pamphlets etc. The rules and regulations of the two acts are printed in both English and Telugu languages and are distributed among the officials involved in the implementation of this scheme.

#### Fund Flow Mechanism in Andhra Pradesh for PCR, 1955 and PoA, 1989



### 3.3 Financial and physical progress of PCR Act, 1955 and POA Act, 1989

Financial Performance: Financial allocation during the five years period of 10th Plan indicates that, Centre has released Rs.25.26 crores and the State has allocated Rs.30.43 crores about Rs.4 crores more than the Central share. State government has utilised all the allocated funds. In the 11th five year plan first four years – 2007-08 to 2010-11 the amount has increased by Rs. 7 crores and both the Centre and State governments have contributed equally as per the norms of 50:50 ratio and the total

allocated amount of Rs. 62.97 crores has been utilised fully. **In the financial management, the Andhra Pradesh government performance is good as they have fully utilised resources and made equal amount of contribution of funds as per the norms of the scheme.**

**Table 3.1: Financial performance of the Andhra Pradesh State during 10<sup>th</sup> and 11<sup>th</sup> Plan**  
(Rs in Lakh)

Plan/year	Central Release	State share	Total allocation	Expenditure
<b>10<sup>th</sup> Plan</b>				
2002-03	390.27	563.97	954.24	954.3
2003-04	445.16	425.88	871.04	871.04
2004-05	457	602.73	1059.73	1059.73
2005-06	617	696	1313	1313
2006-07	617	754	1371	1371
<b>Total of 10<sup>th</sup> Plan</b>	<b>2526.43</b>	<b>3042.58</b>	<b>5569.01</b>	<b>5569.07</b>
<b>11<sup>th</sup> Plan</b>				
2007-08	603.01	499	1102.01	1102.01
2008-09	953.76	600	1553.76	1553.76
2009-10	991.69	300	1291.69	1290.69
2010-11	642.99	1706.85	2349.84	2349.84
<b>Total of 11<sup>th</sup> Plan</b>	<b>3191.45</b>	<b>3105.85</b>	<b>6297.3</b>	<b>6296.3</b>

Source: Dept. of Social Welfare, Government of Andhra Pradesh, Hyderabad.

### 3.3.1 Physical Performance of PCR Act, 1955

**A total of 154 cases in respect of SCs and 12 cases in respect of STs were registered during the last two years of 10<sup>th</sup> Plan period for PCR Act.** About 32 old cases of SCs and 4 STs were brought forward during the 10<sup>th</sup> plan and about 50% of the cases were closed after investigations. Equal no. of cases (about half of the registered) was charge sheeted in both the case of SCs and STs in the state. However, about 39 cases of SCs and 3 cases of STs were still pending in the courts for the PCR act during the end of 10<sup>th</sup> Plan period. During the first four years of 11<sup>th</sup> Plan, 334 cases of SCs and 14 cases of STs were registered for PCR act and about 60 percent of the cases were closed after investigation for both SCs and STs. About 139 old cases of SCs and 8 cases of STs were brought forward during 11<sup>th</sup> Plan period. There is lot of fluctuations in the number of cases being registered from year to year, but the general trend is that, they are on decrease but due to the old cases backlog they show an overall increase in the number of cases. As in the case of closed investigations, equal number of cases were charge sheeted for SCs, but slightly higher proportion (50) of ST cases are pending in the courts. The general trend in the state is that, more number of PCR related cases are being booked for SCs than in the case of STs.

**Table 3.2:Physical performance of the scheme in the State during 10<sup>th</sup> and 11<sup>th</sup> Plan for PCR Act 1955**

YEAR	No of the cases registered		No of cases brought forward		No of cases closed after investigation		No of cases charge sheeted in courts		No of cases Pending	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2005	61	0	20	3	31	1	38	1	12	1
2006	93	12	12	1	39	6	39	5	27	2
<b>Total of 10<sup>th</sup> Plan</b>	<b>154</b>	<b>12</b>	<b>32</b>	<b>4</b>	<b>70</b>	<b>7</b>	<b>77</b>	<b>6</b>	<b>39</b>	<b>3</b>
2007	122	3	27	2	44	3	82	1	23	1
2008	123	5	23	1	53	2	47	0	46	4
2009	39	2	46	4	37	4	5	1	43	1
2010	50	4	43	1	36	1	41	3	16	1
<b>Total of 11<sup>th</sup> Plan</b>	<b>334</b>	<b>14</b>	<b>139</b>	<b>8</b>	<b>170</b>	<b>10</b>	<b>175</b>	<b>5</b>	<b>128</b>	<b>7</b>

Source: Dept. of Social Welfare, Government of Andhra Pradesh, Hyderabad.

During 10<sup>th</sup> and 11<sup>th</sup> Plan period, no case was refused and not a single case was found to be of false/mistake or fact of law for the PCR Act. About 70 cases of SCs and 7 cases of STs were charge sheeted. 54 cases of SCs were convicted for PCR act. However, a large number of 689 cases were acquitted in 10<sup>th</sup> Plan due to various reasons like lack proper proof, amicable settlement, lack of interest by the petitioner etc. **During 11<sup>th</sup> Plan period, 170 cases of SCs and 10 cases of STs were charge sheeted.** The conviction cases are 35, but like in 10<sup>th</sup> plan period a large number of cases (162) have been acquitted for the SCs for the PCR act due to various reasons. Not a single case of ST has been convicted or acquitted as in the case of 10<sup>th</sup> Plan period. **There is a need for greater probity and interest and support to the petitioners to settle their cases.** A large number of cases are pending in the police stations and courts.

**Table 3.3:Physical performance of the scheme in the State during 10<sup>th</sup> and 11<sup>th</sup> Plan for PCR Act 1955**

YEAR	No of cases Refused		No of cases Found false/mistake/fact of law etc.		No of cases charge sheet submitted by police		No of cases convicted		No of cases acquitted or discharged	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2002	N.A	N.A					5		207	
2003	N.A	N.A					19		239	
2004	N.A	N.A					21		139	
2005	N.A	N.A			31	1	8		64	
2006	N.A	N.A			39	6	1		40	
<b>Total of 10<sup>th</sup> Plan</b>					<b>70</b>	<b>7</b>	<b>54</b>	<b>0</b>	<b>689</b>	<b>0</b>
2007	N.A	N.A			44	3	7		35	
2008	N.A	N.A			53	2	11		34	
2009	N.A	N.A			37	4	15		66	

YEAR	No of cases Refused		No of cases Found false/mistake/fact of law etc.		No of cases charge sheet submitted by police		No of cases convicted		No of cases acquitted or discharged	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2010	N.A	N.A			36	1	2		27	
<b>Total of 11<sup>th</sup> Plan</b>					<b>170</b>	<b>10</b>	<b>35</b>	<b>0</b>	<b>162</b>	<b>0</b>

Source: Dept. of Social Welfare, Government of Andhra Pradesh, Hyderabad.

### 3.3.2 Physical Performance of POA Act, 1989

Unlike, PCR Act, PoA Act, 1989 has a large number of registered cases for both SCs and STs in both 10<sup>th</sup> and 11<sup>th</sup> Plan. **During 10<sup>th</sup> Plan, 2758 cases were registered during the last two years alone, whereas in the first four years period, about 5829 cases were registered for SCs indicating 100% increase in incidence.** About 1691 cases were brought forward in 10<sup>th</sup> plan first two years and during the first 4 years of 11<sup>th</sup> Plan 2616 cases of SCs were brought forward for PoA act. About 40% of the cases were closed after investigation and 60 cases were charge sheeted after registration and nearly 50% of the SC cases are pending under investigation and courts.

In respect of STs, 494 cases were registered under POA Act, 1989 during the last two years of 10<sup>th</sup> Plan, 217 cases were brought forward, 30% of the cases were closed after investigation, 60% of the cases were charge sheeted and about 258 cases are still pending for want of proper investigations and court litigations. As in the case of PCR Act, in PoA Act also, more STs cases are pending for settlement and proper investigations and court verdict. During 11<sup>th</sup> Plan period, About 1112 ST related cases were registered, 495 cases were brought forward, 576 cases were closed after investigation and settlement, 537 cases were charge sheeted and still 484 cases were pending for settlement either with the Police authorities or in the courts. The general trend in Andhra Pradesh State is that, the number of SC and ST cases for the POA act is coming down over the years though a large number of cases are still pending in the courts. **There is a need for the settlement of the cases both at the police investigations level and court trials.**

**Table 3.4: SC and ST cases status in the State during 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act 1989**

YEAR	No of the cases registered		No of cases brought forward		No of cases closed after investigation		No of cases charge sheeted in courts		No of cases Pending	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2005	1244	196	869	103	391	29	900	156	822	114
2006	1514	298	822	114	891	121	802	147	638	144
<b>Total of 10<sup>th</sup> Plan</b>	<b>2758</b>	<b>494</b>	<b>1691</b>	<b>217</b>	<b>1282</b>	<b>150</b>	<b>1702</b>	<b>303</b>	<b>1460</b>	<b>258</b>
2007	1200	303	638	144	783	153	540	190	515	104
2008	1383	258	515	104	726	124	460	106	712	122
2009	1737	326	712	122	1099	184	599	139	751	125
2010	1509	225	751	125	929	115	650	102	681	133



YEAR	No of the cases registered		No of cases brought forward		No of cases closed after investigation		No of cases charge sheeted in courts		No of cases Pending	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
<b>Total of 11<sup>th</sup> Plan</b>	<b>5829</b>	<b>1112</b>	<b>2616</b>	<b>495</b>	<b>3537</b>	<b>576</b>	<b>2249</b>	<b>537</b>	<b>2659</b>	<b>484</b>

Source: Dept. of Social Welfare, Government of Andhra Pradesh, Hyderabad.

The records show that, not a single case of SC and ST has been refused for registration by the police authorities. About 1282 cases of SCs and 150 cases of STs were found to be false/mistakes or not proper under the rules of Law so, they were not registered by the police authorities. About 1702 SC and 303 ST cases were charge sheeted, 460 SC cases were convicted and 4249 cases were discharged for the SCs. **Not a single case on Scheduled Tribes was chargesheeted nor discharged during the last two years of 10<sup>th</sup> Plan.**

**Table 3.5: Status of SC and ST cases in the State during 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act 1989**

YEAR	No of cases Refused		No of cases Found false/mistake/fact of law etc		No of cases charge sheet submitted by police		No of cases convicted		No of cases acquitted or discharged	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2002	N.A		-				66		1014	
2003	N.A		-				91		941	
2004	N.A		-				85		1076	
2005	N.A		391	29	900	156	126		1021	
2006	N.A		891	121	802	147	158		1211	
<b>Total of 10<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>1282</b>	<b>150</b>	<b>1702</b>	<b>303</b>	<b>460</b>	<b>0</b>	<b>4249</b>	<b>0</b>
2007	N.A		783	153	540	190	125		1382	
2008	N.A		726	124	460	160	1785		1379	
2009	N.A		1099	184	599	139	307		1169	
2010	N.A		929	115	650	102	174		748	
<b>Total of 11<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>3537</b>	<b>576</b>	<b>2249</b>	<b>591</b>	<b>2391</b>	<b>0</b>	<b>4678</b>	<b>0</b>

Source: Dept. of Social Welfare, Government of Andhra Pradesh, Hyderabad.

During 11<sup>th</sup> Plan, 3537 SC cases and 576 ST cases were found to be booked by mistake/ false or untenable under the law. About 2249 cases of SCs were charge sheeted and 2391 SC cases were convicted and 4698 SC cases were acquitted during the first 4 years. In the case of STs a large number of cases were treated/found to be false/mistake/untenable under law and 591 cases were charge sheeted. However, **not a single case of ST was neither convicted nor discharged/acquitted during first 4 years of 11<sup>th</sup> plan.**

### 3.3.3 Compensation paid to the victims of atrocities

Compensation amount released to the petitioners and victims of atrocities indicate that, **Andhra Pradesh government has released Rs.2.5 crores for the 4136 cases registered during 2007, Rs.1.68 crore for the 4748 cases in 2008, Rs.2.21 crores for 5334 cases in 2009 and Rs.1.6 crore for the 3717 cases during 2010 of the 11<sup>th</sup> Plan period.** These cases relate to both SCs and STs and it is obvious that, **more than 90% of the cases relate to SCs.** It is intriguing to note that, though the compensation amount being paid over the last four years declined but there is increase in the allocated and expenditure amount for the scheme in the State. So, the amount of funds being allocated must be towards the establishment and other charges for the implementation of the scheme in the State. So, there is a need for proper financial accounting of the scheme in the state by the internal and external auditors.

**Table 3.6:Relief and Rehabilitation details for the victims of PoA Act, 1989 in 10<sup>th</sup> and 11th Plan ( Rs. in Lakh)**

S. No	Nature of Crime	11 <sup>th</sup> Plan							
		2007		2008		2009		2010	
		No. of cases Registered	Amount Released	No. of cases Registered	Amount Released	No. of cases Registered	Amount Released	No. of cases Registered	Amount Released
1	Murder	57	250.8	55	167.55	39	221.95	29	160.43
2	Rape	149		125		136		146	
3	Grievous hurt	628		774		849		822	
4	Others	3302		3794		4310		2720	
5	Total	4136	250.8	4748	167.55	5334	221.95	3717	160.43

Source: Dept. of Social Welfare, Government of Andhra Pradesh, Hyderabad.

### 3.4 Implementation mechanism by State government:

The following 12 Districts have been identified as atrocity prone areas in the State-

(i) Prakasam, (ii) Guntur, (iii) West Godavari, (iv) Nellore, (v) Vizianagram, (vi) Kurnool, (vii) Cuddapah, (viii) Mahaboobnagar, (ix) Nizamabad, (x) Karimnagar, (xi)Khammam and (xii) Adilabad.

(ii) The State government has prepared the rules and regulations in both English and local language of Telugu for easy dissemination of information to the local population.

(iii) The State government has set up 23 mobile courts for the easy reach of the victims and speedy implementation of the law for redressal mechanism.

(iv) The state government has established state and district level committee for the redressal mechanism of the victims, to get suggestions and complaints if any for the proper implementation of the PCR and POA acts.

(v) An Organisation named "Dalit Stree Shakti" is working in the 8 districts of the state on the atrocity issues like organising awareness programme, Nukkad Natak, publishing pamphlets etc.

(vi) The State is submitting periodic reports to the centre and to the National Commissions for SCs and STs, on the status of the PCR and POA Acts, conditions of SCs and STs atrocities, scheme and on specific complaints.

(vii) The state has a special scheme of promotion of caste harmony of inter-caste marriages between SCs and STs with other forward communities and paying cash payments to the married couples.

### 3.5 Sampled Districts in Andhra Pradesh

#### (i) Mahaboobnagar

Mahaboobnagar is bounded by Ranga Reddy district in the North, Nalgonda and Guntur districts in the East, the rivers Krishna/Tungabhadra in the South, Raichur and Gulbarga districts of Karnataka state in the west. The geographical area of this district is 18.4 thousand sq.kms. There are four Municipalities in the district (Mahaboobnagar, Gadwal, Wanaparthy and Narayanpet) and 64 Mandals comprising of 1550 revenue villages and 1348 Gram Panchayats. The district has a total population of 35.14 lakhs accounting for 4.61% of the total state population.

The population of SC and ST is 6.01 lakhs and 2.79 lakhs respectively, accounting for 17.1% and 7.93% of the total population of the district. The population density of the district is 191 persons km<sup>-2</sup> as against the states density of 277. The sex ratio is 972 females per 1000 males as against the state average of 978. The number of literacy rates of SCs and STs are 32.6% and 25.8% in the district as against 53.5% and 37.0% in the state.

**Table 3.7: SC and ST population in Mahaboobnagar district**

District/ State	Total Population			Scheduled Castes			% of SCs
	Male	Female	Total	Male	Female	Total	
Mahaboobnagar	17,82,340	17,31,594	35,13,934	304628	2,96,299	6,00,927	17.1
Andhra Pradesh	3,85,27,413	376,82,594	762,10,007	62,28,011	61,11,485	123,39,496	16.2
District/ State	Scheduled Tribes			% of STs			
	Male	Female	Total				
Mahaboobnagar	1,43,115	1,35,587	2,78,702	7.9			
Andhra Pradesh	25,48,295	24,75,809	50,24,104	6.6			

Source: Census 2001

## **(ii) Ranga Reddy**

Ranga Reddy is located at the heart of the Deccan Plateau and is bounded on the North by Medak district, on the East by Nalgonda district, on the south by Mahaboob Nagar district and on the west by Gulbarga district of Karnataka state. It covers an area of 7662.71 sq.kms. There are 37 Mandals and 3 Revenue divisions in the district. The total No. of habitations is 1428 under 705 Gram Panchayats. There are 12 Municipalities in the district. The total population was 9,54,704 (2001) and the sex ratio is 941. As the district consists of more no. of municipalities and sub-urban areas, the urban population is more than that of rural population. The percentage of SC population is 14.8. The percentage of S.T. population is 4.16 in the district. S.T. Population is concentrated in Kulkacherla, Doma, Gandeed, Dharur, Peddemul, Basheerabad, Yalal and Manchal Mandals. SC Population is concentrated in Nawabpet, Vikarabad, Marpally, peddemul, Pudur, Chevella and Yacharammandals of the district. The Mandals with high literacy are Uppal, Saroornagar and Balanagar ranging from 96.51% to 93.91%. Similarly the Mandals with low literacy are Shabad, Kulkacherla and Doma ranging from 26.94% to 48.41%.

### **3.5.1 Implementation of PCR, 1955 and POA Act, 1989 in the Districts.**

The Joint Director, Social Welfare is the nodal officer and the District Collector works as a Chairman in the district. The rules and regulations are printed in both English and Telugu and are distributed among the officials involved in the implementation of this scheme.

### **3.5.2 Financial Progress in two districts for the schemes**

During 9<sup>th</sup> Plan, Rs.0.43 crore has been allocated for the PoA and PCR Acts and the allocated amount has been utilised by the district administration. For the Ranga Reddy district the figures are not available as the district is a newly formed one of the Hyderabad district. During the first four years of 10<sup>th</sup> Plan ( 2002-03 to 2006-07), Rs. 0.97 crore was allocated and utilised fully, however, in the Ranga Reddy district the allocated amount was Rs.3.12 lakhs and the amount was utilised fully. The less amount allocated for the Ranga Reddy district is due to the newly formed district and most of the financial accounts were still related to the erstwhile Hyderabad district.

During the first four years of 11th Plan, about Rs.1.9 crore was allocated for Mahaboobnagar district and the amount was utilised fully. The allocated amount was nearly double the amount of the 10th plan in Mahaboobnagar district due to the higher expenditure incurred for the higher number of cases registered over the years and the compensation and establishment other charges incurred in the district. In Ranga Reddy district, even during 11th Plan first four years the allocated amount is Rs.25.33 lakhs which is only about 1/7th of the amount of the Mahaboobnagar district and the allocated amount has been fully utilised though the number of registered cases are more than the Mahaboobnagar district. The secondary data relating to financial and physical information is difficult to obtain and the available information is only partial and as obtained from the district authorities as on June, 2011.

**Table 3.8: Financial progress of PCR, 1955 and POA Act, 1989 in 10<sup>th</sup> Plan and 11<sup>th</sup> Plan of the two districts in the State (Rs in Lakh)**

Plan/Year	Total allocation (PoA Act 1989)		Expenditure (PoA Act 1989)	
	Mahaboobnagar	Ranga Reddy	Mahaboobnagar	Ranga Reddy
9th Plan	42.25		42.25	
10th Plan (2002-03 to 2006-07)*	97.38	3.12	97.38	3.12
11th Plan				
2007-08	4.5	25.33*	4.5	25.33
2008-09	12.71		12.71	
2009-10	17.76		17.76	
2010-11	12.19		12.19	
Total of 11th Plan*	186.79	25.33	186.79	25.33

\* up to 30.06.2011

Source: Dept. of Social Welfare, Government of Andhra Pradesh, Hyderabad.

### 3.5.3 Physical progress of the PCR, 1955 and POA Act, 1989 in the two districts

During 10<sup>th</sup> Plan period, a total of 870 cases in respect of SCs and 181 cases in respect of STs have been registered in Mahaboobnagar and 715 cases of SCs and 30 cases of STs have been registered in Ranga Reddy district. The comparative data of the registered cases indicate that, the number of cases of SCs have increased over the years in both the districts particularly in Ranga Reddy District. As Ranga Reddy district is closer to Hyderabad urban agglomeration, there is more number of cases in this district.

About 166 SC cases and 47 ST cases were brought forward during 10<sup>th</sup> Plan. About 40% of SC cases and 35% of the ST cases have been closed after investigations in Mahaboobnagar district. In Ranga Reddy district also, similar proportion of SC and ST cases were reported and have been closed after investigation. About 329 SC cases in Mahaboobnagar and 217 cases in Ranga Reddy district were charge sheeted during 10<sup>th</sup> Plan. In the case of STs, about 35 percent cases have been charge sheeted in Ranga Reddy district. The number of pending cases is nearly 30% in the case of Mahaboobnagar district and whereas it is very few for the Ranga Reddy districts the concentration of STs is less in Ranga Reddy district, as per the demographic pattern of the data available from the district authorities.

**Table 3.9: Physical performance of the scheme in the State during 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act, 1989**

Year	No. of cases Registered				No. of cases Brought forwarded				No. of cases closed after Investigation				No. of cases Charge sheeted in courts				No. of cases Pending			
	Mahaboobnagar		Ranga Reddy		Mahaboobnagar		Ranga Reddy		Mahaboobnagar		Ranga Reddy		Mahaboobnagar		Ranga Reddy		Mahaboobnagar		Ranga Reddy	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	135	27	81	5	5	2	0	0	61	13	55	1	54	8	26	4	20	6	1	0
2002	128	29	90	1	20	6	0	0	57	14	70	0	49	8	20	1	27	9	0	0
2003	161	32	97	4	27	9	0	0	71	13	64	1	56	7	33	3	34	12	0	0
2004	143	17	126	6	34	12	0	0	52	5	83	5	49	6	41	3	42	8	0	0
2005	162	33	126	6	42	8	0	0	62	10	95	4	65	17	31	2	38	10	0	0
2006	141	43	195	8	38	10	0	0	58	12	69	3	56	15	66	5	32	12	0	0
<b>Total 10<sup>th</sup> Plan</b>	<b>870</b>	<b>181</b>	<b>715</b>	<b>30</b>	<b>166</b>	<b>47</b>	<b>0</b>	<b>0</b>	<b>361</b>	<b>67</b>	<b>436</b>	<b>14</b>	<b>329</b>	<b>61</b>	<b>217</b>	<b>18</b>	<b>193</b>	<b>57</b>	<b>1</b>	<b>0</b>
2007	156	27	235	14	32	12	0	0	52	13	144	7	66	14	87	11	33	6	0	0
2008	165	17	261	13	33	6	0	0	48	6	182	3	60	16	77	11	42	16	1	0
2009	187	21	229	6	42	16	1	0	60	18	169	1	78	14	58	5	38	12	3	0
2010	156	17	271	8	38	12	4	0	36	8	187	4	86	12	63	5	38	8	23	0
<b>Total 11<sup>th</sup> Plan</b>	<b>664</b>	<b>82</b>	<b>996</b>	<b>41</b>	<b>145</b>	<b>46</b>	<b>5</b>	<b>0</b>	<b>196</b>	<b>45</b>	<b>682</b>	<b>15</b>	<b>290</b>	<b>56</b>	<b>285</b>	<b>32</b>	<b>151</b>	<b>42</b>	<b>27</b>	<b>0</b>

Source: Dept. of Social Welfare, Government of Andhra Pradesh, Hyderabad.

During first 4 years of 11<sup>th</sup> Plan, about 664 SC cases and 82 ST cases were registered for POA Act, 1989 whereas, the registered cases for Ranga Reddy district were 996 for SC and half those for STs as in Mahaboobnagar. As in 10<sup>th</sup> Plan, about 145 cases of SCs in Mahaboobnagar were found to be false/mistaken/not tenable and in the case of STs they are 46. The false cases in Ranga Reddy district are minimal. During 11<sup>th</sup> plan, about 196 SC cases (30%) and 45 ST cases (50%) were investigated and closed in Mahaboobnagar, whereas, in Ranga Reddy district a high proportion of 682 SC cases and 15 cases of STs have been investigated and closed. As it is an urban district and due to the good strength of police personnel, there is considerable proportion of police investigated cases coming to an end compared to Mahaboobnagar district. About an equal number of SC cases (about 300) in both Mahaboobnagar and Ranga Reddy district were charge sheeted. The number of ST charge sheeted cases is 56 in Mahaboobnagar and 32 in Ranga Reddy district. A high number of 151 SC cases are pending in Mahaboobnagar in the first four years of 11<sup>th</sup> Plan and whereas in Ranga Reddy district they are low for both SCs and STs.

**Table 3.10: SC and ST cases of PCR, 1955 and PoA Act, 1989 status during 10<sup>th</sup> and 11<sup>th</sup> Plan in two districts**

Year	No. of cases Refused				No. of cases found false/mistake/fact of law etc				No. of cases charge sheet submitted by police				No. of cases convicted				No. of cases acquitted or discharged			
	Mahaboobnagar		Ranga Reddy		Mahaboobnagar		Ranga Reddy		Mahaboobnagar		Ranga Reddy		Mahaboobnagar		Ranga Reddy		Mahaboobnagar		Ranga Reddy	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001			0	0	61	13	55	1	54	8	26	4	0	0	1	1	0	0	23	1
2002			0	0	57	14	70	0	49	8	20	1	0	0	2	1	0	0	16	0
2003			0	0	71	13	64	1	56	7	33	3	1	0	1	0	12	0	28	3
2004			0	0	52	5	83	5	49	6	41	3	11	0	5	0	138	0	33	3
2005			0	0	62	10	95	4	65	17	31	2	16	0	1	0	135	0	22	2
2006			0	0	58	12	129	3	56	15	66	5	16	0	2	1	92	0	43	4
<b>Total 10<sup>th</sup> Plan</b>			<b>0</b>	<b>0</b>	<b>361</b>	<b>67</b>	<b>496</b>	<b>14</b>	<b>329</b>	<b>61</b>	<b>217</b>	<b>18</b>	<b>44</b>	<b>0</b>	<b>12</b>	<b>3</b>	<b>377</b>	<b>0</b>	<b>165</b>	<b>13</b>
2007			0	0	52	13	144	7	66	14	87	11	9	0	8	0	80	0	30	5
2008			0	0	48	6	183	3	70	16	77	11	4	0	2	0	90	0	21	8
2009			0	0	60	18	169	1	78	14	58	5	1	0	2	0	68	0	4	0
2010			0	0	36	8	187	4	86	12	63	5	3	0	2	0	39	0	2	0
<b>Total 11<sup>th</sup> Plan</b>			<b>0</b>	<b>0</b>	<b>196</b>	<b>45</b>	<b>683</b>	<b>15</b>	<b>300</b>	<b>56</b>	<b>285</b>	<b>32</b>	<b>17</b>	<b>0</b>	<b>14</b>	<b>0</b>	<b>277</b>	<b>0</b>	<b>57</b>	<b>13</b>

Source: Dept. of Social Welfare, Government of Andhra Pradesh, Hyderabad.



Not a single SC and ST case has been reported to refused for registration by the police authorities during 10th and 11th Plan in both the districts. About 196 SC cases in Mahaboobnagar and 683 SC cases in Ranga Reddy district were reported to be false/untenable/mistakenly reported in the two districts. Whereas for STs, these figures are 45 in Mahaboobnagar and 15 in Ranga Reddy districts. About 300 cases of SCs have been charge sheeted in each district, whereas, in case of STs they are 56 in Mahaboobnagar and 32 in Ranga Reddy district. The convicted cases are very low in both the districts (17 SCs in Mahaboobnagar and 14 in Ranga Reddy) whereas not a single ST case has been convicted. The number of acquitted cases in both the districts for both SCs are very high in Mahaboobnagar (277) and Ranga Reddy (57), and 13 ST cases were acquitted in Ranga Reddy district.

#### **3.5.4 Compensation paid to the victims of the POA Act, 1989 in the two districts**

Of the various crimes which have been registered under POA Act, 1989 three major crimes are murder, rape and insult/intimidation and the reported cases are shown in table 3.11. As is evident from the table, about 288 cases in Mahaboobnagar and 125 in Ranga Reddy district during 10<sup>th</sup> plan, and they are slightly lower during the first four years of 11<sup>th</sup> Plan in Mahaboobnagar. More than 50% of these are intimidation/insult cases and the major crimes of murder are 51 and 21 for SCs during 10<sup>th</sup> and 11<sup>th</sup> Plan for Mahaboobnagar and they are 10 for Ranga Reddy district. The rape cases were 71 during 10<sup>th</sup> Plan and they have been considerably reduced in 11<sup>th</sup> Plan in Mahaboobnagar for both SCs and STs. In Ranga Reddy district, the frequency of crimes is considerably low compared to Mahaboobnagar district and most of the cases reported are mostly insult/intimidation. However, about 10 murder cases were reported during 11<sup>th</sup> plan first 4 years. About Rs.1.4 crore has been released as compensation and rehabilitation amount for the Mahaboobnagar district victims during 10<sup>th</sup> Plan for the SCs and this amount is half during the first 4 years of 11<sup>th</sup> Plan. For the ST victims about Rs.12.9 lakh has been released during 10<sup>th</sup> Plan, and this is about Rs.8.6 lakh during the first 4 years of 11<sup>th</sup> Plan. In Ranga Reddy district about Rs. 18.4 lakh has been released during 10<sup>th</sup> plan and Rs. 2.6 lakh during 11<sup>th</sup> plan for the SC victim's compensation and rehabilitation. The amount released for the victims is very low compared to the amount of expenditure which has been reflected for the district annual plan allocation and expenditure.

**Table 3.11:Relief and Rehabilitation details for the victims of PoA Act,1989 in 10<sup>th</sup> and 11th Plan (Rs.in lakhs)**

Sl.No	Nature of crime	10 <sup>th</sup> Plan								11 <sup>th</sup> Plan*							
		No. of cases Registered				Amount released				No. of cases Registered				Amount released			
		Mahaboob nagar		Ranga Reddy		Mahaboob nagar		Ranga Reddy		Mahaboob nagar		Ranga Reddy		Mahaboob nagar		Ranga Reddy	
		SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
1	Murder	51	5	10	01	76.5	7.5	4.8	1.5	21	4	10	1	31.5	6	4.8	1.5
2	Rape	71	13	27		17.75	3.25	7.6	5	43	6	27		10.7	1.5	7.65	
3	Insult/intimidation	166	34	88	06	10.37	2.12	5.9	1.0	140	18	88	6	8.75	1.1	5.95	1.06
	Total	288	52	125	07	104.62	12.87	18.4	2.56	204	28	125	7	51	8.62	18.4	2.56

Source: Dept. of Social Welfare, Government of Andhra Pradesh, Hyderabad.

### 3.5.5 Implementation details and mechanism in the two districts

The two Districts have identified atrocities prone areas, and the rules and regulation are printed in local Telugu language and English for the SCs and STs. Relief and Rehabilitation measures like mobile and special courts are present in the two districts. Both the districts have constituted district level vigilance committees since 2008. Three agencies and NGOs are working in Districts and they are: (i) Old age Welfare Centre, Miyapur, (ii) Society for Integrated Development in Urban and Rural Areas, (iii) Dalit Sthree Sakti. Annual Reports are submitted by the Districts to State government regularly.

### 3.5.6 State Specific Issues in Andhra Pradesh.

Beneficiary families have been surveyed from two block of each of the district. The surveyed blocks are (i) Dharoor and Mahaboobnagar in Mahaboobnagar district and (i) Chevella and (ii) Shahabad in Ranga Reddy districts of Andhra Pradesh. The total coverage of beneficiaries for the secondary and primary data are given in detail in the Objectives and Methodology chapter. A total of 107 SC families and 82 ST families in Mahaboobnagar district and 90 SC families' data pertaining to their socio-economic conditions, crime related activities details have been obtained from the official records, beneficiaries as per the beneficiary questionnaire developed. Thus a total of 279 individuals/families data have been covered from the two districts in Andhra Pradesh state to understand and analyse the PCR Act, 1955 and POA Act, 1989 from the beneficiaries about the crime details, the case history and the status of crime and the compensation being paid to the victims.

#### Box – 3.1

On 22.9.2010 the SCs of Padakalikiri village held a Vinayka procession that caused temporary delays for traffic bound in Chittoor town. A dominant caste name Venu Naidu annoyed by the delay came down from the bus, attacked and abused the SCs by Caste names. The Naidu caste people later returned to their village and attacked the SCs colony people next day and grievously injured the SCs who were there in the procession.

Of the 279 crime related families data, the average family size is 5.6 in the Mahaboobnagar district for both SCs and STs and 4.9 in the case of Ranaga Reddy district. The land ownership is very small of 14% in Mahaboobnagar and 22% in Ranga Reddy district. Of the surveyed families more than 2/3 of them in Mahaboobnagar have pucca houses, and 1/3<sup>rd</sup> have semi pucca houses. In Ranga Reddy district, more number of victim families (74%) had pucca houses and 18% had semi-pucca houses. Regarding the source of drinking water supply about 50% of the families in Mahaboobnagar had community hand pumps, whereas in Ranga Reddy district about 43% had both government supply and community hand pumps. About 92% of the victim families had electric supply in Mahaboobnagar district whereas only 78% in Ranaga Reddy district victim families had electric supply.

**Table 3.12: Socio-economic conditions of affected families in Mahaboobnagar and Ranga Reddy districts (In percentage)**

District	Family Size	Percentage land owners	House type			Sources of drinking water			Electric supply	
			Kachcha	Pucca	Semi Pucca	Government supply	Own Hand Pump	Community Hand Pump	Yes	No
Mahaboobnagar	5.6	14	2	66	32	38	8	54	92	8
Ranga Reddy	4.9	22	8	74	18	41	16	43	78	22
Total	5.3	18	5	70	25	39	12	48	85	15

Source: Primary Data from the field, Mahaboobnagar and Ranga Reddy Districts.

The socio-economic data indicate that, 66% of the victims / victim families are agriculture wage labourers, and are depending on cultivation for their survival in Mahaboobnagar district. In Ranga Reddy district, about 22% are agricultural labourers, but 46% are in agricultural related activities and 2% are salaried class, 4% are owning the petty shops.

**Table 3.13: Occupational pattern of Beneficiaries/Affected families in the selected districts (In percentage)**

Districts	Percentage of households								
	Cultivation	Allied agricultural activities	Agri. wage labour	Non-Agri. wage lab	Artisan	Petty shop	Organised business /trade	Salaried employment pension	Others
Mahaboobnagar	22	8	66	4	0	0	0	0	0
Ranga Reddy	14	46	22	10	0	4	0	2	2
Total	18	27	44	7	0	2	0	1	1

Source: Primary Data from the field, Mahaboobnagar and Ranga Reddy Districts.

The victims' families literacy and educational qualifications indicate that, in Mahaboobnagar district 20% are illiterate, 46% are literate and about 34% are above have primary and above level educational qualifications. In the Ranga Reddy district, 10% are illiterate, and 62% are primary level and above educational qualifications. In Ranga Reddy district has more educated and literate victim families.

**Table 3.14 :Literacy level of Beneficiaries/Affected families in Mahaboobnagar and Ranga Reddy districts(In percentage)**

Districts	Percentage							
	Illiterate	Literate	Primary	Middle	Metric	Inter	Graduate	Post graduate
Mahaboobnagar	20	46	18	16	0	0	0	0
Ranga Reddy	10	20	8	16	28	18	0	0
Total	25	23	13	16	14	9	0	0

Source: Primary Data from the field, Mahaboobnagar and Ranga Reddy Districts.

**Table 3.15:Crime details of the affected families in Mahaboobnagar and Ranga Reddy districts**

(In percentage)

Nature of Crime	MAHBOOBNAGAR	RARGAREDDY	Total
<b>(i)Single/ Multiple</b>			
A. Individual level	18	30	24
B. Family level	80	74	77
C. Nature of offense- details			
D. Murder	20	4	12
E Rape,	16	24	20
F. Others Specify	64	72	68

Source: Primary Data from the field, Mahaboobnagar and Ranga Reddy Districts.

In the nature of crimes, it is found that, 18% of the cases were committed on individual and 80% were committed on families in Mahaboobnagar district. Whereas in Ranga Reddy district, 30% of the cases on individuals and 74% on families. The nature of the cases were concerned, 20% cases were of murder, 16% rape and 64% were of various others types in Mahaboobnagar district. In case of Ranga Reddy district, 4% were murder, 24% are of rape and other 72% are insult/intimidation. On the whole, most of the cases in both the districts were of insult and intimidating in nature (68%) as is also reflected in the State and district level data.

The victims indicated that, about 20% of the cases are committed on individual level and 80% of the cases are taking due to community in both the districts though in Ranga Reddy district, community level crimes were reported to be high. More than 1/3 of the cases in Mahaboobnagar and 50% of the cases in Ranga Reddy district took place in public places, 30% at the road side and half to these cases happened in the neighbourhood. About 12% of the cases in Mahaboobnagar reported were agriculture related cases and committed in the agriculture field. Nearly 90% of the cases have been reported by the victims surveyed and all the reported cases have been registered by the police authorities.

About 50% of the cases in Mahaboobnagar have been registered within one month and for remaining it took more than a month for registering the cases with the authorities. About 36% of the victims in Mahaboobnagar and 41% in Ranga Reddy district have reported that, their cases are pending either with police stations or in the courts. Almost all of the victim families have reported that, since more than 6 months the case are pending due to various reasons like court date, proper witness and police inaction etc. In the case of those where the case has been settled, all the victims/beneficiaries indicated that, they have got the monetary compensation and only 21% of the victims in Mahaboobnagar and 13% in Ranga Reddy district got the travelling and other miscellaneous benefits for attending the police station and courts. About 45% victims in Mahaboobnagar and 38% in Ranga Reddy district reported that, they got the government advocate to plead their cases in courts.

**Table 3.16:Crime details of the affected families in Mahaboobnagar and Ranga Reddy districts(In Percentage)**

Crime details	MAHBOOBNAGAR	RANGA REDDY	Total
Crime by individual	22	16	19
Crime by community	78	84	81
Crime at neighbourhood	14	12	13
Crime at public place	36	56	46
Crime at work place	6	2	4
Crime at office	0	0	0
Crime at agriculture field	12	4	8
Crime at road side	32	26	29
Crime reported	88	96	92
Crime has been registered	100	100	100
Time taken for registration			
1 to 30 days	50	40	45
30 to 60 days	48	60	54
Above 60 days	2	0	1
Police cooperative	64	80	72
Enquiry officer visited the individual/place of crime/enquired	94	98	96
Level of authority visited			
DSP	51	41	46
Inspector	23	27	25
SI	26	33	29
Status of Complaint			
Case pending in court	36	45	41
Pending status of case -			
a. Less than three months	0	0	0
b. 3 to 6 months	0	0	0
c. 6 months to one year	100	100	100
d. More than one year	0	0	0
Got compensation-			
Monetary	100	100	100
Got traveling allowance for court	21	13	17
Got Government advocate for the case	45	34	41
Reasons of pending cases-			

Crime details	MAHBOOBNAGAR	RANGA REDDY	Total
a. Time lag			
b .Due to lack of money	0	0	0
c. Due to non-cooperation of authorities/police	64	33	43
d. Due to distance of courts/police station	18	44	26
e. Due to coercion/security	18	11	13
f. Awareness of PCR, 1955 Act	55	81	74
g. Awareness of PoA Act, 1989	22	54	38
h .Availing other SC and ST schemes	6	2	4

Source: Primary Data from the field, Mahaboobnagar and Ranga Reddy Districts.

The main reasons found in A.P state for the crimes and atrocities are: (i) Ban on marriage processions on Roads, (ii) Indecent behavior by the SCs and STs in front of Upper Caste men, (iii) Ban on Festival Processions by SCs, (iv) Due to wearing bright/new clothes, (v) using umbrellas in public place, (vi) due to wearing dark glasses, chappals, smoking in public place, (vii) using bicycles in public place, (viii) denial of work as agricultural labour, (ix) payment of lower wages than upper castes persons, (x) denial of service staff services like- Barber, Washer man, restaurant/hotel, carpenter, tailor, potter, in public transport, and private clinics (xi) not getting employed in house construction, (xii) denied access to irrigation facilities, (xiii) denied access to grazing/fishing grounds, (xiv) not allowed to sell to milk cooperatives, and (xv) prevention from selling their produce/products in local markets.

The victims whose cases are pending indicated that, mostly it is pending due to lack of cooperation by the authorities particularly the police (64% in Mahaboobnagar, 33% in Ranga Reddy district). About 18% in Mahaboobnagar and 11% in Ranga Reddy district also informed that, there is coercion from the respondents and authorities not to press the cases. About 3/4th of the victims are aware of the details of the PCR Act, 1955 and 38% are aware of the PoA Act, 1989 in both the districts and this percentage is higher in Ranga Reddy district as this is more urban in nature. Only 4% of the victim families indicated that, they are availing some or other government schemes like Pre and Metric scholarship to their children, housing subsidy, NRGSA etc.

## 4 IMPLEMENTATION AND EVALUATION OF PCR ACT, 1955 AND POA ACT, 1989 IN CHHATTISGARH

### 4.1 Brief demographic and geographical background of State

Chhattisgarh State was carved out of the erstwhile Madhya Pradesh State on 1<sup>st</sup> November, 2000 and has a total area of 1,35,194 square kilometres comprising of 18 districts, 98 Revenue Tahsils, 146 Blocks and 19,744 inhabited villages. According to the 2001 Census, the total population of Chhattisgarh is 2.08 crore with 79.9% of which is rural in nature and the density of population in the State is 130 persons per square kilometre. The State has a predominant ST population accounting for 31.8%, SCs of 11.6% and the rest other communities including Backward Classes. The state has about 32.5% of forest area of the total geographical area of the state.



### 4.2 Tribal population Scenario in the State

The population of the STs in the state is 66.17 lakh (2001 Census) accounting for 31.8% of the total population of the state and 94.7% of which is rural in nature. The sex ratio among STs is 1012 females per 1000 males. In terms of the concentration of ST population, the State occupies 6<sup>th</sup> position with 7.85% STs in the country. There are 42 different tribes including five Particularly Vulnerable Tribal Groups (PVTGs) comprising about 12 lakh tribal families. The ST population is spread over the entire state with Kanwar tribe predominantly in the north while the Gonds are the majority tribe in south. About 33% of the state's population is estimated to be living below poverty line and the majority of it is STs. As per the recent survey, 5.89 lakh tribal families are below the poverty line. The PVTGs population is 1.11 lakh and their entire population is under BPL category. The central belt covers more than one-third area, consisting of 11 districts of the state and partial sub plan area belongs to this region. The northern and southern belts comprise major tribal populated districts of Bastar, Dantewada in the south and Koriya, Surguja and Jashpur in the north. The state has 146 Development Blocks, out of which 85 are tribal development blocks. These tribal development blocks constitute the Tribal Sub Plan (TSP) area of the state. Seven districts in full and six districts partially have been declared as Scheduled Areas in the State.

As per the census of 2001 the population of sub-plan area is 81.013 lakh, which forms about 45.49% of the total population of the state. The percentage of the tribal population in TSP area is 81.97% of the total scheduled tribe population of the state. The state has



19 ITDP projects in 13 districts covering 51.86 lakh tribal populations in the state. 9 MADA pockets in 7 districts which are contiguous smaller areas are having 2.32 lakh tribal populations (Table 5.1). MADA scheme and cluster approach is being implemented for the all round development of the dispersed tribal population residing outside the TSP area.

#### **4.3 Scheduled Caste Population Scenario in the State**

The SC population of Chhattisgarh is 2,418,722 as per 2001 census constituting 11.6 per cent of the total population. 78.5 per cent of the SC population in the State is rural in nature. District-wise distribution of SC population shows that they have their highest concentration in Janjgir-Champa district (22.5 per cent), followed by Bilaspur (18.5 per cent), Raipur (16.2 per cent) districts. Out of forty three SCs, Chamar has the largest number (68.6%). Ganda is the second largest caste, followed by Mahar, Ghasi. Five SCs, namely, Dom, Chikwa, Bhangi, Basor and Dewar have a share of 3.3 per cent and the remaining thirty four SCs along with the generic castes constitute the balance 2.1 per cent of total SC population. The overall sex ratio of the SC population in Chhattisgarh is 994 females per 1000 males which are higher than the national average of 936 for the total SC population. The overall literacy rate of the SCs is 64 per cent at 2001 census. Male and female literacy rates (78.7 per cent and 49.2 per cent) are higher than those of all SCs at the national level. Among the SC literates, 38 per cent have attained education below primary level, while literates without any educational level constitute 5%. The Work Participation Rate of the SC population is 42.9%.

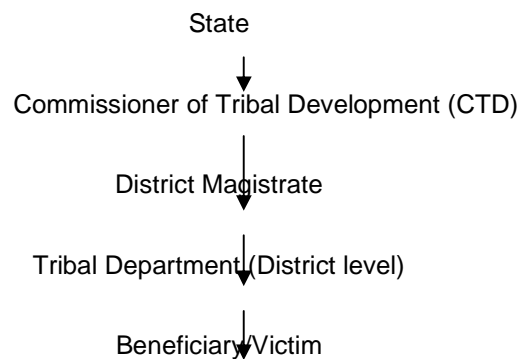
#### **4.4 State Department implementing PCR, 1955 and POA Act, 1989**

The Commissioners of SC and ST Development Department are the nodal officers at the state level for implementation of scheme of assistance under PCR Act, 1955 and POA Act, 1989. State is having 18 districts, out of these Bilaspur and Jhanjgir Chappa districts are atrocity prone areas. There is no fixed disbursement of relief and rehabilitation packages in the state to the SC and ST victims. Clubbing of SC&ST, Backward and Minority issues under one secretary, defeats the ethos of sprit of attention. Because of this, implementation of different programmes under one roof is not serious towards SCs and STs welfare and implementation of PCR Act, 1955 and PoA Act, 1989.

Every month a meeting is held and chaired by Assistant Commissioner to review the cases under SC and ST atrocities. The state is having 12 special Thanas for the SC and ST affected people namely Raipur, Durg, Rajnandgaon, Jagdalpur, Dantewada, Bilaspur, Raigarh, Surguja, Surajpur, Kabirdham, Mahasamund, Janjgir-Champa. There are 6 Special Courts for the PCR Act, 1955 and POA Act, 1989 at Raipur, Durg, Rajnandgaon, Bilaspur, Sarguja and Jagadalpur district head quarters. There is no provision for Mobile Courts in the state. The state is not giving any transportation charges to the victims/beneficiaries while receiving the rehabilitation package. Tribal Development Department is the nodal department to look after the atrocity cases on STs. Assistant Commissioner of Tribal Development is the nodal officer at the district level. The state doesn't have any fund under the head for transportation and due to this

the victims are not paid any transportation charges. No civil society organisation is working in the state on this issue specifically.

#### **Fund Flow Mechanism**



### **4.5 Financial and physical progress of PCR Act, 1955 and POA Act 1989**

#### **4.5.1 Financial Progress**

During 10th Plan, Chhattisgarh government has allocated Rs. 2.61 crore and equal amount has been allocated by the Central government totaling Rs. 5.22 crore as the scheme is on 50:50 basis for the implementation of PCR Act, 1955 and POA Act, 1989. However, the State government has utilised Rs. 5.44 crores, a little higher than the allocated funds indicating the need for more funds. During the first 4 years of 11th Plan, the State government has released about Rs. 2 crore and an equal amount has been contributed by the Central government and the State government has utilised a little higher amount (Rs.4.1 crore) than the allocated amount due to clearance of backlog cases brought forward from previous years. Though there is no clear pattern in the allocation of funds by the government, but it has steadily increased over the years as it has almost doubled during the first four years of 11th Plan.

**Table 4.1: Financial details of PCR Act, 1955 and POA Act,1989 by the Chhattisgarh government during 10<sup>th</sup> and 11<sup>th</sup> Plan**

(Rs in Lakh)

Plan/year	Central Release	State share	Total allocation	Expenditure
10 <sup>th</sup> Plan (2002-03 to 2006-07)	<b>261.07</b>	<b>261.07</b>	<b>522.14</b>	<b>544.32</b>
11 <sup>th</sup> Plan*				
2007-08	35.84	38.84	74.68	97.42
2008-09	60	60	120	122
2009-10	60	60	120	144.44
2010-11	40.64	40.64	81.28	45.52
<b>Total of 11<sup>th</sup> Plan</b>	<b>196.48</b>	<b>199.48</b>	<b>395.96</b>	<b>409.38</b>

Source: Department of Social Welfare, Government of Chhattisgarh, Raipur.\*As on June, 2011

#### **4.5.2 Physical progress of PCR Act 1955 and POA Act, 1989**

The cases registered under POA Act, 1989 and PCR Act, 1955 indicate that, a large number of cases have been registered by SCs and STs during the last 10 years. However, the trend indicates that, there was lower registration of cases in recent years. During 10<sup>th</sup> five year plan, the registration of cases of SCs were 1757 and in case of STs it was 2433, however during first 4 years of 11<sup>th</sup> plan, it has come down to 1275 in respect of SCs and 1509 for STs for both the PCR Act, 1955 and PoA Act, 1989. Very few cases of SCs and STs have been brought forward in the State during both 10<sup>th</sup> and 11<sup>th</sup> Plan periods. The number of cases closed down after investigation are abysmally low both in 10<sup>th</sup> and 11<sup>th</sup> Plan. About 53 cases and 40 cases of SCs have been closed after proper investigation and in respect of STs they were 95 and 33 only indicating the slow and lethargic attitude of police investigation and court authorities in dealing with the SC and ST atrocity cases in the State.

The number of cases charge sheeted for the SCs and STs in both the 10<sup>th</sup> Plan period and the first 4 years of the 11<sup>th</sup> Plan period indicate that, they are high. In the 11<sup>th</sup> plan period the number of cases is coming down considerably. Almost 30 per cent cases reduction is seen in the case of SCs and 42% of the ST cases from 10<sup>th</sup> to 11<sup>th</sup> plan period in the number of cases charge sheets done over the year. Though the 11<sup>th</sup> Plan period data are for only 4 years but, the trend indicates decline. The number of cases pending is very low in the State and they are only 89 for SCs and similar number of cases is pending for STs also.

**Table 4.2: Physical performance of the scheme in the State during 10th and 11th Plan for POA Act 1989**

YEAR	No of the cases registered		No of cases brought forward		No of cases closed after investigation		No of cases charge sheeted in courts		No of cases Pending	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
<i>9<sup>th</sup> Plan - 2001</i>	385	408			17	25	368	363	-	
2002	381	569	-		18	42	362	527	1	
2003	375	578	1		05	21	370	557	-	
2004	346	431	-		12	12	334	418	1	
2005	332	403	-1		10	7	332	396	-	
2006	323	452	-		8	13	314	439	-	
<b>Total of 10<sup>th</sup> Plan</b>	<b>1757</b>	<b>2433</b>			<b>53</b>	<b>95</b>	<b>1712</b>	<b>2337</b>	<b>2</b>	
2007	346	382	-		10	8	335	374	1	
2008	367	407	1		10	08	355	393	2	2
2009	276	351	2	2	10	12	264	345	10	5
2010	286	369	10	05	10	5	208	284	76	82
<b>Total of 11<sup>th</sup> Plan</b>	<b>1275</b>	<b>1509</b>	<b>13</b>	<b>07</b>	<b>40</b>	<b>33</b>	<b>1162</b>	<b>1396</b>	<b>89</b>	<b>89</b>

Source: Department of Social Welfare, Government of Chhattisgarh, Raipur.

About 1732 SC cases and 2337 ST cases for various crimes under PCR Act, 1955 and POA Act, 1989 were charge sheeted during 10<sup>th</sup> Plan and in 11<sup>th</sup> Plan 4 years period and they are considerably lower as in the case of registration of cases seen earlier. During 11<sup>th</sup> plan first 4 years about 600 SC cases and about 1000 ST cases are lower in the charge sheet criteria. About 498 SC cases and 898 ST cases have been convicted by the courts during 10<sup>th</sup> Plan period in the State and they are considerably low in the first 4 years of 11<sup>th</sup> Plan for both the SC and ST cases. Similarly, the number of acquitted or discharged cases for the SCs and STs during 10<sup>th</sup> Plan period is 898 and 1064 respectively. However, these cases are considerably low during the first 4 years of 11<sup>th</sup> Plan and they are 192 for SCs and 162 for STs. The data indicates that, the number of disposal cases in terms of conviction are very low and discharged cases are very high in the State indicating that most of the cases are either being not seriously dealt and are not standing the scrutiny of law due to various reasons like substantial evidence, lack of proper pursuance of the cases, lack of interest and mutual agreement after the charge sheet etc.,

**Table 4.3: Physical performance of the scheme in the State during 10th and 11th Plan for POA Act 1989**

YEAR	No of cases Refused		No of cases Found false/mistake/fact of law etc.		No of cases charge sheet submitted by police		No of cases convicted		No of cases acquitted or discharged	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
9 <sup>th</sup> Plan -2001					368	383	63	91	247	189
2002					362	527	71	127	225	263
2003					370	557	64	87	200	309
2004					334	418	79	83	157	172
2005					332	396	77	82	163	138
2006					314	439	71	77	153	182
<b>10<sup>th</sup> Plan Total</b>					<b>1712</b>	<b>2337</b>	<b>362</b>	<b>456</b>	<b>898</b>	<b>1064</b>
2007					336	374	36	41	97	87
2008					355	393	27	15	68	51
2009					264	345	2	8	12	14
2010					208	284	4		15	9
<b>11<sup>th</sup> Plan Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1163</b>	<b>1396</b>	<b>69</b>	<b>64</b>	<b>192</b>	<b>161</b>

Source: Department of Social Welfare, Government of Chhattisgarh, Raipur.

The relief and rehabilitation data of the State during 10<sup>th</sup> and 11<sup>th</sup> Plan period for the first 4 years as obtained from the State government authorities is presented in Table 4.5. About 547 SC cases and 161 ST cases were registered for the compensation during 10<sup>th</sup> Plan period and an amount of Rs. 66.2 lakhs for the SCs and Rs. 24.56 lakhs has been released to the victims as compensation. **Out of the reported cases, most of the victims belong to the category of insult/intimidation (SCs: 331, STs: 110) followed by grievous hurt (SCs: 124, STs: 31) and Rape (SCs: 38 and STs: 15).** No bonded labour was reported in the state during 10<sup>th</sup> Plan and 11<sup>th</sup> Plan period. **The serious crime like murder was reported in 14 cases for SCs and 4 cases of STs and burnt houses of SCs were 356.** An amount of Rs. 40 lakhs and Rs. 24 lakhs was released for the SC and ST victims during the first 4 years of 11<sup>th</sup> Plan period in the state for the 276 registered cases of SCs and 78 ST cases. Compared to the 10<sup>th</sup> Plan period the number of cases and the compensation amount disbursed is 40 percent lower. As in 10<sup>th</sup> plan period, most of the cases relate to insult/intimidation (SCs: 219, STs: 47), followed by rape (SCs: 17, STs:7), grievous hurt (SC: 10, ST: 9). No cases of burning of houses and bonded labour were reported in the State during 11<sup>th</sup> Plan period. **Serious crime like, murder was reported in 8 cases of SCs and 13 cases of STs which is comparatively higher in respect of STs.**The data indicate that, high number of atrocities is reported **only few cases are getting the conviction and most of the cases are getting discharged or acquitted** and requires proper implementation, monitoring and pursuing of the cases.

**Table 4.4: Relief and Rehabilitation details for the victims of PoA Act, 1989 in 10th and 11th Plan**

(Rs in Lakh)

No	Nature of crime	10 <sup>th</sup> Plan				11 <sup>th</sup> Plan*			
		No. of cases Registered		Amount released		No. of cases Registered		Amount released	
		SCs	STs	SCs	STs	SCs	STs	SCs	STs
1	Murder	14	4	17	5	8	13	9	16
2	Rape	38	15	10.42	4.43	17	7	4.25	1.75
3	Grievous hurt	124	31	13	7.75	10	9	2.5	2.25
4	Insult/intimidation	331	110	18.82	6.88	219	47	14	2.93
5	Wrongful occupation/cultivation of land	1	0	5.06	0	4	0	1	0
6	Burnt Houses	36	0	0.9	0	0	0	0	0
7	Bonded Labour	0	0	0	0	0	0	0	0
8	Others	3	1	1	0.5	18	2	9	1
9	<b>Total</b>	<b>547</b>	<b>161</b>	<b>66.2</b>	<b>24.56</b>	<b>276</b>	<b>78</b>	<b>39.75</b>	<b>23.93</b>

Source: Department of Social Welfare, Government of Chhattisgarh, Raipur. \*as on June, 2011

#### 4.5.3 State implementation details of the PCR Act, 1955 and PoA Act, 1989

The State has identified Bilaspur, Jhanjgir Chappa as atrocityprone. Rules and regulations have been formed in local language and relief and rehabilitation measures have been established in the State. No mobile court exists in the state. No organization is specifically working on this issue in the state

#### 4.5.4 Sampled Districts

##### (iii) Raipur

Raipur District is situated in the fertile plains of Chhattisgarh Region and is surrounded by District Bilaspur in North, District Bastar and part of Orissa state in South, District Raigarh and part of Orissa state in East and district Durg in West. The district is divided into two major physical divisions- the Chhattisgarh plain and the Hilly Areas. Raipur district is administratively divided into 13 Tehsils and 15 revenue blocks. The district is having 16.16% of SC population and 12.1% ST population.

#### (iv) Durg

The Durg District is a populous District of Chhattisgarh. The District occupies the southwestern part of the Upper Sheonath-Mahanadi valley and the bordering hills in the south and southwest. Situated in the central plains region of Chhattisgarh, Durg lies between Rajnandgaon and Raipur. The district is known for the Bhilai Steel Plant and the Dallirajhara mines. Durg has one of the highest literacy rates in the State. The literacy rate for women is also reasonably high at 64.6 percent. The district is having 12.8% of SC population and 12.4% ST population.

#### **Box – 4.1**

*In September, 2008 14 SC families including SC Sarpanch of Raipur district village of Kolhudana had to leave their village due to quarrel between SC youths and their classmates from the high caste over a small incident of tearing of school books by the high caste students in the school. This event took a serious fighting between the students and the parents and relatives of the village attacked the hutments of the SCs of the village and the villagers have to flee for their life. This later also led to water stoppage by the high caste people to the SC lands and the case went to police and courts. After three years of court and police intervention, the case has been settled by due compensation to the SCs.*

#### **4.5.5 District Department implementing scheme of assistance under PCR Act, 1955 and POA Act, 1989**

Assistant Commissioner of Tribal Welfare Department is the nodal officer in the districts. The district administration has circulated the rules and regulation of the two Acts in Hindi language. The district Tribal Department is the nodal department to look after this Scheme.

#### **4.5.6 Financial progress of PCR Act, 1955 and POA Act, 1989 in Raipur and Durg districts.**

**Table 4.5: Financial details of PCR Act, 1955 and POA Act, 1989 in the Raipur and Durg districts during 10<sup>th</sup> and 11<sup>th</sup> Plan**

Plan/Year	Total allocation (PoA Act 1989)		Expenditure (PoA Act 1989)	
	Raipur	Durg	Raipur	Durg
2007-08	20	3.9	19.4	3.8
2008-09	29	6.12	28.9	6.12
2009-10	14	5.82	15.4	5.5
2010-11	0		0	
<b>Total of 11th Plan</b>	<b>63</b>	<b>15.84</b>	<b>63.75</b>	<b>15.41</b>

Source: Department of Social Welfare, Government of Chhattisgarh, Raipur.

During 11th five year plan first three years, about Rs. 63 lakhs in Raipur district and Rs. 15.9 lakh in Durg district have been allocated and almost all the amount has been utilised in the two districts. The pattern of allocation of funds for the scheme in the two

districts during the three years do not indicate any particular pattern as in the second year there is an increase in the allocation of funds, but it suddenly decreases in both the districts and we could not able to get the funds details for the 2010-11 annual plan from the district authorities.





**Table 4.6: Physical performance of the scheme in Raipur and Durg districts during 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act, 1989**

Year	No. of cases Registered				No. of cases Brought forward				No. of cases closed after Investigation				No. of cases Charge sheeted in courts				No. of cases Pending			
	Raipur		Durg		Raipur		Durg		Raipur		Durg		Raipur		Durg		Raipur		Durg	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	92	35			90	35			2	-			90	35			90	31		
2002	91	32			90	31			-	1			90	31			116	40		
2003	64	33			64	33			-	-			64	33			126	34		
2004	80	35			79	29			-	2			79	29			126	32		
2005	71	30			71	30			-	-			71	30			105	34		
2006	63	40			59	33			1	1			59	33			111	52		
<b>Total of 10<sup>th</sup> Plan</b>	<b>369</b>	<b>170</b>			<b>363</b>	<b>156</b>			<b>1</b>	<b>4</b>			<b>363</b>	<b>156</b>			<b>584</b>	<b>192</b>		
2007	92	32			89	31			3	-			89	31			100	58		
2008	80	23			75	29			-	-			75	29			128	73		
2009	55	30			55	30			-	-			55	30			126	60		
2010	42	21			40	20			-	1			40	20			100	40		
<b>Total of 11<sup>th</sup> Plan</b>	<b>269</b>	<b>106</b>			<b>259</b>	<b>110</b>			<b>3</b>	<b>1</b>			<b>249</b>	<b>110</b>			<b>454</b>	<b>231</b>		

Source: Department of Social Welfare, Government of Chhattisgarh, Raipur.

#### 4.5.7 Physical performance of the two schemes in Raipur and Durg Districts

The two districts performances for the two schemes indicate that, Raipur district administration has good secondary data details in their records whereas; in Durg district administration, it is not available. In the 10<sup>th</sup> Plan period, 369 cases of SCs and 170 cases of STs, were registered in Raipur district. It is interesting to observe that, equal number of SC and ST cases for the atrocities of the two Acts have been brought forward in Raipur district, however this data are not available from Durg district. Similarly, in the first four years of 11<sup>th</sup> plan, almost similar pattern of 10<sup>th</sup> Plan was noticeable in Raipur district with 269 SC cases and 106 ST cases as registered and 259 SC and 110 ST cases of brought forward. **It is worth noting here that more than 90 percent of the registered cases have been charge sheeted in Raipur district in both 10<sup>th</sup> plan and 11<sup>th</sup> Plan. Equally interesting that more than the registered and charge sheeted cases are pending in Raipur district for want of proper evidence, completion of trial, pursuing of investigation etc.** In 10<sup>th</sup> Plan, about 584 SC cases and 192 ST cases are pending and during 11<sup>th</sup> Plan first 4 years, 454 SC cases and 231 ST cases are pending in the courts/ with police authorities.

**Table 4.7: Physical performance of PCR Act, 1955 and POA Act, 1989 in 10<sup>th</sup> Plan and 11<sup>th</sup> Plan in two districts of Chhattisgarh**

Year	No. of cases Refused				No. of cases found false/mistake/fact of law etc				No. of cases charge sheet submitted by police				No. of cases convicted				No. of cases acquitted or discharged			
	Raipur		Durg		Raipur		Durg		Raipur		Durg		Raipur		Durg		Raipur		Durg	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	3	1			2	-			90	35			29	12			58	14		
2002	6	2			4	-			90	31			31	11			63	27		
2003	10	6			-	-			64	33			10	8			42	23		
2004	5	3			1	4			79	29			12	6			49	19		
2005	-	-			3	-			71	30			5	5			79	28		
2006	3	1			4	6			59	33			19	8			28	10		
<b>Total of 10<sup>th</sup>Plan</b>	24	12			12	10			363	156			77	38			261	107		
2007	-	-			2	1			89	31			21	16			48	18		
2008	9	3			2	-			75	29			16	6			35	13		
2009	-	-			-	-			55	30			12	5			63	36		
2010	-	-			2	-			40	20			15	13			58	30		
<b>Total of 11<sup>th</sup>Plan</b>	9	3			6	1			259	110			64	40			204	97		

Source: Department of Social Welfare, Government of Chhattisgarh, Raipur

As in the previous case, we could not able to get data for the physical progress of the PCR, Act, 1955 and PoA Act, 1989 from Durg district. The data from Raipur district indicates that, the number of cases refused for SCs and STs are very few and the actual cases recorded are 24 SCs & 12 STs in 10th Plan, and, 9 SC cases and 3 ST cases



during 11th Plan. About 12 SC cases and 10 ST cases have been refused due to false/mistaken/not according to the law during 10th plan and 6 cases of SC and 1 case of ST during 11th plan was found to be false/mistaken/not according to law in Raipur district. **Large number of SC and ST cases were charge sheeted in Raipur during 10th Plan ( SC: 363& ST: 156) and during 11th Plan it is found to approaching similar figures as the data are for the first four years only. Compared to the registered cases only few cases have been convicted by the courts in Raipur district during 10th plan against SCs: 77 and against STs: 38. During 11th plan again in Raipur district similar numbers of cases were convicted for SCs and STs. But, it is worrisome that, large number of SC cases and ST cases of 261 and 107 respectively have been acquitted during 10th plan, and, these numbers was recorded as 204 against SCs and 97 against STs in the first 4 years of 11th Plan.**

**Table 4.8: Relief and Rehabilitation details for the victims of PoA Act, 1989 in 10<sup>th</sup> and 11th Plan(Rs. in lakhs)**

SLNo	Nature of crime	10 <sup>th</sup> Plan								11 <sup>th</sup> Plan							
		No. of cases Registered				Amount released				No. of cases Registered				Amount released			
		Raipur		Durg		Raipur		Durg		Raipur		Durg		Raipur		Durg	
		SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
	Murder	14	4			17	5			8	14	10	3	9	16.8	14	7
	Rape	38	15			10.42	4.43			19	7	28	32	4.75	1.75	7.19	8
	Grievous hurt	52	31			13	7.75			13	10	110	86	8.25	2.5	5.24	4.14
	Insult/intimidation	315	110			18.81	6.88			248	57			10.87	3.56		
	Wrongful occupation/cultivation of land	1				5.06				4				1			
	Burnt houses	36				0.65											
	Bonded Labor																
	Other	2	1			1	0.5			25	2			12.5	1		
	<b>Total</b>	<b>458</b>	<b>161</b>	<b>0</b>	<b>0</b>	<b>65.94</b>	<b>24.6</b>	<b>0</b>	<b>0</b>	<b>317</b>	<b>90</b>	<b>0</b>	<b>0</b>	<b>46.37</b>	<b>25.6</b>	<b>0</b>	<b>0</b>

Source: Department of Social Welfare, Government of Chhattisgarh, Raipur.



#### 4.6 Relief and Rehabilitation of victims of the schemes

About 458 SC cases and 161 ST cases during 10th Plan and 317 SC cases and 90 ST cases in 11th Plan were recorded in Raipur district for the various crimes for compensation to the victim/victim's families. Out of the recorded crimes, insult/intimidation cases were about 75% (315 in 10th plan and 248 in 11th Plan) for SCs and STs in Raipur, followed by grievous hurt (12%), Rape (8%) and murder (5%). The serious crime like murder cases are recorded of 14 for SCs, 4 for STs during 10th Plan, and they have decreased for SCs but slightly increased in the case of STs during 11th plan in Raipur. No secondary data was easily available from the Durg district. About Rs. 66 lakhs for SC victims and Rs. 25 lakhs for ST victims was released by Raipur district authorities, where as in 11th Plan, SC victims got about Rs. 46 lakhs and ST victims Rs. 26 lakhs during the first four years. The pattern of atrocities indicates that, insult and intimidation are the major types in both SCs and STs during 10th and 11th plan. There are other offences against the SCs and STs like burning of houses, wrongful occupation of lands also in small number but no bonded labour cases were reported.

Raipur and Durg Districts have not identified atrocities prone areas, but, rules and regulations have been formed in local language. There are no mobile courts and special courts in the districts of the state. All the districts have District Level Vigilance Committee. No agencies and NGOs are working specifically in the districts for the scheme and neither the district department is giving any grant under this scheme to them. The annual reports are filed half-yearly to the state by the district authorities routinely.

The main reasons for the crimes and atrocities are: (i) Indecent behavior by the SCs and STs in front of Upper Caste men, (ii) Ban on Festival Processions by SCs, (iii) denial of work as agricultural labour, (iv) payment of lower wages than upper castes persons, (v) denied access to irrigation facilities, (vi) denied access to grazing/fishing grounds, and (vi) prevention from selling their produce/products in local markets.

**Table 4.9: Relief amount being given in the state in the victims affected of various crimes**

Year	Particulars	Caste	Nature of Crime								
			Murder	Rape	Grievous hurt	Insult/Intimidation	Wrongful occupation/cultivation of land	Burnt houses	Bonded Labor	Other	Total
2001-02	No of cases	SC	4	3	8	63	1	1		7	87
		ST	1	1	5	9	-			1	17
	Amount released	SC	600000	75000	200000	393750	25000	25000		350000	1668750
		ST	150000	25000	125000	56250	-			50000	406250
<b>9th Plan</b>	<b>No of cases</b>	<b>SC</b>	<b>4</b>	<b>3</b>	<b>8</b>	<b>63</b>	<b>1</b>	<b>1</b>		<b>7</b>	<b>87</b>
		<b>ST</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>9</b>	<b>-</b>	<b>0</b>		<b>1</b>	<b>17</b>
	<b>Amount released</b>	<b>SC</b>	<b>600000</b>	<b>75000</b>	<b>200000</b>	<b>393750</b>	<b>25000</b>	<b>25000</b>		<b>350000</b>	<b>1668750</b>
		<b>ST</b>	<b>150000</b>	<b>25000</b>	<b>125000</b>	<b>56250</b>	<b>-</b>	<b>0</b>		<b>50000</b>	<b>406250</b>
2002-03	No of cases	SC	3	12	12	81	1			1	110
		ST		8	9	31				1	49
	Amount released	SC	450000	330000	300000	393750	506250	25000		50000	1661250
		ST		250000	225000	193750				50000	718750
2003-04	No of cases	SC	2	8	15	50				1	79
		ST		2	4	18					24
	Amount released	SC	200000	218750	75000	225000					718750
		ST		68750	100000	112500					281250
2004-05	No of cases	SC	5	8	75	50				1	79
		ST	2	3	10	16					31
	Amount released	SC	675000	243750	375000	312500				50000	1656250
		ST	200000	75000	250000	101250					626250
2005-06	No of cases	SC	3	8	19	59					89
		ST	2	1	5	30					38
	Amount released	SC	225000	200000	475000	368750					1268750
		ST	300000	25000	125000	187500					637500
2006-07	No of cases	SC	1	2	3	91		36			133
		ST		1	3	15					19
	Amount released	SC	150000	50000	75000	581250		65400			921650
		ST		25000	75000	93750					193750
<b>10th Plan</b>	<b>No of cases</b>	<b>SC</b>	<b>14</b>	<b>38</b>	<b>124</b>	<b>331</b>	<b>1</b>	<b>36</b>	<b>0</b>	<b>3</b>	<b>490</b>
		<b>ST</b>	<b>4</b>	<b>15</b>	<b>31</b>	<b>110</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>161</b>
	<b>Amount released</b>	<b>SC</b>	<b>1700000</b>	<b>1042500</b>	<b>1300000</b>	<b>1881250</b>	<b>506250</b>	<b>90400</b>	<b>0</b>	<b>100000</b>	<b>6226650</b>

Year	Particulars	Caste	Nature of Crime								
			Murder	Rape	Grievous hurt	Insult/Intimidation	Wrongful occupation/cultivation of land	Burnt houses	Bonded Labor	Other	Total
		<b>ST</b>	<b>500000</b>	<b>443750</b>	<b>775000</b>	<b>688750</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>50000</b>	<b>2457500</b>
2007-08	No of cases	SC	3	4	8	59				7	81
		ST	3	1	5	4					13
	Amount released	SC	375000	100000	200000	368750				350000	1393750
		ST	375000	25000	125000	25000					550000
2008-09	No of cases	SC	4	3	2	84	4			4	101
		ST	9	1	4	24				2	40
	Amount released	SC	475000	75000	50000	537500	100000			200000	1437500
		ST	1075000	25000	100000	150000				100000	1450000
2009-10	No of cases	SC	1	10		76				7	94
		ST	1	5		19					25
	Amount released	SC	50000	250000		500000				350000	1150000
		ST	150000	125000		118750					393750
<b>11th Plan</b>	<b>No of cases</b>	<b>SC</b>	<b>8</b>	<b>17</b>	<b>10</b>	<b>219</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>18</b>	<b>276</b>
		<b>ST</b>	<b>13</b>	<b>7</b>	<b>9</b>	<b>47</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>78</b>
	<b>Amount released</b>	<b>SC</b>	<b>900000</b>	<b>425000</b>	<b>250000</b>	<b>1406250</b>	<b>100000</b>	<b>0</b>	<b>0</b>	<b>900000</b>	<b>3981250</b>
		<b>ST</b>	<b>1600000</b>	<b>175000</b>	<b>225000</b>	<b>293750</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>100000</b>	<b>2393750</b>

Source: Department of Social Welfare, Government of Chhattisgarh, Raipur.

#### 4.7 State Specific Issues in respect of Chhattisgarh State

About 70 ST and 184 SC beneficiary families have been surveyed from four Blocks – Dondi, and Nawagarh of Durg district, Avanpur and Raipur of Raipur district of Chhattisgarh State. The total coverage of beneficiaries for the secondary and primary data is given in detail in the Objectives and Methodology chapter. A total of 95 SC families and 55 ST families in Durg district and 89 SC families and 15 ST victims' families data pertaining to their socio-economic conditions, crime related activities details have been obtained from the official records, beneficiaries as per the beneficiary questionnaire developed. Thus a total of 254 victims/victims families data have been covered from the two districts to understand and analyse the PCR Act, 1955 and POA Act, 1989 from the beneficiaries about the crime details, the case history, the reasons, status of crime and the compensation paid to the victims.

Of the 254 crime related families data, the average family size is 6.8 in the Durg district for both SCs and STs and 5.9 in the case of Raipur district. The land ownership is very small in victims families of 26% in Durg and 42% in Raipur district. Of the surveyed families more than 2/3 of them in Durg have pucca houses, and 1/3<sup>rd</sup> have semi pucca houses. In Raipur district, more number of victim families (72%) have pucca houses and 12% have semi-pucca houses. Regarding the source of drinking water supply, about 88% of the families in Durg had community hand pumps, whereas in Raipur district about 84%, have both government supply and community hand pumps. About 92% of the victim families have electric supply in Durg district whereas 90% in Raipur district victim families have electric supply.

**Table 4.10: Socio-economic conditions of Beneficiaries/Affected families in the selected districts**

(in percentage)

District	Family Size	Percentage land owners	House type			Sources of drinking water			Electric supply	
			Kachcha	Pucca	Semi Pucca	Government supply	Own Hand Pump	Community Hand	Yes	No
DURG	6.8	26	14	68	18	8	4	88	92	8
RAIPUR	5.9	42	16	72	12	10	6	84	90	10
Total	6.4	34	15	70	15	9	5	86	91	9

Source: Primary Data from the field, Durg and Raipur Districts, Chhattisgarh State

**Table 4.11:Occupational pattern of Beneficiaries/Affected families in the selected districts**

(in percentage)

Districts	Percentage of households								
	Cultivation	Allied agricultural activities	Agri. wage labour	Non-Agri. wage lab	Artisan	Petty shop	Organised business /trade	Salaried employment pension	Others
DURG	26	16	46	2	0	6	0	4	0
RAIPUR	40	14	12	6	0	16	0	12	0
Total	33	15	29	4	0	11	0	8	0

Source: Primary Data from the field, Durg and Raipur Districts, Chhattisgarh State.

The socio-economic data indicate that, 46% of the victims' families are agriculture wage labourers, and 42% are based in cultivation for their occupation in Durg district. In Raipur district, about 12% are agricultural labourers, but 54% are in agricultural related activities and 12% are salaried class, 16% own the petty shops.

**Table 4.12: Education level of Beneficiaries/Affected families in the selected districts**

(in percentage)

Districts	Percentage							
	Illiterate	Literate	Primary	Middle	Metric	Inter	Graduate	Post graduate
DURG	54	30	8	8	0	0	0	0
RAIPUR	36	22	10	10	4	18	0	0
Total	45	26	9	9	2	9	0	0

Source: Primary Data from the field, Durg and Raipur Districts, Chhattisgarh State

The victims families literacy and educational qualifications indicate that, in Durg district 54% are illiterate, 30% are literate and about 16% are above primary level educational qualifications. In the Raipur district, 36% are illiterate, and 42% have primary level and above educational qualifications. Raipur district has more educated and literate victim families.

**Table 4.13:Crime details of the affected families in the selected districts**

(in percentage)

Nature of Crime	DURG	RAIPUR	Total
<b>(i)Single/ Multiple</b>			
A. Individual level	22	26	24
B. Family level	78	76	77
C. Nature of offense- details			
C. Murder	6	10	8
D. Rape,	14	14	14
E.Others	80	76	78

Source: Primary Data from the field, Durg and Raipur Districts, Chhattisgarh State



In the nature of crimes, it is found that, 22% of the cases are individual based and 78% are family level in Durg district. Whereas in Raipur district, 26% of the cases were individual based and 76% were of family based ones. Of the types of cases, 6% cases were of murder, 14% of rape and 80% of various others types in Durg district. In the case of Raipur district, 10% are murder type, 14% are of rape and other 76% are insult/intimidation types. On the whole, most of the cases in both the districts are of insult and intimidation, house burning, grievous injury types (78%) as is also reflected in the State and district level data.

The data indicates that, about 19% of the cases committed on individus and 81% of the cases on community, in both districts though in Durg district, community level crimes were reported to be low. More than 50% of the cases in Durg and 50% of the cases in Raipur district took place in public places, 20% at the road side and half of these cases happened in the neighbourhood. About 10% of the cases in Durg were reported at the agriculture related cases and in the agriculture field. Nearly 92% of the cases have been reported by the victims and all the reported cases have been registered by the police authorities.

**Table 4.14: Crime details of the affected families in the selected districts**

(in percentage)

Crime details	DURG	RAIPUR	Total
Crime by individual	38	0	19
Crime by community	62	100	81
Crime at neighbourhood	12	14	13
Crime at public place	52	54	53
Crime at work place	6	2	4
Crime at agriculture field	10	6	8
Crime at road side	20	24	22
Crime reported	90	94	92
Crime has been registered	100	100	100
Time taken for registration			
1 to 30 days	50	70	60
30 to 60 days	50	30	40
Above 60 days	0	0	0
Police cooperative	56	62	59
Enquiry officer visited the individual/place of crime/enquired	84	84	84
Level of authority visited			
DSP	39	48	43
Inspector	27	24	25
SI	34	29	31
Case pending in court	57	44	50
Pending status of case -			
a. Less than three months			
b. 3 to 6 months			
c. 6 months to one year			
d. More than one year	80	72	76
Got compensation-			
Monetary	100	100	100
House			

Crime details	DURG	RAIPUR	Total
Got travelling allowance for court	31	32	31
Reasons of pending cases-			
a. Time lag			
b. Due to non-cooperation of authorities/police	73	44	58
c. Due to distance of courts/police station	13	25	19
d. Due to coercion/security	13	6	10
e. Awareness of PCR, 1955 Act	81	68	74
f. Awareness of PoA Act, 1989	32	44	38
g. Availing other SC and ST schemes	15	36	26

Source: Primary Data from the field, Durg and Raipur Districts, Chhattisgarh State.

About 50% of the cases in Durg have been registered within one month and 70% of the cases in Raipur reported that, it took a month for registering the cases with the authorities. About 80% of the victims in Durg and 72% in Raipur district have reported that, their cases are pending either with police stations or in the courts for more than a year for want of court trial date, proper witness and police action and completion of investigation etc. In the case of those where the cases have been settled, all the victims/beneficiaries indicated that, they have got the monetary compensation and 31% of the victims in Durg and 32% in Raipur district got the travelling and other miscellaneous benefits for attending the police station and courts. About 42% victims in Durg and 32% in Raipur district reported that, they got the government advocate to plead their cases in courts.

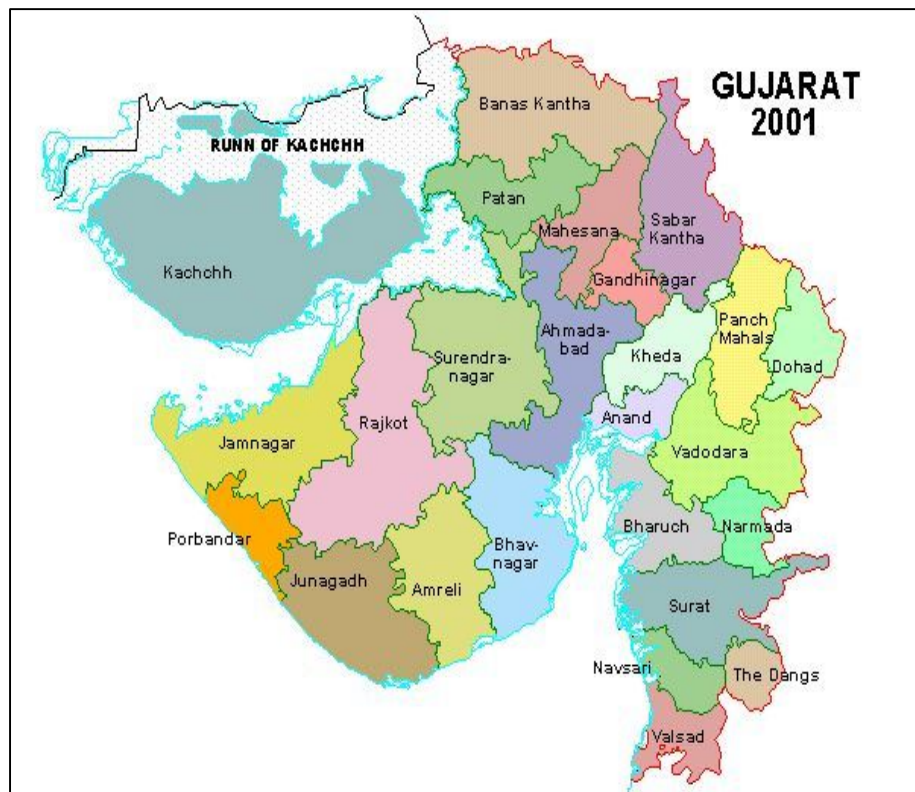
The victims whose cases are pending indicated that, mostly it is pending due to lack of cooperation by the authorities particularly the police (73% in Durg, and 44% in Raipur district). About 13% in Durg and 6% in Raipur district also informed that, there is coercion from the respondents and authorities not to press the cases. About 3/4th of the victims are aware of the details of the PCR Act, 1955 and 38% are aware of the PoA Act, 1989 in both the districts and this percentage is higher in Durg district than in Raipur. Only 26% of the victim families indicated that, they are availing some or other government schemes like Pre and Post Metric Scholarship to their children, housing subsidy, NRGPA etc.

## 5 IMPLEMENTATION AND EVALUATION OF PCR ACT, 1955 AND POA ACT, 1989 IN GUJARAT

### 5.1 Brief demographic and geographical background of State

Gujarat state is situated on the west coast of India and is bounded by the Arabian Sea in the West, by the States of Rajasthan in the North, Madhya Pradesh in the East, Maharashtra in the South and South East. The State has an international boundary and has a common border with the Pakistan at the north-west. The State has a long coast-line of about 1600 kms.

Gujarat State comprises of 25 districts, sub-divided into 226 Talukas, 18618 villages and 242 towns. According to Census 2001, the population of Gujarat was 5.06 crore and the total number of households were 96.44 lakh. The population density of Gujarat is 258 persons per sq.km. in 2001. Gujarat has a rural population of 62.33% and about 23.29 lakh families are living below poverty line in rural areas. The literacy rate in the



State is 69.97% in 2001. Out of the total population in the state, 203.7 lakh (42.10 %) were workers and 280.2 lakh (57.90 %) were non-workers and 26% are cultivators.

### 5.2 Scheduled Caste Population Scenario

According to the 2001 Census, the population of the SCs in Gujarat is 35.93 lakhs, which accounts for 7.09% of the total population of the State. The SCs in Gujarat are dispersed in all the districts of the State unlike the STs and the bulk of them live in eight districts in the eastern part of the State. There are 30 notified SC committees in the State. Mahyavansi has the highest population (43%) followed by Bhambi, Bhangi, Meghval, Senva and Garoda. Out of the 18,618 villages in the State, as many as 12,808 villages have SC population. **There are 2,361 villages and towns which have SC population of 250 persons and above. These villages and towns contain about 50 percent of the total SC population of the State.** In many villages there is more than one SC colonies. Though the SC population is found in all the districts of the State, major concentration of them is in Ahmadabad,

Banaskantha, Junagadh, Mehsana and Vadodara districts. The literacy rate among the SCs is 70.50%, which is slightly higher than the general literacy rate of the State (69.14%) which is the speciality of the State. The SC female literacy rate of 57.6% is at par with the general female literacy rate is 57.8% in the state. The sex ratio of SCs is 925 per 1000 males which are low and child sex ratio (0-6 age group) is alarmingly low with 885. Among the SCs, there are wide socio-economic disparities between different Castes - Valmiki, Hadi, Nadia Garo (Garoda), Turi, Harijan Bawa, Vankar Sadhu and Senva communities being the most backward.

### **5.3 Scheduled Tribe Population Scenario**

The Scheduled Tribes (ST) population in the state is 74.81 lakhs constitutes 14.76% of the total population in the State and occupies the 4<sup>th</sup> position in terms of the concentration of STs in the country (8.9%). In Gujarat State, the Tribal Area Sub-Plan (TASP) covers 43 Talukas, 15 Pockets including one MADA Pocket of Amod and 4 Clusters in 12 ITDPs. The coverage of tribal population under ITDPs is about 61.38 lakhs, which accounts for 82.04% of the total tribal population in the State, while 13.43 lakh tribals are spread all over the State. Tribal predominantly reside in ten Districts having ITDP areas and Dangs district, which is entirely a tribal District. In Gujarat State, there are 29 Scheduled Tribes, out of which five most backward tribes are declared as Particularly Vulnerable Tribal Groups (PVTGs) viz. Kotwalias, Kathodis, Padhar, Siddis and Kolgha. The Bhil with 3.4 lakh population are the majority tribe followed by Dubla, Dhodia, Rathawa and Naikda. The tribals in the State mostly inhabit in the eastern border areas of the State that are characterized by hilly terrain, rocky soil, uncertain rainfall and presence of large forest areas. The STs of the State are predominantly rural (92%) and has a low literacy rate of 47% as that of national average of the STs in the country and the female literacy is only 36%. The sex ratio among STs of the State is 974 which are close to national average and better than SCs and general population of the State. Barely, 2.5% of the literate STs have educational attainment beyond graduation level.

### **5.4 Implementation of the Scheme of Assistance under PCR, Act 1955 and POA Act, 1989 in Gujarat State.**

The state is having two nodal officers - 1. Principal Secretary, Social Justice & Empowerment and 2. Principal Secretary Tribal Development Department to implement the two scheme of assistance under PCR, Act, 1955 and PoA Act, 1989 and the state disburse relief amount from 2 different departments. ST department looks after ST victims/beneficiaries and SC department looks after SC victims/ beneficiaries. The Vigilance Officer of Ahmadabad, Rajkot and Vadodara are appointed as Special officers of the state government to look after the atrocity issues. In the District, the District Backward Class Welfare Officer looks after SC victims and District Vigilance Officer of Tribal Department looks after ST victims. The state has a contingency plan named as "Veer Meghmaya" under Prevention of Atrocity Act. Out of 25 districts in the state, 11 districts have been identified as atrocity prone districts (i) Mehesana, (ii) Ahmadabad, (iii) Junagadh (iv) Sabar Kantha, (v) Kheda, (vi) Rajkot (Rural), (vii) Amreli, (viii) Kachch, (ix) Surendranagar, (x) Vadodara (Rural), (xi) Bharuch.

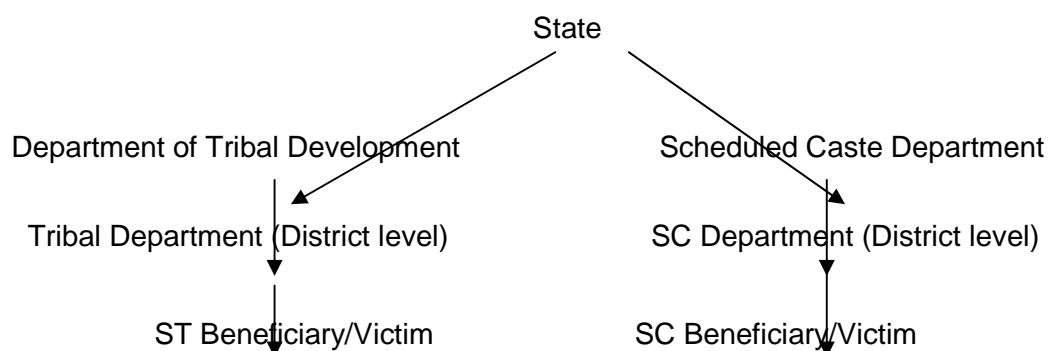
The state doesn't have any Special police force. The state is having maximum number of abusive cases under atrocity. The state is having approximately 5% of conviction rate under these two acts. The state has District Vigilance Officer to look after the problem of the beneficiaries i.e. if the beneficiaries further need any other police protection, or any other help, then he /she is being helped by the District Vigilance Officer. State has Addl. DG who monitors the SC/ST atrocity related issues

The northern part of the state has highest number of atrocity cases. The state has 25 Special Courts. Due to the Caste Certificate, there is delay in the investigation i.e. the victims have to produce original caste certificate at the time of charge sheet and due to this, the victims also faces problems in the police station. The District Vigilance Committee has been set up separately at district level under the Chairmanship of District Collector for reviewing cases of atrocities on SC and ST, Taluka Level Committee also been set up under the Chairmanship of Mamlatdar of concerned talukas. The Government of Gujarat has specified the session's courts as special courts in each district with effect from 30<sup>th</sup> January 1990 under Section-14 of the Act.

A "Special Cell" has been set-up at the Directorate of Scheduled Caste Welfare, Gujarat State, Gandhinagar. Social education camps at the block level and workshops at the district level, Seminars at the State Level are organized every year. At regional level, three vigilance squads headed by Vigilance Officer have been set-up at Ahmadabad, Vadodara and Rajkot. 25 Awareness Centres, one each in every district have been started and grant up to Rs.15000 were provided to them. 18 Session Courts of the State have been designated by the Government as Special Courts vide the Government Resolution dated 30-1-90. The Government has sanctioned 25 Special Courts at all district, except Tapi & Dang. With regard to the Scheduled Castes, eleven districts have been declared as sensitive vide Home Dept. circular dated 11-2-81. A State Level SC./ST Protection Cell has been constituted at the State level under the Additional Director General of Police.

**Dr. Babasaheb Ambedkar Award:** Rs. 1.00 lakh is conferred to the person who has worked for comprehensive development of the scheduled castes and given voice to the problems faced by them. **Mahatma Gandhi award worth Rs.1.00 lakh** is conferred to the Voluntary Organization which has rendered similar kind of work.

### Fund Flow Mechanism



## 5.5 Financial progress of PCR Act, 1955 and POA Act, 1989 in 10th Plan and 11th Plan

### 5.5.1 Financial Progress in the State during 10<sup>th</sup> and 11<sup>th</sup> Plan

Financial data of PCR Act, 1955 and POA Act, 1989 during 9th Plan period indicates that, about Rs.11 crore was released by the Centre and State government has released about Rs. 17.68 crore altogether totaling Rs. 30.30 crore and the State had utilised about 92% of the amount. During the 10th Plan period, Central government has released Rs.12.80 crore and State has released Rs.44.21crore totaling about Rs.30.95 crore but, the State could able to utilise only 95% of the amount. In the first 4 years of 11<sup>th</sup>Plan, Centre has released Rs. 8.30 crore and State has contributed Rs. 26. 06 core totaling Rs. 34.37 crores, whereas Rs.35.08 crores has been utilised. There is no clear pattern of allocation of funds by the State government in the utilisation; however, a large amount of funds are being utilised for the two schemes in the state during the last few years.

**Table 5.1: Financial Progress during 10<sup>th</sup> and 11<sup>th</sup> Plan periods in Gujarat State**

Plan/year	Central Release	State share	Total allocation	Expenditure
9 <sup>th</sup> plan	1101.16	1767.94	3030.81	2786.36
<b>10<sup>th</sup> plan Total</b>	<b>1280.41</b>	<b>2141.47</b>	<b>4421.88</b>	<b>3094.88</b>
11 <sup>th</sup> plan				
2007-08	120.65	428.23	721.48	739.18
2008-09	217.46	652.53	983.12	844.42
2009-10	189.09	728.67	1046.39	832.13
2010-11	303.31	797.06	1164.86	1093.16
<b>Total of 11<sup>th</sup> Plan</b>	<b>830.51</b>	<b>2606.49</b>	<b>3437.00</b>	<b>3508.89</b>

Source: Department of Scheduled Caste and Tribal Development, Government of Gujarat. Ahmadabad

## 5.6 Physical Progress for PCR Act, 1955 in Gujarat State

During the first two years of 9th Plan in the State, PCR Act, 1955 shows that, 98 cases have been registered and similar number of cases have been brought forward. About 9 cases have been closed after investigation, 89 cases are pending and 98 SC cases have been charge sheeted. During 10th Plan five years period, 218 SC cases have been registered, and 218 SC cases have been brought forward. About 27 SC cases have been closed after proper investigations, and 191 SC cases are pending and 218 SC cases have been charge sheeted. In the first 4 years of 11th Plan, about 142 SC cases have been registered, 9 SC cases have been closed after investigation and 133 SC cases are under pending whereas 142 SC cases have been charge sheeted.

**Table 5.2: Physical performance of the scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for PCR Act, 1955**

YEAR	No of the cases registered		No of cases Brought forward		No of cases closed after investigation		No of cases charge sheeted in courts		No of cases Pending	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	50		50		3		50		47	
2002	48		48		6		48		42	
<b>Total 9<sup>th</sup> Plan</b>	<b>98</b>	<b>0</b>	<b>98</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>98</b>	<b>0</b>	<b>89</b>	<b>0</b>
2003	45		45		6		45		39	
2004	40		40		6		40		34	
2005	46		46		12		46		34	
2006	43		43		2		43		41	
2007	44		44		1		44		43	
<b>Total 10<sup>th</sup> Plan</b>	<b>218</b>	<b>0</b>	<b>218</b>	<b>0</b>	<b>27</b>	<b>0</b>	<b>218</b>	<b>0</b>	<b>191</b>	<b>0</b>
2008	47		47		1		47		46	
2009	50		50		5		50		45	
2010	45		45		3		45		42	
<b>Total 11<sup>th</sup> Plan</b>	<b>142</b>	<b>0</b>	<b>142</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>142</b>	<b>0</b>	<b>133</b>	<b>0</b>

Source: Department of Scheduled Caste and Tribal Development, Government of Gujarat. Ahmadabad.

Except a single case of SC during 2010, no case has been reported as refusal case during 9th, 10th and 11th Plan first 4 years period. Similarly, not a single case has been found false/by mistaken/fact of law etc. under PCR Act, 1955. About 98 SC cases in 9th Plan, 218 SC cases in 10th Plan, and 142 SC cases in first four years of 11th Plan have been registered under this act. Only 9 SC cases during 9th Plan, 27 SC cases in 10th Plan, and 6 SC cases have been acquitted under this act in the State.

**Table 5.3: Physical performance of the scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for PCR Act, 1955**

YEAR	No of cases Refused		No of cases Found false/mistake/fact of law etc.		No of cases charge sheet submitted by police		No of cases convicted		No of cases acquitted or discharged	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	-		-		50		-		3	
2002	-		-		48		-		6	
<b>Total 9<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>98</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>0</b>
2003	-		-		45		-		6	
2004	-		-		40		-		6	
2005	-		-		46		-		12	
2006	-		-		43		-		2	
2007	-		-		44		-		1	
<b>Total 10<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>218</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>27</b>	<b>0</b>
2008	-		-		47		-		1	
2009	-		-		50		2		3	
2010	1		-		45		-		2	
<b>Total 11<sup>th</sup> Plan</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>142</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>6</b>	<b>0</b>

Source: Department of Scheduled Caste and Tribal Development, Government of Gujarat. Ahmadabad.

### 5.7 Physical Progress for POA Act, 1989 in Gujarat State:

During the last two years of 9<sup>th</sup> Plan, about 7413 SC cases and 1856 ST cases have been registered for the POA Act, 1989. About 1856 SC cases and 1521 ST cases have been closed after investigation. The number of cases registered all has been charge sheeted in 9<sup>th</sup> Plan, and about 5892 SC cases and 1504 ST cases were pending for either proper investigation or court verdict. During 10<sup>th</sup> Plan under the Act, more than double the number of cases of SCs (18,938 SC cases, 4286 ST cases) have been registered and the same number have been charge sheeted and were also shown as brought forward cases. However, only about 40% of the cases of SCs and STs have been closed after investigation. During 11<sup>th</sup> Plan, about 12,983 SC cases and 2644 ST cases under POA Act, 1989 have been registered and the same numbers of cases have been brought forwarded and wer also charge sheeted. Only 15% of cases in the first 4 four years have been closed after investigation for both SCs and STs and huge number of cases are pending for want of investigation or court verdict. The analysis of the data provided by the State government indicates that, there is no proper format for the recording of data in the States, the number of cases under POA Act, 1989 are more in number compared to cases under PCR Act, 1955 besides the number of ST cases are low compared to SC cases.

**Table 5.4: Physical performance of the scheme in the State during 9th, 10th and 11th Plan for POA Act 1989**

YEAR	No of cases Registered		No of cases Brought Forward		No of cases closed after investigation		No of cases charge sheeted in courts		No of cases Pending	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	3653	950	3653	950	808	198	3653	950	2845	752
2002	3760	906	3760	906	713	154	3760	906	3047	752
<b>Total 9<sup>th</sup> Plan</b>	<b>7413</b>	<b>1856</b>	<b>7413</b>	<b>1856</b>	<b>1521</b>	<b>352</b>	<b>7413</b>	<b>1856</b>	<b>5892</b>	<b>1504</b>
2003	3877	892	3877	892	924	155	3877	892	2953	737
2004	3841	869	3841	869	974	158	3841	869	2867	711
2005	3767	845	3767	845	1021	156	3767	845	2746	689
2006	3649	838	3649	838	887	168	3649	838	2762	670
2007	3804	842	3804	842	797	179	3804	842	3007	663
<b>Total 10<sup>th</sup> Plan</b>	<b>18938</b>	<b>4286</b>	<b>18938</b>	<b>4286</b>	<b>4603</b>	<b>816</b>	<b>18938</b>	<b>4286</b>	<b>14335</b>	<b>3470</b>
2008	4099	860	4099	860	754	165	4099	860	3345	695
2009	4272	870	4272	870	571	111	4272	870	3701	759
2010	4612	914	4612	914	425	98	4612	914	4187	816
<b>Total 11<sup>th</sup> Plan</b>	<b>12983</b>	<b>2644</b>	<b>12983</b>	<b>2644</b>	<b>1750</b>	<b>374</b>	<b>12983</b>	<b>2644</b>	<b>11233</b>	<b>2270</b>

Source: Department of Scheduled Caste and Tribal Development, Government of Gujarat. Ahmadabad.

As in the case of PCR Act, 1955, in POA Act, 1989 also, except one case no case of SC and ST have been neither refused nor found to be false/mistaken/or against law. This indicates only those which are being registered are only being shown as registered and against other indicators they are shown as nil. During 9<sup>th</sup> Plan, 7413 SC cases and 1856 ST cases charge sheets were submitted by police, and 18938 SC cases, 3686 ST cases during 10<sup>th</sup> Plan, and during 11<sup>th</sup> Plan, about 12,893 SC cases, and 2644 ST cases were charge sheeted. The number of cases convicted are very few and they are only 217 SC cases and 50 ST cases during 10<sup>th</sup> Plan and 71 SC cases and 23 ST cases during 11<sup>th</sup> Plan. However, as in other



States large number of SC and ST cases are pending in the State for want of proper investigation and court verdict under PCR Act, 1989.

**Table 5.5: Physical performance of the scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act 1989**

YEAR	No of cases Refused		No of cases Found false/mistake/fact of law etc.		No of cases charge sheet submitted by police		No of cases convicted		No of cases acquitted or discharged	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	-		-		3653	950	25	3	783	195
2002	-		-		3760	906	30	7	683	147
<b>Total 9<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7413</b>	<b>1856</b>	<b>55</b>	<b>10</b>	<b>1466</b>	<b>342</b>
2003	-		-		3877	892	39	5	885	450
2004	-		-		3841	569	37	5	937	153
2005	-		-		3767	545	58	11	963	145
2006	-		-		3649	838	51	14	836	154
2007	-		-		3804	842	32	15	765	164
<b>Total 10<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18938</b>	<b>3686</b>	<b>217</b>	<b>50</b>	<b>4386</b>	<b>1066</b>
2008	-		-		4099	860	22	8	732	157
2009	-		-		4272	870	28	9	543	102
2010	1		-		4612	914	21	6	404	92
<b>Total 11<sup>th</sup> Plan</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12983</b>	<b>2644</b>	<b>71</b>	<b>23</b>	<b>1679</b>	<b>351</b>

Source: Department of Scheduled Caste and Tribal Development, Government of Gujarat. Ahmadabad.

### 5.8 Relief and Rehabilitation measures in Gujarat State:

As in other States, of the various cases registered, large number of cases of SCs belong to insult/intimidation (80%) followed by other small crime cases (12%). Grievous hurt, rape and murder, burnt houses are about 700 during 10<sup>th</sup> plan for SCs. In the case of STs, the total numbers of cases registered for compensation are about 792. Serious crimes of murder are about 85 for SCs and 27 for STs. The total amount released as compensation during 10<sup>th</sup> Plan period was Rs. 3.4 crore for SCs and Rs.96 lakhs for STs.

During 11<sup>th</sup> Plan first 4 years period, about 5133 SC cases and 930 ST cases were registered. Among these cases, 59 SC and 47 ST cases were registered relating to murder, 160 SC cases are rape and 134 ST cases are rape. Most of the cases belong to insult/intimidation. The burning of houses and grievous hurt cases are about 20% for SCs and 8% for STs. About Rs. 3.7 crore for SCs and Rs.1.2 crore have been released as compensation to the victims during 11<sup>th</sup> Plan. This amount is very low compared to the allocation of funds for the scheme during the 10<sup>th</sup> Plan and 11<sup>th</sup> plan periods.

**Table 5.6: Relief and Rehabilitation details for the victims of PoA Act, 1989 in 10th and 11th Plan (Rs in Lakh)**

Sl. No	Nature of crime	10 <sup>th</sup> Plan*				11 <sup>th</sup> Plan*			
		No. of cases Registered		Amount released		No. of cases Registered		Amount released	
		SCs	STs	SCs	STs	SCs	STs	SCs	STs
1	Murder	85	27	96.07	95.80	59	47	74.5	116.69
2	Rape	145	80	36.35		160	134	41.65	
3	Grievous hurt	379	33	45.38		285	61	61.39	
4	Insult/intimidation	4136		112.23		3615		149.57	
5	Burnt Houses	119	5	7.26		25	3	2.94	
6	Others	881	647	39.35		989	685	44.84	
	<b>Total</b>	<b>5745</b>	<b>792</b>	<b>336.64</b>	<b>95.80</b>	<b>5133</b>	<b>930</b>	<b>374.89</b>	<b>116.69</b>

Source: Department of Scheduled Caste and Tribal Development, Government of Gujarat. Ahmadabad.

### 5.9 Implementation mechanism in Gujarat State for PCR Act, 1955 and POA Act, 1989

The State has identified atrocities prone areas. Out of 25 districts in the state 11 districts viz. Mehsana, Ahmadabad Rural, Junagadh, Kutch, Banaskantha, Kheda, Amreli, Rajkot Rural, Surendranagar, Vadodara Rural & Bharuch have been identified as atrocity prone districts. Vide Home Department (Government of Gujarat) notification dated: 17-12-1983. These districts are sensitive for the crimes on SCs. Rules and Regulations have been formed in local language. No Mobile courts are sanctioned in the State but, relief and rehabilitation measures are there in the State. The state government has constituted State level Vigilance and Monitoring Committee since 30.06.2010, which includes the Principal Secretary SJ&ED, 4 Principal Secretaries from various departments, ADGP, M.D SC Corporation and Safai Kamdar department, Director of FSL, Director of SC Welfare and 3 Vigilance Officers. Filing of report is being done quarterly from State to Centre. Financial Assistance to encourage Dr. Savita Ambedkar Inter caste Marriage between Scheduled Caste and Caste Hindus the couple is given financial assistance of Rs.50000/- under this scheme. Out of which Rs.25000/- for household materials and Rs.25000/- in terms of National Saving Certificate. Rs.206.44 lakh has been disbursed and 412 beneficiaries have been benefited during the year 2010-11.

There are 11 NGOs working in the state for awareness generation under this scheme. For the effective implementation of Atrocities Act 1989 and Protection of Civil Right Act 1955 Rule 3(8) & Rule 3(9) and to provide understanding of such rules, 25 awareness centers were started. Financial Assistance have been given by the Government to NGOs is Rs.15,000/- per organization to organize seminars and other programmes.

**Table 5.7:Details of NGOs working in Gujarat State for PCR Act, 1955 and POA Act, 1989.**

Sl.No.	Name of N.G.O.	Address of N.G.O.
1	Shram Bharatiya Khadi Gramodhyog Sangh, Ahmadabad	Shri Parmar Manilal N. President, 15, MukSevak Society, Radhaswami Road, B/h R.T.O. Ranip, Ahmadabad
2	Vikalang Sarvangi Vikas Trust (Ambaji)	Smt. Chandraben Sureshbhai Shrimali President, Plot No.96/1, Sec-3/A, Gandhinagar
3	Bharatiya Mahila Vikas Parishad, Mehsana	Smt. Ranjanben R. Parmar President, Ambedkarnagar, B/h Water Bor, On Tekara, Nr. Khari River, Lakhvadi Bhagol, Mehsana
4	Shri Jagatpuri Seva Trust, Padan, Tal. Vav, Dist. Banaskantha	Shri Vejiya Ambabhai Khemabhai President, Mu. Po. Padana, Tal.Vav, Dist. Banaskantha (M) 99796 96755
5	Shri Veermaya Seva Trust, Mu. Varana, Tal. Sami	Shri Vashabhai Ranchhodbhai Vankar President, Mu. Po. Varana, Tal. Sami, Dist. Patan (O) 02733 242837, (M) 9924518023
6	Shri Ramkrupa Trust, Nava Revas, Tal. Idar	Smt. Neeruben Virchandbhai Makwana Mantri, Mu.Po. Nava Revas, Tal. Idar, Dist. Banaskantha
7	Divya Jyoti Foundation, Balashinor, Dist. Kheda	Smt. Jagrutiben Amirkumar Gupta, President, 43, Samruddhi-deep, Nr. Town Hall, Mu.Tal. Balashinor, Dist. Kheda. (M) 99092 23826
8	Jagjivanram Vidhyarthi Ashram Trust, Jambusar	Shri Dhanjibhai Dhudhabhai Gohil, President, Nr. Khodiyar Mataji Temple, Tankari Bhagol, Mu. Tal.Jambusar, Dist. Bharuch
9	Shri Rekha Sarvajanic Trust, Lambhvel, Tal. Dist. Anand	Shri Chauhan Bhagabhai Ashabhai, President, Mu. Lambhvel, Rohitvas, Tal. Dist. Anand
10	Vidhata Manav Mahila Seva Trust, Mu. Shihor	Shri Kantibhai Dayabhai Parmar Mantri, Rajivnagar, B/h Bandhan Party Plot, Mu.Tal. Shihor, Dist. Bhavnagar
11	Jagruti Mahila Seva Sangh	Shri Vegda Shardaben G. President, Vaghela Hansaben Kalidas Mantri, Room No.92, New Harshad Mill Chawl, Ranjit Sagar Road, Jamnagar

Source: Department of Scheduled Caste and Tribal Development, Government of Gujarat. Ahmadabad

## 5.10 Sampled Districts

### (i) Mehsana

Mehsana district in north Gujarat is located in the lowlands between the Aravalli Range and the little Rann of Kutch. The town is a centre of marketing and manufacturing. It is a major junction of the Western Railway and several highways. Mehsana borders with Banaskantha district in the North, Patan and Surendranagar districts in west, Gandhinagar and Ahmadabad districts in south and Sabarkantha district in the east. There are over 600 villages in this district. It had a population of 1,837,892 of which 22.40% were urban as of 2001. Mehsana district consists of 9 Talukas. These are Becharaji, Kadi, Kheralu, Mahesana, Vadnagar, Vijapur, Visnagar, Satlasana and Unjha. Mehsana has an average literacy rate of 84.26% with male literacy is 91.88%, and female literacy is 76.12%. Sex ratio of the district is 925 and density of district is 462 sq.km.

### (ii) Ahmadabad

Ahmadabad city is on the banks of the river Sabarmati, in north-central Gujarat. Ahmadabad is divided by the Sabarmati into two physically distinct eastern and western regions. The eastern bank of the river houses the old city, which includes the central town of Bhadra. This part of the city houses educational institutions, modern buildings, well-planned residential areas, shopping malls, multiplexes and new business districts centered around Gandhinagar Highway. The city of Ahmadabad, in the northern part of the district, is the administrative headquarters. It had a population of 58,16,519 of which 80.18% were urban as of 2001. Ahmadabad District is surrounded by Mehsana, Sabarkantha, and Gandhinagar districts to the north, Kheda district to the east, the Gulf of Cambay and Bhavnagar district to the south, and Surendranagar district to the west. Ahmadabad District is divided into a number of talukas including Barwala, Daskroi, Dholka, Dhandhuka, Detroj, Sanand, Bavla, Ranpur, Mandal, Ahmadabad City and Viramgam.

#### 5.10.1 District Department implementing PCR, 1955 and POA Act, 1989

In District, the District Backward Class Welfare Officer for SCs and District Vigilance Officer of Tribal Department for STs are the nodal officers at the district level. At district level, District Vigilance Officers (Tribal Development) have been set up in 13 districts and two Social Welfare Officers in two districts.

#### 5.10.2 Financial Progress of PCR Act, 1955 and POA Act, 1989 in districts:

During 9<sup>th</sup> Plan, about Rs. 22 lakhs in Mehasana district and Rs.81 lakh in Ahmadabad district were allocated and almost the whole amount has been utilised in both the districts. In 10<sup>th</sup> Plan, this amount has reduced considerably and in Mehasana only about Rs.11 lakhs have been allocated whereas, in Ahmadabad district about Rs.65 lakhs have been allocated and the whole amount has been utilised. During the first four years of 11<sup>th</sup> Plan, about Rs.15 lakhs in Mehasana district and Rs.110 lakhs in Ahmadabad district has been allocated. As in other five year plans, whole amount has been spent by the district authorities in implementing the two schemes indicating that, there is a need for more funds for the two schemes implementation. In 10<sup>th</sup> Plan period, there was shortage of allocation of funds and there is lot of variation in the allocation and utilisation of funds in the two districts over the plan periods.

**Table 5.8: Financial progress of PCR, 1955 and POA Act, 1989 in 10<sup>th</sup> Plan and 11<sup>th</sup> Plan of the two districts in the State**

(Rs in Lakh)

Plan/Year	Total allocation (in PoA Act)		Expenditure(in PoA Act)	
	Mehesana	Ahmadabad	Mehesana	Ahmadabad
<b>9<sup>th</sup> Plan (1998-99 to 2001-02)</b>	<b>22.03</b>	<b>80.5</b>	<b>22.03</b>	<b>79.5</b>
10 <sup>th</sup> Plan (2002-03 to 2006-07)*	10.79	<b>65.18</b>	<b>10.79</b>	<b>63.93</b>
2007-08	1.38	<b>33.4</b>	1.38	33.39
2008-09	3.87	<b>25.1</b>	3.87	25
2009-10	6.19	<b>27.23</b>	6.19	27
2010-11	3.82	<b>25.01</b>	3.82	25.01
<b>Total in 11<sup>th</sup> Plan</b>	<b>15.26</b>	<b>110.74</b>	<b>15.26</b>	<b>110.4</b>

Source: Department of Scheduled Caste and Tribal Development, Government of Gujarat. Ahmadabad.

### **5.10.3 Physical Progress of PCR Act, 1955 in Mehasana and Ahmadabad districts**

During 10<sup>th</sup> Plan, about 245 SC cases and 8 ST cases have been registered in Mehasana district and only 4 SC cases have been registered in Ahmadabad district. Almost similar number of cases have been brought forward from earlier years in both the districts during this plan period. Only 9 SC cases in Mehasana district have been closed after investigation. Almost all registered cases of SCs and STs have been charge sheeted in both districts. The district authorities could not able to provide us data relating to pending cases. In the case of Ahmadabad district though the State capital, the secondary data was not available with the authorities. During 11<sup>th</sup> Plan period first 4 years, about 191 SC cases, and 10 ST cases have been registered in Mehasana district. As in 10<sup>th</sup> Plan, the data are not available from Ahmadabad district. Only 3 cases of SCs have been closed after investigation, but most of the registered cases have been charge sheeted in Mehasana district. Only few cases of SCs have been charge sheeted for PCR Act, 1955 during 10<sup>th</sup> and 11<sup>th</sup> Plan and the data regarding this scheme is not available indicating that, there were no cases of atrocities in Ahmadabad district.

**Table 5.9: Physical performance of the scheme in the districts during 10<sup>th</sup> and 11<sup>th</sup> Plan for PCR Act 1955**

Year	No. of cases Registered				No. of cases Brought forward				No. of cases closed after Investigation				No. of cases Charge sheeted in courts				No. of cases Pending			
	Mehesana		Ahmadabad		Mehesana		Ahmadabad		Mehesana		Ahmadabad		Mehesana		Ahmadabad		Mehesana		Ahmadabad	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
10 <sup>th</sup> Plan (2002-03 to 2006-07)*	245	8			245	8			9	0			236	8			0	0		
2007-08	73	5			73	5			1	0			72	5			0	0		
2008-09	67	2			67	2			2	0			65	2			0	0		
2009-10	51	3			51	3			0	0			51	3			0	0		
Total of 11 <sup>th</sup> Plan	191	10			191	10			3	0			188	10			0	0		

Source: Department of Scheduled Caste and Tribal Development, Government of Gujarat. Ahmadabad

#### 5.10.4 Physical performance of the scheme in the State for POA Act, 1989

About 234 SC cases and 5 ST cases have been registered under POA Act, 1989 and these cases have been considerably lower in the first 4 years of 11<sup>th</sup> Plan in Ahmadabad district. No cases of atrocities were reported in Mehasana district during 10<sup>th</sup> and 11<sup>th</sup> plan periods. These cases have been brought forward from previous years in Ahmadabad district. About 14 SC cases and one ST case have been closed after investigation by police authorities, and more than the registered cases in 10<sup>th</sup> Plan and a few less cases in 11<sup>th</sup> Plan of SCs have been charge sheeted in Ahmadabad district. The data regarding the Mehasana district is lacking indicating that, there were no proper records in the district under these schemes.

**Table 5.10: Physical performance of the scheme in the State during 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act, 1989**

Year	No. of cases Registered				No. of cases Brought forward				No. of cases closed after Investigation				No. of cases Charged sheeted in courts				No. of cases Pending			
	Mehesana		Ahmadabad		Mehesana		Ahmadabad		Mehesana		Ahmadabad		Mehesana		Ahmadabad		Mehesana		Ahmadabad	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001																				
2002																				
2003																				
2004																				
2005																				
2006																				
<b>Total of 10<sup>th</sup> Plan</b>			4				4								4					
2007																				
2008																				
2009																				
2010																				
<b>Total of 11<sup>th</sup> Plan</b>			5				5								0					

Source: Department of Scheduled Caste and Tribal Development, Government of Gujarat. Ahmadabad.

Only 220 SC cases and 4 ST cases have been charge sheeted in Ahmadabad district during 10th Plan period and in 11th plan in this district similar trend was seen. The number of cases convicted are only 9 and 1 in Ahmadabad for SCs and no data regarding STs and Mehasana district is available for the two five year plan periods. The number of acquitted cases were also very few indicating that there are large number of cases pending disposal and investigations.

**Table 5.11:Physical performance of the scheme in the State during 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act, 1989**

Year	No. of cases Refused				No. of cases found false/mistake/fact of law etc				No. of cases charge sheet submitted by police				No. of cases convicted				No. of cases acquitted or discharged				
	Mehesana		Ahmadabad		Mehesana		Ahmadabad		Mehesana		Ahmadabad		Mehesana		Ahmadabad		Mehesana		Ahmadabad		
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	
<b>2001</b>												44				1					
2002												36				2					
2003												41	2			1					2
2004												47				3					
2005												49				2					
2006												47	2			1					
<b>Total of 10<sup>th</sup> Plan</b>												<b>220</b>	<b>4</b>			<b>9</b>					
2007												77	4			1					
2008												63	4								
2009												60	3								
2010																					
<b>Total of 11<sup>th</sup> Plan</b>												<b>200</b>	<b>11</b>			<b>1</b>					

Source: Department of Scheduled Caste and Tribal Development, Government of Gujarat. Ahmadabad.



**Table 5.12: Relief and Rehabilitation details for the victims of PoA Act, 1989 in 10<sup>th</sup> and 11<sup>th</sup> Plan (Rs.in lakhs)**

Sl.No	Nature of crime	10 <sup>th</sup> Plan								11 <sup>th</sup> Plan*							
		No. of cases Registered				Amount released				No. of cases Registered				Amount released			
		Mehesana		Ahmadabad		Mehesana		Ahmadabad		Mehesana		Ahmadabad		Mehesana		Ahmadabad	
		SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
1	Murder	1				0.5				2		1		1.5			1
2	Rape	3		3		0.75		4.5		9		9		2.25			2
3	Grievous hurt	8		6		2.41		1.75		8		9		2.99			3.2
4	Burnt Houses			9				5.32		2				1.14			
5	Others	284		314		7.74		17.3		189		274		5.87			17.7
<b>Total</b>		<b>296</b>		<b>332</b>		<b>11.4</b>		<b>28.87</b>		<b>210</b>		<b>293</b>		<b>13.75</b>			<b>2</b>

Source: Department of Scheduled Caste and Tribal Development, Government of Gujarat. Ahmadabad.

### 5.11 Relief and Rehabilitation of the SC and ST victims in the two districts

About 296 SC cases have been registered for relief and rehabilitation during 10th Plan period in Mehasana district and Rs. 11.4 lakhs have been released for the victims' families by the district authorities. In Ahmadabad district, 332 ST cases have been registered for relief and Rs. 29 lakhs have been released during 10th Plan period. In 11th Plan first 4 years period, 210 SC cases have been registered and in Ahmadabad about 293 SC cases have been registered for relief and rehabilitation and Rs. 14 lakhs and Rs.25 lakhs have been released in Mehasana and Ahmadabad districts respectively. Of the registered cases for relief and rehabilitation most of the cases pertains to other category of small crimes like insult, intimidation in both the districts during 10th and 11th Plan periods. Serious crimes like murder, grievous hurt and burning of houses are very few in both the districts in both the five years plans.

## 5.12 Implementation details of the PCR Act, 1955 and POA Act, 1989 in the two districts

Mehesana district Kadi Taluka has been identified as atrocity prone area. Rules and regulations are formed and circulated in local languages to the SCs and STs in the district. No mobile court is found in the district. The district has District Vigilance and Monitoring Committee. NGOs and Agencies working in Districts are, (1) Bharatiya Mahila Vikas Parishad, (2 ) Nav Surgan Institute. Half-yearly and annual reports are being prepared and filed by the districts to State.

## 5.13 Affected families, Case studies, beneficiaries' data and impact analysis in the State

In Gujarat State two selected districts, Ahmadabad rural and Mehasana districts were selected for study and from each districts four Talukas have been covered i.e. Sananda, Viramgam, Kadi and Mehasana. A total of 77 SC and 35 ST victim families from Ahmadabad and 92 SCs and 37 STs victims families from Mehasana district have been covered for the primary data relating to their socio-economic conditions, the literacy, occupation, housing and nature and type of crimes committed against these victims/families, the condition and status of the crime etc in the detail questionnaire.

These data indicated that, out of the 241 crime related families, the average family size is 5.8 in the Mehasana district for both SCs and STs and 5.6 in the case of Ahmadabad district. The land ownership is very small 38% in Mehasana and 52% in Ahmadabad district. Of the surveyed families, more than 50% of them in Mehasana and Ahmadabad have pucca houses and only a few have semi pucca houses. The source of drinking water supply is about 82% of the families in Mehasana had community hand pumps, whereas in Ahmadabad district about 84% had both government supply and community hand pumps. About 92% of the victim families had electric supply in Mehasana district whereas 90% in Raipur district victim families had electric supply.

**Table 5.13: Socio-economic conditions of Beneficiaries/Affected families in the selected districts**

(in percentage)

District	Family Size	Percentage land owners	House type			Sources of drinking water			Electric supply	
			Kachcha	Pucca	Semi Pucca	Government supply	Own Hand	Community Hand	Yes	No
MEHSANA	5.8	38	26	56	18	14	4	82	92	8
AHMADABAD	5.6	52	36	56	8	10	6	84	90	10
Total	5.7	45	31	56	13	12	5	83	91	9

Source: Primary Data from the field, Mehsana and Ahmadabad Districts, Gujarat.

The socio-economic data indicate that, 48% of the victims' families are agriculture wage labourers, and 10% are based in cultivation for their occupation in Mehasana district. In Ahmadabad district, about 12% are agricultural labourers, but 32% are in agriculture related activities and 12% are salaried class, 16% own the petty shops.

**Table 5.14: Occupational pattern of Beneficiaries/Affected families in the selected districts**

(in percentage)

Districts	Percentage of households								
	Cultivation	Allied agricultural activities	Agri. wage labour	Non-Agri. wage lab	Artisan	Petty shop	Organised business /trade	Salaried employment pension	Others
MEHSANA	18	10	48	14	0	6	0	4	0
AHMADABAD	24	8	12	28	0	16	0	12	0
Total	21	9	30	21	0	11	0	8	0

Source: Primary Data from the field, Mehsana and Ahmadabad Districts, Gujarat.

The victims' families literacy and educational qualifications indicate that, in Mehasana district 54% are illiterate, 30% are literate and very few have primary and above level educational qualifications. In the Ahmadabad district, 36% are illiterate and primary level and above educational qualifications are about 42%. In Ahmadabad district has more educated and literate victim families.

**Table 5.15: Education level of Beneficiaries/Affected families in the selected districts**

(in percentage)

Districts	Percentage							
	Illiterate	Literate	Primary	Middle	Metri c	Inter	Graduate	Post graduate
MEHSANA	54	30	8	8	0	0	0	0
AHMADABA D	36	22	10	10	4	18	0	0
Total	45	26	9	9	2	9	0	0

Source: Primary Data from the field, Mehsana and Ahmadabad Districts, Gujarat.

In the nature of crimes, it is found that, 34% of the cases were individual based and 76% were family level in Mehsana district. Whereas in Ahmadabad district, 36% of the cases were individual based and 64% were of family based ones. Of the types of cases, 6% cases were of murder, 14% of rape and 80% of various others types in Durg district. On the whole most of the cases in both the districts are of insult and intimidating, house burning, grievous injury types (78%) as is also reflected in the State and district level data.

The victims indicated that, about 19% of the cases are at individual level and 81% of the cases are taking due to community in both the districts though in Mehsana district, community level crimes were reported to be low. More than 50% of the cases in Mehsana and 50% of the cases in Ahmadabad district took place in public places, 26% at the road side and half to these cases happened in the neighbourhood. About 10% of the cases in Mehsana were reported at the agriculture related cases and in the agriculture field. Nearly 92% of the cases have been reported by the victims surveyed and all the reported cases have been registered by the police authorities.

**Table 5.16:Crime details of the affected families in the selected districts**  
(in percentage)

Nature of Crime	MEHSANA	AHMADABAD	Total
<b>(i)Single/ Multiple</b>			
A. Individual level	34	36	35
B. Family level	76	64	70
C.Murder	0	4	2
D.Others	100	96	98

Source: Primary Data from the field, Mehsana and Ahmadabad Districts, Gujarat.

**Table 5.17:Crime details of the affected families in the selected districts**  
(in percentage)

Crime details	MEHSANA	AHMADABAD	Total
Crime by individual	38	0	19
Crime by community	62	100	81
Crime at neighbourhood	12	14	13
Crime at public place	46	48	47
Crime at work place	6	2	4
Crime at \agriculture field	10	6	8
Crime at road side	26	30	28
Crime reported	90	94	92
Crime has been registered	100	100	100
Time taken for registration			
1 to 30 days	48	50	49
30 to 60 days	22	30	26
Above 60 days			
Police cooperative	56	62	59
Enquiry officer visited the individual/place of crime/enquired	84	84	84
Level of authority visited			
DSP	39	48	43
Inspector	27	24	25
SI	34	29	31
Status of Complaint			
Case pending in court	71	36	53
Pending status of case -			
a.Less than three months			
b.3 to 6 months	10	5	10
c.6 months to one year	55	60	55
d.More than one year	35	35	35
Got compensation-			
Monetary	100	100	100
Got travelling allowance for court	26	28	27
Got Government advocate for the case			
Reasons of pending cases-			
a.Time lag			

Crime details	MEHSANA	AHMADABAD	Total
b. Due to non-cooperation of authorities/police	71	57	50
c. Due to distance of courts/police station	14	43	22
d. Due to coercion/security	14	14	11
e. Awareness of PCR, 1955 Act	63	55	58
f. Awareness of PoA Act, 1989	32	44	38
g. Availing other SC and ST schemes	14	18	16

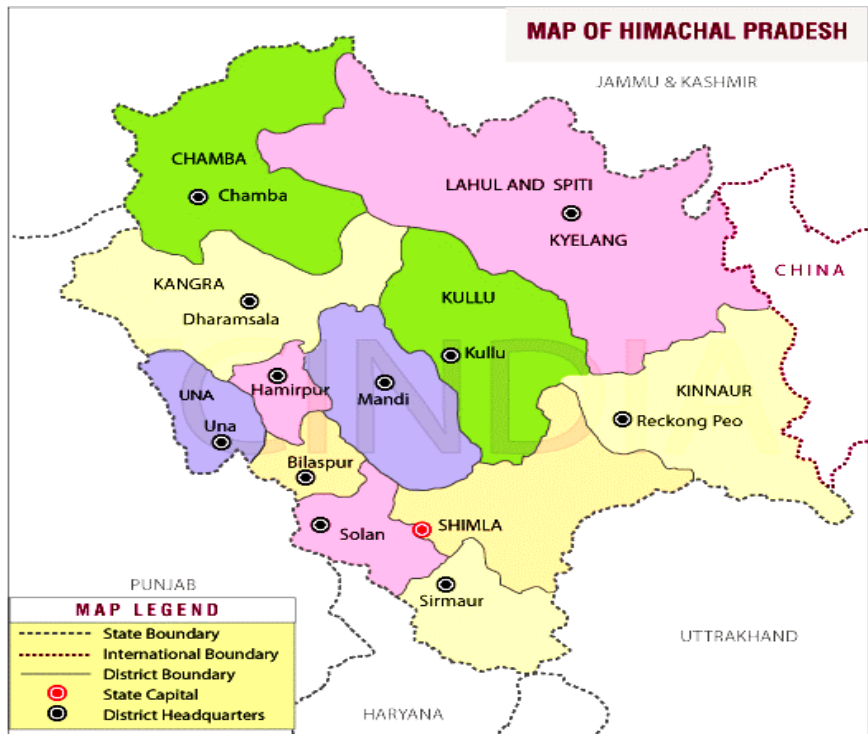
Source: Primary Data from the field, Mehsana and Ahmadabad Districts, Gujarat.

About 50% of the cases in Mehasana have been registered within one month and 70% of the cases in Ahmadabad reported that, it took month for registering the case with the authorities. About 71% of the victims in Mehsana and 36% in Ahmadabad district have reported that, their cases are pending either with police stations or in the courts for more than six months to a year for want of various reasons like getting trial date, proper witness and police action etc. In case of where the cases have been settled, all the victims/beneficiaries indicated that, they have got the monetary compensation and 26% of the victims in Mehsana and 28% in Ahmadabad district got the travelling and other miscellaneous benefits for attending the police station and courts. About 71% of victims in Mehasana and 57% in Ahmadabad district reported that, their cases pending due to lack of cooperation from police authorities, due to distance of police station and courts (22%). About 43% of the victim's families informed that, DSP level of police authorities visited the place of crime for enquiry and in the rest of the case lower level of authorities visited the place. About 14% in Mehasana and Ahmadabad districts also informed that, there is coercion from the respondents and authorities not to press the cases. About 58% of the victims are aware of the details of the PCR Act, 1955 and 1/3<sup>rd</sup> are aware of the PoA Act, 1989 in both the districts and this percentage is higher in Ahmadabad district than in Mehasana. Only 16% of the victim families indicated that, they are availing some or other government schemes like NRGSA, Pre and Post Metric scholarship to their children, housing subsidy, etc.

## 6 IMPLEMENTATION AND EVALUATION OF PCR ACT, 1955 AND POA ACT, 1989 IN HIMACHAL PRADESH

### 6.1 Brief demographic and geographical background of State

Himachal Pradesh is a beautiful state located in the northern part of India. The land is dominated by the great Himalayas in the north-east and marked with lower ridges of the Shivalik ranges in the south-east thus sometimes called a Mountain State. It is spread over 21,495 sq mi (55,670 km<sup>2</sup>) and is bordered by the Indian states of Jammu and Kashmir on the north, Punjab on the west and south-west, Haryana and Uttar Pradesh on the south, Uttarakhand on the south-east and by the Tibet Autonomous Region on the east. The literal meaning of Himachal Pradesh is *Region of snowy mountains*.



Himachal Pradesh has one of the highest per capita incomes of any state in India. The economy of the state is highly dependent on three sources: hydroelectric power, tourism and agriculture.

Himachal Pradesh is divided into 12 districts namely, Kangra, Hamirpur, Mandi, Bilaspur, Una, Chamba, Lahul and Spiti, Sirmaur, Kinnaur, Kullu, Solan and Shimla. The state capital is Shimla and the main communities in the State are Brahmins, Gujjars, Rathis, Jats, Rajputs, Gaddis, Ghirth, Kanets, and Kolis. Himachal Pradesh has the highest proportion of Hindu population in India (95%). Other religions that form a small percentage are Buddhism and Sikhism. Sikhs mostly live in towns and cities. The Buddhists are mainly natives and tribals from Lahaul and Spiti, where they form majority of 60% and Kinnaur where they form 40%, however the bulk are refugees from Tibet.

The major spoken languages include Hindi, Punjabi, Mahasui, Kulluyi, Lahauli, Kinnauri, Chambyali, Sirmauri, Gojri (by Gujjars), Bilaspuri, Pahari, Dogri & Kangri. According to 2001 census the population of Scheduled Castes and Scheduled Tribes in Himachal Pradesh is 24.72 & 4.22 percent respectively. The government is committed for the socioeconomic development of weaker sections of the society including Scheduled Castes/Scheduled Tribes and providing them various safeguards from social injustice and all forms of exploitation. In spite of geographical isolation, difficult terrain and inclement weather conditions and having different castes, creeds and religions in the state, the people of hill state of Himachal Pradesh are living in congenial atmosphere.

## **6.2 Implementation details of scheme of assistance under PCR Act, 1955 and POA Act, 1989 by the Himachal Pradesh State.**

The State government is implementing the two acts through the Police department and the Principal Secretary of Social Justice & Empowerment (SJ &E). The state has 12 districts and 77 blocks. As per the state government, cases are registered under SC/ST POA Act. Shimla is more atrocity prone area followed by Kangra, Hamirpur, and Sirmour etc. in the state. There are more conviction cases and most cases are becoming hostile and getting compromised between the parties. Police is not taking more interest in this act and cases are not being booked under Section 3 by the police official. As per the act one of the DSP rank official is bound to go to the investigation site. So to avoid this, in most of the cases police is not lodging the SC/ST atrocity cases. The state is not having any mobile courts to look after the speedy trial of these cases. The victims were also not getting any transportation charges from the social welfare department for attending the courts and police station.

Protection of Civil Rights act 1955, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, and rules are being implemented in the state. Due to negligible number of cases being registered under these acts, the state government has notified the entire district & session's courts as special courts and to conduct the cases under the Act, and all the districts attorneys have been appointed as Public Prosecutors.

Although there are no atrocity prone areas in the state, the administrative machinery is quite vigilant and prepared to face any eventuality. A SC and ST protection cell has been setup at state level under the charge of Director General of police who is responsible for the implementation of the provisions contained in Rule 8. The Principal Secretary (SJ&E) has been nominated as Nodal officer and he has been made responsible for the implementation of the various provisions as contained in Rule 9. All the Addl. District Magistrates are declared as Special Officers. The offences committed under SC Acts (1955 and 1989) are investigated by police officer not below the rank of Deputy Superintendent of Police.

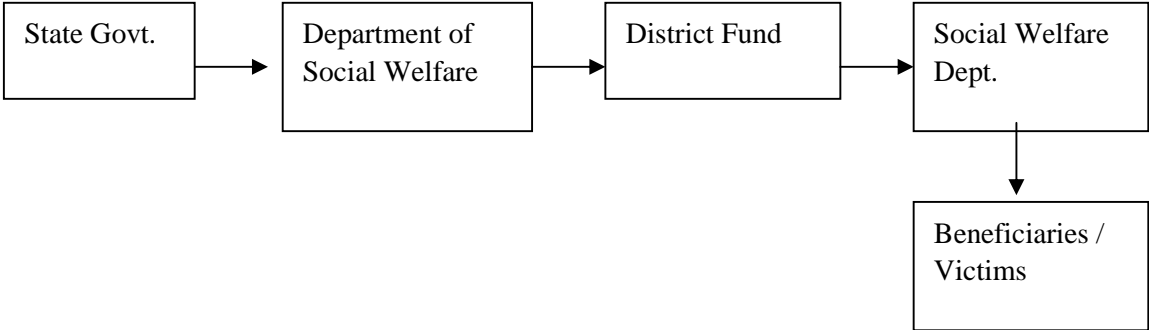
A State level Vigilance & Monitoring Committee has been constituted under the Chairmanship of the Hon'ble Chief Minister. Besides this, District Level Vigilance & Monitoring Committees have been constituted under the Chairmanship of the concerned Deputy Commissioners respectively. These committees are meeting at regular intervals as prescribed under the rules and reviewing the cases registered/ under investigation and under trial in the courts. The district level committees are responsible for providing immediate relief to the victims of atrocities as per the norms laid down under Rule 12 (4). Adequate budget has been placed at the disposal of district magistrates for providing relief. A state legal aid authority has been setup to provide legal aid to the weaker sections of society including SCs, STs & women.

For generating awareness amongst the masses about the implementation SC/ST (POA) act 1989 & Rules 1995 and PCR act 1955, awareness camps, workshops at village/panchayat/ block/ district level are being organized every year. With a view to eradicate untouchability, inter-caste marriages are encouraged by providing award of Rs.25000/- to such couples who contract inter-caste marriage.

The State Government has taken number of initiatives to main stream the members of SCs and STs. Separate demands in the budget have been created for SCs and STs for their socio-economic development. District level monitoring & review committees have been constituted for its monitoring & implementation and at state level a high power co-ordination

& review committee under the Chairmanship of Hon'ble Chief Minister has been constituted for the implementation & policy formulation for SCSP.

**Fund Flow Mechanism**



**6.3 Financial and physical progress of PCR Act, 1955 and POA Act, 1989**

**6.3.1 Financial Progress of PCR Act, 1955 and POA Act, 1989 in 10th Plan and 11th Plan**

In Himachal Pradesh State, during 10th Plan period Rs. 37.44 lakhs have been allocated for PCR Act, 1955 and about Rs.32.88 lakhs have been utilised indicating about 90% of the expenditure. The pattern of allocation of funds is erratic and not uniform. In the initial years, the amount allocated was very less and during the last years of the 10th Plan huge amount of Rs. 24.44 lakhs have been allocated and utilised indicating lack of proper planning. All the pending cases of rehabilitation and compensation and backlog are being cleared during the end of the five year plan period. For the POA Act, 1989, Rs. 49 lakhs have been allocated and only Rs. 28.06 lakhs have been utilised due to various reasons. Though there is almost equal amount of allocation over the years, but the utilisation is not full and only about 60% of the financial resources were utilised by the state government.

During 11th Plan first three years period, about Rs.34 lakhs have been utilised and allocated for the PCR Act, 1955. The amount of allocation has a pattern of about 10 to 12 lakhs each year. For the POA Act, 1989 about Rs. 21.29 lakhs have been allocated and only Rs. 10.85 lakhs have been utilised indicating about 50% of expenditure during the first three years.



**Table 6.1: Financial details of PCR Act, 1955 and POA Act, 1989 during 10<sup>th</sup> and 11<sup>th</sup> Plan (Rs. In lakhs)**

Plan/year	PCR Act 1955		POA Act 1989	
	Total allocation	Expenditure	Total allocation	Expenditure
10 <sup>th</sup> plan				
2002-03	1		9	6.53
2003-04	2		10	5.02
2004-05	5	4.72	10	5.46
2005-06	5	4.72	10	4.72
2006-07	24.44	24.44	10	6.33
<b>Total of 10<sup>th</sup> Plan</b>	<b>37.44</b>	<b>32.88</b>	<b>49</b>	<b>28.06</b>
11 <sup>th</sup> plan				
2007-08	12	12	10	3
2008-09	12	12	6.88	3.44
2009-10	10	10	4.41	4.41
<b>Total of 11<sup>th</sup> Plan</b>	<b>34</b>	<b>34</b>	<b>21.29</b>	<b>10.85</b>

Source: Department of Social Welfare, Government of Himachal Pradesh, Shimla.

### 6.3.2 Physical Progress of PCR Act, 1955 in 10th Plan and 11th Plan

During 9<sup>th</sup> Plan about 5 SC cases and 10<sup>th</sup> Plan period about 25 SC cases and 14 ST cases have been registered, however during 4 years of 11<sup>th</sup> plan, 14 cases have been registered under PCR Act, 1955. As can be seen in the following table, there is not a single case of ST has been registered during the first three years of 11<sup>th</sup> plan period. About 4 SC cases were brought forward during the last 10 years in the State. About 7 cases were closed after investigations out of 44 SC cases. About 6 SC cases during 2001 (last year of 9<sup>th</sup> Plan), 20 SC cases during 10<sup>th</sup> Plan, 12 SC cases during the first 4 years of 11<sup>th</sup> Plan were charge sheeted and a single ST case was charge sheeted in the 11<sup>th</sup> Plan period. The secondary data also shows that, about 3 SC cases are pending in the courts for want of evidence, court rulings, dates and witness etc.

**Table 6.2: Physical performance of the scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for PCR Act 1955**

YEAR	No of the cases registered		No of cases brought forward		No of cases closed after investigation		No of cases charge sheeted in courts		No of cases Pending	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	5		1				6			
2002	10				2		7		1	
2003	3		1		1		3			
2004	2						1		1	
2005	5		1				5		1	
2006	5		1		2		4			
2007	4						4			
2008	4				1		3			
2009	5	1			1		4	1		
2010	1						1			

Source: Department of Social Welfare, Government of Himachal Pradesh, Shimla.

Not a single case has been refused for registration by the state police or courts during all the previous 10 years. A total of 10 SC cases during the last 10 years, and about 2 SC cases during 11th Plan have been found to be false/mistaken/or under fact of law after registration. About 11 SC cases and 1 ST case have been charge sheeted under PCR Act, 1955, during first four years of 11<sup>th</sup> plan. About 27 SC cases have been either acquitted or discharged after trial by the courts during the last 10 years and the cases under 11th Plan period are 8.

**Table 6.3: Physical performance of the scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for PCR Act 1955**

YEAR	No of cases Refused		No of cases Found false/mistake/fact of law etc.		No of cases charge sheet submitted by police		No of cases convicted		No of cases acquitted or discharged	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001										
2002			2				1			
2003			1							
2004			1							
2005										
2006			2							
2007										
2008			1							
2009			1			1				
2010										
<b>Total of 11<sup>th</sup> Plan</b>			<b>2</b>							

Source: Department of Social Welfare, Government of Himachal Pradesh, Shimla.

### 6.3.3 Physical Progress of POA Act, 1989 in 10th Plan and 11th Plan

Unlike PCR Act, 1955, lot of cases have been registered, charge sheeted and investigated for POA Act, 1989 in the state. About 139 SC cases and 3 ST cases have been registered during 9<sup>th</sup> Plan, about 324 SC cases, 18 ST cases have been registered during 10<sup>th</sup> Plan period and 232 SC cases and 6 ST cases have been registered during the first three years of 11<sup>th</sup> Plan period for POA Act, 1989. The trend of registration indicates that, they are under increase both in SC and ST cases. About 20 SC cases and 70 SC cases during 9<sup>th</sup> and 10<sup>th</sup> Plan period have been brought forward from previous years. During the first three years of 11<sup>th</sup> Plan period, about 53 cases of SC have been brought forward. Not a single case of ST has been brought forward during the last 10 years in the state for the PoA Act, 1989. During 9<sup>th</sup> plan and 10<sup>th</sup> Plan periods, about 3/4<sup>th</sup> of the cases of STs have been charge sheeted.

About 1/3 of the registered cases are being closed after investigation during the last three plan periods for both SCs and STs. A large number of cases are under investigation and pending in the courts. About 50% of the case have been charge sheeted after being registered for both SCs and STs during the last 10 years. About 20% of the cases of SCs are pending in the courts whereas; the number of cases are very few.

**Table 6.4:Physical performance of the scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act 1989**

YEAR	No of cases Registered		No of cases Brought Forward		No of cases closed after investigation		No of cases charge sheeted in courts		No of cases Pending	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	69	2	10		34	1	35	1	10	
2002	70	1	10		18		44	1	18	1
<b>Total 9<sup>th</sup> Plan</b>	<b>139</b>	<b>3</b>	<b>20</b>		<b>52</b>	<b>1</b>	<b>79</b>	<b>2</b>	<b>28</b>	<b>1</b>
2003	73	2	18		31		47	2	13	
2004	68	2	13		21	1	42	1	18	
2005	34	3	18		10	2	34	1	08	1
2006	60	3	8		21	1	34	2	13	2
2007	89	8	13		50	1	35	7	17	
<b>Total 10<sup>th</sup> Plan</b>	<b>324</b>	<b>18</b>	<b>70</b>		<b>133</b>	<b>5</b>	<b>192</b>	<b>13</b>	<b>69</b>	<b>3</b>
2008	62	2	17		27		31	2	21	
2009	81	3	21		29		57	2	17	
2010	89	1	17		26		44	2	26	
<b>Total 11<sup>th</sup> Plan</b>	<b>232</b>	<b>6</b>	<b>53</b>		<b>82</b>		<b>132</b>	<b>6</b>	<b>64</b>	

Source: Department of Social Welfare, Government of Himachal Pradesh, Shimla.

Not a single SC and ST case has been refused for registration in the state for POA Act, 1989 during the last 10 years as per the records. About 52 SC cases, 1 ST case has been brought forward during 9<sup>th</sup> Plan. During 10<sup>th</sup> Plan, about 104 SC cases and 5 ST cases have been brought forward during 10<sup>th</sup> Plan and during 11<sup>th</sup> Plan 82 SC cases have been brought forwarded. About 40 - 50% of the cases of the SC and only few cases of ST have been charge sheeted by the police during the 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> plan periods. However, in case of STs they are very few which indicates the lethargy and lack of interest in cases of STs by the investigating authorities.

**Table 6.5:Physical performance of the scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act 1989**

YEAR	No of cases Refused		No of cases Found false/mistake/f act of law etc.		No of cases charge sheet submitted by police		No of cases convicted		No of cases acquitted or discharged	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001			34	1	35	1	7		26	1
2002			18		44	1	5		32	1
<b>Total 9th Plan</b>			<b>52</b>	<b>1</b>	<b>79</b>	<b>2</b>	<b>12</b>		<b>58</b>	<b>2</b>
2003			37		47	2	5		37	2
2004			21	1	42	1	4	1	31	
2005			10	2	34	1	4		27	1
2006			21	1	34	2	4		20	1
2007			15	1	35	7	4	1	8	5

YEAR	No of cases Refused		No of cases Found false/mistake/f act of law etc.		No of cases charge sheet submitted by police		No of cases convicted		No of cases acquitted or discharged	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
<b>Total 10<sup>th</sup> Plan</b>			<b>104</b>	<b>5</b>	<b>192</b>	<b>13</b>	<b>21</b>	<b>2</b>	<b>123</b>	<b>7</b>
2008			27		31	2	4	2	5	
2009			29		57	3	3		10	3
2010			26		44	2			10	1
<b>Total 11<sup>th</sup> Plan</b>			<b>82</b>		<b>132</b>	<b>8</b>	<b>7</b>	<b>2</b>	<b>25</b>	<b>4</b>

Source: Department of Social Welfare, Government of Himachal Pradesh, Shimla.

#### **6.3.4 Relief and Rehabilitation of SCs and STs for the PCR Act, 1955 and POA Act, 1989**

About 177 SC and ST cases were registered for relief and rehabilitation under POA Act, 1989 during 10th Plan. We don't have the detail breakup of the SCs and STs separately for this from the state government. We also don't have the details of the nature of the break up for this for the type of crime. There are no records from the Himachal Pradesh government for the PCR Act, 1955. About Rs. 28.05 lakhs have been released for the victims and their families as compensation and rehabilitation measures in terms of cash compensation. During the 11th Plan period first 3 years, POA Act, 1989 cases indicate that, 132 cases have been registered and there are no detail break up for this either for the nature neither of the crime nor for the SCs and STs cases. However, it is known that, most of the cases reported were for SCs.

#### **6.3.5 Implementation details of state for the PCR Act, 1955 and POA Act, 1989**

State has not identified atrocity prone areas. However, Rules and Regulations have been formed in local language. There are no mobile courts and proper relief and rehabilitation measures in the state nor an immediate response and strategy for the SC and ST victims for the two acts. There are state, district level high level committees as for addressing the SC and ST related issues and atrocities. No state level NGO is specifically working on the atrocities related issues and rehabilitation measures. The annual reports on the progress, status and rehabilitation measures of the two acts are being filled yearly by the state to the centre. Inter-caste marriages are being encouraged and monetary incentives are being given for encouragement of inter cast marriages in the state.

**Table 6.6: Relief and Rehabilitation details for the victims of PoA Act, 1989 in 10<sup>th</sup> and 11<sup>th</sup> Plan in H.P**

(Rs in lakh)

Sl.No	Nature of crime	10 <sup>th</sup> Plan*				11 <sup>th</sup> Plan*			
		No. of cases Registered		Amount released		No. of cases Registered		Amount released	
		SCs	STs	SCs	STs	SCs	STs	SCs	STs
1	Murder	177		28.05	132		12.68		
2	Rape								
3	Grievous hurt								
4	Insult/Intimidation								
5	Wrongful occupation/cultivation of land								
6	Burnt houses								
7	Bonded Labour								
8	<i>Other</i>								
9	<i>Total</i>	<b>177</b>		<b>28.05</b>		<b>132</b>		<b>12.68</b>	

Source: Department of Social Welfare, Government of Himachal Pradesh, Shimla.\* *First three years of 11<sup>th</sup> Plan period*

### 6.3.6 Sampled Districts

#### (i) Kangra District

Kangra district extends from the Jalandhar Doab far into the southern ranges of the Himalaya. It is a town at the confluence of the Bener River and Majhi River, and Beas is an important river here. It was the largest district of the composite Punjab in terms of area till it was transferred to Himachal Pradesh on the 1<sup>st</sup> November, 1966 and had six Tehsils namely Nurpur, Kangra, Palampur, Dehragopipur and Hamirpur. On the re-organisation of

composite Punjab on the 1<sup>st</sup> November, 1966 the area constituting Kangra district were transferred to Himachal Pradesh along with the districts of Shimla, Kullu and Lahul & Spiti and tehsils of Una and Nalagarh and 3 villages of Gurdaspur district.

Predominant population of the district comprises of Hindus followed by Muslim, Buddhists, Sikhs, Christians and Jains constitute the negligible proportion of the district population. The Hindus mostly constitute Rajputs, Brahmins and Scheduled Castes. The main Rajput communities in the district are viz. Katoch, Pathania, Dogra, Jasrotia, Jaswal, Jamwal, Katwal, Guleria, Mian, Thakur, Rana, Rathi etc. Apart from these, the caste Hindus also constitute communities like Sood, Khatri, Mahajan, Walia, etc; who are mainly engaged in business activities. The scheduled castes constitute Chuhre/Bhangi, Barad, Chamar, Chhimbe, Dumne, Julahe, Lohar, Sanhai, Teli etc. Matrimonial alliance of SCs is also restricted to their own community. The ST population is negligible in the district. Gaddi and Gujars two tribal communities have lost their ST status in district because of area restriction. The ST population in the district is mainly represented by the persons who are mostly in government service. Languages Spoken are Pahari (Kangri), Punjabi, Hindi in the district.

## **(ii) Shimla District**

Shimla District is bounded by Mandi and Kullu in the north, Kinnaur in the east, the state of Uttaranchal in the south, Sirmaur district in the west. Shimla has a total population of 722,502 most of which is rural (80%) of which 380,996 are males and the rest are females as per the 2001 Census. The sex ratio is 896 females per 1000 males. The BPL households are 896 in the district. The major religion is Hindu, and the languages spoken are Hindi and Pahari and the major economy is based on agriculture. Male literacy rate is 88% and female literacy rate is 72%. It has 7 sub divisions, 12 Tehsils, 10 development blocks, 263 Panchayats, 2895 villages, 3213 revenue villages.

Literacy rate for the district is 79.68 per cent, while the literacy rate for males is 87.72 per cent and 70.68 per cent for females. Number of below poverty line families are 33.39 percent. Agriculture is the main occupation of the people. Apple cultivation is of special significance for the economic emancipation of the people living in the district. Stone fruits and citrus fruits are grown. Some areas in the district have taken to the initiative of producing off-season vegetables. The SC population in the State is 15, 02,170 persons as per 2001 census. The ST population of the Himachal Pradesh, which has its concentration in districts of Kinnaur and Lahaul Spiti and parts of Chamba, district and scattered in other districts is 2, 44,587, which is 4.02% of the total population. About 60 percent of the State's tribal population falls under the tribal sub-plan areas. SC population is 188,787 (26.13%) and ST population is 4,112 (0.57%) in the Shimla district.

### **6.4 District Department implementing scheme of assistance under PCR Act, 1955 and POA Act, 1989**

District Welfare Officer is the nodal officer at the district level. Since 1997, the district has set up District Vigilance Monitoring Committee headed by the Deputy Commissioner.

#### **6.4.1 Financial progress of PCR Act, 1955 and POA Act, 1989 in the two districts**

During 9<sup>th</sup> Plan period about Rs.6.3 lakhs in Kangra district and Rs.4.1 lakh in Shimla district were allocated by the State government and the records shows that, the districts have utilised the entire allocated amount during this period. In the case of 10<sup>th</sup> plan period, about Rs. 4.6 lakh in Kangra and Rs. 6.5 lakhs in Shimla have been allocated for the POA Act, 1989 and the entire allocated amount has been utilised in the two districts by the authorities. During 11<sup>th</sup> Plan first 4 years period, about Rs. 1.2 lakh have been allocated in Kangra district

and about Rs. 1.3 lakhs in Shimla district have been allocated and district authorities and the secondary data indicates that all the allocated amount has been utilised by them for the POA Act, 1989 scheme. Though there is no separate account for the two schemes it is imperative that, the allocated amount is for both the schemes. These figures indicate that the allocated amount is not sufficient for the two schemes as the allocated amount has been fully utilised by the district authorities.

**Table 6.7: Financial performance of the scheme in the Kangra and Shimla districts during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for PCR Act, 1955 and POA Act 1989.**

Plan/Year	Total allocation (in PoA Act)		Expenditure	
	Kangra	Shimla	Kangra	Shimla
9 <sup>th</sup> Plan (1998-99 to 2001-02)	625,000	406,250	625,000	406,250
10 <sup>th</sup> Plan (2002-03 to 2006-07)	462,500	650,000	462,500	650,000
11 <sup>th</sup> Plan				
2007-08	56250	37500	56250	37500
2008-09	31250	43750	31250	43750
2009-10	12500	50000	12500	50000
2010-11	25000		25000	
Total in 11 <sup>th</sup> Plan	125,000	131,250	125,000	131,250

Source: Department of Social Welfare, Government of Himachal Pradesh, Shimla.

#### **6.4.2 Physical progress of PCR Act, 1955 in 9th, 10th and 11th Plan for the two districts**

Only a few cases of PCR Act, 1955 have been registered in two districts for SCs and almost nil cases for STs in 9th, 10th and first four years of 11th Plan. The cases registered are in Shimla district only. During the last three five years plan about 4 cases of SCs have been registered under this act. 2 SC cases were brought forwarded in 9th Plan and 3 SC cases were closed after investigation. About 3 SC cases were charge sheeted in courts and none of the cases were shown as pending in the courts. About 3 SC cases were shown as filed by mistake/false or not tenable against law.

#### **6.4.3 Physical progress of POA Act, 1989 in 9th, 10th Plan and 11th Plan of the two districts**

Compared to PCR Act, 1955 the cases filed under POA Act, 1989 are very large in both the districts of Himachal Pradesh state. About 25 SC cases, 147 SC cases, and 41 SC cases have been registered in 9th, 10th and 11th Plan period respectively in Kangra district. Compared to this, Shimla district recorded higher number of SC cases in 9th Plan, but in 10th Plan and 11th Plan first 4 years period, there is reduction in number. About 10% of the SC cases are being brought forwarded from previous years for SCs in Kangra whereas they are very few in Shimla district indicating that, disposal of cases and verdict is speedier in Shimla district. About 50% of SC cases in Kangra and 40% of the SC cases in Shimla have been charge sheeted during 10th Plan period, and this is still less in 11th Plan first four years period in both Kangra and Shimla district. In Kangra and Shimla districts about 1/3 of the SC cases are pending for want of judiciary verdict or proper police verification, lack of evidence. Conviction cases for SC are very few. The data also indicate that not a single case has been refused for registration in both the districts. A large number cases i.e. 23 SC cases in Kangra and 12 SC cases in Shimla were reported as filed by mistake/false/against law so untenable and withdrawn later by the victims.

About 14 SC cases in Kangra and 27 SC cases in Shimla were charge sheeted by police under POA Act, 1989 during 11th Plan period and about 12 SC cases in each of the two districts are pending in courts for verdict. The number of ST cases in all the counts of registration, charge sheet, court verdict and conviction are very few in both the districts during the three five year plan periods.



**Table 6.8:Physical performance of the scheme in the two districts of H.P during 9<sup>th</sup>, 10<sup>th</sup>and 11<sup>th</sup> Plan for POA Act, 1989**

Year	No. of cases Registered				No. of cases Brought forward				No. of cases closed after Investigation				No. of cases Charge sheeted in courts				No. of cases Pending			
	Kangra		Shimla		Kangra		Shimla		Kangra		Shimla		Kangra		Shimla		Kangra		Shimla	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	S C	ST
2001	14		23		1		3		14		7		6		16		1		3	
2002	11		10	1	1		3		8		6		3		3	1	4		4	
<b>Total of 9<sup>th</sup> Plan</b>	<b>25</b>	<b>0</b>	<b>33</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>22</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>19</b>	<b>1</b>	<b>5</b>	<b>0</b>	<b>7</b>	<b>0</b>
2003	91		15	1	4		4		11		8		5		9	1	2		2	
2004	12	1	10	1	2		3		9	1	5		7	1	3	1	5		5	
2005	9	1	9		5		5		11	1	2		8	1	10		3		2	
2006	14		14		3		2		12		2		7		9		5		5	
2007	21		17		5		5		22	1	8		6	1	9		4		5	
<b>Total of 10<sup>th</sup> Plan</b>	<b>147</b>	<b>2</b>	<b>65</b>	<b>2</b>	<b>19</b>	<b>0</b>	<b>19</b>	<b>0</b>	<b>65</b>	<b>3</b>	<b>25</b>	<b>0</b>	<b>33</b>	<b>3</b>	<b>40</b>	<b>2</b>	<b>19</b>	<b>0</b>	<b>19</b>	<b>0</b>
2008	14		10		4		5		13		3		2		7		5		5	
2009	12		16		5		5		14		5		4		12		3		4	
2010	15		11		3		4		14	1	4		8	1	8		4	1	3	
<b>Total of 11<sup>th</sup> Plan</b>	<b>41</b>	<b>0</b>	<b>37</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>14</b>	<b>0</b>	<b>41</b>	<b>1</b>	<b>12</b>	<b>0</b>	<b>14</b>	<b>1</b>	<b>27</b>	<b>0</b>	<b>12</b>	<b>1</b>	<b>12</b>	<b>0</b>

Source: Department of Social Welfare, Government of Himachal Pradesh, Shimla.

**Table 6.9:Physical performance of the scheme in the two districts of H.P during 10<sup>th</sup>and 11<sup>th</sup> Plan for POA Act, 1989**

Year	No. of cases Refused				No. of cases found false/mistake/fact of law etc				No. of cases charge sheet submitted by police				No. of cases convicted				No. of cases acquitted or discharged			
	Kangra		Shimla		Kangra		Shimla		Kangra		Shimla		Kangra		Shimla		Kangra		Shimla	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	-		-		8		7		6		16		2		2		5		5	
2002	-		-		7		6		4		3	1	-		-		7		7	
<b>Total of 9<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>19</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>12</b>	<b>0</b>
2003			-		3		8		6		9	1	1		1		1		1	
2004			-				5				3	1			1		1		8	
2005	-		-		1		2		8	1	10		-				2		2	
2006	-		-		9		2		5		9		-				2		2	
2007	-		-		16		8		5	1	9		1		1		4		4	
<b>Total of 10<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>29</b>	<b>0</b>	<b>25</b>	<b>0</b>	<b>24</b>	<b>2</b>	<b>40</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>17</b>	<b>0</b>
2008	-		-		9		3		5		7		1		1		4		4	
2009	-		-		8		5		4		12		2		2		4		4	
2010	`		`		6		4		5	1	8		-		-		5	1	5	
<b>Total of 11<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>23</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>14</b>	<b>1</b>	<b>27</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>13</b>	<b>1</b>	<b>13</b>	<b>0</b>

Source: Department of Social Welfare, Government of Himachal Pradesh, Shimla.

### 6.5 Relief and Rehabilitation in the two districts under PoA Act, 1989

About 19 SC cases and no ST case victims were registered for relief and compensation during 10th Plan period in Kangra district. Out of the registered cases 11 cases relates to SC murder and 8 for the grievous hurt/injury. About Rs. 2.75 lakhs have been paid as compensation and relief money to the victims' families. In the case of Shimla district, about 52 SC cases have been registered during 10th Plan period for compensation and most of the cases here relates to insult/intimidation and small crimes unlike in Kangra district. The cases relating to murder is only one and cases of rape and grievous hurt are few in number. About Rs. 5.2 lakhs have been given as compensation to the victims/victim's families in Shimla district. During 11th Plan period first 4 years, Kangra district shows the similar trend seen in 10th Plan, whereas in Shimla district the number of cases registered for SCs are less in number so also the case the compensation amount paid to the victims as compensation. Not a single case of ST victims registration has been recorded in both the districts during 10th and 11th Plan periods however, strangely Rs.3.37 lakhs have been released to the ST

victims in Kangra district as compensation as per the records which needs proper scrutiny by the authorities.

**Table 6.10:Relief and Rehabilitation details for the victims of PoA Act, 1989 in 10<sup>th</sup> and 11<sup>th</sup> Plan**

(Rs.in lakhs)Nature of crime	10 <sup>th</sup> Plan								11 <sup>th</sup> Plan*							
	No. of cases Registered				Amount released				No. of cases Registered				Amount released			
	Kangra		Shimla		Kangra		Shimla		Kangra		Shimla		Kangra		Shimla	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
<b>Murder</b>	11		1		1.5	3.37	0.75									
<b>Rape</b>			3		0.75		3.68	0.5	2		7		0.5		.5	
Grievous hurt			6				0.4									
<b>Insult/intimidation</b>	8		20		0.5		0.9		8		23		1.12		0.8	
Wrongful occupation/cultivation of land							0.02									
Burnt houses																
Other			22				0.62									
<b>Total</b>	<b>19</b>		<b>52</b>		<b>2.75</b>	<b>3.37</b>	<b>5.20</b>	<b>0.5</b>	<b>20</b>		<b>30</b>		<b>1.62</b>		<b>1.3</b>	

Source: Department of Social Welfare, Government of Himachal Pradesh, Shimla.\* First 4 years of 11<sup>th</sup> Plan

### 6.6 Implementation details of PCR Act, 1955 and POA Act, 1989 in the two districts

The two Districts of Kangra and Shimla have not identified atrocities prone areas and regulations have not been formed in local language. No mobile courts are there in the two districts and no relief and rehabilitation measures by the mobile and special courts constitution. The districts have district vigilance and monitoring committees. The districts do not have any NGOs working in the fields relating to atrocities and addressing their problems. The district authorities have informed us that, regular reports are being filled half yearly to the state officials.

## 6.7 Affected families, Case studies, beneficiary's data and impact analysis in the State

Beneficiary families have been surveyed from three blocks of Shimla district namely Shimla, Theog and Nagrota. In Kangra district two blocks i.e. Palampur and Kangra were covered for the victims/affected families. A total of 19 SC families and 2 ST families in Shimla district and 39 SC families' and 23 ST families data pertaining to their socio-economic conditions, crime related details have been obtained from the official records, beneficiaries as per the beneficiary questionnaire developed. Thus a total of 83 individuals/families data pertaining to both SCs and STs victims have been covered from the two districts in Himachal Pradesh state to understand and analyse the PCR Act, 1955 and POA Act, 1989 from the beneficiaries, about the crime details, the case history and the status of crime and the compensation paid to the victims.

Of the 83 crime related families data, the average family size is 5.8 in the Shimla district for both SCs and STs and 6.2 in the case of Kangra district. The land ownership is very small of 16% in Shimla and 34% in Kangra district. Of the surveyed families only a few of them in Shimla have pucca houses, and 1/3<sup>rd</sup> have semi pucca houses. In Kangra district, more number of victim families (20%) had pucca houses and 44% had semi-pucca houses. Regarding the source of drinking water supply about 92% of the families in Shimla had community hand pumps, whereas in Kangra district about 100% had both government supply and community hand pumps. About 96% of the victim families had electric supply in Shimla district, whereas 94% in Kangra district victim families had electric supply.

**Table 6.11: Socio-economic conditions of Beneficiaries/Affected families in the selected districts**

(in percentage)

District	Family Size	Percentage land owners	House type			Sources of drinking water			Electric supply	
			Kachcha	Pucca	Semi	Government supply	Own Hand	Community Hand	Yes	No
SHIMLA	5.8	16	26	4	70	8	0	92	96	4
KANGRA	6.2	34	36	20	44	10	0	90	94	6
Total	6.0	25	31	12	57	9	0	91	95	5

Source: Primary data from field, Shimla and Kangra districts, H.P State.

The socio-economic data indicate that, 54% of the victims' families are agriculture wage labourers, and are based in cultivation for their occupation in Shimla district. In Kangra district, about 26% are agricultural labourers, but 40% are in agricultural related activities and 12% are salaried class, 16% are owning the petty shops.

**Table 6.12:Occupational pattern of Beneficiaries/Affected families in the selected districts (in percentage)**

District	Percentage of households								
	Cultivation	Allied agricultural activities	Agri. wage labour	Non-Agri. wage lab	Artisan	Petty shop	Organised business /trade	Salaried employment pension	Others
SHIMLA	14	16	54	6	0	6	0	4	0
KANGRA	24	14	26	8	0	16	0	12	0
Total	19	15	40	7	0	11	0	8	0

Source: Primary data from field, Shimla and Kangra districts, H.P State.

The victims families literacy and educational qualifications indicate that, in Shimla district 54% are illiterate, 30% are literate and about 16% are having primary and above level educational qualifications. In the Kangra district, 36% are illiterate, and 42% are primary level and above educational qualifications. Kangra district has more educated and literate victim families.

**Table 6.13:Education level of Beneficiaries/Affected families in the selected districts (in percentage)**

Districts	Percentage							
	Illiterate	Literate	Primary	Middle	Metric	Inter	Graduate	Post graduate
SHIMLA	54	30	8	8	0	0	0	0
KANGRA	36	22	10	10	4	18	0	0
Total	45	26	9	9	2	9	0	0

Source: Primary data from field, Shimla and Kangra districts, H.P State.

**Table 6.14:Crime details of the affected families in the selected districts**

Nature of Crime	(in percentage)		
	SHIMLA	KANGRA	Total
(i)Single/ Multiple			
A. Individual level	34	36	35
B. Family level	30	30	30
C. Nature of offense- details			
D.Murder	4	4	4
E.Rape,	56	50	53
F.Others	40	46	43

Source: Primary data from field, Shimla and Kangra districts, H.P State.

In the nature of crimes, it is found that, 34% of the cases are individual based and 30% are family level in Shimla district. Whereas in Kangra district, 36% of the cases were individual based and 30% were of family based ones. Nature of crimes were concerned 4% of cases were murder, 56% rape and 40% of various others types in Shimla district. In the case of Kangra district, 4% were murder, 50% were of rape and other 46% insult/intimidation/other in

nature. On the most of the cases in both the districts were in the nature of insult and intimidating (68%) as reflected in the State and district level data.

The victims indicated that, about 19% of the cases were at individual level and 81% of the cases were took place due to insult/intimidation/other in nature in both the districts, though in Kangra district, community level crimes werewere reported to be high. More than 1/3 of the cases in Shimla and 50% of the cases in Kangra district took place in public places, 30% at the road side and half to these cases happened in the neighbourhood. About 10% of the cases in Shimla were agriculture related cases and took place in the agriculture field. Nearly 100% of the cases have been reported by the victims surveyed and all the reported cases have been registered by the police authorities.

About 46% of the cases in Shimla have been registered within one month but, half of them have reported that, it took more than a month for registering with the authorities. About 43% of the victims in Shimla and 36% in Kangra district have reported that, their cases pending either with police stations or in the courts. Almost all of the victim families have reported that, since more than 6 months the cases were pending for want of various reasons like date, proper witness and police action etc. In the case of those where the cases have been settled, all the victims/beneficiaries indicated that, they have got the monetary compensation and 26% of the victims in Shimla and 28% in Kangra district got the travelling and other miscellaneous benefits for attending the police station and courts.

**Table 6.15: Crime details of the affected families in the selected districts.**

(in percentage)

Crime details	SHIMLA	KANGRA	Total
Crime by individual	38	0	19
Crime by community	62	100	81
Crime at neighbourhood	12	14	13
Crime at public place	46	48	47
Crime at work place	6	2	4
Crime at agriculture field	10	6	8
Crime at road side	26	30	28
Crime reported	50	96	95
Crime has been registered	100	100	100
Time taken for registration			
1 to 30 days	46	100	46
30 to 60 days	54	0	54
Police cooperative	56	62	59
Enquiry officer visited the individual/place of crime/enquired	84	84	84
Level of authority visited			
DSP	39	48	43
Inspector	27	24	25
SI	34	29	31
Status of Complaint			
Case pending in court	43	36	39
Pending status of case -			
a.Less than three months			
b.3 to 6 months			

Crime details	SHIMLA	KANGRA	Total
c.6 months to one year	30	23	30
d.More than one year	70	65	70
Got compensation-			
Monetary	100	100	100
House			
Got traveling allowance for court	26	28	27
Reasons of pending cases-			
Due to non-cooperation of authorities/police	71	36	50
Due to distance of courts/police station	14	27	22
Due to coercion/security	14	9	11
Awareness of PCR, 1955 Act	63	55	58
Awareness of PoA Act, 1989	32	44	38
Availing other SC and ST schemes	26	28	27

Source: Primary data from field, Shimla and Kangra districts, H.P State.

The victims whose cases are pending indicated that, mostly they are pending in courts (43% in Shimla, 36% in Kangra district) due to lack of cooperation by the authorities particularly the police (50%). 70% of the cases in Shimla and 36% of the cases in Kangra have reported non cooperation as the reason for the pending of the cases. About 14% in Shimla and 9% in Kangra district also informed that, there is coercion from the respondents and authorities not to press the cases. About 58% of the victims are aware of the details of the PCR Act, 1955 and 38% are aware of the PoA Act, 1989 in both the districts and this percentage is higher in Shimla district as this is more urban in nature. Only 27% of the victim families indicated that, they are availing some or other government schemes like Pre and Post Metric scholarship to their children, housing subsidy, NREGA etc, in the State of Himachal Pradesh. The main reasons for the crimes and atrocities are: (i) Indecent behavior by the SCs and STs in front of Upper Caste men, (ii) Ban on Festival Processions by SCs, (iii) denial of work as agricultural labour, (iv) payment of lower wages than upper castes persons, (v) denied access to irrigation facilities, (vi) denied access to grazing/fishing grounds, and (vi) prevention from selling their produce/products in local markets.

## 7 IMPLEMENTATION AND EVALUATION OF PCR ACT, 1955 AND POA ACT, 1989 IN MAHARASHTRA

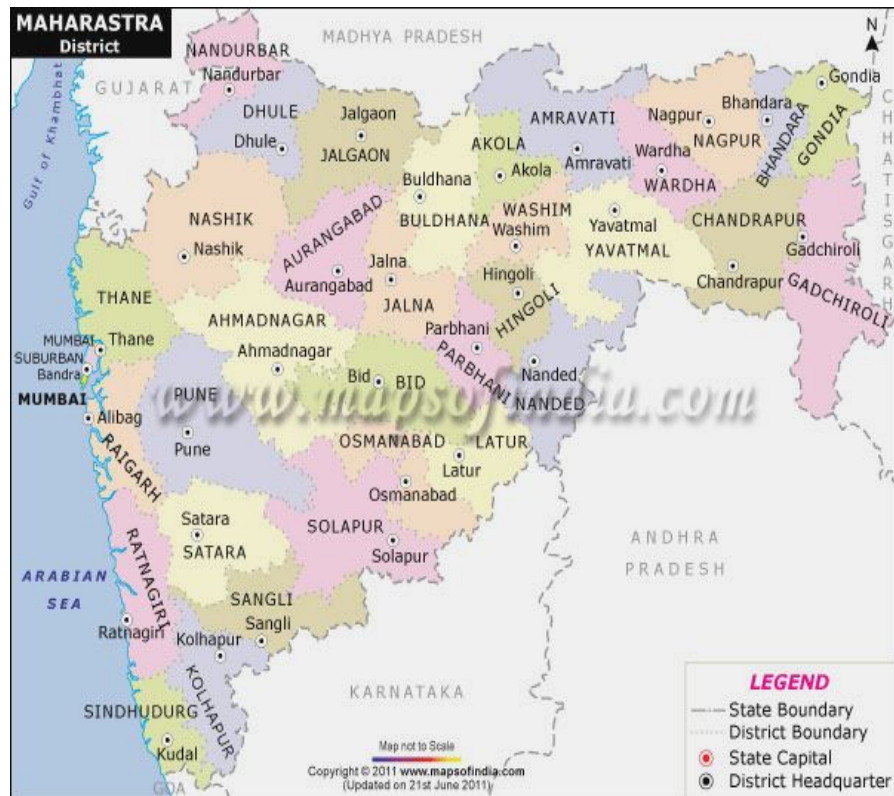
### 7.1 Brief demographic and geographical background of State

Maharashtra is the third largest state in India both in area and population owing 9.84 % of the India's total geographical area, with total geographical area of 3,07,713 km<sup>2</sup>. It is one of the most developed and richest states of India. Maharashtra also has the country's second largest urban population, with about 43 persons out of every 100 living in towns and cities. It has a large migrant population, of which nearly 72 per cent speak Marathi, which is the most widely spoken language. Other prominent languages are Hindi, Urdu and Gujarati. The capital of the state is Mumbai which is also known as the financial and commercial city of India. The total number of districts in Maharashtra are 35. Maharashtra state is a prosperous land due to its fertility and irrigation sources.

Maharashtra can also be considered as one of the strictest Hindu state where more than

80% of the Marathi populations are Hindus. Marathi's generally adore all Indian Gods but one can find the followers of Lord Ganesh in huge number, followed by Lord Krishna and saints like Saint Tukaram, Saint Namdev.

Maharashtra is classified into five broad regions, Greater Mumbai, Western Maharashtra, Marathwada, Konkan and Vidarbha. These regions with 35 districts are divided into six revenue divisions for administrative purposes. Each division has its headquarters at Navi Mumbai, Nashik, Pune, Aurangabad, Nagpur and Amravati respectively. Konkan division consists of Mumbai, Thane, Raigad, Ramagiri and Sindhudurg districts on the coast where landholdings are small but more or less evenly distributed, and has no irrigation facilities worth mentioning. Nashik, Dhule, Nandurbar, Jalgaon and Ahmednagar districts with a large tribal population, large landholdings, forests, and good rainfall comprise the Nashik division. The Nashik and Pune divisions being contiguous, mesh into what is popularly known as Western Maharashtra, Marathwada's Aurangabad, Jalna, Parbhani, Hingoli, Nanded, Osmanabad, Beed and Latur together form the Aurangabad division and are culturally well tied, all of them being from the erstwhile State of Hyderabad. One part of Vidarbha, comprising Buldhana, Akola, Amravati, Washim and Yavatmal is administered by the Amravati division and rest of the same region, comprising Nagpur, Wardha, Bhandara, Gondiya, Chandrapur and Gadchiroli districts, is assigned to Nagpur division. The total population of the State is 96.9 million and the population below poverty line is 25%. The SC





population is 9.9 million and ST population is 8.6 million. The sex ratio in the State is 922 and the female literacy rate is 67%.

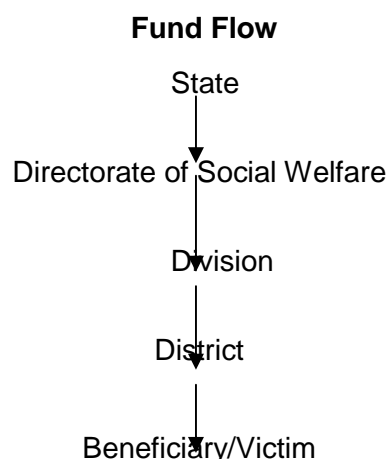
## **7.2 Implementation of the scheme of Assistance under PCR Act, 1955 and POA Act, 1989 in Maharashtra state**

The Department of Social Justice & Special Assistance is the nodal department in the state. The Secretary is the nodal officer in the state. The state has 35 districts and out of these 31 districts have been identified as the atrocity prone areas. There is no special police station for SC/ST in the state. The state has two different departments for the welfare and disbursement of the rehabilitation packages for the SC & ST victims i.e. the SC department gives rehabilitation packages to the SC victims and ST department gives to ST victims but all other implementation mechanism are same except disbursement of the rehabilitation packages.

The state government has started a helpline called "SAMATA" (Toll free No-18002331155). This helpline helps the SC & ST victims to lodge their complaints. This toll free number works only during the official hours but not functional for 24 hours. At district level, Social Welfare department is the nodal department. The state government has no speedy trial and mobile courts but, recently the government has proposed 6 speedy trial courts. In the state the conviction rate for the two acts is only 4%.

The review of atrocity cases, meetings takes place half yearly by the State Vigilance Committee, Quarterly by Divisional Vigilance Committee and monthly in case of District level Vigilance Committee. District social welfare officer co-ordinates with all DM and SP and other responsible officers for the implementation under this act. The state government has given 58 awards to persons and 8 organisations that have done exceptional work in the field of prevention of atrocity and removal of untouchability.

The state government do not have any Special Police Station. From district level the special district Social Welfare Officer report to the Divisional Social Welfare Office, the Divisional Social Welfare Office further report to the Deputy Director at State level. The implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act 1989) in the state is being done jointly by the Department of Social Justice, Home and Revenue.



## **7.3 Financial progress of PCR Act, 1955 and POA Act, 1989 in 10th Plan and 11th Plan**

During the first four years of 11th Plan period, Central government has released about Rs. 11.56 crore and the state government has allocated about Rs.14.8 crore, a little more than

the required 50% mandatory contribution as per the scheme norms. Out of the total allocated funds, only about Rs. 10.1 crore have been utilised by the state government indicating less than 38% utilisation. The pattern of allocation of funds also indicate that, it is not uniform and not as per the plan or requirement of scheme. As in most of the States, the funds are being kept with the disposal of the state authorities and only during the end of the five year plan period the funds are being utilised in the last year of the plan.

**Table 7.1: Financial Progress of PCR Act, 1955 and POA Act, 1989 during 10<sup>th</sup> and 11<sup>th</sup> Plan**

Plan/year	Central Release	State share	Total allocation	Expenditure
11 <sup>th</sup> plan				
2007-08	397.25	397.25	794.5	183.37
2008-09	179.47	323.3	646.6	249.52
2009-10	393.35	393.35	598.68	218.02
2010-11	185.82	361.15	722.3	361.15
<b>Total of 11<sup>th</sup> Plan</b>	<b>1155.89</b>	<b>1475.05</b>	<b>2762.08</b>	<b>1012.06</b>

Source: Directorate of Social Welfare, Government of Maharashtra, Mumbai

#### **7.4 Physical progress of PCR Act, 1955 in 9<sup>th</sup>, 10<sup>th</sup> Plan and 11<sup>th</sup> Plan**

The physical performance of the PCR Act, 1955 scheme in 9<sup>th</sup> plan indicate that, during the last two years, about 102 SC cases have been registered. However, during 10<sup>th</sup> Plan period about 190 SC cases and in the first three years of 11<sup>th</sup> Plan about 65 SCs have been registered under this Act. Not a single ST case has been registered for the PCR Act, 1955 in the state in any of the three five year plan periods. Out of the registered cases, 24 SC cases were brought forward in 9<sup>th</sup> Plan, 47 SC cases in 10<sup>th</sup> Plan and 22 SC cases in 11<sup>th</sup> Plan. Less than 1/3 of the registered cases are being closed after proper investigation of SCs in all the three five year plan periods. About 80% of the registered cases of SCs have been reported as charge sheeted in every plan period. During 11<sup>th</sup> plan first three years, out of 65 SC cases which have been registered, 43 SC cases have been charge sheeted and 22 cases are pending in the courts. In general 35-40% of the registered cases are pending in the courts/police stations for want of completion of evidence, trial, dates investigation etc.

**Table 7.2: Physical performance of the scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for PCR Act 1955**

YEAR	No of the cases registered		No of cases brought forward		No of cases closed After investigation		No of cases charge sheeted in courts		No of cases Pending	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	61		10		10		47		14	
2002	41		14		5		43		7	
<b>Total of 9<sup>th</sup> Plan</b>	<b>102</b>	<b>0</b>	<b>24</b>	<b>0</b>	<b>15</b>	<b>0</b>	<b>90</b>	<b>0</b>	<b>21</b>	<b>0</b>
2003	39		7		9		31		6	
2004	31		6		7		20		10	
2005	43		10		9		28		16	
2006	45		16		9		44		8	
2007	32		8		7		30		3	
<b>Total of 10<sup>th</sup> Plan</b>	<b>190</b>	<b>0</b>	<b>47</b>	<b>0</b>	<b>41</b>	<b>0</b>	<b>153</b>	<b>0</b>	<b>43</b>	<b>0</b>
2008	28		3		11		9		11	
2009	17		11		2		18		8	
2010	20		8		5		16		7	
<b>Total 11<sup>th</sup> Plan</b>	<b>65</b>	<b>0</b>	<b>22</b>	<b>0</b>	<b>18</b>	<b>0</b>	<b>43</b>	<b>0</b>	<b>26</b>	<b>0</b>

Source: Directorate of Social Welfare, Government of Maharashtra, Mumbai.

During the last three five year plans not a single case of SC or ST has been refused for registration as per the state authorities. About 12 SC cases in 9<sup>th</sup> plan, 41 SC cases in 10<sup>th</sup> Plan and 24 SC cases in 11<sup>th</sup> Plan period have been found false/against law/ by mistake and later either withdrawn by the complainants/ complainant's families or by the police authorities. *Very few cases are being convicted in the state as per the data from the three five year plan periods. Only 3 SC cases in 9<sup>th</sup> Plan, 25 SC cases in 10<sup>th</sup> Plan and 5 SC cases in 11<sup>th</sup> Plan period have been convicted. A large number of cases of SCs are pending in the courts for justice and they are being delayed due to lack of proper investigation, witness and long trial procedure in the courts. Similarly, a large number of SC cases have been discharged or acquitted in 9<sup>th</sup> Plan (311), 10<sup>th</sup> Plan (1134) and in 11<sup>th</sup> Plan (127). Not a single case of ST has either been registered nor was under investigation or it went to court for trial and justice in all the three five year plan periods.*

**Table 7.3: Physical performance of the scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for PCR Act, 1955**

YEAR	No of cases Refused		No of cases Found false/mistake/fact of law etc.		No of cases charge sheet submitted by police		No of cases convicted		No of cases acquitted or discharged	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	0		0		47		1		196	
2002	0		12		43		2		115	
<b>Total of 9<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>90</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>311</b>	<b>0</b>
2003	0		2		31		3		71	
2004	0		17		20		15		232	
2005	0		1		28		4		65	
2006	0		17		44		2		689	
2007	0		4		30		1		77	
<b>Total of 10<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>41</b>	<b>0</b>	<b>153</b>	<b>0</b>	<b>25</b>	<b>0</b>	<b>1134</b>	<b>0</b>
2008	0		18		9		3		46	
2009	0		2		18		2		37	
2010	0		4		16		0		44	
<b>Total 11<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>24</b>	<b>0</b>	<b>43</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>127</b>	<b>0</b>

Source: Directorate of Social Welfare, Government of Maharashtra, Mumbai.

**Table 7.4: Physical performance of POA Act, 1989 scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan**

YEAR	No of the cases registered		No of cases Brought forward		No of cases closed after investigation		No of cases charge sheeted in courts		No of cases Pending	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	562	235	135	40	591	236	534	221	106	39
2002	560	252	106	39	551	238	486	226	115	53
<b>Total of 9<sup>th</sup> Plan</b>	<b>1122</b>	<b>487</b>	<b>241</b>	<b>79</b>	<b>1142</b>	<b>474</b>	<b>1020</b>	<b>447</b>	<b>221</b>	<b>92</b>
2003	647	223	115	53	646	229	548	219	116	47
2004	689	233	116	47	613	227	532	204	192	53
2005	844	230	192	53	798	220	694	197	238	63
2006	1001	270	238	63	922	262	739	240	317	71
2007	1138	248	317	71	1134	257	943	224	321	62
<b>Total of 10<sup>th</sup> Plan</b>	<b>4319</b>	<b>1204</b>	<b>978</b>	<b>287</b>	<b>4113</b>	<b>1195</b>	<b>3456</b>	<b>1084</b>	<b>1184</b>	<b>296</b>
2008	1173	286	321	62	1158	270	972	229	336	78
2009	1032	240	336	78	1067	237	881	211	301	81
2010	1106	297	301	81	1050	271	869	236	357	107
<b>Total 11<sup>th</sup> Plan</b>	<b>3311</b>	<b>823</b>	<b>958</b>	<b>221</b>	<b>3275</b>	<b>778</b>	<b>2722</b>	<b>676</b>	<b>994</b>	<b>266</b>

Source: Directorate of Social Welfare, Government of Maharashtra, Mumbai.

## 7.5 Physical progress of POA Act,1989 in 9th, 10th Plan and 11th Plan

The number of SC and ST cases registered, brought forward, investigated; charge sheeted and pending under POA Act, 1989, during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan are presented in Table 7.5. A total number of 1122 SC and 487 ST cases have been registered during 9<sup>th</sup> Plan and about 241 SC and 79, ST cases were brought forward in this plan indicating a fifth to one sixth cases are being brought forward. About 1142 SC cases and 474 ST cases were closed after investigation in this plan period indicating that a large number of cases are getting finalised after its registration. 90 per cent of SC and ST cases have been charge sheeted out of the closed cases. About 20% of the SC and ST cases were reported to be pending in the courts during 9<sup>th</sup> Plan.

During 10<sup>th</sup> Plan period, about 4319 SC cases and 1204 ST cases have been registered for POA Act, 1989. Besides these cases, 978 SC cases and 287 ST cases have been brought forward. Almost 90 percent of the registered cases of SCs and STs have been closed after investigation and 80% of the SC and ST cases have been charge sheeted out of the registered cases and 20% of the cases are still pending in courts and police stations for want of evidence, trial, witness, dates and pursuance by the parties. During 11<sup>th</sup> Plan period first three years, about 3311 SC cases, 823 ST cases have been registered for POA Act, 1989 indicating that, still there is increase in trend of registration. About 958 SC cases and 221 ST cases have been brought forward, and about 90% of the cases have been closed after investigation and 80% of the ST and SC cases have been charge sheeted and about 20% of the cases are pending in courts and police stations and the same trend is seen in 10<sup>th</sup> and 9<sup>th</sup> plan period.

**Table 7.5:Physical performance of POA Act, 1989 scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan.**

YEAR	No of the cases refused		No of cases Found false/mistake/fact of law etc.		No of cases charge sheet submitted by police		No of cases convicted		No of cases acquitted or discharged	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	0	0	0	0	534	221	21	12	779	339
2002	0	0	32	7	486	226	33	11	610	281
<b>Total of 9<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>32</b>	<b>7</b>	<b>1020</b>	<b>447</b>	<b>54</b>	<b>23</b>	<b>1389</b>	<b>620</b>
2003	0	0	12	10	548	219	23	5	578	163
2004	0	0	52	8	532	204	59	15	1220	285
2005	0	0	2	1	694	197	32	7	453	293
2006	0	0	42	8	739	240	90	13	1861	749
2007	0	0	49	14	943	224	59	12	1340	287
<b>Total of 10<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>157</b>	<b>41</b>	<b>3456</b>	<b>1084</b>	<b>263</b>	<b>52</b>	<b>5452</b>	<b>1777</b>
2008	0	0	12	3	972	229	40	17	629	183
2009	0	0	17	7	881	211	32	9	608	184
2010	0	0	21	11	869	236	34	5	731	186
<b>Total 11<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>50</b>	<b>21</b>	<b>2722</b>	<b>676</b>	<b>106</b>	<b>31</b>	<b>1968</b>	<b>553</b>

Source: Directorate of Social Welfare, Government of Maharashtra, Mumbai.

Table 7.6 shows the details of SC and ST cases for the 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> plan regarding the number of cases refused, number of cases found false/mistaken/against law, number of cases charge sheeted, number of cases convicted and number of cases acquitted/discharged by courts. All the plan periods data indicate that, not a single case of SC and ST has been refused for registration. About 5 to 10 percent of the cases registered have been found to be false/mistaken, so later they have been withdrawn and compromised by the two disputing parties. About 106 SC cases and 31 ST cases have been convicted for the POA Act, 1989 during 11<sup>th</sup> Plan and the number of cases during 10<sup>th</sup> and 9<sup>th</sup> plan period is about 10% as in 11<sup>th</sup> Plan period. *However, a large number of SC and ST cases were acquitted or discharged by the courts due to lack of proper evidence or pursuance by police and victims. The number of cases getting acquitted in the first three years of 11<sup>th</sup> plan period are almost about 65% for SCs and STs out of the registered cases.* Similar trend of acquittal was noticed in the earlier plan periods.

**Table 7.6: Relief and Rehabilitation details for the victims of PoA Act, 1989 in 10<sup>th</sup> and 11<sup>th</sup> Plan (Rs. in Lakh)**

Nature of crime	11 <sup>th</sup> Plan*			
	No. of cases Registered		Amount released	
	SCs	STs	SCs	STs
Murder	85	59	96.07	74.5
Rape	145	160	36.35	41.65
Grievous hurt	379	285	45.38	61.39
Insult/intimidation	4136	3615	112.23	149.57
Burnt Houses	119	25	7.26	2.94
Others	881	989	39.35	44.84
<b>Total</b>	<b>5745</b>	<b>5133</b>	<b>336.64</b>	<b>374.89</b>

Source: Directorate of Social Welfare, Government of Maharashtra, Mumbai.\* For the first four years of 11th Plan.

## **7.6 Relief and Rehabilitation of SC and ST victims for the PCR and PoA Acts**

About 5745 SC cases and 5133 ST cases have been registered for compensation after the charge sheets, courts conviction for proper compensation and rehabilitation by the State authorities. The data indicate that, *most of the cases relate to insult/intimidation (85%) followed by other nature (15%)* in both SCs and STs during 11<sup>th</sup> Plan first four years period. *Serious offences like murder were also of very high in Maharashtra state for both SCs and STs. They were about 12 to 15% for the SCs and STs.* Rape cases were found to be about 25 to 30% in the SCs and STs in the State followed by grievous hurt and burnt houses. A total amount of Rs. 3.4 crore for the SC victims/victims families, Rs. 3.7 crore for the ST victims/families have been disbursed by the state authorities during first four year of 11<sup>th</sup> Plan. State authorities are compensating about Rs. 1.25 lakh per family for the victims of murder and about Rs. 40 thousand for the rape victims. About Rs. 20 to 30 thousand is being given as compensation for the victims of insult/intimidation based on the nature of case and for other nature of victims the compensation given is very insignificant.

## **7.7 Implementation details PCR Act, 1955 and POA Act, 1989**

State government authorities have identified atrocities prone areas. Rules and Regulations have been formed in local language. The state government has published its official gazette of this Act in Marathi and also the Dr. Babasaheb Ambedkar Research and Training Institution, Pune has published a book in Marathi. The state does not have any mobile courts specifically to deal the crime cases relating to PCR and PoA Acts petitioners. The State has State, Divisional and District Level Committees for the two acts. Annually the reports are being sent to the Centre by the State government on the status of the progress of two schemes and redressal mechanism being taken by them.

## **7.8 Sampled Districts**

### **(i) Parabhani district**

Parbhani district is bounded on the north side by Hingoli district. On the east side by Nanded district, on the South side by Latur and on the West side by Beed and Jalna districts. Main languages spoken are Marathi, Hindi and Urdu. The area of the district is about 6250 sq.km with a population of 1.5 million. The district has 9 Tehsils and 852 villages. The literacy rate in the district is 55.2% and it has sex ratio of 957 females per 1000 males.

### **(ii) Pune district**

The total geographical area of Pune district is 15642 sq. km which is around 5 per cent of the total area of Maharashtra state. Pune city is located near the western margin of the Deccan Plateau. Pune is also a prime tourist destination of the state and is the district headquarters. According to the latest census (2001), total population of the district is 7,232,555. Urban population comprises of 58.08% of the total population. Distribution of population among the Taluka of the district show distinct variations. The highest population is at Pune city (26.96 lakh), followed by the surrounding area of Haveli Taluka (13.53 lakh), Velhi Taluq (0.55 lakh) and Baramati (3.73 lakh). Highest population density in Pune city (14,652 persons per sq. km.), is due to the rapid growth in the industrial and commercial sectors. Migration is due to job opportunities. Educational institutes have also caused influx of a large number of population. Pune city is the divisional headquarter of Western Maharashtra and headquarter of the district. Administratively, Pune District is divided into 14 Taluka, 13 Panchayat Samitis

(Blocks), 2 Municipal Corporations, 11 Municipal Councils, 3 Cantonment Boards and 1,844 villages.

## 7.9 District Departments implementing scheme of Assistance under PCR Act, 1955 and POA Act, 1989

The two districts have Special District Social Welfare Officers, who are the nodal officers for the implementation of Scheme of Assistance scheme of Assistance under PCR Act 1955 and POA Act, 1989.

### 7.9.1 Financial progress of PCR, Act 1955 and POA Act, 1989

During first four years of 11th Plan, about Rs.31.8 lakhs have been allocated by Parbhani district authorities and all the allocated amount has been utilised by the district authorities. In the case of Pune district, about Rs. 40.5 lakhs have been allocated and about 95% of the allocated funds have been utilised for the two schemes under evaluation. However, it is very difficult to separate out for the two acts expenditure pattern at the district level. The pattern of allocation is also not uniform in the two districts over the years in 11th plan period; which indicates that, as per the availability of funds, the state authorities are releasing funds to the districts of the state. There is a slight increase in the allocation of funds in the later part of the plan period in both the districts.

**Table 7.7: Financial performance of Parbhani and Pune districts in 11<sup>th</sup> Plan for PCR Act, 1955 and POA Act, 1989**

(Rs. In lakhs)

Plan/Year	Total allocation (PoA Act 1989)		Expenditure (PoA Act 1989)	
	Parbhani	Pune	Parbhani	Pune
<b>10th Plan</b>				
<b>(2002-03 to 2006-07)</b>				
<b>11th Plan</b>				
<b>2007-08</b>	3.18	7.2	3.18	5.82
<b>2008-09</b>	8.28	12	8.28	12
<b>2009-10</b>	8.68	11.44	8.68	11.44
<b>2010-11</b>	11.64	9.81	11.64	9.81
<b>Total of 11th Plan</b>	31.78	40.45	31.78	39.07

Source: Directorate of Social Welfare, Government of Maharashtra, Mumbai.

### 7.9.2 Physical performance of the scheme in the districts for PCR Act 1955

*We could not able to get any information regarding the physical performance of the PCR Act, 1955 from the district authorities of Parbhani and Pune districts inspite of our best efforts as the District administration is not maintaining the proper records.*

### 7.9.3 Physical performance of the scheme in the State for POA Act, 1989

About 69 SC cases and 2 ST cases have been registered under POA Act, 1989 in Parbhani district during 9<sup>th</sup> plan last two years and these figures for the Pune district are 59 (SCs and STs together). *All the cases registered have been shown as brought*



forward in the two districts. About 90 percent of the SC and ST cases have been charge sheeted and 10% of the cases have been closed after investigation by the police authorities. No cases were shown as pending by the district authorities in 9<sup>th</sup> plan. During 10<sup>th</sup> Plan period, 167 SC cases and 6 ST cases have been registered in Parbhani district and these figures for the Pune district are 252 for both SCs and STs together. As in the case of 9<sup>th</sup> plan, about 80 to 90% of the cases have been chargesheeted in the districts and rest of the cases were closed after investigation. Only one SC case in Parbhani has been shown as pending in courts/police stations. During the first three years of 11<sup>th</sup> plan period, Parbhani district recorded highest number of SC cases (140) and ST (10) for POA Act, 1989. In Pune district about 248 SC& ST cases were registered for this act in 11<sup>th</sup> plan and most of the cases were charge sheeted in both the district, as in the earlier plan periods. Very few cases are pending in the courts/police stations and few cases have been closed after police investigations.

**Table 7.8: Physical performance of the scheme in Parbhani and Pune districts during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act, 1989.**

Year	No. of cases Registered			No. of cases Brought forward			No. of cases closed after Investigation			No. of cases Charge sheeted in courts			No. of cases Pending		
	Parbhani		Pune	Parbhani		Pune	Parbhani		Pune	Parbhani		Pune	Parbhani		Pune
	SC	ST	SCs & STs	SCs	STs	SCs & STs	SCs	STs	SCs & STs	SCs	STs	SCs & STs	SCs	STs	SCs & STs
2001	37	2		37	2		1			36	2				
2002	32	-	26	32	-		7	-	5	25	-	21	-	-	
<b>Total of 9<sup>th</sup> Plan</b>	<b>69</b>	<b>2</b>	<b>59</b>	<b>69</b>	<b>2</b>	<b>-</b>	<b>8</b>	<b>0</b>	<b>8</b>	<b>61</b>	<b>2</b>	<b>51</b>	<b>0</b>	<b>0</b>	<b>-</b>
2003	29	1	31	29	-		1	-	3	28	1	28	-	-	
2004	29	2	49	29	2		-	-	5	29	2	44	-	-	
2005	30	-	44	29	-		6	-	7	23	-	37	1	-	
2006	45	1	53	45	1	1	5	-	7	40	1	46	-	-	
2007	34	2	75	34	2		5	-	8	29	2	67	-	-	
<b>Total of 10<sup>th</sup> Plan</b>	<b>167</b>	<b>6</b>	<b>252</b>	<b>166</b>	<b>5</b>	<b>1</b>	<b>17</b>	<b>0</b>	<b>11</b>	<b>149</b>	<b>6</b>	<b>127</b>	<b>1</b>	<b>0</b>	<b>3</b>
2008	38	2	78	37	2	1	7	-	11	30	2	67	1	-	
2009	35	2	82	35	2		4	-	8	31	2	74	-	-	
2010	67	6	88	60	5		4	-	10	66	5	75	7	1	3
<b>Total 11<sup>th</sup> Plan</b>	<b>140</b>	<b>10</b>	<b>248</b>	<b>132</b>	<b>9</b>	<b>1</b>	<b>15</b>	<b>0</b>	<b>21</b>	<b>127</b>	<b>9</b>	<b>127</b>	<b>8</b>	<b>1</b>	<b>3</b>

Source: Directorate of Social Welfare, Government of Maharashtra, Mumbai.

Not a single case has been refused by the district authorities for registration during 9th, 10th and 11th Plan periods. About 8 to 17 SC cases have been reported as false/ mistaken/not as per law so was not registered in the last three five year plan periods in Parbhani district. 2 SC cases in 9th Plan, 16 SC cases in 10th Plan and 2 SC cases in 11th plan period were convicted in Parbhani district; whereas, 2 SC cases and 3 SC cases were convicted in Pune district during 9th and 10th Plan periods respectively. About 25 SC cases and 2 ST cases in Parbhani district and 37 cases in Pune district were acquitted during 11th plan period for want of proper investigation, witness and pursuance by victims and police authorities for POA Act, 1989.

**Table 7.9: Physical performance of the scheme in Parbhani and Pune districts during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act, 1989.**

Year	No. of cases Refused			No. of cases found false/mistake/fact of law etc			No. of cases charge sheet submitted by police			No. of cases convicted			No. of cases acquitted or discharged		
	Parbhani		Pune	Parbhani		Pune	Parbhani		Pune	Parbhani		Pune	Parbhani		Pune
	SCs	STs	SCs & STs	SCs	STs	SCs & STs	SCs	STs	SCs & STs	SCs	STs	SCs & STs	SCs	STs	SCs & STs
2001	0	0		1	-	3	36	2	20	1	-	2	32	1	28
2002	0	0		7	-	5	25	-	21	1	-		21	-	21
<b>Total of 9<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>		<b>8</b>	<b>0</b>		<b>61</b>	<b>2</b>		<b>2</b>	<b>0</b>	<b>2</b>	<b>53</b>	<b>1</b>	<b>49</b>
2003	0	0		1	-	3	28	1	28	1	-		20	1	25
2004	0	0		-	-	5	29	2	44	5	-		21	2	33
2005	0	0		6	-	7	23	-	37	3	-	1	15	-	25
2006	0	0		5	-	7	40	1	46	4	-		21	-	27
2007	0	0		5	-	8	29	2	67	3	-	2	14	2	21
<b>Total of 10<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>		<b>17</b>	<b>0</b>		<b>49</b>	<b>6</b>		<b>16</b>	<b>0</b>	<b>3</b>	<b>91</b>	<b>5</b>	
2008	0	0		7	-	11	30	2	67	1	-		13	1	29
2009	0	0		4	-	8	31	2	74	1	-		11	1	8
2010	0	0		4	-	10	56	5	75	-	-		1	-	0
<b>Total 11<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>		<b>15</b>	<b>0</b>		<b>27</b>	<b>9</b>		<b>2</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>2</b>	<b>37</b>

Source: Directorate of Social Welfare, Government of Maharashtra, Mumbai.

## 7.10 Relief and Rehabilitation details for the victims of PoA Act, 1989

During 10th Plan, a total of 228 SC cases have been registered for the rehabilitation and compensation for the victims who have been declared for the same in Pune district after investigations. In the case of Parbhani district we did not have any information for this component of the information. Of the registered cases, 40% of the cases were of insult/intimidation, 25% of the cases relate to rape, 10% of grievous hurt and the rest were other category innature. About Rs.40 lakhs have been given as compensation for the victims/beneficiary families in Pune district. In first 4 years of 11th plan period about 376 SC cases in Parbhani and Pune districts have been registered for compensation and most of the cases relate to other minor crime category in Parbhani whereas in Pune district they relate to intimidation/insults category. In Parbhani district, major crimes like murder and rape, whereas, in Pune district rape category is more in nature. In Parbhani district a few cases of ST related crimes were also registered for compensation whereas none of the ST cases were registered for compensation. A total amount of Rs. 37 lakh in Parbhani district and Rs.57 lakh have been utilised in Pune district for compensation to the victims and victims' families.

**Table 7.10:Relief and Rehabilitation details for the victims of PoA Act, 1989 in 10<sup>th</sup> and 11<sup>th</sup> Plan in Parbhani and Pune districts.**

(Rs. in lakh)

Nature of crime	10 <sup>th</sup> Plan								11 <sup>th</sup> Plan*							
	No. of cases Registered				Amount released				No. of cases Registered				Amount released			
	Parbhani		Pune		Parbhani		Pune		Parbhani		Pune		Parbhani		Pune	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
Murder			2				3		12	2	6		18	3	7.5	
Rape			50				12.5		18	1	91		4.5	0.25	21	
Grievous hurt			25				3.7		8	-	28		-	-	4.26	
Insult/Intimidation			90				5.62		94	2	185		-	-	9.03	
Wrongful occupation/cultivation of land			3				0.18				6				0.25	
Burnt houses			10				1.09		10	1	0		1.09	0.28	1.09	
Bonded Labour			14				0.8				24				1.68	
Other			34				2.22		234	12	36		12.74	2.74	11.83	
<b>Total</b>			<b>228</b>				<b>29.1</b>		<b>376</b>	<b>18</b>	<b>376</b>		<b>36.8</b>	<b>4.1</b>	<b>56.6</b>	

Source: Directorate of Social Welfare, Government of Maharashtra, Mumbai.

## 7.11 PCR Act, 1955 and POA Act, 1989 implementation details in the two districts

In the two districts atrocity prone areas have not been identified. The Rules and regulations have been formed in local language in the districts. No mobile courts are found in the

districts. The districts have its own District Level Committee. No agency and NGOs are working specifically for the schemes in the two districts. The annual reports are being filled half yearly to the State.

## 7.12 State Specific Issues in Maharashtra.

Total of 105 SC families and 31 ST families have been taken for survey in Pune district, 97 SC families' and 48 ST victims families have been taken for survey in Parbhani district pertaining to their socio-economic conditions, nature of crime related details have been obtained from the official records. Thus a total of 281 individuals/families data pertaining to both SCs and STs victims have been covered from the two districts in Maharashtra state (as per the details of data dealt earlier in Chapter –II of methodology) to understand and analyse the PCR Act, 1955 and POA Act, 1989 from the beneficiaries about the crime details, the case history, reasons and the status of crime and the compensation being paid to the victims.

**Table 7.11: Socio-economic conditions of Beneficiaries/Affected families in the selected districts**

(in percentage)

District	Family Size	Percentage land owners	House type			Sources of drinking water			Electric supply	
			Kachcha	Pucca	Semi Pucca	Government supply	Own Hand Pump	Community Hand	Yes	No
PARBHANI	6.2	30	82	14	4	0	14	86	68	32
PUNE	5.8	46	66	20	14	0	20	80	70	30
Total	6.0	38	74	17	9	0	17	83	69	31

Source: Primary Data from the field, Parbhani and Pune Districts, Maharashtra State.

The average family size of victims is 6.2 in the Parbhani district for both SCs and STs and 5.8 in the case of Pune district. The land ownership is very small of 30% in Parbhani and 46% in Pune district. Of the surveyed families only a few of them in Parbhani have pucca houses, and 4% have semi pucca houses. In Pune district, more number of victim families (20%) have pucca houses and 14% have semi-pucca houses. Regarding the source of drinking water supply about 86% of the families in Parbhani have community hand pumps, whereas in Pune district about 80% have both government supply and community hand pumps. About 68% of the victim families have electric supply in Parbhani district whereas 70% in Pune district victim families have electric supply.

### Box - 7.1

*A SC youth by name, Deepak had gone to fetch drinking water from village hand pump in Parbhani in June 2008. Balaji Lakshman Suke (Maratha) who was there for the same picked up quarrel on the priority and fight broke out. Relative of both the communities gathered and it took a communal colour and exchange of bad words and fight took place which lead to police intervention. Later this took to violent case of murder of the youth and the case is pending in the court for the past 4 years.*

The socio-economic data indicate that, 54% of the victims' families are agriculture wage labourers, and are depending on cultivation for their livelyhood in Parbhani district. In Pune

district, about 12% are agricultural labourers, but 12% are in agricultural related activities and 10% are salaried class and 16% own the petty shops.

The victims families literacy and educational qualifications indicate that, in Parbhani district 30% are illiterate, 56% are literate and about 12% are above have primary and above level educational qualifications. In the Pune district, 20% are illiterate, and 42% possess primary and above educational qualifications. Pune district has more educated and literate victim families.

**Table 7.12:Occupational pattern of Beneficiaries/Affected families in the selected districts** (in percentage)

Districts	Percentage of households								
	Cultivation	Allied agricultural activities	Agri. wage labour	Non-Agri. wage lab	Artisan	Petty shop	Organised business /trade	Salaried employment pension	Others
PARBHANI	30	16	42	2	0	6	0	4	0
PUNE	46	12	12	4	0	16	0	10	0
Total	38	14	27	3	0	11	0	7	0

Source: Primary Data from the field, Parbhani and Pune Districts, Maharashtra State.

**Table 7.13: Education level of Beneficiaries/Affected families in the selected districts** (in percentage)

Districts	Percentage							
	Illiterate	Literate	Primary	Middle	Metric	Inter	Graduate	Post graduate
PARBHANI	30	56	6	6	0	0	2	0
PUNE	20	42	10	8	2	14	4	0
Total	41	35	8	7	1	7	0	0

Source: Primary Data from the field, Parbhani and Pune Districts, Maharashtra State.

**Table 7.14:Crime details of the affected families in the selected districts** (in percentage)

Nature of Crime	PARBHANI	PUNE	Total
(i)Single/ Multiple			
A. Individual level	20	40	30
B. Family level	12	16	14
C. Nature of offense- details			
D.Murder	4	2	3
E.Rape,	56	30	43
Y.Others	40	68	64

Source: Primary Data from the field, Parbhani and Pune Districts, Maharashtra State.

**Table 7.15:Crime details of the affected families in the selected districts.(in percentage)**

Crime details	PARBHANI	PUNE	Total
Crime by individual	38	52	45
Crime by community	62	48	55
Crime at neighbourhood	6	6	6
Crime at public place	46	48	47
Crime at work place	6	2	4
Crime at \agriculture field	16	14	15
Crime at road side	26	30	28
Crime reported	94	96	95
Crime has been registered	100	100	100
Time taken for registration			
1 to 30 days	56	42	49
30 to 60 days	44	58	51
Police cooperative	56	62	59
Enquiry officer visited the individual/place of crime/enquired	88	92	90
Level of authority visited			
DSP	0	0	0
Inspector	53	65	60
Sub Inspector	47	35	40
Status of Complaint			
Case pending in court	29	46	38
Pending status of case -			
a.Less than three months			
b.3 to 6 months			
c.6 months to one year	30	70	50
d.More than one year	70	30	50
Got compensation-			
Monetary	80	70	75
Got travelling allowance for court	21	25	23
Reasons of pending cases-			
a.Due to non-cooperation of authorities/police	45	29	36
b.Due to distance of courts/police station	9	21	16
c.Due to coercion/security	9	7	8
d.Awareness of PCR, 1955 Act	57	53	55
e. Awareness of PoA Act, 1989	28	34	31
f.Avaling other SC and ST schemes	10	12	11

Source: Primary Data from the field, Parbhani and Pune Districts, Maharashtra State.

The nature of crimes, it was found that, 20% of the crimes committed on individuals and 12% are on families in Parbhani district. Whereas in Pune district, 40% of the crimes committed on individuals and 16% were on families. Nature of crimes committed on victims, 38% are by individuals and 62% committed by community in Parbhani district, whereas in Pune district they are 52% by individuals and 48% by community. *Of the types of cases, 4% cases were of murder, 56% of rape and 40% of various other types in Parbhani district. In respect of*

*Pune district, 2% are murder, 30% are of rape and other 68% are insult/intimidation/other types.*

*About 46% of the cases in Parbhani and 48% of the cases in Pune district took place in public places, 28% at the road side and half to these cases happened in the neighbourhood. About 16% of the cases in Parbhani were reported at the agriculture related cases and in the agriculture field. Nearly 100% of the cases have been reported by the victims surveyed and all the reported cases have been registered by the police authorities.*

About 56% of the cases in Parbhani have been registered within one month but half of them have reported that, it took more than a month for registering the case with the authorities. About 29% of the victims in Parbhani and 46% in Pune district have reported that, their cases are pending either with police stations or in the courts. Almost all of the victim families have reported that, since more than 6 months the cases are pending for want of various reasons like date, proper witness and police action etc. In the case of those where the case has been settled, 80% of the victims/families indicated that, they have got the monetary compensation in Parbhani and 70% in Pune district. *23% of the victims/families of victims got the travelling and other miscellaneous benefits for attending the police station and courts. Inspectors in the case of 60% cases and 40% cases of SIs attended or inspected the crime scene in the two districts.*

The victims whose cases are pending indicated that, *mostly it is pending in courts (29% in Parbhani, 46% in Pune district) due to lack of cooperation by the authorities particularly the police (36%).* About 9% in Parbhani and 7% in Pune district also informed that, there is coercion from the respondents and authorities not to press the cases. About 55% of the victims are aware of the details of the PCR Act, 1955 and 31% are aware of the PoA Act, 1989 in both the districts. Only 11% of the victim families indicated that, they are availing some or other government schemes like Pre and Post Metric scholarship to their children, housing subsidy, NRGPA etc in the two districts of Maharashtra state.

## 8 IMPLEMENTATION AND EVALUATION OF PCR ACT, 1955 AND POA ACT, 1989 IN ORISSA

### 8.1 About the state

Orissa is one of the eastern coastal state with a geographical area of 4.74% of the country's geographical area, with 36.7 million people and is a low income state. Orissa, bounded on the west by the thickly forested hills of the Eastern Ghats and on the east by nearly 500 km coastline of the Bay of Bengal, is a beautiful state covering an area of 156,000 sq. km. It is surrounded by Jharkhand on the north, West Bengal on the north-east Andhra Pradesh on the south and Chhattisgarh on the west.. The population density of the state is 236 persons per sq.km and the urbanization rate is only 14.9% with a lot of inter-district variation in the state. The state has 30 districts and is rich in natural resources, inland water with 11 major rivers, Mahanadi being the major one, many big and small water bodies with the famous Chilka lake, a big stretch of coastal line with a good potential for fisheries, a good forest cover of about 30% surface area and endowed with rich mineral deposits.



### 8.2 Scheduled Tribes and their socio-economic profile

ST population in Orissa is 8.15 million comprising 22.13% of the total population of the state. Orissa has the third largest concentration of tribal people in the country. There are 62 tribal communities including 13 particularly vulnerable Tribal Groups (PVTGs) in the State. Khond is the most populous (17.1%) ST followed by Gond, Santal, Kolha, Munda, Saora, Shabar and Bhattada and 94.5% of them are rural based. About 44.7% of the State's geographical area has been declared as Scheduled Area which covers 12 districts. The rest of the tribal population habitation is designated into MADA, Cluster pockets and Dispersed Tribal Areas. In 7 districts, namely Malkangiri, Nabarangpur, Rayagada, Sundargarh, Kalahandi, Koraput and Gajapati, STs are more than 50% of the total population in the district. Majority of STs live in hilly and forest areas, which are mostly inaccessible and isolated. Their economy is largely subsistence oriented and non-specialised. At one end of the spectrum we find nomadic food gatherers and hunters and at the other end, agriculturists and horticulturists. The literacy rate among the STs is 37.36% against the overall literacy rate of 63.1% of state (2001 census). The ST male and female literacy rates are 51.5% and 23.4% respectively. As per 2001 Census, 57.4% STs are main workers and the remaining 42.6% are marginal workers. Cultivators account for 33.4% of total workers, whereas agricultural labourers



constitute 46.8% and workers engaged in household industries constitute 4.8% of the total workers. Most of the cultivators among the STs are small and marginal farmers.

### **8.3 Scheduled Castes and their socio-economic profile**

Ninety three communities in the State have been listed as SCs comprising about 13.4 lakh households numbering about 60.8 lakhs populations and 88.4% of them inhabit in rural areas (2001 Census). Out of 93 SC communities, Pan is the most populous caste (17.7%) followed by Dewar, Dom, Dhoba, Ganda, Kandra and Bauri. The State has notified 15 SC communities under sweepers and scavengers besides the other as nomadic, semi-nomadic and de-notified communities. There are 39.3% of SCs which have been returned as total workers and 13.9% of them are marginal workers. SC cultivators account for 22.38% whereas agricultural labourers account for 34.8% and those engaged in household industry constitute 5.6% of the total workers. Though the SC population is spread all over the state the major concentration is found in the coastal districts i.e. Balasore (18.8%), Baudh (21.9%), Bhadrak (21.5%), Jagatsinghpur (21.1%), Kendrapara (20.5%), Malkangiri (21.4%), Sonapur (23.6%), Ganjam (18.6%) and Puri (18.2%). The literacy rate among SCs is 55.5% against the overall literacy rate of 63.1% of the State. The literacy rates among SC male and female are 70.1% and 40.3% respectively. SCs are generally with meagre assets and suffer from many economic disadvantages. The State Government has enacted many legislative and other regulatory measures like Land Settlement Act, Orissa Land Reform Act, Money Lenders Act, Debt Relief Act, Bonded System Abolition Act, Minimum Wages Act, Reservation of Vacancies in Posts and Services Act for the protection, welfare and development of SCs and STs in the State.

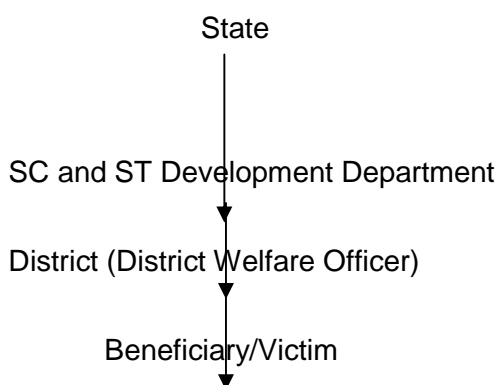
### **8.4 Implementation of the scheme of Assistance under PCR Act, 1955 and POA Act, 1989**

The State SC & ST Development Department is the nodal department in the state. The State Government in their Notification No. 46914/SSD dated 24.12.2002 have nominated the Secretary to Government, ST & SC Development Department as "Nodal Officer" to perform the duties and discharge the functions in respect of the State of Orissa under Rule-9 of the SCs & STs (PoA) Rules, 1995. In Orissa out of 30 districts, 16 districts have been identified as atrocity prone districts by the state government. The state is having a Scheduled Caste Scheduled Tribes Research & Training Institute (SCSTR&TI) at Bhubaneswar, which has translated PCR Act, 1955 and PoA Act, 1989 rules and regulation in local Oriya language and circulated to concerned departments. Besides this, Acts & Rules in tribal language were prepared for distribution and circulation among tribal areas of the state. The following are some of the schemes that are being implemented under PCR Act 1955 and PoA Act 1989 are: (i) Legal Aid to SC/ST litigants, (ii) Cash incentives for inter-caste marriages, (iii) Grant-in-aid to NGOs to spread public awareness through different IEC activities about this scheme, (iv) Public Awareness Programme, (v) Publicity through Vehicles.

The state government is involving Non Governmental Organisations for encouraging and establishing and maintaining different awareness centres. The state government has constituted District Human Rights Protection Cells, abolishing the PCR Cells, Grievance Cells in 32 Police Districts of the State vide Notification No. 62181/HRPC, Dated 6.11.2000

to deal with the atrocities on SCs and STs. Orissa Government have also appointed Addl. District Magistrate in 16 Atrocity prone Districts as Special Officers to perform the duties and discharge the functions of the Special Officers U/S -10 of the SCs & STs (PoA) Rules,1995. The District Level Vigilance and Monitoring Committees have been constituted in all the 30 districts of the State. The quarterly meetings of the Committee are being held regularly to review incidence of atrocities and implementations of the provisions of the Act and the proceedings of the said meetings from the districts are received. Review meetings on incidence of atrocities are also being held in every quarter under the chairmanship of the Principal Secretary, Home Department and other agencies of the State Government associated with the implementation of provisions of PCR Act, 1955 and POA Act,1989.

### **Fund Flow Mechanism**



### **8.5 Financial and physical progress of scheme of Assistance under PCR Act, 1955 and POA Act, 1989**

Table 8.1 presents the financial progress for the PCR Act, 1955 and POA Act, 1989. During 9th Plan period Centre has released Rs. 13.75 lakhs and the State has released an equal amount as per the mandatory provisions of the scheme making a total of Rs.27.5 lakhs. The state government has utilised almost 95% of the allocated funds for the two acts implementation. During 10th plan centre has released about Rs. 23 lakhs and the state has contributed same amount totaling about Rs.46 lakhs and the state utilised a little higher amount during the five years of 10<sup>th</sup>Plan period for implementation of the two acts. During the first four years of 11th Plan period about Rs.329 lakhs has been allocated by centre and the state has contributed the same amount of their 50% share making a total of Rs. 624 lakhs. The state department has utilised about 90% of the allocated funds. There is no clear pattern of the allocation of funds over the years in the plan periods. However, the state government has utilised the allocated funds and also contributed their share of allocation in all the plan periods.

**Table 8.1:Financial Progress during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan in Orissa state for PCR Act, 1955 and POA Act, 1989**

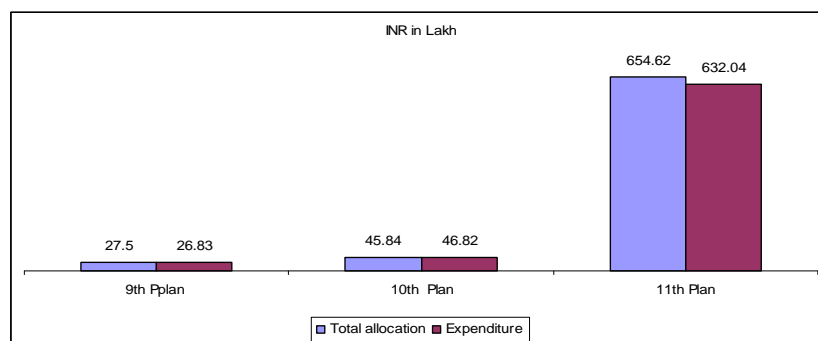
(Rs. in lakhs)

Plan/year	Central Release	State share	Total allocation	Expenditure
9 <sup>th</sup> plan Total	13.75	13.75	27.5	26.83
10 <sup>th</sup> plan Total	22.92	22.92	45.84	46.82

2007-08	49.74	49.74	95.48	95.48
2008-09	60	60	120	118.3
2009-10	69.57	69.57	139.14	138.26
2010-11	150	150	300	280
<b>Total of 11<sup>th</sup> Plan</b>	<b>329.31</b>	<b>329.31</b>	<b>654.62</b>	<b>632.04</b>

Source: SC and ST Development Department, Government of Orissa, Bhubaneswar.

**Figure 8.1: Allocation and Expenditure of PCR Act, 1955 and POA Act, 1989 funds during the 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan periods in Orissa state.**



Source: SC and ST Development Department, Government of Orissa, Bhubaneswar

### 8.6 Physical performance of the scheme in the State for PCR Act 1955 and POA Act, 1989

About 5 SC cases in 9<sup>th</sup> Plan, 3 SC cases in 10<sup>th</sup> Plan, 5 SC cases in first three years of 11<sup>th</sup> plan were registered under PCR Act, 1955 in Orissa state. *Almost all the SC cases were closed after investigation and charge sheeted and none were pending during 9<sup>th</sup> plan. Similarly in 10<sup>th</sup> Plan all SC cases were closed after investigation whereas, more than 50% of the SC cases were closed after investigations. None of the ST cases were reported or registered for this act in Orissa state.*

POA Act, 1989 details for the 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan periods are presented in Table 8.2. About 1907 SC cases and 644 ST cases were registered in the last two years of 9<sup>th</sup> Plan period. Out of these cases none were brought forward, and all the SC cases and ST cases were closed after investigation. Infact more number of ST cases were closed after investigation due to the earlier cases backlog. *About 80% of SC and ST cases were charge sheeted after investigation by the police authorities and none of these cases were stated to be pending in the courts/police stations.*

During 10<sup>th</sup> Plan period about 17,837 SC cases and 1,683 ST cases were registered and a few cases of SC and ST were brought forward. *About 30% of the SC and ST cases were closed after investigation, and about 15% SC and ST cases were charge sheeted.* About one percent of the cases were still pending in the courts/police stations. The cases registered when compared to 9<sup>th</sup> plan were very high in nature indicating the trend of atrocities being committed against the SCs and STs.

**Table 8.2: Physical performance of the scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act 1989**

YEAR	No of the cases registered		No of cases brought forward		No of cases closed after investigation		No of cases charge sheeted in courts		No of cases Pending	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	940	337	0	0	940	800	800	256	0	0
2002	967	307	0	0	967	767	767	224	0	0
<b>Total 9<sup>th</sup> Plan</b>	<b>1907</b>	<b>644</b>	<b>0</b>	<b>0</b>	<b>1907</b>	<b>1567</b>	<b>1567</b>	<b>480</b>	<b>0</b>	<b>0</b>
2003	966	256	0	0	949	637	637	147	17	0
2004	1091	316	17	0	1077	740	470	207	14	7
2005	1072	368	31	7	1050	598	598	233	22	1
2006	1153	349	53	8	1103	652	652	199	50	10
2007	13555	394	103	18	1217	745	475	235	138	45
<b>Total 10<sup>th</sup> Plan</b>	<b>17837</b>	<b>1683</b>	<b>204</b>	<b>33</b>	<b>5396</b>	<b>3372</b>	<b>2832</b>	<b>1021</b>	<b>241</b>	<b>63</b>
2008	1252	387	241	63	1022	645	645	231	230	51
2009	1235	306	471	114	861	594	594	150	374	94
2010	1228	355	845	208	492	338	338	147	736	162
<b>Total 11<sup>th</sup> Plan</b>	<b>3715</b>	<b>1048</b>	<b>1557</b>	<b>385</b>	<b>2375</b>	<b>1577</b>	<b>1577</b>	<b>528</b>	<b>1340</b>	<b>307</b>

Source: SC and ST Development Department, Government of Orissa, Bhubaneswar.

#### 8.7 PCR Act, 1955 and POA Act, 1989 implementation details at the State level

The State Government has identified 16 districts out of 30 as atrocity prone areas. The Government of Orissa, ST & SC Department vide Notification No. PCR- 18/2000/SSD dated 10.01.2003 have appointed the Addl. District Magistrate of the District as Special Officer in respective Atrocity prone districts. Following are the names of the atrocity prone areas under each district.

**Table 8.3: Atrocity prone areas identified in the state of Orissa**

Sl. No	Name of the District	Atrocity Prone Areas
1	Angul	Pallahara, Chhendipada, Jarapada P.S areas
2	Bhadrak	Bhadrak Town, Rural (Sadar), Nikanidihi, Dhusuri, Bansada P. S.areas
3	Boudh	Boudh, Baunsuni, Manamunda, Kantamal, Puruna Katak, Harbhanga P.S.areas
4	Balasore	Balasore Town, Khantapada, Industrial areas, Oupada, Singla, Sadar P.S.areas
5	Cuttack	Badamba, Niali, Gobindpur P.S.areas
6	Dhenkanal	Sadar, Gondia P.S.areas
7	Deogarh	Entire Deogarh district
8	Kandhamal	Entire Kandhamal district
9	Kalahandi	Dharmagarh, Junagarh, Jaipatna, Koksara, Sadar, Kegaon and Bhawanipatna P.S.areas
10	Khurda	Badagad, Lingaraj, Baliana, Balugaon, Banpur, Jankia, Balipatna, Khandagiri P.S.areas
11	Keonjhar	Keonjhar Town, Sadar, Patna, Ghasipura, Ghatagaon, Anandpur, Champua, Joda, Barbil P.S.areas
12	Mayurbhanj	Baripada Town, Bangiripose, Khunta, Udala, Thakurmunda, Karanjia, Jharpokharia, Rasagovindpur, Barsahi P.S areas

Sl. No	Name of the District	Atrocity Prone Areas
13	Nuapada	Sina Palli block areas
14	Puri	Sadar town, Sea beach, Chandanpur, Satyabadi, Brahamgiri, Delanga, Kanas, Pipli, Gop, Balanga, Nimapara, Krushna Prasad P.S.areas
15	Sonepur	Sonepur, Birmaharajpur P.S.areas
16	Sundargarh	SundargarhTown, Sadar, Leparipada, Hemgiri, Bisra,Rajgangpur and Sector-19 P.S.areas

Source: SC and ST Development Department, Government of Orissa, Bhubaneswar.

The state is having a Scheduled Caste Scheduled Tribes Research & Training Institute (SCSTR&TI), Bhubaneswar which has translated PCR Act, 1955 and PoA Act, 1989 rules and regulation in local Oriya language and circulated to concerned departments. Besides this, Acts & Rules in tribal languages have been translated for distribution and circulation among tribal areas of the state. The State does not have any mobile courts. The state has a state level committee for monitoring the two acts related schemes on atrocities. The State has 386 NGOs who were engaged in SCs and STs welfare and development programmes and involved for organizing awareness centres under Rule-3(ix) of the Scheduled Caste & Scheduled Tribes (PoA), 1995 rules. The State government is providing Rs.3000/- per couples for the inter-caste marriage. Last year (2010) the State Government of Orissa has spent Rs 93,000/- for 31 couples for the inter-caste marriages.

## 8.8 Sampled Districts

### (i) Puri district

Puri being a coastal district of Orissa, is famous for its historic antiquities, religious, architectural grandeur, and sea-scape beauty. It holds a wealth of attraction for the visitors. It boasts of a continuous history from the 3rd Century B.C. to the present day and of Lord Jagannath at Puri. It has a geographical area of 3051 sq. kilometer. The area of the district is 3051 sq.kms. It has 7 Tehsils, 11 development blocks, 4 towns, one municipality, 16 police stations, 204 gram panchayats, 1584 villages and about 130 uninhabited villages.

### (ii) Khurda district

The District Khurda came into existence on 1<sup>st</sup> April, 1993 by dividing it off its erstwhile Puri District which after division became Puri, Khurda and Nayagarh. Later on in the year 2000, the District name is changed as Khordha. Presently it is the headquarter of Khordha district, and 20 Km from the capital city of Bhubaneswar on the National Highway No 5. The District is bounded by Cuttack district in north & north-east, Nayagarh district in west, Puri district in south and Ganjam district in south-west. The total geographical area of the district is 2887.50 Sq. Km where 2642.16 Sq. Km. in rural and 245.3416 Sq. Km is in urban. The total population of the district as per 2001 Census is 18, 77, 395, where Males are 9,86,886 and females are 8,90,509. Among these SC population is 8,90,509 and ST population is 97,186. The district is having two sub-divisions namely Khordha and Bhubaneswar, ten Tehsils namely Baliana, Balipatna, Banpur, Begunia, Bhubaneswar, Bolagarh, Chilika, Jatni,

Khordha and Tangi. There are 1561 villages among them 1355 are inhabited and 206 are not habited. There are 168 Gram Panchayats in the district.

## 8.9 Implementation of PCR Act, 1955 and POA Act, 1989 by District Authorities

### 8.9.1 Financial progress under scheme of Assistance under PCR Act, 1955 and POA Act, 1989

During 10<sup>th</sup> Plan about Rs.0.2 lakhs have been allocated by the state authorities to Puri district for the two schemes implementation and the allocated funds have been fully utilised by the district authorities, whereas, we don't have secondary information from the Khorda district authorities for this. During 11<sup>th</sup> Plan first three years, about Rs. 1.97 lakhs have been allocated and the whole amount has been utilised by the district authorities. In Khorda district for the first three years of 11<sup>th</sup> Plan period about Rs. 5.6 lakh have been allocated by the state authorities and the whole amount has been utilised. Though we do not get any trend in the allocation by the authorities, but the amount allocated is being utilised in full by the authorities in the implementation of the two schemes indicating the need for more funds for the two schemes.

**Table 8.4: Financial progress of PCR, 1955 and POA Act, 1989 in the two districts during 10<sup>th</sup> Plan and 11<sup>th</sup> Plan**

Plan/Year	Total allocation (PoA Act 1989)		Expenditure (PoA Act 1989)	
	Puri	Khurda	Puri	Khurda
10 <sup>th</sup> Plan (2002-03 to 2006-07)	0.2		0.2	
11 <sup>th</sup> Plan				
2007-08	0.2	1.77	0.2	1.77
2008-09	0.57	0.5	0.57	0.5
2009-10	1.2	3.3	1.2	3.3
Total of 11 <sup>th</sup> Plan	<b>1.97</b>	<b>5.57</b>	<b>1.97</b>	<b>5.57</b>

Source: SC and ST Development Department, Government of Orissa, Bhubaneswar.

### **8.9.2 Physical Progress of PCR Act, 1955 in the two districts of Orissa**

According to the officials 183 SCs cases have been registered and investigated under PCR Act, 1955 in Puri district during 9<sup>th</sup> Plan period; and all the 183 cases were closed after investigation. There were no data / information made available to us of the 9<sup>th</sup> plan period for the Khorda district. During 10<sup>th</sup> Plan, about 414 SC cases have been registered in Puri district, 22 SC cases were brought forward and 392 cases were closed after investigation and 279 SC cases were charge sheeted and 17 SC cases were pending for want of justice. We don't have the data for the Khorda district for these statistics. During 11<sup>th</sup> Plan, first three years about 301 SC cases have been registered for PCR Act, 1955 and about 168 SC cases were brought forward from previous years, and about 227 SC cases were closed after investigation, 148 SC cases were charge sheeted and 74 cases are pending in the courts.

**Table 8.5:Physical performance of the scheme in the sampled districts during 10<sup>th</sup> and 11<sup>th</sup> Plan for PCR Act 1955**

Year	No. of cases Registered				No. of cases Brought forward				No. of cases closed after Investigation				No. of cases Charge sheeted in courts				No. of cases Pending			
	Puri		Khurda		Puri		Khurda		Puri		Khurda		Puri		Khurda		Puri		Khurda	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	74								74				62							
2002	109								109				91							
<b>Total of 9<sup>th</sup> Plan</b>	<b>183</b>				<b>0</b>				<b>183</b>				<b>153</b>					<b>0</b>		
2003	85								85				60							
2004	77								77				54							
2005	65				1				64				44				1			
2006	83				4				80				54				3			
2007	104				17				89				67				13			
<b>Total of 10<sup>th</sup> Plan</b>	<b>414</b>				<b>22</b>				<b>392</b>				<b>279</b>				<b>17</b>			
2008	113				31				99				62				14			
2009	90				46				75				49				15			
2010	98				91				53				37				45			
<b>Total 11<sup>th</sup> Plan</b>	<b>301</b>				<b>168</b>				<b>227</b>				<b>148</b>				<b>74</b>			

Source: SC and ST Development Department, Government of Orissa, Bhubaneswar.

Very few SC cases were convicted and many of them are pending in courts for disposal. A large number of cases have been acquitted in 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> plan though only a few cases have been registered under this act. This indicates that, it is difficult to investigate and prosecute the offenders under this act. About 51 SC cases in 9<sup>th</sup> plan, 51 SC cases in 10<sup>th</sup> Plan, 52 SC cases in 11<sup>th</sup> Plan first three years were acquitted or discharged in Puri district of Orissa state.



**Table 8.6: Physical performance of the scheme in the districts during 10<sup>th</sup> and 11<sup>th</sup> Plan for PCR Act 1955**

Year	No. of cases Refused				No. of cases found false/mistake/fact of law etc				No. of cases charge sheet submitted by police				No. of cases convicted				No. of cases acquitted or discharged			
	Puri		Khurda		Puri		Khurda		Puri		Khurda		Puri		Khurda		Puri		Khurda	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001					10				62					-				6		
2002					17				91					-				9		
<b>Total of 9<sup>th</sup> Plan</b>					<b>27</b>				<b>153</b>					<b>0</b>				<b>15</b>		
2003					21				60					1				7		
2004					23				54					6				14		
2005					20				44					2				8		
2006					26				54					-				9		
2007					24				67					1				13		
<b>Total of 10<sup>th</sup> Plan</b>					<b>114</b>				<b>279</b>					<b>10</b>				<b>51</b>		
2008					36				62					2				12		
2009					26				49					-				8		
2010					16				37					2				32		
<b>Total 11<sup>th</sup> Plan</b>					<b>78</b>				<b>148</b>					<b>4</b>				<b>52</b>		

Source: SC and ST Development Department, Government of Orissa, Bhubaneswar.

#### 8.10 Physical Progress of POA Act, 1989 in the two districts of Orissa.

About 183 SC cases have been registered in Puri district for the POA Act, 1989 during 9<sup>th</sup> plan and all the cases have been closed after investigation and about 80% of the cases have been charge sheeted. During 10<sup>th</sup> plan period there is increase in incidence and about 414 SC cases have been registered, 22 SC cases were brought forward, 395 SC cases have been closed after investigation (90%) and 75% of the cases were charge sheeted. About 17 SC cases are pending for investigation/courts verdict in Puri district. During the first three years of 11<sup>th</sup> Plan, in Puri district about 301 SC cases were registered, 117 SC cases were registered in Khorda district. About 168 SC cases in Puri and 11 SC cases in Khorda were brought forward in this plan period. About 75% of the cases of SCs were closed after investigation in both the districts, and about 50% of the cases were charge sheeted out the registered cases for SCs. There are no data for these atrocities for the STs in the two districts. About 25% of the SC cases are pending for want of investigation and justice in the two districts.

Not a single case of SC and ST has been reported as refused for registration. A large number of cases of SCs have been found to be false / filed by mistake/not tenable under law in all the plan periods in Puri district (27 in 9<sup>th</sup> plan, 114 in 10<sup>th</sup> plan and 78 in first three years of 11<sup>th</sup> plan). These figures are not available in Khurda district. Only a few cases of SCs are getting convicted by the courts for the crimes under POA Act, 1989 in all the plan periods (Table 8.9) and a large number of cases are pending in the courts for verdict due to many reasons like long delays, proper prosecution of witness and victims, lack of witness and presence of police authorities.

#### **8.11 Relief and Rehabilitation measures in Orissa for PCR Act, 1955 and POA Act, 1989**

About 75 SC cases in Puri district have been registered after conviction and investigation for compensation in 10th plan period and most of them relate to insult/intimidation, and only few cases of grievous hurt, rape and murder have been recorded. We don't have data for the Khurda district of the state. Even the recorded SC cases for registration are very few. About Rs. 3.04 lakh have been given as compensation for the victims/victims' families. During 11th Plan period first four years, 243 SC cases have been registered for compensation and rehabilitation purpose. About Rs. 18 lakh have been given as compensation to the victims/victims' families in Puri district and Rs. 4.5 lakh have been given in the Khurda district SC victims. Not a single case of ST has been registered for compensation indicating the slowness for the prosecution of the ST related cases in the districts and state in general during the two plan periods.

#### **8.12 Implementation details of PCR and POA Acts in the districts of Orissa**

Both the districts have identified atrocities prone areas in their respective jurisdiction i.e. Sadar town, Sea beach, Chandanpur, Satyabadi, Brahamgiri, Delanga, Kanas, Pipli, Gop, Balanga, Nimapara, Krushna Prasad P.S. areas in Puri District and Badagad, Lingaraj, Baliana, Balugaon, Banpur, Jankia, Balipatna, Khandagiri P.S. areas in Khurda District are identified as atrocity prone areas. The rules and regulations are published in local Oriya language. The state does not have any Fast Track courts for speedy trials and compensation to the victims. The districts are having District level Vigilance and Monitoring Committee under the Chairmanship of District Collector. Both the districts have NGOs working in the implementation of PCR and PoA Act. In Puri district, 48 and in Khurda district 29 such organizations are working in their implementation of these Acts during our field operations. Annual reports are being filled quarterly to the state government by the district authorities.

**Table 8.7:Relief and Rehabilitation details for the victims of PoA Act, 1989 in 10<sup>th</sup> and 11<sup>th</sup> Plan in the two districts of Orissa state.**

(Rs. in lakh)

Nature of crime	10 <sup>th</sup> Plan								11 <sup>th</sup> Plan							
	No. of cases Registered				Amount released				No. of cases Registered				Amount released			
	Puri		Khurda		Puri		Khurda		Puri		Khurda		Puri		Khurda	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
Murder					0.25				-							
Rape					0.07				1				0.25			
Grievous hurt					0.4				3				0.2			
Insult/Intimidation					2.3				217				12			
Wrongful occupation/cultivation of land					0.02				-				-			
Burnt houses					-				3				0.5			
Other					-				19				4.75			
<b>Total</b>					<b>3.04</b>				<b>243</b>				<b>17.7</b>			

Source: SC and ST Development Department, Government of Orissa, Bhubaneswar.

### 8.13 Affected families, Case studies, beneficiary's data and impact analysis in the State

About 26 STs victims and 186 SC victims beneficiary families have been surveyed from two Taluks– Sakhigopal, Krushnaprasad of Puri district and three Taluks -Chandaka, Khandagiri, Balugaon of Khorda district of Orissa State. A total of 100 SC families and 5 ST families in Puri district and 86 SC families and 21 ST victims' family's data of Khorda district pertaining to their socio-economic conditions, crime related activities details have been obtained from the official records, beneficiaries households as per the beneficiary questionnaire developed. Thus a total of 212 SC and ST individuals/families data have been covered from the two districts in Orissa state to understand and analyse the PCR Act, 1955 and POA Act, 1989.

Of the 212 crime related families data, the average family size is 6.4 in the Khorda district for both SCs and STs and 6.2 in the case of Puri district. The land ownership is very small of 26% in Khorda and 40% in Puri district. Of the surveyed families about 14% of them in Khorda have pucca houses, and 86% have Kaccha houses. In Puri district, more number of victim families (20%) have pucca houses and 80% have Kaccha houses. Regarding the source of drinking water supply, 100% of the families in Khorda and Puri had community hand pumps. About 38% of the victim families have electric connection in Khorda district whereas 40% in Puri district victim families have electric connection in their houses.

**Table 8.8: Socio-economic conditions of Beneficiaries/Affected families in the selected districts**

(in percentage)

District	Family Size	Percentage land owners	House type			Sources of drinking water			Electric supply	
			Kachcha	Pucca	Semi Pucca	Government supply	Own Hand Pump	Community Hand Pump	Yes	No
KHURDA	6.4	26	86	14	0	0	0	100	38	62
PURI	6.2	40	80	20	0	0	0	100	40	60
Total	6.3	33	83	17	0	0	0	100	39	61

Source: Primary data from field, Khurda and Puri districts, Orissa State.

**Table 8.9: Occupational pattern of Beneficiaries/Affected families in the selected districts (in percentage)**

Districts	Percentage of households								
	Cultivation	Allied agricultural activities	Agri. wage labour	Non-Agri. wage lab	Artisan	Petty shop	Organised business /trade	Salaried employment pension	Others
KHURDA	26	16	46	2	0	6	0	4	0
PURI	40	14	12	6	0	16	0	11	0
Total	33	15	29	4	0	11	0	8	0

Source: Primary data from field, Khurda and Puri districts, Orissa State.

*The socio-economic data indicate that, 46% of the victims' families are agriculture wage labourers, and 26% are based on cultivation for their livelihood in Khorda district. In Puri district, about 12% are agricultural labourers, but 40% are in agricultural related activities and 11% are salaried class, 16% own the petty shops.* The victims' families literacy and educational qualifications indicate that, in Khorda district 42% are illiterate, 38% are literate and about 20% have primary and above level educational qualifications. In the Puri district, 26% are illiterate, and 42% are primary and above educational qualifications. Puri district has more educated and literate victim families.

**Table 8.10: Education level of Beneficiaries/Affected families in the selected districts**  
(in percentage)

Districts	Percentage							
	Illiterate	Literate	Primary	Middle	Metric	Inter	Graduate	Post graduate
KHURDA	42	38	8	8	0	0	4	0
PURI	26	32	10	10	2	16	4	0
Total	35	36	9	9	1	8	0	0

Source: Primary data from field, Khurda and Puri districts, Orissa State.

**Table 8.11:Crime details of the affected families in the selected districts**

(in percentage)

Nature of Crime	KHURDA	PURI	Total
(i)Single/ Multiple			
A. Individual level	34	36	35
B. Family level	20	26	23
C. Nature of offense- details			
D.Others	98	100	99

Source: Primary data from field, Khurda and Puri districts, Orissa State.

*In the nature of crimes, it is found that, 34% of the cases were committed on individual and 20% were on family level in Khurda district. Whereas in Puri district, 36% of the cases were committed on individual based and 26% were on families. Of the types of cases, 4% cases were of murder, 12% of rape and 80% of various others types in Khorda district. In the case of Puri district, 5% are murder type, 8% are of rape and other 53% are insult/intimidation types. On the whole most of the cases in both the districts were of insult and intimidating, house burning, grievous injury types (54%) as is also reflected in the State level data.*

*The victims indicated that, about 19% of the cases were committed by individuals and 81% of the cases committed by community rivalry in both the districts though in Puri district, community level crimes were reported to be low. More than 46% of the cases in Khorda and 48% of the cases in Puri district took place in public places, 28% at the road side and half to these cases happened in the neighbourhood. All the cases have been reported by the victims surveyed and all the reported cases have been registered by the police authorities.*

**Table 8.12:Crime details of the affected families in the selected districts.**

(in percentage)

Crime details	KHURDA	PURI	Total
Crime by individual	38	0	19
Crime by community	62	100	81
Crime at neighbourhood	6	6	6
Crime at public place	46	48	47
Crime at work place	6	2	4
Crime at agriculture field	16	14	15
Crime at road side	26	30	28
Crime reported	94	96	95
Crime has been registered	100	100	100
Time taken for registration			
1 to 30 days	48	50	49
30 to 60 days	28	30	29
Above 60 days	0	0	0
Police cooperative	56	62	59
Enquiry officer visited the individual/place of crime/enquired	84	84	84
Level of authority visited			
Inspector	66	71	69
SI	34	29	31
Status of Complaint			

Crime details	KHURDA	PURI	Total
Case pending in court	67	70	69
Pending status of case -			
a.Less than three months			
b.3 to 6 months			
c.6 months to one year	46	54	50
d.More than one year	54	46	50
Got compensation-			
Monetary	100	100	100
Got travelling allowance for court	26	28	27
Reasons of pending cases-			
Due to non-cooperation of authorities/police	71	36	50
Due to distance of courts/police station	14	27	22
Due to coercion/security	14	9	11
Awareness of PCR, 1955 Act	63	55	58
Awareness of PoA Act, 1989	32	44	43
Availing other SC and ST schemes	10	12	11

Source: Primary data from field, Khurda and Puri districts, Orissa State.

About 48% of the cases in Khurda have been registered within one month and 50% of the cases in Puri reported that, it took a month for registering the case with the authorities. About 46% of the victims in Khurda and 54% in Puri district have reported that, their cases are pending either with police stations or in the courts for more than half a year for want of various reasons like date, proper witness and police inaction etc. In the case of those where the cases have been settled, all the victims/beneficiaries indicated that, they have got the monetary compensation and 26% of the victims in Khurda and 28% in Puri district got the travelling and other miscellaneous benefits for attending the police station and courts. About 66% victims in Khurda and 61% in Puri district reported that, they got the help of Inspector level police authority visit and help at the site of crime and investigation.

#### Box – 8.1

In Malmuda village, in Khurda district of Orissa, SC women - Sanjukta , Pama Suna and others said that, they run a bakery and sell their products in the local markets. However, they informed that, non-SC/ST do not purchase bread made in their factory. Similarly they are not allowed to sell milk and its products neither to the non SCs/STs nor to the milk cooperative factory.

56 year old Styaram is running a tea shop in the outskirts of Puri town where non-SCs/STs are boycotting his tea shop. Only the SCs and STs are coming to his tea shop to get tea, snacks though his shop is clean and tidy.

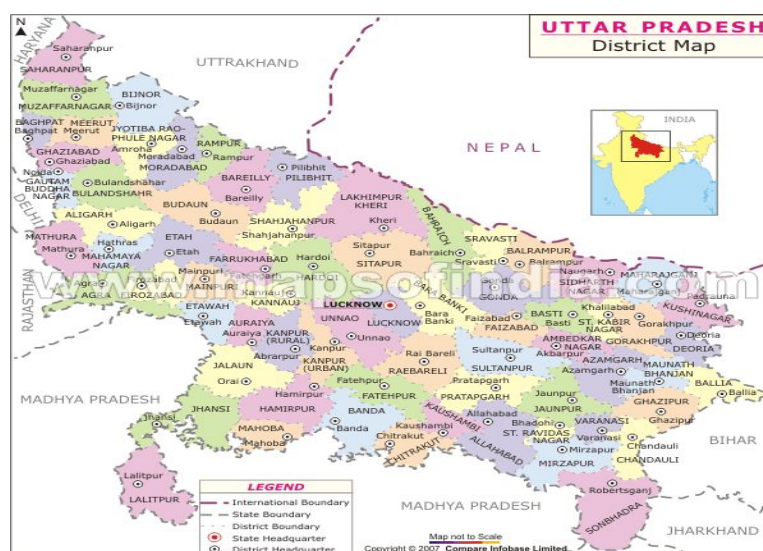
## 9 IMPLEMENTATION AND EVALUATION OF PCR ACT, 1955 AND POA ACT, 1989 IN UTTAR PRADESH

### 9.1 Brief demographic and geographical background of State

Uttar Pradesh is the most populous state in the country accounting for 16.4 per cent of the country's population. It is also the fourth largest state in geographical area covering 9.0 per cent of the country's geographical area, encompassing 294,411 square kilometers and comprising of 75 districts, 901 development blocks and 112,804 inhabited villages. The density of population in the state is 473 persons per square kilometers as against 274 for the country.

Uttar Pradesh is the rainbow land where the multi-hued Indian Culture has blossomed from times immemorial. Blessed with a variety of geographical land and much cultural diversity.

Dotted with various holy shrines and pilgrim places, full of joyous festivals, rivers, dense forests and fertile land it plays an important role in the politics, education, culture, industry, agriculture and tourism of India. Garlanded by the Ganga and Yamuna, the two pious rivers of Indian mythology, Uttar Pradesh is surrounded by Bihar in the East, Madhya Pradesh in the South, Rajasthan, Delhi, Himachal Pradesh and Haryana in the west and Uttaranchal in the north and Nepal touch the northern borders of Uttar Pradesh, it assumes strategic importance for Indian defence. Its area of 2,36,286 sq km. lies between latitude 24 deg to 31 deg and longitude 77 deg to 84 deg East. Uttar Pradesh has the largest population of scheduled Caste in the country comprising of 66 castes. As per the 2001 census, the total population of the state is 1661.98 lakh, out of which 351.48 lakh, (21.1%) are SCs. The proportion of ST population is less than 1% and it is confined to a few districts and mainly in Stupor of the state.



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### 9.2 Socio-economic status of SCs in the State

Majority of the SC population lives in rural areas. Most of the SC families are still living below the poverty line, majority of them are engaged in low wages and in degraded occupations like sweeping and scavenging. Their skill base is very low. According to 2001 Census, the literacy rate among SC population in Uttar Pradesh is 46.3% as compared to 56.3% among total population. However, literacy among SC females is much lower (30.5%). Due to low literacy level, the SC candidates could not avail the opportunity of employment even for reserved vacancies.

### 9.3 Occupational Classification

The size of main workers primarily sustains the socio-economic structure of any class. The total SC main workers in the State according to 2001 Census are 79.49 lakh which is about 20% of the 393.38 lakh total main workers in the State. The occupational classifications of SC workers are given in the following table. Compared to general and total workers, workers of SCs are more dependent on agriculture.

**Table 9.1:Percentage of Scheduled Castes main workers (2001 census)**

Occupational Classification	Total main workers	SC Workers	General Main Workers
1. Cultivators	184.8 (47.0)	31.4 (39.5)	153.2 (48.8)
2. Agricultural Labourers	59.5 (15.1)	23.86 (30.0)	35.63 (11.4)
3. Non agricultural Labourers	149.0 (37.9)	24.20 (30.4)	124.75 (39.8)
4. Household Industries	20.9 (5.3)	3.5 (4.4)	17.4 (5.6)
5. Others	127.3 (32.6)	20.7 (26.0)	107.7 (34.2)
<b>Total Main workers</b>	<b>393.4</b> <b>(100)</b>	<b>79.5</b> <b>(100)</b>	<b>313.6</b> <b>(100)</b>

Source: Census of India, Government Of India Publications, 2001, Office of the Registrar General and commissioner, New Delhi.

### 9.4 Land Holdings

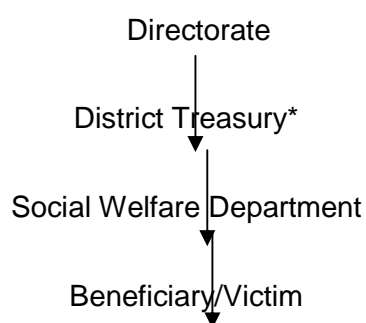
The share of SCs land holdings in the State in 2001 was 17.01% where as in terms of area, it accounts for 10.91% only. However, the share of SC in area as well as in number of holdings has slightly increased over the years, which is a positive indication.

### 9.5 Implementation of the scheme os Assistance under PCR Act, 1955 and POA Act, 1989 in U.P state

As per the State government records, central zone of the state is more prone to atrocities followed by the eastern zone; out of 75 districts in the state 20 districts have been identified as atrocity prone districts. State directly allocates funds to the concerned district head quarters as per their proposals. For filling of reports, appointments of advocates are not done by the state. There is no provision of giving awards to speedy trials in the state. The district level Monitoring and Vigilance Committee usually do quarterly meeting in the respective districts. The state level committee is headed by the Chief Minister and as per the act usually the meetings were held twice in a year. The implementation of this scheme is done by the social welfare department supported by the home department in the state.



### Fund Flow Mechanism



\*If fund is not available from state then the respective districts draws the requisite amount from **TR 27** (in Uttar Pradesh)

#### 9.5.1 Reporting Mechanism:

[Village----Thana-----Court-----State HQ]

The state has Special Prosecution Cell since last 2 years and this cell is looking after the atrocity cases against SCs and STs. In the district level, meeting is organised on 3<sup>rd</sup> Monday of every month. No mobile court is found in the district but Fast Track Courts are running in some of the districts.

#### 9.6 Financial progress of PCR Act, 1955 and POA Act, 1989 in 10<sup>th</sup> Plan and 11<sup>th</sup> Plan

During 10<sup>th</sup> Plan the state government has allocated about Rs.8.9 lakh for POA Act, and the allocated amount was fully utilised by the state authorities. During 11<sup>th</sup> Plan, first 4 years about Rs75.2 lakhs has been allocated. According to the state authorities the whole amount has been utilised by them for the implementation of the scheme.

**Table 9.2: Financial Progress for PCR Act, 1955 and POA Act, 1989 during 10<sup>th</sup> and 11<sup>th</sup> Plan periods (In Lakh)**

PLAN/YEAR	Allocation		Expenditure	
	PCR act 1955	POA Act,1989	PCR act 1955	POA ACT,1989
<b>10<sup>th</sup> Plan</b>		<b>8.9</b>		<b>8.9</b>
<b>11<sup>th</sup> Plan</b>				
2007-08		13.1		13.1
2008-09		29.0		29.0
2009-10		30.8		30.8
2010-11		3.3		3.3
<b>Total of 11<sup>th</sup> Plan</b>		<b>75.2</b>		<b>75.2</b>

Source: Department of Social Welfare, Government of U.P, Lucknow.

## 9.7 Physical progress of PCR, 1955 and POA Act, 1989 in 10th Plan and 11th Plan

About 305 SC cases in last two years of 9<sup>th</sup> Plan period have been registered under POA Act, 1989. About 1 SC case was brought forward during this plan. All the registered cases were closed after investigation and 95% of the registered cases were charge sheeted by the police. Only a single SC case was shown as pending in the state during 9<sup>th</sup> plan. During 10<sup>th</sup> plan period, about 244 SC cases were registered in five years and 28 SC cases were brought forward during this period from previous years cumulatively. About 233 SC cases (95%) were closed after investigation and 200 SC cases were charge sheeted. About 39 SC cases were shown as pending in courts/police stations for justice. During the first three years of 11<sup>th</sup> plan period, about 656 SC cases have been registered in the state, 46 SC cases were brought forward. About 95% of the SC cases were closed after investigations and 475 SC cases (80%) of them have been charge sheeted. About 38 SC cases are reported as pending in the courts/police stations for justice and investigations. No data are available for the STs in the state. As the state has very few STs there are no records and atrocities are not recorded in the state.

**Table 9.3: Physical performance of the scheme in state in the state during 9th, 10th and 11th Plan for PCR act 1989**

YEAR	No of cases Registered		No of cases Brought Forward		No of cases closed after investigation		No of cases charge sheeted in courts		No of cases Pending	
	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC
2001		167				166		156		1
2002		138		1		139		135		
<b>Total 9th Plan</b>	<b>0</b>	<b>305</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>305</b>	<b>0</b>	<b>291</b>	<b>0</b>	<b>1</b>
2003		38				33		33		5
2004		25		5		29		26		1
2005		41		1		34		31		8
2006		59		8		53		48		14
2007		81		14		84		62		11
<b>Total 10th Plan</b>	<b>0</b>	<b>244</b>	<b>0</b>	<b>28</b>	<b>0</b>	<b>233</b>	<b>0</b>	<b>200</b>	<b>0</b>	<b>39</b>
2008		207		11		197		170		21
2009		234		21		241		174		14
2010		215		14		166		131		3
<b>Total 11th Plan</b>	<b>0</b>	<b>656</b>	<b>0</b>	<b>46</b>	<b>0</b>	<b>604</b>	<b>0</b>	<b>475</b>	<b>0</b>	<b>38</b>

Source: Department of Social Welfare, Government of U.P, Lucknow.

## 9.8 Relief and Rehabilitation details for the victims of PoA Act, 1989

About 84 SC cases have been registered after completion of investigations/courts verdict for proper compensation and rehabilitation in the state of U.P during 10<sup>th</sup> plan period. Most of the cases have been reported as bonded labour (90%) and five cases are relating to rape and 2 cases are of murder type. A total amount of Rs.8.9 lakhs have been released for the compensation to the victims/victims families in the 10<sup>th</sup> plan period. About, 108 SC cases

have been registered for compensation during 11<sup>th</sup> plan first four years for compensation and rehabilitation and most of the cases again relate to bonded labour, almost 1/3<sup>rd</sup> of them are of rape category and 11 cases are of murder. As murder related cases are more in the state compared to other states and we don't get the full information about the PCR Act, 1955 and other details from the state authorities it is clear there are many hidden cases which are not being reported by the police and also are not brought to the notice of the police by the victims/victims families due to various reasons. About Rs. 52 lakhs have been released towards ST victims/families and Rs. 76 lakhs have been released for the SC families/victims during 11<sup>th</sup> plan first 4 years for implementation of these two schemes by the state of U.P.

**Table 9.4: Relief and Rehabilitation details for the victims of PoA Act, 1989 in 10<sup>th</sup> and 11th Plan**

Sl.No	Nature of crime	10 <sup>th</sup> Plan				11 <sup>th</sup> Plan			
		No. of cases Registered		Amount released		No. of cases Registered		Amount released	
		ST	SC	ST	SC	ST	SC	ST	SC
1	<b>Murder</b>		2		3		11		12.75
2	<b>Rape</b>		5		1.25		37		9.25
3	<b>Grievous hurt</b>						5		1.25
4	<b>Insult/intimidation</b>								
5	<b>Burnt Houses</b>						3		0.75
6	<b>Bonded Labourers</b>		77		4.69		52	52	52
7	<b>Total</b>		84		8.94		108	52	76

## 9.9 U.P State implementation mechanism of PCR Act, 1955 and POA Act, 1989

U.P State has identified atrocities prone areas in the state. Rules and Regulations have been formed in local language of Hindi. No mobile and special courts in the state have been established. State level committee is present in the state for monitoring and reviewing the atrocities and crimes of SCs and STs. No agency/ NGO are specifically working or involved in the State. The reports are being filled annually to the Centre by the U.P State government.

## 9.10 Sampled Districts

### (i) Gorakhpur District

Gorakhpur district covers a total region of 3,483.8sq.km and occupies the north-eastern corner of the state along with the district of Deoria, and comprises a large stretch of country lying to the north of the river Rapti. To the north lies Nepal. Gorakhpur District derived its name from the name of Saint Gorakhnath, profounder of "Nath Sampradaya". Gorakhpur is famous as a religious centre: the city was home to Buddhist, Hindu, Muslim, Jain and Sikh saints. This City is also a business centre, hosting the headquarters of the North Eastern Railways and an industrial area.

**Table 9.5:Gorakhpur district characteristics.**

1	Area (In Sq Km)	3,483.08
2	Population (Census 2001)	4,539,821
3	- Urban (%)	19.5
4	- Rural (%)	80.5
5	- Male (%)	43.33
6	- Female (%)	42.50
7	- Scheduled Caste	676000
8	- Scheduled Tribe	490
9	Sex Ratio (M:F)	43.3:41.6
10	Number of Nyay Panchayats	191
11	-Number of Gram Sabha	1,233
12	Number of Villages	3,308
13	Literacy Rate (%)	45.3
14	Male Literacy Rate (%)	60.6
15	Female Literacy Rate (%)	24.5

Source: Census of India, GovernmentOf India Publications, Office of the Registrar General and commissioner, New Delhi.

### (ii) Lucknow district

Lucknow, the capital of Uttar Pradesh covers an area of 2528 sq.km and is surrounded on the eastern side by District Barabanki, on the western side by district Unnao, on the southern side by Raebareli and on the northern side by Sitapur and Hardoi districts. River Gomati flows through the city. The population of district Lucknow as per census 2001 is 36,47,834 lacs.As per Census of India 2001, the total population of the district stood at 36.47 lac

persons of whom 19.32 lac were males and 17.15 lac were females. The density per square kilometer is 1456. The SC population is 21.3 percent to total population. A very high percentage of the population (63.3%) is urban in nature. These are very high figure as compared to the state, where urban population constitutes around 21 percent only. Even in terms of the sex ratio the district with the sex ratio of 888 is below the average obtained at the state level (890). Total literacy level is 68.7 percent as compared to 56.3 percent in U.P. as a whole. Similarly male and female literacy rates were found to be 76.0 and 60.5 percent respectively as compared to the corresponding figure of 68.8 and 42.2 percent in U.P.

**Table 9.6:: Lucknow district characteristics.**

1	Scheduled Caste (%)	21.8
2	Scheduled Tribe (%)	2.1
3	Sex Ratio (M:F)	1,000:887
4	Number of Nyay Panchayats	170
5	Number of Gram Sabha	511
6	Number of Villages	834
7	Literacy Rate (%)	69
8	Male Literacy Rate (%)	77
9	Female Literacy Rate (%)	61.22
10	Number of Urban Slums	530

Source: Census of India, GovernmentOf India Publications, Office of the Registrar General and commissioner, New Delhi.

## **9.11 District Departments implementing PCR Act, 1955 and POA Act, 1989**

### **9.11.1 Financial Progress in the two districts of U.P State**

During 10th Plan 2006-07, about Rs.8.9 lakh have been allocated by the Gorakhpur district for the two acts and the allocated amount has been utilised by the district authorities. In Lucknow district, about Rs. 2 lakhs have been allocated during 10th plan last year and the district authorities have indicated that, they have utilised the whole amount for the implementation of the two acts. During 11th plan, first four years, about Rs. 9.1 lakhs have been allocated in Gorakhpur district, and Rs. 9.5 lakh in Lucknow district. The district authorities have indicated that, they have utilised the whole amount for the implementation of

the scheme (Table 9.10). Though Lucknow district has more number of SCs but, still it is being allocated less funds for the two acts implementation. There is no specific information regarding the STs and also regarding the PCR Act, 1955 in the two districts for the financial allocations and expenditure.

**Table 9.7: Financial progress of PCR Act, 1955 and POA Act, 1989 in 10<sup>th</sup> Plan and 11<sup>th</sup> Plan (Rs in Lakh)**

Plan/Year	Total allocation (PoA Act 1989)		Expenditure (PoA Act 1989)	
	Gorakhpur	Lucknow	Gorakhpur	Lucknow
<b>10<sup>th</sup> Plan (2002-03 to 2006-07)*</b>	<b>8.94 (2006-07)</b>	<b>2</b>	<b>8.94</b>	<b>2</b>
<b>11<sup>th</sup> Plan</b>				
<b>2007-08</b>	3.1	4	3.1	4
<b>2008-09</b>	1.9	2	1.9	2
<b>2009-10</b>	3.8	3	3.8	3
<b>2010-11</b>	0.3	0.5	0.3	0.5
<b>Total of 11<sup>th</sup> Plan</b>	<b>9.1</b>	<b>9.5</b>	<b>9.1</b>	<b>9.5</b>

Source: Department of Social Welfare, Government of U.P, Lucknow.

### 9.11.2 Physical performance of the scheme in the State for POA Act, 1989

About 105 SC cases in Gorakhpur and 65 SC cases in Lucknow have been registered during 9th plan period for POA Act, 1989. One third of the cases are closed after investigation and one third are charge sheeted after investigation for its proper justice in both the districts in 9th plan period. Not many cases are being brought forward in the districts for justice and investigations. During 10th plan period, about 50 SC cases in Gorakhpur and 18 SC cases in Lucknow were registered for POA Act, 1989 and only a few cases have been brought forward for registration in 10th plan and they are 8 SC cases in Lucknow district, 7 SC cases in Gorakhpur. About 28 SC cases in Gorakhpur and 9 SC cases in Lucknow have been investigated and closed whereas, 18 SC cases in Gorakhpur and 8 SC cases in Lucknow

were charge sheeted in the two districts after investigations. About 6 SC cases are pending in each of the districts of Gorakhpur and Lucknow districts of U.P state for want of investigations and court verdict.

**Table 9.8: Physical progress of PCR Act, 1955 and POA Act, 1989 in 10<sup>th</sup> and 11<sup>th</sup> Plan**

Year	No. of cases Registered				No. of cases Brought forward				No. of cases closed after Investigation				No. of cases Charge sheeted in courts				No. of cases Pending			
	Gorakhpu		Luckno		Gorakhpu		Luckno		Gorakhpu		Luckno		Gorakhpu		Luckno		Gorakhpu		Luckno	
	r	w	r	w	r	w	r	w	r	w	r	w	r	w	r	w	r	w	r	w
	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC
2001		67		43						16		12		15		12		1		1
2002		38		22		1		2		14		12		13		11				
<b>Total of 9<sup>th</sup> Plan</b>	<b>0</b>	<b>105</b>	<b>0</b>	<b>65</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>30</b>	<b>0</b>	<b>24</b>	<b>0</b>	<b>28</b>	<b>0</b>	<b>23</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
2003		18		8						3		4		3		2		1		1
2004		5		2		1		2		9		1		2		2		1		1
2005		4		1		1		1		3		1		3		1		1		1
2006		15		5		1		2		5		2		4		2		1		1
2007		8		2		4		3		8		1		6		1		2		2
<b>Total of 10<sup>th</sup> Plan</b>	<b>0</b>	<b>50</b>	<b>0</b>	<b>18</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>28</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>18</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>6</b>
2008		20		4		2		1		19		2		17		12		2		2
2009		23		3		2		2		24		1		17		12		1		1
2010		21		6		4		3		16		2		13		10		1		1
<b>Total of 11<sup>th</sup> Plan</b>	<b>0</b>	<b>64</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>59</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>47</b>	<b>0</b>	<b>34</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>4</b>

Source: Department of Social Welfare, Government of U.P, Lucknow.

### 9.12 Relief and Rehabilitation details for the victims of PoA Act, 1989

Relief and compensation was paid to 77 SC registered and eligible victims/victims' families during 10<sup>th</sup> plan in Gorakhpur district and most of these victims belong to minor categories of the crime. The major crimes like murder and rape were recorded as very few in the district. The compensation amount paid is Rs. 9 lakh to the victims and victims' families in Gorakhpur. During 11<sup>th</sup> plan period, about 879 SC cases have been registered after investigations and court verdict for compensation and rehabilitation and most of them relate to freeing the bonded labour. In the case of Lucknow district about 118 SC cases were registered for compensation and rehabilitation purpose. In Lucknow most of these cases relate to murder (85%) cases and rest to insult/intimidation cases. In Gorakhpur most of the victims belong to minor categories, rape and murder cases are 37 and 11 respectively. About

Rs. 76 lakhs have been released to the victims/families in 11<sup>th</sup> plan in Gorakhpur district and in Lucknow about Rs. 52 lakhs have been paid to the victims and victims families.

**Table 9.9: Physical progress of PCR Act, 1955 and POA Act, 1989 in 10<sup>th</sup> and 11<sup>th</sup> Plan**

Sl.No	Nature of crime	10 <sup>th</sup> Plan								11 <sup>th</sup> Plan							
		No. of cases Registered				Amount released				No. of cases Registered				Amount released			
		Gorakhpur		Lucknow		Gorakhpur		Lucknow		Gorakhpur		Lucknow		Gorakhpur		Lucknow	
		SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
1	<b>Murder</b>	2				3				11		93		12.7		46	
2	<b>Rape</b>	5				1.25				37				9.25			
3	<b>Grievous Hurt</b>									5		5		1.25		2.1	
4	<b>Insult/intimidation</b>											20				3.7	
5	<b>Burnt Houses</b>									3				0.75			
6	<b>Other</b>	70				4.69				823				52.0			
<b>Total</b>		<b>77</b>				<b>8.9</b>				<b>879</b>		<b>118</b>		<b>76.1</b>		<b>52.</b>	

Source: Department of Social Welfare, Government of U.P, Lucknow.

### 9.13 Implementation of Act at two districts

Only in Lucknow district, Mallahabad and Mehentalganj have been identified as atrocity prone areas but in Gorakhpur, no such identification has been done for atrocity prone areas. Rules and Regulations have been formed in local language of Hindi. There is no mobile court in the districts. Districts level committees have been formed for addressing and monitoring



the atrocity cases. No organization is working specifically on this issue in the districts. Annual Reports are being filed by the Districts to State.

#### 9.14 Affected families, Case studies, beneficiaries' data and impact analysis in the State

Beneficiary families have been surveyed from three blocks of Gorakhpur district namely Khorabagh, Jangalkodia and Chargaon. In Lucknow district, two blocks i.e. Malihabad and Mal were covered for the victims/affected families. A total of 100 SC families and 39 ST families in Gorakhpur district and 110 SC families' and 35 ST victims families data from Lucknow pertaining to their socio-economic conditions, nature of crime details have been obtained from the official records, beneficiaries households as per the beneficiary questionnaire developed. Thus a total of 210 individuals/families data pertaining to both SCs and 74 STs victims have been covered from the two districts in U.P state to understand and analyse the PCR Act, 1955 and POA Act, 1989.

**Table 9.10: Socio-economic conditions of Beneficiaries/Affected families in the selected districts (in percentage)**

District	Family Size	Percentage land owners	House type			Sources of drinking water			Electric supply	
			Kachcha	Pucca	Semi Pucca	Government	Own	Community Hand	Yes	No
GORAKHPUR	6.8	26	50	14	36	8	0	92	66	34
LUCKNOW	6.2	40	50	20	30	10	0	90	58	42
Total	6.5	33	50	17	33	9	0	91	62	38

Source: Primary filed data from Lucknow and Gorakhpur districts, U.P State.

Of the 139 crime related families data, the average family size is 6.8 in the Gorakhpur district for both SCs and STs and 6.2 in the case of Lucknow district for 145 SC and ST victims' families. The land ownership is very small of 26% in Gorakhpur and 40% in Lucknow district. Of the surveyed families only a few of them in Gorakhpur have pucca houses, and 1/3<sup>rd</sup> have semi pucca houses. In Lucknow district, more number of victims' families (20%) have pucca houses and 30% have semi-pucca houses. Regarding the source of drinking water about 92% of the families in Gorakhpur have community hand pumps, whereas in Lucknow district about 100% have both government supply and community hand pumps. About 66% of the victim families have electric connection in Gorakhpur district whereas 58% in Lucknow district victim families have electric connection. The socio-economic data indicate that, 38% of the victims' families are agriculture wage labourers, and are based in cultivation for their occupation in Gorakhpur district. In Lucknow district, about 8% are agricultural labourers, but 40% are in agricultural related activities and 14% are salaried class, 18% own the petty shops.

The victims families literacy and educational qualifications indicate that, in Gorakhpur district 50% are illiterate, 30% are literate and about 20% have primary and above level educational qualifications. In the Lucknow district, 32% are illiterate, and 46% are primary and above educational qualifications. In Lucknow district has more educated and literate victim families.

**Table 9.11:Occupational pattern of Beneficiaries/Affected families in the selected districts(in percentage)**

Districts	Percentage of households								
	Cultivation	Allied agricultural activities	Agri. wage labour	Non-Agri. wage lab	Artisan	Petty shop	Organised business /trade	Salaried employment pension	Others
GORAKHPUR	24	26	38	2	0	6	0	4	0
LUCKNOW	40	14	8	6	0	18	0	14	0
Total	32	20	23	4	0	12	0	9	0

Source: Primary filed data from Lucknow and Gorakhpur districts, U.P State.

**Table 9.12:Education level of Beneficiaries/Affected families in the selected districts(in percentage)**

Districts	Percentage								
	Illiterate	Literate	Primary	Middle	Metri c	Inte r	Graduat e	Post graduate	
GORAKHPUR	50	30	8	8	0	0	4	0	
LUCKNOW	32	22	10	10	4	18	4	0	
Total	43	27	9	9	2	9	0	0	

Source: Primary filed data from Lucknow and Gorakhpur districts, U.P State.

**Table 9.13:Crime details of the affected families in the selected districts**

(in percentage)

Nature of Crime	GORAKHPUR	LUCKNOW	Total
<b>(i)Single/ Multiple</b>			
A. Individual level	54	46	35
B. Family level	20	18	30
C. Nature of offense- details			
D.Murder	4	2	4
E.Rape,	26	32	29
F.Others	70	64	67

Source: Primary filed data from Lucknow and Gorakhpur districts, U.P State.

The nature of crimes, it is found that, 54% of the cases were committed by individual 20% are families in Gorakhpur district. Whereas in Lucknow district, 46% of the cases were committed by and 18% were of families. Of the types of cases, 4% cases were of murder, 26% of rape and 70% of various others types in Gorakhpur district. In the case of Lucknow district, 2% murder type, 32% are of rape and other 64% are insult/intimidation/other types. On the whole most of the cases in both the districts are of insult and intimidating types (67%) as is also reflected in the State and district level data.

**Table 9.14:Crime details of the affected families in the selected districts.**

(in percentage)

Crime details	GORAKHPUR	LUCKNOW	Total
Crime by individual	38	64	51
Crime by community	62	36	49
Crime at neighbourhood	6	6	6
Crime at public place	46	48	47
Crime at work place	6	2	4
Crime at agriculture field	16	14	15
Crime at road side	26	30	28
Crime reported	94	96	95
Crime has been registered	100	100	100
Time taken for registration			
1 to 30 days	0	40	20
30 to 60 days	40	30	35
Above 60 days	60	30	45
Police cooperative	56	62	59
Enquiry officer visited the individual/place of crime/enquired	84	84	84
Level of authority visited			
DSP	0	0	0
Inspector	66	71	69
SI	34	29	31
Status of Complaint			
Case pending in court	71	64	67
Pending status of case -			
a.Less than three months			
b.3 to 6 months			
c.6 months to one year	100	100	100
d.More than one year			
Got compensation-			
Monetary	90	85	88
Got travelling allowance for court	32	20	26
Reasons of pending cases-			
Due to non-cooperation of authorities/police	71	36	50
Due to distance of courts/police station	14	27	22
Due to coercion/security	26	16	21
Awareness of PCR, 1955 Act	63	82	72
Awareness of PoA Act, 1989	80	90	85
Availing other SC and ST schemes	40	52	46

Source: Primary filed data from Lucknow and Gorakhpur districts, U.P State.

*The victims indicated that, about 38% of the cases are committed by individuals and 62% by community in Gorakhpur and reverse pattern is seen in Lucknow district, where community level crimes were reported to be low. In Gorakhpur and Lucknow district 50% of the cases took place in public places, 26% at the road side and half to these cases happened in the neighbourhood. About 15% of the cases in Gorakhpur were reported at the*

agriculture related cases and in the agriculture field. Nearly 100% of the cases have been reported by the victims surveyed and all the reported cases have been registered by the police authorities.

About 40% of the cases in Lucknow have been registered within one month but, half of them have reported that, it took more than a month for registering the case with the authorities. About 71% of the victims in Gorakhpur and 64% in Lucknow district have reported that, their cases are pending either with police stations or in the courts. Almost all of the victim families have reported that, since more than 6 months the case are pending for want of various reasons like date, proper witness and police action etc. In the case of those where the cases has been settled, about 88% of the victims/beneficiaries indicated that, they have got the monetary compensation and 32% of the victims in Gorakhpur and 26% in Lucknow district got the travelling and other miscellaneous benefits for attending the police station and courts.

The victims whose cases are pending indicated that, mostly it is pending in courts (71% in Gorakhpur, 36% in Lucknow district) due to lack of cooperation by the authorities particularly the police (50%). About 26% in Gorakhpur and 16% in Lucknow district also informed that, there is coercion from the respondents and authorities not to press the cases. About 72% of the victims are aware of the details of the PCR Act, 1955 and 85% are aware of the PoA Act, 1989 in both the districts and this percentage is higher in Gorakhpur district as this is more urban in nature. Only 46% of the victim families indicated that, more so in Lucknow district that, they are availing some or other government schemes like Pre and Post Metric scholarship to their children, housing subsidy, water supply, sanitation, NREGA etc in the State of Uttar Pradesh state.

*The main reasons found in U.P state for the crimes and atrocities are: (i) Ban on marriage processions on Roads, (ii) Indecent behavior by the SCs and STs in front of Upper Caste men, (iii) Ban on Festival Processions by SCs, (iv) Due to wearing bright/new clothes, (v) using umbrellas in public place, (vi) due to wearing dark glasses, chappals, smoking in public place, (vii) using bicycles in public place, (viii) denial of work as agricultural labour, (ix) payment of lower wages than upper castes persons, (x) denial of service staff services like- Barber, Washer man, restaurant/hotel, carpenter, tailor, potter, in public transport, and private clinics (xi) not getting employed in house construction, (xii) denied access to irrigation facilities, (xiii) denied access to grazing/fishing grounds, (xiv) not allowed to sell milk to cooperatives, and (xv) prevention from selling their produce/products in local markets.*

### **Box No – 9.1**

*In U.P state quarrel broke out between the SCs and high caste Hindu youth boy due to keeping the same name and this quarrel led to family disputes and ultimately severe violent death which has caught the nation.*

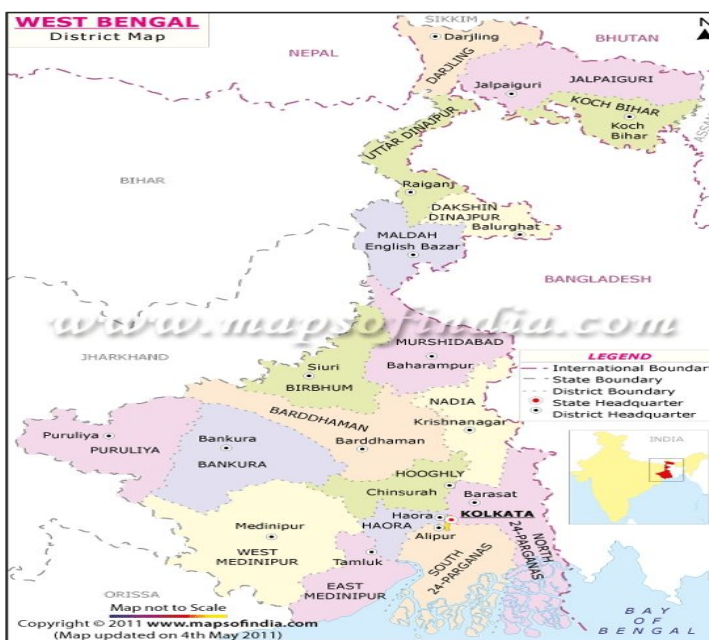
*There are several water disputes, drinking water source of disputes, irrigation disputes in the villages covered under the study. These cases are leading to communal clashes and court cases which are pending for a long time.*

*Inter-caste marriage in the selected villages is also a case of study which led to the inter-caste clashes between SCs and high caste Hindus.*

## 10 IMPLEMENTATION AND EVALUATION OF PCR ACT, 1955 AND POA ACT, 1989 IN WEST BENGAL

### 10.1 Brief demographic and geographical background of State

West Bengal lies in the north-east, while Sikkim is on the north, on the west are the states of Bihar and Jharkhand, while in the south lies Orissa, and the Bay of Bengal washing its southern frontiers. West Bengal is among the most populous states in the country next to U.P, Maharashtra and Bihar. It has land area of 88.75 thousand Sq. Kms and population of 80.17 million (2001 census) accounting for 2.69 percent of the total area of the country and 7.79 percent of its population and having a density of 903 persons per Sq. Km compared to a density of 312 for the whole country. West Bengal is the most densely populated State of the country surpassing Kerala & Bihar. The State has 18 districts and out of total population, 72.47 percent are Hindus and 25.25 percent are Muslims, while others constitute about 2.28 percent include Christians, Sikhs, and Janis etc. The SCs and STs comprise about 23 percent and 5.5 percent respectively. Urbanization in West Bengal is 28 percent as in case of all India.

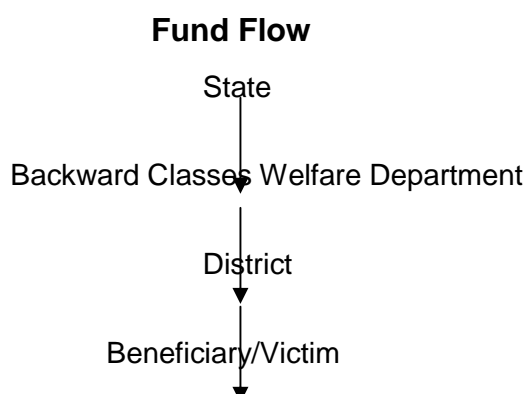


Agriculture and Industry plays a pivotal role in State's economy and ample opportunity for Skilled & Unskilled employments are available in these sectors. Despite the above facts, labourers from this State often migrate to other States in search of better job/income and also sometimes trapped to bondage there. The sex ratio in the state is 934 per 1000 males whereas it is higher among the SCs (949) and STs (982). There are 66 sub divisions in the state and 120 municipalities, 341 development blocks and 456 police stations. About 38 thousand inhabited villages in the state as per 2001 Census.

### 10.2 Implementation of the scheme of Assistance under PCR Act, 1955 and POA Act, 1989 in the U.P State

The nodal department in the state is Department of WCD and Social Welfare. Principal Secretary of Backward Classes Welfare Department is the nodal officer in the state. Fewer incidences of atrocities against SCs & STs are seen in the state, as there are no atrocity cases in the state. While interacting with the state government officials, even state government data shows very few number of cases registered under the Act. Allocation of

funds also indicates a meagre amount for the two schemes in the state. The implementation mechanism of the PCR Act, 1955 and POA Act, 1989 in West Bengal state is in the following manner



### 10.3 Financial progress of PCR Act, 1955 and POA Act, 1989 in 10<sup>th</sup> Plan and 11<sup>th</sup> Plan

During 9<sup>th</sup> Plan period, about Rs. 5 lakhs have been allocated by the centre and state equally with total allocation of Rs.10 lakhs which has been utilised by the state government. During 10<sup>th</sup> Plan period about Rs.25 lakhs have been allocated and the expenditure by the state government for the two schemes is not known from the secondary data. During 11th plan first 4 years, about Rs. 20 lakhs have been allocated by the centre and equal amount has been contributed by the state authorities for the two schemes under PCR Act, 1955 and POA Act, 1989. Each year equal amount of Rs. 5 lakhs have been contributed by centre and state governments during 11th five year plan periods.

**Table 10.1: Financial Progress for PCR Act, 1955 and POA Act, 1989 in West Bengal State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan periods.**

(Rs in Lakh)

Sl.No	Plan/year	Central Release	State share	Total allocation	Expenditure
1	9 <sup>th</sup> plan	5	5	10	10
2	10 <sup>th</sup> plan*		25	25	-
3	<b>11th plan</b>				
	2007-08		5	5	00
	2008-09		5	5	0.6
	2009-10		5	5	00
	2010-11		5	5	0.25
	<b>Total of 11<sup>th</sup> Plan</b>		<b>20</b>	<b>20</b>	-

Source: Department of Backward Classes Welfare, Government of West Bengal. Kolkata

### 10.4 Physical performance of PCR, 1955 and POA Act, 1989 in 10<sup>th</sup> Plan and 11<sup>th</sup> Plan

There are no statistics regarding the PCR Act, 1955 from the state authorities and only figures relating to POA Act, 1989 could be obtained from the authorities. During 9<sup>th</sup> plan about 7 SC cases and no ST case was registered under this act and 9 SC cases were brought forward from previous years during this plan period. About 6 SC cases and one ST case was pending in the courts/police stations for investigation and trial.

**Table 10.2: Physical performance of the scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act 1989**

YEAR	No of cases registered		No of cases Brought Forward		No of cases closed after investigation		No of cases charge sheeted in courts		No of cases Pending	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001	-	-	-	-	-	-	-	-	-	-
2002	7	-	9	-	-	-	-	-	6	1
<b>Total 9<sup>th</sup> Plan</b>	<b>7</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>1</b>
2003	9	9	11	11	-	-	-	-	20	20
2004	15	8	7	5	-	-	-	-	22	13
2005	7	7	14	14	-	2	-	-	21	19
2005	7	-	6	-	1	-	7	-	5	-
2007	10	1	5	-	3	-	1	-	11	-
<b>Total 10<sup>th</sup> Plan</b>	<b>48</b>	<b>25</b>	<b>43</b>	<b>30</b>	<b>4</b>	<b>2</b>	<b>8</b>	<b>0</b>	<b>79</b>	<b>52</b>
2008	12	-	11	-	4	-	3	-	16	-
2009	-	-	-	-	-	-	-	-	-	-
2010	-	-	-	-	-	-	-	-	-	-
<b>Total 11<sup>th</sup> Plan</b>	<b>12</b>	<b>0</b>	<b>11</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>16</b>	<b>0</b>

Source: Department of Backward Classes Welfare, Government of West Bengal. Kolkata.

During 10<sup>th</sup> Plan period, about 48 SC cases and 25 ST cases were registered, and about equal number of SC and ST cases were brought forward from previous years cumulatively. About 4 SC cases and 2 ST cases were closed after investigations, 8 SC cases were charge sheeted and 79 SC and 52 ST cases were pending in the courts/police stations for either trial or investigation by the authorities.

**Table 10.3: Physical performance of the scheme in the State during 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Plan for POA Act 1989**

YEAR	No of cases Refused		No of cases Found false/mistake/fast of law etc.		No of cases charge sheet submitted by police		No of cases convicted		No of cases acquitted or discharged	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2001					-	-	-	-	-	-
2002					-	-	-	-	-	-
<b>Total 9<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
2003					-	-	-	-	-	-
2004					-	-	-	-	-	-
2005					-	-	-	-	-	-
2005					7	-	-	-	6	-
2007					1	-	-	-	7	-
<b>Total 10<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>0</b>
2008					3	-	-	-	8	-
2009					-	-	-	-	-	-
2010					-	-	-	-	-	-
<b>Total 11<sup>th</sup> Plan</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>

Not a single case was refused when the victims/victims families came for registration of the crime in all the five year plan periods. Not a single case was found to be mistaken/false/against law when it was filed. The state authorities have indicated that, not a

single case was convicted in all the three five year plan periods. About 13 SC cases in 10<sup>th</sup> Plan, and 8 SC cases in 11<sup>th</sup> Plan period were found to be pending in courts due to lack of witness, trials and pendency nature of the case, lack of interest of the victims, police authorities etc.

**Table 10.4: Relief and Rehabilitation details for the victims of PoA Act, 1989 in 10<sup>th</sup> and 11<sup>th</sup> Plan\***

(Rs in Lakh)

Sl. No	Crime	10 <sup>th</sup> PLAN				11 <sup>th</sup> PLAN			
		No of cases Registered		Amount released		No of cases Registered		Amount released	
		SC	ST	SC	ST	SC	ST	SC	ST
1	Rape					2		0.75	
2	Other	4		3.54					
	<b>Total</b>	<b>4</b>		<b>3.54</b>		<b>2</b>		<b>0.75</b>	

Source: Department of Backward Classes Welfare, Government of West Bengal, Kolkata. \*First four years of 11<sup>th</sup> plan.

### 10.5 Relief and Rehabilitation details for the victims of PoA Act, 1989

About 4 SC cases in 10th plan were registered for relief and compensation by the victims/victims families and an amount of Rs. 3.54 lakh have been given as compensation by the state authorities. In the case of 11th plan period, about 2 SC cases have been registered for compensation after the proper investigation and Rs.0.75 lakhs have been given to the victims/victims families. Both the 10th and 11th plan cases for compensation relate to the rape and other cases.

### 10.6 Implementation details of PCR Act, 1955 and POA Act, 1989 information

West Bengal State has not identified atrocities prone areas. Rules and Regulations have been translated in local language of Bengali. There are mobile courts in the state for the two acts and crimes disposal. State level committees have been formed under the chairmanship of Chief Minister for the crimes and atrocities of SCs and STs. There are NGOs who are working on the research, development of SCs and STs in the state including the atrocity related cases and awareness generation program. The state government is filing regularly annual reports to the centre and placing the same in the state assembly.

### 10.7 Sampled Districts

#### (i) Burdwan district

Burdwan district is bounded on the north by Dumka (of Jharkhand), Birbhum and Murshidabad, on the east by Nadia, on the south by Hooghly, Bankura and Purulia and on the west by Dhanbad (of Jharkhand) districts. The maximum length from east to west is 208 Km while the maximum breadth from north to south is 112 Km. The district has a high concentration of population around 7 million people (2001 census) in an area of 7024 Sq.Km. Density of population per Sq.Km. comes to 985. Scheduled Caste and Scheduled Tribe categories constitute 27.44% and 6.21% respectively of the total population. Burdwan district has 6 sub divisions, 9 municipalities, 31 development blocks, 277 gram panchayats, 32 police stations and 2438 inhabited villages.



## (ii) Howrah district

This smallest district in West Bengal is bounded on the north by the Arambagh and Serampore subdivisions of the Hooghly district; on the east by Calcutta and the Barrackpur, Alipur and Diamond Harbour subdivisions of the 24-Parganas district; on the south by the Tamluk subdivision of the Midnapur district; and on the west partly by the Tamluk and Ghatal subdivisions of the latter district and partly by the Arambagh subdivision of the Hooghly district. The district has 24 lakh population out of which 24% of the SC population and 15% STs of the total population. 50% of the district population is urban and the population density of the district is 2913 person per sq.km. The district has 2 sub divisions, 2 municipalities, 14 development blocks, 157 gram panchayats, 727 inhabited villages.

### 10.8 Implementation details of PCR Act, 1955 and POA Act in districts

Burdwan and Howrah district authorities have not identified atrocities prone areas. Rules and Regulations have been translated in local language. There are no mobile courts in districts. Districts level committees have been formed for the arresting atrocities, crimes against SCs and STs and to monitor the progress of the two acts. Some agencies and NGOs are working in Districts on the welfare and development activities of SCs and STs in the districts. Annual Reports are being filed by the Districts to State. There was no compiled information available at both the districts therefore we could not able to get any information from the district authorities regarding the implementation details of PCR Act, 1955 and POA Act, 1989 from the district authorities of Burdwan and Howrah.

#### 10.8.1 Affected families, beneficiaries data and impact analysis in the State

The secondary data analysis of the victims and affected families were not easily available from the two districts. The victims' data were obtained from the secondary sources of district authorities and police stations on the nature of crimes and crime details committed and how the crime has been handled and by the police and court authorities during the last four years of the 11th plan period.

**Table 10.5: Crime details of the affected families in the selected districts**

(in percentage)

Nature of Crime	BURDWAN	HOWRAH	Total
<b>(i)Single/ Multiple</b>			
A. Individual level	34	36	35
B. Family level	20	26	23
C. Nature of offense- details			
D.Murder	10	2	5
E.grievous injury	10	6	5
F.rape,	6	4	5
G.Others.	74	88	85

Source: Primary field data from Burdwan and Howrah districts, West Bengal State.

It is found that, 34% of the cases were committed by individual and 20% are families in nature of crimes in Burdwan district. Whereas in Howrah district, 36% of the cases were individual based and 26% were of family based ones. Of the types of cases, 10% cases were of murder, 10% of grievous injury 6% are of rape and 74% of various others types in

Burdwan district. In the case of Howrah district, 2% are murder type, 6% are of rape and other 88% are insult/intimidation types. On the whole, most of the cases in both the districts are of insult and intimidating, as is also reflected in the State level data.

The victims indicated that, about 38% of the cases are at individual level and 62% of the cases are taking place due to community rivalry in Burdwan district, Whereas, in Howrah 42% crimes are individual level and 58% is community level. About 46% of the cases in Burdwan and 48% of the cases in Howrah district took place in public places, 28% at the road side. About 16% of the cases in Burdwan district were reported to be of agriculture related cases and took place in the agriculture field. Nearly 100% of the cases have been reported by the victims surveyed and all the reported cases have been registered by the police authorities.

**Table 10.6:Crime details of the affected families in the selected districts(in percentage)**

Crime details	BURDWAN	HOWRHA	Total
Crime by individual	38	42	40
Crime by community	62	58	60
Crime at public place	46	48	47
Crime at work place	6	2	4
Crime at agriculture field	16	14	15
Crime at road side	26	30	28
Crime reported	94	96	95
Crime has been registered	100	100	100
Time taken for registration			
1 to 30 days	12	26	19
30 to 60 days	46	56	51
Above 60 days	42	18	30
Police cooperative	56	62	59
Enquiry officer visited the individual/place of crime/enquired	69	72	71
Level of authority visited			
DSP	0	0	0
Inspector	62	67	64
Sub Inspector	38	33	36
Status of Complaint			
Case pending in court	9	32	20
Pending status of case -			
a.Less than three months			
b.3 to 6 months			
c.6 months to one year	30	40	35
d.More than one year	70	60	65
Got compensation-	30	40	35
Monetary	100	100	100
Got travelling allowance for court	15	27	21

About 12% of the cases in Burdwan have been registered within one month and 26% of the cases in Howrah reported that, it took a month for registering the case with the authorities. About 70% of the victims in Burdwan and 60% in Howrah district have reported that, their cases are pending either with police stations or in the courts for more than a year for want of

various reasons like date, proper witness and police action etc. In the case of those where the case has been settled, all the victims/beneficiaries indicated that, they have got the monetary compensation and 15% of the victims in Burdwan and 27% in Howrah district got the travelling and other miscellaneous benefits for attending the police station and courts. About 72% victims in Burdwan and 80% in Howrah district reported that, they got the government advocate to plead their case in courts.

## 11 SUMMARY, CHALLENGES AND SUGGESTIONS

Historically Indian society has a rigid, occupation-based, hierarchical caste system in which the relative place of a caste in the social hierarchy was determined largely by its traditional occupation. Those performing 'unclean' or 'polluting' tasks came to be regarded not merely as 'low' castes but also as 'untouchables'. These untouchable castes are categorised as Panchama in the Varna system since pre historic period, the Scheduled Tribe (ST) groups are also outside the Varna system and are neglected in the socio-economic development. The Constitution of India abolished "untouchability" and provided several special safeguards for the Scheduled Castes (SCs), so as to ensure that they are able to attain equality with the rest of social groups in the shortest possible time. The Constitution contains several provisions in the nature of safeguards for the SCs and STs and two Acts specifically aim at curbing (i) untouchability and (ii) atrocities against SCs and STs.

In pursuance of Article 17 of the Constitution of India, the untouchability (offences) Act, 1955 was enacted and notified on 8.5.1955. Subsequently, it was amended and renamed in 1976 as the "Protection of Civil Rights Act, 1955". Rules under this Act, viz. "The Protection of Civil Rights Rules, 1977" were notified in 1977. The Act extends to the whole of India and provides punishment for the practice of untouchability. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA Act) came into force with effect from 30.1.1990. This legislation aims at preventing commission of offences by persons other than Scheduled Castes and Scheduled Tribes against Scheduled Castes and Scheduled Tribes. Comprehensive Rules under this Act, titled "Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995" were notified in the year 1995, which, inter-alia, provide norms for relief and rehabilitation. The Act extends to whole of India except Jammu and Kashmir. The Act is implemented by the respective State Governments and Union Territory Administrations, which are provided due central assistance under the Centrally Sponsored Scheme (CSS) for effective implementation of the provisions of the Act. The **Ministry of Social Justice & Empowerment** is the nodal Ministry to oversee the development and empowerment of the SCs. **Ministry of Home Affairs** documents criminal offences against members of the SCs and STs. **National Commission for SCs and STs** with wide functions and powers of civil court to takes up matters which are of vital importance for socio economic development of SCs and STs.

Crimes against SCs and STs can be broadly categorized under two types; crimes like murder, hurt, rape, kidnapping, abduction, dacoity, robbery, arson etc. which are covered under the India Penal Code (IPC) and some special crimes covered under Special Laws, namely, Protection of Civil Rights Act, 1955 and the SCs and STs (Prevention of Atrocities) Act, 1989. The glance of the frequency of the different crimes over the years indicates a still a considerable number of cases and increase of specific types. Crimes officially reported during 2001 are 6217 and 5889 during 2003 and the latest figures over the last two years-2009 and 2010 indicate that majority of them have been reported especially from the States of Madhya Pradesh, Rajasthan, Andhra Pradesh, Uttar Pradesh and Maharashtra in the cases of SCs and Madhya Pradesh and Gujarat, Arunachal Pradesh, Chhattisgarh and Bihar in the case of STs.

The present evaluation study has been conducted in the 8 states of Andhra Pradesh, Himachal Pradesh, Gujarat, Maharashtra, West Bengal, Orissa, Chhattisgarh and Uttar

Pradesh and 16 districts to find out the nature, frequency, reasons of crimes and details of investigation/prosecution, rehabilitation compensation and the implementation details of the two acts to address the issues, challenges arising out of the study and to give suggestions for its remedial action.

### **11.1 Important findings of the Evaluation Study**

The details of cases registered under the PCR Act, 1955 and PoA Act, 1989 during the last 10 years at all India level shows that, cases recorded for both SCs and STs have declined over the years, about 143 cases have been registered in the year 2010. The cases relating to PCR Act, 1955 are difficult to register and to be proved in the court of law. So, they are not getting registered properly by the authorities and most of the cases are being settled out of the police stations and court of law by the authorities on mutual consent by the victim/victims' families and the offenders. In the PCR Act, 1955, 95% of the cases relate to SCs and only a few cases relate to the STs. POA Act, 1989 cases have been recorded to the extent of 30,315 in 2010 and they have declined during the last few years they have come down for both the SCs and STs. Like in the PCR Act, about 80% of the cases relate to the SCs and about 20% of the cases relate to the STs. Relief and rehabilitation data for the PCR Act, 1955 for 10<sup>th</sup> and 11<sup>th</sup> Plan period are not easily available from the selected states. Most of the states do not keep any separate record for the PCR Act, and the number of cases registered are also very small against this act. There is no uniform policy for payment of compensation in the selected states. Different states follow different compensation amount for the same crime.

About 1205 SC victims/victims' families and 428 ST victims/victims families' data totaling about 1613 victims/victims' families data have been obtained for the primary data analysis relating to nature of crime/atrocities faced, the factual position, the case filing and its process and the present position and compensation paid etc. has been analysed from 33 taluqs, 16 districts and 8 states of India. In the nature of crimes, it is found that, about 64% of the cases are individual based and 34% are family level in the selected states. About 6% cases were of murder, 14% of rape and 80% of various others types. Most of these cases in the selected districts of the states are of insult and intimidating, house burning, grievous injury types (58%). More than 50% of the cases took place in public places, 26% at the road side and half to these cases happened in the neighbourhood. About 10% of the cases were reported as the agriculture related cases and in the agriculture field. About 14% of the victims' families informed that, there is coercion from the respondents and authorities not to pursue the cases. About 58% of the victims/victims' families are aware of the details of the PCR Act, 1955 and 33% are aware of the PoA Act, 1989.

### **11.2 Reasons for the crimes committed in the selected states**

The study findings from the victims of the crimes and atrocities including the PCR Act, 1955 and POA Act, 1989 reveals that, the main reasons/cases and happenings are due to: Ban on marriage processions on Roads, (ii) Indecent behavior by the SCs and STs in front of Upper Caste men, (iii) Ban on Festival Processions by SCs, (iv) Due to wearing bright/new clothes, (v) using umbrellas in public place, (vi) due to wearing dark glasses, chappals, smoking in public place, (vii) using bicycles in public place, (viii) denial of work as agricultural labour, (ix) payment of lower wages than upper castes persons, (x) denial of service staff services like- Barber, Washer man, restaurant/hotel, carpenter, tailor, potter, in public transport, and private clinics (xi) not getting employed in house construction, (xii) denied access to irrigation facilities, (xiii) denied access to grazing/fishing grounds, (xiv) not allowed

to sell to milk cooperatives, and (xv) prevention from selling their produce/products in local markets.

### 11.3 Causes for delay within the criminal justice system

The main reason for the low conviction rate is (i) Lack of proper evidence (ii) slag in the production of witness by the police, (iii) Due to the hostile of the witness and (iv) long gap between the dates of offence to the date of evidence. In particular they relate to:

- 1. Delay caused by Judges:** When the presiding judges take long leave of absence, it affects the case processing and adjudication process adversely. The study found that such long leave of absence among judges was common. Another reason for delay was also the vacancy in courts where no judges are appointed for long periods of time especially in Andhra Pradesh, Orissa and Maharashtra states.
- 2. Delay caused by Lawyers:** The defence lawyers seek frequent adjournments on frivolous grounds, which affect the proceedings of the case as seen in almost all the studied states.
- 3. Delay caused by Court administrative staff:** The workload of the courts is not in commensurate with the strength of the administrative staff, adversely affecting case processing. Many presiding judges and chief administrative officers have expressed the need for more administrative staff to manage the work load in the studies states.
- 4. Delay caused by witnesses:** The absence of witnesses at the hearing causes serious problems in case processing. The major reason for absence of witnesses is the non-payment of travelling allowance and maintenance expenses on the day of hearing. While some courts do not pay the witnesses travelling allowance and maintenance expenses, few other courts ask the witnesses to collect their travelling allowance from the office of the collector. The failure on the part of the court to provide for the expenses of witnesses who attend the court discourages the witnesses to appear before the Judge for cross-examination as seen in the states of Orissa, Gujarat and Andhra Pradesh states.
- 5. Delay caused by the accused:** When the main accused is absconding from the police, it affects the police investigation which in turn affects the proceedings of the court in the form of waiting for the filing of charge sheet to start the trial. The study has encountered a few instances of such cases of delay in A.P, Chhattisgarh and Maharashtra states.
- 6. Delay due to transfer of case:** In many states, the atrocity cases are first referred to Magistrate Court and are then transferred to special courts. In many cases, it took more than a year for the Magistrate Court to transfer the cases. (Most of these cases were reported in half of the studied states of Orissa, Andhra Pradesh, Maharashtra and U.P).
- 7. Delays in Investigation:** Most of the cases interviewed, are of the opinion that the failure of the police investigation officer to submit the charge sheet on time is one of the major reasons for delay. But the police department blames the other experts, who fail to give their report on time in order to expedite the police investigation. Apart from the delay in investigation, the police department is severely criticized by the Judges and Special Public Prosecutors for its failure to produce the witnesses before the court in the studied states.
- 8. Administrative Delay:** The Exclusive Special Courts were established in various States under the provision of SCs and STs (POA) Act, 1989 exclusively to try the case of atrocities. The findings of our study have a different story to tell. Most of these Exclusive Special Courts are not Exclusive Special Courts in the real sense of the term because they are asked by the concerned higher judiciary to try the other criminal cases.

#### **11.4 Reasons for high rate of acquittals in atrocity cases in the studied states**

The analysis of data has identified the following two major reasons:

1. **Hostile witnesses:** The study found that the hostile witness is the major reason for high rate of acquittals in the atrocity cases. The economic dependency on the upper and dominant castes, and the state of insecurity, has forced the prosecution witnesses in many a case to turn hostile.
2. **Preconception of misuse of the Act:** Most of the administrative machinery officials, court officers and police officers interviewed are of the opinion that the SCs and STs are misusing the special law against their rivals and adversaries. As a result of this impression most of the Judges are skeptical and wary of awarding convictions. The study also found that under the SCs and STs (POA) Act, 1989, some of the offences (specially taking caste name of the untouchable) are not major crimes, and such offences should not attract severe punishment from the court of law. We have come across a few cases where a judge has concluded that a victim is trying to misuse the Act, if he tried to settle the case outside the court and if the accused complained that the victim is trying to extract money from him.
3. **Police inaction:** Cases are not registering as per the number of atrocities done. When the complainant reached the police station, police officers try to compromise the case. Police officials do not want to redress the issue, visit the scene of crime, register immediately and empower the weaker sections. In most of the cases the cases are not registered in the time limit i.e. 30 days and due to this most of the victims loose time, courage and do not pursue the case.
4. **Lack of designated Courts:** There shall be an exclusively special designated court in every district to look after only to this atrocity cases. Session court works as Special Court in all this districts and this type of court also works for other cases and due to this primary importance is not being given by the court. In some of the murder cases the accused gets bail by applying to High Court, which should be taken into consideration that as per the law the accused should not get any bail.

#### **11.5 Problems and Challenges in the implementation of PCR Act, and POA Act, 1989.**

1. Rule 8 of the SCs and STs PoA Rules, 1995 requires the State Government shall set up Scheduled Caste & Scheduled Tribes Protection Cell at the State Head Quarter under the charge of Director of General of Police/Inspector General of Police. The Cell shall be responsible for the duties as listed in the said Rule 8 (1) (i) to 8 (1) (xi). There is a need for creation of this Cell under the charge of Addl.D.G. of police, Human Rights Protection Cell with adequate staff and adequate infrastructure need to be created for effective supervision of work in the Cell.
2. There is a need for effective and timely monitoring of atrocity cases of the state. With this aim in view, a website need to be created under the charge of Human Rights Protection Cell (HPRC) through which all the police districts of the state will send data related to atrocity cases. The data relating to the atrocity cases received will be entered into customized software for generating information that will help in monitoring atrocity cases. Funds from Government of India for Sadbhavna Shivirs and inter-caste marriages are not released during the year, hence scheme remained un-operational in most of the studied states.
3. Funds for awareness generation campaigns, sensitization and publicity not sanctioned by Government of India, for want of fund no such programmes are implemented in the studied states.

4. Debates, Essay Competition, Seminars at school and college levels programmes are needed to be organised for which funds are not sanctioned in the states of U.P, Maharashtra.
5. The land disputes and landlessness are the two major problems leading to the atrocities against the SCs and STs in the studied states for the PCR act, 1955 and PoA Act, 1989. Though quite a majority of SCs and STs and Non-SCs/STs and personnel belonging to implementing agencies said that they are aware about the Act, the field experience with the various stake holders showed that majority of them are nominally aware of the important provisions, rules regarding bails punishment etc. The highly qualified people do have traditional views. The education did not bring any value based changed in their thinking. To imbibe upon them the constitutional value of equality, justice and fraternity it is necessary to have these values be a part of our social behaviour, so, implementing authorities should be sensitized by way of training towards the age old caste institution and the needs for its eradication.
6. Study reveals that the bureaucracy in the states implementing the POA Act is not well represented by the SCs and STs. The power of implementation is still lies in the hands of upper caste bureaucrats who are not sensitive to the problems of SCs and STs. In many cases the jealousy and hate of upper castes people is responsible for the accused not being booked. Judiciary, one of the important component in the implementation of POA act is becoming more and more pro-elites and pro-system. Many of earlier decisions which were land mark in its spirits as for as empowerment of SCs/STs are concerned have been reversed. This shows that the judiciary itself has its own reservations and biases about the social-economic and legal issues. The highest acquittal rate in the atrocity cases can be linked with the background and philosophy of the judges and his/her own interests and disinterest. In the present study maximum number of victims and the bureaucrats has said that judiciary has a bias about SCs and STs. The role of police as an investigating agency is very crucial in the POA Act. In this study it is found that police force is also dominated by the upper castes and most importantly, are placed at higher positions. Majority of the victims of atrocity cases in this study strongly complained of dubious and suspected roles of police and their non-cooperation in the registration of cases and the quality of inspection and investigation.
7. The material and non-material infrastructure is a backbone of any program to be made applicable and successful. The government machinery has multiple roles to play. They cannot concentrate fully on the implementing aspect of PCR and POA Acts, due to lack of space; vehicle, phones etc are found to be major hurdles in the implementation of the Act. The study reveals that the relief and rehabilitation to the victims of atrocities by the Government is not sufficient/either does not reached to them or denied to them. A village level committee comprising of social leaders from different communities be set up to test the validity of an incidents and supervise the relief and rehabilitation work.
8. There are number of schemes for poverty eradication by the Central and State governments and hundreds of NGOS are also working for poverty eradication but it does not yield desired result. The functions and operational mechanisms of castes and its implications for SCs/STs in India are a reality, which requires attentions at political and administrative level. Programs on 'caste and its fallout" similar programs should also be organised for all the Government officers to weed out the hate and jealousy about lower castes, arising from the defective social order as reflected in the studied states.
9. Three months given to police to verify is too long a period and sufficient enough to dismantle with the facts of case. It can leads to tampering the evidences. It is therefore necessary that the time period given to the police for the investigation be reduced to four weeks as suggested by the beneficiaries and implementing authorities of the social welfare and tribal welfare departments in the studied states.



10. The offences under the POA act are Non-bail able and non-compoundable, but, in a majority of such cases the accused/offenders, is given the bail by the courts and the offences are also made compoundable. This has made this stringent law a dead law and the Non-SCs/Non-STs against whom the law has been enacted are no more deterrent to the potential offenders have been defeated. To avoid this and to bring much life into this act, it is recommended that the offenders under atrocities act should not be given bail neither the offences be made compoundable by the court.
11. The important provisions like, special courts, mobile courts, collective fine, Experiment, periodical surveys, awareness comps, visits by officials to the atrocity prone areas and identification of new such areas are the most neglected provisions of implementations, this has further diluted the letter and spirit of POA Act the incomplete and half hearted implementation of POA Act' has resulted into increase in number of atrocities against SC/STS.
12. The civil enforcement Directorate (CRED) headed by inspector general of police should be made an autonomous body directly answerable to NHRC and not to the state home ministry. It should be empowered to supervise, monitor and direct the other subordinate enforcing agencies to be more alert responsive, persistent and consistent about atrocity cases.
13. Taking into consideration only 0.8% conviction rate under the POA, Act the government should take responsibility to move the apex court to deliver the justice.

#### **11.6 Suggestions for proper implementation of the PCR Act, 1955 and POA Act, 1989**

Based on the case studies, beneficiaries data and Focus Group Interviews, Implementing authority's interactions and available records of the studied states, the following suggestions are put forth for effective implementation of the PCR Act, 1955 and PoA Act, 1989 in the country.

- 1) There should be more and more awareness about this act to the SC and ST communities or pockets where these communities are present.
- 2) As there is provision of rehabilitation packages for the victims, it has been noticed that to avail this scheme false cases are also being lodged at the police station.
- 3) Due to political influence most of the cases are also being lodged against other party.
- 4) Strong vigilance committee as well as infrastructure to be developed to look after this act in the villages.
- 5) Compensation amount should be enhanced as per the gravity of the cases. The present rehabilitation packages must be raised to the victims.
- 6) If false cases are being lodged by the victim then there should be penalty amount to be collected from the respective victims/beneficiaries.
- 7) There should be strong monitoring cell to be constituted to look after the police department.
- 8) There should be provision of private advocates to be involved in this case and the fees should be borne by the social welfare department.
- 9) Involvement of competent NGOs with good track record and known commitment to the welfare of SCs and STs is necessary to counteract official apathy and bias in dealing with cases of atrocities, provide necessary feedback to the implementing agencies and extend support to the victims in registration of cases, pursuing prosecution at various stages and rehabilitation after the incident, besides intervening in time to prevent such violence.

- 10) Self-help groups of SC and ST women should be formed in each village with sizeable SC and ST population, in atrocities prone areas to start with and to other areas subsequently. These groups, apart from being mobilized for activities relating to thrift, credit and development may also be given elementary legal training along with sessions on confidence building.
- 11) The victims/beneficiaries must be given wages so that when he/she is attending any court or any other official work related to this act, the day he/she is attending the case, he /she cannot go out for his/her work, so to compensate his wage, there should be a provision of paying him/her daily wage.
- 12) It will be better to pay monetary relief to the atrocity victims after realization of the penalties imposed by the competent authority from the culprits instead of spending money from the Central & State government. So that the people will avoid to create hindrance/ crime in future.
- 13) The victims/beneficiaries should get proper justification for his loss, prestige immediately and the culprits should be punished as soon as possible for the improvement of awareness in public.
- 14) There is no specification of compensation quantified under murder case, so specific amount should be allocated by the courts and implementing ministry/department.
- 15) State should have separate SC and ST Commissions to recommend any Act and to do proper monitoring.
- 16) The land issues (grazing cases) need to be modified under this Act.
- 17) Collector of every district should do review quarterly from Legal Department during the review meeting .i.e. there should be provision for doing review of the status of cases pending in the district from the designated government peddler.
- 18) If a victim belongs to other state, then there is no provision for providing any compensation packages under this atrocity Act, though his/her case has been registered under the SC/ST Atrocity Act, hence there should be some provisions for these types of cases.
- 19) The Public Prosecutor appointed for this scheme should not deal with other cases and he/she should be mandatory to these cases.
- 20) Obtaining Caste Certificate and medical certificate of the Victim and Accused immediately after commencement of investigation should be speeded up.
- 21) Establishment of Fast Track Sessions Courts in all Districts for speedy trial of SC/ST victims cases.
- 22) Sanctions of ex-gratia and rehabilitation measures to the victims of atrocity cases immediately.
- 23) Providing of protection to the witness and disposal of the cases quickly.
- 24) Toll free numbers and SMS facilities to be created at PCR Cell to lodge complaints and grievances.
- 25) Training of PRIs, Local bodies and concerned institutions to be done in regular basis to combat the occurrence of crimes and atrocities.
- 26) The power of amendment in PoA Act should be delegated to the state government instead of central government because respective states are familiar with its social geographical conditions.

- 27) It should be made mandatory to all district Magistrate & Superintendent` of Police to visit Dalit Basti once in a month.
- 28) Police department should make a uniform check list for investigation and proper coordination between different departments with training camps to its personnel
- 29) The NGOs and panchayat samitees and Z.Ps. should be motivated and involved to take up preventive measures to avoid and curb the incidents of atrocity.
- 30) The government officers, social workers, public prosecutors, judges, and police officers who have done commendable job on eradication of the untouchability and helped in giving speedy justice to the victims of atrocities should be given special awards by the Government and incentives in services.

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