

**No.16/1/Delhi/Atrocity/2010/RU-I**

**Record of the Sitting taken by the Vice-Chairperson to review implementation of the SC/ST POA Act, 1989 by the Government of NCT of Delhi.**

The following Officers were present:

**NCST**

1. Shri Maurice Kujur, Hon'ble Vice-Chairperson (in Chair)
2. Shri Aditya Mishra, Jt. Secretary
3. Shri Vinod Aggarwal, Director
4. Shri K.C. Behera, PS to VC

**Govt. of NCT of Delhi**

1. Shri S. K. Jain, Spl. Commissioner of Police
2. Shri Sanjay Kumar, DCP

At the outset, the Commission observed with great concern that in such an important meeting to review the atrocity cases on STs in Delhi, there was no representative from the Department of Home, and also from the Department of Welfare of SCs/STs, Govt. of NCT of Delhi.

02. The Commission pointed out that it had noted abnormal delay in furnishing of requisite comments by the Police authorities on the representations received in the Commission pertaining to atrocities on the STs. In almost all the cases, while the reply has not been received within the stipulated period of 30 days, in some cases the reports furnished have also not been found to be comprehensive with specific comments on the issues raised by the Commission. Spl. CP (Vig.) mentioned that the delay in furnishing of the requisite comments to the Commission had occurred as in most of the cases, the details had to be obtained from the concerned districts/units

*Maurice Kujur*

and investigation also took time and sometimes, witnesses were also not available. However, he assured that in respect of the cases, where it is noted that such investigation was taking more time; an **interim reply** would be sent to the Commission to this effect. The Vice Chairperson observed that the time-frame of 30 days for investigation has been specified in the POA rules, 1995 and is, therefore, required to be adhered to.

**Action: Delhi Police**

03. The Commission also requested Delhi Police to forward investigation report in a standard format having a particular set of information and dates of important events as mentioned in the report sent by the Commission along with the brief. The Delhi Police assured to submit the report as desired by the Commission. The Commission was further informed that at present there were only five cases pending, which were referred by the Commission and in all cases charge-sheet had been filed. It was observed by the Commission that in almost all the cases filing of charge-sheet have been very much delayed. The Vice Chairperson desired that Delhi Police should strictly adhere to the stipulated time-frame of 90 days in this regard.

**Action : Delhi Police**

04. The Commission desired to know the monitoring mechanism in the State at different levels. It was revealed that a Vigilance branch, headed by an officer of the rank of Spl CP is in operation for the purpose of internal monitoring as well as references from different agencies. The Vigilance Branch collects information on the atrocities on Scheduled Castes and Scheduled Tribes and seeks reports from the Unit Officers. Whenever the allegations are of serious nature, the officers of Vigilance Branch make personal enquiry/take up investigation and submit reports. The Vigilance Branch is the Nodal Agency on the investigation / enquiries relating to atrocities mentioned in the POA Act and PCR Act. Further, in case of non-cooperation by any police personnel, cases are being taken up by the Vigilance Branch.

05. It was however, assured by the Spl. CP (Vig.) that the case(s) where Commission is required to have a report on priority, could be brought to their notice. The Commission desired that Delhi Police should issue necessary instructions to the District/Unit officials to ensure close monitoring of atrocity cases on monthly basis and also timely submission of periodical reports to the HR Cell. The timeliness and quality of investigation should also be monitored at all levels. It was assured by the Delhi Police that a six monthly reconciliation of pending cases will done by them with the Commission now onwards for proper monitoring of the progress of the cases referred by the Commission.

**Action: Delhi Police**

06. The Commission mentioned that, in respect of the complaints against the Police personnel, it was necessary that investigation reports should pass through internal verification mechanism in the Police Deptt. The Commission also emphasized that suitable guidelines/instructions/procedures should be formulated by them in handling such cases. It was explained by Delhi Police that there is a well defined system in this regard and such cases are processed by the Vigilance branch of the Police department and action taken according to the findings. On a query from the Commission, Spl CP informed that in respect of number of cases, departmental action have been taken against the erring officials irrespective of their rank. The Spl CP (Vig) assured that necessary action would be taken by the Delhi Police to strictly follow the established system.

**Action: Delhi Police**

07. It was informed by the Delhi Police that a case under POA Act was not registered until a caste based offence was committed by the accused. In general, where a case was registered under the POA Act, verification of caste certificate was not resorted to. The Commission expressed that the position as explained by the Delhi Police is not as per the POA Act. As per POA Act if a non-SC/ST member commits an offence on the member of SC/ST community, a case should be registered under Section 3 of the Act. Moreover, as per provisions of the POA Act and POA Rules, 1995, accused is arrested immediately and financial assistance is

provided to the victim. Therefore, POA Act should be invariably attracted where accused is non-SC/ST and victim is a SC/ST and financial assistance should also be provided as per the provisions of POA Rules. Spl. CP mentioned that they have to take the opinion of the Legal Cell to implement this interpretation of POA Act and regarding financial assistance.

**Action : Delhi Police, Department of Welfare of SCs/STs, Govt. of NCT of Delhi.**

08. The Commission was informed that Police officials were being imparted training including their sensitization towards weaker sections of the society at the time of induction and during refresher courses.

09. The Commission emphasized that under Sec 16 of the POA Act, two meetings of the State Level Vigilance & Monitoring Committee were required to be held in a year. The Department of Welfare of SCs/STs should, therefore, ensure that meetings as per provisions in the POA Act are conducted.

**Action : Department of Welfare of SCs/STs, Govt. of NCT of Delhi.**

10. It was informed by the Delhi Police that at present, victims and their witness were not being provided any TA/DA. The Commission, therefore, recommended that Department of Welfare of SCs/STs should arrange payment of TA/DA to victims and their witness as per the available provisions.

**Action: Department of Welfare of SCs/STs, Govt. of NCT of Delhi**

11. It was mentioned by the Commission that some times atrocity and economic offences are committed at the same time (atrocity is committed to encroach the tribal land). Mostly in such cases, economic offences are proved and atrocity is not proved in the absence of any evidence/witness and as a result, a police report was sent mentioning that the case was purely of economic nature and there was no atrocity on the members of ST community. Spl. CP (Vig.) appreciated the concern shown by the Commission in such cases. The Commission therefore, recommends that cognizance to the atrocity committed on the victim in such cases should be given.

*Kamini Singh*  
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Mostly, the atrocity in such cases can only be proved implicitly by circumstantial evidences.

**Action: Delhi Police**

12. The Commission mentioned that youngsters from ST dominated States like Jharkhand, Orissa, West Bengal etc. were coming to Delhi for their livelihood. They are mostly placed as domestic help by various placement agencies. A number of complaints are also being received in the Commission regarding their financial, physical and sexual exploitation by the employer. In many police reports, it is expressed that they are being exploited by the placement agencies and not by the employer. It has also been noted that a number of placement agencies were un-registered. The Commission, therefore, recommends that a regulatory body/ Act to regulate working and monitoring performance of such placement agencies should be set up. Spl CP agreed to formulate a proposal in the matter and to recommend it to the Govt. of NCT of Delhi for examination.

**Action : Delhi Police, Department of Welfare of SCs/STs, Department of Home,  
Govt. of NCT of Delhi.**

*Manoj Kumar Singh*  
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