



Government of India  
National Commission for Scheduled Tribes

6<sup>th</sup> floor, 'B' Wing, Loknayak Bhawan  
Khan Market, New Delhi-110 003

F. No. Press Clipping/14/Atrocity/Delhi/2014/RU-I

Date: 25/10/2015

To

The Commissioner of Police,  
Delhi Police,  
Police Headquarters,  
I.P. Estate,  
New Delhi

Sub: Sitting held under the Chairmanship of Hon'ble Chairperson, NCST on 04/08/2015 with the Officers of Delhi Police to discuss invoking of SC/ST (PoA) Act in the cases of Atrocities against ST community.

Sir,

I am directed to enclose a copy of the minutes of the Proceedings of the Sitting held in the NCST on 04/08/2015 on the above mentioned subject for information and further necessary action.

**Compliance report** on the observations of the Commission made in the Sitting may be submitted to the Commission by **30/10/2015**.

Encl: As above

Yours faithfully,

*Pramod Chand*

(Pramod Chand)  
Deputy Secretary

Copy to:

The Director (Programmes and Projects),  
Shakti Vahini,  
H-11, 2<sup>nd</sup> Floor, Hudson Line,  
Kingsway Camp,  
New Delhi - 110009.  
Fax: 011 42870188.

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7/10/15  
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Copy for information to:

1. PS to Hon'ble Chairperson, NCST
2. PS to Hon'ble Vice Chairperson, NCST
3. PS to Secretary, NCST
4. PPS to Joint Secretary, NCST
5. AD (Coord), NCST
6. SSA NIC (for hosting on Commission's website)

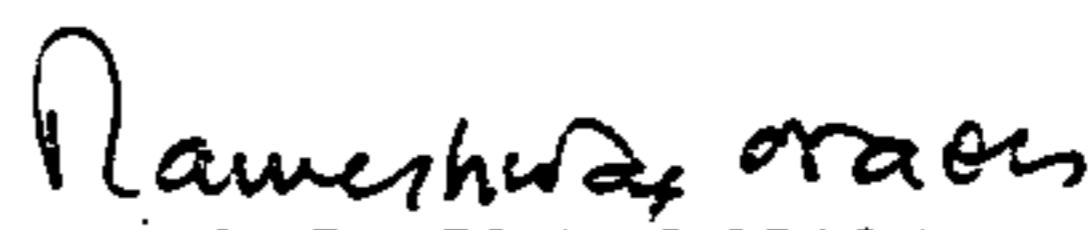
**GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED TRIBES**

File No. Press Clipping/14/Atrocity/Delhi/2014/RU-I

Date : 10.09.2015

Minutes of the Sitting held under the Chairmanship of Hon'ble Chairperson, NCST on 04/08/2015 with the Officers of Delhi Police to discuss invoking of SC/ST (PoA) Act in the cases of Atrocities against ST community.

1. The Sitting took place in the chamber of Hon'ble Chairperson, NCST.
2. The list of participants is given at Annexure A.
3. At the outset, Shri Pushendra Kumar, DCP, West District, Delhi Police, handed over the letter for 'exemption' from personal appearance of the Commissioner of Police in the Sitting. The NCST observed that such a meeting, where an important policy matter is discussed, should have been attended by Commissioner of Police, Delhi.
4. Initiating the discussion, Commission highlighted the importance of proper implementation of the SC/ST (POA) Act by Delhi Police Department. He further stated that **the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989** is an Act of the Parliament of India enacted to prevent atrocities against scheduled castes and scheduled tribes. Despite various measures adopted to improve the socio-economic conditions of the SCs and STs, they still remain vulnerable and are subject to various offences, indignities, humiliations and harassment.
5. Provisions of the existing laws like, the Protection of Civil Rights Act 1955 and Indian Penal Code are found to be inadequate to check these atrocities. Gross indignities and offences against Scheduled Castes and Scheduled Tribes are continuing. Despite various measures to improve the socioeconomic conditions of SCs & STs, their condition is still pathetic. These communities are not allowed to avail any of the civil rights; they are subjected to various offences, indignities, humiliations and harassment. The purpose of the Act is to help the social inclusion of Dalits into the mainstream Indian society and to deliver justice to SC/ST communities in order to enable them to live with dignity, self-esteem and without fear of violence and suppression.

  
डॉ. रामेश्वर उरांव/Dr. RAMESHWAR ORAON  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

Cont. 2

6. The Commission pointed out that in this particular case (The Press Clipping published in the "National Dunia" dated 01/10/2014 titled 'Girl raped on the pretext of Job'), he is unhappy to note that the SC/ST (POA) Act was not invoked in the FIR and the police have concluded the case stating that there was no casteist remarks in the Statement recorded by the victim. This is not acceptable to the Commission. He said that as per the SC/ST (POA) Act, if a non-SC/ST member commits an offence on a member of SC/ST community, the case should be registered under the Act and the accused be arrested immediately and financial assistance be provided to the victim.
7. To this the DCP, West said that in this case since the accused belonged to ST community, the SC/ST POA Act was not attracted in the FIR. This fact was inadvertently missed out in the Report sent by Delhi Police to the Commission.
8. To this the Commission pointed out that there are other cases too wherein the caste of the accused was not mentioned and the SC/ST (POA) Act was not invoked. Following cases are given as examples.
- (i) *This case relates to the Press Clipping from Navbharat Times dated 02.07.2014 titled 'the girl thrown on road after rape'. From The Police Report No. 148/complt.(Ac-II) North-West Distt. Delhi dated 02.02.2015, it is observed that the FIR was not registered under PoA Act, neither the caste of the accused persons mentioned. Despite direction from the Commission to verify the caste and to register the case under SC/ST (PoA) Act, the Commission has not received final report. (NCST file no. Press Clipping/ 7/ Atrocity/ Delhi/ 2014/ RU-I dated 02.03.2015.*
- (ii) *The case relates to the news item published in Times of India on 15.07.2014 about the suicide committed by Dhunita Munda working as a maid in West Delhi Kirti Nagar. In the police report no. 29356/Compt. (w)/DAI dated 20/10/2014 no mention is made about the registration of FIR and the PoA Act. The Commission received only the interim reply and find report is yet to be received. (NCST File No. Press Clipping/ 8/ Atrocity/ Delhi/ 2014).*
- (iii) *The case relates to Press Clipping published in the Hindustan Times dated 21/08/2014 titled "Abuse of Tribal Girls by Godman in guise of exorcism". Although the accused has been arrested and is presently running in judicial custody, the Report No. 11221/Compt. (w)/ DA-I dated 24/07/2015 states that "the complainants neither intimated about the allegations of SC/ST Act nor disclosed the facts related to their caste at any stage of investigation, hence, the provision of SC/ST (PoA) Act 1989 were not attracted. (NCST File No. Press Clipping/ 10/ Atrocity/ Delhi/ 2014/ RU-I).*


*Rameshwar Oraon*  
 डॉ. रामेश्वर उराँव/Dr. RAMESHWAR ORAON  
 अध्यक्ष/Chairperson  
 राष्ट्रीय अनुसूचित जनजाति आयोग  
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Cont. 3


- (iv) This case relates to the Press clipping dated 10/09/2014 in Times of India captioned "3 Girls rescued from auction". The report 8834/HAC/Crime (North) Delhi dated 08/07/2015 from DCP/Crime (North), Kamla Market, Delhi, states that "No allegations in respect of SC/ST (PoA) Act 1989 have come on surface during investigation. Before filing charge-sheet, the case was scrutinized by prosecution branch and no section of SC/ST Act was made out during scrutiny". However the victims have been restored to their families. (NCST File No. Press Clipping/11/-Atrocity/Delhi/2014/RU-I).
- (v) The case relates to Press Clipping "Gang Rape of a ST Woman by owners of a placement Agency" in Navbharat Times dated 23.06.2011. From the Police Report No 4861/Compl./ (AC-II)/NWD dated 13.06.2012, the Commission noted that during the investigation of the case, Police had not invoked SC/ST (PoA) Act, 1989 on the ground that 'investigation of the case did not reveal that the victim was gang raped due to her caste. There was no evidence regarding Commission of rape offence due to the caste of the victim'. No allegation regarding caste was made at any stage during investigation. (NCST File No. Press/1/2011/STGDH/ATRAPE/RU-I).

9. Officers were apologetic and noted this omission for correction in future. One of the Police Officers present in the Sitting said that as most of the cases are from Jharkhand, they coordinate with Jharkhand Police and there is a Jharkhand Resource Centre in Delhi where from they could collect complete details about the victims and the accused.

10. The Commission pointed out that investigation of an offence committed under the SC/ST (POA) Act cannot be investigated by an officer below the rank of Deputy Superintendent of Police (DSP) and as such, Reports should be of highest standards bringing out the minutest details written meticulously. There is a need for training/refresher courses on the implementation of the SC/ST (POA) ACT, to be imparted to the Police Personnel. The Commission was informed that Police officials were being imparted training to sensitize them towards the weaker sections of the society and on Anti Human Trafficking at the time of induction and during refresher courses. Commission observed that Delhi Police should have more workshops, orientation programs etc. on the implementation of the Act. It will help to disseminate the knowledge down to the rank of Sub-Inspectors & even below. They may also have display boards in all the Police Stations highlighting the Provisions of the Act.

  
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11. Commission pointed out that when the SC/ST (POA) Act is invoked, only then it can provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims. Victims of atrocities and their families should be provided with financial and other support to make them economically self-reliant. In Delhi the implementation of the Act is admittedly uneven.
12. Police officers also told the Commission that youngsters from ST dominated States like Jharkhand, Orissa, West Bengal are coming to Delhi to earn their livelihood. They are placed as domestic servants by various placement agencies. They are being exploited financially, physically and sexually by the employers and by the placement agencies. Many of the placement agencies are unregistered. The Commission noted that the Delhi Government has already released an executive order to regulate the working, check the menace of abuse of the downtrodden community by placement agencies and to bring them under the statutory control.
13. The Commission while appreciating the role and efforts of Delhi Police said that police are primarily responsible for prevention of atrocities and maintenance of law and order. A responsive police administration is recognized as an essential requirement in any society that seeks to take care of its citizens and helps in prevention of atrocities. He advised Delhi Police to submit a final report on the observations of the Commission made in the Sitting at the earliest.
14. Sitting ended with the vote of thanks to the Chair.

  
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