

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE  
(ORIGINAL JURISDICTION)**

**W.P. No. 7990/ 2020 (PIL)**

**BETWEEN**

Parishishtha Jaathi/Parishishtha Pangadagala  
Melvicharane Mattu Balavardhana Sangha  
Karnataka (Committee for Monitoring and  
Strengthening SCs/STs in Karnataka)  
A society registered under the  
Karnataka Societies Registration Act 1960  
Having its Registered Office at:  
#4, 4<sup>th</sup> Right Cross, Bypass Road  
C.K. Palya, Sakalavara Post, Bannerghatta Road  
Bengaluru – 560 083  
Represented through its Convenor  
Ms. Yashoda P

**...PETITIONER**

**AND**

1. State Government of Karnataka  
Social Welfare Department  
5<sup>th</sup> Floor, M.S. Building  
Dr. B. R. Ambedkar Veedhi  
Bengaluru – 560 001  
Represented by its Principal Secretary
2. Karnataka State Police Department  
Police Head Quarters,  
Nrupathunga Road, Beside RBI,  
Bengaluru – 560001  
Through the Director General of Police
3. Directorate of Civil Rights Enforcement (DCRE)  
F block, 2nd floor, Anand Bhavan, Cauveri Colony,  
Hennur Gardens,

Bengaluru – 560009

Represented by the Addl. Dir. Gen. of Police

...RESPONDENTS

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**MEMORANDUM OF PETITION UNDER ARTICLES 226 AND 227 OF THE  
CONSTITUTION OF INDIA, 1950**

The Petitioner most respectfully submits as follows:

1. The Petitioner submits that the present petition has been filed by the Petitioner seeking certain reliefs for the proper implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('PoA Act') and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 ('PoA Rules'). This legislation has been enacted to prevent atrocities against SC/STs and to protect their rights, however the Act and the Rules are not being implemented in Karnataka effectively. Even some of the requirements of the law such as the setting up of Special Courts and Exclusive Special Courts for the trial of offences against SC/ST persons in districts where the rate of offences is high, have not been set up. There are no proper meetings being conducted by the State-level Vigilance and Monitoring Committee and District-level Vigilance and Monitoring Committees as per Rules 16 and 17 of the Rules, failure to adhere to time limits in investigation of atrocities and a failure to carry out periodic surveys of the implementation of the PoA Act and PoA Rules. Further no precautionary measures against caste atrocities as provided in the Act and Rules are being implemented, payment of relief to victims of caste atrocities is also not being disbursed. Hence this petition.

**Array of Parties**

1. The Petitioner is the Parishishtha Jaathi/Parishishtha Pangalagada Melvicharane Mattu Balavardhana Sangha Karnataka (Committee for

Monitoring and Strengthening SCs/STs in Karnataka), which is a society registered under the Karnataka Societies Registration Act 1960. It was registered on 22.3.2017. This is a collective initiative of the Karnataka Dalit Mahila Vedike (KDMV) and other organisations working on human rights and development. In 2010, many prominent activists and other human rights defenders in Karnataka, especially Dalit women activists, launched the Committee Monitoring and Strengthening Scheduled Castes and Scheduled Tribes in Karnataka (CMASK) to work on the implementation of the PoA Act. At that time, it was not a registered body and was an unregistered collective. Since 2010, CMASK has been publishing reports using statistics from the crime records bureau. The Petitioner organization was registered as a society in 2017. One of its important contributions has been its unique annual report tracking the implementation of the crucial SC/ST PoA Act in Karnataka and it releases its monitoring report on the implementation of the PoA Act in Karnataka every year. The Petitioner association brings out annual monitoring reports, carries out trainings on the PoA Act and Rules and provides recommendations and draft model Government Orders that can be used and issued by the State Government for effective implementation of the PoA Act. The Petitioner makes regular representations to the government on the implementation of the law, and works on the ground to assist persons from the SC/ST community in using the PoA Act and providing them support in accessing relief. The Petitioner organization is represented through its convenor Ms. Yashoda P.

(A copy of the Registration certificate of the Petitioner organization is annexed herein and is marked as **ANNEXURE – A**)

(A copy of the representations made by the Petitioner founder dated 14.4.2012 made to the Chief Minister and the Chairman of the State Level Monitoring and Vigilance Committee (SVMC) regarding implementation of the PoA Act is annexed herein and marked as **ANNEXURE – B**)

(A copy of the Representation dated 18.4.2012 is annexed herein and is marked as **ANNEXURE – C**)

2. The Respondent No. 1 is the Department of Social Welfare which is in charge of the welfare of Scheduled Castes and Schedule Tribes in the State of Karnataka. It also has obligations for relief and benefits as required under the PoA Act as well as the PoA Rules to be complied with. The State Government, represented by the Chief Secretary, is responsible for the setup of the State, District and sub-District level monitoring committees to monitor and review the implementation of the PoA Act in Karnataka.
3. The Respondent No. 2 is the Director General of Police, who heads the Karnataka State Police Department. The PoA Act and PoA Rules place certain obligations on law enforcement for speedy investigation of atrocities under the PoA Act.
4. The Respondent No. 3 is the Directorate of Civil Rights Enforcement, which was initially set up as a Civil Rights Enforcement Cell, by the Government of Karnataka vide its order No. SWD 135 SSC 74 dated 07.08.1974 to monitor and supervise the investigation of atrocity cases reported in the districts. Presently it is headed by an Officer of the rank of Addl. Director General of Police and it is re-designated as the Directorate of Civil Rights Enforcement. There are seven regional units functioning at Mysore, Mangalore, Belgaum, Davangere, Gulbarga, Bangalore. Each region is placed under the charge of a Superintendent of Police including Bangalore Head Quarters. The Government has also created District Units at Bijapur, Bagalkot, Tumkur and Kolar. The Directorate monitors and supervise the investigation of atrocity cases reported in the districts. This Directorate monitors the progress of investigation and issue timely instructions to the investigating officers. It also interacts with other departments and ensure that the compensation and other allowances due to the victims is paid promptly by the concerned authorities.

## **Brief Facts**

5. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('**PoA Act**') was enacted in response to the rise in the incidence of violence against Scheduled Caste ('**SC**') and Scheduled Tribe ('**ST**') persons in the 1970s. The objective of the PoA Act is to identify, prosecute, prevent, monitor and address atrocities against SC/ST persons by non-SC/ST persons. While the PoA Act is primarily a penal statute and prescribes punishments for different atrocities against SC/ST persons, it also provides for a range of measures to rehabilitate victims and witnesses, and to monitor the implementation of measures laid out in the statute. A significant part of the PoA Act is dedicated to establishing institutions to curb the menace of caste discrimination, adjudicating offences and rehabilitating victims. It provides for establishment of Special Courts, both exclusive and designated, to enable speedy adjudication of cases and provides for appointment of Special Public Prosecutors for every Exclusive Special Court. The PoA Act additionally outlines State obligations for victim and witness protection as well as the institution of a scheme for the welfare of SC/ST persons.
  
6. The Petitioner submits that the complaints of atrocities against members of the SCs and STs in the country had been increasing steadily, despite the law being enacted. Hence a decision was taken to amend the PoA Act and strengthen it to make the relevant provisions of the Act more effective. Thus the PoA Act was amended in 2015 to include new offences and expanding the scope of provisions already present so as to specifically include atrocities against SC/ST women, institutional strengthening, access to appeals, establishment of rights of victims and witnesses and strengthening preventive measures. The purpose of this Act was to deliver members of the SC and ST communities greater justice as well as an enhanced deterrent to the offenders.

7. The Petitioner submits that despite the elaborate provisions contained in the PoA Act and PoA Rules, its implementation in Karnataka has been abysmal. The conviction rates in Karnataka have been extremely low. In 2014, while 1633 cases were registered under the PoA Act, there was not a single conviction and the conviction rate was 0%. This was despite the State standing third in the country in terms of the number of atrocity cases being registered.

(A copy of a news report in Deccan Herald titled 'No justice for SC/ST victims of atrocity' dated 27.10.2015 is annexed herein and marked as **ANNEXURE – D**)

8. It is submitted that the Respondent No.1 State Government is required to release annual reports on the implementation of the PoA Act and the last annual report it has released was only for the year 2016. After 2016, no Annual Reports on the PoA Act have been released. As per the Annual report 2016, the important data given is as follows:

(i) Total No. of cases registered in Karnataka under the PoA Act: **811**

(ii) Number of Districts in which atrocity prone areas are notified: **3**

(iii) Number of Districts in which Exclusive Special Courts set up: **8**

The compliance of other provisions of the PoA Act and the Rules as per the data given in the 2016 Annual report is highly inadequate. After 2016 no Annual reports are even available or released by the Respondent no.1 State Government.

(A Copy of the Annual Report for the year 2016 SC/ST (PoA Act 1989) (Annexures), released by the Department of Social Welfare is annexed herein and marked as **ANNEXURE – E**)

9. It is submitted that in 2016, the Respondent No,1 State Government also issued Government Order dated 20.6.2016 enhancing the relief to atrocity victims and the time lines for the disbursement of the same. Even these timelines have not been adhered to, as per the information given in the

Annual Report 2016. In a majority of cases the compensation to victims is not disbursed on time.

(A copy of the G.O. No. SWD 37 SPA 2016, dated 20.6.2016 is annexed herein and is marked as **ANNEXURE – F**)

10. The Petitioner submits that as per the latest 2017 National Crime Records Bureau's ('NCRB') Crime Statistics Report being the report of the year 2017, Karnataka was the 7<sup>th</sup> ranked state in India in terms of the incidence of crimes against SCs. Further, Karnataka was the 5<sup>th</sup> ranked state in India in terms of incidence of crimes against STs as per the 2017 data. The rate of crime against SCs in Karnataka has increased from 2015 to 2017. The conviction rate for crimes against SC's in Karnataka is extremely low at 1.2% of the 3564 arrests made. The rate of crime against ST in Karnataka has also seen an increase from 2015 to 2017 and the rate of conviction in crimes against STs is at 2%. The crime statistics report also makes a comprehensive crime head wise analysis of the crimes registered. All of this data conspicuously proves that there has been no effective implementation of the legislation in place.

(A copy of the NCRB report on Chapter 7A. Crime/Atrocities Against Scheduled Castes (States & UTs) dated 2017 is annexed herein and marked as **ANNEXURE – G**)

(A copy of the NCRB report on Chapter 7C. Crime/Atrocities Against Scheduled Tribes (States & UTs) dated 2017 is annexed herein and marked as **ANNEXURE – H**)

11. It is submitted that the Petitioner has, since 2007, been studying the status of implementation of the PoA Act and Rules in Karnataka. In the course of research and fact-finding, the Petitioner organisation found that there were a number of State obligations mandated in the PoA Act and PoA Rules that were not being complied with by the relevant State authorities and the PoA Act and Rules are not being implemented effectively. This non-

implementation contributes to the high incidence of offences under the PoA Act and result in the denial of the various rehabilitation schemes to victims of atrocities. The instances of non-implementation under the PoA Act and Rules are as follows:

**A. Exclusive Special Courts to be Set Up in More Districts:**

12. The Petitioner submits that as per Section 14 of the PoA Act, the state is responsible for establishing Special Courts or Exclusive Special Courts to try cases under the Act. Exclusive Special Courts are set up for one or more districts to exclusively hear cases under the PoA Act. As per Section 14(1) of the PoA Act, has been substituted by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, which allowed Sessions Courts to take cognizance of offences under the PoA Act as courts of original jurisdiction and to try such offences. These sections are reproduced below:

*14. Special Court and Exclusive Special Court.—*

*(1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, establish an Exclusive Special Court for one or more Districts:*

*Provided that in Districts where less number of cases under this Act is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try the offences under this Act: 1. Subs. by Act 1 of 2016, s. 8, for section 14 (w.e.f. 26-1-2016).*

*Provided further that the Courts so established or specified shall have power to directly take cognizance of offences under this Act.*

*(2) It shall be the duty of the State Government to establish adequate number of Courts to ensure that cases under this Act are disposed of within a period of two months, as far as possible.*

*(3) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing:*

*Provided that when the trial relates to an offence under this Act, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet.*

13. The Petitioner submits that Karnataka has 30 districts in total, and only 8 Exclusive Special Courts have been set up in the districts of Belagavi, Vijayapura, Kalaburgi, Kolar, Mysuru, Raichur, Ramanagar and Tumakuru and in the remaining districts, the Sessions Courts have been designated as Special Courts.

14. The Petitioner submits the Respondent State Government, vide letter no. LAW 38 LCE 2016 dated 03.01.2017 requested this Hon'ble Court to look into establishing 7 more Exclusive Special Courts for trial of communal offences and atrocities against SC/ST cases. This Hon'ble Court in its reply dated 2.2.2017 stated that as per the decision of the Administrative Committee, in view of the less pendency of cases in other districts there was no requirement of setting up any further special courts. In addition, the Registrar also communicated to all the Principal/Additional District and Sessions Judges in the State vide letter dated 21.2.2017 that all cases registered under the PoA Act should be disposed on top priority. This Hon'ble Court also sent another communication to the 1<sup>st</sup> Respondent stating that in view of these directions, the establishment of 7 more special courts at Chikkabellapur, Hasan, Davanagere, Haveri, D.K. Mangaluru, Bagalkot and Yadgir was not necessary.

(A copy of the letter from the Registrar General to the Principal Secretary to Government dated 02.02.2017 is annexed herein and marked as **ANNEXURE – J**)

(A copy of the letter from the Registrar General to all the Principal/Additional District and Sessions Judges in the State dated 21.02.2017 is annexed herein and marked as **ANNEXURE – K**)

(A copy of the letter from the Registrar General to the Secretary to Government Social Welfare Department dated 21.2.2017 is annexed herein and is marked as **ANNEXURE – L**)

15. Though the request for setting up the Exclusive Special Courts was denied, the 2016 Annual Report by the Department of Social Welfare, shows that many districts such as Bangalore rural, Ballari, Hassan and Mandya have a very high number of cases registered under the PoA Act, thereby showcasing a need for establishment of Exclusive Special Courts. This Annual Report contains district-wise data showing that 811 cases of atrocities had been reported against SC/ST persons in Karnataka in 2016, with the top ten districts that reported the highest number of cases seen below:

District in Karnataka	Number of cases registered under PoA Act	Whether Exclusive Special Court is present
Belagavi	95	Yes
Tumakuru	84	Yes
Mysuru	68	Yes
Hassan	58	No
Raichur	55	Yes
Bengaluru (Rural)	52	No
Mandya	48	No
Ballari	40	No
Chikkmagaluru	39	No
Bidar	35	No

From the table, it is clear that out of all these districts having a high number of atrocities, only Belagavi, Mysuru, Tumakuru and Raichur have Exclusive Special Courts. As seen in the Annual Report 2016, all other districts in Karnataka have designated Courts of Sessions that try atrocity cases along with other general criminal cases due to which the cases under the PoA Act are not given priority, get delayed and also lead to high rates of acquittals.

16. The Petitioner submits in 2018, the Office of the Commissioner of Social Welfare in 2018 directed the establishment of Exclusive Special Courts in

districts where more than 100 cases were pending. The notice also mentioned that 12 of the 30 districts had these many cases and were eligible for the establishment of Exclusive Special Courts. It also directed that examples of Madhya Pradesh, Maharashtra and Gujarat's model where a high number of Exclusive Special Courts have been set up be taken into consideration in Karnataka as well. This shows that the Respondents have recommended more Exclusive special courts to be set up, as required under the PoA Act, apart from the 8 districts they are already available in. There has not been any further review of the number of cases pending, to review that those districts where there are more than 100 cases pending under the PoA Act, there should be Exclusive Special Courts set up.

(A copy of the notice issued by the Office of the Commissioner of Social Welfare numbered SKN/CS-1/CR-106/2017-18 dated 05.02.2018 is annexed herein and marked as **ANNEXURE – M**)

17. The Petitioner submits that in view of the high rates of atrocities in many districts in Karnataka that do not have Exclusive Special Courts, as well as the overall high levels of pendency in court cases under the PoA Act, the State of Karnataka needs to set up additional Exclusive Special Courts under Section 14(1) of the PoA Act. As per Section 14(2) of the PoA Act, the State is bound to set up an adequate number of courts to ensure that cases under the Act are disposed of within a period of 2 months, as far as possible. The Petitioner submits that a pendency rate of 92.6 per cent shows clearly that this provision is not being adhered to, casting an obligation on the State Government to set up additional Exclusive Special Courts to try offences under the PoA Act in the remaining 22 districts of Karnataka.

**B. Vigilance Committee Meetings Not conducted:**

18. It is submitted that despite the legislation and the Rules, the atrocities against SC and ST persons are increasing. None of the preventive mechanisms under the law are being enforced. Under the PoA Rules, the local authorities are required to have regular meetings. The relevant provisions of the PoA Rules are produced below:

*3. Precautionary and preventive measures.-*

*With a view to prevent atrocities on the Scheduled Castes and the Scheduled Tribes the State Government shall,-*

*(vii) set up a vigilance and monitoring committee to suggest effective measures to implement the provisions of the Act;*

*16. Constitution of State-level Vigilance and Monitoring Committee.-*

*(1) The State Government shall constitute high power vigilance and monitoring committee of not more than 25 members consisting of the following:*

*(i) Chief Minister/Administrator-Chairman (in case of a State under President's Rule Governor-Chairman).*

*(ii) Home Minister, Finance Minister and Welfare Minister-Members (in case of a State under the President's Rule Advisors-Members);*

*(iii) all elected Members of Parliament and State Legislative Assembly and Legislative Council from the State belonging to the Scheduled Castes and the Scheduled Tribes- Members*

*(iv) Chief Secretary, the Home Secretary, the Director-General of Police, Director/Deputy Director, National Commission for the Scheduled Castes and the Scheduled Tribes- Members;*

*(v) the Secretary in-charge of the welfare and development of the Scheduled Castes and the Scheduled Tribes- Convener.*

*(2) The high power vigilance and monitoring committee shall meet at least twice in a calendar year, in the month of January and July to review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the State Government.*

*17. Constitution of District Level Vigilance and Monitoring Committee.-*

*(1) In each district within the State, the District Magistrate shall set up a vigilance and monitoring committee in his district to review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers /agencies responsible for implementing the provisions of the Act and various reports received by the District Administration.*

*(2) The district level vigilance and monitoring committee shall consist of the elected Members of the Parliament and State Legislative Assembly and Legislative*

*Council, Superintendent of Police, three-group 'A' Officers, Gazetted Officers of the State Government belonging to the Scheduled Castes and the Scheduled Tribes, not more than 5 non-official members belonging to the Scheduled Castes and the Scheduled Tribes and not more than 3 members from the categories other than the Scheduled Castes and the Scheduled Tribes having association with Non-Government Organizations. The District Magistrate and District Social Welfare Officer shall be Chairman and Member-Secretary respectively.*

*(3) The district level committee shall meet at least once in three months.*

19. In recent media reports, the data shows that the crimes against SC/ST persons in Karnataka are increasingly rapidly. Over the past 6 years, Bangalore has been topping the list with the highest number of atrocities. In 2017 the following cases were found:

- (i) 17 cases of rape against SC/ST women in Bangalore
- (ii) 2140 atrocity cases - 11.92% higher than previous year
- (iii) One rape case reported every day

These articles also highlight that district level meetings of the District Vigilance and Monitoring Committees are not being held. In 2016, there has been only one meeting of the State-level committee in Karnataka. It has been reported that in 2018 only 11 out of 30 districts conducted the meetings of the District level Committee. Hence, even these minimal provisions of the law are not being complied with.

(A copy of a news report in the Deccan Herald titled 'Bengaluru City stands second in SC/STs atrocities' dated 13.11.2018 is annexed herein and marked as **ANNEXURE – N**)

(A copy of a news report in The Hindu titled 'Karnataka tops atrocity rate against SC/ST citizens' dated 22.10.2019 is annexed herein and marked as **ANNEXURE – P**)

A copy of the news report titled, "Crime rate against SC/STs remains high in Karnataka, says report" in The Hindu dated 18.12.2019 is annexed herein and is marked as **ANNEXURE - Q**)

(A copy of a news report in Deccan Herald titled 'Violent crimes against SCs in Karnataka went up 67%' dated 19.12.2019 is annexed herein and marked as **ANNEXURE – R**)

(A copy of a news report in The Hindu titled 'No meetings of SC,ST Committees held in 25 States in 3 years' dated 17.03.2020 is annexed herein and marked as **ANNEXURE – S**)

20. The Petitioner submits that the State of Karnataka has set up committees at the State, District and sub-District levels in accordance with the above-mentioned provisions of the PoA Rules, but the Committees have not complied with any of the meeting requirements as mandated in the PoA Rules. This information has been published by the State itself, and can be seen in Annexure – IX to the Annual Report for the year 2016 on PoA Act. The data clearly states that the State Level Committee only conducted one meeting in 2016. Further, as per Annexure – IX B of the Annual Report, out of 30 District Committees set up in individual districts, only 11 District Committees adhered to the minimum requirement of 4 meetings in 2016. The remaining 19 District Committees met fewer than 4 times that year. Annexure – IX C of the Annual Report shows that only one sub-Divisional Level Committee in Vijayapura carried out 4 meetings in 2016, with the remaining 52 Committees meeting less than once in 3 months.

**C. Investigation Not Done within Time:**

21. The Petitioner submits that Rule 7(2) of the PoA Rules states that the Investigating Officer of any atrocity under the PoA Act shall complete investigation on top priority, submit a report to the jurisdictional Superintendent of Police, who shall in turn forward it to the Directorate General of Police or the Commissioner of Police. The relevant provisions of the PoA Rules are produced below:

*4. Punishment for neglect of duties.—*

*(1) Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.*

*(2) The duties of public servant referred to in sub-section (1) shall include—*

*(e) to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;*

*(3) The cognizance in respect of any dereliction of duty referred to in sub-section (2) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant.]*

*7. Investigating Officer.-*

*(1) An offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police. The investigating officer shall be appointed by the State Government, Director-General of Police, Superintendent of Police after taking into account his past experience, sense of ability and justice to perceive the implications of the case and investigate it along with right lines within the shortest possible time.*

*(2) The investigating officer so appointed under sub-rule (1) shall complete the investigation on top priority within thirty days and submit the report to the Superintendent of Police who in turn will immediately forward the report to the Director-General of Police of the State Government.*

*(3) The Home Secretary and the Social Welfare Secretary to the State Government, Director of Prosecution the officer-in-charge of Prosecution and the Director-General of Police shall review by the end of every quarter the position of all investigations done by the investigating officer.*

22. The PoA Rules further states that the officer-in-charge of the concerned police station shall file the charge sheet in the Special Court or Exclusive Special Court within 60 days. Additionally, the PoA Act in Section 4 states that if a public servant neglects his duty to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, then he shall be punishable with imprisonment for a term not less than 6 months but which may be extended to one year.

23. The Petitioner submits that the Investigating Officers have not been completing investigations as per the stipulated time frame. Annual Report for 2016 released by the Respondent No. 2 at Annexure – VI shows that there are 321 cases where investigation is completed and filing of charge sheet is done within 60 days while 761 cases have taken later than 60 days. Further, the Respondent No. 2, through the Minister of Social Welfare has released a document which lists the number of pending cases where the investigation has taken more than 60 days. This list has cases from 2008 to

2018. The Minister directs the police officials to seriously look into this matter and expedite the investigation process in atrocity cases.

24. The Petitioner submits that filing of a case and its investigation is the first step in stopping atrocities against the SC/ST community. With a low rate of completion of initial investigation, the starting point of the procedure that can be taken is robbed from the victims, making the entire machinery available under the PoA Act immobile. Therefore, Investigation Officers should strictly adhere to these provisions to complete investigations of atrocities in a timely manner.

(A copy of the communication by the Minister for Social Welfare numbered SKS/48/SPA/2018 dated 19.02.2019 is annexed herein and marked as **ANNEXURE – T**)

**D. Precautionary Measures and Preventive Action**

25. The Petitioner submits that Section 17 of the PoA Act and Rule 3 of the PoA Rules outlines a number of precautionary measures to be taken by the State Government to prevent caste atrocities.

26. The Petitioner further submits that Section 17 of the PoA Act asks for preventive action to be taken by the law and order machinery. If the authorities are of the opinion that there is sufficient ground, then the areas where such crimes are committed must be declared as an area prone to atrocities and necessary action should be taken for keeping the peace and good behaviour and maintenance of public order and tranquility. As per section 17 of the PoA Act, the State government has to declare atrocity prone areas.

*17. Preventive action to be taken by the law and order machinery—*

*(1) A District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of a Deputy Superintendent of Police may, on receiving information and after such inquiry as he may think necessary, has reason to believe that a person or a group of persons not belonging to the Scheduled Castes or the Scheduled Tribes, residing in or frequenting any place within the local limits of his jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take necessary action for keeping the peace and good behaviour and maintenance of public order and tranquillity and may take preventive action.*

*(2) The provisions of Chapters VIII, X and XI of the Code shall, so far as may be, apply for the purposes of sub-section (1).*

*(3) The State Government may, by notification in the Official Gazette, make one or more schemes specifying the manner in which the officers referred to in sub-section (1) shall take appropriate action specified in such scheme or schemes to prevent atrocities and to restore the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes*

**27. The PoA Rules also contains provisions for precautionary measures:**

*3. Precautionary and preventive measures.-*

*With a view to prevent atrocities on the Scheduled Castes and the Scheduled Tribes the State Government shall,-*

*(viii) set up Awareness Centers and organize Workshops in the identified area or at some other place to educate the persons belonging to the Scheduled Castes and the Scheduled Tribes about their rights and the protection available to them under the provisions of various Central and State enactments or rules, regulations and schemes framed thereunder;*

*(x) deploy special police force in the identified area;*

**28. The Annual Report for the year 2016 (Annexure – XI) on implementation of the PoA Act and Rules states that the atrocity prone areas are the following:**

Identified District	Specific Areas within District identified as Atrocity Prone Areas	Measures taken for the removal of such disability in such areas
Kodagu	1. Verajpete Taluk Sreemangal 2. Somvarpet Taluk Hebbal	Conducting seminars programmes in Atrocity Prone Areas to evacuate Atrocities
Mysuru	Nanjangud Taluk Kudiapura Village	Tahasildar, Assistant Director, Social Welfare Department, Asst. Engineer, Panchayathraj Engineering visited to the village and submit the report
	Hunsur Taluk Tripalpura & Hosurugate Village	Conducting workshop and street play.
	Priyapantna Taluk Rajaneligali	

	Mysuru Taluk Madagalli Village	
Yadagir	Yadgiri Taluk Gajarkot	Conducting workshop and street play

Annexure – III of the 2016 Annual Report, gives the number of cases registered in Karnataka as per the provisions of the PoA Act. The top 10 districts of these are listed below -

District in Karnataka	Number of cases registered under PoA Act	Whether identified as atrocity prone area
Belagavi	95	No
Tumakuru	84	No
Mysuru	68	Yes
Hassan	58	No
Raichur	55	No
Bengaluru (Rural)	52	No
Mandya	48	No
Ballari	40	No
Chikkmagaluru	39	No
Bidar	35	No

Of the 3 atrocity prone areas identified, only one corresponds with the high number of cases seen in the table above.

29. Petitioner submits that amongst the precautionary measures are those reflected in Rules 3(viii) and 3(x) of the PoA Rules, which state respectively that awareness centres and workshops are to be set up and carried out in atrocity-prone areas or other areas for SC/ST persons; and that special police forces have to be deployed in atrocity-prone areas. As per Annexure – XV of the same Annual Report, the Respondent No. 2 clearly states that no special police stations have been set up in any districts of Karnataka. It is absolutely necessary to deploy special police forces, at least to atrocity-prone areas as identified in the tables above, to ensure that caste atrocities

are addressed properly by law enforcement officials who are qualified to deal with these grave offences.

**30.** The Petitioner submits that as per the Annual Report for 2016 released by the Respondent No. 2, no awareness programmes were carried out in Bidar, Dharwad, Dakshina Kannada, Kodagu and Tumukuru in that year, even though all the districts mentioned except Dakshina Kannada are atrocity-prone districts. The Petitioner submits that awareness programmes and workshops are important, since they make SC/ST persons aware of their rights, entitlements and options for legal recourse against atrocities committed against them. The Petitioner submits that failure to carry out these programmes or workshops frequently can have a negative effect on reporting of atrocities as well as community reactions to atrocities. In order to ensure that SC/ST persons remain mobilised and empowered, and to ensure that offenders do not live in a culture of impunity, awareness programmes must be carried out in at least all atrocity-prone areas in a frequent and systematic manner.

**31.** The Petitioner submits that although there are provisions in the PoA Act and the PoA Rules, to take precautionary measures and preventive action, sufficient initiative is not seen by the authorities. This is evident in the data collected and presented above. While the legislation provides for more than just a reaction to the atrocities in the form of preventive action and precautionary measures, the same is not being implemented.

***E. Periodic Survey Not Done:***

**32.** The Petitioner submits that as per Section 21(2)(vi) of the PoA Act, the State Government has the duty to carry out a periodic survey of the implementation of the PoA Act and the Rules. The aim of this provision is

to ensure that the State Government is in a position to suggest measures for better implementation of the Act. The provision states as follows:

*21. Duty of Government to ensure effective implementation of the Act.—*

*(1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this Act.*

*(2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include,—*

*(i) the provision for adequate facilities, including legal aid, to the persons subjected to atrocities to enable them to avail themselves of justice;*

*(ii) the provision for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under this Act;*

*(iii) the provision for the economic and social rehabilitation of the victims of the atrocities;*

*(iv) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;*

*(v) the setting up of committees at such appropriate levels as the State Government may think fit to assist that Government in formulation or implementation of such measures;*

*(vi) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provision of this Act;*

*(vii) the identification of the areas where the members of the Scheduled Castes and the Scheduled Tribes are likely to be subjected to atrocities and adoption of such measures so as to ensure safety for such members.*

*(3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1).*

*(4) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.*

**33.** The Petitioner submits that the Respondent No. 2 has failed to carry out periodic surveys, as mandated in the PoA Act. The Annual Report released by the Respondent No. 2 for the year 2016, which is the latest report that has been released on implementation of the PoA Act and Rules, clearly states in Annexure – X that no survey has been conducted in any district of Karnataka on the workings of the PoA Act. The PoA Act was brought into force in 1990. Since 1990 to 2016, 26 years have passed, but the Karnataka government has not conducted even one periodic survey, thereby neglecting its duty under the PoA Act. The Petitioner, thus, respectfully submits to this Hon'ble Court to direct the respondents to conduct periodic surveys which would ease the identification, rehabilitation and preventive action as given in the PoA Act and the PoA Rules.

## **F. Payment of Compensation to atrocity victims**

34. The Petitioner submits that Rule 12 of the PoA Rules lays out the obligations of the District Administration.

*12. Measures to be taken by the District Administration:-*

*(1) The District Magistrate and the Superintendent of Police shall visit the place or area where the atrocity has been committed to assess the loss of life and damage to the property and draw a list of victim, their family members and dependents entitled for relief.*

*(2) Superintendent of Police shall ensure that the First Information Report is registered in the book of the concerned police station and effective measures for apprehending the accused are taken.*

*(3) The Superintendent of Police, after spot inspection, shall immediately appoint an investigation officer and deploy such police force in the area and take such other preventive measures as he may deem proper and necessary.*

*(4) The District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall make arrangements for providing immediate relief in cash or in kind or both to the victims of atrocity, their family members and dependents according to the scale as in the schedule annexed to these Rules (Annexure-I read with Annexure-II). Such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items necessary for human beings.*

*(5) The relief provided to the victim of the atrocity or his /her dependent under sub-rule (4) in respect of death, or injury to, or damage to property shall be in addition to any other right to claim compensation in respect thereof under any other law for the time being in force.*

*(6) The relief and rehabilitation facilities mentioned in sub-rule (4) above shall be provided by the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate in accordance with the scales provided in the Schedule annexed to these rules.*

*(7) A report of the relief and rehabilitation facilities provided to the victims shall also be forwarded to the Special Court by the District Magistrate or the Sub-Divisional Magistrate or the Executive Magistrate or Superintendent of Police. In case the Special Court is satisfied that the payment of relief was not made to the victim or his/her dependent in time or the amount of relief or compensation was not sufficient or only a part of payment of relief or compensation was made, it may order for making in full or part the payment of relief or any other kind of assistance..*

This provision includes, amongst others, Rule 12(4) which states that the District Magistrate, sub-divisional Magistrate or Executive Magistrate, as the case may be, shall make necessary administrative and other arrangements to provide relief to victims of atrocities within 7 days. The Petitioner has given a representation to the State Government dated

13.3.2018 requesting for implementation of these measures to be carried out, but to no avail.

(A copy of the representation made by CMASK to the State government dated 13.3.2018 is annexed herein and marked as **ANNEXURE – V**)

35. The Petitioner submits that as per Rule 12(4) of the PoA Rules, certain amount is to be given to the victim at different stages, namely at the time of FIR, filing charge-sheet and finally at the time of conviction. Annexure I of the PoA Rules Schedule gives the details for the time and amount of payment. According to the Department of Social Welfare, the District Statistics for the year 2019-20 shows that a total of 680 FIRs have been filed, yet the FIR amount payment is only for 297 and charge-sheet payment is only 247 which is less than half of the cases.

	Total FIR	FIR Payment	Charge-sheet Payment
Karnataka	680	297	247

(A copy of the District Statistics by the Department of Social Welfare for the year 2019-2020 is annexed herein and marked as **ANNEXURE – W**).

36. The Petitioner submits that District Administration of most districts in Karnataka do not provide relief to victims of atrocities within the stipulated 7-day period. As per Annexure – VII of the Annual Report for the year 2016 released by the Respondent No. 2, it is seen that out of all the districts in the state, only in Bagalkot and Davanagere districts, payment of relief was carried out within 7 days as stipulated under Rule 12(4) of the PoA Rules. All the other districts showed that in more than 50% of cases, payment of relief took longer than 7 days. The Petitioner further submits that a Government Order No. SWD 37 SPA 2016 dated 20.06.2016 released by the Social Welfare Department has been issued which directed the

enhancement of the monetary relief to the victims of atrocities belonging to SCs/STs.

37. The Petitioner submits that the provision for payment of relief to victims of atrocities is one of the most important provisions in the law that ensures the welfare of the victim as well as the victim's family after commission of a caste atrocity takes place. Timely payment of relief is extremely important, since the victim(s) and their families' need for compensation amounts is usually extremely high after an atrocity is committed. Failure to pay relief amounts in a timely manner can frustrate the process of justice for victims and their families and therefore, the provision must be strictly enforced.

38. The Petitioner submits that the PoA Act provides for the rehabilitation of victims or his dependents. Section 15A states that social-economic rehabilitation must be provided.

*15A. Rights of victims and witnesses. —*

*(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the Special Court or the Exclusive Special Court trying a case under this Act shall provide to a victim, his dependent, informant or witnesses—*

*(c) the social-economic rehabilitation during investigation, inquiry and trial; and*

*21. Duty of Government to ensure effective implementation of the Act. —*

*(1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this Act.*

*(2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include,—*

*(iii) the provision for the economic and social rehabilitation of the victims of the atrocities;*

But, as noticed in media reports, since 2016, only 36 people have got jobs in the public sector and Rs. 131 crore has been distributed as compensation to victims or kin. Annexure – 7.3.2020

(A copy of a news report in Indian Express titled 'At 0.4%, SC/ST case conviction rate poor' dated 07.03.2020 is annexed herein and marked as

**ANNEXURE – X)**

**39.** The Petitioner submits that the requisite authorities in the Karnataka Government have not taken steps to completely implement the said Act despite the various reports. Furthermore, in the 3<sup>rd</sup> cycle of the Universal Periodic Review of India, conducted by the United Nations Human Rights Council in 2017, to evaluate India's human rights record has given out a list of recommendations, which includes prohibition of discrimination and violence towards the SC/ST community and proper implementation of the PoA Act. These recommendations have been given by United States of America, Peru, Argentina, France, Holy See, Germany, Ireland, Czechia, Kyrgyzstan, and Bahrain among others.

(A copy of the Report of the Working Group on the Universal Periodic Review for India dated 17<sup>th</sup> July 2017 by the Human Rights Council of the United Nations General Assembly is annexed herein and marked as **ANNEXURE – Y**)

**40.** Aggrieved by this non-implementation of the PoA Act and Rules, and having no other alternative and equally efficacious remedy, the Petitioner has filed the present Public Interest Litigation before this Hon'ble Court. The Petitioner has not filed any other petition either before this Hon'ble Court or any other court in respect of this cause of action. The Petition is filed on the following, among other grounds.

#### **GROUND**

**41. THAT** the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was enacted with a view to combating the increase in commission of atrocities against Scheduled Castes and Scheduled Tribes. The Preamble to the PoA Act outlines that it has been enacted with the objective of preventing the commission of atrocities against members of Scheduled Castes and Scheduled Tribes, 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.

If this legislation is not implemented effectively, it would be rendered infructuous, thus violating the fundamental rights of SC/ST persons and hence needs the intervention of this Hon'ble Court.

42. **THAT** the Preamble to the Constitution of India, 1950 provides for social, economic and political justice and equality of status and opportunity to all its citizens and this commitment is reflected in the various provisions in the Constitution such as Article 15, which prohibits discrimination on the grounds of religion, race, caste, sex or place of birth, Article 17, which abolishes untouchability and its practice in any form and states that the enforcement of any disability arising out of untouchability as per Article 17 shall be an offence punishable in accordance with the law and Article 46, which casts a duty on the State to promote with special care the education and economic interests of the weaker sections of the people, in particular, the Scheduled Castes and the Scheduled Tribes, and to protect them from social injustice and all forms of exploitation. These provisions and guarantees under the Constitution are required to be protected and secured by the State, including through legislations such as the PoA Act which in pursuance of its objectives has given the Respondents certain responsibilities for effective implementation of the provisions of the Act. However, the Respondents have not taken enough steps and measures to implement the provisions of the PoA Act and the PoA Rules in the State of Karnataka to protect the rights of SC/ST persons and victims in the State.

43. **THAT** in **National Campaign on Dalit Human Rights & Ors. v Union of India (UoI) and Ors.** Writ Petition (Civil) No. 140 of 2006, the Supreme Court examined various constitutional provisions, the United Nations International Convention on the Elimination of All Forms of Racial Discrimination ('**ICERD**') and the evolution of caste laws in India to address the vulnerability of SC/ST persons, their rights and legal entitlements. The Court held that there had been a failure on the part of the concerned authorities

in complying with the provisions of the PoA Act and Rules and that “*the laudable object with which the Act had been made is defeated by the indifferent attitude of the authorities... The constitutional goal of equality for all the citizens of this country can be achieved only when the rights of the Scheduled Castes and Scheduled Tribes are protected*”. The Supreme Court directed the State Governments to strictly enforce the provisions of the PoA Act and granted liberty to the Petitioners to approach the concerned authorities and thereafter, the High Courts for redressal of their grievances. Hence the intervention of this Hon’ble Court is needed to direct the implementation of the PoA Act and Rules.

44. **THAT** in ***Sakti v. State of Andhra Pradesh & Ors.*** (2009) 12 SCC 682, the Supreme Court held that “*So far as Section 21 of the Central Act is concerned, it is the duty of the State Government to take such measures as may be necessary for effective implementation of the Act*”, even when there is state-specific legislation relating to SC/ST persons. The Hon’ble Supreme Court, both in ***National Campaign on Dalit Human Rights v. Union of India and Sakti v. State of Andhra Pradesh & Ors.*** (2009) 12 SCC 682 clearly iterated the obligation of State Governments to implement the provisions of the PoA Act and accordingly, the failure of the State Government of Karnataka to implement the provisions of the PoA Act and Rules thereunder shows clear non-compliance with the aforesaid judgments.

45. **THAT** according to Section 14 of the PoA Act, the State Government is mandated to, with the concurrence of the Chief Justice of the High Court, establish an Exclusive Special Court for one or more districts. This provision is enacted for the purpose of providing for speedy trial of offences under the PoA Act. As per the proviso to Section 14 of the PoA Act, in districts where there are lesser numbers of cases under the PoA Act, the State Government is mandated to, with the concurrence of the Chief Justice of

the High Court, specify for such districts, the Court of Session to be a Special Court to try offences under the Act. Section 14(2) mandates the duty of the State Government to establish an adequate number of Courts to ensure that cases under the PoA Act are disposed of within a period of 2 months, as far as possible. However, in spite of explicit provisions that require the State Government to set up Exclusive Special Courts and designate Courts of Session as Special Courts, there are still only 8 Exclusive Special Courts in Karnataka. Further, the annual pendency rate in cases under the PoA Act was 92.6% for 2017. These figures show clear violation by the State Government of its duty under Section 14(2) of the PoA Act, which has contributed to the high levels of case pendency in Karnataka.

**46. THAT** Section 21(2)(vi) of the PoA Act casts a duty on the State Government to carry out a periodic survey of the implementation of the PoA Act and the Rules. The aim of this provision is to ensure that the State Government is in a position to suggest measures for better implementation of the Act. However, it is an admitted fact that the State Government has not carried out any such survey in any district of Karnataka, which amounts to a clear violation of Section 21(2)(vi) of the PoA Act.

**47. THAT** Rule 3 of the PoA Rules outlines the duty of the State Government to take precautionary measures to prevent caste atrocities. Rules 3(viii) and 3(x) of the PoA Rules state respectively that the State Government shall set up awareness centres and carry out workshops in atrocity-prone areas or other areas for SC/ST persons; and that special police forces have to be deployed in atrocity-prone areas. However, it is an admitted fact that the State Government has not set up any awareness centres nor carried out any workshops in several atrocity-prone areas. The failures of the State Government to carry out any precautionary measures is a clear violation of its obligations under Rules 3(viii) and 3(x) of the PoA Rules.

48. **THAT** Rule 7(2) of the PoA Rules casts a mandatory obligation on Investigating Officers who are investigating any atrocity under the PoA Act to complete their investigations on top priority and to submit a report to the jurisdictional Superintendent of Police, who shall in turn forward it to the Directorate General of Police or the Commissioner of Police. That Rule 7(2) of the PoA Rules further mandates that the officers-in-charge of the concerned police stations file the charge sheet in the Special Court or Exclusive Special Court within 60 days from the date of complaint, making it a time-bound process. That Rule 7(2A) provides that any delay in investigation or filing of charge sheet must be explained in writing by the Investigating Officers. It is an admitted fact by the State Government that this 60-day timeline is not adhered to by Investigating Officers in the State, with more than 50% of investigations remaining pending after 60 days. Further, it is unknown as to whether delays are explained in writing by Investigating Officers. The failure of Investigating Officers to complete investigation within the stipulated time period as well as failure to file charge sheets within 60 days is a violation of Rule 7(2) of the PoA Rules and shows the failure of the State of Karnataka in complying with the PoA Act and PoA Rules and to protect the rights and interests of victims of caste atrocities.

49. **THAT** Rule 12(4) of the PoA Rules lays out the obligation of the District Magistrate, sub-divisional Magistrate or Executive Magistrate, as the case may be, to make necessary administrative and other arrangements and provide relief, whether in cash or in kind, or both, to victims of atrocities or their families or dependents within 7 days according to a scale mentioned in Annexure – I read with Annexure – II of the Schedule to the PoA Rules, and such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items. However, the District Administration in most districts in Karnataka do not provide relief to victims of atrocities within the stipulated 7-day period, with 28 of 30 districts showing that in more than 50% of cases, payment of relief takes place only

after 7 days. This failure of the District Administration to provide relief within the statutory time period is a violation of obligations under Rule 12(4) of the PoA Rules.

55. **THAT** Rule 16 of the PoA Rules states that the State Government is mandated to constitute a 'high power vigilance and monitoring committee' of not more than 25 members. The Chairperson of the committee shall be the Chief Minister, and as per Rule 16(2), the committee shall meet at least twice in a calendar year, in the months of January and July to review the implementation of the provisions of the Act. Further, Rule 17 of the PoA Rules mandates that in each district of a State, the District Magistrate is obligated to set up a vigilance and monitoring committee to review the implementation of the provisions of the Act. Rule 17(3) mandates that the committee meet at least once in 3 months. Under Rule 17-A of the PoA Rules, the Sub-Divisional Magistrate is obligated to set up a vigilance and monitoring committee on the sub-divisional level. Rule 17-A(4) mandates that this committee shall hold meetings at least once in three months. However, it is admitted that the State-Level Vigilance and Monitoring Committee, most of the District-level vigilance and monitoring committees and the Sub-divisional vigilance and monitoring committees are not adhering to the mandated number of meetings per year as a result of which, the State of Karnataka cannot effectively monitor the implementation of the PoA Act and Rules. This is a clear violation of Rules 16(2), 17(3) and 17-A(4) of the PoA Rules.

56. **THAT** the PoA Act has been enacted to prevent the commission of offences of atrocities against the members of the SC/ST community, and in case of such offences, to provide relief in the form of Special Courts, Exclusive Special Courts, relief and rehabilitation for the victims and other such measures. Non-implementation of this Act results in the continuation of these offences without a bonafide remedy and thereby infringes upon the

fundamental rights of the members of the SC/ST community guaranteed by the Constitution of India. Non-implementation of the PoA Act is not only placing the members of the SC/ST community in an unequal footing with regard to the access to law and thus violating the Right to Equality under Article 14, but also amounts to discrimination based on caste prohibited under Article 15 of the Constitution. Furthermore, the non-implementation and resulting hardship is impeding the quality of life of the SC/ST community. The Apex Court has stated that the right to life under Article 21 includes the right to dignity as well as held in ***Vishakha v. State of Rajasthan***, AIR 1997 SC 311 where it was held that it is the primary duty of the state to ensure the protection of dignity through proper statutes and by creation of suitable and adequate mechanisms. Thus, by not implementing the POA Act, the fundamental right to life of SC/ST persons under Article 21 are violated.

57. **THAT** Article 51 of the Constitution directs the state to respect international law. Article 51 is a directive principle i.e. it is to be read with Article 37 of which states that the principles therein are fundamental in governance of the country and it shall be the duty of the state to apply these principles in making laws. India is currently a member of the United Nations Human Rights Council, which conducts the Universal Periodic Review and is obligated to take note of the recommendations under this review and implement it. Moreover, India is also a party to the United Nations International Convention on the Elimination of All Forms of Racial Discrimination (**'ICERD'**) which also recognises caste discrimination within race based discrimination. Through all this it is conspicuous that by not implementing POA Act, India is violating its international law obligations as well.

58. Therefore, in light of the above, the issue of the implementation of the PoA Act and Rules requires the intervention of this Hon'ble Court in light of the

poor state of compliance with the provisions of the PoA Act and Rules on the issues outlined above, which has resulted in a consistent rise in atrocities in the State of Karnataka and poor disposal of cases and conviction of accused persons.

### **PRAYER**

WHEREFORE, in light of the above facts and circumstances, the Petitioner most respectfully prays that this Hon'ble Court be pleased to:

- A. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondents to effectively implement the POA Act and Rules and to monitor the implementation of the same;
- B. Direct the Respondent to set up Exclusive Special Courts as stipulated under Section 14 of the PoA Act in atrocity prone districts and high-pendency districts of the State of Karnataka;
- C. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondents to adhere to the meeting requirements of State, District and sub-District Vigilance and Monitoring Committees to discuss and deliberate upon issues of caste and conduct meetings in accordance with Rules 16(2), 17(3) and 17-A(4) of the PoA Rules;
- D. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondents to conduct investigations in a timely manner in accordance with Rules 7(2) and 7(3) of the PoA Rules;
- E. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the Department of Social Welfare to conduct periodic workshops and set up awareness centres in atrocity-prone areas or other areas; or take any other precautionary measures and preventive action as may be applicable in accordance with Rules 3(viii) and 3(x) of the PoA Rules;

- F. Issue a writ of mandamus or any other appropriate writ, order or direction mandating periodic surveys to be carried out to look into the implementation of the PoA Act in accordance with Section 21(2)(vi) of the PoA Act;
- G. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondents to pay timely compensation and relief to the victims in accordance with Rules 12(4) of the PoA Rules;
- H. Grant any other relief, which the Hon'ble Court deems fit in the circumstances of the case in the interests of justice and equity.

Place: Bengaluru

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Date:

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