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CHIEF JUSTICE AND ASHOK S.KINAGI	WP 7990/2020	16/09/2020	<p>The Issue raised in this petition is about the failure on the part of the State Government to implement the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the said Act of 1989') as well as the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (for short 'the said Rules of 1995').</p> <p>2. We have heard the learned Senior Counsel appearing for the petitioner and the learned Additional Government Advocate appearing for the respondents.</p> <p>3. Paragraph 5 of the statement of objections filed by the State Government gives the figures of number of charge sheets filed and the number of cases decided and ended in conviction or acquittal.</p> <p>4. Our attention is invited to Rule 7 of the said Rules of 1995. Sub-rule (2) of Rule 7 provides that charge sheet shall be filed within a period of sixty days. However, out of 35091 cases registered from 2015 to 2019, only in 6451 cases, charge sheets have been filed. The State shall clarify whether the Investigating Officers have submitted explanations for the delayed investigation as mandated by sub-rule (2A) of Rule 7. The State Government has to clarify as to why there is a gross delay in filing such charge sheet.</p> <p>5. The other area of concern is the huge pendency of cases under the said Act of 1989. It is also pointed out that adequate number of Special Atrocity Courts have not been appointed. There is a reference to the request made to the Registrar General of this Court to consider of setting up nine more Special Courts. The Registrar General will file a report to this Court on the issue of status of the proposal to set up more Special Atrocity Courts. The Registrar General will also state the vacancy position in the cadre of District Judges and the steps taken to fill up such vacancies. The Registrar General will consider of issuing a circular to all the Special Courts under the said Act of 1989 for inviting the attention of the</p>

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Act of 1989 for disposal of cases, if such a circular is not already Issued. The Registrar General in his report also shall state whether Special Training Workshops have been conducted for the Judicial Officers who are In-charge of the Special Courts under the said Act of 1989. The Registrar (Judicial) will forward a copy of this order to the Registrar General. A report shall be submitted by the Registrar General to the Registrar (Judicial) on or before the next date.

6. The answer to the question why conviction rate is low is very complicated. The issue can be dealt with by constantly monitoring the progress of the cases under the said Act of 1989. There is a separate petition which deals with the functioning of the Acquittal Review Committees. On the next date, the Registry will ensure that even the said writ petition dealing with the Acquittal Review Committees is listed along with this petition.

7. The learned Additional Government Advocate will supply the number of the said writ petition to the Registry so that appropriate directions can be issued to the Acquittal Review Committees.

8. As far as the delay in investigation and larger number of acquittals are concerned, the issue will have to be tackled by the State Government firstly, by undertaking to arrange regular training for the Investigating Officers and the Special Public Prosecutors appointed under the said Act of 1989. The State Government will place on record necessary details of the training programmes arranged for the Investigating Officers and the Special Public Prosecutors. Perhaps, this will be one step which will ensure that the investigation and cases are conducted in a better fashion. From the data annexed to the statement of objections, we find that the meetings of the District Level Vigilance and Monitoring Committees constituted under Rule 17 of the said Rules of 1995 are not being conducted regularly as contemplated under sub-rule (3) of Rule 17 of the said Rules of 1995. The same is the case with the Sub-division Level Vigilance and Monitoring Committee constituted under Rule 17A of the said

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that meetings of the said two categories of committees are held at least once in every three months. Under Rule 16 of the said Rules of 1995, the State Level Vigilance and Monitoring Committee has been constituted. The State Government will place on record the data regarding the number of meetings held by the Committee constituted as per Rule 16 of the said Rules of 1995. The State Government will also place on record the copies of the minutes of the meetings of the State level Vigilance and Monitoring Committee held during the course of last two years for perusal of the Court on the next date.

9. Another issue which is raised in this petition is regarding non-compliance with sub-rule (4) of Rule 12 of the said Rules of 1995 which requires the District Magistrate or

the Sub-Divisional Magistrate or any other Executive Magistrate to provide relief in cash or in kind or both within seven days to the victims of atrocity or their family members or dependents as specified in Annexure-I and Annexure-II to the said Rules. The State Government must place on record the particulars showing compliance with sub-rule (4) of Rule 12 of the said Rules of 1995.

10. Our attention is invited to Rule 15 of the said Rules of 1995 which provides for framing and implementation of a Contingency Plan by the State Government to implement the provisions of the said Act of 1989. The State Government has come out with such a Contingency Plan along with the Notification dated 20th May 2019 which is annexed to the statement of objections. Even the guidelines have been fixed for payment of compensation in cash or in kind in accordance with sub-rule (4) of Rule 12 of the said Rules of 1995. The State Government shall file on record the data regarding compliance with sub-rule (4) of Rule 12 of the said Rules of 1995 and the implementation of the Contingency Plan.

11. The State Government shall also specify whether implementation of sub-rule (4) of Rule 12 of the Rules of 1995 as well as the provisions of the Contingency Plan is being monitored by the Committees constituted in accordance with the

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			<p>far as the State Level Vigilance Committee is concerned, there is a specific mandate that it must monitor the implementation of the scheme in accordance with sub-section (11) of Section 15A of the said Act of 1989 read with Rule 15 of the said Rules of 1995. The same is the case where a District Level Vigilance and Sub-division Level Monitoring Committees. The State Government will ensure that the Monitoring Committees at all the levels monitor the implementation of the provisions of the scheme framed by the State Government.</p> <p>12. We must note that this is not an adversarial litigation. A judicial notice will have to be taken of the fact that even several years after the enactment of the said Act of 1989, there are several atrocity cases under Section 3 of the said Act of 1989 reported across the country. Therefore, it is all the more necessary for the State to implement the provisions of the said Act of 1989 and the said Rules of 1995. The State machinery shall ensure that the provisions of said Act of 1989 and the said Rules of 1995 are implemented in true letter and spirit.</p> <p>13. The State Government shall place on record all the aforesaid details by filing supplementary statement of objections within a period of one month from today. Even the Registrar General shall furnish a report within a period of one month from today.</p> <p>14. If the State Government wishes to conduct sensitization programmes for the Investigating Officers and the Special Public Prosecutors, it is free to approach the Karnataka Judicial Academy. We are sure that the Karnataka Judicial Academy will arrange the training courses.</p> <p>15. Let the petition be listed on 15th October, 2020 for reporting further compliance.</p>

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