CHAPTER IV

RELIEF, REMEDIAL AND REHABILITATIVE MEASURES

Though the present work mainly aims at studying the causes of atrocities - social, economic and political -, the whole endeavour would be incomplete and meaningless, if relief and rehabilitative measures taken up to redress and ameliorate the victims are not discussed, besides finding out the ways and means of preventing atrocities and promoting social justice, fraternity and peaceful co-existence, leading to national harmony, peace, progress and prosperity.

In this chapter, relief and rehabilitative measures are discussed, along with the establishment of the Directorate of Civil Rights Enforcement, the law enforcement authority and the special courts to deal with the cases of atrocities. Since preventive measures fall under the realm of recommendations, they are dealt with in Chapter V.

The Protection of Civil Rights Act, 1955 declares the enforcement of any disability against the Scheduled Castes illegal. The Act provides that when the victim is a member of the Scheduled Caste, the commission of a forbidden act should be considered to have been done on the grounds of untouchability. The main intention of the Act is to ensure to the deprived sections some rights and privileges as to any other citizen of the country, in religions and secular spheres of activities, services and needs. Violation of the law is punishable with imprisonment and fine as already discussed in the previous chapter.

The Scheduled castes and Scheduled tribes (Prevention) of Atrocities Act, 1989 also deals mainly with the offences of atrocities committed on SCs and STs
and the punishment for each type of atrocity, which were also discussed earlier. It is quite clear that both these Acts do not deal with relief, remedy and rehabilitation to be extended to the victims of discrimination and atrocities. These measures are regulated, by issue of Government Orders by the Government of India from time to time, followed by the State Government. Whenever a case of atrocity is reported, the concerned officer exercises his powers, in accordance with these Government orders and sanctions relief and takes up further rehabilitative measures. Some officers confine themselves strictly to the provisions of the Government orders. Some others go all out to help the victims in all possible ways, using their discretionary powers. Much depends upon the interest an officer evinces in the matter.

When the researcher was working as Director of Social Welfare (SC/ST welfare), there was a case of rape committed on an SC lady in Davangere Taluk in 1991. After ascertaining the details of the case and about the victim, from the District Social Welfare officer of Chitradurga District1, the researcher prepared on order appointing the victim as a kitchen servant in a hostel, run by the Department, and delivered the appointment order to the victim in the hospital itself where she was taking treatment, then wrote to the government to ratify the action taken as a special case, on humanitarian grounds, though there was a total ban on any appointment. After one year, the Government ratified the action of the Director. Apart from the other relief, financial assistance etc., extended to the victim. this was a great, lasting help, financially to the family and above all in healing the trauma the victim had undergone and in retrieving human dignity to the victim.

1 At that time Davangere was in Chitradurga District, as headquarters of Davangere Sub Division.

283
(1) PROVISIONS OF THE GOVERNMENT FOR MONETARY RELIEF TO THE VICTIMS

The Government Order No. SWD 61 SP 97 Bangalore, dated 14/10/1997 in which Government of Karnataka has accorded sanction of minimum amount of relief to the SCs, /STs victims of different types of atrocities is reproduced here.

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA*

Sub: Enhancement of monetary relief to the victims of atrocities belonging to Scheduled Castes and Scheduled Tribes

Read:-

1. Government Order No. SWL.24 SSC 76, dated 19.11.78
2. Government Order No. SWL.110 SSC 89, dated 19.06.92
3. Government Order No. SWL.114 SSC.92, dated 12.05.93

Preamble:-

In Government Order dated: 09-11-78 read at (1) above a scheme of monetary relief payable to the victims of atrocities was formulated.

In Government orders read (2) and (3) the rates of monetary relief payable to the Scheduled Castes / Scheduled Caste Tribes victims were revised.

The Director of Social Welfare in his letter at (4), above has submitted a proposal for further enhancement of rates of monetary relief payable to the Scheduled Caste/Scheduled Tribe victims of atrocities in accordance with SC/ST (prevention of atrocities) Rules 1995.

The empowerment committee in its meeting held on 17-7-97, under the chairmanship of Additional Chief Secretary and Principal Secretary Finance department, has agreed to the proposal of the department and to adopt the scale of relief as prescribed in the said rules. Hence the order.

* Obtained from the Office of the Director, Social Welfare, Govt.of Karnataka.

284

In supercession of the Government Order No.SWL 110 SSC 89, dated: 19-6-92, and SWL 114 SSC 92 dated 12-05-93, Government are pleased to accord sanction to the following scale of monetary reliefs payable to the Scheduled Castes/ Scheduled Tribes victims of atrocities:

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name of offense</th>
<th>Minimum amount of relief</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Forced to drink or eat inedible or obnoxious substance (Section 3(1)(i))</td>
<td>Rs.25,000/- or more depending upon the nature and gravity of the offense to each victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim. Payment to be made as follows:</td>
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<td></td>
<td>i. 25% when the charge sheet is sent to the court.</td>
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<td>ii. 75% when accused are convicted by the lower court.</td>
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<td>2.</td>
<td>Causing injury, insult or annoyance (Section 3(1) (ii))</td>
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<td>3.</td>
<td>Derogatory Act (Section 3 (1) (iii))</td>
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<tr>
<td>4.</td>
<td>Wrongful occupation or cultivation of land etc (Sec 3(1)(iv))</td>
<td>Rs.25,000/- or more depending upon the nature and gravity of the offence. The land/premises/water supply shall be restored where necessary at government cost, full payment to be made when charge sheet is sent to the court.</td>
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<tr>
<td>5.</td>
<td>Relating to land, premises and water (Sec.3(1) (v))</td>
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<tr>
<td>6.</td>
<td>Begar or forced bonded labour (Sec.3(1) (vii))</td>
<td>Rs.25,000/- to each victim. Payment of 25% at the FIR stage and 75% on conviction in the lower court.</td>
</tr>
<tr>
<td>7.</td>
<td>Relating to right to franchise (Sec.3(1)(vii))</td>
<td>Up to Rs.20,000/- to each victim depending upon the nature and gravity of the offence.</td>
</tr>
<tr>
<td>8.</td>
<td>False, malicious or vexatious legal proceedings (Sec.3(1)(viii))</td>
<td>Rs.25,000/- or reimbursement of actual legal expenses and damages whichever is less after conclusion of the trial of the accused.</td>
</tr>
<tr>
<td>9.</td>
<td>False and frivolous information (Section 3(1)(ix))</td>
<td></td>
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<tr>
<td>10.</td>
<td>Insult, intimidation and humiliation (Section 3(1)(x))</td>
<td>Upto Rs.25,000/- to each victim depending upon the nature of the offence. Payment of 25% when charge sheet is sent to the court and rest on conviction.</td>
</tr>
<tr>
<td>Sl. No</td>
<td>Name of offense</td>
<td>Minimum amount of relief.</td>
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</tr>
<tr>
<td>11.</td>
<td>Outraging the modesty of a woman (Section 3(1)(xi))</td>
<td>Rs.50,000/- to each victim of the offence. 50% of the amount may be paid after medical examination and remaining 50% at the conclusion of the trial.</td>
</tr>
<tr>
<td>12.</td>
<td>Sexual exploitation of a woman (Section 3(1)(xii))</td>
<td>Upto Rs.1,00,000 or full cost of restoration of normal facility, including cleaning when the water is fouled. Payment may be made at the stage as deemed fit by District administration.</td>
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<tr>
<td>13.</td>
<td>Fouling of water (Section 3(1)(xiii))</td>
<td>Upto Rs.1,00,000 or full cost of restoration of normal facility, including cleaning when the water is fouled. Payment may be made at the stage as deemed fit by District administration.</td>
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<td>14.</td>
<td>Denial of customary rights of passage (Section 3(1)(xiv))</td>
<td>Upto Rs.1,00,000/- or full cost of restoration of right of passage and full compensation of the loss suffered, if any, payment of 50% when charge sheet is sent to the court and 50% on conviction in lower court.</td>
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<tr>
<td>15.</td>
<td>Making one desert place of residence (Section 3(1) (xv))</td>
<td>Restoration of the site/right to stay and compensation of 25,000/- to each victim and reconstruction of the house at Government cost, if destroyed. To be paid in full when charge sheet is sent to the lower court.</td>
</tr>
<tr>
<td>16.</td>
<td>Giving false evidence (Section 3 (2) (I)and (ii))</td>
<td>At least Rs.1,00,000 or full compensation of the loss or harm sustained. 50% to be paid when charge sheet is sent to court and 50% on conviction by the lower court.</td>
</tr>
<tr>
<td>17.</td>
<td>Committing offences under the Indian Penal Code punishable with imprisonment for a term of 10 years or more (Section 3(2)(v)).</td>
<td>At least Rs.50,000/- depending upon the nature and gravity of the offence to each victim and/or his dependents. The amount would vary if specifically otherwise provided in the scheduled.</td>
</tr>
<tr>
<td>18.</td>
<td>Victimisation at the hands of a public servant (Section 3(2) (vii))</td>
<td>Full compensation on account of damages or loss or harm sustained. 50% to be paid when charges sheet is sent to the court and 50% on conviction by lower court.</td>
</tr>
<tr>
<td>Sl. No</td>
<td>Name of offense</td>
<td>Minimum amount of relief</td>
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<tr>
<td>19</td>
<td>Disability (see footnote)</td>
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<td></td>
<td>a) 100% incapacitation</td>
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<td></td>
<td>(i) Non-earning member of a family</td>
<td>At least Rs.1,00,000 to each victim of offence. 50% on FIR and 25% at the time of filing charge sheet and 25% on conviction by the lower court.</td>
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<td></td>
<td>(ii) Earning member of a family</td>
<td>At least Rs.2,00,000 to each victim of offence, 50% to be paid on FIR/Medical examination stage, 25% when charge sheet sent to court and 25% at conviction in lower court.</td>
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<tr>
<td></td>
<td>b) Where incapacitation is less than 100%</td>
<td>The rates laid down in a(i) and (ii) above shall be reduced in the same proportion, the stages of payments also being the same. However, not less than Rs.15,000/- to non-earning member and not less than Rs.30,000/- to an earning member of a family.</td>
</tr>
<tr>
<td>20</td>
<td>Murder/Death</td>
<td></td>
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<tr>
<td></td>
<td>(a) Non-earning member of a family</td>
<td>At least Rs.1,00,000 to each case, payment of 75% after postmortem and 25% on conviction by the lower court.</td>
</tr>
<tr>
<td></td>
<td>(b) Earning member of a family</td>
<td>At least Rs.2,00,000 to each case, payment of 75% after postmortem and 25% on conviction by the lower court.</td>
</tr>
<tr>
<td>21</td>
<td>Victim of murder, death, massacre, rape, mass rape and gang rape, permanent incapacitation and dacoity</td>
<td>In addition to relief amounts paid under above items, relief maybe arranged within three months of date of atrocity as follows:</td>
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<td></td>
<td>i) Pension to each widow and/or other dependents of deceased SC/ST at Rs.1,000/- per month, or employment to one member of the family of the deceased, or provision of agricultural land, a house, if necessary by outright purchase.</td>
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<td></td>
<td></td>
<td>ii) Full cost of the education and maintenance of the children of</td>
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<tr>
<td>Sl. No</td>
<td>Name of offense</td>
<td>Minimum amount of relief</td>
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<td>the victims. Children may be admitted to Ashram schools/residential schools</td>
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<td>iii) Provision of utensils, rice, dal, pulses etc., for a period of three months.</td>
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<tr>
<td>22.</td>
<td>Complete destruction/burnt houses</td>
<td>Brick/stone masonry houses to be constructed or provided at government cost where it has been burnt or destroyed.</td>
</tr>
</tbody>
</table>

Foot Note: - The definition of physical and mental disabilities are contained in the Ministry of Welfare, Government of India Notification No.4-2/83-HW III dated : 6 08.1986 as amended from time to time.

These rates shall come into force from the financial year 1997-98.

The Deputy Commissioners in charge of revenue districts are empowered to sanction the above compensation. The Tahasildar concerned is empowered to draw the amount so sanctioned by the Deputy Commissioner and to disburse it among the Scheduled Castes / Scheduled Tribes victims of atrocities or their family. The Tahsildar shall be responsible to render the accounts.

The Deputy Commissioners should immediately after sanction of relief to the Scheduled Castes / Scheduled Tribes victims of atrocities, send a detailed report to Government in Social Welfare Department and to the Director of Social Welfare, Bangalore, about the incident, the relief paid and the criminal proceedings launched against the culprits etc., This report should be accompanied by a statement in the proforma appended in this order.

This order issues with the approval of the empowered committee held on 17-07-1997.

By order and in the name of the Governor of Karnataka.
Sd/-
(P.PUSHPARANI)
Under Secretary to Government
Social Welfare Department
The Deputy Commissioner (The Collector) of the District, who is responsible for maintenance of law and order in the District, is empowered to sanction the relief amount to the victims. It is the duty of the Tahsildar concerned to draw the amount so sanctioned by the Deputy Commissioner and to disburse it to the victims of atrocities or their family, as the case may be. The Tahsildar is responsible to maintain and render the accounts.

Before exercising his powers under this government order, the Deputy Commissioner immediately visits the place where atrocity was committed, assesses the quantum of loss sustained, then sanctions the relief to be paid to the victims. If the atrocity is minor in nature, the Tahasildar visits the place and sends his report to the Deputy Commissioner, for sanction of relief to the victims. The amount indicated in the Government order is ‘minimum’ depending upon the gravity and intensity of the hurt, injury, physical incapacitation, material loss, etc., The Deputy Commissioner could sanction higher compensation also. But usually the minimum amount only is sanctioned.

Apart from the relief sanctioned in accordance with the Government order, there are ever so many other ways of extending relief and rehabilitation to the victims of atrocities. The Zilla Panchayats have enormous funds to spend under various regular schemes and programmes. Besides, there is the Special Component Plan exclusively meant for the welfare of the Scheduled Castes and Scheduled Tribes. These funds of the Zilla Panchayat, along with the relief amount sanctioned by the Deputy Commissioner, could be utilized to rehabilitate the victims in a meaningful and permanent way. The services and resources of the Non-Governmental Organisation (NGOs) and voluntary institutions could also be utilized.
to permanently settle the victims. The loan facilities available from the Karnataka SC/ST Development Corporation is another major source of financial assistance to the victims, which would enable the victims to get regular income and to lead a decent life.

Details of relief and rehabilitation provided to the victims in a few atrocity cases are given below:

(2) DETAILS OF THE REHABILITATION AND RELIEF PROVIDED TO THE SCHEDULED CASTE VICTIMS OF MAJOR ATROCITIES

I. Kambalapalli village, Chintamani Taluk, Kolar District.

Seven Scheduled Caste persons were burnt alive in the atrocity incident that occurred on 11.3.2000. Temporary lodging facilities were provided for 167 members belonging to 66 families of Scheduled Caste victims of this incident. During this period, food, bedding, clothes and other essential commodities have been provided. For this an expenditure to the extent of Rs.24.50 lakhs was incurred. With a view to rehabilitate these victims, they were shifted to Gopasandra village near Chintamani. The following rehabilitation works and relief have been provided:

1. Rs.14.00 lakhs was released to pay compensation at the rate of Rs.2.00 lakhs each to the families of the 7 victims of atrocity who were burnt alive. Rs.10.50 lakhs (at the rate of Rs.1.50 lakhs per family) has been already paid as initial compensation.

2. Rs.11.95 lakhs has been released for purchase of land to construct 77 houses.

2 These details were collected from the office of the Commissioner of Social Welfare, Government of Karnataka, Bangalore.
3. Rs.28.00 lakhs has been released for construction of 66 houses at the cost of Rs.40,000.00 each.

4. Rs.5.00 lakhs has been spent to provide basic amenities like roads, streetlights etc.

5. Rs.2.83 lakhs has been spent to provide mini water supply.

6. It is intended to provide 2 acres of agricultural land to each of these 66 affected families. So far, Rs.59.82 lakhs has been released to purchase 132 acres of land at the rate of Rs.45,000.00 per acre.

7. Rs.2.64 lakhs has been spent for construction of 66 cow-sheds for the houses constructed and provided to the affected families at the rate of Rs.4000.00 each.

8. The Karnataka SC/ST Development Corporation has provided 2 cows to each of the affected families.

II. Hangarahalli Village, Srirangapatna Taluk, Mandya District

The incident of binding 5 Scheduled Caste labourers with iron chains for questioning the owner of a private quarry belonging to non-Scheduled Caste community regarding payment of wages, in Hangarahalli village came to the notice of the government. The Scheduled Caste bonded labourers were released and the following relief and other rehabilitation facilities were provided to them:

1. In order to rehabilitate 18 Scheduled Caste families who were bonded labourers and victims of atrocity in Hangarahalli village, Rs.7.20 lakhs has been utilised to construct houses at the unit cost of Rs.40,000.00.

2. Rs.1.13 lakhs has been utilised to make initial payment of compensation at the rate of Rs.6,250.00 to each of the 18 affected Scheduled Caste families.

3. Rs.1.25 lakhs was released out of Chief Minister’s relief fund to pay compensation at the rate of Rs.25,000.00 per family for 5 Scheduled Caste families who were chained.

4. Rs.2.40 lakhs at the rate of Rs.15,000.00 per head has been sanctioned to 16 families for cow-rearing, petty shop – keeping, clothes and vegetable vending through the Karnataka SC/ST Development Corporation.
5. Apart from supplying 75 Kgs of rice to each family, financial assistance of Rs.19000.00 was sanctioned to 25 families at the rate of Rs.250.00 per month for 3 months.

III. **Annehal village, Chitradurga District:**

In Annehal village of Chitradurga District, 57 huts belonging to Scheduled Castes were fully burnt down by non Scheduled Castes on 3.9.1998. Six Scheduled Caste persons were hurt in this incident. In order to provide relief and rehabilitation, all the 56 Scheduled Caste families were shifted to Baguru village of Hosadurga taluk and the following benefits have been extended.

1. Financial assistance of Rs.14.25 lakhs to 57 victims, at the rate of Rs.25000.00 per head has been sanctioned.
2. Rs.19.95 lakhs has been spent to construct houses for 57 families at the rate of Rs.35000.00 per house.
3. Rs.1.85 lakhs has been utilised for construction of 57 individual latrines at the unit cost of Rs.5250.00 (Rs.3250 beneficiary share)
4. Rs.8.86 lakhs has been released for development of agricultural land – 4 acres per family for 57 families.
5. Rs.1.40 lakhs has been spent to provide food, utensils etc., to 57 families for a period of 3 months.

IV. **Vannenur village, Bellary Taluk:-**

Smt. Yerramma, a Scheduled Caste woman was paraded in the nude by Nayaka Community people of the same village, on 26.8.2001. The following relief was provided to Smt. Yerramma.

1. Financial assistance of Rs.10000.00 through Zilla Panchayat
2. Special relief of Rs.50000.00 through Social Welfare Department.
3. Since Smt. Yerramma wished to stay in Bellary, action is being taken to provide a house in Bellary town. Cross breed buffalo has also been provided under Special Component Plan for her livelihood.
IMMEDIATE NEEDS OF THE VICTIMS

Healing their Wound

Whatever kind of atrocity that is committed on the vulnerable sections, first and foremost, affects their psyche. The sudden shock, agony and trauma caused by humiliation, assaults and injury leave an indelible scar in the minds of the victims. The physical wound and injury might heal in due course of time. The loss sustained by them might be compensated abundantly. They might even become better financially, compared to their earlier penurious condition. But all this cannot heal the wound in their heart and soul. Therefore, first they need words of solace and comfort. They need consolation and encouragement. They need the kind of treatment from everyone that they feel - they are also human beings, they are also citizens of this country, like others.

The officials, politicians, social workers and others usually do this in a mechanical and routine way. Instead, if they also do it with genuine feeling of concern, love and commiseration, the victims would really feel consoled. Even animals could differentiate between a genuine pat from a casual one. Human beings could very well sense whether the words of consolation come from the lips or from the heart.

In addition to kind, sympathetic, humane treatment by way of giving them back the human dignity, they should be given counselling and psychotherapy treatment, like the Neuro Linguistic Programming (NLP). If they are not rehabilitated psychologically and their mind is not healed, two things might happen.

NLP is a new science in Psychology, which studies how the human mind works and offers effective techniques for curing a wide range of problems, physical and psychological, like traumas, phobias, unwanted habits, guilt, grief, abuse, shame etc., in a few sessions.)
One, the victims would further destroy themselves psychologically, become frustrated and dejected and lead a life which is meaningless and empty. Two, they might become vindictive, nurturing hatred and animosity and wait for an opportunity to wreak vengeance on the perpetrators of atrocity. Both are not good for the people and for the society.

Need for Livelihood

The condition of victims of atrocities are aggravated further, like adding insult to injury when they are refused work in the village and even in the neighbouring villages. The whole village boycotts them. Not only earning their livelihood is affected but even life becomes miserable. This happens to the victims and also to the other SC/STs in the colony. Only in the case of murder, death, massacre, rape etc., Government has made provision for supply of utensils, rice dal, pulses etc., for a period of three months, to the victims. Victims in other categories do not have this facility. Though relief is paid to other victims in the form of cash, procuring provisions would be difficult for them due to social boycott. Therefore, Government should make arrangement for supply of foodgrains etc., to the victims on subsidized rates. Till the victims could buy utensils and foodgrains and start cooking their food, the Government should run feeding centres for the victims.

Since social boycott on the victims and also on other SCs in the village affects their earning, the Government should think of ways and means of providing them labour for a few months. Providing milch cows and other remunerative assets really helps the victims. But there should be constant follow up with the

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beneficiaries and tie up with supply of fodder, supply/sale of milk to societies etc., in
the absence of which the ‘assets’ would become liabilities and there is every
likelihood that the beneficiaries would sell away the assets.

Need for Housing

When the houses of the victims are damaged or destroyed or burnt, they need
to be given a shelter. Even when their houses were not affected in the atrocity, they
would not like to live in the same place or in the same village due to fear or due to
sense of shame when the atrocities were in the form of inhuman nature like grievous
hurt, murder, forcing to eat or drink obnoxious substance or rape or parading nude\textsuperscript{5}
etc. Under these circumstances, the authorities usually provide them with houses
constructed under rural housing schemes like Ashraya. But this has to be done
expeditiously and in a planned manner.

To rehabilitate the families of the victims in Kambalapalli carnage and also
the other Scheduled caste families, 66 houses were built in Gopasandra near
Chintamani town, far away from Kambalapalli, with all amenities like roads, street
lights, community hall, water supply and cow sheds for the houses, school, etc., by
the Zilla Panchayat, due to the enthusiastic efforts of the Chief Executive officer of
the Zilla Panchayat. Two milch cows were also given to each of the SC families.

A startling news item was published in Kannada Prabha\textsuperscript{6} that 28 families,
inspite of all facilities, had vacated their houses – some houses locked, some without

\textsuperscript{5} Yarramma who was paraded naked in the streets of Vannenur village did not want to live there any
more, after such humiliating, shameful experience. She wanted a house in Bellary.

\textsuperscript{6} Kannada Prabha dt.18.9.2002 news item in the front page continued in page 8 “Khaliyada
Kambalapalli Santrasthara Manegalu” (Vacated Victims’ Houses in Kambalapalli).
being locked and had gone back to Kambalapalli and that the houses that were not
locked have become dwelling places for “dogs and foxes”. The reason given for this
in the news item is that the 28 families belonging to the ‘left hand’ sub-caste among
the SCs7 were not the victims of the atrocity and they were not in need of any relief
or rehabilitation as they were in cordial terms with the caste Hindus in the village.
Therefore, they had abandoned their newly built houses in Gopasandra, some of
them even sold the cows given to them and had gone back to Kambalapalli. The
news report also adds that if the real victims’ families only were to be rehabilitated,
this contingency would not have arisen. One Venkataramanappa is reported to have
told the press that ‘Though cows were given to them, two acres of land to each
victims, as promised by Government, was not given and no provision for supply of
fodder was made. They also do not get any income as no one engages them as
labourers. If this position continues, they might also have to vacate the houses and
go to some place where ‘cooly’ is available’.

The authorities have taken all possible measures to rehabilitate the victims,
besides giving them the timely relief. They rehabilitated the victims families and
apprehending that the other sub-caste of the SCs also might face such atrocities in
future, they included 28 families also and rehabilitated all the SC families of
Kambalapalli, giving them all the benefits, houses etc in the newly built colony in
Gopasandra. Under the circumstances, the authorities had taken the right decision to
rehabilitate the victims and also those vulnerable families, who might in future face
similar problems. If these 28 families had abandoned the houses after receiving all
the benefits and had gone back to Kambalapalli, it is anybody’s guess that they had

7 There are two sub-castes among the Scheduled Castes: one is called ‘left hand’ the other one ‘right
hand’. The victims in Kambalapalli carnage belong to the ‘right hand’ sub-caste.
not done so out of their own volition. Who will not like to live in a better place, in better, well built houses, with all amenities? Getting some labour work to earn their living would have been a constraint. Further, since they have been in cordial terms with the caste Hindus, they might have been won over by the caste Hindus with the threat, ".....then only they would get the agriculture labour and wages".

Follow up and Empowerment

The authorities and other NGOs have to bear in mind that rehabilitation is not a “one time job”, more so when it concerns poor, innocent, ignorant and gullible, helpless victims, who could be easily and 'kindly' manipulated, used, misused and misguided by unscrupulous, cunning elements to meet their own selfish ends. Therefore, till they are fully settled and could stand on their own there should be constant contact with them and constant follow up with regard to proper use of the benefits given to them and allied matters of rehabilitation. Above all this, efforts should be made by all concerned, to educate them, empower them and to create awareness in them to stand on their own feet, to assert themselves and to establish their rights and not to allow themselves to be misused and abused by others.

(4) REHABILITATION WITH A DIFFERENCE

If we want better and different results, we have to break with the past and do things differently. This principle applies to all activities of human endeavour, including rehabilitation of the victims of atrocities. The usual manner in which rehabilitation of the victims done is, the relief amount is sanctioned by the Deputy Commissioner concerned and the amount is drawn and disbursed to the victims by the Tahsildar. In a serious atrocity case like that of the Kambalapalli carnage, some
more benefits are given to the affected persons, like houses with amenities, cows, cow sheds, sewing machines, etc., In certain rare cases lands are also sanctioned. There ends the matter.

In the case of Kambalapalli the officers have done excellent job in going all out to help the victims, through various agencies. Then the matter was totally forgotten, leaving every thing to the people concerned. As already discussed, closely following up the matter with the beneficiaries, would go a long way in helping them in a purposeful manner.

In addition to giving them the benefits, the authorities could have thought of some better, new, creative ways of rehabilitating them. For example, the amount of compensation of Rs.1.50 lakhs paid to the seven victims’ families, would have been deposited in the concerned person’s name, of course, with their consent, and they would have been advised to maintain themselves from the monthly interest from that amount, or the amount could have been used for starting some petty business in the town. Otherwise, the tendency of the people is to spend away the amount in no time, on useless things.

The authorities have provided cows to each one of the affected families. Instead of leaving the matter of rearing the cows and selling the milk etc., to the beneficiaries, a dairy cooperative society could have been formed, tying up with Kamataka Milk Federation (KMF). There are many families, which survive on only one or two cows and keep improving further.

Similarly, when they had given one sewing machine to each one of the families, one or two women from each family could have been given training in
sewing, embroidery, etc., so that a tailoring unit could have been established with 66 sewing machines. This unit could have started functioning initially in the community hall built for the beneficiaries. The services of garment manufacturing units and the Karnataka Women's Development Corporation, could have been utilized for further funding, marketing expansion, etc. This way it could have been very good source of livelihood for the beneficiaries. In the same way, several innovative methods could be thought of, for better rehabilitation of the victims.

(5) BENEFICIARIES INVOLVEMENT

Another most important aspect in rehabilitation of the victims is the involvement and active participation of the beneficiaries. Right from the beginning the beneficiaries should be consulted and involved. When they choose the benefits, remunerative assets etc., they want, instead of Government deciding randomly, they would be fully involved and committed to utilize the benefits fully and properly. For example, in the construction of houses, when the beneficiaries are informed well in advance the number and location of the sites in which each one of them is going to get the house constructed and they are involved in the construction of the houses, they consider the houses as their own. Otherwise, they always think that those are ‘Government houses’ and even when a small repair has to be done, they expect the Government to do that. Even with regard to other benefits and assets given to them, they have the same attitude. It is the nature of being of the human beings that they treasure whatever they got by dint of their sweat and hard labour and do not value much what they get free.

All the rural development programmes, in the beginning, were intended to be “Government programmes with people’s participation” and in due course of time
become ‘People’s programmes with government’s participation’. But unfortunately, in the case of many programmes, they continue to be “Government programmes without people’s participation”. This state of affairs holds good in respect of rehabilitation of the victims of atrocities also. In fact, with the right motivation, empowerment and consistent follow up with the beneficiaries, there is every possibility of making the programmes not only peoples’ programmes with Governments participation but “People’s programme with people’s participation” This also means each one empowers the other to make the best use of the benefits and assets and to come up in life to be self-reliant and independent.

(6) VITAL ROLE OF THE OFFICIAL MACHINERY

Gone are the days when officers and officials were considering themselves to be authorities meant for wielding power and control the people. Now, Government machinery has to be responsible and responsive to the needs, development, welfare and well being of the people at large. They have to pay special attention to the activities and programmes meant for the weaker sections, backward classes and the target groups. In the Annual Confidential Report of the Class I (Group A) and Class II (Group B) Gazetted Officers, contains a specific column regarding the attitude of the officer towards the SCs and STs. The reporting officers have to assess the work of the concerned officer regarding the interest evinced or otherwise towards the welfare of the SCs and STs and record their views. This evidently shows that the whole Governmental Machinery is committed to the cause of the weaker section. The officers and officials have to work with a sense of social commitment.

The officers and officials of the Development Department, and Social Welfare Department have greater responsibilities in working for the welfare of the
weaker sections and in rehabilitating the victims of atrocities. At the District and
Taluk levels, the officers of the Zilla Panchayat, the District Social Welfare Officers,
the District officer for Backward Classes and Minorities, the Block Development
officers, the Taluk Social Welfare Officers, even the Social Welfare Inspectors and
other officials have to involve themselves actively in working out feasible and most
useful rehabilitation measures in a creative manner and constantly follow up the
matter till the victims are fully settled.

(7) SUGGESTIONS REGARDING PAYMENT OF RELIEF AMOUNT
AND OTHER REHABILITATIVE MEASURES

The Government Order No.SWD 61 SP 97, Bangalore, dated 14.10.1997,
regarding monetary relief to be paid to the victims of atrocities, categorically
mentions that the amount of relief to be paid to the victims is only "Minimum". As
observed earlier, the Deputy Commissioners, while sanctioning the relief amount,
sanction only the minimum amount. Any amount of relief that is paid to the victims
of atrocities will in no way undo the damage caused to their psyche, dignity, self-
esteem and to their entire personality. However, monetarily it would be a great
relief and a solace when they are paid reasonable amount as relief. Therefore, the
Deputy Commissioners need not have to adhere to the amount indicated in the
Government Order which is only "Minimum". Taking into account the gravity of
the situation and the intensity of the atrocity, the Deputy Commissioners could
sanction higher amount of relief than the amount indicated in the Government Order.

Further, the minimum amount of relief was fixed by the Government more
than five years ago. The cost of living has gone up considerably and the value of
rupee has come down. In view of this, Government has to increase the minimum amount of relief to be paid to the victims, by issuing another Government Order.

Regarding the payment of relief amount to the victims, Government has to reconsider the stages of payment of the amount. Only in cases of offences mentioned at Sl.Nos. 4, 5, 7, 13, 15 and 17, of the Government Order, full amount has to be paid to the victims, when charge sheet is sent to the court. With regard to Sl.Nos. 1, 2, 3, 6 and 10, the quantum of relief to be paid to the victims is 25% of the amount indicated against each offence when charge sheet is sent to the court and the remaining 75% to be paid on conviction in the lower court. In respect of Sl.Nos. 11, 12, 14, 16, 18 and 19, 50% of the relief amount to be paid when charge sheet is sent to the court and 50% to be paid on conviction in the lower court. Seventyfive percent of relief amount has to be paid in the case of Sl.Nos. 20 after post-mortem and remaining 25% to be paid on conviction in the lower court.

One important aspect that has to be taken cognizance of, in this regard, is the fact that the cases of conviction, even in very serious and notorious cases, are almost nil, having one or two rare exceptions due to various reasons. That means, in almost all cases, the victims get 25% or 50% and in cases of murder and/or death, 75% of the relief amount, and they do not get the remaining amount at all.

In view of this fact, it is suggested that the Government of India should, in addition to issuing orders to increase the quantum of minimum relief amount, issue orders for payment of relief amount at the rate of 50% immediately after the occurrence of atrocity, after the facts are ascertained by the Deputy Commissioner (Collector) of the District and 50% on filing the charge sheet in the court and full
amount in the case of murder and death. Other offences included in the present order for payment of full amount, may continue. Since it is the Deputy Commissioner (Collector) who is the District Magistrate also, who will be satisfying himself about the occurrence of the offence and making the payment to victims, there will not be any scope for misusing the provision. By issuing this amendment, some justice would be done to the victims.

In the case of victims of murder, death, massacre, rape, mass rape and gang rape, permanent incapacitation and decoity (at Sl.No.21) of the Government Order, the Government Order reads "In addition to relief amount paid under above items (as per Sl.No.20 relating to murder and death, at least Rs.1,00,000 to each case in which the deceased is a non-earning member, at least Rs.2,00,000 to each case in which the deceased is an earning member), relief may be arranged within three months of the date of atrocity as follows:

1. pension to each widow and/or other dependants of deceased SC/ST at Rs.1,000/- per month or employment to one member of the family of the deceased or provision for agricultural land, a house, if necessary by outright purchase;
2. full cost of the education and maintenance of the children of the victims. Children may be admitted to Ashram Schools / residential schools;
3. provision of utensils, rice, dals, pulses, etc., for a period of three months.

For the livelihood of the family of the deceased, three alternative reliefs are to be sanctioned, i.e., pension of Rs.1000/- or a Government job or grant of agricultural land and a house. Of the three choices, providing a Government job to one member of the family of the deceased is the best. Constructing a house and giving it to the family of the deceased, along with a Government job would be of
real help to the bereaved family. The next best would be to provide at least five acres of good, developed agricultural land (if necessary by outright purchase) and a house. Sanction of pension of Rs.1000/- per month to each widow and/or other dependants of the deceased is not advisable for it will make the dependants lazy and they cannot maintain the family with just Rs.1000/- per month. Therefore, the question of sanctioning pension could be considered only in case the widow and/or the dependants of the deceased are not able-bodied. In that event the pension amount to be sanctioned could be at least Rs.2000/- per month. In addition to this, a house could be constructed and given to the family of the deceased.

Regarding the education and maintenance of the children of the victims, they should be admitted to the best residential schools in the State, by giving special coaching, if need be. They should be given the best of education, till they attain 25 years of age and even beyond, in technical and professional courses, at the cost of the Government. If they have an aptitude for appearing for various competitive examinations, they should be encouraged and all financial assistance should be given to them. These educational facilities should not be limited only to children of the victims mentioned at Sl.No.21 of the Government Order. The children of the victims of other offences also should be given these facilities, as this would be the best remedial measure to help the children come out of the fear psychosis and inferiority complex and to become powerful personalities. In one sense, these efforts in the remedial and rehabilitative measures will mean making amends and atonement for the gross injustice done to these unfortunate people. Governments at the Centre and State could examine these important aspects and issue necessary
modifications to the Government Order dealing with relief to be given to the victims of atrocities.

(8) ORGANIZATION AND FUNCTIONING OF DIRECTORATE OF CIVIL RIGHTS ENFORCEMENT

In the beginning, this Directorate was called the Civil Rights Enforcement Cell. It was created in 1974 and started functioning in 1975 under a Superintendent of Police. During 1978, the post of a Dy. Inspector General of Police was created to head the Cell. During the year 1980, the Cell was reorganised by creating four Regional Cells one each at Bangalore, Belgaum, Mysore and Gulbarga. In the year 1988, an Officer of the rank of Inspector General of Police was posted as head of the Cell.

The objective behind the creation of the CRE Cell, was to bring about stricter enforcement of the provisions of the PCR Act 1955 and to deal with cases of harassment and atrocities against persons belonging to SCs/STs, in accordance with the SCs and STs (Prevention of Atrocities) Act, 1989.

The CRE Cell was re-designated as the Directorate and has been called the Directorate of Civil Rights Enforcement since 1993. Now it is headed by an Officer of the rank of Addl. Director General of Police assisted by an Inspector General of Police, a Dy. Inspector General of Police and a Superintendent of Police in the headquarters and 6 Superintendents of Police in regional offices located at Police Range headquarters.

Functions of the DCRE include mainly collection of information and making enquiries into the matters listed in the Government Orders, viz., reservation in appointments, implementation of schemes and projects meant for SCs/STs Welfare,
Caste Verification enquiries, monitoring of criminal cases reported under SCs/STs (PA) Act 1989 and PCR Act 1955, visiting SC/ST Colonies, enquiries about their problems and grievances, petition enquiries, liaison and co-ordination with different departments such as Police, Social Welfare, Law, Directorate of Prosecutions, District Magistrates, etc. Besides, DCRE also takes up investigation of important cases of atrocities reported under SCs/STs (PA) Act 1989, referred either by the Government or Director General and Inspector General of Police, Karnataka State, Bangalore.
List of Officers and Officials of the Directorate of Civil Rights Enforcement (as sanctioned by Government of Karnataka)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Designation</th>
<th>Sanctioned Strength</th>
<th>Actual Strength</th>
<th>Vacancy</th>
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<td>1.</td>
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<td>01</td>
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<td>8.</td>
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List of Ministerial Staff of the Directorate of Civil Rights Enforcement

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<th>Sl. No.</th>
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<th>Sanctioned Strength</th>
<th>Actual Strength</th>
<th>Vacancy</th>
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<td>6.</td>
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<td>9.</td>
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8 This information was collected from the Directorate of Civil Rights Enforcement Cell, Bangalore.

9 Information collected from the Directorate of Civil Rights Enforcement Cell, Bangalore.
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Designation</th>
<th>Total No. of Staff</th>
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<th>Staff No. of Staff</th>
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<tr>
<td>1.</td>
<td>Superintendent of Police</td>
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<td>Belgaum Region</td>
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<td>Police Sub-Inspectors</td>
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<td>5.</td>
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Information collected from the Directorate of Civil Rights Enforcement Cell, Bangalore.
DCRE Units at the District Level

Creation of the DCRE units at the District Headquarters to be headed by the Dy. Superintendents of Police with some staff was proposed to the Government by the Addl. Director General of Civil Rights Enforcement. This is very necessary because some of the districts are far away from the range headquarters where the DCRE units headed by the Superintendents of Police are functioning. Due to the distance, it is difficult for the DCRE officers at range headquarters to visit the places of incidents of atrocities, social boycott, etc., and to conduct enquiries into petitions of the SCs/STs, etc. Besides, the affected persons also find it difficult to go all the way to the range headquarters. The Government of Karnataka have taken a decision to create the units of DCRE at the District Headquarters of Bagalkote, Kolar and Tumkur and the rest will be created in a phased manner.

(9) ESTABLISHMENT OF SPECIAL COURTS FOR TRIAL OF CASES UNDER SCS/STS (P.A.) ACT 1989

Section 14 of the SCs/STs (Prevention of Atrocities) Act 1989 empowers the State Government, for the purpose of providing speedy trial, specify for each district a Court of Sessions to be a Special Court to try the offences under the Act, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette.

In view of the suggestions made by the Union Home Minister vide letter No.111-11011/4/85-PCR (DESK) dated 15.4.85, to establish Special Courts for effective prosecution and speedy trial of cases arising out of communal incidents, the Government of Karnataka vide letter No.LAW/232/LCE/84 Bangalore dated 31.1.87 created two Special Courts at Belgaum and Mysore exclusively for trial of
cases arising out of communal incidents and atrocities on SC/ST and other economically and socially weaker sections of the population.

The State of Karnataka vide order No. I AW/16/LCE/90 dated 19.1.93 created two more Special Courts, one at Kolar and another at Raichur for trial of communal offences and atrocities on SCs/STs.

The High Court of Karnataka vide letter No.GOB/II/213/92 dated 2.3.93 sent proposals for establishment of Special Court for trial of communal offences and atrocities on SCs/STs at Bijapur. The Registrar General, High Court of Karnataka in the same proposal also requested the Government to create the post of Addl. District and Sessions Judge at Bijapur along with necessary staff with effect from 20.3.93 for exclusively dealing with atrocities cases. Accordingly, on 26.3.93 the Government of Karnataka vide order No.LAW/16/LCE/90 dated 16.3.93 created the fifth Special Court at Bijapur.

If we peruse the preamble and the order of the above mentioned Government orders in respect of creation of Special Courts at (i) Belgaum, (ii) Mysore, (iii) Kolar, (iv) Raichur, and (v) Bijapur, we find that all these Government orders do not refer to Section 14 of SCs/STs (PA) Act 1989. Therefore, these Special Courts are not created for the purpose of the Act. Hence they cannot be treated as "Special Courts" under the Act.

The Government of Karnataka vide order No.LAW/16/LCE/90 dated 26.8.93 created a Special Court at Gulbarga to try exclusively the offences under the Prevention of Atrocities Act 1989. However, other cases are also entrusted to this Court. This is the only Court which is established under Section 14 of the Act.
The DCRE vide No.CRM/18/DCRE/95 dated 7.2.95 addressed a letter to the Secretary to Government, Social Welfare and Labour Department, requesting him to address the Secretary, Law and Parliamentary Affairs, to declare the Special Courts at Belgaum and Mysore to be the "Special Courts" under Section 14 of SCs/STs (PA) Act 1989. It was also requested that in order to facilitate speedy disposal of atrocity cases, other Special Courts may also be declared so.

The Government of Karnataka vide Notification No.HD/17/PCR/2001 dated 13.2.2001 created 27 "Special Courts" in the State, one "Special Court" for each district. The "Special Courts" which were already created prior to this notification is also included in the list.

As per the various notifications issued by the Government, now the "Special Courts" in each district are functioning. But these Courts are also dealing with other IPC cases coming under SCs/STs (PA) Act. The creation of the Special Courts by the Notification mentioned above seems to be a formal one, because the purpose and the objective of the Act are not taken into consideration. Hence these "Special Courts" suffer some drawbacks such as:

1) These Special Courts are trying other criminal and civil cases along with cases pertaining to atrocities on SCs/STs.
2) This will result in lack of priority to the trial of atrocity cases.
3) It will result in frequent adjournments of atrocity cases.

These drawbacks will defeat the very purpose and object of Section 14 of SCs/STs (PA) Act 1989, in regard to establishment of Special Courts to enable speedy trial of atrocity cases.