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Police Headquarters,  
Thiruvananthapuram.  
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**CIRCULAR NO. 42/09**

Sub: Observation of Chairman NCSCs on compromising of SC/ST (POA) Act case - Retraction of Statement by Prosecution Witnesses - Remedial measures to prevent compromising of SC/ST (POA) Act cases - Reg.

The Hon'ble Chairman of the National Commission for SCs has indicated that a number of cases are being compromised due to prosecution witnesses retracting from their earlier versions. A review of acquitted SC/ST (POA) Act cases of murder and rape for the period from 01/01/06 to 31/07/09 conducted in the PHQ had also confirmed the above observation.

**02.** The absence of periodic interaction between police and victims/complainants of SC/ST (POA) Act cases after the registration of cases is partly responsible for development of unholy nexus between victims/complainants and the perpetrators of the atrocity. This ultimately ends in victims/complainants turning hostile during trial. The investigating officers should therefore remain in constant touch with the victims/complainants even after the reporting/charge sheeting of the case and during the trial period so that the victims/complainants in SC/ST (POA) Act cases are not pressurized socially or financially by the perpetrators of the atrocity to turn hostile during trial. The victims/prosecution witnesses should be properly protected by the police from the pressures brought on them during the trial.

**03.** The SDPOs and SMS DySsP who are the investigating officers of SC/ST (POA) Act cases should closely monitor the progress of trial by attending the courts frequently so that any danger to successful trial of the case due to compromise between the victims/witnesses and the perpetrators of atrocity can be prevented by taking timely administrative and legal actions.

**04.** The CsP and district SsP also should monitor the progress of the trial of SC/ST (POA) Act cases regularly by conducting exclusive monthly review meeting of such cases. They should especially enquire as how and why the victim/witnesses in any particular case have turned hostile and initiate appropriate administrative and legal action to prevent its adverse impact on the final outcome of the trial of the case. It will also be desirable if CsP/SsP can attend trial of SC/ST (POA) Act cases at least once in a quarter. They should also interact at least over telephone with PPs and concerned prosecutors to know about progress of the trial of SC/ST (POA) Act cases. These actions on the part of CsP and SsP will have salutary effect on the outcome of the trial of SC/ST (POA) Act cases. The Range IGsP can also attempt similar actions.

**05.** If SC/ST victims of atrocity are provided the monetary relief and other logistic support provided in the SC/ST (POA) Rules 1995 immediately after the occurrence of an incident of atrocity, then the chances of their becoming prey to the monetary inducements offered by perpetrators of the atrocity will reduce substantially. The CsP/SsP should therefore liaise to ensure that the monetary and other reliefs as provided in the SC/ST (POA) Rules 1995 reach the SC/ST victims of atrocity. For this the DM/SDM will have to be informed in writing by the police about the registration of a SC/ST (POA) Act case and about subsequent progress of the investigation of case.

**06.** It needs to be understood that SC/ST (POA) Act cases are compromised not only at the trial stage but also at the investigation stage. Police officers who are investigating the SC/ST(POA) Act cases must not be parties to any compromise or mitigation or minimisation of the severity of the atrocity. It is often seen that the sections of SC/ST (POA) Act are deleted immediately after the first day's investigation. This practice is fraught with the danger of arriving at a conclusion based on incomplete facts. Therefore the deletion of sections of SC/ST (POA) Act, if at all done in any particular case, shall be done with extreme caution and after collecting/weighing all the evidence. It should be done at the end of the investigation and not the beginning. There should not be any hurry in this regard.

**07.** It also needs to be highlighted here that deletion of sections of SC/ST (POA) Act from a case without adequate evidence and justification can be construed as neglect of duties under SC/ST (POA) Act and that the Investigating Officer can be proceeded against u/s 4 of SC/ST (POA) Act, 1989 for neglect of duties. In order to stop compromising of the SC/ST (POA) Act cases due to deletion of sections of SC/ST (POA) Act, it is decided that hereinafter the deletion of sections of SC/ST (POA) Act from a case will be done only on the basis of a formal proceedings of CsP/SsP after all relevant investigation of the case has been completed. The proceedings of CP/SP will be placed in the CD file. The CP/SP will accord permission to delete the sections of SC/ST (POA) Act from a case only after personal scrutiny of the CD file and only if adequate evidence is collected to that effect.

**08.** The Range IGsP and CsP/SsP will ensure that no Police Officer will, in any manner, associate with any unscrupulous attempt to compromise the SC/ST (POA) Act cases during investigation or trial. In fact it is the duty of Police to thwart any such attempt by anybody. Any police officer found guilty, or even suspicion, of compromising the SC/ST (POA) Act cases should be exposed and appropriate disciplinary action initiated against such officer.

**09.** The CsP/SsP will explain the contents and distribute the copies of this circular among all the police officers working in the Cities/Districts.

**Director General of Police**