

D.B. PIL Petition No.7827/2015

10.7.2015

HON'BLE CHIEF JUSTICE MR.SUNIL AMBWANI

HON'BLE MR.JUSTICE AJIT SINGH

Mr.Ajay Kumar Jain for the petitioner.

Issue notice to the respondents. Notices be served in the office of the Advocate General in the Rajasthan High Court at Jaipur Bench, which shall be treated to be sufficient service on the respondents.

Let the respondents file a reply within four weeks. Rejoinder may be filed within two weeks thereafter.

List on 13th August, 2015.

This petition has been filed by Dalit Manav Adhikar Kendra Samiti through its President-P.L.Mimroth for the following reliefs:-

"The humble petitioners most humbly prays that your lordship may very graciously be pleased to accept and allow this petition and by an appropriate writ or directions, following directions may be issued in addition to other directions, which the Hon'ble Court thinks proper:-

1. Respondents may kindly be directed to take stern action in the matter and further to book such cases under Protection of Civil Rights Act.
2. Respondents may kindly be directed to impose collective fine in such matters as provided u/s 10(a) of Protection of Civil Rights Act and Section 16 of SC/ST (Prevention of Atrocities) Act 1989.
3. Responsibility should be fixed over the District Magistrate, Sub-Divisional Magistrate, Superintendent of Police and Circle Officer of Police concerned to take preventive action and further if any such events happened, concerned officer/s should be held responsible.
4. Under Section 16 of SC/ST (Prevention of Atrocities) Act, 1989, such area should be declared as area prone to atrocities.
5. Special team should be constituted to see that funeral rights to dalits are not denied and their marriage processions are not blocked.
6. That as per rule 3(vi) and (vii) a high power committee and vigilance committee should be set up to implement the provisions

of SC/ST (Prevention of Atrocities) Act, 1989.

7. That as per Rule 3(x) of SC/ST (Prevention of Atrocities) Rules 1995, special police force should be deployed in atrocity prone area.

8. Any other direction or order, which this Hon'ble Court may deem just and proper in the facts and circumstances of the case, may be passed in favour of the petitioner."

It is submitted that even after 68 years of the independence, 65 years of promulgation of the Constitution of India, and 26 years of the enactment of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, under which the Rules were made in the year 1995, the respondents have not set up either the District- Level Vigilance and Monitoring Committee under Rule 17 of the Rules of 1995, or the State Level Vigilance and Monitoring Committee under Rule 16 of the Rules of 1995. The members of the dalit community in the State of Rajasthan are suffering the same indignity, oppression, humiliation, harassment and the atrocities, which they have suffered in the past.

It has been pointed out that a large number of complaints have been given to the police, in which the members of the dalit community are not allowed to take out the marriage processions in the village and that bridegrooms was forced to get down from the horse when he passes through the localities of the higher castes and this indignity is heaped on them to teach a lesson and to insult them, causing a calculated humiliation.

It is pointed out that FIRs are not registered on the complaints made by the members of dalit community to the police and that in most of the cases, the matter is settled between the parties, in which

undertakings are forced upon from the members of the dalit community that they will not take out the marriage processions from the locality of the persons of higher community and that the marriage processions and nikashi shall not be allowed in the entire village. This causes further indignity and humiliation to them. The police officers never carry out their duties to enforce the laws and allow discrimination to prevail on official bias against Dalits.

It has been pointed out that in the FIR lodged in the Districts of Udaipur, Bharatpur, Bhilwara, Chittorgarh, Karoli, Tonk, Alwar, Dausa, Sikar, Bundi, Jhalawar, Pali, Jaipur, either the FIRs were not registered and that wherever FIRs are registered, the progress of investigation is painfully slow.

The petitioner also informs that discrimination is also being caused with the dalit community on the burning ghats and at public places. In the absence of constitution of District Level vigilance and Monitoring Committee and the State Level Vigilance and Monitoring Committee for protection of their rights, their complaints are not being heard and no effective measures are being taken to stop discrimination in the society, violating their legal, constitutional and human rights.

The State Government will file a reply meeting all the allegations and meanwhile, we direct the Director General of Police, Rajasthan, Jaipur to give instructions to all the Police Stations in the State of Rajasthan not to refuse to register the FIR at the instance of dalit community for oppression, atrocities, indignity, humiliation and

harassment caused to them. We also direct that the police authorities will not allow the compromise to be entered between the parties, which lowers the status of the dalit community in the society. Any such illegal and discriminatory compromise violating the human rights of dalit community will not be recognized by the Court of law.

If the District Level Vigilance and Monitoring Committee and the State Level Vigilance and Monitoring Committee are not constituted in accordance with Rules 17 and 16 of the Rules of 1995, the State Government will constitute the same and file a report within a month.

(AJIT SINGH)J.

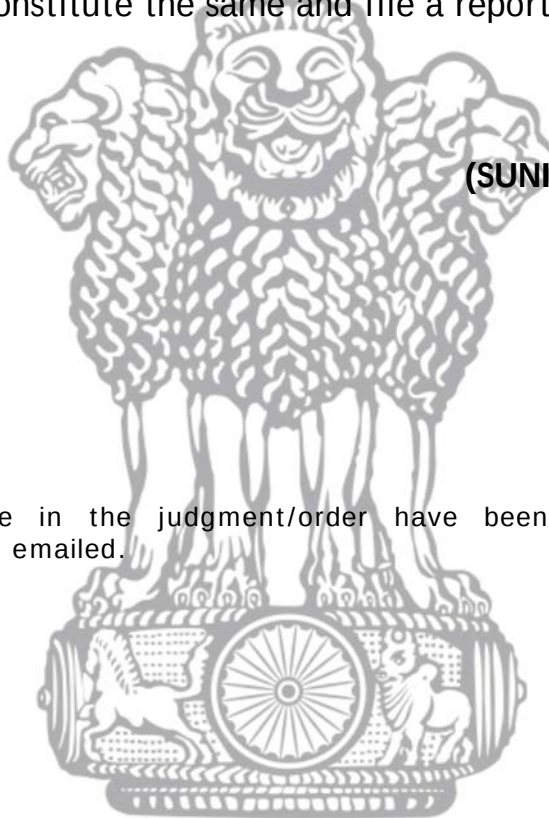
(SUNIL AMBWANI)CJ.

Parmar

Certificate:

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

Parmar, PS



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