

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.11392 of 2019

CHANGEindia
rep. by its Director A.Narayanan .. Petitioner

Vs.

1. The Principal Secretary to Government,
Home Department,
Secretariat,
Chennai - 600 009.

2. The Registrar General,
Madras High Court,
Chennai - 600 104.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a writ of mandamus, directing the respondents to constitute and inaugurate the Special Courts within the time frame that has been fixed in G.O. (Ms) No.334 dated 06.04.2017.

For Petitioner : Mr.Saravana Vel.

For Respondents: Mr.E.Manoharan (for R1)
Additional Government Pleader

Mr.Haja Mohideen Gisthi (for R2)

O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

Mr.A.Narayanan, petitioner herein has filed the instant writ petition for a writ of mandamus, directing the Principal Secretary to the Government, Home Department, Chennai and the Registrar General, High Court, Madras, respondents 1 and 2 herein, to constitute and inaugurate special courts within the

time frame fixed in G.O.Ms.No.334 dated 06.04.2017.

2. Reliance placed on by the petitioner on G.O.Ms.No.334 dated 06.04.2017, reads thus.

ABSTRACT

Courts - Administrative sanction for constitution of 16 Special Courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in 16 Districts in 4 phases from 2016-2017 to 2019-2020 and Financial sanction for constitution of 4 Courts in first phase - Orders - Issued.

Home (Courts - I I) Department

G.O. (Ms) .No.334 Dated: 06.04.2017

Read: -

From the Registrar General, High Court of Madras,

Chennai letter Roc.No. 1061/A/2015/G4, dated:

0 1 .1 0 .2 0 1 5 .

ORDER:-

The Registrar General, High Court of Madras in his letter read above has sent proposals to the Government seeking sanction for constitution of Special Courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in the following 16 Districts at an expenditure of Rs.22,07,41,392/- consequent to the order of High Court of Madras, dated 10.06.2015 in W.P.NO.33152 of 2013. He has therefore requested the Government to issue orders to that effect.

S I. No.	Place of Court	No. of Courts
1.	Dindigul	1
2.	Ramanathapuram	1
3.	Srivilliputhur in Virudhunagar District.	1
4.	Pudukkottai	1
5.	Kancheepuram at Chengalpattu	1
6.	Perambalur	1
7.	Theni	1
8.	Tiruppur	1
9.	Tiruvannamalai	1
10.	Vellore	1
11.	Tiruvarur	1
13.	Thoothukudi	1
14.	Kanniyakumari	1
15.	Coimbatore	1
16.	Namakkal	1

2. After detailed examination, the Government have decided to accept the proposal of the Registrar General, High Court of Madras and to accord administrative sanction for a sum of Rs.12,88,98,720/- (Rupees twelve crore eighty eight lakh, ninety eight thousand, seven hundred and twenty only) towards constitution of 16 special courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In 16 Districts as mentioned in the places in para 1 above, in four phases from the year 2016-2017, to 2019-2020 ie, four courts in each phase. The Government also accord financial sanction for a sum of Rs.3,22,24,680/- (Rupees three crore, twenty two lakh, twenty four thousand, six hundred and eighty only) towards the constitution of four special courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. as first phase in the following places with the staff and other amenities as detailed below.

(i) Courts:-

S l. No.	Place of Court	No.of Courts
1.	Dindigul	1
2 .	Ramanathapuram	1
3.	Srivilliputhur in Virudhunagar District	1
4.	Pudukkottai	1

(ii) S t a f f :

SI. NO.	Name of the post	No. of post	Pay (in Rs.)
1	District Judge	1	51550-1230-58930-1380-63070
2	Sheristadar	1	9300-34800+GP 5100
3	Head Clerk	1	9300-34800+GP 4800
4	Assistant	1	5200-20200+GP 2800
5	Steno-Typist Grade-III	1	5200-20200+GP 2800
6	Junior Assistant	2	5200-20200+GP 2400

SI. NO.	Name of the post	No. of post	Pay (in Rs.)
7	Typist	1	5200-20200+GP 2400
8	Record Clerk	1	4800-10000+GP 1400
9	Office Assistant	3	4800-10000+GP 1300
10	Masalchi	1	4800-10000+GP 1300
11	Watchman	1	4800-10000+GP 1300
	Total	14	

(iii) Accommodation:

The said four Special Courts shall be accommodated in a private Tented building. The rent would be fixed by Public Works Department as per order in force.

(iv) Furniture:

Sanction of Rs .2,00,000/- towards the purchase of Furniture to each of the said four Special Courts.

(v) Permanent Advance:

Sanction of Rs.1000/- towards Permanent Advance to each of the said four Special Courts.

(vi) Telephones:

Sanction is accorded for two telephones i.e. one at office with extension to the Judge's Chamber and the another at residence of the said Judicial Officer for each of the said four Special Courts at the rate of Rs .24,000/- per annum recurring and Rs.1000/- non-recurring (deposit).

(vi) Library Books

The expenditure towards library books shall be met from the standing sanction for sub-ordinate courts. Sanction of Rs .50,000/- (non-recurring expenditure) for the purchase of Library books to each of the said four Special Courts, to meet the immediate requirement.

(viii) Computer with Accessories:

Sanction of Rs. 1,00,000/- towards the purchase of two Computers and accessories to each of the said four Special Courts.

(ix) Car:
Sanction of Rs .8,50,000/- towards the purchase of a car to each of the said four Special Courts.

(x) Photocopy Machine:
Sanction of Rs. 1,21,000/- towards the purchase of Photocopy Machine to each of the said four Special Courts.

3. The Director of Stationery and Printing is directed to make free supply of six typewriters i.e. 3 with English Key Board and 3 Tamil Key Boards and also to make supply of Stationery Articles, Forms and Registers to the each of the said Four Special Courts at free of cost.

4. The expenditure sanctioned in para 2 above shall be debited to the following head of account:

"2014.00 - Administration of Justice - 108 - Criminal Courts - State's Expenditure - AC Special Courts for Protection of Civil Rights"

(i)	"01 Salaries" (DPC 2014 00 108 AC 0106)	-	Rs.	2,68,36,680/-
(ii)	05 Office Expenses -) 01 Telephone Charges" (DPC 2014 00 108 AC 0517)	-	Rs.	1,00,000/-
(ii)	"05 Office Expenses - i) 02 Other Contingencies" (DPC 2014.00 108 AC 0526)	-	Rs.	4,000/-
(iv)	"05 Office Expenses) 0 5 . Furniture" (DPC 2014 00 108 AC 0553)	-	Rs.	8,00,000/-
(v)	"21 Motor Vehicles -01. Purchase" (DPC 2014 00 108 AC 2113)	-	Rs.	34,00,000/-
(vi)	"76 Computer and) Accessories -0.1. Purchase " (DPC 201s 00 108 AC 7618)	-	Rs.	4,00,000/-
(vi)	"19. Machinery and i) Equipments -0 1 . Purchase (DPC 2014 00 108 AC 1918)	-	Rs.	4,84,000/-

(i)	"01 Salaries" (DPC 2014 00 108 AC 0106)	-	Rs.	2,68,36,680/-
(vi ii)	"68. Cost of Books/Note Books/Slates etc.," (DPC 2014 00 108 AC 6806)	-	Rs.	2,00,000/-

4. The expenditure sanctioned in para 2 above shall constitute an item of "New Instrument of Service" and the approval of Legislature will be obtained in due course of time by an inclusion in the Supplementary Estimates. Pending approval of the Legislature, the expenditure may be initially met by drawal of an advance from the Contingency Fund. The Registrar General, High Court is requested to calculate the actual amount required for the period upto next Supplementary Estimates and apply for sanction of the same as advance from the Contingency Fund to Finance (BG-1) Department directly in Form 'A' appended to the Tamil Nadu Contingency Fund Rules, 1963 along with a copy of this order. He is also requested to send necessary explanatory notes to the Government in finance (Home -II) Department for inclusion of this expenditure in the Supplementary Estimates for the year 2017-201*8 at the appropriate time without fail.

5. The Registrar General, High Court of Madras is requested to send necessary draft notification to the Government so as to cause the same published in the Tamil Nadu Government Gazette for the constitution of the said four Special courts.

6. The Registrar General, High Court of Madras is also requested to send proposal for the second phase after the first phase courts are constituted and started functioning.

7. This order issues with the concurrence of the Finance Department vide its U.O.No. 18856/CMPC/2017, Dated 06.04.2017 and with Additional Sanction Ledger No.69 (Six ty Nine).

(BY ORDER OF THE GOVERNOR)

NIRANJAN MARDI
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

3. On 16.04.2019, we directed the learned Additional Government Pleader, as well as the learned counsel for the Registrar General, Madras, to take notice on behalf of the above respondents.

4. Responding to the averments and the prayer sought for Registrar General, High Court, Madras, has filed a status report dated 25.04.2019, as hereunder.

It is submitted that the above Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to constitute and inaugurate the Special Courts to deal with the cases under SC/ST (Prevention of Atrocities) Act, 1989, within the time frame that has been fixed in G.O.(Ms) No.334, dated 06.04.2017.

1. It is submitted that the writ petitioner herein earlier filed Writ Petition No.33152 of 2012 for issuance of direction to forthwith establish Exclusive Special Courts under Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also Protection of Civil Rights Act, 1955 along with adequate trained man power such as Special Public Prosecutors, Exclusive Police Stations in all the 28 Atrocity Prone districts identified and officially designated by Government of Tamil Nadu in order to ensure speedy trial, justice and compensation to the victims of various forms of caste atrocities.

2. It is further submitted that, by an Order dated 10.6.2015, the Hon'ble First Bench of this Court, directed the Registrar General, High Court, Madras to obtain requisite information of pendency and disposal position qua the other atrocity prone Districts and thereafter, make necessary recommendations, if the constitution of the Courts is so required as per the parameters, on the basis of which the two Special Courts have been established at Villupuram and Sivagangai Districts.

3. In this connection, it is submitted that at present six Special Courts for exclusive trial of cases registered under SC/ST (Prevention of Atrocities) Act, 1989 are functioning at Tiruchirappalli, Thanjavur, Madurai, Tirunelveli, Villupuram and Sivagangai.

4. Consequent to the directions of the Hon'ble High Court made in W.P.No.33152 of 2012, dated 10.06.2015, the Registry, after considering the pendency of cases, have recommended a proposal to the Government for constitution of 16 Special Courts viz., 1.Dindigul, 2.Ramanathapuram, 3. Srivilliputhur in Virudhunagar District, 4. Pudukkottai, 5. Cuddalore, 6. Namakkal, 7. Theni, 8. Tiruvannamalai, 9. Kancheepuram District at Chengalpattu, 10. Perambalur, 11. Tiruppur, 12. Vellore, 13. Tiruvarur, 14. Thoothukudi, 15. Kanniyakumari at Nagercoil and 16. Coimbatore and the Government in G.O.Ms.No.334, Home

(Courts-11) Department, dated 06.04.2017 have issued administrative sanction for constitution of 16 Special Courts in the cadre of District Judge for trial of cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in 16 Districts, in four phases i.e., four Courts in each phase from 2016 - 2017 to 2019 - 2020. The Government in the same G.O., dated 06.04.2017 have also accorded financial sanction for constitution of four Special Courts in the first phase, one each at 1. Dindigul, 2. Ramanathapuram, 3. Srivilliputhur in Virudhunagar District and 4. Pudukkottai for the year 2017-2018. Further, the Government in G.O.(Ms).No.996, Home (Courts-11) Department, dated 14.08.2018 have issued Notification for the said Courts. A copy of the said G.O., is respectfully submitted as Annexure-I to this report.

5. It is further submitted that the Special Court at Srivilliputhur in Virudhunagar District to try the cases filed under the SC/ST(Prevention of Atrocities) Act, 1989 was inaugurated on 24.04.2019. Readiness report has been called for from other three Districts viz., Dindigul, Ramanathapuram and Pudukkottai and the same is awaited.

6. It is further submitted that the Government in G.O.(Ms) No.1704, Home (Courts-11) Department, dated 03.10.2018 have accorded financial sanction for constitution of four Special Courts in the second phase one each at 1. Cuddalore, 2. Namakkal, 3. Theni and 4. Tiruvannamalai, for the year 2018-2019. A copy of the said G.O., is respectfully submitted as Annexure-I I to this report.

7. Draft Notification under Section 3-A of the Tamil Nadu Civil Courts Act, 1873 (Central Act III of 1873) for constitution of 4 Special Courts in Cuddalore, Namakkal, Theni and Tiruvannamalai Districts in the cadre of District Judge for exclusive trial of cases registered under the Scheduled Castes / Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been forwarded to the Government on 30.01.2019 and lastly reminded on 21.03.2019, and the same is awaited.

8. In respect of remaining 8 districts viz., Kancheepuram District at Chengalpattu, Perambalur, Tiruppur, Vellore, Tiruvarur, Thoothukudi, Kanniyakumari at Nagercoil and Coimbatore, accommodation report and statistical particulars were called for from the Principal District Judges concerned on 22.03.2019 and after receiving the particulars, based on the pendency of cases filed

under the SC/ST (Prevention of Atrocities) Act, 1989, proposal for constitution of four Special Courts in third phase for the year 2019 - 2020 has to be forwarded to the Government for issuing necessary orders."

5. Registrar General, High Court, Madras, has also filed a copy of G.O.(Ms.)No.996, Home (Courts II) Department, dated 14.08.2018, by which the Government have sanctioned constitution of four Special Courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, one each at Dindigul, Ramanathapuram, Srivilliputhur and Pudukkottai, in I Phase in the year 2017-18. Said Government Order reads as under.

ABSTRACT

Courts -Criminal - Constitution of 16 Special Courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in 4 phases from 2016-2017 to 2019-2020 and Financial sanction for constitution of 4 Courts in first phase for the year 2016-2017 - Orders - Issued - Notification - Orders - Issued.

Home (Courts-II) Departments

G.O. (Ms.) No.996

Dated: 14.08.2018

Read:

1. G.O.(Ms).No.334, Home (Courts-II) Department, dated: 06.04.2017.
2. From the Registrar General, High Court of Madras, Chennai letter hoc.No. 1061/A/2015/G4, dated 21.12.2017

ORDER:-

In the Government Order first read above, orders were issued for Administrative sanction for constitution of 16 Special Courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in 16 Districts In 4 phases from 2016-2017 to 2019-2020 and Financial sanction for constitution of 4 Courts in first phase at Dindigul, Ramanathapuram, Srivilliputhur in Virudhunagar District and Pudukkottai. Consequently, the Registrar General, High Court of Madras in his letter second read above has stated among others and requested the Government to issue necessary notification order for the Constitution of 4 Special Courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act, 1989 at Dindigul, Ramanathapuram, Srivilliputhur in Virudhunagar District and Pudukkottai and necessary amendments to the earlier Notification No.(1(2)/O/2422/97, dated 12th November 1997 published at page 685 of Part-II Section 2 of the Tamil Nadu Government Gazette, dated 3rd December 1997 and to cause the same published in the Tamil Nadu Government Gazette for constitution of the said Courts.

2. The Government after careful examination decided to accept the proposal of the Registrar General, High Court of Madras, Chennai, Accordingly, the following Notification will be published in the Tamil Nadu Government Gazette:-

NOTIFICATION-I

In exercise of the powers conferred by Section 3-A of the Tamil Nadu Civil Courts Act, 1873 (Central Act III of 1873), the Governor of Tamil Nadu hereby appoints one Additional District Judge to The District Court, Dindigul for the purpose of exclusive trial of cases registered under the Scheduled Castes / Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989) and also fixes the number of District Judge and Additional District Judges to be appointed to the said District Court as six with effect on and from the date on which the said Additional District Judge assumes charge of the said District Court.

NOTIFICATION-II

In exercise of the powers conferred by Section 3-A of the Tamil Nadu Civil Courts Act, 1873 (Central Act III of 1873), the Governor of Tamil Nadu hereby appoints one Additional District Judge to the District Court, Ramanathapuram for the purpose of exclusive trial of cases registered under the Scheduled Castes / Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989) and also fixes the number of District Judge and Additional District Judges to be appointed to the said District Court-as five with effect on and from the date on which the said Additional District Judge assumes charge of the said District Court.

NOTIFICATION- III

In exercise of the powers conferred by Section 3-A of the Tamil Nadu Civil Courts Act, 1873 (Central Act III of 1873), the Governor of Tamil Nadu hereby appoints one Additional District Judge to the District Court, Virudhunagar District at

Srivilliputhur for the purpose of exclusive trial of cases registered under the Scheduled Castes / Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989) and also fixes the number of District Judge and Additional District Judges to be appointed to the said District Court as five with effect on and from the date on which the said Additional District Judge assumes charge of the said District Court.

NOTIFICATION-IV

In exercise of the powers conferred by Section 3-A of the Tamil Nadu Civil Courts Act, 1873 (Central Act III of 1873), the Governor of Tamil Nadu hereby appoints one Additional District Judge to the District Court, Pudukkottai for the purpose of exclusive trial of cases registered under the Scheduled Castes / Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989) and also fixes the number of District Judge and Additional District Judges to be appointed to the said District Court as five with effect on and from the date on which the said Additional District Judge assumes charge of the said District Court.

NOTIFICATION-V.

In exercise of the powers conferred by Section 14 of Scheduled Castes / Schedule Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989), the Governor of Tamil Nadu, with the concurrence of the Chief Justice of the High Court, Chennai, hereby makes the following following amendments to the Home Departments' Notification No.II(2)/HO/2422/97, dated 12th November 1997 published at page 685 of Part-II Section 2 of the Tamil Nadu Government Gazette, dated 3rd December 1997, as subsequently amended:-

AMENDMENTS

In the said Notification, in the Table, in column (3)

(1) against serial number 23 in column (1) for the expression "Principal Sessions Court, Dindigul", the expression "V Additional Sessions Court, Dindigul" shall be substituted;

(2) against serial number 24 in column (1) for the expression "Principal Sessions Court, Ramanathapuram", the expression "IV Additional Sessions Court, Ramanathapuram" shall be substituted.

(3) against serial number 26 in column (1) for the expression "Principal Sessions Court, Virudhunagar", the expression "IV Additional Sessions

Court, Virudhunagar" shall be substituted; and

(4) against serial number 19 in column (1) for the expression "Principal Sessions Court, Pudukottai", the expression "IV Additional Sessions Court, Pudukottai" shall be substituted.

(BY ORDER OF THE GOVERNOR)

NIRANJAN MARDI

ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

6. Registrar General, High Court, Madras, has also filed a copy of G.O.(Ms.)No.1704, Home (Courts II) Department, dated 03.10.2018, by which the Government have sanctioned constitution of four Special Courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, one each at Cuddalore, Namakkal, Theni and Thiruvannamalai, in II Phase in the year 2018-19. Said Government Order reads as under:

ABSTRACT

Courts - Sanction for constitution of 4 Special Courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 one each at Cuddalore, Namakkal, Theni and Thiruvannamalai in second phase for the year 2018-2019 - Financial expenditure - Sanctioned - Orders - Issued.

Home (Courts II) Department

G.O. (Ms) No.1704

Dated: 03.10.2018

Read

1. G.O. (Ms)No.334, Home (Courts-I) Department, dated 06.04.2017.
2. From the Registrar General, High Court of Madras,
Chennai letter Roc.No.1061/A/2015/G4,
dated 22.06.2018.

ORDER:

In the Government Order first read above, administrative sanction for a sum of Rs. 12,88,98,720/- towards constitution of 16 Special Courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in 16 Districts (i.e. Dindigul, Ramanathapuram, Srivilliputhur in Virudhunagar District, Pudukkottai, Kancheepuram at Chengalpattu, Perambalur, Theni, Tiruppur, Tiruvannamalai, Vellore, Tiruvarur, Thoothukudi, Kanniyakumari, Coimbatore, Cuddalore and Namakkal) in four phases from the year 2016-2017 to 2019-2020 i.e., four courts in each phase.

The Government also accord financial sanction for a sum of Rs .3,22,24,680/ - towards the constitution of four Special Courts in first phase (i.e, Dindigul, Ramanathapuram, Sriviliiputhur in Virudhunagar District, Pudukkottai) in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The Registrar General , High Court of Madras, Chennai in his letter second read above has sent the proposal to Government for constitution of remaining 4 Special Courts one each at Cuddalore, Namakkal, Theni and Thiruvannamalai in the second phase for the year 2018-2019 from the proposed places in the G.O. first read above.

3. After detailed examination, the Government have decided to accept the proposal of the Registrar General , High Court of Madras and to accord financial sanction for a sum of Rs.4,45,48,992/ - (Rupees four crore, forty five lakh, forty eight thousand, nine hundred and ninety two only) towards the constitution of 4 Special Courts one each at Cuddalore, Namakkal, Theni and Thiruvannamalai with the following staff and other amenities in the second phase for the year 2018-2019.

(i) Staff:

SI. NO.	Name of the post	No. of post	Pay (in Rs.)
1	District and Sessions Judge	1	51550-1230-58930-1380-63070
2	Sheristadar	1	Minimum pay of Rs.37,700/- Level-20 (Rs.37700-119500)
3	Head Clerk	1	Minimum pay of Rs.36900/- Level - 18 (Rs . 36900-1 3 6600)
4	Assistant	1	Minimum pay of Rs.20600/- (Level - 10 (Rs.20600-65500))
5	Steno-Typist Grade-III	1	Minimum pay of R s . 20600/- (Level - 10 (Rs.20600-65500))

SI. NO.	Name of the post	No. of post	Pay (in Rs.)
6	Junior Assistant	2	Minimum pay of Rs. 19,500/- 1 Level - 8 (Rs.19500-62000)
7	Typist	1	Minimum pay of R s . 19500/- Level -8 (Rs. 19500-62000)
8	Record Clerk	1	Minimum pay of R s . 15,900/- Level - 2 (Rs.35900-50400) :
9	Office Assistant	3	Minimum pay of Rs.15,700/- Level - 1 (Rs. 15700-50000)
10	Masalchi	1	Minimum pay of Rs.15,700/- Level - 1 (Rs.15700-50000)
11	Watchman	1	Minimum pay of Rs.15,700/- Level - 1 (Rs.35700-50000)
	Total	14	

The approximate annual recurring expenditure towards salaries and other allowances for sanction of the above staff comes about Rs.97,94,628/- to each of the said 4 Special Courts.

(ii) Accommodation.-

The said four Special Courts shall be accommodated in a private rented building. The rent would be fixed by Public Works Department as per order in force.

(iii) Furniture:

Sanction of Rs.2,00,000/- towards the purchase of Furniture to each of the said four Special Courts.

(iv) Permanent Advance :

Sanction of Rs.1000/- towards Permanent Advance to

each of the said four Special Courts.

(v) Telephones:

Sanction is accorded for two telephones i.e. one at office with extension to the Judge's Chamber and the another at residence of the said Officer for each of the said four Special Courts at the rate of Rs.24,000/- per annum recurring and Rs.1000/- non-recurring (deposit)

(vi) Library Books:

The expenditure towards library books shall be met from the standing sanction for sub-ordinate courts. Sanction of Rs.50,000/- (non-recurring expenditure) for the purchase of Library books to each of the said four Special Court to meet the immediate requirement.

(vii) Compute with Accessories:

A sum of Rs. 1,00,000/- is sanctioned towards the purchase of two Computers and accessories to each of the said four Special Courts.

(viii) Car :

Sanction of Rs.8,50,000/- towards the purchase of a car to each of the said four Special Courts.

(ix) Photocopy Machine:

Sanction of Rs..1,2.1,000/- towards the purchase of Photocopy Machine to each of the said four Special Courts/

4. The Director of Stationery and Printing is directed to make free supply of six typewriters i.e. 3 with English Key Board and 3 Tamil Key Boards and also to make supply of Stationery Articles, Forms and Registers to the each of the said Four Special Courts at free of cost.

5. The expenditure sanctioned in para 3 above shall be debited to the following head of account:-

i) The salary and other eligible allowances of the incumbents of the sanctioned post shall be booked under the relevant detailed / sub detailed head under

"2014.00 - Administration of Justice - 108 - Criminal

Courts - State's Expenditure - AC Special Courts for

Protection of Civil Rights" (2014 00 108AC 0008)

(i i))	05 Office Expenses - 01 Telephone Charges" (DPC 2014 00 108 AC 0517)	-	Rs.	1,00,000/-
(i ii)	"05 Office Expenses - 02 Other Contingencies" (DPC 2014.00 108 AC 0526)	-	Rs.	4,000/-
(i v))	"05 Office Expenses 05 . Furniture" (DPC 2014 00 108 AC 0553)	-	Rs.	8,00,000/-
(v)	"21 Motor Vehicles -01. Purchase" (DPC 2014 00 108 AC 2113)	-	Rs.	34,00,000/-
(v i))	"76 Computer and Accessories -0.1. Purchase " (DPC 2014 00 108 AC 7618)	-	Rs.	4,00,000/-
(v ii)	"19. Machinery and Equipments -01 . Purchase (DPC 2014 00 108 AC 1918)	-	Rs.	4,84,000/-
(v ii i))	"68. Cost of Books/Note Books/Slates etc.," (DPC 2014 00 108 AC 6806)	-	Rs.	2,00,000/-

6. Necessary funds will be provided in Revised Estimate / Final Modified Appropriation 2018-2019. Pending provision of such funds, the Registrar General , High Court of Madras is authorized to draw and disburse the amount sanctioned in para 3 above. However, the above expenditure shall be brought to the notice of the Legislative Assembly by specific inclusion in Supplementary Estimate. The Registrar General , High Court of Madras is also requested to send necessary draft explanatory notes to the Government in Finance (BG- I/Home- I I) Department for the specific inclusion of the above expenditure in the Supplementary Estimates/ Revised Estimate / Final Modified Appropriation for the year 2018-2019 at an appropriate time without fail.

7. The Registrar General, High Court of Madras is requested to send necessary draft notification to the Government so as to cause the same published in the Tamil Nadu Government Gazette for the constitution of the said four Special courts.

8. The Registrar General, High Court of Madras is also requested to send proposal for the third phase after the second phase courts are constituted and started functioning.

9. This order issues with the concurrence of Finance Department vide its C.No.43046/Home-II/2018 dated 24.09.2018 and U.O.No.49899/CMPC/2018 dated 27.09.2018 and with ASL No.1354 (One Thousand Three hundred and fifty four)

(BY ORDER OF THE GOVERNOR)

NIRANJAN MARDI

ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

7. Vide G.O.(Ms).No.1704, Home (Courts II) Department, dated 03.10.2018, Government have accorded sanction for financial expenditure.

8. Reading of the G.O.(Ms.) No.334, Home (Courts II) Department dated 06.04.2017, makes it clear that while issuing the abovesaid government order, Government have accepted the proposal of Registrar General, High Court, Madras to accord sanction for constitution of 16 Special Courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in 16 Districts in four phases from the year 2016-17 to 2019-20 i.e. four Courts, in each phase.

9. Insofar as Dindigul, Ramanathapuram, Srivilliputhur and Pudukottai Districts, Government have accorded financial sanction of Rs.3,22,24,680/- towards the constitution of four Courts in the said Districts.

10. Government have issued amendments to G.O.(Ms)No.996, Home (Courts II) Department dated 14.08.2018, and the same is reproduced.

AMENDMENTS

In the said Notification, in the Table, in column (3)

(1) against serial number 23 in column (1) for the expression "Principal Sessions Court, Dindigul", the expression "V Additional Sessions Court, Dindigul" shall be substituted;

(2) against serial number 24 in column (1) for the expression "Principal Sessions Court, Ramanathapuram", the expression "IV Additional Sessions Court, Ramanathapuram" shall be substituted.

(3) against serial number 26 in column (1) for the expression "Principal Sessions Court.

Virudhunagar", the expression "IV Additional Sessions Court, Virudhunagar" shall be substituted; and

(4) against serial number 19 in column (1) for the expression "Principal Sessions Court, Pudukottai", the expression "IV Additional Sessions Court, Pudukottai" shall be substituted.

11. Insofar as according financial sanction for the remaining 12 courts, as assured earlier, Government have issued G.O.(Ms.) No.1704, Home (Courts II) Department dated 03.10.2018, according sanction for constitution of four Special Courts at Cuddalore, Namakkal, Theni and Thiruvannamalai, with infrastructure and other facilities.

12. The Registrar General, High Court, Madras, in his status report dated 25.04.2019 has stated that draft notification under Section 3-A of the Tamil Nadu Civil Courts Act, 1873 (Central Act III of 1873) for constitution of 4 Special Courts in Cuddalore, Namakkal, Theni and Thiruvannamalai District in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been forwarded to the Government on 30.01.2019 and lastly reminded on 21.03.2019.

13. For the remaining eight Districts viz., Kancheepuram District @ Chengalpattu, Perambalur, Tiruppur, Vellore, Tiruvarur, Thoothukudi, Kanniyakumari @ Nagercoil and Coimbatore, accommodation report and statistical particulars have been called for from the Principal District Judges concerned on 22.03.2019 and on receiving the information and based on the pendency of cases filed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 proposal of constitution of the four courts in the year 2019-20, would be forwarded to the Government for issuing necessary orders.

14. Reading of G.O.(Ms.) No.334, Home (Courts II) Department dated 06.04.2017, makes it clear that Government have issued orders for constitution of 16 Special Courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Registrar General, High Court Madras has taken steps and Government have issued orders sanctioning four more courts in the year 2018-19. Steps are being taken by the Registrar General, High Court, Madras for obtaining accommodation report and statistical particulars from the Principal District Judges. He has further stated that, the same would be forwarded to the Government. Government have never agreed to constitute all the 16 courts in one year. Government have decided to accept the proposal of the Registrar General, High Court Madras to constitute courts in a

phased manner. We are in 2019. Constitution of Courts, has to be done in a phased manner, i.e. till 2019-20. For the petitioner's query dated 21.09.2017, Registrar (Administration) / PIO, High Court, Madras has sent a reply dated 19.12.2017 and the same is hereunder.

"Sir,

Sub: Application under the Right to Information Act, 2005 -
Furnishing of Information - Reply - Reg.

Ref: Your R.T.I. Application dated 21.09.2017 forwarded by the
PIO/U.S. to Government, Home (Cts-II) Dept. Secretariat,
Chennai, vide letter No.71657/Court-II/2017-2 dt.27/10/2017 and received by the Registry on 01/11/2017.

With reference to the Application cited above, you are informed as follows:

Query No.3 and 8: The High Court in the letter in ROC No.1061/A/2015/G4, dated 01/10/2015 has addressed the Government for the constitution of 16 Special Courts to deal with the cases filed under SC/ST(POA) Act, 1989, one each at 1.Dindigul, 2. Kancheepuram at Chengalpattu, 3. 3. Perambalur, 4. Pudukkottai, 5. Ramanathapuram, 6.Theni, 7. Tiruppur, 8. Tiruvannamalai, 9. Vellor, 10. Tiruvarur, 11. Thoothukudi, 12. Kanniyakumari, 13. Coimbatore, 14. Cuddalore, 15. Namakkal and 16. Birudhunagar District at Srivilliputhur (copy enclosed).

Query No.4: The Government in G.O.(Ms.) No.334, Home (Courts-II) Department, dated 06/04/2017 has accorded administrative sanction for the constitution of 16 Special Courts in the cadre of District Judge for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in 16 Districts in 4 phases from 2016-2017 to 2019-2020 and Financial sanction for constitution of 4 Courts in the first phase, at Dindigul, Ramanathapuram, Srivilliputhur in Virudhunagar District and Pudukkottai (Copy enclosed) and necessary notification for constitution of the said Courts are awaited from the Subordinate Courts."

15. From the status report of the Registrar General, High Court, Madras, it could be deduced that readiness report is yet

to be furnished by three Districts viz., Dindigul, Ramanathapuram and Pudukottai. Registrar General, High Court, Madras is directed to expedite the receipt of the reports from the above Districts and take steps to make the Courts functional, as per G.O.(Ms.) No.334, Home (Courts II) Department dated 06.04.2017.

16. Writ petition is disposed of, accordingly. No Costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ars/dm

To

1. The Principal Secretary to Government,
Home Department,
Secretariat, Chennai - 600 009.

2. The Registrar General,
Madras High Court,
Chennai - 600 104.

Copy To:

1. The Principal District Judge,
Dindigul District.
2. The Principal District Judge,
Ramanathapuram District.
3. The Principal District Judge,
Pudukottai district.

+1 cc to M/s.J.Saravana Vel, Advocate, Sr.No. 40467

W.P.No.11392 of 2019

CNR (CO)
CSL/29.04.2019

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