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W.P.No.16111 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16111 of 2017

Mr.Nagappan

...Petitioner

Vs.

1.State represented by
Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai.

2.Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai.

3.Secretary,
Adi Dravidar & Tribal Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai.

4.Additional Director General of Police,
(Social Justice and Human Rights)
Chennai.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to implement the recommendations of the study report of the three member committee



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constituted by the National Commission of Scheduled Castes in relation to the individuals belonging to the Kuravar Community within a stipulated period.

For Petitioner : Ms.K.Nithyashree

For Respondents : Mr.S.Ravichandran
Additional Government Pleader

ORDER

The writ on hand has been instituted to direct the respondents to implement the recommendations of the study report of the three member committee constituted by the National Commission for Scheduled Castes (NCSC) in relation to the individuals belonging to the Kuravar Community within a stipulated period.

2. The writ petitioner states that he belonged to Kuravan (Scheduled Caste) Community. The grievance of the writ petitioner is that he is one of the victims, who suffered on account of the Police atrocities against the Kuravan Community in the State of Tamil Nadu. The community people of the writ petitioner have been denied their right even to avail the Government welfare schemes. Several representations were submitted and the National Commission for Scheduled Castes (NCSC) constituted a three



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member committee to consider the issues and submit a report. Though the

Committee had elaborately considered the issues and submitted a detailed report in the year 2015, the State Government has not implemented the same for the past about 8 years. The compensation are yet to be paid to the victims, who suffered from Police atrocities and other relief(s) recommended were also not granted. Thus, the petitioner is constrained to move the present writ petition.

3. The learned counsel for the petitioner strenuously contended that the welfare schemes are not extended to the petitioner and their community people. The recommendations made by the three member committee appointed by the National Commission for Scheduled Castes (NCSC) has also not been implemented so far.

4. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents relying on the status report filed by the respondents 1 and 3, made a submission that the general recommendations of Study Committee relates to provide justice, monetary relief, compensation and rehabilitation measures, provision of health services and treatment to the members of Kuravan Community besides quality education



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to the children at free of costs, residential schools and hostel facilities. With regard to initiation of judicial proceedings against police personnels, such acts of torture and foisting of false cases were reviewed seriously and all necessary actions are being taken by the competent authorities. If those allegations are found true, then actions will be initiated against the authorities concerned. The general recommendations also includes recommendation to the National Commission for Scheduled Castes on various aspects, touching upon action taken in respect of false cases, issuance of Community Certificates to the children of Kuravan Community, besides provision of basic amenities to the Kuravan Community habitations, issuance of Patta, Burial Ground, etc., With regard to general recommendations, “J” and “L”, necessary instructions have been issued to the Home Department and DGP vide letter No.13365/PA(2)/2017 dated 03.03.2023.

5. It is a continuous process, which are being done regularly by the competent authorities with regard to the issuance of Scheduled Caste (SC) Community certificate to the children of Kuravan Community people. Providing basic amenities, issuance of home/land patta, burial ground, etc., are to be issued by following the due process.



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6. The learned Additional Government Pleader appearing on behalf of the respondents reiterated that effective steps are being taken to redress the grievances of Kuravan community people at large and therefore, the writ petition is to be rejected.

7. It is further contended that several NGO's are also working on these aspects to improve the lifestyle of Kuravan community people across the State of Tamil Nadu. They are working in co-ordination with the Government authorities and by conducting awareness programmes.

8. However, the learned counsel for the petitioner denies the same by stating that such programmes are not conducted frequently and merely conducting such awareness programmes are insufficient and unless it is effective, it may not be of much use to the people of Kuravan community people.

9. The learned counsel for the petitioner states that the people of Kuravan community are being harassed frequently by the Police authorities and false cases are being registered and they have no Identity cards



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including Aadhar card, Family Ration Card etc., and thus, they are not in a position even to get bail from the Courts, if any case is registered against them. All such difficulties faced by the Kuravan community people must be looked into by the competent authority for redressing their grievances. In the event of false cases registered against the Kuravan community people by the police, they are unable to defend their case and such right being a basic right, police authorities are bound to train the Station authorities to ensure that such false cases are not registered against the Kuravan community people. In the event of any complaint, all necessary verifications or investigations are to be done for initiating further action.

10. As far as the welfare schemes are concerned, the Government has already taken effective steps to implement the recommendations of the three member committee, appointed by the National Commission for Scheduled Castes (NCSC) and such implementations are to be done systematically and effectively, so as to ensure that the Kuravan community people are also treated equally and not discriminated in the matter of implementation of public welfare schemes by the State.



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11. These people must be brought into the mainstream society and the educational facilities to the children of the Kuravan community must be arranged by the State through the District Officers at free of cost. When several welfare schemes in the Education Department are being implemented, the District Educational Officers are also duty bound to create awareness programmes amongst the Kuravan Community people and ensure that those children are also admitted in Schools for the purpose of getting better education.

12. In view of the fact that the Government filed a Status report, stating that steps are taken to implement the recommendations of three member committee appointed by the National Commission for Scheduled Castes (NCSC), it is suffice if the following directions are issued to the respondents:

(1) The respondents 1 to 3 are directed to issue Circular to all the District Adi-Dravidar Welfare officers to create awareness programmess periodically and ensure that the children of the Kuravan community are admitted in Government schools or in any other Schools for continuing their education on par with the other children.



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(2) The respondents 1 to 3 are directed to ensure that the Community Certificate for SC/ST are issued by conducting an appropriate enquiry and by following the Government guidelines and issue such certificates to the eligible Kuravan community persons, enabling them to avail all Government welfare benefits in force.

(3) The respondents 1 to 3 are directed to implement the Housing schemes to the Kuravan community as expeditiously as possible, enabling them to secure residence certificate and other relevant certificates including Aadhar Card, Family Ration Card etc., enabling them to join with the main stream society and by following the seniority and rules in force.

(4) The 4th respondent is directed to issue Circular to all the police authorities to ensure that the cases are registered only after conducting proper investigations or enquiry in order to avoid registering of false cases by any of the police authorities across the State of Tamil Nadu. Police personnels working across the State of Tamil Nadu are to be sensitized



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with reference to the Kuravan Community people and all appropriate care is to be taken to avoid foisting false cases against the Kuravan community people.

13. With these directions, the writ petition stands disposed of. No costs.

23.03.2023

Index : Yes
Speaking order
Neutral Citation: Yes

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To

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai.
2. The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai.
3. The Secretary,
Adi Dravidar & Tribal Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai.
4. The Additional Director General of Police,
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S.M.SUBRAMANIAM, J.

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