

**SC/ST (POA) ACT 1989**

# **A STRUGGLE FOR REGISTRATION OF AN FIR**

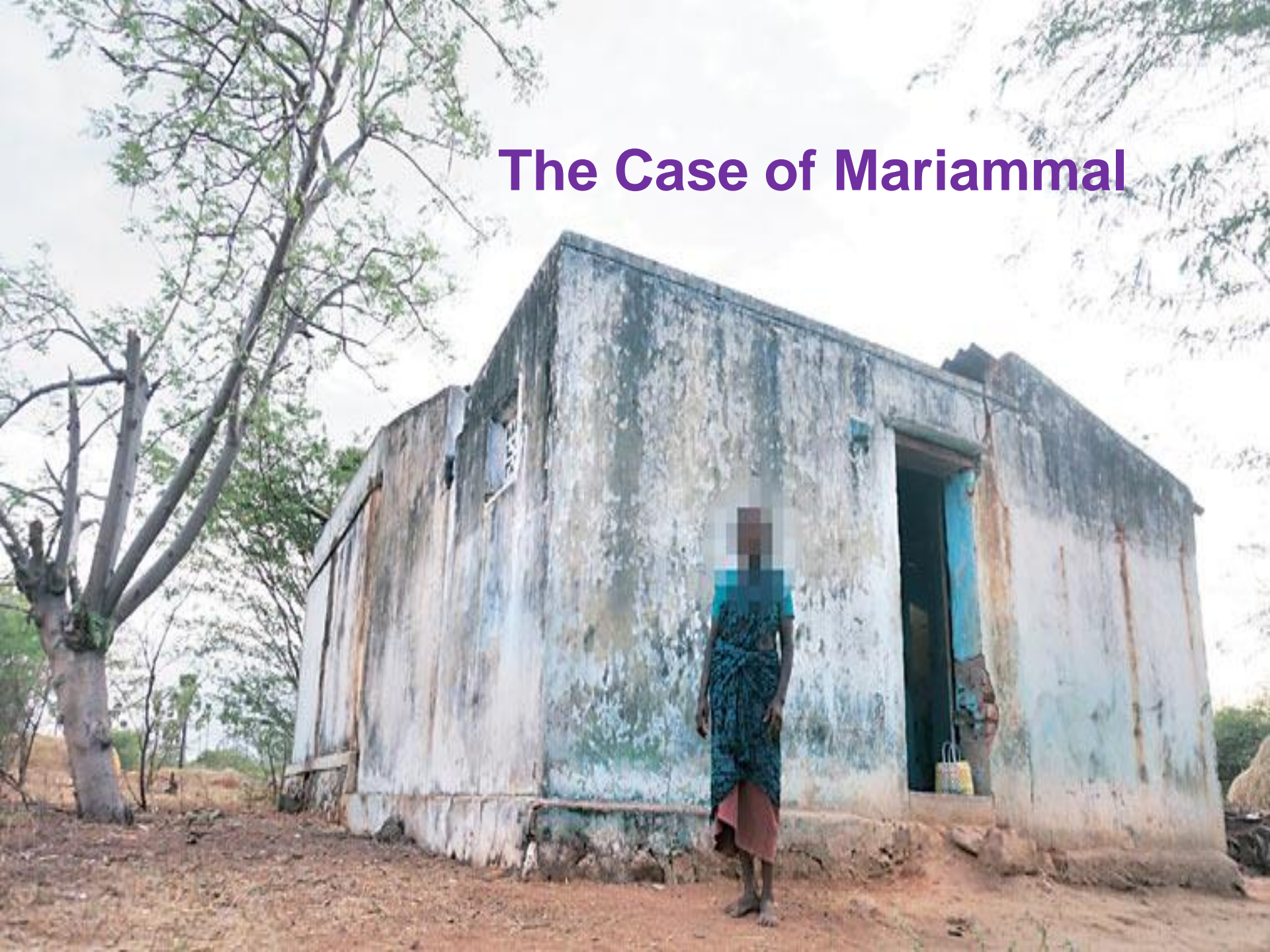


**TAMIL NADU**

**TIRUNELVELI  
DISTRICT**

**Justice  
K.Chandru**

# The Case of Mariammal



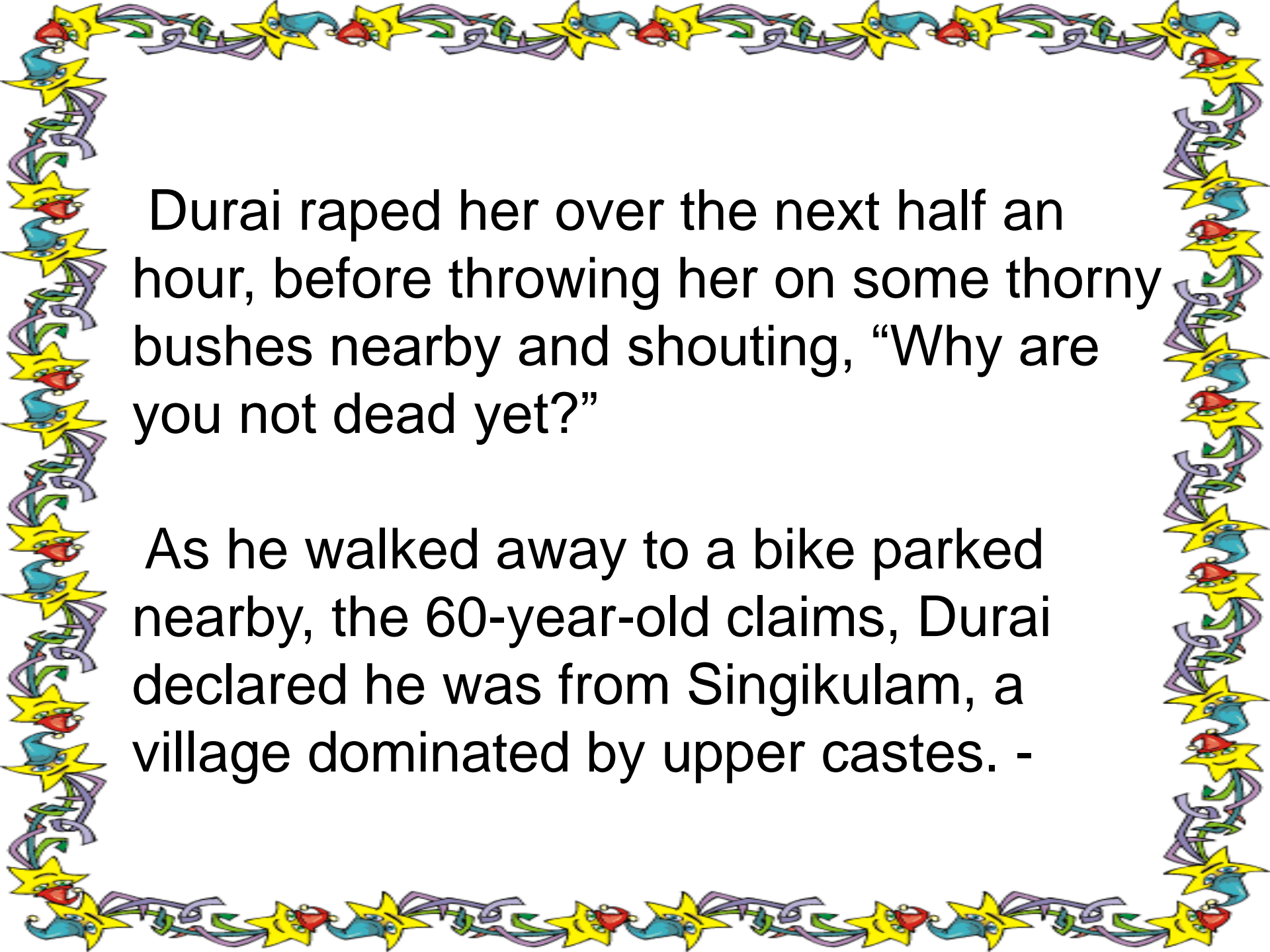
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- The 60-year-old lives alone in her single-room thatched house, which is located a little distance from the others.
  - Her husband died long ago, while her son lives in Tirunelveli town with his family. Only a few homes have power in the village, and hers is not one of them.

“it was the day after I had voted in the elections that brought (Narendra) Modi to power (April 25, 2014)”

The 27-year-old, an alleged local sand mafia leader entered her house in the Dalit hamlet of Alangulam, about 20 km from Tirunelveli town, dragged her out, and raped and beat her up.

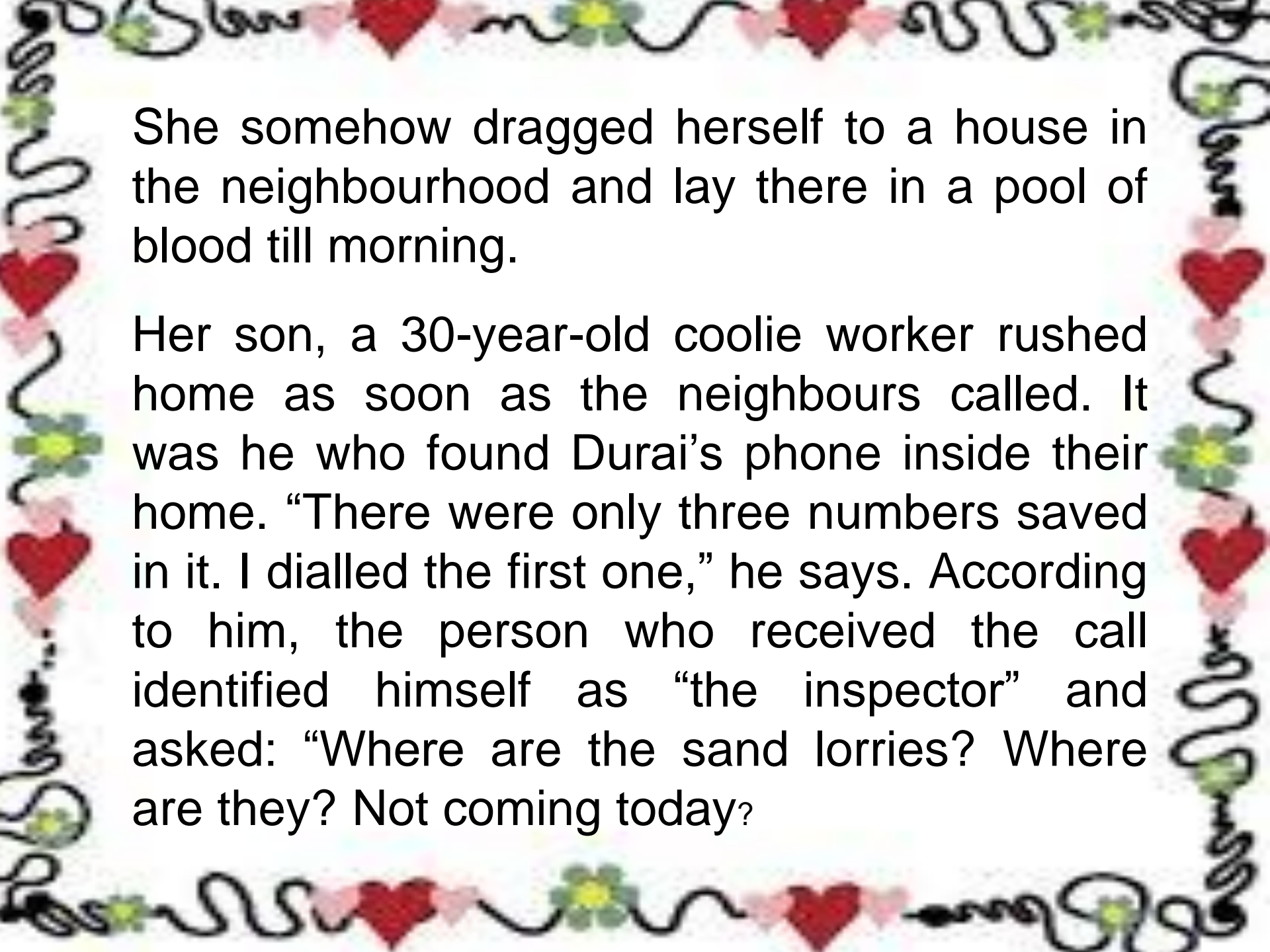
## 24.4.2014

- On that day night, Durai entered through the backdoor. “The door is nothing but a tin sheet propped up against the opening,” she says.
- “For the first few minutes, I was too dazed to know what was happening.
- When he began beating me, I tried to resist. I remember grabbing his cellphone and throwing it away. I also bit his hand hard,” she says. “Then he threw me outside the house and stripped me.”



Durai raped her over the next half an hour, before throwing her on some thorny bushes nearby and shouting, “Why are you not dead yet?”

As he walked away to a bike parked nearby, the 60-year-old claims, Durai declared he was from Singikulam, a village dominated by upper castes. -

A decorative border surrounds the text, featuring a repeating pattern of black wavy lines, red hearts, and green flowers with yellow centers.

She somehow dragged herself to a house in the neighbourhood and lay there in a pool of blood till morning.

Her son, a 30-year-old coolie worker rushed home as soon as the neighbours called. It was he who found Durai's phone inside their home. "There were only three numbers saved in it. I dialled the first one," he says. According to him, the person who received the call identified himself as "the inspector" and asked: "Where are the sand lorries? Where are they? Not coming today?"

**They believe the person at the other end was Mohammad Iqbal, the Special Sub-Inspector at the Muneerpallam police station, whom they would approach soon after to get their rape complaint registered.**



The son says when they went to the police station, Iqbal registered the case under the Tamil Nadu Protection of Women Harassment Act instead of the SC/ST Prevention of Atrocities Act, 1989. The SC/ST Act provides for enhanced punishment for atrocities committed on SCs, STs.

## FIR 1

FIR No.150/2014 dated 25.4.2014

Case registered under Sections 448, 323  
IPC r/w Section 4 of T. N Prohibition of  
Harassment of Women Act, 1998

(complaint was allegedly received from  
Maryammal (a Christian name) and not  
Mariammal ( a Hindu name)

A decorative border with colorful floral and scrollwork patterns in shades of blue, green, yellow, and red, framing the central text.

FIR Altered (first time)

Section 377 IPC was added  
(28.4.2014)

**FIR Altered (second time)**

**Section 376(1) was added instead of  
377 IPC  
(7.5.2014)**

She gives a complaint to District Collector who in turn orders the Sub Collector to enquire. On enquiry, it was found Mariammal belong to Hindu Pallar community which is a Scheduled Caste under the presidential order.



**FIR Altered (third time)**

**Section 3(2)(v) of the SC/ST  
POA Act was added**

# What about the role of Govt. Officials who gave false Community Certificate?

1. Village Administrative Officer
2. Firka Revenue Inspector
3. Zonal Deputy Tahsildar



## Section 4 of POA Act :

**Punishment for neglect of duties** : Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, willfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

# Where is the Interim Compensation?

## Annexure I under Rule 12 (4)

Committing offences under the Indian Penal Code punishable with imprisonment for a term of 10 years or more [Section 3(2)]

Atleast Rs.1,20,000/- depending upon the nature and gravity of the offence to each victim and or his/her dependants.



**Other atrocities in respect of personal lives of people committed by brutal, feudal minded persons deserve harsh punishment. Only in this way can we stamp out such acts of barbarism and feudal mentality.”**





- “we direct the administrative and police officials to take strong measures to prevent such atrocious acts. If any such incidents happen, apart from instituting criminal proceedings against those responsible for such atrocities, the State Government is directed to immediately suspend the District Magistrate/Collector and SSP/SPs of the district as well as other officials concerned and

- chargesheet them and proceed against them departmentally if they do not (1) prevent the incident if it has not already occurred but they have knowledge of it in advance, or (2) if it has occurred, they do not promptly apprehend the culprits and others involved and institute criminal proceedings against them, as in our opinion they will be deemed to be directly or indirectly accountable in this connection.”

**Arumugam Servai Vs.State of Tamil Nadu**

**2011 (6) SCC 405**



“We, therefore, direct the administration/police authorities throughout the country will see to -----  
----- any one who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law.”

**Lata Singh Vs. State of U.P. 2006 (5) SCC 475**



**Mariamammal waits for Justice even after  
two years have gone by.....**

## **Babasaheb Dr.Ambedkar said:**

It must be recognized that the Hindus observe caste not because they are deeply religious.

People are not wrong in observing caste. In my view, what is wrong is their religion, which has inculcated this notion of caste. If this is correct, then obviously the enemy, you must grapple with is not the people who observe caste, but the Shastras which teach them this religion of caste.

taken from Annihilation of Caste



**Life should be great rather than long.  
B. R. Ambedkar**