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**C.K. Mathew** IAS (Retd)  
Former Chief Secretary  
Government of Rajasthan

#302, Crown Cypress Apartments,  
324, 5th Main, Koramangala 1st Block,  
Date 1 August 2018  
Bangalore - 560034.

Dear Shri Ambuj Sharma

I am attaching my report for the month of July 2018. There were two trips in this month: one, to Delhi NHRC office to attend the session with all Special Rapporteurs in the presence of the full Commission; and two, my trip to Telengana as approved by the NHRC. A detailed report attached may be perused for a summary of the discussion.

I am attaching a copy of my presentation made before the Commission for ready reference.

The main takeaways from my visit to Telengana are as follows:

- a. The system of She-teams in practice in Telengana District is a very important innovative measure to protect women from harassment and molestation. The scheme has been quite successful and can be emulated in other states. I am attaching a note on the same.
- b. In the same way, a one stop centre called Bharosa put into effect in Hyderabad to deal with cases of rape, domestic violence and child crimes is also a very significant step where all the required personnel are available, including police, doctors, magistrates, counselors etc. This is also a measure that can be replicated in other states. A note is attached
- c. The Anand hostel started and implemented by the Prison Department of the state for the rehabilitation of beggars is also a significant measure to provide some basis human rights to these neglected members of society. Note attached.

These are some measures that the NHRC may like to consider as best practices that can be put into place in other states as well.

Yours sincerely,

  
(Dr C.K.Mathew)

356/2017

Shri Ambuj Sharma IAS  
Secretary General  
National Human Rights Commission  
Manav Adhikar Bhawan  
Block C, GPO Complex, INA  
New Delhi 110023

**Tour Diary of Dr CK Mathew IAS (retd) Special Rapporteur South Zone NHRC**

**July 2018**

Date	Purpose	Description of work done
1 July 2018	To attend meeting of Special Rapporteurs at NHRC	Left Bangalore by Flight AI 503 at 1630 hrs to attend the meeting scheduled for 2 July 2018. Reached Delhi in the evening at stayed at Rajasthan House for the night
2 July 2018		<p>Under the Chairmanship of Hon'ble Justice Shri H.L. Dattu and in the presence of all the Members of the Commission, the Secretary General and the senior officers of the Commission, I made a presentation (copy attached) of the main issues regarding identification of significant and long standing human rights in the four states visited by me till now, namely Tamil Nadu, Kerala, Karnataka and Andhra Pradesh. The main areas studied pertain to manual scavenging, mental health and POCSO cases.</p> <p>A: Tamil Nadu has reported the highest number of deaths of manual scavenging and there is a need to carry out a more detailed study in the matter. A workshop is proposed to be held at Hyderabad in this regard. There is discrepancy in the numbers of deaths of scavengers being reported by official circles as also by other sources. There is a need to involve NGOs in the identification as well as rehabilitation of the scavengers. Mechanisation and safety gear has to be provided to the scavengers. All stakeholders have to be brought together in common discussions so as to find a permanent solution to end this malaise.</p> <p>B: I also mentioned about the interest shown by the Chief Secretary Tamil Nadu to conduct a seminar or workshop in the matter of mental health. I also pointed out that Kerala is also significant in this regard due to the high number of suicides in the</p>

		<p>state. The fact that there are many suicide cases of younger people is also a matter of concern. Some measures can be taken such as organizing help lines, introducing the subject in academic curriculum, involving the community etc</p> <p>C: Domestic violence in Kerala is of a high order with about 51% crimes being registered against women.</p> <p>D: There is also a significant issue of forced beggary by children categoriz by large gangs across the country. There is no concerted action by the State Governments in this regard.</p> <p>E: The decline in the sex ratio in Lakshwadeeep is also a matter of concern. It was though that a national status paper could be prepared by NHRC in this regard.</p>
2.7.2018	Return journey	The flight back to Bangalore was delayed. Instead of 2030 in the evening, it actually left at about 2330 and reached well beyond midnight as a result of which I could reach back home only at about 0230 in the early morning of 3 June 2018.
25.7.2018	Visit to Telengana state to study significant human rights issues	I left Bangalore by flight AI 977 at 1700 on 25 July 2017 and reached Hyderabad at 1800 hours. I halted the night at Hotel Plaza as arranged by the Telengana Government.
26.7.2018	Meetings held	<p><b>Shri SK Joshi Chief Secretary, Telengana</b></p> <p>Shri Joshi talked about some of the issues related to human rights that he was concerned of. He first mentioned about <b>beggars and street children</b> who are seen in Railway Stations and near cross roads who are resorting to such a life out of deprivation. The state governments need to do some welfare measures so as to take care of these poorest of the poor.</p> <p>He also reflected about incidents in the state where the role of <b>Naxalites and extremists</b> disrupt normal life. There are incidents of encounters with them where human rights are involved.</p>

	<p>He also felt that the arrangements currently in place for looking after <b>neglected and abandoned women and children</b> who are sent to remand homes and orphanages are most inadequate and that even the state is unable to take proper corrective action in this regard.</p> <p>There have been also some cases of <b>custodial deaths</b> which must be regarded as serious violation of human rights. Although the state is taking care of such cases, there is much more that is required to be done.</p> <p>He drew attention to the steps taken in some municipal bodies of the state where the sanitation staff and <b>manual scavengers</b> have been provided with mechanized equipment to clean out the sewers and to reduce the nature of their unclean occupations. About 120 such machines have been provided, The workers are able to use the machine and make some earning from the same.</p> <p>There are some issues related to the livelihood and way of life of <b>Minorities</b> especially the Muslims and the state is required to take positive action so as to improve the quality of their lives. In Hyderabad their population is about 40% and for the state as a whole is about 18%. There is migration of Muslims from other parts of the country and even from outside (eg the Rohingyas) who come to Hyderabad and other parts of the state for seeking security and shelter.</p> <p>He also added that the provisions of the SC/ST Prevention of Atrocities Act is required to be monitored very closely as there are instances when the law is misused for the purposes of harassment of the other communities.</p> <p>He stressed the matter of the statute passed for <b>SC/ST Component Plan</b> where about 25% of the state budget is reserved for welfare programme of the SC and the ST. The specialized departments for this purpose are implementing this</p>
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scheme though the utilization percentage is required to be improved. At present it is only about 30-40%.

**Shri Buddha Prakash Jyoti, Secretary, Scheduled caste Development Department.**

This department is mainly looking after welfare programmes of the Scheduled caste through its agencies namely the Scheduled Caste Development Corporation, the Residential school society, and the Prevention of Atrocities and Civil Rights Cell. The following points were discussed:

There are about 1500 cases registered under the SC/ST Prevention of Atrocities Act. The percentage of conviction is only 6.7%. This is certainly low, but it may be kept in mind that the general rate of conviction in the state is about 10% only.

The financial provisions of the SC Component Plan in a yearw is about RS 16000 crores. The state has 4ategorized four modes of expenditure. A. where the expenditure is made entirely on SC community; B: where at least 40% or more of the beneficiaries are SC; C: where the expenditure is allocated on the basis of the actual percentage of SCs benefitted; and D: where the expenditure is indivisible.

In the various Education schemes, the Department is spending over Rs 1200 crores by way of residential schools, and scholarships.

**Shri Vinay Kumar Singh, DG Prisons**

The position of accommodation of prisoners in the state is comfortable when compared to other states. Against a capacity of about 7200 prisoners, the state has only about 5400 prisoners.

Shri Singh drew attention to a unique scheme run by the Department for the rehabilitation of beggars. It has been estimated that there are about 14,000 beggars in the state. The Department is running a hostel called Anand where beggars are

		<p>identified and brought to the hostel where they are cleaned, and given fresh clothing with three meals a day. Most of the beggars are persuaded to go back to their homes from where they have become alienated in the course of the years. Some of them stay on for a longer time. They are given some basic skills to help them start some trade or employment in case they wish to do so. Many of them suffer from diseases for which they are treated. Quite a few are psychologically unwell. The Government has announced a scheme of reward of Rs 1000 to the person who identifies a beggar and brings him to the hostel. There are also volunteers who assist the department in identifying the beggars and looking after them in the hostel. I got an opportunity to visit the Anand hostel and see the manner in which the beggars are looked after. I would recommend that this may be suggested to other state as well. A copy of the booklet regarding the scheme is attached.</p> <p>Shri Singh also suggested that the NHRC may also be requested to see whether those of the prisoners who are undergoing life imprisonment can be considered for release after a minimum period of say, 14 years. There are many prisoners who have undergone sentence for 25-30 years, are old and infirm and can be released as they are no longer a threat to society. This will help in reducing congestion in prisons and also give these persons some respite at the fag end of their lives.</p> <p>He also pointed out by way of information that even though there are video-conferencing facilities in the jails, not many Magistrates are actually using these facilities.</p>
27.7.20 18	Meetings continue	<p><b>Mahendra Reddy DGP, Telengana</b> <b>R Trivedi, Principal Secretary, Home</b></p> <p>The total force strength is 57,000 constables. A meeting with the senior officers of the DGP office was held. Two presentations were made about the innovative measures taken</p>

	<p>by the police of Telengana. The DGP explained that there are four abiding principles for the police of the state:</p> <ul style="list-style-type: none"> <li>• Hassle free life for the citizens</li> <li>• Dignity of the individual</li> <li>• Reliability and consistency across all police stations</li> <li>• Problems of the various segments of society are addressed</li> </ul> <p>Some of the innovative measures include:</p> <p><b>Creation of 100 She-teams</b> of five members each to address problems related to eve-teasing, molestation etc. These teams move about incognito and with hidden cameras so as to actually record the activities of such people. In view of recorded evidence, the cases are quickly decided: parents of the young offenders are also called so that there is parental pressure on the conduct of such persons.</p> <p><b>Bharosa:</b> One stop centre to deal with cases of rape, domestic violence and offences against children, with all facilities including doctor, presence of magistrate through video-conferencing for recording statement under Section 164 etc.</p> <p><b>Hawk eye app</b> for mobiles to assist women in times of distress: about 3.5 lakh women are using this app which enables instant message to the police station and quick response by the police.</p> <p><b>Job-connect</b> that enables unemployed persons to connect with potential employers</p> <p>All the activities of the police station are distributed between <b>17 verticals</b> for easy job definition, clarity of responsibility and accountability</p> <p><b>CCTV cameras:</b> a large net work of CTV cameras is installed in the city. An Act (AP Public safety (Measures) Enforcement Act -2013 was passed to enable such systems to be set up and maintained by commercial establishments (where more than 100 people are likely to gather). The entire city is under</p>
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		<p>surveillance and this is very effective for crime detection and control.</p> <p>The state has established a state of the art <b>child friendly court</b> to cater to the requirements of cases where children are involved, especially the POCSO cases.</p> <p>A Command and Control Centre is being established for integration of all activities pertaining to police and associated departments so as to ensure better coordination and promote efficiency.</p> <p>One of the important problems that the DGP mentioned is the extreme shortage of prosecution staff to expedite court activities in criminal cases.</p> <p>He also made a plea that the NHRC may be informed that the many complaints sent by NGOs and other affiliated organizations about human rights violation in matters regarding left wing extremists and Islamic terrorists should be examined in the right context.</p> <p><b>Mr D Subramanyam, Secretary, State Human Rights Commission.</b></p> <p>Mr Subramanyam mentioned that there is no Chairman or members for the Commission since the last two years. He is exercising judicial powers on his own so as to give relief to the public. There are some 6000 cases pending and the disposal is about 500 per month. The main kind of issues that the SHRC entertains are:</p> <ol style="list-style-type: none"><li>a. Inaction by the police and delay in registration of FIRs.</li><li>b. Interference by police officers in civil matters, especially real estate matters, with ulterior motives.</li><li>c. Matters related to revenue land survey /measurement, boundary disputes etc.</li><li>d. disputes between husband and wife in domestic matters</li><li>e. matters related to environmental violations</li></ol>
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		<p>f. matters relate to abandoned children in railway stations / bus-stands etc.</p> <p>g. complaints about lack of sanitation in hospitals, etc</p> <p>Some of the problems he raised pertain to delay or lack of response by the District Collectors to complaints forwarded by the SHRC. There are also cases where compliance of orders issued by the SHRC is not being carried out.</p> <p>He also felt the need to carry out studies through resource personnel from Universities on particular problems on which the SHRC feels the need for greater clarity.</p> <p>He also requested for the assistance of the NHRC to conduct one day workshops on issues related to the following sectors:</p> <ul style="list-style-type: none"> <li>a. Medical and Health</li> <li>b. Municipal matters</li> <li>c. Women and Child issues</li> </ul> <p>He also drew my attention to fake bodies who get themselves registered as societies bearing the name of Human Rights so as to deceive people and take advantage of them.</p> <p><b>Dr Errolla Srinivas, Chairman State Commission for SCs and STs; and Shri BR Meena Special Chief Secretary and Secretary, State Commission for SCs and STs</b></p> <p>The Commission was constituted in 2002, but there was no appointment of Chairman or members between the period 2009 to 2018. It was only recently in January 2018 that the Commission was reconstituted. Thus the work of the Commission is yet to start in full earnest. Its function is to safeguard the interests of the SCs and STs in the state through the implementation of the Protection of Civil Rights Act and the Prevention of Atrocities Act. The Commission has started to hold meetings with the District Collectors and SPs in the districts and take review meetings with all the departments.</p>
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		<p>Civil Rights Day is being celebrated in the districts. Release of compensation amount in many cases has also started. The Commission has also been charged with the responsibility of overseeing the SC/ST Special Component Plan in the state.</p> <p>At present the Commission is looking into cases of land disputes where the rights of the SC and ST are involved; police inaction in atrocity cases; establishment matters of government servants who are form SC / ST; etc</p>
28.7.20 18	Return	I returned to Bangalore by flight no AI 515 which left at 0955 and reached Bangalore airport at 11.00 am . I took a cab from the airport and reached back at my residence at 12.45 pm.

*Presentation made by  
Dr C.K Mathew  
on 27/18 at NHRC*

## SIGNIFICANT HUMAN RIGHTS ISSUES

SOUTH ZONE

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DR CK MATHIEW  
SPECIAL RAPPORTEUR, NHRC ( SOUTH ZONE)

IN A LETTER OF NO. 1474/ANU/2018

### INTRO: REDEFINING THE ROLE OF SPECIAL RAPPORTEURS

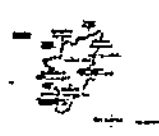
- In first round of visits to states, interaction was to establish contact and rapport with senior officers of the states. Also identification of important NGOs and CSOs.
- Main focus was on identification and study of significant and long standing human rights issues in the states assigned. After study, NHRC can intervene by way of orders /awards/ etc / other measures.

## TAMIL NADU

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**I Harassment /Stressing**  
 Maximum deaths of manual scavengers in Tamil Nadu :  
 144 in TN, out of which, 11 deaths in 2014.  
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**II Mental health**  
 Work done on mental health proposed by the Chief Secretary  
 Related to suicide, domestic violence, depression etc. NHRC  
 may kindly agree to this suggestion.



## KERALA


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**I High suicide rate** 21.4 deaths per lakh population.  
 Above TN (22.85), Madhya and Chhattisgarh (both 27.7)

**Higher number of suicide among young population** including children, under 18 years, etc.

NHRC could consider constitution of an expert group to consider this question.

**II Decrease in closure 57% of all crimes against women in Kerala**  
 NHRC could consider issue of guidelines to all states on how to expedite investigation and other pending cases.



### KARNATAKA

- Planned scavenging: high number of manual scavengers. 68 deaths since 2008
- Forced beggary of children
- Model Act for Special Compensated Pen and Total Sub-Pen within state budget: NHRC could study impact of the Act in terms of human rights



### ANDHRA PRADESH

- 1 Seminar on POCSD
- Cases are increasing, 240 registered in one year
- Slow investigation, 6m-12m, less conviction
- Cases dropped by accused facilitator
- No counseling for victims

One of the most severe of human rights issues in the country, a national seminar can be organized by NHRC



### LAKSHWADEEP

Overriding law under 2001 to 2011  
 Sex ratio 948 to 946  
 Out child sex ratio fell from 959 to 911 (48 points)

Most serious problem in state again, NHRC would consider preparation of a national status paper on the subject before preparing action plan.



### SUGGESTED PLAN OF ACTION FOR NHRC

- Effective use of resources of NHRC, state experts, NGOs
- Status papers on all issues identified to be prepared through
  - In house resources
  - use of Special Rapporteurs
  - Consultants
- Regional / national seminars to be held on burning issues
- Followed by detailed directions of NHRC

*Telangan Affairs*

## CONCEPT NOTE ON BHAROSA

BHAROSA was established in May 2016, as a Society for protection of women and children with logistic help, funding and support from the Department of Women and Child Development. The expenditure incurred in renovating the rented building was done by the police department. The day-to-day operations of BHAROSA are handled by the Police Department, which supports its infrastructure and lends organizational strengths. The main purpose of BHAROSA is to provide integrated support to women and children who have been subjected to severe abuse, be it physical, sexual, financial or emotional. Victims approaching BHAROSA have unhindered access to all the support services that they need to overcome their abusive and oppressive circumstances and lead a joyful life thereafter.

Anyone knocking on the doors of BHAROSA will have immediate access to specialized services. Assistance is provided in an integrated manner through a slew of police, medical, legal, and prosecution services, apart from psychotherapeutic counselling. This multi-pronged assistance culminates in relief and rehabilitation as per the requirements. That is, BHAROSA support center works on a holistic convergence approach where a victim in distress will get all the help and support at one place away from police stations and hospitals.

The objective of the organization is to reduce re-victimization of women and children affected by violence and sexual abuse. Bharosa was setup under the registration of AP Societies Registrations Act 2001. The society has obtained tax exemption under Section 80-G and 12-A.

### HOW IT WORKS:

- Bharosa's main mandate is to support victims of rape and those under the POCSO Act.
- "Bharosa" works on a holistic convergence approach where a victim in distress can get all the help and support required for resolving domestic violence issues, redressal and rehabilitation at one place.
- Every client is assigned to a well trained counsellor who takes detailed notes of the client circumstances. After assessing the need of the

client, the counsellor facilitates further process based on the need analysis

- A police officer at Bharosa helps any client who requires police assistance in filing an FIR/DIR and follow up with the concerned police station. She also records the 161 Cr.P.C statement for all rape and POCSO Act cases.
- A Legal counsellor is available to provide legal advice and support to facilitate legal process.
- Clinical psychologists provide therapeutic counselling for victims of violence and in cases of domestic violence, counselling for the couple and the family as need be.
- 164 Cr.P.C statement are recorded via video conferencing by the magistrate
- The onsite ANM provides immediate medical support to victims in emergencies and provides assistance to clients in the process of medical examinations and medical evidence collection.
- Child victims of abuse and sexual assault are met with by an expert in a child friendly environment, who provides support while the child statement is recorded.
- Wherever the client is in need of expert or specialised services, they are referred to an expert in the field from our panel members. We are working towards increasing our networks to benefit our clients.
- Each case is first registered in a systematic manner in specially developed dynamic software.
- Bharosa is active on social media like Facebook, twitter and wordpress blog for easy access to clients who can send messages or report abuse. The website of Bharosa has all the contact details and more information.

Permissions to set up a medical facility were obtained from the Health Department. Currently 2 Medical Officers have been deputed to conduct and collect medical evidence in the Medical facility in Bharosa. There is a need for a panel of Medical officers to ensure smooth operation of the medical facility.

Following the guidelines in the POCSO ACT, Bharosa-Support Center for Women and Children, set up a Special Child Friendly Court with all due permissions and directions from High Court of Telangana. This Child Friendly

Court was inaugurated on 7<sup>th</sup> April by Justice Madan B Lokur, Hon'ble Justice, Supreme Court of India.

For the first time in India, such a special court for children has been set up away from the regular District Courts. All child friendly provisions were taken into consideration while designing this Court. Some of the special features of the court include:

- Separate entrances for the victim and the accused to ensure that the victim does not see the accused face to face anytime during the trial.
- A waiting hall with a play area for victims and their families.
- A room with video linkage facility in case the child does not feel comfortable in the Court room.
- A witness room for the accused with a one-way visible screen from which the accused can see the Court room and the proceedings. The room has a speaker/audio system for the accused to speak and hear the proceedings in the court room.
- A screen in the Court room on which the child can see the accused during identification process.

Adhering to the child friendly practices, the victim is asked questions by the Judge with the help of a Support Person in a language the victim normally communicates in. All trials are done in-camera. A support person from Bharosa ensures that the child is familiar with the court proceedings before the trial begins, an interpreter/translator is provided wherever necessary, child is not called repeatedly to testify in Court and that the child's identity is not disclosed.

#### **ACHIEVEMENTS in 2 YEARS**

<b>Total number of Cases</b>	<b>3722</b>
Total number of DV Cases	2704
Total number of POCSO cases	386
Total number of Rape cases	93
Total number of other cases	539

Total number of DV cases closed	2579
Total number of Other cases closed	515
Total number of Convictions in POCSO cases	8
Total number of Charge Sheets filed	124

Total number of cases referred to Shelter homes	141
Total number of cases referred to Psychiatry assistance	67
Total number of cases referred for Rehabilitation (Alcohol deaddiction)	148
Total number of cases referred to Police Stations to file cases	289
Total number of cases referred to Legal sevices	44
Total number of cases referred to DV Cell	30
Total number of cases referred to other counselling centers	348

Total number of Outreach/awareness programs conducted	187 covering 18328
Total number of workshops for parents/POCSO victims, Alcohol deaddiction and DV victims	173
Total number of victims rehabilitated by employment, skills development	81
Total number of Stakeholder meetins/ trainings conducted	7