

QUARTERLY REPORT ENDING 31 DEC 2016 FROM SPECIAL
RAPPORTEUR SOUTH ZONE II
(ANDHRA PRADESH, KARNATAKA & TELANGANA)

Introduction

1. During the period under review the Human Right Environment in South Zone II, has remained the same, however certain actions by the three state governments and the centre have a promise to improve the environment in future.

National Perspective

2. Education Impetus in Rural Areas. The centre is planning to open 62 new Jawahar Navodaya Vidyalaya (JNV) to give impetus to education in tribal areas. The school provides reservation as per mandate of Govt. of India; at least 75% of students from rural areas, maximum 25% from urban areas and fixed 33% to girl students. This is one scheme of education that is independent of social or economic status and supports coeducation. Initially the scheme was set up to have one school for each district and presently, of the 628 districts 576 have JNV Schools.

3. Stringent Foreign Currency Regulation Act (FCRA). The government has cracked down on more than 10,000 charity organisations for receiving funds from abroad. There have been reports that many of them have their own agendas like funding evangelical activities, terrorism, religious extremism and hindering developmental processes in the country. Instead of a blanket ban, it would be more prudent, if the government had identified and targeted those involved in nefarious activities.

4. Policing Reforms. One of the important functions of Governance is the quality of policing. However the Police in the country are still governed by colonial laws enacted in 1861. The political control over the police has been one the main cause for their ineffectiveness. An average policeman does not know anything about the IPC, Code of Criminal Procedure or the Indian Evidence Act. He is poorly trained and paid and does not have confidence to charge the errant public. His low self-esteem and his inadequate knowledge makes him a menace to the poor and downtrodden. The rich and educated get away and his ire is unleashed on hapless run of the mill public. Corruption, exploitation, harassment, and extra-constitutional behaviour makes him an exploiter of general public. It does not mean to say that they are no honest police personnel, however as power corrupts individuals the police force in general is not immune from it. The conviction rate, according to National Crime Research Bureau, was 45.1% in the country in 2014, while the conviction rate in crime against women was merely 21.3%. In other words, in 55% cases, either the people were wrongly framed or they got away without punishment after committing a crime, thereby perpetuating an unjust society. What is the use of having strict laws on crime against women, when about 78% of the accused get away with a crime?¹ It is recommended that NHRC should prevail upon the Home Ministry to increase the education and training level of police force. As in the current budget of the home ministry, only 11% is earmarked for modernization of police force.)

5. Disability Bill. On 16 Dec 2016 the 'Rights of Persons with the Disability Bill' was passed by the Lok Sabha. For the first time person with dyslexia, victims of acid attacks, people suffering from Alzheimer's, Parkinson's and those with blood disorders have been included. It was also agreed to use the word 'Divyang' for persons with disabilities. The government also would be issuing them with ID cards that would be valid across the country.

6. Female Literacy. India has a dismal record in female literacy. We are 38th of the 51 developing countries. The proportion of women who have completed five years of primary education and were literates are only 48%, when compared to 92% of Nepal, 74% in Pakistan and 54% in Bangladesh.² The dismal state of female education in the country is indicative of our poor record in Human Rights. It deprives them of Right to Education, Right to dignity, Right to livelihood and Right to Employment. Selection of teachers in

government schools also needs a relook. It is recommended that NHRC take suo-motu cognisance to this serious lapse that has a direct bearing on Human Rights and is also indicative of poor governance.

7. Sex Ratio at Birth. The sex ratio at birth in 2011 was 909 girls for 1000 boys. In 2013 it has reduced to 898 and in 2014 it has further reduced to 887.³ The trend is dangerous in spite of the much touted increase in education levels and social development, while the facts on ground do not validate it. The low sex ratio at birth is indicative of rampant female foeticide. It is recommended that the NHRC issue notice to Punjab, Haryana, J&K and Rajasthan who are at the bottom of the list in Sex Ratio at Birth.

8. PDS System Linked to Aadhaar Based Biometric Authentication System. At present the 'Public Distribution System' is working more or less satisfactorily. Some states like Chattisgarh have vastly improved the system and some states like Jharkhand need to further improve the system to stem leakages. Presently the Union Government is pushing for installing 'Point of Sale' machine with Aadhaar based biometric authentication. Though the idea is good and it would ensure the ration reaches only to those, who are authorised to receive it. It would also stem any leakages and also limit corruption. However the move is impractical as the connectivity in rural areas is so poor that it would indeed be an impossible task to receive biometric authentication. It is feared if this is insisted upon many households would go hungry? I have personally experienced the biometric authentication is time consuming and for each person it could take approximately 5-7 minutes even in urban setting depending on connectivity. In rural areas the connectivity being so poor, the time has still not come for biometric authentication. It is recommended that NHRC seeks further ground situation from other special rapporteurs and seek a report from Union Ministry of Consumer Affairs, Food and Public Distribution on the viability of the biometric authentication in rural areas.

9. Dismal Record of Indian Prisons; Death due to Suicides. From 1995 to 2014, 999 suicides were reported from prisons all over the country.⁴ a study by Commonwealth Human Rights Initiative; 'Looking in to the Haze – a Study on Prison Monitoring in India' concludes that not even 1% of Indian Jails are monitored.

Andhra Pradesh

10. Ill-treatment of Backward Class Judge. High Court Judge of Hyderabad to be inquired for ill-treating a backward caste judge of subordinate Judiciary. Supreme Court has held that there is prima facie case for an inquiry into a complaint against Justice CV Nagarjuna Reddy of Hyderabad high court for ill-treating a backward caste judge, S Ramakrishna, of the Andhra Pradesh subordinate judiciary.

11. Polavaram Project. It is ₹ 40,000 crore project envisaged in West Godavari

District of Andhra Pradesh. On completion it is envisaged to irrigate 7 lakh acres in districts of West Godavari, East Godavari and Krishna. It also envisages to divert water from Godavari basin to Krishna basin and provide drinking water to the city of Vishakapatnam. It would also generate 960 MW hydel power. It would displace 200,000 to 400,000 people. It is likely to submerge 1.17 lakhs acres of fertile land of Godavari basin. It is likely to cause major unrest if the rehabilitation and payment of compensation does not take place to the satisfaction of the land owners. The situation is likely to further accentuate as Andhra Pradesh already leads the chart of all the states, in having maximum number of people affected by land conflicts amounting to 6,71,047 people. The situation has to be watched carefully to ensure that the poor farmers are not in the receiving end of government resolve to start the project at an early date. The cause for the conflict is likely to be relevant as some people were compensated based on Land Acquisition Act of 1894 and some were being compensated under the new Land Acquisition, Rehabilitation and Resettlement Act of 2013. Those, whose land has been acquired under the latter act stand to gain three to four times of compensation than those, whose land was acquired under the old act. This would cause further resentment and Government of Andhra Pradesh need to compensate all of them under the new act so that there is no resentment. The project has been termed as a National Project and the Union Government also need to intervene to avoid a possible future conflict. We need to watch the situation keenly. Though it is a political problem but may have 'Human Rights' Consequences if the government does not take a proactive stance.

Karnataka

12. Mandatory Board at all Temples Denouncing Discrimination. The Government of Karnataka has made it mandatory for all 34,453 temples in the states to display a board denouncing discrimination. (TOI ; 23 Nov 2016). The law has been made applicable even to private temples. Any special rows for higher and lower castes in seating would also be termed as illegal. Article 15 of the Constitution mandates that the state shall not discriminate against any citizen on grounds of religion, caste, race, sex and place of birth. In the beginning of the year there was caste tension in Sigarnahalli in Holenarsipura Taluq in Hassan district in Karnataka, where the upper caste had disallowed lower caste from entering the temple and community hall. However the district administration led a prayer with devotees of the lower caste as a consequence, the higher caste closed the temple for purification. The village still simmers from caste divide though there is an outward calm. However even at temples in Bangalore, I did not come across any such boards denouncing discrimination. These measures by the government are designed to win over 'ahind' populace and at the same time do not want to take stringent action against the violators. A classic case of 'running with the hares and hunting with the hounds'.

13. Land Acquisition for Industries. On 25 Dec 2016, the Minister of large and medium industries of Karnataka has assured the state assembly that 22.5 % of land acquired for industries would be reserved for SC/ST population. He has also assured that the irrigated and fertile land and all lands belonging to SC/ST would not be acquired for industrial purposes.

14. Labour at Coffee Plantations in Coorg District. Three generations before, the tribals (Viz; Jenu Kuruba, Betta Kuruba, Yerawa and Paniya) were brought by the British to work in coffee plantations in Coorg District of Karnataka. In the first week of Dec 2016, in Didarhalli village, the tribals working in the coffee plantation left their cramped and subhuman quarters and settled on a nearby government land. They also asked for their legitimate

wages as they were no longer beholden to the coffee planters for accommodation. The district administration at the behest of the coffee planters came with police and evicted the tribals from government lands, quoting forest rules. It is understood that the aim of the administration was to drive them back to plantations, so that ready and cheap labour is available to the coffee planters at the plantations. The entire event has been highly politicised with BJP upholding the rights of tribals and the Congress state administration in a tight spot appearing to support the rich coffee planters rather than the exploited labour. To add fuel to the fire the coffee plantations at Didarhalli belong to Tata Estates and former cabinet minister, P Chidambaram. Why the former minister belonging to Tamilnadu, owns a Coffee plantation in Karnataka does not perplex many, as our politicians are known to possess mines in faraway Liberia; before which the coffee plantation in neighbouring Karnataka pales into insignificance. After all, they need to invest their money earned out of public service somewhere and the Didarhalli acquisition is not a bad choice for Mr Chidambaram and his likes? One has to watch and wait as to how the state government would solve the problem.

15. Communal Clash in Chincholi in Kalaburagi District. A small structure was built by the Minority community in the name of Tippu Sultan an erstwhile King of Mysore. It was an unauthorised structure and was removed by the majority community. It ended with a communal clash where three were injured. It was the present Congress government that started celebrating 'Tippu Jayanti' in Karnataka since 2015. The majority community did not favour this proposal especially the Coorgis, who were massacred by Tippu Sultan by a ruse. The state government in order to garner minority vote banks and appease them forced the issue on the state and even declared 10 Nov as a holiday. This sentiment of the state government has been picked up by the minority community and an unnecessary issue has been created to flaunt Tippu as national martyr.

Telangana

16. Migrations from Draught Areas. About 40 families from draught hit areas of Andhra Pradesh have migrated to Atmakur Village in Sangareddy District of Telangana. The families have come with children and are spending their nights in cotton fields in make shift arrangements. The children do not go

to school and assist their parents in farm labour. In a similar incident, a family from Chirala District of Andhra Pradesh has migrated to Kondapur in Sangareddy. The entire family including children work in the brick kiln. The accommodation given to the brick kiln labour is abysmal and one cannot even stand straight in them. There are no bathrooms and running water. The draught in Andhra Pradesh has driven these hapless families to their present plight. It is recommended that a migrant labour children school be started in the village. It is also recommended living condition of brick kiln workers be inspected and improved. Andhra Pradesh and Telangana governments need to recognise this reality and should ensure adequate livelihood is provided to draught hit people.

17. Kalayana Lakshmi Scheme/Shadi Mubarak Scheme. The scheme has been started in the state where the marriage of poor women of SC and minorities is facilitated. In Adilabad on 24 Dec 2016, 71 beneficiaries were given ₹ 51,000/- each to enable their marriages.

18. A Fatality in Mid-day Meal. On 24 Dec 2016, a five year old child Balguri Jaywardhan studying in Eduloor Primary School, Nalgonda, died falling into boiling sambar cooked for mid-day meals. NHRC has taken suo-motu cognisance of the unfortunate death, caused by utter carelessness of the school staff.

19. No Homeless in Two Villages. Two villages; Narasannapet and Erravalli in Sidipet district have become model as all households possess their own house. 485 two bedroom houses were constructed and handed over to the poor and homeless people in Dec 2016.

Miscellaneous

20. Dilapidated SC/ST Hostel in Coimbatore. A newspaper report states that the 'Adi Dravida Government Hostel for SC/ST students located at Ondipudur in Coimbatore City is falling apart. In the first week of Nov 2016, the terrace wall fell apart and water tank was also damaged forcing students to fetch water from the streets. TOI of 5 Nov 2016 reported that it was a picture of gloom; with dilapidated buildings, stinking toilets, lack of water supply, dirty rooms and cracked walls.

21. Government not to use the word 'Dalit'. On 24 Nov 2016, the High Court bench of Nagpur has given its last warning to the Union Ministry of Broadcasting and Information not to use the word 'Dalit' and delete the word from all government records, schemes, circulars and notifications. They have said that the word is unconstitutional, discriminatory, offending, casteist and objectionable. It is recommended that NHRC also follow suit and do not use the word 'Dalit' in our communication or notifications.

Conclusion

22. The unfortunate mass molestations in Bangalore on the New Year night is a shame and a blotch on the fair image of our country. It has been caused due to weak policing and indifferent politicians, who do not want give space to women in society and are beholden to archaic views of modesty and conservatism attributed to them. The most unfortunate has been the statement of the State Home Minister. Due cognisance has been taken by National Commission of Women, who have summoned the minister and sought report from the state government. The Human Rights Situation in South Zone II needs further improvement and whatever improvements that have taken place are marginal. If the governance improves in these three states automatically the 'Human Rights' situation would also improve.

Lt Gen PG Kamath (Retd)
Special Rapporteur South Zone II

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1. Pushkar Raj; *Cinema and reality: What is wrong with India's police?*
 2. Report of International Commission on financing Global Education Opportunity
 3. *Sex Ratio at Birth at Decline in India; CRS Data:*
<http://currentaffairs.gktoday.in/sex-ratio-birth-decline-india->

crs-data-

11201637490.html?subscribe=success#blog_subscription-3

4. Raja Bagga; *Preventing Death in Custody*. The Hindu; 27 Sep 2016.

Recommendations of Lt. Gen. (Retd.) P.G.Kamath, Special Rapporteur ending December, 2016 pertaining to South Zone II (Andhra Pradesh, Karnataka and Telangana) to be considered for follow up action by the State Government.

- (i) It is recommended that a migrant labour children school be started in the Atmakur village in Sangareddy District of Telangana. It is also recommended living condition of brick kiln workers be inspected and improved. Andhra Pradesh and Telangana governments need to recognize this reality and should ensure adequate livelihood is provided to draught hit people.

Action: Andhra Pradesh and Telangana State Govt.

- (ii) **Polavaram Project:** The project of Rs. 40,000 crore is envisaged in West Godavari and has been termed as a National Project. It envisages diverting water from Godavari basin to Krishna basin providing water to the city of Vishakhapatnam. It would also generate 960 MW hydel power. But on the other side the limitation of the project would be displacement of 200,000 to 400,000 people approximately which would cause major unrest, if the rehabilitation and payment compensation does not take place in time and in proper way. The cause for the conflict is that some people were compensated based on Land Acquisition Act of 1894 and others were compensated under the new Land Acquisition, Rehabilitation and Resettlement Act 2013. Those, whose land has been acquired under, Land Acquisition, Rehabilitation and Resettlement Act 2013 gained three to four time of compensation than those whose land was acquired under the old act. It is suggested to the Government of Andhra Pradesh that displaced people / sufferer need to be compensated under the new act. The Union Government also need to take appropriate action on it.

Action: Ministry of Water Resources River Development & Ganga Rejuvenation and Andhra Pradesh State Govt.

- (iii) Karnataka: Mandatory Board at all Temples Denouncing he Discrimination – the Govt. of Karnataka has made it mandatory for all 34,453 temples in the States to display a board denouncing discrimination. The law has been made applicable even to private temples any special row for higher and lower castes in seating would also be termed as illegal. There is need for taking measures for private temples also and display boards denouncing discrimination.

Action: Karnataka State Govt.

(iv) Land Acquisition for industries: The Ministry of large and medium industries of Karnataka has assured the state assembly that 22.5 % of land acquired for industries would be reserved for SC/ST population. He has also assured that the irrigated and fertile land and all lands belonging to SC/ST would not be industrial purposes.

Action: Karnataka State Govt.