



**NALSAR University of Law
Hyderabad**

EXTRACT FROM THE ANNUAL REPORTS

**REPORT ON THE EXTENSION AND OUTREACH ACTIVITIES
DURING THE YEAR 2016**

Centre for Tribal & Land Rights

(Centre Head: Prof. V. Balakista Reddy, Professor of Law and Registrar)

DRAFTING OF LEGISLATIONS

During the year under report the Centre has been assigned the task of revising number of land, revenue and other laws of the State of Telangana and the State of Andhra Pradesh. The details of the legislations reviewed by NALSAR for the State of Telangana and the State of Andhra Pradesh are as under:

Revision of Land Laws for the State of Telangana

In pursuance of NALSAR's proposal to assist the Telangana Government in reviewing and revising the Land and Revenue Laws in the state of Telangana, the government responded positively by issuing orders vide G.O. RT. No. 470 dated October 1, 2015 for review of land laws in the State of Telangana. The NALSAR and Landesa (RDI) team thoroughly reviewed and revised nearly 112 legislations relating to land and revenue sector. The said task has been done within a short span of six months in phased manner through consultations with various advocates, serving and retired IAS and Revenue Officers, academicians, NGOs, women's forums, tribal leaders and political representatives of the concerned state. The final report was submitted to the state government in May 2016.

For the purpose of understanding the contemporary realities and challenges involved in this task, workshops for specific categories of people were undertaken as per following details:

One-day Workshop on Land Laws in Telangana- Women's Perspective

On January 30, 2016, the first Consultative Workshop was held in NALSAR to understand the challenges in securing access to land rights from the perspectives of women. The workshop saw participation from different NGOs, professors, women forum representatives, senior journalists, revenue officials and Centre for Good Governance representatives. Participants unanimously agreed that one of the major reasons for failure in securing access to land rights was lack of awareness about the laws governing land administration and vast illiteracy prevalent amongst women especially those belonging to the backward classes. The suggestions generated from the said Workshop emphasized issuance of tenancy rights and cards in the names of both husband and wife, establishment of 'Women Receptionist Cell' in every Revenue Office in order to enhance the participative capacity of women, publishing of Land and Revenue Records and Laws and other necessary literature in vernacular language and application of the Government Land Assignments, Inheritance Laws, Land Distribution, and Land Development Schemes equally to women at par with men.

One-day Workshop on Land Laws in Telangana- Tribal Perspective

The second consultative workshop in this series was held at NALSAR on February 6, 2016 to understand the challenges in securing access to land rights from the perspectives of tribals. Like the first workshop, this workshop also witnessed diverse representation from various sections of the society. Concerns were over the lack of awareness amongst the tribal and backward classes of the society regarding many beneficial laws and policies that the government has implemented for ensuring equal access to justice.. Due to the poor implementation of the said laws and policies, the tribal community is unable to secure their land rights. Some of the key suggestions gathered from the consultation include ensuring effective and unbiased operation of the Revenue and Agency Courts in tribal areas, handing over of the '*Jungseepa*' lands to the tribal community and registration of the tribal transactions happening through '*saada bainama*'.

Drafting of Model Tenancy Law

NALSAR provided technical support to NITI Aayog's expert group on tenancy in drafting the model tenancy law for the country. The University has organized two state-level consultations in Telangana and AP to discuss the model law with an objective of drawing a platform to discuss the needed changes in the agricultural tenancy legislations of the state in the light of last five years' experience of the implementation of the Land Licensed Cultivators Act, 2011 and the NITI Aayog's recent Model Agricultural Land Leasing Act. The details of the workshops are:

One-day Workshop on Agricultural Land Leasing Laws and need for improvements in collaboration with Landesa and Acharya Nagarjuna University at Acharya Nagarjuna University, Guntur, AP

NALSAR University of Law, Hyderabad in collaboration with NITI Aayog and Acharya Nagarjuna University and Landesa organized a One-day workshop on "Agricultural Land Leasing Laws and the Need for Improvements" on November 23, 2016 at Acharya Nagarjuna University, Guntur, Andhra Pradesh. This workshop was primarily aimed at drawing a platform to discuss the changes needed in the agricultural tenancy legislations of the state in the light of last five years' experience of the implementation of the Land Licensed Cultivators Act, 2011 and the NITI Aayog's recent Model Agricultural Land Leasing Act.

The Welcome Address was delivered by Prof. Dr. A. Rajendra Prasad, Vice-Chancellor, Acharya Nagarjuna University, who discussed about the Transfer of Property Act 1882 and the role of Lessor and Lessee and legal issues revolving around leasing of property. Appreciating the Model Tenancy Laws, he said that the same is useful for both land owners and tenants. Shri Anil Chandra Punetha IAS, Chief Commissioner Land Administration (CCLA), Government of Andhra Pradesh while delivering the Inaugural Address spoke about the landmark A.P. Land Licensed Cultivators Act 2011 which provides for Loan and other Eligibility Cards (LEC) to the farmers, who raise crops with express or implied permission of owner or pattadar of land, enabling them to access credit from the public financial institutions and to claim benefits of input subsidy, crop insurance and compensation for damage to crop. Dr. T. Haque, Chairman of Land Policy Cell, NITI Aayog and the Former Chairman, Commission on Agricultural Costs and Prices (CACP) delivered the keynote address

wherein he advocated the improvement of land leasing laws as it would help promote agricultural efficiency, equity, occupational diversification and rapid rural transformation.

The programme was attended by tenant farmers, land owners, revenue officers, bankers, agriculture officers, academicians, researchers, legal experts and various other stake holders.

One-Day Workshop on Agricultural Land Leasing Laws and Need for Improvements in Collaboration with Landesa at NALSAR

NALSAR University of Law in association with LANDESA (Rural Development Institute) organized a One-Day Workshop Agricultural Land Leasing Laws and the Need for Improvements on November 30, 2016. The programme was attended by 150 participants including tenant farmers, land owners, revenue officers, bankers, agriculture officers, academicians, researchers, legal experts and various other stake holders. The welcome address was delivered by Prof. Faizan Mustafa, Vice-Chancellor, NALSAR. Dr. T. Haque, Chairman of Land Policy Cell, NITI Aayog and the former Chairman, Commission on Agricultural Costs and Prices (CACP) was the Special Guest and Hon'ble Deputy Chief Minister of the State of Telangana, Shri Mohammad Ali was the Chief Guest at the said workshop.

This conference primarily aimed at creating a platform to discuss the much needed changes in the agricultural tenancy legislations of the state in the light of last five years' experience of the implementation of the Land Licensed Cultivators Act, 2011 and the NITI Aayog's Model Agricultural Land Leasing Act. This workshop was organized in the context of the Model Tenancy Law developed by NITI Aayog. The model Act was circulated to state governments for use. Several states are actively working to make necessary changes in existing laws or enacting new laws in the light of this model Act.

Drafting The Telangana (Agricultural Produce and Livestock) Market (Amendment) Rules, 2016

The State Government of Telangana approached NALSAR, vide letter dated June 30, 2016, to draft the corresponding rules for Telangana (Agricultural Produce & Livestock) Markets Act, 1966. NALSAR proposed several amendments and introduction of numerous key provisions following brainstorming reviews with panels of academicians, retired judicial officers, Legal Experts and government officers. The final copy was shared with the Agricultural Marketing Department. The key modifications include a provision for representation of members belonging to minority sections of the society to resolve disputes arising in connection with Contract Farming.

Review and Revision of Land and Revenue Laws for the State of Andhra Pradesh

On NALSAR's proposal to review and revise the land and revenue laws for the State of Andhra Pradesh, the state government with due regards to our expertise accepted our proposal and allotted the said work to NALSAR in the month of June 2016. NALSAR with Landesa (RDI) reviewed the land laws in force in Andhra Pradesh and will work towards an amenable version of the existing legal regime. This proposal was timely given the Central Government's attempt to repeal the laws that have served their purpose.

Draft Land Acquisition (Rehabilitation and Resettlement) Bill 2016 for the State of Andhra Pradesh

Against the backdrop of creation of a new capital for the State of Andhra Pradesh, NALSAR proposed to draft a Land Acquisition Bill for the State of Andhra Pradesh which was approved and allotted to NALSAR vide CCLA's Lr. No. I(1)/804/2015 dated 2/10/2015. NALSAR and LANDESA (RDI) team have comprehensively examined the central legislation on land acquisition vis-à-vis the subsequent Ordinances promulgated by the Central Government and undertook research to adopt the main scheme and spirit of the Central Act to forge a new Bill for the State of Andhra Pradesh keeping in view the special requirements of the residuary state. Some of the radical changes introduced in the said legislation included easing out of consent requirement and introduction of the provision on Consent Award, relaxed regulations to reduce the burden of the cumbersome land- acquisition process when any project regarding Capital City Development is undertaken. The final draft of the Land Acquisition Bill, 2016 for the State of Andhra Pradesh has been submitted to the Government of Andhra Pradesh.

SOCIAL RESPONSIBILITY

Community Driven Land Records Updation Model

NALSAR has created and implemented a unique low cost community-driven land records updation model in six villages of Warangal, Mahaboobabad and Jangaon Districts. Three local youth from each village were trained by NALSAR and undertook a 4-step process to collect the land data and update the land records. Through this process, all the land problems were identified in the pilot villages. As a result of this exercise, **all the landowners in Puttalabhupathi village of Mahaboobabad district have received patta of their land after decades.** The resolution process is underway in other villages. This has been appreciated by various key officials in Government of India and Telangana State Government. **This model is being actively considered for adoption by governments as part of the prestigious Digital India Land Records Modernization Programme** being implemented by Government of India for updating and modernizing land records.

Land Rights Clinic and Legal Aid Assistance

About 700 people were provided free legal advice and 70 of them got their land problems resolved through the first of its kind Land Rights Clinic established by NALSAR with support from Legal Services Authority at the Warangal District Complex. This successful model can be replicated in the remaining area of the State if the funds are made available to NALSAR.

Para-legal Training Programme

As part of the Legal Assistance Programme for Land of Society for Elimination of Rural Poverty (SERP), NALSAR provided 10 days para-legal certification course to 500 paralegals in 2006. These paralegals are working in the State of Telangana and A.P. and helping more than one million rural poor in getting secured land rights. This particular programme was appreciated by Government of India and its adoption to 17 other states has been recommended. More than ten lakh rural poor have got their land problems resolved with the support of paralegals trained by NALSAR.

WORKSHOPS AND TRAINING PROGRAMMES

Two-Day Workshop on Land related Legal Services Needs of Poor: Experiences, Expectations and Innovations at NALSAR – March 19-20, 2016

NALSAR in collaboration with Landesa (Rural Development Institute) organised a two-day workshop on “Land Related Legal Services Needs of Poor: Experiences, Expectations and Innovations” from March 19-20, 2016 at NALSAR. This workshop aimed at creating a platform to discuss the findings from the legal needs and bottlenecks experienced by Land Rights Legal Aid Clinic established at the office of District Legal Services Authority, Warangal, Sub-Divisional Land Centres and Village Land Clinics and Community based Paralegal Programme of SERP. Based on these experiences, the workshop also discussed the models for effective legal services delivery systems for helping the poor in land matters.

Hon'ble Mr. Justice Anil R. Dave, Judge, Supreme Court of India delivered the presidential address. Hon'ble Mr. Justice Dipak Misra, Judge, Supreme Court of India delivered the keynote address. Hon'ble Mr. Justice N.V. Ramana, Judge, Supreme Court of India delivered the special address. Welcome address was given by Hon'ble Mr. Justice Dilip B. Bhosale, the then Acting Chief Justice, High Court of Judicature at Hyderabad & Chancellor, NALSAR.

Training Programme on Validation of Sadabainamas to all the Tahasildars and RIs of Nalgonda District

NALSAR and Landesa (RDI) prepared the **Telangana People's Land Manifesto** based on extensive field research in all Telangana districts to highlight the need to regularize the sadabinmas. Recently, a **book on 'Sadabinama' was published** by both the institutions to spread awareness against the practice of obtaining patta on the lands without any stamp duty. This book contains information on the process of regularizing sadabinama; actions to be taken by revenue officers; steps needed by the applicant and High Court Decisions on sadabinama regularization. It was forwarded to all tahsil offices and revenue divisional offices in the state. A training programme in this area was imparted to District Revenue Officers including RDOs, Tahasildars and Revenue Inspectors on June 23, 2016 at Nalgonda District.

One-Day Interaction with Foreign Delegates on Community Driven Land Records Updation Model Developed by NALSAR

Around thirty (30) foreign delegates from thirteen (13) different countries which included Sri Lanka, Bhutan, Myanmar, Afghanistan, Indonesia, Russia, Ghana, Tanzania, Fizi, Timor, West Africa, Nigeria and Sudan working in the rural development departments of their respective countries visited NALSAR on December 16, 2016 and later also visited the pilot villages to understand the first- of- its kind community -driven land records verification, updation and dispute resolution model developed by NALSAR in collaboration with Landesa. The model was piloted in six (6) selected villages of Mahabubabad, Warangal and Jangoan. In these six (6) villages, the trained community verified all the land records and submitted applications before the concerned authorities and all the land issues in one village were successfully resolved.

One Day Training Programme for the Forest Officers on Land Laws and Litigation in collaboration with Telangana State Forest Academy

Centre for Tribal and Land Rights, NALSAR organized a One-Day Training Programme on 'Enhancing Conviction Rate in Court Cases' for Forest Range Officers (FROs), Deputy Range Forest Officers (DRFOs), Forests Section Officers (FSO), Forest Beat Officers (FBOs) and Assistant Beat Officers (ABOs) in collaboration with Telangana State Forest Academy on December 21, 2016. The training programme focused towards proper implementation of the Forest Laws in order to safeguard forest lands, flora and fauna. Delivering the Welcome Address, Prof. V. Balakista Reddy briefly introduced the University and its vibrant activities. He also highlighted the pendency of cases in the court dockets and the urgent need to resolve them. Shri. Swarna Subba Rao, Surveyor General of India was the Chief Guest for the said training programme, Shri. Subba Rao shared his valuable experiences and in particular informed us that more than 60% of the civil litigation in the country is related to land disputes and these disputes can be further categorised into title disputes and boundary disputes. Sri. G. Maddulety Dy. Director (Retd.) Course Director, TSFA, Dulapally introduced the Workshop to the participants and opined that the officials need to be well-versed with the court procedures, manner of investigation and presentation of evidences and arguments in order to enhance conviction rates in forest matters. He also said that even though the Forest Department is a quasi-judicial authority in itself, nevertheless, it needs to approach the courts of law in the cases where penal sanctions are in the form of imprisonment. Even though the cases handled by the forest department as a quasi-judicial body are well managed and often resolved, the cases which go to the judicial forums need to be managed better and a crucial segment in this regard it would be the appropriate training of forest officials on investigation and presentation of conclusive evidence.

STUDENT OUT REACH / SOCIAL WORK

Social Work:

- Ayushi Bansal (2016-LLB-73) undertook the activity of Sensitisation of poor people about law organised by IDIA
- K. Satish Kumar (2016-2MBA-18), M.Nikhil Sai (2016-2MBA-22), Aaquil Athar (2016-2MBA-35), Rajitha Sangaraju (2016-2MBA-28) and Jagruthi Bannela (2016-2MBA-04) undertook the Project Bookmark of Thara Foundation. The Project aims at launching libraries in various schools and shelter homes for the underprivileged. The students collected donations of used and / or new books from the students of NALSAR, other friends and family to set up a library of around 300 books in Thara Foundation, a shelter home in Bowenpally with 110 kids.
- Abhijeet Singh Rawaley (2015-5LLB-63) joined Training and Sensitisation programme of IDIA (Increasing Diversity by Increasing Access) and trained visually challenged students from Sai Junior school and helped them procure admission in leading law schools of the country. Pavan Kallem secured admission at NALSAR University of Law, Hyderabad and Eshwar got admitted to Gujarat National Law University, Gandhinagar.



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The Centre for Tribal and Land Rights at NALSAR has undertaken several activities which include training of Para Legals, Revenue Officers, Tribal Welfare Officers, SHG Women, Anganwadi workers and other members of the civil society organisations. The Centre also established Legal Aid Clinic to help the poor and needy in resolving the land problems. The Centre is also creating awareness on land rights, records and procedures for getting the land problems resolved.

Nearly 112 legislations relating to the land and revenue sector were revised and the draft legislations were submitted to the State Government. The draft legislations were prepared taking into account the perspectives of various stakeholder – women, tribal, poor, landowners, land administrators and considering best land governance models. To further improve the draft legislations, number of consultations were organized at District / State Level in collaboration with Landesa on Land Administration Opportunities and Challenges. The meetings were held at the District Headquarters with an objective to discuss and understand different perspectives and aspirations of the people, and receive inputs on needed changes in existing laws. A broad range of stakeholders and experts from the Revenue Department, farmer groups, civil society organizations, women's federations, academia, and other interest groups participated in the consultations. The details of **District Level Consultation Meetings** organized during the year 2017 are

- One-day Consultation at District Collectorate, Warangal on February 8, 2017. The program was graced by Ms. Amrapali, District Collector as Chief Guest. Prof. V. Balakista Reddy, Registrar, NALSAR and Smt Priya Iyengar Advocate, High Court and other Revenue Officials of the Warangal District were among the panel speakers.
- One-day Consultation at District Collectorate, Vikarabad on February 22, 2017. Ms. Divya Rani, District Collector was the Chief Guest and Prof. V. Balakista Reddy, Registrar, NALSAR; Mr. Sunil Kumar, Landesa Director and Ms. Priya Iyengar, Advocate, High Court and the Revenue Officials from the Vikarabad District were the panel speakers.
- One-day Consultation at District Collectorate, Janagaon on February 28, 2017. Shri Gopala Krishna Prasad Rao, Joint Collector was the Chief Guest and Mr. Sunil Kumar, Landesa Director gave opening speech of the program; Prof. V. Balakista Reddy presided over the meeting. DRO and other Revenue officials attended the meeting and gave their valuable inputs on implementation of Revenue Laws.
- One-day Consultation at District Collectorate, Suryapeta on March 4, 2017. District Collector of Suryapet Shri Surendramohan was the Chief Guest. Prof (Dr). V. Balakista Reddy, Mr. Sunil Kumar, Mr. Sanjeeva Reddy, District Joint Collector were the panel speakers and discussed on various issues of land.

DRO, RDOs, Advocates, Tahsildars, Revenue Inspectors, Surveyors, V.R.Os and other Revenue officials have participated.

- One-day Consultation at District Collectorate, Mahabubabad on March 23, 2017. The District Collector Ms. Preethi Meena was the Chief Guest. Prof (Dr). V. Balakista Reddy, Joint Collector Shri Damodar Reddy and Mr. Sunil Kumar were among the other speakers. DRO, RDOs, Advocates, Tahsildars, Revenue Inspectors, Surveyors, V.R.Os and other Revenue officials were also present.
- One-day Consultation at District Collectorate, Kothagudem on March 24, 2017. District Revenue Officer Shri Kiran Kumar was the Chief Guest and Shri V.N.V.K Shasthri, Retd. Director of Tribal Cultural Research and Training Institute were among the panel speakers and enlightened the Revenue Officials for implementation of PESA Act in tribal areas. Mr. Sunil Kumar and Rtd Deputy Collector Shri Raja Rao also discussed on various land issues.
- One-day Consultation at District Collectorate, Karimnagar on April 21, 2017. Sri. B. Srinivas (Joint Collector & Addl District Magistrate, Karimnagar District) was the Chief Guest, Prof (Dr) P. B. Shanker Rao, NALSAR, Mr. Sunil Kumar, Smt Aisha Masarath Khanam (District Revenue Officer) Mr. Raja Goud (Revenue Divisional Officer), Mr. R. Ashok (District Survey Officer), Mr. K. Shiva Charan Research Associate, NALSAR, RDOs, Advocates, Tahsildars, Revenue Inspectors, Surveyors, V.R.Os and other Revenue Officials have participated.
- One-day Consultation at District Collectorate, Kamareddy on April 26, 2017. This meeting was graced by District Collector Shri Dr. Satyanarayana Garu, Joint Collector Mr. Sathaiha Garu, Smt. Manimala, District Revenue Officer, Prof. (Dr.) V. Balakista Reddy, Mr. Sunil Kumar and Revenue official of the District.
- One-day Consultation at District Collectorate, Adilabad on May 30, 2017. District Collector Shri. Buddha Prakash Jyothi was the Chief Guest and Joint Collector Shri K. Krishna Reddy, District Revenue Officer Shri Banoth Shanker, Assistant Government Pleader Shri V. Madhushudhan Reddy, Mr. Sunil Kumar were among the panel speakers.
- One-day Consultation at District Collectorate, Nagarkurnool on June 7, 2017. This program was graced by District Joint Collector Surender Karan as Chief Guest. Mr. Sunil Kumar, Mr. K. Shiva Charan and Shri Byreddy Singi Reddy, District Agricultural Officer were the panel speakers. RDOs, Advocates, Tahsildars, Revenue Inspectors, Surveyors, V.R.Os , other Revenue officials, farmers, women community welfare associations and education department officials have participated.

State Level Consultative Meetings

- **One-Day State Level Consultation Meeting** on “**Land Governance in Tribal Areas: Issues and Perspectives**” was organised on May 18, 2017 at NALSAR. **Shri Azmeera Chandulal, Hon’ble Minister for Tribal Welfare, Tourism and Culture, Government of Telangana was the Chief Guest** at the inaugural function. Tribal area activists, Advocates, District Legal Coordinators, paralegals, Research Scholars, officials from Tribal Department, farmers, Women, Media representatives and the beneficiaries from Puttalabhupathi Village were present at the program.
- **One-Day State Level Consultation Meeting** on “**Land Administration in Telangana: Opportunities and Issues**” was organised at NALSAR on June 8, 2017. Prof. (Dr). V. Balakista Reddy, Registrar was the Chief Guest. Shri.

V. Sreedhar Reddy, Advocate of High Court; Mr. Lokesh, Karnataka State Landesa Director; Mr. Sunil Kumar, Landesa Director were among the speakers. Tribal area people, SERP District Legal Coordinators, Women Association representatives from villages, Paralegals, Research Scholars, NALSAR Faculty, and Media Representatives participated in the meeting.

- Organised **One Day Consultation Meeting with State Revenue Officer's Association** on Land Administration in Telangana: Opportunities and Issues held at NALSAR on July 17, 2017. Prof. (Dr.) V. Balakista Reddy, Registrar inaugurated the program. The Revenue Officers from different districts in the State attended the meeting.

3-Day Training Programmes for Paralegal Volunteers

The Centre for Tribal and Land Rights, NALSAR in collaboration with A.P. State Legal Services Authority conducted 3-Day Training Programme for the paralegal volunteers in the following areas in the State of Andhra Pradesh:

- At Srikakulam from March 25 to 27, 2017
- At Rampachodavaram from June 17 to 19, 2017
- At Paderu from October 2 to 5, 2017
- At Nelloru from February 6 to 8, 2018

Workshop on Streamlining the Citizen Service Delivery in Revenue Department

Two Day workshop on streamlining the citizen service delivery in Revenue Department on June 16 and 17, 2017 at MCRHRD Institute, Jubilee Hills, Hyderabad. Principal Secretary of Revenue, Shri B. R. Meena I.A.S. was the Chief Guest and Chief Minister Office Secretaries, Smt. Smitha Sabharwal, Smt. Shanthakumari and all District Collectors of Telangana, Prof. (Dr.) V. Balakista Reddy, Registrar and Mr. K. Shiva Charan, Research Associate, NALSAR were also present at the workshop. They mainly discussed on various practical issues and challenges on Land and Revenue Matters and also gave valuable inputs in amending ROR Act.

One Day Programme on Creating Space for Constructive Engagement on People's Rights over Land, Forest and Water

One Day Program was organized on "Creating Space for Constructive Engagement on People's Rights over Land, Forest and Water" on January 28, 2017 by Ektaparishad at NALSAR. This program was graced by Smt. Vakati Karuna, I.A.S; Retd I.A.S Officers; Chief Secretaries from different States and Central Government; Former Members of Parliament, National and International level NGO Heads, Advocates from Supreme Court and various State's High Court; Research Associates, Scholars, Professors and Faculty members of NALSAR.

Community Driven Land Records Updation

The Land Rights Centre was established with the support of Legal Services Authority at Warangal to provide free legal services to the poor on land matters. As part of the Centres initiatives, a pilot project was undertaken in eight villages of Mahabubabad, Jangaon and Suryapet District. to identify and resolve land problems. Under this project, Local Youth were selected as Community Resource Persons and Paralegals and were trained on the pilot project. They were asked to conduct door-to-door survey, collection of details from the land records, physical inspection of the land, discussion in the gram sabhas and updating of land records and resolving of land problems. In

eight villages – majority of 1828 land owners had land problems. In view of this pilot project, Puttalabhupati (a tribal village) became free from land problems. Land records were updated. 73 tribal families received land records kits containing PPB, TD, Phani, IB, Proceedings copy and tippan. They have got about 22L crop loan from the bank. 50 SC families in Gopalagiri village got pattas. 60 families in Kannayapally received pattas. The community driven land records updation model was appreciated by the State Government and the Government of India.

Legal Aid Camp

The Centre organized a Legal Aid camp in Pudur Village, Medchal Mandal & District, on September 13, 2017. Prof. V. Balakista Reddy, Registrar, NALSAR; Smt. Kolla Sravanti Venkatesh, Sarpanch, Pudur Village and Mr. Sunil Kumar, Director, Landesa were Chief Guests at the camp. Dr. G. Mallikarjun, Assistant Professor, NALSAR; Mr. K. Shiva Charan, Research Associate, NALSAR; Mr. Jeevan and Mr. Abhilash, Advocates; and the students of NALSAR Mr. P J Theja Saai, Mr. P Avinash Reddy, Ms. Pallavi Neha, Ms. Mrudula Karumanchi, Mr. Balaji Naik Azmeera, Ms. Shreya Naik and Mr. Benajamin Venlalvena organized the Legal Aid Camp.

Centre for Legal Philosophy and Justice Education (Centre Head: Prof. Amita Dhanda, Professor of Law)

The Centre was sanctioned a **project on ‘Knowledge Based Intervention to Strengthen Realization of Socio-economic Rights’** by Ford foundation, New Delhi and had completed the project successfully in the year 2017.

The project completed the following pieces of work:

- A book on Land Laws in India
- A handbook on the Legal Right to Housing, Cambridge University Press
- A Book on the Right to Education.
- A Resource Book of Cases and Materials on Labour Law, Eastern Book Company
- A Casebook of Seven Case Studies created from actual court records.
- A Note on Making Court Data accessible to legal research.
- A Compilation of Idea Notes around the Right to Work and Housing.
- Organized an International Conference on Contemporary Struggles towards the Realization of Socio- Economic Rights at NALSAR from November 2-5, 2017
 - Interviews with all the participants at the Conversations Conference are already up on the NALSAR You Tube Channel.
 - The recordings of all sessions of the Conference is available on NALSAR's You Tube Channel.
 - The Educational Video on the Training and Skills of traditional street performers. The Conference Brochure, and Participants in one combined document. The Report of the Conference.
- The Centre was sanctioned a **second project for US\$ 350,000 final support to strengthen an alternative legal discourse based on cooperation, contentment, and care, towards enabling justice for all** by Ford Foundation, New Delhi for a period of three years starting from January 2018.

Centre for Animal Rights
(Centre Head: Dr. Aruna B. Venkat, Associate Professor)

The Centre for Animal Rights was inaugurated by Ms. Maneka Gandhi, Union Minister for Women and Child Development on September 15, 2017. Ms. Maneka Gandhi also delivered a public lecture on 'Animal Rights' which was widely covered by the print and electronic media and the same was uploaded on the NALSAR YouTube Channel.

STUDENT OUT REACH

- Khushboo Agrawal (2017-5LLB-86) in association with IDIA, Hyderabad went to schools in village areas to make them aware of the career in the law field and took tests on the basis of which they would be given scholarships.
- Mansi R Meena (2017-5LLB-91) in association with DEVISE went to the local school and taught English grammar to the children.



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The Centre through its Legal Aid Clinic (Land Rights) at Warangal help the poor and needy in various matters for resolving their land problems. The Centre on behalf of illiterate land tillers filed applications before different Revenue Authorities to secure their land rights in the form of Revenue Records. The Centre also provides guidance and support to the farmers and land owners over phone for the issues relating to land. The staff of the Centre also attend the court for helping the rural clients for the land problems. The Centre on regular basis conduct legal awareness programmes. During this year Legal Awareness Programs were conducted in Darthalapally, Rayaparthi, Guduru and Mamirdlamadva villages of Warangal District on Land Records, Acts, Judgments and Resolution Process in Villages. The Centre is also helping the Ph.D. Scholars working on land related issues in Universities in India and abroad. The Centre is planning to offer a Course on Land and Farmer related issues and is in the process of preparing the syllabus for the same.

Training Programmes:

- Training programme on land rights and land records was conducted at Nellore during February 6-8, 2018 and nearly 60 paralegal volunteers participated.
- Conducted In house Training Programme on legal writing & legislative drafting for Officers of Telangana State Legislature on October 29, 2018.

Publications:

- Prepared a Guide on Saada Bainaama Regularization Process.
- Published Articles in Telangana Revenue Magazines on Land Records, Acts and Judgments.

**Centre for Legal Philosophy and Justice Education
(Centre Head: Prof. Amita Dhanda, Professor of Law)**

- Awarded a three-year project by Ford Foundation on *Incubating a Discourse for Cooperation, Contentment and Care to Enable Justice for All* (2018–2021). As part of the said project
 - Dr. Ananda Amritamahal, Principal, Sophia College for Women, Mumbai is writing a status paper on "Values of Cooperation, Contentment and Care have been addressed across religions".
 - Dr. Lavanya Suresh, Assistant Professor, BITS Pilani, Hyderabad campus has awarded a mini project on 'Alternative ways of understanding ecological conservation practices to enable justice for all'.

- Mr.Paras Pandey has completed a Mini project work on “Moving towards recognizing the Right of Peaceful Co-existence of Non-Human animals at NALSAR
- Pilot study was undertaken by interacting with the Handloom experts, Weavers and crafts persons who had congregated at Chirala handloom conference “**Chenetha Chethikalala Sambaralu**”, from November 11-18, 2018.
- Admitted the following Research Fellows for doing research under FORD project:
 - Mr. Ayyagari Subrahmanyam : “An Inquiry of Incongruity: A Study of Statelessness and Citizenship in India”
 - Ms.Fasila A.K : “Judging the (im)possible justice: an ethnography of criminal trials in India”
 - Mr.Josh Dalrymple : “Evaluating immigration policies to initiate cooperation, contentment and care”
 - Ms. Malavika Prasad : “Incubating Commons Thinking : A Proposal”
 - Mr. Pulugurtha Karthik Teja : “Sex workers, sexual minorities and the re-writing of international human rights”
 - Mr. Varaprad Prashant Pitkar : “Cultural Violence and the International Criminal Court”

Centre for Animal Rights
(Centre Head: Dr. Aruna B Venkat, Associate Professor of Law)
(Mr. Vivek Mukherjee, Assistant Professor, Co-ordinator, P.G. Diploma on Animal Protection)

- Signed an MoU with International Center for Animal Law and Policy (ICALP), Faculty of Law – Universitat Autònoma de Barcelona.
- The Centre has appointed two Research Associates.
- Offered a 2 credit course on ‘Animal Protection Laws’ which has 32 enrollments.
- Engaged a credit course on Animal Laws at NLSIU, Bangalore between January 9-13, 2019.
- Mr. Krishnan Venugopal, Senior Advocate of Supreme Court, gave a lecture on Philosophical Foundation of Animal Rights in Indian Law on September 29, 2018 at NALSAR.
- Conducted a panel meeting with leaders in the field of Animal Welfare on October 6, 2018 to review and suggest modifications in the syllabus for the proposed PG Diploma Course in Animal Protection. The following experts attended the same:
 - Hon'ble Ms. Justice Anjana Mishra, Judge, Patna High Court
 - Mr. Raj Panjwani, Senior Advocate, India's leading animal advocates
 - Ms. Sowmya Rao- Member of Karnataka Legislative Assembly, Animal Activist
 - Ms. Gauri Maulekhi, Co-opted member of Animal Welfare Board of India and a Trustee in Maneka Gandhi's People for Animals
 - Mr. N.G. Jayasimha, Managing Director, Humane Society International/India

- As a result of Centre's initiative, all adult dogs on campus have been sterilized and vaccinated.

Training Programmes / Workshops

- Training programme for activists on Animal Law was organized by the Centre in collaboration with Humane Society International on February 24-25, 2018.
- Organized a sensitization workshop on human-animal interaction for NALSAR staff members in collaboration with Blue Cross on October 10, 2018.
- Conducted a sensitisation workshop on Animal Protection Laws for the Public Prosecutors and Judicial Officers of Hubli Dharwad on January 27 & 28, 2019.
- Sensitisation workshop for Judicial Officers for the State of Telangana and Andhra Pradesh was conducted between January 29 & 13, 2019.

STUDENT OUTREACH

Volunteers of IDIA (Increasing Diversity by Increasing Access)

Ayushi Bansal (2016-5LLB-73) and Anasuya Goswami (2015-5LLB-07) were appointed co-Team Leaders of the IDIA, Hyderabad Chapter on June 21, 2018. In December, 2018 they were awarded the Star of IDIA Award, for the best performing team leaders across IDIA chapters.

The orientation sessions were held for the first year B.A., LL.B. (Hons.), LL.M. and MBA students at NALSAR to introduce them to the work done by IDIA, conducted interviews of students across the University and selected around 96 volunteers for the NALSAR IDIA team.

The team conducted sensitization programmes in the following schools:

- Sai Junior College for the Blind, Begumpet (June, 2018) [Sensitized around 60 students]
- Telangana Social Welfare School, Medchal (June, 2018) [Sensitized around 110 students]
- Amanvedika Rainbow Home for Homeless Children (July, 2018) [Sensitized around 50 students]
- Ashray-Akruti, Voluntary Organization working for Ear, Hearing Care and Persons with Disability (July, 2018) [Sensitized around 20-25 students]
- Zila Parishad High School, Kowkooor (July, 2018) [Sensitized around 30-40 students]
- Helen Keller Institute for the Deaf, Sainikpuri (August, 2018) [Sensitized around 40 students]

From these sensitizations 14 students (6 from Sai Junior College for the Blind and 8 from Telangana Social Welfare School, Medchal) were selected and conducted background checks for all of them.

The members have been conducting regular classes, including mock tests, for a total of 17 trainees including the students selected last year. Approximately 216 training sessions (108 days) at Sai Junior College, approximately 56 sessions (29 days) at TSWs, Medchal, as well as several on-campus sessions were conducted for the trainees.

The team appointed individual mentors for each of 17 selected trainees, who have regular sessions for guiding and giving personalized attention. Three mentors were also appointed for each of the four scholars who are presently studying at NALSAR (English, Academics and Social mentors), who have been attending to the scholars for their academic and other needs.

The volunteers conducted a fundraiser for IDIA on the day of the orientation of the first year students at NALSAR, where they set up a photobooth for students, and sold IDIA T-shirts as well. They raised around Rs. 25,000/- for IDIA at this event.

Also conducted a fundraising bake sale for IDIA during the time of the BR Sawhney Memorial Moot at NALSAR, and raised around Rs. 7,000/-. The team maintained their presence on online social media, Facebook and Instagram and have recently set up LinkedIn account.

The members are collaborating with students from the University and are in the process of making a video about the IDIA scholars currently studying in NALSAR, to be used for awareness and fundraising purposes by sending it to lawyers and law firms.

The volunteers submitted a disability report to the NALSAR administration, with proposals for making the University campus more accessible for students with disability. These proposals included the buying of a Plustek Optic Book Scanner (for scanning books for visually impaired students), infrastructural requirements, like directional signage, Braille pictograms, installation of tactile surfaces, ramps and counseling services.

Also submitted a proposal for conducting an accessibility audit of the University, which along with the proposals in the disability report, has been sanctioned by the administration. As per the proposal of the disability report, access to Lexis Nexis India has been obtained by the University.

A proposal was also submitted to administration for fee-waiver of IDIA scholars and raised this in the open house before the Vice-Chancellor, after which a Committee has been constituted by the University to amend the scholarship policy, which at present precludes IDIA scholars.

DEVISE – Developing Inclusive Education

DEVISE – Developing Inclusive Education, identified English language as the barrier that inhibits the students from achieving their potential in higher education and careers. Though a majority of the government schools in India claim to be ‘English medium schools’, the students therein lack basic understanding of the language. English is not essential to survive but it opens up numerous avenues for the students, both in higher education and jobs. Lack of functional knowledge of English is a major drawback for children within the present educational system as it deprives them of the opportunity to venture into numerous professions. Further, English is the language of authority, providing the deprived people an opportunity to directly participate in the negotiation for their rights. In this digital age, it is almost impossible to imagine accessing various online resources and study material without having a functional grasp over English and this affects the future of students attending government schools.

Started as a pilot project and is currently conducting sessions for nearly 300 students annually with a volunteer base of around 90 students from NALSAR. Approach of DEVISE is completely volunteer driven and the volunteers conduct sessions in two Zilla Parishad High Schools (Pudur and Muneerabad) and an orphanage in Turkapally for nearly an hour every day. Each volunteer conducts one session every fortnight to balance volunteerism with the academic schedule of such volunteers. The volunteers conduct Art and Coloring sessions, writing sessions, story-telling and grammar sessions.

Lack of English language skills affects the students' ability to understand other subjects as well which then drives them to resort to rote learning. Equipping these students with requisite English language skills will be a major factor in giving them an equal opportunity to compete with their counterparts in private schools while availing access to higher education and careers.

Core Team – P Avinash Reddy (2015-5LLB-26), Sudharshana R (2015-5LLB-119), Pallavi Neha (2015-5LLB-34), Anand Nayak (2017-5LLB-25)

NALSAR Litigation Project

NALSAR Litigation Project (NLP) is a student run initiative, founded by Dayaar Singla (2016-5LLB-77) and Bhavish Kaki (2016-5LLB-76) to work towards the cause of increasing legal aid and promoting legal awareness. The project receives guidance from Prof. (Dr.) Faizan Mustafa, Vice-Chancellor, NALSAR in his capacity as the Director of the Project. NLP primarily assists lawyers with pro bono or public interest litigation work by providing assistance in terms of researching and drafting. NLP also runs a Public Policy vertical, which works towards creating change through measures that do not involve the judicial arm of the government. NLP has closely worked with lawyers in Assam dealing with the arbitrary decisions of the Foreigners Tribunal, pertaining to the citizenship issue. It assists the Indian office of the well known multinational non-profit iProbono. NLP is also working with Hyderabad based lawyers in matters of privacy, Aadhar and surveillance. To increase awareness in the University, NLP screened the documentary 'Between Hatred and Fear: Surviving Detention in Assam', and held a discussion with Leah Verghese, (NLSIU, Columbia). NLP's policy vertical, has made a representation and gave testimony to the US Trade Representative on the Special 301 Report arguing for a better status for India and removal of our country from the Priority Watch List. NLP is NALSAR's another step towards furthering the University's objectives.

Legal Aid Group

The NALSAR Legal Aid Group (N-LAG) which has around 45 members, has carried out the following activities during 2019-20 under the leadership of P Avinash Reddy and Benjamin Vanlalvena:

- Prepared a booklet on Panchayati Raj Act for training Sarpanches in Telangana
- Carried out a door-to-door awareness campaign about Domestic Violence Act in Pudur village
- Conducted a Legal Aid Camp at Pudur village and Legal Awareness Camps in Muneerabad
- Visited refugee settlements in Hyderabad and interacted with the refugees to understand their access to basic amenities

- Collaborated with Save The Children and UNHCR and prepared a comprehensive training module on domestic laws for refugees in India
- Conducted training for the staff of Save The Children about the various domestic laws
- Assisted in organising the World Refugee Day Commemoration Event on July 18-19, 2019 in collaboration with Save The Children
- Attended State-Level NGO Meet on NREGA, its failures and lack of implementation.
- Went to Eturnagaram for Legal Aid Work, focusing on Tribal Land Rights (1959 AP Act) and filing complaints related to SC/ST Prevention of Atrocities Act.
- Met and contacted stakeholders and persons involved regarding Transgender Persons Rights, in respect of Right to Food, and other laws and policies.



**NALSAR University of Law
Hyderabad**

EXTRACT FROM THE ANNUAL REPORTS

**REPORT ON THE EXTENSION AND OUTREACH ACTIVITIES
DURING THE YEAR 2019**

**Centre for Tribal and Land Rights
(Centre Head : Prof. V. Balakista Reddy, Professor of Law)**

Drafting of Telangana Municipal Act, 2019

The Centre drafted the Telangana Municipal Act, 2019. A committee headed by Prof. V. Balakista Reddy, consisting of professionals including retired Acting Chief Justice of erstwhile Andhra Pradesh High Court, Hon'ble Shri Justice B. Prakash Rao, Prof. G. B. Reddy, Osmania University, Mr. V. Sreedhar Reddy, Mr. A.P. Suresh, Ms. Rajeshwari, Practicing Advocates of Telangana High Court, Mr. K. Shiva Charan and Ms. Jyoti Research Associates of NALSAR had several brainstorming sessions along with in-depth research during drafting of the Telangana Municipal Act 2019.

**5-day Training Programme for the newly elected Sarpanches of Medchal Dist.
From February 18-22, 2019**

NALSAR trained 62 newly elected Sarpanches of Medchal District, Telangana on the Panchayat Raj Act 2019 from February 18 -22, 2019. Apart from this Act other relevant Acts were also taught to them. This five day training program was inaugurated by Medchal Constituency MLA, Shri Chamakura Malla Reddy, District Collector Shri M. V. Reddy I.A.S, Prof. (Dr) V. Balakista Reddy, Registrar, NALSAR, Shri Ravi Kumar, District Panchayat Officer, MPDOs, EORDs and other Panchayat Raj officers were present. The main emphasis of this training program was on duties, responsibilities and powers conferred to Sarpanches under recently Amended Telangana Panchayat Raj Act, 2018.

**Training program on 'Challenges on Assigned Lands: Solution Mechanisms' on
April 13, 2019**

Centre for Tribal and Land Rights (CTLR), NALSAR University of Law and Sadhana Academy of Imperative Law and Life Skills (SAILS) have conducted the training program on 'Challenges on Assigned Lands: Solution Mechanisms' at Sadhana Academy of Imperative Law and Life Skills (SAILS), Hyderabad on April 13, 2019. In his inaugural address Prof. (Dr) V. Balakista Reddy explained the various issues on Assigned Lands. He further stated that lakhs of people are facing problems with assigned lands, lot of defects and difficulties in the legislations as well as in revenue records. Due to the initiatives taken by the Telangana Government more than three lakhs families are going to be benefited. Further, Prof. Reddy also stated that knowing the basic land rights and law is must for every land holder. Prof. Reddy appreciated the initiatives taken by the SAILS in promoting Land Rights Awareness through this training program. Training program is provided a plat form for resolving assigned land problems.

Five Day Refresher Training Programme for Advocates of Telangana

NALSAR University of Law has entered into a MoU with the Telangana Advocates Welfare Trust, Department of Law, Government of Telangana to provide training for young practising advocates in the State of Telangana on May 3, 2019. The MoU was signed by Prof. (Dr.) V.Balakista Reddy, Registrar, NALSAR and Shri B. Ramanjanyulu, Secretary, Telangana Advocates Welfare Trust in the august presence of Shri.B.V.Prasad, Advocate General, Telangana, Shri V. Niranjan Rao, Secretary, Department of Law, Telangana, Shri Gandra Mohan Rao, Trust Member, V. Madhusudhan Reddy, AGP High Court, Shri. A.P. Suresh Advocate, High Court, Mr. K. Shiva Charan, Research Associate, NALSAR. The aim of this MoU is to provide training for Young practicing advocates having two to five years of experience at trial courts in Telangana State.

As part of the MoU with Telangana Advocates Welfare Trust, Department of Law, Government of Telangana, NALSAR provided rigorous and intensive five day training for three batches during the reported year. The objective of the training program was to enhance the advocacy skills which required for handling litigation matters or disputes arising before the court of law, research skills to carry out legal research on legal issues, improvisation of skill-set to render legal advisory services to resolve pre-litigation issues, specialised training in drafting legal documents, contracts/agreements and court pleadings, training to enable the trainee Advocates to get a first hand understanding and exact functioning of the Courts (*from lowest to the Highest Court*) in India, to improve oratory skills in English, Professional Ethics: Dos & Don'ts of legal profession and breach of professional ethics and consequences arising thereof.

The training of first batch was commenced on May 11, 2019 and the program was inaugurated by Hon'ble Shri Justice Raghvendra S. Chauhan, Chief Justice, High Court for the State of Telangana and Chancellor, NALSAR University of Law, Hyderabad. NALSAR conducted training for three batches, each batch consisted of 100 advocates. The training programmes were conducted during May 11-15, 2019; May 27-31, 2019 and June 8-12, 2019. Prof. V. Balakista Reddy, Professor of Law and Registrar co-ordinated the programmes

Review meeting with the Sarpanches of Medchal District

Medchal District Sarpanches Review meeting was organized by CTLR, NALSAR on October 22, 2019. On this day Shri. C. Malla Reddy Garu, Hon'ble Minister of Telangana, M.V. Krishna Reddy I.A.S Medchal District Collector, Shri. Vidhya Sagar Joint Collector Medchal District, Prof. (Dr.) V. Balakista Reddy, Registrar, NALSAR, Mr.Sharath Chandra Reddy, Z.P. Chairman of Medchal District, ZPTC Members, MPTC Members and Sarpanches of Medchal District were present. During this review meeting they were taught about how to coordinate and cooperate for the development aspects such as laying of roads, water supply, construction of lavatories, sewage and drain system etc. All the members were thanked for immense support and encouragement given by Shri M.V. Reddy I.A.S. District Collector from time to time. He encouraged and motivated all the newly elected public representatives to prosper their villages and to be set as best model villages in the State. During this review meeting best model villages were rewarded with appreciable prizes by the Hon'ble Minister.

One Day Training Program on ‘Sensitizing the Developments of Municipalities in Telangana State’ on February 19, 2020

One Day Training Program on ‘Sensitizing the Developments of Municipalities in Telangana State’ for Self Governing Bodies of Municipalities (Pattana Sthanika Samsthala Sammellananm, Pattanana Pragathi Avagahana Sadhassu) was organized at NALSAR February 19, 2020. This program was attended by the Medchal District Municipal Commissioners, newly elected Municipal Members including Corporators, Mayors, Deputy Mayors, Councilors and Chairman. Hon’ble Shri Chamakura Malla Reddy, Minister for Labour, Employment & Factories of Telangana State has graced the occasion as Chief Guest. In addition, the District Collector of Medchal Shri Venkateshwarlu I.A.S, Assistant Collector Shri Samson, Joint Collector Shri Vidhya Sagar, Prof. (Dr) V. Balakista Reddy, Registrar NALSAR, Mr. A.P. Suresh, Advocate, Mr. K. Shiva Charan, Research Associate and the Local Bodies of Villages of Medchal District were present.

- A Legal Aid Camp to create awareness on various legislations including Domestic Violence Act was organized in Muneerabad Village, Medchal Mandal & District, on July 17, 2019, wherein more than 200 villagers participated
- The Centre is continuously guiding the illiterate, poor, and needy people who approach the CTLR on their property matters, legal and litigation matters on time to time basis. Further, the Centre has been drafting the legal petitions and applications to the illiterate poor people.

Centre for Legal Philosophy and Justice Education (Centre Head: Prof. Amita Dhanda, Professor of Law)

Research Project : Incubating a Discourse for Cooperation, Contentment and Care to Enable Justice for All (2018–2021)

- Awarded a three-year project by Ford Foundation entitled *Incubating a Discourse for Cooperation, Contentment and Care to Enable Justice for All* (2018–2021)
 - Dr. Ananda Amritamaharaj, Principal, Sophia College for Women, Mumbai is writing a status paper on ‘values of cooperation, contentment and care have been addressed across religions’.
 - Dr. Lavanya Suresh, Assistant Professor, BITS Pilani, Hyderabad campus has completed mini project on 'Alternative ways of understanding ecological conservation practices to enable justice for all'.
 - Awarded two mini-projects to Dr. Murali Karnam on Making Sense of Punishment: In search of a framework for Just Punishment and on Teaching Knowledge Democracy
- Admitted the following Research Fellows for doing research under FORD project:
 - Ms. Malavika Prasad : Incubating Commons Thinking : A Proposal
 - Mr. Josh Dalrymple : Evaluating immigration policies to initiate cooperation, contentment and care

- Mr. Pulugurtha Karthik Teja : Sex workers, sexual minorities and the re-writing of international human rights
 - Mr. Ayyagari Subrahmanyam: An Inquiry of Incongruity: A Study of Statelessness and Citizenship in India
 - Ms. Astha Saxena – The Use of Non-Obstante Clauses to Shift Legislative Paradigms
 - Mr. Shree Rahul - Vagrancy and Beggary in India: A Socio-Legal Critique
- Co-hosted the 19th Basic Income Earth Network Congress from August 22-25, 2019 at NALSAR

The most significant activity undertaken was to co-sponsor the conclave of Basic Income Earth Network. The conclave was an opportunity for the University to reach out to scholars, activists, grassroot organizations in other parts of the country and the world to understand how the values vital to the project were being understood and executed by other individuals and organizations in other parts of the world. The project and its philosophy were shared with the delegates in a plenary panel which resulted in a number of delegates proactively reaching out to us. Thus, the strategy of proactively reaching out to likeminded scholars and activists launched in the first year of the project was further strengthened by having all the doctoral scholars attend the conclave and forge relevant scholastic connections.

Julio Linares and Gabriela Cabana-Alvear - delegates at the Basic Income Conference – presented their paper on reimagining the nature of money as currency. Their approach to alternative economics and degrowth presented us with a huge learning opportunity and has inculcated an interest in the care economy and feminist economics among some of our scholars. Prof. Phillippe Van Parijs, one of the progenitors of basic income theory, was yet another contributor at the Conference who offered critical interventions, as one who has studied the political and economic theory underlying the basic income. They served as valuable reminders that advocacy for the universal basic income is a separate project from academic and empirical research that test the basic income in social contexts other than developed economies. Indeed, the former must be grounded in ethical research carried out in social contexts in the global south as well.

In order to advance the values informing the project the next generation was exposed to the values of care and cooperation. Consequently, an intensive course on basic income was offered at NALSAR by Prof. Phillippe Van Parijs. More than hundred undergraduate and post-graduate students attended the course. In addition, all the doctoral students sponsored by the project attended the course. The induction of these values in the course curriculum has helped in drawing us closer to the above stated outcomes.

Books

- Ms. Anindita Mukherjee on 'The Legal Right to Housing in India' published by Cambridge University Press.
- Ms. Astha Saxena on 'Land Law in India' published by Routledge Taylor & Francis group, United Kingdom.

Centre for Animal Rights
(Centre Head: Dr. Aruna B Venkat, Associate Professor of Law)
(Mr. Vivek Mukherjee, Assistant Professor, Co-ordinator, P.G. Diploma on Animal Protection)

Research Project on 'Farm Animal Protection: True Cost of Eggs Series' funded by HSI India

The animal protein production sector in India has undergone a paradigm shift in its structure and operation from being a mere backyard activity in most cases, into a major commercial agriculture-based industry over the period of four decades. In the west emerging research into the sector has shown that the environment, public health and animal welfare have suffered greatly because of industrialised animal husbandry. There is little to no research from Indian to highlight the animal welfare issues, negative externalities and public health cost associated with the rapidly growing sector. This series will shed light on some aspects of the sector by looking into the labour rights, animal welfare, public health issues associated with the egg production sector.

India ranks 3rd in the world in egg production according to Watt Executive Guide, 2015. Commercial poultry farming in India has created and still creating a profitable business opportunity for business runners. The demand for eggs in the market is never-ending but at what cost? Through this paper series you will see it is at the cost of people employed in these farms, at the cost of the environment, at the cost of the birds that supply these eggs, at the cost of the local/surrounding neighbourhood and last but not least at the cost of you! What are you consuming, where is it coming from and at what cost?

The first paper in the series will give an account of the labour rights violations in egg production facilities in and around Hyderabad. The second paper will focus on documenting the condition of birds in egg production in Telangana. The last two papers will highlight the environmental and public health issues associated with egg production because of the lack lustre regulatory environment in Andhra and Telangana. Telangana and Andhra are two regions where the bulk of India's egg production happens and thus grounding the research in the region would be ideal.

This paper series aims to increase insight into the following:

- How the current system of battery cages and treating the birds as “production units” leads to immense harm not only to the birds but also to the labour and other humans in and around the poultry farms on a regular basis.
- How intensive confinement has an adverse impact on not only the animals but also causes a wide range of problems for our environment. The waste is released to our water bodies without any treatment. Our water and air quality are drastically compromised because of these industries. Studies have found that the workers of poultry farm report a more frequent occurrence of “headache, runny nose, sore throat, excessive coughing, diarrhoea, burning eyes, chest tightness.”

- The prevalence of child labour, bonded labour and other labour rights violation in the visited poultry industries.
- What are the immediate measures that the poultry industry would need to take in order to improve the working conditions and address the existent human rights violations?

Progress made

Labour Paper

- The paper has been written with insights gained from 25 field visits to egg production facilities.
- The paper is in the last stages of review and will be publication ready by 15th November.

Animal Welfare Paper

- The paper is being drafted with insights gained from 25 field visits to egg production facilities.
- 50% of the paper has been drafted and it should be ready for publication by 30th December.

Upcoming Tasks

Environment Paper:

- Studying the ecological risk associated with egg production through insights gained from 20 to 30 facilities.
- To study sustainable models of egg production to show a way forward for the sector.
- To produce a chemical and carbon footprint profile for eggs in two major cities (Hyderabad and Vizag).

Public Health Paper:

- Studying the Public health risks associated with egg production by building a health profile of people living in and near the facilities.
- To build a health profile of people living in zones where egg production is concentrated by partnering with public health agencies and local doctors.
- To produce a biological threat profile of egg production.

Sensitisation workshops organized

- Conducted a sensitisation workshop on Animal Protection Laws for the Public Prosecutors and Judicial Officers of Hubli Dharwad on January 27 & 28, 2019.
- Sensitisation workshop for Judicial Officers for the State of Telangana and Andhra Pradesh was conducted between January 29 & 30, 2019.
- Sensitisation Workshop on Animal Welfare Laws to the Assam Judicial Academy and Public Prosecutors in February 2019
- Sensitisation Workshop on Animal Welfare Laws to the Judicial Academy in Hubli in March 2019

National Teachers Training Program on Animal Protection Laws in collaboration with Michigan State University College of Law between March 16-18, 2019

- The Centre has organized a National Teachers Training Programme on Animal Protection Laws in collaboration with Michigan State University College of Law during March 16-18, 2019 to Professors of Animal and Environment Laws from Law Schools across the country.

Courses offered

- The centre offered a one-credit course to NLS students on Animal Law from January 8-12, 2019.
- Offered a one year Post-Graduate Diploma on Animal Protection through ODL mode from the Directorate of Distance Education. As part of the programme Ms. Gauri Maulekhi (Trustee, People for Animals), Ms. Vasanthi Vadi (Founder Blue Cross and People for Animals), Mr. N.G.Jayasimha (Co-Founder & COO of Global Food Partners & Research Fellow Harvard Law School), Ms. Alokparna Sengupta (MD of Humane Society International, India) and Vivek Mukherjee (Faculty, NALSAR) were invited to deliver lectures for the enrolled candidates.
- During the semester June-October, 2019, the Centre introduced a one year long clinic course with five projects to the B.A., LL.B. (Hons.) students.

Lectures organized

- Prof. Kristen A. Stilt delivered a lecture on 'Animal Welfare and Religion' on July 26, 2019. Prof. Stilt is the Deputy Dean, Faculty Director of the Animal Law and Policy Program at Harvard Law School. Prof. Kristen is also the Director of Harvard Law School's Islamic Legal Studies.

Other activities

- Second round of ABC was conducted at NALSAR. Three female dogs were sterilized on August 1, 2019.

Foreign Visits

- The centre coordinator visited Tel Aviv University for a month to collaborate with Environmental Justice and the Protection of Animals Rights Clinic.

STUDENT OUTREACH

NALSAR Litigation & Advocacy Project

NALSAR Litigation & Advocacy Project (NLAP) is a student run initiative, founded by Dayaar Singla, Bhavish Kaki and Vishal Rakhecha working for increasing legal aid and advocating for various social causes since September, 2018. The project has grown to over 10 students and receives guidance from Prof. (Dr.) Faizan Mustafa, Vice-Chancellor, NALSAR in his capacity as the Director of the Project. NLAP assists lawyers with pro bono or public interest litigation by providing assistance in terms of researching and drafting. NLAP's Public Policy vertical works towards creating change through measures that do not involve the judicial arm of the government.

NLAP's Litigation vertical has closely worked with lawyers including Mr. Aman Wadud, in Assam on various cases which deal with the arbitrary decisions of the Foreigners Tribunal, pertaining to the citizenship issue. In collaboration with the well known multinational non-profit iProbono, India run by NALSAR alumni Ms. Swathi Sukumar it released a Foreigners Tribunal Lawyers' Training Module. It is also working with Hyderabad based lawyers on matters of privacy, Aadhar and surveillance.

The Policy vertical, had the honour to be invited to testify before the US Trade Representative (USTR) on the Special 301 Report in Washington D.C. where the Project argued for a better status for India and removal of our country from the Priority Watch List. NLAP also worked on a report with the renowned US based non-profit Avaaz on the issue of fake news and misinformation. The Project has also worked with Save Life Foundation and assisted in research and legal drafting for proposed amendments to the Central Motor Vehicles Rules, 1989. Further, NLAP worked with Legal Initiative for Forest and Environment (LIFE) on creating a database of cases on Biological Diversity Act, 2002 and in preparation of a report on the status of its implementation with special focus on South India.

At NALSAR, we also held a documentary screening for 'Between Hatred and Fear: Surviving Detention in Assam', and held a discussion with Leah Verghese, (NLSIU, Columbia). NLAP is NALSAR's another step towards furthering the University's objectives.

DEVISE- Developing Inclusive Education

Currently, there are 110 volunteers for DEVISE who take turns to conduct English training sessions for the underprivileged children on a regular basis in the villages near Shamirpet. The group established a 'Reading Room' at Zilla Parishad High School, Pudur with around 700 bilingual books (Telugu and English). It also established a Community base for Education (CuBE) in Muneerabad where the volunteers conduct English training sessions regularly after school hours. Nearly 100 children are benefiting from these activities currently.

IDIA (Increasing Diversity by Increasing Access)

Beginning this year, the IDIA group at NALSAR conducted more than 200 hours of CLAT coaching classes in the Jan-May period, with the help of numerous volunteers from NALSAR University and also with the support of full-time interns who joined us from other colleges at Sai Junior College for the Visually Challenged. By CLAT 2019, our trainee had been given 525 odd hours of classes. This hard work of the volunteers and interns paid-off, when our trainee at the said Junior College made it to WBNUJS, a premier law college of the country. Another trainee, Akhil, also made us proud by getting selected to National Law University, Orissa. He was being trained by a reputed coaching institute, Career Launcher, which has a training collaboration with IDIA. The training operations were resumed in June 2019, to help the selected trainees prepare for CLAT 2020. The team is currently training eight students to appear in CLAT 2020. Out of these, five have been secured enrollment in Career Launcher. For the remaining three, more than 250 hours of training sessions were conducted with the help of the volunteers from NALSAR University and full-time interns from other law colleges. These trainees come from various social backgrounds, and some of them are also differently-abled. This is in line with the goal of making law schools truly accessible.

These operations of the organization are partially funded from the funds raised through on-campus fundraising programs. The IDIA team at NALSAR University raised more than Rs. 40,000 of funds through various events, conducted with the help of volunteers. Among others, the group conducted 'Bake-Sales', where the in-house student 'chefs' prepared food delicacies, and helped the IDIA group raise upwards of Rs. 10,000. The group also reached the alumni and distinguished legal professionals for support.

The IDIA Group also conducted several sensitization sessions for Class 11 and 12 students at various places some of which are listed below:

1. Don Bosco Navjeevan Society
2. Telangana Social Welfare Residential School, Mulugu
3. Telangana Social Welfare Residential School, Medchal
4. St. Anthony's, Kompally
5. Government Junior College, Mulugu
6. Government High School Cherial
7. Government Residential School Cherial
8. Sai Junior College for Visually Challenged, Secunderabad



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Hyderabad**

EXTRACT FROM THE ANNUAL REPORTS

**REPORT ON THE EXTENSION AND OUTREACH ACTIVITIES DURING THE
YEAR 2020**

**Centre for Tribal and Land Rights
(Centre Head : Prof. V. Balakista Reddy, Professor of Law)**

- Guided the Farmers association namely Radhakrishna Kuruma Sanghamam of Mangole Village of Kondapaka Village of Siddipet District, an extent of Ac 50.10 gts of land was acquired for Mission Bagheeratha purpose by Telangana State Government through Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014 in this regard made them to aware of legal provisions and their rights with regard to the property accordingly compensation was negotiated with the appropriate officials and enhanced compensation was being awarded peacefully without any chaos and agitations.
- Gadila Lakshmi W/ o Gadila Shankariah land around 2.00 Acres of land situated at Baswapur ijara Vilage of Mulugu Mandal of Siddipet District, a poor old aged widow lady cultivating land without having proper documents in her hand, there were several disputes since last 3 years, there were many provocations and tensions by few of same villagers were tried through illegal means and force to grab the land and enjoy, but timely suggestions and legal actions made them to protect their land, on behalf of them several applications was drafted and filed before appropriate authorities to take necessary actions, still those were pursuing on time to time basis.
- New Narsimha Nagar Cooperative Society of Mallapur of Nacharam, Hyderabad it's been almost 30 years since they have been fighting for their land ownership right, as a Residential Zone from Railway Transportation Zone and thereby can help nearly 800 households, more than 5000 people in the region. While it is thoroughly noticeable that, every single owner has been paying Property Tax, Electricity & Water bills quite persistently and also paid payments towards LRS in the recent times, yet their survey number has been classified as a non-residential zone by the HMDA and their Survey numbers are not included in recently developed Dharani Portal. In this regard CTLR given initial steps to be followed accordingly applications were drafted and helped the residents of association.
- Guided Several High Court Civil Litigation Matters to Tahsildars of Telangana State with regard to subjudice matters, Bindover cases during Election Code, Contempt Petitions, against Tahsildars and helped them to understand the nature of litigation and grounds of facts with legal relevance.
- Centre for Tribal and Land Rights (CTLR), NALSAR University of Law, Hyderabad is continuously guiding the illiterate, poor, and needy people who approach the CTLR on their property matters, legal and litigation matters on

time-to-time basis. Further drafting the legal petitions and applications to the illiterate poor people.

- Centre for Tribal and Land Rights (CTLR), NALSAR University of Law, Hyderabad is trying hard to bring out its Exclusive Activities Report under the esteemed stewardship of Centre Head Prof. (Dr) V. Balakista Reddy, which contains the CTLR's various unique initiatives and activities since its inception from 2005 to till today.

**Centre for Legal Philosophy and Justice Education
(Centre Head: Prof. Amita Dhanda, Professor of Law)**

- The project by Ford Foundation entitled *Incubating a Discourse for Cooperation, Contentment and Care to Enable Justice for All*, has been extended to 2022 with small additional funding.

The following pieces of work being done under the auspices of the project continue

- Dr. Ananda Amritamahal, Principal, Sophia College for Women, Mumbai is writing a status paper on "values of cooperation, contentment and care have been addressed across religions".
- Dr. Murali Karnam on Making Sense of Punishment : In search of a framework for Just Punishment and on Teaching Knowledge Democracy

Doctoral Work is being done on the following topics under the auspices of the project

- Ms. Malavika Prasad : Incubating Commons Thinking : A Proposal
- Mr. Josh Dalrymple : Evaluating immigration policies to initiate cooperation, contentment and care
- Mr. Ayyagari Subrahmanyam: An Inquiry of Incongruity: A Study of Statelessness and Citizenship in India
- Ms. Astha Saxena – The Use of Non-Obstante Clauses to Shift Legislative Paradigms
- Mr. Shree Rahul - Vagrancy and Beggary in India: A Socio-Legal Critique

**Centre for Animal Rights
(Centre Head: Dr. Aruna B Venkat, Associate Professor of Law)
(Mr. Vivek Mukherjee, Assistant Professor, Co-ordinator, P.G. Diploma in Animal Protection Laws)**

- The Centre organised an online webinar series on Animal Laws in India on 30th September, 2020 with the theme "Illegal Wildlife Trade and its Role in Zoonotic Disease Transmission". The speakers for the webinar were: Mridula Vijayraghavan who works with WCS-India as the Legal Director with a focus on wildlife law and Sumanth Bindumadhav who is the Campaign Manager for Wildlife at Humane Society International/India and has more than 20 years of experience in the field. More than 50 participants from different backgrounds participated in the webinar.

Research Projects

The centre is currently involved in 3 research projects:

- A project on '**Legal Personhood of Elephants in India**' in collaboration with Nonhuman Rights Project, USA.

Description: The main objective of the project is to file a petition for the recognition of the personhood of our client in a suitable High Court or the Supreme Court. At this stage, we are yet to decide who our client (most probably an elephant or a chimpanzee) will be and which court is most suitable for our petition. Mr. Raj Panjwani (who is a senior advocate at the Supreme Court and has been a champion of animal rights for decades) has agreed to be the lead counsel.

Funding agency: NhRP, USA.

Duration: 1.5 years approx.

Status: Ongoing.

- A funded project on '**Illegal Wildlife Trade and Zoonotic Diseases**' with Harvard Animal Law and Policy Program;

Description: One primary goal of our paper is to provide a sense of the diversity in types and cultural functions of markets, as well as the regulatory frameworks that govern them. We are selecting, as part of this process, a handful of countries to serve as "case studies" that capture this detail and allow for a deeper dive into the specifics of a particular country's markets. We hope these case studies, when taken together, will prove the reader a sense of how animal markets may vary from one region to the next as well as what types of regulatory schemes and policies govern markets around the globe. NALSAR has signed a general MOU which includes this project and future projects that ALC & ALPP, Harvard may take up collaboratively.

Collaborators: This project is led by the Harvard Animal Law & Policy Program, New York University's Center for Environmental and Animal Protection, University of Denver's Sturm College of Law, Lewis & Clark Law School's Center for Animal Law Studies, the University of Toronto Faculty of Law, the University of Victoria Faculty of Law, and Yale Law School's Law, Ethics & Animals Program. It is funded by the Brooks Animal Studies Academic Network. Outside of North America, we will be working with collaborators across the world who will oversee the country-specific "case study" portion of the research. It is our hope that collaborators will share information and ideas amongst themselves, such that one of the lasting effects of this project will be a closer network of dedicated professionals working on One Health issues.

- A funded research project on '**Farm Animal Protection**' in collaboration with Humane Society International, India.

Description: This paper series aims to increase insight into the following: How the current system of battery cages and treating the birds as —production units— leads to immense harm not only to the birds but also to the labour and other humans in and around the poultry farms on a regular basis. How intensive confinement has an adverse impact on not only the animals but also causes a

wide range of problems for our environment. The waste is released to our water bodies without any treatment. Our water and air quality are drastically compromised because of these industries. Studies have found that the workers of poultry farm report a more frequent occurrence of —headache, runny nose, sore throat, excessive coughing, diarrhoea, burning eyes, chest tightness. The prevalence of child labour, bonded labour and other labour rights violation in the visited poultry industries. What are the immediate measures that the poultry industry would need to take in order to improve the working conditions and address the existent human rights violations?

Status: This year we have completed two papers: **Environment Paper:** Studying the ecological risk associated with egg production through insights gained from 20 to 30 facilities. To study sustainable models of egg production to show a way forward for the sector. To produce a chemical and carbon footprint profile for eggs in two major cities (Hyderabad and Vizag). **Public Health Paper:** Studying the Public health risks associated with egg production by building a health profile of people living in and near the facilities. To build a health profile of people living in zones where egg production is concentrated by partnering with public health agencies and local doctors. To produce a biological threat profile of egg production.

The Research activities undertaken by the Shreya Padukone, Research Associate at the centre

- True Cost of Eggs Series:
 - Conducted legal analyses for three papers- Environment, Animal Welfare and Public Health.
 - Literature Review for Animal Welfare and Public Health papers.
 - One round of Internal and External review for the Environment paper.
- Live Animal Markets Project:
 - Conducted review for the working drafts.
 - Prepared questionnaires and attended interviews of 25 experts in the field of law, policy, and public health.
 - Drafted and edited the first draft for submission.
- Social Media
 - Content and graphic creation for ALC and legal updates.
 - Engagement to successfully double follower count.
 - Simplifying animal laws through fun and interactive content such as quizzes.
- Miscellaneous
 - Preliminary research on fish welfare and attending India's first Roundtable on Fish Welfare and Aquaculture 2021.
 - Successfully completed the five-day NLSIU-CPCB Training Programme in Environmental Legislations and adjudged Best Participant.
 - Developed two Animal Law Handbooks scheduled to be released in April 2021 and October 2021.

The Research activities undertaken by the **Ravi Teja Sangeetha**, Research Associate at the centre

- Finished drafting the first draft of the True cost of eggs - Animal Welfare paper.
- Hosted as well as helped in coordinating and organising the second round of PG-D classes online through Zoom
- Worked with Shreya Padukone in communicating and following up with Allywyn Sebastian and Gubbala Ramakrishna Rao in bringing out the first drafts of the Animal Law Handbooks.
- Sent the first draft of the labour paper for internal and external review.
- Worked with spreading the press releases across the Print media about the Animal Protection Law PgD program of 2020-2021.
- Co-ordinated with the IT department and reached out to prospective students over follow-up calls to ensure that their admission process is streamlined. Also coordinated with the team in processing and following up with students who were offered scholarships.
- Worked on adding citations and refining the references for the true cost of eggs - Labour paper
- Began restructuring the Labour paper into the requisite format.
- Worked with the IT team and coordinated with the students leading up to the first round of classes for the APL 2020 - 2021 batch. Made sure that the contact classes went through without hurdles across the four days.
- Began Restructuring the True cost of eggs - Animal Welfare paper by integrating recent research carried out in the field.
- Started coordinating the Animal Law webinar series with SNHP collaboration and ensured that the communication between the conveners and the speakers were going as per schedule. Also helped in collating and doing secondary research for the "First Strike" white paper.

STUDENTS OUTREACH
NALSAR Legal Aid Group

The following is the list of activities the NALSAR Legal Aid Group (NLAG) has taken up in the year 2020:

- Attended State-Level NGO Meet on NREGA, its failures and lack of implementation.
- Went to Eturnagaram for Legal Aid Work, focusing on Tribal Land Rights (1959 AP Act) and filing complaints related to SC/ST Prevention of Atrocities Act.
- Met and contacted stakeholders, and persons involved regarding Transgender Persons Rights, in respect of Right to Food, and other laws and policies.
- Collaboration with the Migration and Asylum Project (MAP) and facilitation of the conduction of a 2-day workshop on refugee law at NALSAR.
- Coordination of volunteers for the Migrant Travel Support Network (MTSN)-initiative to help the migrant workers during Lockdown.
- Started the Legal Awareness Initiative as part of which explainers on processes such as filing FIRs, obtaining a ration card and the like are shared through blog posts, Instagram and Facebook posts.

- Collaboration with the NALSAR Public Policy Group to host a panel discussion on "Queerness and the Law".

DEVISE Fundraiser General Quiz

The first quiz of the semester was conducted on 11/7/2020 on an online platform and was open to both students and alumni. The proceeds from registration quiz were given towards DEVISE. DEVISE (Developing Inclusive Education) is an NGO based in Hyderabad and run by NALSAR students. Its objective is to equip children from the underprivileged communities with a functional knowledge of English language in order to move towards an inclusive education system.

SOCIAL RESPONSIBILITY AND STUDENT WELFARE COMMITTEE

The main aim of the Social Responsibility and Student Welfare Committee is reflected from its name, some of the major duties include the maintenance of internet and related infrastructure on campus, overseeing the student orientation and mentor-mentee programmes, to provide logistical and financial support to legal aid activities and ensuring the maintenance of healthcare and related services on campus. These responsibilities, along with others have been laid down in Article 21 of the Student Bar Council Constitution.

In the Semester which ran from July-October 2019 till December 2020 the committee undertook the following major tasks:

Purchase of Books and E-Book Bank: Purchase of law textbooks too was done utilising the SBC budget, and distributed to students from various years. The SRSWC started the NALSAR e-book Database in the July-October 2019 semester by creating a repository of the e-books for the mandatory subjects. The project was expanded with a collaboration with the Academic Committee and we digitised half of the proposed list of books, with the rest of the list to be finished in the subsequent year. During the lockdown the committee utilized the part of the remaining budget, to purchase and deliver books for some mandatory subjects for Visually-Challenged students.

Purchase of Laptops: The SRSWC ensured distribution and maintenance of the university's laptop bank for the students to use during emergencies coordinated with the IT Department to ensure that the university purchased additional laptops for the students to use in emergencies.

Upgradation of IT Infrastructure: The SRSWC coordinated with the IT Department, to identify areas where Internet connectivity issues exist. The IT Department installed LAN ports and Cables in the Moot Rooms in the Library. The IT Department purchased additional routers to be installed at various points of the university. The SRSWC also distributed LAN cables to the students for use in hostels.

Cycles on Campus: Cycles on campus (which are rented out for a nominal amount) were repaired several times and purchase of new cycles from the annual SBC budget was made. The SRSWC redistributed the number of cycles among the hostel complexes of the campus. The committee ensured that an equal number of cycles are present in the BH complex and GH complex. Further

the committee prepared and submitted a proposal and acquired permissions for the engineering department to construct a bicycle shed near the GH complex.

Scholarship Programme: The SRSWC requested the VC to increase the scholarship corpus for the academic year 2020-2021, especially hardships that the COVID-19 Pandemic has created. The administration has agreed to increase the corpus from an amount of 35 lakh Rupees to 75 lakh Rupees. The SRSWC also undertook an orientation session with the batch of 2025 on University Scholarship, and External Scholarships.

Merchandise: The committee procured merchandise for the students and subsidise the purchase of the same. The committee shall complete the delivery of the merchandise to the students once the campus reopens.

Clothes Collection Drive: The SRSWC conducted a clothes collection drive in collaboration with Goonj Foundation

Healthcare: The SRSWC ensured that wheelchairs and crutches, procured for injured persons were available at the guard rooms and hostels as necessary.

Blood Donation Drive: The SRSWC during the month of February 2020, In coordination with some students and Jivitasha Organisation, the committee organised the Blood Donation Drive, which was shown enthusiasm on part of the campus residents, which was also appreciated by the volunteers from the Aarohi Blood Bank. The committee was assisted by Bhaskar Anna in providing refreshments for the participants of the drive which were reimbursed by the committee.

Legal Aid: The committee also ensured the provision of funds for the NALSAR Legal Aid Group [NLAG] for various legal aid activities. Refer to the NLAG Annual Report for more details.

Mentorship Programme for the Batch of 2025: The SRSWC revamped the mentorship programme that the committee undertakes, by increasing the number of mentors, especially considering the short semester period and lack of tutorials for the batch of 2025 in their virtual semester.



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NALSAR Land Rights Centre guided and helped Mr. Repalle Shiva Ramakrishnaiah S/o Repalle Nagaiah, R/o Pottimeraka Village, Repalle Mandal, Guntur District, in taking corrective steps to rectify his revenue records which were manipulated by the vendors in the revenue records against the law. The case was initially civil in nature later on turned up towards criminal as well. CTLR patiently and promptly responded to this issue during critical covid time and advised legally and technically to rectify his land revenue records.

NALSAR Land Rights Centre also identified and guided in a case of un-approved layout of 1756 plots registered as an Enjoyer in the Revenue Records (Enjoyment Register) at thasildhar-Bhubaneswar office between 1997-2001 as Sri Laxmi Narasimha Swamy Nagar, Bhongir (ie. SLNS Nagar, Bhongir). The successor of the original pattedhars on the 154.28 acres of the SLNS through false documents became owners. Based on the said False Documents, the SLNS Nagar, Bhongir plots were sold to subsequent purchasers for several acres.

The Centre guided on the below action points

- Get prepares the CAD version of Blue print.
- Obtain tepan of said 11 number survey numbers and prepare CAD version of it.
- Mark Registered boundaries, defined boundaries information on said CAD version of drawing.
- Super impose the CAD version of Blue print over the said tepan drawing with reference to the ground position. (ie. Also match the said details with ground position).

Publications:

- Centre has published News Letters “CTLR Land Initiatives – A Journey of two Decades”.
- Published contemporary news articles in esteemed newspapers on various land issues as a part of creating legal awareness.
- Time to time made available of YouTube programs on various land related issues by CTLR for land legal awareness.

Centre for Animal Rights
(Centre Coordinator, Mr. Vivek Mukherjee, Assistant Professor)

Research:

- The centre signed an MoU with the Animal Law and Policy Program, Harvard Law School.
- The Centre is also undertaking Preliminary research on fish welfare and attending India's first Roundtable on Fish Welfare and Aquaculture 2021.
- The centre was represented in the team of researchers working on the South Asia case study for the Live Animal Markets Project conducted by the Harvard Law School - Animal Law and Policy Program. The project studied policy responses to live animal markets, which have been identified as sites that facilitate the transmission of zoonotic diseases such as avian influenza, Severe Acute Respiratory Syndrome (SARS), and COVID-19. It aims to provide a comprehensive assessment that will aid policy makers considering regulatory decisions, contribute to public education about these issues, and serve the human health and animal protection NGO communities.
- The legal study examining intensive animal agriculture in India from the perspective of the egg production sector has been completed. The first paper in the series titled 'True Cost of Eggs: A Cost to our Environment' is in consideration for publication.
- The Centre entered into collaboration with the Vidhi Centre for Legal Policy for their open access digital legal resource called "Nyaaya".
- The Centre contributed a chapter on Indian Animal Laws for a publication by the UK Centre for Animal Law on international animal law perspectives.
- The Centre published a short explainer blog on Zoonoses and Animal Law for World Zoonoses Day 2021.
- A paper titled 'True Cost of Eggs: A Cost to Animal Welfare' is in review for prospective publication with the UK Journal of Animal Law.
- A blog article on the Kerala High Court order declaring the unconstitutionality of ban on pets by RWAs is in review for prospective publication with the A-law Newsboard.

Postgraduate program in Animal Protection Laws:

- The personal contact programmes for third batch of the Post Graduate Diploma in Animal Protection Laws for 2020-21 was successfully carried out.
- The centre collaborated with DDE, NALSAR to launch India's first MA in Animal Protection Law. The following international professors have agreed to teach for the program: Ani B. Satz, Paola Cavalieri, Gary Francione, Steven Wise, Jessica Eisen, Maneesha Deckha, Dr. Visa Kurki, Will Kymlicka and Marita Giménez-Candela.
- Semester I personal contact classes for Masters/Advanced Diploma in Animal Protection Laws were organized from 14-19 December 2021.

Sensitization and capacity building programs:

- The Centre in collaboration with Bihar Judicial Academy trained 800 judges on Animal Laws.
- The Society for Non-Human Persons, NLSIU and the Animal Law Centre, NALSAR collaborated on a 10-part Animal Welfare Webinar Series held between Feb – May 2021. The following resource persons addressed the

sessions: Shreya Paropkari, Sumanth Bindumadhav, Mahesh Kumar (IFS), Steven Wise, Sonia Shad, Gauri Maulekhi and Jayasimha Nuggehalli.

- The Animal Law Centre, NALSAR and NLUO held a Seminar Course on Animal Protection Laws, open to law students across India. ALC acted as knowledge partners for the same. The course was successfully completed on June 7, 2021.

Events:

- The faculty coordinator delivered a guest lecture on the topic “Climate Politics in the Anthropocene” at UPES, School of Law in February 2021.
- The faculty coordinator delivered guest lectures on the topics “Animals & Ethics” and “International Law & Animal Welfare” at National Law University, Orissa, India in March 2021.
- The faculty coordinator was invited as panelist at the Lakshmi Mittal and Family South Asia Institute’s Annual Symposium on the panel, “Animal Origins of Global Pandemics: Can Law and Policy Prevent the Next Crisis?” organized by Harvard Law School held on 20/5/2021.
- Sonia Shad, Manager at ALC was interviewed by the UK Centre for Animal Law on the landscape for animal law and policy in India in August 2021.
- Shreya Padukone, RA at ALC presented a paper on the topic “True Cost of Eggs: A Cost to the Welfare of Hens” at the Third Animal Law, Ethics and Policy Conference organized by the UK Centre for Animal Laws in September 2021.
- The Centre organized an interview of Smt. Maneka Gandhi, India's seniormost parliamentarian, by Prof. Faizan Mustafa on issues relating to animal cruelty in India.
- The Centre organized an interview with Mr Sumanth Bindumadhav, Senior Manager (Wildlife, Disaster Response and Dharwad Program) at HSI/India, on utilizing laws to mitigate human-wildlife conflict in India.

Publicity and Outreach

- The Centre has been conducting social media outreach for awareness on animal laws in India and has reached more than 1,75,000 people in the past year. ALC has a steady follower base of 3000 across social media platforms (Facebook, Instagram and Youtube).
- India’s first MA in Animal Protection Law featured on the A-law database of all Animal Law courses around the world, by the UK Centre for Animal Law. (<https://www.alaw.org.uk/animal-law-courses/>)

SOCIAL RESPONSIBILITY AND STUDENT WELFARE COMMITTEE

During the year under report the committee undertook the following major tasks:

- **Scholarship Programme:** The SRSWC assisted in the drafting of the new Scholarship Regulations to be in force from the Academic Year 2021-2022. The SRSWC also undertook an orientation session with the batch of 2026 on University Scholarships, and External Scholarships.
- **Mentorship Programme:** The SRSWC undertook the mentorship programme for the batch of 2026. The committee also drafted a University Mentorship Programme Note along with the Academic Committee and

Faculty Members to assist first and second year LLB students and the LLM students to deal with basic academic issues that they would be likely to face.

- **Distribution of Laptops:** The SRSWC ensured distribution and maintenance of the university's laptop bank for the students to use during emergencies in coordination with the IT Department.
- **Upgradation of IT Infrastructure:** The SRSWC coordinated with the IT Department, to identify areas where Internet connectivity issues exist. The SRSWC also distributed LAN cables to the students for use in hostels.
- **Merchandise:** The committee procured merchandise for the students and subsidise the purchase of the same. The committee completed the delivery of the merchandise to students and alumni.
- **Healthcare:** The SRSWC ensured that wheelchairs and crutches, procured for injured persons were available at the guard rooms and hostels as necessary. The committee also ensured that adequate medical supplies were maintained by the Health Centre keeping in mind the presence of students on campus during the Covid-19 Pandemic.
- **Legal Aid:** The committee also ensured the provision of funds for the NALSAR Legal Aid Group [NLAG] for various legal aid activities. Refer to the NLAG Annual Report for more details.

Impact of Prison Legal Aid Clinic

In the beginning of 2020, the NALSAR University entered into a Memorandum of Understanding with the Criminal Investigation Department of Police, the Government of Andhra Pradesh. Dr. Murali Karnam has been entrusted with the responsibility of organizing the internships with the department. Since then, every semester 4 have been sent to intern with the department headquarters. They directly work for two months with a senior most of police officer and online for the rest of the time.

1. Public policy research: The students focused on the implementation of the SC/ST (Prevention of Atrocities) Act in the East and West Godavari districts, trying to find the factors that play a role in the abysmally low conviction rates under the Act in these areas. They spoke to police officers at all levels and across the two districts and having selected a random sample of cases from the area that had resulted in acquittals, visited the people who were involved in those cases - the victims, the accused, and the witnesses.
2. Litigation from the prosecution side for cases being handled by the CID. This involved drafting, framing of arguments, and giving legal advice to the CID.
3. Helping with the functioning of the CID by helping various wings of the institution coordinate with each other, and to create reports on matters on which the organization needed clarity and suggestions.
4. The CID afforded the students a great deal of independence for their work, placed great value in our work and were extremely hospitable. The organization was open to criticism and honest discussion and provided us the leeway necessary for us to add value to the same.
5. Interacting with high-level police officers regularly allowed them to gain insights on the philosophy that guides police action, and to further deliberate on how the approach followed on the ground level for the implementation of law may differ from what is envisioned in legal and political philosophy. This helped them to form ideas on how public institutions can be improved by examining the incentive structures and the culture that prevails within them.
6. Interacting with the victims, witnesses, accused and local police officers pertaining to SC/ST Atrocities (Prevention of Atrocities) Act cases allowed them to gain a multifaceted perspective on law enforcement and the social dynamics that the law seeks to address.
7. The legal drafting for the prosecution allowed them to utilize their skills in the context of litigation, as they were entrusted with making submissions for important cases from the side of the government. Further, they were entrusted with sensitive and confidential information regarding which they were solicited legal advice.

Thus, the students are exposed to wide variety of circumstances and constraints in which the police department and other wings of criminal justice department functions. The systematic field visits to understand the miscarriage of justice in SC and ST (POA) cases and prisons have enormously brings them in touch with

the realities of victims of the society as well as that of the system. The internship is highly valued by the government of Andhra Pradesh and by the students.

So far 20 students have been deployed as interns and their level of understanding of criminal justice system is completely different from other students with book view of the law. Since they are also paid and made accountable for duties, they developed a sense of self-confidence yet remain very rooted in their practice. After the completion of the course at the University, two graduates were hired by the department as legal consultants and their services are highly valued.

The MOU with the police department and Experience of working with them are attached as evidence and for uploading the same.

REPORT ON THE EXPERIENCES OF WORKING WITH THE CID, POLICE DEPARTMENT OF ANDHRA PRADESH

Our experience as interns with the CID was an enlightening and transformative one. The work we did consisted of the following:

1. Public policy research: largely focused on the implementation of the SC/ST (Prevention of Atrocities) Act. We carried out fieldwork in the East and West Godavari districts, trying to find the factors that play a role in the abysmally low conviction rates under the Act in these areas. We spoke to police officers at all levels and across the two districts and having selected a random sample of cases from the area that had resulted in acquittals, we visited the people who were involved in those cases - the victims, the accused, and the witnesses.
2. Litigation from the prosecution side for cases being handled by the CID. This involved drafting, framing of arguments, and giving legal advice to the CID.
3. Helping with the functioning of the CID by helping various wings of the institution coordinate with each other, and to create reports on matters on which the organization needed clarity and suggestions.
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6. Interacting with the victims, witnesses, accused and local police officers pertaining to SC/ST Atrocities (Prevention of Atrocities) Act cases allowed us to gain a multifaceted perspective on law enforcement and the social dynamics that the law seeks to address.
7. The legal drafting for the prosecution allowed us to utilize our skills in the context of litigation, as we were entrusted with making submissions for important cases from the side of the government. Further, we were entrusted with sensitive and confidential information regarding which we were solicited legal advice.

Efforts are being made to preserve the trust and reputation of the university at the CID, both in terms of interest and skill in matters of public policy and legal drafting.

GROUND LEVEL REALITIES

- 1.** Differing perspectives: the law to the jurist and the policeman; with special focus on the SC/ST (POA) Act
 - a.** The police perspective on law: ethics over the text
 - i.** From interviews of police officers, legal advisors
 - ii.** Departures of police view from idealized conception of law (e.g., rule of law, separation of powers) and role of police.
 - iii.** SC/ST Act: views of police compared with legislative intent.
 - b.** Reasons for the disparity between theory and practice
 - i.** Problems in accountability structures – general and SC/ST Act specific
 - ii.** Socio-cultural beliefs: the theory embedded within – general and caste-based.
 - iii.** SC/ST Act specific: overview of ground realities that cause the gap.
 - c.** Comparative analysis of best practices
 - d.** Recommendations and corresponding suggested police manual revisions.

Interview - Paul – GO(Coastal)

The officer sees the desire to dominate as a major human trait. He believes this to be a major cause for bodily offenses. Further, he believes that it motivates people to misuse the police by filing false cases, as it results in the domination of one's adversary.

He understands the police could function only with the support of the public – they are, in truth, vastly outnumbered. Sometimes, the mob accumulates more power than the police. He cited one such instance during Black Day. To counter the same, realizing that regular policing methods were insufficient, he enlisted the help of local rowdies. He admits that this may not be legal. However, it was effective.

What is important is not the black letter of the law, he argues. The ethical is more important than the legal. It is not important to follow the rules, but to rather be God-fearing and act in good faith. The law allows for this, he points out, as he draws attention to legal clauses that grant discretionary powers and leeway for acts done in good faith.

He cited an example from personal experience: A brother once approached the police, complaining that his sister had been subjected to eve-teasing. The outdated law, however, only recognizes this as a petty offense and requires a fine of a mere 50 rupees. The accused paid the same, and committed the same offense again. Seeing no other recourse for justice, the brother murdered the accused. The officer, citing this incident, makes the argument that law, by itself, often does not satisfy the requirements of justice. When that is the case, the police must go beyond what it prescribes.

Driving the point home, he cites a common example – triple-riding on motorcycles. What if they were carrying a sick man to the hospital, he asks. What must take precedence, the rule against triple riding, or the willingness of the police to look the other way when there is no ethical violation? If the rule were strictly enforced, he believes that the police would lose the trust of the public.

Everyone has a social responsibility, he says. Rules exist for mere convenience. Rules, he believes, are often used to twist the truth to be used against the police. Due to the many procedural and evidentiary requirements, the police often fall short in following them perfectly. Advocates, he believes, are often guilty of exploiting this, and he believes that they often do not act ethically while representing “thieves.” He believes that the ethical way for a defence lawyer to argue is to not argue so hard that the accused gets acquitted, although he recognizes that it is usually easy to use technicalities to free them.

He believes that defence lawyers have an advantage over police as the former have more time to build their case. The police have trouble sticking to every requirement of the law in many instances, such as when there are severe time constraints in cases such as those pertaining to accident scenes (where there are requirements to take photos in a certain manner, collect witness statements, etc).

He admitted to the police using methods like faking the blood on a knife when the original blood from a stabbing could not be retained. Such methods are necessary, because the evidentiary standards are difficult to meet, according to him.

Conviction rates for offences are low, according to him, because there is a strong lawyers' union. Judges are often former lawyers and are well acquainted or are friends with them. However, he admitted that the police use their relationship with judges for success in cases as well.

Further, he described how witnesses are treated in courts: another reason for a high rate of acquittals. The Indian criminal system hinges on witness statements. In courts, witnesses are seated in uncomfortable conditions, are made to wait for a long time, are not given food and have to miss out on work. [Note: In the course of our research, we have not found a single instance in which witnesses have been paid for their time, travel, effort and inconvenience although it is required by law. The way witnesses are treated by the court system has direct implications on how much success the police can have with convictions.]

In accordance with his belief that the police has an ethical function rather than one of enforcing rules, he expressed that the police should apply their mind while deciding which laws to implement and provide resources to. The standard he used to evaluate laws was on whether it was in line with "social responsibility." When asked for an example, he took up the Gaming Act, which had recently been amended. In analysing the usefulness of the law, which would have implications on how much he would implement it, he stated that gambling was harmless for many who just used it to while away time, but harmful for those who gamble away property that their family is dependant on, and those who waste their time gambling at the expense of productive activities.

AUDIO VIDEO RECORDING IN CRIMINAL JUSTICE SYSTEM

1. In **Shafi Mohammed v. State of Himachal Pradesh**, the integration of Audio and Video recording into criminal investigation was initiated in a meeting by the Union Home Secretary and Secretaries of the state. A committee of experts (COE) created a road map for the same. It has proposed to use 'still photography' due to its reliance on high resolution images. For this purpose, secured portals may be established to which IO may email photographs taken at the crime scene, they will be stored at the state's server to prevent manipulation and will be emailed back to the police station. Special cameras can be used for this purpose selected by the Bureau of Police Research and Development (BPR&D). The Committee has stated that they would implement mandatory crime scene videography on a best effort basis. The Supreme court accepted a centrally driven plan of action, the following in brief;
 - a. **Phase 1 - 3 Months**- Concept circulation and preparation, this also includes the launch of pilot project in limited number of cities, capacity building through training of police videographer, procurement of required equipment. Training of an FSL in how to handle such digital evidence and preparation of training of modules.
 - b. **Phase 2 – 6 months**- Pilot project implementation.

- c. **Phase 3 – 3 months** – Pilot project implementation review, each state should prepare detailed plans for the expansion of project to all cities encapsulated by phase four.
- d. **Phase 4 – 1 year**- Expansion of coverage of the pilot implementation, State should also create plans for further expansion to districts.
- e. **Phase 5 – 1 year**- Coverage of extension to remaining cities and districts.

Each state police should create a steering committee under the Head of Police Force to spearhead the drive. Each state police should designate a senior officer with rank of IG or ADG as a nodal officer for the expansion of photography and videography in crime scene investigation. The Supreme Court directed that a central oversight body for oversight. The central government should provide funds to setup a central server.

- 2. In Delhi High Court Judgement dated 20/8/2018, **Ramesh Kumar v. State of Delhi**, the court rejected the excuses given by Delhi Police for failing to implement videography of proceedings (recording of witness statements). The Delhi Police argued that the storage devices become obsolete or inoperable by the time evidence is recorded in court. That cloud computing technology which needs to be used has issues of data security, hacking, ownership of clouds, access rights and digital ‘red tapism’. The court stated that digital recording of proceedings would lend immense credibility to the criminal justice system, especially the Police department, and directed the central and state govt to provide enough funds to set up the infrastructure to video record witness statements.
- 3. In a **Madras High Court Judgement dated 29/11/2019**, The court reiterated that the prosecution should examine eyewitnesses as early as possible and their statements must be recorded using electronic audio-video means under section 164 CrPC Noting that the Supreme Court has directed the High Courts to notify the Trial Courts and the following directions were issued to all the investigation officers [of the state]:
 - a. Section 164 CrPC for offenses punishable for 10 years and above should be recorded using audio-video means.
 - b. The same should be followed against all women and children under various special enactments.
 - c. The facilities for audio-video recording should be provided at all the Magistrate courts, Mahalir courts and Sessions courts by the state government and is also responsible for the storage of the data.
 - d. It was noted that digitally recorded evidence will give appellate courts the advantage of looking into the demeanour of the witness.

S. No	Reasons	No. of cases Acquitted			
		2017	2018	2019	2020 (Jan to October)
1.	Lack of Evidence	0	1	0	0
2.	Failure to collect Evidence	0	0	0	0
3.	Miss Handling of Evidence	0	0	0	0
4.	Failure to prove the case	0	0	0	0
5.	Failure in producing of witnesses	0	0	0	0
6.	Hostile Witness (Turn Hostile)	28	23	38	6
7.	Failure to brief the witnesses	0	0	0	0
8.	Compromised	3	0	4	0
9.	Withdraw cases	0	0	0	0
10.	Witnesses not supported	15	18	17	1
11.	Benefit of doubt	2	2	2	0
12.	Complaint/Mahazadars Hostile	7	13	7	2
13.	Discharged	0	1	0	0
14.	Relevant Contradiction	0	0	0	0

15.	Quash	1	1	0	0
16.	Abated	2	0	0	0
Total		58	59	68	9

- e. Finally, it was also noted that the witness protection scheme in **Mahender Chawla & Ors v. Union of India & Ors** should be implemented as otherwise audio-video electronic recording would be meaningless as it would expose the witness to a larger threat.

4. In **Paramvir Singh Saini v. Baljit Singh & ors**, The Supreme Court decided to follow up on the direction laid down in the Shafi Mohammed Case by an order dated 16-9-2020, All states were asked to submit compliance affidavits and Action Taken Reports within six weeks, the same was filed by 14 states while the state of Andhra Pradesh failed to do so. Further the setting up of state level oversight committee (SLOC) and district level oversight committees (DLOC) were directed. It maybe noted that although the Paramvir Judgement reviews the direction passed in Shafi Mohammed its focus is on the CCTV installation in police stations.

EAST GODAVARI – SCs/STs (POA) ACT – 1989 CASES

REASONS WISE ACQUITTED CASES

FOR THE YEARS 2017, 2018, 2019 AND 2020(JAN TO OCT)

WEST GODAVARI – SCS/STS (POA) ACT – 1989 CASES
REASONS WISE ACQUITTED CASES
FOR THE YEARS 2017, 2018, 2019 AND 2020(JAN TO OCT

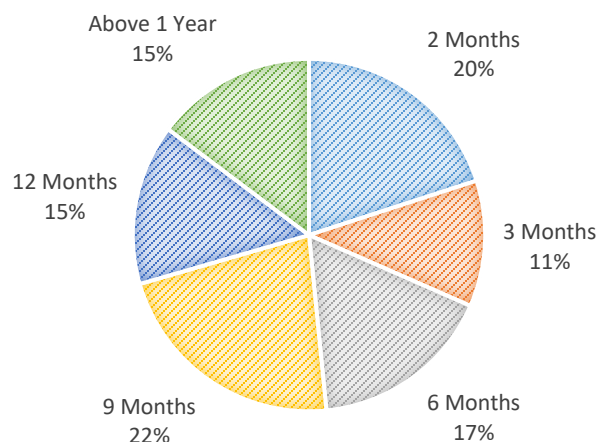
S. No	Reasons	No. of cases Acquitted			
		2017	2018	2019	2020 (Jan to October)
1.	Lack of Evidence	0	1	1	0
2.	Failure to collect Evidence	0	0	0	0
3.	Miss Handling of Evidence	0	0	0	0
4.	Failure to prove the case	0	3	2	1
5.		0	0	0	0

	Failure in producing of witnesses				
6.	Hostile Witness (Turn Hostile)	22	18	31	5
7.	Failure to brief the witnesses	0	0	0	0
8.	Compromised	0	0	0	0
9.	Withdraw cases	0	0	0	0
10.	Witnesses not supported	24	18	12	4
11.	Benefit of doubt	0	0	0	0
12.	Complaint/Mahazadars Hostile	0	1	1	0
13.	Discharged	0	0	0	0
14.	Relevant Contradiction	0	0	0	0
15.	Quash	0	2	0	1
16.	Abated	2	0	4	0
Total		48	43	51	11

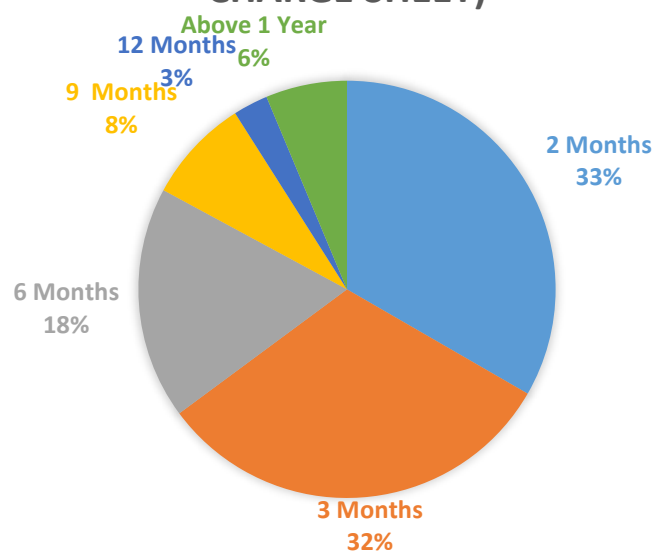


WEST GODAVARI 2019 - TIME TAKEN TO FILE CHARGE SHEET

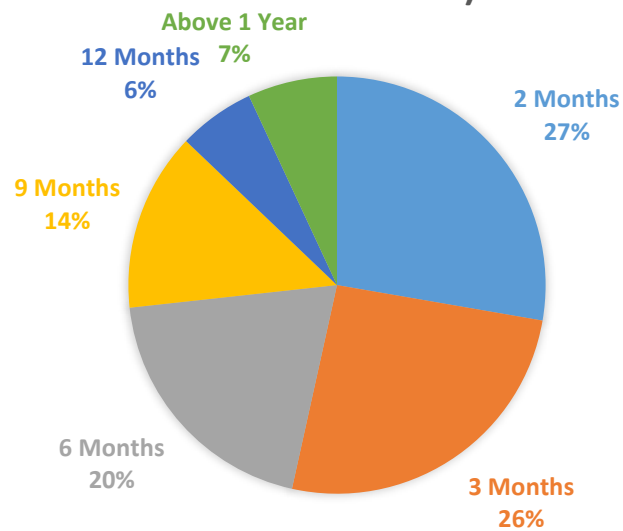
■ 2 Months ■ 3 Months ■ 6 Months ■ 9 Months ■ 12 Months ■ Above 1 Year



EAST GODAVARI - 2018 (TIME TAKEN TO FILE CHARGE SHEET)



EAST GODAVARI - 2019 (TIME TAKEN TO FILE CHARGE SHEET)



STATISTICAL DATA – EAST GODAVARI DISTRICT

1. Number of cases reported in the year 2018 and 2019

➤ 2019 – 161

➤ 2018 – 173

2. Number of cases charge sheeted -

2019 – 101

2018 – 111

Rate of Charge sheet is around 64%

3. Number of cases disposed by the court in the year 2018 and 2019

- 2019 – 75
- 2018 – 80

In 2019, out of total disposal, 8 people were convicted and 67 people get acquitted

❖ Conviction rate in 2019 was 10.6%

In 2018, out of total disposal, 19 goes for conviction and 61 for acquittal.

❖ Conviction rate in 2018 was 23.75%

4. Conviction rate in east Godavari decreased to 10.6% in 2019 from 23.75% in 2018.

5. Major reasons for acquittal are as follows [descending order]:-

- Hostile Witness
- Witness not supported
- Complaint/Mahazadar's hostile

6. The Police officers nearly taking [4 months to 2 years of time] to file a charge sheet.

STATISTICAL DATA – WEST GODAVARI DISTRICT

1. Number of cases reported in the year 2018 and 2019

- 2019 – 207 Cases are being reported
- 2018 – 206 Cases are being reported

2. Number of cases charge sheeted

- 2018-124
- 2019-126
- Rate of charge sheet is around 60%

3. Number of cases disposed by the court in the year 2018 and 2019

➤ 2019 – 47

➤ 2018 – 41

❖ In 2019 out of total disposal (i) 44 Acquittal (ii) 3 Abated (iii) 0 Conviction.

- Conviction rate in the year 2019 – 0%

❖ In 2018, out of total disposal (i) 37 Acquittal (ii) 2 Quashed (iii) 1 Conviction

- Conviction rate in the year 2018 – 2.4%

4. Conviction rate in east Godavari decreased to 0% in the year 2019 from 2.4% in 2018.

5. Major reasons for acquittal are as follows [descending order]: -

➤ Hostile Witness

➤ Witness not supported by the govt/parties to attend proceedings

FIELD WORK ELURU, WG, AP

I. INTERACTION WITH SC/ST CELL DSP, ELURU, WG

DSP says that the misuse of the SC/ST act has been rampant in the recent past. Out of the reported cases, He claims that, the genuine cases are very few and in most of the cases the parties involved reach a compromise before the trial which results in the witness turning hostile. Witnesses also tend to turn hostile for a variety of reasons, both social and economic.

DSP, from his experience, says that the community leaders help victims to file fake cases for pecuniary interests. SC/ST cells set up under the act, whose purpose is to exclusively investigate cases related to the SC/ST act do not, in most cases, achieve this goal. Law and Order DSPs, rather than the Exclusive DSPs of the SC/ST cell, investigate the cases of atrocities which nullifies the existence of a specialized unit. He believes that only in extremely sensitive cases that threaten the social order should the Law and Order DSPs be given a free hand to investigate, since dealing with law and order is the area of expertise for them.

He also claims that a majority of the cases that are being reported after the introduction of the 2015 amendment are cases that don't need the invocation of SC/ST act in criminal offences but the mere involvement of a person belonging to the community in the offence mandates such invocation for IPC crimes that are not prevalent in the SC/ST act (pre-amendment). The act mandates identification of atrocity prone areas so that the administration can take any preventive measures necessary. But identification of such areas was a task that was never taken up, in fact never discussed within the administration, thus no preventive measures. The belief that the act is being utilized to gain pecuniary benefits can be observed across the police department.

On being asked the reasons for delay in filing of charge sheet and for not meeting the stipulated period for filing charge sheet he said that the filing of charge sheet gets delayed (from his experience) due to the following reasons (i) delays by the Revenue department with respect to property disputes and caste certificates. (ii) delays caused due to the failure to obtain of medical certificates (iii) delays caused due to the police department being over-worked (iv) Legal Advisor sends it back to the Investigating officer to make necessary changes but the lack of legal knowledge causes an impediment to conduct such processes (v) Stays by the High Court (vi) Cases that are referred after preliminary investigation (vii) delays in the Forensic Labs (FSL).

II. CASE STUDIES

1. Crime No: 173/2015

Case was registered under sec 3(1) (X), of SC ST POA Act 1989

KOMMU SUGUNA RAO (herein after referred as Victim) was an accountant in the social welfare department, where Madhavi (herein after referred as accused) was his superior. Suguna Rao joined the said department on 15-09-2014 and the accused has continuously mocked his presence, passed casteist remarks and belittled him due to his caste.

The complainant approached the police and lodged a complaint against the accused. On being approached the police filed FIR and gave the copy of the FIR to the victim. But no arrest was made.

The complainant received an amount of rupees 25,000/- as monetary compensation from the Social Welfare Department (based on the 2014 enhanced compensation circular in SC/ST cases). But the travelling and daily allowances as mandated by the act have not been provided.

The complainant says that witnesses for the prosecution testified in his favor although, he was not present in the court when they testified. There seems to be a clear lack of communication between the prosecution and the complainant. He was not aware of the fact that his case got disposed of in the court until the researcher met with him, Thus, it is clear that there was no active participation of the complainant in the case.

2. Crime No: 64/2017

Case was registered u/s 506 r/w 34 IPC and Sec. 3 (1) (s) SC ST, 3 (ii) (Va), 3(i) (ZC) of SC ST (POA) Amendment Act 2015

Hundreds of acres of land in the west Godavari district are being converted for Pisciculture. The present case involves one such village where the business of fish farming is the main source of income for the villagers. The fish thus produced in these farms are processed (which involves scaling, removing the guts etc.,) near the village before they are sent to the markets. In this case, the waste that is produced during the process was dumped in a pond near the residential area of the Dalit community. The members of the Dalit residential area came together to close down the pond and prevent the villagers from dumping waste into it.

It was alleged that the decision to dump the waste in the said pond was made by the local sarpanch/president of the village who belongs to Vaddera caste. He did not appreciate the efforts made by the Dalit community and sought to retaliate. It was alleged that he hatched a plan where two Dalit people were forced to write a life-threatening letter against him. He then used that letter to indicate that the Dalit community is intimidating him and his family. Citing these reasons, he called for a social boycott of the whole Dalit community and the rest of the village obliged.

Aggrieved by this, the local Dalits represented by Undi Gangaraju took the help of the prominent Dalit leader named Karam Sivaji and filed an FIR at the nearest police station. However, no action was taken against the president/sarpanch for nearly three years until the governments have changed recently. It was alleged that the accused belonged to the then ruling party (TDP) and after the government changed, the accused attempted to compromise with the victims.

The victim says the arrest warrant was issued but the local leaders starting from the ZPTC to the MLA prevented it from being enforced. Also, after filing the FIR, the victim claims that the caste conflict had taken place in the village and the police lodged a fresh FIR against the upper caste involved.

Monetary relief of rupees 50000 was disbursed as compensation from the social welfare department after filing FIR but the remaining part of the compensation was not received by the victims along with the daily allowances (as mandated by the act). Parties compromised and court has given acquittal to the accused involved since the witnesses voluntarily turned hostile.

3. Crime No:98/2017

Case was registered u/s 417,376, 506 r/w 34 IPC and Sec3 (i) (r) & 3(2) (v) OF SC.ST (POA) Act 1989

Bunga Suneetha, D/o Babu Rao (herein after referred as victim) and accused were in relationship for a long period of time. The victim was impregnated by the accused and later was verbally abused using casteist slurs by the accused and his family. Aggrieved by this, victim's father (herein after referred as 'complainant') approached the nearest police station and lodged a complaint against the accused and his family.

On receiving the complaint, the police had filed an FIR and thereafter proceeded to arrest the accused and took him into the police custody. Later, the accused filed for a bail petition but the bail was denied after having given due regard to victim's concerns.

Accused's father was very active into the local politics. Subsequent to filing the FIR, victim and her family had been threatened to withdraw the case and were forced to compromise for monetary compensation. But the complainant remained firm throughout the process.

Despite of all these political pressures, complainant did compromise because of the continuous support he received from the Dalit leaders and organizations which he was a member of. Above all, complainant is well educated and aware of his constitutionally guaranteed rights. For all the reasons mentioned above, the complainant in the case organized the case very well.

Finally, justice was done to him when the accused reached a compromise and agreed to marry the victim.

Dalit leaders had been with them throughout the case until the accused reached a compromised and agreed to marry the victim. Did not get any compensation from the social welfare department. Not provided any travelling and daily allowances. Committed officers determined to protect the constitutional rights. Effective communication between the public prosecutor and victim.

4. Crime No: 71/2010

Pulapakala Swathi d/o Gotiyya (herein after referred as 'Victim') was in her intermediate (10+2) when the incident occurred. She used to work in the accused fields as a wage labor when she got into the intimate relationship with him believing the words of accused who had lured her on the pretext of marriage. As a result, she got pregnancy. Later he refused to marry her since she belongs to the scheduled caste. Subsequently, she says, they have tortured and insulted her by making casteist remarks against her and her family.

Aggrieved by this inhumane act, she approached the nearest police station and lodged a complaint against the accused and his parents. On being approached the police station, the police have filed an FIR and subsequently arrested the accused. But later the accused was released on Bail and the bail petition was granted without having heard the victim during bail proceedings, which goes against the very provision of parent act section.

Clearly, there was asymmetry of information between the victim and public prosecutor and the same was evident from the fact that the victim was not aware about the disposal of the case by the court until we ourselves had informed it to her. Thus, lack of effective participation of victim throughout the case follows from this absence of communication between the victim and the system. As a result, court has given acquittal to the accused though it was a fit case for conviction.

She got compensation of rupees 25000 form the social welfare department and thereafter she did not get any remaining compensation of any kind not even travelling and daily allowances.

During this legal battle, she has given a birth to the girl and ever since then she has to look after her. It is clear visible that justice was not done to the victim and now she has to look after herself and her daughter.

5. Crime No:147/2013

Case was registered u/s 376(f), sec 3 (1) (x) SC/ST Act 1989 and POCSO Act.

Bepala Vijaya Kumari w/o Satyanarayana (late) (herein after referred as Complainant) lived in the house of accused as a tenant, along with her two daughters. It was the case of the complainant that the accused had sexually molested her five years old daughter and threatened her to kill if she let

it know to others. Having received this information, the complainant approached the nearby police station and lodged a complaint against the accused.

On receiving the complaint, the police registered FIR and the copy of same was given and read over to her. Subsequent to this, arrest was made but the accused was released on bail and same was granted without hearing the complainant during bail proceedings. This shows lack of participation of the complainant in the case. This further adds on the in-effective communication between the complainant and the public prosecutor.

Accused was a rich guy and had a lot of influence in the surroundings. After his release on bail, the accused had even threatened/intimidated the witnesses in the case, as a result they turned hostile in the court.

Complainant received compensation of rupees 60000 from the social welfare department. Thereafter, did not get any remaining compensation. Neither travelling nor daily allowances was provided to her.

She alleged that the accused had bribed the public prosecutor to compromise the case.

FIELD WORK, KAKINADA, EAST GODAVARI, AP

1. INTERACTION WITH DSP (SC/ST CELL, KAKINADA)

SC/ST POA Act 1989 provides for establishment of 2 SC/ST cells in each district headed by 2 DSP level officers. The duty of these cells are to exclusively deal with investigation of cases being reported under this act. SC/ST cases are supposed to be assigned to other DSPs only when the SC/ST cells are overburdened. However, in certain cases, even when these DSPs are not overburdened, other DSPs are made IOs. These DSPs tend to be of the same caste as the accused and this results in bias, which results in the investigation being sabotaged.

When the accused gets bail or stay, the victim is supposed to be informed according to the Act. While DSP “S” does this, other DSPs do not bother doing it.

Delays in disbursing compensation are caused by the Collector.

Cases of this nature almost entirely work on compromises. High rate of acquittals is due to local conditions. Elders facilitate compromising the case and influence low level police officers.

When asked why charge sheets are taking 4-6 months for being filed, he said that this is due to the accused getting stay orders on the investigation, bail, delays for caste and medical certificates.

Attempts by political actors to exert influence is prevalent.

There are special courts for these cases, but no exclusive judges. Due to this, there are delays.

On desirability of stricter perjury laws, he cited a recent Guntur case in which action was taken against false witnesses. While this may have positive effects on the extremely prevalent instances of witnesses turning hostile, it may also disincentivize being a witness.

District and Sub-Divisional Vigilance and Monitoring Committee, is supposed to meet every 3 months. However, this is nominal and only on record; the record is not reflective of reality and this is to protect the government's image.

On police brutality especially during lockdowns – he cited actions done in good faith. There is no training given on how to apply a proportionate amount of force, and he does not find it necessary.

Circle inspectors being appointed as IOs – acc. To him, not a good idea because they are more prone to political influence

There is no special training on the special sensitivities to be kept in mind while dealing with SC/ST cases

His recommendations are as follows: SC/ST cases should be exclusively given to the exclusive DSP.

II. INTERACTION WITH SP, KAKINADA

DSPs are often preoccupied with a lot of work, part of which may not be SC/ST cases.

On suggestion of appointing circle inspectors as IOs, he says that it could be done within scheme of offenses being graded according to severity.

Delays in caste, medical certificate often results in delay of filing charge sheets.

Act provides for identifying atrocity prone areas and taking preventing measures from stopping such atrocities from happening in those areas in the future. Such areas are not being identified and so no preventive measures are being taken.

Judges in the special court come only once a week.

Presented with the idea of shifting burden of proof, he said that there should further discussion and it is a possible remedy.

III. Discussion with CI – II Town Police Station, Kakinada

The intention to insult the SC and ST is absent among the accused in majority of the cases.

The victims incidentally happened to be from SC and ST in most cases.

The victims because of their economic dependency have to adjust and compromise if they have to live in the same village and locality.

If there is no compensation provided in the law, there won't be cases. The cases are filed to get the compensation.

The locality of the incident of the case plays a crucial role in the sustaining the case. If it happens at the upper caste locality, no evidence would be available for prosecution.

In most cases, unofficial settlements and compromises take place depending upon the strength of the parties involved.

The social and economic status of the both victims and accused determines the final outcome of the cases.

The compensation processing and granting agency is not able to reach out to the victims and the latter is not able access it. Due to this, the victims are losing 50 to 75% of the compensation.

In his opinion, only a continuous and systematic suppression of the SC and ST for a long time should be considered as atrocities but not the incidental caste abuses.

IV. CASE STUDIES

1. Vinta Anajali w/o of Anil: SC

There were no mediators involved in filing of the FIR.

She does not know that the case was acquitted (check the date of acquittal).

She paid Rs. 1500 to a constable in DSP office to expedite the legal process faster.

The DSP never spoke to the victim nor visited the spot of the offence.

No knowledge of the right to compensation to the victim. The police did not inform about it. She heard it for the first time.

No travelling allowances were provided to the victims to go to court and come back.

She did not get a single rupee as compensation.

The copy of FIR was not given to her.

She does not know the fact of filing of charge-sheet.

New witnesses, not named by the victim were examined in the court.

She and her relatives were threatened. The same was informed to the police. But she does not know that a case for threatening them can be filed.

All witnesses deposed in favor of the victim, as per her understanding.

The caste abuses continued even after filing the case but she surmises that it stopped after acquittal.

2. Victim: BVV CH: Dr. Satyavani: SC

She works as doctor in ART Centre in Kakinada on contract. There are many doctors and all of them are provided information by one Computer operator, Mr. Lokesh. He was not giving information to her but to everyone in office. She felt discriminated and questioned him several times in the staff meeting where the accused abused her in the name of caste.

There were 12 witnesses to the incident and ten of them are dependent on the contract job. So they turned hostile against the prosecution. But two patients deposed in favour of her and prosecution.

The witnesses were threatened by the accused and the same was reported to the police but no case of threat is filed by the police. The victim does not know such case can be filed.

The victim still works in the same hospital and her husband is a pastor and her son works in Wipro. (Read: they have no reason to file a false case for the sake of compensation).

The IO, DSP enquired into the case only after they approached the SP for proper investigation.

The victim believes that the accused Lokesh tried to get anticipatory bail, (which does not exist legally) from high court unsuccessfully and absconded himself for three months.

No mediators involved in the case: neither the victim approached them nor mediators approached her.

Neither TA/DA nor compensation was ever paid nor were they aware of such provision in law and practice.

They were not aware of the case having been acquitted.

Satyavani: 8897436101

3. Victim: Suri Babu: ST: Yerukula, Piggery

The accused in an inebriated condition injured the victim on head.

There were two witnesses who deposed in favour of the victim.

The victim narrated the incident, which was recorded by the police and read it over. But no copy of FIR was provided to him. Nor did he ask for it as he is not aware of his right either.

DSP investigated the case and the lower police pursued to compromise.

The elders of Kapu community along with the police brought a compromise between the accused and victim and paid Rs. 25000 as compensation. So, mediators are the Kapu community leaders and the police.

What is interesting is long after the deal of compromise is sealed the police filed the case in the court. (Read: perhaps this is for the purpose of formality required for processing the compensation).

It appears the victim was not involved at any stage in the prosecution.

The victim was not paid any compensation through bank.

He does not have copy of judgment and not aware of acquittal.

4. Victim: Matcha Kiran Kumar s/o Abbulu: SC: Catering business

Accused: Koppula Veerababu, Kapu Caste

The case was registered in 2016 and acquitted in 2018

There were no mediators from any community but DSP ensured that the victims received Rs. 25000 from the accused. The police are the mediators.

The victims did not receive any compensation from the government (no bank detailed collected from him by the police).

The accused implored the victim to forgive him and as a result the victim, his father and brother turned hostile in the court. Consequently, the case was struck down

5. Victim: Muthyala Raju: Physically handicapped; studied up to 10th: SC S/o Martha Appa Rao

The victim's father and the accused Subba Rao were employees in SC Corporation wherein the accused had taken a loan Rs. 50000 from the Corporation and victim's father stood surety.

Since the accused did not pay the loan, victim's father had to pay it at the time of his retirement.

After death of father, the victim pursued the accused to pay the loan amount. The accused abused the victim in caste name.

DSP had done the enquiry.

5 were shown as witnesses and one turned hostile.

He and the witnesses went to court 4 times but no TA OR DA were ever paid. The victim bore the expenses of the witnesses.

Nobody tried to compromise nor did the victim have any desire for compromise.

The victim feels that the accused is emboldened by the acquittal.

The accused has not yet paid the loan amount.

The challenge before the victim still is: How to recover the amount from the accused?

6. Victim: Nandiga Srinivas, catering business

Accused: Nukarathnam, Setti Baliya

A2: D. Srinu

The dispute is related to sewerage pipe.

DSP immediately investigated. No mediator involved.

No compensation or TA or DA paid.

All 13 witnesses deposed in favour the victim.

Yet the case is acquitted

7. Victim: Avasarala Soma Sundara Venkata Raja Rao: SC from Visakapatnam

He works as a waiter in a Wine Shop.

The accused Morukurthi Appalaraju and his associates demanded the victim to provide chicken Pakodi, which was not available. Then they demanded to know his caste and where was he from. On knowing he is from Mala caste, they attacked him in an inebriated condition and injured severely.

The husband of a VRO, Kommuri Srinivas Rao, a Brahmin who happened to be a witness to the incident intervened and defended the victim but his hand was broken by the accused.

The case was acquitted for lack of evidence under 232(1) of CrPC.

We could only speak to the wife of VRO and the police but not the first victim, who was originally from Visakhapatnam, migrated to Kakinada for work. The police could not trace him.

8. The victim, Dokka Venkata Lakshmi, SC-Madiga of G. Mamidada in Kakinada works in a Xerox shop.

She and one Mr. Bokka Nani, from Kapu caste fell in love with each other.

The parents of the boy forcefully got him engaged to a girl in his own caste.

Venkata Lakshmi consumed pesticide to commit suicide. In hospital she gave a statement about the reasons for her drastic action. It appears yet no case was registered. (Check the date of her attempt and date of registration of the case)

She recovered and returned to the village.

The sister and grandmother of the boy chanced upon her at the bus stop and abused her in caste name. 13-9-2010

She complained against them and it appears she did not complain against the boy.

The boy returned to her in three months and got married and set up a family in a far of town. Now they have two children and living probably happy.

While they got married within 3 months, the police filed the charge-sheet against the sister and grand month of the boy after one year and the case was struck down after nine years.

She seems to have turned hostile in the court and case was lost.

No compensation was ever paid nor the travelling allowances.

9. Victim: Pendurthi Nandini, aged around 20. SC; 9000478870

Now she works at the prawn's factory a daily labourer.

The accused Kota Balakrishna, aged 25 from Setti Balija.

The accused promised to marry her and developed physical relation with her.

When she proposed the marriage he demanded dowry and when agreed for it, he refused to marry her.

She became pregnant and got it aborted.

The distressed victim broke her leg below knee and an iron rod is inserted in her leg. Now she cannot bend the knee and it required to be removed through another surgery.

She does not want to pursue the case after few months as in her understanding, persuasion case means ending in marriage with the accused. She does not want that.

The accused has 2 acres of fertile land. The elders from his community (Ravi Kumar) have collected huge amounts from his father as compensation to be paid to the victim. They also collected some Rs. 50,000 for expenses.

One INTUC leader appeared before the victim as mediator, collected her bank pass book and aadhar card and paid her Rs. 1,50,000 as compensation from the government but he never let her know what was the exact amount of compensation granted by the government. He did not return her bank passbook and ATM card.

Going the by the sections imposed, she must have got 4 lakhs as compensation but subjected to verification.

Her bank account died due to non-operation but she is willing to reopen and find out how much compensation she was granted to her by the government.

Head constable assigned to us to find victims obstructed interviews, one in particular – excuses – “island – ferry, people vomit”, “in the middle of a slum, no house numbers”, further obstruction saying they live in another slum, signalling to the accused to not speak. Compensation came from accused (as admitted), politicians from TDP and communist party involved – likely to have siphoned off some portion of the funds. Names of politicians - Thota Subbarao, son Babji (TDP), communist Thalluri Raju.

As per 2015 NCRB, total 4415 cases reported against Scheduled caste. It contributes to around 9.8% of total atrocities against scheduled caste in India. Population of scheduled caste in India as per 2011 census is around 84.5 lakhs. Out of total crimes reported against scheduled caste 52.3% are cognizable. Interesting thing was in AP as per 2015 NCRB, in 2050 cases against scheduled caste prevention of atrocities act not invoked. If we travel 3 years down from now, there has been increase in atrocities against scheduled caste in Andhra Pradesh.

In 2013, 3270 cases are reported. In 2014, 4114 cases were reported, whereas in the year 2016, 4415 cases were reported. Rate of crime increasing trend for last three years

Offences under atrocities act are non – compoundable. But most of the cases are getting compromised.

Population of scheduled tribes in the state of Andhra Pradesh is around 26.3 lakhs as per 2011 census. In 2015 in total of around 362 incidences against scheduled tribe prevention of atrocities act invoked. In another 352 cases against scheduled tribe POA act not invoked.

The rate of incidents of crimes registered in IPC against STs in which sc/st POA act was not applied was highest in Rajasthan followed by Andhra Pradesh.

Schemes and programs for increasing awareness and creating peace and harmony among all sections of the society. Ensure speedy disposal of the cases. Need for setting up exclusive special courts that only deals with atrocities case.

Victims and witnesses become hostile during the hearing of POA cases in the courts. This results in the acquittal of the accused by the courts. No clear policy or norms for payment of Travelling

and daily allowances to the victims and witnesses in most of the cases. Most victim and witnesses earn their livelihood on daily basis.

More and more awareness programs to be conducted. Timely investigation of cases and filing of charge sheet. Arrest should be made to further justice process.

Monetary relief and rehabilitation facilities to the victims of atrocities. District authorities should be more prompt in carrying out this duty.

Need to sensitize police personnel about importance of effective implementation of the POA act through regular training and programs.

Government may consider for providing a time limit for disposal of POA cases by these special courts under the act. Similar to the consumer protection act. This helps in speedy justice to victims.

Adequate number of special public prosecutors is attached with the special courts for speedy trial of atrocity cases. Special public prosecutors should possess requisite qualification, experience and their selection should be made through a well laid down procedure.

Poor or delayed response is due to the lack of effective monitoring of atrocity cases state district and sub-divisional vigilance and monitoring committee should play a proactive role in overseeing the implementation of the Prevention of Atrocities Act.

RATE OF CHARGE SHEET AGAINST REGISTERED CASES

National Average of filling charge sheet as 60.30%

Only 8 states above in filling charge sheet to the national average are Chhattisgarh, Gujarat, Haryana, Madhya Pradesh, Odisha, Sikkim, Uttar Pradesh, and Puducherry.

Remaining states are below national average.

RATE OF PENDENCY OF CASES IN COURTS, CONVICTION RATE

National average of pendency of cases in the Courts is 92.1%.

The 9 states where pendency is above the National Average are Assam, Bihar, Gujarat, Jharkhand, Kerala, Odisha, Uttar Pradesh, West Godavari, and Delhi.

The national average Conviction rate is 31.9%.

The 15 states where the conviction rate is below national average are Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Odisha, Punjab, Tamil Nadu, Telangana, West Bengal, Delhi.

TSUNDURU DALIT MASSACRE

Speedy Trail denied to Tsundur Massacre victims in Andhra Pradesh.

What deterrence do the case sends when the court took 16 years to dispose the case?

On 06/08/1991, Eight Dalit people were chased by four hundred people and hacked to death. The Police filed charge Sheet on 08/11/1991. Case was committed to the special court in the year 1993. Time took for investigation and filing charge sheet was around 3 months. Accused alleged victims were Christians, so sc/st POA act charges to be dropped.

Case diary was given to the Public prosecutor in 2003. Trial postponed between 05/08/2003 to 10/12/2003. Disposition of witnesses for prosecution and defence in 2004-2007. In 2008 court pronounced judgement- 21 person's life imprisonment, 35 people 1 year prison and fine, 123 people acquitted.

KHAIRLANJI DALIT MASSACRE, MAHARASHTRA

ON 30/09/2006, DALIT FAMILY OF FOUR HACKED TO DEATH OVER LAND DISPUTE. CASE ENTRUSTED TO THE CID MAHARASHTRA ON 08/11/2006. THEN THE CASE WAS TRANSFERRED TO THE CBI ON 28/11/2006. THE CHARGE SHEET WAS FILED AGAINST ACCUSED ON 27/12/2006.

TRIAL STARTED BEFORE SPECIAL JUDGE OF COURT ON 03/05/2007.

DEPOSITION OF WITNESS 03/05/2007 TO 02/2008

COURT JUDGEMENT-

EIGHT FOUND GUILTY, SIX TO BE PUNISHED WITH DEATH PENALTY AND TWO WITH LIFE IMPRISONMENT.

COURT SAID,

KILLINGS WERE NOT CASTE VIOLENCE AND SC/STs POA ACT CHARGES NOT SUSTAINED.

IT IS IMPORTANT TO QUOTE HERE THE JUDGEMENT OF THE SUPREME COURT OF INDIA IN THE CASE *STATE OF KARNATAKA V. APPA BALU INGALE*, IT WAS HELD THAT

“INTENTION IS NOT A CRITERIA IN DETERMINING SOCIAL CRIMES LIKE ATROCITIES AGAINST SC/STS”

BUT IN KHAIRLANJI CASE, COURT CONSIDERED THE MOTIVATION FOR THE MURDER.

PROPOSAL 1 – SETTING UP OF TRACKING SYSTEM

“SETTING UP ONE PORTAL THAT MAY HELP THE VICTIMS IN TRACKING THE STATUS OF THEIR CASES. ENABLE THEM TO TRACK THEIR CASES IN PORTAL”

As already seen from the data available above, it is clear that there is a asymmetry of information between the victim and system. It may be at any stage starting from the filing of FIR to the final disposal by court.

For instance, statue provides for monetary relief and compensation to the victims and same should be disbursed within seven days from the date of completion of each stage. But in most of the cases victims are not fully updated on this

Further, as I have already stated above, most of the victims are not aware about the disposal of cases and especially reasons for such disposal.

Further, victims are not aware about the progress in their cases. So, there is a need set up a proper mechanism in place that bridge the gap between victims and system thus reduce the asymmetry of information.

Now a days mobile phones are very much accessible. Though we cannot expect them to understand the texts but it will to a large extent. In my field work, I understood that the police until recently did not really maintained victims contact number. Thus, it is necessary to take their mobile numbers to keep them updated on things that follow up at later stage.

PROPOSAL 2 –

“ENSURE THAT THE MOMENT FIR FILED, IT REACHES TO THE SOCIAL WELFARE DEPARTMENT AND THE COLLECTORATE. MAKE IT AUTO REFLECTED IN THE PORTAL OF SOCIAL WELFARE DEPARTMENT AND COLLECTORATE ”

Victims and witnesses become hostile during the hearing of POA cases in the courts. This results in the acquittal of the accused by the courts. No clear policy or norms for payment of Travelling/Daily allowances and compensation to the victims and witnesses in most of the cases. Since most of the victims and witnesses earn their livelihood on daily basis, they do not afford attending investigation and trial proceedings at the cost of livelihood

It is clear from the data collected that in most of the cases victims do not receive monetary relief and compensation. In few cases they do receive only meagre amount that is equal to 20/25% of total compensation to be given. In addition to this, there has been so much delay in processing the compensation. Actually, compensation to be granted in stages wise during FIR, Charge sheet and conviction stages. But victims are not receiving it on time and it takes nearly years to get it credited into the accounts of victims.

Reasons for delay in receiving monetary relief – Currently, after FIR being filed, the police have to send the FIR to the collectorate. The police often do delay in submitting FIR copy to the collectorate. Then the department named “C Department” in the collectorate disburse the amount to the victims.

PROPOSAL 3 – MONITORING / REVIEW MECHANISM

CREATION OF POST – SP – [SC/ST POLICE STATION AND CELL] PRIMARY JOB WILL BE REVIEW AND MONITORING OF CASES, ON FULL TIME BASIS AND NOT ADDITIONAL CHARGE.

Informing cases registered in each jurisdiction. Monthly review to analyze reasons for acquittal and action against negligent officers. Conduct inspection every month to see the progress of investigation and whether investigation is completed within Stipulated period or not. If not possible reasons for the same, punishing for negligent and if reasonable reasons, then ways to further speed up the investigation. Timely disbursements of monetary relief and compensation.

Supervisory responsibilities to monitor the performance and further to review and aid the department in addressing and further improving wherever the loophole identified.

Currently act provides for monitoring and vigilance committee meetings at sub divisional level, divisional level and state level. The job of these committees is to monitor and oversee the over implementation of the act. But it is already evident from the below attached table that most of the times these meetings do not take place. As per 2015 NCRB, state and district vigilance committee meetings were not held in Andhra Pradesh for last 2 years. In Andhra Pradesh as for NCRB 2016-17, meetings were not held for the years 2014 and 2015. These meetings supposed to review the relief and rehabilitation facilities provided, progress in investigation, charge sheet, prosecution of cases etc.

This dedicated attention review will feed further into these meetings and would help in coming up with holistic approach to address the atrocities cases.

CONDUCT OF MEETINGS OF STATE, DISTRICT AND SUB DIVISIONAL VIGILANCE AND MONITORING COMMITTEES

State	SLVMC meetings (Target, Half yearly, Rule 16)		DLVMC meetings (target: Quarterly, Rule 17)			SDLVMC meetings Target, Quarterly Rule, 17A)		
	Require d to be held	Actual ly Held	District s	Require d to be Held	Actual ly Held	Sub- Division s	Require d to be held	Actual ly Held
Andhr a Prades h	2	Nil	13	52	43	50	200	94

PROPOSAL 4—

“DEVOLUTION OF POWER – BASED ON CLASSIFICATION OF OFFENCES. CLASSIFICATION OF OFFENCES BASED ON SEVERITY – LESS SEVERE AND SEVERE. IF OFFENCE IS SERIOUS AND GRAVE, THEN THE DSP SHOULD BE THE INVESTIGATION OFFICER TO DEAL THE CASE. IN LESS SEVERE OFFENCES, CIRCLE INSPECTOR/SI SHOULD BE MADE THE INVESTIGATION OFFICER”

Currently, Rule 7 provides for– Investigation of cases by DSP or above DSP level officers. But the real problem is not many DSPs or above DSP level officers are available to conduct investigation. The logic behind putting them as investigation officer is to make sure that people with sense of responsibility, objectivity and more responsiveness and sense of ability and justice to perceive the implication of case, be appointed to investigate the case.

Act stipulates for completion of investigation and filing of charge sheet in 60 days. But it is clear that it is only in less than 20% of cases actually charge sheet is filed on time. There is a proximate connection between delay in filing charge sheet and final outcome of the case.

Outcome of the investigation and rate of success in the appropriate court is adversely affected by the delay in investigation. It also impacts the process of grant and actual release of relief and admissible to the ST victims and their families. Delay in investigation defeats the objective of the special law.

Delay at various stages reduces the interests of the victims as well as witnesses in the disposal of the cases which subsequently leads to very low conviction on account of dilution of the sections of the sc/st atrocities act including FIR & Charge sheet due to undue delay in processing the case.

There are many reasons for late filing of charge sheet. Few genuine reasons are as follows – i. Very few DSPs are available to investigate the cases

LEGALITY OF PROPOSED SOLUTION -

Section 9(1) of the Atrocities Act, 1989, provides for

“Conferment of powers. - (1) Notwithstanding anything contained in the Code or in any other provision of this Act, the State Government may, if it considers it necessary or expedient so to do,

(a) For the prevention of and for coping with any offence under this Act, or

(b) for any case or class or group of cases under this Act, in any district or part thereof, confer, by notification in the Official Gazette, on any officer of the State Government, the powers exercisable by a police officer under the Code in such district or part thereof or, as the case may be, for such case or class or group of cases, and in particular, the powers of arrest, investigation and prosecution of persons before any Special Court.

(2) All officers of police and all other officers of Government shall assist the officer referred to in sub-section (1) in the execution of the provisions of this Act or any rule, scheme or order made thereunder.

(3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1).”

Case Law

1. *State of Bihar v. Anil Kumar*, [2017 14 SCC 304], it was held that

“State Government's discretionary power under Section 9 in relation to additional conferment of authority with respect to arrest, investigation and prosecution as to offences under SC/ST Act on any officer of State Government is irrespective of the provisions under Cr.P.C or SC/ST Act”

Appreciating the position at the time of introduction and commencement of provisions of SC/ST Act, held,

“Power vested with State Government under Section 9 of SC/ST Act was expansive and intended to enlarge the zone of arrest, investigation and prosecution, to officers/officials in addition to those authorized to do so under Cr.P.C. State Government's said power was not limited to police personnel only, but extended to any officer of State Government, who may or may not belong to Police Department.

Relaxation of, requirement of investigative process under SC/ST Act to be conducted by a police officer not below the rank of Deputy Superintendent of Police (DSP) by State Government in exercise of its discretionary power under Section 9 of SC/ST Act, extending said power of investigation to police officers below the rank of DSP is permissible by virtue of non obstante clause provided in Section 9 of SC/ST Act. Provision under Rule 7 of SC/ST Rules cannot negate the right/power extended to State Government under Section 9 of SC/ST Act in this regard”

Interpretation of statutes - Administrative law – Delegation of power and sub-ordinated legislation-

Generally, Rules, regulations and by laws are framed by invoking rule making authority provided in parent act. It is like a delegation of power to an agency especially central government to frame rules for pursuing the objectives of parent act.

“It is the basic principle of administrative law-sub-ordinated/delegated legislation that the rules frames under an act cannot affect the rights and power conferred parent act. Parent act, will always have primacy over adopted rules”

In the context of sc/st atrocities act- section 23, empowers central government to frame rules to carry out the provisions of the atrocities act. In line with this, central government framed sc/st prevention of atrocities rules, and published in the official gazette on 1995. These rules were made to effectively carry out the provisions of the act (the parent act).

Rule 7 of the SC/ST Prevention of atrocities rules,1995, Central Government had after careful consideration of seriousness of offences and consequences as followed from the offences, thought fit to empower DSP or above DSP level officer as an investigation officer to deal with atrocities cases and the same was introduced in rule 7.

Consequences under SC/ST atrocities act more serious and even more drastic than consequences provided under IPC. It is more evident from the punishment provided under (3) (2) (i to vii).

Expansive Power/rights was conferred on state government with a view to enlarge the zone of investigation among other things such as arrest and prosecution. This is in addition to powers conferred on by Cr.P.C. Powers under section 9 was not only limited to police personnel only, but state can empower any officers of state government with the power of arrest, investigation and prosecution.

Power conferred on state government through non-obstante clause-power under parent act cannot be neutralized by any rule. Irrespective of provisions of atrocities act and rules. Delegated power given under section 7 is state specific. Having regard to local circumstances, state can extend power of investigation to any officers. Conjoint reading of provisions, enlarging power of arrest, investigation and prosecution.

State of Bihar issued a notification authorizing officer of ranks Inspectors, sub-inspectors and assistant sub inspectors by using rule making authority under section 9 of parent act.

For, All India level implementation and not state specific. It is valid and legit.

But the question is can state government in exercise of power vested under section 9 relax the rule 7 provision.

Classification of offences and extending power of investigation to officers below the rank of DSP for select offences. This is to further the object of act.

More serious offences will be investigated by DSP.

‘All offences under section 120A, 120B, 217, 294, 323, 324, 325, 332, 341, 354, 363, 365, 447, 506, 509 of IPC, as well as offences under section 3(1) and section 3 (2) (5) (a) of the atrocities act’.

All offences falling under these sections will be investigated by CI/SI.

More serious offences-

‘All the offences under section 3 (2) (5) of Scheduled caste and Scheduled Tribes Prevention of atrocities act, 1986, as well as sections 147, 148, 153A, 194, 195A, 295A, 302, 304, 306, 307, 326, 326A, 326B, 327, 328, 364, 364A, 366, 366A, 372, 373, 376, 377 and 436 of IPC.’

Offences falling under these sections will be investigated by the DSP.

PROPOSAL 5 – SEPARATE POLICE STATION – SPECIALIZED AGENCY

SC/ST Prevention of atrocities Rules, 1995 Rule 8 (iii) –

“The State Government shall set up a Scheduled Castes and the Scheduled Tribes Protection Cell at the State headquarter under the charge of Director General of Police/Inspector General of Police. This Cell shall be responsible for-

Recommending to the State Government for deployment of special police force or establishment of special police post in the identified area;

Currently, in Andhra Pradesh, each district constituted into two sub –divisions and one sc/st cell in each division. In total, two SC/ST cell functioning in each district of state of Andhra Pradesh.

SC/ST Cell 1 & SC/ST Cell 2 – each headed by Deputy Superintendent of Police (DSP), assisted by (10 -12) constables. So, whenever, crime gets reported in a local police station, the SHO of said police station immediately transfers the registered copy of FIR to the concerned police chief i.e., Superintendent of Police (SP), who upon receiving a complaint appoints an investigation officer as per rule 7 of the atrocities rules, 1995. Primary job of this sc/st cell is to conduct investigation of cases among several other things.

Since, there has been increase in number of atrocities incidences against sc/st in the recent time, it would not go in vain if administration desires to establish separate police station do investigate cases on exclusive basis. Further, it is not without any legal backing.

Rule 8 (iii), as already mentioned above, clearly refers to the establishment of separate police station, if not in all districts, at least, in districts that are being identified as atrocity prone areas. It would really strengthen the departments approach towards addressing atrocities cases and further builds confidence among vulnerable sections of society.

As noted above, every year, there are nearly 200-250 cases are being reported from each district in Andhra Pradesh and the number is further more when it comes to the atrocity prone districts such as Guntur, Kadapa, Kurnool, West Godavari, and Ongole, as identified by Punnaiah Commission in the year 2004.

Setting up separate police station will really help in speedy investigation of cases and complying with the stipulated period for filing charge sheet.

“Setting up of separate police station, in each division, at least, 4/5 separate police station in each division. Each station headed by CI, assisted by SI, ASI, head constable and constables”

Uses/Utility of having separate police station –

Gives them kind of confidence that this agency is specifically constituted for them and they will not be denied justice there.

Mere existence will encourage reporting of crimes. Will be more approachable.

In line with this, though many states have established SC/ST Protection cells at divisional level, establishment of separate police station is still far away from setting up. So far, only 3 states have

established separate police stations to deal with atrocities cases and this includes states such as Madhya Pradesh, Bihar and Chhattisgarh. There are nine special police stations in Bihar, eight in Chhattisgarh followed by 48 special police stations in Madhya Pradesh. In these three states, in addition to SC/ST Protections cells, they have separate police station to report and investigate atrocities cases.

For example, if we look at the structure of Special Police station, each station is headed by DSP, Inspectors, Sub-Inspectors and few constables.

There should be no vacancy. Adequate number of staffs should be placed in police station

CASE STUDY – MADHYA PRADESH

In Madhya Pradesh, state government had established AJK branch which acts as nodal agency for the police to deal with atrocities cases. This unit is headed by the ADGP officer's then sub divided into various ranges and each range will be headed by specially appointed SP – AJK unit. The job of AJK SP is to oversee the implementation of the acts, monitor investigations etc. Usually, the SP AJK, will have supervisory power over range which includes group of districts.

Station House Officer for each special police station is DSP. Further, they created a special post named DSP II. This is to ensure that the adequate number of DSPs are available to carry out the objectives of Atrocities act.

Job of SP-AJK is to oversee the implementation of act, specifically adherence to time limit for investigation, monetary compensation and supervising investigation of heinous cases.

Usually, IG/DIG rank officers will have supervisory power over range. But this post was specifically created to address the current lacunae in monitoring and reviewing investigation of atrocities cases.

Three levels-

1. AJK Headquarters/unit – Headed by ADG rank officer – Overall functioning of unit
2. AJK Range – AJK-SP
3. AJK Police station – DSP
 - a) Investigate cases registered by them or cases transferred to them for investigation.

The state government of Madhya Pradesh, in 2004, took a unique decision, where it created a special post named DSP –II, one step promotion from inspector rank. This was done keeping in view the Rule 7 of atrocities rules, 1995 which prescribes for investigation of atrocities cases by DSP rank officers. Since, very limited DSPs are available to investigate the atrocities cases, the state government of MP had decided to promote inspectors to the rank of DSP for a period of three years.

Let's see how it works- Committee headed by DGP and ADG will select officers and promote them to the rank of DSP and once promoted they will serve for three years. During this tenure, they draw salary equivalent to DSP rank officers. During this tenure, the officers promoted will draw salary equivalent to the salary of DSP rank officers. After the completion of tenure, the officers will go back to their earlier position

Recently, the state government in the year 2017 has done away with this and come up with notification which extended investigation power to upper sub-ordinates after doing classification of offences.

Proposal 6:

“One of our notable observation from the field work in both Eluru and Kakinada – Officers of SC/ST cell, especially DSPs are often deployed on law-and-order duties diversion from their primary and exclusive duties. It is noteworthy to mention here that when we were in Kakinada for field work, we observed that the DSP of SC/ST cell was put on law and order to control crowd and peace keeping during the Dharana taken by the teachers. Frequent deployment. Cell with exclusive duty to monitor and investigate the atrocities cases. Thus, no diversion and deployment of any kind be entertained and should be punished with strict action”

These frequent diversions affect the effectiveness of functioning of this cell thus affect quality of investigation. Government should pass strict instructions against such deployment.

PROPOSAL:

NEED TO STRENGTHEN DIVERSITY IN POLICE DEPARTMENT AND SENSITIZATION OF POLICE

Sensitization of Officers They have very wrong perception on the atrocities cases. They try to compromise the parties. Views on incidences of atrocities is highly influenced by caste bias. Views on prevalence of caste discrimination by officers are highly different from views given by sc/st officers and sub ordinate officers.

It was the opinion of few upper caste officers including few sub ordinates that the caste discrimination is not prevalent where as it was the view of the SC/ST officers that the sc/st act has not yet reached to the most vulnerable.

Further, believing that compensation is the motivating factor for victim to file cases and all cases are false. It is serious concern to address because police who is supposed to help victim to have such views. Thus there is a need to do preliminary survey about the officers supposed to be appointed as investigation officer. Person with knowledge of law, sense of justice etc. If victims confront such officers, it will be detrimental to the legitimacy of police.

Officers are often resorted to conduct preliminary enquiry which stands in violation of provisions of act.

SECTION 161 (3) STATEMENT – AUDIO – VIDEO RECORDINGS OF WITNESS STATEMENTS

“The police officer may reduce into writing any statement made to him in the course of an examination under this section; and if he does so, he shall make a separate and true record of the statement of each such person whose statement he records.

Provided that statement made under this sub-section may also be recorded by audio-video electronic means”

Various committees have deliberated on the issues of witness turning hostile and the measures to address it. In the year, 2003, a committee was constituted headed by Justice Malimath, to adopt measures to tackle the issue. The committee recommended audio-video recording of witness statements.

Based on this, the parliament introduced the Criminal Procedure Amendment Bill 2006 that proposed changes to section 161 and 164 Cr.P.C. Significantly, standing committee was not in favor of these amendments and reverted back to its earlier views held in one hundred and eleventh report on criminal amendment bill, 2003. It was the recommendation of the parliamentary standing committee that the introduction of audio-video recording does not change the evidentiary value. Further, recording of statement u/s 164 in presence of advocate, will make advocate trial witness during trial stage which will harm the professional ethics of advocate.

For many other reasons, standing committee was not in favor of implementing the recommendation of Malimath Committee. Despite of opposition, the criminal Procedure Amendment act, 2008 Act No 5 Of 2009, introduced the concept of audio video recording and incorporated it into the section 161 and 164 of Cr.P.C.

Even after completion of 12 years since the introduction of these provision still it remained dead letter. Not following either 161 and 164 as stipulated in the act.

Recently, the Hon'ble Supreme Court of India in the case *Doongar Singh and Others v. The State of Rajasthan*, held that

"It is also necessary that the statements of eye witnesses are got recorded during investigation itself u/s 164 of the Cr.P.C. In view of amendment to section 164 Cr.P.C, such statement of witnesses should be got recorded by audio-video electronic means. Statements of eye witnesses should invariably be recorded u/s 164 Cr.P.C. as per procedure prescribed thereunder"

It is clear that in lieu of this judgement it is now mandatory to record statements of witnesses' u/s 164 Cr.P.C. by audio video means. Currently, this case is *'the law of the land and should be implemented in letter and spirit*. This case is only with respect to the confession or statement to be recorded by a magistrate in the presence of advocate of accused or advocate of statement maker.

Pursuant to this order, the High Court of Madras in the case passed orders wherein it held that in all offences involving human body and punishment for more than 10 years, section 164(1) proviso should be mandatorily implemented. Further offences involving women and children the same must be followed.

Question before the Supreme Court of India, in the case, *Shafhi Mohammad v. The state of Himachal Pradesh*, was *'the consideration of videography and photograph of crime scene investigation'*. In this case, the SC of India after consulting Ministry of Home affairs recommended to initiate this project on a pilot basis before starting it on a pan India basis. For this, MHA constituted a Committee of experts to flag out the issues that may arise as a result of introduction of videography in Investigation. Significantly, committee was in favor of implementation of videography in crime scene investigation. However, it placed certain reservations.

The court in this case, directed the ministry of home affairs to constitute a central oversight body to see the implementation of plan of action proposed by Committee of experts.

'It is important to note here that the Shafhi Mohammad case is silent on audio-video recording of witness statements u/s 161(3) of the code'

It was not until recently, in the year 2020, the supreme court of India in the case *Paramvir Singh Saini v. Baljit Singh & Ors*, has actually started considering the larger question, the question of audio-video recordings of section 161 statement as provided under section 161(3) of Cr.P.C.

WITNESS PROTECTION SCHEME

The Supreme Court of India in the case *Mahender Chawla and Others v. Union of India and Others*, extensively discussed the role of witness in the Criminal Justice system.

It was observed by this Hon'ble Supreme Court in this case that,

"Witnesses are important player in the justice delivery system and help the judges in finding the truth. They are the ears and eyes of the criminal justice system in own words of Jeremy Bentham"

Court also identified the important factors for witness turning hostile. Factors such as

- i. Threat/Intimidation,
- ii. protracted trial,
- iii. use of money and muscle power
- iv. Inducement by various means
- v. Problems they face during investigation and trial

It was important to note the words of Whittaker Chambers,

"A witness is a man whose life and faith are completely one that when the challenge comes to step out and testify for his faith, he does so, disregarding all risks, accepting all consequences"

Therefore, it is the obligation of the state to give them protection otherwise it goes against the very fundamental right to life u/s 21 of the Indian Constitution.

The Law commission of India in its 198th report remarkably noted that between 1958 and 2004, there has been a drastic change in crime scene that the rate of total conviction has drastically fallen whereas rate of crime increased. It mostly because many witnesses are turning hostile. As already noted they may turn hostile for inducement or threat and if they remain firm the accused can even go the extent of eliminating the witness. These trends are mostly seen in rape and sexual harassment cases. Thus, it is important that state interfere to protect them at least in heinous/serious cases involving people with power, political connections and money power.

Now, after having an extensive debate on the introduction of videography in crime scene investigation, the court in the case *Shafhi Mohammad v. The state of Himachal Pradesh*, has

already ordered the central oversight body to see the implementation of this project. Further, specifically w.r.t. audio video recording of witness statement u/s 161(3), currently Supreme Court considering this larger question in the case of Paramvir Singh Saini and orders are further awaits.

As already shown in the table, most of the atrocities cases are resulting in acquittal mostly because either witness turning hostile or not supported. Thus, more than in any other law, addressing this is more important when it comes to the atrocities cases. More acquittal rate at the end of the day suggests that law is being mis-used to harass the innocent though it is not. SC/ST atrocities act is a social welfare legislation designed to protect the vulnerable sections of society from being harassed in the hands of the so called upper caste. So, if provisions of act is not properly carried out and if results is acquittal, few years down the line, the court may strike down the entire law.

So, there is a need to check the witnesses turning hostile. Now the proposed measure of audio-video recording will help the prosecution if at a later stage witness retract from his statement, but before that we have to understand the possible reasons for such hostility.

Thus, unless the witness protection scheme is implemented, this audio-video recording will further expose witness to a larger threat and worsen their conditions. This, it is important that the state government should seriously implement the scheme of witness protection, 2018 which was declared as law under article 141 of Indian constitution by the SC of India, till any proper framework/enactment for this is made.



INSTITUTIONAL BIAS / DISCRIMINATION TOWARDS THE WEAKER SECTIONS
ESPECIALLY DALIT'S AND TRIBAL'S – LACK OF POLITICAL WILL CLEAR FROM
APPOINTMENT OF JUDGES TO THE EXCLUSIVE COURTS

WITNESS PROTECTION /VICTIM PROTECTION SCHEME -

REHABILITATION PROGRAMS – EMPLOYMENT AND AGRICULTURE LAND AND
HOUSE SITE –

Prosecutor not play pro - active role.

“No police protection being provided to victims nor witnesses.

No arrest of accused in most cases. Even if arrests made, accused comes out on bail and start threatening/intimidating witnesses or victim.

In some cases, especially when victims are illiterate, officers themselves lure them to turn hostile on the pretext of monetary relief and compensation.

The moment atrocities cases are filed, entire system turns against the victim and tries to subjugate victims at each stage.

Act stipulates for completion of investigation and filing of charge sheet in 60 days. But it is clear that it is only in less than 2% of cases actually charge sheet is filed on time. There is a proximate connection between delay in filing charge sheet and final outcome of the case.

There are many reasons for late filing of charge sheet. Few genuine reasons are as follows – i. Very few DSPs are available to investigate the cases. In addition they are often engaged in other official activities. Further, delay in medical and caste certificate. Stay order from the court etc.

Act stipulates for taking action against those officers who do not file charge sheet on time. But still no action towards that.

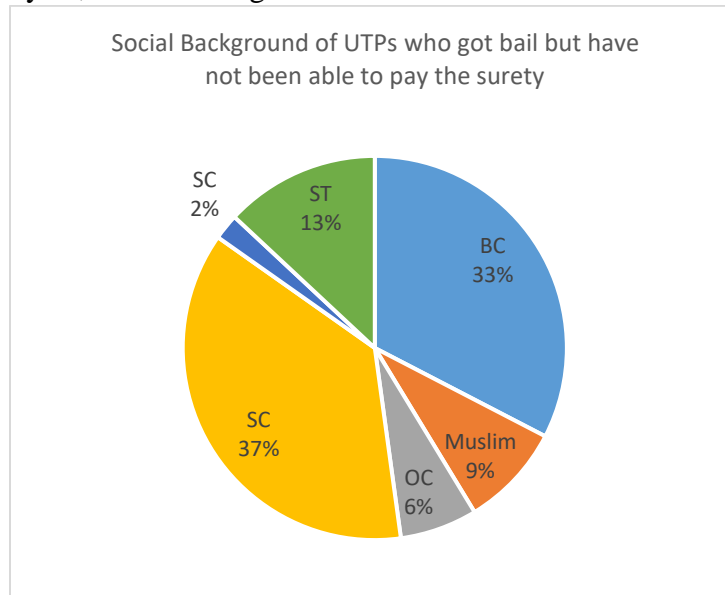
the team from NALSAR consisting of four interns and their faculty co-ordinator, visited the Central Prison of Rajamahendravaram. The following are our observations and recommendations.

Summary: The COVID spread has been brought to halt through not entertaining any interviews to the prisoners with outside of the world. However, the daily remand of accused has increased by 46 per cent during this period. The decline of incomes of poor families of the prisoners during the lockdown and subsequent slowdown of economy seems to have hit hard their capacity to pay for sureties for the bails. There is a sizeable section of UTPs who have been granted bails as per pre-COVID standards (for high amounts) by the courts during lockdown, but they could not pay for their sureties. Similarly, there are 450 convicts who are eligible for parole and furlough but could not negotiate their release due to their poor persuasive capacity within the system. Further, a new phenomenon of substantial increase in the number of UTPs under the NDPS Act is observed, for which bail amounts are exorbitantly high. Most of those affected are low-level operatives of the Cannabis trade hailing from disadvantaged backgrounds. Few institutional solutions are suggested for the consideration of various departments to relieve the prisons of congestion during COVID in order to avoid the threat of an outbreak during second or third wave, and ways by which UTPs suffering due to financial constraints and illiteracy may be helped.

Data from Central Prison

1. In our interaction with under-trial prisoners, we noticed that there is a significant number of prisoners who could not afford to pay their bail amounts. Further, many of them are illiterate, do not know the status of their case, and/or have effectively no legal representation on account of having absconding or fraudulent lawyers. Many prisoners do not understand the legal system and hence do not participate in the same effectively. Some of them have significant personal difficulties that are worsened on account of their failure to pay bail or get decent legal services, such as ill health suffered by them or their family.

From a random sampling of 46 “UTPs who got bail but have not been able to pay the surety” from whom caste/religion data was collected through interviews at the prison taken by us, the following data arose:



It may be seen from this pie chart that almost all those who find themselves unable to pay the bail amount required of them are from disadvantaged communities.

Suggestion: (i) The use of NGO networks to finance the bail amounts of offenders with financial difficulties. Further, they can help arrange for competent legal counsels especially for those who are illiterate and do not understand the legal process. A list of UTPs interacted with along with some remarks are attached at the end of this letter which may be of aid. Such data, if collected in a systematic and periodical manner by NGOs, would enable great humanitarian work.

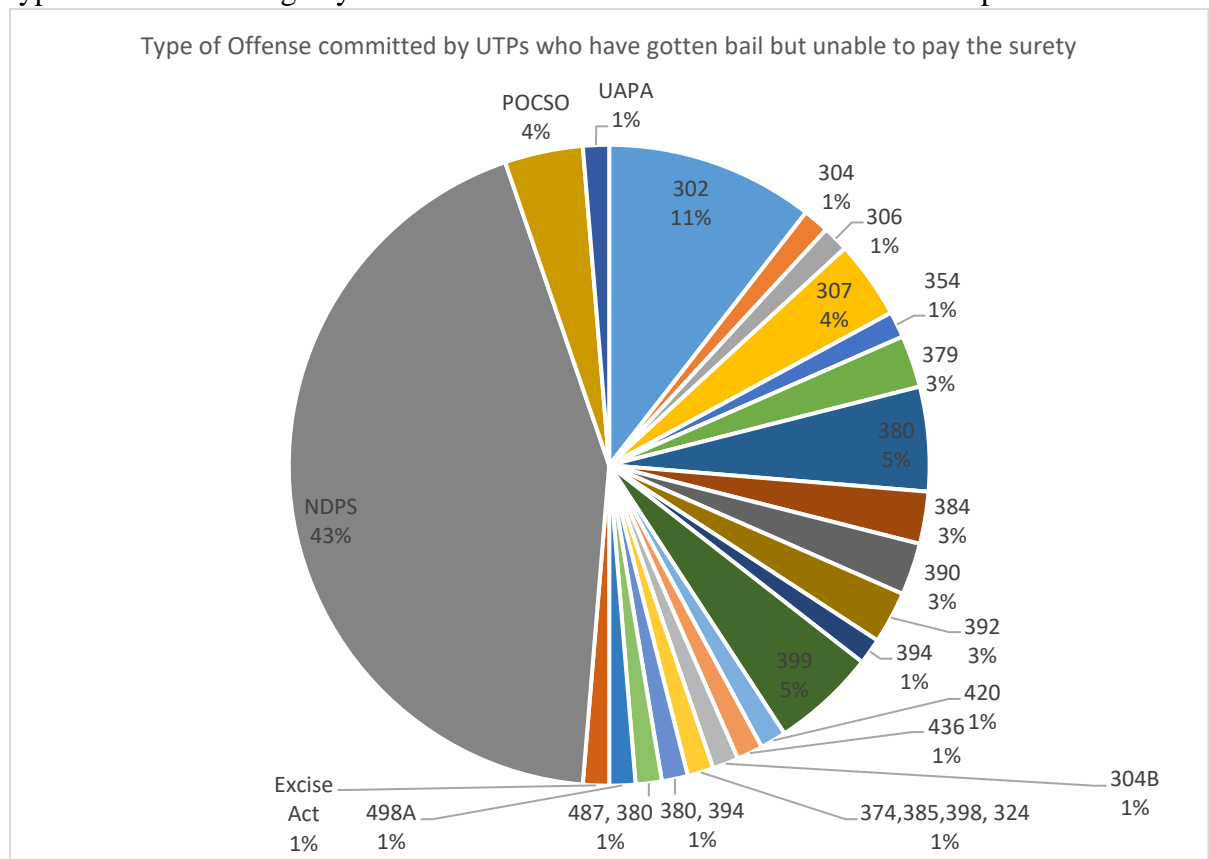
(ii) Further efforts need to be taken to give effect to Article 39A of the Constitution which guarantees free legal aid to the disadvantaged. Complaints against state-assigned lawyers need to be taken and acted upon. There is a need for an official in each prison (who may be posted there or may visit periodically) who can be consulted for legal advice by prisoners. This official may also make note of instances in which the spirit of equal opportunity to justice under Article 39A is not being met so that adequate measures can be taken.

2. Our interviews reveal most of the accused under NDPS are peddlers but not organizers of the drug trade, who are not caught. Those who are caught are usually unable to pay the high bail amounts set for NDPS offenses due to their financial condition. *Out of all the alleged NDPS offenders whose caste data we collected, all were from minority communities.* Thus, minority communities are disproportionately and harshly being targeted at significant state expense without significant success in curtailing the drug trade,

which may draw comparisons with the American “war on drugs” which had a similar impact. Further, it must be noted that *all* alleged NDPS offenders interviewed were involved in transporting or selling Cannabis and not any of the other drugs mentioned in the schedules of the NDPS Act.

In the state of Punjab, NDPS offences constitute over half of the inmate population, leading to a prison population of 25000, of whom 160 die per year. Especially considering the pandemic, decongestion measures must be taken before a similar situation is reached in AP.

From a random sampling of 76 UTPs in the prison who have gotten bail but have not been able to pay the surety, a distribution as reflected in the following pie chart arose for the types of offenses allegedly committed based on the data we collected at the prison:



Of those UTPs who have gotten bail but have not been able to pay the same, NDPS offenders constitute 43% as shown in the chart above. This may be contrasted with the fact that of the *total number of UTPs* at the prison, 35.75% of the prisoners have been accused of offenses under the NDPS Act. This disproportionate representation is owing to the high bail amounts laid down for such offenses, and it raises the question of whether they pose such a danger to society as compared to other types of offenders to justify the exorbitant bail amounts.

Suggestion: Policy decisions must be taken on the approach to be followed in focusing on the drug offences of the organizers rather than on incarcerating low-level operatives. Further, the effect of NDPS offenders on the influx of prison population needs to be evaluated considering the pandemic.

3. The average prison population of the Central Prison of Rajamahendravaram is around 1600. 343 prisoners and around 20 prison staff suffered from COVID and recovered. On the day of our visit there were no COVID infected persons in the prisons. After complete banning of the mulakhat and appropriate quarantining measures for prisoners, the COVID infections seem to have been controlled. However, this decision seems to have resulted in other consequences, which are equally problematic for the prison population.

The occupancy rate in the prisons of Andhra Pradesh is 86% (PSI: 2019). However, this does not necessarily imply that prisons have been sufficiently de-congested enough to deal with COVID all along. The total prison population in the state is around 7500 on average per day during the pre-COVID period. This is taken as base data for calculating the possible number of prisoners who could be released during the COVID.

There are around 1600 prisoners in Rajamahendravaram Central Prison and of them half are convicts and the rest, undertrial prisoners (UTPs).

The average daily admissions of remand prisoners into said prison per day was 26 before the COVID but it rose to 37 (an increase of 42%) since the onset of COVID.

If we upscale these figures to entire state, everyday admissions could be 121 per day earlier but it must have increased to 173. This means every day 50 more persons are remanded per day than in pre-COVID times. This is alarming as the pandemic calls for measures that seek to minimize intake into the prisons except for those cases in which it is truly necessary. We are informed that efforts at significant state expense had to be carried out to deal with the exacerbated risk presented by the increased prison intake during the pandemic. It is therefore noted that had the SHOs have had the habit of giving station bails under Section 41A of CrPC after having adopted a more liberal process, the number of daily remands would have been under control.

Based on interviewing several police officers, we understand that many SHOs avoid granting bails to the accused for various non-legal reasons including pressures from victims and other influential groups and to avoid unfair criticism from the media and the victims. If they can withstand these pressures, they could give more bails and avoid unnecessary remands that create unnecessary pressures on the prisons and judicial system.

Suggestion: Strong instructions to SHOs to adhere to the spirit of section 41A of CrPC and to supervisory officers to review the decisions of the SHO periodically to support them.

4. At present in the prison there are 42 UTPs, whose offences are compoundable. They constitute around 5% of total prisoners. This means at least 375 remand prisoners could be released in compoundable cases.

Suggestion: The Directorate of Prosecution can issue instructions to the public prosecutors not to oppose the compounding of such cases in the courts.

5. In the central prison, 450 out of 800 convicts are eligible for parole and furlough. This is 56%. Going by this calculation, at least 1500 out of 2800 convicts in the state could be released on parole and furlough. As per the prison manual, the SHOs of the place of crime from which the convicts hail have to give the police report within 15 days of application. They routinely reject them or give favourable reports under various non-legal considerations. There are enormous delays in the processing of these applications.

Suggestion: Dispensing with SHO report, the ADG of Prisons can also be authorized to grant parole and furlough as one-time exception during the COVID period. Only this can speed up the process. The Supreme Court stayed the Delhi High Court's order to surrender all the accused and convicts released during COVID and permitted them to stay outside until 31 December 2020.

The law commission, in its 154th report on the Code of Criminal Procedure in 1996 gave a number of recommendations for the reform of the Code, some of which are recounted as follows:

Firstly, that there should be a separate cadre for investigation which is subject to supervision by higher authorities. An officer of such an agency should be in charge of the case throughout until the trial is concluded. He would be responsible for the production of witnesses, production of the accused and for assisting the prosecuting agency. It was speculated that making the officer in charge of the investigation also responsible for expeditious prosecution would expedite the process.

Secondly, it was suggested that technology be incorporated into policing as much as possible, especially in order to match the technology available with those who break the law.

The Law Commission Report No. 78, February 1979 looks into the condition of undertrial prisoners in jails. It notes that prisoners have to spend an inordinately long time in prison before the conclusion of their trial. On 1st January, 1975, the total population of prisoners in Indian Jails was 2,20,146 as against a total capacity of 1,83,369. Out of these 2,20,146 the number of undertrial prisoners was 1,26,772. This represents a percentage of 57.58. Today, this number is about 70%,

hence the problem is even worse now. The report recommended that accused persons who are in jail should be given preference by the courts. Further, it recommended that offences other than those punishable with 3 years' imprisonment under the IPC should be made bailable, with the exception of offences under the Official Secrets Act, 1923. The report also recommended that there ought to be separate institutions for the detention of undertrial prisoners, as it was undesirable to house them along with convicts. To this day, undertrial prisoners are treated as if they are guilty. Although they may often have separate living quarters, their living conditions are not befitting those who are to be presumed innocent until they are proven guilty.

Within CID

- Lack of communication - juniors fear seniors, fail to communicate, hesitate/fail to explain
 - o Consultants have proved to be effective in helping communication between departments
 - o Weird protocols
- Non-disbursement of timely payments results in lack of incentivization
- Political influence
 - o Focus on some cases is due to govt's wish to send a message, make political moves
 - o Court used CID for "investigating" contempt of court cases for twitter/facebook posts
- Quality of legal work – poor. Initial legal drafts are made by IOs or private lawyers they hire. CLA is good, LA1 uses outdated research methods. Solution – get into periodical contracts with law firms, with whom there is an NDA and a fiduciary relationship, who can help CID with any contracts and litigations.
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