

Land Law Clinic Report by Dr. G. Mallikarjun, Faculty

Land Law Clinic Initiatives through Tribal and Land Rights Centre at NALSAR

Centre for Tribal and Land Rights of NALSAR was established in the year of 2005 with the vision of ensure that justice is delivered to the poorest and landless population by securing their land rights through the clinical education. The mission of CTLR is also clear that it will create awareness on legal issues relating to land by way of conducting workshops, conferences, training programs to Para legals, Activists, N.G.Os, Law Teachers, Researchers, Revenue officials and Judicial officers. It further also knowledge partner to State and Central Government on many land related subjects, policy maker, contributed many legislations draft for State and Central Government.


It is known fact that due to lack of awareness on land records, Revenue and Land Laws farmers of villages are facing lot of problems with regard to boundary disputes, succession and mutation of land, encroachment of lands, and some time land related civil cases are turning into criminal cases. The farmers, who have purchased land, shall get that land mutated in his name in Revenue Records. Land Law clinic team has trained to local villagers on land issues and how to protect their lands whenever any dispute arises. With the involvement of villagers, proper survey was conducted with physical verification of area of the land.

Land Problems: Measures of the Government

India has a primarily agriculture-based economy, and rural poverty and well-being remain closely tied to question of land ownership and control. However, access to land and securing rights over it are of critical significance for the vast majority of Indians. In this regard the Government of India and state governments have taken up several land reforms measures since independence to secure land to all the landless poor in the country. In this regard several progressive and pro-poor land laws were enacted in last six decades. In fact, the largest body of land reform legislation ever to have been passed in so short a period in any country was in post-independence India.

These laws include the following measures: (1) land ceiling laws that put restrictions on family land holdings and redistributed surplus land; (2) abolition of intermediaries and conferring




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ownership on actual cultivators; (3) protection of the rights of tenants; (4) allocation of government waste land and bhoodan land donated by individuals for distribution to the poor; and (5) prohibition on alienating land allotted to the poor and the land belonging to tribal. Recently, a historic piece of legislation, the Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act (2006), was enacted by the Government of India to recognize land and other forest rights of the tribal and other traditional forest dwellers.

Despite the severity and complexity of this issue, land governance and property rights are largely overlooked within policy research and development initiatives in India. The explanations for this are many, starting from historical to political. Historically, the majority of the colonial government's revenues came from taxing agricultural produce. Over time, as this revenue declined, the main focus on rural land administration reduced. As our cities grew in hit or miss manner, we didn't invest in building strong land administration systems. On a political level, land and housing are very valuable assets, which, when regulated poorly, attract corruption and violence (Shreya Deb in Developing India, Times of India, Securing property and land rights in India, Published on August 3, 2020)

Land Law Clinic: The Aim Secured land rights to poor

In spite of these efforts by both central and state governments, a significant percentage of the poor are still either landless or have insecure rights to land. It is estimated that at least 15 million rural households in the country are functionally landless and another estimated 28 million rural families who "own" land hold it insecurely because they lack one of the three essential ingredients of legally secure land rights: possession of land, a title document and entry in the Record of Rights. (These problems were identified during 2010-2012 by the Society of Elimination of Rural Poverty (SERP), Rural Development Department)

In the states of Telangana and Andhra Pradesh 2.16 million land problems of 1.46 million Scheduled Caste (SC) and Scheduled Tribe (ST) families were identified involving 2.41 million acres of land. It is also known fact that the poor are suffering from either landlessness or insecure rights to land. Since Independence, about 43 million acres of government waste land, ceiling surplus land and Bhoodan land has been distributed to the landless poor in India. However, there are two significant problems with these lands. First, in many cases, the state

allots land to the poor on paper, but the state does not show the allottees where the land is. Second, the poor have alienated much of the land distributed to them.

In Scheduled Areas, which the state has designated as territories in which only ST ("tribal") families may own land, in spite of laws prohibiting alienation of tribal land, the corpus of tribal land is in serious danger of being lost through alienation (Committee on State Agrarian Relations and Unfinished Task in Land Reform [CSARUTLR], 2008). As per the reports, 375,000 cases of tribal land alienation have been registered so far, covering 855,000 acres of land, of which 154,000 cases covering an area of 363,000 acres have been rejected by the courts on various grounds (CSARUTLR, 2008)). Therefore, the Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act (2006) has been enacted by the parliament for recognising of rights of tribal and other traditional forest dwellers on forest, forest land and forest produce. This Act was enacted to undo the historical injustice done to tribal and others in denying their customary rights over forests. This is more so for the poor and tribal who are doubly vulnerable.

Establishment of the Land Rights Legal Aid Clinic

Land Right Legal Aid Clinic main aim to provide free legal services to the poor and needy, creating awareness among the people about their rights and helping the litigants in all possible ways. A team of land experts of Landesa, faculty members and the students of NALSAR looks after the activities of the clinic. The clinic provides legal service for resolving land problems. The clinic acts as one stop service centre for the poor, needy and tribal with legal problems regarding land. This clinic has been developed as model to set up similar clinics in other places in the state and in other parts of the country.

The main Aims and Objectives are as under:

- To increase the legal awareness levels of the poor and tribal and work for their legal empowerment;
- To provide free legal services to the poor and tribal in securing rights over land;
- To enhance and/or add to the capacities of the officials of Revenue and Agency Courts;
- To train various key stake holders including paralegal volunteers, SHG members, civil society organisations and students on land matters;

- Legal advices and resolving land problems

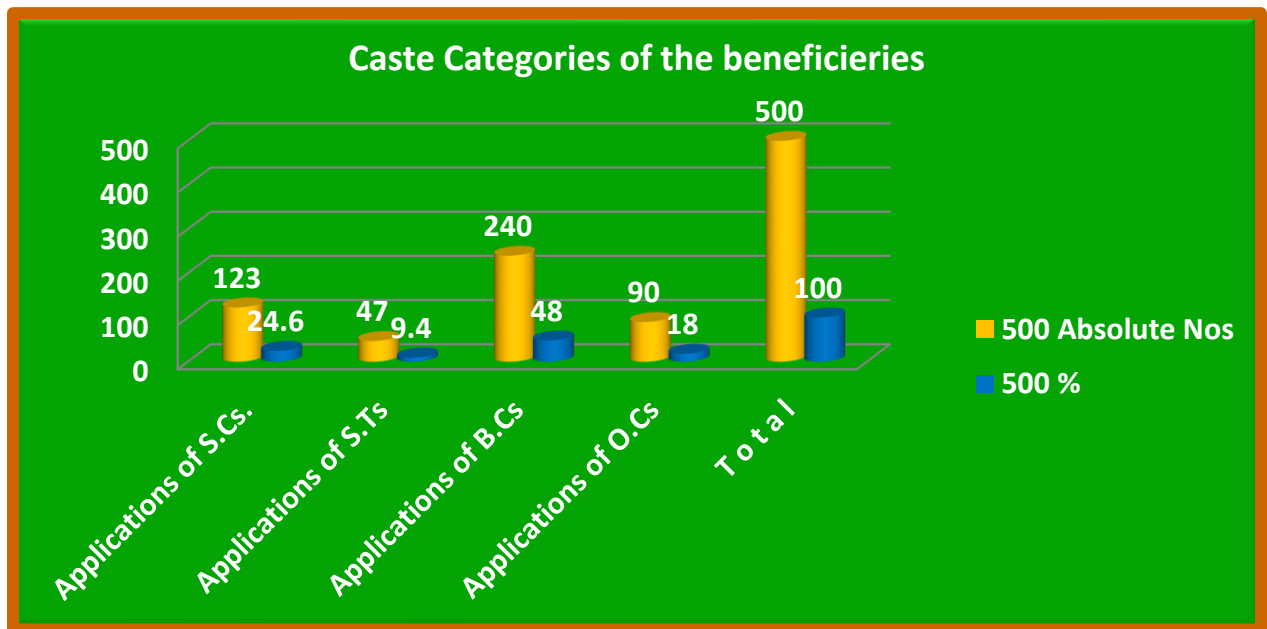
Legal advices and resolving land problems

The Land Rights Legal Aid Clinic has been successfully solved the problems of the poor.. The operational mechanism has been kept as a simple process so as to support to the common people to the most possible extent. The Clinic operates as per the court timings and extends support through telephone even after official Clinic functioning time is over. The Clinic receives walk-in beneficiaries visiting for the first-time guidance and also those who revisit to update the case status and also seek further support and guidance.

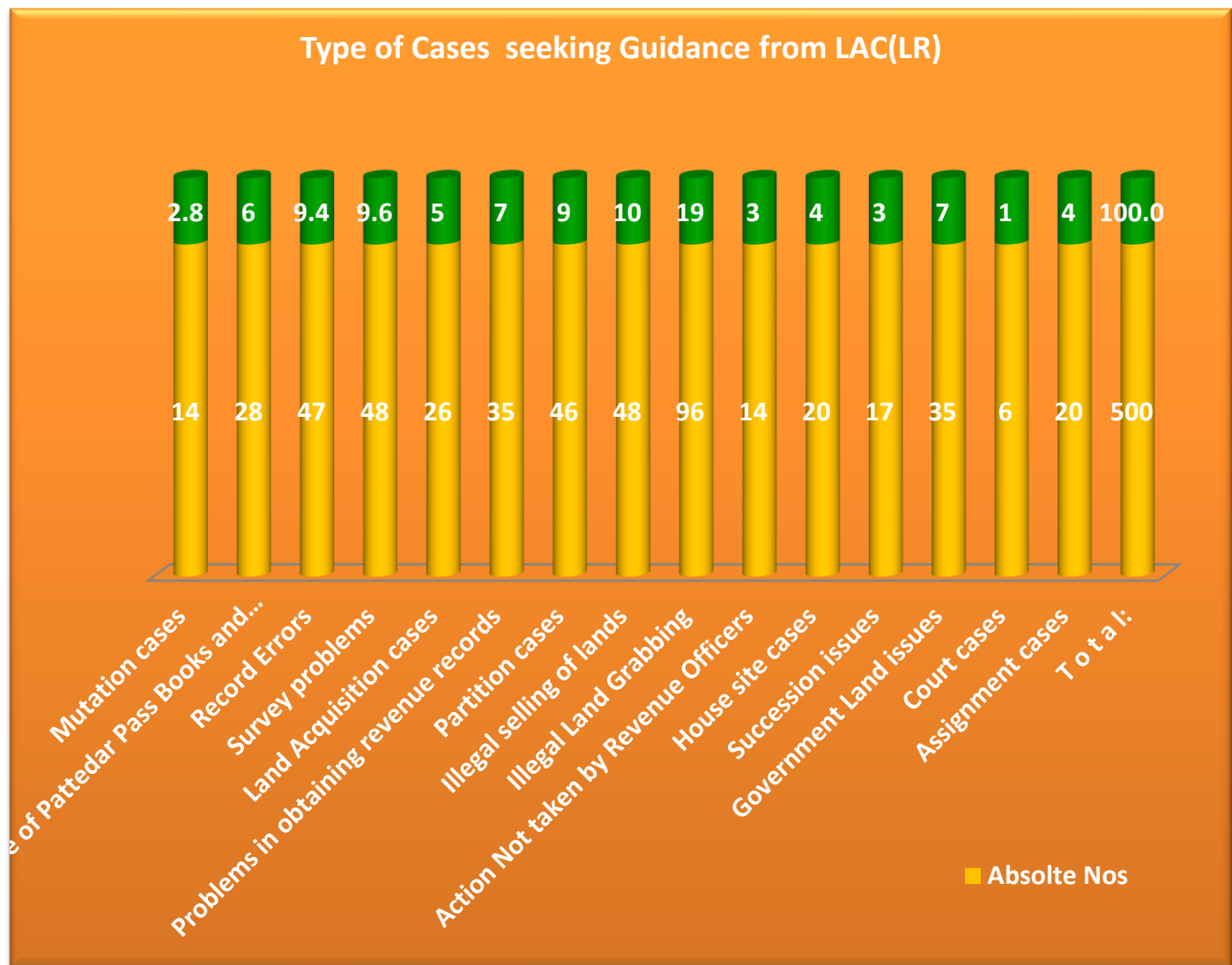
How the clinic works: The steps

1. Persons with land problem visit the Clinic
2. many times, they seek information through phone.
3. Need based information is provided through phone and follow up with the concerned authorities.
4. Basic information is collected from a person who approaches clinic to provide legal advice and guidance.
5. After legal advice, if necessary legal services are provided with help of alumni.
6. As a follow-up, case status updates are collected to help further.

Since the establishment of the Clinic legal advice provided to 538 persons with land problems and helped them in getting their land problems resolved. Majority of the persons approaching the Clinic belong to Scheduled Castes and Scheduled Tribes. The below diagram provides clear understanding of the same. The data provided in the form of the diagrams hereunder is the exclusive property of the Clinic on Land Rights and Legal Aid of NALSAR University of Law.



The analysis of the land problems of the persons who have approached the Clinic shows that majority of these problems are pertaining to discrepancies in land records, inheritance / family partition, mutations in land records, assigned land and land grabbing.



Field Visits to Remote Tribal Areas in Telangana and Andhra Pradesh States on Implementation of V Schedule of the Indian Constitution and Experiences:

Indian Constitution and in particular Article 46 and the V & VI Schedule which mandates the Government to take pro-active steps towards ensuring welfare and development of the members of the tribal community. Land, Forest Governance and Dispute Resolution Mechanisms in Tribal Areas –In spite of protective land laws more than 50 % of land and scheduled areas is in the hands of the non-tribals and majority of LTR cases have gone in favour of non-tribals. The implementation of the Forests Rights Act is still a unfulfilled task. The dispute resolution mechanism in this area is uncertain, weak and inaccessible to the tribal communities. The participants of the consultations strongly felt that the adjudication powers should be conferred to the judicial courts and the traditional systems of dispute resolution should be strengthened. In spite of a mini-constitution (Panchayats Extension to Scheduled Areas (PESA)) within the constitution enacted to empower the tribal communities still not materialised on ground. The participants strongly felt that PESA should be implemented in its letter and spirit and relevant changes should be brought in all other legislations in order to give way to PESA. There are few instances where farmers are holding Pattas in their name but not physical possession of land, where as some farmers are having physical possessions of land but the title of that land is not in their names. Most of the villagers are holding not more than 2 Acres, hardly 4-5 members are holding 10 acres of land which they inherited from their forefathers. The major problem the village faces is that they are in possession of lands; they are cultivating the land for so many years. The authorities in spite of their efforts at all levels to get Pattas of their lands failed to get, the reason being the matter is delayed by the authorities under some pretext or the other. The farmers are not able to make the optimum utility of having possession of lands without Pattas the banks are not coming forward to grant crop loans.

The Land Rights Legal Aid Clinic of NALSAR: Reference of Beneficiaries:

1. Guidance of the clinic saves suicide bid by an ignorant land owner

It is sad indeed that rural people even to this day, try ending their lives due to ignorance and lack of procedural knowledge. The Land Rights Legal Aid Clinic response and support was very effective and quick in case of Mr. Matla Dayakar, belongs to Scheduled Caste, who thought of attempting suicide due to consistent stress caused by not having proper response to his petition to the revenue officials for resolving his land problem. Mr. Dayakar owned 0.21 guntas of land and has the Pattadar Pass Book (PPB) and the Title Deed (TD). His name appeared in the land

records as owner and cultivator until 2000. But to his utter dismay post year 2000, he found that the land records were not carrying his name and was depicting the name of someone else.

Having observed this flaw, he approached various officials for help. Having lost hope, he was on verge of attempting suicide and as a last resort he was directed to the Clinic. The Clinic provided him with the information pertaining to land Acts and revenue procedures to be followed for regaining his name in the records. He was advised to apply for form 1B, form-7 of Mutation register and approach the Authorities under RTI Act if need be. He was further advised to file an appeal to the RDO regarding the name correction required in the records.

On consistent persuasion and follow up, his name was successfully changed in the records. The support of the Clinic saved a poor land owner's life.

2. Land clinic helps beggars in getting back the grabbed land

With no other means of sustenance, Mr. Karne Gopal, a native of Dharmasagar in Warangal district migrated and started begging for his sustenance. In his native village he had around 0.20 guntas and was from scheduled caste background and an illiterate. He has Pattadar Pass Book and Title deed. He migrated to other places for begging. But during the crop season when he wanted to cultivate his land by going back to his village, he was shocked to observe and learn that his land has been occupied by his neighbors' and he was helpless. He reached the Land Clinic for guidance and support

The Clinic suggested him to approach the Tehsil office in Dharmasagar and seek the support of the officer in reclaiming his land. The Clinic contacted the Dharmasagar Tehsil office to support the petitioner. The support provided by the Clinic helped in evicting the encroachers and supporting the victim. He now successfully possesses his land and also is cultivating the same. Other four family members who lost their land in similar way also got back the land with the advice of the Clinic.

3. Scheduled caste family gets back land

Mr. Kalakuntla Anand and his sister inherited 5 acres and 21 guntas of land from his mother which she purchased through an un-registered document in 1961. Subsequently, the sellers of the land illegally occupied it. Mr. Anand approached the Clinic for getting back the possession of

the land. With the support of the Clinic, after several legal proceedings and counselling efforts he has got back the land.

Legal literacy Initiatives To Resolve Land Problems : Is The Way Forward

In extension of the activities of the Land Rights Legal Aid Clinic of NALSAR established two sub-district level Land Centres at Jangaon and Narsampet in Warangal District. Team of thirty paralegals, community resource persons and lawyers are working in six selected villages and providing legal assistance to the poor and needy on land matters. In all the six selected villages, land legal aid clinics are established. The Clinic with the support of District Legal Services Authorities of various district organized land legal literacy programmes in about 62 villages at Telangana and created awareness on land rights, records and procedures for getting the land problems resolved. Until now, about ten thousand rural people reached through the legal awareness meetings organized in the villages. Training programs organized on land matters to various stakeholders including paralegal volunteers, SHG (Self Help Group) women, Anganwadi workers, students, police officers, revenue officers, Advocates ect. to sensitize them, at about 3000 people trained until now through the Land Clinic of NALSAR.

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The following suggestions are made on the basis of the experiences of Land Clinic initiatives at NALSAR:

1. The training methods should also be tailored to specifically address the needs and insecurities of rural women and their rights over land which include their traditional and customary rights over the land.
2. To foster a gender-neutral atmosphere, gender sensitization should be pushed as part of the training in addition to raising understanding of legal issues that affect women and rights over land they possess or cultivating etc.
3. To increase accessibility and maximise utility, the language use in the content of material should be in regional languages with their dialect rather than Hindi and English.
4. As part of formal training, the minimum legal training to paralegal practitioners who can help community members to access the justice at the revenue courts and legal sell authority.

5. It is essential that though the law and rules are important but not the sole way to seek justice. Thus, alternate dispute resolution methods for obtaining legal help, such as approaching panchayats or pro bono lawyers to deal with a variety of land issues, legal and social issues, should also be provided to trainees.
6. Before going to design the legal literacy programmes to the paralegals, the extensive consultation with grassroots organisations who are working on topics like legal rights of poor and NGOs working on the land rights to make the each and every training programme comprehensively.

LEGAL AID CAMP

BY NALSAR UNIVERSITY STUDENTS IN PUDUR VILLAGE

The students of NALSAR University of law, Hyderabad (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 a Legal Aid Camp in Pudur village, Medchal (Mandal & District), Telangana on September 13, 2017. Prof. (Dr.) V. Balakista Reddy, Registrar, NALSAR University of Law, M. Sunil Kumar, National Director, Landesa and Smt Kolla Sravanti Venkatesh, Sarpanch, Pudur Village were chief guests of the camp. Due to heavy rains, the camp was shifted to a nearby temple at the last moment.



Mr. P J Theja Saai, fourth year student of NALSAR started the camp by briefing everyone about NALSAR and introduced dignitaries to the audience. He also spoke about the relevance of the camp and the support which students got from the Registrar and Sarpanch in organizing the camp.



The Sarpanch greeted the professors and everyone who was present at the event. She thanked the college and the students for doing a great job and helping their village and the society by discussing the rights available to them and requested the villagers to get their doubts clarified.



Ms. Mrudula Karumanchi, third year student of NALSAR spoke about the protections available to women and explained the rights in the Domestic Violence act, 2005. She explained the different types of harassment that fall under the ambit of the Act.



Ms. Pallavi Neha, third year student of NALSAR spoke about how the victims can avail the rights available to them and the process that has to be followed in order to file a complaint under the domestic violence Act and elaborated the different remedies available to a victim.



M. Sunil Kumar, National Director, Landesa spoke about the importance of the rights available to the villagers. He spoke about how he along with Mr. Balakista Reddy, the Registrar of NALSAR has helped many villagers get pattas in Warangal. He informed the villagers about the various rights available to them with respect to their land. He also informed them about the survey, which will be conducted by the Telangana Government and urged the villagers to use this opportunity and rectify any mistakes with respect to their revenue records. He also asked villagers to be ready with all the necessary documents when the officers visit the village for the survey.



Mr. Mallikarjun Gade, Assistant Professor, NALSAR spoke about the importance of land rights and discussed the feasibility of his Land Law Clinic students frequently visiting the village to solve land related issues.



Prof. (Dr.) V. Balakista Reddy, Registrar discussed how NALSAR has helped many other villages and that the college would help Pudur village and support them legally in the same way. He also promised that the whole team would like to help the people of Pudur and the significance of land rights to be realized by people. He concluded by appreciating the efforts of the students who were behind the event and that the villagers should seize the opportunity.



Pudur Village advocate Janardhan Reddy, said that he is very thankful to the students and the professors for taking up this initiative. He also spoke about the importance of women's rights and that every woman should make correct use of them.



Mr. P J Theja Saai requested the Registrar to give grievance Redressal forms to Sarpanch. **The registrar handed forms to the Sarpanch which will be distributed among villagers and shall be collected by the students during their next visit.**



Mr. P. Avinash Reddy, third year student of NALSAR gave vote of thanks to Prof. (Dr.) V. Balakista Reddy, Registrar, NALSAR University of Law for being very supportive and encouraging from the beginning and M. Sunil Kumar, National Director, Landesa for being an inspiration and Smt Kolla Sravanti Venkatesh, Sarpanch, Pudur Village for trusting students when they proposed the idea of Legal Aid Camp. Asst. Prof. Mallikarjun Gade and Mr. Shiv Charan for helping students while executing the idea.



THANK YOU PUDUR VILLAGE FOR YOUR TRUST!





NALSAR University of Law, Hyderabad

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Website : www.nalsar.ac.in

To
The Chairperson
Telangana State Legal Services Authority
Hyderabad

20-01-2020
Hyderabad

Respected Sir

I would like to inform you that Bar Council of India Rules mandates few clinical courses in the curriculum for undergraduate law degree course. Clinical courses have to be designed by the instructor where in students should learn by doing and are different from taught courses. Law schools and colleges find it difficult to conduct these courses effectively due to many hindrances, some of them are: 1) inability of law students to represent the clients during the course of education which is allowed in some countries; 2) case may continue longer time in court than the period of clinical course study; 3) time required to be spent by the student while pursuing other courses; 4) gaining clients confidence by the students; 5) law schools ability to have functional legal aid clinics where clients would visit and seek assistance; etc. However clinical legal education is the most preferred mode of education as it is practical and real; it exposes students to apply the law learnt and develops the requisite skills.

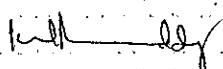
NALSAR University has been trying to find ways to make their clinical courses a truly learning experience. In this context we thought if clinic course students were allowed to work with panel lawyers of legal services authority it will help them to have learnt from live cases and our students may also be helpful to panel lawyers in minor way.

In view of the confidentiality and to maintain the court honour I would like to spell out more clearly the limits within which our students will work....

- 1) Students will contact the panel lawyers and take Xerox copy of two pending cases (one trial and one appeal case) and will speak to the panel lawyer to will try to find out the details of those cases
- 2) Students will then conduct trial and appeal of those cases in the University only
- 3) Students will give the materials they prepared to the panel lawyers from whom they took the case which may help the panel lawyers preparation for the case

Anticipating positive response from your side

Yours truly,


Prof. (Dr.) K. Vidyullatha Reddy
Professor of Law
Chairperson, Centre for Post Graduate Legal Education
Head, Centre for Environmental studies



GOVERNMENT OF TELANGANA
TELANGANA STATE LEGAL SERVICES AUTHORITY

2nd Floor, 'C' Block, High Court Premises
Hyderabad, Telangana State - 500 066
Tel/No.: 040-23446326 and Tel (FAX)-040-23446323

E-Mail: telanganaslsa@gmail.com
Website: www.tslsa.telangana.gov.in

G.V. SUBRAHMANYAM
Member Secretary
(District & Sessions Judge)

Roc. No. 298/TSLSA/2020, Date: 21-01-2020

To
Prof (Dr.) K. Vidyullatha Reddy,
Professor of Law,
Chairper Centre for Post Graduate
Legal Education Head,
NALSAR University of Law,
Hyderabad.

Madam,

~~Anent to your letter, this Authority permits your~~
students to contact any of the Panel Lawyer and take xerox
copies of two pending cases one in Trial Matter and one in an
Appeal case and they are permitted to interact with Panel
Lawyers as a part of clinical course study.

Yours faithfully,


MEMBER SECRETARY

Copy to :

The Chiarmen, District Legal Services Authorities of Ranga Reddy,
Metropolitan Legal Services Authority and City Civil Court Legal Services
Authority, Hyderabad (with a request to communicate to their respective Panel
Lawyers).

Evaluation of Pleading and Conveyance Clinic

Assignment –I (Trial Advocacy)

Students will be asked to form a group of four. Each group of students will be asked to select a case for trial. The students in each group will be asked to take sides i.e. prosecution, plaintiff, respondent etc. The evaluation will be group evaluation only. The clinic course instructor will approve the case selected for trial. The instructor will conduct few sessions, with the support of practitioners, to clarify the essentials of trial advocacy, procedure, court etiquette etc. The students are free to contact any teacher or outside advocates of their choice for further clarifications if any. The clinic course instructor will determine the date of trial advocacy for evaluation.

The evaluation will be as follows:

Legal process (Jurisdiction, remedies, prayer)	5 Marks
Case presentation (drafting & documentation)	5 Marks
Examination of witness	5 Marks
Case law	5 Marks
Procedural law application	5Marks
Overall performance	10 Marks
Total	35 Marks

Assignment –II (Appellate Advocacy)

Students will be asked to form a group of four. Each group of students will be asked to select a case for appeal. The students in each group will be asked to take sides i.e. prosecution, petitioner, respondent etc. The evaluation will be group evaluation only. The clinic course instructor will approve the case selected for appeal. The clinic course instructor will conduct few sessions, with the support of practitioners, to clarify the essentials of appellate advocacy, procedure, court etiquette etc. The students are free to contact any teacher or outside advocates of their choice for further clarifications if any. The clinic course instructor will determine the date of appellate advocacy for evaluation.

The evaluation will be as follows:

Case presentation and argument	5 Marks
Case law	5 Marks
Basis of appeal/ error in lower court decision	5 Marks
Overall performance	10 Marks
Total	25 Marks

Assignment –III [Peer Review (15 Marks)]

Students who are in groups for trial and appeal shall review the conduct of trial of other teams other than their own and provide objective feedback. The feedback should consist of the following:

- a) Group wise legal and factual mistakes committed in trial and appellate advocacy
- b) Marks to be assigned to each group for trial and appellate advocacy
- c) Appropriateness of case selection

Note: Students evaluation will be considered for their group evaluation only and shall not be the criteria to evaluate other groups.

Assignment-IV [Conveyance of Deeds (25 Marks)]

The clinic course instructor will conduct few practice sessions on conveyance of deeds and then students will be examined through a sit in/take home exam relating to the sessions conducted.

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The Chairperson
Telangana State Legal Services Authority
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20-01-2020
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Anticipating positive response from your side

Yours truly

Prof(Dr.) K.Vidyullatha Reddy
Professor of Law
Chairperson Centre for Post Graduate Legal Education
Head, Centre for Environmental studies

Advocacy Groups

IV year (January – April 2020)

Group I

1. Ayushi Bansal (2016-73)
2. Dwiti Subash Goyal (2016-119)
3. Prachi Tripathi (2016-88)
4. Tripti Bhushan (2016-111)

Group II

1. Swetha Sivaram (2015-45)
2. Nipuna Verman (2016-26)
3. Aprajitha Kaul (2016-68)
4. Aditi Ramakrishnan (2016-62)

Group III

1. Avani Agarwal (2016-120)
2. Shravya Raja sri Kumar (2016-66)
3. Prerna Sreevani (2016-90)
4. Shivam Sharan (2016-104)

Group IV

1. T. Venkata Anirudh (2016-123)
2. Anmol Khurana (2016-65)
3. Bhanu Vasista Sangadala (2016- 75)
4. Hemanth Gupta (2016-79)

Group V

1. Aditi Singh (2016-01)
2. Saumya Srivastava (2016-99)
3. Aadhya Kankacharla (2016-61)
4. Shambavi Misra (2016- 42)

Group VI

1. Nikhil Sharma (2016-25)
2. Piyush Rathi (2016-30)
3. Approva Prakash (2016-10)
4. Kumarjeet Ray (2016-22)

Group VII

1. Saksham Agarwal (2016-39)
2. Shubam Tiwari (2016-122)
3. Hemshankar Vyas (2016-80)
4. Prakhar Bhatnagar (2016-31)

Group VIII

1. Chandralekha Maurya (2016-13)
2. Neeharika Nakka (2016-60)
3. Shruthi Sai Navya Kale (2015-109)
4. Shreya Naik (2015-59)

Group IX

1. Kajal Kashyap (2016-17)
2. Nithya Choudhary M (2016-27)
3. Tanmay Batham (2016-51)
4. Uma Mahesh Rathod (2016-36)

Group X

1. Prankul Boobana (2016-121)
2. Manswathitha Gupta (2016-24)
3. Richa (2016-92)
4. Sahithi Somarapu (2016-97)

Group XI

1. Rohil Bipin Deshpande (2016-93)
2. Rohit Iyengar (2016-94)
3. Dayaar Singla (2016- 77)
4. Laddha Vaibhav Gopal (2016-23)

Group XII

1. Shilpa Shankar(2016-44)
2. Anku Adhikari (2016-07)
3. Anubhuti Garg (2016-08)
4. Bhavini Mohan (2016-59)

Group XIII

1. Lorna Sheik (2016-86)
2. Krishna M (2016-85)
3. Venkat Sai J (2016-82)
4. Anvesh Baki (2016-74)

Group XIV

1. Ayushi Sunder (2016-12)
2. Rishabh Sharma (2016-37)
3. Swaroop Singh Rathore(2016-117)
4. Yash Ravindra Bhagawat (2016-115)

Group XV

1. Aditya Bhayal (2016-63)
2. Aryan Shastri (2016-71)
3. Avi Chaukyal (2016-72)
4. Tushar Oberoy (2016-57)

Group XVI

1. Sushruth Venkatesh K (2016-49)
2. Pranshu Shukla (2016-32)
3. Yash Jain (2016-55)
4. Anirudh Agarwal (2016-64)

Group XVII

1. Rudra Rajendra D (2016-14)
1. Karan Trehan (2016-19)
2. Kaustubh N S Bhati (2016- 20)
3. Nishanth Pande (2016-56)

Group XVIII

1. Aakash Jyothi Lakra (2016-03)
2. Asutosh Meena (2016-11)
3. Rizwan AKthar S M (2016-100)
4. Shujat Bhat R (2016-108)

Group XIX

1. Arvind Arun P (2016-69)
2. Vishal V (2016-112)
3. Nkhil V (2016-87)
4. Rithvik Mathur (2016-38)

Group XX

1. Prateek H (2016-89)
2. Akash K Prasad (2016-04)
3. Utkarsh Mittal (2016-52)
4. Himanshu Joshi (2016-81)

Group XXI

1. Bhavish K (2016-76)
2. Sugosh Joshi D (2016-83)
3. Sayan Bhattacharya (2016-118)
4. Sunil Neelakantan (2016-47)

Group XXII

1. Shagun Bhargava (2016-40)
2. Varun Venkatesh D (2016-53)
3. Vishaka Ramesh (2016-113)
4. Harseerat Kaur (2016-78)

Group XXIII

1. Karthik V (2015-16)
2. Sumit Kataria (2015 -86)
3. Sarala Sameera M (2015-103)
4. Rajvardhan Shankar (2016-35)

Group XXIV

1. Anchal Vidyarthi (2016-06)
2. Yash Agarwal (2016-54)
3. Shalu Agarwal (2016-101)
4. Pavan Kallem (2016-84)

Group XXV

1. Sachit Kapoor (2016-96)
2. Shreyashi Himja (2016-107)
3. Anubhuti M (2016-09)
4. Rahul Suthar (2016-91)

Group XXVI

1. Seshasai Pradam K (2016-18)
2. Aditya Bhupatiraju (2016-02)
3. Charith Reddy P (2016-29)
4. Vivek M Krishnaswamy (2016-114)

Group XXVII

1. Samiha Gopal (2016-98)
2. Swini Nimesh K (2016-50)
3. Suneha A Kasal (2016-46)
4. Shailasree Aryal (2016-41)

Group XXVIII

1. Ruthika Reddy K (2016-95)
2. Taruni Kavuri (2016-109)
3. Parnika Thummala (2016-28)
4. Susangatha Navundru (2016-48)

Trial Advocacy Evaluation

Legal process (Jurisdiction, remedies, prayer)	5 Marks
Case presentation (drafting & documentation)	5 Marks
Examination of witness	5 Marks
Case law	5 Marks
Procedural law application	5Marks
Overall performance	10 Marks
Total	35 Marks

Appellate Advocacy Evaluation

Case presentation and argument	5 Marks
Case law	5 Marks
Basis of appeal/ error in lower court decision	5 Marks
Overall performance	10 Marks
Total	25 Marks

Trial Advocacy Evaluation

Group No.	Legal process Max. marks (5)	Case presentation Max. marks (5)	Examination of Witness Max. marks (5)	Case Law Max. marks (5)	Procedural law application Max. marks (5)	Overall Performance Max. marks (10)	Total Marks Max. marks (35)
I							
II							
III							
IV							
V							
VI							
VII							
VIII							
IX							
X							
XI							
XII							
XIII							
XIV							
XV							
XVI							
XVII							
XVIII							
XIX							
XX							
XXI							

Group No.	Legal process Max. marks (5)	Case presentation Max. marks (5)	Examination of Witness Max. marks (5)	Case Law Max. marks (5)	Procedural law application Max. marks (5)	Overall Performance Max. marks (10)	Total Marks Max. marks (35)
XXII							
XXIII							
XXIV							
XXV							
XXVI							
XXVII							
XXVIII							

Appellate Advocacy Evaluation

Group No.	Case presentation Max. marks (5)	Basis of appeal Max. marks (5)	Case Law Max. marks (5)	Overall Performance Max. marks (10)	Total Marks Max. marks (25)
I					
II					
III					
IV					
V					
VI					
VII					
VIII					
IX					
X					
XI					
XII					
XIII					
XIV					
XV					
XVI					
XVII					
XVIII					
XIX					
XX					
XXI					

Group No.	Case presentation Max. marks (5)	Basis of appeal Max. marks (5)	Case Law Max. marks (5)	Overall Performance Max. marks (10)	Total Marks Max. marks (25)
XXII					
XXIII					
XXIV					
XXV					
XXVI					
XXVII					
XXVIII					

Trial Advocacy Schedule: (Each Group will be given 30 minutes time to conduct the trial)

1. February 6th 2020 (Group No. III, XXIV and XIII)
2. February 11th 2020 (Group No. II, XXV and VI)
3. February 13th 2020 (Group No. V, XXII and XVI)
4. February 18th 2020 (Group No. XII, VIII and IX)
5. February 20th 2020 (Group No. XVII, I and VII)
6. March 3rd 2020 (Group No. IV, XXIII and XIX)
7. March 5th 2020 (Group No. X, XVIII and XXVIII)
8. March 10th 2020 (Group No. XX, XI and XV)
9. March 12th 2020 (Group No. XXI, XXVII, XXVI and XIV)

Appellate Advocacy Schedule: (Each Group will be given 20 minutes time to conduct the appeal)

1. March 19th 2020 (Group No. XVII, XXII, XVIII and XXVIII)
2. March 24th 2020 (Group No. XXVII, IX, IV and XVI)
3. March 26th 2020 (Group No. XIX, XV, XII and XXIII)
4. March 31ST 2020 (Group No. XXVI, VI, XXI and V)
5. April 7th 2020 (Group No. X, II, XXIV and XIV)
6. April 9th 2020 (Group No. VII, I, XXV and XX)
7. April 16th 2020 (Group No. III, XI, VIII and XIII)

NALSAR Students assisting legal services authority panel lawyers in defending poor client's trial cases

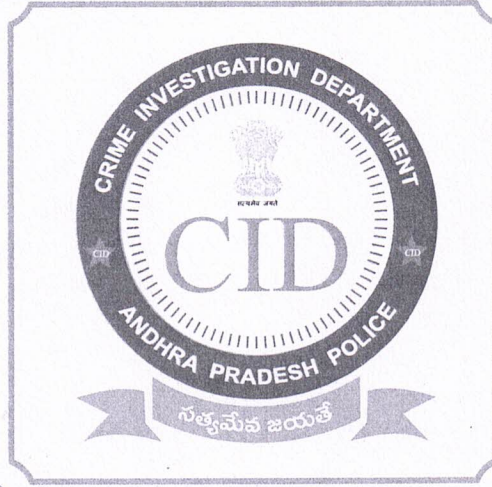
Name of the students	Name of the panel lawyer	Case number	Client	Remarks
Avani Agarwal (2016-120) Shravya Rajasri K (2016-66) Prerna Sreevani (2016-90) Shivam Sharan (2016-104)	Md. Arshad Jamal	FCOP 347/2018 Family Court Hyderabad	Petitioner	Written arguments sent to panel lawyer
Anchal Vidyarthi (2016-06) Yash Agarwal (2016-54) Shalu Agarwal (2016-101) Pavan Kallem (2016-84)	Rupendra Raj Jaiswal	Cr. No. 652/2018 II metropolitan Magistrate Railways court, Secunderabad	Accused	Written arguments sent to panel lawyer
Sachit Kapoor (2016-96) Shreyashi Himja (2016-107) Anubhuti M (2016-09) Rahul Suthar (2016-91)	Thanuku Mahesh	SC. No. 80/2019 IV Addl. District and Sessions Judge –cum- Special court, POCSO cases Karimnagar	Accused	Written arguments sent to panel lawyer
Swetha Sivaram (2015-45) Nipuna Verman (2016-26) Aprajitha Kaul (2016-68) Aditi Ramakrishnan (2016-62)	Ravindranath Reddy	O.S.No. 1554/2017 XVI Addl. District and Sessions Judge, RR District	Plaintiff	Written arguments sent to panel lawyer
Nikhil Sharma (2016-25) Piyush Rathi (2016-30) Approva Prakash (2016-10) Kumarjeet Ray (2016-22)	Naseer Ali Khan	O.S. No. 1941/2019	Plaintiff	Written arguments sent to panel lawyer
Aditi Singh (2016-01) Saumya Srivastava (2016-99) Aadhya Kankacharla (2016-61) Shambavi Misra (2016- 42)	G.Susheela	C.A. No. 11147/2019 VIII Addl. Metropolitan Magistrate Kukatpally, Cyberabad	Complainant	Written arguments sent to panel lawyer
Sushruth V K (2016-49) Pranshu Shukla (2016-32) Yash Jain (2016-55) Anirudh Agarwal (2016-64)	Faziuddin	S.C.No. 572/2018 IV Addl. Metropolitan Sessions Judge,	Accused	Written arguments sent to panel lawyer

		Hyderabad		
Shagun Bhargava (2016-40) Varun Venkatesh D (2016-53) Vishaka Ramesh (2016-113) Harseerat Kaur (2016-78)	D.Satyanarayana	C.C.No. 108/2019 II ACJM Cum XVI Metropolitan Magistrate Prashanthnagar, Cyberabad Kukatpally	Accused	Written arguments sent to panel lawyer
Kajal Kashyap (2016-17) Nithya C M (2016-27) Tanmay Batham (2016-51) Uma Mahesh R (2016-36)	Mohd. Faizuddin	S.C.PCS No. 116/2017 Fast track special court for POCSO cases Hyderabad	Accused	Written arguments sent to panel lawyer
Shilpa Shankar(2016-44) Anku Adhikari (2016-07) Anubhuti Garg (2016-08) Bhavini Mohan (2016-59)	Polumari Chiranjeevi	DVC No. 17/2012 IV Addl. Judicial first Class Magistrate Warangal	Petitioner	Written arguments sent to panel lawyer
Chandralekha M (2016-13) Neeharika Nakka (2016-60) Shruthi Sai N K (2015-109) Shreya Naik (2015-59)	Srisailam	Cr. No. 132/2017 Judicial First Class Magistrate Parigi, Vikarabad District Hyderabad	Accused	Written arguments sent to panel lawyer
Rudra Rajendra D (2016-14) Karan Trehan (2016-19) Kaustubh N S Bhati (2016-20) Nishanth Pande (2016-56)	Mohd. Faziuddin	SC No. 2/2018 VII Adll. Metropolitan sessions judge Nampally Hyderabad	Accused	Written arguments sent to panel lawyer
Ayushi Bansal (2016-73) Dwiti Subash G (2016-119) Prachi Tripathi (2016-88) Tripti Bhushan (2016-111)	Mohd. Ateek Pasha	CC No. 570/2009 XII Addl. CMM Mahila Court Hyderabad	Complainant	Written arguments sent to panel lawyer

Saksham Agarwal (2016-39) Shubam Tiwari (2016-122) Hemshankar Vyas (2016-80) Prakhar Bhatnagar (2016-31)	Naseer Ali Khan	OS No. 3015/2019 Sr.Civil Judge RR District LB Nagar Hyderabad	Plaintiff	Written arguments sent to panel lawyer
T. Venkata A (2016-123) Anmol Khurana (2016-65) Bhanu Vasista S (2016- 75) Hemanth Gupta (2016-79)	Roopraj Jaiswal	Case No. 44/2019 MSJ Nampally Hyderabad	Accused	Written arguments sent to panel lawyer
Arvind Arun P (2016-69) Vishal V (2016-112) Nkhil V (2016-87) Rithvik Mathur (2016-38)	Venugopal	OS No. 34/2018 Principal Jr. Civil Judge Court Hayathnagar RR District	Defendant	Written arguments sent to panel lawyer
Aakash Jyothi L (2016-03) Asutosh Meena (2016-11) Rizwan A S M (2016-100) Shujat Bhat R (2016-108)	Asif Ali	Cr. No. 157/2014 X Addl. Chief Metropolitan Magistrate Secunderabad	Complainant	Written arguments sent to panel lawyer
Ruthika Reddy K (2016-95) Taruni Kavuri (2016-109) Parnika T (2016-28) Susangatha N (2016-48)	P. Chandrashekar	O.S.No. 489/2010 I Addl. Senior Civil Judge Court L B Nagar RR District	Plaintiff	Written arguments sent to panel lawyer
Prankul B (2016-121) Manswathitha G (2016-24) Richa (2016-92) Sahithi S (2016-97)	Ravindranath reddy	O.S.No. 805/2016 VIII Addl. Senior Civil Judge Court L B Nagar RR District	Defendant	Written arguments sent to panel lawyer
Aditya Bhayal (2016-63) Aryan Shastri (2016-71) Avi Chaukyal (2016-72) Tushar Oberoy (2016-57)	Shujaullah Khan	OS No. 1626/2011 I Addl. Senior Civil Judge Court	Plaintiff	Written arguments sent to panel lawyer

		L B Nagar RR District		
Rohil Bipin D (2016-93) Rohit Iyengar (2016-94) Dayaar Singla (2016- 77) Laddha VG (2016-23)	E.Venugopal	CC No. 450/2013 VII Metropolitan Magistrate Cyberabad Hayathnagar	Accused	Written arguments sent to panel lawyer
Prateek H (2016-89) Akash K Prasad (2016-04) Utkarsh Mittal (2016-52) Himanshu Joshi (2016-81)	NandKishore Rathi	IA No. -/2016 (Execution) in OS No. 1026/2015 XVII Senior Civil Judge City Civil Court Hyderabad	Plaintiff	Written arguments sent to panel lawyer
Group XXVII	Naseer Ali Khan	FCOP 775/2018 Family Court Secunderabad	Petitioner	Written arguments sent to panel lawyer
Group XIV	C. Ravindranath Reddy	EP No. -/2020 (Execution) in OS No. 55/2014 Senior Civil Judge Medchal	Plaintiff	Written arguments sent to panel lawyer
Group XXI	E.Venugopal	CC No. 769/2017 VII Metropolitan Magistrate Cyberabad Hayathnagar	Accused	Written arguments sent to panel lawyer

Internship Programme
Memorandum of Understanding



CRIME INVESTIGATION DEPARTMENT
★ ANDHRA PRADESH POLICE ★

Internship Programme : Memorandum of Understanding

The Criminal Investigation Department, Andhra Pradesh Police, Mangalagiri, Andhra Pradesh (hereafter CID), and National Academy of Legal Studies and Research Law University, Hyderabad (hereafter NALSAR) hereby establish a Memorandum of Understanding with regard to an Internship Program (hereafter Program) facilitating the host organization's (CID) acceptance of NALSAR students as interns.

The terms of the Program are as specified below.

1. Purpose

With a view to training students of law, high-level legal researchers and legal practitioners with the skills and knowledge necessary to understand, analyze and work in the field of criminal jurisprudence and protection of Civil Rights mainly of Scheduled Castes / Scheduled Tribes; CID has established an internship program with NALSAR that will further the individual student's education and develop the practical skills he or she will need for his/her future career.

2. Period of Internship

The period and itinerary of the internship to be engaged in by the student shall normally be decided with mutual consent between CID, NALSAR and the student.

3. Content

The content of the Program and the manner in which the student will be assigned is to be determined through consultation among CID and NALSAR

4. Assigning the internship supervisor

The student's internship supervisor at the CID is to be determined by consultation between NALSAR and CID.

5. Conditions of the internship

The internship supervisor undertakes to report periodically back to NALSAR on the student's progress over the course of the Program. The student's faculty supervisor at NALSAR is to monitor the student's progress in terms of how the Programme fulfils his/her training goals. To this end, the faculty supervisor undertakes to visit the student at least once at CID during the internship period in order to directly observe the student's progress.

6. Evaluation

The intern must submit an internship report to both the CID internship supervisor and NALSAR faculty supervisor at the end of his/her internship period. The internship supervisor and NALSAR faculty supervisor are to submit evaluative reports to NALSAR based on the internship report received from the student and upon their observations of the student's performance over the period of his/her internship.

7. Expenses

The matter of costs for running the internship is to be determined by consultation between CID and NALSAR

8. Travel

Payment of travel costs and other Travel arrangements to and from CID is a matter of discretion, to be determined through consultation between CID and NALSAR

9. Lodging / Accommodation during the period of Internship

CID will organise lodging / accommodation during the period of internship in consultation with NALSAR and the student.

10. Renumeration during the period of Internship :

CID and NALSAR shall come to an agreement on the amount of remuneration before the commencement of the internship programme.

11. Code of conduct during the internship period

The student undertakes to abide by any employment rules set out by CID to facilitate the Program. The student agrees also to follow instructions and accept supervision throughout the internship period.

12. Keeping confidentiality

The student agrees to keep strict confidentiality. On no grounds is he or she to disclose information obtained over the course of the program which is deemed classified by CID

13. Publication of result

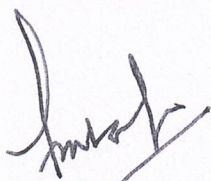
The publicizing of research results gained by the student over the period of his/her research is to take place only after consultation with NALSAR and CID

14. Period of validity of the Memorandum of Understanding

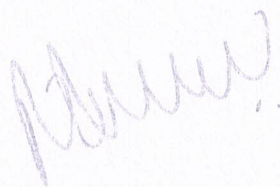
This Memorandum of Understanding is valid for five years, effective from the date that its signing is concluded by representatives of NALSAR and CID

15. Termination/renewal of the Memorandum of Understanding

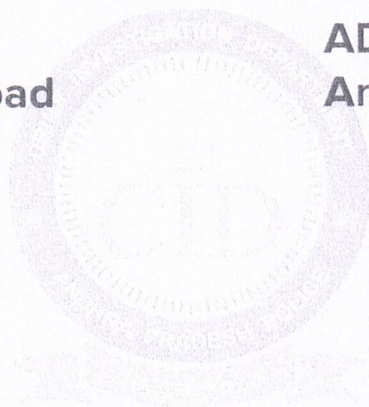
A period of six months notice is required in the case when either party (NALSAR or CID) wishes to terminate or renew the Memorandum of Understanding.



**Vice Chancellor,
NALSAR, Hyderabad**



**ADG, CID,
Andhra Pradesh Police**



2019-20

1. "Indigenizing Animal Rights Beyond Judicial Rhetoric"

Arpan Banerjee & Hardik Subedi

Supervisor: Vivek Mukherjee

One can argue that the inclusion of animal-regarding provisions is tainted by utilitarian concerns for the human beings themselves. The researchers however had argues argued that the currently developing jurisprudence in India increasingly views animals subjects of law in their own right. It is a somewhat stark departure from the laws that usually govern human and non- human relations in an unequal footing maintaining subject-citizen dichotomy in an ostensive manner. Although this is a step in the right direction, this enunciation of 'rights of animals' stands on a weak ground without a coherent normative framework of animal rights. There are grand narratives created by some judgments, however, there are contradictory observations within one judgment. The judgments suffer from vacillation between one theoretical framework to the other without adequate justifications for such leaps. In this report, by and large, the researchers delineated the origins and understanding of the animal legislations in India, lay down the contemporary jurisprudence while highlighting the theoretical inconsistencies in judicial pronouncements, and go on to propose considerations while building a normative framework of animal rights. Although the report does not claim to provide all responses to these difficult problems in enunciation of a coherent normative framework of animal rights, the researchers believe that asking questions and teasing out the shortcomings in the present approach are the steps in an appropriate direction.

2. "The Chicken & Egg Problem: Balance of Welfare Between Egg Labelling and Consumer Protection"

Pallavi Dehari & Prerana Biswas

Supervisor: Jayasimha Nuggehalli

In this project, the authors attempt to fulfil the following objectives: (a) To look at the literature related to animal welfare labelling, ethical treatment, and food ethics (b) To look at the labelling standards of eggs for various country and recognize the lack of the same in India (c) To look at how animal welfare labelling is connected to consumer welfare. (d) To look at the issues with the implementation of animal welfare labelling in context of consumer welfare.

The project was mainly divided into three segments- A, B and C. Segment A deals with the literature part of the topic while segment B and C deal primarily with the data component and policy suggestion. Segment A is derived from the already prevailing literature available through online materials- blogs, articles, journal

articles, government websites, news websites etc. Segment B and C derive data from survey, RTIs, and material from other similarly related projects.

3. **“Optimizing Environmental Policy to Check Pollution by The Dairy Industry in India”**

Siddharth Aiyanna & Arushi Nayyar

Supervisor: Alokparna Sengupta

The focus of this report was on the lack of environmental regulation of GHG emission from livestock sector. Recognising the looming problem India has on its hands, the report sought to identify a theoretical framework that would serve to address this problem. Policy failures with respect to fodder subsidies and the environmental consequences of this state chosen fodder was also considered. Next, the status of existing environmental policy was tested for its potential to address concerns of GHG emissions and dairy farming. Based on the theoretical framework identified at the outset and a comparative analysis of policies in Latin America and Europe, recommendations were made for policy changes in the Indian context.

For the purposes of addressing the research question, the students aimed to rely on both primary and secondary data. The primary sources include applications under Right to Information filed with various departments, central and state legislation, domestic departmental policies, state animal husbandry departments. Secondary sources include previously published reports, research papers, departmental data and articles based on studies by individuals, organisations or state departments that are available in the public domain. Through this cross-section of primary and secondary data, the researchers tested their research hypothesis: If there is a direct correlation between Green House Gas (GHG) emissions and agribusiness and animal husbandry, with specific reference to the cattle or bovine sector, then the extant environmental policy regime is inadequate in addressing the same.

4. **“Creation of legal database for animal laws and policies”**

Taruni Kuvari & Rithvik Mathur

Supervisor: Karthik Pulugurtha

- a. To create a comprehensive legal database of central legislations, state legislations, policies and judgements of animal law in India;
- b. To compile information on animal protection laws to be accessed by various stakeholders including laymen, policemen, activists, legal practitioners etc.;
- c. To examine various developments in animal law in India in terms of theoretical underpinnings, actual practice and policy recommendations.

1. “Continuation of project from 2019: Creation of legal database for animal laws and policies”

Abhijit Sachidananda Murthy, Anmol Khurana

Supervisor: Karthik Pulugurtha

- (1) Focus on the ABC Rules, break down its provision for the layperson;
- (2) Summarize all the important case laws relating to stray animals;
- (3) Look for cases of nuisance against stray dogs or those who take care of stray dogs and summarize them;
- (4) Create a page with FAQ for laypeople that should cater to questions from both animal lovers and those who consider them as a nuisance.
- (5) Identify and interview experts in the field
- (6) to start a pan-India online legal aid service (whatsapp, call or chat) for stray animals

2. “Animals on Campus Policy: Dogs”

Ashish James, Prakshal Jain

Supervisor: Keren Nazareth, Dr. Piyush Patel, Faizan Jalil (HSI, India)

In order to form a policy for dogs on campus, it is of utmost importance that first, there ought to be a wide consultation among all stakeholders. This includes faculty members, security guards, mess workers, gardening staff, cleaning staff, non-teaching staff, administration members and students. Unfortunately, due to the pandemic, most of these stakeholders cannot be contacted at this stage. In this report, however, the efforts of Prakshal Jain and Ashish K James are recorded to the end of consulting the student stakeholders to the highest possible extent given the circumstances, as well towards consulting relevant experts on matters that need to be addressed within the dog policy. The insights of the experts serve to bring into practice what has been observed to be good practices in other locations and domains in their experience.

In order to assess the attitude of the students of the Nalsar University of Law towards dogs, we carried out a survey with 122 out of the 500 students who will presumably return for the next academic year. The Respondents were very well split across the four batches (the passing out batch was excluded from the survey). The new MBA Batch was included as well, but had a small number of respondents. There were 28 first years, 30 second years, 27 third years, 31 fourth years and 6 MBA students who did the survey – making up a total of 122.

3. **“Project with NhRP to file a writ petition to free a captive elephant in India”**

Dayaar Singla, Aadhya Kancharla, Kruttika Lokesh, Ridhi Shetty, Aachman Shekhar, Hemant Gupta, Ankita Gupta, Anik Bhaduri

Supervisor: Steven Wise (Founder, NhRP, USA), Isha Jain

The following instructions were given to students:

Stage I

1. Identify our first nonhuman animal client.
2. Determine whether we should file our initial lawsuit in the Indian Supreme Court or in the High Court of an Indian State. You will be working on the above questions beyond the deadline mentioned here. However, I need you to answer all questions above on a preliminary level before we narrow them down further. In order to answer the first question, you will have to go through the previous work of NhRP in the US and other jurisdictions. You need to acquaint yourself with the criteria that NhRP uses for selecting its clients (for instance, they do not rely on sentience as a criterion, rather their focus is on autonomy). Read about NhRP as much as you can and things will start getting clear in your mind.

Stage II

1. Determine whether the common law writ of habeas corpus is an appropriate cause of action.
2. Determine the elements of habeas corpus
3. Determine under what circumstances successive habeas corpus petitions may be denied
4. Determine the relationship between habeas corpus standing and PIL standing
5. Determine whether habeas corpus may be filed against private entities

Stage III

1. Determine how personhood is determined in India.
2. Determine whether our client may be entitled to common law rights independent of any statutory or constitutional rights.
3. Ensure that we have a copy of every case that has granted or denied rights to a nonhuman animal.

2021-22

1. **“Finalization of project from 2020: Animals on Campus Policy: Dogs”**

Khushboo & Charitha

Keren Nazareth, Dr. Piyush Patel, Faizan Jalil (HSI, India)

The following experts from HSI will supervise you on the project- Keren who heads our companion animal and engagement team, Dr Piyush who heads all the dog population management programs we have across the country and Faizan heads the work we do with communities to resolve human - dog conflicts by adopting some animal welfare measures. Sumanth Bindumadhav is the Wildlife Campaign Manager at HSI and he will help you with framing policies regarding monkeys, snakes and other wild animals. Charitha, you may work on five ethical reasons why university as an inclusive space cannot afford to leave non-human persons behind. You should focus on dogs at this point. Before I connect you to the experts who are on board, could you elaborate on five interventions that are absolutely necessary in case of dogs on campus. They can be anything but sterilization as we have already taken care of that. Food and water could be a good starting point. Try to look for best practices available on the internet focusing on campus dogs. This is your assignment for this week.

2. “Animal Law & Religion in the Indian Context”

Raghunandan & Aditya

Supervisor: Vivek Mukherjee

Create a list of all animal law cases where Articles 25-30 has been invoked. Make 5 categories to classify the types of religious/cultural arguments made in these cases. I will try to arrange a few meetings with Prof. Kristen Stilt from HLS who is an expert in Animal Law and Religion. However, you must have some concrete strategies to counter religious/cultural arguments that may be raised in the court before we approach the experts.

3. “Nexus between pollution control laws and animal welfare vis a vis Dairy Industry.”

Hamma Singh

Supervisor: Smt. Gauri Maulekhi (Trustee, PFA)

Smt. Gauri Maulekhi communicated the following structure for this project:

- The organization through this programme intends to augment the capacity of law students who can effectively litigate for animal welfare and laterally think of innovative solutions qua legal remedies aiding and promoting welfare of animals.
- The proposed project is for the selected students of the present batch of the 4th, 5th year and LLM students of Animal Law Centre, NALSAR.
- Project topic: Nexus between pollution control laws and animal welfare vis a vis Dairy Industry.
- To successfully complete the project the students would be supervised to undertake the following:-
 - Understanding legal position qua principles of law/jurisprudence.

- Understand the legal position: Read and understand the Environment Protection Act, Air Act, Water Act, Solid Waste Management Rules, Guidelines mandated by Central Pollution Control Board for Dairies and Gaushalas, Municipal Laws, Food Safety and Standards Act, 2006 and Regulations made thereunder, the Prevention of Cruelty to Animals Act, 1960, The Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978, BIS standards, etc.
- Pronouncements of various judicial fora such as the Hon'ble Supreme Court of India, various High Courts, National Green Tribunal, etc.
- Research on past and ongoing litigation wrt to the subject, etc.

Data Collection, discovering and evidencing violation of law.

- Documentation & Evidencing: This includes but is not limited to, visiting the site and documenting violations.
- Conducting research on similar violations in the past to show patterns.

Following due process:

- Representation to the Authorities: With the documented evidence, representation in form of a Report or letter highlighting the violation of law should be addressed to all relevant authorities.
- RTI applications: Utilizing Right to Information Act, 2005 to document action, if any, taken on the representation written. This helps in establishing the inaction or laxity on the part of the Government leading to violation of law.

Seeking relief through judicial remedies.

- If repeated representations are not able to achieve the desired results, i.e. implementation of law, the judicial remedies can be exercised under the law.
- Drafting and filing Public Interest Litigation under Article 32 or 226 of Indian Constitution.

MID DAY MEAL SCHEME AND ITS IMPLEMENTATION IN SHAMIRPET, TELANGANA



Subject: Law and Poverty clinic

Submitted to: Professor P. Ashwini Kumar

Submitted By:

Amit Kumar (2014-07)

Ayushi Raghuwanshi (2014-11)

Simran Agarwal (2014-61)

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Subject: Law and Poverty Clinic	
Submitted to: Prof. Ashwini Kumar Pendyala.....	
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SUBMITTED TO:	
SUBMITTED BY: GEETHANJALI JUJJAVARAPU (2015-60)	
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INTRODUCTION

Recently, there has been a trend found in metropolitan areas of India. The trend is that the upcoming generation of children from urban poor families are obese as well as highly undernourished. This has been noticed by NGOs and other organisations as well as by FAO on global level. This is seen as a serious threat to the health of these children. The high rate of obesity might lead them multiple diseases in future.

Mid day meal scheme was introduced to deal with the above mentioned issue. The Midday Meal Scheme is a school meal program of the Government of India intended to enhance the dietary status of school-age children across the nation. The program supplies free meal on working days for students in primary and upper primary classes in government, government aided, local body, Education Guarantee Scheme, and alternative innovative centres, Madarsa and Maqtabas supported under Sarva Shiksha Abhiyan, and National Child Labor Project schools run by the ministry of labour. The mid day meal scheme is the biggest of such program in the world.¹

The mid day meal scheme was introduced to serve following purposes -

- Improve the effectiveness of primary education by improving the nutritional status of children thereby reducing malnutrition.
- Attract children from disadvantaged sections, especially girls from Dalits and Adivasi tribes to school, thereby increasing attendance, reducing dropout rates & promoting women empowerment through literacy.
- Promote a feeling of oneness and secularism amongst various different religions and cultures.²

In this empirical study, the researchers are trying to unwrap and analyze the implementation of mid day meal scheme in Shamirpet area of Telangana. It will look at the conditions of urban poor children in the area. It will try to look at various aspect of mid day meal scheme and will provide suggestions to improve the scheme.

¹ *About the mid day meal scheme*, MDM.NIC.IN, (April 20, 2018), <http://mdm.nic.in/aboutus.html>.

² *Our Work – Mid day meal*, ANNAMRITA, (April 18, 2018), <http://annamrita.org/mid-day-meal-Programme.php>.

LAW AND POVERTY CLINIC

SURVEY REPORT

**An Evaluative Study on Pre-School Education Provided at Anganwadi Centres in
Shamirpet, Hyderabad**

Submitted to:

Prof. Ashwini Kumar Pendyala

Submitted by:

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NALSAR University of Law, Hyderabad

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INTRODUCTION

The beginning years of a young child's life lay the foundation for instilling values and skills that will shape their future. Early childhood care and education (ECCE) is, hence, an integral part in a child's development. The two components of ECCE are care, which includes providing adequate nutrition and healthcare, and education, which entails learning and developing skills. ECCE helps children across all the development domains - social, physical, intellectual, creative and emotional. A longitudinal cum cross-sectional study of eight Indian states found that rates of retention of children in primary school was significantly higher for students who has experienced ECCE rather than those who directly joined first standard.³

The Ministry of Women and Child Development (MWCD) plays a central role in ECCE activities in India. The MCWD introduced its free integrated child development services (ICDS) scheme in 1975, which is mainly carried out through established anganwadi centres.

Anganwadi centres provide services in the areas of health, nutrition, and education to women and children in rural areas. There are an estimated 1 million anganwadi centers employing 1.8 million mostly female workers and helpers across the country. According to government data, anganwadis reach about 58.1 million children and 10.23 million pregnant or lactating women. These centres help towards the fulfillment of the fourth and fifth UN Millennium Development Goals (MDG), i.e., reducing infant mortality and improving maternal care. By providing a strong basis for students to prosper in their primary schooling, the pre-school aspect of anganwadis also contributes towards realising the second MDG which is to realise universal primary education.

This study aims to evaluate the educational function being performed at anganwadis and find out whether there are adequate resources to fulfill the needs of the children.

³ National Council of Educational Research and Training, *Impact of ECE on Retention in Primary Grades - A Longitudinal Study*, New Delhi: NCERT (1993).

**SOCIO – LEGAL ANALYSIS OF MATERNAL HEALTH IN SHAMIRPET,
TELANGANA:**

AN EMPIRICAL STUDY

Project Type: Clinic Report

Subject: Law and Poverty Clinic

Submitted to:

Mr. Ashwini Kumar Pendayala

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INTRODUCTION

From conception till delivery, the health of the mother is almost inimically linked to the health of the child. Therefore, the pre-delivery phase is a crucial period for a continuum of adequate care-giving.⁴ Several studies have found that visits to and by healthcare workers, Tetanus toxoid (TT) injections and a host of ante-natal interventions can go a long way in preventing neonatal mortality.⁵ Given that almost 58 per cent of pregnant women in India are anaemic in areas of low socio-economic levels, interventions as simple as a regular infusion of iron and folic acid supplements, in addition to guidance on balanced diets can literally halt anaemia-related deaths that account for 20-40 per cent of pregnancy-deaths in India.⁶ The situation in Shamirpet village however, is perhaps, a perfect illustration of the general problems associated with operationalising this maternal healthcare in the country as a whole. World Health Organisation estimations show that out of 536,000 maternal deaths globally, around 22 per cent of them occur in India.⁷ Home-births in non-clinical settings, accompanied or not, by a healthcare professional still seems prevalent in many parts of India. Out of 1226 home birth attendants surveyed across low-income countries, less than one fifth had had more than one month of formal training.⁸ As of 2010, less than two women in ten received the medical attention that is prescribed, by a qualified medical professional.⁹ While successive governments have undertaken several schemes to promote institutional deliveries, there are still several inadequacies and loopholes in the implementation process. Importantly, most healthcare professionals belabour that it is the delay

⁴ Sanghita Bhattacharyya, "Ante-natal care in India: What's missing?" *London School of Hygiene and Tropical Medicine* October 29, 2013 available at: <http://blogs.lshtm.ac.uk/hppdebated/2013/10/29/antenatal-care-in-india-whats-missing/>

⁵ Abhishek Singh, Saseendran Pallikadavath, Reuben Ogollah, William Stones, "Maternal Tetanus Toxoid Vaccination and Neonatal Mortality in Rural North India", 7(11) *PLoS One* (2012) available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3494717/>

⁶ K. Kalaivani, "Prevalence & consequences of anaemia in pregnancy" 130(5) *Indian J. Med. Res* 627-633 (2009).

⁷ Maternal mortality ratio (modeled estimate, per 100,000 live births) available at: <https://data.worldbank.org/indicator/SH.STA.MMRT>.

⁸ Neha Ramneek Kapoor, "Home-Births in India: an Overview" *Women's Health Line* published on: June 19, 2017 available at: <https://www.womenshealthline.in/articles/home-births-in-india-an-overview>

⁹ *Ibid.*

in referral and lack of early identification of risk factors, that leads to most pregnancy complications.¹⁰

Towards this end, this project is aimed at arriving at a qualitative understanding of three important aspects of maternal health: (a) ante-natal care; (b) care during the delivery process and; (c) postpartum care. The researchers aim to understand what the existing the legal policy and frameworks in place for maternal health in Shamirpet village, Telangana. National Family Health Surveys for R.R. District, consistently appear to indicate that while urban areas are getting closer to universal coverage of maternal care standards, rural areas are still lagging on several indicators.¹¹

¹⁰ Amy Kesterton, John Cleland, Andy Sloggett and Carine Ronsmans “Institutional delivery in rural India: the relative importance of accessibility and economic status” 10(30) *BMC Pregnancy Childbirth* (June 2010) available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2898676/>

¹¹ District Fact Sheet, Rangareddy, Telangana, *NFHS-4*, 2015-2016 available at: http://rchiips.org/NFHS/FCTS/TG/TG_FactSheet_537_Rangareddy.pdf

CLINIC REPORT: STUDENT DROP OUT RATES IN GOVERNMENT PRIMARY SCHOOLS

Law and Poverty Clinic Assignment



NALSAR University of Law, Hyderabad

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INTRODUCTION

Schooling in India has been made compulsory for all children under fourteen. The government spending on education is being raised to six per cent of the GDP. Incentives are being given to schools with best student and teacher attendance. While India has made significant progress in raising enrollment rates for primary education schools have been less successful at preventing dropouts during this critical learning phase.

As part of our Law and Poverty Clinic Group Assignment, we have undertaken to prepare a report analysing the student drop out rates from primary schools (i.e., 1st to 5th Grade). The report will gauge the drop out rate and its reasons in primary schools for the past three years. The report is based on the data collected through interviews with three sets of stakeholders relevant to the analysis : i) Primary School Teachers; ii) Primary School Students; and iii) Parents of primary school students. The stakeholders have been interviewed from two different government schools – i) Sherupalli Telugu Medium Government Primary School in Shamirpet, Hyderabad; and ii) Government Primary School NBT Nagar, Hyderabad (English Medium Government Primary School). Through the choice of the two schools, our analysis is based on a comparison between the English medium and Telugu medium schools as well as schools in rural areas and schools in urban areas.

Research Methodology

A cross sectional survey of school drop-outs in rural settings was carried out using open-ended interview formats and demographic data sheet on a sample of 4-5 parents, teachers and drop-out children. School drop-outs as defined in this study referred to those 'subjects who had not attended the school continuously during the past one year or more'. Data collection involved use of two semi-structured and open-ended interviews conducted individually and personally in the native language of the subjects. The results of the interviews are represented and implications for their remediation are discussed in this study.

**SURVEYING THE RIGHTS OF UNDERTRIAL PRISONERS IN INDIA: NEED TO PREVENT POVERTY AND ILLITERACY FROM
BLOCKING LEGAL RIGHT OF BAIL**

RESEARCH PAPER AND SURVEY REPORT

LAW & POVERTY CLINIC

SUBMITTED TO:

PROF. P. ASHWINI KUMAR

SUBMITTED BY:

DEVERSHI MISHRA

ROLL NO: 2014-5LLB-13

4TH YEAR 8TH SEMESTER



NALSAR UNIVERSITY OF LAW, HYDERABAD

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1. INTRODUCTION

Undertrial detainees are the individuals who are confronting trials in court and for guaranteeing reasonable trial they are kept in the authority with the goal that they are not in a situation to impact the proceedings and a reasonable trial can be guaranteed. By promising legal guardianship they are remanded in the prison generally. Key explanation behind them investing substantial term in jail is the deferral in trial. Different reasons incorporates absence of legal awareness, poor access to legal aid and so on, because of which undertrial detainees can't utilize the benefits of Bail arrangements and are compelled to mull in the prisons. Every one of these elements bring forth different issues, for example, congestion of prison cells, human rights violations because of absence of expedient trial, infringement of fundamental rights because of pointless delayed confinement, effected image in the public arena and other physical difficulties in the form of diseases, which keeps running against the undertrial detainees in their future undertakings.

Section 436-A and 436 of the CrPC manages the privileges of the undertrials detainees to be discharged on bail. S. 436A clarifies the most extreme length after which undertrial detainees is qualified for be discharged on Bail. The Section peruses as “*Where a person has, during the period of investigation, inquiry or trial under this Code of an offence under any law (not being an offence for which the punishment of death has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on his personal bond with or without sureties.*”¹² While section 436 clarifies when bail can be availed, it says, “*When any person other than a person accused of a non- bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceeding before such Court to give bail, such person shall be released on bail.*”¹³

This empirical survey displays the despicable circumstance of undertrial detainees in India through statistics, meetings, and interviews clarifying the quantity of undertrial detainees are grieving in prison, purpose behind their confinement, factor debilitating them from profiting from legal provisions and what can be the conceivable arrangement and changes.

¹² Section 436-A, Criminal Procedure Code, 1973.

¹³ Section 436, Criminal Procedure Code, 1973.

A Report on

CHILD NUTRITION: A SURVEY OF THE ANGANWADI IN SHAMIRPET

SUBJECT: LAW & POVERTY CLINIC

SUBMITTED TO:

PROF. ASHWINI KUMAR PENDYALA

SUBMITTED BY:

LAVISH PALIWAL [2014-5LLB-22]

VIRALI NAGDA [2014-5LLB-30]

PURVI KHANNA [2014-5LLB-40]



CASE STUDY: VISITS TO THE ANGANWADI

VISIT 1: (24/03/2018)

A team comprising of Virali Nagda, Lavish Paliwal and Purvi Khanna visited the Shamirpet Anganwadi. The team measured the heights and weights of numerous children and also visited the house of one (Bharat).

VISIT 2: (26/03/2018)

A team comprising of Virali Nagda, Lavish Paliwal and Purvi Khanna visited the Anganwadi and two houses (Shivamani).

VISIT 3: (13/04/2018)

A team comprising Virali Nagda, Lavish Paliwal and Purvi Khanna visited the Anganwadi along with Professor Ashwini and conducted a survey for the purpose of sampling.

INTRODUCTION TO ANGANWADI CENTERS

Integrated Child development Service (ICDS) scheme started by the government of India in 1975 is a multi-sectoral endeavour which aims at integrated delivery of a package of services for children of 0–6 years of age, pregnant and lactating mothers and adolescent girls from disadvantaged sections belonging to poorest of the poor families (<http://wcd.nic.in/icds/icds.aspx>).

THE KEY OBJECTIVES OF THIS SCHEME:

Are to improve the nutritional and health status of children in the age group 0–6 years; to lay the foundation for proper psychological, physical and social development of the child; to reduce the incidence of mortality, morbidity, malnutrition and school dropout; to achieve effective coordination of policy and implementation among the various departments to promote child development; and to enhance the capability of mothers to look after the normal health and nutritional needs of their children through proper nutrition and health education. The above objectives are sought to be achieved through a package of services comprising supplementary nutrition and growth monitoring; immunization; health check-up; health referral services; non-formal pre-school education and health and nutrition education to be provided at all Anganwadi Centres (AWCs).

The key functionary of ICDS scheme is the Anganwadi worker, an honorary worker who belongs to the community and caters to a population of ~1000 people each. After more than 35 years of its existence, the ICDS scheme stands as the world's most unique and largest community-based outreach system for women and child development. After the immense success in initial years, the scheme was universalized to the whole country during the 10th 5-year plan by the government of India (<http://wcd.nic.in/icds/icds.aspx>). The efforts continued into the 11th 5-year plan, during which several changes were brought about to strengthen the scheme.

Currently, the ICDS scheme stands with strength of 12.41 lakh AWCs (<http://wcd.nic.in/icds/icds.aspx>). Thus, for the attainment of ICDS scheme goals, the Anganwadi worker at each AWC needs to be equipped with adequate infrastructure, functional equipment, tools and drugs. Furthermore, she should be aware of the norms regarding nutrition and other key services to be provided under the scheme.

CLINIC REPORT & ANALYTICAL SURVEY

LAW AND POVERTY CLINIC

SHAMEERPET PRIMARY HEALTHCARE CENTRE: A CASE STUDY

Submitted to:

Prof. Ashwini Kumar Pendyala

Submitted by:

J V Jayavardhan and Kushal Garg

5th Year, 1st Semester

Roll No. : 2014-15, 2014-20



NALSAR University of Law, Hyderabad

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INTRODUCTION:

As a result of the several field trips made as part of the Law and Poverty clinic, the team comprising of students Kushal Garg and J V Jayavardhan were able to work on the intersection of Anganwadi system and the Primary Healthcare Centre' mandate to determine the level of sanitation and accessibility to primary healthcare in the rural areas. It was decided that the village of Shameerpet will be considered as the case study for that purpose.

Shamirpet is a suburb in the Medchal-Malkajgiri district of the Indian state of Telangana. It is the headquarter of Medchal-Malkajgiri district. It is also the mandal headquarter of Shamirpet mandal in Keesara revenue division. A part of the Hyderabad Metropolitan Development Authority's jurisdiction, it has a functioning primary healthcare centre and a network of Anganwadi offices.

As per the Census 2011, Shamirpet is a large village located in Shamirpet Mandal of Rangareddy district, Andhra Pradesh with total 1592 families residing. The Shamirpet village has population of 6903 of which 3579 are males while 3324 are females as per Population Census 2011.¹⁴

In Shamirpet village population of children with age 0-6 is 895 which makes up 12.97 % of total population of village. Average Sex Ratio of Shamirpet village is 929 which is lower than Andhra Pradesh state average of 993. Child Sex Ratio for the Shamirpet as per census is 827, lower than Andhra Pradesh average of 939.¹⁵

Shamirpet village has lower literacy rate compared to Andhra Pradesh. In 2011, literacy rate of Shamirpet village was 65.15 % compared to 67.02 % of Andhra Pradesh. In Shamirpet Male literacy stands at 74.26 % while female literacy rate was 55.50 %.

As per the Constitution of India and Panchyati Raj Act, Shamirpet village is administrated by Sarpanch (Head of Village) who is an elected representative of the village.

A fairly populous village which is proximate to a rapidly developing metropolis, the case study around this rural area will be about evaluation of the State prescribed standards of duty on healthcare providing entities and their compliance thereof by the local authorities. An

¹⁴ Census Report 2011, <http://www.census2011.co.in/data/village/574122-shamirpet-andhra-pradesh.html> .

¹⁵ *Ibid.*

effort was made by the researchers during the selection of the research methodology to focus on the State prescribed standards while also throwing some light on the internationally accepted standards. For such an analysis, it was decided that the project will be completed in 2 stages:

1. Interaction with the PHC staff and the Ashas.
2. Surveying of the living conditions in the village of Shameerpet.

The PHC staff was welcoming and answered questions about their mandate, explained the role of the Ashas and talked about the awareness of HIV and other STDs, while also talking about Family Planning. Issues such as Leprosy etc were also discussed.

Apart from the regular medical treatments, PHCs in India have some special focuses:

Infant immunization programs: Immunization for newborns under the national immunization program is dispensed through the PHCs. This program is fully subsidised

Anti-epidemic programs: The PHCs act as the primary epidemic diagnostic and control centres for the rural India. Whenever a local epidemic breaks out, the system's doctors are trained for diagnosis. They identify suspected cases and refer for further treatment.

Birth control programs: Services under the national birth control programs are dispensed through the PHCs. Sterilization surgeries such as vasectomy and tubectomy are done here. These services, too, are fully subsidised.

Pregnancy and related care: A major focus of the PHC system is medical care for pregnancy and child birth in rural India. This is because people from rural India resist approaching doctors for pregnancy care which increases neonatal death. Hence, pregnancy care is a major focus area for the PHCs.

Emergencies: All the PHCs store drugs for medical emergencies which could be expected in rural areas. For example antivenoms for snake bites, rabies vaccinations, etc.

In the course of this paper, the researchers shall first describe the research methodology, thereafter making a note summarising the field experience attained through the process of surveying. Subsequently, a section has been dedicated for summarising the findings of such a survey and analysing the data *vis a vis* various internationally prescribed standards of healthcare.

LAW AND POVERTY CLINIC

STUDY OF MID DAY MEAL SCHEME OF A GOVERNMENT SCHOOL IN SHAMIRPET

Submitted to: Prof. Ashwini Kumar Pendyala

Faculty, Law and Poverty Clinic

Submitted by: Shashank Mani Tripathi

Roll No: 2014-54

5th Year, 9th Semester



NALSAR UNIVERSITY OF LAW, Hyderabad

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1. INTRODUCTION

Nutrition is an important part of everyone's life especially when it comes to young, school going children. With the twin goal of providing nutrition and encouraging enrolment of students in government and government-assisted school Nutrition Support to Primary Education (NP-SPE) was launched in the year 1995 in 2408 blocks.¹⁶ In 2004 this was launched as Mid-Day Meal Schemes (MDMS) which given a push in the case of PUCL vs. Union of India & others.¹⁷ Today India boast of having the world largest programme of providing lunch to the students in Government and Government assisted college.

However this is not something unique and new scheme adopted in India only. The first case we know is when Victor Hugo started similar programme in France way back in 1885.¹⁸ Similar schemes are also there in UK, USA, China, Japan, Australia, Switzerland, Indonesia, Thailand and Korea.¹⁹ In India this scheme was first started in the state of Tamil Nadu and now as much as 17 states have implemented this scheme.²⁰

Mid-Day Meals Scheme has many benefits. Now, unlike much before, cooked food is given to the students. This encourages more students to enrol in schools and also offers a platform where students can look upon each other as equal regardless of their sex or social background. Besides it also teaches them basic values of education like washing hands before eating etc.

Through this research paper, I aim to analyse the functioning of the Mid-Day Meal Scheme in a Senior Secondary School in Shamirpet, which is a suburban area that comes under Medchal District in the State of Telangana. Shamirpet is head-quarter of the district. Medchal was a part of Ranga Reddy district before the re-organisation of districts in the state on 11 October 2016.

¹⁶ <http://cdf.ifmr.ac.in/wp-content/uploads/2011/03/MDM-Scheme-Brief.pdf>, accessed on 09-03-15, accessed on 09-03-15 at 17:37

¹⁷ <http://www.hrln.org/hrln/right-to-food/pils-a-cases/255-pucl-vs-union-of-india-a-others-.html>, accessed on 09-03-15 at 17:51

¹⁸ http://www.eledu.net/rrcusrn_data/An%20Empirical%20Study%20of%20the%20Mid-Day%20Meal%20Programme%20in%20Khurda,%20Orissa.pdf, accessed on 09-03-15 at 18:04

¹⁹ Supra Note 3

²⁰ <http://yojana.gov.in/mid-day-meal-scheme.asp>, accessed on 09-03-2015 at 18:17

ASSESSING THE QUALITY OF SCHOOL EDUCATION IN SHAMIRPET

A FIELD STUDY REPORT

Course:

Law and Poverty Clinic

Submitted To:

Mr. Ashwini Kumar Pendyala

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B.A., LL.B. (Hons.)



NATIONAL ACADEMY OF LEGAL STUDIES AND RESEARCH (NALSAR) UNIVERSITY OF LAW
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Introduction

A Brief on School Education in India

For a country that seven decades ago largely comprised illiterates, India has made great strides in ensuring enrolment and access to schooling. With 1.4 million schools, 7.7 million teachers, 98 percent of habitations having a primary school within the vicinity of one kilometer and 92 per cent of habitations having a middle school within a walking distance of three kilometers, the Indian State's success in achieving a high enrollment rate in schools is commendable.²¹ However, that is where the success of India's State-funded education system ends. India's spending on education stands at a meagre 3.4 percent of the GDP. India is one among the five nations with the highest out-of-school children and nearly 50 percent of Class 5 students are unable to read Class 2 texts, while a little over a quarter of Class 5 students can solve a division problem in mathematics. Alarming high teacher and student absenteeism rates are a grave cause for concern; and assessments report that teachers themselves lack the desired training and skills needed to impart quality education to students.

The biggest problem with government school education in India is the lack of necessary infrastructure. Infrastructure plays the key role in creating a favourable learning environment for students. Any school must be equipped with adequate classrooms, toilets, playgrounds, libraries and increasingly, computer labs. Additionally, all schools require adequate drinking water, water and electricity supply. However, a little more than half of the schools in India have a functioning toilet and less than three quarters have drinking water access.²² Electricity supply in most parts of India is frequently marred by power shortages and schools are not exempted from the electricity gap between India's rich and the poor. Government supplies such as books do not reach the schools, especially in rural areas and in hinterlands, on time. Furthermore, although the government intends to create a Digital India, government schools are known to lack adequate and functioning computer facilities that are used by their students. There also remains the question of internet connectivity in government schools. Even government schools in the suburbs of urban metropolitan cities are failed by the lack of

21 Urvasi Sahani, 'Primary Education in India: Progress and Challenges' (*Brookings* 20 January 2015) <<https://www.brookings.edu/research/primary-education-in-india-progress-and-challenges/>> accessed 1 October 2018.

22 *ibid*

quality infrastructure.²³ Another problem crippling government schools in India is the near-pervasive shortage of teachers with disparate teacher-student ratios and the non-supervision of day-to-day affairs of schools on account of vacancies to the post of principal.²⁴ It is not uncommon in government schools for several different classes to be combined to be taught by a single teacher.²⁵ There is also a lack of adequate funds in schools to hire workers to maintain sanitary and hygienic conditions in schools.²⁶

23 Bageshree S. 'Pathetic condition of Govt primary schools in Bangalore suburbs' (*The Hindu* 27 August 2009) <<https://www.thehindu.com/features/education/Pathetic-condition-of-Govt-primary-schools-in-Bangalore-suburbs/article16877180.ece>> accessed 1 October 2018.

24 Harbhajan Singh, 'India's government schools in disarray: Here's a blueprint to improve quality of education, bring about accountability' (*Firstpost* 16 June 2017) <<https://www.firstpost.com/india/indias-government-schools-in-disarray-heres-a-blueprint-to-improve-quality-of-education-bring-about-accountability-3666221.html>> accessed 1 October 2018.

25 Mrinal Pande, 'The 'poor' condition of government schools' (*Livemint* 12 January 2009) <<https://www.livemint.com/Politics/6q8g4No2dbHAh1kzeQnIQN/The-8216poor8217-condition-of-government-schools.html>> accessed 1 October 2018.

26 *ibid*

A REPORT ON THE EFFICIENCY AND IMPLEMENTATION OF MGNREGA SCHEME IN SHAMEERPET AND ALIYABAD VILLAGE

PROJECT TYPE: EMPIRICAL SURVEY

COURSE: LAW AND POVERTY CLINIC

FACULTY: PROF. ASHWINI KUMAR PENDYALA



SUBMITTED BY-

AYUSH MISHRA

4TH YEAR B.A. LL. B (HONS.)

VIITH SEMESTER

2015-12

NALSAR UNIVERSITY OF LAW

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Chapter I: Introduction

“I know that it is easier to fling free meals in the faces of idlers, but much more difficult to organize an institution where honest work has to be done before meals are served. From a pecuniary standpoint, in the initial stages at any rate, the cost of feeding people after taking work from them will be more than the cost of the present free kitchen. But I am convinced that it will be cheaper in the long run, if we do not want to increase in geometrical progression the race of loafers which is fast over-running this land.”

-- Mahatma Gandhi, Young India, 13th August, 1925, p. 282

The parliament passed the National Rural Employment Guarantee Act (NREGA) in 2005 which was subsequently amended to so that it could be renamed as Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in 2009. In place of offering a simplistic market employment opportunity, the act has envisaged to take a rights-based approach. Inclusive growth in Rural areas in one of the biggest targets of the scheme. Two unique characteristics about the scheme is that it has a bottom-up and demand driven structure with specific aim at being able to generate sustainable assets in rural India. MGNREGA stands at the forefront of a larger paradigm shift and it contributes to it in four ways: - a) It adopts a *Rights-Based* Approach in as much it focuses on

providing livelihood security and minimum level of employment to households. b) The drafting, development and formulation of all the working plans adopt a *bottom-up approach* at all three PRI (programme implementation institutions) tiers. c) MGNREGA focuses on the crucial aspect of *Sustainability* by following an Integrated National Resource Management (INRM) Approach. d) The aspect of *Convergence* has assumed immense importance as MGNREGA has gone on to converge various other related programs and schemes with different government departments and ministries.

**MEDIUM OF EDUCATION IN RURAL AREAS: DEMOGRAPHY
AND ALLIED ISSUES**

CLINIC REPORT SUBMISSION

SUBMITTED TO – PROF. ASHWINI KUMAR PENDYALA

P AVINASH REDDY – 2015-26

SATHVIK CHANDRASEKHAR – 2015-40

BENJAMIN VANLALVENA – 2015-13

SANKET PARGAIEN – 2015-39

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1. INTRODUCTION

A. Context of the study

A plethora of initiatives have been undertaken by the Indian government, including the Right to Education Act of 2009 to ensure that no individual is deprived of education. However, the objective of “education for all” cannot in actuality be fulfilled without also improving the quality of education, a major component of which is knowledge and understanding of English. The English language possesses the potential to dissolve the prevalent socioeconomic inequalities in Indian society by opening doors at the levels of premier institutions of higher education and professional employment.

However, the sub-standard level of English in government schools and lack of quality education in the same, leaves children unable to move beyond the fringe of society to which they originally belong. Their inability to communicate in English acts as a barrier to their personal development, as well as socio-economic growth by substantially limiting the avenues/opportunities available to them. Students often fail to capitalize the immense potential they possess, owing to the constraints placed by their dismal communication skills.

Hence, there is a need to facilitate the inclusion of children attending government schools by equipping them with an appropriate understanding of English.

The main purpose of this study is to assess and analyze the current level of grasp over English language of the students attending the government schools in Telangana and how it affects the availability of opportunities in both higher education and careers. A sample assessment of the students attending private schools will be taken and used as a measuring stick. It will also assist in identifying the quality gap between the public and private education system, as the knowledge of functional English among the students has become a major determinant of the quality of education imparted in schools.

To avoid closing down the government schools, multiple State governments in India are trying to retain the students in government schools by introducing English as the medium of education. The study will hence identify the challenges, faced by the the teachers and administration of government schools, which hinder them from efficiently conducting the classes in English.

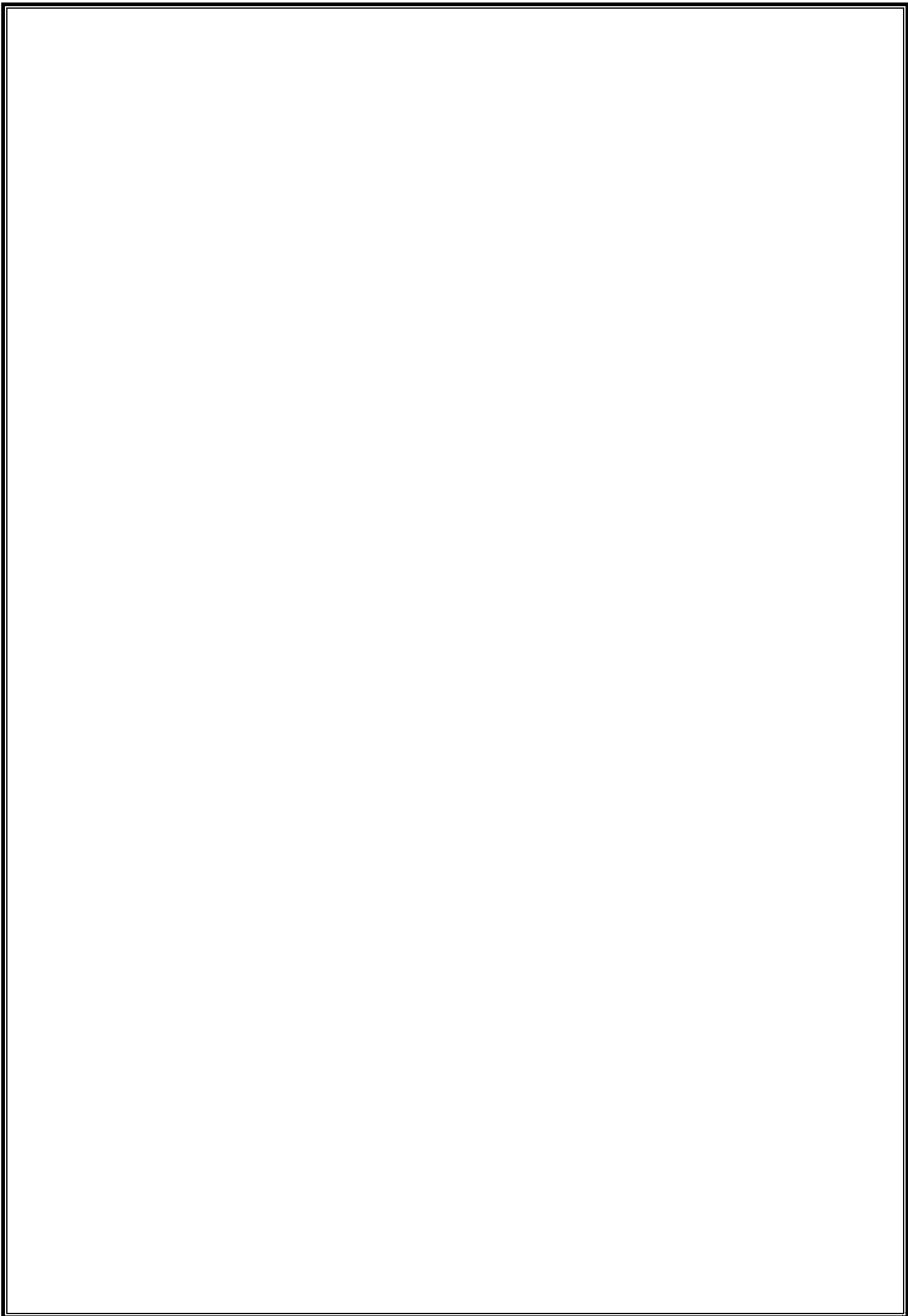
In order to broadly identify and understand the demographics of the students attending the government schools, the study will also include personal interviews with their parents.

A MUCH-NEEDED SILVER LINING PRIMARY HEALTH CARE

ABSTRACT

In developing and underdeveloped countries, the access to healthcare facilities for people placed below the poverty line is generally difficult. It depends on the financial conditions of the recipient, their geographical location and accessibility to the facility. The lack of quality healthcare diminishes the probability of decrement of mortality and poverty rates in the country. Any government's primary goal, in order to reduce poverty, is to ensure better health care facilities and, more importantly, its accessibility. The economic policies drafted to aid mothers and their babies are incredibly important for a nation's well-being, among other policies. The purpose of this project is to assess the village of Shamirpet, that serves as an excellent platform to study these factors. There is one Primary Healthcare Centre in this area. The average financial condition of the residents of this area ranges from lower to middle class. The general awareness regarding healthcare facilities, government aid and the health conditions of the public has been accessed in this project, after a survey of the same.

The researchers seek to concentrate on the factor of primary healthcare in Shamirpet. The researchers wish to consider general literature around primary healthcare and its connection to poverty. The researcher seeks to check the theoretical grievances pointed out in relation to government facilities for healthcare with the results of the survey on a practical level as too much of it hold grounds on a microscopic level.



SURVEY REPORT

ON

“EXPLORING THE INTERSECTIONS OF POVERTY WITH THE LIVES OF SANITATION
WORKERS”

LAW AND POVERTY CLINIC

SUBMITTED TO: PROF. ASHWINI KUMAR PENDYALA

SUBMITTED BY:

SHIVANG AGARWAL

ROLL No. 2015-41

IV YEAR VII SEMESTER



National Academy of Legal Studies and Research, University of Law,
Hyderabad

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INTRODUCTION

The last decade saw 'public sanitation' metastasize from a fringe issue to a major social more and also a poll plank. With the advent of modern technology and a growing awareness among citizens about the importance of sanitation and personal hygiene, public sanitation systems have improved in rural and urban India and have been characterized by increased access to toilets for millions of Indians. However, amidst the government's highfalutin promises and fanfare around public campaigns like the Swachh Bharat Mission, the trials and tribulations of being employed as a sanitation worker has been somewhere lost.

This survey aims to identify and assess the deficiencies in the internal functioning of sanitation systems and the dismal conditions in which sanitation workers are supposed to function to ensure sustenance of self and family. This survey tries to take apart the sanitation system and sanitation practices prevalent in the villages of Shamirpet and Pudur that fall within the limits of Medchal district in Telangana. Moreover, an effort is also made to understand the impact of the aforementioned systems and practices on the lives of sanitation workers and incidence of poverty among them in Pudur and Shamirpet. This survey was also conducted with the subsidiary aim of identifying whether manual scavenging is being practiced in the aforementioned villages under the garb of sanitation work.

This survey was designed and conducted based on clinic lectures wherein the importance of planning cycles, objective setting, target prioritization, sampling methods, modes of implementation and above all interview pedagogy which was imparted and stressed upon by the concerned faculty. The title of this report reflects the primary purpose of conducting this survey and was arrived at after conducting a detailed review of literature on the interplay of sanitation, poverty and also manual scavenging. The literature view also helped in the formulation of research questions which have acted as signposts for the researcher right from the planning stage till the compilation of results. The research plan and questionnaire which was prepared on the basis of clinic lectures and literature review are annexed herewith.

Henceforth, Part A of the survey is a review of literature wherein an enquiry into the sanitation systems and practices prevalent in India and how they intersect with the lives of sanitation workers all over India is conducted. Part B is an exposition of the sampling method

employed while conducting the survey, sampling details and the limitations and research handicaps which were experienced while conducting the survey. It also contains the research questions which form the mainstay of this survey. Part C captures the results of the survey which are distributed under various parameters such as work description, health, social network etc. Lastly, the conclusion presupposes an overview of how poverty intersects with the lives of sanitation workers after examining the results of the survey.

A Survey Report

Subject: LAW & POVERTY

Submitted to: Mr. Ashwini Kumar Pendyala

Assistant Professor



Submitted by:

Aashutosh Choudhary (2015-5LLB-61)

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INTRODUCTION

India's Public Distribution System (PDS) is the largest distribution network of its kind in the world. PDS was introduced around World War II as a war-time rationing measure. Before the 1960s, distribution through PDS was generally dependant on imports of food grains. It was expanded in the 1960s as a response to the food shortages of the time; subsequently, the government set up the Agriculture Prices Commission and the Food Corporation of India to improve domestic procurement and storage of food grains for PDS. By the 1970s, PDS had evolved into a universal scheme for the distribution of subsidised food. In the 1990s, the scheme was revamped to improve access of food grains to people in hilly and inaccessible areas, and to target the poor. Subsequently, in 1997, the government launched the Targeted Public Distribution System (TPDS), with a focus on the poor. TPDS aims to provide subsidised food and fuel to the poor through a network of ration shops. Food grains such as rice and wheat that are provided under TPDS are procured from farmers, allocated to states and delivered to the ration shop where the beneficiary buys his entitlement. The centre and states share the responsibilities of identifying the poor, procuring grains and delivering food grains to beneficiaries.

After the filing of the case colloquially known as the Right to Food case (PUCL v Union of India 2001), the scheme targeting the poorer strata of the country have been changed or revamped in major way over the years. In September 2013, Parliament enacted the National Food Security Act, 2013. The Act relies largely on the existing TPDS to deliver food grains as legal entitlements to poor households. This marks a shift by making the right to food a justiciable right. In order to understand the implications of this Act, the note maps the food supply chain from the farmer to the beneficiary, identifies challenges to implementation of TPDS, and discusses alternatives to reform TPDS. It also details state-wise variations in the implementation of TPDS and discusses changes to the existing system by the Act.

Consequent to bifurcation and formation of Telangana State, the beneficiaries were identified for issue of Food Security Cards covering all priority groups with an objective to provide subsidized food grains and other Essential Commodities to the eligible households under implementation of the National Food Security Act, 2013.

The income limit for the eligibility of the BPL families (priority households) has been increased for rural areas to Rs. 1.50 lakhs and to Rs.2 lakhs in urban areas. The ceiling on holding of land has also been increased to 3.5 acres of wet land and 7.5 acres of dry land. However it was specified that income on land will be taken as criteria for issue of BPL cards.

As this policy affects a large plethora of people who usually lack representation at various stages of the society, it becomes paramount to look into the efficacy of the whole system that quite literally helps people live their life by supplying cheap means to food, something that has now become a right under the FS Act, 2013.

Thus this report tries to look at the ground reality of this policy by conducting a survey of the people that are directly affected by the scheme and whose sustenance relies on the presence of this scheme

This report consists of two major portions, the first part of it consists of data collected during the survey by the researcher and the later part analyses the same drawing conclusion on the basis of the literature present on the issue as well as the laws that governs this scheme.

PROBLEM FACED BY FARMERS WHILE GETTING AGRICULTURE LOAN: EMPIRICAL ANALYSIS

Written by: Satyam Shrivastava, 2015-104

4th Year Student, NALSAR University of Law.

1. INTRODUCTION

Agriculture is an essential economic sector of all world economies- be it developed, developing or under-developed, but it is the most important sector of a developing economy in terms of output and employment generation as compared to other sectors.²⁷ Agriculture plays a predominant role in economic development of developing economies. Developing economy is one such economy which is characterized by the presence of both rural and urban sectors and is heavily dependent on agriculture.²⁸ The agriculture sector not only fosters the growth process of these economies but also provides food to their ever-growing population and provides employment to larger parts of their workforce. It is the backbone of an economy which supports rest other sectors. While the manufacturing sector needs direct input from agriculture in form of raw material, service sector is indirectly dependent on agriculture. Agriculture sector is crucial for both rural and urban sectors of an economy as it generates employment opportunities in the former and provides food and raw material to the latter. Besides its crucial importance in the overall development process, farmers in developing countries are to a large extent constrained by credit. The non-availability of adequate credit when needed negatively impacts the farm output.²⁹ The exclusion of masses from basic services of a financial system leads to significant loss in gross domestic product (GDP) of a country.³⁰ As the agriculture sector in such economies is dominated by small and marginal farmers, governments play an active role and initiate several policy measures time-to-time to

²⁷ Soubbotina tatyana and Sheram Katherine, Beyond Economic Growth: Meeting the Challenges of Global Department, 2000.

²⁸ Priyanka Yadav & Anil Sharma, Agriculture Credit in Developing Economy: A Review of Relevant Literature, International Journal of Economics and Finance, Vol.7, No.12, 2015.

²⁹ Diana Fletschner, Catherine Guiringer & Steve Boucher (2010) Risk, Credit Constraints and Financial Efficiency in Agriculture, The Journal of Development Studies, 46:6, 981-1002.

³⁰(Chattopadhyay, 2011)

improve situation of such farmers.³¹ Still the majority of these farmers lack the timely access to institutional credit in adequate amounts needed in the production process.

Therefore, it becomes necessary to study the constraints which hinder the outreach of institutional credit to such vulnerable groups. Since the problems of farmers in developed countries are different from those in developing countries³² and given the crucial importance of agriculture sector in developing economies, this study has reviewed relevant literature on agriculture credit in emerging and developing economies. Further, the countries are categorized as “emerging and developing economies” by International Monetary Fund’s (IMF) “World Economic Outlook Report 2015”.

³¹ (Khandker & Koolwal, 2015)

³² (Jansson et al., 2013)

Research Report

Legal Aid In India And The Judicial Contribution

Subject-Law And Poverty Clinic

Submitted To- Prof. Ashwini Kumar Pendyala

Submitted By Alok Kumar

IV Year VII th Semester

2015-5LLB-123



National Academy of Legal Studies and Research University of Law

Hyderabad

INTRODUCTION.

Legal aid to the poor and weak is necessary for the preservation of rule of law which is necessary for the existence of the orderly society. Until and unless poor illiterate man is not legally assisted, he is denied equality in the opportunity to seek justice. Therefore as a step towards making the legal service serve the poor and the deprived; the judiciary has taken active interest in providing legal aid to the needy in the recent past. The Indian Constitution provides for an independent and impartial judiciary and the courts are given power to protect the constitution and safeguard the rights of people irrespective of their financial status. Since the aim of the constitution is to provide justice to all and the directive principles are in its integral part of the constitution, the constitution dictates that judiciary has duty to protect rights of the poor as also society as a whole. The judiciary through its significant judicial interventions has compelled as well as guided the legislature to come up with the suitable legislations to bring justice to the doorsteps of the weakest sections of the society. Public Interest Litigation is one shining example of how Indian judiciary has played the role of the vanguard of the rights of Indian citizens especially the poor. It encouraged the public spirited people to seek justice for the poor. For that Supreme Court relaxed procedure substantially. Apart from Public Interest Litigation and judicial activism, there are reforms in the judicial process, where it aims to make justice cheap and easy by introducing Lok Adalat system as a one of the methods to provide free legal aid and speedy justice at the door steps of the poor. In this article the author highlights the importance of free legal aid in a constitutional democracy like India where a significant section of the population has still not seen the constitutional promises of even the very basic fundamental rights being fulfilled for them.

Law & Poverty Clinic

Prof. Ashwini Kumar Pendyala

Right to Education

Arhant Madhyala - 2014 – 09

Mark Papang – 2014 – 24

Dhruv Somayajula – 2014 – 62

5th Year – 10th Semester



NALSAR University of Law

Title

Page No.

Introduction

Methodology

Questionnaire

Field Interviews

Legal Policy

Conclusion

Introduction

The Right of Children to Free and Compulsory Education Act, also known as the Right to Education Act was brought into force in August, 2009. Conferred under Article 21A of the Constitution of India, the Right provides for free and compulsory education between ages 6 and 14.

The Act requires all private schools set a 25% reservation towards children based on economic or caste status, which will be reimbursed by the government as part of the Public-Private Partnership agreements. The Act also prescribes requirements for the schools to be recognized and special training for individuals that have discontinued their schooling. A provision allowing for the right to education any individual under the age of 18 that is categorized as a person with disability is given under the Persons with Disabilities Act.

Over the course of this paper, the implementation of the Act's provisions in the town of Shamirpet, Hyderabad will be observed through field interviews and an analysis of the law surrounding education that is currently in force. In order to understand the functioning of the law, the interviewees include school administrators, the teachers and students of the schools and the parents of these children. The interviews also provide us with a better picture of the perception of education among the people and the differences that can be seen between the current generation and their predecessors.

Survey Report

VOTING RIGHTS

Subject: Law and Poverty Clinic

**Submitted to:
Prof. Ashwini Pendyala**

**Submitted by:
Job Michael Mathew: 2014- 16**

Sadhika Gulati: 2014-48

Siddharth Rajeevan: 2014- 60

Shweta S Rao: 2015-044



**National Academy of Legal Studies and Research University of Law
Hyderabad**

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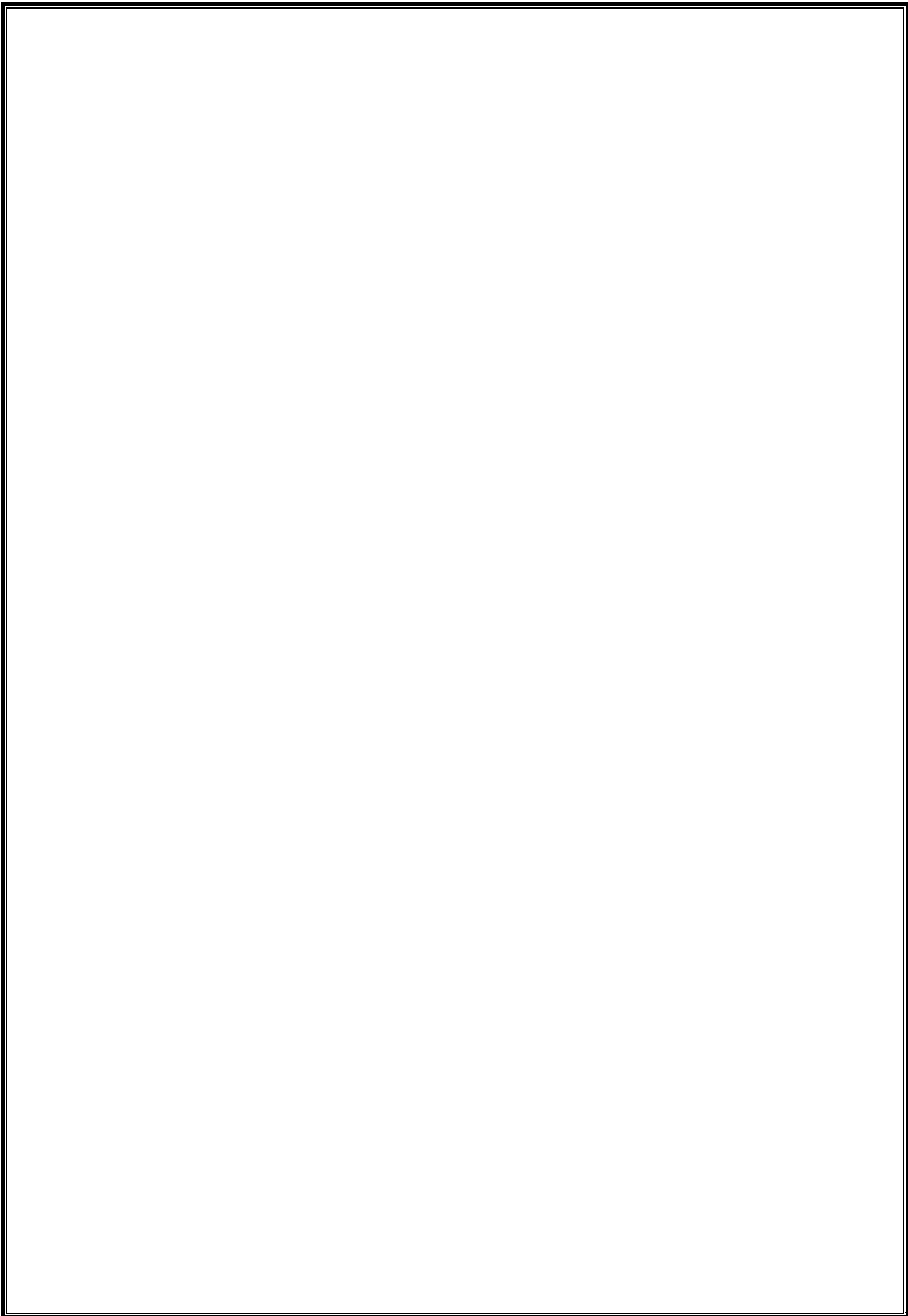
INTRODUCTION

Through this clinic course we aim to understand how the lack of housing and consequently an address proof affects the constitutionally granted right to vote. The questions that we prepared attempts to find answers to a) how much value is afforded to the right to vote by the homeless b) whether the lack of an address proof militates against the ability of the homeless to vote c) whether there are remedial measures to overcome the obstacle placed by the lack of an address proof. In addition to these enquiries, we also framed questions to understand and distinguish methods candidates use in approaching the homeless as compared to the general populace.

Field Visits

As of 9th April 2019, we have undertaken 9 field visits. Here we show the breakup of interviews we conducted over the 9 field visits.

Date	Number of Interviews
19 th February 2019	6
21 st February 2019	5
7 th March 2019	5
12 th March 2019	7
19 th March 2019	5
26 th March 2019	2
28 th March 2019	4
2 nd April 2019	1
9 th April 2019	5



CLINIC REPORT SUBMISSION: LAW AND POVERTY

SUBMITTED TO – PROF. ASHWINI KUMAR PENDYALA

KSHITIJ ADITYA SHARMA – 2014-19

SHUBHI GOYAL – 2014-59

AISHWARYA RAJ – 2015-66

ANJALI SINGH – 2015-72

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2. INTRODUCTION

B. Context of the study

The right to housing is a globally recognized basic human right, which has its foundations in various international covenants and compacts including the International Covenant on Civil and Political Rights (ICCPR), 1966. Even though India has signed and ratified the said convention, the country completely lacks any legislative or policy framework to tackle lack of housing and allied issues.

However, in the last few decades, the Supreme Court of India has sought to pave the way for a new jurisprudence surrounding this right. By recognizing the right to shelter and adequate housing as an intrinsic element of Article 21 of the Indian Constitution, the court has repeatedly underscored the view that a right to life is not limited to a mere animal existence, but includes decent and respectable living standards and the expectations thereof. However, despite the efforts made at the juridical front, quality housing remains a pipe dream for an overwhelming majority of India's population. Issues of access to potable water, electricity, sanitation, access to work, basic public services and many others continue to plague the lives of millions across the country.

There is an umpteen number of initiatives that have been launched by both, the central and the state governments with the goal of increasing the general standard of living of demographic groups across the board. However, the desired outcomes are hardly ever attained due to a variety of factors ranging from half-baked understanding of the problem, poor implementation, administrative hurdles, bureaucratic red-tapism and the overarching malaise of government apathy.

And it is amidst this larger backdrop that this study is based. The report seeks to understand some of these universal problems and challenges by placing them within the context of the

experiences of the residents of Shamirpet and Pudur of Medchal district, Telangana. By collecting empirical data to concern the day-to-day challenges faced by people in these villages and analyzing it, the report seeks to make a humble attempt resolving some of these issues by way of a few suggestions.

The aim of the study was to analyze and assess the housing facilities available in the Shamirpet and Puddur villages and the material ways in which the right to adequate housing is hindered. A small survey sample of the residents was taken to serve as a yardstick to make certain objective assessments on the standard of living in these villages.

ANALYZING THE PROGRESS OF THE SCHEMES CONCERNING ACCESS TO DRINKING WATER AND SANITATION FACILITIES

A FIELD STUDY REPORT

COURSE:

LAW AND POVERTY CLINIC

SUBMITTED TO:

ASHWINI KUMAR PENDYALA

SUBMITTED BY:

TUSHIT MISHRA, ABHIRAJ THAKUR, SIDHARTH SHEKHAR & SIDHARTH SUNIL

4th YEAR, 8TH SEMESTER



NALSAR UNIVERSITY OF LAW, HYDERABAD

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INTRODUCTION

“Sanitation is more important than political independence”

-Mahatama Gandhi

1. A brief on status of Sanitation and Drinking Water in India

India has progressed on many fronts over the decades since independence in 1947. Our per capita income has been rising and the average longevity has increased from about less than 40 years at the time of independence to 70 years now. Individual Health and hygiene is largely dependent on adequate availability of drinking water and proper sanitation. There is, therefore, a direct relationship between water, sanitation and health.³³ Consumption of unsafe drinking water, improper disposal of human excreta, improper environmental sanitation and lack of personal and food hygiene have been major causes of many diseases in developing countries. Access to safe water and sanitation has been considered one of the most important social determinants of health. Water related illness constitutes one-third morbidities among adults and two-thirds among children. It is important to mention that India's 1.21 billion people live in large number of rural and urban habitations. There were 7935 cities and towns and 6.4 lakh villages according to 2011 Census. About one-third population (31 per cent) lived in urban areas and three-fourth lived in rural areas. Rural and urban sanitation should be seen differently due to diverse conditions prevailing in the rural and urban areas.

Sanitation is not only an absence of garbage and waste materials strewn around but also access to toilet facility, safe drinking water and connectivity to a drainage system. In rural India, this is a huge problem. Census of India collected data on access to water and sanitation shows that only 31 per cent rural households were having any toilet facility in their households. The increase in toilet facility during last ten years from 2001 to 2011 was at the rate of just one per cent every year. At this rate India could achieve universal sanitation only by 2081. Thus, progress in the provision of toilet facility in rural areas is very slow and open defecation is a serious problem. Similarly the proportion of households with tap water and drainage facilities also remains at the one-third level. It is worthwhile to mention that due to lack of drainage facility the low lying areas of many villages and towns often get flooded during monsoon season. Prevalence of many diseases and consequent deaths are directly related to poor water quality and lack of sanitation in rural areas as Open Defecation contaminates water. Water, Sanitation and Hygiene Link plays a key role on health of the rural community. It is revealed that 88% of diarrhoeal diseases are attributed to unsafe water, inadequate sanitation and hygiene. In spite of the best efforts of the Government, the practice of Open Defecation is still a serious issue in the country.

As per the Constitution, supply of water and sanitation are state subjects which means that states regulate and provide these services. The Ministry of Drinking Water and Sanitation is primarily

³³ R.B Bhagat, Rural and Urban sanitation in India

responsible for policy planning, funding, and coordination of programs for: (i) safe drinking water; and (ii) sanitation, in rural areas.³⁴ “From 1999 till 2011, the Ministry operated as a Department under the Ministry of Rural Development. In 2011, the Department was made an independent Ministry. Presently, the Ministry oversees the implementation of two key schemes of the government: (i) Swachh Bharat Mission-Gramin (SBM-G), and (ii) National Rural Drinking Water Programme (NRDWP). In the Union Budget 2018-19, the Ministry has been allocated Rs 22,357 crore. This is a decrease of Rs 1,654 crore (7%) over the revised expenditure of 2017-18. In 2015-16, the Ministry over-shot its budget by 178%. Consequently, the allocation in 2016-17 was more than doubled (124%) to Rs 14,009 crore.”³⁵

In recent years, the priorities of the Ministry have seen a shift. The focus has been on providing sanitation facilities in rural areas, mobilising behavioural change to increase usage of toilets, and consequently eliminating open defecation. However, this has translated into a decrease in the share of allocation towards drinking water (from 87% in 2009-10 to 31% in 2018-19). In the same period, the share of allocation to rural sanitation has increased from 13% to 69%. In 2018-19, Rs 15,343 crore has been allocated towards SBM-G. “The central government allocation to SBM-G for the five year period from 2014-15 to 2018-19 has been estimated to be Rs 1,00,447 crore. Of this, up to 2018-19, Rs 52,166 crore (52%) has been allocated to the scheme. This implies that 48% of the funds are still left to be released before October.”³⁶

For construction of IHHLs, funds are shared between the centre and states in the 60:40 ratio. Construction of IHHLs account for the largest share of total expenditure under the scheme (97%-98%). Although the number of toilets constructed each year has increased, the pace of annual growth of constructing these toilets has come down. In 2015-16, the number of toilets constructed was 156% higher than the previous year. This could be due to the fact that 2015-16 was the first full year of implementation of the scheme. The growth in construction of new toilets reduced to 74% in 2016-17, and further to 4% in 2017-18. As of February 2018, 78.8% of households in India had a toilet. This implies that 15 crore toilets have been constructed so far. However, four crore more toilets need to be constructed in the next 20 months for the scheme to achieve its target by 2019.

The National Rural Drinking Water Programme (NRDWP) aims at assisting states in providing adequate and safe drinking water to the rural population in the country. In 2018-19, the scheme has been allocated Rs 7,000 crore, accounting for 31% of the Ministry’s finances.

³⁴ Status of Drinking Water and Sanitation in rural India PRS India, <https://www.prsindia.org/theprsblog/status-drinking-water-and-sanitation-rural-india> (last visited Apr 14, 2019)

³⁵ Union Budget 2009-10 to 2018-19

³⁶ Ibid.

LAW AND POVERTY CLINIC: STUDY ON RURAL PRIMARY HEALTHCARE
IN SHAMIRPET

Subject: Law and Poverty Clinic

Submitted to: Prof. Ashwini Kumar Pendyala



Submitted by:

Arpan Banerjee, Rishabh Raheja and Shivsai Prasad

Vth year – IXth semester

Roll nos. – 2015 – 11, 2015 - 36, 2015 - 42

Section – B

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 Poor Sanitation Facilities

 Inadequate water supply:

 Lack of Medical Staff:

 Questionable competence and qualifications of doctors:

 Past Misdiagnosis and/or Mistreatment:

 Generic ‘Omnibus’ Medication:

 Excessive waiting periods:

 Inferior Medical Facilities:

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INTRODUCTION

As the population of India has increased by more 400 mil. people in the past 25 years, it has been accompanied by economic growth close to 7%. However, healthcare expenditure has been significantly behind as the Indian government spends just over 1% of its annual GDP on public health. This is especially noteworthy when compared with the world average figure of 6%. This fundamental concern was raised by the most recent National Health Profile 2018. The analysis by the Central Bureau of Health Intelligence, also reveals somewhat unsurprisingly, that India is a significant contributor to the statistics on global diseases.³⁷

However, this is not to paint an entirely grim picture of Indian healthcare. From 2008 onwards, the Indian healthcare industry has developed at a rate of nearly 17% and is expected to be worth over \$250 billion by the end of 2020. In 2014 the WHO found India to be only the 4th region in the world to be free from polio. Infant mortality has been brought down to 34/100 and life expectancy grew by nearly 5 years to 68.25.

Critics however, point out that the growth in the overall Indian healthcare industry is largely driven by a mix of public and private health investment primarily in the major cities and urban sectors. This highlights a key characteristic in the Indian developmental model at large, witnessed most acutely in health, that is the stark disparity between urban/ peri-urban and rural areas. In rural areas, the weakness of primary healthcare despite is especially concerning because this absence contributes to higher incidence of disease and escalates costs at a secondary stage. At the very least, the rural primary healthcare system faces challenges regarding not the quality of health it provides but also the level of access rural communities have to these services.

In the above context, this paper seeks to highlight the concerns of primary rural healthcare systems in India through a field study conducted in the village of Shamirpet, Medchal-Malkajgiri district, Telangana. The paper is divided into the following sections. *Part I* offers our research methodology for the study while *Part II* provides an overview healthcare in India. It focusses on the proposed ‘right to health’ in India, current healthcare schemes in the rural sector, and chief concerns in the development of a sound rural healthcare framework. Further, it also discusses recent developments

³⁷ See generally, CENTRAL BUREAU OF HEALTH INTELLIGENCE, NATIONAL HEALTH PROFILE (13th Issue, 2018).

such as potential of the new ‘right to healthcare law’ in Rajasthan and the proposed National Health Quality Auditor. *Part III* describes the field study in Shamirpet. It puts forth the responses received from the health survey in a thematic manner and highlights key findings while analysing trends and offers conclusions on the difficulties of primary rural healthcare in Shamirpet within the broader Indian context.

ANALYSING THE PROGRESS OF THE MID-DAY MEAL SCHEME

A FIELD STUDY REPORT

COURSE:

LAW AND POVERTY CLINIC

SUBMITTED TO:

Professor: ASHWINI KUMAR PENDYALA

SUBMITTED BY:

Ashwin Murthy (2015-78), Dheeraj Murthy (2015-94), Karan Sangani (2015-102), Utkarsh Roy (2015-54)



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INTRODUCTION

Context of the Mid-day Meal Scheme

One of the greatest issues that India faces is that of malnutrition, especially in the youth. The youth, especially in poorer areas of the country, face grave malnutrition and often have deleterious health conditions from which there is limited recourse available in the future. There is a grave need for the youth to have access to higher quality food. This lack of quality sustenance has a more concerning effect – it forces the youth to go into employment instead of attending school, creating a poverty trap. The limited availability of better paying jobs comes with the rising incidence of education and population, and in the absence of any form of education, there is only menial labour available which does not allow the youth to escape the poverty they were born into.

To combat both of these concerns – lack of higher quality food and loss of education in favour of employment – the government implemented the Midday Meal Scheme, or the National Programme of Nutritional Support to Primary Education (NP-NSPE). The Midday Meal Scheme aimed to provide nutritional food of high quality at least once a day. Each Government and Government-aided primary school was made to serve every single child enrolled in the school with cooked food. The Government even prescribed minimum calories of energy and protein to be provided per day. The scheme was aimed to provide for all students for at least a minimum of 200 days. Eventually, the midday meal was made to be extended to cover all children, regardless of whether they were studying in Government, Government aided and local body schools or even in “Education Guarantee Scheme” and “Alternative & Innovative Education” centres.

The Midday Meal Scheme has a long history in India, primarily at the State level, before it was implemented as a Central feature. In 1925, the Madras Corporation, run by the British, introduced a programme similar to the Midday Meal Scheme. Similarly, in 1930, Pondicherry implemented its own program as a response by the French government to malnutrition. Tamil Nadu, Kerala, Karnataka and Gujarat also enacted a number of schemes to provide for the youth.

The Midday Meal Scheme aims to: (i) avoid classroom hunger; (ii) increase school enrolment; (iii) increase school attendance; (iv) improve socialisation, particularly among castes; (v) address malnutrition and; (vi) empower women through employment, both in terms of support for the scheme itself and in educating girl children to eventually provide a job post education.

Eventually, the scheme was revised to include grams, oils and other essentials. The price was set at 1 rupee per child per school day to cover all expenses. Even transport subsidies and other metrics were put in place in an attempt to improve the availability of food, particularly in areas where the food was otherwise unavailable. With time the scheme was again revised, realising that it was insufficient to cover the broad requirements of the public in terms of food availability. It was increased to 1.8 rupee per child per school day in North Eastern States and 1.5 in other states. The required calories and protein intake were revised and increased as well, with almost double the calories and protein recommended. In addition, the kitchens and school facilities were upgraded, with funds reserved for each of them.

The scheme was later extended to include children of upper primary schools and educationally backward areas, as well as providing food even during vacations to areas which desperately required it.

In terms of implementation, there are a number of different ways in which the government has aimed at putting in place the scheme. One of the primary forms is the decentralised manner, in which the meals are cooked in the school itself or at local self-help groups nearby to the school. In essence the food is produced outside of government facilities in a decentralised fashion. Another form is the centralised fashion, where either a private-public partnership or a governmental organisation cooks and delivers the food to the schools. This is far easier in urban locations and has the notable advantage of being able to monitor the quality and hygiene of the food. The cooking is also more efficient. However, where transport is not possible, there is no scope for such measures to be taken.

There has been widespread international support of the Midday Meal Scheme. CARE, UNICEF, Food for Learning and a number of other organisations have stepped in and provided assistance, either through provision of food and transport, or money, or subsidisation, among a number of other initiatives taken.

Monitoring of the implementation of the scheme is done via the government, private agents, international bodies or even through self-regulation. Various committees have been set up at different levels, from the national level to the school level with committees at each level in between as well.

Voluntary agencies such as Akshaya Patra have also significantly contributed to the programme. They provide food, and often take over the implementation of the scheme for the government. They also have the ability to focus on a variety of factors that the government may not have the bandwidth to deal with, including quality of food, hygiene and variety of food.

The community is also encouraged to participate in the provision of the midday meal scheme to the public. Most particularly, the employment of women, the increased role of the people as supervisors or stakeholders through direct involvement, the sensitisation of the people towards the programme and the formalisation of community participation are all ways in which the community involves itself with the public for the improvement of the scheme.

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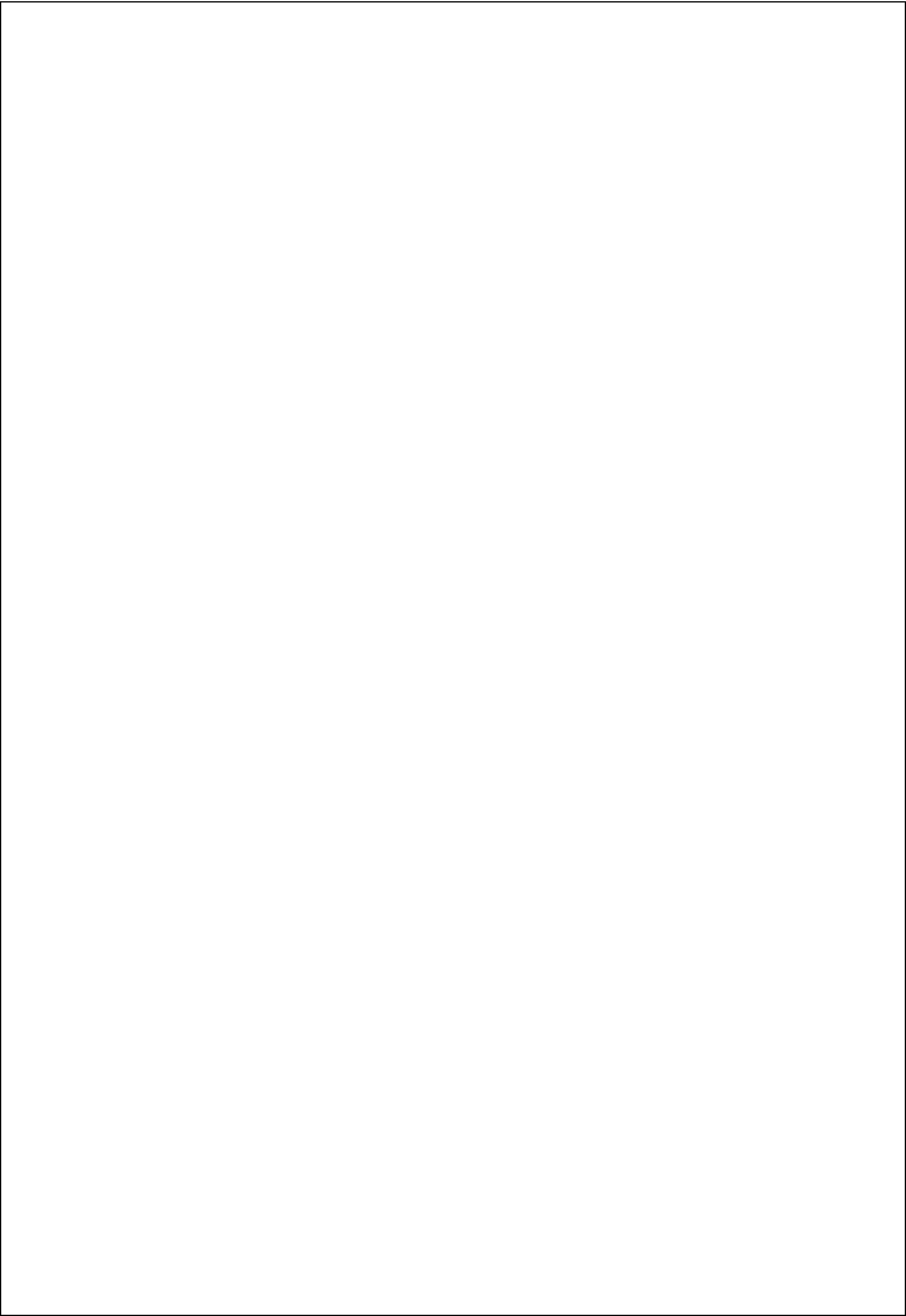


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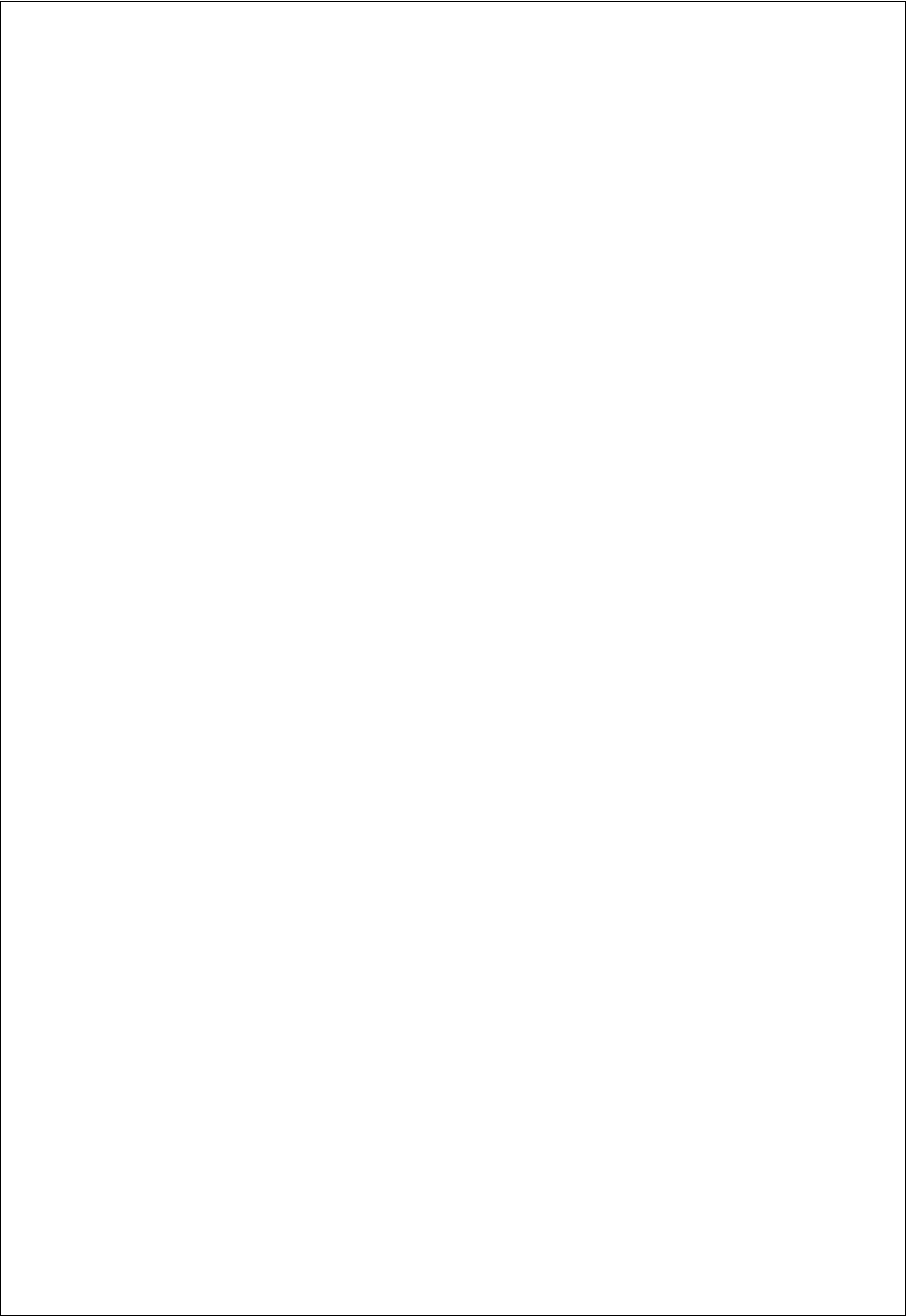
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However, this is not to paint an entirely grim picture of Indian healthcare. From 2008 onwards, the Indian healthcare industry has developed at a rate of nearly 17% and is expected to be worth over \$250 billion by the end of 2020. In 2014 the WHO found India to be only the 4th region in the world to be free from polio. Infant mortality has been brought down to 34/100 and life expectancy grew by nearly 5 years to 68.25.

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³⁸ See generally, CENTRAL BUREAU OF HEALTH INTELLIGENCE, NATIONAL HEALTH PROFILE (13th Issue, 2018).

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CLINIC REPORT SUBMISSION- LAW AND POVERTY

“MENSTRUAL HYGIENE MANAGEMENT”

SUBMITTED TO:

PROF. ASHWINI KUMAR PENDYALA

SUBMITTED BY:

SHIVANI BAGUL (2014-5LLB-55)

SHAURYA SHRIVASTAVA (2015-5LLB-107)

SAGAR SARAOGI (2015-5LLB-38)

DEVARSH SARAF (2015-5LLB-14)

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INTRODUCTION

CONTEXT OF THE STUDY

Menstruation is a natural part of the reproductive cycle, but too often, menstruation is considered a taboo and left to be a mystery in the minds of the general populace – men in particular. This leads to exclusion, neglect and discrimination.

The conventional attitude towards menstruation cannot be summarised generically, and it has many layers and dimensions. Despite menarche and menstruation being natural physiological life processes, societal attitudes towards menstruation have led to a negative connotation being attached to menstruation, with the process garnering the label of “impure”. Menstruation has been perceived as an embarrassing and shameful event about which it does not bode well to speak publicly. At the extreme end of the spectrum, some women avoid discussing their menstrual concerns even with their close family members.

The effect of the aforementioned shroud of mystery that surrounds the process of menstruation coupled with its socially taboo nature affects women, especially in the more orthodox cultures. In many cultures, there are long pervading beliefs and myths that have the effect of restricting women from daily activities and hygienic health practices, resulting in exclusion at the very least and even death in extreme scenarios.

In India, numerous restrictions are imposed on women and girls during menstruation, and the tradition of excluding menstruating women and girls from various activities is commonplace. Adolescent girls and women also suffer from myriad health problems associated with menstruation. Studies have reported that many girls had lots of misconception about the physiological changes during menstrual periods.³⁹ Much of these misconceptions stem from the generational information passed on from mothers to daughters, and some of it even being sourced from television, friends, and other sources. Such taboos affect girls' and women's emotional state, mentality, lifestyle, and health.

A study found that 71% of girls in India⁴⁰ report having no knowledge of menstruation before their first period. Further, 70% of women in India say their family cannot afford to buy sanitary pads.⁴¹ Almost 88% of women and girls in India use homemade alternatives, such as an old cloth, rags, hay, sand, or ash.⁴² Qualitative studies and an analysis of the product market indicate that premium commercial products are unaffordable or not consistently accessible for women and girls in low-income communities.

³⁹ Suneela Garg, Tanu Anand ‘Menstruation related myths in India: Strategies for combating it’ J. Family Pre-Med Care, 2015 Apr-June, 4(2): 184-186.

⁴⁰ Improving Menstrual Health and Hygiene in India. Report. Dasra, Kiawah Trust, and USAID, 2014

⁴¹ 8 Sinha, Kounteya. "70% Can't Afford Sanitary Napkins, Reveals Study." The Times of India, January 23, 2011.

⁴² Supra n. 1



TOPIC:

REPORT ON "ONE NATION, ONE CARD: FUNCTIONING IN SHAMEERPET"

COURSE: LAW AND POVERTY CLINIC

SUBMITTED BY: MAYANK DEWANGAN(2015-5LLB-20), ANIRUDH NIKITA
SHARMA(2015-5LLB-08) AND TANUJ KUMAR KAMWAL(2015-5LLB-113)

SUBMITTED TO: PROFESSOR ASHWINI KUMAR PENDYALA

INTRODUCTION

The Indian Distribution System (PDS) is the largest distribution network globally. PDS was introduced around World War II as a war-time rationing measure. It started in the 1960s and by the 1990s the said PDS had evolved into a universal scheme for the distribution of subsidised food. In the 1990s, the scheme was revamped to improve access of food grains to people in hilly and inaccessible areas, and to target the impoverished. Now recently, the finance ministry introduced the one nation one card scheme and it is set to become operational in all states and Union Territories by March 2021.

As of now, about 20 states have come on board to implement the inter-state ration card portability. The idea behind the said scheme is to have a single ration card which can be used to obtain subsidized rations across the country in any state. The objective is to alleviate the difficulties and hurdles caused by each state having its own card and bureaucratic system which resulted in delays, misinformation and hardship.

This submission and review in its scope and ambit thus attempted and tried to gauge and test the new system at the ground reality in order to determine and qualify the efficiency and success of the new one nation one card scheme introduced by the government.

The absolute number of individuals coming in Shameerpet reasonable value shop is 1500-1700 individuals for each month as told by the proprietor of Shameerpet reasonable value shop. The quantity of individuals reviewed are forty four for this Research concentrate on effect of One Nation, One Card Scheme. Prior to setting off to the discoveries, we have to investigate how this mind boggling framework functions.

Under the national food security act (2013), a ration card holder is entitled to avail subsidised food grains, only from selected Fair Price Shop within the concerned state. The parties involved in Public Distribution System includes the 1) Food Corporation of India. 2) State Government 3) Fair Price Shop Dealer and 4) Consumer. We interviewed several people in course to gather a wide-ranging image from the supplier as well as the consumer side.

**FARMER AND AGRICULTURAL SUBSIDIES IN SHAMIRPET AND SURROUNDING
VILLAGES: A SURVEY**



SUBJECT: LAW AND POVERTY CLINIC

SUBMITTED TO:

Mr. ASHWINI KUMAR PENDYALA

SUBMITTED BY:

GEETHANJALI JUJJAVARAPU (2015-60)

KEVIN SHAJI (2015-87)

SAAD KHAN (2015-88)

NALSAR UNIVERSITY OF LAW, HYDERABAD

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INTRODUCTION

Agriculture, with its allied sectors, is unquestionably the largest livelihood provider in India, more so in the vast rural areas. It also contributes a significant figure to the Gross Domestic Product (GDP). Sustainable agriculture, in terms of food security, rural employment, and environmentally sustainable technologies such as soil conservation, sustainable natural resource management and biodiversity protection, are essential for holistic rural development. Indian agriculture and allied activities have witnessed a green revolution, a white revolution, a yellow revolution and a blue revolution.

In furtherance of ensuring maximum and efficient production, the government provides for various schemes for the farmers in the form of loans and subsidies. These are formulated and implemented at the state level based on the requirements of that particular region. Agricultural subsidies are usually in the form of seed subsidy, power subsidy, irrigation subsidy and fertiliser subsidy among others. India spends significant public resources on agriculture, especially on subsidies for agriculture inputs and price support (MSP) and procurement for certain crops. The range and costs of subsidies for agriculture are extensive: fertilizer subsidies in the central government budget for FY20 is around Rs 80,000 crores (with pending bills of fertilizer industry at more than Rs 30,000 crores); power subsidy by states amount to more than Rs 65,000 crores; subsidies on canal water is another Rs 25,000 crores plus; and subsidies for crop insurance premiums and agri-credit are at interest rates of zero or highly subsidized rates of 7 and 4 percent).

Subsidies are a policy instrument to achieve certain goals. Many of them were instituted to incentivize farmers to take up the Green Revolution package at a time when raising total food production was the key policy goal. Later, subsidies were seen as ways of reducing the cost of production for farmers and thereby providing them with implicit income transfers as well as a way to check food price inflation and protect consumers.

For the purposes of this study, the researchers will explore the issue of farmer subsidies and agricultural schemes in Telangana. To narrow down the scope of research, the study will be limited to the area of Shamirpet in Ranga Reddy District and its surrounding villages. In exploring the issue, the researchers will specifically look at their implementation and whether

agricultural farmers in this region are receiving the subsidies that they are entitled to under government schemes.

While this part of the study will be based on interviews and information gathered from field work, the study also seeks to shed light on the overall structure and framework of agricultural subsidies in India. For the purposes of giving an overview of a few agricultural subsidies in India and Telangana, the authors would primarily be referring to literature addressing the same. This would include, although not limited to, *Reforming Indian Agriculture: A CASI Working Paper* authored by Ashok Gulati, Devesh Kapur and Marshal M. Bouton; *Investment, Subsidies, and pro-poor growth in rural India* authored by Shenggen Fan, Ashok Gulati and Sukhadeo Thorat; *For Indian Farmers, Direct Benefit Transfers can work better than fertiliser subsidies* authored by Seema Bathla and Anjani Kumar; *Subsidies and Support in Agriculture* authored by Linu Mathew Philip and Ramesh Chand.

The study will thus, give an overarching understanding of agricultural schemes and subsidies in India along with looking at their implementation and farmers' perspective of these benefits. Although the sample space is limited to Shamirpet and nearby villages, the researches seek to gauge the efficacy of these schemes in the region and the real beneficial value of the same.

EXAMINING THE GROUND LEVEL IMPACT OF AADHAARIZATIONS OF PUBLIC DISTRIBUTION SYSTEM

COURSE:

LAW AND POVERTY CLINIC

SUBMITTED TO:

ASHWINI KUMAR PENDYALA

SUBMITTED BY:

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V YEAR, X SEMESTER



NALSAR UNIVERSITY OF LAW, HYDERABAD

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1. INTRODUCTION

A. CONTEXT OF THE STUDY

Prime Minister Narendra Modi has over the last few years been vocal about his dream of a 'New India' and the 'revolution' of Aadhaar. Subscribing to this privileged worldview, the majority judgement authored by Justice Arjan Kumar Sikri upheld that linking of Aadhaar with welfare schemes for administering subsidies for the poor was a '*legitimate exercise*'. To the worries of massive exclusion, and anxieties of a considerable population of underprivileged lives being adversely affected by such a serious decision, the judgment was explicitly disempowering, as it stated, "*Lot of people who will benefit due to inclusion cannot be denied due to exclusion of few; can't throw baby out with bathwater.*" The "*exclusion of a few*" that did not qualify for "*throwing the baby out*" cost them their lives.

Recently, Ram Suresh, a 45-year-old man in Shameerpet village in Telangana, lost his life due to prolonged hunger and undernutrition. Ram had no known illness, except he was getting weaker each passing day and had not eaten for two days before his demise. Once a daily wage labourer in a brick kiln, he quit work after suffering an injury. For Ram, hunger and destitution kept his family away from education. His children migrated in search of work. None of them availed the mid-day meal schemes. The family had no source of employment to ensure their sustenance. Without any other means to procure food, Ram's dependence on the PDS ration, which he availed on his priority card, was indispensable. However, his access to PDS rations was stopped in 2016 as his Aadhaar number was not linked. The seemingly simple act of 'seeding' – the official term for linking – does in fact come with myriad problems. Seeding is the next step after receiving an Aadhaar number. One of the most obvious aspects of seeding is to check duplicity. The names, ages and details of individuals must match all other documents, which will in turn combine to form a coherent database.

In reality, things are different; age, spellings and a host of other data point and technical errors plague the system. People with incorrect names, mismatching dates of birth, end up unable to avail any welfare scheme that they are otherwise eligible for. Their access to constitutionally guaranteed everyday upkeep becomes limited, and lives jeopardised.

The overwhelming problem is not ‘identity’ but predominantly ‘quantity’ fraud. The most common and rampant form of irregularity in PDS is *katauti* – fraudulence by a dealer, wherein beneficiaries receive less than their sanctioned allowance. The state’s ignorance of this larger malaise and imposition of Aadhaar does little or nothing to help, and instead becomes a massive hassle. The imposition of Aadhaar for social welfare benefits is deeply rooted in class biases, observed Jean Drèze rightly. The often arrogant argument made by the government has been that the onus of enrolment lies with them. This erases the accounts of problems related to enrolment. Many do not know the procedures, or the need for making such a document. Misinformation and confusion cloud the process. Even if she wants to, the conditions of reaching the nearest enrolment centre are also not easy; she might have to travel for long hours and endure considerable expenditure.

Much like in Ram’s case, his injury impeded him from being able to go to a centre. His children never enrolled because they were never made aware about the implications of its unavailability, and they couldn’t afford time off from their employment to pursue the process. On reaching the centre, additional issues like bribes make the process even more deleterious. Consequently, it surpasses the ranges of affordability for the ones who need it the most. The other kind of havoc that Aadhaar wrought is the ‘Aadhaar Based Biometric Authentication’ (hereinafter referred to as “ABBA”). ABBA’s monumental damage is well documented. For it to work smoothly, one has to have Aadhaar, then feed the number into the system. Provided the machine has access to the internet, biometric authentication is required. This makes the entire process an affair highly contingent on a host of material availabilities, arguably risking the rightful dues of many. Additionally, ABBA simply could not check the unaccounted excess food grains left with dealers after the distribution of a month’s quota. The 2015 Targeted PDS (TDPS) order requires a dealer to produce a monthly utilisation certificate of food allocation before claiming the allocation for subsequent months.

The challenges created by the imposition of Aadhaar are immense and manifold, especially for the poor. The right to life, which essentially ensures the right to a dignified life, and is the foundation of the National Food Security Act, 2013, has been trampled on extensively. This legislation, along with the National Rural Employment Guarantee Act, 2006, was created to ensure the basic minimum requirements for

sustenance of the poorest of the poor – those who are deprived of the most fundamental needs of life. However, railroading the country into a fantastical ‘New India’ using the magic of Aadhar is threatening the constitution.

Under these circumstances, the reduction of rampant under-nutrition and unemployment must be listed as priorities in the vision of a ‘New India’ instead of a mechanism that curbs basic human and legal entitlements for a large section of society. State and constitutional bodies must concern themselves with seriously overhauling the concept of Public Distribution Systems at the earliest. This reorientation must include: an increase in the coverage of Antyodaya Anna Yojana (AAY), as most families eligible for the scheme are not a part of it and; an inclusion of oil and pulses in monthly ration quotas at the earliest, which will ensure the availability of nutritious food to a bulk of rural households. A robust mechanism for grievance redressal in PDS and doing away with compulsory Aadhaar can perhaps begin to tackle the ravages of continuing starvation deaths confronting India today.

LAW AND POVERTY CLINIC PROJECT

EMPIRICAL STUDY ON LAWYER'S ATTITUDES TOWARDS MEDIATION

SUBMITTED TO: PROF. ASHWINI KUMAR PENDYALA

COURSE INSTRUCTOR, LAW AND POVERTY CLINIC



NALSAR UNIVERSITY OF LAW, HYDERABAD

Submitted by: Aachman Shekhar

V Year, IX Semester

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OVERVIEW

As part of my Law and Poverty Clinic project, I decided to approach the officials of the District Legal Services Authority, Chandigarh to conduct empirical research on the functioning of the various District Legal Services Authorities. I contacted Mr. Balbir Singh and Mr. Mahavir Ahlawat, both official functionaries of the DSLA Chandigarh, through email with a request to look at the types of cases that DSLA Chandigarh has dealt with over the years and prepare a report accordingly.

They were kind enough to accept my request and they invited me to their office, situated in the New District Court Complex in Sector 43 of Chandigarh, in the month of August 2021. I visited their office in the last week of August and interacted with Mr. Singh and Mr. Ahlawat, as well as the other lawyers and paralegals working with the DSLA.

In my conversations with them, I asked questions about how their experience with mediation has been, what they think about the process, and the types of cases that the process is suitable for. The following were the points of consensus that I observed in the answers of the various DSLA professionals:

- Mediation as a process is very client-friendly; given the speedy resolution of the disputes, cost-effective manner of such resolution, and the autonomy that the parties exercised over their results.
- The process is best suited for family-related disputes, motor claims accidents, labour disputes, disputes related to specific performance and injunction. On the other hand, the professionals noted that the process was ill-suited for property-related matters.
- The professionals also noted that while clients were more than happy to accept mediation, but the lawyers were not financially incentivised to recommend the use of mediation.

The professionals observed that lawyers exercised great control over whether their clients would use mediation to resolve their disputes. They also noted that there is a general perception among the legal practitioners that while mediation may be beneficial for their clients, it did not provide them the financial incentives that litigation and arbitration otherwise do.

The professionals recommended that this perception hampered the uptake of mediation in the local courts and should be remedied at the earliest if the adoption of the mediation has to be made more widespread. They also advised me that if I really want to write a report on the practice of mediation, I should write something on how lawyers can be benefitted by incorporating mediation in their legal practice.

Accordingly, I decided to write an academic paper on how incorporating mediation can be several financial incentives to the clients, and therefore, resolve the inherent agency-problem that plagues lawyer-client relationships when it comes to the use of mediation.

I have submitted my piece to the SCC Blog, and it has been accepted for publication. The following is the essay I wrote for the same:

Mediation in the Modern Legal Practice: An Overlooked Money-Maker?

Abstract

Measures aimed at popularising mediation often exclusively focus on how the process advantages disputants. In doing so, such measures miss out on addressing the interests of an equally important category of stakeholders--the lawyers. This essay aims to redress this discursal void by demonstrating the various benefits, financial and otherwise, of incorporating mediation in legal practice. It also looks at the various ways in which the financial potential of mediation can be leveraged to alleviate the agency problem inherent in the attorney-client relationship, and explains how the COVID-19 pandemic presents the perfect opportunity to do so.

COURSE: LAW AND POVERTY CLINIC

CHILD BEGGING IN INDIA

UNDERSTANDING DIFFERENT PERSPECTIVES AND RAISING AWARENESS

COURSE INSTRUCTOR: MR. ASHWINI KUMAR PENDYALA SIR

SUBMITTED BY:

GAYATRI GUPTA (2017-5LLB-19, 5TH YEAR)

MANSI MEENA (2017-5LLB-91, 5TH YEAR)

SANJANA MANUSANIPALLI (2018-5LLB-111, 4TH YEAR)



NATIONAL ACADEMY OF LEGAL STUDIES AND RESEARCH

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CHAPTER I: INTRODUCTION

This combined report is made in pursuance to the Law and Poverty Clinic course requirement. The work and goal of this Clinic is in consonance with the Department of Justice's Nyaya Bandhu Pro-Bono Club, which aims at increasing access to efficient and good legal quality pro-bono service within India. The aim of the law and poverty is to help law students acquire practical skills required to deal with real cases/issues. The work done is to help minorities, powerless and causes that promote the interest of the public.

Presently, the course allows students to select a specific project on their own volition. The types of the project broadly fall in two categories: directly assisting a lawyer in a pro-bono legal case through legal research and other allied work; contributing in increasing public awareness campaigns on a specific legal issue through a blog, survey reports, social media campaigns, organising awareness campaigns in schools etc. Students are required to do one of the following requirements:

1) "Legal Aid: Student has to interact with a client and assist pro bono lawyer, according to the guidelines issued by the Department of Justice (Nyaya Bandu website). Students have to submit a report (2500 to 3000 words) on his/her work which can be uploaded on the Nyaya Bandu website."

or

2) "Organise a legal awareness campaign (Online or direct interactive session with people) and submit a report (2500 to 3000 words) on his/her work which can be uploaded on the Nyaya Bandu website."

LAW AND POVERTY CLINIC REPORT

SUBJECT:

LAW AND POVERTY CLINIC

SUBMITTED TO:

PROF. ASHWINI KUMAR PENDYALA

SUBMITTED BY:

KARTHIK SUBRAMANIAM (23- 5LLB- 2018)

MOHIT KALA (29- 5LLB- 2018)

SHRUDULA MURTHY (47- 5LLB- 2018)

YEAR IV, SEMESTER VII



NALSAR UNIVERSITY OF LAW, HYDERABAD

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INTRODUCTION

This report has been submitted for the purposes of the Law and Poverty Clinic conducted in the odd semester of 2021. For the purposes of the course, the three of us, Karthik Subramaniam, Mohit Kala, and Shrudula Murthy teamed up to ensure the successful completion of the course requirements. Towards this pursuit, the following activities were undertaken:

- i. A blog was set up, that constituted the legal awareness program required for the course.
- ii. Two Pro-bono cases were worked on by us, which would satisfy the other element of the course.

The following report is split into 4 chapters. The first chapter elaborates on each of our experiences throughout this course. The work that we undertook, and the effect that the same had on us is elaborated upon in brief. Chapter 2 elaborates on the blog that we set up for the legal awareness program. Called the Law and Poverty Blog, we wrote articles, as well as invited articles by our course mates for publication. The Last 2 Chapters of the blog elaborate on the Pro-bono cases that we undertook, and what our contributions to each of these cases were.

Overall, this report seeks to document our experiences through the duration of this Clinic Course.

Final Report: Pro-Bono case under a Lawyer

Law & Poverty Clinic



Submitted to: Prof. Ashwini Kumar Pendyala

Project made By: Mitluv Semwal

Roll Number: BA.LLB- 2018-093

Subject: Law & Poverty Clinic

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Contacting the Lawyer

In the current social context of the Pandemic, I found it to be a little challenging task to find a lawyer. This was for multiple reasons; 1) As many lawyers in my city were not prepared to work one on one with me due to the pandemic (for social distancing reasons), 2) And in case of online internship, most lawyers offering it already had people working with them, because of which they didn't need any more (As it seems many students are also doing their internship online simultaneously with college, as many colleges are still having online classes), 3) Also, it seemed like many (two) of the lawyers I had contacted were not doing any pro-bono cases currently. I realised this after sending out mails to three different lawyers, each of whom politely turned down my request for different reasons.

The first lawyer I had mailed hailed from my home town, and so I thought it would be easier for me to work with him. His name was Adv (Advocate) Surya Kumar, and he currently runs a law firm (Surya Law Associates) in my hometown (Mysuru). He however politely turned down my request stating that he was currently not letting in any interns into his office, even though he was open to the idea of an online internship. But, he also categorically stated that he was not handling any pro-bono cases currently and so I decided to look for another lawyer.

The second lawyer/law firm I had contacted was the Joshi Law chambers based out in Bengaluru. They too however turned down my request, stating that they already had an excess number of interns working with them (more than what they needed) currently and hence could not accept my offer, especially considering that I was largely planning on only working on pro-bono cases. And so I then decided to mail another lawyer, namely Adv Hemanth, who also practices in Bengaluru. But he too turned down my request stating that he was currently focussing largely on Arbitration cases and hence did not have any pro-bono cases with him.

Finally, I decided to contact a relative of mine, she subsequently connected me to her friend who is a practicing Advocate in the Delhi High Court, namely Adv Manu Padalia. I spoke to him on phone after which he agreed to assign me a pro-bono case that he had recently started to working upon. For this he gave me certain requisite details of the case and asked me to research on a few legal topics concerning the case, so as to help him draft a writ petition (writ of mandamus).

Facts of the Case

In the pro-bono case, a person by the name Bhuwan Chandra Pant (petitioner) had been a licenced photographer within the premises of the Taj Mahal since 1998. He had obtained a licence from the Archaeological Survey of India, which is very hard to get & requires the completion of a long and tedious process that includes an exam. And so in light of this licence, he (the petitioner) used to earn his livelihood through his sole proprietorship business of photography (within the premises of the Taj Mahal), that also helped him sustain his family of four (including a daughter & son). His earnings from his work helped him fund the education of both his children and also allowed him to save some money which he intended to use in the marriage of his children. He was the sole breadwinner of his family.

However, as fate would have it, he met with an unfortunate accident in the year 2018 that rendered him bedridden for months and also 75% physically disabled permanently. This meant that he could no longer pursue his work as a photographer anymore due to his disability and had to rely on his savings (which he had saved for his children's marriage) for the sustenance. This also put a lot of burden on his future as he could no longer use his savings for the marriage of his children; and also since a large chunk of his savings were used in his medical treatment & subsequent re-habitation, he had very little savings left for daily sustenance.

With this background in mind, one particular day Mr Pant (petitioner) realised that some of the other photographer colleagues (and photographer agencies) had stopped directedly indulging in the service of photography and had nominated other people to carry out their business on their behalf. This gave Mr. Pant hope that he could also do the same and employ a relative of his to work on his behalf. With this in mind, he sent a representation dated 20/02/20 (Just before the beginning of the pandemic) to the Director General (D.G.) of the Archaeological Survey of India (ASI), and the Superintendent Archaeologist of the ASI for allowing a representative/ nominee to conduct still photography on his behalf. However, no response for the same has been received yet. He also sent members of his family to the ASI's office in Agra to request them to let him nominate someone on his behalf (After the lockdown was lifted & Taj Mahal was open for tourists). But that too did not result in any action being taken.

Thus considering that he had lost his family's sole source of Income, he decide to make a representation on 18/11/20, directly to the Honourable Minister of Culture & Tourism. With a copy marked to the D.G. of ASI and Superintendent Archaeologist of ASI. However, here too no response has been received as yet. After waiting for a sufficient enough time, the petitioner filed an RTI, dated 15/06/21, seeking information on how many total photographers were currently working in the Taj Mahal and how many of those were

nominees? He (the petitioner) also further inquired on the case that allowed for such nominee photographers to be appointed.

The Central Public Information officer replied to Mr. Pant's RTI application on the 25/08/21, revealing that a total of 58 nominee photographers were currently working within the premises of the Taj Mahal. Further the reply also revealed that the Delhi High court in the Noorjahan & Ors v. UOI & ORs case, (W.P. (Civil) No. 706/2004) had allowed for the nomination of a third person in cases of still photography inside various ASI maintained monuments.

With all of these factors in mind, the petitioner (Mr. Pant) asked Adv Manu Padalia to file writ petition to help with his case. And I was helping adv Manu Padalia in the drafting of the same writ petition.

LAW AND POVERTY CLINIC

Report on Prevalence of Cyberbullying in NALSAR student community

NALSAR UNIVERSITY OF LAW, HYDERABAD

Submitted To: Prof. Ashwini Kumar Pendyala Faculty, Law and Poverty Clinic

Submitted By: Anjali Kutiyal 2018-5LLB-69 IV Year, VII Semester B.A. LL. B (Hons.)

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ABSTRACT

The law and poverty clinic aims to help students of the course develop the skills required to deal with real cases and issues. The work done is towards helping powerless, minorities or causes that promote the interest of the public. Towards this end, students are required to either work with a client directly and assist a pro bono lawyer or to organize a legal awareness campaign. I have chosen to go with the second option, and conduct a legal awareness campaign on cyberbullying. There is an ample amount of literature available on the effect of cyberbullying on mental health especially in young people (such as adolescents). Such episodes of cyberbullying leave the victims of tender age feeling helpless, miserable and many times angry. The objective of this assignment was to investigate into the prevalence of cyberbullying and the awareness regarding the same in the students of NALSAR.

LAW AND POVERTY CLINIC

LEGAL AWARENESS FOR MIGRANT WORKERS : A REPORT



SUBMITTED TO:

Prof. Ashwini Kumar Pendyala

Submitted by:

Lehar Chamaria

2018-5LLB-89

4th Year - BA.LLB (Hons.)

INTRODUCTION

India's country-wide lockdown amidst the outbreak of COVID-19 pandemic has had adverse impact on the entire country. It has led to a number of hardships to businesses and job-goers. However, the worst affected section of society would-be migrant workers. The migrant workers survive on day-to-day existence with no proper place to stay and establish themselves. In fact, Interstate migration is a massive phenomenon. This lockdown has completely dislocated the migrant population. Recently due to the sudden shut down of public transportation, thousands of migrants were forced to walk miles in order to reach their home villages. Some migrant workers and their children also died on their way back to their home journey. The reality of their lives is heartbreaking.

Migrant workers became one of the most vulnerable groups whose rights remained ghosted due to the lack of timely action by the government. The condition of migrant workers is already pitiable. Each day's economic productivity decides the amount of wages they receive yielding them a hand to mouth existence. Thus, during the lockdown, since such workers became economically unproductive, they didn't receive any payment. With little or no savings at hand, we witnessed a helplessness of migrant workers.

SURVEY REPORT

SURVEY ON LAND RIGHTS AND CASTE IN VILLAGES OF TELANGANA

Course: Law and Poverty Clinic
Course Instructor: Prof. Ashwini Kumar Pendyala



Submitted by: Nikita Bansal
Roll Number: 2018-5LLB-32

NALSAR University of Law, Hyderabad

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INTRODUCTION

Around sixty percent of Indians rely on the land for their primary means of livelihood, making it one of the most important and valuable economic resources. Land is another important resource that is intrinsically linked to the norms of social conduct that are practised by the people who call India home. Since the country's independence, however, several parties, including the government, businessmen, farmers, and traditionally oppressed groups such as Adivasis, and Dalits, have staked competing interests in the land. An estimated 7.7 million people are impacted by the unrest in India over 2.5 million hectares of land, and the conflict risks an investment value of \$200 billion.⁴³ Land disputes are made more difficult by a number of factors, including climate change, urbanisation, migration, and growing governmental control over common areas. All of these factors contribute to a decrease in the amount of land that is arable and liveable. According to a survey, 25% of all cases that are handled by the Supreme Court comprise of land disputes, out of which 30% are linked to acquisition of land.⁴⁴ Land conflicts may be found in all levels of court in India, and they account for the highest number of cases in respect of both pendency and actual figures.

The present socio-economic dynamics in India are reflected in the distribution of land ownership. Even in the year 2022, caste is still a relevant factor in determining who owns how much land, particularly agricultural land.⁴⁵ Possession of agricultural land not only signifies independence and economic security, but it is also the foundation of both identity and social prestige as well as a sign of political authority, especially in rural India. A survey conducted by the state government of Telangana in 2018 was cited in an article published by the Times of India.⁴⁶ The article stated that Telangana, which has a population of 54 lakh scheduled caste community members, has approximately 6.5 lakh households with agricultural landownership ranging between 1 and 5 acres, and the majority of these lands are not suitable for agricultural use.⁴⁷ This should not come as a surprise given that even on a national scale, the majority of farmers who come from marginalised populations have landholdings that are tiny and of a marginal type, and these farmers make up the majority of India's farming community (almost 85 percent)⁴⁸.

While the total amount of land held by small and marginal farmers increased from 23 percent to 34.5 percent between 2002-03 and 2018-19, according to national surveys; however, the average

⁴³ Namita Wahi, *Understanding Land Conflict in India and Suggestions for Reform*, CENTRE FOR POLICY RESEARCH (10th June, 2019), <https://www.cprindia.org/policy-challenge/7872/regulation-and-resources>.

⁴⁴ Nick Robinson, *A Quantitative Analysis of the Indian Supreme Court's Workload*, JOURNAL OF EMPIRICAL LEGAL STUDIES, (2003), 570-601.

⁴⁵ Sonal Ann D'Souza, Sunit Arora, *Caste still decides who holds agri land, and how much*, DECCAN HERALD, 27th July, 2022, <https://www.deccanherald.com/opinion/panorama/caste-still-decides-who-holds-agri-land-and-how-much-1130718.html>.

⁴⁶ Roushan Ali, *Telangana: 50,000 dalits lord over arid land, still poor*, THE TIMES OF INDIA, 10th April, 2018., <https://timesofindia.indiatimes.com/city/hyderabad/50000-dalits-lord-over-arid-land-still-poor/articleshow/63691306.cms>.

⁴⁷ *Id.*

⁴⁸ Parijat Ghosh, *Farmers' protests: Why are small and marginal farmers protesting against the farm acts?*, GAON CONNECTION, Dec, 11th, 2020, [https://en.gaonconnection.com/farmers-protests-why-are-small-and-marginal-farmers-protesting-against-the-farm-acts/#:~:text=Farmers%20having%20less%20than%20two,acres\)%20are%20called%20marginal%20farmers](https://en.gaonconnection.com/farmers-protests-why-are-small-and-marginal-farmers-protesting-against-the-farm-acts/#:~:text=Farmers%20having%20less%20than%20two,acres)%20are%20called%20marginal%20farmers).

amount of land held by each household lowered during this time period.⁴⁹ This indicates that more farmers presently have smaller and smaller amounts of land. Individuals who seek work only in agricultural and linked activities are forced to go on to working at other people's land on lease or with some other system in place, for paltry amounts of money, as their own holdings become smaller and they are unable to support themselves financially. They are also familiar with the pitfalls of falling into debt and becoming homeless as a result of protracted economic downturns. They require institutional support, and there is a need for a framework of land administration that supports others like them, and sustains them on a high priority; however, this is where we come face to face with the grave regulatory flaw that agriculture and farming-related support programmes are constructed around the ownership of the land.

On top of that, agricultural land all over India is entangled in litigation, not just over title but also over the privileges that flow from being tied to land, such as social security payments. This is a problem because land ownership is directly related to benefits. The same case exists in Telangana as well because the majority of programmes are structured so that households can only get benefits if they own the land on which they live. The *pattadar* passbook is the name of the passbook system that Telangana has established for its agricultural community. It used to have a list of individuals who had rights that come with the land, but in an effort to make agricultural land free of litigation, the government started issuing passbooks with only the owner's name on it, and it scrapped criteria like "enjoyer", which had previously allowed people who fell into these categories to also access benefits like crop loans and others, similar to what the *pattadars* were able to do.⁵⁰ The term "enjoyers" refers, for the most part, to members of the *pattadars'* immediate families.

In addition, both the state government and the central government have begun major land surveys to record land and to ensure "clear ownership" in an effort to prevent what the governments view as an abuse of assistance programmes. Telangana now has the Dharani portal, which has digitised the majority of the state's land records based on the survey done from 2017 to 2020.⁵¹ Roughly at the same time, the Union government began its land surveying project titled SVAMITVA: Survey of Villages Abadi and Mapping with Improvised Technology in Village Areas.⁵² Both of these projects are designed to ensure that land records are accurate and accessible.

The purpose of this study is to tour explore two villages, Shamirpet and Pudur in Telangana in order to determine which households are located within the scope of this land regulatory and welfare system setup. Also, to investigate whether or if there is a discernible pattern in the distribution of families. We want to find out whether this placement is based on socio-economic aspects in addition

⁴⁹ Nikhil Rampal, *India's small & marginal farmers have essentially become wage labourers, data shows*, THE PRINT, Oct. 6th, 2021, <https://theprint.in/economy/indias-small-marginal-farmers-have-essentially-become-wage-labourers-data-shows/745390/>.

⁵⁰ L. Venkat Ram Reddy, *Telangana: New land passbooks to name only owner*, DECCAN CHRONICLE, Dec. 1st, 2017, <https://www.deccanchronicle.com/nation/current-affairs/011217/telangana-new-land-passbooks-to-name-only-owner.html>.

⁵¹ M. Rajeev, *Dharani portal | Record of some rights and many wrongs*, THE HINDU, Sept. 29th, 2022, <https://www.thehindu.com/news/national/telangana/record-of-some-rights-and-many-wrongs/article65942396.ece>.

⁵² SVAMITVA Yojna enhanced rural economy's strength, to be implemented at national level: PM Modi, THE HINDU, Oct. 6th, 2021, <https://www.thehindu.com/news/national/svमितva-yojna-enhanced-rural-economy-strength-to-be-implemented-at-national-level-pm-modi/article36854474.ece>.

to the other criteria. Last but not least, we are looking at what we, as law students, might be able to contribute to the issue in the event that assistance is required.

LAW AND POVERTY CLINIC

SUBMITTED TO: Prof. ASHWINI PENDYALA

SUBMITTED BY: PRANJALI MISHRA AND AVIRAL AGRAWAL



NALSAR UNIVERSITY OF LAW, HYDERABAD

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INTRODUCTION & BACKGROUND

The government has an obligation to be responsive to citizen concerns and requests. All matters pertaining to the public are of paramount importance to a proper government. Subsidies, scholarships for students, aid for women who are illiterate, and microcredit for the poorest women in society are only few of the advantages offered by the government of India via its numerous welfare plans and programmes. Until December 2012, government analysis showed that benefits were leaking and taking too long to reach their intended recipients because they had to travel through many middlemen. As a result, government welfare schemes fell short of their goals. Benefits intended for the poor might not be distributed for these and other understandable reasons. The government of India recognised this issue and took action on January 1, 2013 by introducing the Direct Benefit Transfer (DBT) Scheme. The primary goal of this initiative is to provide direct transfers of government subsidies to low-income Indian people. This Direct Benefit Transfer (DBT) initiative was created to facilitate the free flow of Central Government-sponsored financial aid to the intended recipients by linking their Aadhaar numbers to their bank accounts. These programmes range from those that exclusively help women, such the Pradhan Mantri Ujjwala Yojana and the Pradhan Mantri Matratva Vandana Yojana, to those that help people of both sexes, including the Mahatma Gandhi National Rural Employment Guarantee Scheme and the Krishi Unnati Yojana. The researchers had started this project with a view to examine the awareness level of two agriculture specific schemes i.e. Rythu Bandhu Scheme and PM-KISAN scheme in Shamirpet and Pudur villages, but while talking to the people in these villages, the researchers got to know about the constraints that women in general face while availing the benefits of these schemes. Hence, they decided to study the kind of financial constraints women face while availing the DBT benefits through secondary sources.

Putting women in charge of their own money, and in especially their DBTs, may have far-reaching effects on not just their own lives but also those of their loved ones and the larger community. As a result of receiving training on how to use their accounts and having them linked to their DBT entitlements, women, especially those who may be relatively less empowered in their households, are more likely to enter the labour force, be more financially active, and experience higher physical mobility.[1] Data from India's Periodic Labour Force Survey (2017-2018) reveals shockingly high unemployment rates, especially for women, making it all the more important to emphasise the correlation between DBTs and women's labour force participation.[2]

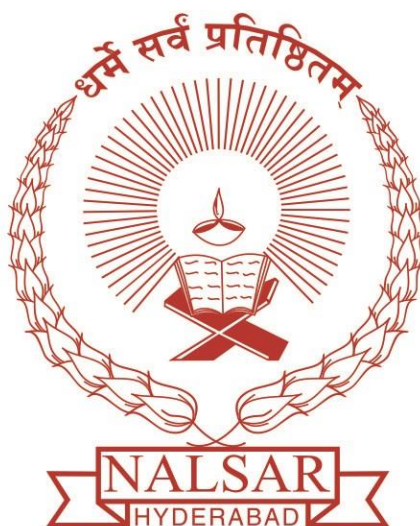
Women are far less likely to use and access their bank accounts than males are, therefore they will be systematically excluded from the potential good effects of state-initiated transfers in the rapidly expanding environment of DBT payments. Since women face more economic barriers than men do, the gender gap in financial inclusion has the potential to worsen their situation if not addressed. There is an immediate need for a more in-depth examination of the incentives of public and private sector financial services providers' (FSPs) and their constraints in adapting to and addressing the barriers that women face in order to enable women to control their own money in a way that is convenient, affordable, and reliable. Male account holders in India made up 59% of all account holders in 2017, while female account holders made up 48%, as shown by statistics from FII. The gender difference widens when it comes to more complex applications, such as digital payments, when 42% of male account owners and 29% of female account owners respectively make digital payments. [3] To help women in India feel more financially independent, policymakers should take into account the multiplicity of barriers they confront while designing programmes and services for them.

This paper is divided into three major sections. First section talks about the implementation and challenges of various DBT schemes in India. The second section of the paper talks about the constraints that women face while availing the benefits of DBT schemes. Then, in the end the paper talks about the key observations that the researchers had made after conducting the research survey.

WRITTEN SUBMISSION

LAW AND POVERTY CLINIC

SECONDARY EDUCATION IN RURAL INDIA



PRESENTED TO: MR. ASHWINI KUMAR PENDYALA

FACULTY AND INSTRUCTOR

LAW AND POVERTY CLINIC

By: ARJUN NAYYAR

YEAR IV, B.A., LL.B. (HONS.)

(2019-5LLB-66)

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INTRODUCTION

This paper serves a dual purpose: it is a collation of the findings of our group, and a reflection paper on my individual experience as a part of the exercise. I also attempt to attach the collected data and accounts from interviews to the policies adopted by the State of Telangana, and comment on their effectiveness. Given the small sample space of the two villages of Shamirpet and Pudur, it is not possible to draw a holistic view of the on-ground reality. Therefore, I also rely on and discusses papers and research from scholars in the field.

The topic chosen (secondary education in rural India) is so because we felt it to be the most relevant as a measure and a requirement for development. Not only would an increase in secondary education imply greater development and success, it would also allow us to gauge how effective policies of the local government are in promoting education. While primary education is a legal mandate and we found all students and families interviewed having completed the same, we expected a different outcome for secondary education, especially for children over the age of 14. The same is reflected in the few research papers and studies we surveyed before we embarked on our own interviews.

Shamirpet and Pudur were the two villages surveyed for the purpose of this study. Being the most proximate to NALSAR, they offered a convenient and insightful view into the education and life in rural India. We attempted to cover maximum ground by consulting all the schools in the region, and talking to as many individuals as we could: about their own families and the status and situation of education in their respective villages. While there were many interesting and insightful conversations to be had, our prior understanding of the situation was quite incorrect, as would be further discussed in this report.

ACCESS TO FOOD

Subject: Law and Poverty Clinic

Submitted to: Prof. Ashwini Kumar Pendyala



Submitted by:
Harsh Jain
(2019-5LLB-22)

NALSAR UNIVERSITY OF LAW, HYDERABAD

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ABSTRACT

Through our clinic research, we shall aim at engaging in community organizing & empowerment, policy advocacy and most importantly facilitating access to government schemes while at the same time addressing the hindrances that exist.

Objective:

The objective of our research is to understand the functioning of the Public Distribution in the adjoining districts from both the government's and citizen's perspectives, take note of the shortcomings faced by each stakeholder, trace out the lapses in the system and assess how these can be/are being addressed.

The focus of the study:

- The Apex Court and WHO likely have dictated that the acquisition of basic nutrition through the public distribution system (PDS) is a statutory right it is essential for the government to ensure that all the citizens receive a basic level of nutrition.
- The focus of this study would be the access to food and basic nutrition that the people of these village are getting.
- We plan on surveying the villages and identifying other factors which come into play for smooth functioning of the system such as caste, religion and gender amongst others.
- A sub issue we can focus on is the effects of digitalization of the process of granting ration cards and its affect on the accessibility of the system.
- Further, the global COVID-19 pandemic has overwhelmed India's health infrastructure and disrupted the economy. This has increased the levels of malnutrition which paints a worrying picture. In this context, PDS can be all the more important to help vulnerable families tide over the pandemic-induced food insecurity.
- We would also be surveying the implementation of PDS schemes during the pandemic to understand their efficiency and public welfare.

We would also be referring to the following reading to understand the nexus between Poverty alleviation and Public Distribution system.

SANITATION CONDITIONS IN SHAMIRPET AND PUDUR

LAW AND POVERTY CLINIC

SUBMITTED TO:

Prof. Ashwini Kumar Pendyala

SUBMITTED BY:

Sparsh Khosla

Year IV Semester VII

B.A. LL.B. (Hons.) 2019-122



NATIONAL ACADEMY OF LEGAL STUDIES AND RESEARCH (NALSAR)

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INTRODUCTION

The paper is titled “A survey of the sanitation conditions in the villages of Shamirpet and Pudur.”

The reason for engaging with sanitary conditions in our study was to test the veracity of the apparent image of rural areas which has been perpetuated by public opinion and media coverage. The rural people are seen with suspicion as the Urban areas attribute the lack of good sanitation condition to the uncivility and the regressive conduct of the rural population. But most people fail to ascertain the responsibility of the most influential actor in this setting: the state. It is the state’s onus to provide access to public toilets, clean drinking water and good sanitation conditions. This onus was further heightened in light of the Covid-19 pandemic wherein regular bleaching and containment of the spread of the virus had to be ensured.

The methodology of this research paper relies on collection of data for the empirical study and literature review for connecting the status quo with the governmental policies. The scope of the paper relates to analysis of the data which has been collected from both villages. The specific focus of this paper would be the establishment of public toilets and problems of open defecation along with a minor discussion on access to clean drinking water.

LAW AND POVERTY CLINIC

**REPORT ON ROAD SAFETY AND EMERGENCY MEDICAL SERVICES IN
SHAMIRPET**

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FOREWORD

This Report constitutes an addendum to the article on Road Safety in Shamirpet submitted as part of the evaluation for the Law and Poverty Clinic. It comprises of the compilation of annexures containing the transcripts of the surveys and interviews conducted as part of our field visits over the course of the semester. This Report contains the raw material and empirical data upon which analysis was conducted and on the basis of which the accompanying primary article has been prepared. The relevant details of the interviews along with the date of interview have been provided along with the transcripts. The interviews with the villagers, due to the size of the tabulations, have been attached as separate Excel sheets. The annexures have been arranged in the order of chronology, from the general to the specific, starting with the survey of the villagers in Shamirpet and Pudur, the auto drivers outside the college, doctors from the Primary Health Care Centre in Shamirpet, doctors from Gandhi Hospital and MediCiti, and concluding with the interview of the police officers at Shamirpet and the DGP (Road Safety). While every effort has been made to ensure the accuracy of the information transmitted, there is the possibility of some discrepancies due to translation. There may also be ambiguities in certain areas due to differences in accents, dialects and use of slang and local language, which might hold different meanings to the interviewers and interviewees. These factors aside, the interviewers have tried to ensure that the information provided has been conveyed in a succinct and precise manner that is easily understandable to the reader, and best represents the data that we have gathered. For the sake of convenience, the responses to the survey conducted amongst the villagers have been tabulated, while the other interviews have been presented in a question-and-answer form. Any comments or notes made by the interviewers have been separately highlighted.

LAW AND POVERTY CLINIC – REPORT

**ACCESS TO HEALTHCARE IN RURAL AREAS –
AN EMPIRICAL STUDY IN SHAMIRPET AND PUDUR,
TELANGANA**



SUBMITTED TO:

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SUBMITTED BY:

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RESEARCH AIM AND METHODOLOGY

Our study covered two villages in the Medchal-Malkajgiri District near Hyderabad, Telangana. We surveyed an equal number of people from Shamirpet and Pudur that are 9.2 kilometres apart. Both villages had a similar demography, but with differential access to healthcare. Shamirpet village houses a government PHC, while Pudur does not have one. The nearest hospitals are the Community Health Centre in Medchal and Mediciti in Medchal, a private hospital. We aimed at assessing the sufficiency of the primary health services in the two villages by assessing the Shamirpet PHC and other private options, identifying problems and providing recommendations for how the gap between the guidelines and practice can be bridged.

We prepared and used a standard questionnaire for all the interviews.⁵³ The questions we asked also corresponded to the Guidelines for Primary Health Centres, allowing us to draw parallels and comparisons vis-à-vis Governmental standards. The primary language of the interviews was Telugu. The questions were then adapted and more were added according to the economic background of the subject. We made a concerted effort to approach people from diverse economic backgrounds. The subjects surveyed are a mix of local shopkeepers, shop owners, fruit stall vendors, housewives, people employed in the organised and unorganised sectors etc. Our purpose while conducting these interviews was also to understand the level of community involvement in ensuring the availability of effective primary health care in their villages.

⁵³ Appendix 1: Survey Questionnaire, p. i.

**SOCIO – LEGAL ANALYSIS OF ALCOHOL ABUSE AND CONSUMPTION PATTERNS IN SHAMIRPET,
TELANGANA**

Project Type: Clinic Report

Subject: Law and Poverty Clinic

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IV Year, VIII Semester

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INTRODUCTION

‘*Consumption of illicit liquor is a social disease*’ which ‘has to be eradicated’—this is how Mamata Banerjee, the Chief Minister of the state of West Bengal in India, reacted to the death of over 140 people in 2011 caused by drinking contaminated home-made spirits in the South 24 Parganas district of West Bengal. Despite several measures taken by the state government, alcohol use continues to rise, especially in rural villages in India. The 32nd World Health Assembly declared that ‘problems related to alcohol and particularly to its excessive consumption rank among the world's major public health problems and constitute serious hazards for human health, welfare and life’.⁵⁴ In 2012, 139 million disability-adjusted life years, or 5.1% of the global burden of disease and injury, were attributable to alcohol consumption.⁵⁵ Chronic diseases, such as cancer of the mouth, oesophagus and larynx, liver cirrhosis and pancreatitis; social consequences such as road-traffic accidents, workplace-related problems, family and domestic problems and interpersonal violence, have been receiving more attention in recent years.

Many people with Alcohol Use Disorders in low and middle-income countries such as India remain untreated because they first seek help for early alcohol use-related problems from untrained primary health care providers.⁵⁶ Thus, alcohol use-related problems begin to be addressed when they are already severe and difficult to treat. Furthermore, secondary prevention in earlier stages of drinking problems is virtually non-existent. Despite the public health crisis alcoholism represents, there is inadequate recognition of alcohol abuse as a public health issue. While the Government has taken initiatives to curb the menace of alcoholism, the problem remains undisturbed in the rural areas of India. Through this research, the researchers aim to analyse the issues relating to alcohol abuse in Shamirpet, Telangana and the legal policies and schemes linked to the problem. Telangana stands at the top among all the southern states when it comes to consumption of alcohol. According to statistics of the Union ministry of health, 53.9% of men and 8.8 percent of women across Telangana consume alcohol.

The official data reveals that the consumption of alcohol in most states is higher in rural areas than in cities and towns. In Telangana 46.0 % men in rural areas consume alcohol as against 61.2 % in urban areas. In all, 2.7 % per cent of women in rural areas and 14.3 per cent of women in cities and towns consume alcohol.⁵⁷

For the purposes of this study, we interviewed a sample size of 37 carefully screened people over two months. The interviewees hailed from the villages of Shamirpet and Puddur in the Medchal

⁵⁴ World Health Organization. (2007) WHO Expert Committee on Problems Related to Alcohol Consumption. (WHO technical report series; no. 944). Geneva: WHO.

⁵⁵ World Health Organization. (2014) Global Status Report on Alcohol and Health. Geneva: WHO

⁵⁶ Kohn R, Saxena S, Levav I et al. (2004) The treatment gap in mental health care. *Bull World Health Organ* 82:858–66.

⁵⁷ Andhra Pradesh tops smoking and alcohol consumption, Kerala comes in second, THE NEWS MINUTE (2016), <http://www.thenewsminute.com/article/andhra-pradesh-tops-smoking-and-alcohol-consumption-kerala-comes-second-44996> (last visited Apr 18, 2017).

district of Telangana. The sample size contained a diverse range of people of different genders, age groups, religions and occupations. T

The aim of this survey was to carry out an unbiased and diverse study of people from different backgrounds to uncover the common shortcomings and problems in the existing framework for legal protection and medical assistance available to the rural populations of Telangana. The report aims to underscore certain gaps in medical outreach and awareness programs in rural areas that result in the continuing problem of alcohol abuse and its domino effect on other health and sociological problems. This report has diligently followed a doctrinal methodology that comprises of collecting relevant data, comparing existing studies and literature and suggesting programs and policies on the basis of the results arrived.

LAW: JUST AN ENSEMBLE OF WORDS

LABOR LAW CLINIC

SUBMITTED TO: PROF. VASANTHI NIMUSHIKAVI

SUBMITTED BY: ANANYE KRISHNA

2015-5LLB-69

XTH SEMESTER

VTH YEAR



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INTRODUCTION

The primary concern of this paper is to have a look at the functioning of the Telugu Film industry from the perspective of the Light Men who work in the industry. It is from their lived experience that we wish to know about the manner in which employment is managed and the kind of conditions in which the people are working. The concerned light men are a part of one of the 24 crafts which have been recognized in the industry and they form a separate union of their own. The union itself becomes very crucial for this study as it is supposed to be the point of connection between the employer and the employee and is supposed to alleviate the distress of the members and ensure an egalitarian form of cooperation between the two.

For a comprehensive understanding of the situation it is very important to understand the legal framework within which the film industry is functioning, and while discussing the law it becomes very important to see how the words of the legislation are translating into action on the ground. Poor implementation is something which has been highlighted at several points in the interaction with the light men and it is something which came up in the interaction with the Producer Ms. Geetha Golla, the CEO of Keva Movies. It was highlighted by Ms. Geetha that the industry functions on its own terms, this is an explicit indicator of the failure of the law and the role which is played by economic power in the functioning of any socio-economic setup. It is in this context that we need to have a look at the existing legal framework in order to understand its application and where it is falling short.

One important aspect of the legal framework for this paper would be the way in which Trade Unions function and what are the deficiencies present in the existing law when it comes to democratic functioning and the duty to work for the welfare of the members by way of negotiations and collective bargaining.

The various existing laws which cover or should cover the workers in the cinema industry are Trade Union Act, 1926 Industrial Disputes Act, 1947 Employee Compensation Act, 1923 Employee State Insurance Act, 1948 Employee Provident Fund Act, 1952 Telangana Shops and Establishments act,

1988 Minimum Wages Act, 1948, The Sexual harassment of Women at Workplace (Prevention Prohibition and Redressal) act, 2013, Competition Act 2002 and Cine-workers Act, 1981. Another important legal instrument which one would have liked to look at was the Memorandum of Understanding which is governing the employment of cineworkers, but it was not accessible and hence we rely on what was told to us by the members of the Union.

In this paper an attempt will be made to highlight as to how most of these laws are not being followed and the workers in the cinema industry are being denied all the benefits which are rightfully theirs. The current state of things is leaving no difference between the people who are in the organized sector and the people who are in the unorganized sector, and its not just about the law not being implemented there are also instances where the law is deficient and is incapable of properly taking care of the people. The lacuna in the law is reflective of the fact that the people on privileged posts are not aware of the conditions in which the people are living, they have no idea as to what are their needs and it is enough for them that they are ensuring their survival irrespective of how painful that survival might be in real life.

By way of the laws which have been mentioned above, an attempt will be made to analyse how these laws are supposed to ensure proper wages, working conditions, health benefits and basic dignity amongst other things and how these laws are severely falling short of fulfilling their purpose. In addition to what has been covered by the laws there is also a need to have a look at various aspects which have not been covered by the laws like the need to have accountability within the union, the possibility of social mobility for the members of the union and the lack of democratic functioning of the union.

In order to illustrate and elaborate the aforementioned points the Interview of two members of the Andhra Pradesh And Telangana Lightmen Union will be taken into consideration. The sample size of the study is visibly small and the same could not be extended because of logistical and temporal constraints. Still, the available data provides us with a general understanding of the situation on the ground and on the basis of that we can establish the real effectiveness of the law.

The process to be followed will have the following chronology firstly there will be an illustration as to how all these aforementioned laws are applicable on the workers in the cinema industry which will

form the legal background for the paper. The second part will provide details about the interview, like how the interview was scheduled, what was the objective and where it was held. After the description of the Interview the profiles of the union members will be illustrated. Once the context of the Interview has been settled by way of the last two segments then after that analysis of the excerpts from the interview will start. This analysis will be done by analyzing what has been told to us by the members and will be divided into parts which will cover contract of employment, working conditions, and functioning of trade unions. Intra union dialogue could not be covered as there is only one union for Light Men. While discussing the lived experience of the two members we will have a look at the particular instances which highlight the failures of law and show that Fundamental Principles of Right at Work like Freedom of Association, Right Against Forced Labor and Right Against Discrimination as given by the International Labor Organization¹ are not being followed. The last part

¹ILO Declaration on Fundamental Principles and Rights at Work

<https://www.ilo.org/declaration/lang--en/index.htm>

PRODUCTION ASSISTANTS: CHAMPIONING TO BE CATEGORIZED AS “EMPLOYEE”

LABOR LAW CLINIC

SUBMITTED TO: PROF. VASANTH NIMUSHIKAVI

SUBMITTED BY: ANIRUDH AGRAWAL

2016-5LLB-64

VIIITH SEMESTER

IVTH YEAR



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ABSTRACT

While talking about the Television and Film industry, the set of people who are always excluded are persons like production assistants or junior workers or cameraman the main reason being hierarchical fashion in which this industry functions. While these set of people comprise the backbone of the industry (as an industry can't function without them), but still hardly anyone focuses on their rights and corresponding working conditions. The researcher has focused on these categories of workers with special focus on production assistants to bring forth the working conditions of the workers. The primary source of findings of the project has been through scrupulous interviews conducted of the production assistants.

The basic objective behind the interviews was to find out the living conditions of the production assistants, the nature of contractual arrangements they enter into and the corresponding rights and liabilities attached through such contracts, their relationship with the respective trade union and how democratic and cooperative the unions have been while dealing with the grievances of the production assistants. The researcher has also put special attention on the so-called "unwritten arrangements" between the employer and employee and how the contract is interpreted and enforced by the employer and whether the rights and liabilities of production assistants are confined merely to the written arrangements or the employers are ready to go beyond the arrangements to work in the interest of production assistants.

After contemplating the results of the interviews and on analyzing the findings of the interview, the researcher has decided to divide the paper under the following headings. Under the first part, the researcher shall be focusing on the relevant laws that will be governing the production assistants. For the said purpose, the researcher shall be focusing upon various laws like the Cine Workers Act, 1984, Payment of Gratuity Act, Minimum Wages Act among several other associated laws. In the second part of the paper, the researcher shall be focusing upon discussing the findings of the interviews and what the findings mean for the production assistants and film industry in general. In this part, the focus will also be drawn on the peculiar experiences these workers have with their employers and how negotiating wages and safe working conditions are among the least of priorities for employers. In the third part, the focus will be on analyzing the relations between the production assistants and their respective trade unions. Special attention will be given to how democratic the trade unions have been

while not only enforcing the laws but also while drafting the laws at the very place (by drawing inputs from the interview of production assistants as well as from the interview of Labor Commissioner). The underlying theme of the last part will be to focus on best practices followed around the world including ones followed by international organizations. The focus will also be on the national level legislation of countries like France, South Africa, Spain as to how they sought to regulate their film industry in general and rights of the production assistants in particular.

PRODUCTION ASSISTANTS: SHADOWS BEHIND THE LIGHTS

LABOUR LAW CLINIC

SUBMITTED TO:

PROFESSOR N. VASANTHI

NALSAR UNIVERSITY OF LAW, HYDERABAD

SUBMITTED BY:

TUSHAR OBEROY

B.A. L.L.B. (HONS.)

IV YEAR, VIII SEMESTER

2016-5LLB-57



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1. INTRODUCTION

“The first person on set. The last one to leave. The youngest person on set. The production assistants – also known as PA’s or runners – are the on the lowest pay level of the feature film experience. They get the coffee. They hold the parking spaces in the rain¹.”

Every film, television, and video production will hire a small cadre of production assistants (“PA’s”) to provide catch all assistance wherever it might be needed, whether on the set or in the production office. The job of a production assistant mainly comprises of preparation of food and refreshments on the set, escort actors to and from their trailers, run errands, help load and unload equipment and other jobs like these. These PAs toil throughout the day so that the whole process of film-making runs smoothly and their work and importance is seldom appreciated by anyone. What is even more unfortunate is the minimal protection regarding work conditions as well as social security benefits under the Indian labour law regime.

This paper assesses the labour conditions of production assistants working on the sets of Telangana motion picture industry. Along with the on-set working conditions, the project also delves into an in-detail analysis of the social security benefits like medical care protection, post-retirement benefits. Due to the seasonal nature of employment in the film industry as well as the relatively low-wage rates, the aspect of social security becomes equally important. The paper has also mentioned some recommendations at the end which can potentially alleviate the labour conditions of these production assistants.

PRODUCTION ASSISTANTS: SHADOWS BEHIND THE LIGHTS

LABOUR LAW CLINIC

SUBMITTED TO:

PROFESSOR N. VASANTHI

NALSAR UNIVERSITY OF LAW, HYDERABAD

SUBMITTED BY:

TUSHAR OBEROY

B.A. L.L.B. (HONS.)

IV YEAR, VIII SEMESTER

2016-5LLB-57



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1. INTRODUCTION

“The first person on set. The last one to leave. The youngest person on set. The production assistants – also known as PA’s or runners – are the on the lowest pay level of the feature film experience. They get the coffee. They hold the parking spaces in the rain².”

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Research Methodology:

The primary aim of this project is to gauge the employment conditions of “production assistants” working in the Telangana motion picture industry and investigate how well are they covered under the Indian labour law framework.

In order to gain an insight into the aforementioned research aim, semi-structured interviews of two PA s were conducted. The researcher was able to contact and meet the interviewees through their contact details shared by KEVA Movies, which is a production house based out of Hyderabad. The interviewees consented to recording of their interviews and the same have been recorded by the researcher. The researcher faced language barrier in conducting the

² Job Description of a Production Assistant,
Available at: <http://www.hollywoodpa.com/subpages/productionoffice/filmglossary/crewpositions.html>

interview as the interviewees were proficient only in Telugu and the same was resolved by way of an interpreter.

Further, along with analyzing various Indian labour legislations, the researcher has also relied upon secondary research materials including newspaper reports for the purpose of this paper.

Submitted to: Prof. N. Vasanthi
Course Instructor, Labour Law Clinic



Submitted by:
Abhay Raj Singh Bundela
2015-5LLB-62
X Semester, V Year
National Academy of Legal Studies and

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INTRODUCTION

Telugu Film Industry (“**Tollywood**”) is one of the major segments of cinema production in India. It is based in the ‘Film Nagar’ locality of Hyderabad and produces motion pictures in Telugu language, which is prominently spoken in the States of Telangana and Andhra Pradesh. Tollywood has been running as a largely unregulated industry since its inception. The demand for its regulation has resurfaced in the wake of #MeToo movement in Tollywood. It all started with the allegation of rampant prevalence of “casting couch” culture in the Tollywood Industry. Protests from women rights associations made the state government to set-up a high-level committee to inquire into the issues of sexual harassment in Tollywood and make recommendations to the government.³ A sub-committee was also formed to look at the structure of the industry and analyse the efficacy of the existing legal framework in governing the industry and the need of new laws and reforms for efficient regulation of the industry.⁴ Prof. N. Vasanthi, a member of the high-level committee, decided to take a clinic on Labour Law in the Telugu Film Industry to provide the students at NALSAR an opportunity to study the legal framework, interact with the stakeholders, and contribute to the larger objective of understanding the labour regulations that govern the film industry, analyzing their efficacy on ground level, and coming up with suitable recommendations.

It was decided to allocate work between different student groups in order to cover major regulations governing the industry. While some students were asked to look at regulations pertaining to prevention of sexual harassment at workplace, others were asked to look at it from the perspective of trade unions, child labour, rights and duties of producers as well as the cine workers etc. My group was entrusted with the task of looking at the trade union regulations and studying the ground level implementation of various labour law regulations by interviewing members of the Lightmen Union of Tollywood. Throughout the course of previous year, we have studied several labour law regulations applicable to the industry, worked on the field and interacted with a Producer, an NGOs, trade union members and the Labour Commissioner.

³ News, C. and News, H., 2020. *Panel To Check Harassment Of Women In Film Industry Formed | Hyderabad News - Times Of India*. [online] The Times of India. Available at: <<https://timesofindia.indiatimes.com/city/hyderabad/panel-to-check-harassment-of-women-in-film-industry-formed/articleshow/68913656.cms>> [Accessed 5 April 2020].

⁴ Committee to analyse, d., 2020. *Committee To Analyse, Define ‘Scope’ Of Telugu Film Industry*. [online] The New Indian Express. Available at: <<https://www.newindianexpress.com/cities/hyderabad/2019/jul/06/committee-to-analyse-define-scope-of-telugu-film-industry-2000208.html>> [Accessed 5 April 2020].

Telugu Film Chamber of Commerce (“**TFCC**”), a society established in 1979, is recognized as the ‘sole representative body’ of the Tollywood.⁵ A total of 24 craft councils are involved in the making of a movie and most of them have their dedicated trade unions. These trade unions provide labour force to the production houses by entering into MoU with TFCC. Through this paper, the researcher shall look into the unbridled authority commanded by the film makers who run the film industry on their own terms, without giving much consideration to the prevailing laws and regulations. The extent of power imbalance in the industry can be understood by the fact the labour force in the industry do not even have the protection of a formal written agreement to govern their employment conditions. This extraordinary power imbalance in the industry has resulted in invisibilisation of the voices of labour who make the production of a film possible. This lawless structure has been achieved by denial of statutory protections owing to absence of a formal agreement, by weakening of labour trade unions by way of bureaucratization and corruption, and by way of inculcating a culture of ‘settling’ all matters, including matters of sexual abuse, ‘internally’. As it stands now, the Tollywood industry fares poorly on fundamental principles of International Labour Organization (“**ILO**”), viz. Freedom of Association and the right to collective bargaining, abolition of forced labour and child labour, and the right against discrimination at work.

In this paper, the researcher shall first discuss the broad legal framework which is applicable to the Telugu Film industry, and then elaborate upon the interviews conducted as a part of field work to understand the functioning of the industry. The researcher shall also analyse the law in contrast with the findings of our field work to show how the omnipotent employers in the industry exploit their labour by avoiding application of relevant laws and by weakening the trade unions. While the sample size of our survey is too small to draw any conclusive findings, it will certainly help us in understanding the difference between the law on paper and its implementation on the ground level. In the last part of the paper, the researcher shall conclude with his concluding observations of study and the way forward.

⁵ Apfilmchamber.com. 2020. *Telugu Film Chamber Of Commerce - TFCC*. [online] Available at: <<http://apfilmchamber.com/AboutUs.aspx>> [Accessed 5 April 2020].

**Between Informalities and Formalization: The Telugu Film Industry in
Context of India's Labour Law Regime**

Labour Law Clinic Elective

Submitted To: Prof. N. Vasanthi

Submitted By: Mohneesh Rai

V Year, X Semester

2015-5LLB-92



**NATIONAL ACADEMY OF LEGAL STUDIES AND RESEARCH
UNIVERSITY OF LAW (NALSAR), HYDERABAD**

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INTRODUCTION

The primary objective of this paper is to analyse the working conditions and the ground realities experienced by the lightmen employed in the Telugu Film Industry, from the point of view of the enactment and the implementation of labour laws including but not restricted to the Trade Unions Act, 1926, the Industrial Disputes Act, 1947 and the Cine Workers Act, 1981. At the very outset of this paper, the Researcher has analysed the various labour laws relevant for the fulfilment of the objectives of the paper, more specifically in order to create a legal background against which the realities faced by the lightmen can be tested.

The legal background provides with some important criteria which were subsequently used as the basis for preparing the questionnaire for conducting the interviews of two members of the Andhra Pradesh and Telangana Lightmen Union. It brought into fore various concepts such as the formation of trade unions, their membership and functions, the essentiality of written agreements of employment, the importance of dispute resolution and the relevance of collective bargaining etc. In addition to this, it also provided a pertinent metric for the identification of factors such as a suitable working environment, adequate wages and employment benefits and appropriate means for grievance redressal in cases of sexual harassment.

On the basis of the questionnaire prepared, interviews of two members of the lightmen union were conducted by the Researcher and his teammates wherein it was found that there is an extremely poor implementation of law, which has resulted in huge inadequacies being faced by the members of the lightmen union, particularly in terms of working conditions, wages and other employment benefits. The fact of such deficiencies in the implementation of law and furthermore, owing to the loopholes in the language of the statutes themselves, the employers in the Telugu Film Industry have thus far been able to exploit the employees (lightmen in this case) to the extent that they have been able to deny them of their basic employment rights and benefits. Furthermore, the Telugu Film Industry not only maintains an informal network for providing jobs but also uses informal means to hire the workers (lightmen in this case) and to mediate between the employers and the employees. This level of informality and irregularity has resulted in rights of the lightmen being curtailed and has left them for the worse.

The fact that the Telugu Film Industry operates without much tangible influence of the existing legal framework not only highlights the ineffectiveness of the laws in themselves but

also the various constituents that are born out of them. In other words, the entire aspect of trade unions acting a medium of negotiation between the employers and the employees and working for the welfare and protection of interests of the latter gets diluted and to some extent defeated in such situations. This becomes more articulate when viewed from the perspective of the level of democratic functioning of trade unions and their ability to collectively bargain for securing and promoting the rights of their members. In the present scenario, the lack of a strong trade union, having some influence in negotiating employment on beneficial terms for its members is clearly discernible from the denial of rights to members of the lightmen union and the state of their utter vexation that has arisen from it.

The paper has been divided into different parts. The first part lays down the legal framework which would act as the basis for analysing the interviews. The second part provides the profiles of the interviewees and their responses to the questions put forth by the Researcher and his teammates. The third part deals with the analysis of the responses on the basis of various heads such as working conditions, contract of employment, democratization and bureaucratization and social dialogue etc. The fourth and the concluding part will focus on highlighting the way forward in the form of best practices and some suggestions from the Researcher's side. Furthermore, these issues would be analysed from the perspectives of formalization and recognition.



**RIGHTS OF CHILD ARTISTS IN THE TELGU FILM & TV INDUSTRY: A CRITICAL
LEGAL ANALYSIS**

LABOR LAW CLINIC STUDY REPORT

SUBMITTED TO:

DR.N. VASANTHI

PROFESSOR

NALSAR, HYDERABAD

SUBMITTED BY:

SHEIKH SULTAN AADIL HUQUE

ROLL No: 19LLMPHD03

2ND SEMESTER, INTEGRATED LLMPHD-1

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Introduction

Child actors are regularly exposed to unsuitable, dangerous conditions while working in the entertainment industry. Whether in daily soap operas or reality shows, children are subjected to hazardous situations where they have to handle emotional and physical stress. In the absence of a dedicated monitoring mechanism, there is every likelihood of child actors being exploited when it comes to the number of hours worked per day, and short-changed in terms of educational and safety provisions. The issue of child labour or concerns over the participation of child actors in Indian Television industry has existed since long. This paper via both doctrinal and non-doctrinal interview-based methodology tries to ponder upon the following issues and objectives:

- How there is lack of awareness with regard to existing Regulations & Compliance Mechanism.
- What are the various practical problems that are being faced by the child artist in the film industry, like in terms of working hours, remuneration, grievance redressal, basic facilities like food, emergency care, safety, hygiene etc.
- Whether the existing Policy & Legal Safeguards are efficient enough to ensure rights of Child Artists?
- How there is an immediate need to take a look into the matter strictly & what are the various loopholes in the existing Policy & Legal Safeguards?
- The role of social dialogue especially through various stake holders like Artist Union, Producers, Child Rights NGOs & State Agencies like CWC plays a crucial role in preventing worst form of Child Labor in the TV & Film industry and can ensure the best interest of Child Artists.
- Paper also attempts to study some of the best practices followed in other Jurisdictions like USA with regard to Child artists and how they same can be studied and adopted as per our Legal and Industry scenario.
- Lastly the paper will look into some of the major legal policy reforms related recommendations in order to strengthen the rights of child artist and to prevent their exploitation.



LABOUR LAW CLINIC: FINAL REPORT

Subject:

Labour Law Clinic

Submitted to:

Prof. Vasanthi Nimushaka

Submitted by:

V. Sraavya Rajasri Kumar
B.A. LL.B. (HONS.) 2016-66



NATIONAL ACADEMY OF LEGAL STUDIES AND RESEARCH (NALSAR) UNIVERSITY OF LAW
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INTRODUCTION

Film Industries present an interesting arena to study the implementation of Labour Laws in the country. This is due to the sheer amount of workforce involved in the making of such a prolific sector. There is also a very apparent hierarchy when it comes to economic and social standings within the workforce too, the glamorous aspect of the industry is pretty much familiar to everyone with facets like celebrities and their star power. However, the other skilled and unskilled workmen are more often than not vary to such spotlight. Such a scenario brings in the aspect of responsibility of those at the higher end of the line against the rights of those at the shorter end of the stick. The Tollywood Film Industry is in fact a bit distinct from Bollywood in the sense of the inner functioning of the industry. A lot of informal networks and connections are relied upon and there is no set order or schedule to get the required skilled and unskilled labour on sets. An article describing the industry states that Tollywood is a one-stop movie factory. All a producer needs is a script. A film can then be shot, edited, mixed and made ready for release. *“Should you need extras, catering, lights or generators, all are available and there is no end of scenery and props, from temples to horses –real and plastic – and photographs of India’s prime ministers in the prop shop.”*⁶ Furthermore, a lot of

⁶ Hyderabad’s Hollywood, Independent, Available at: <https://www.independent.co.uk/arts-entertainment/films/features/hyderabad-tollywood-inside-the-worlds-biggest-film-studio-complex-a6677486.html>

LABOUR LAW AND THE TELUGU FILM INDUSTRY

INEFFICIENT RIGIDITIES OR CONVENIENT IGNORANCE?



TRACK:

LABOUR LAW CLINIC

SUBMITTED BY:

HARSEERAT KAUR

YEAR IV SEMESTER VIII

2016-5LLB-78

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I. INTRODUCTION

Although the issue (sexual harassment) that initially prompted the discussion that led to the creation of this research project is certainly not unique to the Telugu film industry (a fact that one of the interviewees emphatically highlighted), it serves as an excellent example of the effect that legislations seem to be having on the industry. The field work and the theoretical research, carried out over a period of twelve months showed that a lot of well-intentioned labour legislations, in spite of appearing to make welcome improvements to the lives and working conditions of workers on paper, seldom added that value in reality.

The industrial relations in the sector are quite complex. There are both horizontal and vertical accumulations of power. Although, the industry is growing, a limited number of well-networked and powerful individuals control film distribution, releases and consequently the futures of actors. Familial networks and social capital play a vital role in establishing individuals within the field as well as creating a more seamless workflow.⁶ The author interviewed industry insiders to find out more detailed demographical information about the composition of producers as a class. While producers lend their expertise to the business side of cinematographic productions, they get to call the shots on the creative side as well. There are several individuals and organizations involved at various

work agreements are non-contractual in nature and based more on the lines of social connections and managerial skills.

Directors play a very integral role in any film production. One could say that they hold the core managerial role in a production team. The duty of giving a direction and accountability to the utilization of the budget can be associated with various responsibilities and duties, including the

stages in the production process, and producers have to negotiate with all the players. Additionally, as has already been amply discussed in class, producers are not always at the top of the food chain. Even in cases where there are third party financiers, the producers tend to make the decisions.

Most of the framework labour law legislations assessed do not give a clear idea of who would be an employer in the context of the film industry. Even the new codes focus on expanding the scope of definition for employees.

While a large chunk of the problems that workers in the Telugu Film Industry face stem from theoretical issues, the response to the same must be grounded in reality. The role that power structures play in the regulation of labour in the industry is also extremely important as the individuals at the 'perimeters' of the industry bear the brunt of its collective exclusion and work conditions. The diffusion of responsibility both structural (for instance through the highly divided roles that the Guild, the FCC and the Producers' Council play) as well as functional (the role that each 'cog in the wheel of production' plays) serves as a starting point for the discussion.

Secondly, producers claim that efficiency is the glue that holds the industry and the workforce of a project together (a narrative which places the demands of the workforce at odds with both the interests of the producers and more insidiously, the interests of the greater good). The inefficacy of the existing legislations is therefore, similarly explained based on the fact that the imposition of a broad, generalizing threshold is meaningless and inefficient.

A comparative assessment of the legislations that producers adhere to and those that they do not "know of" is also another crucial step that shows us what motivates those at the top to follow the law. (For example, the recent contractual clause in the MoU between the Chambers and the various crafts councils about the hiring of non-union members.)

In the opinion of the author, the solution to these theoretical concerns is two pronged: firstly, to avoid the imposition of generalized standards where they do not benefit anyone; secondly, to make it less efficient for producers to operate outside the confines of protective legislations. While imposing penalties may seem as an obvious first step for the latter, dissemination of information amongst the workers is just as important. This could additionally help reduce the intra-union conflicts of power to a certain extent. Another way to achieve this could be to have additional regulatory steps for professionals involved in the making of a film.

accountability towards the staff working under their supervision. Through this paper the researcher aims to gauge the various duties of the director with respect to the various laws at hand and specifically the Occupational Health and Safety Code. Additionally, there has also been an attempt to study the existing patterns of sexual harassment within the industry and the gendered attitudes present within the industry.

QUESTIONNAIRE FOR NON-MEMBERS

Personal Information

[The objective of this section is to not only grant a certain sense of credibility to the survey but also to help in understanding the position and growth of an individual in the film industry, which in many ways, is often a factor of his/her caste, regional affiliation, gender, and educational qualification, etc. In this particular survey, collection of personal details becomes all the more important as the individual subjects are not members of any trade unions and hence, such details help us in building a profile which can be differentiated from individuals who are members of trade unions, most importantly in terms of employment contracts, work conditions, disputes, and grievance redressal.]

Name

Age

Gender

Marital Status (Children, if Any)

Caste

Native Place

Education

Years in the Profession

Existence and the Non-Existence of Contract

[The existence or non-existence of a contract of employment is vital in terms of creating certain rights and obligations upon the employer and the employees. Furthermore, in specific cases of individual subjects who are non-members, the existence or non-existence of a contract is important as it not only provides for details related to work hours, work conditions, wages, and employment benefits but also provides for resolution procedures in the events of any dispute. This is because non-members do not have the support of an entire trade union behind them and hence, employment contracts are in a sense the sole criteria for determining their bargaining capacity before their employers. The aim of this section is to gain an idea about the kinds of benefits available to non-members and if there are any distinctions in such benefits vis-à-vis members of trade unions.]

1. Is there a written agreement that defines the terms of your employment? Also, did you have any say when the terms of your employment were being drafted?

2. Do you find a substantial difference in your work conditions and that of union members? For instance, among the following benefits, which ones are available to you:
 - a. Negotiable Work Hours
 - b. Negotiable Wages
 - c. Toilets at Work Place
 - d. Canteens and Fixed Lunch Hours
 - e. First Aid and other Medical Benefits
 - f. Transportation Facility
 - g. Insurance and Workers' Compensation

Methods of Negotiations

[The focus of this section of the questionnaire rests upon the idea of power dynamics that exist between the employer and the employees and the various methods for dispute resolution available to them. The presence of stipulations in employment contracts that provide for dispute resolution mechanisms is vital in safeguarding the interests of an employee who generally stands in a subservient position vis-à-vis his/her employer. Our survey deals with non-members who are at a more disadvantageous position as they lack the benefits of collective bargaining that members of trade unions possess. Hence, the existence of formally agreed dispute resolution mechanisms is crucial for them and this section particular focuses on ascertaining such mechanisms and their invocation by non-members.]

1. What are the methods of negotiation available in cases of disputes with the employer?
Is there scope for informal settlement of disputes or does the contract provide for procedures related to dispute resolution?
2. How easily, on a scale of 1-5 (1 being easiest), are your grievances redressed on issues like:
 - a. Work Conditions
 - b. Work Hours
 - c. Wages
 - d. Insurance and Compensation
 - e. Employee Health and Safety
3. Are you directly able to approach the employer with respect to your grievances or is there an intermediary involved?

4. How do you deal with issues related to unreleased films? Is there any scope for seeking compensation in such cases?

Bureaucratization of Trade Unions

[Bureaucratization of trade unions refers to incidents where the office bearers of trade unions tend to focus upon maximizing their personal gains and fulfilling their interests instead of working for all the members of the union. This involves a rigid structure in the union, where the executive body deliberately avoids the mobilization of the union for the benefits of the workers and tries to disregard the democratic aspect in the functioning of the union. This is also harmful in cases where certain individuals or groups are prevented from becoming members of the trade union, which is the focus of this section of the questionnaire.]

1. How long have you been in the industry?
2. On a scale of 1-5 (1 being least difficult) how difficult is it to find employment at places where most of the employees are union members?
3. Were you at any point in your professional life a part of a trade union?
4. Did you voluntarily choose to stay out of trade unions or were you forced to do the same because of external factors?
5. If you did want to join a trade union, did it matter if you are from a different region/district/state?

This is an academic exercise being conducted by NALSAR University of Law, Hyderabad as a part of a labour law course. The purpose of this course is to understand the labour regulations that govern the film industry and what kind of practices are followed by the industry. It also aims to understand the nuances of sexual harassment in the industry and to understand how such complaints are dealt with in the industry.

The interviewer is a fourth-year law student at NALSAR University of Law.

QUESTIONS -

Basic Information

1. Name:
2. Age:
3. Gender:
4. Profession:
5. Marital Status:
6. Children (if any):
7. Family Background:
8. Education:

Existence /Non-Existence of Contract

1. When it comes to employment opportunities, are you free to contract with the person of your choice?
2. When you work in a makeup crew for an actor, do you sign any contract?
3. If yes, whom do you contract with? Is it the actor?
4. Is your trade union involved in this contract?
5. What are the terms that are negotiable in such contracts (in terms of wages, benefits, working hours, etc.)
6. If no, do you have a pre-decided salary and working hours? Are your wages fixed by the Union?
7. In case there is a breach in the contract, how is it dealt with? Does it ever become a legal battle or are such disputes resolved internally?
8. Do you face a delay in payments being made to you? Have there been instances where you did not receive any payment for your work?
9. When you are hired by the producer themselves for a particular film – do you have written contracts with the producers?
10. How does the hiring process for a particular film work?
11. When you are a part of a team of makeup artists working for an actor, do you observe any hierarchy in the team? Who controls and steers the team?

Methods of Negotiation

1. When there are disputes between the member and a third party on the set (eg – producer, director, other technicians, etc.) then is there a mechanism within the Union to resolve such dispute?

2. Recently there has been a lot of talk about sexual harassment in the film industry, do you believe that this is true for the Telugu film industry as well?
3. In the past, has there been any instance of such harassment at your workplace? Do you know how it was dealt with?
4. Within the makeup artistes whenever there is an instance of sexual harassment, how is it dealt with? Do such instances get report to the Union or any other body?
5. If a complaint comes forward does the Union – a) Provide financial support b) Provide for dispute resolution mechanisms 3) Both 4) Neither
6. Are there any formal mechanisms within the industry which can be approached to file formal complaints against sexual harassment?
7. Has there been loss of employment for the complainant due to issues surrounding sexual harassment?
8. If there is a mechanism in place then are there any actions taken against the guilty party?

Bureaucratization of Trade Unions

1. When did you become a part of the union? Was it right when you started practicing?
2. Have you worked on projects independently (without seeking employment through the Union)? Are you allowed to take up projects independently?
3. What is the procedure that you need to follow to obtain membership in the Trade Union? Did you face difficulty to obtain the same?
4. Is there an eligibility criterion to become a member? If yes, what does it consist of?
5. Does the Union provide any guarantee of work to its members?
6. Does the Union Constitution have any clause that prevents female makeup artists from becoming members of the Union?
7. Does the Union have domicile requirements for its members?
8. Are there any restrictions put on you by the Union? If yes, is it mandatory that you abide by them?
9. If a producer wants to approach the Union to recruit makeup artistes, how do they go about the process of hiring? Whom do they approach?

Social Dialogue and Union Structure

1. Did you face any issues in terms of entry into the profession or to find employment when you started practicing?
2. How are the rules framed by the Union? What are the key considerations for framing such rules?
3. On a scale of 1 to 5, 1 being the most bargained, among the following which has more prominence in Union bargaining: 1. Wages. 2. Workspace Compensation. 3. Non-wage Pecuniary Benefits 4. Others
4. On a scale of 1-5, 1 being the most difficult, how easy is it to raise questions in union meetings?
5. Are you allowed to work if you are not a part of the Union?
6. Within the Union, on a scale of 1 to 5 with 1 being the most difficult, how likely is it that your concerns are taken into account while making decisions?

7. Does the Union provide for any compensation or assistance in case there are any work-related injuries or loss suffered by you? If yes, do you believe the compensation is adequate? If no, do you believe that such compensation should be provided?
8. On the set, how are makeup artistes generally treated by the other artistes and employees present?
9. How are decisions taken within the Union? Are you informed and consulted regarding such decisions?
10. As a woman, do you face any specific difficulties in finding meaningful employment in the Industry?
11. As a man, do you face any specific issue while seeking meaningful employment in the Industry?
12. I have read that many Telugu actors have been recruiting makeup teams from Mumbai these days. Is this true? Has this put many people in the Union out of work?
13. As a female makeup artist have you been subjected to any differential treatment at your workplace?
14. When there is a dispute between members of the Union, how is it resolved by the Union?

Labour Law clinic: focusing on the Telugu Film and Television Industry

Course Instructors: N.Vasanthi and Prakhar Ganguly

The Labour Law Clinic will look at improving access to minimum standards at work for those who are associated with the Telugu Film and Television Industry. The Film and Television Industry is a part of the organized-unorganized continuum of labour in India. Several parts of the industry are highly organized marked by easy access to capital, state and enjoying the protection of labour laws while many sections of the industry are highly unregulated and marked by the lack of minimum standards at work and poor protection of the law. Both of them are part of the same industry and are mutually reinforcing. The work will involve a review of the existing laws in the industry and the status of their implementation, the challenges in their implementation and suggestions for improving access to workplace rights. The method will be legal research and policy formulation as well as an appeal to the State to frame suitable regulation.

Students of the IV and V year are enrolled in the Clinic and are working on completing the work by April 2020. The students have carried out a critique of the existing legislation and have conducted interviews with various stake holders in the industry. The students are preparing to present their findings in a workshop in April to the stake holders in the industry.

Social Dialogue in the Telugu Film Industry: Combatting Detachment between the Government and Stakeholders

Submitted By: Vishesh Bhatia

Roll Number: 2015-5LLB-55

Fifth Year – Second Semester (Section B)



Submitted To: Professor N. Vasanthi & Professor Prakhar Ganguly

Project Type: Final Paper

Subject: Labour Law Elective Clinic

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INTRODUCTION:

The purpose of this paper is to examine the operation of social dialogue in the Telugu Film Industry. Social dialogue, as defined by the International Labour Organization (“ILO”) refers to any and every method through which information is exchanged amongst stakeholders in an industry. Though the composition of stakeholders in industries can vary widely, the ILO broadly splits them into three groups: the government, employers and workers.⁷ Social dialogue can be carried out through a very wide variety of methods, ranging from formal tripartite consultations under established institutions, to informal consultations amongst stakeholders on an ad hoc basis.

Thus, this paper shall examine if and how social dialogue has played out in the Telugu film industry. The Telugu film industry is characterized by extreme public opacity; there is scarce information publicly available on labour issues in the industry, and individuals working in the industry seem extremely reticent from publicly sharing their views. It is also very informally organized, as a result of which individual members of the industry, particularly those in low-income roles, seem unaware of the overall operation of the industry itself. Thus, the many interviews set up under this clinic have aimed to diminish this opacity.

In the pursuit of the objective of highlighting and proposing solutions to the labour law issues relating to social dialogue in the Telugu film industry, this paper shall follow a multi-pronged approach. First, the context within which the clinic was conducted and the methodology of research employed shall be provided. Second, the paper shall highlight the relevant international and domestic legal frameworks, to provide a background against which social dialogue in the industry can be examined. Third, it shall examine how attempts at ensuring social dialogue in the industry have played out in the Telugu film industry. Fourth, it shall examine what problems may be gleaned from practice in the Telugu industry, and shall put forth recommendations as to how these problems may be rectified. Finally, it shall conclude by summarizing the overall observations of the paper.

⁷ International Labour Organisation, “Social Dialogue”, [https://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm](https://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang-en/index.htm), Last Accessed 31 May 2020.

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FINAL ASSIGNMENT

**JUNIOR ARTISTES AND THE TELUGU FILM INDUSTRY: WITH SPECIAL FOCUS ON
PREVENTION OF SEXUAL HARASSMENT**

SUBJECT: LABOUR LAW CLINIC

SUBMITTED BY:

MAITREYEE DIXIT

2015-5LLB-17

NALSAR UNIVERSITY OF LAW

HYDERABAD.

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I. INTRODUCTION

The creation of a film requires the labour of an array of workers. While some are more visible and accredited- like the actors, directors and producers- an array of workers including spot-boys, technicians, junior artistes and dancers conduct their work in the background. Though the contribution of many of these workers is rendered 'invisible' due to the social and cultural complexities that mediate their lives, the junior artistes form a special and distinct group. Their invisibility is peculiar, because it exists *despite* their on-screen presence, and this is also the case in the Telugu Film Industry ("TFI"). Junior artistes constitute one of the lowest paid casual workers in the structure of a film. They are viewed as mere 'bodies' – as a passing presence in a crowd- and that is how they have been treated on the sets.

Apart from the absence of basic securities (social and otherwise) and amenities, female junior artistes have shed light on facing rampant sexual harassment in the TFI. Their stories were brought to the public domain in the #MeToo movement, which was triggered by actress Sri Reddy's strip protest in April, 2018 in front of the Telugu Film Chamber of Commerce. She brought to the fore the existence of the pervasive sexual harassment in TFI. Her protest triggered a massive backlash from the male dominated Movie Artists Association ("MAA"), which decided to impose a ban on her. This in turn revealed the culture of silencing those who spoke up against such exploitative processes through career damaging counter-action. It was the harsh reaction of MAA which prompted the National Human Rights Commission ("NHRC") to take cognizance of the situation, and initiate further investigation into the sexual harassment prevalent in the industry. While the conversation was started by Sri Reddy, the movement has largely been led by junior artistes, who came forward with their narratives.¹

The junior artists seemed to own up the protest initiated by Sri Reddy as symbolic of their own struggle for dignity and survival.² While there have been some disagreements with the method she chose³, her larger message was echoed across the TFI. At the cost of their livelihoods, several junior artistes called upon women's groups for support, and spoke about their economic as well as sexual exploitation.

¹ A. Suneetha, Vasudha Nagaraj *et al.* "In Tollywood, the Bottom of the Pyramid is Leading the #MeToo movement", THE WIRE, April 20, 2018, accessible at: <https://thewire.in/women/in-tollywood-the-bottom-of-the-pyramid-is-leading-the-metoo-movement>

² *Id.*

³ Interview.

Consequently, a round-table meeting was convened wherein several cis and transgender women spoke of their consistent sexual harassment at the hands of various cogs of the TFI. They also described the interrelation between their economic vulnerability and sexual exploitation. The structure of the film industry, composed of several coordinators, brokers and managers allows the harassment to take place at every step. These brokers further get to extract a major 'cut' from the pay due to the artistes, causing their further marginalization.

The NHRC, after taking cognizance, issued a notice to the Telangana Government and the Union Ministry of Information and Broadcasting.⁴ The commission demanded that both the bodies present a report on the matter as soon as possible. This action of the NHRC, along with the issue of sexual harassment being raised by the junior artistes, prompted the formation of a High Level Committee to look into certain issues faced by women artistes in the film and television industry. This committee contains 25 members, including those from within the industry, lawyers, activists and police officers.

Apart from this, the Telugu Film Chamber also constituted a Sexual Harassment Redressal Panel ("SHRP") to probe into the complaints filed by female artistes. The Film Chamber also made it mandatory for all production houses to have an Internal Complaints Committee ("ICC"). However, such Committees are often deemed ineffective due to their pro-producer bias, ineffective redressal mechanisms and delay in ensuring some semblance of "justice" to the complainants. So far, not a single complaint has been made to the SHRP, and no production studio apart from Annapurna Studios has set up an ICC.⁵

While female actresses like Sri Reddy still have some social and economic capital to protest publicly, many junior artistes cannot do so. They thus remain one of the most exploited workers of the TFI, but their ordeal is often overlooked.⁶ It is thus necessary to address and analyse the problem of sexual harassment in the TFI, especially concerning junior artistes, and exploring possible solutions. However, this cannot be approached in a vacuum. To have a more complete

⁴ NHRC Press Release "NHRC issues notices to the Government of Telangana and Union Ministry of Information & Broadcasting over reported sexual exploitation of women in Telugu Film Industry and lack of grievance redressal mechanism," April 12, 2018.

⁵ Express News Service, "ICC at Studio might not be able to help everyone", THE NEW INDIAN EXPRESS, APRIL 19, 2019.

⁶ Ranjani Mazumdar, "Invisible work in the Indian Media Industries", 1 Media Industries (2015), accessible at <https://quod.lib.umich.edu/m/mij/15031809.0001.306/-invisible-work-in-the-indian-media-industries?rgn=main;view=fulltext>.

picture of the perpetration of sexual harassment, it is crucial to understand the economic vulnerability which is often capitalized on to demand sexual favours from junior artistes. This necessitates a more holistic enquiry into their position in the TFI.

First, it is necessary to understand the structure of the film industry in order to locate the junior artiste, the idea of a workplace, the obligation holder and the income structure. This will provide an insight into the causes of vulnerability of the junior artistes, which makes them susceptible to sexual exploitation. This will be followed by *second*, a re-imagining of ‘labour’ in the entertainment industry as compared to the shop-floor, which is essential to understand why existing labour law concepts may not sufficiently cover the TFI. *Third*, we shall look at the relevant labour laws covering the TFI followed by *fourth*, understanding the sexual harassment prevalent in the industry and the laws that would apply. *Fifth*, we will turn to Mollywood or the Kerala Film Industry as it is a similar case, and understand the role played by certain groups/stakeholders in that industry to curb sexual harassment. *Sixth*, some recommendations will be made to possibly prevent and resolve disputes relating to sexual harassment in the TFI.

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**STUNTSMEN AND STUNTMASTERS:
THE INVISIBLE WORKFORCE IN
THE FILM INDUSTRY**

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I. INTRODUCTION

The media industry benefits from the creative skills and manual labour of many, including those on the margins. The world of the “invisible workers” includes stunt artists, body doubles, junior artists and spot boys. Their lives remain peripheral to the glitz and glam of the film industry. It is understood that these industries are highly hierarchical in nature with the producers, directors and actors at the top. Further, the work done is also essentially concealed, with their names barely even being mentioned in the subtitles. This makes one question the motivation of a worker to even pursue this job. This is the entry point of the researcher into this category of stunt artists and their masters.

Upon conducting interviews with the stunt artists, and masters, who are a part of the same unions- certain doubts were reaffirmed while certain lived realities were brought to the researcher’s attention. Keeping the theoretical aspects of the law in mind, which seek to provide this category of workers with the safety net provided to workmen in other industries and juxtaposing it with the deficit prevalent in their socio-economic lives, the researcher has decided to divide the paper into three parts.

The first part of the paper will note down the details of the four people that were interviewed. Making this the first segment is a conscious choice as it I will be referring to the findings in the interviews in the subsequent segments.

The second part of the paper is going to deal with the relevant laws that are applicable to this particular category of workers, with a literature review of the theory of Trade Unions, their functioning, and purposes. The latter portion of the first part is essential keeping in. The third part of the paper will attempt to apply the theory to the lived realities of the artists, while highlighting their personal experiences. This will be done by pointing out several issues such as upward mobility, in terms of rising from a stunt artist to becoming a stunt master, further, the lack of safety measures on set, and the attitude of the union leaders and masters (who have closer ties with the leaders) towards the safety of a stunt-artist.

The fourth part of the paper will deal with the recommendations. This part will look at the functioning of laws related to insurance and general safety practices in countries such as the United States, United Kingdom and Australia. Further, best practices with regards to functioning of Unions will be highlighted, as other film industries are also largely formulated on this informal network, with unions playing a major part.

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1. MEDI CITI INSTITUTE OF MEDICAL SCIENCES

Medchal, Ghanpur, Telangana 501401

PERSONS INTERVIEWED:

1. Ms Uma, Biomedical engineer

She told us that there are 3 storage rooms in the hospital. She asked us to go to Nursing Superintendent Department and request them to show us the collection and storage facilities.

2. Ms. Aliamma, Nurse

She told us that they follow this procedure for segregation:

Red dustbin: blood, waste, syringe

Green dustbin: paper, dust

Yellow dustbin: dressing, cotton, bleeding items

Blue: vials

White: glass, needles, vial

3. Mr. Shravan Kumar, cleaning staff

He told us that the daily disposal is done by housekeeping department that works from 9 AM till 6 PM. He explained that sodium hypochlorite is used to dissolve sharp items and liquid waste is disposed in running water. Some of the waste is sent to college labs and red and yellow waste is collected by GJ Multiclave every day.

4. Mr. Naresh

He has been working in Medi Citi for 8 years but he has received no training he told us. Gloves, apron and mask is supplied to him by the hospital. He showed us the storage rooms. He said that ESI is given for personnel such as himself. The white waste storage room is permanently locked and empty and there was no blue room. The green bag which collects paper and food waste of patients is stored separately he said. Further, every 2 days the solid waste or general waste is collected by municipality he said. He said yellow paper bag is used for child delivery waste and

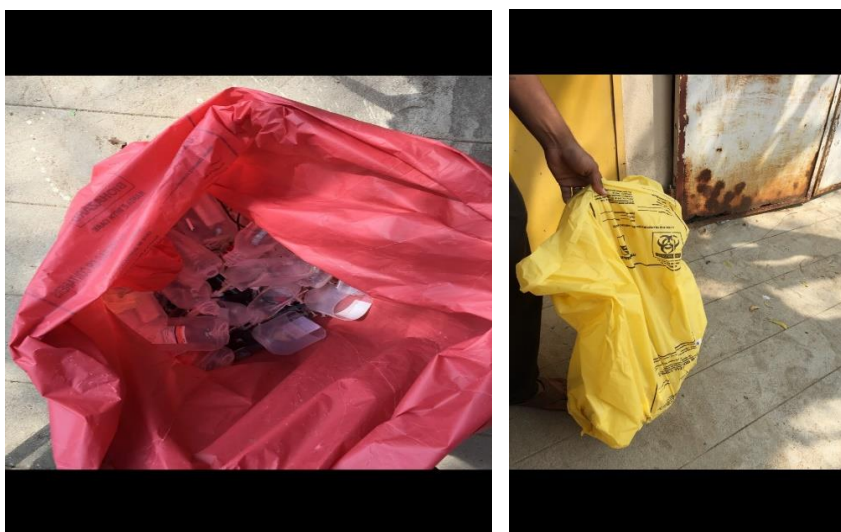
liquid waste is just blood that is not segregated. He added that before 20 years everything was burnt in the boiler room. Now they only burn needles and put them in liquid.

5. Reception staff

They showed us the records they are maintaining as per Schedule I. We saw the tabs maintained on incineration, hydro and autoclaving and monthly records are provided on website.

OBSERVATIONS:

1. Under Rule 4(b) of the Bio-Medical Waste (Management and Handling Rules), 2016, the occupier is supposed to provide safe ventilated secured location for the purpose of segregation in the form of colored bags as mentioned under Schedule -I. The Schedule categorizes the bags into yellow, red, white and blue. We observe that the blue bag storage room that usually has contaminated glass including medicine vials is missing and the white bag storage which should contain sharp metals like needles, syringes, blades etc. is locked permanently. Instead, there are two segregated bags (yellow and red) which deal with the bio-medical waste.



2. Under Rule 4(c) of the BMW Rules, there is an obligation on the occupier to pre-treat the laboratory waste for the purpose of sterilization and we observe that Mediciti has been complying with it by using Sodium Hypochlorite to dissolve items.

3. Under Rule 4(g) of the BMW Rules, the occupier has the duty to provide adequate training to the healthcare workers who are handling bio-medical waste at the time of induction. However,

Mediciti has not provided any training to Mr. Naresh who has been working there for 8 years. No training program has been conducted either under Rule 4(g) which mandates that it should happen at least once every year.

4. Under Rule 4(i) of the BMW Rules, there must be a bar-code system for bags containing the waste which has to be sent to the treatment facility within a year and we observe that Mediciti has been following the same. (Picture of the bags with bar-code is attached).



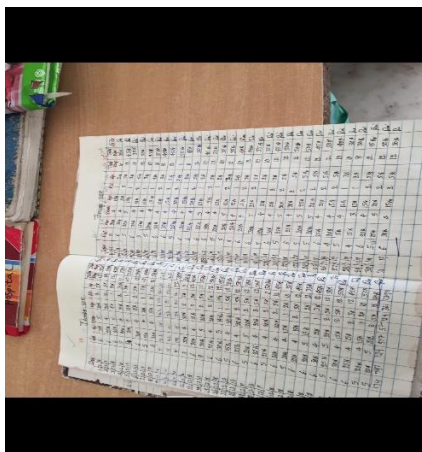
5. Under Rules 4(k) and 7 of the BMW Rules, the Occupier is duty bound to treat and dispose liquid waste as per the Water (Prevention and Control of Pollution) Act, 1974. We observed that though they have segregated the solid waste temporarily, however, the liquid waste was never segregated and was instead disposed of in running water.



6. Under Rule 4(l) of the BMW Rules, the occupier should provide occupational safety to all the health care workers handling the waste and we observe that Mr. Naresh has been provided with gloves, apron and mask while handling the same.

7. Under Rule 4(m) of BMW Rules, the occupier is vested with the responsibility to conduct a health checkup at the time of induction to all its healthcare workers involved in bio-medical waste management and we observe that Mr. Naresh has been provided the same.

8. Under Rule 4(n) of the BMW Rules, it mandates the occupier to maintain and update the bio-medical waste management record on day to day basis. We observed that Mediciti has religiously maintained registers of the same. Pictures of the same is attached.

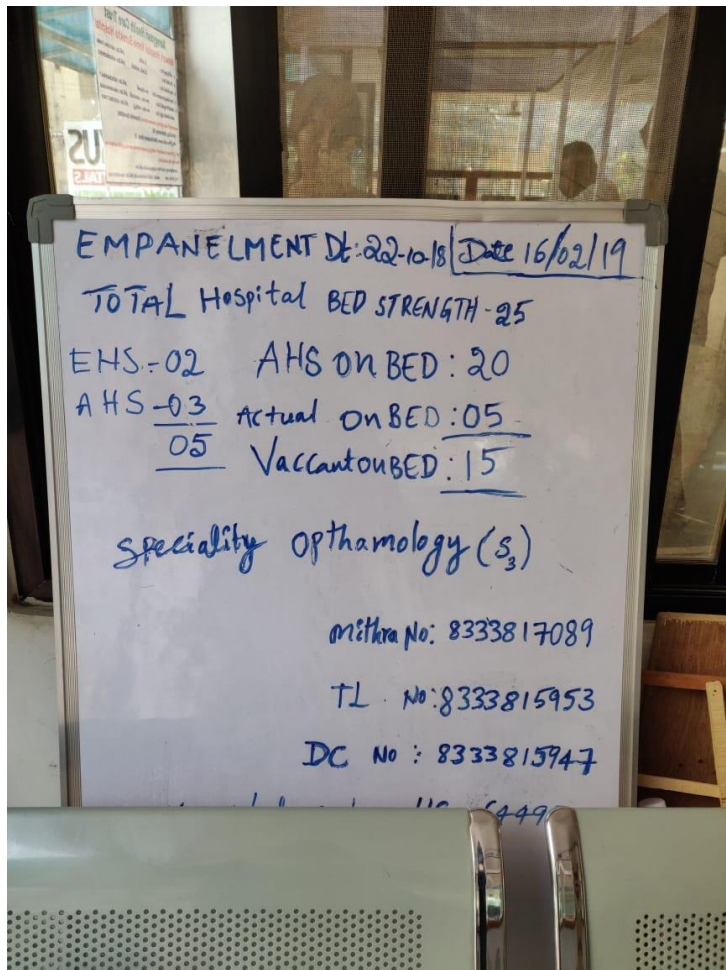


2. SUREKHA HOSPITAL

Beside Big Bazaar, Ruby Block, Kompally, Hyderabad, Telangana 500100



Surekha Hospitals claim to be Hyderabad's best hospital for Gynaecology and Ophthalmology. On February 16, 2019 the team visited the Kompally branch of the chain of hospitals for the survey. Upon reaching the hospital at around 2 PM the staff made us wait till 4:30 PM on the grounds that they need permission from the head in charge and she was currently in a child birth delivery case. After which we were informed that she had left and that we could not meet her that day or any other day for the next week.



After some pleading we got the opportunity to speak with the head nurse. The head nurse was not very welcoming as she has very short and rude answers. We were not given any information regarding the BMW. Upon inquiry there was no mention of the BMW Regulations or any segregation of BMWs!

3. SRIKARA HOSPITAL

Sri Tirumala Kasani Residency, Near By Sime Planet, Medchal Rd, Dandamudi Enclave, Kompally, Hyderabad, Telangana 500055



The SRIKARA Ortho & Multi Speciality Hospitals a unit of Venkateswara Ortho Health Care Pvt. Ltd. specialised in Spine, Rheumatology, Ilizarov fixation, Knee Replacements, Arthroscopy reconstruction, Rehabilitation & Sports medicine, Accidents and all Surgical & Multi Specialities, run by a team of experienced and visionary doctors. The team visited the Kompally branch of the hospital on a Sunday. The team met with some staff members who did not wish to disclose their names. After a brief conversation with a certain cleaning staff regarding the BMW of the hospital it was evident that he had the prior knowledge of the BMW Regulations and the procedures that need to be complied with. After giving the team a basic introduction to the issue a nurse took us around the hospital to show us the actual working of the BMW Regulations and their compliance with it.

Posters differentiating between the Red, Yellow, Blue and Green waste boxes were put up everywhere with white boxes to act as puncture proof containers for the needles and other sharp objects. It was also seen that labelling was complied with. The house-keeping and nursing staff

were trained by the head nurses generally once a week to handle the waste with care. The MICU and SICU wards are fumigated every alternate week and the waste is collected based upon every patient. It was evident from the several waste boxes on every floor and in every ward that there was a compliance with the segregation; however, there was a discrepancy with the MICU ward where the BMW had been collected and kept near the bathrooms itself. While there were different boxes for each waste type, this waste compilation was yet to be transported to the place where all the waste was stored. That waste bag had been lying next to the bathroom for over a day which could prove to be hazardous.



Another issue seen was with the final collection of the BMW in the hospital which was in the end all dumped into the same bag in one floor, which though isolated from the other areas, was seen to be problematic and even the staff were hesitant to leave us there for more than a few seconds. The hospital works with GJ Medical worker who come and pick up the BMW.

4. TELANGANA POLLUTION CONTROL BOARD

A-3, Paryavaran Bhavan, Sanath Nagar Rd, Sanath Nagar Industrial Estate, Sanath Nagar,
Hyderabad, Telangana 500018

PERSONS INTERVIEWED:

1. Ms Srujana, Biomedical waste staff, Technical Section

She refused to reveal names of any entity but she gave us a lot of general information. She said that in case of non-compliance, show cause notice is issued and inspection is conducted by regional and zonal offices to check who is not complying. The permits required for constructing hospital are:

- Environmental clearance from Ministry of Environment & Forests
- Consent For Establishment
- Consent for operation (issued based on fire security, waste segregation facilities, sewage treatment plant if applicable etc.)
- Biomedical authorization

She said that there is an online monitor system, bar code mechanism to keep track of weight, quantity and vehicles. The barcode scanning happens at CBWTF and at hospitals. She mentioned an advanced camera installation system that allows readings to be monitored remotely But she added that this has not been fully implemented yet. She said there is a rolling task force that does sudden inspection.

She said that plastic waste is recycled and glass is shredded before being sent to landfills. For example, she said that if emission standards are not met, report is prepared after lab testing, show cause notice issued and if no response is received, the task force can take action based on member secretary's discretion.

She said that in a recent case, a hospital for asked to give bank guarantee and pay fine for dumping in Hyderabad. In some cases, the CFO can be revoked. The BMW consent is usually given for 5 years but it can be retracted in case on non-compliance.

In the end she said that PCB has not filed any High Court cases and show cause notice is enough to make entities comply!

2. Mr Sharath, Lab chief, Environment scientist

He said that air sample (such as gas from chimney), water sample (from drainage or the discharged effluents) are collected for testing. Report is prepared after testing and directions are given to enhance air pollution equipment or whatever action is appropriate. He said that task force committee takes the decision and the entity can challenge it in High Court and NGT.



3. Mr Murali Mohan, Senior Officer, Public Information Section

He was busy when we visited but we approached him to seek permission to enter the labs. He refused to permit us to collect information regarding names of hospitals against whom show cause notices were recently issued. However, he allowed us to view the container in which a sewage sample was stored.

4. Mr Vishwanathan, Chief Environmental Engineer

He said he is too busy with a court case and refused to speak with us.

5. Mr Ramesh Gupta Pasuparti, Senior Environmental Engineer

With regards to non compliance by the occupiers he mentioned that they have been issuing show cause notices. He also spoke about how they have been going by the BMWR and ensuring that the hospitals comply with it. He spoke about the lack of awareness amongst the hospital staff with regards to the BMWR and the waste segregation. He also mentioned how there is a crunch in the PCB strength and how 50-60 staff members of the PCB have to go to over 4000 hospitals in the State.

Two types of inspection:

(I) Statutory inspection happens when the occupier applies for authorization. Based on specific situation, conditions may be set or PCB may give approval irrespective of non-compliance. It is generally given for 5 years but non bedded occupiers only apply once.

(II) Surprise inspection (secondary)

Doctors are educated and know about their field and yet after surgeries they leave the waste as it is. They say it is the municipalities job regarding the waste. They save a life but endanger a lot more by leaving such waste.

It is the duty of occupier to separate, segregate and hand out to facility. Subsequently, it is the duty of the facility to transport and destroy. There are 11 facilities in the State. Hyderabad and Rangareddy have a total of 4: GJ, Satva, ASC and Medicare, namely. He also told us about the 75km requirement for tying up with treatment facilities.

He told us about an illegal dumping case: There was a municipal staff segregating recyclable waste. Plastic waste was going with such waste since poor cleaning staff was not trained properly and paid very less. In response to show cause notice, hospital said this would not happen again and agreed to train staff and cover the cost of the waste segregation.

6. S Satyanarayana Reddy, Member Secretary

We tried to talk to him however, his PA insisted that we talk to the others first and only if they send us to him then only to go talk to him. We spoke to several others including Mr. P. Ramesh Gupta (Senior Environmental Engineer) and they gladly gave us their time and helped us out.

OBSERVATIONS:

We noticed that there are no separate labs for handling the testing of biomedical waste related samples. But there was a separate section for hazardous waste and we were informed that biomedical waste is tested there by trained staff.



We were not allowed to enter all parts of the lab. They said that only technical staff can access the lab and did not permit us to view the testing of any sample collected from a occupier or treatment facility.



The authorities were not forthcoming with information about non-compliance by occupiers and treatment facilities. They kept re-directing us to different people until we finally found the relevant staff. Despite that, they only revealed that some government hospitals find it financially difficult

to comply with the biomedical waste management rules. They refused to name any hospital that has violated the rules and faced action by TSPCB. There is only one staff member in the Sanath Nagar head office of TSPCB who deals with biomedical waste. This shows that TSPCB is grossly under-staffed. The technical section had many staff members looking at various administrative and compliance aspects of the mandate of TSPCB.



Further, it was interesting to note that cases will be pursued by TSPCB solely at the discretion of member secretary. He also heads the task force that conducts inspection. This creates scope for bias but our limited study did not reveal any evidence of violation of principles of natural justice.

CONCLUSION

Main issues seen was poor awareness, financial constraints and lack of staff. There have been circumstances where the biomedical waste has been mixed with the municipal waste. This is a matter of grave concern. Instances of illegal dumping have also drawn the attention of the media several times. This could be due to two factors: the lack of awareness of all the hospital staff and the several segregations required which could cause confusion.

As per the rules, the unregistered clinics should get registered with formal recyclers and get a registration certificate from them and a registration number from the PCB. However, in practice, several clinics and small hospitals are not registered with the recycling units. This could be due to higher charges they must pay to the recyclers or lack awareness and access to the formal recyclers. All sources of waste were not covered and that the hospital waste was dumped in the general garbage.

Another practical constraint for segregation of waste has been the space issue. As there are several clinics that are accommodated in small spaces, particularly in congested areas, it was found to be difficult to place the bins within the clinics per the colour codes and follow the prescribed guidelines. Doctors preferred two categories of infectious and non-infectious waste and were not keen on having more colour codes and segregate waste.

What has been seen is that lack of awareness amongst various sections of the staff is a matter of concern. Apart from awareness creation, it is imperative that waste management is systematized with proper monitoring. Systematized training programmes should be conducted on a periodic basis for all the representatives of medical institutions. The awareness training camps must be conducted in all the wards with compulsory participation of the staff. Awareness creation regarding the biomedical waste disposal should be made part of the curriculum of all medical related schools. Hospital waste management as a course should be provided to all the staff. Awareness programmes should be extended to public through mass media communication.

The PCB has been dealing with problems as they lack the required number of staff that deal with the Biomedical Waste Management. In the interviews it was found out that a small team of 60 members deal with the entire 4000 hospitals and the biomedical waste management of the same.

Segregation of the waste is a pillar of Biomedical Waste Management. The current Rules prescribe for too many categories which has been something that the PCB as well as the hospitals accept. The PCB has been allowing reasonable compliance to the Rules for granting the certificates. If reasonable compliance is what is required then that means that there are rules that may seem impractical right now and can be removed for the time being.

Self-regulation is needed and awareness is crucial. PCB is sandwiched between NGT municipal authority, health department, occupier and facility. It must be given more implementation powers. A committed government backing, continuous monitoring by the PCB and a strong implementation is required. Crucial areas, which need to be addressed for effective handling of bio-medical waste are capacity building by training and retraining, concern and commitment on part of the healthcare providers, institutional and city level policies, occupational safety and information dissemination.

CLINIC-ENVIRONMENTAL LAW

FIELD VISIT REPORT

WASTE MANAGEMENT IN SHAMIRPET



SUBMITTED TO: PROF. K. VIDYULLATHA REDDY

SUBMITTED BY: AKSHYA ARYAL (2015-06)

BALAJI AZMEERA (2015-79)

PURU BANSAL (2015-33)

UTTKARSH ALAPARTI (2014-70)

VAIDEHI DAS (2015-118)

INTRODUCTION

The team embarked on their field visit after determining a set course of action regarding the issue of waste dumping in Shamirpet. While deciding upon the course of action, we formulated a list of personalities that we would physically visit in order to get clarity vis-à-vis the waste management situation in Shamirpet. The team met the following members as decided previously.

1. Sarpanch, Shamirpet Gram Panchayat
2. Mandal Revenue Officer, Shamirpet Mandal
3. Mandal Development Officer, Shamirpet Mandal
4. District Collector, Medchal district
5. State Pollution Control Board

THE VISITS

First, the team met the Sarpanch, Gram Panchayat, Shamirpet to discuss the current methodology of waste management in Shamirpet. We were then informed by the Sarpanch that, as it stands, Shamirpet does not have a separate land allocated for the purpose of dumping of waste and as a result, the village has faced a serious littering problem. Upon further investigation of the reason behind the absence of a dumping landfill in Shamirpet, we learnt that the land acquisition and consequently allotted by the Mandal Revenue Officer is under dispute. The nature of the dispute is such that an agriculturist claims he has been in possession of the land allotted for the last 20 years, and the title no more lies in the State, for it has transferred to his name on account of adverse possession. This was the first setback that we faced in the field visits.

Upon the recommendation of the Sarpanch, we visited the office of the Mandal Revenue Officer (MRO). We relayed the concerns raised by the Sarpanch before the MRO. The MRO informed us that every gram panchayat, about a few months earlier, there had been allotment of land specifically for the purpose of dumping facilities. He clarified that his role was limited to acquisition of government land and the development of dumping ground facility was beyond his jurisdiction. He directed us to the offices of the Mandal Development Officer (MDO) as he would be able to help us with our concerns.

The team visited the office of the MDO and relayed the same concerns before him. He explained how, the current state of affairs with respect to state laws in this field is non-existent. After the

coming in force of the central Solid Waste Management Rules, 2016, there is an obligation created on the part of State governments to pass bye-laws in a manner that custom fits their needs and requirements. The local government is also obligated to ensure the implementation of the bye laws. However, the Telangana State is yet to formulate and pass its bye laws. Therefore, as per the MDO, the local authorities are waiting for the state to pass some directives such that commencement of waste management can be underway. The Telangana State government has published a strategy document which has incorporated the policy as well as the strategy that the government has planned to undertake.¹ The MDO informed us that the State government has announced that they are working on the waste management rules currently and other local authorities are waiting for some directives before they can take cognizance of the matter.

The team also faced setbacks in the course of the field visits. The team unsuccessfully met with the District Collector, Shamirpet who stated that he will not be of any help. Similarly, we were unable to obtain an appointment at the State Pollution Control Board.

IDENTIFICATION OF ISSUES FROM FIELD VISITS

As the outcome of our Field Visits, we discovered the following lacunae between requirements established in the law and actual practice:

1. There is a pending title suit over the land allotted to Shamirpet village by the Mandal Officer for the purpose of solid waste disposal;
2. The secondary storage facilities adjoining dumping yards in Shamirpet are non-existent;
3. There is a clear absence of waste segregation at source by waste generators (residents and commercial establishments);
4. A state legislation that is to be enacted by the government of Telangana, akin to the central Solid Waste Management Rules, 2016 (“**Rules**”) is non-existent and the land, insofar as Waste Management is concerned is devoid of any local bye law or directives.

Of the aforementioned issues that the team has been able to identify, the most relevant and important issue is the lack of existing legislation. Therefore, we have adopted the last issue as the focus for our course of action.

¹ Government of Telangana, Solid Waste Management Policy and Strategy, September 2018, available online at <http://www.cdma.telangana.gov.in/pdfs/Solid%20Waste%20Management%20Policy.pdf/>

SHAMIRPET WASTE MANAGEMENT: AN UNLEGISLATED SPHERE

The Central Solid Waste Management Rules, 2012 are inapplicable to Shamirpet village since its gram panchayat does not fall within the scope of “local body” as defined therein.²

Additionally, the Rules impose the following responsibilities on the part of the Telangana government:

PROVISION	PERSON CONCERNED	RESPONSIBILITY
Rule 15(e)	Village panchayats Local authorities	Drafting bye-laws incorporating provisions of the Rules within 1 year from their date of notification.
Rule 15(zf)	Village panchayats Local authorities	Prescribing criteria for the levy of spot fines, including delegation of power to officers to impose them.
Rule 16(1)(a)	State Pollution Control Boards	Enforcing the Rules through local bodies in states.

In light of the above legal matrix, two challenges emerge:

1. The issue at hand concerns not the non-implementation of the law, but the absence of any law itself in Shamirpet;
2. As a result, there are no penalties for non-compliance with solid waste management practices in Shamirpet.

PROPOSED COURSE OF ACTION

On the basis of information gathered through our field visits, we intend to *either* :

1.
 - a. Draft model solid waste management bye-laws for Shamirpet, *or*

² Rule 3(30), Solid Waste Management Rules, 2016.

- b. provide research assistance to the Telangana State Pollution Control Board and the Municipal Administration and Urban Development Department of Telangana as they engage in drafting the bye-laws.
2. *Alternatively*, if we are unable to collaborate with local bodies to form a relevant legislation, we wish to proceed by focusing on segregation of waste at source. This way, after segregation the waste can be, subject to its characteristics, either recycled or disposed off in an environmentally-friendly manner.

REVIEW OF PLAN OF ACTION IN THE AFTERMATH OF FIELD VISITS

As a result of our assessment of the issues at hand (as documented in this Report), we conclude that the findings arising from our Field Visits are in consonance with the objectives laid down in our Plan of Action. Therefore, our proposed Course of Action is also in the same direction.

ENVIRONMENTAL LAW CLINIC

CRUELTY AGAINST STRAY DOGS



Submitted to:
Prof. Vidyullatha

Submitted by:
Group 2
(Shubhi Goyal, Neha Shivhare, Prateek Suriseti,
Samrat Basani, Kushal Garg and Srilakshmi)

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OVERVIEW

Our primary aim through this clinic was to understand the practical aspects of the enforcement of the law relating to stray dogs in the country, and more specifically in the state of Telangana. Our first step was to prepare the plan of action that we would be following and which is enclosed in **Annexure- A**. To understand the practical realities, the problems that are usually grappled with, in terms of the existing law and legal system, we then approached various stakeholders in the field. Our interactions with the India Head of Humane Society International, Mr Jayasimha (enclosed in **Annexure- B**), with the Animal Welfare Board of Telangana (enclosed in **Annexure- C**), with the officers of the Greater Hyderabad Municipal Corporation (**enclosed in Annexure- D**) and with Ms. Vasanthi Vadi from People for Animals (enclosed in **Annexure- E**) gave us real insights into the field and also two real life cases of cruelty against stray dogs that we could work on. Based on these interactions, we decided on the course of action that we would be following, which is enclosed in **Annexure- F**. The next step was to file complaints with the police authorities of the concerned jurisdictions, failing inaction on whose part we filed complaints with the Deputy Commissioner of Police (enclosed in **Annexure- G**) and then the Magistrate (**Annexures H and I**). We then argued the case in a summons trial before the magistrate, the summary of arguments for which are enclosed in **Annexures- J and K** along with the list of witnesses.

APPLICABLE LAW

The two cases of cruelty that we took up engaged primarily with the Prevention of Cruelty to Animals Act of 1960. The first case involved the killing of a stray dog with a pen- knife fell under Section 11(1)(l) of the Act and was cognizable as per Section 31. For this case, we filed an oral complaint with the police authorities of the Shamirpet Jurisdiction under Section 154 of the Criminal Procedure Code. The police however refused to register the FIR, in clear violation of the judgment of the Hon' ble Supreme Court in *Lalita Kumari v Govt. of UP & Ors.* A complaint in writing was then sent to the Deputy Commissioner of Police under Section 154(3) of the Criminal Procedure Code.

The second case involved the throwing of hot oil on a stray dog, causing 10% burns fell under Section 11(1)(a) of the Act and was non- cognizable by reason of Section 31 of the same Act. For this case, an oral complaint was filed with the police authorities of Shamirpet, again under Section 154 of the Criminal Procedure Code. The Station House Officer however, refused to enter the complaint in the General Diary, violating Section 155 of the Criminal Procedure Code.

Aggrieved by the refusal of the police authorities to register complaints in both the cases, private complaints were filed to the Judicial Magistrate First Class under Section 190 of the Criminal Procedure Code. As per the definitions of summary and warrant trials given in Section 2(w) and 2(x) of the Criminal Procedure Code, the present two cases fall within the definition of summons cases, with the maximum punishment that can be awarded each being Rs. 50 fine for a first time offender under the Prevention of Cruelty to Animals Act, 1960.

ANNEXURE- A

The objective of our team is to secure better conditions for stray dogs in Telangana. The principal legislation we will be engaging with is the Prevention of Cruelty to Animals Act of 1960, which protects stray dogs from being mutilated and killed. But even beyond that negative prohibition, other laws mandate positive actions on the State towards the welfare of animals. The Animal Birth Control (ABC) Dog Rules of 2001 require the sterilization and vaccination of stray dogs at the municipal level. These laws, and others, have been attached in the Appendix for better clarity.

Sterilization and vaccination have been recognized as the only successful long-term plans to improve the welfare of dogs and reduce the number of negative/violent animal-human interactions. Further, the local authority authorized to do the same is also obliged to provide kennels for animal welfare, and only put the dogs to sleep in specific circumstances and in a certain manner. These obligations ensure that the organization is accountable and does not result in furthering cruelty to animals. Even when a stray dog needs to be captured or put down, the rules mandate safe and humane ways to do the same.

Our aim is to first ensure that these obligations are actually followed, and then to see where they fall short. Specifically, we plan on visiting the offices of such local bodies to see compliance and issues with existing norms, including whether budgets are up to task. We will also be looking at whether programs started in the state for the welfare of dogs are actually running. Further, we will also visit NGOs and other organizations working towards those goals. Numerous reports and personal experiences give us examples of these rules not being followed and examples of cruelty to animals by public officials.

Further, we will examine if public officials are trained to deal with dogs in a meaningful manner. Our inquiry here will focus on their interactions with stray dogs, but will not necessarily be limited to them. We will be examining in general how public officials are trained to deal with dogs – for instance, whether they can ascertain whether they are hostile or not and how to deal with them in either circumstance. Further, when there are incidents of violence between stray dogs and civilians, we will examine how public officials resolve those.

Finally, we will start working at a smaller scale at the earliest. We will be collaborating with juniors to ensure that the stray dogs at NALSAR are vaccinated and sterilized, and that they are treated humanely, in accordance with the requirements of the legislations and regulations. We will also be raising awareness for the same through social media and other channels.

Appendix

- Relevant Laws

1. Draft Animal Birth Control (Dogs) Rules, 2001.
2. Prevention of Cruelty to Animals Act, 1960.
3. Indian Penal Code, Sections 428 & 429.
4. Constitution of India, Article 51A (g).

- Cases

1. The Animal Welfare Board of India v. The Ombudsman for Local Self- Govt. Institutions (AIR 2006 Ker 201).
2. The Animal Welfare Board of India v. People for Elimination of Stray Troubles and Ors., 2016 (10) SCALE 136.
3. Sabu Stephen v. UOI, 2016 (12) SCALE 244.

- Circulars and Notifications

AWBI Guidelines, dated 26th February, 2015.

- Public Offices to Visit

1. Animal Welfare Board for Telangana
Pashu Bhavan, Masab Tank, Hyderabad - 500028, Shanthi Nagar
(+91) 94402 64181
2. GHMC Animal Shelter
8, 8, Rajiv Swagruha Twp, Mettakanigudem, Hyderabad, Telangana 500055
(+91) 90009 01937
3. GHMC Dog Rescue Cell
Main Road, Lower Tank Bund, Hyderabad - 500029, Near Liberty, Beside Telugu Talli Flyover

(+91) 40 2111 1111

4. 'Stray Dog Adoption Centre', a GHMC Initiative, Jeedimetla, Chudi Bazar in Charminar and Amberpet

- NGOs to Liaison

1. Caring Hands for Animals (CHFA), Gachibowli, Hyderabad
chfanimals@gmail.com
(+91) 96189 06194
 2. Humane Society International
50/A, Lane#3, Street#3, Indian Airlines Colony, Secunderabad- 500003
Rahul Sehgal – (+91) 94907 32614
 3. People for Animals, Hyderabad and Secunderabad
(+91) 98499 3374
mail@fiapo.org
 4. Blue Cross of Hyderabad
403/9, Road 35, Jubilee Hills, Hyderabad, Telangana 500033
(+91) 76809 68798
info@bluecrosshyd.org
- People to Consult
1. Amala Akkineni, Founder of Blue Cross
bluecrosshyd@gmail.com
 2. Swamy Svayam Bhagvan Das, Co-opted Member for AWBI for Andhra Pradesh and Telangana and Vice-President of All District SPCA
 3. C Samyukta, Campaign Manager, Wildlife, Humane Society International, India
+91 90008 46677
 4. Shyam Sunder Agarwal, Advocate and Animal Welfare Activist, Hyderabad
 5. Satheesh Khandelwal, Peela Ramakrishna Memorial Jeeva Raksha Sangam, Khammam
 6. Sarjana Ramesh, Maharshi Goshala Charitable Trust

ANNEXURE- B

- The Law that seeks to protect the street dogs is drafted very well. The lacuna comes in the implementation of this law.
- Even though dogs have been culled for a long time, they haven't become extinct. Hence, killing them is not the solution
- It is better to prevent rabies at the source by giving vaccination to dogs, because this is very cheap. Giving vaccination to people is very expensive. Hence, the WHO has developed a birth control program and Anti- rabies vaccination program.
- Street dogs are scavengers. They exist where the food exists.
- In Surat, an officer ordered the killing of all the dogs. The job was done efficiently, with all dogs eliminated. However, solid waste soon started accumulating and there was a rats infestation.
- Section 38, Prevention of Cruelty to Animals Act provides for the formulation of animal birth control rules, according to which instead of culling, birth control programs should be implemented.
- Dogs should be released back into the same area from which they are taken. If this is not done, dogs from other areas come in, and fights and bites increase. The area becomes a war zone between gangs of dogs.
- Officers are paid by the number of dogs that are killed and are therefore not concerned about whether a dog is peaceful or wild. Hence, innocent dogs are killed, while wild dogs are left behind, that breed and puppies with feral behavior are created.
- Sections 425, 428, IPC- For mischief, there has to be change in property and a diminution of value. If an owner does something to his/ her own pet, technically there is no diminution in value
However, there is damage caused to public overall; this is a lacuna that needs to be corrected.
- For offences against animal, the fine is a mere Rs. 50. Technically, if there are 50 animals, then there should be separate charges for each, since it is not the same crime.
- The definition of an 'owner' includes not just the owner as defined under the Transfer of Property Act, but also other person who for the time being is in the possession of

the dog with or without the consent of the owner. So transporters, thieves, cleaners, drivers etc. can all be charged.

- Penalty needs to be increased, there needs to be a compounding provision.
- Its not about the quantum of penalty or punishment, but about the certainty of it.
- In the Nagaraja case, the Court anointed itself as the trustee of animals. Thus, Courts need to work as guardians. Contrary to the property angle, we need to move towards the trusteeship angle.
- Consider giving personhood to animals.
- Mischief is not against the owner, but against the animal.
- According to a strict interpretation of the law, if I hurt your animal, you can charge me, but if you hurt your own animal, then you can't be charged.
- In the AIIMS case, it was said that the State is a collective of all its citizens. The fundamental duty which says that "It shall be the duty of every citizen of India...", also needs to be read as, "It shall be the duty of the State...". Hence, the State owes a duty of care towards all living things, like wildlife, plants etc. and it is its duty to promote compassion.
- The rights we give to animals can never be true rights because we are deciding their rights and it is very hard to give remedies. Non- justiciable rights are useless. Also who decides what is 'necessity'? The Supreme Court said that Jallikattu is unnecessary pain and suffering, but Tamil Nadu government passed a legislation allowing it.
- People report even pet dog bites as stray dog bites because free vaccination is given. Most stray dogs don't bite and are well adapted to human beings.
- Another problem that is faced is that of free roaming pet dogs. Pet dogs are let out at night after being kept restricted all day long. They thus face identity issues- whether they are street dogs or pet dogs? what is their territory?
- If proper vaccination and sterilization is not done, pet dogs breed and get pregnant. If the puppies are desirable, they are sold. If they are the result of cross breed with a street dog, they are left on the streets.
- There is a lot of back hand breeding, where dogs are forced to mate illegally, with the puppies being sold. It is basically a zero investment business. If they are not sold, they are again left on the streets.
- If a pet dog bites, the pet dog owner can be held liable for negligent conduct.

- Since the compensation for dog bites is monetary people get bitten of their own initiative.
- If you sterilize dogs, the incidents of dog bites will come down.
- Dogs are a symptom of a failed waste management system.
- A reduction in the number of dog bites can be brought about by a strong licensing regime. Owning a dog should be a privilege. Sweden requires a written exam to own a dog.
- Dog barking is seen as a nuisance.
- People buy dogs, which become ugly after growing up and then throw them on the streets.
- People buy dogs which are not suited to the weather conditions contributing to more cases of bites. A person wanted to buy Jon Snow's dog, which is a Siberian Husky and keep it in the heat of Rajasthan.
- There is no punishment for one or two dog bites; but if a dog becomes really ferocious, then it can be killed.
- Get a dog relocated, if it becomes ferocious.
- 'Animal welfare organizations' is defined in the rules.
- NGO's take up cases on behalf of stray dogs.
- If someone kills a dog, you can file an FIR and go to the Magistrate under the Rules of the Act. These are reported as petty cases.
- The NCRB should collect statistics on hurting and killing of dogs. There is a link between people killing or hurting dogs and them engaging in domestic violence or other forms of violence against humans as well.
- The Police is reluctant to file FIR's in cases of hurting or killing of street dogs, even though there are multiple orders of the Supreme Court which say that they should.
- If someone just kicks a dog or throws a stone at it, nothing can be done about this.
- Medical examination revealed that children who had burnt puppies in Hyderabad, had bruised backs
- There should be reporting between helplines- the child, women and animal helplines. New York state requires this cross- reporting.
- There was a case in Delhi where a person would lay out biscuits for dogs and when they would come to eat these, he would take a penknife and kill them. The CCTV camera caught this. A Rs 50,000 award was announced for any information about this. The wife of the guilty called and said that he would cut her and himself up.

- According to Section 200 of the CrPC if police is not willing to take cognizance to file an FIR, people should directly go to the Magistrate, who is empowered to take suo moto cognizance.
- According to Section 190 of the CrPC, the Magistrate can take cognizance even on his own information.
- In Uttarkashi, there was no animal sanctuary/ infirmary. The Magistrate took suo moto cognizance and passed an order that this has to be set up and it ultimately was set up.

ANNEXURE- C

- There is no special cell/department dealing with the issue of dogs. Therefore, the issue has not been taken up specifically by the Board. The subject falls under the broad category of “Animal Welfare and Cruelty”.
- Whenever a complaint is received by the AWB, the AWB forwards them to the GHMC. Additionally, the Director has the authority to issue orders to the GHMC.
- All GHMC Centers are to work within the mandate of the Animal Birth Control Rules. The guidelines are provided in the said rules.
- There is a standard SOP Procedure for humane catching and handling of dogs.
- A dedicated team of the AWB regularly visits schools, colleges and to other public areas to educate and sensitize the general public.
- A separate Veterinary department of the AWB is deployed to provide technical support to the GHMC.
- The police department takes up the cases under Prevention of Cruelty to Animals Act, 1960.
- The GHMC officers are sent to study tours to countries like Singapore, Canada and Australia to analyze the situation of street dogs there. The officers collect photos and other evidence and implement different plans based on their research.
- Supreme Court has given clear guidelines for the process of sterilization.
- The Telangana Government has recommended an amendment to Section 428 of the IPC to increase the penalty i.e. Rs. 25000 or imprisonment upto 5 years or both.

We were given a lot of material by the Animal Welfare Board of Telangana, some of which is attached here-

https://drive.google.com/file/d/0B7sU0dgeDxOQOTdwMF9sSVhuUIU/view?usp=drive_web

https://drive.google.com/file/d/0B7sU0dgeDxOQQ0NRODBXcUxRQmM/view?usp=drive_web

https://drive.google.com/file/d/0B7sU0dgeDxOQa1RFellHUHFIRWc/view?usp=drive_web

https://drive.google.com/file/d/0B7sU0dgeDxOQZUthNjhWaE5OcTA/view?usp=drive_web

https://drive.google.com/file/d/0B7sU0dgeDxOQU3JVbGdVRHdzc1k/view?usp=drive_web

ANNEXURE- D

GHMC's Stray Handling Process:

The following information was acquired through interviewing the Asst. Director (Veterinary Section) of GHMC (Dr. Goverdhan Reddy), visiting the GHMC impound and interviewing the surgeons there, and witnessing a capture operation.

The guiding document behind all these activities is the AWB Standards of Procedure (SOP).

Upon receiving a public complaint, or coming across strays during their systematic sweeping of the GHMC jurisdiction, the officials first observe to check whether the canines have been neutered.

If the canines haven't been neutered, then the "*catchers*" capture the canines.

The capturing, as with all other activities, is in compliance with the AWB.

We were told that, earlier, inhuman equipment was used for canine captures, but now, only nets are used in compliance with the AWB SOP.



We were told that drivers note the canine's locality, color and sex for purposes of identification and subsequent rehabilitation in original locality.

After the canines are brought to the impound, the veterinarians check if they are medically fit for surgery. If they are, then the procedure for surgery is carried out.



Once again, these procedures have claimed to be in accordance with the AWB SOP.

First, para-veterinarians prepare the canines for surgery.

After administering anesthesia, hair is shaved off the operable parts, along with cleaning rounds with Betadine and Surgical Spirit. Further, a v-shaped mark is made on the canine's right ear to help easily identify it as being a neutered canine.





Next, the canine is introduced into the operating room.



The doctors informed us regarding the safety measures.

Prior to entering, feet had to be cleaned in a solution of Savlon.

The surgeons, prior to entering the operation theatre, clean themselves thoroughly at the scrubber:





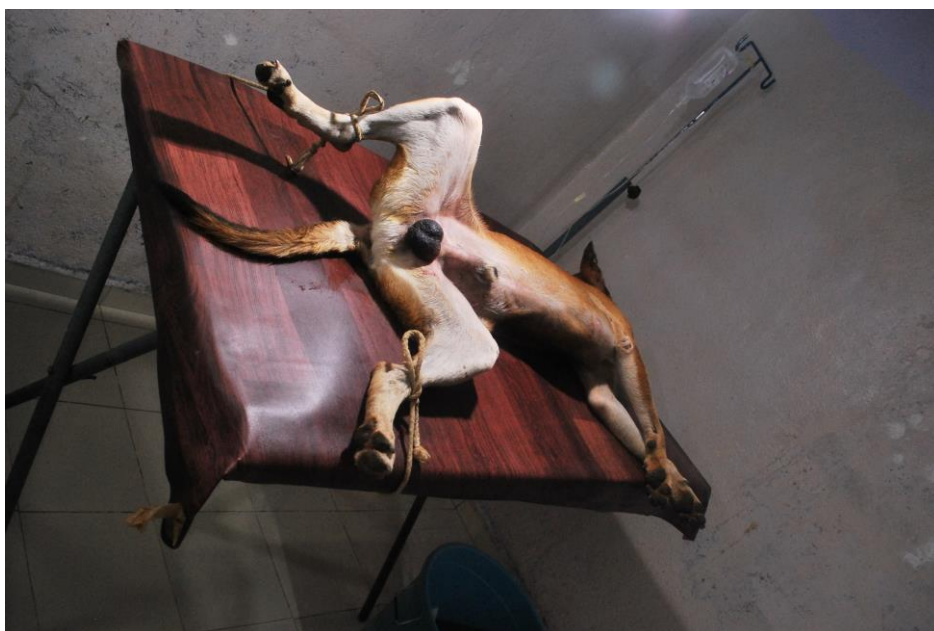
Next, surgical gloves are disposed off after each operation.

Surgical equipment is sent through the sterilization process (120° C & 15 lbs Pressure) after each operation. Surgeons are required to wear a sterilized head mask, facemask and apron for the entirety of the day.





Coming back to the handling of the canines, the canines are tied to the operation table after preparation for surgery.



The removed female and male reproductive organs are stored separately in formaldehyde. Upon questioning regarding the purpose for storage, the doctor suggested that storage was for purposes of verification, by higher authorities, of quantum of surgeries conducted.



Post-surgery, the canines are placed under observation at the impound. Generally, female canines are kept for 5 days post-surgery, while male canines are kept for 3 days post-surgery. The observation period is for ensuring healing of wounds and dealing with complications arising out of surgery.

For observation, the canines are kept in cages at the impound. We were told that as a general rule only two dogs were to be kept in a cage, but on account of using larger cages, they were keeping multiple dogs in the same enclosure.





The allocation of enclosures is also carried out in a systematic fashion. The enclosures are marked with the concerned vehicle number, canine's locality, date of capture and other identifiers. This is done to ensure return of the canines to their original locality after treatment, in accordance with best practices.



As an initiative exclusively of the GHMC, canines are tagged with coloured bands to identify locality, in addition to the practice outlined above.



Next, the food provided is a mix of dal, ghee, rice and donated Pedigree food products.



Next, the animal is returned to the location.

Finally, during our interview with the Asst. Director (hereinafter, referred to as the **AD**), I probed regarding a plethora of topics. The following are my findings, topic wise.

Vigilance Mechanisms:

The AD informed me that while there weren't any statutory vigilance systems in place, there existed general oversight by virtue of the Municipal Standing Council and NGOs.

He further mentioned that it was the NGOs, such as Blue Cross, that really kept them on their toes, rather than any governmental measure.

Euthanasia:

Canines are euthanized through intravenous administration of Thiopentone Sodium. This can only be done after authorization by a veterinarian or even a para-vet.

Impact Assessment:

Though there is no statutory requirement, the AD informed me that an yearly census was conducted on the Hyderabad Municipal Corporations own accord.

Beyond which, reliance was also placed on NGOs.

Education and Awareness Programs:

The Corporation took part in raising awareness in schools, Resident Welfare Associations and distribution of printed material. Once again, the Corporation need not have mandatorily partook in said activities.

Personnel:

Shortage of manpower is not experienced according to the AD.

Guidelines Followed:

It was already known to us that the Animal Birth Control Act was the overarching statute. But through our research and interactions with concerned officials, we came to learn that the most influential, on ground, were the Standard Operating Procedures issued by the Animal Welfare Board.

Furthermore, the AD provided us with a copy of the Stray Dog Bye Laws.

While the Hyderabad Municipal Corporation seems to be working with considerable initiative, it is to be noted that there isn't much of statutory guidance with respect to their activities. While the Standard Operating Procedures of the AWB serve as guidelines for carrying out the activities, there is little by the way of the mandatory requirement of any activities. In other words, the guidelines only inform regarding how to carry out the activities, in the event that the Corporation choses to undertake the activities in the first place.

While the lack of statutory requirement might be by design in order to allow the Corporation to undertake activities depending upon the availability of resources, we submit that a more robust statutory requirement with respect to an oversight committee and an impact assessment system should be brought into place.

Contact: adn.ghmc@gmail.com

ANNEXURE- E

- A study conducted by WHO in 2001 has recommended that street dogs be not killed since the developing countries have huge populations of street dogs. SO, after 2001 the Indian government's policy has been to not kill any street dog.
- Only 2 times a year does a female dog come into heat and this the time when the males are in full activity and a lot of migration takes place throughout the city. At such a time, the dogs might be a little sensitive and try to harm the people
- The GHMC usually sterilizes the dogs and releases them back in the same locality following the procedure under the ABC-AR rules.
- One case that PFA dealt with was where a Chinese street vendor poured hot oil onto the dog and the dog was severely injured. PFA filed a case against him in the criminal court and due to the presence of strong evidence the man was sentenced to 3 years imprisonment
- They have also dealt with mistreatment of dogs in circuses and other cases of beating up of the dog and assault. In all these cases, they initially file FIR with the police. In most of the cases, where the police take a lot of time to accept the complaint, PFA approaches the court directly to order the police to accept the FIR.
- Only when there is strong evidence PFA takes the case to the court.
- Although the fines and sanctions under the Prevention of cruelty act do not really amount to much, the act itself is very extensive and covers every crime that you can think of against animals. Many countries like Japan and china don't have animal protection laws.
- In cases where people in locality complain against the presence of dogs PFA usually tries to persuade the complainants to look at the benefits of having street dogs around like security for the community.
- As a last resort, PFA also threatens them under PCA act and sends them notice if they insist on getting the dogs out.

ANNEXURE- F

Over the course of this clinic, we have met with multiple people from the city involved in the issue of stray dogs.

The main thing we have taken away from these interviews is that the law which seeks to protect the street dogs is drafted very well – but the implementation is poor. Though the fines and penalties are quite low, the Act itself is extensive and covers every crime that you can think of against animals. Some countries like Japan and China do not even have animal protection laws. One thing it has done right is removed any focus on killing dogs. In addition to being humane, culling of dogs does not solve any problems, it merely reduces the numbers temporarily until new dogs move in. Such eliminations frequently simply result in dogs from other areas taking over the territory – dogs that will not be as used to those people and therefore less friendly. Stray food will always attract them. In Surat, they successfully killed all their dogs, but did not realize that dogs also form a valuable link in the food chain. The extinction resulted in a rat infestation in the solid waste. The WHO conducted a study in 2001 and recommended that developing countries not kill stray dogs.

Rather than eliminating the canine population itself, the solution our laws think of is eliminating the problems from it and keeping it contained. One major problem is rabies, which they seek to prevent at the source cheaply by giving vaccinations to the dogs. Further, they try to reduce the population of dogs by sterilizing stray dogs that are picked up. This ensures the rate of growth of the population is stemmed without any sudden or catastrophic changes. Further, the dogs are then released back into the same area, to prevent another move by other stray dogs into the territory. This could also cause a war zone between gangs of dogs working out their aggression through violence.

Vaccination and sterilization are provable solutions that have worked well. Though pet dog puppies are often adopted (leaving aside the question of specific breeding), stray dog puppies are simply left on the streets, due to the cross-breeding leading to no identifiable breed. The stray dog problem is also exacerbated by back hand breeding, also called puppy mills. Those puppies are simply left on the streets if not sold.

Sterilization, in addition to reducing populations as mentioned, also reduces aggression and thereby incidence of dog bites. Another way of reducing dog bites is to have a strong licensing regime. In Sweden, this has gone to the extent where dog ownership is seen as a privilege – they must write an exam to own a dog.

Dogs barking are generally seen as a nuisance. Dogs which lose their ‘cuteness’ after growing out of being a puppy are frequently abandoned on the streets, which adds to the number of stray dogs, and thereby the nuisance. A huge problem for abandonment is the fashion in dogs cause by popular media. For instance, the show *Game of Thrones* led to a huge increase in demand for Siberian Huskies, the breed of the dog belonging to the lead character Jon Snow. But those dogs require a particular climate, and are abandoned after proving difficult to manage.

Another problem is definitional. What counts as a stray dog? Some pet dogs are free-roaming, restricted during the day and let out at night. Do they count as stray dogs or not?

Officers for the elimination of dogs are generally paid by the number of dogs they kill, without being concerned about whether that dog was peaceful or wild. In fact, innocent and human-friendly dogs are killed more, because they are easier to catch or trick than the wild dogs, which continue to reproduce and increase the feral portion of stray dogs.

Even when killing can be done, it cannot be done by civilians. However, there is no strong legal protection against the same. Sections 425 and 428 of the IPC would prohibit the killing of pets by understanding them as property. However, stray dogs are not pets, and thereby not protected by the same. Offences against an animal directly are chargeable under the specific act, but the penalty is only Rs 50. The people we talked to said that in such a case, that penalty of Rs. 50 should be imposed separately for every act done to every animal, from hitting to starving to confining, they should be compounded as separate crimes. Further, the penalty itself must be increased. But even this penalty serves no purpose if there is no certainty of its enforcement.

In the Nagarjuna case, it was held that the Courts are trustees of animals and need to be working for them as guardians – not seeing them as property. The trusteeship angle is the way to go.

One solution advanced would be to give personhood to animals, and therefore a portion of rights. Thus, the mischief would be against the animals directly, rather than the owners. One problem is that the property perspective prevents cruelty to an animal from another person, but not from the owner himself.

The AIIMS case held that that the State is a collective of its citizens, and that thereby all fundamental duties for “*every citizen in India*” must also be read as for “*the State*”. This would include the duty of the state to take care of and promote compassion towards all wildlife.

Giving rights to animals without a way to enforce them can never be true rights. No justiciable rights are useless. Further, who decides when violating them is permissible? The Supreme Court held that *jalikattu* causes unnecessary pain and suffering, but the Tamil Nadu Government still passed a legislation allowing it.

But what about cases where the stray dog is causing the harm, as opposed to being a victim of the same? When people are bitten by any dog, it is always reported as a stray dog because free vaccination is provided. However, most stray dogs do not bite, they are well adapted to humans.

If the bite is a one off, the rules dictate how to deal with ferocious dogs. There is no punishment unless it bites multiple times and can be categorized as a ferocious dog. If a pet dog bites someone other than the owner, the owner can be held liable. Compensation for stray dog bites have also been given, even up to Rs. 10,000. NGOs often take up cases on the behalf of stray dogs. If someone kills a dog, the procedure is to file an FIR, go to the Magistrate under the Rules to the Act – the cases are reported as petty cases.

NCRB should collect statistics on the hurting and killing of dogs – there is a clear and identifiable link between people killing and hurting dogs and then engaging in domestic violence or other forms of violence against humans. Yet, the police is still reluctant to file FIRs in case of such, despite multiple court orders of the Supreme Court saying otherwise. If someone just kicks a dog or throws a stone at one, there is no remedy. There have been cases of children who burn puppies, which had bruised backs upon medical examination. Even such heinous cases of cruelty are often not acknowledged.

ANNEXURE- G

18.09.2017

To,

THE DEPUTY COMMISSIONER OF POLICE

Shamirpet Police Station

Petsheerabad Division

Balanagar Zone

West Cyberabad Police Commissionerate

Sub: Registration of FIR for commission of an offence by accused person.

Ref.: The complaint dated 13.09.2017 given to the SHO, PS: Shamirpet

Sir,

I am Manasa Singh, a concerned citizen, and resident of Prajay Engineers Waterfront City, Shamirpet since the last four years.

I had given the aforesaid complaint to the SHO at PS: Shamirpet on 13.09.2017. Despite my said complaint clearly disclosing commission of a cognizable offence by the accused person namely, Siddharth Singh, no action was taken on the aforesaid complaint by the concerned SHO. Thereafter, I visited PS: Shamirpet on many occasions and met the concerned SHO, but no action has so far been initiated on the complaint.

Sir, as per the relevant provisions of law, the SHO has no discretion in the matter of registration of FIR when the complaint clearly discloses the commission of Cognizable Offence. A perusal of my complaint and other relevant documents clearly points towards the commission of serious offence of cruelty towards killing of a street dog under Sec. 11(1)(l) of The Prevention of Cruelty to Animals Act, 1960.

To bring to your kind attention the facts of the case are: On 12.09.17, Mr. Siddharth Singh, a security guard at Prajay Engineers Waterfront City, Shameerpet, baited a dog in his locality with biscuits and then killed it with a pen knife. The CCTV cameras placed at the main entrance of the residential colony captured this act. This clearly demonstrates a premeditated intention of harming the dog. When I confronted Mr. Siddharth Singh, he said that these animals don't deserve to live, as they are a source of nuisance in the lives of the residents. It is thus absolutely necessary that an FIR be registered forthwith and proper investigation be carried out by the concerned police officials.

In various judgments of the Hon'ble Supreme Court it has been held that it is mandatory for the police to register an FIR under Section 154 of the Code of Criminal Procedure when cognizable offence is disclosed to it. In **Lalita Kumari vs. Govt. of U.P. & Ors.** [(2014) 2 SCC 1], the Constitution Bench of the Hon'ble Supreme Court has held that non-registration of FIR in such like cases would amount to contempt and that it is incumbent upon the police to register an FIR and carry out proper investigation as per the case.

Manasa Singh

ANNEXURE- H

25.09.2017

To,

THE JUDICIAL MAGISTRATE FIRST CLASS

Ranga Reddy District

Sub: Registration of FIR for commission of an offence by accused person.

Ref.: The complaints dated 13.09.17 and 18.09.2017 given to the SHO and District Commissioner of Police respectively, PS: Shamirpet

Sir,

I am Manasa Singh, a concerned citizen, and resident of Prajay Engineers Waterfront City, Shamirpet since the last four years.

The following is an application, as prescribed under S. 190 of the Criminal Procedure Code (hereinafter, referred to as Cr.PC.), kindly requesting you to take cognizance of a complaint concerning Mr. Siddharth Singh, a security guard at Prajay Engineers and Waterfront City, Shamirpet and a resident of Shamirpet, for having baited and stabbed a stray canine unprovoked. It is humbly submitted that the said actions clearly fall within the ambit of “Cruelty” defined under S. 11 of the Prevention of Cruelty to Animals Act (hereinafter, referred to as POCA).

On 12th September 2017 at Shamirpet, Mr. Siddharth Singh, a security guard of the aforementioned apartment complex was seen baiting a stray canine with biscuits, before repeatedly stabbing it with a penknife as it drew closer. The same was also captured on the complex’s CCTV cameras.

The accused’s actions clearly fall within the ambit of S. 11(1)(i) of the Prevention of Cruelty to Animals Act, 1960, which is a cognizable offence, potentially punishable with a fine of upto ₹50/-.

Despite having approached the SHO of the Shamirpet Police Station with the same complaint on 13th September, 2017, and submitting a written complaint to the Deputy Commissioner of the Police regarding the concerned Station House Officer’s refusal to enter the details into the registry and referring the matter over to a magistrate, as required under S. 154(3) of the

CrPC, no legal action has yet been taken. Hence, the only legal option available to us was to make an application to you directly.

Therefore, we submit this complaint to you and humbly pray that you will kindly cognizance of it under Section 190 of the Criminal Procedure Code and accordingly, direct the concerned police personnel to initiate investigation upon the matter.

Manasa Singh

ANNEXURE- I

25.09.2017

To,

THE JUDICIAL MAGISTRATE FIRST CLASS

Ranga Reddy District

Sub: Registration of FIR for commission of an offence by accused person.

Ref.: The complaints dated 13.09.17 and 18.09.2017 given to the SHO and District Commissioner of Police respectively, PS: Shamirpet

Sir,

I am Hamza Khan, a concerned citizen, and a resident of Shamirpet since the last four years. The following is an application, as prescribed under S. 190 of the Criminal Procedure Code (hereinafter, referred to as Cr.PC.), kindly requesting you to take cognizance of a complaint concerning Ms. Rutushar Baruva, for having flung hot oil upon a stray canine unprovoked. It is humbly submitted that the said actions clearly fall within the ambit of "*Cruelty*" defined under S. 11(1)(a) of the Prevention of Cruelty to Animals Act (hereinafter, referred to as POCA).

On 3rd August (2017) at Shamirpet, Ms. Rutushar Baruva, who runs a small restaurant, flung hot oil upon a stray canine. As a result, the canine suffered burns over 10% of its body. The effects of the accused's actions were all the more far reaching as the concerned canine was a lactating mother, who had recently given birth to puppies. This occurred in broad daylight, with multiple witnesses on the scene.

Despite having approached the SHO of the Shamirpet Police Station with the same complaint on 13th September, 2017, and submitting a written complaint to the Deputy Commissioner of the Police regarding the concerned Station House Officer's refusal to enter the details into the registry and referring the matter over to a magistrate, as required under S. 155 of the Cr. Pc, no legal action has yet been taken. Hence, the only legal option available to me was to make an application to you directly.

Therefore, I submit this complaint and humbly pray that you will kindly cognizance of it under Section 190 of the Criminal Procedure Code and accordingly, direct the concerned police personnel to initiate investigation upon the matter.

Hamza Khan

ANNEXURE- J

IN THE COURT OF JUDICIAL MAGISTRARE FIRST CLASS, RANGA REDDY DISTRICT

Manasa Singh vs. Siddharth Singh (Pen- knife case)

Summary of Arguments

It is submitted that the accused, Mr Siddharth Singh has committed the offence under Section 11(1)(l) of the Prevention of Cruelty to Animals Act. Section 11(1)(l) reads as under: *'mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections, in the heart or in any other unnecessarily cruel manner'*.

The accused is a security guard at Prajay Engineers Waterfront City, Shamirpet. On 12.09.2017, the accused baited a dog with biscuits and then subsequently killed him with a pen knife. His actions fall under the impugned provision as he employed cruel means to mutilate the dog which resulted in his eventual death. The offence as per Section 31 of the same Act is cognizable and attracts a penalty of Rs. 10 to Rs. 50 for a first time offender.

Prayer

In light of the above mentioned circumstances, we pray before the Court to pass orders as it deems fit in the interest of justice and good faith.

Counsel for the Petitioner

List of Witnesses

- 1) Mr. Puran Chandra, a resident of Prajay Waterfront Engineers Society, who was walking in the apartment
- 2) Ms. Ahana Mehta, a resident of Prajay Waterfront Engineers Society, who was in her car at the time of the incident.
- 3) Ms. Subbulakshmi, a domestic help in Flat No. 234 of Prajay Waterfront Engineers Society, who was returning home after work.

ANNEXURE- K

In the Court of Judicial Magistrate First Class, Ranga Reddy District

Hamza Khan vs. Rutusha Baruva

Summary of Arguments (hot oil case)

It is submitted that the accused, Mr Rutusha Baruva has committed an offence under Section 11(1)(a) of the Prevention of Cruelty to Animals Act, 1960. The accused is the proprietor of a small restaurant in Shamirpet and on 03.07.2017 he casually flung hot oil on a stray dog which resulted in 10 percent burns.

The offence as per Section 31 of the same Act is non- cognizable and attracts a penalty of Rs. 10 to Rs. 50 for a first time offender.

Prayer

In light of the above mentioned circumstances, we pray before the Court to pass orders as it deems fit in the interest of justice and good faith.

Counsel for the Petitioner

List of Witnesses

1. Mr. Anant Mathur, a veterinary doctor with the Government Veterinary Hospital in Shamirpet.
2. Mr. Raman Agarwal, a customer at MrBaruva's restaurant at the day of the incident.
3. Ms. Minu Salooja, a passer- by, passing by the restaurant at the time of the incident.

IN THE COURT OF JUDICIAL MAGISTRARE FIRST CLASS, RANGA REDDY DISTRICT

Manasa Singh vs. Siddharth Singh (Pen- knife case)

Summary of Arguments

It is submitted that the accused, Mr Siddharth Singh has committed the offence under Section 11(1)(l) of the Prevention of Cruelty to Animals Act. Section 11(1)(l) reads as under: *'mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections, in the heart or in any other unnecessarily cruel manner'*.

The accused is a security guard at Prajay Engineers Waterfront City, Shamirpet. On 12.09.2017, the accused baited a dog with biscuits and then subsequently killed him with a pen knife. His actions fall under the impugned provision as he employed cruel means to mutilate the dog which resulted in his eventual death. The offence as per Section 31 of the same Act is cognizable and attracts a penalty of Rs. 10 to Rs. 50 for a first time offender.

Prayer

In light of the above mentioned circumstances, we pray before the Court to pass orders as it deems fit in the interest of justice and good faith.

Counsel for the Petitioner

Annexure-A

List of Witnesses

- 1) Mr. Puran Chandra, a resident of Prajay Waterfront Engineers Society, who was walking in the apartment
- 2) Ms. Ahana Mehta, a resident of Prajay Waterfront Engineers Society, who was in her car at the time of the incident.
- 3) Ms. Subbulakshmi, a domestic help in Flat No. 234 of Prajay Waterfront Engineers Society, who was returning home after work

In the Court of Judicial Magistrate First Class, Ranga Reddy District

Hamza Khan vs. Rutusha Baruva

Summary of Arguments (hot oil case)

It is submitted that the accused, Mr. Rutusha Baruva has committed an offence under Section 11(1)(a) of the Prevention of Cruelty to Animals Act, 1960. The accused is a the proprietor of a small restaurant in Shamirpet and on 03.07.2017 he casually flung hot oil on a stray dog which resulted in 10 percent burns.

The offence as per Section 31 of the same Act is non- cognizable and attracts a penalty of Rs. 10 to Rs. 50 for a first time offender.

Prayer

In light of the above mentioned circumstances, we pray before the Court to pass orders as it deems fit in the interest of justice and good faith.

Counsel for the Petitioner

Annexure- B

List of Witnesses

1. Mr. Anant Mathur, a veterinary doctor with the Government Veterinary Hospital in Shamirpet.
2. Mr. Raman Agarwal, a customer at Mr. Baruva's restaurant at the day of the incident.
3. Ms. Minu Salooja, a passer- by, passing by the restaurant at the time of the incident.

***Complaint to the Deputy Commissioner of Police about the refusal of the Station House
Officer to register the complaint (Pen- knife case)***

18.09.2017

To,

THE DEPUTY COMMISSIONER OF POLICE

Shamirpet Police Station

Petsheerabad Division

Balanagar Zone

West Cyberabad Police Commissionerate

Sub: Registration of FIR for commission of an offence by accused person.

Ref.: The complaint dated 13.09.2017 given to the SHO, PS: Shamirpet

Sir,

I am Manasa Singh, a concerned citizen, and resident of Prajay Engineers Waterfront City, Shamirpet since the last four years.

I had given the aforesaid complaint to the SHO at PS: Shamirpet on 13.09.2017. Despite my said complaint clearly disclosing commission of a cognizable offence by the accused person namely, Siddharth Singh, no action was taken on the aforesaid complaint by the concerned SHO. Thereafter, I visited PS: Shamirpet on many occasions and met the concerned SHO, but no action has so far been initiated on the complaint.

Sir, as per the relevant provisions of law, the SHO has no discretion in the matter of registration of FIR when the complaint clearly discloses the commission of Cognizable Offence. A perusal of my complaint and other relevant documents clearly points towards the commission of serious offence of cruelty towards killing of a street dog under Sec. 11(1)(i) of The Prevention of Cruelty to Animals Act, 1960.

To bring to your kind attention the facts of the case are: On 12.09.17, Mr. Siddharth Singh, a security guard at Prajay Engineers Waterfront City, Shameerpet, baited a dog in his locality with biscuits and then killed it with a pen knife. The CCTV cameras placed at the main entrance of the residential colony captured this act. This clearly demonstrates a premeditated intention of harming the dog. When I confronted Mr. Siddharth Singh, he said that these animals don't deserve to live, as they are a source of nuisance in the lives of the residents. It

is thus absolutely necessary that an FIR be registered forthwith and proper investigation be carried out by the concerned police officials.

In various judgments of the Hon'ble Supreme Court it has been held that it is mandatory for the police to register an FIR under Section 154 of the Code of Criminal Procedure when cognizable offence is disclosed to it. In **Lalita Kumari vs. Govt. of U.P. & Ors.** [(2014) 2 SCC 1], the Constitution Bench of the Hon'ble Supreme Court has held that non-registration of FIR in such like cases would amount to contempt and that it is incumbent upon the police to register an FIR and carry out proper investigation as per the case.

Manasa Singh

Complaint to the Magistrate about the refusal of the Station House Officer and the Deputy Commissioner of Police to register the complaint (Pen- knife case)

25.09.2017

To,

THE JUDICIAL MAGISTRATE FIRST CLASS

Ranga Reddy District

Sub: Registration of FIR for commission of an offence by accused person.

Ref.: The complaints dated 13.09.17 and 18.09.2017 given to the SHO and District Commissioner of Police respectively, PS: Shamirpet

Sir,

I am Manasa Singh, a concerned citizen, and resident of Prajay Engineers Waterfront City, Shamirpet since the last four years.

The following is an application, as prescribed under S. 190 of the Criminal Procedure Code (hereinafter, referred to as Cr.PC.), kindly requesting you to take cognizance of a complaint concerning Mr. Siddharth Singh, a security guard at Prajay Engineers and Waterfront City, Shamirpet and a resident of Shamirpet, for having baited and stabbed a stray canine unprovoked. It is humbly submitted that the said actions clearly fall within the ambit of “Cruelty” defined under S. 11 of the Prevention of Cruelty to Animals Act (hereinafter, referred to as POCA).

On 12th September 2017 at Shamirpet, Mr. Siddharth Singh, a security guard of the aforementioned apartment complex was seen baiting a stray canine with biscuits, before repeatedly stabbing it with a penknife as it drew closer. The same was also captured on the complex’s CCTV cameras.

The accused’s actions clearly fall within the ambit of S. 11(1)(I) of the Prevention of Cruelty to Animals Act, 1960, which is a cognizable offence, potentially punishable with a fine of upto ₹50/-.

Despite having approached the SHO of the Shamirpet Police Station with the same complaint on 13th September, 2017, and submitting a written complaint to the Deputy Commissioner of the Police regarding the concerned Station House Officer’s refusal to enter the details into the

registry and referring the matter over to a magistrate, as required under S. 154(3) of the CrPC, no legal action has yet been taken. Hence, the only legal option available to us was to make an application to you directly.

Therefore, we submit this complaint to you and humbly pray that you will kindly cognizance of it under Section 190 of the Criminal Procedure Code and accordingly, direct the concerned police personnel to initiate investigation upon the matter.

Manasa Singh

Complaint to the Magistrate about the refusal of the Station House Officer to register the complaint (Hot oil case)

25.09.2017

To,

THE JUDICIAL MAGISTRATE FIRST CLASS

Ranga Reddy District

Sub: Registration of FIR for commission of an offence by accused person.

Ref.: The complaints dated 13.09.17 and 18.09.2017 given to the SHO and District Commissioner of Police respectively, PS: Shamirpet

Sir,

I am Hamza Khan, a concerned citizen, and a resident of Shamirpet since the last four years. The following is an application, as prescribed under S. 190 of the Criminal Procedure Code (hereinafter, referred to as Cr.PC.), kindly requesting you to take cognizance of a complaint concerning Ms. Rutushar Baruva, for having flung hot oil upon a stray canine unprovoked. It is humbly submitted that the said actions clearly fall within the ambit of “*Cruelty*” defined under S. 11(1)(a) of the Prevention of Cruelty to Animals Act (hereinafter, referred to as POCA).

On 3rd August (2017) at Shamirpet, Ms. Rutushar Baruva, who runs a small restaurant, flung hot oil upon a stray canine. As a result, the canine suffered burns over 10% of its body. The effects of the accused’s actions were all the more far reaching as the concerned canine was a lactating mother, who had recently given birth to puppies. This occurred in broad daylight, with multiple witnesses on the scene.

Despite having approached the SHO of the Shamirpet Police Station with the same complaint on 13th September, 2017, and submitting a written complaint to the Deputy Commissioner of the Police regarding the concerned Station House Officer’s refusal to enter the details into the registry and referring the matter over to a magistrate, as required under S. 155 of the Cr. Pc, no legal action has yet been taken. Hence, the only legal option available to me was to make an application to you directly.

Therefore, I submit this complaint and humbly pray that you will kindly cognizance of it under Section 190 of the Criminal Procedure Code and accordingly, direct the concerned police personnel to initiate investigation upon the matter.

Hamza Khan

REPORT OF THE NALSAR LEGAL AID GROUP FOR THE TERM 2021-2022:

The term of the NALSAR legal aid group started in the middle of covid-19 lockdown while the college was shut. During this time, the NALSAR Legal aid group was unable to conduct any field activities since no-students were on campus and all members were in their respective homes in different cities. However, NLAG conducted some activities during this time.

As part of its legal awareness campaign, NLAG conducted a pan-India and Nepal poster making and essay writing competition for school-going children of the levels 6th to 8th and 9th to 12th, respectively. The topics ranged from human right violation, freedom of religion to the challenges of online education raised by the pandemic. Prize amounts upto INR 2000 were distributed to the winners and a certificate of participation was issued to all the children who heartily participated in the competition.

NLAG also worked with Project 39A at NLU Delhi, whereunder volunteers helped compile research on laws about imposition of death penalty in various nations – focussing on the middle east, for a report on death penalty laws around the world to be made by them. They also used the research to file a subsequent writ in the Supreme Court of India to seek reforms in the death penalty laws in India through a comparative analysis.

NLAG worked in collaboration with NLSIU Bangalore's legal aid cell to help two stranded informal sector workers in Hyderabad secure Aadhar cards to enable them to get a bank account and formal sector jobs.

NLAG members helped a female scheduled caste Girls Hostel security guard with a caste-based violence related murder case of her husband. NLAG members helped the security guard understand the progress in her case, the meaning of the charges and what she was required to do. Two NLAG members accompanied her to the Medchal District Court to speak with the public prosecutor, and accompanied her to court during her witness testimony and cross examination as moral and legal support. NLAG members helped prepare her along with the public prosecutor to give evidence and withstand cross-examination in court.

NLAG members reached an understanding with the District Judge for Medchal District, and the Secretary Medchal District Bar association to aid and assist the District Legal Service authority in its work. As part of the work, NLAG members in collaboration with the IDIA legal aid team would go to the District Court to help litigants and the legal service authority with Lok Adalat cases and help the bar association conduct legal awareness camps in the district. The on-ground work is expected to begin in January, 2023 as per the understanding.

NLAG collaborated with Hyderabad based battered women's shelter Sayodhya clinic as part of their legal outreach programme. As part of the collaboration, NLAG volunteers have been visiting the women's shelter every week to assist their legal advisor deal with the various cases and make reports. The collaboration is ongoing and continuous.

Budget withdrawals and spending:-

- 1) Rs. 10,000/- pre-sanctioning from budget in anticipation of activities to be done with Medchal district legal services authority.

- 2) Rs. 304/- + Rs. 200 spent on transport for case work for GH security staff member.
- 3) Rs.400/- spent on transport for collaboration with Medchal District Legal Service Authority
- 4) Rs. 46/- spent on miscellaneous expenses of printing and xerox for case work for GH security staff member.
- 5) Rs. 2000/- spent on prize money for poster making competition by NLAG.

Balance left with Mrityunjoy Roy:- Rs. 7,050/-

Prepared by:- Mrityunjoy Roy.

IP Clinic #01
NALSAR DPIIT-IPR Chair & AIC-CCMB
AIC-CCMB Campus, Hyderabad
May, 23, 2022 10:00 am to 2:00 pm

List of Participants from AIC ‘Cohort 2’ working on “Maternal & Child Health” –

1. Individual Incubatees

- Abhishek Gaikwad
- Melinda
- Ajay Kumar
- Balakritika

2. Start-up #1

Name: Dr. Aakash and Dr. Vidya
Company: Albott AO

3. Start-up #2

Name: Dr. Srinivas Maddi
Company: Acubiosys

4. Start-up #3

Name: Dr. Mohan Appaiyagari
Company: Srikara Biologics

Dear Sir / Madam,

NALSAR DPIIT Chair held a one day **IP Clinic** at Atal Incubation Centre – CCMB, Hyderabad on May 23, 2022.

In this IP Clinic each incubates / start-ups were individually met up, their research projects and bottlenecks were understood and an IP road map was suggested to each. The following incubates / start-ups (as selected by AIC-CCMB) were individually counselled:

1. Individual Incubates -

- 1) Abhishek Gaikwad

- 2) Melinda
- 3) Ajay Kumar
- 4) Balakritika

2. Start-ups -

- 1) Albott AO (Dr Aakash and Dr Vidya)
- 2) Acubiosys (Dr Srinivas Maddi)
- 3) Srikara Biologics (Dr Mohan Appaiyagari)

Such IP Clinic was a first of its kind for both NALSAR DPIIT Chair and Atal Incubation Centre – CCMB. The event received excellent feedback for the participants of AIC-CCMB and their officials.

Best,

Anindya.



**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 '*Jungseepai*' 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.



**NALSAR University of Law
Hyderabad**

EXTRACT FROM THE ANNUAL REPORTS

**REPORT ON THE EXTENSION AND OUTREACH ACTIVITIES
DURING THE YEAR 2017**

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

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 Nellore 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.



**NALSAR University of Law
Hyderabad**

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DURING THE YEAR 2018**

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

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.



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**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 CTRLR, 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



**NALSAR University of Law
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.



**NALSAR University of Law
Hyderabad**

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**REPORT ON THE EXTENSION AND OUTREACH ACTIVITIES DURING THE
YEAR 2021**

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

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.
4. The CID afforded us a great deal of independence for all of our 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 us to gain insights on the 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 us 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 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

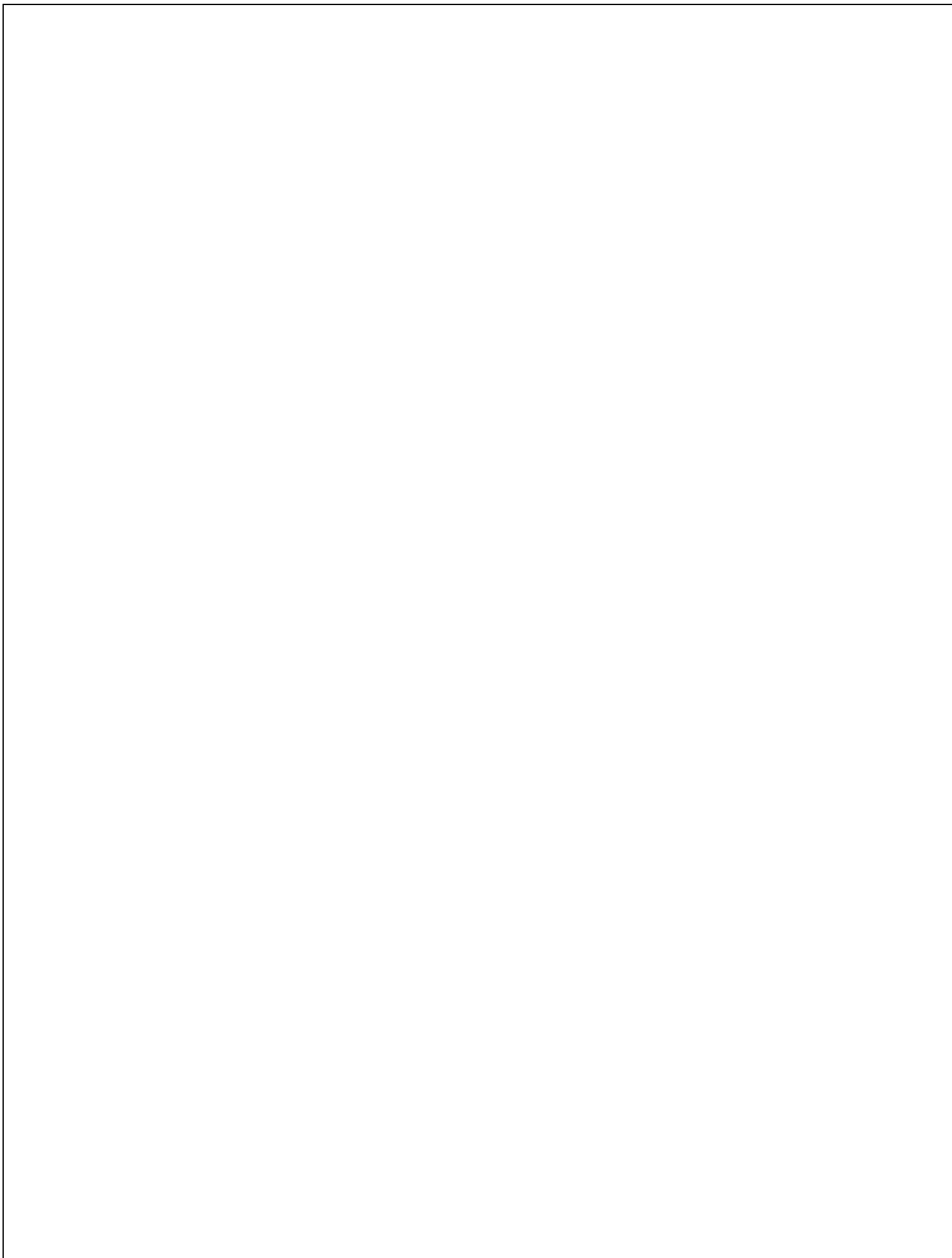
REASONS WISE ACQUITTED CASES

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

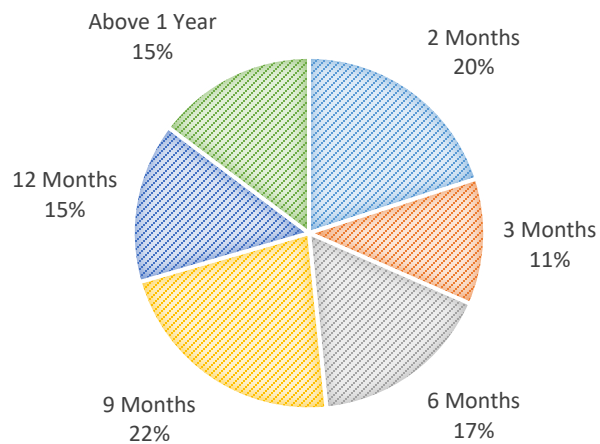
S. No	Reasons	No. of cases Acquitted			
		2017	2018	2019	2020 (Jan to October)
1.	Lack of Evidence	0	1	1	0
2.	Failure to collect Evidence	0	0	0	0
3.	Miss Handling of Evidence	0	0	0	0
4.	Failure to prove the case	0	3	2	1
5.		0	0	0	0

	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

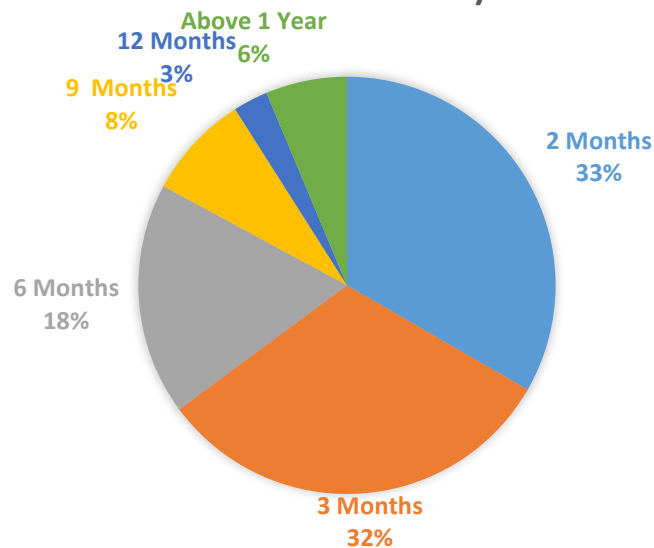


WEST GODAVARI 2019 - TIME TAKEN TO FILE CHARGE SHEET

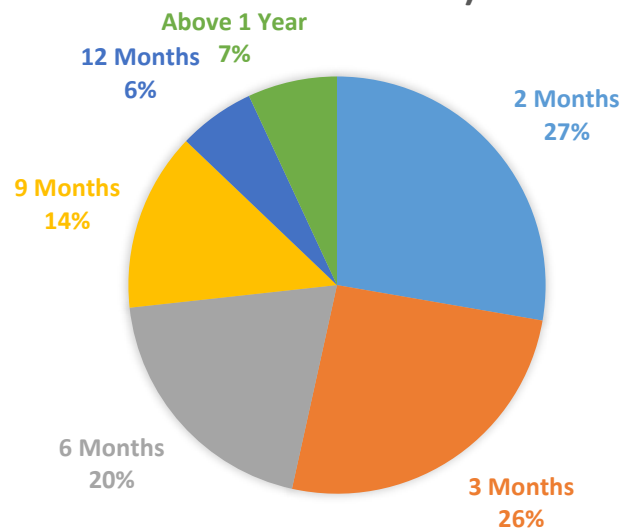
■ 2 Months ■ 3 Months ■ 6 Months ■ 9 Months ■ 12 Months ■ Above 1 Year



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.

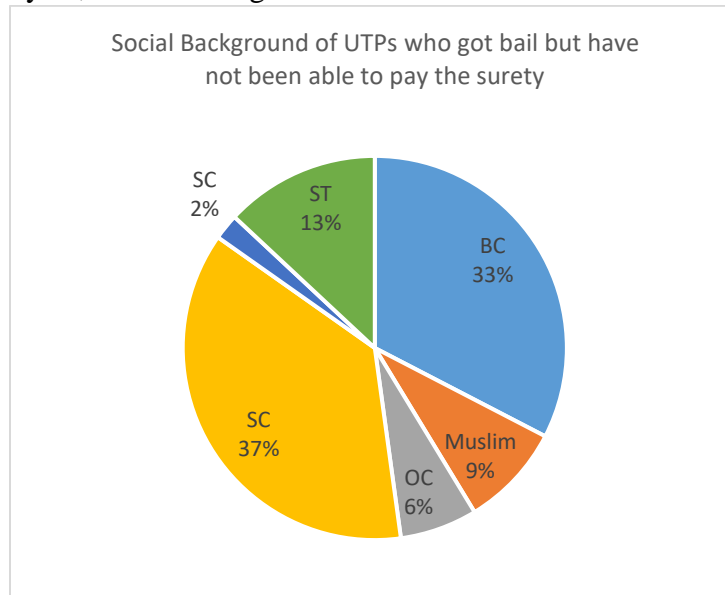
the team from NALSAR consisting of four interns and their faculty co-ordinator, visited the Central Prison of Rajamahendravaram. The following are our observations and recommendations.

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.

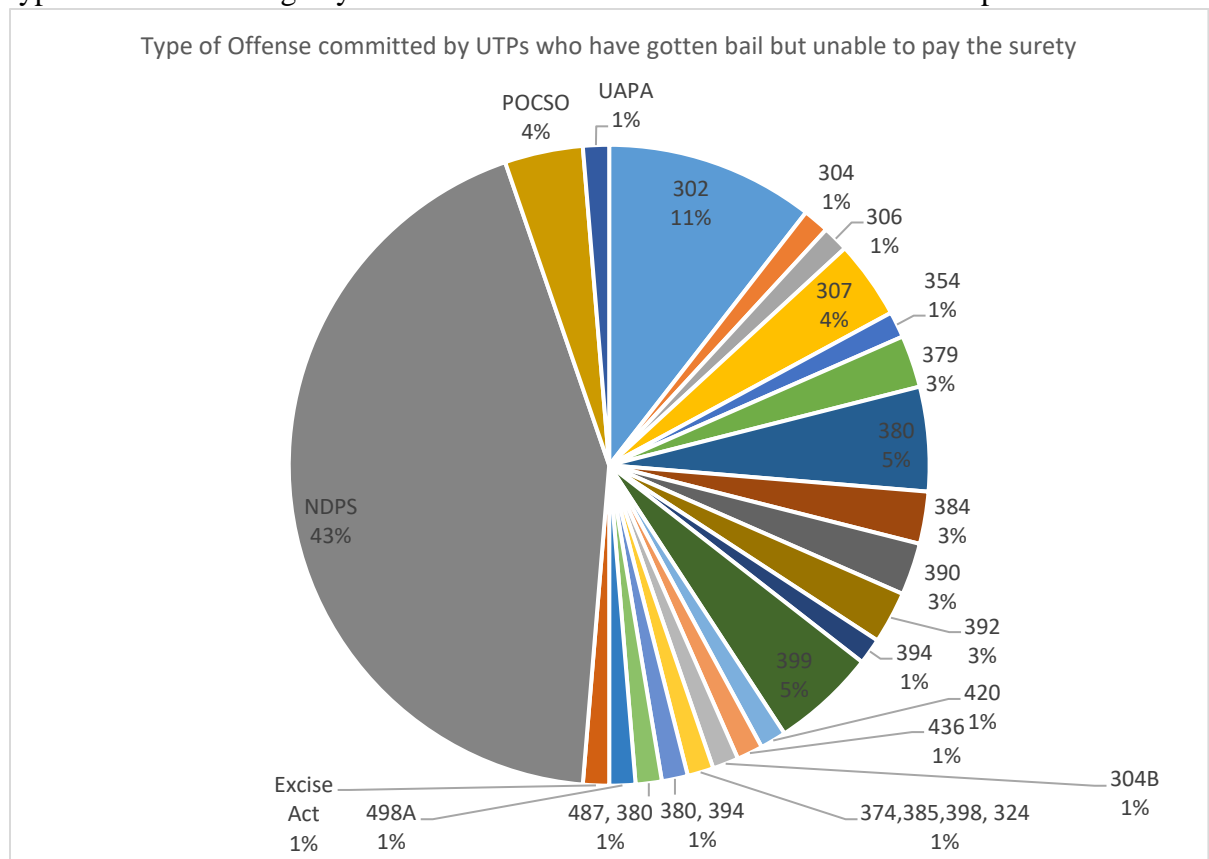
(ii) Further efforts need to be taken to give effect to Article 39A of the Constitution which guarantees free legal aid to the disadvantaged. Complaints against state-assigned lawyers need to be taken and acted upon. There is a need for an official in each prison (who may be posted there or may visit 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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