

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 03/03/2015

Case No. 42/1/14/2014-WC

To

✓ AMAL KANTI CHAKMA, COMPLAINTS
COORDINATOR
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C,
(2ND FLOOR), JANAKPURI,
DELHI, DELHI.

11 MAR 2015

Sir/Madam,

With reference to your complaint dated 08/01/2014, I am directed to say that the matter was considered by the Commission on 26/02/2015. The Commission has made the following directions:

The Commission received a complaint dated 06.01.2014 from Shri R.H. Bansal, a human rights activist, stating that the minor tribal inmates of the Adivasi hostel, aged between 10-13 years were raped by Harish, a tuition teacher for about 5 months putting the girls under threat at Enemeedi Thanda of Nalgonda District, Andhra Pradesh. Vide proceedings dated 07.01.2014, Commission called for a report from the concerned authorities.

Pursuant to the directions of the Commission, the Superintendent of Police,, Nalgonda, Govt. of Telangana, Police Department, vide his letter dated 1.08.2014 reported that as per his directions, the matter was enquired into by the SI of police, Peddavoora. He had rushed to Village Reconstruction Organisation (VRO) centre hostel and examined the victim girls and others. Case No.03/214 was registered at Peddavoora police station. He had also visited the hostel and coordinated with the District Collector and others concerned officials with regard to rehabilitation of the victim girls and for providing compensation from the Government according to the norms. SDPO, Miryalguda had conducted the investigation. A-1, Ramavath Harish and A-2, warden of the hostel, were arrested on 04.01.2013 and A-3, Annam Saritha, was arrested on 9.01.2013 and were produced before the court.

It was reported that A-1 Ramavath Harish was appointed as a temporary tutor by A-2 warden of the hostel. A-2 allowed A-1 to sleep at night in the hostel. A-3, Annam Saritha is the wife of A-2, who had been working as a cook. A-1 & A-2 were staying in the hostel alongwith 78 poor tribal children (boys & girls). A-3 did not report the matter to the police. Sections 417/420/506/354A/376(2)(f) of Criminal Law Amendment Act and Sec.5(f)(i)(m) (o)(p) 6 of Protection of Children from Sexual Offences Act, 2012 were incorporated against the first accused. Sections 16 and 21 of Protection of Children from Sexual Offences Act, 2012 were added against A-2 & A-3. Case Nos.04 to 14/2014 (total 12 cases) were registered against the accused and charge-sheets were also filed before the Court on 02.05.2014 and 03.05.2014. All cases were committed for trial before the Fast Track Special Court at Nalgonda.

The Secretary to Govt. of Telangana (FAC), Education (SE-GENL) Department, vide his letter dated 26.09.2014 reported that an ex-gratia of one lakh to each victim has been announced. Initially Rs.25,000/- was paid to each victim on 05.01.2014. Rs.

25,000/- will be paid after filing of charge-sheet. Remaining Rs.50,000/- will be paid after completion of trial of the case.

It was further reported that as a special case, each victim is enrolled under the girl child protection scheme and will be paid an amount of Rs. One lakh as per norms. All the 12 victims had been sent to the State Home, Hyderabad on 06.01.2014 for safe custody and counseling. The report enumerates the actions taken by the administration immediately.

The Commission in its proceedings dated 22.10.2014 considered the report and had observed and directed as under:

"Admittedly, the victims belong to Scheduled Tribe community. There is no mention in the report regarding the exclusion of the provision under the SC/ST (Prevention of Atrocities) Act, 1989. Hence, the Superintendent of Police, Nalgonda, is directed to send a report, within six weeks, regarding the exclusion of the provision under the SC/ST (Prevention of Atrocities) Act.

The Superintendent of Police, Nalgonda, is also directed to send a report, within six weeks, about the current status of the Case Nos.04 to 14/2014."

In response the Superintendent of Police, Nalgonda, vide his letter dated 03.12.2014 reported that accused No.1 Ramavath Harish belong to ST and accused No.2 Srinivasa Rao and accused No.3 N. Saritha belongs to SC Community. Hence, the provisions of SC/ST (Prevention of Atrocities) Act, 1989 were not invoked in the instant case. Caste certificates in respect of A-1 to A-3 issued by the Tahsildar, Nagaram Mandal, Guntur District have been enclosed with the letter.

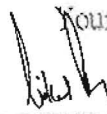
The Commission has considered the material placed on record.

The police had taken prompt action in arresting the accused and completing the investigation. Charge-sheets were also filed before the Court. All the cases were committed for trial before the Fast Track Special Court at Nalgonda. Since the court is seized of the matter, no further intervention of the Commission is required in the matter. Hence, the case is closed.

MAIN FILE-18/1/14/2014-WC

This is for your information.

Yours faithfully,



ASSISTANT REGISTRAR(LAW)