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MEMBER OF PARLIAMENT
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Member of Standing Committee on Finance
Member of Consultative Committee on Finance
Member of Central Advisory Committee for the National Cadet Corps
Co-Chairman, District Development Coordination & Monitoring Committee, Bengaluru Urban District

August 21, 2018

Dear Kumaraswamy avaru,

Sub: Need for immediate Audit of Shelters Homes / Child Care Institutions for the Safety of Children

I have been repeatedly bringing the issue of Child Abuse in Bengaluru to the notice of the Government of Karnataka so that concerted efforts are undertaken to safeguard children. I am now writing to you to draw your attention to the lack of decisive action for several years by the Government including yours on the repeated instances of child sexual abuse in our City.

You may have read in recent press reports that child abuse cases are increasingly on the rise all over Karnataka amidst the growing perception of Government institutional inadequacy both in terms of response to prevent such crimes and response to prosecuting these crimes. These crimes against Children rank as the most heinous and is a form of Terrorism which requires urgent, deep and concerted efforts by the State.

Following recent crimes committed in Shelter Homes of Muzaffarpur in Bihar and Deoria in Uttar Pradesh, *the Central Government has issued a timeline of September 15 for State Governments to submit an inspection report of all child care institutions in the States.* In a consultation with the States and Union Territories carried out earlier this year, it found that only 7,109 shelters for Children across the country were registered under the Juvenile Justice (JJ) Act, 2015.

Compulsory registration of all child care institutions, regardless of whether or not they are funded by the government, is mandatory under the JJ Act. The Act puts the onus of registration on the State/UT government. On a quick enquiry made where I spoke to a few activists and NGOs working towards protection of child rights, you will be shocked to know that there are more than 500 shelter homes in Bengaluru alone which are illegally operating, either unregistered or pending registration with the Women and Child Department in Karnataka. This puts about 10,000 to 50,000 children at the risk of abuse and exploitation. One can only imagine the apathy and lack of effort of the Government from the absence of any concrete data of shelter homes in the State of Karnataka.



Given the recent episodes of Child Sexual Abuse and Exploitation of Children, the Government has not shown any seriousness towards the grave issues threatening the safety of children in the city of Bengaluru. There is an utter lack of data / information about shelter homes in Bengaluru, Karnataka and there are potential dangers of such lack from the side of the Government.

It reflects on the priorities of your Government that even an institution as important as Karnataka State Commission for Protection of Child Rights (KSCPCR) does not currently have a chairperson and the innocent children are bearing the brunt of a headless KSCPCR. News reports suggest that over the past month, there has been significant delay in the commission's handling of various cases that come to it.

Under the Commission for Protection of Child Rights Act, 2005, The State Government is mandated to appoint and make available to the State Commission such officers and employees as may be necessary for the efficient performance of its functions. But as per reports, the Commission, which currently has the required 6 members in the KSCPCR, are overburdened and unable to deal with the caseload as there are no full-time staff. The KSCPCR receives an average of 8 to 10 cases pertaining to child rights violations and other related issues every day. The KSCPCR has not received any official order from your government regarding appointment of an in-charge chairperson.

In light of the stated discrepancies and shortcomings, the cases that deserve immediate hearing are being neglected and the KSCPCR is failing in its job to secure children in the State of Karnataka. It is evident from a recent news report which states that out of 1600 cases reported since 2012, only 67 ended up in convictions, while 1157 are still pending trial. The police could not complete investigation in 18 such cases in 2017. This number grew to 75 cases in 2018. 132 cases are pending trials till July 31, 2018.

Given the heinous nature of the crimes committed against children and in the interest of justice, I urge you to take the following action:

1. *Immediate appointment of KSCPCR Chairperson;*
2. *Conduct an immediate study/social audit to be completed in one month on the number of shelter homes/child care institutions in the State, details about their certification and make the data available on the government website; Additionally, conduct safety audits of the schools and institutions as per the directions of the Ministry of HRD and provide a report so that action can be taken against the schools and other institutions which are in contravention of the guidelines;*
3. *Involve a citizens group such as NCPOC to supervise this audit;*
4. *Take immediate action under the law against the illegally running/unregistered shelter homes in the state;*
5. *Ensure rehabilitation and social re-integration of children in need of care and protection;*



6. *Provide performance audit of the programmes run by the State Government for the safety of children and women;*
7. *Make the information regarding the annual and special reports prepared by KSCPCR as per the mandate under Section 23(1) of the Commissions for Protection of Child Rights Act, 2005 on the above matters public;*
8. *Adopt and use technology that is being utilized in a few States of India (Management Information Software) under the aegis of UNICEF for maintaining data on children in various child care institutions.*
9. *Open more child courts to ensure timely justice and effective prosecution of cases involving children;*
10. *Appoint an advocate of appropriate seniority and experience from the criminal side of the Bar, as a Special Public Prosecutor, to prosecute the matters relating to Child Sexual Abuse and crimes against children.*

On several occasions, I have repeatedly raised some of the issues mentioned above. I am enclosing my previous letters for your reference. I urge you to take immediate action on this matter and take decisive policy and governance actions that will ensure safety for children in Bengaluru and Karnataka.

I look forward to your early response.

Yours sincerely,

RAJEEV CHANDRASEKHAR

Shri HD Kumaraswamy

Hon'ble Chief Minister of Karnataka
Vidhan Soudha, Bengaluru

Copy to:

- 1) Smt. Maneka Gandhi, Hon'ble Minister of WCD, Govt. of India, New Delhi
- 2) Smt. Stuti Narain Kacker, Hon'ble Chairperson, NCPCR, New Delhi

Encl:

- 1) News Reports on Crimes against Children in Bengaluru.
- 2) My previous letters urging the Government of Karnataka to make my city and State safe for Children

POCSO: 1023 cases filed, conviction 0

■ 80% cases pending since 2012 ■ Supreme Court's recent order has little effect

MUJAHD DEPUTY | DC
BENGALURU, AUG. 18

This is a statistic that would make the judiciary hang its head in shame - the pendency rate in the cases of sexual offences against children registered under Protection of Children from Sexual Offences (POCSO) in the city alone has risen to nearly 80 percent since 2012.

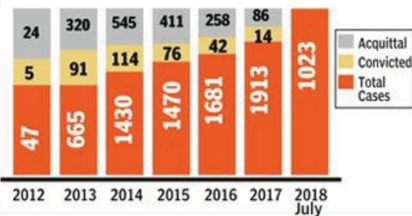
The number of convictions is a cruel joke. It is a mere 67, while the number of genuine POCSO cases reported since 2012 is whopping 1,600 and the number of cases pending trial are 1,157.

This means, the Apex court's recent orders to speed up POCSO trial has had little effect.

It is evident by the number of convictions in POCSO cases in 2018, which is a big zero. Of 1,023 POCSO cases reported in the state, out of which 207 are from Bengaluru, none of them led to convictions or were disposed of.

While out of 207 cases, 132 are pending trials and as many as 75 cases in the last seven months are still under investigation.

This deplorable condition persists even after the Apex court instructed the High



Courts to ensure that the cases registered under the POCSO Act are tried and disposed of by the Special Courts and to ensure speedy

trial by not granting unnecessary adjournments and following the procedure laid down in the POCSO Act. The courts need to complete

the trial in a time-bound manner or within a specific time frame under the Act.

The pendency rate in POCSO trials in the city has

been increasing at an alarming rate every passing year and the numbers are startling. Out of six POCSO cases reported in 2012, five

INCOMPLETE PROBES

■ The police investigation too took a back seat in 2017 as they could not complete the investigation in 18 cases. This number only grew in 2018 as they could not complete the investigation in 75 cases out of 207. While zero cases ended up in convictions or acquittals, as many as 132 cases are pending trials till July 31.

CONVICTION RATE POOR

■ The conviction in POCSO cases in the city is a cruel joke. Out of 1,600 cases reported since 2012, only 67 ended up in convictions, while 1,157 are pending trial. While 96 cases are still under investigation, 8 report has been filed in 31 cases as they turned out to be false.

are still pending trial and one ended up in conviction.

Similarly, the year 2013 recorded 130 cases of which 53 cases are pending trials, 16 led to convictions and 55 ended up in acquittal.

In 2014, the number of cases jumped to over double to 293. However, the convictions were just 28 and 96 cases were disposed off and at the end of the year 160 cases were pending trials.

Though the number of cases in 2015 reduced marginally to 273, the convictions were abysmal 10 and pendency rose sharply to 199. Fifty five cases were disposed of.

In 2016, 301 POCSO cases were reported and the conviction could not reach even double digits and stood at four, while 28 cases were disposed of. Shockingly, as many as 263 cases were pending trials at the end of the year.

The year 2017 was equally shameful for the state with only eight convictions, while the number of cases registered under POCSO rose to 390. The police investigation too took a back seat in 2017 as they could not complete the investigation in 18 cases.

The dismal numbers con-

tinued in 2018 as they could not complete the investigation in 75 cases out of 207. While none of the cases ended up in convictions or acquittals, as many as 132 cases are pending trials till July 31.

Additional Commissioner of Police (East) Seemanth Kumar Singh said that a combination of efforts was needed to make the POCSO cases reach its logical conclusion and the police were doing its best to ensure that the cases stand in the court.

"As per the Supreme Court guidelines, the police have revamped its investigation process and are filing chargesheets within stipulated time. The police officers investigating POCSO cases are trained to handle such cases sensitively," Singh told Deccan Chronicle.

According to experts, the long-pendency in trials, especially in POCSO cases, lead to low convictions. By the time the cases come to the courts after a series of adjournments due to various reasons, including witnesses turning hostile or threatened to change the statements or victim changing their statement out of fear.