

## BBMP Elections 2015 – New Council takes over

B.PAC congratulates the newly elected BBMP Council. Our election activities were already outlined in detail in our Election Special and widely appreciated by citizens, political parties and contesting candidates.

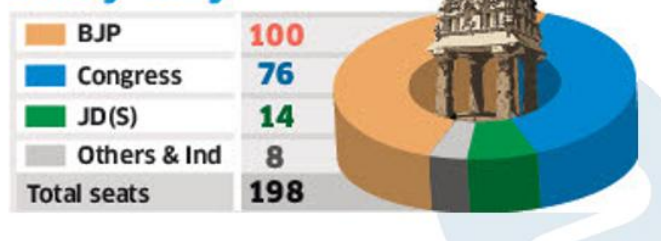
BBMP Elections have always been low profile with citizens often being unaware of who the contesting candidates are and candidates also reaching out selectively to voters, just enough to make the cut. This BBMP election there was a noticeable shift with high media coverage for all activities in this area including several election related exercises undertaken by B.PAC. The voter turnout was 49% during this council elections compared to 44.1% during the 2010 elections.

B.PAC evaluation and endorsement of contesting candidates gave greater visibility to the candidates and provided external validity, while citizens were able to check their respective wards and see the candidate profile and, our evaluation criteria and make informed choices. Due to paucity of time, we endorsed only 50 candidates after evaluating candidate profiles in 81 shortlisted wards that comprised of educated middle class voters.

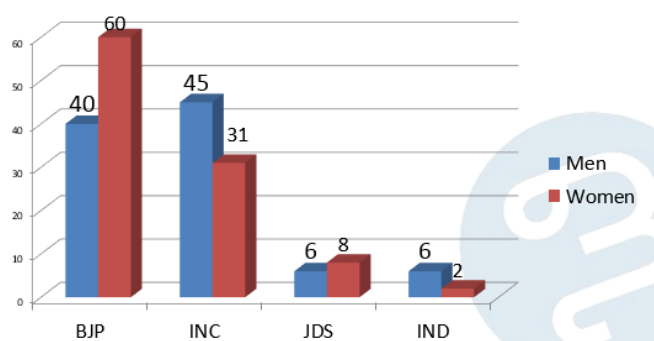
The BBMP 2015 Election calendar did not provide adequate time between filing of nominations and the final poll date, as a result of this we were able to endorse only 50 candidates. Following this exercise we received overwhelming request for similar information from other wards.

BJP won 100 out of 198 seats. Congress party stood second at 76 seats with the JDS bagging 14 seats. 8 constituencies decided to vote an independent candidate to the council.

### Party tally



### Corporators by Gender



101 out of 198 Corporators elected are women. While certain constituencies were reserved for women candidates, many women emerged successful from their ward in general categories. The new council comprises of 135 first time Corporators. We hope to see more women Corporators and also hope that the new Corporators rise to the challenge by engaging with the citizens for overall development of their respective wards.

B.PAC met the Mayor Mr. B.M Manjunath Reddy and the deputy Mayor S.P Hemalatha after assuming office to address key civic Issues of Bengaluru city by submitting a [memorandum](#). The Mayor was receptive to all our suggestions and assured us that significant on-ground action will be carried out during his term.

**B.PAC Case with Lokayukta : Dumping of debris and garbage on Metro Medians – Continued advocacy**



Construction debris and garbage have become ubiquitous to metro line. It plagues the bases of our metro lines like fungi growing on moist walls. They also have their own mini ecosystem, where weeds grow tall and bugs thrive. Despite being the potential health hazard along with being an eyesore to the cityscape, almost no action seems to have taken place on the ground.

In March 2015, Team B.PAC filed a complaint to the Lokayukta with nearly 700 photographs of debris and garbage that was all along the metro medians and surrounding the metro stations.

On 18th May, The BMRCL responded by saying that the debris did not belong to them, and that other parties were dumping debris beneath the lines. The Upalokayukta Justice Subhash Adi, asked the BMRCL and the BBMP to make up a plan to clean up the debris and gave the next hearing on 3rd June. B.PAC again went around the metro lines across the city on 2nd June to find that hardly any locations have been cleared of Debris. We submitted a fresh set of nearly 250 photos of debris below the metro lines, metro medians and beneath stations. On 3rd June, neither the BBMP nor the BMRCL turned up for the hearing. The BBMP sent a set of 79 photographs in an affidavit, claiming that it was construction debris and not garbage and hence not their mess to clean.

On 18 June, The BMRCL had responded with a document that claimed that they have taken steps to ensure that no more debris is dumped on the metro line. The document submitted to the Lokayukta states “We have identified some vulnerable points along the corridor,

where there is still the possibility of people dumping garbage and debris and therefore we have commenced foot patrolling through BMRCL security staff”

The BMRCL had also stated that it will fence the area of existing Metro stations under construction and are in the process of calling the tenders for it. The cost for fencing all stations under construction has been given as Rs 10 crore.



The 6<sup>th</sup> Lokayukta hearing was held on the 5<sup>th</sup> of November after B.PAC filed a complaint against garbage and C&D waste being dumped at the medians and stations of Namma metro. B.PAC visited the spots on 4<sup>th</sup> November to inspect the state of the medians. We are happy to note that there is some change. In the Byapanahalli to MG road stretch we found about 80% of the area clear from debris and garbage. In some cases saplings have now been planted along these medians. B.PAC has requested that proper fencing be done to protect the same.

However, many other sections of the Metro medians remain largely unattended. We will continue to monitor and report progress along the purple and green lines of Namma Metro and we invite suggestions, participation and monitoring by citizen. Please do keep us posted about what you see with the exact location details.

**Upa Lokayukta Mr. Subash Adi has appreciated the efforts of B.PAC and suggested a joint inspection by him alongwith BBMP, BMRCL, B.PAC to some vulnerable spots. Next hearing is posted for Jan 18<sup>th</sup> 2016.**

## Report on the functioning of Special Fast Track Courts in Bengaluru with respect to sexual abuse of Women & Children



B.PAC, through its B.SAFE Program, has been working on several dimensions of women and child safety in the city. One of the key components of enhancing safety of women and children is understanding the impediments in speedy justice and examining possible solutions. Towards this objective, Center for Law and Policy (CLPR) , B.SAFE member, had done an extensive study of functioning of Fast Track Courts in Karnataka dealing with women and child sexual abuse. The report was released by Justice Venkatachelliah and Justice Santosh Hegde.

The statistics are appalling. Out of 623 cases registered under special fast track courts, only 107 were disposed. Out of these, 89 cases led to acquittal (83.17%) and a mere 18 cases or 16.8% of cases led to conviction. There are multiple reasons for the paltry conviction rate, the most common being the witness or the victim turning hostile. In the 89 cases leading to acquittals, in 65 cases (81.2%) the witness was declared hostile. Lack of corroborative/medical evidence lead to acquittals in 10 cases (12.5%) with 5 cases (6.25%) being led to acquittals due to other reasons.

Details of the appalling statistics are in the table below

	Special Track Courts	Fast Track Courts	Special Court for Children
Cases Disposed	107		51
Convictions	18 (16.8%)		4 (7.2%)
Acquittals	89 (83.17%)		47 (92.8%)
Reason for Acquittals (for reviewed judgments only)			
Hostile Witness	65 (81.25%)		29 (61.7%)
Lack of medical/Corroborative Evidence	10 (12.5%)		18 (38.3%)
Other/Reason not provided	5 (6.25%)		-
Consideration of Medical Evidence (for reviewed judgments only)			
References to 2-finger test or prior sexual history of victim	24 (25.5%)		10 (19.6%)

*Source: CLPR report -The Myth of speedy and substantive justice*

This shows the abysmal functioning of the Fast Track Courts and we are now working on a set of concrete recommendations for Special Courts.

Chief guest Justice M. N. Venkatachaliah, Former Chief Justice of India was appreciative of the CLPR [report](#) and advocated a more nuanced approach stating, ‘The time has come to take a strong relook at the philosophy of the system that currently functions as adversarial and slowly move toward inquisitorial proceedings where the Judge does not merely function as an umpire but also as a conscious keeper to these proceedings’

Justice N. Santhosh Hegde was of the view that once witness statements are put forth to the magistrate, retraction or derailment should be considered perjury of law and action taken against the same. This would however put the victim to great hardship given the sensitive nature of the crime and required further consideration.

A panel consisting of eight members deliberated on the issue leading to this pathetic state of affairs at Fast Track Courts.

The members agreed that while cases of sexual assault against women have huge hurdles to cross to get justice, cases filed under Prevention of Child Sexual Offences (POCSO) have even more challenges to face. Most “POCSO” courts are nothing but regular sessions courts designated to hear POCSO cases. There is no infrastructure to prevent the accused and the



victim from seeing each other. There is no child friendly environment in the court and neither are the lawyers trained in questioning and cross examining the child, the accused and witnesses. Sometimes, even resource persons for the children provided by the Child Welfare Committee to ensure the trial goes on without any harm to the child, are not given due support and assistance either by the State Public Prosecutor or by Judges.

Change requires a multi stakeholder approach, change in mind sets through training, awareness and outreach, infrastructural and other procedural changes to the functioning of these Special Courts.

Stay tuned for our recommendations on functioning of Special Courts.

### **SAMPATH KUMAR R – 1<sup>st</sup> B.CLIP PARTICIPANT TO MAKE IT TO BBMP COUNCIL**

'I am proud to be a part of the B.PAC's leadership training, it has helped me in



comprehending the various civic issues plaguing Vasanthnagar ward through an extensive Ward Manifesto Action Plan exercise. This has helped me to strategize better and I am now able to put forth well -thought of solutions in the Council''

Sampath has been actively involved in several community projects in his ward including creating awareness about Government schemes, conducting sapling drives, blood donation camps, cleanliness camps etc

### **R. SAMPATH: 1<sup>st</sup> B.CLIP Participant to Contest Elections**



R. Sampath, B.CLIP Participant and a software professional was the first participant to contest elections . He ran for the Seegehalli Gram Panchayat Elections near White Field.

Sampath is an active member of Whitefield Rising, passionate and engaged and is known for his involvement in the Bruhat Whitefield Residential Complex Association (BWRCA) since its inception. He has also volunteered to assist traffic police to manage the traffic flow to ease congestion in major junctions of Whitefield area. Sampath won 163 votes, just 5 votes short of winning the Gram Panchayat seat. He now continues his civic engagement by involving in the activities of Whitefield Rising.

Though he did not taste success in his first attempt, this contest demonstrated clearly the power of exercising franchise and that every vote counts. Since it was so closely contested, his opponents, towards the end of the polling hour were able to bring some villagers and got them to vote. This win was not beyond his realm, it only needed some more engaged citizens to actually come out and vote.

## **THE FUTURE OF CAPITALISM - CONVERSATION WITH DAVID FRIEDMAN**



B.PAC was privileged to host Dr. David Friedman, well known Economist, physicist and legal Scholar. Also happens to be Milton Friedman’s son. In a riveting session in a packed hall moderated ably by Narayan Ramachandran, Founder, InkludeLabs. He challenged the prevalent views on governance and made a case for minimal intervention of the state leaving execution and administration of these laws to private agencies.

The internet has shrunk global boundaries in terms of communications and according to Friedman “In such a world governments become more and more obsolete”. He believes that in this heavily interconnected world, there are hardly any motivators for people to be tied down only to a geography or government. He conceives of citizens as customers of a service, and believes that if better services are provided elsewhere, people will move to places where the rules are more favourable to them. He believes in a form of “competitive dictatorship” which was less about political systems and more about choice - much like the way restaurants run. As a customer, you have no say into the way the restaurant is run or what food is served, but you have the right to choose to be that restaurant’s customer.



He also reiterated the fact there is no one "Capitalism" but "Capitalisms". Every nation has had a different relationship and conception of relationship with capitalism. He gives examples of the differences in how a mall operates in China and how it works in the USA. In a Chinese mall, the Mall owner sells space to any respective buyer but in the USA, malls rent out spaces in the mall. He claims that every nation and their relationship with Capitalism is inherently different due to cultural diversity, demographics and vibrancy of economic thought.