

**RECORD OF THE PROCEEDINGS OF THE CAMP COMMISSION SITTING OF THE NATIONAL HUMAN RIGHTS COMMISSION OF INDIA FROM 15-17 JANUARY 2014 AT LUCKNOW, UTTAR PRADESH**

A Camp Commission Sitting of the National Human Rights Commission was organised in Lucknow, Uttar Pradesh from 15-17 January 2014 to discuss pending cases and other human rights issues with the Chief Secretary, DGP, DMs, SPs and other State Officers.

**DAYS I & II (15-16 JANUARY 2014)**

The Camp Commission Sitting was chaired by Justice Shri KG Balakrishnan, Chairperson, NHRC, and attended by Members, Justice Shri Cyriac Joseph, Justice Shri D. Murugesan, Shri Satyabrata Pal and Shri S.C. Sinha, Director General (Investigation), Registrar (Law), Senior Officers of the NHRC, and the Chief Secretary, DGP, DMs, SPs and other officials of the Government of Uttar Pradesh.

Shri Javed Usmani, Chief Secretary, Government of Uttar Pradesh, extending his warm welcome to the Commission said that protecting human rights was the primary responsibility of any State and that the Government of Uttar Pradesh had always taken its responsibility in this regard, seriously. The Chief Secretary assured the Commission that the Government of Uttar Pradesh would take strict action to prevent the violation of human rights in the State and also abide by the Commission's decisions.

The Chairperson, NHRC, welcoming everyone on behalf of the Commission, stated that the Commission, since its inception, had consistently endeavoured to promote a culture of human rights in the country by making strident efforts for the eradication of bonded and child labour, protection of the rights of children, women and other weak and marginalized sections of society, right to health, food and education, rights of displaced persons due to natural and manmade calamities, protection against police excesses and protection of the rights of the differently-abled, elderly persons and

mentally ill. The Chairperson, NHRC added that the NHRC had been holding Camp Commission Sittings across States with a view to ensure speedy disposal of cases targeting towards better protection and promotion of human rights.

He further elaborated that during the Camp Commission Sitting in Lucknow, the Commission would discuss pending cases during the Division Bench Sittings and deliberate upon various issues of concern including the implementation of the Flagship Programmes of the Centre by the State Government, living conditions in relief camps set up for victims of communal violence in Muzaffarnagar and Shamli Districts, atrocities against Scheduled Castes and other depressed sections of society with special reference to the problems faced by the Musahar Community in Varanasi as well as the K. B. Saxena Report, issues regarding delay in conduct of CB/CID investigations of FIRs, prison reforms, condition in juvenile homes, public access to government hospitals etc.

The Chairperson, NHRC in his concluding remarks said that the deliberations would provide a good opportunity to the Commission as well as the State Government to understand each other's perspectives. He further hoped that the NHRC's Camp Sitting would be able to deliberate meaningfully on all issues of concern and create a blueprint for more effective cooperation and coordination between the Commission and government agencies and officials, in a noble partnership for the protection and promotion of human rights in the country.

During the hearing in the Camp Sitting, Ninety two cases including cases of atrocities on Scheduled Castes, sexual abuse of inmates of children home, medical negligence, Manual Scavenging and deaths in police encounter and police custody were taken up by the Full Commission and two Division Benches. Justice Shri K.G. Balakrishnan, Chairperson headed the Full Commission which also comprised Justice Shri D. Murugesan, Shri Satyabrata Pal and Shri S.C. Sinha, Members. Division Bench -I was comprised of Justice Shri K.G. Balakrishnan, Chairperson and Shri S.C. Sinha,

Member and the Division Bench-II of Justice Shri D. Murugesan and Shri Satyabrata Pal, Members.

A total amount of Rupees One Crore Twenty Lakh Sixty Five Thousand was recommended by the Commission to be paid to the victims/next of kin of the deceased persons in 25 cases. The Commission also issued notices under section 18 of the Protection of Human Rights Act, 1993 to the State Government to show cause as to why monetary relief should not be recommended to be paid to the next of kin of deceased in eight cases. The Commission also recommended CBCID enquiry in two cases of death in police encounter.

During the hearing of the cases the Commission noticed that there was considerable room for improvement in CBCID investigation of encounters and custodial death cases. The Commission also explained to the police officers that the criminals may be a menace to the society but the rule of law must prevail and nobody should be deprived of life otherwise than in accordance with law. Three cases involving the issue of protection and security of boys and girls in Children Homes, denial of access to government hospitals and manual scavenging were also taken up. An amount of Rs. Fifteen Thousand was also recommended by the Commission for payment to a lady who was denied admission in a government hospital at Bahraich and delivered baby on the roadside.

### **DAY III (17 JANUARY 2014)**

### **RECORD OF THE DISCUSSION OF THE NHRC, INDIA WITH NGOs AND MEMBERS OF CIVIL SOCIETY ON 17 JANUARY 2014 IN LUCKNOW, UTTAR PRADESH**

The interaction began with the Chairperson welcoming representatives of NGOs and members of civil society to the interaction and encouraging them to raise any issue of concern regarding human rights in the State of Uttar Pradesh. The Chairperson, NHRC stated that NGOs and other members of civil society are indispensable allies in the

Commission's efforts to realize a just society and to secure to every individual a dignified existence. He further expressed hope that the deliberations would lead to a fruitful exchange of ideas and a greater understanding of the ground realities, challenges and gaps being faced in safeguarding human rights.

While giving feedback on the decisions taken during the Camp Sitting, the Chairperson, NHRC informed the members of civil society that nearly 150 cases were taken up for consideration, of which some were related to encounter deaths. In some cases, compensation was recommended to the next of the kin and in cases where no violation of human rights could be established, they were closed. He further informed the participants that the issues raised by civil society members and NGOs would be taken up during the discussion with the State Officials along with the issues related to relief camps, problems being faced by the inhabitants of the camps, including health and sanitation.

The Chairperson, NHRC added that the steps taken by the UP Government for the effective implementation of the Flagship Programmes of the Government of India like the ICDS, Mid Day Meal Scheme, Indira Awaas Yojna, MGNREGA and Public Distribution System would also be discussed. The Chairperson, NHRC also invited the members of the NGOs to submit complaints in writing, if any, to the NHRC officers present at the interaction.

Ms Roop Rekha Verma, Social Activist, *Saajhi Duniya* stated that the Uttar Pradesh Police had taken praiseworthy steps towards protection of women in crises, yet the entire system was insensitive towards the plight of women and the social perspectives held by the police personnel, remained regressive and dismissive of women. There was need for an attitudinal change and greater efficiency within the police. Secondly, those in the ruling party and/or those who are close to people in power, call the shots and it has generally been observed that the administration and police become diffident in cases relating to forcible grabbing of farmers' land or issues relating to women, including kidnapping and rape. The numbers of such cases are

increasing and the process of taking action and processing these cases is very slow – both by the police as well as the judiciary. Lastly, the Supreme Court has asked States to provide details of footpaths which have been encroached without legal sanction and has stipulated a certain cut off period for sending this information. The footpaths have been encroached by vendors and this has deprived the pedestrians the space to walk. The State Government has not taken any action in this regard, despite the orders of the Supreme Court.

The Chairperson, NHRC asked whether these issues had been brought to the notice of State Government and added that the NGO could forward a complaint giving all relevant details to the Commission.

Ms. Renu Mishra, Association for Advocacy, said that her NGO's work relates primarily to illegal detention by the police, including cases where people go to the police station to lodge FIRs relating to sexual abuse, rape, abduction etc. and they are kept waiting in the police station for long durations. There have been many instances in which women complainants have been made to sit in the police station for over a day. These women are called repeatedly for medical check-ups and for other queries. When these women request the police to let them go home with the assurance that they will return the next day, the police personnel do not allow them to go back arguing instead that the complainant will run away and not come back. Why would these women run away when they have gone to the police station to make a complaint themselves? Why are women being detained for such long periods in police stations? The other problem is that when a woman goes to lodge an FIR, the main emphasis of police officials is on working out a 'compromise' and the complainants are sent to the mediation cell, even if the concerned woman is not keen on any compromise. The police personnel still pressurise the woman to undergo counselling and reach a compromise.

There have also been instances of girls and boys (who have attained majority of age), eloping to get married. In many such cases, the boy is arrested and charged with kidnapping while the woman is kept in detention at the police station in the name of her

security, despite the fact that she is a major. Such instances of detaining women in police stations on the pretext of security have increased considerably in the State.

The Chairperson, NHRC stated that the police are bound to record statements under 154(1) of the CrPC, particularly in the case of offences committed under Sections 354, 354 A, B, 370, 372, 376 A-E of the IPC. If however, these offences are reported to the police and they do not register an FIR, it is an offence punishable under 164 A, C with a minimum of six months and maximum of one year of imprisonment. If the offences under Sections 354 A & B, 376, 370, 372 and also 326 A & B (relating to acid attacks) are reported to the police, they are bound to record the victims' statements under 154 CrPC. If the FIR is not registered, then it is an offence under Section 154 (1) of the CrPC.

Mr. Neeraj Mishra, *Ehsas* Organization informed that his NGO is working towards the protection of the rights of children particularly the rights of street children and those employed. Although the organization is getting positive support from the police in most cases, it is felt that there should be a structured monitoring system to ensure the protection of the rights of women and children. Secondly, there should be a provision for open shelters near railway stations for runaway and missing children along with a mechanism for their identification and protection.

Shri S C Sinha, Member, NHRC enquired if the NGO was asking for open shelters for runaway and missing children?

Mr. Neeraj Mishra, *Ehsas* Organization answered in the affirmative and said that a lot of these children are those who have either run away from home, have gone missing or are employed as child labourers.

Ms. Bano Daisy, Naznin Trust said that her organization provides consultation to women who go abroad to work as house maids and helps them organize all their relevant documents. Apart from this, the organization is also working for the rehabilitation of women who have been forced out of their homes and don't have any

support for survival. These women are guided on how to approach the police and/or the Courts and even lawyers are guided on how to proceed in such cases.

The main issue which the organization wished to bring to the attention of the Commission was that whenever women go to the police station for lodging complaints, the police is rude to them and create fear among the complainants as a result of which the complainants are forced to go back without having their complaints registered. There is an urgent need for greater cooperation on the part of the police and for their sensitization.

Dr. Rupal Aggarwal, Help you Educational and Charitable Trust, stated that her organization is working on matters concerning crimes against women and female foeticide. The ratio of girls to boys in the country, she stated, is declining rapidly with an average current ratio of a mere 800 girls to every 1000 boys. While female foeticide is rampant, the Government is not undertaking steps to control this and even the police are rigid and reluctant to act on the issue.

In recent times, cases of acid attacks have increased with the latest being the *Aarti Tezaab Kand* which took place in Kanpur, where the victim was unable to do anything against her attacker, who is the son of an MLA. Thus, no action was taken against the perpetrator of the attack. Some time ago, the Government had passed an order mandating the installation of black boxes in hospitals. However, till date, no black box has been installed. There are many hospitals particularly in rural areas where illegal ultrasounds to determine the sex of the unborn child are being carried out. Women who have delivered girl children, are in many instances, subjected to violence and abuse and have even be killed. Domestic violence and abuse are other major issues of concern in Uttar Pradesh.

The Trust also requested the Commission to make a recommendation to the State of Uttar Pradesh for taking suitable steps towards police reform and for initiating an effective sensitization programme for the judiciary and police.

DG(I), NHRC enquired if the NGO had come across any centres where sex determination tests like ultrasound were being carried out?

Dr. Rupal Aggarwal, Help you Educational and Charitable Trust, stated that her Trust was working on identifying such centres since these centres generally work clandestinely. In rural areas, one can commonly find these ultrasound centres, but not as many in urban areas.

Shri Ershad Ahmed, PVCHR, Varanasi stated that in one case that took place in Varanasi, a girl named Rihana Begum working in a Banarasi saree factory was trafficked by the owner of the factory. In the said case, the girl suddenly went missing one day and when the mother of the girl asked the owner of the factory about the whereabouts of her daughter, the owner, instead of providing information, blamed the girl of having stolen jewelry. When the PVCHR intervened and the local police was informed about this incident, the police did not take the case seriously. Instead, they started bargaining with the factory owner who is rich and politically influential. Later, the girl was found in Karnataka and at present she is in a women's home in Varanasi. The police and the CWC Committee are not handing over the girl to her family, particularly the mother, who has been continuously fighting and struggling for the protection of the rights of her daughter.

Chairperson, NHRC enquired whether any of the NGOs represented at the meeting was working for the rights of STs and SCs.

Ms Rekha Verma, Social Activist, *Saajhi Duniya*, said that her NGO works in the field of gender, communal harmony and education. A large number of ST and SC people who have been victimized come to the NGO for help, to whom it lends support.

Shri Ershad Ahmed, PVCHR, Varanasi stated that one of the cases concerning STs/SCs, on which the NHRC has also taken cognizance, relates to the rape of Rakumari Vidhi from Varanasi.

Registrar, NHRC informed that the case was taken up by the Commission during the first day of the Camp Sitting. However, no representative from PVCHR came and the Commission received the police response refuting the allegations. The allegation does not seem to be believable and some response was expected from the PVCHR.

Registrar, NHRC also informed that the Commission had instructed that the issue of the demolition of the *musahar basti* by a builder be enquired into at a senior level and the State Government had been asked to submit its report within six weeks.

**Chairperson, NHRC thanked the NGOs for highlighting important human rights concerns in the State and suggested that if NGOs and Civil Society Organisations had any specific concerns, they could send their complaints to the Commission.**

---

**DISCUSSION WITH THE CHIEF SECRETARY, DGP, DMs, SPs ON VARIOUS HUMAN RIGHTS ISSUES, 17 JANUARY 2014, LUCKNOW, UTTAR PRADESH**

*Issues taken up for discussion with Senior Officers, Government of Uttar Pradesh*

**1) Implementation of flagship programmes of the Government of India and other welfare schemes of the State Government**

The Chairperson, NHRC stated that a Team from the Commission had visited five districts of Uttar Pradesh, namely, Chandoli, Ambedkar Nagar, Basti, Kheri and Jalaun to assess the implementation of the Centre's key flagship programmes, including the Sarva Siksha Abihayan, Mid Day Meal Scheme, MGNREGA, ICDS, Public Distribution System, NHRM, Janini Surksha Yojna and the Indira Awaas Yojana. On the basis of the visit reports, the Chairperson, NHRC brought to the notice of the State Authorities that there were some schools that had not been provided with toilets, NREGA records were not being properly maintained etc. The Chairperson, NHRC urged the administration to look

into these problems so that there could be an improvement in the governance of the districts as well as more effective implementation of the flagship programmes.

Shri S.C. Sinha, Member, NHRC, highlighting the findings of the team, pointed out that under the schemes relevant to schools in the State, winter uniforms were not being provided to the school children and in a large number of schools, students had not been provided benches and desks, as a result of which they were being forced to sit on the bare ground during winter. He further pointed that though there were separate toilets for girls and boys, they were in a pathetic and unsanitary state. In addition, basic teaching aids like blackboards were also seen to be in bad shape and this needed the immediate attention of the administration. Member Shri Sinha further pointed out that some of the *Kasturba Gandhi Vidhayalas* (residential schools for girls) neither had boundary walls nor electricity, as a result of which girls staying in these residential schools felt insecure and reluctant to stay there. These issues, added Member Sinha, needed to be looked into and the construction of boundary walls and provision of electricity in these residential schools required to be taken up on priority so that the purpose of Sarva Siksha Abihayan and Right to Education is fulfilled.

As regards the Mid Day Meal Scheme (MDMS), Shri S.C. Sinha pointed out that the teams which visited these districts had found that in some of the towns, the supply of the mid day meal had been outsourced to NGOs and that they were neither providing hot cooked meals to the children nor was the food of good quality. Such NGOs should be blacklisted, added Member Sinha. Even food grains meant for the MDMS were being kept in the house of the Gram Pradhans thus, providing ample opportunity for the misappropriation of food grain as well as funds. Shri Sinha stated that an urgent intervention on the part of the State Government was required and proper records needed to be maintained about the funds received and disbursed.

Speaking specifically about the mismanagement that had been going on in the schools in Lakhimpur District, Shri Sinha said that in the month of September none of the schools visited had provided mid day meals to the children on the plea that NGOs

did not have funds. He also mentioned that in village schools it was observed that there was no proper kitchen and the food was being cooked in unhygienic conditions. Shri Sinha also raised questions on the improper functioning of Anganwadi Centres.

Justice Shri D. Murugesan said that the State Government must undertake a district-wise study to find out the reasons for the high rate of school drop outs especially at the primary school level in addition to ascertaining the teacher-pupil ratio. He added that the administration must ensure that in villages children are not deprived of their education due to lack of transportation or communication facilities.

JS(T) commenting on the functioning of the Integrated Child Development Services (ICDS) said that the State figures for infant mortality rate were much higher than the all India average. For the year 2011, for instance, against an all India average of 44, the infant mortality rate for the State was 57. Shri Kochher said that the State should concentrate on making the functioning of the ICDS more effective.

Shri Satyabrata Pal, Member, NHRC, raised concerns regarding the MGNREGA Scheme that had been observed to be functioning ineffectively in the State.

The Chief Secretary, Shri Javed Usmani assured the Commission that the State Government would carefully go through the reports of the NHRC Team and address the issues that had been raised in these reports at the district level as well as the level of the State Government and that an action taken report would be sent to the Commission.

The Principal Secretary, Rural Development, Shri Arun Singhal stated that the State provides an average of thirty one days of employment under the MGNREGA Scheme to each family as against the national average of thirty five days. He further informed that MGNREGA workers are classified into active workers and non-active workers as per the return of workers to work under the MGNREGA Scheme. The Principal Secretary also highlighted the convergence between the *Nirmal Bharat Abhiyan* and the MGNREGA, under which the construction of toilets is being taken up as MGNREGA projects. Speaking on the number of families being provided employment,

the Principal Secretary, Rural Development informed that a total number of about 45 lakh families had been provided employment of which 7 lakh families were those which had worked for an average of 10 days and were engaged in the construction of toilets.

Regarding wages, the Principal Secretary stated that the average time lag in payment of wages is about 12 days and that beyond 15 days, the Authorities pay compensation to the workers for the delay in payment. The Principal Secretary stated that the State Government had also adopted the new rules as modified by the Government of India, according to which if wages are not paid within 15 days, then the State Government is required to pay an additional compensation of 25% of the total amount of wages due to the concerned worker. Further, if wages are delayed beyond 30 days, then half of the total amount of wages due to the worker(s) will be provided in addition to the total wages as compensation for delay in payment of wages. The Principal Secretary further informed that the State Government had also framed rules regarding 'unemployment allowance' under the MGNREGA Scheme which stipulate that if employment is not provided within fifteen days to an individual who has applied for work, then one-fourth of the wage rate has to be given as compensation on a per day basis to the concerned worker.

As far as workforce participation of the Scheduled Caste population is concerned, the Principal Secretary informed that the State had a much better record than the national average, but in terms of participation of women in the workforce, the State was much behind the national average, which was partly due to cultural factors. Principal Secretary informed that the State Government had made efforts in the previous years due to which the participation of women in the workforce had increased. However, despite these efforts, women's participation stood at a mere 23%.

Highlighting the other initiatives being taken by the State Government, the Principal Secretary informed that if a woman had worked under MGNREGA for three continuous years, then at the end of the first year she was given a solar lantern as well as financial assistance from the bank provided that she gave an assurance that she

would work for next two years as well. He informed that this scheme is quite popular and is called the *Mahila Ghar ki Roshni* Scheme.

Speaking on the other measures being taken by the State Government, Principal Secretary informed that helpline services had been started which anybody could call with respect to any complaints and/or queries regarding the MGNREGA. The Principal Secretary added that these calls were being recorded and a proper record was being maintained on the website of MGNREGA. This record, added the Principal Secretary, would be available in the public domain, thus, ensuring transparency.

Member Shri Sinha stated that as per the figures available with the Commission, the total number of households registered in Uttar Pradesh for work under MNREGA was 1.5 crores approximately and the number of households which had demanded work was about 64 lakhs (approx) which worked to out about 40%. The Member wished to know if these figures were accurate.

The Principal Secretary, Rural Development stated that in order to capture demand, issue job cards and provide work to wage seekers, the State Government had organized a help desk/special camp programme, '*Aao, Kam Lo Abhiyan*', for two days in November 2013 in which each of the 52,000 Gram Panchayats participated. These days were observed as Special MGNREGA Days. About 10 Lakh people came to these special camps, one lakh new job cards were issued and about 5 lakh families were provided work. In addition, the government has also set up a 24x7 helpline on which demands are registered – whether pertaining to job cards or demand for work, and prompt action is taken.

The Principal Secretary stated that the percentage of active workers in the State of UP was entirely different from the country. He confirmed that under MGNREGA, approximately 1.5 crore households were registered and approximately 64 lakhs households had demanded work. He added that efforts were also being made to promote the participation of women in the work projects under MGNREGA. For

instance, separate SOR has been issued for women to increase their participation, separate bank accounts are being opened for the female workers, and work is being selected on the basis of suitability for women, for example, plantations etc.

Member Shri Satyabrata Pal stated that the Commission regularly monitors the situation of migrant and bonded labour across the country and that it had found that western UP is among the key recipients of migrant workers. In addition, there is a huge outflow of labour migrating under economic stress, particularly from East UP, which perhaps explains the increase in the demand for work in villages. Member Shri Pal further stated that if the same work were to be arranged locally, these villagers would not be forced to migrate. Secondly, Member Pal pointed out, the material costs for any type of project under MGNREGA must remain within reasonable limits, so that adequate funds remain available for disbursement as wages to the workers. However, it has been observed that in the State of Uttar Pradesh, the material cost is close to thirty seven percent of the total cost, which is fairly high.

The Principal Secretary, Rural Development stated that if the material components were used to the fullest, then there would be better quality of assets. He informed that the Government of India had been promoting the concept of a joint project – for instance, the making of bricks under MGNREGA, while the State Government would be responsible for setting up brick kilns locally across villages. The Principal Secretary assured the Commission that the State Government would take every step to ensure that the material cost remains below the permissible limit and efforts will be directed towards building durable assets.

Responding to the issue raised by the Member, NHRC regarding migration, Principal Secretary said that the phenomenon of migration was a complex one. He said that while under the MGNREGA Scheme, the Authorities were paying Rupees One Hundred and Forty Two (Rs.142) as the basic minimum daily wage, if a person migrated to Delhi or Mumbai then there was a probability of earning a better amount. On the issue of migration of workers from Eastern Uttar Pradesh, the Principal Secretary stated

that a major factor contributing to migration was the reluctance among people to work as labourers in the midst of their village folk and that a large number of such people preferred to migrate to other places where they felt more at ease and less ashamed to work as manual labourers. The State Government, he added, was obligated to provide work to those who want to work in their own villages. However, migration results in a limited impact of MGNREGA.

#### **DECISION/DIRECTIONS OF THE COMMISSION**

*The Commission expressed its disappointment with regard to the implementation of the key Flagship Programmes in the State such as the mid-day meal scheme, ICDS, MGNREGA and others, and pointed out that in the case of the Mid Day Meal Scheme (MDMS), there appeared to be a misappropriation of food grain as well as funds. The Commission pointed out that there were glaring gaps in the implementation of these welfare schemes and flagship programmes which needed the immediate attention of the administration. The Chairperson, NHRC urged the administration to look into these problems so that there could be an improvement in the governance of the districts as well as more effective implementation of the flagship programmes.*

*The Commission directed the State Government to undertake a district-wise study to find out the reasons for the high rate of school dropout especially at the primary school level in addition to ascertaining the teacher-pupil ratio and exhorted the state administration to ensure that children are not deprived their right to education due to lack of transportation or communication facilities.*

*The state administration has been directed to submit an Action Taken Report on the findings and recommendations of the reports of the NHRC Team in this regard to the Commission.*

.....

**2) Living Conditions in Relief Camps set up for victims of communal violence in Muzaffarnagar and Shamli**

The Chairperson, NHRC stated that Uttar Pradesh is the largest state in the country where the biggest festival of the world, *Kumbh Mela* is organized effectively each year, with excellent accommodation and other facilities provided to visitors. For such a State, making arrangements for tents and other necessities in the relief camps is not difficult. The aim of the State Government, stated the Chairperson, NHRC should be to provide better facilities in the camps and rehabilitate the inmates at the earliest. The Chairperson, NHRC further stated that the authorities, till the camps are wound up, must continue to provide to the affected people basic facilities like medical aid and treatment, sanitation, effective distribution of food and other items and protection against the harsh winter as well as ensure their general security. The Chairperson, NHRC added that it had been observed that adequate medical facilities were not available in the relief camps as a result of which some of the children and older persons had died.

Expressing concern regarding the relief camps in Muzaffarnagar, the Chairperson, NHRC stated that these problems could have been avoided if the camp inmates had been provided better facilities like medical aid, sanitation facilities, proper accommodation etc.

The Chairperson, NHRC also expressed concern regarding the education of the children residing in the relief camps and stated that these children had not been able to go to school and some of them had been unable to write their matriculation examination. The Chairperson, NHRC voicing his disappointment, said that even though such facilities could have been provided to the children in the camps, it was obvious that they had been denied their right to education.

The Chairperson, NHRC asked the State Officials to apprise the Commission of the measures undertaken vis-a-vis relief and rehabilitation in the said camps.

Registrar, NHRC informed that a Team of the Commission had visited Muzaffarnagar and Shamli Districts in the first week of January. Although the team did not find any evidence of forcible eviction of inmates, the team did report an inadequate supply of medical facilities in the camps. He added that even if some persons had been persuaded to evacuate the camps or voluntarily left from the camps, the administration remained under an obligation to take care of them.

Referring to the news report published in *Amar Ujjala*, the Registrar, NHRC informed that displaced persons from Village Nala had to leave the camps because the camps had been closed down on 2<sup>nd</sup> January 2014 and of the thirty five families from Village Jidana of Shamli district, living in tents set up in the premises of primary health centres, one person namely Rozeen Ahmed had died the previous day due to the harsh cold. Thus, even if camps are being closed down, the Registrar, NHRC added, it is the responsibility of the State to provide for the protection and well-being of persons who are yet to be rehabilitated.

Registrar, NHRC also discussed the report submitted by the Team constituted by the Commission which had visited the camps in the third week of December 2013. According to the said report, the Administration of Shamli District had informed the Team that four adults and eight children had died in the camps. However, these figures have been contested by the Intezamia Committee, which has stated that the total number of deaths was 33 and not 12 as has been informed by the Shamli District Administration.

The Registrar, NHRC further stated that in District Muzaffarnagar, 5 adults and 11 children had died while residing in the camps and it was informed by the District Administration, Muzaffarnagar that a team had been constituted to enquire into these deaths. The said Team had concluded that the local social health activists like ASHAs, ANMs, Anganwadi workers and doctors deputed in these camps were found to be negligent. Thus, the Registrar, NHRC added, if these deaths had occurred due to

negligence on the part of the local health department, then action must be initiated in this regard.

Registrar, NHRC also stated that when one Team visited these relief camps on 10<sup>th</sup> and 11<sup>th</sup> October 2013, it was found that medical facilities in these camps were completely inadequate. In one of the camps at kandla, an unskilled person had been made to wear a white apron to give the impression that he was a doctor who had been posted at the camp. However, in reality, no doctor was present in the camp. Moreover, the Team found just four or five generic medicines which were being prescribed to the inmates for all ailments.

In one relief camp at Thana Bhawan, the administration had informed that wherever a medical post had not been set up, a doctor was visiting the relief camp for an average of one or two hours every day. However, when the Team visited the camp at Thana Bhawan, it was informed by the inmates that no doctor was making any visits to the camp and that one doctor had been sent to the camp the same day as the Team's visit. The inmates added that they were seeing the concerned doctor for the first time. On being questioned, the concerned doctor did not refute the statement made by the inmates.

Highlighting other observations of the report submitted by the Team that visited these camps, the Registrar, NHRC stated that only 675 blankets had been distributed in Shamli District and 1050 blankets in Muzaffarnagar, which, the Registrar, NHRC added, was grossly inadequate for the number of inmates residing in these camps.

Member Shri S C Sinha sought the views of the State Government regarding allotment of land to riot-affected persons who had been unable to go back to their places of residence and the rehabilitation of those who were willing to return to their original place of residence. There is a need, the Member added, for the State Government to have a plan of rehabilitation in place which will take into consideration the allotment of land under schemes like the Indira Awaas Yojna and Lohia Awaas Yojna.

Secondly, the Member stated, there was a need for putting in place an effective system for provision of medical support and treatment as well as a monitoring mechanism for oversight to ensure that such lapses do not reoccur. He enquired what steps the State Government had taken in this regard.

He further asked the officers to explain the present status on the criminal cases which have been registered following the violence and conflict in these areas. Secondly, Member Shri Sinha suggested that there is a need for the formation of Special Investigation Teams (SITs) in Shamli and Muzaffarnagar which may be given the responsibility of investigating the said cases. Thirdly, Member Sinha enquired whether there was a predominance of police officers of one particular community in the riot-affected areas. The Member, NHRC suggested to the State Administration to ensure a suitable mix of officers from the majority and minority communities across all police stations in the State. Member Sinha further enquired what initiatives had been taken by the State Government to bring back peace to the riot/violence-affected areas.

Registrar, NHRC stated that during the interaction of the Commission with the NGOs, the Commission had been informed that seven (07) cases of rape had been registered in District Muzaffarnagar alone and that despite the perpetrators having been named in the FIRs, the accused persons had not been arrested so far. The Commission was also informed that communal sentiments in Tanda District were running high and that there was an immediate need for the Administration to take preventive measures.

The Chief Secretary made a brief statement regarding the riots and steps undertaken by the State Government in addressing the issues raised by the Commission. He stated that the communal riots were an unfortunate incident and unique in the sense, that for the first time in UP, such communal violence had spread to the rural areas of the district. He informed the Commission that it is easier to control riots in urban areas which are generally compact and can be controlled by way of imposing curfew, but it is far more difficult to address such situations in rural areas. He added that

similarly, in the case of Muzaffarnagar, it was difficult to control the riots in the initial stages, but due to the prompt action of the State Government, the situation was quickly brought under control.

The Chief Secretary informed the Commission that the Army had also been immediately deployed at Muzaffarnagar and the violence was quickly brought under control. He informed that 65 persons lost their lives across various villages of the district and 85 people were seriously injured while several people sought refuge in the camps fearing greater violence.

Overall, there were 58 camps running in Muzaffarnagar and Shamli Districts in which 51 thousand people had sought refuge. The victims of the communal violence were provided immediate relief assistance of Rs. 10 lakhs by the State Government as well as Rs. Two lakhs by the Government of India. These amounts were sanctioned to the families of each of the persons who died in the riots in addition to Government jobs to one family member of each of those who had died in the communal violence.

The Chief Secretary further informed that those seriously injured in the riots had been given an assistance of Rs. 50,000/- by the State Government and the Central Government had also been persuaded to match that amount, thus, an overall assistance of Rs. One lakh was given to such persons. Besides this, the 85 people who had been seriously injured during the riots would also be provided pension of Rs. 400/- per month for life, under the *Rani Laxmi Bai Pension Yojna*.

Throwing further light on the steps taken by the State Government towards the rehabilitation of the victims of violence, the Chief Secretary informed that nine villages had been identified where serious violence had taken place, of which 6 villages are in Muzaffarnagar and three are in Shamli District. An estimated 1800 families comprising 10,000 persons from these nine villages were also among the 51,000 people who had sought refuge in the camps and were afraid and reluctant to go back to their villages. The State Government felt that people from these nine villages must be assisted to

resettle elsewhere and therefore, each of these families were sanctioned five lakh rupees as assistance to help them resettle instead of making a separate refugee colony for these people. To this end, a lump sum amount of Rs. 90 crores has been sanctioned. The Chief Secretary informed that 1629 families have already been provided assistance for building their houses and searching for a place to resettle.

Speaking on the other programmes for rehabilitation initiated by the State Government for the riot-affected people, the Chief Secretary informed that a detailed survey was conducted in all the villages where incidents of violence took place in order to ascertain the total damage to immovable property due to arson, rioting etc. as well as the amount of money needed to fix the said damage. It was decided that in case the damage to immovable property was up to Rupees Fifty Thousand, an assistance of an equal amount, i.e., Rupees Fifty Thousand would be provided, and if the damage was estimated to be up to Rupees One lakh, then an equal amount would be provided as assistance. Similarly, damage to movable property was also assessed and assistance was provided in accordance with the amount of damage suffered, for instance, an assistance of Rupees Twenty Five Thousand for damage of a similar amount to moveable property and in case of damage above Rupees Fifty Thousand, assistance of an equivalent amount has been paid.

The Chief Secretary also informed the Commission that all of the 58 camps were set up by the people themselves, which were later adopted by the Government for providing relief and other assistance to the camp inmates. In all these 58 camps, the Chief Secretary added, the Government had made arrangements for the supply of food grain, food, cooking oil, spices/masalas, milk, children's food and medical facilities. Initially, 51000 people were living in these relief camps and with improvement in the overall security situation and the arrangements made by the Administration, this number came down to 3000 towards the end of December. He informed that as of present, there were only two major camps and around 2600 people living in these camps. He further stated that none of the inmates were being forcibly evacuated.

Member Justice Shri D. Murugesan enquired whether the State Government, in addition to compensating people for the loss of their moveable and immoveable property, had also put in place any measures to make up for the loss of lands and businesses of the riot-affected people.

The Chief Secretary stated that most of the people in the refugee camps were landless labourers and the only property they owned in their villages were their houses. This, the Chief Secretary added, was a socio-economic peculiarity of those who had fallen victim to the riots. He added that those who own land in the riot-affected villages did not move into the refugee camps nor were they the affected people in most cases.

The Principal Secretary, Home, Shri Anil Kumar Gupta stated that the tragic incident of violence was triggered due to an eve teasing incident in Muzaffarnagar on 7 September 2013 which gradually spread to the entire district of Muzaffarnagar and to the neighbouring district of Shamli. He informed that these two districts have never been communally volatile and that the violence which spread was due to deliberate acts of mobilization; this area was deliberately chosen to incite violence whereas the neighbouring, economically prosperous areas such as Meerut were left out. The Principal Secretary stated that Meerut and the adjoining belt is the centre of India's 2.8 billion dollar animal products export market to UAE, Malaysia, Philippines and Iran. This has brought prosperity and has helped Muslims in this belt to consolidate their economic gains. He further explained that in Muzaffarnagar and Shamli districts, Muslims are predominantly agrarian, which has become a non-profitable vocation and those who were artisans, carpenters, weavers and farm labourers have started working as drivers, mechanics, shop owners etc. Explaining the probable cause of violence, the Principal Secretary stated that due to the civic engagement which existed in the past, there was little incidence of any riot-like situation or communal disharmony. However, the breakdown of this civic engagement and other economic factors, had led to the emergence of mutual suspicion and hostility between communities.

The Principal Secretary, Home further stated that the State machinery immediately came into action following the violence and that of the 304 perpetrators accused of murder, 101 had been arrested. He also informed that about 7410 persons had been booked under Sections 107 and 116 of the CrPC and that a SIT had also been formed to inquire into these registered cases. The State Government had also ordered an impartial enquiry led by Justice Vishnu Sahayak to identify the causes of the violence. The Principal Secretary also explained how the administration had tackled and contained the violence as well as devoted its energies to providing relief to the victims who had been hurriedly put up in the relief camps. He added that the entire situation at that point of time was extremely dynamic and that the district administration had been stretched to the limit. While on the one hand the administration had to contain the violence, on the other, it had to provide for the people who had left their homes. However, the State Government rose to the challenge by formulating policies to help the victims of violence and restoring confidence among the people.

The Principal Secretary affirmed that the recommendations and observations made by the NHRC Team which had visited the affected areas, were of great help to the State Administration in further speeding up their actions, as a result of which the number of relief camps went down from 58 to 02.

The Principal Secretary explained the reasons for camp inmates still not having left the relief camps. Firstly, while certain inmates had been provided Rupees Five Lakhs to resettle, since these persons had been unable to identify/finalize the place/land where they would build their new houses, they had continued to reside in the relief camps. Secondly, some outsiders were believed to have promised to these affected people that the Government land on which the camps had been set up would be allotted to them due to which some inmates had been reluctant to move. Thirdly, in some cases, the head of the family after receiving the financial assistance from the Administration had moved away, leaving the remaining family members to stay back in the camps in the hope that they might get further funds from the Government. The

Principal Secretary further informed that the State Government had decided not to pressure the inmates to forcibly leave the camps and that they could stay as long as they wanted till Government accommodation is provided to them.

While providing data related to these riots, the Principal Secretary stated that 101 culprits had been arrested for murder, 149 booked for arson, and 132 people had been booked for causing grievous hurt.

Regarding medical services, the Principal Secretary briefed that 30 medical teams had been formed in Muzaffarnagar and three in Shamli. 21,555 patients had been treated in Muzaffarnagar, which included 303 pregnant women, who were provided appropriate care and 573 children were inoculated. In Shamli, 17,466 patients had been treated, of which 4573 were children and almost 593 children were inoculated. Further, there were 07 ambulances in Muzaffarnagar and 03 in Shamli.

The Principal Secretary further brought to the notice of the Commission that in Muzaffarnagar, of 41 camps, 40 camps had been closed before the onset of severe winter and in Loi, the only camp remaining before the onset of severe winter, 1050 blankets had been distributed and 782 children had been provided woolen clothes. In Shamli District, 1343 blankets had been distributed in two regular and four satellite camps.

DG(I), NHRC stated that she had been the part of the NHRC Team which had visited the affected districts at the beginning of October 2013. In its interactions with the district administration, the team noticed the trouble the district administration had been put through and their hard work and efforts had also been appreciated by the Team. She added that despite the efforts made, due credit had not been given to the administration for their handling of the post-conflict situation since there were gaps in what was expected of the administration and what had been delivered, which the Team also tried to examine.

DG(I), NHRC stated that the tents which had been set up for the inmates appeared to have been made using bed sheets instead of tent fabric/material, which are incidentally the tents provided by the State administration during the *Kumbh* or *Magh Melas*. DG(I) added that tents made of bed sheets had never been seen propped up in these *melas*. The other observation which DG(I), NHRC highlighted was the fact that the people who had moved out of the camps had not gone back to their villages – whether due to fear, the severe weather conditions or any other and were now living either with relatives or had moved elsewhere. DG(I), NHRC enquired whether the administration was keeping track of such people and their present and future needs. She also enquired as to what assurance these people had been given by the administration for the future.

Replying to the issues raised, Shri Bhuvnesh kumar, Divisional Commissioner, Saharanpur informed that the damage to the businesses and shops had been compensated after an assessment of the amount of damage. Responding to the query regarding the provision of homes under the IAY, the DC stated that while under the Indira Awaas Yojna, a family receives merely Rs. 80,000 for the building of houses, the State Government had decided to provide a one-time assistance of Rs 5 lakh to 1800 families from the nine villages which were most adversely affected. Thus, about 10,000 people of the 51,000 living in the camps had been covered under this one-time assistance scheme. Similarly, around 5,000 people had been compensated for damage to their moveable and immovable property. As far as damage to land was concerned, the DC stated that compensation had been provided, including payment of compensation in certain cases for damage to tube wells, tractors and other agricultural equipment. The DC, Saharanpur said that the District Authorities of both districts, despite making their best efforts had only received criticism from the media, despite efforts to clarify the ground situation.

The DM, Muzaffarnagar, Shri Kaushal Raj Sharma stated that around the time the Commission had asked the District Administration to provide the first report in October 2013, six camps had already been closed down and a total of 41 camps remained. He

added that after the visit of the Commission to the affected districts on 11 October, a compliance report was sent to the Commission on 7 November and that by that time 21 camps had been closed down. By 11<sup>th</sup> of December, the DM added, all the 40 camps had been closed down and only one camp remained in *Loi*. Explaining the reason for the closure of the camps, the DM said that the closure of camps had come about following the return of the inmates to their homes. He added that the reports in the media regarding the forcible eviction of camp inmates were baseless since even the Commission had visited the camps three or four times and had seen for itself that the closure of camps had not been done forcibly.

The DM further informed that there had been about 10 visits from the teams of five other Commissions and that no Commission had found merit in the allegation of the forcible eviction of camp inmates. The *Loi* camp was the only one in District Muzaffarnagar that had been set up in an open space, wherein the inmates were residing in open tents. However, the DM added, following the Commission's directive to immediately shift the inmates to a concrete building so that they could be protected from the severe weather conditions, the District authorities had moved the camp's residents to safer places.

The DM informed that in all the camps, suitable arrangements had been made to protect the inmates of the camps from the harsh winter. Blankets were distributed by the Government, although the number of blankets distributed was less compared to the number of inmates. This was because a large number of blankets had already been provided to the camp inmates by prosperous people from Muzaffarnagar District and Muzaffarnagar city. The DM informed that more than 5,000 blankets had been distributed in the camp alone and more than 10,000 blankets were distributed across all camps. 2000-3000 clothes were also distributed by people in the city and district, who had contributed to the relief effort in conjunction with the Government.

On the issue of the tracking of scattered riot-affected people, the DM reported that 17 villages had been identified where people from the camps had moved to and a team of 17 officers was deployed to all these villages. He further informed that as per the data collected, it was found that 1,731 people had shifted to these villages. These people were provided 2,124 blankets. In addition, 796 milk products, Protinex, Cerelac and other supplements were given to the children between the age group of 6 to 14 years.

Complaining about the adverse coverage by the media, the DM stated that most of the efforts of the administration for the riot-affected were not even mentioned by the media in their reportage.

Member Shri Satyabrata Pal stated that no one should feel that the Commission was undermining the enormous challenge that the conflict and its aftermath had imposed upon the Government of Uttar Pradesh. No one had anticipated this sort of outrage in the media, whose attention was completely focused on these relief camps. The Member, NHRC appreciated the work being carried out by the Government of Uttar Pradesh under the given circumstances. Member, NHRC also stated that based on the Commission's past experience in dealing with such situations across India, it would be important for the UP Government to ensure that those who had suffered were rehabilitated and the next of kin of those who had died were provided adequate relief and assistance.

He further said that the Government of UP has had been generous in the relief that it had provided to the riot-affected. However, moving forth, it would be important to monitor the level of security in the villages to which the survivors had returned. Member Pal also said that the Commission had found that rehabilitation could not be limited only to ensuring a return to 'normalcy' and the restoration of and provision of alternate livelihoods to the survivors, without justice having been delivered to those who have suffered at the hands of the perpetrators of violence. Thus, he urged the

Government of Uttar Pradesh to give the utmost attention to ensuring that those accused of having committed terrible crimes during the conflict, should be brought to book.

The Chief Secretary assured the Commission that the State Government would put forth its best effort to provide rehabilitation and relief to the victims of the communal violence in Muzaffarnagar and Shamli districts, by way of providing financial assistance to the people who had lost their family members to the violence, providing financial assistance to the people who had been injured, providing financial assistance to those who had decided not to go back to their villages as well as compensation for damage to immovable and movable properties.

The Chief Secretary further added that the Government had taken complete charge of the camps and had provided the camp inmates food grains and medical facilities. In addition, the State Government had also taken all preventive measures to control the reoccurrence of the riots particularly in the rural areas. Communities which have lived together for centuries are today, not on the best of terms with their relations having become strained. While earlier, discord between communities was discussed and diffused by the intervention of the elders of the villages, today, due to a breakdown in such communication and inter-community engagement, even small incidents have come to have the potential to create problematic situations. The State Government, added the Chief Secretary, was vigilant with respect to such potential problems and was trying its best to prevent their re-occurrence.

The Chief Secretary, also assured the Commission that necessary judicial action would be taken against the perpetrators of violent crimes, including, murder, arson, causing grievous injuries, rape and other crimes and will be arrested, prosecuted and convicted. He added that while there were difficulties in bringing back the situation to normal, the Government was committed to realising this as well as pursuing cases against the perpetrators of the violence.

Giving details about the practical difficulties being faced by the administration, the Chief Secretary said that it was important to bring these to the notice of the Commission. For instance, when the police go to villages for conducting arrests, the people from the concerned villages as well as neighbouring villages gather together and put up stiff resistance, thereby, preventing the police from making arrests. There have been several instances when the police parties which have gone to make arrests, have been forced to return due to the stiff resistance put up by the people.

The Chairperson, NHRC appreciated the work being done by the State Government in the riot-affected areas and urged the government to continue with its efforts in providing relief and rehabilitation to the affected people.

#### **DECISION/DIRECTIONS OF THE COMMISSION**

***While acknowledging the difficulties faced by the State Administration in bringing the volatile situation in Muzzafarnagar, under control, the Commission nonetheless emphasized the need for the Administration to do more to ensure that all those who have been affected by the violence are provided adequate relief and rehabilitation.***

***The Commission has directed that till the time the last remaining inmate leaves the relief camps set up across Shamli and Muzzafarnagar districts, the state administration must continue to provide all basic relief facilities including, food, water, shelter, medicines, sanitation and other basic needs/facilities.***

***Further, the Commission has directed the state administration to provide all necessary assistance to ensure that students residing in these camps are able to appear for their School/Board exams.***

.....

**3) Atrocities against Scheduled Castes and other depressed sections of society with special reference to problems faced by the Musahar Community in Varanasi**

The Chairperson, NHRC reiterated the Commission's directions to the State Government regarding the conduct of an enquiry into the demolition of hutments of the Musahar community in Varanasi by a builder. He directed the State Authorities to send its Report to the Commission within the stipulated time frame.

In addition, the Chairperson, NHRC also stated that the NHRC, India had sent to all States and UTs, a copy of the Report titled *Prevention of Atrocities against Scheduled Castes* prepared by Shri K B Saxena, IAS (Retd.) on issues pertaining to atrocities against Scheduled Castes. The Commission had made a request to all States and UTs in this regard to initiate concrete steps to prevent atrocities and human rights violations of persons belonging to Scheduled Castes.

**DECISION/DIRECTIONS OF THE COMMISSION**

***The Commission directed the State Government to conduct an enquiry into the demolition of hutments of the Musahar community in Varanasi by a builder and send its Report to the Commission within the stipulated time frame.***

***The Chairperson, NHRC reiterated the need for the State Government to take action with regard to the recommendations contained in the Report titled 'Prevention of Atrocities against Scheduled Castes' prepared by Shri K B Saxena, IAS (Retd.) and monitor their progress on a regular basis. The Chairperson, NHRC also directed the State Government to provide to the Commission an Action Taken Report (ATR) in this matter on priority.***

.....

**4) Delay in conduct of CBCID investigations ordered by the Commission**

The Commission expressed its disappointment with respect to the delay in the conduct of CBCID investigations ordered by the Commission and noted that there was considerable room for improvement in CBCID investigation of encounters and custodial death cases.

The State Government assured the Commission that this area would be promptly looked into and addressed and it would be ensured that the CBCID enquiries ordered by the Commission are carried out in a timely and impartial manner.

**DECISION/DIRECTIONS OF THE COMMISSION**

*The Commission directed the state administration to take concrete measures to improve investigation of cases relating to custodial and encounter deaths and also ensure effective and speedy conduct of CBCID enquiries which are ordered by the Commission.*

.....

**5) Delay in submission of Magisterial Enquiry Report (MER)**

The Commission noted with disappointment the delay in the submission of the Magisterial Enquiry Report (MER) in cases of custodial deaths by the State of Uttar Pradesh, which invariably results in considerable delays in the conclusion of cases, thus, delaying justice to the families of the victim(s). The Commission reiterated to the State Government the need for it to abide by the guidelines issued by the Commission in this regard and to send to the Commission, the MER within the timeframe stipulated by it.

The State Government assured the Commission that this area would be promptly looked into and addressed and it would be ensured that the MER is sent to the Commission within the time frame stipulated by the Commission.

**DECISION/DIRECTIONS OF THE COMMISSION**

*The Commission directed the state administration to ensure that there is no delay in the submission of the Magisterial Enquiry Report (MER) in cases of custodial deaths so that there is no unnecessary delay in the conclusion of these cases.*

.....

**6) Delay in submission of Compliance Reports**

The Commission took up with the State Government the issue of the delay in the submission of compliance reports to the Commission, which delays the closure of cases by the Commission and provision of relief to the concerned victim(s).

**DECISION/DIRECTIONS OF THE COMMISSION**

*The Commission directed the state administration to ensure that compliance reports are sent promptly to the Commission within the timeframe stipulated by the Commission.*

.....

**7) Non-registration of FIRs by Police**

The Chairperson, NHRC stated that the non-registration of FIRs was a matter of serious concern. He added that the police are bound to record statements under 154(1) of the CRPC, particularly in the case of offences committed under Sections 354, 354 A, B, 370, 372, 376 A-E of the IPC. If however, these offences are reported to the police and they do not register an FIR, it is an offence punishable under 166 A(c) with a minimum of six months and maximum of two years of imprisonment. If the offences under Sections 354 A & B, 376, 370, 372 and also 326 A & B (relating to acid attacks) are reported to the police, they are bound to record the victims' statements under 154 CRPC. If the FIR is not registered, then it is an offence under Section 166 A(c) of the IPC.

**DECISION/DIRECTIONS OF THE COMMISSION**

*The Chairperson, NHRC directed the State Authorities to issue instructions to police personnel across the state to carry out their official responsibilities sincerely and to extend their fullest support and cooperation to the common people who approach police stations for the registration of their complaints.*

.....

**8) Timely submission of legible copies of reports by authorities**

A major problem, the Commission pointed out, was the illegibility of post mortem and other reports and the delay in their submission to the Commission which resulted in considerable delays in the conclusion of cases.

**DECISION/DIRECTIONS OF THE COMMISSION**

*The Chairperson, NHRC directed the State Authorities to issue instructions to all concerned officials to submit timely and legible reports to the Commission.*

.....

**9) Prison Reforms**

The Chairperson, NHRC stated, there was an urgent need for the administration to re-issue the various guidelines issued by the Commission relating to prisons and police and also sensitize police officials and prison authorities to human rights and gender concerns. The Chairperson, NHRC added that in view of the recent amendments to the IPC, CrPC, and the Evidence Act as well as laws relating to women, it was vital for the state to impart training to police personnel.

**DECISION/DIRECTIONS OF THE COMMISSION**

*The Commission observed that there was an urgent need for the administration to re-circulate the various guidelines issued by the Commission relating to prisons and police and also sensitize police officials and prison authorities to human rights and gender concerns. In view of the recent amendments to the IPC, CrPC, and the Evidence Act as well as laws relating to women, it is vital for the state to impart requisite training to the police personnel in this regard.*

*The Commission specifically instructed the State Government to re-circulate the guidelines of the Commission regarding reporting of deaths/rapes in prison and police custody, post-mortem examinations, deaths in police encounters, guidelines on 'arrests', rights of mentally ill persons in prison, periodic medical examination of undertrial and convicted prisoners in prison, among other pertinent Guidelines, to all concerned police officials and other concerned persons for compliance, and to provide necessary training and instructions to them in this regard.*

.....

**10) Condition of Juvenile Homes**

The Chairperson, NHRC enquired from the State Administration the condition of Juvenile Homes across the State and directed that a status report be submitted in this regard to the Commission.

**DECISION/DIRECTIONS OF THE COMMISSION**

*The Commission directed the State Authorities to send a status report on the condition of juvenile homes in the State to the Commission.*

.....

### **11) Public access to government hospitals**

The Chairperson, NHRC enquired from the State Administration the condition of the healthcare system in the State and the specific problems being faced, if any.

#### **DECISION/DIRECTIONS OF THE COMMISSION**

*The Commission directed the State Authorities to send to it, a status report on the condition of healthcare in the State, highlighting in particular, the access of the general public to healthcare institutions such as government hospitals, Primary Healthcare Centres (PHCs), Community Healthcare Centres (CHCs) etc.*

.....

#### **ADDITIONAL POINTS TAKEN UP FOR DISCUSSION WITH SENIOR OFFICERS, GOVERNMENT OF UTTAR PRADESH**

##### **1) Human Rights Education**

The Commission vide its D.O. letter No. 1/1/2006-PRP&P dated 11 March 2013 had requested the Uttar Pradesh Government to take action on the recommendations of the *National Conference on Human Rights Education* organised by it at New Delhi on 14 December 2012. The Commission again vide its D.O. Letter No. 1/5/2013-PRP&P dated 26 July 2013 requested the State Government to take measures to promote human rights education. Despite these requests, the Commission has not received any action taken report in the matter from the State Government so far.

#### **DECISION/DIRECTIONS OF THE COMMISSION**

*The Commission directed the State Government of Uttar Pradesh to send an Action Taken Report on the recommendations of the National Conference on Human*

***Rights Education organised by it at New Delhi on 14 December 2012 and the measures undertaken by the State to promote human rights education.***

.....

**2) Leprosy**

The Commission vide its D.O. Letter No. 11/3/2012-PRP&P dated 5 November 2012 had requested Uttar Pradesh Government to take action on the recommendations of the *National Conference on Leprosy* organised by it on 18 September 2012 at New Delhi. The Commission however, has not received any action taken report in the matter from the State Government.

**DECISION/DIRECTIONS OF THE COMMISSION**

***The Commission directed the State Government of Uttar Pradesh to send an Action Taken Report on the recommendations of the National Conference on Leprosy organised by it on 18 September 2012 at New Delhi and the measures undertaken by the State to promote awareness and protect the rights of those suffering from leprosy and their families.***

.....

**3) Silicosis**

The Commission vide its D.O. Letter No. 11/3/2005-PRP&P dated 11 April 2011 had called for an action taken report from the State on its recommendations especially those emanating from the *Conference on Silicosis* organised by it on 01 March 2011.

The Action Taken Report from the Government of Uttar Pradesh however, is still awaited.

## **DECISION/DIRECTIONS OF THE COMMISSION**

*The Commission directed the State Government of Uttar Pradesh to send an Action Taken Report at the earliest on the recommendations emanating from the Conference on Silicosis organised by it on 01 March 2011 at New Delhi.*

.....

### **4) Mental Health**

Dr. L. Mishra, Former Special Rapporteur, NHRC visited the Institute of Mental Health and Hospital (IMHH), Agra from 28-30 March 2011 to review its activities and performance. A copy of his visit report was sent to the State Government vide letter No. 11/14/2011-PRP&P dated 20 July 2011 followed by reminders dated 12 January and 29 March 2012. Thereafter, the Commission received a letter dated 30 April 2012 from the Director, IMHH, Agra enclosing an ATR on the recommendations of the Commission made during the years 2007-2011. The ATR was considered by the Commission and it was observed that the following three issues required urgent attention and action on the part of the State Government:

- (i) The Commission has been recommending sanctioning of levy money on the basis of total sanctioned bed strength of IMHH, Agra. Further, the Commission has been informed that a meeting was organized under the Chairmanship of the Chief Secretary, Uttar Pradesh wherein it was decided to sanction levy money both on the basis of sanctioned bed strength and occupied beds. IMHH, Agra has submitted a proposal in this regard to the Department of Health and Family Welfare of the State Government. However, their response is awaited.

IMHH, Agra does not get any other grant and it is with this levy money that it has been carrying out its functions. As such, there is an urgent need for the

Government of Uttar Pradesh to take action on the proposal sent by IMHH, Agra.

- (ii) There is persistent delay in the release of funds by the Government of Uttar Pradesh to IMHH, Agra. This delay affects the smooth functioning of the hospital. There is undoubtedly, a need to streamline this procedure and take appropriate steps so as to facilitate and ensure early release of funds.
- (iii) The issue of encroachment of land outside the boundary wall of the hospital has been pending for a long time. The State Government needs to take urgent action to transfer the title of land in favour of IMHH, Agra.

The Commission has not received an ATR from the Government of Uttar Pradesh on the above-outlined key issues as yet.

#### **DECISION/DIRECTIONS OF THE COMMISSION**

***The Commission directed the State Government of Uttar Pradesh to send an Action Taken Report on the action initiated by it on the three key issues highlighted by the Commission to ensure the effective functioning of the IMHH, Agra.***

The Chairperson, NHRC thanked the Chief Secretary and other Officers of the Uttar Pradesh Government for the cooperation extended to the NHRC for the conduct of the Camp Sitting.