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HUMAN RIGHTS NEWSLETTER

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From the Editor's Desk

In the month of June, 2018, there were three incidents of sexual assaults from different parts of the country, which particularly hogged the headlines over some other similar incidents. Why because these were reported to have happened at the places of religious beliefs; a Church in Jharkhand, a Madarsa in Lucknow and a Temple Ashram in Delhi, and that made them more deplorable. But equally important take away is that these incidents must not be seen from the prism of any faith or religion and related politics. Any incident of sexual assault and attempts thereof deserves to be condemned and punished as an act of the worst form of crime, and to this effect, the law has also been strengthened.

The incidents of mob lynching were also widely reported from different parts of the country. We have had heard about mob lynching in the name of witch hunting, particularly, from Assam, Jharkhand, Odisha, Rajasthan, but mob lynching by the alleged cow vigilantes have emerged as a pan India fear factor. More recently, lynching on the suspicion of child lifting and women trafficking have acquired the new dimensions of this criminal act gaining notoriety news space.

Mobocracy cannot be seen as democracy. If the system of governance does not pull up its socks to check this tendency of so-called justice by the mob, the situation will go out of hand as lumpen elements always take advantage of such situations, not necessarily because they have a particular cause to support but because these give them a fodder for satiating their hunger for crime and related misplaced thrill. Faith may not be necessarily important factor for such people having criminal bent of mind but their desire to be part of any public commotion brings them together irrespective of their beliefs. If the agencies responsible for maintaining the law and order do not take proactive action as preventive measures to stop unruly mobs from taking law into hands, it will be difficult to save our nation from being tagged as a 'banana republic'.

Having said that, we also need to ponder over the fact that the crime related to human trafficking appears to have gone deep into the rural hinterlands making the gullible masses susceptible and suspicious of any person doubting him as a child lifter or a woman trafficker. It is also a fact that our system to track and trace the missing/ abducted children and women has not been able to develop a sound, collaborative and fully functional pan India network of police forces and related agencies' system to check this menace. The NHRC on several occasions has raised its concerns over the crying need for the same. Therefore, the insufficiency or may be the inefficiency of law enforcing agencies on this count, perhaps, could also be seen as a reason for the desperate people to resort to expressing collective anger towards any person they tend to doubt as a child lifter or woman trafficker. Nevertheless, no sane person can justify mob lynching but this aspect of mob unrest over the incidents of child lifting and human trafficking, which directly impact their as well as the life of their near and dear ones, cannot not be overlooked.

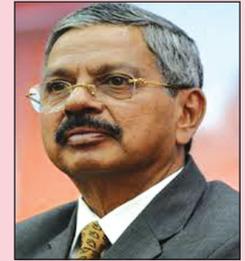
Another shocking incident during the month was police firing on the people agitating against the expansion of Sterlite copper plant in Tuticorin district of Tamil Nadu. About 12 people died in the incident, which prompted the NHRC to take its suo motu cognizance calling for reports. The Commission also decided to send its officers for a spot enquiry apart from seeking reports from the concerned authorities in the matter. The point is that an agitation was already brewing up in the local population over environmental concerns. The state agencies should have been alert and careful in taking prompt preventive action for saving the situation to acquire such alarming proportions of public unrest leading to the death of so many people.

"He is good and wise who always speaks the truth, acts on the dictates of virtue, and tries to make others good and happy."

- Swami Dayananda Saraswati

Message by Mr. Justice H.L. Dattu, Chairperson, NHRC

There may be some people, both in and outside the system of governance, hesitant to take a step towards course correction living in self doubt on the ground wondering, why their predecessors did not do it. Still, there may be some other people, who would know that a wrong is being allowed to be



perpetuated causing inconvenience and injustice to many people, but they would not initiate any action on a complaint by an individual about such an issue apprehending that it will prompt several others to file similar complaints. Or for that matter, nobody should be able to portray them favouring the complainant; therefore, they would prefer not to take any corrective action, simply to absolve themselves of any unforeseen controversy. Such types of persons may also discourage a conscientious citizen from raising an issue by saying why nobody and only you have brought forth this, as if problems will be attended only if many raked them up. So the best option for such persons is to remain status quo, neutral, non-committal, passive to allow the situations to take their own form and shape with time without them being seen as a catalyst in any way. This attitude deters preventive action, which if taken on time, many issues will be resolved before they become complex matters of dispute and litigation.

However, if such an attitude is unwittingly allowed to seep in to our subconscious and subsequently to our day to day behaviour, the human life in the world will not remain the same for which it needs to be valued. One has to stand up for the truth and objectivity, irrespective of its immediate beneficiary for starting a course correction, which may also benefit several others. Mere an apprehension that if one individual is benefited out of a right decision, it will bring forth many similar claimants, is a wrong attitude to pursue good in life. It is an argument of a weak to claim legitimacy for his inaction by not acting in favour of what is just and fair, simply because it may trigger opening of flood gates for many such victims of injustice. We cannot sit idle by not wiping out the tears of a victim of system's apathy merely because, this may prompt a chain reaction. An individual constitutes a unit of society. We cannot change an entire society altogether in one go, but we can definitely trigger a process of change in society, if, as individuals, we take to course corrections. Merit has to be seen in the grievance of a person not in him. We have to make a beginning somewhere. Such a committed approach in every individual may auto generate an enabling atmosphere for the promotion and protection of human rights."

AICHR Interregional Dialogue on Business and Human Rights

Dr. Ranjit Singh, Joint Secretary (P&A) represented the National Human Rights Commission, India at the Interregional Dialogue on Business and Human Rights organized by the ASEAN Intergovernmental Commission on Human Rights (AICHR) at Bangkok, Thailand from the 4th -7th June, 2018. The NHRC, India is the Focal Point

of Business and Human Rights of the Commonwealth Forum of National Human Rights Institutions (CFNHRI). He also attended the related events organized on the sidelines of the main programme.

The Dialogue gave an opportunity to the member NHRIs to share good

practices on Business and Human Rights over the past year besides discussing matters of mutual interests. Representatives of National Human Rights Institutions from the Asia-Pacific region, and other stakeholders including the representatives of civil society organizations attended.

Regional Conference on Child Rights



The North-West regional review conference in progress

(Care and Protection of Children) Act, 2015, the Protection of Children from Sexual Offences (POCSO) Act, 2012 and Restorative Justice (Victim Compensation & Rehabilitation) at Panchkula, Haryana from the 18th - 19th June,

2018. The Commission collaborated with the Department of Women & Child Development, Government of Haryana for the conference. NHRC Member, Mrs. Jyotika Kalra chaired

it. The participants included, Mr. Justice S.K. Mittal, Chairperson, SHRC, Haryana, Mr. Ambuj Sharma, Secretary General, NHRC, Dr. Ranjit Singh, J.S. (P&A), NHRC, Mr. P.K. Mahapatra, ACS, Government of Haryana and the officers connected with the child related issues in the States/UTs of Himachal Pradesh, Haryana, Punjab, Rajasthan, Uttar Pradesh, Uttarakhand, Chandigarh and Delhi. Besides them, State Human Rights Commissions, State Commission for Protection of Child Rights and NGOs were also invited to participate. The important suggestions from the conference will be finalized for further deliberation in the National Conference.

The National Human Rights Commission, India organized a conference for the North-West Region of the country to review the implementation of Juvenile Justice

Open House Discussion on "The Prison Reforms and Prisoners' Welfare in India"

The National Human Rights Commission, NHRC in its second 'Open Forum' held a discussion on "The Prison Reforms and Prisoners' Welfare in India" at Manav Adhikar Bhawan in New Delhi on the 29th June, 2018. Mr. Justice H.L. Dattu, Chairperson, NHRC said that sustained efforts are needed from all the stakeholders to improve the conditions in the prisons of the country by putting in place the process of reforms.

With reference to the overcrowding of jails resulting in the denial of basic

amenities to prisoners, he said that one way of reducing burden on the prison resources and other facilities is that judges must be liberal in granting bail to the undertrial prisoners as per the provisions of Section 436A of the Code of Criminal Procedure and it should be a matter of right and not a charity towards them. He also

favoured provision of open prisons for the undertrial prisoners. He said that many jails were old and in dilapidated conditions, lacking basic infrastructure and facilities, including those for the recreation of prisoners, which needed to be looked into.



Open House on "the Prison Reforms and Prisoners' Welfare in India" in progress

The objective of this 'Open Forum' discussion was to raise awareness about the various issues related to Prisoners i.e., Undertrial Prisoners and their inability to furnish Bail and Bonds, Long Term Prisoners, Foreign Prisoners, Women Prisoners and their children, Crime in prison by Prison Staff against prisoners and Rehabilitation and re-integration of Released Prisoners.

Several suggestions emerged during the discussions, which will be further deliberated upon by the Commission before finalizing the recommendations



NHRC Chairperson, Mr. Justice H. L. Dattu inaugurating Open House on "the Prison Reforms and Prisoner's Welfare in India".

suggesting reforms needed for prisons and criminal justice system.

Besides the NHRC Members, Mr. Justice P.C Ghose, Mr. Justice

D. Murugesan, Secretary-General, Mr. Ambuj Sharma and other senior officers, the participants included, among others, DG (Prison), Tihar Central Jail, Mr. Ajay Kashyap, Director

NALSA, Mr. Surendra Rathi, Director Commonwealth Citizens' Forum, Mr. Sanjoy Hazarika, Senior advocate, Ms. Vrinda Grover, Secretary, New Delhi, DLSA, Mr. Chander Jit Singh.

NHRC's month long Summer Internship Programme concludes

The month long Summer Internship Programme of the National Human Rights Commission concluded in New Delhi on the 13th June, 2018. It was inaugurated by Mr. Justice P.C. Ghose, Member, NHRC on the 15th May, 2018. 37 select students of different colleges and universities from various parts of the country participated in the programme. They included 24 girls and 13 Boys. Three students Isha Mishra, Ayushi Uttam and Sunidhi Pandey got the cash prize of ₹6,000/-, 5,000/- and 4,000/- respectively for the best interns.

Addressing the valedictory function, Mrs. Jyotika Kalra, Member, NHRC congratulated the interns on the successful completion of their internship. She expressed the hope that they would make the best use of the knowledge gained about various aspects of human rights and put that to practice to defend not only their but also the human rights of others. She said that they should strive for exploring new ways to do things and address the issues facing life instead of falling in the

trap of set patterns. She asked them to set priorities in life and move forward without losing hope and faith in their efforts to achieve the goals in the midst of any adversity.

Earlier, Mr. Ambuj Sharma, Secretary General, NHRC said that human rights are the basic edifice on which any nation is built on. Historically, India has a long tradition of a value based society with respect for human

human rights issues and laws, composition, role and function of the Commission. Besides the NHRC Members and senior officers, some of the other prominent speakers, who addressed them included, Mr. Bezwada Wilson, Mr. P.K. Pincha, Mr. Sanjoy Hazarika, Mr. Chaman Lal, Ms. Bharti Ali and Mr. Mathew Cherian. The interns were guided to choose some

issues of human rights for brief research and study to write dissertations. They were also taken for field visits to prisons, police stations and NGO to give them a first-hand account of the functioning of such institutions.



Interns with NHRC Member Mrs. Jyotika Kalra, Secretary General, Mr. Ambuj Sharma, D.G. (I), Mr. Gurbachan Singh and other senior officers

rights but unfortunately in the modern days, this picture may not be entirely true. The concept and the scope of human rights have been expanding and therefore, the challenges for the protection thereof. Hence, it would go a long way, if the NHRC interns became practitioners of human rights.

During the course of the internship, the students were exposed to various

Mr. Gurbachan Singh, DG(I), Mr. Surajit Dey, Registrar (Law), Mr. Dilip Kumar, Joint Secretary (T&R), Dr. Ranjit Singh, Joint Secretary (P&A), Dr. Sanjay Dubey, Director (Admn), Mr. Jaimini Kumar Srivastava, Dy. Director (M&C) and other senior officers of the Commission were present on the occasion.

Suo Motu Cognizance

The Commission took suo motu cognizance in 04 cases of alleged human rights violations reported by media during June, 2018 and issued notices to the concerned authorities for reports. Summaries of the cases are as follows:

Massive deforestation in Aravali Hills (Case No. 2768/30/0/2018)

The National Human Rights Commission, NHRC has taken suo motu cognizance of media reports that massive deforestation in Aravali Hills for business interests in the States of Rajasthan and Haryana is the root cause

behind the increasing dust storms and air pollution in Delhi-NCR region during the past several days creating health concerns. Reportedly, the open forest cover in the Aravali Hills has decreased in the last three decades while the scrub has increased by 5.7 per cent making it almost barren without any moisture in the air.

The Commission has observed that the gravity of the issue demands proactive and effective measures by the authorities concerned to stop deforestation and degradation of Aravali Hills. Heavy vegetation can

prevent the situation from further deterioration and create a green barrier against the sand storm. The citizens and the public authorities have to become more sensitive towards protecting the eco system around the mountains, which have continued to protect them.

Accordingly, in order to know the steps being taken or proposed to be taken by them in this regard, the Commission has issued notices to the Chief Secretaries of the Governments of Rajasthan and Haryana as well as the Secretary, Union Ministry of

Environment Forest and Climate Change seeking their response in the matter.

Killing of a political worker in Purulia (Case No. 810/25/17/2018)

Media reported that a boy, belonging to Dalit Community in Purulia, was mercilessly beaten till he died, allegedly, by the workers of the ruling Trinamool Congress Party in West Bengal. Later, his body was found hanging by a tree. Reportedly, a poster was also found affixed on the back of the dead body with a message written in Bangla language- "18 bachhor bayose BJP rajneeti. Ebar bojh" which means, "BJP politics at the age of 18. Now take this." Reportedly, he was a worker of Bhartiya Janta Party, BJP and he had called the family over telephone stating that he was abducted by a group of men on bikes.

The Commission has observed that the contents of the news report, if true, amount to gross violation of human rights of the victim. Accordingly, it has issued a notice to the Chief Secretary, Government of West Bengal calling for a detailed report in the matter. The DGP, West Bengal has been asked to intimate the present status of investigation in the case and the steps taken to ensure that such incidents do not recur in future.

The Commission also observed that India is a democratic country. Difference of opinion and ideology are obvious in a multi-party democratic political system. Bloodshed in the name of political differences is neither desirable, nor acceptable in a civilized society. Brutal killings of the party workers in such a manner are indicative of deficient law and order situation in the state, which does not allow rival political parties to exercise their political

rights. Right to life of the poor Dalit victim has been grossly violated, which is a glaring instance that law enforcing agencies have failed to protect the precious human life.

According to the media report, carried on the 31st May, 2018, violence continued in Purulia even after the Panchayat elections were over. Several other local BJP leaders had been threatened after their party had won many seats in the district. The father of the deceased had alleged that his son was killed by the workers of the Trinamool Congress. The BJP leaders have levelled allegations against the Trinamool Congress party stating that the deceased was killed just because his ideology differed from that of the State sponsored goons.

Killing of journalist Shujaat Bukhari (Case No. 94/9/13/2018)

Media reported that the network of editors and media practitioners namely SAMDEN has urged the NHRC to seek swift probe into Shujaat Bukhari's killing along with his two personal security officers in Lal Chowk area of Srinagar in Jammu & Kashmir on 14.06.2018. Reportedly, SAMDEN has also demanded swift action to be taken by the Central and the State Government for the necessary steps ensuring safety and security of all the journalists across the country.

As per news report, the deceased journalist had been under police protection since the year 2000. He was reportedly facing threats, being a rare voice of moderation and an advocate for peace and justice. Many other NGOs and Human Rights Defenders have also raised their voice against the threats, attacks and murders carried out against the media persons.

The Commission has observed that

in view of special provisions laid down u/s 1(2) of the Protection of Human Rights Act, 1993 in connection with the State of Jammu & Kashmir, it generally does not intervene into the matters relatable to entries enumerated in the List II (State List) mentioned under the Seventh Schedule of the Constitution of India. In such cases, it is for the State Human Rights Commission to take cognizance of the complaints regarding alleged violation of human rights in the State of Jammu & Kashmir.

However, it further observed that it is learnt that the State Human Rights Commission is closed for summer vacations till 30th June, 2018 and till date, cognizance of this case has not been taken by them. The way, Mr. Shujaat Bukhari had been killed by the miscreants indicates that the media persons, even those who have been provided police protection by the State Government, are not safe in the valley. This is a case of violation of Right to Life of the victim and the incident is causing serious threat to free speech and freedom of press in the State.

Looking into the gravity of the matter, the Commission has issued a notice to the Chief Secretary and the Director General of Police of the State of Jammu & Kashmir calling for detailed report in the matter. The State Government is also expected to provide details of the attacks made on the media persons during the last two years along with number of persons died/ injured and status of relief/ rehabilitation provided to the victims and their families.

The Commission would also like to know as to what special measures have been taken by the State Government to stop such incidents in the State of Jammu & Kashmir.

NHRC's spot enquiries

Following is the list of cases wherein spot enquiry was conducted by the Commission's officers:

S.No.	Case Number	Allegations	Date of visit
1.	2460/20/5/2015	Police inaction in a case of murder in district Bharatpur, Rajasthan	5 th - 8 th June, 2018
2.	1605/4/25/2017-WC	Police inaction a case of rape in district Nawadah, Bihar	12 th -15 th June, 2018
3.	406/6/23/2018	Atrocities by some builders and inaction by police in district Surat, Gujarat	13 th -15 th June, 2018
4.	26/25/15/2014	Illegal detention, torture and false implication by police in district North 24-Pargana, West Bengal	18 th -22 nd June, 2018
5.	12/15/2/2018	Dali Sikhs and other religious and linguistics minorities living under continuous threat of violence in Shillong, Meghalaya	25 th - 29 th June, 2018

Important Interventions

₹ five thousand each to 88 girl students forced to strip by teachers in Arunachal Pradesh (Case No. 44/2/10/2017)

The National Human Rights Commission, NHRC has recommended that the Government of Arunachal Pradesh pay ₹ 5,000/- each, as monetary relief, to the 88 girl students of the Kasturba Gandhi Balika Vidyalaya, District Papum Pare, Arunachal Pradesh, who were stripped off their dignity when forced to remove their clothes in front of the entire school, as punishment by the three teachers. They were punished when none among them confessed for having written vulgar words against the head teacher and another student on a piece of paper on the 23rd November, 2017. It has also asked for a compliance report along with the proof of payment.

The Commission's directions have come after the reports received from the State Government, in response to

its notices, confirmed the incident in an enquiry and informed that the act of the three teachers had been found inhumane and cruel. One teacher had been suspended, while the two others were removed from the services. A case Cr. No. 112/17 had been registered U/Ss 354 (b) and 34 IPC read with Section 21 (1) of POCSO Act. The three teachers were arrested and later released on the bail. The affected girl students had been imparted emotional and psychological counselling.

The State Government has also served a show cause to the Chairman, Arunachal Farmers' Development Society, Sagalee, which is running the KGBV, seeking explanation why the MoU signed between the society with SSA, Rajya Mission, Itanagar, should not be terminated. It has also been directed

that male Head Masters and teachers engaged in all KGBVs in the State be replaced immediately and it is also proposed to install cameras in the girls' hostels.

The Union Ministry of Human Resource and Development has informed that a series of guidelines have been issued to the State Governments. These also include guidelines on the safety and security of girl students in the Kasturba Gandhi Balika Vidyalayas.

The Commission had registered the case suo motu on the basis of a media report regarding the incident on 1st December, 2017 and issued notices to the Chief Secretary, Government of Arunachal Pradesh and the Secretary, Union Ministry of Human Resource Development in the matter.

₹ 9 lakh as relief to the family of the three victims of electrocution in Uttar Pradesh (Case No. 30460/24/3/2016)

The National Human Rights Commission, NHRC, in a case of three deaths due to electrocution in Aligarh, has held responsible the officials of the electricity department and Municipal Corporation for their negligence and issued notices to the Government of Uttar Pradesh, through its Chief Secretary, to show cause why ₹ 3 lakh each should not be recommended to be paid to the next of kin of the three deceased persons of a family.

The Commission had registered the case on the basis of a complaint that on the 17th July, 2016 in Aligarh a street was flooded after rain and water was entering the houses in a locality. The Municipal officials were requested to pump out the water but they did not do so. In the meantime, the wife of the complainant tried to manually flush out water but she was electrocuted due to current in water, which had leaked from the nearby electric pole. On hearing her screams, her son rushed to save her but he too was electrocuted. The daughter of the complainant also

met the same fate. Noticing this from the roof of his house, the complainant alerted his neighbours and requested them to inform power house to shut down power supply of the area but none attended the phone there.

Allegedly, after about an hour, many people reached the power house and made hue and cry, then only power supply was shut down. The complainant alleged that due to the negligence of Electrical Department and Nagar Nigam, Aligarh, 3 members of his family had lost life. He also informed that on his complaint, police had registered an FIR against the electrical department and the Nagar Nigam, Aligarh but the officials of both the departments were mounting pressure on him to withdraw the case.

During the course of enquiry, the Commission found that the allegations against the electricity department as well as the Municipal Corporation were true. It observed that the report of the Executive Engineer, Dakshinanchal Vidyut Vitran Nigam Limited, Aligarh

did not inspire confidence in absence of any evidence to support his argument that the occupants of the house were electrocuted because some domestic appliance was not having proper earthing for which his department was not responsible.

It was also confirmed that despite requests, neither the officials of the Municipal Corporation pumped out the water logged in the street nor the officials of the electricity department shut down power supply timely. The Commission's stand holding the negligence of the officials of electricity department and Municipal Corporation, responsible for the incident also got strength from the fact that after the completion of investigations in case crime No. 501/2016 u/s 304 IPC, the police had filed a chargesheet in the court against the two employees of Municipal Corporation, Aligarh. Therefore, it concluded that the State is vicariously liable for the dereliction of the duty on part of its officials for which it needed to pay relief to the next of kin of the three deceased persons.

Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 22 cases were considered during 01 sitting of the Full Commission and 59 cases were taken up during 03 sittings of Divisional Benches in June, 2018. On 39 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of ₹ 9,38,10,000/- for the victims or their next of kin, where it found that public servants had either violated human rights or been negligent in protecting them.

Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1.	2609/18/18/2016	CHILDREN	50000	ODISHA
2.	7/33/6/2018	SEXUAL HARASSMENT	200000	CHHATTISGARH
3.	208/36/2/2017	SEXUAL HARASSMENT	200000	TELANGANA
4.	408/34/4/2015	MALFUNCTIONING OF MEDICAL PROFESSIONALS	200000	JHARKHAND
5.	9602/24/77/2014	MALFUNCTIONING OF MEDICAL PROFESSIONALS	50000	UTTAR PRADESH
6.	1655/1/3/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	ANDHRA PRADESH
7.	294/1/4/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	ANDHRA PRADESH
8.	3824/4/23/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	BIHAR
9.	4075/30/9/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	DELHI
10.	929/34/16/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	JHARKHAND
11.	1094/12/21/2012-JCD	CUSTODIAL DEATH (Judicial)	200000	MADHYA PRADESH
12.	1207/12/18/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	MADHYA PRADESH
13.	2116/13/10/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	MAHARASHTRA
14.	1726/19/15/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	PUNJAB
15.	12803/24/1/2014-JCD	CUSTODIAL DEATH (Judicial)	50000	UTTAR PRADESH
16.	17127/24/28/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
17.	20657/24/57/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
18.	24510/24/43/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
19.	34144/24/10/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
20.	3193/4/23/2015-JCR	CUSTODIAL RAPE (Judicial)	300000	BIHAR
21.	5550/24/72/2017	LACK OF MEDICAL FACILITIES	100000	UTTAR PRADESH
22.	10843/24/3/2012	FORCED LABOUR	25000	UTTAR PRADESH
23.	1005/1/5/2013-PCD	CUSTODIAL DEATH (Police)	100000	ANDHRA PRADESH
24.	2206/30/9/2015	FAILURE IN TAKING LAWFUL ACTION	25000	DELHI
25.	2504/30/2/2014	FAILURE IN TAKING LAWFUL ACTION	25000	DELHI
26.	2407/20/23/2014	FAILURE IN TAKING LAWFUL ACTION	10000	RAJASTHAN
27.	46/20/14/2016	FAILURE IN TAKING LAWFUL ACTION	25000	RAJASTHAN
28.	40415/24/9/2015	FAILURE IN TAKING LAWFUL ACTION	100000	UTTAR PRADESH
29.	1648/25/15/2015	FAILURE IN TAKING LAWFUL ACTION	50000	WEST BENGAL
30.	264/20/14/2015	UNLAWFUL DETENTION	25000	RAJASTHAN
31.	31551/24/62/2017-AR	ALLEGED CUSTODIAL RAPE IN POLICE CUSTODY	200000	UTTAR PRADESH
32.	16/2/6/2018	NON-PAYMENT OF PENSION/COMPENSATION	50000	ARUNACHAL PRADESH
33.	45740/24/46/2014-WC	ABDUCTION, RAPE AND MURDER	25000	UTTAR PRADESH
34.	26199/24/46/2016-WC	DOWERY DEATH OR THIER ATTEMPT	50000	UTTAR PRADESH
35.	45806/24/6/2013-WC	INDIGNITY OF WOMEN	25000	UTTAR PRADESH
36.	9389/7/4/2014	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT.OFFICIALS	89200000	HARYANA
37.	885/22/13/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	TAMIL NADU
38.	1929/25/8/2015	ATROCITIES BY CUSTOM/EXCISE/ENFORCEMENT/FOREST/INCOME-TAX Deptt., etc.OF CENTRAL/STATE Govts. 200000	WEST BENGAL	WEST BENGAL
39.	10920/24/72/2015	ATROCITIES ON SC/ST/OBC	25000	UTTAR PRADESH

Compliance with NHRC recommendations

In June, 2018, the Commission closed 84 cases on receipt of compliance reports from different public authorities, furnishing proof of payments, it had recommended, totalling ₹ 1,25,30,001/- to the victims of human rights violations or their next of kin. Details are in the table below:

Sl. No	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1.	960/18/28/2014	CHILDREN	100000	ODISHA
2.	1694/22/37/2014	SEXUAL HARASSMENT	50000	TAMIL NADU
3.	868/1/24/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	ANDHRA PRADESH
4.	1521/4/8/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	BIHAR
5.	2569/4/6/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	BIHAR
6.	535/4/8/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	BIHAR
7.	406/33/3/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	CHHATTISGARH
8.	835/33/14/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	CHHATTISGARH
9.	2274/30/9/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	DELHI
10.	1167/34/16/2012-JCD	CUSTODIAL DEATH (Judicial)	50000	JHARKHAND
11.	2590/12/21/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	MADHYA PRADESH
12.	508/12/24/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	MADHYA PRADESH
13.	1385/13/28/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	MAHARASHTRA
14.	496/13/23/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	MAHARASHTRA
15.	13954/24/34/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
16.	19437/24/48/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
17.	28599/24/62/2015-JCD	CUSTODIAL DEATH (Judicial)	500000	UTTAR PRADESH
18.	29365/24/36/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
19.	29802/24/4/2013-JCD	CUSTODIAL DEATH (Judicial)	25000	UTTAR PRADESH
20.	30596/24/3/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
21.	3101/24/15/2012-JCD	CUSTODIAL DEATH (Judicial)	100001	UTTAR PRADESH
22.	31741/24/28/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
23.	32054/24/4/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
24.	41989/24/70/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
25.	47201/24/4/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
26.	6766/24/4/2013-JCD	CUSTODIAL DEATH (Judicial)	500000	UTTAR PRADESH
27.	1202/25/19/2012-JCD	CUSTODIAL DEATH (Judicial)	200000	WEST BENGAL
28.	1403/25/11/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	WEST BENGAL
29.	1746/25/10/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	WEST BENGAL
30.	20338/24/53/2013	INEQUALITIES IN PRISON	50000	UTTAR PRADESH
31.	6744/18/7/2016	ARBITRARY USE OF POWER	100000	ODISHA
32.	2588/30/7/2013	ABUSE OF POWER	25000	DELHI
33.	383/30/3/2014	ABUSE OF POWER	100000	DELHI
34.	123/18/1999-2000	ABUSE OF POWER	50000	ODISHA
35.	26242/24/52/2014	ABUSE OF POWER	50000	UTTAR PRADESH
36.	40059/24/43/2012	ABUSE OF POWER	100000	UTTAR PRADESH
37.	1244/6/18/2012-PCD	CUSTODIAL DEATH (Police)	200000	GUJARAT
38.	945/6/9/2011-PCD	CUSTODIAL DEATH (Police)	200000	GUJARAT
39.	7343/7/5/2015-PCD	CUSTODIAL DEATH (Police)	300000	HARYANA
40.	8431/7/5/2013-PCD	CUSTODIAL DEATH (Police)	500000	HARYANA
41.	437/11/8/2014-PCD	CUSTODIAL DEATH (Police)	100000	KERALA
42.	1046/13/27/2013-PCD	CUSTODIAL DEATH (Police)	100000	MAHARASHTRA
43.	1517/13/14/2011-PCD	CUSTODIAL DEATH (Police)	100000	MAHARASHTRA

Sl. No	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
44.	2560/13/31/2013-PCD	CUSTODIAL DEATH (Police)	100000	MAHARASHTRA
45.	1157/1/8/2014-PCD	CUSTODIAL DEATH (Police)	100000	TELANGANA
46.	156/1/8/2014-PCD	CUSTODIAL DEATH (Police)	300000	TELANGANA
47.	23383/24/43/2013-PCD	CUSTODIAL DEATH (Police)	100000	UTTAR PRADESH
48.	7636/7/2/2012-ED	DEATH IN POLICE ENCOUNTER	500000	HARYANA
49.	2126/4/7/2013	FAILURE IN TAKING LAWFUL ACTION	100000	BIHAR
50.	902/4/37/2015	FAILURE IN TAKING LAWFUL ACTION	25000	BIHAR
51.	5050/30/5/2013	FAILURE IN TAKING LAWFUL ACTION	25000	DELHI
52.	5755/30/6/2013	FAILURE IN TAKING LAWFUL ACTION	100000	DELHI
53.	1450/7/8/2012	FAILURE IN TAKING LAWFUL ACTION	100000	HARYANA
54.	2430/18/12/2014	FAILURE IN TAKING LAWFUL ACTION	50000	ODISHA
55.	4176/18/14/2014	FAILURE IN TAKING LAWFUL ACTION	200000	ODISHA
56.	15476/24/55/2015	FAILURE IN TAKING LAWFUL ACTION	25000	UTTAR PRADESH
57.	15744/24/42/2013	FAILURE IN TAKING LAWFUL ACTION	50000	UTTAR PRADESH
58.	19661/24/1/2013	FAILURE IN TAKING LAWFUL ACTION	50000	UTTAR PRADESH
59.	39722/24/1/2013	FAILURE IN TAKING LAWFUL ACTION	25000	UTTAR PRADESH
60.	5115/24/24/2015	FAILURE IN TAKING LAWFUL ACTION	50000	UTTAR PRADESH
61.	1195/7/3/2014	FALSE IMPLICATIONS	100000	HARYANA
62.	29588/24/77/2014	FALSE IMPLICATIONS	50000	UTTAR PRADESH
63.	23211/24/43/2013	UNLAWFUL DETENTION	20000	UTTAR PRADESH
64.	368/33/0/2010	VICTIMISATION	1000000	CHHATTISGARH
65.	7158/7/17/2015-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	100000	HARYANA
66.	5140/7/3/2014-WC	ABDUCTION, RAPE AND MURDER	100000	HARYANA
67.	1010/1/8/2013-WC	ABDUCTION, RAPE AND MURDER	300000	TELANGANA
68.	35475/24/3/2013-WC	ABDUCTION, RAPE AND MURDER	25000	UTTAR PRADESH
69.	4004/7/20/2016-WC	RAPE	300000	HARYANA
70.	2991/13/16/2013-WC	SEXUAL HARASSEMENT (GENERAL)	50000	MAHARASHTRA
71.	1963/30/5/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	200000	DELHI
72.	3586/7/18/2016	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	100000	HARYANA
73.	353/12/54/2012	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	225000	MADHYA PRADESH
74.	2590/13/23/2012	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	25000	MAHARASHTRA
75.	11291/18/3/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	ODISHA
76.	2178/18/1/2013	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	75000	ODISHA
77.	674/18/2/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	200000	ODISHA
78.	885/22/13/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	100000	TAMIL NADU
79.	389/3/10/2012-AF	DEATH IN ARMY ENCOUNTER	500000	ASSAM
80.	5537/30/9/2014-PF	ABDUCTION/RAPE	100000	DELHI
81.	1338/20/2/2015	ATROCITIES ON SC/ST/OBC	10000	RAJASTHAN
82.	2971/20/9/2014	ATROCITIES ON SC/ST/OBC	25000	RAJASTHAN
83.	11463/24/22/2016	ATROCITIES ON SC/ST/OBC	50000	UTTAR PRADESH
84.	38710/24/79/2013-WC	RAPE OF SC/ST/OBC	75000	UTTAR PRADESH

NHRC studies Jhunjhunu model of improving girl child ratio

Media reported that Jhunjhunu district of Rajasthan had shown a landmark turn around in improving its girl child ratio in proportion to male child. The National Human Rights Commission, NHRC was curious to know how this was achieved in the district, which was among the districts having the lowest girl child ratio in the country till some time back. The idea was to understand the best practices adopted to achieve this result so that similar models could be recommended for implementation in the other parts of the country, where the girl child ratio was peculiarly poor. Accordingly, it decided to depute a team of its two officers, Mr. O.P. Vyas, Assistant Registrar (Law) and Mr. Nishith, Assistant to study

on the ground the efforts made by different stakeholders, among public sector, private sector, individuals, in this regard. They visited the district from 6th – 8th June, 2018. During the course of their extensive interactions and study of various initiatives taken by, particularly, the State Government through the

district administration, a number of innovative schemes and activities were found put in place, which received people's participation in earning the recognition for an affirmative action towards the campaign "Beti Bachao, Beti Padhao" i.e save girl child and educate her.



NHRC Officers, Mr. O. P. Vyas A. R. (Law) and Mr. Nishith, Assistant visiting and meeting various people to study Jhunjhunu model of improving girl child ratio

From the archives of human rights cases

This column will carry a brief from the archives of the intricate cases of human rights violations, which became a landmark after the public authorities eventually accepted the recommendations of the NHRC.

Relief in a case of BSF atrocity

The NHRC had registered a case that on the 29th November, 2010, a Constable of Border Security Force, BSF deployed at Border out Post, Amzadnagar in South Tripura, tried to drag a girl towards the jungle. However, she managed to shout for

help. Her elder brother rushed for help but the constable hit him on the head with a lathi. Hearing the commotion, the father of the girl, his younger son and other villagers reached the spot. Meanwhile, the Constable had called his colleagues and one of them fired from his service weapon, killing the father and injuring his younger son.

In response to the Commission's notices, the police enquiry report confirmed the incident. But it was found that the Staff Court of Enquiry held by the BSF had absolved its three personnel. The Commission also

noted that this was almost invariably the case with the BSF's Court of Enquiries, staffed by junior officers, whose primary concern seemed to be to protect their colleagues rather than uphold the law. Having received no response to its show cause notice, the Commission recommended monetary relief of ₹8 Lakh in the case, with ₹5 Lakh to the next of kin of the deceased, ₹2 Lakh to the girl and ₹50 thousand each to her two brothers, which the Union Home Ministry eventually paid.

Important Judgment of the Supreme Court of India

In this column, a brief report on an important judgment of the Supreme Court of India will be given, which has a bearing on human rights.

Sexual intercourse with wife below 18 years amounts to rape

On the 11th October, 2017, the Supreme Court gave a landmark judgment that "Exception 2 to Section 375 IPC (Sexual intercourse or sexual acts by a man with his own wife, the wife not being 18 years, is not rape) in so far as it relates to a girl child below 18 years is liable to be struck down on the following grounds:-

(i) It is arbitrary, capricious, whimsical

and violative of the rights of the girl child and not fair, just and reasonable and, therefore, violative of Article 14, 15 and 21 of the Constitution of India;

(ii) It is discriminatory and violative of Article 14 of the Constitution of India and;

(iii) It is inconsistent with the provisions of POCSO, which must prevail."

The 127 page judgment was delivered on a Public Interest Litigation, PIL, Civil Writ Petition No.382 of 2013- Independent Thought v Union of India & Anr., by the two-judges' bench comprising Mr. Justice Madan B Lokur and Mr. Justice Deepak Gupta.

The court observed, "Issue before us is of paramount importance" and spoke about the ill-effects of child marriage.

The PIL was filed by, an NGO named Independent Thought. The NGO, through the advocate Gaurav Agrawal, had challenged the validity of Exception 2 to Section 375 (which defines rape) of the IPC (as amended by the Criminal Law (Amendment) Act, 2013), as violative of Articles 14, 15 and 21 of the Constitution, as it permits intrusive sexual intercourse with a girl child aged between 15 to 18 years only on the ground that she has been married. The PIL argued that such a clause will only promote child marriage.

Media Watch

This column will carry a brief report and analysis of the editorials, carried by major newspapers during the preceding month to understand on what issues the media most commonly commented upon, which were part of national discourse and how human rights or rights perspective reflected in them.

During the month of June, 2018, there were many issues of interest on which most of the major English newspapers commented in their editorials. Some of these issues were having direct bearing on human rights per se while others weren't. After the murder of Gauri Lankesh, the death of another journalist Shujat Bukhari by terrorists in Srinagar sent shock waves. Seven editorials were carried on the topic. The Times of India wrote, "Any connections between these assassinations must be brought to light". The Indian Express wrote "silencing a voice". The Hindu wrote, "Bukhari's killing highlights the dangers that reporters and editors face in the country."

Enraged by the increasing incidents of lynching in a row at different places, several newspapers commented over the issue. Five editorials were carried

on the topic. The Indian Express wrote, "There can be no complacency on intolerance and violence in the name of the cow. The government in U.P must break the cycle of impunity, set an example that will deter all such acts in future." The Millennium Post referred to it as "a recurring social hazard."

The government's move to open up 10 positions of joint secretary level in diverse ministries for lateral entry was seen as a good reform push. No wonder seven editorials were carried on the topic. The Times of India wrote, "There should be periodic reviews of mid-career officers to weed out underperformers." The Tribune wrote, "It is also not fair to assume that lateral inductees will in any way be short of gravitas or the national spirit as compared to UPSC entrant."

Inflation makes the cost of living high for us and thus impacts our various rights. More money in circulation means increase in demand, which makes available goods expensive. Therefore, it was in a way obvious that an unanticipated increase in the repo rate, i.e. the RBI's money lending rates to Banks by 25 basis points to 6 per cent to suck out money from markets, became another most commonly

commented upon issue. Five editorials were carried on the topic. The Times of India wrote, "at this juncture, the RBI must walk a tightrope to fulfill its mandated job of keeping inflation under check and ensuring that an economic recovery is not choked." The Hindu wrote, "As inflationary trends harden, the RBI's rate hike will quell uncertainty in the markets."

Strangely, only three major English newspapers carried editorials on the upcoming launch of National Health Policy Scheme, a key area of human rights concern. The Hindustan Times wrote, "The greater challenge is the creation of a healthcare infrastructure on the ground and running it in a manner that it reaches the economically disadvantaged." Another issue impacting our right to clean environment is the use of plastic bags. The need to discourage its use was also commented upon by only three major English newspapers.

Apart from this, the editorial comments were a mixed bag of issues commented upon. Some of these were women can drive now in Saudi, Rajnikant's movie Kaala, scars of Shillong anti-Sikh riots, Kairana poll results, FIFA World Cup, 2018.

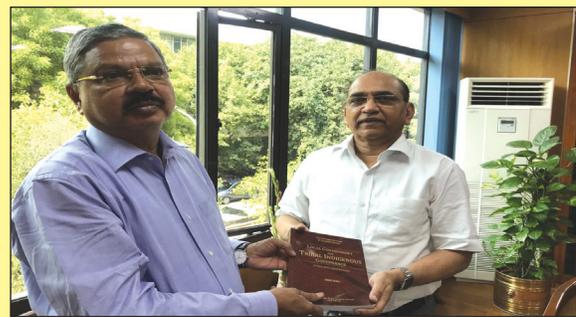
Snippets

4th International Yoga Day



led by Chairperson, Mr. Justice H.L. Dattu, Member, Mrs. Jyotika Kalra, Secretary General, Mr. Ambuj Sharma, senior officers and staff of the National Human Rights Commission, India joined the world in celebration of the 4th International Yoga Day on the 21st June, 2018. Yogic exercises were performed in the Commission's premises on the occasion.

Book presentation to NHRC Chairperson



Dr. Sanjay Dubey, Director (Admin), NHRC, presented his book titled "Local Government and Tribal Indigenous Governance" to the Chairperson, Mr. Justice H.L. Dattu at his office on the 27th June, 2018. Dr. Dubey has authored and co-authored more than 25 text books of NCERT and IGNOU besides having published over a dozen research papers.

Visits to NHRC, India

The following delegations visited the NHRC, India during the month of June, 2018 to understand its functioning. They were as follows:

1. 30-35 trainee officers from LNJNI National Institute of Criminology & Forensic Science, MHA, GOI, Rohini, New Delhi.
2. 19 Basic Course Officers along with 2 officers from the Academy of Prison & Correctional Administration, Vellore, Tamil Nadu.

New initiatives for the Silver Jubilee celebrations of NHRC, India

The NHRC, India will complete 25 years of its existence on the 12th October, 2018. In the run up to its Silver Jubilee celebrations, plans and policies have been laid down for organizing several new activities throughout the year so as to encourage people's participation in building awareness about human rights. These include organizing Tagline/Slogan writing, Logo designing and Painting competitions through MyGov portal, conceiving and structuring a documentary on NHRC and a short film on women's rights issues and out sourcing their production to the Films Division, starting NHRC's Street Theatre Competition, Festival and Award Scheme-2018, linking Common Service Centres (CSC) portal with NHRC website for online complaint filing and guiding the CSC team, to prepare e-content including short films for building human rights awareness, launching NHRC's fourth Short Films Award Scheme-2018, Screening of Films and Panel discussion on the "Role of media in creating awareness on human rights" etc besides conceptualizing and initiating work on mapping the milestones of the Commission's journey so far in the form and shape of a book, encouraging newspapers and magazines to carry articles/features on the 25 years of the journey of the NHRC. These activities are being executed by Media & Communication Wing of the Commission in its efforts to explore different alternative media platforms for mass communication.

Besides these, some of the other activities include: run/walk for human rights, Human Rights Mela, release of commemorative Postal Stamp and Special Cover, International Human Rights Conclave, Silver Jubilee memorial lecture, Coffee table Book etc which are being coordinated by the Investigation Division, Law Division, Research Division, Coordination Section and Publications Unit respectively.

Human Rights and NHRC in News



During the month of June, 2018 total 06 press releases were prepared and issued based on the proceedings of the Commission in different cases. Total 1791 news clippings on various human rights issues were culled out from different/select editions of major English and Hindi newspapers and some news websites. News clippings related to 04 incidents of alleged human rights violations were brought to the notice of the Commission, which it considered and found fit for suo motu cognizance. 88 news stories, wherein there was a specific reference to the interventions by the NHRC, can be seen at 'NHRC-in-news' on the website of the Commission.

Complaints received/processed in June, 2018 (As per an early estimate)

Number of fresh complaints received in the Commission	9537
Number of cases disposed of including fresh and old	8578
Number of cases under consideration of the Commission including fresh and old	24712

Important Telephone Numbers of the Commission:

Facilitation Centre (Madad) : 011-2465 1330
For Complaints : Fax No. 011-2465 1332

Other Important E-mail Addresses

jrlawnhrc@nic.in (For complaints), cr.nhrc@nic.in
(For general queries/correspondence)

Focal point for Human Rights Defenders

Mobile No.: 9810298900, Fax No. 011-2465 1334
E-mail : hrd-nhrc@nic.in

This Newsletter is also available on the Commission's website www.nhrc.nic.in

NGOs and other organizations are welcome to reproduce material of the Newsletter and disseminate it widely acknowledging the NHRC.

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Design : Jaimini Kumar Srivastava

Editor's Contact Ph. : 91-11-24663381, E-mail : dydir.media.nhrc@nic.in