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# HUMAN RIGHTS NEWSLETTER

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*From the Editor's Desk*

The month of September, 2018 almost opened with the news with which the previous month had ended that the shelter homes, meant to provide the safety, security and succour to the hapless girls, were proving to be unsafe for them. What prompted this thinking was that close on the heels of the Bihar shelter home imbroglio, yet another one was found in Uttar Pradesh forcing the inmates into flesh trade. If a leaf has to be drawn from the report of the Tata Institute of Social Sciences, there may be many such homes in the country indulging in such nefarious activities. What is more disturbing is the buzz that the people, who were running them, allegedly enjoyed political and state patronage.

The NHRC had taken suo motu cognizance of the allegations made in the media reports about the Bihar shelter home. It observed, while calling for the reports from the State Government that such incidents indicate that there is an immediate need for the law enforcing agencies to be more active, vigilant and attentive with zeal to stop such disgraceful incidents tarnishing the image of the state and the country. Reportedly, disturbed by these incidents, the Supreme Court of India observed, "what is happening in our country..... women and girls are getting raped left, right and centre" and nobody seems to be bothered. It also noted with pain that, as per the data of the National Crime Records Bureau, 38947 rapes were committed in 2016 meaning thereby 106 rapes a day." It is time that not only the Law and Order machinery but the entire society also wakes up to stop this menace, which amounts to the worst example of human rights violation.

The other issue, which caused a lot of unrest in September, was the releasing of final draft of Assam's National Register of Citizens in the end of August. Out of the 3.29 crore people, who had, reportedly, applied to become a part of the NRC, more than 40 lakh people were found to be invalid citizens of India raising concerns on their future and rights. Therefore, much before the publication of the final draft, the NHRC, on the basis of the media reports and complaints of people facing lot of difficulty during the process of their verification had called for the reports from the concerned authorities. It had also sent its team for an on the spot enquiry. The intent of identifying the illegal migrants in the country should not be disputed merely on insinuations. Similarly, the difficulties being faced by the people from the human rights perspective should also not be over looked. Be that as it may, the matter is before the Supreme Court now.

The Nation's apex human rights watch dog, the NHRC is inching towards celebration of its 25 years on the 12<sup>th</sup> October, 2018. It would be meaningful to organize a series of events seeking people's participation in the promotion and the protection of human rights to mark the occasion, as has been pointed out in the message of the NHRC Chairperson, Mr. Justice H.L. Dattu, carried in this issue. Under the Protection of Human Rights Act, the mandate of the Commission is to work for the promotion and protection of human rights and take cognizance of such complaints wherein the actions, inactions and omissions of government functionaries, prima facie or allegedly, become reasons for human rights violation. It is a recommendatory quasi-judicial body having powers of a civil court to call for any documents and summon anyone in a case of human rights violation. In a case of human rights violation, its recommendations are twofold: relief to the victim and punishment to the guilty.

Disposal of more than 17 lakh cases, payment of more than one billion rupees to the victims of human rights violations by various state agencies on the recommendations of the Commission, more than 750 spot enquiries, 20 open hearings and 25 camp sittings covering the length and breadth of the country, reviews and comments on over 40 bills and legislations, conduct of more than 200 seminars, conferences and workshops, 27 month-long internships, 1300 attachment programmes, more than thousand sponsored awareness trainings through various institutions and NGOs, more than 50 publications besides about 25 volumes of nearly 300 monthly Newsletters in English and Hindi, hundreds of media reports etc bear a testimony to the NHRC, India's multi-dimensional work for the cause of human rights during its first 25 years.

Therefore, it would be naïve to assume that the NHRC's role is limited merely to the registration and disposal of complaints of human rights violation. It is also for creating an enabling atmosphere for a preventive mechanism to check incidents of human rights violations. An action to prevent an act of crime is valuable than an action after an act of crime. This, in real sense, can be achieved by building mass awareness among people, using effectively various multi-media platforms, in a mission mode, with the cooperation from all the stakeholders including the Centre and State Governments, civil society and media. In fact, the media has played a critical role in expanding the outreach of the Commission right since its inception. The first few major cases were registered by it on the basis of media reports only. In the near future, the NHRC, India may like to explore the efficacy of using the vast network of community radio stations in the country to spread awareness about human rights and how to approach the grievance redressal mechanism.

*"The roots of education are bitter, but the fruit is sweet" - Aristotle*

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

"The National Human Rights Commission is running into 25 years of its existence. It's a milestone not only in the journey of the Commission but also a cause for celebration of human rights protection mechanism in our great nation. In this connection, we have planned a series of events and activities, primarily, aiming at involving people's participation in the promotion and protection of human rights. Because, we believe that institutions can only motivate and provide support and moral courage to the people to guide them in the path of valuing human rights but efforts have to be made by themselves to walk on this path.



In a country of about 1.3 billion people, our humble efforts to build awareness about human rights may not be sufficient but, I am sure, with the support of civil society, legislature, judiciary, executive as well as media, the echo of our efforts will be amplified for the betterment of society as a whole to reckon with. I say so, because our intent to expand our outreach to every nook and corner of the country may fall short of our own expectations given the limited manpower, financial and infrastructure resources, unless supported in good earnest by all the stakeholders.

I understand that various national and State Commissions, particularly, catering to the requirements of protecting the rights and welfare of different segments of our society, as well as the State Human Rights Commissions would, by their pro-active approach, augment the efforts of the National Human Rights Commission by observing its Silver Jubilee in celebration of human rights, which are inalienable to mankind by birth. We have to work together for prevention of human rights violations by inculcating respect for them as a cultural value."



## National Conference on Child Marriage

The National Human Rights Commission, NHRC, India organized a two day 'National Conference on Child Marriage' in collaboration with the South Asia Initiative to End Violence against Children (SAIEVAC) at India Habitat Centre, New Delhi from 29<sup>th</sup>-30<sup>th</sup> August, 2018.

Mrs. Jyotika Kalra, Member, NHRC, delivering the presidential address, said that the inconsistencies in different legal provisions, having a bearing on children and their marriage, need to be identified and synergized to end child marriage in India. She said that a law needs to be put in place to make the age of marriage for both the boys and girls uniform in tune with the expressions to this effect at highest levels, including from the Supreme Court as well as the Law Commission of India. It should not be 21 years for the boys and 18 years for the marriage of girls, as there is no scientific data to support this difference in their ages for marriage.

The NHRC Member also said that the registration of marriages should be made compulsory. The Supreme Court, as well as the Law Commission, have already pointed out this, but it is not clear whether all the states have put in place the necessary rules to this effect. She pointed out that in India, the child marriage also has to do with the socio-economic factors and the lack of literacy, particularly, among the lower strata of society.

Therefore, besides building awareness on the ills of child marriage, the priority should also be given to bring uniformity in the legal provisions to end this menace by amending the inherent contradictions and inconsistencies in the provisions of various Acts, including the Prohibition on Child Marriage Act, Hindu Marriage Act, The Hindu Minority and Guardianship Act, The Indian Penal Code provisions.

For instance, Mrs Kalra said that as per the Indian Penal Code, 12 year old child bride can suffer "assault" on her by her 29 year old husband, in order to establish his marital rights. If wife is below 15, then the husband can be charged for the offence of rape. However, here also the law makes a distinction between a wife below 12 and a wife over 12. Under Section 376, when the wife is below 12, the penalty is imprisonment, which shall not be less than seven years but which may be for life or for a term, which may extend to 10 years and fine. If, however, the wife is above 12 but below 15, the punishment is milder, i.e

frameworks.

The main objective of the Conference was to revisit the issue of child marriage from a human rights perspective at the national level by consulting experts from the government and non-government organizations, civil society and other forums so as to make a call for a national action plan on ending child marriage and set a time target to achieve this.

The Conference, besides the inaugural session, was divided into five thematic sessions to : examine/review existing legal and policy frameworks



NHRC Member, Mrs. Jyotika Kalra addressing the gathering

imprisonment of either description for a term which may extend to two years or fine or both.

Earlier, Mr. Ambuj Sharma, Secretary General, NHRC said that it is a matter of shame that the rate of child marriage still remains very high in India, though the national average of child marriage for females is down from 47.4% to 26.8% and for males from 32.3% to 20.3% respectively. SAIEVAC Director General, Dr. Rinchen Chopel, CSO Coalition representative, Ms. Razia Ismail also addressed the inaugural session of the Conference, sharing their concerns on the issues, which require to be addressed through legal and policy

and their application; identify gaps; and distil out strategic interventions to end child marriage. The development of this initiative, thus, is a uniquely participatory process in India and is further supported by the CSO Coalition to End Child Marriage.

Several stakeholders including senior officers from the Ministry of Women and Child Development, NHRC, National Commission for Protection of Child Rights and State Commissions for Protection of Child Rights, representatives of various state governments, subject experts in law, development and culture and civil society organizations participated in the discussions.

## NHRC Open Hearing and Camp Sitting



NHRC Chairperson, Members and sr. officers inaugurating the 'Open Hearing and Camp Sitting'

The National Human Rights Commission (NHRC) organized its two days' 'Open Hearing and Camp Sitting' in Bengaluru for the cases of Karnataka from 2<sup>nd</sup>-3<sup>rd</sup> August, 2018. The Commission took up 185 cases in the 'Open Hearing' on the day one and recommended monetary relief of Rs. Five Lakh in one case and also issued notices to the State government in seven matters to show cause why monetary relief should not be recommended to be paid for prima-facie violation of human rights. In some cases, reports received from the authorities were ordered to be sent to the complainant for their comments and, in a few others, further reports were called for. 106 cases were closed after satisfactory response from the State Government.

Earlier, inaugurating the programme, Mr. Justice H. L. Dattu, Chairperson, NHRC said that the "Open Hearings and Camp Sittings" provide an opportunity to look at human rights situation in a State and the grievances of the people, particularly the marginalized sections, and recommend on the spot relief to the victims of human rights violations, besides creating awareness and

helping the official machinery in improving the governance with proper implementation of Socio-economic Flagship programmes and provision of basic facilities.

Mr. Ambuj Sharma, Secretary General, NHRC said that the Commission is able to interact directly with various stakeholders, including victims of human rights violations, human rights defenders, NGOs, Media through such programmes. Mr. T. M. Vijaybhaskar, Chief Secretary, Government of Karnataka, assured prompt action by the State Government on various complaints received from the NHRC.

Besides the issues of atrocities on SC/ST Communities, the cases pertained to water drainage in Hassan district, compensation and rehabilitation for acquisition of land for Metro Rail by KIADB in Bengaluru, allotment of land to Scheduled Castes, construction of homes for Scheduled Castes in Gadag, alleged suicide by a person due to police torture in Gulbarga, release of retirement benefits and rape of a Dalit minor girl, release and rehabilitation of bonded labourers, death in manhole, electrocution death, failure by the

police to take action, death of children due to vaccination in Mandya etc.

On the 2<sup>nd</sup> day, 11 cases were taken up by the Full Commission. These included matters pertaining to illegal quarrying in Shimoga and Mandya districts, atrocities by a mob on a Tanzanian national women in Bengaluru, rescue of slave farmers from Mysore district, police atrocities on villagers in Belgaum district, contaminated water supply in Shivamogga district and air and water pollution caused by land filled garbage in Mysore. The Full Commission was informed that Rs. 4.53 lakh were paid to the victims of atrocity in Mandya district and Rs. 1.50 lakh to the victim from Bengaluru district. Further, in the case of contaminated water supply, Rs. 2.0 lakh each were paid to the families of the four deceased. The Commission also recommended monetary compensation of Rs. 5000/- each for 35 victims, who were taken ill by drinking contaminated water. Upon consideration of the reports, the Full Commission closed four cases and called for further reports in the remaining cases.

The Full Commission meeting was followed by an interaction with the NGOs, Human Rights Defenders and LGBT community representatives. During the interaction, the civil society representatives raised sensitive issues such as victimization of barber community members, problems faced by transgender, human trafficking and bonded labour, delay in registration of cases by police, problems faced by human rights defenders including threats to their life, physical violence and sexual harassment against women at work place even in corporate sector etc. Later the media persons were briefed by the Chairperson and Members on the outcome of the 'Open Hearing and Camp Sitting'.

## Meeting of NHRC Core Group on Disability and Elderly Persons

The National Human Rights Commission organized a meeting of its 'Core Group on Disability and Elderly Persons' at its headquarters in

New Delhi on the 24<sup>th</sup> August, 2018. Chairing the meeting, Mrs. Jyotika Kalra, Member, NHRC said that there can be no justification for continuing

with the pension of Rs. 200/- for elderly since 2007. The allocated funds for elderly and disabled should only be utilized for activities related to these

groups only and not for any other purpose. There is a need to spread awareness about the schemes related to elderly and persons with disabilities. Mr. Ambuj Sharma, Secretary, General, NHRC, suggested that the old age pension should be revised on the basis of the need based index.

Some of the other important suggestions were :

- I. Cap on the number of beneficiaries should be removed;
- II. A police official in every police station may be nominated as Nodal Officer for dealing with the issues concerning elderly persons;
- III. The Ministry of Social Justice and Empowerment may consider developing a scheme of 'Time Bank' on the lines of the models adopted by Switzerland and United Kingdom, wherein people save time for taking care of elderly, who need help, and later in their hour of need retrieve those

points for their assistance.

- IV. CSR funds of Corporate India could also be utilized for construction of old age homes in States.
- V. The Ayushman Bharat Scheme should also cover elderly persons, who are living alone and not covered under any scheme.
- VI. Access audit by professional auditor be conducted to check that all public buildings (including those owned privately) conform to the 'Harmonised Guidelines and Space Standards on Barrier Free Built Environment for Persons with Disability and Elderly Persons' (HG), 2016.
- VII. There is a need to harmonise the Section 14 of the National Trust Act, 1999 with the sub-sections (i) and (ii) of Section 14 of the RPD Act, 2016.
- VIII. Department of Empowerment of Persons with Disabilities to send a

status report to NHRC regarding the implementation of Accessible India Campaign (Sugamya Bharat Abhiyan).

- IX. Substantial funds should be dedicated for the implementation of transport, access to information, universally designed consumer products and mandatory observance of accessibility norms, keeping in view the elderly as well as the persons with disabilities, as despite the legal provisions, nothing in practice is being observed on the ground.

Besides the NHRC core group members, senior officers from the Union Ministries of Rural Development, Health and Family Welfare, Social Justice Empowerment and special invitees participated in the discussions. NHRC officers, Mr. Dilip Kumar, Joint Secretary (Training and Research), Dr. M.D.S Tyagi, Joint Director (Research) also attended.

## Meeting of the Core Group on LGBTI

The first meeting of the newly constituted NHRC Core Group on LGBTI was held at the Manav Adhikar Bhawan, New Delhi on the 14<sup>th</sup> August 2018. Mrs. Jyotika Kalra, Member, NHRC and Mr. Ambuj Sharma, Secretary General, NHRC chaired and co-chaired the meeting respectively. Mrs. Kalra said that the understanding about LGBTI is very minimal among the masses and it is crucial to spread more awareness about this diversified group of people and their human rights, as all human beings have a fundamental right to be treated equally.

Mr. Ambuj Sharma said that this Core Group covers all groups of LGBTI community and the aim of this meeting is to make an inclusive effort to bring them in the mainstream of society. He informed that the NHRC's Pilot project, in process, aimed towards the employment of transgender beggars.

Mr. Dilip Kumar, Joint Secretary (Training & Research), NHRC said

that a lot of work has been going on to address the issues of this diverse community. The Revised Transgender Persons (Protection of Rights) Bill is currently pending for introduction in Parliament. Mrs. Chhaya Sharma, DIG, NHRC further elaborated on the Commission's pilot project for employment of LGBTI community.

Some of the major recommendations were :

- 1) Awareness programs may be formulated with the help of mass media and satellite programmes to sensitize people towards the LGBTI community to save them from harassment and discrimination
- 2) Schools curriculum should be more inclusive and must include sex education as part of the curriculum to curb bullying and teasing of the students of LGBTI community.
- 3) Existing housing schemes must be inclusive and give reservation to the transgender;

- 4) The existing policies/Laws with relation to adoption, surrogacy and inheritance of property must be made equally applicable to a man, woman and transgender.
- 5) The rights of the intersex must be given serious consideration. A guideline must be formulated for the doctors performing surgeries taking ethical consideration in the purview.
- 6) Doctors and Antiretroviral therapy centres (ART) must be sensitized towards the issues and challenges related to trans-men and trans-women.
- 7) It is crucial to plan and implement how best to integrate the existing preventive measures of family violence to ensure that they are inclusive and demonstrate an intersectional approach to primary prevention.
- 8) Employers must encourage the transgender & identified



- categories in their job advertisements. An equal opportunity should be provided during job interviews to all, regardless of gender identity and sexual orientation.
- 9) A safe working environment should be provided for the transgender & identified

categories of the community in all public/private sectors.

- 10) A non-discriminatory policy should be formulated to propagate inclusive working environment. The workplace policies must ensure promotion of respect for people across all gender, sex and sexuality spectrums and must not

tolerate disrespect towards any group.

Besides the NHRC Core Group members representing the leading organizations of LGBTI community, special invitees, representatives of the Ministry of Social Justice and Empowerment and Dr. M.D.S. Tyagi, Joint Director (Research), NHRC were present.

## Suo Motu Cognizance

The Commission took suo motu cognizance in 05 cases of alleged human rights violations reported by media during August, 2018 and issued notices to the concerned authorities for reports. Summaries of the cases are as follows:

### **Sexual assault of a minor in a government school (Case No. 3802/30/1/2018-WC)**

The National Human Rights Commission, NHRC has taken suo motu cognizance of a media report, carried on the 10<sup>th</sup> August, 2018, that a six year old girl, studying in a government school in Delhi, had been allegedly raped by a person working as an electrician with the school on the 8<sup>th</sup> August, 2017.

The Commission has issued notices to the Chief Secretary, Government of NCT of Delhi and the Commissioner of Police, Delhi calling for a detailed report in the matter. The Chief Secretary is expected to inform whether all the guidelines/directions issued by the authorities for the safety of the students are being followed by the schools in Delhi.

The Commission has also observed that being the custodian of students, the school authorities are responsible for their safety and security, especially the girl students. Prima Facie the incident indicates negligence by the school administration in the matter.

The NHRC also said that there should be a State Human Rights Commission in Delhi to deal with such cases of alleged violation of human rights. However, till it comes into existence, it would continue addressing the issues pertaining to the NCT of Delhi.

### **Death of a newborn in an ambulance (Case No. 1945/7/19/2018)**

The National Human Rights Commission, NHRC has taken suo motu cognizance of media reports that a newborn, allegedly, died as the ambulance, carrying him, could not reach the hospital due to the rally of a political party in Sonipat, Haryana on the 22<sup>nd</sup> August, 2018.

The Commission has issued a notice to the Chief Secretary, Government of Haryana calling for a detailed report in the matter along with the details of the relief and rehabilitation provided to the aggrieved family.

The Director General of Police, Haryana has been directed to submit a report regarding steps taken on the FIR registered in the matter and present status of the investigation of the case.

The Commission has also directed to the Secretary, Union Ministry of Health & Family Welfare to submit a report making it mandatory to equip all ambulances, be it owned by the government or outsourced or owned by private hospitals, with the life saving devices.

The Commission has observed that there is a dire need to deeply analyze the problem and take effective measures to ensure that precious human lives are not lost due to such activities, obstructing smooth flow of traffic on the roads, especially, the ambulance and the emergency services vehicles.

### **Alleged illegal arrest of five activists (Case No. 1618/13/23/2018)**

The National Human Rights

Commission, NHRC has taken suo motu cognizance of media reports, carried on the 29<sup>th</sup> August, 2018, that the Police did not follow rules to arrest five activists from different cities on the 28<sup>th</sup> August, 2018 in connection with the investigations in the Bhima Koregaon violence, which occurred in Pune, Maharashtra in the beginning of this year. Reportedly, those arrested included lawyer-activist Sudha Bharadwaj, civil liberties activists, Gautam Navlakha, Vernon Gonsalves, Arun Ferreira and Varavara Rao.

The Commission has issued notices to the Chief Secretary and Director General of Police, Maharashtra calling for a factual report in the matter. It also observed that earlier on the 29<sup>th</sup> June, 2018, it had issued a notice to the DGP, Maharashtra calling for a report in a similar case of alleged illegal arrest of five activists. It is yet to be received. The five human rights defenders, who were arrested then, included Surendra Gadling, Rona Wilson, Sudhir Dhawale, Shoma Sen and Mahesh Raut by Maharashtra police.

### **Naked parading of a woman (Case No. 2544/4/6/2018-WC)**

The National Human Rights Commission, NHRC has taken suo motu cognizance of a media report, carried on the 22<sup>nd</sup> August, 2018, that a woman was beaten and paraded naked by some people in Bihiya village of Bhojpur district in Bihar on suspicion of her involvement in a teenager's mysterious death. The 16 year old boy from Damodarpur village had gone to village Bihiya to seek admission to class XI but later his body was found

in the red light area of the village with injuries on his genitals. Thereafter, a large scale violence was witnessed on the 20<sup>th</sup> August, 2018. The mob set ablaze several shops and indulged in stone pelting.

The Commission has issued a notice to the Government of Bihar, through its Chief Secretary, calling for a detailed report in the matter. The Director General of Police, Bihar has been directed to ensure proper protection to the victim woman and her family members so that she is not threatened or subjected to any kind harassment by the miscreants.

While issuing notices, the Commission has observed that the sequence of incidents indicate towards negligence on the part of the police authorities and the local administration. The incidents appear to be a serious violation of human rights including right to life of the teenager and the right to dignity of the victim woman. According to the media report 16 persons had been arrested by the police and 8 policemen were placed under suspension. Three FIRs had been registered in the matter.

### **Ragging of more than 100 students**

**(Case No. 27945/24/4/2018)**

The National Human Rights Commission, NHRC has taken suo motu cognizance of media reports, carried on the 30<sup>th</sup> August, 2018, that around 100 students, including boys and girls, were being subjected

to inhuman treatment in the name of ragging at Moti Lal Nehru Medical College in Allahabad district of Uttar Pradesh. Reportedly, in spite of all this, no student could dare to come forward to lodge a complaint with the Anti Ragging Cell of the College due to threat from seniors. Reportedly, the college administration has neither provided any facility of counselling to the freshers nor safe environment to them.

The Commission has issued notices to the Chief Secretary, Government of Uttar Pradesh and the Principal, Motilal Nehru Medical College, Allahabad calling for a detailed report in the matter, including the steps taken against the guilty students and officers and measures taken for safety of the students and creation of a healthy environment for them within the College.

The Commission has also directed the Secretary, Union Ministry of Human Resource Development to submit status report regarding effective implementation of the recommendations of the Raghavan Committee, affirmed by the Supreme Court of India, in educational institutions across the country.

While, issuing the notices, the Commission has observed that the ragging has been banned in the academic institutions, schools and colleges. The University Grants Commission has issued guidelines on the subject to be followed by all

educational institutions. The Medical Council of India has issued Medical Council of India (Prevention and Prohibition of Ragging in Medical Colleges/ Institutions) Regulations, 2009 to root out ragging in all forms from medical colleges/ institutions in the country.

The Apex Court has also directed that the recommendations of the Raghavan Committee be implemented by taking confidence building measures and formation of Anti-Ragging Committees in the institutions. The Commission, while considering a complaint received from Prof. Raj Kachroo, Aman movement for Eradication of Ragging, had expressed its firm view against ragging and directed the Universities across the country to strictly follow the guidelines issued by the Apex Court as well as the University Grants Commission on the subject.

The NHRC observed that how, in spite of all these efforts, so many students of a prestigious Medical College in Allahabad were allegedly being subjected to such an inhuman treatment in the name of ragging? This amounts to violation of human rights of the innocent students. Their Right to Dignity appears to have been grossly violated due to the negligence by the College administration.

## **NHRC's spot enquiries**

Following is the list of cases wherein spot enquiries were conducted by the Commission's officers:

S. No.	Case Number	Allegations	Date of visit
1.	2728/30/2/2017	Illegal detention and custodial torture in East Delhi.	1 <sup>st</sup> -8 <sup>th</sup> Aug 2018
2.	13440/24/56/2018-BL	Bonded Labour in district Moradabad, Uttar Pradesh.	7 <sup>th</sup> -8 <sup>th</sup> Aug 2018
3.	1007/19/15/2014	Police inaction in a complaint of harassment of a woman by her husband and his family in district Patiala, Punjab	7 <sup>th</sup> -10 <sup>th</sup> Aug 2018
4.	226/34/11/2014	Hospital staff of Sadar Hospital, Hazaribagh, Jharkhand not providing breakfast, lunch and dinner to the patients at prescribed time	7 <sup>th</sup> -10 <sup>th</sup> Aug 2018
5.	1459/12/22/2014	Torture of the complainant's son by SHO Belbagh, PS Jabalpur, Madhya Pradesh	20 <sup>th</sup> -24 <sup>th</sup> Aug 2018

## Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 15 cases were considered during 01 sitting of the Full Commission and 128 cases were taken up during 06 sittings of Divisional Benches in August, 2018. On 54 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of ₹14665000/- 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.	112/25/18/2016	SEXUAL HARASSMENT	300000	WEST BENGAL
2.	25862/24/9/2014	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	UTTAR PRADESH
3.	1647/18/26/2016	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	200000	ODISHA
4.	284/3/24/2012-JCD	CUSTODIAL DEATH (Judicial)	200000	ASSAM
5.	3694/4/32/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	BIHAR
6.	402/4/26/2015-JCD	CUSTODIAL DEATH (Judicial)	200000	BIHAR
7.	180/33/5/2015-JCD	CUSTODIAL DEATH (Judicial)	200000	CHHATTISGARH
8.	2616/7/1/2017-JCD	CUSTODIAL DEATH (Judicial)	200000	HARYANA
9.	1525/34/7/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	JHARKHAND
10.	35/12/37/2013-JCD	CUSTODIAL DEATH (Judicial)	500000	MADHYA PRADESH
11.	205/13/16/2014-JCD	CUSTODIAL DEATH (Judicial)	200000	MAHARASHTRA
12.	10669/24/57/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
13.	38688/24/3/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
14.	331/34/16/2017	ABUSE OF POWER	200000	JHARKHAND
15.	2359/20/19/2016	ABUSE OF POWER	25000	RAJASTHAN
16.	741/20/21/2015	ABUSE OF POWER	25000	RAJASTHAN
17.	11248/24/14/2013	ABUSE OF POWER	50000	UTTAR PRADESH
18.	784/34/15/2014-PCD	CUSTODIAL DEATH (Police)	300000	JHARKHAND
19.	2868/20/22/2015-PCD	CUSTODIAL DEATH (Police)	500000	RAJASTHAN
20.	512/22/35/2013-PCD	CUSTODIAL DEATH (Police)	100000	TAMIL NADU
21.	18908/24/30/2016-PCD	CUSTODIAL DEATH (Police)	200000	UTTAR PRADESH
22.	1625/25/13/2012-PCD	CUSTODIAL DEATH (Police)	100000	WEST BENGAL
23.	2258/12/29/2010-ED	DEATH IN POLICE ENCOUNTER	2000000	MADHYA PRADESH
24.	106/14/15/2012-ED	DEATH IN POLICE ENCOUNTER	1000000	MANIPUR
25.	9/15/5/2015-ED	DEATH IN POLICE ENCOUNTER	500000	MEGHALAYA
26.	2482/30/4/2016	FAILURE IN TAKING LAWFUL ACTION	25000	DELHI
27.	12542/7/16/2015	FAILURE IN TAKING LAWFUL ACTION	10000	HARYANA
28.	1447/20/1/2013	FAILURE IN TAKING LAWFUL ACTION	25000	RAJASTHAN
29.	22326/24/14/2013	FAILURE IN TAKING LAWFUL ACTION	50000	UTTAR PRADESH
30.	23233/24/52/2015	FAILURE IN TAKING LAWFUL ACTION	50000	UTTAR PRADESH
31.	48728/24/1/2015	FAILURE IN TAKING LAWFUL ACTION	10000	UTTAR PRADESH
32.	1268/24/25/2015	UNLAWFUL DETENTION	10000	UTTAR PRADESH
33.	584/30/6/2018	POLICE MOTIVATED INCIDENTS	200000	DELHI
34.	704/34/18/2016	VICTIMISATION	10000	JHARKHAND
35.	30273/24/37/2015	NON-PAYMENT OF PENSION/COMPENSATION	50000	UTTAR PRADESH
36.	23538/24/16/2015-WC	ABDUCTION, RAPE AND MURDER	25000	UTTAR PRADESH
37.	35303/24/34/2013-WC	DOWERY DEATH OR THIER ATTEMPT	25000	UTTAR PRADESH
38.	5334/24/31/2012-WC	DOWERY DEATH OR THIER ATTEMPT	25000	UTTAR PRADESH
39.	2916/35/12/2015-WC	DOWERY DEATH OR THIER ATTEMPT	200000	UTTARAKHAND
40.	225/3/8/2015-WC	GANG RAPE	200000	ASSAM
41.	10587/24/57/2017-WC	INDIGNITY OF WOMEN	1750000	UTTAR PRADESH



Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
42.	169/30/9/2018-WC	RAPE	200000	DELHI
43.	843/10/1/2017	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	500000	KARNATAKA
44.	889/10/10/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	450000	KARNATAKA
45.	1922/18/19/2017	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	1000000	ODISHA
46.	2195/18/24/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	25000	ODISHA
47.	2586/18/33/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	ODISHA
48.	5254/18/27/2016	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300000	ODISHA
49.	1825/22/6/2016	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	TAMIL NADU
50.	34/23/5/2017	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200000	TRIPURA
51.	31042/24/3/2013	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	UTTAR PRADESH
52.	5410/24/46/2016	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200000	UTTAR PRADESH
53.	1784/20/12/2014	ATROCITIES ON SC/ST/OBC	25000	RAJASTHAN
54.	112/25/18/2016	SEXUAL HARASSMENT	300000	WEST BENGAL

## Compliance with NHRC recommendations

In August, 2018, the Commission closed 66 cases on receipt of compliance reports from different public authorities, furnishing proof of payments, it had recommended, totalling ₹9000000/- 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.	961/18/1/2014	EXPLOITATION OF CHILDREN	50000	ODISHA
2.	1831/13/13/2015	SEXUAL HARASSMENT	50000	MAHARASHTRA
3.	890/34/3/2013	MALFUNCTIONING OF MEDICAL PROFESSIONALS	25000	JHARKHAND
4.	2852/13/3/2015	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	25000	MAHARASHTRA
5.	701/1/21/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	ANDHRA PRADESH
6.	537/4/8/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	BIHAR
7.	1032/10/22/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	KARNATAKA
8.	281/11/8/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	KERALA
9.	1443/12/36/2012-JCD	CUSTODIAL DEATH (Judicial)	300000	MADHYA PRADESH
10.	1196/13/17/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	MAHARASHTRA
11.	1424/13/16/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	MAHARASHTRA
12.	357/19/1/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	PUNJAB
13.	13555/24/4/2015-JCD	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
14.	2010/24/6/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
15.	28142/24/13/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
16.	33402/24/13/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
17.	35089/24/52/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
18.	40636/24/67/2016-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
19.	42106/24/6/2011-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
20.	8419/24/64/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
21.	447/25/22/2014-JCD	CUSTODIAL DEATH (Judicial)	200000	WEST BENGAL
22.	3595/30/9/2015	IRREGULARITIES IN JAIL	100000	DELHI
23.	254/34/1/2010-AD	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	100000	JHARKHAND
24.	333/20/33/2014-AD	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	100000	RAJASTHAN
25.	1856/4/34/2013-AR	ALLEGED CUSTODIAL RAPE IN JUDICIAL CUSTODY	300000	BIHAR
26.	1214/30/7/2014-WC	ABDUCTION/RAPE	100000	DELHI

Sl. No	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
27.	967/10/1/2014	ABUSE OF POWER	25000	KARNATAKA
28.	741/20/21/2015	ABUSE OF POWER	25000	RAJASTHAN
29.	12521/24/54/2014	ABUSE OF POWER	25000	UTTAR PRADESH
30.	2706/13/30/2013-PCD	CUSTODIAL DEATH (Police)	100000	MAHARASHTRA
31.	473/13/26/09-10-PCD	CUSTODIAL DEATH (Police)	50000	MAHARASHTRA
32.	2/15/0/2016-PCD	CUSTODIAL DEATH (Police)	100000	MEGHALAYA
33.	145/1/12/2013-PCD	CUSTODIAL DEATH (Police)	100000	TELANGANA
34.	1767/25/2/2015-PCD	CUSTODIAL DEATH (Police)	100000	WEST BENGAL
35.	315/1/3/2013-PCR	CUSTODIAL RAPE (Police)	100000	ANDHRA PRADESH
36.	4140/4/2/2012	CUSTODIAL TORTURE	50000	BIHAR
37.	1968/30/7/2016	CUSTODIAL TORTURE	100000	DELHI
38.	32377/24/75/2014	CUSTODIAL TORTURE	10000	UTTAR PRADESH
39.	98/19/21/2013	FAILURE IN TAKING LAWFUL ACTION	100000	PUNJAB
40.	17573/24/1/2014	FAILURE IN TAKING LAWFUL ACTION	25000	UTTAR PRADESH
41.	22307/24/12/2015	FAILURE IN TAKING LAWFUL ACTION	25000	UTTAR PRADESH
42.	25042/24/8/2014	FAILURE IN TAKING LAWFUL ACTION	25000	UTTAR PRADESH
43.	40161/24/65/2013	FAILURE IN TAKING LAWFUL ACTION	300000	UTTAR PRADESH
44.	167/8/12/2016	FALSE IMPLICATIONS	10000	HIMACHAL PRADESH
45.	887/10/2/2016	FALSE IMPLICATIONS	25000	KARNATAKA
46.	30991/24/46/2015	UNLAWFUL DETENTION	25000	UTTAR PRADESH
47.	38367/24/8/2014	UNLAWFUL DETENTION	50000	UTTAR PRADESH
48.	598/22/13/2012	NON-PAYMENT OF PENSION/COMPENSATION	25000	TAMIL NADU
49.	24989/24/27/2014-WC	ABDUCTION, RAPE AND MURDER	10000	UTTAR PRADESH
50.	123/10/1/2016-WC	INDIGNITY OF WOMEN	100000	KARNATAKA
51.	538/10/14/2013-WC	RAPE	200000	KARNATAKA
52.	43091/24/17/2012-WC	RAPE	50000	UTTAR PRADESH
53.	2288/20/5/2015-WC	SEXUAL HARASSEMENT (GENERAL)	25000	RAJASTHAN
54.	44288/24/3/2014-WC	SEXUAL HARASSEMENT (GENERAL)	25000	UTTAR PRADESH
55.	23089/24/77/2015	DISAPPEARANCE	25000	UTTAR PRADESH
56.	889/10/10/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	450000	KARNATAKA
57.	1501/18/8/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	ODISHA
58.	15857/18/18/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	ODISHA
59.	2307/18/26/2013	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	870000	ODISHA
60.	2586/18/33/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	ODISHA
61.	3619/18/31/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	ODISHA
62.	3620/18/13/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300000	ODISHA
63.	9426/18/3/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300000	ODISHA
64.	1825/22/6/2016	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	TAMIL NADU
65.	37741/24/24/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200000	UTTAR PRADESH
66.	41733/24/72/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200000	UTTAR PRADESH

## NHRC Core Group on Children reconstituted

The National Human Rights Commission has reconstituted its Core Group on Children comprising 13 members including experts,

academicians, research scholars, advocates and civil society activists.

The Group will also include the representatives from UNICEF,

representatives of the Union Ministries of Women and Child Development, National Commission for Protection of Child Rights and Delhi Commission for

### Protection of Child Rights.

The Core Group will meet periodically at regular intervals in the Commission as when deemed necessary. The terms of reference of the Core Group of Children include

advising the Commission on the issues relating to the rights of children, identifying best practices, policies and programmes adopted nationally and internationally, reviewing the existing government policies, laws, rules,

orders etc from the perspective of human rights and making suggestions for changes, if required, for the better implementation thereof.

## NHRC Painting Competition for mentally impaired children

The National Human Rights Commission organized a painting competition for the mentally impaired children of Asha Kiran Home in New Delhi in August, 2018. A selection committee headed by Mr. Ambuj Sharma, Secretary General, Mr. Surjit Dey, Registrar (Law), Dr. Sanjay Dubey, Director (Admn.), Mrs. Sumedha Dwevedi SSP, and Mr. Jaimini Kumar Srivastava, Dy. Director (Media & Commn.), NHRC, decided the 3 winners each in the girls & boys categories.

The officers and staff of the Asha Kiran Home also took the visiting NHRC team for a round of the facilities at the Home and explained the challenges they faced. The General Administration section of the Commission, led by the Under Secretary, Mr. D.M. Tripathy and his colleagues, co-ordinated the event.



NHRC Secretary General, Mr. Ambuj Sharma, flanked by the senior officers of the Commission and Asha Kiran Home, presenting the awards to the winners

## 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, which were part of national discourse, the media most commonly commented upon, and how human rights or rights perspective reflected in them.

During the month of **August, 2018**, there were many issues of interest on which most of the major English newspapers commented upon in their editorials, among them, some of the issues were having direct bearing on human rights per se, while others weren't. Seven editorials were carried on the abuse and sexual violence of the young inmates of the Muzaffarpur based NGO, Sewa Sankalp Evam Vikas Samiti. The Economic Times wrote, "Ensuring that vulnerable women and children are protected is central for a strong and progressive community." The Hindustan Times wrote, "Things probably would not have come to such a pass had regular inspections and audits

been done."

On the deluge in Kerala, seven major newspapers carried editorials. The Hindu wrote, "The spectacular disaster this year underscores the role of government as the insurer of last resort for the average citizen." The Indian Express wrote, "Challenges remain but response of political leadership, state and civil society to Kerala flood crisis is heartening." On the issue of receiving foreign aid at the time of calamity, the Times of India wrote, "India does not accept assistance but is finicky about how it is routed. It's important to avoid a misplaced sense of pride in the face of a calamity."

The number of the left outs in the Assam NRC was another important issue. Four editorials were carried on the topic. The Hindu wrote, "How India addresses the fate of those eventually left off the list will ascertain whether its democracy can lay claim to being humane or not." The Indian Express wrote, "The objective of the NRC was

to arrive at a resolution of questions raised for more than six decades around ethnicity, culture, and religion. These, as the NRC process has shown, are fraught with issues and need to be handled with sensitivity and care."

Another issue, most prominently commented upon was the falling rupee and rising oil prices. The Millenium Post wrote, "handling the effects of rising oil prices on the economy at a time when falling rupee has compounded the problem, calls for immediate and prudent measures." The Hindu wrote, "The global flight to safety towards the Japanese yen and the U.S dollar and the prospect of higher oil prices remain risks."

Apart from this, the editorial comments were on a mixed bag of issues. These were on demise of the former Prime Minister Atal Bihari Vajpayee, decriminalization of begging, regression of kanwariya procession, Indian cricket team's defeat at Lord's, England, Modi-Khan talk of peace and progress etc.

## Snippets

### Visits to the NHRC, India

81 students and 05 Faculty Members from the Department of Studies in Social Work, Gulbarga University, Karnataka visited the NHRC during the month of August, 2018 to understand its functioning.



**Woman paraded naked: Bihar govt gets notice from NHRC to Delhi govt, police**

**NHRC issues notices to Delhi govt, police**

**4 WEEKS NOTICE**

**NHRC notice to Maharashtra**

**Left alone: Just 2% of transgender people stay with parents**

**CBI files third charge**

**NHRC orders relief for Tanzanian student**

**Activists' arrests: NHRC says SOP not followed**

**NHRC notice to Maharashtra govt, police chief**

**Probe death of accused who escaped from police custody**

**Human Rights and NHRC in News, August, 2018**

During the month of August, 2018, the Media & Communication Wing of the NHRC, India, based on the proceedings of the Commission in different cases, prepared and issued total 11 press releases. Total 1776 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 05 incidents of alleged human rights violations were brought to the notice of the Commission, which it considered and found fit for suo motu cognizance. 89 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.

## Other important visits/seminars/programmes/conferences

Events	Delegation from NHRC
To address the IPS Probationers of 70 RR batch on "NHRC and Human Rights Situation in India" in Hyderabad, on the 10 <sup>th</sup> August, 2018	Mr Ambuj Sharma, Secretary General, NHRC
Visit to Kishalaya Observation Home, KNC Road, Barasat, Kolkata, Independence Day Programme at Kishalaya, Kolkata, Meeting at Vikramshila, NGO, Meeting with Chairperson, West Bengal SHRC, Visit to Lumbini Park Mental Hospital and Meeting at Ramakrishnan Mission from 13 <sup>th</sup> -24 <sup>th</sup> August, 2018	Mr. Justice Pinaki Chandra Ghose, Member, NHRC

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

Number of fresh complaints received in the Commission	8437
Number of cases disposed of including fresh and old	9684
Number of cases under consideration of the Commission including fresh and old	22282

### 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](http://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](mailto:dydir.media.nhrc@nic.in)

The front cover paintings are by the mentally impaired children of Asha Kiran Home, Delhi .