



A P JITHENDER REDDY

More teeth for NHRC

Panel requires independent investigation mechanism, diversity in composition

THIS YEAR MARKS the 25th anniversary of the National Human Rights Commission (NHRC). The Commission, which draws its mandate from the Protection of Human Rights (PHR) Act 1993, has been mired in controversies since its formation. As the government seeks to introduce amendments to the Act in Parliament's Winter Session, it is important to understand this piece of legislation in the context of its history. The Amendment Bill intends to strengthen human rights institutions in this country. But it falls short of this objective by some distance. Is the reform, then, merely an attempt to save the country's reputation in international human rights fora?

In 1993, the UN General Assembly adopted the Paris Principles on Human Rights. This led to the constitution of national human rights institutions in almost every country. Every five years, India's human rights agency, the NHRC, has to undergo accreditation by an agency affiliated to the UN Human Rights Council (UNHCR). The Commission's compliance to the Paris Principles is ascertained in this process, which is similar to NAAC accreditation of Indian colleges — better the grade, higher the benefits. Thus, if India gets an A-status, the NHRC can play a pivotal role in the decision-

making processes of the UNHRC and other important international bodies.

In 2016, the accreditation agency deferred grading the NHRC because of the Commission's poor track-record — especially, political interference in its working. But the agency was satisfied with the government's commitment to introduce necessary changes to the Commission and granted the NHRC A-status in 2017. The PHR (Amendment) Bill, 2018 is an outcome of this commitment. While the Bill seeks to diversify the Commission's composition, it falls short of bringing out substantial changes to the NHRC.

The NHRC is fraught with mischief at its very basis. The selection committee tasked with appointing the chairperson and the members to the Commission is dominated by the ruling party. It consists of the prime minister, home minister, Leaders of the Opposition in the Lok Sabha and Rajya Sabha, the Lok Sabha Speaker and the Deputy-Chairman of the Rajya Sabha. There is thus a need to diversify the selection committee.

It comes as no surprise that the NHRC's selection process is very obscure. Very often, the government does not publicise vacancies in the Commission. The criteria to assess candidates is also not specified. As a result, appointments to the NHRC have been fraught

with disputes. All this can change if the government commits to greater transparency in the selection process.

The strong representation of the judiciary in the NHRC has often been defended on the ground that the Commission's work is quasi-judicial. However, this is pertinent to only one of the 10 functions of the NHRC, as described in the PHR Act. The NHRC has also defended the strong presence of the judiciary on the ground that it creates trustworthiness, especially in the eyes of the government. But such reasoning fails to explain the long pendency of the Commission's requests for additional funds.

The much-needed diversification that the Amendment Bill seeks to introduce could be realised through the inclusion of civil society members and academicians with proven track record in the improvement of human rights. The NHRC could certainly benefit from the grass roots level experience, widespread community outreach and the expertise of these organisations or individuals.

However, the above-mentioned changes would be of little consequence if the investigation mechanism is not rectified. Police officials investigating for the NHRC are sent on deputation by their forces. Their allegiance lies with their home cadre to which they re-

turn after their tenure at the Commission is over. This conflict of interest restricts the scope of their work, as they often are charged with investigating abuse of power by law enforcement personnel. Adding officials of the Intelligence Bureau to the mix only muddies the water. These officials are not answerable to anyone, there is no parliamentary oversight on their functioning, they do not owe financial accountability to the Comptroller and Auditor General, and have often been accused of human rights violations themselves. The NHRC urgently requires officers of its own to carry out independent investigations, and the government should provide it resources for the same.

The NHRC cannot escape the blame either. It does have powers to conduct its own investigation in cases where the Centre or state government do not respond within the time stipulated by Section 17 of PHR Act. However, the Commission has rarely used this power.

A year after the Supreme Court called the NHRC a "toothless tiger", the onus is on the government to bestow the Commission with more teeth.

The writer is a MP from Mahbubnagar, Telangana constituency and is the TRS Floor leader in Lok Sabha



No MRI at GB Pant hospital: NHRC notice to Centre, Delhi

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New Delhi: The National Human Rights Commission has issued notice to the chief secretary of Delhi and the Union health secretary over a **TOI** report dated October 4 that highlighted unavailability of MRI at G B Pant hospital since February 2016.

The government hospital is a referral centre for neurology, neurosurgery, gastroenterology, gastrointestinal surgery and psychiatry, for which MRI is a crucial test for diagnosis and timely treatment.

The commission has observed that the test's unavailability, as reported, raises serious issue of violation of Right to Life and health of the people.

The NHRC, in a statement issued on Wednesday, said they have called for reports in the matter within four weeks including the present status of the basic

YOU READ IT HERE

GB Pant Hospital's MRI unit out of order since Feb 2016

Nearest MRI At Lok Nayak Hosp Where Waiting Time Is 2 Yrs

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WHY THIS HOSPITAL IS UNDER SCANNER

MRI scan uses a magnetic field and radio waves to produce detailed pictures of the body's organs and structures

PROBLEM AT GB PANT HOSPITAL

- Since Feb 2016, 14-year-old MRI machine has been non-functional at the largest super-specialty hospital run by Delhi government, which sees over 1,000 referral cases daily
- Emergency MRI done at Lok Nayak Hospital, which has a long wait time
- Routine MRIs carried out privately; government pays for it in case of Delhiites

WHY IT'S DONE

- 1 To detect condition of various
- 2 To provide precise

Oct 4 2018

facilities including MRI, CT scan, X-ray and pathology tests at the government run hospitals as well as steps taken to procure the new machines for the patients, without any further delay.

Doctors at G B Pant say 90% of the patients in the neurology and neurosurgery OPD require MRI tests to be done. Post-operative MRI is needed in 20% of neurosur-

gery cases to assess the outcome of surgery such as resection of tumour. In these cases, they either do a CT scan or wait for the patient to become stable enough, to be sent to LNJP Hospital for the test.

The urgent cases are scanned the same day or following day but, generally, the waiting time for an MRI test at the LNJP hospital is

around two years and therefore most of the patients are referred to private centres and the government pays for the test.

Madhu Bala, a school teacher from Karawal Nagar who lost her nine-month-old foetus after admission for delivery to Guru Tegh Bahadur Hospital two years ago, recently filed a petition in Delhi high court regarding the poor condition of state-run hospitals. The unavailability of an MRI machine at GB Pant was also mentioned in her petition. In its reply to the court, the hospital admitted its MRI machine, having worked for 14 years, became non-functional in February 2016.

The hospital said that after the tender for the purchase of new 3T MRI was floated, the bids were evaluated and "the final recommendation of the technical committee has been submitted to Central Procurement Agency".

Business Standard

Bhilai plant blast: NHRC notice to Steel Ministry, SAIL chief

Press Trust of India | New Delhi October 11, 2018 Last Updated at 19:40 IST

The National Human Rights Commission (NHRC) has sent notices to the Centre and the chairman of the SAIL over the death of 11 workers in a blast at the steel major's Bhilai plant in Chhattisgarh. An explosion took place at the state-owned Steel Authority of India Limited's (SAIL) Bhilai plant in Chattisgarh's Durg district Tuesday, leaving nine dead and 14 injured. Two more had succumbed to injuries later at a hospital. The NHRC in a statement said it has taken suo motu cognisance of media reports about the major industrial accident. The commission has issued notices to the secretary of Ministry of Steel and the chairman of the SAIL, seeking a detailed report, including the steps taken for relief and rehabilitation to the aggrieved families, treatment of the injured along with the report of inquiry, if ordered in the matter. The commission would also like to know as to what steps have been taken to ensure that such accident do not recur in future. Apart from this, the superintendent of police, Durg, Chhattisgarh, has been directed to inform about the details of the FIR registered in the matter and present status of the investigation. The response from the authorities is expected in four weeks

The Speed Post

NHRC issues notice to Secretary, Steel Ministry, Chairman, SAIL

October 11, 2018

New Delhi : The National Human Rights Commission (NHRC), India, has taken suo motu cognizance of media reports that in a major industrial accident, nine workers were killed and 14 others injured following a blast in a gas pipeline during a “scheduled maintenance job at Steel Authority of India’s flagship Bhilai Steel Plant in Chhattisgarh on October 9, 2018. According to Chhattisgarh Police, the death toll may rise as the condition of some of the injured is very serious.

The NHRC has issued notices to the Secretary, Ministry of Steel, Government of India, New Delhi, and the Chairman, Steel Authority of India Limited (SAIL), New Delhi, calling for a detailed report in the matter including the steps taken for relief and rehabilitation to the aggrieved families, treatment of the injured along with the report of inquiry, if ordered into the matter. The Commission would also like to know as to what steps have been taken to ensure that such accident do not recur in future, according to an NHRC release.

Apart from this, the Superintendent of Police, Durg, Chhattisgarh, has been directed to inform about the details of the FIR registered in the matter and present status of the investigation. The response from the authorities is expected within four weeks.

The Commission has observed that the contents of the news report, if true, that there was negligence on the part of the authorities, this is a case of violation of Right to Life of the victim workers. The Steel Authority of India is a Government of India undertaking. Occurrence of such a fatal accident at their reputed steel plant in which 9 people have lost their lives and several got injured, is a matter of concern for the Commission.

According to the media reports, carried on October 10, 2018, the unfortunate incident occurred during maintenance work which was being carried out by the Energy Management Department. There was a fire in gas pipeline on gas Coke Oven Battery Complex 11 during a scheduled maintenance job.

The maintenance work itself is reportedly a highly volatile process and it is clear that something went wrong during the process. There were 23 people reportedly working near the pipeline at the time of the blast.

First Post

Bhilai Steel Plant explosion: Chhattisgarh Police files FIR against four officials, charges them with negligence

Oct 12, 2018

Raipur: Three days after a blast at the Bhilai Steel Plant in Chhattisgarh claimed the lives of 13 employees, an FIR was registered on Friday against four officials of the plant for alleged negligence, police said.

Two of these officials have already been suspended in the wake of the tragic incident.

The explosion had occurred in a gas pipeline at the plant of the state-owned Steel Authority of India Limited (SAIL) in Durg district's Bhilai town, 30 kilometres from Raipur.

Four officials of the energy management department of the plant were booked for allegedly overlooking safety standards and not assessing possible hazards, police said Friday. These officials were Executive Director (works) PK Das, General Manager (coke oven) GVS Subramaniam, Deputy General Manager (energy) Naveen Kumar and Manager (Safety and Fire department) P Pandya Raja, a police official said.

The case was registered against them under IPC Sections 287 (negligent conduct with respect to machinery), 304-A (causing death by negligence) and 34 (common intention) based on preliminary findings of the state's deputy director of industrial health and safety, police said, adding that further probe is underway.

No arrest has been made yet.

Ten injured employees are undergoing treatment at the burns unit of the Jawaharlal Nehru Hospital Research Centre in Bhilai.

The plant's Chief Executive Officer M Ravi was removed on Wednesday, while Raja and Kumar were suspended.

Human Rights Body's Notice To Centre, SAIL Chief Over Bhilai Plant Blast

11 workers died in a blast at the steel major's Bhilai plant in Chhattisgarh (File)

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PM Modi To Attend Function As National Human Rights Commission Turns 25

Prime Minister Narendra Modi is scheduled to attend the Silver Jubilee Foundation day function being hosted by the NHRC at the Vigyan Bhawan Friday evening.

All India | Press Trust of India | Updated: October 12, 2018

The National Human Rights Commission, which has served as a "watchdog of democracy" and been part of some landmark cases in which its intervention had significant impact, Friday completed 25 years.

Prime Minister Narendra Modi is scheduled to attend the Silver Jubilee Foundation day function being hosted by the NHRC at the Vigyan Bhawan Friday evening.

The commission was established on October 12, 1993 under the Protection of the Human Rights (PHR) Act, 1993, and it has lined up a host of activities till Sunday to mark the occasion.

"The prime minister will grace the occasion in the presence of Home Minister Rajnath Singh and Union Minister of State (Independent Charge) for Communications Manoj Sinha.

"A commemorative first day postal cover and stamp will be released, besides the launching of a new version of the commission's website," a senior NHRC official said.

The rights panel has five members, including the chairperson, who deliberate upon the cases put before them, currently post of two of the members are vacant, he said.

The NHRC, in the run up to the jubilee, has already hosted a number of programmes, including an international conclave on human rights, panel discussion on role of media in context of human rights, painting competition and slogan and logo making contest.

The panel had recently unveiled its special silver jubilee logo and also commissioned a documentary, titled 'NHRC: 25 years, Billion Hopes' capturing the 25 years of its journey, from its humble beginning in Sardar Patel Bhawan.

"The film captures the journey of the NHRC from its humble beginning in 1993 to its present stature, references some of the landmark cases in which NHRC's intervention had made significant impact and the back story of how the redressal system works," the senior official said.

Currently, housed in a modern high-rise building complex -- Manav Adhikar Bhawan -- in south Delhi, it has received "over 17.5 lakh grievances" from people across the country since its inception, an the most from Uttar Pradesh.

Some of the cases referred to in the film in which NHRC had intervened, include the Nandigram violence in West Bengal, Salwa Judum-related incidents in Chhattisgarh and the issue of silicosis.

NHRC either takes suo motu cognisance of cases through media reports or complaint filed by a victim or any other person on his or her behalf or on the basis of reports received from the police department, as in the case of encounters, where the police, as per the guidelines is supposed to inform the commission.

In recent times, the rights panel has taken cognisance in the case of killing of 10 people in police firing during anti-Sterlite protest in Tuticorin in Tamil Nadu, and intervened in the case of killing of Rising Kashmir editor Shujaat Bukhari after an appeal via press, by a network of editors and media practitioners, which had urged the NHRC and the Jammu and Kashmir State Human Rights Commission to push for a swift probe into the case.

It has also sent notices to the Centre and the chairman of the SAIL over the death of 11 workers in a recent blast at the steel major's Bhilai plant in Chhattisgarh.

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, and more than 750 on-spot inquiries, cap the 25 years of NHRC's work for the cause, the official said.

As part of the extended jubilee celebrations, on Saturday the Commission is organizing a 'Human Rights Mela' and 'Human Rights Street Theatre Festival' at the amphitheatre arena of Central Park in Connaught Place, and 'Human Rights Walk' on Sunday to generate awareness about various aspects of human rights.

In 2016, NHRC chief justice H L Dattu on the occasion of its foundation day, had pitched for vesting it with "more power", saying the rights watchdog should "roar like a tiger".