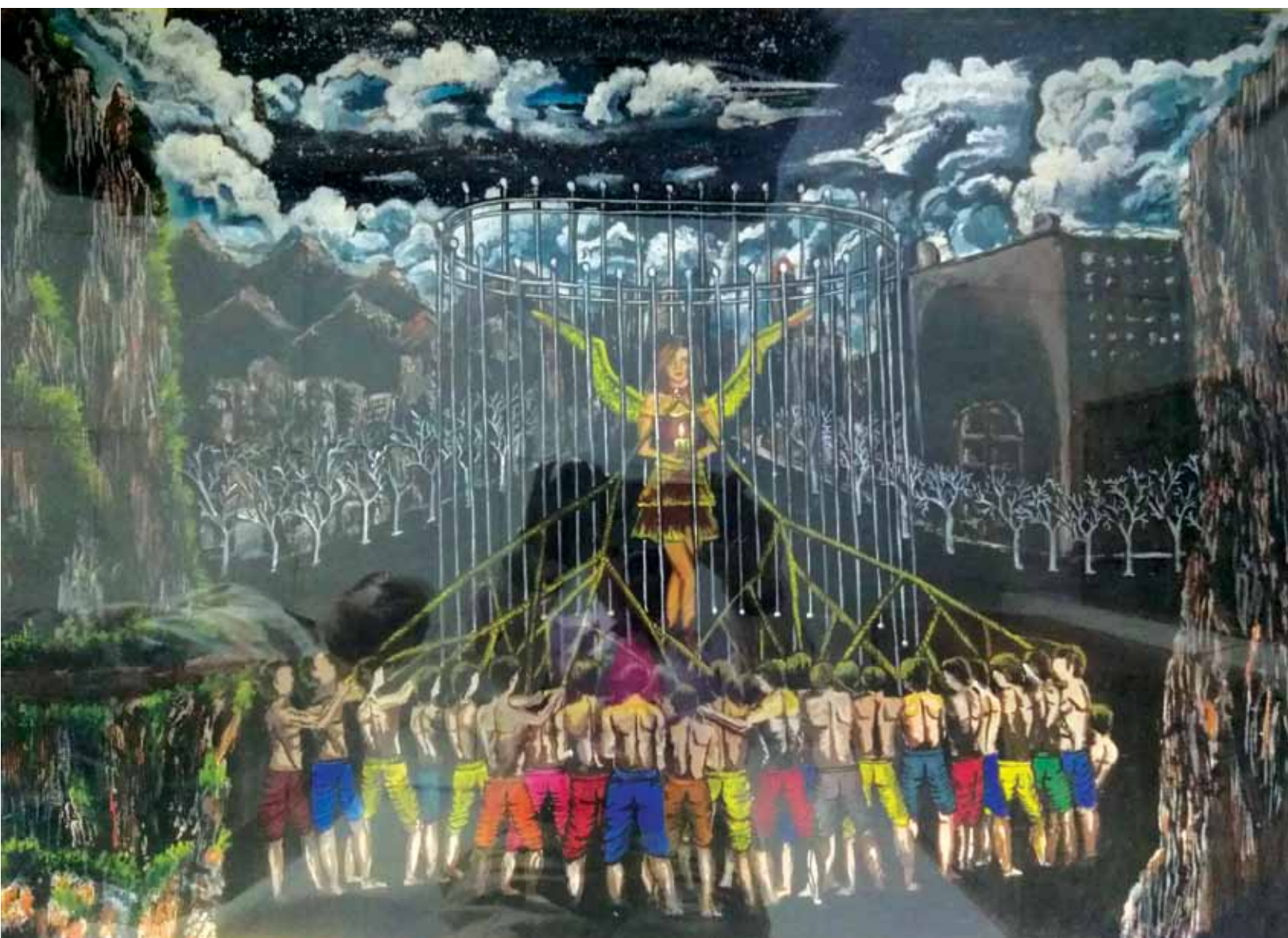




HUMAN RIGHTS NEWSLETTER

A Monthly Publication of the
National Human Rights Commission, India



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"All the powers in the universe are already ours. It is we, who have put our hands before our eyes and cry that it is dark."- Swami Vivekananda

NHRC Open House Discussion on issues and challenges of Manual Scavenging and Human Rights

Expressing serious concern over the continuance of manual scavenging in the country, Mr. Justice H. L. Dattu, Chairperson, NHRC has said that the Government needs to tell what it has done to end this menace. Merely putting laws in place will not be suffice; the ground realities need to change. He was inaugurating the NHRC's 'Open forum discussion on the issues and challenges of manual scavenging and human rights at the Commission's premises in New Delhi on the 24th May, 2019.

Justice Dattu said that even after the intervention of the Supreme Court in the matter, it appears that the laws to eradicate manual scavenging are lying on the table and may remain so unless implemented proactively. It's a curse on society that we continue to hear about the deaths of people while cleaning sewage without protective gear, which amounts to violation of human rights. We hear about such incidents happening in the National Capital, imagine what will be the situation in the other parts of the country. The Commission has taken suo motu cognizance of 34 such incidents in the recent past. The NHRC Chairperson said that this menace should have ended long back by adopting some system as is in developed countries.

Ms. Nilam Sawhney, Secretary, Union Ministry of Social Justice and Empowerment said that the eradication of manual scavenging remains very high on the priority of the Government. Several programmes, policies and welfare measures, including the legislative and programmatic interventions, have been introduced and are being implemented to achieve the desired results.

She said that as per 2018 survey, there are 173 districts in the country where the problem of manual scavenging still continues. 34,749 manual scavengers have been identified so far. Uttar Pradesh tops the list with 16663 followed by Maharashtra with 6387 manual scavengers. Efforts are on to identify the manual scavengers for their rehabilitation through skill development and financial assistance. Identification of dry latrines and their replacement with proper toilets is an ongoing exercise. The Railways have upgraded more than 55 thousand coaches with bio toilets so that human excreta do not fall on the tracks. 464 workshops have been conducted in various Municipalities for awareness about the laws on eradication of the manual scavenging and welfare measures for the rehabilitation of manual scavengers. The focus is on shifting hazardous cleaning to mechanized cleaning.

Mr. Jaideep Govind, Secretary General, NHRC said that no doubt work is being done to address the issue but a lot needs to be done to eradicate the manual scavenging and open defecation. Many open defecation free villages are returning to older ways; availability of water remains a concern. The Ministries need to own up the lot of problems to help them find solutions thereof. He expected that they will pro-actively and timely send the requisite reports to the NHRC as well as the compliance reports.

Many important suggestions emerged during the discussions, some of which are as follows:

1. Ensure strict compliance of the legal provisions to eradicate manual scavenging;

2. Increase the amount of scholarship for the children of manual scavenger upto Rs 5000 per month;
3. Disclose data on the number of manual scavengers in every part of the country proactively;
4. Make it compulsory that only those will be engaged for the job for cleaning, who are trained for it and registered;
5. Conduct survey and an audit on the incidents of deaths while cleaning sewage/ drainage to know the causes and suggestions for remedial measures;
6. Release data on the people, who got scholarship and rehabilitated;
7. Prepare a safety gear a kit and provide it to the municipalities, which can give it to people involved in the job of cleaning;

Besides the NHRC Members, Mr. Justice P.C. Pant, Mrs. Jyotika Kalra, the other participants included Mr. Arun Bakora, Additional Secretary, Ministry of Drinking Water and Sanitation, Ms. Yogita Swaroop, Economic Advisor, Ministry of Social Justice and Empowerment, Mrs. Deepa Bajwa, Director General, Defence Estates, Mr. V. K. Jindal, Joint Secretary, Ministry of Urban Housing Affairs, Mr. Alok Kumar, Executive Director, Railway Board, representatives of UN and other international bodies and civil society, including among others, Mr. Bejwada Wilson, National Convener, Safai Karamchari Andolan, Ms. Suman Chahar, Vice President, Sulabh International, senior officers of the NHRC, Mr. Prabhat Singh, D.G.(I), Mr. Dilip Kumar, Joint Secretary(T&R), Dr. Ranjit Singh, Joint Secretary(P&A), Dr. Sanjay Dubey, Director.

NHRC's month long summer internship, 2019 begins

The month long summer internship programme of the National Human Rights Commission, NHRC, India began at Manav Adhikar Bhawan, New Delhi on the 16th May, 2019. 50 post graduate level interns,

Carta in 1215 AD, French Revolution and Universal Declaration of Human Rights in 1948, Justice Pant also threw light on how the acceptance of the Paris Principles by India in 1991-92, necessitated the formation of the

technology enabled systems on its website and recently introduced HRCnet Portal. In order to reach the last mile, the Commission has linked its online complaint filing system with over three lakh Common Service Centers in different parts of the country. He also threw light on the Commission's investigation, research, training wings and how through international engagements, it is recognized as an "A" status NHRI by the Global Alliance of National Human Rights Institutions, GANHRI.

Dr. Sanjay Dubey, Director, NHRC said that it is the 33rd internship programme of the Commission. Underscoring the importance of this programme, he said that human rights as a subject encompasses various aspects. He said that the effort would be expose the interns to all of them who he said would also have to appreciate that no rights come without duties. In addition to organizing lectures of eminent subject specialists on various aspects of human rights, the Commission also organizes field visits to prisons, police stations NGOs for the interns. They are also guided to choose some issues of



NHRC Member, Mr. Justice P.C. Pant addressing the inaugural session of the Summer Internship 2019

mainly from law and social sciences streams, from 19 States/UT have been shortlisted to participate in this training programme. Inaugurating it, Mr. Justice P. C. Pant, Member, NHRC said that it is heartening to know the response of so many students to enroll themselves for this coveted human rights training programme from different parts of the country over the years.

He said that the need of the hour is to create a human rights culture in the country through the path of education and building awareness and this internship programme of the Commission signifies this aspect. He expressed the hope that the interns would make the best use of this opportunity to understand various facets of human rights and related challenges so as to contribute in creating a human rights culture. He said that the powers of the NHRC are limited but despite this, it has been instrumental in getting relief to thousands of people, who were victims of human rights violations.

Tracing the concept of the evolution of human rights through various milestones, before and after 539 B.C., to the acceptance of Magna

National Human Rights Commission on the 12th October, 1993 under the Protection of Human Rights Act passed by Parliament.

Earlier, Mr. Jaideep Govind, Secretary General, NHRC gave an overview of the functioning of the Commission and its various wings. He



A section of Interns

said that the Commission has a very robust complaint handling system. With innovations, the methodology is getting better by the day. The Commission is also in the process to help people track the disposal of their complaints through information

human rights for brief research study to write dissertations.

Mr. Prabhat Singh, DG(I), Mr. Surajit Dey, Registrar (Law), Dr. Ranjit Singh, Joint Secretary (P&A), and other senior officers of the Commission were present on the occasion.

Suo Motu Cognizance

The Commission took suo motu cognizance in 11 cases of alleged human rights violations reported by media during May, 2019 and issued notices to the concerned authorities for reports. Summaries of some the cases are as follows:

Death of several students in a fire at a coaching centre Case No. 655/6/23/2019

The media reported that more than 17 students of 15 to 19 years age, were killed in a massive fire, which broke out in the four storied building housing a coaching centre at Surat in Gujarat on the 24th May, 2019. Many were in critical condition, undergoing medical treatment in hospitals. Considering the incident as a grave violation of the human rights of the young students, the Commission has issued a notice to the Chief Secretary, Government of Gujarat calling for a detailed report in the matter, including the status of the criminal cases registered against the building owner and others found guilty along with action taken against the public servants concerned. He has been asked to include in his report the legal status of the building, its construction, fire fighting measures, fire safety clearance and relief granted to the grief stricken families. The Commission also expects that the best and free of cost treatment is provided by the State to the injured persons.

Issuing the notice, the Commission has also observed that it has been constantly insisting upon the authorities to be more vigilant to avoid such tragic incidents. But, going by the media reports, it appears that there was no safe passage for the victims, which could have been used as a fire exit in case of emergency. Mere announcement of compensation to the aggrieved families cannot be a solution to such kind of hazards. Several such incidents have occurred across the country, where precious human lives have been lost due to

negligence by the authorities and lack of Fire Department's clearance.

Death of a man due to assault in police custody Case No. 14300/24/42/2019

The media reported on the 22nd May, 2019 that a man died on the 20th May, 2019 allegedly after he was thrashed in police custody in Kannauj district of Uttar Pradesh. Reportedly, a case against the three police personnel, including the In-charge of the police post and two others, has been registered.

The Commission has issued a notice to the Director General of Police, Uttar Pradesh calling for a detailed report in the matter after making a thorough enquiry by the officer not below the rank of Superintendent of Police of other district along with the status of the criminal case registered against the wrongdoer police personnel/public servant, including relief, if any provided to the family of the deceased.

Death of a boy due to negligence of school authorities Case No. 72/8/4/2019

The media reported on the 22nd May, 2019 about the death of a class VI student due to alleged delay in providing medical care to him after he was hit on the head by a fellow student in the premises of Government Senior Secondary School, Charuri in Sukhar Gram Panchayat in Nurpur, District Kangra, Himachal Pradesh on the 15th May, 2019. Reportedly, the police did not take any action in the matter till on the 21st May, 2019, the local residents held a protest in front of the school against its authorities and the Gangath police for taking the incident casually.

The Commission has issued notices to the Chief Secretary and the Director General of Police, Himachal Pradesh calling for a detailed report

in the matter. It has observed that the allegations of carelessness on part of the school authorities in providing the timely treatment to the victim boy, if true, amount to gross violation of human rights. The school authorities, who were the lawful custodian of the boy at the time of the incident, seem to be negligent due to which, a precious young human life was lost.

According to the media report, the victim boy's mother, a widow and resident of Ghatot village, in a complaint to the Chief Minister, DGP and SP, Kangra, has alleged that the Gangath police and the school administration were trying to hush up the case.

Police inaction a case of gang rape and atrocity on a widow Case No. 13587/24/77/2019-WC

The media reported on the 13th May, 2019 that a widow in her late 20s was allegedly sold by her father and aunt for ₹10,000/-, gang-raped by her keeper and his friends and then turned away by the police when she approached them for help. It also reveals that the traumatized woman set herself on fire last month and is now battling for life with 80 per cent burns at a private hospital in Delhi.

The Commission has issued notices to the Chief Secretary, and Director General of Police, Government of Uttar Pradesh, calling for a detailed report on the treatment of the victim, ensuring protection to her life and steps to be taken for her rehabilitation. The DGP has been further directed to inform the Commission in detail about the progress of the investigation and arrest, if any.

Issuing the notices, the Commission has observed that the contents of the news report, if true, amount to gross violation of human rights of the victim woman. These give an extremely shocking and pulsating narrative depicting vulnerability of the

helpless woman, who became widow at an early age, whereby she had been subjected to huge kind of deprivation of human life and dignity. Moreover, remissness and the act of negligence on the part of police authorities for not registering the case timely by arresting the accused person has aggravated the distressful plight of the lady, which cannot be tolerated in a civilized society governed by the rule of law.

The Commission has observed that it has always been keen to address the issues relating to violation of human rights of the weaker sections, mainly women and children. It is conscious of the fact that the Delhi Commission for Women has issued notice to the Government of Uttar Pradesh but jurisdiction of the said Commission fails to empower them to provide adequate justice to the victim. Any Commission other than a National Commission has its jurisdiction within the territory of the State and the Delhi Commission for Women is also not an exception. On the other hand, the National Human Rights Commission in view of Section 1 (2) of the PHR Act, 1993, can exercise its power and functions whole of India and therefore, jurisdictional issue of Section 36 (1) of the said Act, will not stand in the way to take up the cognizance of the reported incident.

According to the media report, the woman from Hapur in West Uttar Pradesh, was allegedly sold after the death of her husband. The man who bought her had taken loans from several people and sent the woman as domestic help to the houses of his creditors where she was repeatedly harassed and raped.

Missing fishermen Case No.403/10/21/2019

The media reported on the 3rd May, 2019 that more than four months after the disappearance of Suvarna Tribuja, a fishermen boat from Udupi, Karnataka, the seven fishermen on board it are still missing. Reportedly, the India Navy stopped

the search operation after finding the wreckage of the vessel 33 km west-south-west off the coast of Malvan in Sindhudurg district of Maharashtra. The boat had left for a deep sea fishing expedition off the coast of Goa on 16th December, 2018.

The Commission has issued a notice to the Chief Secretary, Government of Karnataka to look into the contents of the news report and take immediate steps to redress the grievance of the relatives and family members of the missing fishermen. A notice has also been issued to the Union Defence Secretary, to inform the Commission about the latest update or status of the search operation for the recovery of seven missing fishermen.

Issuing the notices, the Commission has observed that the disappearance of seven fishermen, who went deep into the sea for fishing is a serious concern. All of them were earning members of the family and mostly belonged to the fishermen community of the region and the reckless attitude of the public officials and government agencies with regard to whereabouts of the missing fishermen has aggravated the cause of concern of their family members. They also have the legitimate expectation from the government agencies to make proper search to find out the missing fishermen, which according to the news report, did not happen.

It has further observed that the contents of the media report, referred by Mr. Adarsh G.K., General Secretary, Human Rights Forum, exemplifies the unabated failure to take timely action by the public authorities to find out the missing fisherman. Life of the fishermen is very precious and that should be protected under any cost and therefore, it feels that the government agencies have failed to take more effective steps to prevent this kind of incident.

Relief material not reaching some cyclone affected areas Case No. 1611/18/12/2019

The media reported on the 8th

May, 2019 that people are facing hardships and are agitated that the relief material is not reaching them in some cyclone affected parts of Puri and Khurdha districts of Odisha. Reportedly, thousands of cyclone affected people, struggling to get food and water, came out on streets on the 7th May, 2019. The police reportedly resorted to lathi charge to disperse the protesters.

The Commission has observed that it understands that the State administration, in collaboration with central agencies and NGOs, is trying to cope up with the situation but there seems to be a necessity to identify areas, which require immediate relief and rehabilitation. The Commission understands the difficulties, being faced by the residents of the affected areas, which going by the media reports, are Puri and Khurdha districts. Accordingly, it has issued a notice to the Chief Secretary, Government of Odisha to look into the contents of the news report and take immediate steps to redress their grievances.

According to the media reports, the residents were also angry against the Government's move to provide additional 50 Kgs rice and ₹2,000/- only to the family members, who are covered by the "Food Safety Programme" in Puri and Khurdha districts. The people have reportedly questioned whether the cyclone has not affected the people who do not have ration cards? The news report reveals that many NGOs, including "Khalsa" based at UK, are distributing food to the affected people at different locations.

The State Government has reportedly claimed that the cooked food is being provided to the people, who are staying in different buildings being used as Shelter Homes, and community kitchens have also been opened at most of the slum areas but, as mentioned in the news report, hundreds of residents of Binova Nagar slum area staged a protest and blocked vehicles on the roads.

Police inaction in the rape of a Dalit woman

Case No. 886/20/2/2019-WC

The media reported on the 8th May, 2019 that a Dalit woman was allegedly gang-raped by five men after tying up her husband in Thanagaji area of Alwar district, Rajasthan on the 26th April, 2019. A video shot by the alleged culprits of the gruesome incident, reportedly, also went viral on social media. Reportedly, despite having registered an FIR in the matter, the police did not take any action for four days because of elections on the 6th May, 2019.

The Commission has observed that the contents of the media reports, if true, amount to the gross violation of the human rights of the victim woman and her husband. Accordingly, it has issued notices to the Chief Secretary and the Director General of Police, Rajasthan calling for a report in the matter, including action taken against the guilty and relief/ counselling provided to the victim woman. The Commission would also like to know whether provisions of the SC/ST Act, 1995 have been applied in this case for action against the guilty and statutory relief to the victim.

Deaths while cleaning septic tank

Case No. 2178/30/6/2019

The media reported on the 8th

May, 2019 that two labourers, died while three others are battling for life after they entered an unauthorized ten feet deep septic tank at an under-construction house in Prem Nagar, Rohini, Delhi on the 7th May, 2019. Reportedly, the labourers had initially refused to clean the septic tank, as they were not trained for it but the house owner and the mason forced them clean it saying that their wages for three days will be cut, if they did not do the job.

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 Commission has also asked the Delhi Government to inform whether it had issued any guidelines prohibiting unauthorized construction and cleaning of septic tanks and, if so, why its strict compliance was not being ensured. It has directed the Delhi Government to chalk out appropriate instructions to deal with the issue and inform.

The Commission has observed that apparently there were multiple reasons, which might have caused the death of two persons in the incident. Had the septic tank not been constructed in an unauthorized manner and had the labourers been not forced to go inside the septic tank

without any safety gear/ training, two precious lives could have been saved. A large number of people are dying every year in such painful incidents, due to negligence by the authorities. In spite of specific law and guidelines on the subject, such incidents are happening. The Commission has also condemned as uncivilized the attitude of some people, reportedly, gathered at the place of incident, for not coming to the help of the victims terming them as untouchables.

According to the media reports around 1.00 PM, the wife of one of the labourers came with lunch and found all of them inside the tank in an unconscious state. She raised an alarm but no one came forward. It is stated that help arrived very late even as the police was informed. Eventually, one of the neighbours of the labourers reached inside the tank with the help of a rope and pulled them out.

The victims were rushed to the Sanjay Gandhi Hospital where Deepak and Ganesh were declared brought dead while three were said to be critical. The locals have also, reportedly, alleged that when the victims were pulled out of the tank, they were breathing but no one touched them saying they were untouchables.

NHRC spot enquiries

Following is the list of case wherein spot enquiries were conducted by the Commission's officers in its Investigation Division:

S. No.	Case Number	Allegations	Date of visit
1	5925/30/0/2018	Medical Care for Elderly Persons	07/05/2019 to 10/05/2019
2	473/35/11/2019	Atrocities on Scheduled Caste	27/05/2019 to 31/05/2019
3.	8440/24/68/2017	Failure in taking Lawful Action	27/05/2019 to 31/05/2019
4.	969/22/13/2017	Failure in taking Lawful Action	06/05/2019 to 10/05/2019
5.	1139/7/5/2018	Custodial Torture	27/05/2019 to 30/05/2019
6.	645/7/17/2019	False implication, Custodial Torture & Inaction by the Police	27/05/2019 to 30/05/2019
7.	837/12/10/2017	Taking Unlawful Action	13/05/2019 to 17/05/2019
8.	2349/30/5/2019	Torture by Jail Officials	17/05/2019
9.	1912/7/3/2017	Murder of two Dalit Children	22/05/2019

Important Interventions

NHRC condemns killing of 15 police personnel and a civilian driver by the Naxals in Gadchiroli, Maharashtra

The National Human Rights Commission, NHRC, condemns the killing of 15 Maharashtra police personnel and a civilian driver in the Left Wing Extremism affected Kurkheda Tehsil of Gadchiroli district of Maharashtra yesterday on the 1st May, 2019. The Commission believes that such attacks against security

personnel on duty should be stopped, which are a grave violation to human rights.

The country's strong democratic values and institutions provide enough space to people with divergent views to function through non-violent means and to endear themselves to the mainstream of social, cultural and

political life. Any struggle renders itself meaningless, the moment it turns violent, leading to grave violation of human rights.

The supreme sacrifice made by all those martyred in this dastardly and cowardly attack would not go in vain and the aggrieved families should be suitably compensated. "

Gujarat riots victim Bilkis Bano gets relief from the Supreme Court at the instance of NHRC (Case No.- 256/6/2003-2004).

The NHRC received a complaint dated 29th April, 2003 from the victim, Ms. Bilkis Yakub Rasul of Godhra, Gujarat alleging repeated gang rape on her during the communal riots in Gujarat, which occurred in the aftermath of the Godhra train burning incident in the year 2002. She had lost all members of her family, including her three and half year old daughter in front of her eyes in the brutal attacks. But the criminal case registered in the matter was closed on the submission of closure final report by the police in the Court, and all the accused persons were acquitted. The victim was helpless and the legal remedies available to her by challenging the Court orders were beyond her reach. Considering the pitiable condition of the victim and gross injustice rendered to her, the

Commission provided her the legal counsel for filing a Writ Petition before the Supreme Court. Consequently, a Writ Petition No. 118 of 2003 was filed before the Supreme Court in the matter.

The Supreme Court passed orders for fresh investigation in the matter by the CBI, and transfer of the trial of the case from Gujarat to Bombay. The Special Judge, Trial Court in Bombay convicted all the 12 accused private persons and a Head Constable, who had deliberately changed the contents of the complaint made by the victim Bilkis Bano. The other accused police personnel and the doctors were not convicted. The CBI filed an appeal before the High Court of Bombay against their acquittal. The High Court, vide its order dated 4th May, 2017, indicted the police personnel

and the doctors and convicted all of them as well. The Special Leave Petitions, Review Petitions and the Curative Petitions filed by these convicted officials were dismissed by the Supreme Court. The issue of compensation to the victim was further taken up with the Supreme Court by filing a Special Leave Petition (Criminal) Nos. 10397-10403/2017. The Supreme Court, vide its order dated 23rd April, 2019, disposed of the SLP with an order to pay compensation of ₹50,00,000/- (Rupees fifty lakh only) to be paid by the Government of Gujarat to the victim. The Supreme Court also directed the State Government to provide the victim with an employment under the State and a Government accommodation at a place of her choice.

From NHRC Investigation Files

Illegal detention and harassment by the police leading to suicide by a minor

The Commission received a complaint in January, 2019 alleging unlawful detention of 3 young boys (including one minor) by the police of PS Kotkasim, District Alwar, Rajasthan on the pretext of suspicion on them in a petty theft case. The boys were detained in custody, interrogated, physically and mentally harassed. One

of the boys (a minor) sullied his clothes so he was let off to get his clothes changed. The boy went home and was under such a mental shock that due to the fear of again appearing before the police, he committed suicide by hanging.

In response to the NHRC notice, the police denied the charges of harassment and illegal detention though they admitted to having questioned the minor. The

Commission felt that the police report lacked credence. Accordingly, it asked its Investigation Division to conduct a spot enquiry in the case. The enquiry confirmed the allegations of physical and mental torture of the boys in the police station. The minor was locked up against the provisions of Juvenile Justice Act and various guidelines of the Courts and of DG, Rajasthan Police. Ironically, the Investigation Officer of this case, was also the

designated Juvenile Welfare Officer of the police station. The deceased was the only son to his mother (a widow) and there was no other reason found to his committing suicide except the immediate humiliation and mental torture that he suffered inside the police station. The Commission

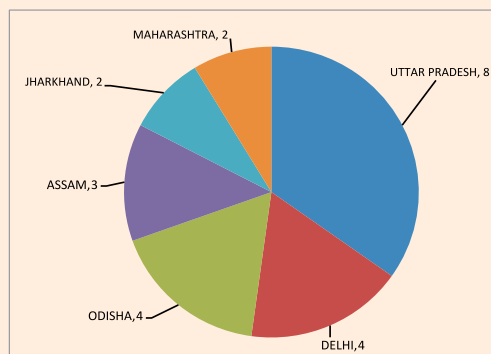
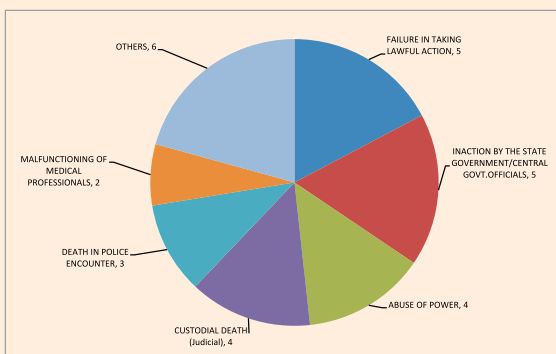
observed that the police did not follow the provisions of the JJ Act and guidelines of State while dealing with a child in conflict with law. They were detained in lock-up and interrogated in the absence of parent/guardian. This was illegal and a clear violation of Human Rights of the three victims.

Accordingly, a notice was issued to the Chief Secretary, Rajasthan to show cause why a sum of ₹50,000/- each to all the 03 victims or their NoK should not be recommended to be paid. A report has also been sought from DGP, Rajasthan to take action against one Addl.SP, one SI (IO), a Head Constable and a Constable.

Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 20 cases were considered during 01 sitting of the Full Commission and 67 cases were taken up during 04 sittings of Divisional Bench in May, 2019. On 29 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of ₹9410000/- 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. **The details of these cases can be downloaded from the complaints section of the NHRC website by logging the case number given in the table below:**

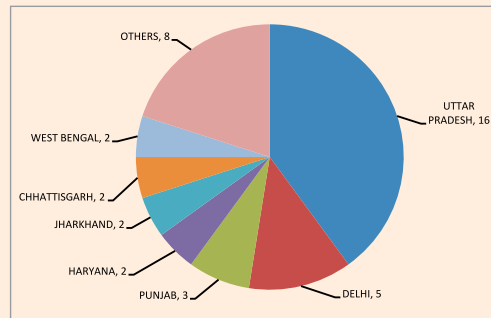
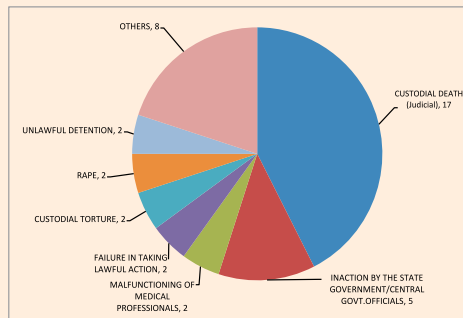
Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1	4469/18/1/2014	EXPLOITATION OF CHILDREN	25000	ODISHA
2	381/12/5/2018	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	MADHYA PRADESH
3	6610/24/2/2018	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	UTTAR PRADESH
4	74/3/3/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	ASSAM
5	465/36/1/2016-JCD	CUSTODIAL DEATH (Judicial)	100000	TELANGANA
6	29311/24/31/2017-JCD	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
7	31938/24/30/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
8	19239/24/52/2017	HARASSMENT OF PRISONERS	50000	UTTAR PRADESH
9	18123/24/3/2015	ABDUCTION/KIDNAPPING	25000	UTTAR PRADESH
10	203/3/11/2011	ABUSE OF POWER	1000000	ASSAM
11	2464/30/6/2017	ABUSE OF POWER	100000	DELHI
12	1187/20/2/2017	ABUSE OF POWER	200000	RAJASTHAN
13	19125/24/31/2015	ABUSE OF POWER	10000	UTTAR PRADESH
14	2225/13/8/2014-PCD	CUSTODIAL DEATH (Police)	300000	MAHARASHTRA
15	1636/30/8/2017	CUSTODIAL TORTURE	50000	DELHI
16	202/3/24/07-08	DEATH IN POLICE ENCOUNTER	1000000	ASSAM
17	440/33/14/2012-ED	DEATH IN POLICE ENCOUNTER	1500000	CHHATTISGARH
18	809/34/21/2013-ED	DEATH IN POLICE ENCOUNTER	1000000	JHARKHAND
19	3271/30/5/2017	FAILURE IN TAKING LAWFUL ACTION	100000	DELHI
20	515/30/1/2018	FAILURE IN TAKING LAWFUL ACTION	50000	DELHI
21	912/13/17/2017	FAILURE IN TAKING LAWFUL ACTION	300000	MAHARASHTRA
22	32308/24/52/2015	FAILURE IN TAKING LAWFUL ACTION	50000	UTTAR PRADESH
23	43596/24/60/2016	FAILURE IN TAKING LAWFUL ACTION	50000	UTTAR PRADESH
24	147/7/2005-2006-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	HARYANA
25	58/34/3/2017	INACTION BY THE STATE / CENTRAL GOVT. OFFICIALS	300000	JHARKHAND
26	2214/18/33/2018	INACTION BY THE STATE / CENTRAL GOVT. OFFICIALS	300000	ODISHA
27	2926/18/17/2017	INACTION BY THE STATE / CENTRAL GOVT. OFFICIALS	300000	ODISHA
28	4579/18/2/2017	INACTION BY THE STATE / CENTRAL GOVT. OFFICIALS	300000	ODISHA
29	491/35/3/2018	INACTION BY THE STATE / CENTRAL GOVT. OFFICIALS	600000	UTTARAKHAND



Compliance with NHRC recommendations

In May, 2019 the Commission closed 40 cases on receipt of compliance reports from different public authorities, furnishing proof of payments, it had recommended, totalling ₹7805000/- to the victims of human rights violations or their next of kin. **The details of these cases can be downloaded from the complaints section of the NHRC website by logging the case number given in the table below:**

Sl. No	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1	7199/30/1/2014	SEXUAL HARASSMENT	200000	DELHI
2	176/33/1/2017	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	CHHATTISGARH
3	8872/7/6/2014	MALFUNCTIONING OF MEDICAL PROFESSIONALS	200000	HARYANA
4	1376/1/15/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	ANDHRA PRADESH
5	2603/4/9/2014-JCD	CUSTODIAL DEATH (Judicial)	500000	BIHAR
6	863/33/8/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	CHHATTISGARH
7	2616/7/1/2017-JCD	CUSTODIAL DEATH (Judicial)	200000	HARYANA
8	1383/34/5/2012-JCD	CUSTODIAL DEATH (Judicial)	300000	JHARKHAND
9	1525/34/7/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	JHARKHAND
10	879/11/13/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	KERALA
11	2007/13/20/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	MAHARASHTRA
12	1591/19/9/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	PUNJAB
13	377/19/8/09-10-JCD	CUSTODIAL DEATH (Judicial)	100000	PUNJAB
14	2772/20/24/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	RAJASTHAN
15	1232/1/13/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	TELANGANA
16	10547/24/54/2016-JCD	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
17	10669/24/57/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
18	1195/24/14/2018-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
19	17765/24/48/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
20	44802/24/4/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
21	7387/30/8/2015	ABUSE OF POWER	25000	DELHI
22	827/19/7/2013-PCD	CUSTODIAL DEATH (Police)	100000	PUNJAB
23	14538/24/21/2012	CUSTODIAL TORTURE	400000	UTTAR PRADESH
24	1315/25/11/2013	CUSTODIAL TORTURE	300000	WEST BENGAL
25	10226/24/2006-2007	DEATH IN POLICE ENCOUNTER	500000	UTTAR PRADESH
26	26659/24/7/2014	FAILURE IN TAKING LAWFUL ACTION	100000	UTTAR PRADESH
27	38707/24/46/2013	FAILURE IN TAKING LAWFUL ACTION	10000	UTTAR PRADESH
28	26083/24/17/2014	UNLAWFUL DETENTION	25000	UTTAR PRADESH
29	4424/24/22/2015	UNLAWFUL DETENTION	10000	UTTAR PRADESH
30	1703/25/4/2015	NON-PAYMENT OF PENSION/COMPENSATION	10000	WEST BENGAL
31	26199/24/46/2016-WC	DOWRY DEATH OR THEIR ATTEMPT	50000	UTTAR PRADESH
32	169/30/9/2018-WC	RAPE	200000	DELHI
33	49567/24/32/2014-WC	RAPE	25000	UTTAR PRADESH
34	41445/24/45/2013-WC	SEXUAL HARASSEMENT (GENERAL)	25000	UTTAR PRADESH
35	3848/30/8/2016-WC	SEXUAL HARASSMENT AT WORKPLACE (GOVT. OFFICES)	100000	DELHI
36	6595/30/7/2011	INACTION BY THE STATE / CENTRAL GOVT. OFFICIALS	300000	DELHI
37	2927/18/31/2017	INACTION BY THE STATE / CENTRAL GOVT. OFFICIALS	300000	ODISHA
38	1570/24/31/2014	INACTION BY THE STATE / CENTRAL GOVT. OFFICIALS	25000	UTTAR PRADESH
39	19254/24/31/2014	INACTION BY THE STATE / CENTRAL GOVT. OFFICIALS	200000	UTTAR PRADESH
40	491/35/3/2018	INACTION BY THE STATE / CENTRAL GOVT. OFFICIALS	600000	UTTARAKHAND



Complaints of human rights defenders

The National Human Rights Commission, NHRC, India has been proactively dealing with the complaints of human rights violations of human rights defenders. It's Focal Point for them, whenever approached, brings

to the notice of the Commission such issues, which may require immediate attention, and also follows up the matter with the concerned public authorities for necessary action. Thus, in the month of May, 2019, the

Commission registered six new cases on complaints of their human rights violations; disposed of nine and total 98, including fresh and old cases, were at various stages of processing.

Meeting on 'Internally Displaced Persons'

A meeting on 'Internally Displaced Persons' was held under the chairmanship of Mrs. Jyotika Kalra, Member, NHRC at Manav Adhikar Bhawan on the 13th May, 2019. According to the UN Guiding Principles on Internal Displacement, "Internally displaced persons (IDPs) are persons or groups of persons, who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular, as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internally recognized State border."

Mrs Kalra stated that there should be well-defined principles as well as procedures in place for the rehabilitation of displaced persons. She also stressed the need for identification of key development projects, which are triggering wide-scale displacement of people and to find ways to strike a reasonable balance between land acquisition and displacement problems and also other factors, which result in internal displacement in the country. The IDPs are however different from the refugees. The IDPs have the statutory and legal status. Quoting the Dalai Lama's views on refugees, the NHRC Member stated that while it is important for refugees to be supported by foreign governments and international agencies with food, shelter, education and training opportunities for children and young adults, and protection against violence

and persecution, all these efforts must be geared towards ensuring that refugees are able to return to their own countries. For example, she said that the Tibetans took shelter in India, but a large number of them want to return to Tibet when the situation has changed there. Each country has its own culture, language, way of life, and it is ideal, if people are able to live in their countries. Similar is the case of Kashmiri Pandits, who have been displaced from the State to dwell in various other parts of the country for protection / livelihood. In Chhattisgarh also, people have been displaced from their lands both, due to Maoist violence and large-scale development projects.

Mr. Jaideep Govind, Secretary General, NHRC emphasized the need for identifying legal provisions currently in place for IDPs, including those displaced due to the Naxal conflict and the rehabilitation package being given to the affected people. He suggested for a more expansive definition of IDPs, which may reflect the impact of the land acquisition on displacement of people and ascertain the nodal agencies/ministry/officials, who are entrusted with the responsibility to address the problems arising on account of internal displacement. He also emphasized on the need for bringing together all rehabilitation schemes so that a comprehensive rehabilitation plan may be possible.

Earlier, Dr. Ranjit Singh, Joint

Secretary (P&A) made a brief power point presentation on the subject of IDPs. He said that in India internal displacement largely occurs on account of (i) large-scale development projects, natural disasters, conflict/violence/riots etc. DG(I), Registrar (Law), Joint Secretary (T&R) and other senior officers of the Commission participated in the discussions. The following major issues emerged and directions were given to the concerned sections in the Commission to work on them:

1. Identify the nature/categories of IDPs and causes/reasons for internal displacement in India;
2. Identify the existing laws and gaps therein, which address issues of displacement;
4. Identify the duration within which, IDPs can claim relief and rehabilitation;
5. Identify Court cases/PILs which are pending before various High Courts and the Supreme Court of India concerning internal displacement and make an assessment of the various judgments made by Courts on the subject of IDPs/ internal displacement;
6. A single code be created for 'IDPs'/internal displacement in the NHRC complaints categories;
7. Raise awareness about human rights challenges regarding IDPs/ internal displacement.

NHRC Member Dr. D.M. Mulay visits NGO 'Deepstambh', Jalgaon, Maharashtra

Dr. D.M. Mulay, Member, NHRC visited Jalgaon city in Northern part of Maharashtra to address and interact with the NGO 'Deepstambh' on the 1st May, 2019. The organization is working for less privileged sections of society including youth from rural, tribal and weaker sections. They are also focusing on educating and empowering youth with disabilities such as handicapped, orphaned and visually impaired children/youth. Over five hundred college-going youth (including those with physical disabilities) had gathered from more than twenty five districts of Maharashtra at the main event.

Sixteen youths with disabilities besides some able bodied youth, who have succeeded in the competitive examinations, were felicitated on the occasion. The youth with disabilities identified following roadblocks in their progress during their education and pursuit of competitive examination:

- a. There is a lack of awareness about difficulties faced by people with disabilities in the field of education;
- b. Teachers do not pay adequate attention to the students with disabilities;

- c. The centres that provide guidance for competitive examinations are generally not equipped to guide people with disabilities;
- d. The physical facilities such as ramps, lifts etc. are not available in schools/colleges/career guidance centres.

Dr. Mulay, in his key note address, gave an over view of the mandate of the NHRC under the Protection of Human Rights (PHR) Act, 1993. He also explained to them the NHRC's efforts to address the concerns on human rights violations. Besides, he also shared some of the achievements of the Commission in addressing the issues related to human rights and its implementation in India. On behalf of the NHRC, he assured them that the Commission would always stand for the protection of human rights as per its mandate.

Subsequently, he visited the residential quarters, where the students with disabilities are staying and interacted with them to know their problems. They were three hundred youths, both males and females, studying and also preparing for various junior and senior level competitive exams for jobs in the Public Sector Undertakings and various State Governments, besides the UPSC.

The atmosphere at these hostels was positive and youth with multiple disabilities are staying together in great harmony. Male and female students are put in separate areas.

The most significant issue that they raised was about the trouble they experience in getting acceptability and a decent job after they succeed in the competitive exams and join a government office/department. Some successful candidates narrated how they were shunted out by many saying that their department does not need their services. These successful young men and women felt that government departments and organizations must come forward and give them reasonable assignments, since they have already proven their talent and capability through the competitive exams.

Dr. Mulay asked the management of the NGO 'Deepstambh' to document the problems being faced by the children with disabilities, while they try to succeed in the competitive exams, and join the various departments. The management has agreed to detail these constraints and forward a paper to the Commission in the near future.

Mrs. Chhaya Sharma, DIG, NHRC gets McCain Courage and Leadership award

Mrs. Chhaya Sharma, DIG (Investigation), NHRC has been awarded the prestigious 'Courage and Leadership' award instituted by the McCain Institute for International Leadership, Arizona State University, USA. She received the award at the Sedona Forum 2019, Arizona, USA on 4th May, 2019. This award is given each year to honour an individual or group, who has stood unwaveringly for fundamental values and has inspired the world through acts of selfless courage on behalf of human



rights, humanitarian compassion, justice, freedom and human dignity.

Mrs. Chhaya has led teams in detection and investigation of sensitive criminal cases and protection of human rights during her career spanning over 19 years as an officer of Indian Police Services. Her stellar contribution has been leading the investigation of the infamous Nirbhaya gang-rape and murder case of December, 2012 while holding the charge of Deputy Commissioner, Police, South Delhi.

Appointments

The NHRC has appointed Dr. Vinod Aggarwal as its Special Rapporteur, with additional charge of West Zone further for a period of one year w.e.f. 30th April, 2019 to 29th April, 2020. Mr. B.B. Mishra has been appointed as Special Rapporteur for East Zone further for a period of one year from 12th April, 2019 to 11th April, 2020. Dr. Ish Kumar has been appointed a Special Rapporteur for North Zone for a period of one year from 31st May, 2019 to 30th May, 2020. Mr. Sudhir Kumar has been given extension upto 29th September, 2019 as Special Rapporteur for South Zone.

Human Rights and NHRC in News, May, 2019

During the month of May, 2019, the Media & Communication Wing prepared 13 press releases based on the proceedings of the Commission in different cases. Total 2097 news clippings on various human rights issues were culled out from different/select editions of major English and Hindi newspapers and some news websites. The Commission took Suo motu cognizance of 11 incidents reported in the media. 71 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.

Snippets

Visits to the NHRC, India

The following visited the NHRC, India during the month of May, 2019:

- *UN India Chief of Staff Ms. Radhika Kaul Batra and Inclusion Adviser, Ms. Rineeta Naik met the Secretary General, NHRC and other senior officers and discussed various issues related to human rights in India.
- *Group consisting of 33 Trainer Officers (rank of jailor & Distt. Supdt) and one staff member of the Academy of Prisons & Correctional Adam to understand the functioning of the Commission.
- *Officers representing NYKS, NSS, NCC, Red Cross, Doordarshan, AIR for a meeting with the Secretary General, NHRC to discuss the contours of possible collaboration with the Commission to spread awareness about the importance of promotion and protection of human rights through their wide networks.

A two-day in-house gender sensitization programme was organized at the Commission's premises, which was inaugurated by its Member, Mrs. Jyotika Kalra and attended by senior officers and staff. Mrs. Jayashree Velankar, Director, JAGORI, an NGO working in the field of women's rights issues, conducted the programme.

Other important visits/seminars/programmes/conferences

Events	Delegation from NHRC
Visit to Mental Hospital, Government of Uttar Pradesh, Bareilly for and on the spot review and inspection of the institution on the 28 th May, 2019.	Mrs. Jyotika Kalra, Member, NHRC, Smt. Manju Rani, PPS to Member, Mr. Arun Kumar, Inspector and Ms. Aastha Dawar, Research Consultant.

Complaints received/processed in May, 2019 (As per an early estimate)

Number of fresh complaints received in the Commission	5776
Number of cases disposed of including fresh and old	5767
Number of cases under consideration of the Commission including fresh and old	20652

Important Telephone Numbers of the Commission:

Facilitation Centre (Madad) NHRC Toll Free No. : 14433
For Complaints : Fax No. 011-2465 1332

For filing online complaints : www.nhrc.nic.in, hrcnet.nic.in,
Common Service Centers

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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The front cover painting is by Pallavi Dewangan, Chattisgarh, who won the consolation prize in the NHRC Silver Jubilee Painting Contest 2018.