

MINUTES OF THE MEETING OF CORE GROUP OF NGOS HELD AT 11.00 A.M. ON 22.03.2013

A meeting of Core Group of NGOs was held in the Commission on 22.03.2013 under the Chairmanship of Justice Shri K.G. Balakrishnan, Chairperson, NHRC.

List of Participants is appended.

The interaction began with the opening remarks by the Joint Secretary (P&A). He stated that since its inception, the NHRC has been dedicated to the protection and promotion of human rights and that the Commission has accorded paramount importance to the mechanism of regular consultations with those working in the field. The reach of the Commission has been enhanced through the constitution of Core Groups on health, disability, mental health, legal issues, right to food, NGOs and welfare of the elderly. Similarly, Expert Groups have also been formed by the Commission on key issues. The Core Group of NGOs was formed on 17 July 2001 and same was reconstituted on six occasions between 2006 and 2011. During the period August 2001-February 2012, the Core Group had met 19 times and deliberations have been regularly shared, which have had the desired impact. Apart from this, the Commission holds regular consultations with NGOs during its Camp Commission Sittings and Public Hearings. Visits are conducted in the states and national conferences on crucial human right issues are held at New Delhi. Latter always have active participation of the NGOs.

The Chairperson, NHRC welcoming the Members of the Core Group, stated that the NHRC deeply valued the contributions and feedback of the Members of the Group, NGIs and civil society, received from time to time. He also clarified that the Group meeting was being held after an year as the Commission had been engaged in expansive range of sensitizations and activities, including the conduct of its Camp Sittings and recently instituted Public Hearings in different states.

Referring to the Human Development Report of 2013 of the UNDP, the Chairperson stated that poverty, healthcare, malnutrition, among many other indices, are pressing concerns for India which need the urgent attention of the policy makers and civil society alike. While working for ensuring human rights, the NHRC was also recommending compensations and that it was open to regular feedback from the civil society.

Agenda 1: Confirmation of Minutes of the Meeting held on 10.02.2012.

The Minutes of the meeting were seen and confirmed.

Agenda 2: ATR on the Minutes of the Meeting dated 10.02.2012

ATR on the Minutes of the said meeting were seen and confirmed.

Agenda proposed by Members of the Core Group

Agenda 3:

Apart from supporting decision with regard to Agenda 2, **Shri Suhas Chakma of Asian Centre for Human Rights** stated that ATR was very satisfactory but in respect of continued hunger strike by Ms Irom Chanu Sharmila, a Manipuri activist and Poet, fresh indulgence of NHRC was required . Even though the Finance Minister in his recent statement had opined that Army needed Armed Forces Special Powers Act (AFSPA). In his opinion, a meeting/public hearing by NHRC was required in view of large number of human right violations in the State.

The Chairperson NHRC took note of the concerns and stated that a meeting in Manipur was under consideration by the Commission.

Agenda 4: Enactment of Prevention of Torture Bill, 2010:

Reiterating his request, **Shri Suhas Chakma** mentioned that the present Law Minister was fully aware of the requirement. NHRC not only is requested to extend support but also help in organizing International Day for Solidarity with the victims of torture on 26th June, every year. The request was noted.

Agenda 5: Maintaining/uploading of proceedings of NHRC

Shri Suhas Chakma stressed on his plea for maintaining/uploading the proceedings of the NHRC in cases/complaints of human right violations in the website of the NHRC instead of the current practice of preserving the latest order. In addition, he appreciated the fact that there was tremendous improvement in handling of public complaints relating to human rights by the NHRC. But one prefers that all proceedings should be on NHRC website.

Member (JBCP), however, was of the opinion that only important proceedings should be displayed, which was agreed to.

Agenda 6: Denial of access to file mercy petitions to the President of India.

Shri Suhas Chakma did not want to have any discussion on the subject as he had received a reply already.

Agenda 7: Children living with mothers in Jail and visits to jail and legal aid to weaker sections:

The issues raised by **Dr. Lenin Raghuvanshi, Convener, PVCHR** were taken note of. It was clarified that such issues were always reported upon by the Special Rapporteurs of NHRC and action was initiated with the help of State Governments by the NHRC from time to time. Member (JBCP) was of the view that a separate jail for women prisoners having children should actually solve all the problems but same was not possible.

Ms. Puja Marwah of CRY further opined that all the guidelines of Supreme Court and NHRC should be strictly followed by all the jails. Also, psychological needs of the inmates should be taken note of. Dr.Ruth Manorama, President, National Alliance of Women (NAWO) stated that in Andhra Pradesh and Karnataka such problems were rampant in jails. Shri Mathews Philip, Executive Director, SICHREM indicated that NHRC should give directions based on earlier

guidelines to all the jails. Shri R.S.Chaurasia, Chairperson of Bachpan Bachao Andolan felt that a separate cell for women and children should facilitate the solution.

Dr.Ruth, in addition, brought forward the pathetic condition of Beggar Homes in Karnataka. It was affecting the health and hygiene of both mother and children. Intervention of NHRC was, therefore, required.

The Chairperson, NHRC took note of issues raised in the Agenda items 6&7 and decided to write a letter to all the Chief Justices. Apart from the need for ensuring legal aide, he reiterated the implementation of guidelines of Supreme Court and NHRC in respect of conditions prevailing in jails.

Agenda 8: Entertainment of complaints by NGOs at NHRC without authorization by the victims

This issue was explained in detail by **Shri Baghmbar Pattanaik, Human Right Activist and Adviser, Odisha Goti Mukti Andolan.** He supported his request in the matter in view of the remoteness of the area wherein people suffer due to lack of adequate ventilation mechanism in the vicinity. As a result, in his opinion, valuable time was lost.

Member (SP) did not agree to the proposal. Member (JBCP) however, felt that adequate vigilance was required before taking cognizance and validity of such complaints. He added that some NGOs were vigilant and responsible. Some, however, simply forward and forget. Sometimes, one cannot reach required conclusions for want of facts. However, press clippings received are always examined and taken cognizance of except the trivial ones.

Shri Pattanaik appreciated the present stand of the Commission, more so, in regard to suo motu cases. Mr.S. Chakma expressed the view that a notice from NHRC to a person or an authority itself had a considerable impact. So the Commission should not restrict this measure. Shri Mathew Philip stated that sometimes some complainants were being threatened, even then their cognizance by NHRC was appreciated. Dr.Ruth Manorama opined that the awareness that one can come to NHRC itself should be welcomed. NHRC therefore, should not discourage it. After all, certain knowledge was also gained in resorting to such an exercise. Ms. Puja Marwah of CRY supporting the agenda item expressed that every little piece of information matters for the oppressed sections. Sometimes a complainant has to walk a distance of 30 kms to reach the nearest NGO for this purpose.

The Chairperson took note of the views expressed and stated that the Commission will do everything that was possible. However, one should not forget that sometimes authorities deny not only the contents of the complaints but also the involvement of the persons mentioned.

Agenda 9: Negligence in prevention of violation by a Public Servant

Explaining his letter addressed to the Commission on the subject. **Shri B. Pattanaik, Advisor, OGA** indicated that such complaints concerning public servants were heard by the higher authorities due to initiative of NHRC but a partisan view was mostly taken due to which the public servant was saved from any accusation. He, therefore, suggested to NHRC to provide all submissions of the authorities to the complainant and hear him before adjudication, upload all proceedings of the case on the NHRCs website, upload the investigation and field reports, maintain electronic records before weeding out and not to close the cases containing recommendations for prosecution until the authorities bring the cases for consideration by the Judiciary.

Shri M. Philip of SICHREM, in addition questioned the need for sanction for prosecuting even the retired public servants. Dr. Ruth Manorama added that even when compensations were awarded or recommended, NGOs have to run from office to office with the victims and at times, dharna had also to be resorted to, leading to police action. In Karnataka as well as Tamilnadu, recommended relief was never paid in full. Mostly 30% cut was taken by the officials, which justified taking up of such issues by the NGOs and professionals.

Shri S.Chaka at this stage wished to know at what stage a matter could be considered sub-judice.

Shri R.S.Chaurasia of BBA felt that old age pension amount had varied rates all over the country and that due to tremendous rise in prices, rates should be revised. NHRC should write to all the States. Dr.Ruth, supporting his view point felt that minimum amount should be Rs.2000/-per person per month.

Member (SP) felt that negligence by public servants were being addressed by the Commission while conducting hearings in respect of Section 4 of SC/ST(PoA) Act,1989 as a result of which the officials were becoming serious.

Member (JBCP) indicated that public servants were over protected as a result of which it was not easy to handle them. In relation to Sub-judice issue, he was of the view that the Commission, appreciating the merit of a case, proceeds even when police charge sheet is not filed. Commission could intervene, therefore, at any stage.

Agenda 10: Intervention in legal proceedings with the approval of Court

Shri B. Pattanaik, Advisor, OGA in support of his plea suggested that NHRC should intervene in legal proceedings by submitting amicus curiae

briefs in cases brought under human rights legislation, intervene in legal proceedings by showing human rights considerations in all cases like "Right to Acknowledgement" and appear in court to support orders for the enforcement of its determinations.

Registrar, NHRC stated that the Commission had the powers of a Civil Court. Under that summons and warrants were regularly issued in public interest. It would be advisable if not all complaints are forwarded to NHRC, rather, some were directly sent to SHRCs.

Both Shri Pattanaik and Shri S.Chakma, however, felt that complaints made to NHRC were taken more seriously.

Member (JBCP), opined that under the PHRA, 1993, the Commission can make recommendations only, which by and large, were accepted.

The Chairperson NHRC stated that on important issues, the Commission was regularly intervening and that most of its recommendations were implemented.

Agenda11: Illegal eviction of 5000 people at EWS Quarters, Bangalore

Dr.Ruth Manorama briefly explained the episode and requested for intervention of the Commission. Apart from immediate relief for the victims, she demanded conduct of a Public Hearing.

Member (JBCP) indicated that the complaint was already before the Commission and notices were issued to the Chief Secretary. Further action would follow, based on reply.

The Chairperson stated that whatever was possible would be done, but it was necessary to hear from the State Government.

ADDITIONAL AGENDA

By Shri M.Philip, SICHREM

No.12- Pending cases of STF in Karnataka

It was brought to the notice of the Commission that it had given its interim orders in 2007 regarding the case of victims of STF atrocities against the tribals of Karnataka. Shri Philip stated that the fact that compensation had been awarded to the victims went on to confirm that human right violations had been committed by the STF. However, individuals had not been held accountable for the atrocities, nor any punitive action was initiated against them. He suggested, therefore, that the case be reopened and a specialized investigative agency be given charge to further investigate the matter and ascertain individual responsibility.

The Commission stated that in such cases, assigning individual responsibility may be difficult.

No.13 – Follow-up of National Conference on Human Rights Education held on 14.12.2012.

Shri Philip expressed the view that the said conference was an important one and that every effort must be made to follow upon its recommendations.

The Chairperson informed that the recommendations had already been sent to all the states for their consideration. It was agreed in principle to hold meetings with the Chief Secretaries of States and also with Secretaries of State Education Departments.

No.14 – Amendments in Criminal Law

Some of the Members expressed their concern over rising number of under-trial prisoners and indiscriminate arrests even in those offences where a sentence below 7 years is prescribed. In their opinion, the Commission could do the needful.

Member (JBCP) and Chairperson, opined that the matter was very complex. It was not only the question of giving guidelines, the Government should take steps to create additional jails,courts and fill up round about 300 vacancies in High Courts alone.

No.15-Rescue and Rehabilitation of Missing Children

Shri R.S.Chaurasia, Chairman BBA stated that the children rescued were not getting the promised package and minimum facilities in respect of land, education and housing. There was a need for NHRC to intervene.

No.16-General issues raised by Shri S.Chakma

Shri S.Chakma felt that accountability on the part of NGOs was very much required and that both Government and NHRC may kindly ensure it. He added that 97% of them do not submit utilization certificates.

No.17- Progress on declaration of District Courts as H R Courts

Miss Puja Marwah desired to know the progress

Member (JBCP) and Chairperson stated that a Committee already looking into the matter was expected to give its report by the end of April,2013. It will be shared with the Members of the Core Group.

The detailed discussions were summed up by the Secretary General. He expressed the hope that active participation and feedback would be ensured from the Members in future as well.

The meeting ended with a vote of thanks to the chair.

List of Participants

NHRC

Justice Shri B.C. Patel, Member
Shri Statyabrata Pal, Member
Dr. Ashok Sahu, Secretary General
Smt. Kanwaljit Deol, DG (Investigation)
Shri A.K.Garg, Registrar
Shri A.K.Shrivastava, Joint Secretary (P&A)
Shri J.S.Kochher, Joint Secretary (Trg.)
Shri A.K. Parashar, Joint Registrar (Law)

Members of the Core Group of NGOs

Shri Suhas Chakma, Asian Centre for Human Rights
Shri R.S.Chaurasia, Bachpan Bachao Andolan
Shri Rakesh Jinsi, SOS Children's Villages of India
Shri Mathews Philip, South India Cell for Human rights Education & Monitoring
Ms. Puja Marwah, Child Rights and You
Dr.Lenin Raghuvanshi, Peoples Vigilance Committee on Human Rights
Dr.Ruth Manorama, National Alliacne of Women, Bangalore
Shri Baghambar Patnaik, Odisha Goti Mukti Andolan

