



National Human Rights Commission, India

Annual Report 2010-2011



# ANNUAL REPORT 2010-2011



National Human Rights Commission, India





# ANNUAL REPORT 2010-2011



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## INTRODUCTION

**1.1** This is the eighteenth Annual Report of the National Human Rights Commission (NHRC). It covers the period from 1 April 2010 to 31 March 2011.

**1.2** The seventeenth Annual Report of the Commission, for the period 1 April 2009 to 31 March 2010, was submitted to the Central Government on 12 May 2011 and the State Governments on 23 June 2011 for preparing the Memorandum of Action Taken and placing the same before each House of Parliament and concerned State Legislative Assembly in consonance with the procedure envisaged under Section 20 (2) of the Protection of Human Rights Act, 1993 and its amendment thereby in September 2006 (PHRA).

**1.3** During the period under review, Justice Shri G. P. Mathur, Member NHRC, continued to officiate as the Acting Chairperson of NHRC till the time Justice Shri K. G. Balakrishnan, former Chief Justice of the Supreme Court of India, assumed office as the sixth Chairperson of the Commission on 7 June 2010. On the joining of Justice Shri K. G. Balakrishnan as the Chairperson of the NHRC, Justice Shri G.P. Mathur continued to serve as a Member in the Commission along with three other Members, namely, Justice Shri B.C. Patel, Shri Satyabrata Pal and Shri P.C. Sharma during 2010-2011.

**1.4** As regards deemed Members of the Commission, under Section 3 (3) of the PHRA for discharge of its functions specified in clauses (b) to (j) of Section 12, Dr P. L. Punia, assumed office as the Chairperson of the National Commission for Scheduled Castes on 15 October 2010; Dr Rameshwar Oraon took over as the new Chairperson of the National Commission for Scheduled Tribes on 28 October 2010; and Shri Wajahat Habibullah assumed duties on 3 February 2011 as the Chairperson of the National Commission for Minorities. Dr Girija Vyas continued to serve as the Chairperson of the National Commission for Women during 2010-2011.

**1.5** Shri Kuriampalackal Sankar Money, IAS (RJ:76) who joined on 15 February 2010 as the Secretary-General and Chief Executive Officer of the NHRC continued to render his services till he retired on 28 February 2011. Shri Sunil Krishna, IPS (UP:73) continued to serve as Director General (Investigation) and Shri A.K. Garg as Registrar (Law) in the NHRC. Shri J.P. Meena, IAS (AM:83) continued to function as Joint Secretary (Programme & Administration) in the NHRC. Shri J. S. Kochher, an officer of the Indian Economic Service, joined the NHRC on deputation as Joint Secretary (Training) on 15 November 2010.

**1.6** The protection and promotion of civil and political rights as well as economic, social and cultural rights remained to be the central focus of the Commission during the period under review. On all of these matters, the views and actions of the Commission have been detailed out in the chapters that follow. These chapters deal, *inter alia*, with range of civil liberties, including protection of human rights in areas affected by terrorism and militancy; custodial violence and torture including deaths in custody and 'encounter'; and conditions in prisons. The report also deals with issues such as the right to health; the right to food; the right to education; the rights of Scheduled Castes/Scheduled Tribes and other vulnerable groups; the rights of women and children; the rights of elderly persons, the right to environment; the effort to generate human rights awareness and literacy; and role played by it to encourage the efforts of State Human Rights Commissions and non-governmental organizations. In addition, the Report deals with the subject of human rights defenders so as to ensure appropriate action on the complaints addressed to it. Each of the above issues dealt with in the current Annual Report also covers human rights violation cases addressed to it.

**1.7** The PHRA is premised on the mutually reinforcing character of the efforts that are to be made by the Commission and by the Governments, both at the Centre and in the States. A 'unity of minds' of all concerned is therefore required to ensure that there is better protection of human rights in the country. It is with this mission the Commission dedicates this Annual Report to the people of India, and submits it to the Central Government and the State Governments to place before each House of Parliament and concerned Legislative Assembly, in accordance with Section 20 (2) of the PHRA.

(K. G. Balakrishnan)  
Chairperson

(G.P. Mathur)  
Member

(B.C. Patel)  
Member

(Satyabrata Pal)  
Member

(P.C. Sharma)  
Member

31 March 2011  
New Delhi

### HIGHLIGHTS : 2010-2011

**2.1** Given the broad range of functions and powers conferred on the NHRC as per the PHRA, the Commission is discharging its role and responsibilities in accordance with the Constitution of India, the laws of the land and the Paris Principles relating to the status of national institutions that are vested with the duty to protect and promote human rights. The Commission along with the government ministries at the Centre and State, non-governmental, international and technical organizations/institutions operating within the country as well as regional, national and international institutions is playing a significant role in protecting and promoting human rights at the domestic, regional and international level. Over the years, the NHRC has brought to the forefront several important human rights issues and dealt with many challenging cases. The ensuing paragraphs highlight some of the major events and activities of the NHRC during the period April 2010 to March 2011.

#### **New Chairperson**

**2.2** Justice Shri K. G. Balakrishnan assumed office as the sixth Chairperson of the Commission on 7 June 2010. He succeeded Justice Shri S. Rajendra Babu who had demitted office on 31 May 2009.

#### **Commission's Meetings**

**2.3** During the year under review, the Full Commission deliberated upon and decided various cases of human rights violations in 52 sittings. In addition, the two Division Benches considered 1,970 cases in 131 sittings. Seventy-nine other cases were considered in 15 sittings during court hearings. The other programme and administrative agenda items were dealt with in 13 meetings. The Statutory Full Commission, which includes deemed Members, also met on 26 July 2010.

#### **Organization of Camp Sitzings in Bengaluru and Bhubaneswar**

**2.4** The Commission organized two Camp Sitzings – one in Bengaluru, Karnataka on 15 - 16 September 2010 and the second in Bhubaneswar, Odisha on 18 - 19 January 2011. The Camp Sitting in Bengaluru was held to expedite disposal of pending complaints in the four Southern States of the country, namely, Kerala, Karnataka, Andhra Pradesh and Tamil Nadu. A total

of 92 cases were dealt with by the Commission in Bengaluru in which monetary relief upto ₹19, 80,000 was recommended in nine cases.

**2.5** In the second Camp Sitting held in Bhubaneswar, 62 cases having more than 400 linked complaints, were taken up for hearing. The Commission gave several recommendations to the Odisha Government for effecting overall improvement in human rights situation in the State.

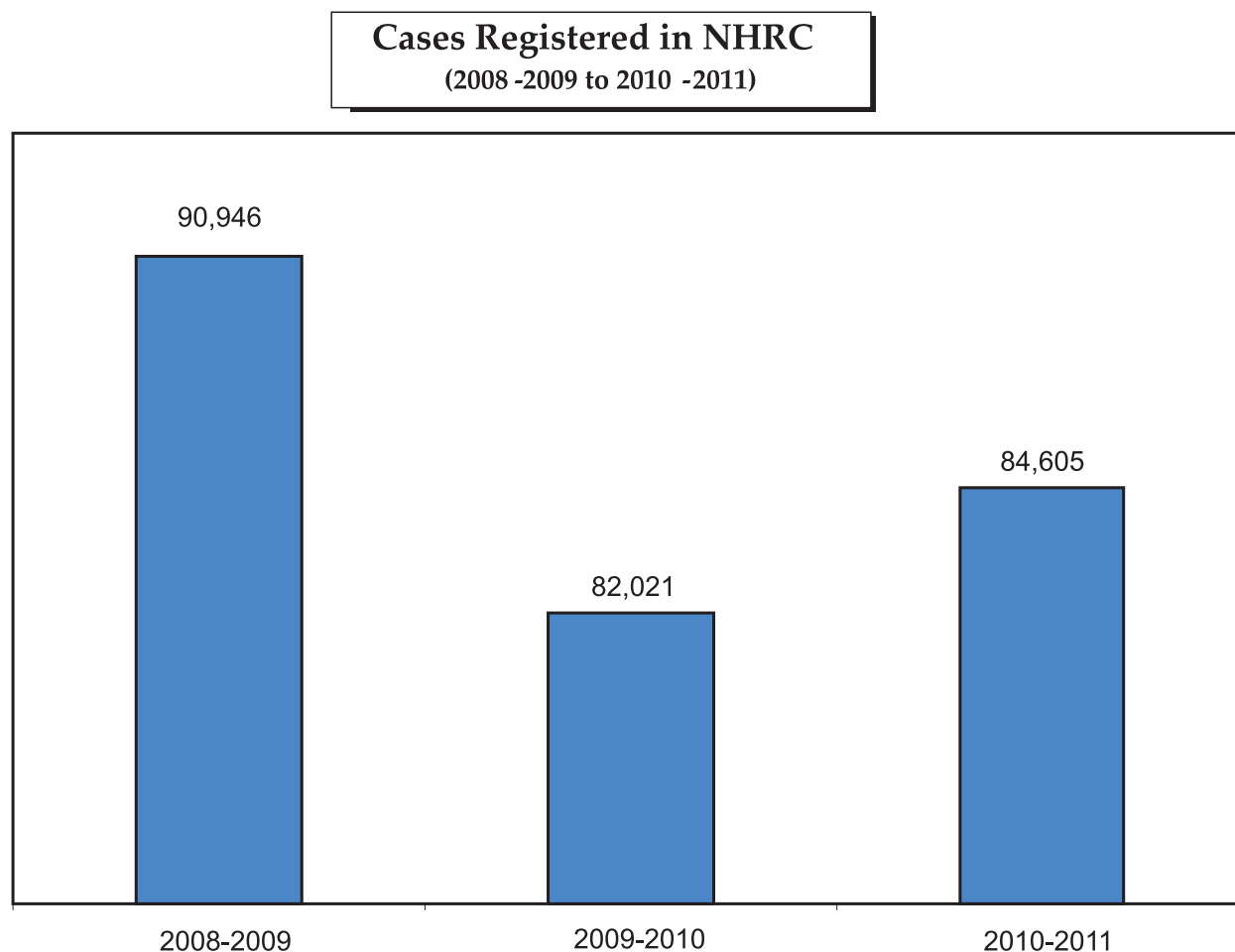
## Number and Nature of Complaints

**2.6** As in the past, the Commission received a wide range of complaints relating to human rights violations from different parts of the country. These complaints included cases alleging custodial deaths, torture, fake encounters, police high-handedness, violations committed by security forces, conditions relating to prisons, atrocities committed on women and children and other vulnerable sections, bonded and child labour, negligence by public authorities, etc. The Commission also took *suo motu* cognizance of many incidents pertaining to violation of human rights based on reports in print and electronic media as well as visits undertaken by its Chairperson, Members and Special Rapporteurs.

## Human Rights Violation Cases

**2.7** On 1 April 2010, a total number of 14,580 cases were pending before the Commission (**Annexure-1**). 84,605 cases were registered in the Commission during 2010-2011 (**Annexure-2**). Thus, during the period under review, the Commission had a total of 99,185 cases for examination. Out of these, it disposed of 87,568 cases. A total of 9,254 cases were further transferred to the State Human Rights Commission for disposal in accordance with the provisions of the PHRA. Of the total number of cases disposed of (87,568) by the Commission during 2010-2011, 54,676 were dismissed '*in limini*', while 15,813 were disposed of with directions to the appropriate authorities for remedial measures. The details of State/Union Territory-wise cases disposed of by the NHRC during 2010-2011 are shown in **Annexure-3**. At the end of the reporting period, i.e. on 31 March 2011, the total number of cases pending with the Commission was 11,617, which included 1,856 cases awaiting preliminary consideration and 9,761 cases in respect of which reports were either awaited from the authorities concerned or the reports had been received but were pending further consideration of the Commission (**Annexure-4**).

**2.8** The Graph below gives a comparative analysis of total number of cases registered in the NHRC from 2008-2009 to 2010-2011.



### Installation of Complaint Management System in SHRCs

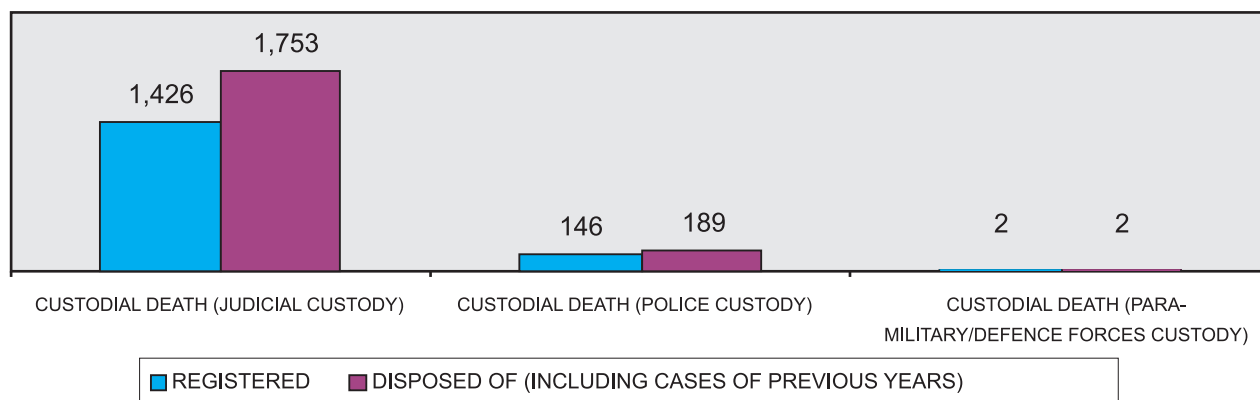
**2.9** The complaint management system (CMS) software installed in the NHRC to facilitate the complaint handling mechanism was set-up in four State Human Rights Commissions of the country, namely, Assam, Madhya Pradesh, Uttar Pradesh and West Bengal with the help of NHRC team and National Information Centre (NIC). These State Human Rights Commissions were provided financial assistance for procurement of related equipment and hiring of technical manpower to train their officers and staff. Training was also imparted by the technical staff of NHRC. On similar lines, it has been decided by the NHRC to equip other State Human Rights Commissions with CMS software in a phased manner.

## CIVIL AND POLITICAL RIGHTS

### Preventing Custodial Violence

**2.10** The NHRC received 1,426 intimations about deaths in judicial custody\*, 146 intimations regarding deaths in police custody and two intimations regarding deaths in para-military/defence forces custody during the period under review. It disposed of 1,944 cases of custodial deaths – comprising 1,753 cases of deaths in judicial custody, 189 cases of deaths in police custody and two cases of deaths in para-military/defence forces custody. These figures also include cases of previous years. See the Graph below.

**NUMBER OF CUSTODIAL DEATH CASES REGISTERED & DISPOSED OF DURING 2010-2011**



### Inspection of Jails

**2.11** A Member and two Special Rapporteurs of the Commission visited seven jails located in Barabanki, Lucknow and Faizabad in Uttar Pradesh; Bhubaneswar in Odisha; Shimla in Himachal Pradesh and Midnapore in West Bengal. The main objective of these visits was to oversee the functioning of these institutions as well as study the human rights situation of the inmates. Besides, officials from the Investigation Division of the Commission also visited Central Jail Viiyur in Trichur, Kerala; Dehradun District Jail in Uttarakhand; and Central Jail and District Jail in Indore, Madhya Pradesh.

### Spot Investigations

**2.12** During the period under review, the Commission directed its Investigation Division to conduct spot investigations in 64 cases of alleged violations of civil and political rights and economic, social and culture rights. These cases related to custodial deaths/rapes, sexual harassment by police men; custodial torture; false implication; illegal detention; bonded and child labour; atrocities on Scheduled Castes, Scheduled Tribes and other disadvantaged groups;

\* In the Annual Report, judicial custody means persons in jails as per the orders of the court.

medical negligence and lack of proper medical facilities in Government hospitals, death due to negligence of various State authorities; inhuman conditions in jails and homes for children.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Regional Review Meeting on Rights of Mentally-Ill Persons for Northern Region**

**2.13** The fifth Regional Review Meeting on Rights of Mentally-Ill Persons for the Northern Region was organized by the NHRC in Agra on 9 April 2010. It was organized in collaboration with the Institute of Mental Health Hospital in Agra.

### **National Seminar on Panchayati Raj and Human Rights**

**2.14** In its efforts to promote awareness on human rights among the masses, the Commission on 30 July 2010 organized a one-day National Seminar on 'Panchayati Raj and Human Rights' in Cochin.

### **Prenatal Sex Selection in India : Issues, Concerns and Actions**

**2.15** A one-day Conference on Prenatal Sex Selection in India : Issues, Concerns and Actions was organized by the NHRC at New Delhi on 12 October 2010. The main objectives of the Conference were to : critically analyze the existing problem of prenatal sex selection and declining number of girl children in India; create awareness about related issues, concerns and actions among key stakeholders; share the findings of the study entitled 'Research and Review to Strengthen Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act's Implementation Across Key States' jointly undertaken by NHRC and UNFPA; and discuss the strategies for strengthening the implementation of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection ) Act, 1994 (PCPNDT Act).

### **Reconstitution of the Core Group on Right to Food**

**2.16** The Commission reconstituted its Core Group on Right to Food under the chairmanship of one of its Members, Shri P.C.Sharma in August 2010. The reconstituted Core Group altogether has 18 members, both from the government and non-governmental organizations across the country. Its first meeting was held on 2 November 2010.

### **Constitution of Core Group on Rights of Elderly Persons**

**2.17** A Core Group on Rights of Elderly Persons consisting of 13 members was constituted in the Commission on 22 November 2010. The Core Group has been constituted under the chairmanship of Shri P.C.Sharma, Member, NHRC.

### **Banning Usage of Endosulfan**

**2.18** The NHRC made detailed recommendations to the Government of India and the State Government of Kerala for banning the use of endosulfan in the country.

## **Rights of Persons with Disabilities**

**2.19** The Commission has been advocating for the harmonization of disability laws in the country ever since the 2006 United Nations Convention on the Rights of Persons with Disabilities was adopted. Accordingly, it gave its recommendations to the Ministry of Social Justice and Empowerment, Government of India suggesting recasting of the legislation entitled Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The Commission also gave its comments on the working draft pertaining to the said legislation that was prepared by the drafting Committee constituted by the Ministry of Social Justice & Empowerment.

**2.20** The Commission also forwarded its recommendations to the Department related Parliamentary Standing Committee on Human Resource Development as well as to the Ministry of Human Resource Development, Government of India, with regard to "The Copyright (Amendment) Bill, 2010" as it was not found to be friendly to the print disabled persons.

## **Optional Protocol to the Convention on the Rights of Persons with Disabilities**

**2.21** The Commission advocated to the Government of India for ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities. It is of the view that the Optional Protocol will reinforce the accountability mechanism and serve as an additional tool for the protection and promotion of the rights of persons with disabilities.

## **National Conference on Silicosis**

**2.22** A one-day National Conference on Silicosis was organized by the NHRC at New Delhi on 1 March 2011. The main objective of the Conference was to assess the measures taken by all the States/Union Territories across the country to deal with the problem of silicosis, a disease of lungs caused by inhalation of dust containing crystalline silica.

## **National Seminar on Protecting Human Rights of Older Persons**

**2.23** The NHRC organized a National Seminar on 'Protecting Human Rights of Older Persons' in Dehradun, Uttarakhand on 20 January 2011 in collaboration with a Delhi based NGO, named ANUGRAHA. The Seminar was also supported by the Oil and Natural Gas Commission Limited. Smt. Margaret Alva, Governor of Uttarakhand was the Chief Guest of the National Seminar. Shri P.C. Sharma, Member, NHRC presided over the National Seminar.

## **Reproductive Rights and NHRIs**

**2.24** At the 13th Annual Meeting of the Asia Pacific Forum (APF), held in Kuala Lumpur, Malaysia in July 2008, the APF Forum Councillors had considered and formally approved a proposal to undertake joint activities with the United Nations Population Fund (UNFPA) in the area of reproductive rights. The principal activity agreed between the APF and UNFPA related to the development of a publication on integrating reproductive rights into the work of APF member institutions. A detailed questionnaire devised for this project was distributed to all the APF member institutions including NHRC-India during 2010-2011 which was completed.

The information provided by NHRC-India covered issues dealt by it to protect and promote reproductive rights, including problems encountered and the manner in which reproductive rights can be more effectively integrated in its work.

## **Elimination of Bonded Labour and Child Labour System**

**2.25** The Commission continued to monitor the implementation of the Bonded Labour System (Abolition) Act, 1976 and the Child Labour (Prohibition & Regulation) Act, 1986 in the country. It organized four regional workshops each on the issue of bonded labour and child labour in Himachal Pradesh, Maharashtra, Rajasthan and Tamil Nadu.

## **Recommendations of NHRC for Monetary Relief and its Compliance**

**2.26** During the period from 1 April 2010 to 31 March 2011, the Commission recommended ₹19,86,55,500 as payment of monetary relief to the victims or next of kin of the deceased in 583 cases. Out of these cases, compliance report were received in 367 cases and a total amount of ₹7,57,73,500 was paid to the victims/next of kin of the deceased. The State/Union Territory-wise details of these cases is given in **Annexure-5**.

**2.27** Compliance report is awaited in 216 cases wherein monetary relief amounting to ₹12,28,82,000 has been recommended during the period under consideration (**Annexure-6**).

**2.28** As regards, compliance relating to cases pertaining to previous years, reports have not been received in 45 cases (**Annexures 7 & 8**). The details of these cases have been reported in earlier Annual Reports of the Commission.

## **TRAINING PROGRAMMES AND WORKSHOPS**

**2.29** Some important training programmes and workshops organized by NHRC during the period under review were: 'Basic Training Programme on Human Rights', 'Training of Trainers on Human Rights', 'Advanced Training on Human Rights', "Training Camp for NCC Instructors", 'Human Rights Training during National Integration Camps' and 'Human Rights Training through Community Radio'. The NHRC also conducted a two-day attachment programme for Probationers of Indian Foreign Service. Besides, it conducted an 'In-house Training Programme' for newly recruited officials and staff of the Commission and 'Summer & Winter Internship Programmes' of one month duration each for college and university students and short-term attachment for students interested in the field of human rights. During the period under review, a total of 70 training programmes, workshops and seminars were organized by the Training Division of NHRC in collaboration with the Administrative Training Institutes, Police Training Institutes, State Human Rights Commissions, Universities, NGOs and other institutions/organizations across the country.

## **Workshop on Manual Scavenging and Sanitation**

**2.30** A one-day national level Workshop on Manual Scavenging and Sanitation was organized by the Commission on 11 March 2011. The main objective of the workshop was to draw the

attention of all stakeholders towards the need for effective and continuous monitoring of the problem so as to put an end to the degrading practice of manual scavenging.

### **Organization of Zonal Workshops on Minimum Wages Act**

**2.31** During 2010-2011, the NHRC organized three one-day Zonal Workshops on Minimum Wages Act. The first Zonal Workshop for Southern States was organized in Hyderabad on 9 September 2010, the second Workshop for Western States was convened in Ahmedabad on 29 October 2010 and the third for Eastern States was conducted in Bhubaneswar on 7 January 2011.

### **Launch of Online Training Programme on Human Rights for Police Personnel**

**2.32** The NHRC in collaboration with the Indira Gandhi National Open University (IGNOU), New Delhi launched the on-line training programme on human rights for the police personnel on 1 February 2011. The programme was launched by Justice Shri K.G.Balakrishnan, Chairperson, NHRC in the presence of Prof. V.N.Rajasekharan Pillai, Vice Chancellor IGNOU. The main aim of the programme is to spread awareness among the police personnel, in particular, those who are at the cutting edge level in the rank of Constables and Sub-Inspectors, on diverse human rights issues and their application in day-to-day functioning interfacing the public at large.

## **INTERNATIONAL ACTIVITIES**

### **Annual Meeting of Asia Pacific Forum of NHRIs**

**2.33** A four-member delegation from the NHRC headed by its Chairperson participated in the 15th Annual Meeting of the Asia Pacific Forum of NHRIs convened in Bali, Indonesia from 3 to 5 August 2010.

### **Release of Book on Rights of Persons with Disabilities**

**2.34** The Chairperson of the NHRC released a book titled *Convention on Rights of Persons with Disabilities – A Guide by Commonwealth Secretariat* on 3 September 2010 at a function held in the NHRC.

### **10th Biennial Conference of International Coordinating Committee of National Human Rights Institutions**

**2.35** A high-level delegation from NHRC-India led by its Chairperson participated in the 10th Biennial Conference of International Coordinating Committee of National Human Rights Institutions that was convened in Edinburgh, Scotland from 7 to 10 October 2010. The theme of the Conference was 'Human Rights and Business : the Role of National Human Rights Institutions'.

## **Regional Consultation on National Human Rights Institutions and Civil Society Organizations**

**2.36** A two-member delegation from NHRC-India headed by Justice Shri B.C.Patel, Member participated in the 'Regional Consultation on National Human Rights Institutions and Civil Society Organizations Engagement with the International Human Rights System : Enhancing the Protection of Human Rights on the Ground in Asia' convened in Bangkok, Thailand on 22 and 23 November 2010. The main objective of the Consultation was to explore options for systematic cooperation between national human rights institutions (NHRIs) and civil society organizations (CSOs) from the perspective of ensuring a greater and more effective use of the international human rights system for the promotion and protection of human rights on the ground.

## **Seminar on Rights of Persons with Disabilities in the Commonwealth**

**2.37** The NHRC and the Commonwealth Secretariat jointly organized in New Delhi a one-day Seminar on the Rights of Persons with Disabilities in the Commonwealth on 14 January 2011. The Seminar was inaugurated by Shri Mukul Wasnik, Minister for Social Justice and Empowerment, Government of India. The Seminar, among others, was attended by Shri Shuaib Chalklen, United Nations Special Rapporteur on Disability of the Commission for Social Development and Dr. Purna Sen, Head of Human Rights, Commonwealth Secretariat.

## **United Nations Special Rapporteur on Disability Visits NHRC**

**2.38** Mr. Shuaib Chalklen, United Nations Special Rapporteur on Disability of the Commission for Social Development, prior to the Seminar on Rights of Persons with Disabilities in Commonwealth, visited the NHRC on 13 January 2011 for a meeting with its Secretary General, Shri K.S. Money. The meeting was also attended by Shri P.K. Pincha, Special Rapporteur on Disability in the NHRC. Shri Money informed the Special Rapporteur that the Commission has been actively engaged with the Government to ensure that disability specific laws and mainstream laws, which affect the rights of persons with disabilities, are harmonized with the United Nations Convention on the Rights of Persons with Disabilities.

## **United Nations Special Rapporteur on Human Rights Defenders Visits NHRC**

**2.39** Ms. Margaret Sekaggya, United Nations Special Rapporteur on Human Rights Defenders visited NHRC on 15 January 2011 wherein she interacted with the Members of the Statutory Full Commission and its senior officers. The Chairperson of the National Commission for Protection of Child Rights also participated in the discussions as a special invitee. The Commission shared the concerns for human rights defenders who risk their safety, while taking up matters of human rights violations of others. It was further informed that all possible steps were being taken by the Commission to protect the interests of human rights defenders. A Focal Point

for human rights defenders had been set-up in the NHRC which is accessible round the clock through mobile telephone number, fax and e-mail.

**2.40** Later during the day, the Special Rapporteur interacted with the representatives of non-governmental organizations working for the protection and promotion of human rights in the country and members of the civil society.

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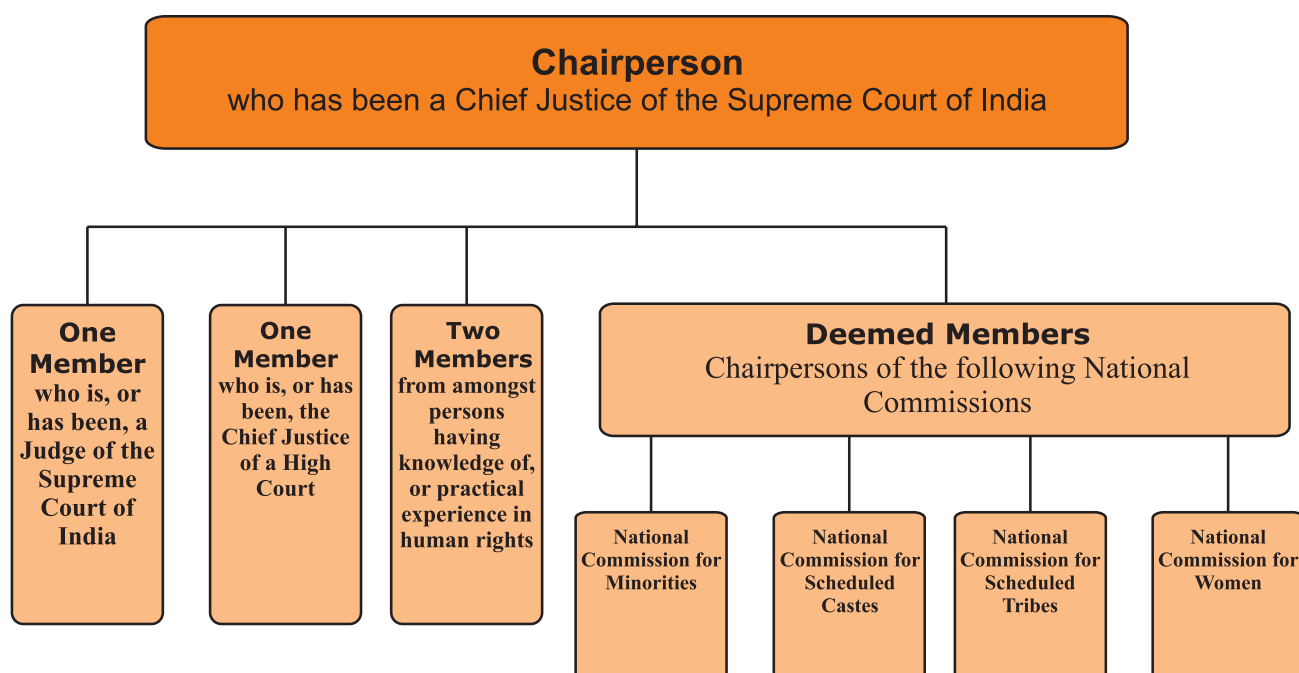
## NHRC : ORGANIZATION AND FUNCTIONS

**3.1** The NHRC was established on 12 October 1993. Its statute is contained in the Protection of Human Rights Act, 1993 as amended vide the Protection of Human Rights (Amendment) Act, 2006. The constitution of NHRC is in conformity with the Paris Principles that were adopted at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights organized in Paris in October 1991, and endorsed by the General Assembly of the United Nations in Resolution 48/134 of 20 December 1993. The Commission is an embodiment of India's concern for the promotion and protection of human rights.

### Composition

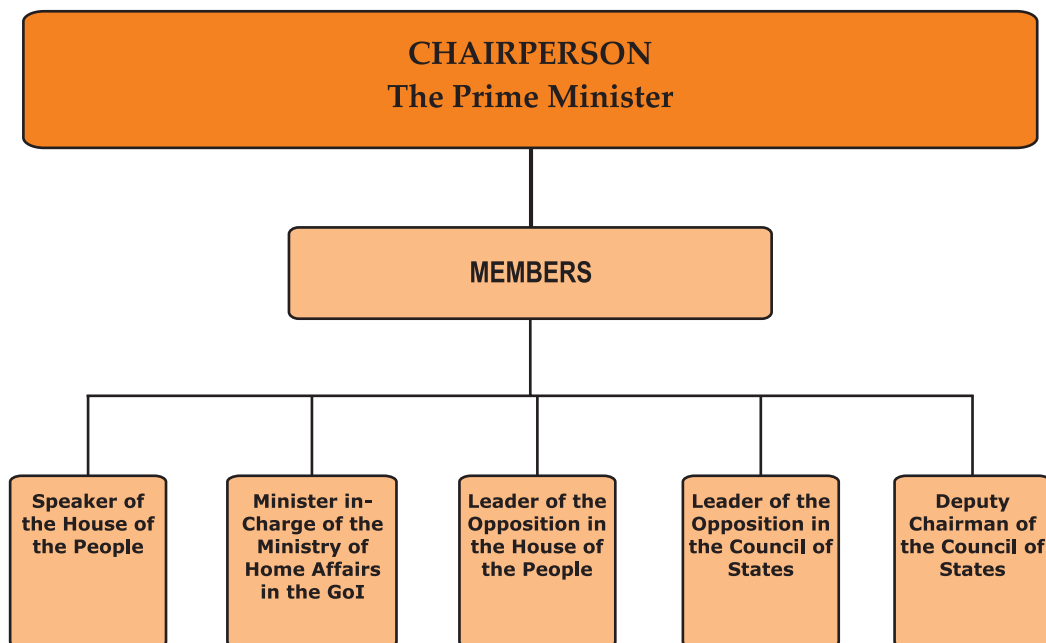
**3.2** The Commission consists of a Chairperson, four full-time Members and four deemed Members. The statute lays down high qualifications for the appointment of the Chairperson and Members of the Commission.

### Composition of NHRC



**3.3** The Chairperson and the Members of the NHRC are appointed by the President of India, on the recommendations of a high-level Committee comprising the Prime Minister (as Chairperson), the Speaker of the Lok Sabha (House of the People), the Minister in-charge of the Ministry of Home Affairs in the Government of India, the Leaders of the Opposition in the Lok Sabha and Rajya Sabha (Council of States), and the Deputy Chairman of the Rajya Sabha.

### **Selection Committee for Appointment of Chairperson and Members of NHRC**



**3.4** The statutory requirements relating to the qualifications of the Chairperson and Members of the Commission, as well as their selection by a high-level and politically-balanced Committee ensures a high degree of independence and credibility to the functioning of the NHRC.

**3.5** The Chief Executive Officer of the Commission is the Secretary-General, an officer of the rank of Secretary to the Government of India. The Secretariat of the Commission works under the overall guidance of the Secretary-General.

**3.6** There are five Divisions in the Commission. These are – (i) Law Division, (ii) Investigation Division, (iii) Policy Research, Projects and Programmes Division (PRP&P Division), (iv) Training Division, and (v) Administration Division.

**3.7** The Law Division deals with the complaints of human rights violation made to the Commission either by the victim or any other person on behalf of the victim or on a direction or order of any court. Suo motu cognizance of serious matters taken by the Commission on the basis of print and electronic media reports is also dealt with by the Division. All complaints are

scrutinized and processed using the Complaint Management and Information System (CMIS) software especially devised for this purpose. Thereafter, these complaints are registered and placed before the Commission for its directions. As per directions of the Commission, follow-up action is taken by the Division in these cases till their final disposal. The Division also prepares office notes for the cases placed before the Full Commission and Division Benches after analysing reports received from the concerned authorities. It further provides its views/opinion on various Bills/draft legislations received in the Commission for better protection and promotion of human rights. The Division is headed by a Registrar (Law), who is assisted by Presenting Officers, a Joint Registrar, a number of Deputy Registrars, Assistant Registrars, Section Officers and other secretarial staff.

**3.8** The Investigation Division carries out spot investigations all over the country on behalf of the NHRC. Furthermore, it facilitates in collection of facts from all over the country relating to varied complaints made to the Commission, in scrutinizing of reports received from the police and other investigation agencies and in looking into reports of custodial violence or other misdemeanours. In addition, the Division analyzes the intimations and reports from the State authorities regarding deaths in police and judicial custody as well as deaths in police encounters. It also renders expert advice on other matters related to action of police or armed forces. The Division has set up a Rapid Action Cell to attend to complaints that require immediate action. Apart from this, it facilitates the Training Division in spreading human rights literacy as envisaged in Section 12(h) of the PHRA. It is headed by an officer of the rank of Director General of Police, and is assisted by a Deputy Inspector General of Police, Senior Superintendent of Police, Deputy Superintendents of Police, Inspectors, Constables and other secretarial staff. The Policy Research, Projects and Programmes Division undertakes and promotes research on human rights and organizes conferences, seminars and workshops on important human rights issues. Whenever the Commission, on the basis of its hearings, deliberations or otherwise, arrives at a conclusion that a particular subject is of importance, it is converted into a project/programme to be dealt with by the PRP&P Division. Besides, it reviews policies, laws, treaties and other international instruments in force for the protection and promotion of human rights. It assists in monitoring the implementation of the Commission's recommendations by Central and State/Union Territory authorities. It also aids the Training Division in spreading human rights literacy and in promoting awareness about the safeguards available for the protection of human rights. The work of the Division is handled by two Joint Secretaries, a Director, a Senior Research Officer, Research Officers, Research Assistants and other secretarial staff. The Training Division is responsible for spreading human right literacy among various sections of the society. As such, it trains and sensitizes various government officials and functionaries of the State and its agencies, non-government officials, representatives of civil society organizations and students on different human rights issues. Besides, it conducts Internship Programmes for college and university students. The Division is headed by a Joint Secretary (Trg.), and is assisted by a Senior Research Officer (Trg.), an Under Secretary and other secretarial staff. The Administration Division looks after the establishment, administrative and related requirements of the Chairperson and Members of the NHRC. Besides, it looks into personnel, accounts, library and other requirements of the officers and staff of the NHRC. The Division

is headed by a Joint Secretary (Programmes & Administration) and is assisted by a Director, a number of Under Secretaries, Section Officers and other secretarial staff. The Information and Public Relations Unit under the Administration Division disseminates information relating to the activities of the NHRC through the print and electronic media. It brings out a bilingual monthly Newsletter 'Human Rights' and other publications of the Commission. Furthermore, it looks into applications and appeals received under the Right to Information Act, 2005.

**3.9** The reach of the Commission is greatly enhanced by the appointment of Special Rapporteurs and the constitution of Core and Expert Groups. Special Rapporteurs are very senior officers who, prior to their retirement, had served as Secretaries to the Government of India or Directors General of Police or have done exemplary service in a human rights related field. They are either assigned specific subjects to deal with, such as Bonded Labour, Child Labour, Custodial Justice, Disability, etc., or a zone comprising a group of States to look into human rights concerns and violations.

**3.10** Core/Expert Groups consist of eminent persons or representatives of bodies working on human rights issues. These Groups render expert advice to the Commission on various issues. Some of the important Core/Expert Groups constituted in the NHRC are:

- Core Advisory Group on Health
- Core Group on Mental Health
- Core Group on Disability
- Core Group on NGOs
- Core Group on Legal Issues
- Core Group on Right to Food
- Core Group on Rights of Elderly Persons
- Expert Group on Emergency Medical Care
- Expert Group on Refugees
- Expert Group on Silicosis
- Expert Group on Unsafe Drugs & Medical Devices

## Functions

**3.11** The Commission has a wide mandate. Its functions as laid down in Section 12 of the PHRA include:

- Inquire, suo motu or on a petition presented to it by a victim or any person on his behalf or on a direction or order of any court, into complaint of (i) violation of human rights or abetment thereof; or (ii) negligence in the prevention of such violation, by a public servant.
- Intervene in any proceeding involving any allegation of violation of human rights pending before a court, with the approval of such court.
- Visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of inmates thereof and make recommendations thereon to the Government.

- Review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation.
- Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- Study treaties and other international instruments on human rights and make recommendations for their effective implementation.
- Undertake and promote research in the field of human rights.
- Spread human rights literacy among various sections of society and promote awareness about the safeguards available for the protection of these rights through publications, the media, seminars and other available means.
- Encourage the efforts of non-governmental organizations and institutions working in the field of human rights.
- Such other functions as it may consider necessary for the protection of human rights.

## **Powers**

**3.12** While inquiring into complaints under the PHRA, the Commission has all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908.

## **Special Features**

**3.13** The NHRC is fully compliant with the Paris Principles for National Human Rights Institutions adopted by the United Nations General Assembly in the year 1993. It has a very wide mandate and functions. The Commission has evolved transparent systems and procedures for discharging its functions. The Commission has laid down procedures to transact its own business by formulating regulations.

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## CIVIL AND POLITICAL RIGHTS

### A. Custodial Violence and Torture

**4.1** Custodial violence is a calculated assault on human dignity. The NHRC during the period under review remained actively engaged in its efforts to bring to an end the egregious violations of human rights that result in custodial deaths. A systematic effort to curb custodial violence has been a major priority of the Commission. In accordance with its guidelines issued from time to time, the agencies of the States/Union Territories have, by and large, been found to be prompt in informing the Commission, within 24 hours, of any occurrence of a death in custody. However, the subsequent reports like inquest report, post-mortem report, magisterial enquiry report, etcetera are not being received expeditiously in many cases.

**4.2** It is pertinent to note that not all cases of custodial deaths can be attributed to custodial violence. The prime cause for many of these deaths is on account of natural reasons such as long-lasting illness, old age and other debilitating factors. The other causes could be due to violence between prisoners, suicide and medical negligence.

**4.3** During the year under review, 1,574 cases of custodial deaths were reported to the Commission. Out of these, 1,426 cases were related to deaths in judicial custody, 146 cases pertained to deaths in police custody and two cases pertained to deaths in the custody of defence/para-military forces. Details of some of the important cases of custodial deaths dealt with by the Commission are given below :

#### a) Custodial Deaths

##### *Judicial Custody*

1. *Death of Undertrial Prisoner Ramsingh Udasingh Ravana in Bharuch Sub-Jail, Gujarat (Case No. 524/6/5/07-08-JCD)*

**4.4** The Superintendent of Police, Bharuch, Gujarat sent an intimation dated 12 October 2007 to the Commission about the death of one undertrial prisoner on 11 October 2007 who was in the custody of Bharuch Sub-Jail in Gujarat. The name of the undertrial prisoner was Ramsingh Udasingh Ravana and he was about 30 years old. The deceased was brought to Bharuch Sub-Jail from Dahanu Sub-Jail in Maharashtra, in a private car by the Maharashtra police on 11 October 2007 around 9 a.m. along with three other accused.

4.5 Pursuant to directions of the Commission, the State Government informed that in an enquiry relating to Ramsingh Udasingh Ravana, the concerned enquiry Magistrate had concluded that the deceased died enroute, while he was being taken to Bharuch Sub-Jail by Maharashtra police as per the directions of the court. The deceased was not provided timely medical care and the doctors of Talasari Dispensary in Maharashtra had too shown negligence on their part.

4.6 Taking into consideration all the facts of the case, the Commission recommended to the Chief Secretary, Government of Maharashtra, to pay a sum of 3,00,000 to the next of kin of deceased Ramsingh Udasingh Ravana. On receiving the proof of payment made to the next of kin of the deceased by the Government of Maharashtra, the case was closed by the Commission.

2. *Suo motu Cognizance of Custodial Death in Central Jail No.6 of Tihar Jail, New Dehi*  
(Case No. 1138/4/4/08-09-JCD)

4.7 The Commission took suo motu cognizance of a news item which was published in the *Hindustan Times* dated 7 July 2004 relating to the custodial death of one Zohara d/o Barat Ali, aged 24 yrs, on 3 July 2004, while she was in Central Jail No.6 of Tihar Jail in New Delhi. The deceased was in the jail since 2 February 1999 in connection with case FIR No.4/99, u/s 21/43, 61/83 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4.8 The Commission directed its Director General (Investigation) to collect the requisite reports within eight weeks. On consideration of the relevant reports received from the concerned authority, the Commission observed that the deceased was ill and the related Medical Board in order to provide prompt treatment had recommended her transfer to a better equipped medical centre. It also noted that the patient was admitted on 21 June 2008 and the necessary investigations were suggested on 22 June 2008. However, no investigation was carried out. The deceased consequently died in Sadar Hospital on 6 July 2008 which testifies that no action was taken by the jail authority for giving her proper medical treatment by referring her to a better equipped medical centre till she died. On the other hand, if proper and timely medical treatment had been provided, the life of the victim could have been saved. The Commission thus concluded that the cause of death of the deceased was nothing short of sheer administrative and medical negligence and recommended to the Government of NCT of Delhi to pay 3,00,000 as monetary relief to the next of kin of the deceased and also submit a compliance report along with proof of payment.

4.9 The compliance report and proof of payment has since been received and the case closed.

3. *Death of Convict Puran Singh in District Jail, Fatehgarh, Uttar Pradesh*  
(Case No.32064/24/2004-2005-CD)

4.10 The Commission received an intimation dated 24 September 2004 from the Senior Superintendent of Police in Fatehgarh about the death of a prisoner, Puran Singh. He was undergoing life imprisonment in Fategarh District Jail. While in prison, it was detected that

he was ailing from mental illness and a decision was taken to transfer him to Mental Hospital in Varanasi on 4 January 1999. The reports received from concerned authorities, however, revealed that the jail authorities sought for sanction to transfer him to Varanasi Mental Hospital on 3 February 1999. However, as a matter of fact, the sanction to transfer Puran Singh was obtained only on 29 April 1999 and it was also learnt that there was no guard to take him to the Mental Hospital in Varanasi. Eventually, he was shifted to the Mental Hospital in Varanasi only on 27 October 1999, that is, after a gap of nine months. Subsequently, as Puran Singh's condition deteriorated, he was shifted to Shiv Prasad Gupta Hospital in Varanasi on 22 August 2000. During the course of treatment in Shiv Prasad Gupta Hospital in Varanasi, Puran Singh passed away on 29 August, 2000. The post-mortem report nevertheless indicated that he died of "septicemic shock as a result of lung infection", though there was no ante-mortem injury on his body.

**4.11** The Commission vide its proceedings dated 7 June 2010 observed that there was a blatant violation of human rights as Puran Singh was not taken to the mental hospital even after it was found that he was a mentally ill. It took about 10 months to take him to the mental hospital. Such a lackadaisical attitude on the part of prison officials or staff should not exist in any jail. The Commission therefore directed the Chief Secretary, Government of Uttar Pradesh to take remedial steps from the point of view of ensuring that in future delay of this kind does not occur in jails.

**4.12** The Commission closed the case with the observation that the concerned authority in all the jails should grant such requests promptly and extend the services of guards, whenever a request is made for taking patients to other hospitals requiring immediate treatment. This would not only prevent delay but also ward off serious violation of human rights of the prisoners.

**4.** *Death of Undertrial Prisoner Om Prakash in Rohini District Jail, New Delhi*  
(Case No.4915/30/9/07-08-JCD)

**4.13** The Superintendent of Rohini District Jail in New Delhi sent a message through wireless on 20 December 2007 intimating the death of an undertrial prisoner Om Prakash, s/o Teeja Mehto, aged 23 years on 20 December 2007 itself in Rohini District Jail. Om Prakash was lodged in the District Jail on 25 June 2007 in case FIR No.1030/07 for offences punishable under Sections 498 A/304 B/34 IPC, in Police Station Sultan Puri, Delhi. He was referred to Dr Baba Saheb Ambedkar Hospital in Rohini, New Delhi in an emergency. However, Om Prakash expired on 20 December 2007 while undergoing medical treatment.

**4.14** It was also learnt that the deceased died on account of a head injury due to which he slipped into coma. This fact was not explained by anyone and the Magistrate inquiring into the incident also indicated that the death of the deceased took place under unnatural circumstances. His inference was that the death had occurred due to the negligence of the jail staff.

**4.15** Under the circumstances, the Commission served a notice to the Government of NCT of Delhi under Section 18 (a) (i) of the PHRA calling its Chief Secretary to show-cause as to

why compensation should not be recommended to the deceased's next of kin for his unnatural death while he was in custody. The Chief Secretary was also directed to send the Action Taken Report with regard to the magisterial enquiry conducted as well as the status of FIR, if any, registered within a time frame of six weeks.

**4.16** In response, the Deputy Commissioner of Police, Delhi HQs vide letter dated 19 July 2010 informed that a case under crime no. 255/09 for the offence punishable under section 302 IPC had been registered which was under investigation. It was further stated that it would not be proper at this stage to recommend payment of compensation to the next of kin of the deceased.

**4.17** The Commission after considering the reply observed that the deceased Om Prakash was in the care and custody of the State. As per the post-mortem report the death had taken place due to head injury due to a blunt impact over the head. The Magistrate who conducted the magisterial inquiry too had concluded that the death of the deceased was an unnatural death and it was a clear-cut case of commission of cognizable offence, which required thorough investigation. Consequently, FIR No. 255/09 for the offence punishable under section 302 IPC was registered at Police Station Samaypur Badli. Taking into consideration all the facts of the case, the Commission recommended to the Government of NCT of Delhi to pay a sum of Rs. 5,00,000 as monetary relief to the next of kin of the deceased Om Prakash and submit a compliance report alongwith the proof of payment to the Commission.

**4.18** On receipt of compliance, the case has been closed by the Commission.

**5.** *Death of Undertrial Prisoner Devnarayan Mondal in Madhubani District Jail, Bihar*  
(Case No. 3874/4/2004-05-CD)

**4.19** On an intimation received from the Superintendent of Madhubani District Jail in Bihar concerning the death of undertrial prisoner Devnarayan Mondal on 4 February 2005 the Commission took cognizance of the matter and directed to call for the requisite reports.

**4.20** After prolonged correspondence, the Superintendent of Madhubani District Jail vide letter dated 19 July 2006 forwarded a copy of the inquest, post-mortem and magisterial enquiry reports. The Inquest proceedings revealed no injury on the person of the deceased. The cause of death, as per the report, was due to congestive cardiac failure, anaemia and chronic inflammatory disease of the lung. In the magisterial enquiry report, the Sub-Divisional Magistrate concluded that there was delay in sending the deceased to the hospital for better treatment thereby holding the jail administration guilty.

**4.21** A show-cause notice was subsequently issued to the Chief Secretary, Government of Bihar as to why monetary relief should not be recommended to be paid to the next of kin of the deceased.

**4.22** In response, a letter dated 29 April 2010 was received from the Government of Bihar stating that the Government has no objection to the grant of monetary relief to the next of kin of the deceased.

**4.23** Accordingly, an amount of Rs. 3,00,000 was recommended to be paid as monetary relief to the next of kin of the deceased.

**4.24** The case was closed on receipt of proof of payment by the Government of Bihar.

6. *Death of Undertrial Prisoner Harish Patel in Central Jail Ambikapur, District Surguja, Chhattisgarh (Case No. 106/33/16/07-08)*

**4.25** The Superintendent of Central Jail in Ambikapur, District Surguja, Chhattisgarh informed the Commission that an undertrial prisoner Harish Patel, aged about 29 years, was murdered on 5 April 2007 at his residence while being taken to District Hospital for donating blood on his own volition. On examination of the inquest and the post-mortem reports, it came to light that the victim was not murdered but had died on account of shock caused by five fire arm injuries which ultimately resulted in the failure of his cardiac respiratory system.

**4.26** The District Magistrate of Surguja vide letter dated 28 March 2009 forwarded a copy of the magisterial enquiry report conducted by Deputy Collector of Surguja. The report revealed that when Harish Patel along with two other inmates of the jail was being taken for blood donation, ample number of guards had not been provided for their supervision. All the three inmates were being taken to the hospital for blood donation on foot. Harish Patel even on being reprimanded by the jail warden went to his house. The jail warden along with the other two inmates followed him. When Harish Patel was in his house, his brother Vijay Patel owing to some hostility in the family fired upon him which resulted in his instant death.

**4.27** According to the Commission, the deceased Harish Patel was in the care and custody of the State. He along with two other inmates was being taken to the District Hospital for blood donation. The deceased himself insisted on going to his house where he was killed by his brother. The Magistrate had thus held the jail officials responsible for his death. In the given circumstances the Commission issued a notice u/s 18 (c) of the PHRA to the Chief Secretary, Government of Chhattisgarh, Raipur calling upon him to show-cause as to why monetary relief should not be recommended to the next of kin of the deceased. He was also asked to apprise the Commission about the action taken on the magisterial enquiry report.

**4.28** Despite the show-cause notice and a reminder issued by the Commission, no reply was received from the Government of Chhattisgarh. The Commission considered the matter of non-receipt of reply to the show-cause notice on 23 April 2010 and took the view that the Government of Chhattisgarh, perhaps, had nothing to say on merits. The deceased was killed while in custody which definitely violated his human rights. It thus recommended to the Chief Secretary, Government of Chhattisgarh to pay a sum of Rs. 3,00,000 as monetary relief to the next of kin of the deceased. The Chief Secretary was also directed to send the proof of payment made to the next of kin of the deceased within eight weeks.

**4.29** On receiving the proof of payment from the Government of Chhattisgarh, the case was closed by the Commission.

7. *Death of Undertrial Prisoner Abdul Sattar in Special Sub-Jail Davangere, Karnataka*  
(Case No. 440/10/2005-2006-CD)

**4.30** Superintendent, Special Sub-Jail, Davangere, Karnataka vide communication dated 27 January 2006 informed the Commission about the death of an undertrial prisoner, Abdul Sattar, son of Abdul Wahab, aged 40 years, while undergoing treatment in C.G. Hospital, Davangere on 27 January 2006. As per report dated 2 November 2010 received from the Superintendent of the Special Sub-Jail in Davangere, the condition of Abdul Sattar was not found to be good when he was admitted in the jail on 16 December 2005.

**4.31** Pursuant to the directions of the Commission, the inquest, post-mortem and magisterial enquiry reports along with the exact cause which led to the death of Abdul Sattar as well as his complete medical treatment records were summoned forth from the State. The inquest-cum-magisterial enquiry report revealed that the cause of death of the deceased was due to gastro-intestinal tract bleeding. The Magistrate concluded that there was no foul play in the death of the deceased. The post-mortem report showed no external injuries on the body of the deceased. The medical record showed that the deceased was given treatment with effect from 26 January 2006.

**4.32** The Commission vide its proceedings dated 24 January 2011 directed that a copy of the treatment record of the deceased be forwarded to the expert on the panel of the Commission for examination, who opined that the undertrial prisoner was admitted to the jail on 16 January 2005 and at that point of time he was suffering from various ailments. However, no treatment record of the undertrial was available for the period from 16 December 2005 to 25 January 2006. As his lower limb was fractured, he was provided treatment, including application of Plaster of Paris cast on 26 January 2006. On the very same day, he vomited blood, after which he was admitted to C.G. Hospital in Davangere, where he died on 27 January 2006 at 2:15 a.m. As per the post-mortem report, both his eyes were yellowish and the liver had enlarged. The cause of death was given as "hypo-volumic shock and septicaemia due to bleeding duodenal ulcer and lung infection". As per the findings of the post-mortem report, the Commission observed that it appeared to be a case of 'cirrhosis of liver leading to portal hypertension', which is a disease that develops over a period of time and not instantly. As per available records it was only on 26 January 2006, when the deceased had a fracture and vomited blood that he was referred to a hospital for the first time. The medical expert thus was of the view that prima facie it appeared that adequate treatment was not provided to the deceased for various ailments during his stay in the jail from 16 December 2005 to 25 January 2006.

**4.33** In the light of the opinion given by the medical expert, the Commission felt that there was negligence on the part of the State authorities in not providing timely treatment to the deceased for his ailments at the time of his admission in the jail. This act of omission on the part of the jail officials in not providing timely and proper treatment to the deceased resulted in untimely death of the deceased and unquestionably it amounted to violation of his human rights. The Commission hence directed the Chief Secretary of Government of Karnataka to show-cause as to why appropriate monetary relief be not recommended to the next of kin of the deceased. The reply to the show-cause notice is awaited from the Chief Secretary, Government of Karnataka.

8. *Death of Undertrial Prisoner Murugan in Salem Central Jail, Tamil Nadu*  
(Case No. 69/22/31/09-10-JCD)

**4.34** The case under reference relates to the death of an undertrial prisoner Murugan, aged about 42 years, who was imprisoned in Salem Central Jail, Tamil Nadu on 1 December 2008 in connection with Crime No. 628/2008 u/s 397 IPC registered in Police Station Thalaivasal, Salem. On the advice of Prison Medical Officer, Murugan was sent to Government Medical College and Hospital in Salem on 8 April 2009 for treatment but he expired on 10 April 2009. The post-mortem report did not indicate any ante-mortem injury on the body of the deceased. However, internal examination of head showed subarachnoid haemorrhage over both cerebral hemispheres. Yet, the cause of death was not divulged on the plea that the chemical analysis report was awaited. The viscera report too did not reveal any poison. The final cause of death declared was "subarachnoid haemorrhage - natural".

**4.35** During the course of the magisterial inquiry conducted thereafter by the Sub-Divisional Magistrate of Salem, it was stated by Mahendiran, the son of the deceased that his father was in good health. One day when his mother went to see his father in the jail, he had complained to her the manner in which the police ruthlessly hit him on both the ears a day before as a result he was unable to hear anything. The other relatives of the deceased who were examined during the inquiry too suspected that Murugan's hearing was impaired on account of brutal thrashing given by the police on his ears. The co-prisoners also stated that Murugan was detained and tortured by the police for 11 days. The inquiry Magistrate concluded that Murugan was mercilessly beaten by those police personnel who were responsible for his custodial proceedings. A departmental action was recommended against the guilty police personnel. Though the health screening report was not available, in the magisterial enquiry report the pharmacist and the hospital doctor categorically stated that when Murugan was admitted to the Government Medical College and Hospital for treatment, he was unconscious and had injuries on his body.

**4.36** The Commission on examination of the reports noted that the police had not only mercilessly beaten the deceased but there was medical negligence on the part of the prison officials as well, for which the State must be held responsible. Accordingly, the Commission directed to issue a notice under Section 18 (a) (i) of the PHRA to the Government of Tamil Nadu to show-cause, within six weeks, as to why monetary relief should not be recommended to the next of kin of the deceased. It also directed the Principal Secretary, Home, Government of Tamil Nadu to conduct a detailed CB-CID inquiry into the matter for fixing up the responsibility and taking legal action against the culprits.

**4.37** The reports from the Government of Tamil Nadu are awaited.

9. *Death of Undertrial Prisoner Kaki Sreenu in Kakinada Sub-Jail in East Godavari District, Andhra Pradesh* (Case No. 740/1/5/08-09-JCD)

**4.38** In the above case, an undertrial, named Kaki Sreenu, 31 years of age, was lodged in the Kakinada Sub-Jail in East Godavari District of Andhra Pradesh on 4 April 2008. The undertrial died on 19 December 2008. On examination of the reports and documents called for by the

Commission, it was revealed that there was no external injury found on the body of the deceased during the post-mortem examination. The autopsy surgeon nevertheless opined the cause of death as “Infection of both lungs; broncho-pneumonia with bilateral pulmonary tuberculosis”. The deceased was also clinically diagnosed as ‘HIV Sero-positive’, which is a natural cause of death.

**4.39** As per the information received from the Superintendent of Kakinada Sub-Jail, the deceased was having chest pain and breathing problem from 18 December 2008 and was also suffering from fever for the last four days. He was provided necessary treatment. On 19 December 2008 at about 11.40 a.m. he died due to respiratory failure. The magisterial inquiry found that the deceased was clinically diagnosed as HIV Sero-positive and died on account of infection of both the lungs. It was further found that adequate treatment was provided to the undertrial prisoner.

**4.40** The Commission thus directed the Superintendent of Kakinada Sub-Jail to forward to it the entire treatment record of the deceased. In response, the Superintendent informed to the Commission that the undertrial prisoner did not express any complaint concerning his ill-health till 18 December 2008; hence, there was no treatment record of the deceased in the prison. Since the deceased died at the young age of 31 years and at the time of his admission to the jail he was suffering from bronchitis and weighed only 40 kg., expert opinion from an empanelled doctor was sought. The expert vide his report dated 5 April 2011 opined that “considering the chronology of events, I am of the opinion that it is unlikely that for eight months the disease, which he was suffering from, will not give rise to any symptoms and suddenly within one day the person dies. Even at the time of entry in the jail, the person had complained of breathlessness (Bronchitis), but no treatment was provided to him by the jail authorities. Prima facie this is a clear cut case of medical negligence in which no treatment was provided to a young prisoner of 31 years for eight long months, which has ultimately resulted in his death”.

**4.41** The Commission observed that as the medical negligence was established, the State was liable to compensate the next of kin of the deceased. Consequently, the Commission directed to issue a show-cause notice u/s 18 (a) (i) of the PHRA to the Government of Andhra Pradesh, to show-cause as to why monetary relief should not be recommended for the next of kin of the deceased.

**4.42** The reply to the show-cause notice has been received from the Government of Andhra Pradesh and the same is under consideration of the Commission.

### ***Police Custody***

**10.** *Alleged Death of a Minor Boy in Mawryngkneng Police Outpost in East Khasi Hills District, Meghalaya (Case No. 10/15/2/09-10-AD)*

**4.43** The Commission received a complaint dated 11 May 2009 from one Shri Suhas Chakma, Director, National Campaign for Prevention of Torture in Janakpuri, New Delhi alleging that a minor boy Sngewlem Kharsati, aged 17 years and residing in Puriang village in East Khasi

Hills District of Meghalaya had died in police lock-up of Mawrayngkneng Police Outpost in the evening of 9 May 2009. It was alleged that the deceased was returning home from work in Sung valley. He was picked up by the police for possessing a dao (sword) in his tiffin bag. He was beaten by the police on the road in public and thereafter pushed into a car and taken to police outpost. He was further subjected to torture in the police outpost which resulted in his death. The police then took him to the Civil Hospital in Shillong where he was declared brought dead by the attending doctor. A prayer was made before the Commission for judicial probe in the matter, arrest of the accused police personnel and compensation for the next of kin of the deceased. An intimation in this regard was also received in the Commission from the District Magistrate, East Khasi Hills, Meghalaya.

**4.44** Pursuant to the directions of the Commission, the Superintendent of Police, East Khasi Hills submitted a report dated 26 June 2009 in which it was stated that there was a massive traffic jam on NH-44 at Puriang village. In that traffic jam, one truck driver whose name was Gouranga Deb Nath, shouted for help claiming that he was being robbed. By the time the police personnel reached the truck, two miscreants fled from the spot. One of the miscreants, Sngewlem Kharsati, was somehow nabbed with the help of the truck driver. In this process, the truck driver and the apprehended miscreant sustained injuries. The miscreant was then taken to the police outpost for purposes of interrogation. He was later sent to the Civil Hospital where the doctors declared him brought dead. During the magisterial enquiry, there was not a single witness who stated that the deceased was beaten up by the police. The post-mortem report, however, disclosed three abrasion injuries, seven contusions, three lacerations, 14 deep abrasions and the cause of death was stated to be shock peripheral circulatory obstructions and haemorrhage following multiple injuries in the chest, limbs and head of the deceased.

**4.45** A show-cause notice was hence issued to the Chief Secretary, Government of Meghalaya. The State Government, in response, reiterated the police version stating that except for the relatives of the deceased, no person had blamed the police for Sngewlem Kharsati's death. Moreover, if the police had not intervened in the matter, many more casualties could have taken place. Taking into consideration the poor condition of the family of Sngewlem Kharsati, the State Government declared that a sum of Rs. 2,00,000 be paid as compensation to the next of kin of the deceased.

**4.46** Relying upon the findings of the Additional District Magistrate, East Khasi Hills who concluded "the police version of the incident is not validated", the Commission vide its proceeding dated 1 December 2010 observed there was no merit in the plea taken by the State Government. The Commission, in essence, found it strange to believe that any person would dare to commit robbery especially when there was a traffic jam and large crowd of people around. The victim too, the Commission observed, had died before he was taken to the hospital. This fact itself was sufficient to prove that the injuries inflicted on the victim were of serious nature. The police also did not pay any heed to the seriousness of the injuries sustained by the victim and instead of taking him directly to the hospital from the place of occurrence, took him to the police outpost. The overall approach of the police towards the victim only shows their utter callousness. Considering all the circumstances, the Commission

recommended to the Government of Meghalaya to pay a sum of Rs. 5,00,000 to the next of kin of the deceased and the amount of the 2,00,000 which had already been paid by the State Government be adjusted.

**4.47** The Government of Meghalaya has given its concurrence for paying the amount of 3,00,000 to the next of kin of the deceased. However, the proof of payment is awaited from the State Government.

**11. *Death of Bhuwan Dutt in Madhuban Police Station in Karnal District, Haryana***  
*(Case No.1771/7/10/07-08-PCD)*

**4.48** The Commission received an intimation dated 3 September 2007 from the Assistant Superintendent of Police in Karnal, Haryana about the death of one Bhuwan Dutt, aged 17 years, on 3 September 2007 who was in the custody of Police Station Madhuban in Karnal District of Haryana. The deceased had committed suicide by burning himself. The deceased was brought to Madhuban Police Station by one Sanjeev Kumar, a resident of Madhuban, on 1 September 2007 in connection with a case Cr. No.115 dated 24 July 2007 u/s 302/301/34 IPC. Bhuwan Dutt set himself on fire by pouring petrol on the same day itself. He was then admitted to PGIMS in Rohtak, Haryana on 2 September 2007 where he succumbed to his burn injuries on 3 September 2007.

**4.49** Taking cognizance of the matter, the Commission directed its Director General (Investigation) to collect all the factual details which led to the death of Bhuwan Dutt and accordingly submit a report. The post-mortem report stated that the deceased had died due to burn injuries which were ante-mortem in nature and sufficient to cause death in ordinary course of nature. The report submitted by the Sub-Divisional Magistrate claimed that as per the recorded dying declaration of the deceased, it was amply clear he died on account of burning himself and that no foul play was suspected in his death. As per the dying declaration recorded by the Judicial Magistrate, the deceased had levelled serious allegations of torture against the police and stated that one Inspector Pawan set him on fire.

**4.50** The Commission took note of the serious lapse on the part of the Sub-Divisional Magistrate who completely disregarded the allegations of torture by the police and the dying declaration of the deceased recorded by the Judicial Magistrate. The deceased in his dying declaration had mentioned that Inspector Pawan had set him on fire. The Commission stated that on the basis of the dying declaration and the enquiry report submitted by the Judicial Magistrate, it was convinced that the police personnel of Madhuban Police Station had committed one of the most serious violations of human rights, which led to the death of Bhuwan Dutt. The Commission directed to issue a show-cause notice to the Government of Haryana as to why monetary relief should not be recommended to the next of kin of the deceased. The Commission also recommended to conduct of a CB-CID enquiry in the matter.

**4.51** In spite of several reminders issued by the Commission, no response was received from the Government of Haryana on the show-cause notice issued by it. The Commission vide its proceedings dated 28 October 2010, recommended to the State of Haryana to pay a sum of

Rs. 5,00,000 to the next of kin of the deceased and also forward a compliance report along with the proof of payment.

**4.52** The Commission has received the proof with regard to payment of ₹ 5, 00,000 made to the next of kin of the deceased by the Government of Haryana. However, the report of the CB-CID investigation in the matter is awaited.

12. *Death of Dharamwati Dayal in Kotwali Police Station in Pilibhit District, Uttar Pradesh (Case No.20678/24/2004-2005)*

**4.53** Intimation was received by the Commission from the District Magistrate, Pilibhit about the death of a woman named Dharmwati, wife of Rameshwar Dayal, in Kotwali Police Station, Pilibhit District, Uttar Pradesh on 4 August 2004.

**4.54** Taking cognizance of the matter, the Commission directed its Director General (Investigation) to collect requisite reports from the concerned authorities. In response, an enquiry report was received from the Superintendent of Police, Pilibhit stating that the police did not torture the deceased woman, though the local police party had gone to her house on 3 August 2004 in connection with a kidnapping case. It was further stated in the enquiry report that when the police reached the house of Rameshwar Dayal, his wife Dharmwati aged 45 years, ran and fell down after hitting a wall. She also sustained an injury over one of her eyebrows. The woman thus died on account of her own weakness on 4 August 2004 as appropriate treatment was denied to her by the family. No information regarding the death of the woman was furnished to the police station by anyone.

**4.55** However, on the basis of an application submitted by Dharamwati's husband, Rameshwar Dayal on 4 August 2004, a panchanama of the body and post-mortem was performed. A case u/s 147/148/149/304/34 IPC and u/s 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was registered on 6 August 2004 at Bisalpur Police Station. Besides, the investigation of the case was transferred to the State CB-CID.

**4.56** The post-mortem report pointed towards an abraded contusion on the right side of the face of the deceased. It also stated that the cause of death could not be ascertained and for that reason the viscera had been preserved. The Commission then called for the report of the investigation conducted by the CB-CID along with the viscera report. The Superintendent of Police, CB-CID, in his report stated that on completion of investigation and legal formalities in the matter, a charge-sheet had been filed against the accused policemen before the Chief Judicial Magistrate, Pilibhit on 20 October 2008.

**4.57** The Commission took note of the fact that the police had filed charge-sheets against guilty policemen for offences punishable under crime case No.489/2004 u/s 147/148/149/204/34 IPC and 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, which exemplifies that the police on their own have held these men guilty for the death of Dharamwati. The Commission also asked the Government of Uttar Pradesh whether any relief had been granted to the next of kin of the deceased under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Commission also

asked the Government of Uttar Pradesh to show-cause whether any monetary relief should be granted to the next of kin of the deceased. As no reply was received from the Government of Uttar Pradesh, the Commission vide its proceedings dated 26 August 2010 recommended that a sum of Rs. 5,00,000 be paid to the next of kin of the deceased.

**4.58** The Commission is monitoring the case as the proof of payment has so far not been received from the Government of Uttar Pradesh.

**13.** *Death of Aslam Kamruddin Shaikh in Otur Police Station in Pune District, Maharashtra (Case No.1122/13/2005-2006-CD)*

**4.59** The Commission received intimation from the Superintendent of Police, Pune Rural about the death of Aslam Kamruddin Shaikh, aged 31 years on 24 December 2005. As per the intimation, the deceased was a resident of Pune and was brought to the Otur Police Station on 24 December 2005 at 3.00 a.m. on suspicion of theft of a motorcycle. However, he committed suicide at about 9.30 a.m. in the room of the police station itself by tying the border of a blanket to his neck.

**4.60** Taking cognizance of the matter, the Commission directed its Director General (Investigation) to collect the requisite reports in the matter. The inquest report revealed that there was a white mark around the neck of the deceased along with a bruise on the right side of the neck. The shoulders of the deceased had reddish marks. The post-mortem report mentioned 13 ante-mortem injuries of abrasions and contusions on the body of the deceased. The cause of death was stated to be due to asphyxia as a result of constriction of the neck. Evidences of blunt injuries were also mentioned in the post-mortem report. However, no poison was found in the viscera report. The State CB-CID on conclusion of the investigations in the matter opined that the police personnel were guilty of unlawful detention as they wanted the deceased to confess that he had stolen the motorcycle. Head Constable Lohkare used criminal force against the deceased Aslam Kamruddin Shaikh. Another Head Constable Chive and Head Constable Pokharkar not only detained the deceased but also tortured him and did not make any entry in the General Diary of the Police Station nor informed the concerned Magistrate about the theft. It was found that Head Constable Pokharkar, being a public servant, disobeyed the law of the land and kept five stolen motorcycles in the Police Station without making relevant entries in the General Diary. The State CB-CID registered a criminal case u/s 302 IPC against the three errant police officials. The accused were arrested and afterwards charge-sheeted. Later, the Sessions Court discharged all the three guilty police personnel on the ground that prior sanction u/s 197 Cr.P.C. was not taken in the given case for prosecution of the police personnel.

**4.61** The Commission held that the investigations conducted by the State CB-CID had clearly disclosed that the deceased died on account of homicidal death in the police custody and therefore the State was liable to compensate the family of the deceased. A show-cause notice was accordingly issued to the Government of Maharashtra calling for response as to why monetary relief should not be granted to the next of kin of the deceased. As no response

in the matter was received from the Government of Maharashtra, the Commission vide its proceedings dated 5 January 2011 recommended to the Government of Maharashtra to pay a sum of 3, 00,000 as monetary relief to the next of kin of the deceased Aslam Kamruddin Shaikh.

**4.62** The case is being monitored by the Commission as the compliance report along with proof of payment is yet to be received from the Government of Maharashtra.

**14.** *Death of Jyoti Rachna in Ongole Town II Police Station in District Prakasam, Andhra Pradesh (Case No.428/1/17/09-10-PCD)*

**4.63** The Commission was informed by the Superintendent of Police, about the death of a woman named Jyothi Rachna in Ongole Town II Police Station in Prakasam District of Andhra Pradesh. The deceased was aged about 32 years and was brought to the Police Station on 20 September 2009 for enquiry in connection with one missing girl Anu, daughter of Bolla Venkateshwarlu. Her husband and their two-and-a-half year old son also accompanied her to the police station. At about 10 p.m., her husband came to the ground floor along with the son as he was not sleeping and later on returned to the first floor at 10.30 p.m. On going back he found his wife hanging from the ceiling fan with her dupatta. Her husband immediately informed the police whereby she was rushed to Rajamma Multi-Speciality Hospital in Ongole. However, despite the best efforts put in by the attending doctors of the hospital, Jyothi Rachna died. A case u/s 176 Cr.P.C. was registered at Ongole II Town Police Station on a complaint made by the husband of the deceased. A complaint in this regard was also received in the Commission from the Chief Editor of the Human Rights Observer, New Delhi.

**4.64** Taking cognizance of the matter, the Commission directed its Director General (Investigation) to collect requisite reports in the matter from the concerned authorities. The post-mortem report mentioned that there were two ante-mortem injuries on the body of the deceased – (i) a linear multiple abrasion below the right axial region, and (ii) a ligature mark measuring 28 cm in length and 2.0 cm in width in front of the neck. The cause of death as per the post-mortem report was due to hanging. The magisterial enquiry report also revealed that the deceased had committed suicide by hanging on account of depression when she was arrested by the police and also opined that the suicide had taken place due to negligence of the police. The Magistrate pointed out that not only the arrest of Jyothi Rachna was contrary to law, but also the Home Guards alleged to have been present there had deposed before him that they were not in attendance when the deceased hanged herself. Statement made by one of the Guards revealed that Jyothi was compelled to sign a statement to show as if she was there when the incident took place. Jyothi too had categorically denied her absence at the related point of time but the Sub-Inspector forcefully took her signatures. There were evidences that the deceased was not kept in a separate cell and from the contents it was clear that she was tortured mentally which drove her to commit suicide. Besides, she was arrested after sun set which amounts to violation of section 46 (4) of Cr.P.C., 1973, as the given section clearly prescribes that a woman is not to be arrested after sun set and before sun rise. If at all the arrest to be made under exceptional circumstances it has to be carried out with the prior permission of Ist Class Judicial Magistrate within whose local jurisdiction the offence was committed or

the arrest was made. For that reason, the arrest was quite contrary to the provisions of law. The Magistrate also pointed out the negligence of the police in the given case.

**4.65** On examination of all the facts, the Commission held that continuing harassment of the deceased and keeping the deceased in a common cell compelled her to take such an extreme step which amounts to abetment to commit suicide on the part of the police officer. The Commission found it a fit case where monetary relief should be awarded to the next of kin of the deceased and issued a show-cause notice to the Chief Secretary, Government of Andhra Pradesh. When the Commission did not receive a substantive reply to its show-cause notice, it recommended a sum of Rs. 2,00,000 be paid as monetary relief to the next of kin of the deceased, Jyothi Rachna.

**4.66** The compliance report along with the proof of payment is awaited in the case.

**15.** *Death of Arun Kumar Singh due to Torture by Police in Patna, Bihar*  
(Case No. 180/4/2002-2003-AD [L/F.188/4/2000-2001-CD])

**4.67** The Commission received a complaint dated 9 April 2002 from one Munna alias Priyaranjan, a resident of Mohalla Bhikna Pahari, Dharhara Kothi, Police Station Kadamkua, Patna in Bihar alleging that his brother Arun Kumar Singh was picked up by the police personnel of Alamganj Police Station on 18 April 2000 for being involved in a theft and was also given a severe beating by them. Next day, i.e. on 19 April 2000, he was produced before a Magistrate and remanded to judicial custody. He was then admitted in Beur Central Prison in an injured condition. In view of his deteriorating condition he was sent to Patna Medical College Hospital on 20 April 2000. The doctors in the hospital did not examine him thoroughly and sent him back to the jail on the very same day. On 22 April 2000 he died in the jail at about 8.00 a.m. According to the complainant, the victim died for want of medical care.

**4.68** On receipt of summoned reports, the Commission in its proceedings dated 31 December 2008 observed that the deceased Arun Kumar Singh was in an injured condition when he was admitted to Beur Central Jail on 19 April 2000. On a day prior to his admission in the jail he was in the custody of police. In the given circumstances, the Sub-Divisional Magistrate, Sadar in Patna had rightly observed in the joint report dated 22 July 2002 that the injuries may have been inflicted by the police. There is no evidence to indicate that the deceased was given any medical care while he was in the police custody. Even after being admitted in the jail he was not given adequate medical treatment. He was sent to Patna Medical College Hospital on 20 April 2000 but it appears that he was not thoroughly examined. He was not admitted as an in-patient in the hospital and sent back to the jail on the same day. Two days later he succumbed to his injuries. All these facts are indicative of total apathy on the part of the prison officials and the doctors. The deceased was first beaten by the police and then he was not given proper medical care. For the inhuman behaviour of police and other functionaries, the State must make monetary amends.

**4.69** The Commission as a result recommended to the Government of Bihar to pay a sum of 2,00,000 as monetary relief to the next of kin of the deceased Arun Kumar Singh.

**4.70** On receipt of proof of payment from the Government of Bihar, the case was closed by the Commission.

16. *Killing of Two Undertrial Prisoners of Fatehpur District Jail by the Uttar Pradesh State Police (Case No.43224/24/2005-2006-CD)*

**4.71** The Commission received an intimation dated 11 March 2006 from the Superintendent, Fatehpur District Jail in Uttar Pradesh, stating that two undertrial prisoners, namely, Maharajden Yadav and Satish Maurya had been murdered while they were being taken to the hospital. The facts as disclosed in the summoned reports stated that the two undertrial prisoners were taken out of Fatehpur District Jail on 7 March 2006 on the pretext of sending them to Swarup Rani Hospital in Allahabad for treatment under police escort. They were instead taken to a brick kiln for procuring bricks free of cost by intimidating the owner. The owner of the brick kiln refused to oblige and consequently a scuffle took place in which both the undertrial prisoners were killed. The Sub-Divisional Magistrate, Khaga who inquired into the incident found that the two undertrials had been deliberately taken to the brick kiln in pursuance of a conspiracy hatched by Parasnath Singh, Superintendent of Fatehpur District Jail; along with K.P. Singh, Dy. Superintendent of the District Jail; Dr Jai Karan Prasad, Medical Officer of the jail and Inspector Rajinder Pal Singh. He recommended action against eleven persons, including K.P. Singh, Dy. Superintendent of Fatehpur District Jail.

**4.72** Pursuant to the directions of the Commission, the State Government informed that a Criminal Case No. 14/2006 u/s 147,148,149,307,302,386,120-8 IPC had been registered at Police Station Dhata and on completion of all the investigations of the case a charge-sheet too was filed in the court. The Inspector General (Prisons) further informed the Commission vide letter dated 12 February 2009 that Dy. Superintendent, K.P. Singh was one of the charge-sheeted accused. He also conveyed that disciplinary proceedings had been initiated against K.P. Singh.

**4.73** The Fast Track Court No. 1 in Fatehpur District had already convicted three accused in Criminal Case No. 14/2006. The Deputy Superintendent who had released the two undertrials had also been implicated as an accused but his trial somehow was stayed by the High Court of Allahabad.

**4.74** As the High Court was seized of this matter, the Commission closed the case.

17. *Death of Motahir Ali by Police in Silchar, District Cachar, Assam (Case No. 130/3/2/2007-2008-PCD)*

**4.75** The Commission received an intimation dated 23 September 2007 from the Deputy Commissioner of Police, Silchar in District Cachar of Assam about the custodial death of one person named Motahir Ali, son of late Akkaddas Ali, aged 45 years, on 21 September 2007 when the deceased was being taken to Silchar Medical College and Hospital by the police.

**4.76** Pursuant to the directions given by the Commission, a report dated 27 February 2008 was received from the Superintendent of Police, Silchar in District Cachar stating that on 20 September 2007, the police was informed about an incident relating to assault and counter assault between two parties whereby it rushed to the spot. Sahabuddin and Motahir Ali were

found lying on the ground in an injured condition by the police team. The two of them were immediately taken to the Community Health Centre for medical treatment. An FIR was also registered by one Bimal Chandra u/s 341/325/326/457/354/34 IPC at Katigorah Police Station in Cachar District of Assam. Shortly thereafter, a counter FIR at the same police station was registered by one Haziar Begum u/s 325/326/34 IPC. Motahir Ali was arrested along with two others in the said case and taken to the police post after medical check-up. On 21 September 2007, the In-charge of Police Post prepared a challan against the three arrested persons for sending them to the court. They were also taken for procedural medical check-up. While arranging a vehicle for them to go to Silchar Court, Motahir Ali suddenly fell unconscious. He was examined by a doctor at the Community Health Centre again and referred to Silchar Medical College & Hospital wherein he was declared brought dead by the Medical Officer on duty.

**4.77** Upon consideration of the post-mortem report, it was learnt that ante-mortem injuries had been caused by a blunt force impact. The findings of the magisterial enquiry report too revealed that inhuman torture had been inflicted upon the deceased by the police which led to his subsequent death. On consideration of all the facts, the Commission issued a notice u/s 18 (a) (i) of the PHRA to the Chief Secretary, Government of Assam as to why compensation should not be recommended and awarded to the next of kin of the deceased.

**4.78** In response to the show-cause notice u/s 18 (a)(i) of the PHRA issued by the Commission, the State Government expressed no objection towards payment of compensation to the next of kin of the deceased.

**4.79** The Commission vide its proceedings dated 12 August 2010 recommended to the Government of Assam to pay a sum of Rs. 5,00,000 as monetary relief to the next of kin of the deceased Motahir Ali.

**4.80** The compliance report along with proof of payment are awaited from the Government of Assam.

**18. *Death of Anil Kumar due to Police Negligence in Chandigarh***  
(Case No. 53/27/0/07-08-PCD)

**4.81** On 12 July 2007, the Commission was informed by the Senior Superintendent of Police, Union Territory of Chandigarh that on 11 July 2007, Sub-Inspector Narender Singh of P.S. Manimajra in Chandigarh along with Constable Harpinder Singh were approached by one Surjit Kaur and others who then handed over to the two policemen a person who was found roaming under suspicious circumstances. An entry was also later made in the police station at 2.45 p.m. The suspected person disclosed his name and address as Anil Kumar, resident of House No. 375, Indira Colony, Manimajra. On verification, it was found that no such person was residing at the said address. However, on further questioning, he gave another address. It appeared that when the suspected person was being questioned in the Police Station, one Brahm Pal, son of Telu Ram was also present in the room of Sub-Inspector Narender Singh. During the course of investigation, Anil Kumar suddenly jumped from the front side of Room

No. 9 on the 1st floor of the Police Station and sustained injuries. He was taken to the hospital but he died on 11 July 2007, while under treatment.

**4.82** While considering the matter on 29 October 2010, the Commission observed that in the instant case, nothing more was required to be discussed in view of the fact that the police had investigated the matter and also filed a charge-sheet in FIR No. 322 on 10 August 2007 against the Sub-Inspector Narender Singh. It was further observed on the basis of available records that Sub-Inspector Narender Singh was convicted on 9 November 2009 for an offence punishable u/s 304 (II) and was sentenced to imprisonment for a period of two years and was also ordered to pay a fine of Rs. 20,000 by the Additional Sessions Judge, Chandigarh. In view of these findings, it goes without saying that a precious human life was lost on account of police apathy.

**4.83** Under the circumstances, the Commission directed that a notice be issued to the Chief Administrator, Union Territory of Chandigarh to show-cause as to why monetary relief should not be paid to the next of kin of the deceased Anil Kumar.

**4.84** The Commission vide its proceedings dated 2 February 2011 considered the response received from the Home Secretary, Union Territory Administration of Chandigarh and recommended to the UT Govt. to pay an amount of Rs. 5, 00,000 to the next of kin of the deceased, Anil Kumar. The compliance report and proof of payment are awaited in the case.

### ***Para-Military/Defence Forces Custody***

19. *Death of Rathajoy Reang due to Torture by Army in Tripura*  
(Case No.20/23/2002-2003-AF)

**4.85** The Commission received a complaint dated 19 July 2002 from Suhas Chakma, Coordinator of Asian Indigenous and Tribal Peoples Network in Janakpuri, New Delhi alleging that a tribal boy, named Rathajoy Reang was taken into custody by Assam Rifles along with three others in June 2002. All the four were later released. After a few days, Reang was again taken into custody. It was alleged that Reang was subjected to torture due to which he died on 25 June 2002. An inquiry was subsequently conducted by the Sub-Divisional Magistrate of Kanchanpur, North Tripura. The explanation tendered by Assam Rifles was that though the deceased was taken into custody, he somehow managed to escape and in the process fell into a canal and died. A police enquiry was also conducted and in the final report submitted by the police, two persons of Assam Rifles were indicted for various offences although the permission for prosecution was awaited. A prayer was thus made before the Commission for an independent enquiry, action against the guilty public servants and compensation for the family of the deceased.

**4.86** On examination of all facts related to the case, the Commission vide its proceedings dated 23 August 2010 observed that the very fact that there is prima facie evidence of torture by officers of Assam Rifles, it is just and proper to recommend monetary relief to the next of kin of the deceased Rathajoy Reang. Accordingly, the Commission recommended to the Ministry

of Defence, Government of India that a sum of Rs. 5,00,000 as monetary relief be paid to the next of kin of the deceased Rathajoy Reang.

**4.87** As the recommendations of the Commission were complied with, the case was closed.

## **b) Illegal Detention and Torture**

**20.** *Death of Dalit Rama Shanker Ram due to Torture by Police in District Chandauli, Uttar Pradesh (Case No. 30182/24/19/2010-AD)*

**4.88** The complainant, President of Human Rights Emergency Helpline Association, a NGO, drew attention of the Commission towards death of one Rama Shankar Ram, a Dalit, due to beating up by police in Thana Sakaldiha, Chandauli. As per the complaint, on 29 July 2010 at about 8 p.m. a Dalit named Rama Shanker was picked up by the Officer-in-charge of the Police Station Sakaldiha in Chandauli District of Uttar Pradesh and was then tortured in police custody. As a result, Rama Shankar Ram died the next morning, i.e. on 30 July 2010. The Commission took cognizance of the case on 11 August 2010 and requested its Director General (Investigation) to depute a team for spot investigation.

**4.89** Pursuant to the directions of the Commission, a team from its Investigation Division was deputed for collection of relevant facts in the case. In the detailed report submitted by the team subsequently, it was concluded that on 29 July 2010 at 7.25 p.m. Santosh, the brother of deceased Rama Shanker Ram had taken his injured mother to Police Station Sakaldiha for lodging FIR No. 86 of 2010 against his brother Rama Shanker. A police team headed by a Sub-Inspector also visited the spot at 7.45 p.m. and took in custody Rama Shanker Ram. Unfortunately, Rama Shanker was tortured by the police. Consequently, he was admitted to the Community Health Centre, Sakaldiha at 8.15 p.m. in an unconscious state. He was later referred for treatment to Chandauli District Hospital, where he was declared brought dead.

**4.90** The Commission observed that it was an unusual case of torture inflicted by the police on deceased Rama Shanker Ram. The deceased was taken by the police from his house to the Police Station wherein he was physically tortured due to which he died. The Commission held that "it is prima facie clear that Rama Shanker Ram died due to torture by police officers in police custody, which is a clear case of violation of human rights" and directed that the Secretary (Home), Government of Uttar Pradesh be asked to get case no. 146/2010 u/s 302 IPC investigated by CB-CID and submit the outcome of the investigation to it. The Commission also directed to issue notice to the Chief Secretary, Government of Uttar Pradesh to show-cause as to why compensation should not be recommended in favour of the next of kin of the deceased.

**4.91** The replies to the show-cause notice and CB-CID report are awaited.

**21.** *Death of a Minor due to Torture by Police in District Badaun, Uttar Pradesh (Case No. 48147/24/7/07-08)*

**4.92** The Commission received a complaint from a Delhi based non-governmental organization (NGO) alleging that on 20 January 2008 at about 10 a.m., police personnel of Kotwali Police Station in District Badaun of Uttar Pradesh raided the house of one Om Shanker

Sharma in connection with a theft case. Twelve year old Durgesh alias Santosh who was present there was apprehended and mercilessly beaten to death. In order to mislead, the dead body of Durgesh was hanged with a rope by the police so as to show it was a case of suicide. It was further alleged that the police personnel ransacked his house.

**4.93** Responding to the directions of the Commission, the Additional Superintendent of Police, Badaun Rural, submitted a report stating that FIR Crime No. 32/08 u/s 302 IPC had been registered against Sub-Inspector Sachchidanand Rai and other police personnel in connection with the said incident which was pending investigation.

**4.94** Upon consideration of the report, the Commission in its proceedings dated 28 January 2009 observed that the report submitted by the Additional Superintendent of Police clearly established that the errant police officials were found guilty for the death of 12 year old boy during the investigation of crime. The errant police officials should hence be charge-sheeted once the prosecution orders were obtained. The Commission simultaneously also directed to issue a show-cause notice u/s 18 (a) (i) of PHRA to the Chief Secretary, Government of Uttar Pradesh as to why compensation should not be recommended to the next of kin of the deceased.

**4.95** Subsequently, the Director General of Police, Government of Uttar Pradesh informed the Commission vide his letter dated 11 August 2009 that Sub-Inspector, Sachchidanand Rai, Constable Ram Nath Singh and Constable Ajay Rana had already been awarded penalty whereby their increment for a period of one year has been withheld. Further, disciplinary proceedings had been initiated against Sub-Inspector Jagdev Singh Malik, the fourth accused in the case.

**4.96** Thereafter, the Secretary, Government of Uttar Pradesh vide his letter dated 8 October 2009 informed that in the given case all the four police officials have been found guilty for the death of Durgesh, therefore, it is justified to pay monetary relief to the kin of the victim. Taking into consideration all the facts of the case, the Commission vide its proceedings dated 19 June 2010 recommended to the Government of Uttar Pradesh to pay an amount of 5,00,000 to the next of kin of the deceased. The State Government was also directed to submit the compliance report along with proof of payment to the Commission.

**4.97** The Commission also directed the Director General of Police, Government of Uttar Pradesh to submit the status of criminal case No. 32/08 u/s 306 IPC registered in Dataganj Police Station of Badaun District along with the outcome of the disciplinary action initiated against Sub-Inspector Jagdev Singh Malik.

**4.98** The compliance report along with proof payment is awaited. The report from the Director General of Police, Uttar Pradesh is also awaited.

### c) Police High-Handedness

#### 22. *Death of Achhanoor Sheikh and Two Others in Police Clash in District Nadia, West Bengal (Case No.11/25/2003-2004-FC)*

**4.99** The Commission received a complaint from one Abbas Sheikh, a resident of District Nadia in West Bengal alleging that his son was killed by the police of Pakashipara region in a pre-planned manner on 30 January 2002 although the death was shown as an outcome of a clash with the police.

**4.100** Taking cognizance of the matter, the Commission called for a report from the Director General of Police, Government of West Bengal. The report revealed that on 30 January 2002, a Sub-Inspector from Pakashipara Police Station received information regarding an unlawful assembly of dacoits in Bangoria forests. The police team led by Sub-Inspector Sumon Chatterjee reached the spot and noticed a group of people sitting there. On being questioned by the police, the said group opened fire on the police party and hurled bombs, due to which both the knees of the Sub-Inspector were injured. In self defence, the police too fired back and in the process killed three persons from the other group, one of them being the son of the complainant. The police version was that the complainant's son was involved in two criminal cases of murder and grievous hurt. In addition, the police also recovered illegal arms and ammunition from the place where people had assembled.

**4.101** A magisterial enquiry into the incident was later conducted by a Deputy Magistrate. The enquiry justified the police firing as a matter of right to self-defence. The complainant in no way was associated in the enquiry. The bullet wounds were found on the back of all the bodies and two of the bodies were found in blackened state due to burns. The report of the ballistic expert was not forwarded to the Commission. The Commission called for video cassette of the post-mortem examination and also called for the ballistic examination report in the matter. It was informed that no videography was conducted during the post-mortem examination. The ballistic report confirmed that the arms were in working condition when they were fired. However, no swab from the fingers of the deceased was taken. The reason given for this was that as the incident took place in odd hours, i.e. 2 a.m. in the morning, the swabs could not be taken by the police as they did not have the requisite kit.

**4.102** After examining all the facts of the case from the received reports, the Commission issued a show-cause notice to the Government of West Bengal asking as to why it should not recommend relief to the next of kin of the three deceased persons, namely, Achhanoor Shaikh, Nazu Ghangarmar and Sirajul Sheikh. The Government of West Bengal expressed its displeasure over the show-cause notice issued to it. It further expressed that in the magisterial enquiry conducted by the State none of the public witnesses found any trace of foul play in the matter. It was also pointed out that the wounds on the body of Achhanoor Sheikh were not blackened. The Commission disapproved the stand taken by the State Government stating that there were no eyewitness in the matter, the complainant was not associated in the enquiry, swab of the fingers of a dead person were not taken even after many hours of the incident. It also stated that bullet wounds found on the body of the deceased Achhanoor Sheikh, even

though not blackened, in no way justified the stand taken by the State Government that the killing was genuine. Moreover, there were two wounds found on the body of Achanoor Sheikh, one near the knee and one on the back. All these factors point to the likelihood that first he was immobilized by shooting him on his leg and thereafter he was shot from slightly beyond contact range so that he could not run away. The Commission recommended that a sum of Rs. 5,00,000 each be paid to the next of kin of each deceased.

**4.103** Later on, the Commission also summoned the Chief Secretary, Government of West Bengal to appear before it in the given case. Consequently, on 3 February 2011, the Chief Secretary came in person and handed over a written statement to the Commission. On examination of its contents, the Commission noted that the Government of West Bengal had expressed its inability to pay monetary relief of Rs. 5,00,000 each to the next of kin of each of the deceased persons. The Commission considered the matter again and inter alia held that :

“The Commission cannot and does not look on its recommendations as mandatory. The Commission takes decisions within the ambit of the Protection of Human Rights Act, 1993. The Commission has found that the Governments that cannot refute its reasoning invariably accept its recommendations as fair, and act on them. In this case, the Commission understood that the Government of West Bengal has expressed its inability to accept the recommendations of the Commission without any substantive reasons. The enquiry report has been accepted by the State Government but it does not bind the Commission to accept the police report. The injury sustained by the Sub-Inspector was slight and the policeman was not admitted by the hospital. Misleading reasons were given to the Commission to explain the lapse in taking swab of the fingers of the deceased persons. The Constitution of India has guaranteed the right to protection of life and personal liberty. Article 21 reads, ‘no person shall be deprived of his life or personal liberty except according to procedure established by the law’. The highest courts in India have held that the expression ‘procedure established by law’ in Article 21 must be reasonable, fair and just. The right to life and personal liberty is a Fundamental Right, enforceable against the State and judicial decisions have imposed on it several positive obligations.”

**4.104** These proceedings were communicated to the Chief Secretary, Government of West Bengal with the request that it be placed before the Chief Minister. A response to the communication has been received by the Commission conveying that the State Government has sanctioned the compensation of a sum of Rs. 15,00,000 towards payment at the rate of Rs. 5,00,000 each to the next of kin of each of the deceased, namely, Achanoor Sheikh, Nazu Bhangarmar and Sirajul Sheikh.

**4.105** The proof of payment is awaited in the case.

23. *Death of a Female Infant of an Arrested Woman due to Indifference Shown by Police in Baraut, District Baghpat, Uttar Pradesh (Case No. 2367/24/8/08-09-AD)*

**4.106** The Commission received a complaint from Rattan Lal Premi alleging that a woman

named Suman was arrested at night along with her infant daughter and another small child. She was then brought from Haridwar in Uttarakhand to Baraut in Baghpat District of Uttar Pradesh. However, she was not produced in the concerned court within 24 hours of her arrest. During this period, her three-month old infant daughter had diarrhoea and she died for want of medical care.

**4.107** Pursuant to the directions of the Commission, the Superintendent of Police, Baghpat in his report admitted that the woman in question was arrested on 12 April 2008 after sunset. It was also admitted in the report that she could not be produced before the Magistrate the next day. It was nevertheless denied that the police failed in its duty to provide medical care to the infant daughter of the arrested woman. It was emphasized in the report that none of the accompanying policemen were guilty of negligence and the infant died a natural death as she was already suffering from diarrhoea.

**4.108** Upon consideration of the report, the Commission in its proceedings dated 29 March 2010 observed as under:

“Three facts are clear. Firstly, Suman was arrested after sunset in total disregard of the guidelines of the Supreme Court. She was taken in custody along with her two infant children. She was not a criminal and there was no reason why the police should not have deferred the arrest till next morning. Secondly, the police did not produce her before the local Magistrate at Roorkee as required by section 80 of Cr.P.C. If she had been produced before the Magistrate at Roorkee, it is quite possible that the Magistrate would have passed appropriate orders for her care and custody. Thirdly, she was not produced in time before the Magistrate at Baraut on 13 April 2008. The result was that she had to be brought back to the police station and she had to remain in detention for more than 24 hours. Lastly, there is no evidence to show that the child was taken to a paediatrician for treatment.”

**4.109** The Commission further observed as under:

“The local police of Baraut can not escape its liability for the unfortunate death of the infant child. In any case, it cannot be denied that the guidelines of the Supreme Court and the mandate of section 80 of Cr.P.C. were ignored by the police. Prima facie it is case of violation of human rights.”

**4.110** The Commission directed that show-cause notice u/s 18 of PHRA be issued to the Chief Secretary, Government of Uttar Pradesh as to why monetary relief should not be paid to the arrested woman Suman who lost her three month old infant daughter.

**4.111** In response to the show-cause notice, the Government of Uttar Pradesh admitted that it would be appropriate to provide monetary relief to the victim who lost her infant daughter. It was further informed by the State Government that the errant police officials had already been penalized.

**4.112** Taking into consideration the reports and the reply to the show-cause notice received from the Government of Uttar Pradesh, the Commission recommended to the State to pay an amount of 1,00,000 as monetary relief to the victim Suman.

**4.113** The case was closed as the recommendations of the Commission were fully complied with by the Government of Uttar Pradesh.

24. *Suo motu Cognizance of Press Report Relating to Police Rampage in Chhattisgarh (Case No.103/33/3/2011)*

**4.114** The Commission came across a press report captioned “Chhattisgarh Villages Torched in Police Rampage” that appeared in *The Hindu* dated 23 March 2011. The press report stated that in the first week of March 2011, the State Police along with the Central Reserve Police Force (CRPF) planned an operation to be conducted by the State Police Koya Commandos and CRPF COBRA Battalion. The operation was planned to destroy an arms factory allegedly being run by the Maoists at Morpalli. The report alleged that during the ensuing operations, the members of the operation team torched 37 houses at Morpalli, sexually assaulted several women and killed three persons. It was further alleged that the Koyas burnt about 50 buildings, including homes and granaries. Some of the villagers claimed that the Koyas also surrounded Tarmetla and burnt about 200 structures, including homes, granaries and woodsheds.

**4.115** Taking suo-motu cognizance of the press report, the Commission vide its proceedings dated 28 March 2011 called for a report in the matter from the Chief Secretary and Director General of Police, Government of Chhattisgarh as well as from the Secretary, Ministry of Home Affairs, Government of India, New Delhi. The concerned authorities were directed to inform the Commission as to what steps had been taken by them for rehabilitation of affected families whose houses were burnt. A report has also been sought as to whether any monetary relief is being considered for the victims whose human rights were violated.

**4.116** The report in the matter is awaited and the case continues to be under consideration of the Commission.

25. *Rape of a Minor Girl in Koirana Police Station in District Sant Ravidas Nagar, Uttar Pradesh (Case No. 871/24/2006-2007)*

**4.117** The Commission received an intimation dated 30 March 2006 from the Superintendent of Police, Sant Ravidas Nagar stating that a 14 year old girl (name with- held) residing in village Nandav, P.S. Sarai Mir, Azamgarh District ran away from home on being reprimanded by her mother. She later fell into the hands of three ruffians who subjected her to gang-rape. She was then taken to the police for help. The Police Constable, instead of helping her, raped her. The incident was reported by the victim at Koirana Police Station located in Sant Ravidas Nagar District where FIR No.101/2006 u/s 376/120 B IPC was registered against two Police Constables, a Chowkidar and three others. The two Police Constables and Chowkidar were later arrested and efforts were being made for arresting the remaining three accused.

**4.118** Pursuant to the directions of the Commission, a report dated 16 May 2006 was received by it in which it was stated that as per the orders of the Court, the custody of the victim had

been handed over to her father and was sent back to her home. After that, through subsequent reports the Commission was informed that the delinquent Police Constables who were earlier arrested had been dismissed from service. Charge-sheet was also filed against them in the court. Accordingly, the Commission vide its proceedings dated 10 January 2007 issued a notice u/s 18 (3) of the PHRA to the Government of Uttar Pradesh to show-cause as to why the Commission should not grant monetary relief to the hapless girl. The State Government too vide its letter dated 3 May 2007 truthfully admitted that the grant of relief to the victim was justified. Consequently, the Commission recommended to the State Government to pay a sum of 3,00,000 to the victim. While the recommended amount of monetary relief was sanctioned by the State Government, it later communicated to the Commission that it had not been possible to disburse the monetary relief to the victim as she was not traceable for the last three years.

**4.119** The Commission vide its proceeding dated 22 March 2010 observed that the circumstances under which the victim had disappeared were not known to anyone. However, the possibility of forced disappearance could not be ruled out in the given case. As a result, the Principal Secretary, Home Department, Government of Uttar Pradesh was directed to order a CB-CID inquiry into the circumstances under which the victim disappeared.

**4.120** The CB-CID in their report recommended that the said case be registered u/s 361 IPC, which deals with kidnapping from lawful guardianship.

**4.121** Considering the above report on 7 February 2011, the Commission directed the Principal Secretary, Home, Government of Uttar Pradesh to appraise to it the overall progress made in the case in view of the recommendations made by the CB-CID.

**4.122** The matter is under consideration of the Commission.

26. *Suicide Committed by Kumari Jayarani due to Harassment by Police*  
(Case No. 1092/22/2006-2007)

**4.123** An intimation dated 21 April 2005 was received by the Commission from the District Collector of Salem in Tamil Nadu regarding the death of 15 year old Kumari Jayarani.

**4.124** Pursuant to the directions of the Commission, the Government of Tamil Nadu reported that Kumari Jayarani was forcibly dragged by two policemen of Kariyakoil Police Station on 20 January 2005 at 3:00 p.m.. As per the complaint lodged by Jayarani's father, the two policemen caught her and then forcibly pulled her. Traumatized by the incident, she committed suicide on the same day between 4:00 p.m. and 6:00 p.m.. A case was later filed in Kariyakoil Police Station vide FIR No. 2/2005 dated 21 January 2005 u/s 174 (3) Cr.P.C. read with sections 306, 354, 506 (1) IPC, and section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

**4.125** During the enquiry conducted by Revenue Divisional Officer, it was proved that the deceased Kumari Jayarani committed suicide by hanging due to harassment meted out to her by the police of Kariyakoil Police Station. The Revenue Divisional Officer had also recommended strict action against the policemen for harassing Kumari Jayarani.

**4.126** In response to the show-cause notice issued by the Commission, the Government of Tamil Nadu informed that it had sanctioned a monetary relief of Rs. 1,00,000 to the next of kin of the deceased Kumari Jayarani.

**4.127** The Commission vide its proceedings dated 15 September 2010 took into account all the circumstances of the case that compelled a person belonging to the Scheduled Caste community to commit suicide in police custody on account of harassment meted out to her by the police officials. Accordingly, the Commission recommended to the Government of Tamil Nadu to enhance the total amount of monetary relief to be paid to the next of kin of the deceased from 1,00,000 to Rs. 3,00,000.

**4.128** On receipt of proof of payment from the Government of Tamil Nadu, the case was closed by the Commission.

27. *Extortion by Haryana STF Police Personnel in Panipat, Haryana*  
(Case No. 701/7/15/2010)

**4.129** The Commission received a complaint dated 29 March 2010 from one Nand Lal Shukla along with an enclosed copy of a newspaper clipping that had appeared in the *Hindustan Times* on 11 March 2010 under the caption "8 Haryana STF Policemen Detained on Extortion Charges". The clipping mentioned that the District Police had detained 8 policemen, including Ashok Sheoran, the Assistant Superintendent of Police of the disbanded Special Task Force (STF) and had ordered investigation into allegations of extortion reported from the industrial township of Panipat in Haryana.

**4.130** According to the newspaper report, on 10 March 2010, seven armed men reached the office of Rajat Aggarwal, a share broker in Jagannath Vihar Colony of Panipat and demanded Rs. 10,00,000. They claimed to be from the Crime Branch and forcibly took away 6,00,000 before fleeing in a white Maruti Baleno. In another incident, one Vishambhar Kumar Malhotra, owner of a jewellery shop lodged a complaint of extortion stating that the armed men beat a hasty retreat when he asked for their identity cards.

**4.131** Pursuant to the directions of the Commission, the Superintendent of Police, Panipat, Haryana vide his letter dated 7 March 2011 submitted a report, stating that a case FIR No. 261 dated 11 March 2010 u/s. 395, 397, 398, 120-B IPC and 27-54-59 Arms Act in P.S. City Panipat had been registered against eight policemen on the statement of Rajat Aggarwal, son of Arvind Aggarwal and a resident of Jagannath Vihar Colony in Panipat. During the course of investigation, the police had arrested eight police officials and four civilians, who were involved in the crime. A charge-sheet had also been framed against all the accused in the said case and the trial of the case was pending in the court of Shri K.C. Sharma, Additional District & Sessions Judge, Panipat. Further, the Director General of Police, Haryana had ordered a departmental enquiry against all the eight police officials and accordingly a regular departmental enquiry was being conducted against the police officials. As regards departmental action against Ashok Sheoran was concerned, the Assistant Superintendent of Police under suspension, a request was sent to the Home Department seeking permission to initiate departmental action against him.

**4.132** While considering the above report on 17 March 2011, the Commission observed that it was a serious matter of gross violation of human rights of citizens. These citizens were robbed of their belongings by those very police officials, who were supposed to protect their lives and properties. Undoubtedly, it has caused immense mental agony to the victims of extortion. Besides, they have also suffered financial loss because of misuse of power by the police officials. For such violation of human rights of the victims by the public servants, the State of Haryana must be held vicariously liable. Accordingly, the Commission directed that a notice be issued to the Chief Secretary, Government of Haryana to show-cause as to why appropriate compensation be not recommended to be paid to the victims Rajat Kumar and Vishambhar Kumar Malhotra.

**4.133** The Commission further directed the Chief Secretary, Government of Haryana to inform about the status of disciplinary proceedings being conducted against the police officials as well as the amount of financial loss suffered by the victims along with information on recovery of the amount of extortion money from the possession of the accused.

**4.134** The matter is still under consideration of the Commission.

#### **d) Death in Police Firing and Encounter**

28. *Killing of Sukh Devi in Police Firing in District Firozabad, Uttar Pradesh*  
(Case No. 41956/24/2005-2006)

**4.135** The Commission received a complaint dated 5 January 2006 from Ram Gopal, a resident of District Firozabad in Uttar Pradesh. The complaint was forwarded by the President of All India Anti-Corruption Committee of Firozabad. In the complaint, it was alleged that on 10 December 2005, Sukh Devi alias Katab Shree, daughter-in-law of Ram Gopal while she was working in the field was hit by a bullet and killed. The bullet was fired by policemen from Sofipur Firing Vat. It was alleged by the family of the deceased victim that the police did not register an FIR and tried to hush up the case by manipulating the exhibits and the forensic report. An appeal was thus made by the family members of Sukh Devi for an independent investigation of the case and compensation.

**4.136** A report dated 26 May 2006 related to the case was submitted by the Superintendent of Police, Firozabad, Uttar Pradesh wherein an inquiry report conducted by the Circle Officer, Sadar was also enclosed. According to the inquiry report, on the basis of information provided by the complainant, post-mortem of the deceased's body was conducted. On close examination of the bullet that pierced the deceased it was found to be a 315 bore bullet. It was further stated in the inquiry report that since the bullet fired by the policemen from the Sofipur Firing Vat did not have a government mark a case Crime No. 164/2005 u/ s 302 IPC dated 28 December 2006 was registered. The final report dated 22 April 2007 submitted in the matter further disclosed that on the date of the incident, there was a firing practice at Chandmari Vat and the complaint was lodged to gain undue personal advantage. A magisterial enquiry conducted pursuant to the directions of the Commission reported that the police authorities were trying to suppress the details of the incident. It was concluded in the magisterial enquiry report that the bullet taken out of the body of the deceased and later on sent to the Forensic Science Laboratory in Agra

for examination either was not received in the said Laboratory or its report was suppressed. Prima facie it is only indicative of the fact that the police had not made a proper inquiry in the matter.

**4.137** Considering the entire incident, the Commission vide its proceedings dated 5 July 2010 directed to issue a notice u/s 18 of the PHRA to the Chief Secretary, Government of Uttar Pradesh to show-cause as to why monetary relief should not be recommended to the next of kin of the deceased, Sukh Devi.

**4.138** In response to the show-cause notice, the Government of Uttar Pradesh, stated on the basis of the post-mortem and the report received from the Agra Forensic Science Laboratory that the deceased had died due to 315 bore bullet. Besides, no police personnel were found to be guilty. Therefore the justification for grant of any monetary relief was not justified. The Commission carefully examined the submission made by the State Government and observed that the deceased Sukh Devi died owing to the negligent action of the police and the next of kin of the deceased Sukh Devi were entitled for compensation. The Commission vide its proceedings dated 29 November 2010 recommended to the State of Uttar Pradesh that a sum of 1,00,000 be paid to the next of kin of the deceased Sukh Devi.

**4.139** While the State Government has issued financial sanction for the payment of Rs. 1,00,000 to the next of kin of the deceased, the proof of payment is awaited in the case.

29. *Alleged Killing of Two Persons and Injuries Caused to a Number of Persons by Police in District Palamu, Jharkhand (Case No.172/34/2003-2004)*

**4.140** The Commission on 9 June 2003 received a complaint from one Yashwant Kumar Mehta, a resident of Deepova village in Palamu District of Jharkhand, alleging that on 30 April 2003 his son Mani Kundal Mehta had gone to the market for shopping. At Pitch Road, Forest officials had stopped a tractor. Mani Mehta and one another person on seeing the crowd at Pitch Road stopped to watch. The police in the meantime, without any reason, abused and fired at Mani Kundal Mehta and shot him dead. The cleaner of the tractor, Roop Dev Yadav, was also shot by the police. Later, the police picked up Sanjay alias Viswanath Mehta from the Manjaouli village and killed him. The police also thrashed a number of innocent persons of the village. The complainant prayed the Commission for action against the errant police personnel and compensation to the next of kin of the deceased and the injured.

**4.141** In response to the notice issued by the Commission, the Deputy Inspector General of Police (Human Rights), Jharkhand, vide letter dated 12 February 2004 forwarded a report dated 19 September 2003 received from the Superintendent of Police, Palamu wherein it was stated that a case No. 91/03 u/s 364 IPC and section 17 of the Criminal Law Amendment Act was registered against the deceased Vishwanath Mehta and Mani Kundal Mehta for kidnapping one Vikram Singh. Another case No. 92/03 u/s 147/148/149/353/307 IPC and section 25,26,27,35 Arms Act was registered against the deceased Vishwanath Mehta and Mani Kundal Mehta and 32 others for an attack on the police party with the intention to kill them. During the course of investigation, both the cases were found to be true. It was further reported that on 30 April 2003, Sub-Inspector Dinesh Kumar Rana along with other police personnel on patrol

duty received information from a ranger named Vikram Singh that he and his companions had been abducted by accused Vishwanath Mehta and Mani Kundal Mehta. The police then swung into action and rescued Vikram Singh. During the said operation, two criminals were killed on the spot and a large quantity of arms and ammunition was also recovered from them. The Commission considered the above reports and directed that the matter be investigated by State CB-CID as per guidelines issued by it for deaths in police encounter as well as conduct a magisterial inquiry.

**4.142** The CB-CID report revealed that during the investigation of FIR No. 91/2003 and 92/2003 the allegations against Vishwanath Mehta were substantiated but no incriminating evidence was found against Mani Kundal Mehta, that is, the deceased son of the complainant. As regards the murder case registered against the police on the complaint of Yashwant Kumar Mehta, it was communicated that incriminating evidence had been found against Sub-Inspector Dinesh Kumar Rana.

**4.143** While considering the matter on 30 June 2010, the Commission observed that the investigation conducted by the State CB-CID has clearly shown that Mani Kundal Mehta was neither involved in the kidnapping of the ranger nor he had made any murderous assault on the police party, the police therefore had no reason to kill Mani Kundal Mehta on the plea of self-defence. The Commission decided to issue a show-cause notice to the Chief Secretary, Government of Jharkhand as to why suitable compensation should not be granted to the next of kin of the deceased.

**4.144** The Government of Jharkhand vide communication dated 10 September 2010 expressed that it had no objection for the payment of compensation to the next of kin of the deceased. Accordingly, the Commission recommended to the Government of Jharkhand to pay a sum of 5,00,000 as monetary relief to the next of kin of the deceased Mani Kundal Mehta.

**4.145** The compliance report along with proof of payment is awaited in the case.

30. *Alleged Killing of Ganesh Sahu in Police Action in District Satna, Madhya Pradesh*  
(Case No. 2138/12/ 38/07-08)

**4.146** The Commission received a complaint dated 28 November 2007 from Bhagwat Prasad, Director, Pahruaa-Pahal in Allahabad, Uttar Pradesh alleging death of one Ganesh Sahu during the course of police action on 23 November 2007. They were alleged by him that the deceased was an innocent person and was shot dead by the local police while they were searching for two dreaded dacoits Dhokia and Dauri Yadav in village Paldev Pathra, P.S. Naya Gaon in Satna District of Madhya Pradesh. The police dragged Ganesh Sahu out of his house on the pretext of seeking information about the dacoits and when he expressed his inability, he was shot dead. A prayer was made for independent investigation, compensation for the family of the deceased, action against the guilty police personnel and social security for the family.

**4.147** Pursuant to the Commission's directions for submission of investigation reports in the light of guidelines issued by it for conducting investigations into encounter deaths, the same were forwarded by the Government of Madhya Pradesh. It was stated in the report that during

an enquiry conducted by the Sub-Divisional Magistrate, Raghuraj Nagar of District Satna, the father of the deceased was examined, who stated that his son Ganesh Sahu was shot dead by the dacoits. He told the Magistrate that there was an exchange of fire between the police and the dacoits and when the dacoits were retreating after the encounter, they shot dead his son in order to divert the attention of the police. No witness blamed the police for the death of Ganesh Sahu during the magisterial enquiry.

**4.148** While considering the matter on 14 July 2010, the Commission felt that it may be possible Ganesh Sahu was totally innocent and he met an untimely death for no fault of his. He happened to be in the vicinity of the site of encounter between the police and dacoits and the retreating dacoits may have shot him just in order to distract the attention of the police. His family nonetheless deserved sympathy. The police may not have been directly responsible for his death but considering the circumstances of the case, the State must provide some financial assistance to his family on grounds of compassion. The Commission thus recommended to the Government of Madhya Pradesh to pay an amount of Rs. 2,00,000 as financial assistance to the next of kin of the deceased Ganesh Sahu.

**4.149** The compliance report along with proof of payment is awaited from the Government of Madhya Pradesh.

*31. Killing of Ritesh during Firing by Delhi Police  
(Case No. 5280/30/5/08-09)*

**4.150** The Commission received an anonymous complaint dated 21 March 2009 stating that one Ritesh aged about 32 years was shot at by Constable Shakti Singh on 17 March 2009 and later on he succumbed to the bullet injury. Constable Shakti Singh was attached to one Surender Agha as Personal Security Officer. Surender Agha suspected that Ritesh was having illicit relations with his wife. An altercation took place between Ritesh and Constable Shakti Singh and the latter opened fire.

**4.151** Pursuant to the Commission's directions, Deputy Commissioner of Police, Vigilance, New Delhi submitted a report dated 1 July 2009 in which it was stated that Ritesh was admitted to Guru Tegh Bhadur Hospital in New Delhi on 17 March 2009. The hospital staff communicated the information of his admission to P.S. Seemapuri. Thereafter, Inspector K.S. Rawat went to the hospital. There he recorded the statement of the younger brother of Ritesh and on the basis of his statement FIR No. 94/09 u/s 308 IPC was registered. After the death of Ritesh the case was converted into 304 IPC. Constable Shakti Singh was arrested in the case and after completion of investigation a charge-sheet was submitted against him.

**4.152** Since the report submitted by Deputy Commissioner of Police, Vigilance, New Delhi disclosed that Ritesh had been deprived of his life due to the recklessness act of a police constable, a show-cause notice u/s 18 of PHRA was issued to the Government of National Capital Territory of Delhi. It, however, did not submit any reply to the show- cause notice issued by the Commission.

**4.153** While considering the matter on 19 August 2010, the Commission observed that it can be reasonably presumed that the State does not want to oppose the grant of monetary relief to the victim. Even otherwise, the report submitted by the Deputy Commissioner of Police, Vigilance, has candidly admitted that the human rights of Ritesh were violated. Considering all the circumstances of the case, the Commission recommended to the Government of N.C.T. of Delhi to pay a sum of. ₹ 5,00,000 as monetary relief to the next of kin of the deceased Ritesh.

**4.154** Vide its proceeding dated 24 February 2011, the Commission considered the stand taken by the Government of N.C.T. of Delhi for deferring the payment of monetary relief on account of pending trial of the Constable before a court of law. The Government of N.C.T. of Delhi had further taken recourse to the statement made by Mukesh Kumar, the brother of the deceased that some boys had fired at the Constable after an altercation and since the Constable ducked the bullet accidentally hit Ritesh. The Commission observed that it made recommendations on rigorous standard of proof and not on probability. In the light of the facts emerging from police investigation, the Commission reiterated its recommendations.

**4.155** As recommended by the Commission, a sum of. 5,00,000 was paid to the wife of the deceased Ritesh as monetary relief. On receipt of the compliance report and proof of payment, the case was closed by the Commission.

32. *Death of Mahender Pratap Singh in Police Firing in Aurangabad District, Bihar*  
(Case No. 3737/4/2005-2006)

**4.156** The Commission took cognizance of a complaint received on 30 December 2005 from Raj Kishore Singh. It was alleged in the complaint that on 18 October 2005, the complainant's father died in police firing. A group of persons attacked Polling Booth No. 96 in Obra Constituency of Bihar and tried to tamper with the Electronic Voting Machine. Raj Kishore Singh's father was returning to his house and was an innocent victim, who died of bullets fired by the police.

**4.157** The Commission in its proceedings observed that though the police in their reply had expressed some suspicion that the father of the complainant was involved in the crime but there is no evidence to show that he was involved in the crime allegedly committed by a group of persons. The Government of Bihar further informed that it had ordered to pay a sum of 1,00,000 as interim relief to the next of kin of the deceased.

**4.158** The Commission held that the negligence on the part of the police had caused the death of an innocent person. Hence, the amount of. ₹ 1,00,000 as interim relief was grossly inadequate. Consequently, the Commission recommended to the Government of Bihar to pay a sum of ₹ 3,00,000 as monetary relief to the next of kin of the deceased after making necessary adjustment of the amount sanctioned earlier.

**4.159** On receipt of the compliance report from the Government of Bihar, the case was closed by the Commission.

33. *Encounter Death of Tarun Shah and Mohammad Khalid in District Hazaribagh, Jharkhand (Case No. 1466/34/11/07-08)*

**4.160** The Commission received an intimation dated 19 January 2008 from the Superintendent of Police, District Hazaribagh in Jharkhand, inter alia, conveying that on the night of 17 January 2008, Station House Officer of Police Station Barachati received information about movement of criminals and thus proceeded in given direction in a Qualis vehicle after making necessary entries in the applicable record. The police personnel erected a barricade for apprehending the criminals. When the vehicle in which the criminals were travelling hit the barricade tried to escape, the police chased their vehicle. The criminals retaliated by firing at the police personnel and the police fired back in self-defence. According to the police, two criminals managed to escape in the jungle. One criminal was killed on the spot and the other sustained serious injuries. He was taken to the sub-divisional hospital, where he too expired. Further, as per the police version, several arms and ammunition were recovered from the spot.

**4.161** Pursuant to the directions given by the Commission, it received the post-mortem reports of both the deceased as well as the magisterial enquiry report. The Magistrate in his report held that the action of the police was justified. However, the officer, who conducted the enquiry, utterly failed in appreciating the medical evidence and the manner in which the incident was alleged to have taken place.

**4.162** Taking into consideration the background of the encounter as narrated by the police as well as the conclusion arrived at by the Magistrate, the Commission on 4 November 2010 observed that there is independent evidence in the form of autopsy report, which is scientific. Both the post-mortem reports indicate that the firing took place from a very close range. The finding of blackening of the wounds of entry in both the post-mortem reports clearly point out that the story suggested by the police was not correct. It appears that they were very close to the police when the firing took place. Ordinarily the blackening appears if firing has taken place from 3" to 6" distance. It also needs to be noted that on account of alleged firing by the criminals, no police personnel sustained any injury. Besides, weapons and cartridges were not forwarded to the ballistic expert to know whether the weapons were in working condition and the cartridges fired were from the same weapon. These aspects would have clinched the issue if proper investigations had been carried out and the opinion of the expert was sought. No swab was taken from the fingers of the persons alleged to have fired at the police so as to know the presence of carbon and lend assurance to the fact that the deceased fired the weapon. The absence of scientific and expert's evidence suggest that the investigation was not independent.

**4.163** Given the facts of the case, the Commission did not accept that the firing had taken place from some distance. In view of the medical evidence on record, it was clear that the firing took place from a close range. Accordingly, the Commission directed that a notice be issued to the Government of Jharkhand through its Chief Secretary to show-cause within a period of six weeks as to why Commission should not recommend monetary relief to the next of kin of the deceased, namely, Tarun Shah, son of Priyonath Shah, Police Station Benipur, District Howrah

in North 24- Parganas (West Bengal) and Mohd. Khalid, son of Ayub Khan, resident of village Basimpur in Pratapgarh District of Uttar Pradesh.

**4.164** Since no response was received from the Government of Jharkhand, the Commission vide its proceedings dated 10 February 2011 recommended to the Government of Jharkhand to pay a sum of Rs. 5,00,000 each to the next of kin of both the deceased.

**4.165** The compliance report and the proof of payment are awaited from the Government of Jharkhand.

**34.** *Death of Salim during an Alleged Encounter with Police in District Mahoba, Uttar Pradesh (Case No. 17513/24/08-09)*

**4.166** The Commission received a complaint dated 11 July 2006 from Nathu Khan inter alia alleging that on 20 May 2006 the police killed his son Salim in a fake encounter. It was further stated that one Mangal Singh acted in connivance with the police and administered drug to Salim whereby he became unconscious. He was then axed by Mangal Singh. Thereafter, one police official of P.S. Srinagar, namely, Shanti Swarup Tiwari, under instructions from the Station House Officer Chandrabhan Singh shot him so as to make out a case of genuine encounter.

**4.167** The Superintendent of Police, District Mahoba vide communication dated 15 September 2006 reported that Salim died in a bona fide police encounter on 20 May 2006 at 11.30 p.m.

**4.168** Upon consideration of the reports received, the Commission on 3 June 2010 observed as under:

“So far as the case put up by the police is concerned, it is indicated that the deceased was a criminal. He used to beat people and extort money. On the date of the incident there was also a fight between Mangal Singh and Salim. The police on information took action by forming different parties and called upon the deceased to surrender, who opened fire on the police party. The police taking shelter of a tree used the weapon and he died on account of gun shot wound. Village people also arrived and the deceased was identified as Salim, son of Natthu. One country made .315 rifles was recovered along with 21 live and empty cartridges.

**4.169** To appreciate the case put up by the police when we examined the post-mortem report we found entry wound as under:-

‘A firearm entry wound of 1x1 cm. at medial aspect of left thigh with burning around it and 28 cm. above from the left knee joint with track directing laterally upward and outward.’

**4.170** Thus, reading the description of entry wound, it is very clear that the weapon was used from an extremely close range. Obviously, on account of injury there would be severe bleeding. The Medical Officer has opined that the deceased died on account of shock and haemorrhage due to ante-mortem injuries. The Magistrate, who conducted the inquiry, has not explained other injuries on the person of the deceased. Suffice it to say that the claim of the police that

they fired from a distance is not acceptable in view of the entry wound found on the person of the deceased. It is clear that the deceased was executed. Therefore, the Commission is of the view that it is a fit case where monetary relief is required to be given.”

**4.171** Accordingly, the Commission directed that a notice u/s 18 of the PHRA be issued to the Chief Secretary, Government of Uttar Pradesh to show-cause as to why monetary relief should not be recommended to the next of kin of Salim.

**4.172** Vide proceedings dated 29 December 2010, the Commission considered the response received from Government of Uttar Pradesh to its show-cause notice wherein it was stated that late Salim was a person with a criminal bent of mind, had many criminal cases registered against him, and was engaged in extortion of money from villagers when the police confronted him in the encounter that led to his death.

**4.173** The Commission observed that this was an extra-judicial execution and therefore the most heinous violation of human rights. Only the judiciary in India has the power to pronounce a sentence of death. Policemen are not permitted to take the law into their own hands or to pre-empt the judicial process. It is for these reasons that the Commission was of the view that in this case monetary relief had to be given to the next of kin.

**4.174** Accordingly, the Commission recommended to the Government of Uttar Pradesh to pay Rs. 5,00,000 to the next of kin of the late Salim.

**4.175** The compliance report along with proof of payment is awaited in the case.

35. *Death of Five Persons in Alleged Police Encounter in Sironcha Forest Area in District Gadchiroli, Maharashtra (Case No.2103/13/2003-2004)*

**4.176** The Commission received a complaint dated 29 November 2003 from T. Duryodhana Reddy, a human rights activist of Ganjam District in the State of Odisha. A copy of the news item published in *The Hindu* dated 19 November 2003 relating to the death of five persons in an alleged police encounter in Gadchiroli District of Maharashtra was enclosed with the complaint. As per the news item, during a combing operation in Sironcha forest area, the police had sighted a few suspected Naxalites. They fired at the police party and the retaliatory firing by the police resulted in the death of five Naxals.

**4.177** Taking cognizance of the matter, the Commission conveyed the complaint to the Senior Superintendent of Police in Gadchiroli and called for an action taken report on the incident. In response, the report received from the Superintendent of Police revealed that the Naxalites had unleashed a reign of terror in the District and on 28 November 2003, when the police party of Police Station Zingnoor was conducting anti-Naxal operation in Kosagota Pahari jungle, some unknown armed Naxalites of Janshakti Naxal Dalam fired at the police party with the intent of killing them and looting the arms and ammunition. The police too fired back in self-defence and five persons including a female member of Janshakti Naxal Dalam were gunned down during the course of the encounter. The Commission then directed the Director General of Police, Maharashtra to get the entire matter investigated in accordance

with the guidelines issued by the NHRC on encounter and accordingly submit a report. In the post-mortem report sent subsequently, it was mentioned that there were blackish wounds on two of the bodies which probably indicated that the firing was from a close range. The Commission consequently opined that the matter needs to be investigated by the State CID. The State Government, however, did not get the matter investigated by the CB-CID. It was then directed by the Commission to seek the opinion of an expert with regard to the word 'blackish' used in the post-mortem report. The expert, a doctor on the panel of the Commission, stated that in this case, the injuries could have been caused by the firearm from a range of blackening and tattooing. However, the exact range which caused blackish wounds could be commented only by the ballistic expert after examining the type of firearm used. The police in the given case had not sent the firearms for a ballistic examination.

**4.178** Keeping all the facts in view, the Commission directed to issue a notice to the Government of Maharashtra to show-cause as to why monetary relief should not be recommended to the next of kin of the five deceased persons, namely, Chandranna, Devendra, Vikram Sunga Made, Ramesh and Smakka. As there was no response to the show-cause notice issued by the Commission, vide its proceedings dated 5 January 2011 the Government of Maharashtra was recommended to pay Rs. 5,00,000 each to the next of kin of the five deceased persons.

**4.179** The compliance report along with proof of payment is awaited from the Government of Maharashtra.

36. *Death of Five Dacoits in Dohikata Kadaldhowa Reserve Forests in District Goalpara, Assam (Case No.75/3/6/2010-ED-FC)*

**4.180** The Commission received intimation from the Additional Director General of Police, In-charge Human Rights Cell of Assam Police Headquarters in Guwahati regarding the encounter death of five dacoits. It was reported that on 28 June 2009 the police party accompanied by the Army and Central Reserve Police Force laid an ambush in Dohikata Kadaldhowa Reserve Forest to nab some dacoits who had taken shelter in the jungle area for committing dacoity. At about 10.00 p.m., five to six dacoits were seen coming through the jungle. As they saw the ambush party, they opened fire. During the ensuing melee, five dacoits, namely, Allauddin S. K., Sahjamal Haque, Promtone Sangma, Jahangir and Salim Khan died on the spot due to bullet injuries. During the search, three pistols, one revolver, nineteen live ammunition, seven blank cartridges, one 0.12 bore SBBL gun, one grenade and one Indica car were recovered and seized. Case No. 65/09 u/s 399/307/34 IPC read with section 25 (1-A)/27 of the Arms Act and section 4/5 Explosive Substances Act was registered at Police Station Mornoi in District Goalpara of Assam.

**4.181** The post-mortem report in respect of all the five deceased persons revealed that – (i) there were two entry wounds and two exit wounds on three bodies; (ii) one entry wound and one exit wound each were found on two bodies. However, there was no blackening/tattooing or charring around the wounds.

**4.182** The cause of death as per the post-mortem reports of all the five cases was stated as 'shock and haemorrhage as a result of bullet injuries sustained by the deceased which were ante-mortem and homicidal in nature'.

**4.183** The Magistrate, who conducted the enquiry, did not associate any of the family members of the five deceased persons as they lived far away. He, however, asked the Superintendent of Police of Goalpara to provide the criminal details of the five deceased but no report in this respect was received by him. There was no mention as to whether arms recovered from the spot were sent for ballistic examination. The police claimed that the encounter took place in pitch darkness. It was therefore astonishing to know as to how the police party was able to inflict lethal injuries on five men without suffering any kind of injuries themselves in an encounter that continued in a jungle for half an hour in complete darkness. The level of accuracy in firing at the target was also surprising. Most importantly, each of the shots fired were from the back as the men killed had their backs turned to those who shot them. The Commission opined that this was an execution, not an encounter, and a serious violation of human rights. The Commission asked the Government of Assam to show-cause as to why relief to the next of kin of all the five deceased persons should not be recommended.

**4.184** In response to the show-cause notice issued by the Commission, the Assam police maintained that the dead men had a criminal background. The Commission held that if the deceased persons had a criminal history, why it was not intimated to the inquiry Magistrate. The Commission also held that the inquiry Magistrate did not associate any of the family members of the deceased persons on the ground that they lived far away then how the dead bodies were handed over to the family members the very next day. The Commission moreover expressed its concern that it was not informed by the State agencies as to how the family members came to know of the incident. No ballistic examination of the fire arms was conducted and no swab or finger prints were taken after the incident. How the deceased persons were shot in the back in pitch darkness was also not answered by the concerned State agencies. The Commission noted with concern that none of the substantive points made by it had been addressed by the Government of Assam. Accordingly, it recommended that a sum of Rs. 5,00,000 each be given as monetary relief to the next of kin of the five deceased persons by the Government of Assam.

**4.185** The compliance report along with proof of payment is awaited in the case.

37. *Death of Kuldeep Singh in Alleged Fake Encounter by Uttar Pradesh Police*  
(Case No. 16593/24/18/2010-AFE)

**4.186** The Commission took cognizance of a press report captioned "U.P. Police Accused of Fake Killing", which appeared in *The Asian Age Delhi* on 3 May 2010. The press report inter alia stated that one Jawan of Rajputana Rifles, named Kuldeep Singh, aged 32 years, was killed by Uttar Pradesh Police in a fake encounter in Bulandshaher District on 1 May 2010. He was reportedly on a two months, leave. He had left his house at Bharari village of Kherka area in Aligarh District of Uttar Pradesh on the morning of 30 April 2010 to make some purchases but he did not return and was later reportedly killed in an encounter with the police.

**4.187** The Commission afterwards received a message from the Senior Superintendent of Police, Bulandshaher, about the death of Kuldeep Singh in an encounter with the police. The Commission also received a number of complaints alleging fake encounter.

**4.188** The Commission took cognizance of the matter and directed the Director General of Police, Uttar Pradesh; District Magistrate, Bulandshahar and Senior Superintendent of Police, Bulandshahar to take appropriate action with regard to the investigation of the case and that the investigations should be conducted as per guidelines laid down by the Commission. Pursuant to its directions, the Senior Superintendent of Police, Bulandshahar submitted the inquest report, post-mortem report and a copy of the FIR. The inquest report revealed that the deceased died of firearm injuries on the right side and middle of the chest and two wounds on the back. The post-mortem report further revealed that the deceased died due to haemorrhage as a result of ante-mortem gun shot injuries. The magisterial enquiry report was not received in the case.

**4.189** The Commission then directed its Director General (Investigation) to send a team of officers for conducting a spot investigation into the matter.

**4.190** Pursuant to the directions of the Commission, a team from its Investigation Division conducted an on-the-spot enquiry and after recording the statements of witnesses and collecting the relevant documents/records, concluded as follows:

“The deceased Kuldeep Singh, a young soldier of Indian Army (32 years old), had got married just eight months prior to the encounter. He was on two months leave. He was probably killed in a fabricated and false case of police encounter. It was recommended that the call details of the complainant, the witness of the robbery, and all the police officials involved, should be thoroughly probed in order to unearth the genuineness of the case. It was recommended that the matter needs further probe by some independent agency, on the anomalies pointed out by the team of NHRC.”

**4.191** On the basis of the above report, the Commission observed that it is a matter of great concern that deceased Kuldeep, a young soldier, was killed in a fake encounter. No acceptable justification was given by the police during the course of enquiry by the team of NHRC.

**4.192** The Commission thus issued a notice u/s 18 (a) (i) of the PHRA to the Chief Secretary, Government of Uttar Pradesh to show-cause as to why the next of kin of the deceased be not recommended monetary relief. The Commission also directed the State Secretary Home to order CB-CID investigation for determining the culpability of the police personnel involved.

**4.193** The relevant reports are awaited in the case.

38. *Death of Pawan Mishra in Police Firing in District Nawada, Bihar*  
(Case No.3609/4/2005-2006)

**4.194** In the given case, the complainant had alleged that one Pawan Mishra was shot dead by Kishore Kumar, Inspector, P.S. Meskaur, District Nawada in Bihar on 3 November 2005 for no reason. It was further stated that Pawan Mishra was a brilliant student and the only child of his parents. He prayed for action against the delinquent policeman and compensation to the family of the deceased. Similar complaints were also received from family members of the deceased.

**4.195** Responding to the Commission's notice, the Superintendent of Police, District Nawada, Bihar informed that on the basis of statement of one Kapil Dev Mishra, Crime No. 145/05 dated 3 November 2005 u/s 302/34 IPC and u/s 27 Arms Act was registered at P.S. Sirdala (Meskaur) against Sub Inspector Kishore Kumar and Deputy Head Constable Lal Ram and that both the accused policemen had been suspended. It was further reported that a chargesheet was submitted on 12 November 2006 against the police personnel in the court.

**4.196** Upon consideration of the report, the Commission vide its proceedings dated 17 September 2009 observed as under :-

"In the instant case, it is very clear that a young student, who was about to complete his education, has been killed at the hands of police. Police are provided weapons for protection of the people but certainly not with a view to kill innocent persons. The State authorities should deprecate if innocent people are killed in this fashion, should come out immediately to adequately compensate the next of kin of the deceased. The State will also be understood having supporting such police officers if not compensated. When after due enquiry, the police officers have been charged and the enquiry report submitted to the Commission by the other police officers clearly reveals that the innocent student died at the hands of the police the State should have compensated. The report clearly reveals that Deputy Havaldar Lal Ram and Sub Inspector Kishore Kumar were suspended and orders for their arrest have already been issued and the enquiry officer has held that the allegations made against them have been substantiated".

**4.197** Consequently, the Commission issued a show-cause notice under section 18(c) of the PHRA to the Chief Secretary, State of Bihar calling upon him as to why appropriate compensation should not be recommended to be paid to the next of kin of the deceased.

**4.198** On consideration of the response of State Government, the Commission vide proceedings dated 5 March 2011 recommended that an amount of Rs. 5,00,000 be paid as monetary relief to the next of kin of the deceased. The Chief Secretary, Government of Bihar was further directed to send the proof of payment to the Commission within eight weeks.

**4.199** On receipt of proof from the State Government, the case was closed.

## **B. Terrorism and Militancy**

**4.200** Today, India is facing the daunting challenge of protecting the human rights of common man on the face of terrorism. With the grim spectre of terrorism continuing to target innocent and defenseless people, the task of protection of human rights has become all the more challenging.

**4.201** A peaceful society rests on the pillars of justice and individual accountability. The concern for justice has been of paramount importance while dealing with the vexed issue of terrorism. In most of the tragedies associated with terrorism, it is mostly the common people, whose rights are violated.

**4.202** An increase in the activities of terrorists and Naxalites has made the role of security forces even more demanding. They are increasingly called upon to control civil unrest, enhance security at important places and also to control and maintain law and order whenever required.

**4.203** The United Nations General Assembly adopted a Resolution 34/169 on 17 December 1979 that all security personnel shall respect and protect human dignity and uphold the human rights of all persons. Towards this objective, they are expected to abide by the international conventions against torture and other cruel punishments and the principles of international cooperation in detention, arrest, and extraditions.

**4.204** The Commission is of the firm view that proper observance of human rights is not a hindrance to the promotion of peace and security. Rather, it is an essential element in any worthwhile strategy to preserve peace and security and to defeat terrorism. The purpose of anti-terrorism measures must, therefore, be to protect democracy, rule of law and human rights, which are fundamental values of our society and the core values of the Constitution.

**4.205** The Commission from time to time has reiterated that terrorism creates an environment that destroys the right of people to live in freedom from fear. Terrorism's goal is to destroy the very fabric of democracy. It has today emerged as a serious threat to humanity. India remains an important ally in the global war on terrorism. It has fought against terrorism for over fifty years and has learnt a great deal from its successes and failures. The endeavour of the Commission is to call on the international community to co-operate in combating terrorism. At the same time, the Commission has always emphasized that in doing so, the approach should be humane, rational and secular.

**4.206** The Commission has always taken up the cause of the victims of acts of terrorism and has taken steps for providing relief and rehabilitation to them. It believes that all persons responsible for acts of terrorism should be proceeded against in accordance with the law and that the existing laws are, by and large, sufficient. It is the firm view of the Commission that though the terrorist threats we are facing now are of an unprecedented scale, but since the rationale of anti-terrorism measures is to protect human rights and democracy, counter-terrorism measures should not undermine democratic values, violate human rights, and subvert the rule of law. While fighting the war against terrorism, the State cannot be permitted to be either selective in its approach or go overboard and declare a war on the civil liberties of the people.

1. *Death of Abdul Rehman Dar in Cross-fire between Militants and Security Forces in Jammu & Kashmir (Case No. 55/9/2002-2003)*

**4.207** The Commission received a complaint dated 21 May 2002 wherein it was alleged that human rights abuses were being committed in the State of Jammu & Kashmir by the security forces and the police. In the complaint, reference had been made about 22 such incidents. Out of these, 16 were connected with the State Police and the remaining six were related to the army, which comes under the Union List. Out of these, the cases were closed by the Commission in 18 incidents, on receipt of reports from the State Government.

**4.208** In one of the incidents, Abdul Rehman Dar, a tailor by profession, died in cross-fire between the militants and the security forces. A show-cause notice was issued to the Secretary, Ministry of Defence, Government of India. The Ministry of Defence took the stand that the Army cannot be blamed for the death of Abdul Rehman Dar as he was caught in a cross fire between the militants and the Army, who were on a legitimate counter insurgency operation. However, the Ministry agreed on humanitarian grounds “to the award of reasonable compensation to the next of kin of the deceased”. Keeping in view the stand taken by the Ministry of Defence, the Commission recommended to the Secretary, Ministry of Defence, Government of India to pay a compensation of Rs. 3, 00,000 to the next of kin of the deceased Abdul Rehman Dar. The compliance report along with the proof of payment is awaited in the case.

**4.209** Reports are also awaited in respect of three incidents related to the Ministry of Home Affairs, Government of India, New Delhi.

## **C. Conditions in Prisons**

### **a) Visits to Jails**

**4.210** As per the PHRA, one of the functions of the Commission is to visit jails and other institutions under the control of the State Governments where persons are detained or lodged for purposes of treatment, reformation or protection, so as to assess the living conditions prevalent therein and make recommendations thereon to the Government.

**4.211** Accordingly, during the year 2010-2011, a Member and two Special Rapporteurs of the Commission visited seven jails located in Barabanki, Lucknow and Faizabad in Uttar Pradesh; Bhubaneswar in Odisha; Shimla in Himachal Pradesh and Midnapore in West Bengal. The main purpose of these visits was to oversee the functioning of these institutions as well as study the human rights situation of the inmates there. Besides, the officers of the Investigation Division visited Naini Jail in Allahabad (U.P.); Dasna Jail in Ghaziabad (U.P.); Central Jail in Indore (M.P.); Central Jail in Gwalior (M.P.); District Jail in Dehradun (Uttarakhand); Koramangala Open Air Jail in Banagalore (Karnataka); Birsa Munda Central Jail in Ranchi; Central Jail in Jharkhand; Trishur Jail in Kerala; Beur Jail in Patna (Bihar); Dist Jail Jharpada in Bhubaneswar (Odisha); Central Jail in Gurgaon (Haryana) and Central Jail in Madurai (Tamil Nadu). The officers of the Investigation Division also visited the Observation Home for Boys-II in Kingsway Camp, Delhi; and Special Home for Boys-1 in Majnu Ka Tila, Delhi.

### **b) Analysis of Prison Population**

**4.212** The NHRC compiles and analyzes statistics on prison population in the country to ascertain the actual position of overcrowding in the prisons and accordingly suggests measures for its decongestion. This is carried out by obtaining data from the Prison Headquarters of each State/Union Territory in a prescribed format every six months. During the period under review, it compiled and analysed, the prison statistics based on the information received up to 30 June 2009.

**4.213** It is encouraging to note that overcrowding which is an important factor for determining the living conditions of prisoners inside the jails has shown a continuous and significant decline of 15.5% from June 2005 (42.9%) to June 2009 (27.4%). States/Union Territories like Chhattisgarh, Uttar Pradesh, N.C.T. of Delhi, Goa, Dadra & Nagar Haveli, Gujarat, Uttara khand, Kerala, Madhya Pradesh, Jharkhand, Punjab, Assam, Haryana and Himachal Pradesh which have a high percentage of overcrowding, more than the all India level of 27.4%, may be requested to bring it further down by creating additional capacity in their jails. Delhi, Gujarat and Jharkhand are making substantial efforts to bring down overcrowding in their jails. Other States/Union Territories may like to emulate their example for reducing overcrowding in their jails. Odisha and Tripura too have succeeded in reducing overcrowding in their jails.

**4.214** The same declining trend was noticed on other parameters of living conditions in jails as well. A slight downward trend was noticed in the percentage of undertrials as it declined from 68.3% in June 2008 to 67.9% in June 2009. The decline is required to be maintained and speeded up further. Measures like holding of frequent Jail Adalats (Camp Courts inside jails), provision of legal assistance to poor and needy prisoners, streamlining the process of granting of parole, speedy trial and holding of video conferencing, etc. are some of the measures which would enable States/Union Territories in reducing overcrowding and number of undertrial prisoners in the jails.

**4.215** Percentage of undertrials when compared with the previous period of June 2008 shows that it has gone down in 10 States/Union Territories, gone up in 5 States/Union Territories and there had been no significant increase/decrease in 19 States/Union Territories.

**4.216** With regard to the percentage of women prisoners, there has been a status-quo. The percentage of women prisoners was reported to be high Mizoram, Daman & Diu, West Bengal, Andhra Pradesh, Tamil Nadu and Maharashtra.

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### RIGHT TO HEALTH

**5.1** There is no denial of the fact that of all the rights cherished by human beings, none is more fundamental than the 'right to health'. This right is indispensable for the exercise of other human rights. Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life of dignity. The human right to health is recognized in numerous international instruments. Among them the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) provides the most comprehensive article on the right to health in international human rights law. Article 12.1 of the Covenant affirms that the States Parties must recognize "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health", whereas Article 12.2 enumerates, by way of illustration, a number of "steps to be taken by the States Parties.....to achieve the full realization of this right". Additionally, the right to health is recognized, inter alia, in Article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (ICERD), in Articles 11.1 (f) and 12 of the Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW) and in Article 24 of the Convention on the Rights of the Child, 1989 (CRC).

**5.2** The right to health has also been proclaimed in the Vienna Declaration and Programme of Action, 1993 as well as in the Programme of Action of the International Conference on Population and Development held at Cairo in 1994 and other international instruments like the Declaration and Programme of Action of the Fourth World Conference on Women held in Beijing in 1995. Moreover, right to health is closely related to and dependent upon the realization of other human rights, including rights related to food, housing, work, education, human dignity, life, non-discrimination, equality, privacy and access to information. These and other rights and freedoms address integral components of the right to health.

**5.3** India is a State Party to all these Conventions, Declarations and Programmes of Action. The Constitution of India also upholds 'right to health' as a Fundamental Right under Article 21. Accordingly, the Commission has adopted a pro-active role with regard to right to health and has consistently taken the view that the State must ensure that the people of the country, in particular the vulnerable sections, have access to better and more comprehensive health care facilities.

**5.4** During the year 2009-2010, the NHRC has primarily focussed on providing better medical services and health care facilities in tribal areas; ensuring quality assurance in mental health care; considering individual cases of all those affected by silicosis and simultaneously directing

the concerned State Governments to give compensation to the victims as well as developing preventive, rehabilitative and remedial measures to deal with the issue of silicosis.

## **A. Better Medical Practices and Health Care Facilities in Tribal Areas**

**5.5** It was reported in the Annual Report of 2009-2010 that the Commission on 29 January 2010 had convened a one-day meeting of the Health Secretaries of all the States/Union Territories on “Illegal Medical Practices and Health Care Facilities in the Tribal Areas” to ensure that the tribal areas in the country have better access to quality health care. In this meeting that was organized in New Delhi, the officials of States/Union Territories, experts and representatives of civil society organizations recommended/suggested a number of measures which need to be taken up by all the concerned stakeholders to guarantee better health care to those residing in tribal areas.

**5.6** The important recommendations/suggestions which emanated out of the deliberations of the meeting are as follows:

- (i) There is a need to adopt a uniform, humane and non-discriminatory approach in the existing public health care system so that the tribal, rural and disadvantaged sections of the society are not deprived of basic medical facilities and health care in the country. An approach of this kind would remove inequalities in health care and ensure that health care is available and accessible to one and all.
- (ii) State Governments/Union Territories should gear up their machinery to take action against illegal medical practitioners and quacks by prosecuting them under the prevalent laws, rules and regulations. Wherever absent, the States/UTs to put in place legal framework for effective action against illegal medical practitioners/quacks.
- (iii) All the States/UTs should put in place a monitoring system for anti-quackery actions. In addition, they should have a system of periodic review of the actions taken on this issue from time to time.
- (iv) In order to check the menace of illegal medical practitioners and quacks, the Central Government should bring out an Anti-Quackery Bill providing provisions for stringent punishment for the people indulging in such medical malpractices.
- (v) The role of professionals in health care, especially in tribal and rural areas should not be underestimated. The current trend followed in many States/UTs of providing training to illegal practitioners/quacks to upgrade their skills and having doctors with different qualifications to substitute doctors in rural and tribal areas should not be promoted as it is a discriminatory action.
- (vi) Lack of qualified medical and para-medical staff in rural areas provides an opportunity to quacks to exploit people. Therefore, qualified medical and para-medical staff should be provided in rural areas and special incentives may be provided to encourage them to work in rural areas.
- (vii) There should be a review of the existing Acts, Rules and Regulations by the Central Government and the same should be suitably amended to provide for a strong legal framework for an effective and speedy action against malpractices in health care system.
- (viii) Inaccessibility to health care is not the only problem in tribal areas as different tribals living in different geographical regions have peculiar and specific problems related to their environment.

These problems of different tribals spread over different geographical regions need to be addressed with region specific approach while providing basic health care facilities to them. The health care system should be tailor-made to suit local area situations.

- (ix) In order to improve the existing health care facilities in tribal areas in the country, there is a need to provide a multi-pronged approach by various Ministries/Departments of all States/UTs.
- (x) There is a need for convergence of efforts by all the related agencies to promote health care system in the tribal regions of the country like supply of potable drinking water, adequate sanitation and hygiene, healthy food, etc.
- (xi) There is a need to replicate some of the good/best practices in standardized health care facilities, available in tribal areas of some of the States/UTs, in other tribal regions. The concerned Ministries in the Central Government should facilitate this process.
- (xii) State/UT Government should put in place an incentive system to encourage medical and para-medical staff to work in tribal areas. This may include both financial and career progression incentives.
- (xiii) There is a need to create awareness among the public and healthcare providers on regular basis.
- (xiv) There is need to strengthen the surveillance and monitoring system to curb the manufacturing and supply of spurious/fake drugs in the country.
- (xv) The drug inspection system also needs to be strengthened and streamlined in the country. The appointment of Drug Inspectors in States / UTs should be in proportion to number of pharmacies which are increasing day by day.
- (xvi) It was recommended that facilities for drug testing laboratories should be augmented with setting up of new labs with latest technologies and wherewithal. This would facilitate testing of samples in a time-bound manner.
- (xvii) A system of seeking feedback from consultants/medical practitioners needs to be evolved for assessing the quality and efficacy of drugs and result of such assessment may be placed in public domain for general awareness of masses.
- (xviii) It is important to spread awareness about the supply of spurious/fake drugs among the public at large. The States/UTs should therefore conduct necessary programmes to create awareness among the masses.
- (xix) There is a need to examine the existing public medicine purchase system. The system of purchasing medicines from reputed manufacturers needs to be encouraged by all States/UTs. The focus should be on the quality of medicines rather than the cost of it.
- (xx) There is an urgent need to monitor the overall functioning of the pharmacies in the country by the concerned authorities.

**5.7** These recommendations were sent to all the stakeholders in all the States/Union Territories for compliance.

## **B. Mental Health**

**5.8** As part of the mandate given to it by the Supreme Court, the NHRC is monitoring the functioning of three mental health hospitals in Agra, Gwalior and Ranchi. On receipt of the Channabasavanna report, it has on its own taken the responsibility of monitoring all the mental hospitals in the country. In this context, the Chairperson, Members, Special Rapporteurs and

senior officers of the NHRC have been visiting mental hospitals all over the country to know its functioning as well as find out the conditions of mentally-ill patients admitted therein for treatment.

**5.9** It was reported in the NHRC Annual Report for the year 2009-2010 that in order to ascertain the status of compliance of its recommendations on quality assurance in mental health and to review the steps taken by the States/Union Territories concerning mental health, the Commission had organized four Regional Review Meetings on Mental Health in the country covering thereby the Eastern, Western, Southern and North-Eastern Regions. In continuation of those meetings, during 2010-2011, it organized its fifth Regional Review Meeting for the Northern Region in Agra on 9 April 2010 in collaboration with the Institute of Mental Health Hospital. The States/Union Territories covered in the meeting were Chandigarh, Haryana, Himachal Pradesh, Jammu & Kashmir, N.C.T. of Delhi, Punjab, Uttar Pradesh, Uttarakhand and Rajasthan. The aim of the meeting was to assess the prevailing conditions of mental hospitals in the region, find out the status of implementation of district mental health programme, know the overall status of proposals of mental hospitals and district hospitals pending in the concerned States/Union Territories for augmentation of existing facilities.

**5.10** The review meeting had the participation of the Directors of mental hospitals in the region, senior officials dealing with mental health in the State Governments/Union territory Administrations; officials of the Ministry of Health & Family Welfare, Government of India; Professors of Psychiatry teaching in the Medical Colleges located in the region and representatives of Medical Council of India. The recommendations which emanated out of the five Regional Review Meetings have been sent to all the stakeholders and are being followed up.

## **C. Silicosis**

**5.11** The Commission has been deeply concerned about the health hazards posed by silicosis, an occupational disease. The disease is caused due to inhaling of dust containing free crystalline silica. Crystalline silica or silicon dioxide is found in quartz, sandstone, flint, slate, a number of mineral ores and many common building materials including clay bricks, concrete, mortar and tiles. Occupations with exposure to silica dust include mining; tunneling; stone work and sand blasting. In all these occupations, workers inhale tiny silica particles released into the air with the dust created by cutting, crushing, chipping, grinding, drilling, blasting or mining, and in the process become victims of silicosis. All those engaged in the manufacture of ceramics, glass and abrasive powders are also susceptible to silica dust.

**5.12** Workers involved in dry sweeping of areas where sandstones and rocks are broken or crushed or those engaged in loading, unloading and dumping sand or concrete or cleaning of building materials with pressurized air are susceptible to silicosis as these processes generate large quantity of dust clouds. Hence, any activity in which crystalline silica dust exists, even if it is carried out in open air, is perilous. The silica particles inhaled are so small that they can only be seen with a microscope. At the same time, they are so light that they can remain airborne for a long time. As a result, silica can travel long distances in the air and affect populations

not otherwise considered to be at risk. Research studies conducted by the World Health Organization (WHO), Indian Council of Medical Research (ICMR) and the National Institute of Occupational Health (NIOH) have time and again brought forth the fact that silicosis is not only a serious threat to the health of all those who are engaged in occupations that are potentially exposed to crystalline silica dust but is a constant health hazard for people living in the vicinity where these occupations are carried out. Exposure to crystalline silica dust, even for a short period of time can cause silicosis and lead to gradual impairment of lungs in few years along with other temporary or permanent disabilities and finally death. Unlike other diseases, there are no symptoms whatsoever whereby one can come to know about the onslaught of the disease in its early stages. A frequent cause of death in people with silicosis is silico-tuberculosis or lung cancer. Respiratory insufficiencies due to massive fibrosis and heart failure are other causes of death. However, due to lack of awareness even among the doctors, silicosis is often confused with other diseases. The number of persons who die from silicosis in India is high but there is no statistics available concerning these deaths. It has also been established that there is no medical treatment for silicosis. It is, thus, a disabling, irreversible, fatal disease and continues to progress even when contact with silica is stopped. Needless to mention, it profoundly affects the work productivity and economic and social well-being of workers, their families and dependents.

**5.13** Silicosis is both a health issue and a human rights issue as it impacts not only on the right to life but also on the right to live with dignity of all those affected by it and their families. With a view to examine the issue, the Commission during 2009-2010 constituted an Expert Group on Silicosis under the chairmanship of one of its Member, Shri P.C. Sharma. As reported in the NHRC's Annual Report for the year 2009-2010, the first meeting of the Expert Group was convened in the NHRC in January 2010. It identified the silicosis-prone industries and decided to involve preventive, remedial and rehabilitative measures to deal with the problem of silicosis. Moreover, it suggested payment of compensation to the affected persons. Accordingly, the Commission has adopted a two-pronged approach to tackle the issue of silicosis. On the one hand, it is considering individual cases and has directed the concerned State Governments to give compensation to the victim, and on the other hand, it has devised preventive, rehabilitative and remedial measures to deal with the issue of silicosis. These measures are:

### *Preventive Measures*

- (i) The occupational health survey and dust survey on half yearly basis may be made mandatory in suspected hazardous industries. All the enrolled workers must be medically examined before entering into the employment. The workers should be clinically examined with chest radiography and pulmonary function test to rule out any respiratory disorder.
- (ii) State/UT governments should encourage development and promotion of various cost-effective engineering control measures to manage silica dust through surveillance of processes or operations where silica is involved
- (iii) Implementation of precautionary measures including the protective gears for the workers

of silicosis-prone industries may make mandatory by the concerned enforcement authorities.

- (iv) Dust control devices should be installed to reduce the dust generation at the workplace. National Institute of Occupational Health (NIOH) has developed control devices for agate, grinding and quarts crushing industries based on the principle of local exhaust ventilation. The use of wet drilling and dust extractors may be enforced by respective regulatory authorities.
- (v) The workers vulnerable to silicosis need to be made aware of the disease through wide publicity campaigns with the use of electronic and print media. This will also improve self-responding of cases and facilitate early detection.
- (vi) Silicosis is a notified disease under the Mines Act 1952 and the Factories Act 1948. Silicosis may also be made a notified disease under the Public Health Act. As such all district/primary health centres/hospitals in the country will have to report the cases/suspected cases of silicosis to the Government.
- (vii) There is a necessity to develop Master Trainers to impart training to all public health doctors/paramedics for early diagnosis and detection of silicosis.
- (viii) Less hazardous substitutes to silica should be found out for use in place of silica.
- (ix) Industrial units which are silica prone should have an Occupational Health and Safety Committees (OHSC) with the representation from workers and Health Care Providers.
- (x) Silicosis control programme should be integrated with already existing Revised National Tuberculosis Control Programme (RNTCP).
- (xi) A mechanism to have intersectoral coordination among departments such as Ministry of Health & Family Welfare, Ministry of Labour & Employment, Directorate General of Factory Advice Services Labour Institute, National Institute of Occupational Health, Tuberculosis Association of India and civil society organizations to evolve an appropriate strategy to deal with the dual problems of silicosis and tuberculosis may be set up at the Centre and State level.

### ***Remedial Measures***

- (i) In each of the district where a silicosis-prone industry, quarrying or a big construction projects are on, there is a need to identify a facility for diagnosis of silicosis.
- (ii) The District Tuberculosis Officer must collect and maintain accurate information and documentation on a number of workplaces and workers at risk from silica exposure.
- (iii) The accountability for the implementation and control over the rules & regulation of Laws must be reviewed time to time.
- (iv) The National /State Social Security Board set up under the Unorganized Worker's Social Security Act, 2008 should recommend welfare schemes to be formulated for the welfare of the unorganized workers who are at risk of contracting silicosis as well as those already affected and their families.
- (v) The Central Government may consider extending the Rashtriya Swasthya Bima Yojna, a health insurance scheme for BPL families and extended subsequently to some other vulnerable groups, to the workers at risk of contracting silicosis and their families.

## ***Rehabilitative Measures***

- (i) The treatment cost of the silica affected person including permanent, temporary or contractual worker should be borne by the employer. The district administration should ensure its implementation and treatment.
- (ii) The victims of silicosis should be rehabilitated by offering an alternative job or a sustenance pension if they are unable to work.
- (iii) NGOs should be involved in monitoring and implementation of the programmes initiated for the benefit of silica exposed workers.
- (iv) Appropriate counseling should be provided to the person affected by silicosis.

## ***Compensation***

- (i) The silica-affected person should be adequately compensated.
- (ii) Silicosis is a compensable injury enlisted under the ESI Act and the Workmen's Compensation Act. Therefore a separate Silicosis Board similar to the one set up by the Government of Odisha may be formed in every State. The guidelines and model calculation of compensation may be framed under the ESI Act and the Workmen's Compensation Act.
- (iii) The Board can carry out surveillance of silicosis cases and assessment of disability/loss of earning capacity resulting from the diseases for the purpose of compensation and rehabilitation.
- (iv) The compensation could be calculated based on Disability Adjusted Life Year (DALY) developed by World Health Organization.

**5.14** The Chairperson, NHRC has forwarded these recommendations to the Chief Ministers of all the States/Union Territories and has further requested them to issue suitable directions to the concerned Departments so that there is effective implementation of all these recommendations.

## **Organization of a National Conference on Silicosis**

**5.15** In order to assess the action taken by the State Governments/Union Territory Administrations with regard to the preventive, rehabilitative and remedial measures recommended by it in December 2010, the Commission on 1 March 2011, organized a National Conference on Silicosis in New Delhi. Through this Conference, the Commission also wanted to interact with non-governmental organizations, civil society and technical organizations who are dealing with the issue of silicosis. The Conference was attended by concerned officials/representatives of Central Government and State Governments/Union Territory Administrations. Besides, it was attended by representatives of non-governmental organisations, civil society and technical organizations who dealt with the problem of silicosis.

**5.16** The important decisions and suggestions that emanated from the Conference are listed below:

- All State Government should complete a detailed survey of the industries within 6 months, unless specific period indicated by the Commission as in case of some States.
- The Commission to call review meetings of concerned officials of few States in batches every two months.
- Silica detection equipment should be provided to factory inspectorate to identify industries producing silica.
- Survey should be divided into two parts. Apart from survey of workers, in silica producing factories, quarries, etc. survey of ex-workers is needed.
- A Silicosis Board of Mandsaur pattern should be extended to affected districts of all States.
- Need to differentiate between relief and compensation.
- In Madhya Pradesh, the status of victims is very poor. Therefore, NHRC recommendation of granting sustenance pension should be implemented early.
- All affected persons should be treated as Below Poverty Line.
- Separate programme specially targeting silicosis victims should be designed which should cover health education as well as livelihood /social security.
- Earlier recommendations made by CPCB and DGFASLI made on behest of NHRC should be implemented.
- When a victim suffering from Occupational Disease dies, ESIC is to be notified before last rites are performed to ascertain cause of death. They also want post-mortem to be done. It is difficult for the people from poor strata of the society to follow the process involving police. Also, it is not in line with the culture to keep the body for a long time before funeral. This stipulation, therefore, requires change.
- Method of diagnosis should involve: 1st Step-Screening of persons who worked in silica dust producing factories and have symptoms like cough-breathlessness. Three simple questions - (a) Are you breathless? (b) Have you worked in a "high risk industry"- to be defined; (3) Did you have the symptoms before starting work? Second Step-Medical examination and chest X-rays by doctor at designated "X-ray" center. Third step-Sending of X-rays to expert readers for final opinions.
- A comprehensive strategy to check migration should be designed which can include modifications in the MGNREGA scheme to provide more number of wage days.
- Many hazardous factories still working, should be closed.
- State should initiate criminal proceedings against the factories under the provisions of IPC and Factories Act where the labourers have contracted silicosis.
- DGFASLI should give a standard questionnaire to all States. This should include name, address etc, work history- worked/is working in identified industries, duration of work, hours of work each day, type of work done, level of dust exposure, wages received, symptoms related to chest, wasting, weight loss, record of employment, etc.
- Silicosis is a public health issue and it should be taken up at the national level.
- Government of Madhya Pradesh has done some relocation of industries from residential area to industrial area successfully. This may be replicated elsewhere.
- The High Court of Gujarat has passed order to the effect that all cases of silicosis be given 100% disability. ESIC should resolve to make it a rule.

- All State Factory Inspectorate should have at least one Industrial Hygiene Expert.
- ESI Act is applicable to units employing less than 10 in Mandsaur. This should be extended to the whole of India.
- All civil hospitals should have OPD for occupational diseases.
- Moreover, a worker may not have required legal documents to support his employment like identity card or attendance card or pay slip as well as length of exposure, when he is out of employment. This stipulation, therefore, requires change.
- Functioning of a separate cell under NRHM/state health department should be started.
- Introduction of special courses of “Environment & Occupational Health” for the junior doctors and interns which has to be initiated by the State Government
- Immediate recruitment of certified surgeons, radiologists and chest specialists and their capacity building and training arrangement to be made on dust diseases as per WHO & ILO standard.
- Setting up of the Occupational Disease Diagnosis Centre (ODDC) at district level ESI, Government hospitals and NRHM centers at different location.
- Limiting exposure to harmful dusts can be achieved further by suppressing dust generation, filtering or capturing dust particles, diluting the concentration with fresh air, and using personal protective respiratory equipment as further possible means of preventing silicosis.
- All the workers migrating from one State to another state could be given identity cards to make it easier for the treating doctors to get the history of the work place, their exposure to silica dust, working conditions and health conditions of the workers.

**5.17** These recommendations were forwarded to all the stakeholders by the Commission.

## **D. Endosulfan**

**5.18** The Commission took cognizance of media reports with regard to the adverse effects of aerial spraying of endosulfan pesticide on the local population in Kasaragod District of Kerala. It also deputed its own team for an independent investigation, which confirmed a continued high incidence of the medical disorders recorded among people and the relief provided by the Government of Kerala made very little positive impact. Consequently, an urgent meeting of the NHRC's Core Advisory Group on Health was convened on 24 December 2010 with a view to seek expert advice on the issue. The Core Advisory Group suggested that based upon available evidences, the Commission should recommend ban on the use of endosulfan. It was moreover suggested to recommend immediate compensation to the affected people and that rehabilitative efforts should cover all areas including provision of complete medical facilities for the affected people.

**5.19** The Commission in its proceedings dated 31 December 2010 considered the views of the Core Advisory Group on Health and made detailed recommendations to the Union Government and Government of Kerala including recommending to Government of India to take administrative and legislative action to ban the use of endosulfan, conduct a nation-wide survey of the problem and establishment of a palliative care centre/hospital in Kasaragod

District of Kerala. Besides, it recommended that the Government of Kerala should pay at least ₹ 5,00,000 each to the next of kin of all those who had died due to endosulfan as well as to those who were fully bedridden or mentally retarded and ₹ 3,00,000 to those who had other kinds of disability on account of endosulfan.

**5.20** Further, with a view to review the steps being taken by all concerned, the Commission organized a series of meetings with the Secretaries of the concerned Union Ministries and Chief Secretary of Government of Kerala. In these meetings, the Government of Kerala was conveyed the need to pay more compensation to 178 confirmed cases of deaths in which only ₹ 50,000/- each was paid. Furthermore, the Government of Kerala should pay adequate compensation to ₹ 5,000 odd affected people as recommended by the Commission. The need to provide greater awareness to the public through widespread media campaigns on safe way of using the pesticide was also recognized.

**5.21** The Commission is continuously monitoring the steps taken by all concerned for providing respite to the affected population.

## **E. Illustrative Cases on Health Dealt by NHRC**

1. *Death of 13 Children due to Medical Negligence in Hyderabad Hospital, Andhra Pradesh (Case No. 1103/1/7/07-08)*

**5.22** U.K. Sharda, Editor of the 'Egalitarian Fortnightly', in his complaint dated 24 December 2007 invited attention of the Commission on the death of 13 children in Niloufer Hospital in Hyderabad as they had not received proper medical care due to the unexpected strike of doctors. The Commission sought a report in the matter from the Government of Andhra Pradesh. It was confirmed that 13 children had died in Niloufer Hospital in the month of December 2007.

**5.23** The State Government further informed that an Enquiry Committee consisting of five senior doctors had been constituted to look into the incident. Their report mentioned that most of the babies were newly born and had extremely low birth weight. These babies also had grave respiratory complications, convulsions and refused feeds and that they were brought in a moribund state from other hospitals.

**5.24** The report stated that there should have been a close and appropriate electronic monitoring of these babies and more intensive intervention and support should have been provided depending upon the resources available at that point of time.

**5.25** The Commission vide its proceedings dated 25 October 2010 directed the Government of Andhra Pradesh to take appropriate steps to meet the emergencies such as the one which happened in December 2007 and also to improve the overall condition in Niloufer Hospital. With these observations, the Commission closed the case.

2. *Exposure of Doctors Practising on Fake Certificates in Delhi*  
(Case No. 3606/30/2/08-09)

**5.26** The Commission received a complaint dated 23 October 2008 from one V.K. Arora, a resident of Ghaziabad in Uttar Pradesh along with a copy of a news paper clipping published in the *Nav Bharat Times* stating that on verification of the registration of eight doctors employed in the Shanti Mukund Hospital on 14 July 2008, it was revealed that only one of them was registered with Delhi Medical Council (DMC) and the remaining had forged certificates. The complainant thus requested the Commission to intervene in the matter to save the lives of innocent patients coming for treatment there.

**5.27** Pursuant to the notice issued by the Commission, the Joint Secretary, Government of N.C.T. of Delhi vide letter dated 10 February 2009 submitted a report along with a copy of FIR lodged against the fake doctors. The report stated that the Medical Superintendent, Shanti Mukund Hospital wrote a letter to the Delhi Medical Council on 14 July 2008 for verifying the registration of eight doctors employed in the hospital. Upon verification of records by Delhi Medical Council (DMC), only one out of the eight doctors was found registered with the Council. Hence, the DMC lodged an FIR with the Station House Officer of the I.P. Estate Police Station in New Delhi against seven individuals after finding that they had obtained forged certificates. The DMC also sent an advisory to all the hospitals established and functioning in N.C.T. of Delhi to verify the registration of all doctors from Delhi Medical Council who were engaged in the practice of modern scientific system of medicine and are employed with them.

**5.28** Upon consideration of the above report, the Commission on 23 April 2009 requested the Chief Secretary of N.C.T. of Delhi and the Commissioner of Police, Delhi to submit detailed report on the following :

- (a) What is the action taken by the police against fake doctors after registration of cases against them?
- (b) Since when have they been serving the hospital and how much each one of them has been paid?
- (c) Was there any case of negligence/mishandling on the part of these doctors during the course of their official duties? If so, the details thereof.

**5.29** In response to the above queries of the Commission, the Deputy Commissioner of Police, Vigilance, Delhi vide letter dated 19 June 2009 submitted a report stating that FIR No.189/08 dated 18 July 2008 u/s 420/468/471 IPC had been lodged at P.S. I.P. Estate on the complaint of Girish Tyagi, Secretary, DMC against all the 7 fake doctors whose registration certificates were found to be forged. The five accused, namely, Kumar Gunjan, Surender Prasad, Deepak Rastogi, Rajiv Rastogi and Amjad Nizam had been arrested and they were on regular court bail. Neetu Rani had secured anticipatory bail from the High Court on grounds of pregnancy and has not come for investigation despite repeated directions. Another accused Vinay Kumar Singh was absconding as his anticipatory bail had been dismissed by the Tis Hazari Court in Delhi. Proper steps were being taken to ensure that they too are arrested and punished. The

copies of the fake diploma/degree certificates obtained by them had been sent to the concerned issuing authorities for ascertaining their authenticity.

**5.30** While considering all the information related to the case, the Commission called for status report of the case 189/08 dated 18 July 2008 u/s 420/468 /471 IPC lodged at I.P. Estate Police Station in Delhi which was under investigation.

**5.31** Vide proceedings dated 28 February 2011, the Commission considered the submissions made by the Additional Deputy Commissioner of Police, Central District, Delhi who stated that they were waiting for the FSL report for doing the needful in the criminal case. It was explained by the Commission that even without the FSL report, they could proceed with the matter and file a case before the Court. It also called for a status report from the Additional Deputy Commissioner of Police, Central District, Delhi in the matter.

**5.32** The case continues to be under consideration of the Commission.

**3.** *Death of a Patient due to Negligence of Staff Nurses in Shambhunath Pandit Hospital in Kolkata, West Bengal (Case No. 120/25/2006-2007)*

**5.33** The complainant drew the attention of the Commission towards a news item published in *Sahara News* captioned "Mahila Mariz Ki Aankhein Cheetiyen Kutar Gayee" wherein it was reported that on 5 November 2005 one Gouri Chakravarty was admitted in Shambhunath Pandit Hospital, Kolkata for eye treatment but due to negligence of hospital authorities the patient suffered insect bites in her eyes and she died on 13 November 2005. The complainant requested the Commission to look into the matter.

**5.34** Pursuant to the directions of the Commission, it was reported that the said incident occurred because of the negligence of six staff nurses and a penalty of "Censure" had already been imposed on them.

**5.35** Upon consideration of the report received from Government of West Bengal, the Commission vide its proceedings dated 14 September 2011 observed and directed as under:

"The report confirms that the nursing staff was negligent in duties which led to such ghastly incident leading to loss of life of a patient. Hospitals are meant to cure a patient and not to subject them to such inhuman conditions. The least a patient expects in a hospital is a reasonable degree of care. The nursing staff failed to take adequate care of the patient".

**5.36** The State is liable for the negligent acts of its employees. Once death by negligence in the hospital is established, as in the case here, the State is liable to pay damages. The Commission considers this to be a fit case for recommending payment of interim relief in terms of the provisions of the PHRA.

**5.37** The Government of West Bengal is directed to pay Rs. 1,00,000/- (Rupees One Lakh) as interim relief u/s 18 (c) of the PHR Act, 1993 to the next of kin of the deceased Gouri Chakraborty, aged about 50 years, resident of Barrakpore, North 24-Parganas, and to file the receipt of the payment of the same within six weeks."

5.38 The directions of the Commission have been complied with and the case closed.

4. *Death of a Woman due to Negligence of Medical Staff in a Primary Health Centre in Bhagwanpur, District Vaishali, Bihar (Case No. 1565/4/39/09-10)*

5.39 The Commission received a complaint from Kamli Devi stating that on 20 August 2009 she visited a Primary Health Centre (PHC), Bhagwanpur in District Vaishali, Bihar for the check up of her pregnant daughter Sangeeta Devi. But no doctor was available. However, the Staff Nurse and Compounder of the hospital forcibly took her daughter for a check up and later operated upon her. The resultant effect of this was that Sangeeta bled profusely and subsequently succumbed to death along with her newly born child. She further alleged that no action was taken against the erring hospital staff.

5.40 Pursuant to the directions given by the Commission on 16 October 2009, the Chief Medical Officer of Vaishali District in Bihar reported that on 20 August 2009, Sangeeta Devi did visit the PHC in Bhagwanpur and the doctor on-duty Jai Shankar Prasad and the Pharmacist/ANM provided her the necessary treatment. After the delivery, Sangeeta was referred to Sadar Hospital in Hajipur because of excessive bleeding. However, Sangeeta and the child died on the way to the hospital.

5.41 Upon consideration of the report, the Commission in its proceedings dated 13 August 2010 observed that Sangeeta Devi and her infant died due to negligence on the part of Government doctors/staff and held that the public servants had violated the human rights of victims. The Commission thus issued a show-cause notice to the Chief Secretary, Government of Bihar seeking an explanation as to why interim relief should not be recommended to the next of kin of the deceased under section 18 (a) (i) of the Protection of Human Rights Act 1993. The Chief Medical Officer, Hajipur, Vaishali was also directed to transmit the existing status of the departmental proceedings against the errant officials.

5.42 The Chief Medical Officer, Vaishali, informed that departmental proceedings had been initiated against the Pharmacist, Lalan Singh and the ANM, Saroj Kumari. The report further disclosed that administrative action against the then Medical In-charge, Primary Health Centre, Bhagwanpur, Dr. Vimlesh Kumar Singh; Doctor on Duty Dr. Jaishankar Prasad and three other female doctors, namely, Dr. (Smt.) Rashmi Ranjan, Dr. Kumari Archana and Dr. Madhu Archana, who were absent on that day, has also been recommended.

5.43 In reply to the show-cause notice, the Under Secretary, Government of Bihar, Home (Special) Department informed that the State Government would abide by the recommendations of the Commission in respect of awarding interim relief to next of kin of the deceased Sangeeta Devi.

5.44 Upon consideration of the reports received from the authorities, the Commission vide its proceedings dated 11 January 2011 recommended that a sum of Rs. 3,00,000 be paid to the next of kin of the deceased Sangeeta Devi, wife of Shivchandra Das. The Commission also directed the Chief Secretary, Government of Bihar to submit a compliance report along with the proof of payment within six weeks. Besides, it directed the Civil Surgeon-cum-Chief Medical

Officer, Vaishali to intimate to the Commission about the status of departmental proceedings regarding the erring medical officers.

**5.45** On receipt of proof of payment and the report that the two Medical Officers, against whom proceedings were in process, and the fact that the other staff had already been punished, the Commission closed the case with the following remarks:

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### RIGHT TO FOOD

**6.1** The evolution of the right to food is derived from the larger human right to an adequate standard of living contained in the 1948 Universal Declaration of Human Rights (UDHR). Article 25 (1) of the UDHR asserts that, 'Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services ...'. The International Covenant on Economic, Social and Cultural Rights (1966) developed these concepts more fully, stressing 'the right of everyone to ... adequate food' and specifying 'the fundamental right of everyone to be free from hunger'.

**6.2** India is an active member of the United Nations and is a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Hence there is an obligation to respect, protect and fulfill the right to food for every citizen of India.

**6.3** The Constitution of India per se does not have any specific provision that recognizes the basic right to food. However, corresponding human right provisions are found in the Articles of the Fundamental Rights and the Directive Principles of State Policy. One of them is Article 21. It ensures the fundamental right to the protection of life and personal liberty. The said Article mandates the State to ensure the right to life of all citizens. This includes the right to live with dignity with at least two decent meals a day. The right to food is thus a natural implication of the fundamental 'right to life' as enshrined in Article 21 of the Constitution of India.

**6.4** The Constitution also highlights other crucial aspects concerning the responsibility of the State towards ensuring the realization of this right. Article 38, a Directive Principle of State Policy, requires the State to secure a social order for the promotion of the welfare of the people, in which justice – social, economic and political – shall inform all the institutions of the national life. Article 39 (a), another Directive Principle of the Constitution, requires the State to direct its policy towards securing an adequate means of livelihood for all its citizens. Article 47, one of the other Directive Principles, states that it is the duty of the State to raise the level of nutrition and the standard of living of its people including improvement in public health. Article 21, when read with the obligations placed on the State by Articles 38, 39 (a) and 47, underlines the importance of right to food in a holistic manner, encompassing thereby livelihood security, employment security and food security.

**6.5** The Commission has accordingly interpreted that it is the responsibility of the State to ensure right to food. It has taken the view that, in the Indian context, the provisions of Article 21 of the Constitution have been judicially interpreted to expand the meaning and scope of the

right to life to include right to food and to make the latter a guaranteed fundamental right by virtue of the remedy provided under Article 32 of the Constitution.

**6.6** It is in this light that the Commission has been monitoring, since 1997, the situation of recurrent allegations of death by starvation in Kalahandi, Bolangir and Koraput Districts of Odisha and elsewhere in the country including suicides committed by farmers. Besides, it is monitoring schemes such as the National Rural Employment Guarantee Act (NREGA), the Integrated Child Development Services (ICDS), Mid-day Meals (MDM) in primary schools, and the Public Distribution System (PDS) under one of its programmes entitled “Human Rights Awareness and Facilitating Assessment & Enforcement of Human Rights Programme in Selected 28 Districts of India”.

### **A. Human Rights Awareness and Facilitating Assessment & Enforcement of Human Rights Programme in Selected 28 Districts of India**

**6.7** 28 Districts, one from each State, have been selected from the list of identified Districts availing the ‘Backward Regions Grant Fund’ of the Ministry of Panchayati Raj, Government of India. The parameters on which these backward districts have been identified are – rate of illiteracy, percentage of Scheduled Caste and Scheduled Tribe population, infant mortality rate, etc. The names of the 28 districts identified by the Commission are as follows:

| S. No. | State             | Article I. District |
|--------|-------------------|---------------------|
| 1.     | Andhra Pradesh    | Adilabad            |
| 2.     | Arunachal Pradesh | Upper Subansiri     |
| 3.     | Assam             | Karbi Anglong       |
| 4.     | Bihar             | Jamui               |
| 5.     | Chhattisgarh      | Dantewada           |
| 6.     | Gujarat           | Dang                |
| 7.     | Goa               | South Goa           |
| 8.     | Haryana           | Ambala              |
| 9.     | Himachal Pradesh  | Chamba              |
| 10.    | Jammu & Kashmir   | Kupwara             |
| 11.    | Jharkhand         | Chatra              |
| 12.    | Karnataka         | Bidar               |
| 13.    | Kerala            | Wayanad             |
| 14.    | Madhya Pradesh    | Jhabua              |
| 15.    | Maharashtra       | Gadchiroli          |
| 16.    | Manipur           | Tamenglong          |
| 17.    | Meghalaya         | South Garo Hills    |
| 18.    | Mizoram           | Saiha               |
| 19.    | Nagaland          | Mon                 |

|     |               |                |
|-----|---------------|----------------|
| 20. | Odisha        | Kalahandi      |
| 21. | Punjab        | Hoshiarpur     |
| 22. | Rajasthan     | Banswara       |
| 23. | Sikkim        | North Sikkim   |
| 24. | Tamil Nadu    | Tiruvannamalai |
| 25. | Tripura       | Dhalai         |
| 26. | Uttar Pradesh | Sonbhadra      |
| 27. | Uttarakhand   | Champawat      |
| 28. | West Bengal   | Jalpaiguri     |

**6.8** The main objective of the programme is to spread awareness among the people in the identified districts on focused human rights issues like food security, education, custodial justice, health, hygiene and sanitation, etc. by undertaking field visits to the schools, primary health centers, community health centers, hospitals, police stations, prisons, panchayats, ration shops functioning under the public distribution system, district food office, various Departments working for the empowerment of children, women, Scheduled Castes, Scheduled Tribes and other vulnerable sections of the society, etc. and concurrently organize a Workshop on “Human Rights Awareness and Facilitating Assessment & Enforcement of Human Rights Programme at District Level Administration”. The basic purpose of organizing a Workshop in each selected District is to enlighten people about their rights as well as monitor the implementation of the recommendations of the Commission, issued from time to time on specific human rights issues.

**6.9** From 2008 to 2010, the Commission has visited fourteen districts. These districts are – Chamba (Himachal Pradesh), Ambala (Haryana), North Sikkim (Sikkim), Jalpaiguri (West Bengal), Dhalai (Tripura), South Garo Hills (Meghalaya), Sonbhadra (Uttar Pradesh), Dang (Gujarat), South Goa (Goa), Wayanad (Kerala), Jamui (Bihar), Hoshiarpur (Punjab), Kalahandi (Odisha) and Saiha (Mizoram).

**6.10** During the period under review, the following two districts were visited by the NHRC as a part of the human rights awareness and facilitating assessment and enforcement of human rights programme out of the identified 28 districts in the country :

| S.No | District        | State      | Programme            |
|------|-----------------|------------|----------------------|
| 1.   | Chatra          | Jharkhand  | 22-23 September 2010 |
| 2.   | Thiruvannamalai | Tamil Nadu | 26-28 October 2010   |

#### *Chatra District*

**6.11** The District of Chatra is situated in the extreme north-west part of the State of Jharkhand. It is bounded on the north by Gaya District (Bihar State), on the east by Hazaribagh District, on the south by Palamu and Ranchi Districts and on the west by Gaya (Bihar State) and Palamu Districts. The District came into existence in the year 1991, as previously it was

part of Hazaribagh District. The District Headquarters is located at Chatra. It comprises one sub-division, ten development Blocks/Anchals, 125 Panchayats and 1,479 Revenue Villages. There is only one municipality – which is at the District Headquarters of Chatra. There are nine thanas (Police Stations) in Chatra District. Currently, Chatra is passing through a very serious phase of extremists' violence by the banned Naxal outfit called the M.C.C. (Maoist Communist Centre).

**6.12** The NHRC team in Chatra District headed by Shri Satyabrata Pal, Member visited the local police stations, schools, fair price shops to assess the public distribution system, health centres and hospitals, panchayats and various other departments working for the empowerment of disadvantaged sections. The main objective of these visits was to review the implementation of various programmes of the Centre and State Governments. After these visits, a one-day workshop was also conducted in the District. The workshop was attended by local MLAs, district officials, police officials, representatives of non-governmental organizations and the civil society at large.

**6.13** Few of the recommendations/suggestions that emerged out of the deliberations held in Chatra workshop were as follows :

- Consider giving incentives to public servants so as to encourage them to serve in Chatra and not a punishment.
- Taking of disciplinary action against all those who have deserted their posts in Chatra, especially absentee doctors and teachers.
- Fill up all sanctioned posts on urgent basis, particularly of doctors and teachers, and also police.
- Paying of special attention to the education of girls and the empowerment of women.
- Urgently repair or rebuild infrastructure destroyed by the Naxals. Highest priority needs to be given to rebuilding of schools that have been destroyed. The Police in no way should be allowed to occupy schools as camps for themselves.
- As a matter of priority, there is an urgent need to provide basic facilities in hospitals and schools.
- Rapidly increase the number of roads in the District, and improve their quality as well.
- Improve power supply, which is grossly inadequate for the needs of the District.
- Need to improve the quality and availability of drinking water.
- Consider the needs and demands of extremely large number of people who are below poverty line, but are not taken care of as they have not been enlisted in the existing lists.

### *Thiruvannamalai District*

**6.14** Thiruvannamalai District in Tamil Nadu is known as a pilgrimage temple city with the proud possession of the holy shrine of Lord Arunachaleswara. It started functioning as a separate District from 30 September 1989, on bifurcation of the erstwhile North Arcot District. The District is bounded on the north and west by Vellore District, on the south-west

by Dharmapuri District, on the south by Villupuram District and on the east by Kanchipuram District.

**6.15** The NHRC team in Thiruvannamalai District was headed by Shri P.C. Sharma, Member NHRC. The objective of the visit was to take stock of the facilities available in the District and the implementation of various policies, programmes and schemes of the State and the Central Government designed to protect and promote civil, political, economic and social rights. The team visited various hospitals, police stations, sub-jails, anganwadi centres, schools and fair price shops. After the field visit, a one-day workshop was conducted in the District to discuss the current status of human rights situation with all the concerned officials of the State and the District, representatives of non-governmental organizations and the civil society. The workshop was attended by over 150 State functionaries and included the Commissioner, Social Welfare and Deputy Secretary, Government of Tamil Nadu; District officers from the Departments of Revenue, Education, Health, Welfare, Agriculture, Police, Prison and Public Works. Public representatives such as the local MLA, Members of Municipality and District Panchayat and representatives of local NGOs also attended the workshop.

**6.16** Some of the major recommendations/suggestions of the workshop are:

- It was observed that the public distribution system was functioning very well in Thiruvannamalai District. There was no report of starvation deaths from the district. The example of the State of Tamil Nadu needs to be replicated as a role model for all the States in the country in addressing the issue related to 'right to food' through its public distribution scheme.
- As part of the welfare measures for the people belonging to the weaker sections of the society, the State was running hostels for Scheduled Castes and Backward Classes. It was recommended that naming of these institutions should not be class indicative, as it is suggestive of discriminatory practices.
- It was recommended that the District authorities should spread awareness among the people especially those living in remote areas, about all the State welfare measures and developmental programmes so that they could avail the benefits of these programmes and welfare measures.
- The District has a sizeable portion of uncultivable land (21039 hectares). It was recommended that efforts should be made to make the land cultivable and further distribute it to the poorer section of the society from the point of view of augmenting their incomes.

## **B. Meeting of Core Group on Right to Food**

**6.17** The NHRC has also constituted a Core Group on Right to Food with 11 Members, which facilitates the Commission on all matters having a bearing on issues concerning right to food. The said Core Group during the period under report was expanded from 11 to 18 Members in August 2010. The expanded Core Group on Right to Food in the Commission has the following Members :

1. Prof. M.S.Swaminathan, Chairman, M.S. Swaminathan Research Foundation, Chennai, Tamil Nadu.
2. Shri K.R.Venugopal, IAS(Retd.), Hyderabad, Andhra Pradesh.
3. Dr. S.M. Jharwal, Chairman, National Pharmaceutical Pricing Authority, New Delhi.
4. Dr. (Smt.) Prema Ramachandran, Director, Nutrition Foundation of India, New Delhi.
5. Dr. K.M. Bujarbaruah, Vice-Chancellor of Assam Agricultural University, Jorhat, Assam.
6. Dr. P.K. Joshi, Director, National Academy of Agricultural Research Management, Hyderabad. Andhra Pradesh.
7. Dr. R.S. Deshpande, Director, Institute for Social and Economic Change, Bangalore, Karnataka.
8. Dr. V. Prakash, Director, Central Food Technological Research Institute, Mysore, Karnataka.
9. Prof. S. Parasuraman, Director, Tata Institute of Social Sciences, Mumbai, Maharashtra.
10. Prof. Ravi Srivastava, Centre for the Study of Regional Development, School of Social Sciences, J.N.U., New Delhi.
11. Dr. Amrita Rangasami, Centre for the Study of Administration of Relief, New Delhi.
12. Dr. (Smt.) Rama Melkote, Secunderabad, Andhra Pradesh.
13. Smt. Alka Sirohi, Secretary, Department of Food and Public Distribution, Ministry of Consumers Affairs, Government of India, New Delhi.
14. Shri Rajiv Agarwal, Secretary, Department of Consumer Affairs, Ministry of Consumers Affairs, Government of India, New Delhi.
15. Shri P.K. Basu, Secretary, Department of Agriculture and Cooperation, Ministry of Agriculture, Government of India, New Delhi.
16. Shri M.F. Farooqui, Addl. Secretary, Ministry of Environment and Forests and Chairman, Genetic Engineering Approval Committee, New Delhi.
17. Shri Siraj Hussain, Chairman and Managing Director, Food Corporation of India, New Delhi.
18. Shri A.K.K. Meena, Commissioner-cum-Secretary & Director, Food Supplies and Consumer Welfare Department, Government of Odisha, Bhubaneswar.

**6.18** The 18 Member Core Group met on 2 November 2010 under the chairmanship of Shri P.C. Sharma, Member, NHRC, in New Delhi.

**6.19** In the said meeting several issues pertaining to right to food were taken up for discussion. One of them was about food and nutrition security. Low and stagnating incomes among the poor has meant that low purchasing power remains a serious constraint to household food and nutrition security, even if food production picks up as a result of interventions in agriculture and creation of rural infrastructure. The other concerns raised were about child malnutrition, maternal anaemia, reporting of starvation deaths and farmers suicide from different States of the country, food procurement policy, sustainable food security and the public distribution system.

## C. Illustrative Case on Right to Food Dealt by NHRC

### 1. *Death of Three Adults and Three Children due to Alleged Infection by Anthrax and Starvation (Case No. 979/18/8/2010)*

**6.20** The complaint pertains to alleged death of three persons in Beileiguda Village in Semiliguda Block of Koraput District in Odisha after being infected by anthrax virus on account of eating rotten meat during the period 1-15 June 2010. It was further alleged in the complaint that three children had died of starvation in Dasmanthpur Block of Koraput District after 15 June 2010.

**6.21** In the said case, the Commission vide its proceedings dated 28 June 2010 had issued notices to the Secretary, Ministry of Health & Family Welfare, Government of India as well as to the Chief Secretary, Government of Odisha calling for a report within four weeks.

**6.22** As per the reports dated 28 July 2010 and 05 August 2010 received from the Under Secretary, Ministry of Health & Family Welfare, Government of India, and the Chief Secretary, Government of Odisha respectively, it was revealed that a person died due to anthrax. Three adults and three children mentioned in the complaint had died due to reasons other than anthrax and starvation. These reports were accordingly referred to the complainant for comments.

**6.23** The complainant Shri Suhas Chakma, Director, Asian Centre for Human Rights, New Delhi in his comments dated 3 November 2010 submitted that medical reports in respect of all the persons who had died was a vital piece of information for deciding the issue.

**6.24** Vide proceedings dated 9 December 2010, the Commission once again directed the Chief Secretary, Government of Odisha, to forward to the Commission medical reports in respect of the six deceased persons mentioned in the complaint within four weeks.

**6.25** Despite repeated reminders, the medical report in respect of the six deceased persons mentioned in the complaint is still awaited from the State Government. The case continues to be under the consideration of the Commission.

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## RIGHT TO EDUCATION

**7.1** The role of education in facilitating social and economic progress is well recognized. It opens up opportunities leading to both individual and group entitlements. Education, in its broadest sense, is the most crucial input for empowering people with skills and knowledge and opens their way for productive employment in future. Any improvement in the sphere of education not only leads to enhanced efficiency but also augments the overall quality of life. Education, therefore, is a basic right of all.

**7.2** The Commission's advocacy for the 'right to education' is based on significant constitutional, legislative and judicial pronouncements that relate to this right. It has been advocating for the cause of right to education since 1994. The Commission has also been deeply concerned about the equity and quality of education as there are significant gaps between the quality of education imparted in schools in urban, rural and tribal areas.

**7.3** The Commission in its Annual Report for the year 2007-2008 had mentioned that the Eighty-sixth Constitution Amendment Act of 2002 has made right to education a Fundamental Right by inserting Article 21A, 51A (k) and amending Article 45. The inserted Article 21A proclaims that "The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine". Article 51A (k) states that it shall be the duty of every citizen of India "who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years". Correspondingly, the amended Article 45 provides for "early childhood care and education for all children until they complete the age of six years".

**7.4** It had further stated that in the light of the globally accepted Millennium Development Goals, and for the fulfilment of the constitutional mandate and the obligations arising out of international covenants including the Convention on the Rights of the Child, which has been ratified by the Government of India, there is a need for the following :

- notification by the Central Government in the Official Gazette concerning the date of its enforcement; and
- The enactment of a legislation which will set out the method in which free and compulsory education will be provided.

**7.5** The Commission is pleased to note that the Legislative Department of the Ministry of Law and Justice has enacted "The Right of Children to Free and Compulsory Education Act, 2009" (RTE Act) so as to provide for free and compulsory education to all children of the age of six to fourteen years. The said Act came into effect in April 2010. On the basis of the

Act, the Government has framed the Model Rules as guidelines to States/Union Territories for implementation of the Act. The National Commission for Protection of Child Rights has been designated as the nodal authority for monitoring the implementation of the Act in the country.

**7.6** The RTE Act confers on children the right to elementary education on the basis of equality of opportunity and without discrimination on any grounds. It provides every child the right to quality education that enables him or her to fulfil his or her potential, realize opportunities for employment, develop life skills, as also the right to respect for her or his inherent dignity.

**7.7** The implementation of the RTE Act poses a big challenge for the education system of our country. As a nation, it should be the duty of each and every citizen to ensure that all children, irrespective of their background, go to school, actively participate in day-to-day learning, build on their capacities, complete their education and become confident and self-reliant human beings.

### **A. UNESCO Convention Against Discrimination in Education, 1960**

**7.8** The right to education is an overarching human right and is essential for the exercise of other human rights. Both individual and society are its beneficiaries. The right to education is established not only by the constitutional provisions and laws of a given country but also by the support of international instruments. The entitlements to education at various levels are laid down in UNESCO's Convention against Discrimination in Education, 1960, which covers the right to education comprehensively and is recognized as a key pillar of Education for All.

**7.9** Among the United Nations human rights treaties, Article 13 of the International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR) draws extensively on UNESCO's Convention against Discrimination in Education, 1960, and like the Convention, covers the right to education comprehensively. General Comment 13 on Article 13 of ICESCR, elaborated by the United Nations Committee on Economic, Social and Cultural Rights (CESCR) in collaboration with UNESCO, elucidates the scope and nature of the right to education.

**7.10** Specific dimensions of the right to education are also covered notably by the Convention on the Rights of the Child, 1989 (Articles 28-30); the Convention on the Elimination of All Forms of Discrimination against Women, 1979 (Article 10); International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990 (Articles 12, 30 and 45); and the Convention on the Rights of persons with disabilities, 2006 (Article 24).

**7.11** Given the overall importance of the UNESCO Convention and the fact that in 2006 the Advisory Council of Jurists of the Asia Pacific Forum too had recommended to the NHRC-India to urge the Government of India to consider signing the said Convention, the Commission requested the Ministries of External Affairs and the Human Resource Development in July 2010 to apprise it about the status of signing or ratification by the Government of India. The Commission has so far not received any response from the Ministry of External Affairs despite a reminder.

## B. Illustrative Cases on Right to Education Dealt by NHRC

1. *Denial of Primary Education to Tribal Children in Naxal Affected Areas in Dantewada and Bastar Districts of Chhattisgarh (Case No. 468/33/2005-2006)*

**7.12** The Commission received a complaint dated 19 January 2006 from Subash Mohapatra, Director of Resist Initiative International in Bhubaneswar alleging that tribal children of Dantewada and Bastar Districts in Chhattisgarh were being denied access to primary education due to usage of primary school premises by police and armed forces for controlling Naxalite activities. It was further alleged in the complaint that most of the primary schools in these two Districts had been closed. Besides, the villagers and children were living in very inhuman conditions on account of terror lashed out by the Naxalites. A prayer was thus made to the Commission to call for : (i) status report of school and education system in the naxal affected districts; (ii) direct the State Government to withdraw from all school premises the control and encroachment of police force; and (iii) ensure access to primary education to all children in naxal affected areas.

**7.13** Considering the matter on 28 June 2010, the Commission directed the Chief Secretary, Government of Chhattisgarh to make an in-depth assessment of the situation and give a fact-finding report about the prevailing status concerning closure of schools and also the availability of educational institutions to poorer sections of the community in the Districts of Dantewada and Bastar.

**7.14** A report dated 9 September 2010 was received from the Chief Secretary, Government of Chhattisgarh, stating that there were five Naxal affected Districts in the State, namely, Bastar, Narayanpur, Dantewada, Bijapur and Kanker. In these Districts there were 6,894 primary schools, 2,088 middle schools, 130 high schools and 196 higher secondary schools run by the State Government. In addition, there were 520 primary ashram schools and 55 middle ashram schools. Owing to the increase in Naxal activities, central forces in large numbers had to be deputed in the State and their stay arrangements were made in the given schools, including schools under construction and ashram buildings. Even then, the State has taken care to arrange for the education of children in alternate places. It was further informed by the Chief Secretary that about 292 school buildings had been damaged or destroyed by the naxalites.

**7.15** Hearing the matter again on 29 November 2010, the Commission observed that one of the reasons for destruction of schools by the Naxals was that the schools were used for occupation by police and para-military personnel. The Government should have thought and taken steps for providing alternative accommodation to them.

**7.16** The Chief Secretary, Government of Chhattisgarh was consequently directed to provide detailed information about the steps taken by the State in the given matter.

**7.17** The matter is under examination of the Commission.

2. *Suo motu Cognizance of Media Reports Concerning Fixation of Radio Monitoring Devices on Ankles of Indian Students in Tri-Valley University (Case No.17/99/4/2011)*

**7.18** The Commission on 7 February 2011 took suo motu cognizance of a news report captioned “Radio-tagging ‘Sham’ University : Agencies or Students to Blame “ that appeared on NDTV.com on 3 February 2011.

**7.19** The news report mentioned that there were about 1,555 students at Tri-Valley University (TVU), out of which 95 per cent students were Indians, most of them from Andhra Pradesh. The passports of the students had been impounded and a navigation device had been fixed on their ankles so that the authorities could know where a student was at any point of time.

**7.20** Pursuant to the directions of the Commission on 7 February 2011, Ms. Nirupama Rao, Foreign Secretary, Ministry of External Affairs, Government of India, vide her letter dated 3 March 2011 informed that the University was allowed by the Government of United States in February 2009 to admit only a limited number of foreign students as it did not enjoy State accreditation. But the overseas students flocked to this University as it charged very low fees, did not mandate class attendance and issued work permits to students immediately on their joining the University. By the time the University was closed, it had on its rolls approximately 1,550 students, of whom 95 per cent were from India – mainly from Andhra Pradesh. The United States Immigration and Customs Enforcement officials questioned a number of Indian students and 18 of them were initially detained and subsequently released with radio monitoring devices on their ankles, pending completion of investigation into their possible involvement in the irregularities. It was further informed that radio collars of 12 out of 18 students had been removed.

**7.21** In addition, she informed that the Government of India had taken several measures on the subject which included :

- (i) Meeting of the Consulate of the Indian Embassy in the United States of America with the concerned United States agencies as well as the Department of Homeland Security for resolving the issue in an expeditious manner.
- (ii) The Minister of External Affairs, Government of India spoke to Hillary Clinton, United States Secretary of State during his visit to New York on 12 February 2011.
- (iii) The Foreign Secretary raised India’s concerns with the Under Secretary of State for Political Affairs, William Burns, during her visit to the United States on 14-15 February 2011.
- (iv) Reaching out to the Indian students and providing them with all possible assistance by the officials of the Indian Embassy.

**7.22** She also informed that Government of India’s consistent message to the United States Government was that “while we recognize the right of every government to investigate and prosecute fraud, the students, a majority of whom themselves are victims of fraud, should be given adequate time and opportunity to transfer to other Universities or readjust their status. The Government of India has also strongly protested the radio collars as unacceptable’.

**7.23** The Secretary, Ministry of External Affairs, Government of India, was asked to send a further report on the remaining six students whose radio collars were yet to be removed.

**7.24** The matter is being monitored by the Commission.

3. *Denial of Education Loan to a Student by State Bank of Travancore in Kerala*  
(Case No. 363/11/4/2010)

**7.25** In this case the Commission received a complaint from a person whose daughter had been denied education loan by the State Bank of Travancore, Koottickal Branch, District Kottayam, Kerala. The complainant's daughter had passed her 12th Class examination in Humanities and desired to pursue a course in nursing.

**7.26** Pursuant to the directions given by the Commission on 22 September 2011, the District Collector, Kottayam reported that as per the instructions given by the Bank, education loan for nursing courses is sanctioned only to those students who had completed 'Plus Two' course with Science stream.

**7.27** On consideration of the report, the Commission in its proceedings noted that it was not clear whether the complainant's daughter was offered admission to a nursing course by any other recognized institution despite her passing 'Plus Two' examination with Humanities. From the report of the District Collector it was also not clear whether the criterion being followed by the State Bank of Travancore in granting education loan for nursing course was as per the guidelines of the RBI.

**7.28** The Commission has thus called for a report from the Reserve Bank of India whether the criterion being followed by the State Bank of Travancore in granting of education loan for nursing students is as per the guidelines of the RBI.

**7.29** The report is yet to be received from the RBI.

4. *Non-existence of Schools in Bhadurpur Village of District Patiala, Punjab*  
(Case No.436/19/15/2010)

**7.30** The complainant brought to the notice of the Commission, the plight of Bhadurpur, a village in District Patiala, Punjab which does not have a school facility. He also enclosed a newspaper cutting reporting that the village was without a school even after 62 years of our country's independence.

**7.31** In response to the notice of the Commission, District Project Director, Sarva Shiksha Abhiyan, Patiala vide his letter dated 30 August 2010 submitted that in this particular village there are only 23 children and the basic norms of the Ministry of Human Resource Development stipulate that there should be at least 40 children in a village to open a school under Sarva Shiksha Abhiyan.

**7.32** The Project Director further added that the facility of pick and drop to nearby school can be given but the villagers opposed this facility since there was no mode of transport. When the Department suggested that the transport and the cost thereof will be taken care of by the

administration under the Sarva Shiksha Abhiyan, there was no response from the villagers. He further stated that the demand of the people may be considered under the annual work plan and 2011-2012 budget.

**7.33** On consideration of the report, the Commission vide its proceedings dated 11 February 2011 observed and directed as under :

“ After considering the report, the District Project Director appears to suggest that the villagers alone are responsible for the lack of school facilities in their village.

Education is a basic human right and even before the insertion of Article 21 A in the Constitution, the Supreme Court has held in a number of cases that education is an essential aspect of “Right to Life” without which a life with dignity cannot be lived. The aim of the Right to Education Act enacted pursuant to Article 21 A of the Constitution is to ensure that children of the country who are out side the school are brought in, stay in the school and receive quality education.

It is the duty of the State to create public awareness among the citizens especially in the rural areas and make the parents send their wards to schools. Keeping this position in mind the Government of Punjab through its Secretary (Education) is directed to make full endeavours to see that such conditions are created in which all children of the State are able to receive quality education without any hassles whether it is under the Sarva Shiksha Abhiyan or any other programme. Needless to say that the Government will extend all the school facilities to the villagers of Bhadurpur, Patiala from the ensuing academic session.”

**7.34** The response of the State Government is awaited in the given case.

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# RIGHTS OF SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER VULNERABLE GROUPS

**8.1** The Commission has been actively engaged since its inception in the protection and promotion of the human rights of Scheduled Castes, Scheduled Tribes and other vulnerable sections of the society. It has viewed its role as that of an “equalizer”, so that the scales of justice and equity are more evenly balanced for them, and make sure that action is taken against all those who violate their rights, as per the constitutional requirements of the country, its laws and treaty obligations.

**8.2** For the Commission, this task of bringing equality and non-discrimination has added an additional dimension of striving for a polity that is truly democratic and “inclusive” in character. As with other human rights concerns that have been central to the Commission’s beliefs over the past 17 years, so in respect of the rights of the Scheduled Castes, Scheduled Tribes and other vulnerable groups, there has been an evolution in the manner in which the Commission has articulated its views and given practical expression to them in its programmes and actions. Here again, the inter-locking themes of human rights and dignity have had, as their necessary accompaniment, the themes of human development and good governance.

**8.3** From its initial years, the Commission took note of the “ancient societal wrongs” that made some Indians less equal than others and the tenacity of long-standing attitudes that – based ostensibly on religion or custom – were not conducive to a proper respect for the rights of all the people of the country. The Commission made it its mission to combat the prejudices that had resulted in the persistence of such a situation, despite the demands of the Constitution and a variety of laws.

**8.4** The Commission has paid most careful attention to the complaints that it received from Scheduled Castes and Scheduled Tribes alleging acts of discrimination, “untouchability”, violence against the human person, atrocities of various kinds, and high-handedness by public servants and others. Besides taking action on complaints received, it has taken suo motu cognizance in a number of cases to address the human rights violations committed on Scheduled Castes, Scheduled Tribes and other vulnerable sections of society. The Commission has been redressing individual complaints of atrocities by way of recommending monetary relief to the victim(s) or their next of kin(s) and action against negligent public servants, wherever appropriate. Further, the Commission has been continuously recommending to the Central and State Governments to sensitize the police force so that it acts impartially and fearlessly to protect the rights of the Scheduled Castes, Scheduled Tribes and other vulnerable sections of society. Concurrently, it is spreading awareness among the general public against

the malicious practice of 'untouchability' and injustice directed against the Scheduled Castes, Scheduled Tribes and other disadvantaged groups of society.

**8.5** It has sought, in particular, to bring to an end two pernicious and demeaning practices which affected members of Scheduled Castes and Scheduled Tribes in a large measure : manual scavenging and bonded labour. The former issue was first taken up by the Commission in 1996-1997. It was followed up thereafter by successive communications at the highest level from the Chairperson of the Commission to the Prime Minister of India, the Chief Ministers and the Chief Secretaries of States. The latter subject, eradication of bonded labour, has been a "core" concern of the Commission from its very first year, in addition, it is a responsibility especially entrusted to it through a 1997 remit of the Supreme Court.

### **A. Organization of a National Workshop on Manual Scavenging and Sanitation**

**8.6** The Commission during the reporting period organized a National Workshop on Manual Scavenging and Sanitation on 11 March 2011 at Teen Murti House, New Delhi. Senior officials from the Union Ministries of Social Justice and Empowerment, Housing and Urban Poverty Alleviation, Urban Development and Railways; technical institutions like HUDCO and representatives of non-governmental organizations, etc. participated in the one-day workshop. The workshop made the following recommendations:

1. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 should be implemented in letter and spirit at the fastest pace and the abolition of the practice of scavenging should be taken up as a national mission.
2. The States need to ensure that the data provided by them on the abolition of dry latrines and rehabilitation of manual scavengers commensurate with the data of the Ministry of Social Justice and Empowerment. In case of any discrepancy, the State Governments should take up the matter with the Ministry, to get the data rectified.
3. On synchronizing of their data with the Ministry of Social Justice and Empowerment with regard to abolition of manual scavenging, each State/Union Territory should issue a declaration/notification with a copy to NHRC that their area is free from manual scavenging and dry latrines.
4. Till date, there is no single window to address the problems of manual scavengers. A single window should be created in every District with a Nodal Officer, where manual scavengers have been identified, to facilitate and fast track the process of rehabilitation. A Nodal Agency on manual scavenging should also be created at the State level.
5. The cleaning of septic tanks may be mechanized to abolish manual cleaning. The concerned authorities need to adopt technology/mechanized system for manhole operations with adequate safety measure and skilled training.
6. Railways should develop a state of art technology of sanitation facilities to minimize manual interventions within a fixed time frame.
7. The guidelines for cleaning work/manhole operation by the Supreme Court/High Court (Gujarat) should be implemented by the concerned agencies/employers so that the Safai Karamcharis are protected from health hazards.

8. The employers must provide necessary safeguard equipments, uniform, other safeguard measures to the manhole workers/scavengers to avoid fatal accidents. The structure of wages should be same for Safai Karamcharis all over the country.
  9. Special health check-ups through mobile vans should be carried out in the residential areas of all Safai Karamcharis whether permanent, part-time and contractual and in all Harijan Bastis followed with medical aids.
  10. In case of death or disability of Safai Karamchari, the dependent should be provided with immediate employment in accordance with their qualifications. Further, compensation of at least Rs. 3 lakh should be given to the family of the deceased person.
  11. Schemes like Self-Employment of Manual Scavengers (SRMS), Sarva Shiksha Abhiyan (SSA), National Rural Employment Guarantee Scheme – 2005 (NREGS), etc. must be inclusive of this segment of population. The success of these schemes must be evaluated only in terms of change they bring about in the quality of life of manual scavengers and Safai Karamcharis.
  12. To encourage and facilitate the schooling of children of this class, residential good quality schools should be established where they should be provided with free education and study material, boarding and lodging, etc. The financial component for the children of manual scavengers needs to be enhanced substantially as they have been lagging far behind. They need to be provided regular assistance for their higher education as well.
  13. There have been instances wherein those appointed to do the cleaning work have sublet their task to other manual scavengers or some other Safai Karamcharis. The exploitation therefore continues, albeit indirectly. The trend should be discouraged. This should be made an offence and those responsible for doing it should be given severe punishment.
  14. To address the gender component of the issue, comprehensive measures should be taken to address their specific needs like safety, health and education issues.
  15. The rehabilitated manual scavenger should be issued a BPL card along with scholarships to their children and pension should be given to the widows of manual scavengers.
  16. The existing scheme for rehabilitation of manual scavengers should be revised in order to make it more practical and viable.
- 8.7 These recommendations were sent to all concerned in the Centre and States/Union Territories for taking required action on them.

## **B. Abolition of Bonded Labour**

8.8 In pursuance of the directions of the Supreme Court dated 11 November 1997 in Writ Petition (Civil No. 3922) 1985, the Commission has been overseeing the implementation of the Bonded Labour System (Abolition) Act, 1976 (BSLA) in different parts of the country.

8.9 For identification of bonded labour-prone districts, industries and occupations in the country assess the status of existing schemes for rehabilitation of bonded labourers and review the implementation of laws dealing with the abolition of bonded labour, the NHRC had also constituted an Expert Group in 2000, chaired by Dr. S. R. Sankaran, I.A.S. (Retd.). The Expert Group, in its Report submitted to the NHRC in 2001, concluded that although the Ministry of

Labour had identified 13 States and 172 Districts as being bonded labour prone, the system is prevalent in almost all the States. The Expert Group further concluded that bonded labour in agriculture has a high incidence in the States of Andhra Pradesh, Bihar, Haryana, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Punjab and Tamil Nadu. In the non-agricultural sector, bonded labour is rampant in brick kilns, stone quarries, beedi manufacturing, carpet weaving and construction, and bonded child labour in the silk industry. In addition, migrant bonded labour in States such as Bihar, Jharkhand, Chhattisgarh, Tamil Nadu, Madhya Pradesh, Odisha, Rajasthan, Punjab and Haryana represented an aggravated form of deprivation and exploitation.

**8.10** The Group felt that owing to the efforts made by the NHRC through its Special Rapporteur system, the process of identification, release and rehabilitation of bonded labourers had received a fillip. The Special Rapporteur system evolved by the Commission has been instrumental in bringing to the knowledge of the Commission the existence of bonded labour cases as well as bonded child labour cases in remote parts of the country. Besides, the Chairperson and Members assisted by the Special Rapporteurs and senior officers of the Commission have undertaken visits and participated in State-level and District-level reviews of bonded labour and bonded child labour situation in the country. The NHRC has assiduously pursued all cases of bonded labour in agriculture, brick kilns and other sectors, and ensured that identified cases have been released and rehabilitated.

**8.11** During the period under review, four workshops pertaining to elimination of bonded labour system were organized by the NHRC. The overall direction for organization of these workshops was provided by Justice Shri B.C. Patel, Member NHRC. All the workshops were conducted in coordination with the respective State Governments. Their details are as follows:

| S.No. | District/State            | Date of Workshop |
|-------|---------------------------|------------------|
| 1.    | Chennai (Tamil Nadu)      | 26 October 2010  |
| 2.    | Shimla (Himachal Pradesh) | 18 November 2010 |
| 3.    | Pune (Maharashtra)        | 28 January 2011  |
| 4.    | Jaipur (Rajasthan)        | 11 February 2011 |

**8.12** The objective of these workshops was to sensitize the District Magistrates, Executive Magistrates, Superintendents of Police, Members of Vigilance Committees and officers of State Labour Department the process of identification, release and rehabilitation of bonded labourers; and various provisions relating to BLSA and other related laws. These workshops were chaired by Justice Shri B.C. Patel, Member, NHRC. Others who participated in these workshops were Dr. L Mishra, Special Rapporteur, NHRC; officials from the Ministry of Labour, Government of India; officials from the State Labour Department and other district level officials.

- *Zonal Workshops on Minimum Wages Act*

**8.13** The NHRC received a complaint relating to denial of minimum wages to the workmen employed in brick kiln industries. Consequently, the Commission called for information from all the States/Union Territories on notification of brick kilns as a scheduled employment, fixation of rates of wages for all categories, revision of rates of wages, mode of payment, weekly off, maintenance of records and settlement of claims, etc.

**8.14** The responses received from some of the States were examined in the Commission. Not satisfied with the responses, the Commission took a decision to conduct five zonal workshops on Minimum Wages Act in the country. During the year under report, the following three zonal workshops were conducted :

| Venue of the Workshop                               | Date of the Workshop | Participation of States                                      |
|-----------------------------------------------------|----------------------|--------------------------------------------------------------|
| Hyderabad (Andhra Pradesh)<br>(for Southern States) | 09.09.2010           | Andhra Pradesh, Tamil Nadu, Kerala, Puducherry and Karnataka |
| Ahmedabad (Gujarat)<br>(for Western States)         | 29.10.2010           | Rajasthan, Maharashtra, Goa and Gujarat                      |
| Bhubaneswar (Odisha)<br>(for Eastern States)        | 07.01.2011           | Odisha, Bihar and West Bengal                                |

### C. Review and Amendment of Section 11 of Bonded Labour (Abolition) System Act, 1976

**8.15** Based on its experience of monitoring the bonded labour situation in the country, the Commission has requested the Secretary, Ministry of Labour & Employment, Government of India to review and amend Section 11 of the Bonded Labour System (Abolition) Act, 1976. The Ministry has yet to notify the amendment. The Commission once again makes a fervent appeal to the Ministry of Labour & Employment to amend Section 11 of the BLSA and notify the same at the earliest.

### D. Abolition of Child Labour

**8.16** The problem of child labour is well recognized. There are varying estimates of the number of working children in the country due to differing concepts and methods of estimation. The 2001 national census estimated the number of working children at 12.6 million\* out of a total of 210 million children aged between 5-14 years, of whom 5.77 million were classified as 'main' workers\*\*, and 6.88 million as 'marginal' workers\*\*\*. The share of workers in the country aged between 5-14 years to the total workforce is 3.15 per cent\*\*\*\*. The number as per 1991 census was 11.3 million.

\* ILO : Child Labour Facts and Figures – An Analysis of Census 2001.

\*\* Those who have worked for 183 days or 6 months preceding the date of enumeration.

\*\*\* Those who have not worked for more than 183 days, but have done some work.

\*\*\*\* ILO : Child Labour Facts and Figures – An Analysis of Census 2001.

- The analysis of the 2001 census data shows that there are 6.8 million boys and 5.8 million girls working as child labour. In addition, it is found that the majority of 'main' workers are boys, whereas the majority of 'marginal' workers are girls;
- Many children are engaged in employment classified as 'hazardous labour', i.e. harmful to the physical, emotional, or moral well-being of children.
- Although there are inter-state and inter-regional variations in India, the factors that contribute to child labour, and hazardous child labour in particular, include parental poverty and illiteracy; social and economic circumstances; lack of awareness; lack of access to basic and meaningful quality education and skills; high rates of adult unemployment and under-employment, and cultural values of the family and society.

**8.17** Most of the child labourers belong to Scheduled Castes, Scheduled Tribes, and other vulnerable sections. They are recruited for reducing costs of production and because of their inherent weakness to unionize for bargaining better wages, improved work conditions and related labour rights. It is for this reason there is the paradox of having a large pool of child labour amidst high level of adult unemployment.

**8.18** Works that need dexterity is often done by child labourers. Labour recruiters often get child labourers from poverty stricken areas and those areas that have undergone droughts and floods or where agriculture has failed. It is a well established fact now that many children are also trafficked from these areas for purposes of cheap labour. Of late, many of them are engaged in construction industry, quarries, mines, brick kilns and small-scale industries (unorganized sector). They are now found engaged in household activities, street restaurants and hazardous industries.

**8.19** Child labour and the worst forms of child labour, as defined by International Labour Organization (ILO) Conventions, damage children's health, threaten their education and lead to further exploitation and abuse. Article 32 (1) of the Convention on the Rights of the Child (1989) calls for the recognition of the right of children to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development. Therefore, eliminating child labour is particularly relevant to achieving Millennium Development Goals (MDG) 1 (eradicate extreme poverty and hunger), MDG 2 (ensuring that all boys and girls complete primary schooling) and MDG 6 (combat HIV/AIDS, malaria and other diseases). Achieving MDG 7, which seeks to reverse the loss of environmental resources, would help reduce environmental disasters – which devastate households and significantly increase conditions that foster child labour.

## **E. Illustrative Cases Dealt by NHRC Concerning Scheduled Castes, Scheduled Tribes and Other Vulnerable Groups**

1. *Non-payment of Financial Relief to Victims in Kaithal District, Haryana*  
(Case No. 602/7/9/08-09)

**8.20** The complaint pertains to non-payment of financial relief under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 including employment to one of the

members of victim's family – Rajendra Balmiki, was brutally beaten up by high caste people in Habari Village of Kaithal District in Haryana. Later on the victim succumbed to his injuries. While he was lying injured, the police reached the spot but they did not take him to the hospital and left him to fend for himself.

**8.21** Pursuant to the directions of the Commission, the Superintendent of Police, Kaithal, reported that a Criminal Case No. 79/08 u/s 302/342/34 IPC and section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was subsequently registered at P.S. Pundari and after investigation of the case, the accused persons were charge sheeted. The District Magistrate of Kaithal vide communication dated 8 March 2010 further informed that the accused had been acquitted by the court. However, financial assistance of 1.5 lakhs was given to the next of kin of the deceased under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules.

**8.22** Upon consideration of the report, the Commission vide proceedings dated 29 October 2010 observed as under:

“The question is whether in addition to the financial relief given under SC/ST (POA) Rules, some monetary relief u/s 18 of the Protection of human Rights Act should also be given to the family of the deceased. Needless to say, the two reliefs are distinct. S.P. Kaithal admitted in his report dated 19.8.08 that ASI Udaiveer Singh and H.C. Samsheer Singh had gone to the spot on the night of occurrence but they did not take the injured to the hospital and returned to the police station. There can be no justification for such conduct of the police. As a matter of fact, S.P. Kaithal has himself communicated in his letter dated 23.6.09 that the two delinquent police officials were punished with stoppage of five annual increments for negligence in the performance of the duty. As a result of negligence of the police officers, the injured person could not be given timely medical treatment and the delay probably resulted in his untimely death. The State must make monetary amends for the lapse of the police officers.”

**8.23** The Commission thus recommended to the Government of Haryana to pay an additional sum of . 2,00,000 to the next of kin of deceased Rajendra Balmiki. The compliance report and proof of payment is awaited from the State of Haryana.

2. *Deplorable Condition of Tribal Schools in Parvathipuram Region of District Vizianagaram, Andhra Pradesh (Case No. 543/1/22/07-08)*

**8.24** In August 2007, the Commission received a complaint from Dr. D.V.G Shankara Rao about the deplorable condition of tribal schools in Parvathipuram region of Vizianagaram District, and asked the Government of Andhra Pradesh for a report. After several notices, the Commission eventually received a report from the Principal Secretary, Social Welfare, vide his letter dated 5 August 2009, in which the complaints were dismissed, and it was informed that adequate arrangements had been made to provide proper sanitary, dietary and medical facilities to all students and residents of the tribal schools in the region. Dr. D.V.G Shankara

Rao, to whom the report received from the State Government was sent, challenged its contents. The Commission thus decided to find out the true facts for itself relating to the prevailing conditions in these schools, through an inspection by one of its officers.

**8.25** The inspection report submitted by the concerned officer of the Investigation Division of the Commission confirmed that conditions in the schools were appalling. Most of the buildings were not habitable and had no toilet facilities or facilities that could be used in the absence of water. There were no beds, no mosquito nets, no furniture, and, though the food prepared for children was found to be adequate, the hygiene in the kitchens was deplorable.

**8.26** In view of the facts stated by the deputed officer, the Commission observed that the report sent by the Principal Secretary was completely misleading and further pointed out that under Section 13(5) of the Human Rights Act, "every proceedings before the Commission shall be deemed to be a judicial proceedings with the amendments of Section 193 and 228, and for the purposes of Section 196, of the Indian Penal Code for all the purposes of Section 195, and Chapter XXVI of the Code of Criminal Procedure, 1973." Accordingly, it directed the Chief Secretary, Government of Andhra Pradesh, to take note of the serious lapse committed by the State as there were serious violations of a whole range of human rights implicit in the conditions physically inspected by its officer and to take immediate corrective action as it deemed fit and also called for a report on the corrective steps taken.

**8.27** The matter continues to be under examination of the Commission.

3. *Victimization of Families Belonging to Scheduled Castes in Odisha*  
(Case No. 228/18/12/07-08)

**8.28** The Commission received a complaint dated 4 June 2007 from six Scheduled Castes families in Odisha, alleging that they had been forced by upper caste families to beat drums before the village deity without any remuneration, and when, on 1 June 2007, they refused to do so, they were attacked by members of the upper castes, their household articles and valuables looted, and their signatures were taken on blank papers under duress. They had complained to the District Magistrate and the Superintendent of Police, Puri, but effective steps had not been taken.

**8.29** Pursuant to the directions of the Commission, and after repeated reminders, the Collector, Puri sent a report dated 5 November 2009, which stated that charges had been filed against the principal accused, and that no further untoward incident had been reported.

**8.30** On a further directive from the Commission, the Collector, Puri, vide his letter dated 29 November 2010 reported that an amount of Rs. 25,000 had been paid to each of the three victims. Besides, the district administration had also provided financial assistance from the District Red Cross Fund to the victims to meet their basic needs. Five houses had been sanctioned under the Indira Awas Yojana, and the work order was issued on 24 October 2009.

**8.31** The Commission was also informed that a civil suit had been filed against the complainants by the villagers who claimed to be disciples of the village deity. The matter, as such, was sub judice.

**8.32** The matter was taken up at the camp sitting of the Commission at Bhubaneswar on 18 January 2011. The District Magistrate and the Superintendent of Police, Puri, reported that there was no further problem. Shri Baghambar Pattanaik, a human rights defender, who spoke on behalf of the complainants, reported that the problems continued, and the families belonging to the Scheduled Castes continued to suffer from social and economic boycott, as a result of which they were forced to walk 5 kms. to purchase their daily necessities.

**8.33** The Collector of Puri, however, rejected this allegation without being able to give any reasons for his view. The Superintendent of Police admitted that Shri Pattanaik had indeed recently brought some of the victims to his office, and they had complained of continuing problems. However, he got these investigated by an Inspector, who had reported that there was no social boycott. Since the complainants maintain otherwise, the Commission directed the Superintendent of Police to have a fresh enquiry done by a more senior officer and, if necessary, visit the village himself.

**8.34** The Commission also observed and directed as under:

The Commission notes with surprise and regret that, though the report from the Collector clearly establishes that, prima facie, these scheduled caste families were being made to work as bonded labour, he did not discharge the duties enjoined upon him by law. The Commission brings this to the attention of the Chief Secretary of the Government of Orissa.

The Commission expects the Collector to immediately hold an enquiry, as he is required to do, u/s 21 of the Bonded Labour System (Abolition) Act, and to take further steps that the law requires.

The Collector and the Superintendent of Police will send reports to the Commission by 19 April 2011 on the action they have taken."

**8.35** The requisite reports are yet to be received.

**4.** *Rescue of 11 Bonded Labourers in Malkangiri District, Odisha*  
(Case No. 431/18/29/08-09(M-1))

**8.36** The case relates to 15 labourers being held in bondage by their masters in the district of Malkangiri, Odisha. The Commission took cognizance of the matter vide its proceedings dated 29 September 2008 and the District Magistrate, Malkangiri, was directed to hold a proper inquiry in the matter in accordance with the provisions of Bonded Labour System (Abolition) Act, 1976.

**8.37** The Sub-Collector, Malkangiri, who conducted the inquiry in the matter, stated that none of the labourers held in bondage were covered by the definition of 'bonded labourer' on account of the following reasons :

- (i) All of them were landless daily wagers who worked in the fields of others during the cropping season as agricultural labourers and they also tended to their cattle for 7 -8 months during the cropping season.
- (ii) While working for their employers for a part of the year, these labourers enjoyed all the liberties.
- (iii) The employers and the labourers in most of these cases were relatives.

**8.38** Referring to the law on the point, the Commission made these observations – “reading together sub-sections (f), (g) (i), (g) (iv), (i) of Section 2 of the Bonded Labour System (Abolition) Act, 1976, gives a broad idea as to who can be considered as a bonded labourer”.

**8.39** A “bonded labourer” means a labourer who incurs, or is presumed to have incurred, a “bonded debt” which means an advance obtained, or presumed to have been obtained by him under, or in pursuance of the bonded labour system. “Bonded Labour System” means the system of forced labour under which a debtor enters, or is presumed to have entered, into an agreement with the creditor to the effect that in consideration of an advance obtained by him or for any economic consideration received by him, he would render labour or service to the creditor for a specified period or for unspecified period, either without wages or for nominal wages, i.e. less than the minimum wages fixed by the Government.

**8.40** The ingredients of bonded labour are :

- (i) Existence of a bonded debt, i.e. an advance obtained, or presumed to have been obtained, by the labourer from the creditor.
- (ii) Forced labour in consideration of advance obtained, or for any economic consideration received by the labourer.
- (iii) Working for the creditor for a specified or unspecified period, either without wages or for nominal wages, i.e. less than the minimum wages fixed by the government. ”

**8.41** Upon consideration of the reports received from the State authorities, the Commission in its proceedings dated 17 March 2011 held that 11 labourers out of 15 were covered within the definition of “bonded labour”.

**8.42** The Commission further observed that the District Collector, Malkangiri, Odisha, was required to issue release certificates and also provide rehabilitation packages to them at the earliest as these labourers had already stopped working with their masters. The District Collector was also directed to submit an action taken report to the Commission within eight weeks.

**8.43** The District Collector in his action taken report informed to the Commission that release certificates had been issued to all the 11 bonded labourers; the Block Development Officer, Korukonda, had sanctioned Rs. 20,000 each to all the released bonded labourers as part of their rehabilitation package; they had been provided with one pair of bullocks each besides agricultural implements; 10 labourers had been covered under ‘Mo-Kudia’ low cost housing scheme and one had been covered under the Indira Awas Yojana; and a proposal had been sent to the Sub-Collector, Malkangiri, for seeking approval of issuing Pattas to them.

**8.44** Commending the appropriate steps taken by the District Collector for the rehabilitation of the released bonded labourers, the Commission further directed him to expedite giving payment of Rs. 20,000 each to the released bonded labourers along with the Pattas etc..

**8.45** The report from the State Government is awaited.

5. *Rescue of 79 Bonded Labourers from a Brick Kiln in Ghaziabad District, Uttar Pradesh (Case No. 34351/24/31/09-10-BL[M-3])*

**8.46** The Commission received a complaint from one Shukar Ali, son of Noor Hasan, resident of Basemari Pathar, P.S. Dalgaon, Assam and others alleging that he along with his family members and other 79 persons were held as bonded labourers in A.B.I. Brick Kiln, owned by Chaudhry Mange Ram Gurjar situated in Village Afjalpur Nistauli, falling under the jurisdiction of P.S. Sahibabad, District Ghaziabad, Uttar Pradesh. It was further alleged that the owner of the brick kiln had neither been paying them wages nor allowing them to move out of the place. He requested the Commission to rescue all the persons held as bonded labourers by the said brick kiln owner and ensure payment of their wages.

**8.47** The Director General (Investigation) of NHRC was consequently requested to depute his officers to take immediate and appropriate action in the matter and the District Magistrate of Ghaziabad was simultaneously directed to depute a suitable officer for an on-the-spot enquiry for identification of bonded labourers, if any. The District Magistrate was further directed that on enquiry if any bonded labourer was found, immediate steps should be taken for his/her release under Section 11 of the Bonded Labour System (Abolition) Act, 1976. In addition, the District Magistrate was asked to submit an action taken report to the Commission within two weeks positively.

**8.48** In view of the complaint forwarded to the District Collector by the Commission, it seems that the Assistant Labour Commissioner, Ghaziabad along with the officials of the Labour Department, visited the said brick kiln on 26 November 2009. On that day, the complainant who had forwarded the complaint to the Commission was found to be present at the brick-kiln. On enquiries made from the labourers there, the Enquiry Officer learnt that the labourers were working of their own will in the brick kiln and were being paid all the wages, they left the brick kiln were the very same day for their native places in Assam. It was also revealed that neither the owner of the brick kiln nor any of his representatives ill-treated any labourer at any point of time. Besides, none of the labourers was kept as bonded labour.

**8.49** The officer from the Investigation Division of the Commission also visited Ghaziabad and collected the enquiry report from the Assistant Labour Commissioner, Ghaziabad. From the enquiry report, it appears that the Labour Enforcement Officer, Ghaziabad who had gone to conduct an enquiry did not bother to look into the provisions contained in the BLSA and in the process conducted a flawed enquiry and sent all the labourers to their native places in Assam. It was shocking that the State officer, who had gone to conduct the enquiry, did not bother to inquire whether all the provisions under the relevant labour legislation, were adhered to by the employer.

**8.50** In view of the position mentioned above, all the registers, books of account, wage slips and other relevant records not being maintained by the employer under various laws including the accounts were settled on 26 November 2009 itself when the officer from the State visited the brick kiln and suggested that the persons working there were kept as bonded labourers and were not allowed to go anywhere.

**8.51** Upon examination of the matter in depth, the Commission noted that the law mandates the employer to maintain registers and records giving particulars of employees employed by them, the work performed by the employees, the wages paid and the receipts given by them. The law also requires the employer to exhibit certain notices in the prescribed forms containing relevant information. When any employer claims that he has paid minimum wages under the Minimum Wages Act, 1948, then it is his duty to produce the documentary evidence in proof of payment to show that wages in accordance with law have been paid. It is for this purpose the employer is required to maintain a muster roll and other records thus indicating the extent of work executed by workmen. It is the employer who knows what amount has been paid to the labourers as uneducated and poor labourers would not know much in detail about these aspects and, therefore, the law has given a mandate to the employer to maintain such records to show that he has paid wages in accordance with the law. The moment he fails to produce the relevant records, the officer must raise a presumption that he has not maintained such records as he has not made the payment in accordance with the law.

**8.52** Under the given circumstances, the Commission took the view that it was a clear case where the authorities failed to examine the question of bonded labour in accordance with the law and it was clear that inter-state migrant labourers were kept as bonded labourers. The District Magistrate, Ghaziabad was hence directed to issue appropriate certificates under the BLSA and to make sure that all the identified bonded labourers were rescued and rehabilitated after examining the matter in accordance with law. An action taken report was also called for from the District Magistrate.

**8.53** In response to the directions given by the Commission, a letter dated 25 November 2010 was received from the District Magistrate, Ghaziabad along with the copy of the release certificates issued in the name of labourers declaring them as bonded labourers. The said release certificates were then forwarded to the District Magistrate, Dorang in Assam with the direction that the Commission be apprised about the steps taken by the Government of Assam for the rehabilitation of bonded labourers.

**8.54** The response of the Government of Assam is awaited by the Commission.

6. *Denial of Minimum Wages to Workers in Brick Kilns of Uttar Pradesh*  
(Case No. 47148/24/2006-2007)

**8.55** The Commission received a complaint dated 15 February 2007 from Soran Singh and others that workers at Jai Hanuman Brickfield near Bahadurpur Police Chowki in District Muradnagar, Ghaziabad alleging that they were being kept as bonded labour and exploited.

**8.56** While dealing with the case, the Commission examined the interpretation of the expression 'Minimum Wage' as laid down in several judicial pronouncements. The Commission also examined the provisions of Minimum Wages Act, the Payment of Wages Act and the Weekly Holidays Act. The Commission observed that the issue in question relates to fixation, review and revision of minimum wages in respect of brick kiln employees by the Government of Uttar Pradesh. In accordance with the provisions of Minimum Wages Act, 1948, while the minimum wages were required to be reviewed after five years, it has been observed that wages fixed on 8 August 1990 by the State Government are very low and are not in conformity with the prevailing wage for molders of bricks anywhere in the country. The wages were revised in the year 2006, after sixteen years. However, a decision was taken by the Government of Uttar Pradesh not to enforce its orders/notification dated 16 June 2006 (through which minimum wage rates were reviewed and revised). This decision was inimical to the interest of workers.

**8.57** In view of the above, the Commission considered it necessary and desirable to invoke the writ jurisdiction of the High Court of Uttar Pradesh at Allahabad under Article 226 of the Constitution by filing public interest litigation. Accordingly, a writ petition was filed on March 2011 and notice was issued to the State Government by the High Court.

7. *Practice of 'Bartan' in Puri District of Odisha*  
(Case No. 13/18/2006-2007)

**8.58** The Commission received a complaint dated 10 April 2006 from Shri Bhagambar Pattanaik, a human right activist alleging that the custom of 'Bartan' which is in vogue in some areas of Puri District, in Odisha comes within the purview of bonded labour. Under the said custom the upper caste families give an advance of about 15 kg of paddy per head to each married male in a particular time of the year and in consideration of such advance the 'sewak' renders service to all members of the family, including unmarried males throughout the year without any remuneration. Further, the 'sewak' is also required to wash the feet of guests visiting the family and has to perform many other menial tasks on occasions like death and marriage in the family. In addition, he is also required to perform community services like spreading banana leaves at the time of community feasts and lifting the leaves with left-overs. The complainant Shri Baghambar Pattanaik alleged that the customary practice of 'bartan' was a form of slavery.

**8.59** Pursuant to directions of the Commission, the District Collector of Puri submitted a report dated 30 April 2007. He stated in the report that there was a long-standing dispute between barbers and washer-men on the one side and upper caste community on the other, on the issue of some customary activities like washing of feet, lifting of leaf plates after ceremonial feasts, etc. To resolve these problems the District Administration had held several coordination meetings and had also arranged joint visits of the Tehsildar and Police Officers to the villages. Clarification was sought from the State Government as well. The Panchayati Raj Department vide their letter No. 3364 dated 8 April 2004 clarified that the barbers and washer-men working in rural areas could not be classified as bonded labour. The District Collector also informed the Commission that a list of persons working as bonded labour had been obtained from the Vigilance Committee and sent to the Director, DRDA for enquiry and appropriate action.

**8.60** The report of the District Collector, Puri was sent to the complainant Shri Baghambar Pattanaik for comments. He responded that the District Administration has been trying to cure the symptoms rather than cure the disease. He also pointed out that the Collector had sought clarification from the Panchayati Raj Department, without mentioning the causes as to why the barbers and washer-men should be identified as bonded labourers. He also complained that the list of persons working as bonded labour was given by the Vigilance Committee in the year 2004 but no follow-up action had been taken by the District Administration for three years.

**8.61** On consideration of the report of the District Collector, Puri and the comments made thereon by the complainant, the Commission considered the matter further in its Court hearing and heard the complainant as well as the representatives of the State Government.

**8.62** During the hearings, the complainant alleged that the practice of 'Bartan' was still being practiced in many parts of Odisha. Further, those who oppose this practice are socially-boycotted and some of them who were living in the village Nalibastanta were being assaulted. The State was not taking effective steps to prosecute the oppressors. It was also stated by Shri Pattanaik that the Government officials were misleading the Commission on this evil social practice and that some of the complaints which were pending before the District Collectors of Puri, Cuttack, Khurda and Jagatsinghpur were not being effectively dealt with.

**8.63** As a result of intervention by the Commission, the Government of Odisha issued a notification dated 17 February 2011 holding that 'Bartan' and such practices came within the definition of bonded debt and bonded labour under the Bonded Labour System (Abolition) Act, 1976. Any person compelling barber/washer-man to render traditional service was punishable under the Act. While appreciating the action taken by the State Government, the Commission on 21 March 2011 observed that the State Government had not informed the Commission about the action taken in the 17 cases of bonded labour which were identified by the Vigilance Committee in the District of Puri. The Chief Secretary, Government of Odisha was therefore directed to submit the action taken report on all the 17 cases of bonded labourers regarding their release and rehabilitation. He was also directed to inform about the outcome of the departmental enquiry initiated against Shri Mrutyunjay Swain, the then Officer-in-Charge of P.S. Satyabadi and the criminal proceedings initiated against the villagers who had assaulted Ulash Chandra Barik and Sudarshan Barik of village Nalibastanta on 20 November 2008.

**8.64** The matter is still under consideration of the Commission.

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### RIGHTS OF WOMEN AND CHILDREN

**9.1** The Constitution of India protects and promotes the rights of both women and children through the Fundamental Rights, Fundamental Duties and Directive Principles of State Policy. It not only grants equal opportunity to them, but also empowers the State to adopt enabling measures. India has ratified various international conventions and human rights instruments committing to protect and promote the rights of women and children. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993 and the Convention on the Rights of the Child in 1992.

**9.2** Ever since NHRC came into existence, its efforts to protect and promote the rights of women have evolved in a variety of inter-connected ways over the past 17 years. Prominent among them have been issues relating to discrimination against women and children on account of violence. The violation of the rights of women and children has also been considered from the angle of health. The Commission took serious note of the wide prevalence of iron and iodine deficiency related health problems in expectant mothers and their newly born children, who either die during delivery or are born with mental disabilities. The Commission held that insensitivity to such a situation amounted to a callous disregard of right to life with dignity and reasonable health. It has called for a concerted effort to end the misuse of sex-determination tests which has encouraged the evil practice of pre-natal sex selection, a gross violation of the right to life and the worst possible form of discrimination based on sex.

**9.3** In 2000-2001, the Commission designated one of its Members to serve as the Focal Point on Human Rights of Women, including Matters Relating to Trafficking. An outcome of this was the “Action Research on Trafficking in Women and Children in India” which was initiated in 2002 and completed in 2004. The Action Research resulted in creating a network of Nodal Officers on Trafficking across the country. The recommendations of the Action Research were later forwarded to all the State Governments/Union Territory Administrations for necessary action. The NHRC in collaboration with the Ministry of Home Affairs, Ministry of Women and Child Development, National Commission for Women, and Ministry of Labour and Employment has formulated a draft National Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women. On approval, the Integrated Plan would replace the 1998 National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children formulated by the Department of Women and Child Development, Government of India.

**9.4** In the year 2002, the Commission examined the provisions of the Protection from Domestic Violence Bill, drafted by the Department of Women and Child Development in

consultation with the Ministry of Law, Justice and Company Affairs. It followed up the matter till the proposed legislation was enacted. The Commission's suggestions were incorporated in the Protection of Women from Domestic Violence Act, 2005. Similarly, it examined the Child Marriage Restraint Act, 1929 and suggested suitable amendments to it. These amendments were later incorporated in the new Act known as "The Prohibition of Child Marriage Act, 2006".

**9.5** The Commission has taken keen interest in the implementation of the guidelines and norms prescribed by the Supreme Court on preventing and combating sexual harassment of women at workplace (AIR 1997 SC 3011), popularly known as the Vishaka guidelines. Due to its persistent perseverance and supervision, all the States and Union Territories forwarded their compliance reports confirming thereby the constitution of complaints mechanism and the required amendments in the Conduct Rules for their employees. A number of other programmes and issues relating to women and children that were pursued included, inter alia, the issue of incentives/disincentives in the population policies of State Governments/Union Territories vis-à-vis the National Population Policy, juvenile justice, missing children, child labour, provision of free and compulsory education for children up to the age of 14 years, and the allocation of appropriate resources to achieve this objective.

**9.6** During the year under review, the NHRC undertook the following activities with regard to rights concerning women:

**A. Research and Review to Strengthen Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act's Implementation Across Key States**

**9.7** The NHRC completed the aforementioned research project, related to the falling female sex ratio and pre-natal sex selection especially its implication in terms of the human rights of the girl child and its societal impact as well as the need to strengthen the implementation of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994. The NHRC had undertaken this research project in collaboration with the United Nations Fund for Population (UNFPA). For the project, the Commission had requisitioned the services of Public Health Foundation of India (PHFI) in New Delhi who for purposes of collecting primary data from the field further identified four grassroot NGOs, namely, Prayatn (Jaipur), Centre for Youth Development and Activities (Pune), ADITHI (Bihar) and VIMOCHANA (Karnataka) to facilitate the study.

**9.8** The main objective of the research project was to review the cases registered by the States/Union Territories under the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT) including the hurdles in filing of such cases, the overall process by which the cases reach the final stage of conviction, i.e. the court proceedings and orders passed in these cases, thus focussing on the impediments in the implementation of the Act. The research also focused on the State and District level implementation machinery.

**9.9** The specific objectives of the research were to:

- identify difficulties in receiving information about the activities in contravention of the Act and difficulties in filing cases;
- create an understanding of the process within the law for filing of the cases, the road blocks in doing it and taking necessary steps to ensure conviction;
- identify the difficulties in implementation of the law through the review and analysis of the cases filed and the resultant case law;
- identify key weaknesses from the evidentiary and prosecution side that has contributed to the failure to secure conviction;
- identify key actions and processes that lead to successful convictions; and
- build capacities of the Appropriate Authorities and Judicial Authorities and strengthen the implementation of the PCPNDT Act.

**9.10** The research covered 18 States – Andhra Pradesh, Assam, Bihar, Delhi, Gujarat, Goa, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Tamil Nadu, Uttarakhand, Uttar Pradesh and West Bengal. The criterion for selection of these States was threefold – (i) some of the States had filed cases against the violators of the PCPNDT Act and final judgements had also been passed in some cases, including convictions; (ii) some of the States had filed cases against the violators of the PCPNDT Act but no judgements had been passed; and (iii) no cases had been filed till date in some of these States.

**9.11** The findings of the research project were shared in the one-day Conference on Pre-natal Sex Selection in India : Issues and Concerns, the details of which are given below. The complete text of the research study is posted on the NHRC's website [www.nhrc.nic.in](http://www.nhrc.nic.in).

## **B. Pre-natal Sex Selection in India : Issues Concerns and Actions**

**9.12** A one-day Conference on 'Prenatal Sex Selection in India : Issues, Concerns and Actions' was organized by the NHRC in collaboration with the National Commission for Women (NCW) at New Delhi on 12 October 2010.

**9.13** The main objectives of the Conference were to :

- critically analyze the existing problem of prenatal sex selection and declining number of girl children in India;
- create awareness about related issues, concerns and actions among key stakeholders;
- share the findings of the study entitled 'Research and Review to Strengthen Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act's Implementation Across Key States' jointly undertaken by NHRC and UNFPA; and discuss strategies for strengthening the implementation of the PCPNDT Act.

**9.14** The Conference was attended by Chairpersons, Members and senior officers of the National Commission for Women, National Commission for Protection of Child Rights, National Commission for Minorities and National Commission for Scheduled Tribes; academicians, technical experts, social activists and representatives of international and voluntary organizations and senior officers of the concerned Departments/Ministries of the State Governments and Central Government.

**9.15** The following recommendations/suggestions were made by the participants to prevent the practice of prenatal sex selection in the country:-

- NHRC recognizes prenatal sex selection as an unacceptable form of gender discrimination having consequences that lead to violation of human rights of surviving girls and women.
- NHRC will review the non-governance of PCPNDT Act and plan its actions accordingly. It will also review the actions taken by the concerned States/Union Territories to address the issue.
- The Ministry of Health and Family Welfare should be made accountable for non-implementation of the PCPNDT Act.
- A mechanism needs to be developed for review and action concerning stringent implementation of PCPNDT and MTP Acts at all levels.
- States/UTs should improve registration of births so that availability of birth data can enable tracking of sex ratio at birth trends on a periodic basis.
- The NHRC will instruct all the States/UTs to undertake measures for removal of all types of discrimination against girl children and women.
- Specific attention is required to check malpractices in registration of clinics under the Act and to ensure scrutiny-based renewal of registration of facilities.
- NHRC should ensure that mechanisms mandated by law are functional at the Union and State levels.
- NHRC in partnership with the Medical Councils should ensure proper implementation of the PCPNDT Act and medical practitioners violating the Act must be dealt with severely. NHRC should also work with medical colleges and teacher's education programme to ensure that gender issues are included in their curriculum.
- There is a need to sensitize the judiciary and other stakeholders about the PCPNDT Act and its implementation.
- NHRC will hold discussions with States/UTs to ensure that the State population and other policies and schemes do not promote a two-child norm at the cost of daughters.
- NHRC will hold discussions with the judiciary in key States to expedite pending cases. Specific judicial colloquiums on the issue may also be held.

## **C. Reproductive Rights and NHRIs**

**9.16** At the 13th Annual Meeting of the Asia Pacific Forum (APF), convened in Kuala Lumpur, Malaysia in July 2008, the APF Forum Councillors had considered and formally approved a proposal to undertake joint activities with the United Nations Population Fund (UNFPA) in the area of reproductive rights. The principal activity agreed between the APF and UNFPA related to the development of a publication on integrating reproductive rights into the work of APF member institutions. For this purpose, a detailed questionnaire on reproductive rights in the actions of national human rights institutions was framed and circulated to all the APF Member Institutions including NHRC-India during 2010-2011. The information provided by NHRC-India covered issues dealt by it to protect and promote reproductive rights; including problems encountered; and the manner in which reproductive rights can be more effectively integrated in its work. Based on the information provided by NHRC-India and other NHRIs,

the APF and UNFPA have published a report entitled “Integrating Reproductive Rights into the Work of National Human Rights Institutions of the Asia Pacific Region”. It would be pertinent to mention here that reproductive rights are based upon and cover already existing rights. As such, there is no standard definition of the term “reproductive rights”. The United Nations Conference on Population and Development that was held in the year 1994 has defined –

“Reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other relevant United Nations consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes the right of all to make decisions concerning reproduction free of discrimination, coercion and violence as expressed in human rights documents.”

**9.17** The United Nations human rights system has linked reproductive rights to other rights – for example, the right to health. In 2003, the then Commission on Human Rights noted that “sexual and reproductive health are integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”.

**9.18** The Committee on Economic, Social and Cultural Rights and the Special Rapporteur on the right to health have explained that the right to health includes both freedoms and entitlements. In the context of sexual and reproductive health, freedoms include a right to control one’s health and body. This encompasses the right to be free from any form of sexual violence, harmful practices, forced pregnancy and non-consensual contraceptive methods. Entitlements include access to a system of health protection and universal access to services, including family planning, pre- and post-natal care and other maternal health needs. Another important entitlement is the right to reproductive decision-making, including voluntary choice in marriage, in family formation and in determining the number, timing and spacing of one’s children; and the right to have access to the information and the means needed to exercise voluntary choice. In this context, the State’s obligations include the obligation to refrain from limiting access to contraceptives, and to prevent harmful social or traditional practices from interfering with reproductive rights. Non-discrimination is another essential aspect of reproductive rights. Freedom from discrimination on any basis, including sex, age, sexual orientation, ethnicity, language, religion, culture, physical and mental disability, is essential to ensure the enjoyment of the right to sexual and reproductive health.

**9.19** Elements of the right to sexual and reproductive health may include the following:

- Reproductive decision-making including voluntary choice in marriage, family formation and determination of the number, timing and spacing of one’s children; access to the information and the means needed to exercise voluntary choice
- Universal access to reproductive health services, including family planning.

- Appropriate reproductive education, information and services to adolescent girls and boys.
- Freedom from harmful practices such as early marriage, sale in marriage, female cutting/female genital mutilation, sex-selective birth practices (both pre-and post-natal).
- Access to and respect for non-harmful cultural reproductive practices, for example the right to choose safe home birth, choice of female medical practitioners.
- Freedom from sexual violence.
- Freedom from forced sterilization, forced abortion, forced contraception.
- Freedom from discrimination on any basis, including sex, age, marital status, pregnancy, sexual orientation, ethnicity, language, religion, culture, physical and mental disability, HIV status, to ensure the enjoyment of reproductive rights.
- Maternal health, particularly access to services to promote maternal health and to reduce maternal morbidity (disease/poor health) and mortality (death), including pre-and post-natal care.
- Right to confidentiality with respect to reproductive health information and services.
- Reproductive rights associated with the right to work and to participate in the community.

#### **D. Illustrative Cases Dealt by NHRC Relating to Rights of Women and Children**

1. *Death of Two Girl Students due to Humiliation by Administrative Staff of Mary Immaculate Teacher Training Institute, Tirupattur, District Vellore, Tamil Nadu*  
(Case No. 912/22/42/07-08-WC)

**9.20** The Commission received a complaint from Henri Tiphagne, Executive Director of Peoples Watch, an NGO based in Madurai, Tamil Nadu alleging that on 21 April 2007 two girl students who were undergoing teacher training course at Mary Immaculate Teacher Training Institute in Tirupattur, District Vellore, Tamil Nadu, committed suicide by jumping before a running train near Tirupattur Railway Station. The two victims were humiliated by the administration of the institute for being lesbians.

**9.21** Pursuant to the directions of the Commission, the Superintendent of Police, Vellore, Tamil Nadu informed that on the complaint of Railway Station Master, Tirupattur a crime case No. 226/07 under Section 174 Cr.P.C. was lodged in Jolarpet Railway Police Station on 21 April 2007 concerning the death of Sheeba Getciyal, aged about 23 years, and Shoba Mary, aged about 22 years, who committed suicide by jumping before a running train on 21 April 2007 at 09:27 a.m. in Tirupattur Railway Station. During the investigation, Section 306 of Indian Penal Code was invoked and names of Michel Cruze, Principal of the Institute; Sister Hilda, Hostel Warden and Sister Superior Josephine, Correspondent, were included as accused. As per the report, the victims in their suicide note had also held the three responsible for their death.

**9.22** The Secretary to the Government of Tamil Nadu, Department of School Education thereafter forwarded the reports received from the Senior Lecturer of Mary Immaculate Teacher Training Institute in Tirupattur and the Principal of District Institute of Education and Training

(DIET) in Ranipet. The two reports concluded that on account of humiliation caused to both the girl students it led to a feeling of guilt, which precipitated them to commit suicide. In his comments, the Secretary remarked that the friendship of the two girl students was grossly misunderstood. Being unable to cope with the depression caused by the Management of the Teacher Training Institute and their classmates, the two of them took the extreme step.

**9.23** The Commission next took up the matter at its Camp sitting in Bengaluru in September 2010 where Deputy Collector, Cuddalore, appeared. It was agreed by the State Government that the two students of the institute were forced to commit suicide due to inhuman treatment meted out to them by members of the teaching staff.

**9.24** The Commission thus recommended to the Government of Tamil Nadu that a sum of Rs. 1,00,000 each be paid to the next of kin of the two girl students Sheeba Getciyal and Shobha Mary.

**9.25** The compliance report and proof of payment is awaited from the Government of Tamil Nadu.

2. *Suo motu Cognizance of a News Report Relating to Missing of Thousands of Children in Delhi (Case No. 1059/30/0/2011(M-1))*

**9.26** The Commission took suo motu cognizance of a news item captioned “2,300 Kids Missing in Delhi” that appeared in one of the newspapers in Delhi named *Business Line* on 23 March 2011. As per the report, a total of 17,305 children had gone missing from Delhi between 2008 and 2010 and 2,366 children were yet to be traced. The report further stated that more than 4,300 children had been kidnapped in the past three years.

**9.27** The Commission also took note of another news item captioned “Organized Crime Behind Missing Children: CBI”, published in Delhi *Hindustan Times*, dated 23 March 2011. As per the report, the CBI had unearthed a nexus of organized crime with the identification of over 800 gangs engaged in child trafficking. The report quoting CBI sources stated that 815 gangs were involved in kidnapping of children for prostitution, begging and ransom in India. The report further stated that over 60,000 children went missing in India in 2009.

**9.28** The Commission sought a detailed report from the Secretary, Ministry of Home Affairs, Government of India and the Chief Secretary, Government of N.C.T. of Delhi.

**9.29** The report is awaited and the case is under consideration of the Commission.

3. *Corporal Punishment to a Dalit Student of Class I in Majhisahi Upper Primary School of District Baleswar, Odisha (Case No.1141/18/1/2010)*

**9.30** The Commission received a complaint dated 19 July 2010 that a Dalit student of Class I, named Laxmikant Majhi, was given corporal punishment by his teacher in Majhisahi Upper Primary School located in Bahanaga Block of Baleswar District, Odisha on 8 July 2010.

**9.31** Pursuant to the directions of the Commission, the Superintendent of Police, Balasore sent a report, dated 13 December 2010 which confirmed that Laxmikant Majhi had indeed

been assaulted with a small stick by the Assistant Teacher of the school. The report claimed that the teacher had intended to beat another boy, who evaded the blow, and the stick struck Laxmikant Majhi. The report further stated that the FIR lodged by the boy's uncle had been investigated.

**9.32** The matter was taken up at the camp sitting of the Commission at Bhubaneswar on 18 January 2011. The Superintendent of Police, Balasore reiterated the substance of his written report. It was pointed out to him that the conclusion to which the police came was wrong. It is established from the police investigation that the teacher in question had inflicted an injury by beating a student with a stick.

**9.33** The Commission thus observed and directed as under:

“The fact that the blow did not fall on the intended victim, but on another child in her care, was immaterial. Teachers are not permitted to beat school children, and this teacher compounded the offence by using a stick, which would have made the injury more grave.

The Commission, therefore, recommended to the Government of Odisha to take immediate and strong departmental action against this teacher, which should be severe enough to act as a deterrent to others.

The facts of the police enquiry established that a Scheduled Caste boy was injured by a public servant. Therefore, immediate steps should have been taken to offer the monetary relief mandatory under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The Government of Odisha is asked to take immediate steps to make the payment, if it has not done so.

Finally, over and above the mandatory requirements under the Act cited above, the Commission believes that there was a serious violation of the human rights both of the boy and of his family, caused in the first instance by the cruelty of the teacher, and compounded by the callous stand taken by the police, which has denied them the redress to which they were entitled under law. The Commission, therefore, asks the Government of Odisha to show cause why it should not recommend relief on these grounds for the victim and his family.”

The response received from the State Government is under consideration of the Commission.

4. *Suo motu Cognizance of a News Report Relating to Postmortem of a Girl Aged Sixteen (Case No. 55/12/0/2011)*

**9.34** The Commission took suo motu cognizance of a news report captioned “Father has to Trek 14 km with Daughter’s Body for Postmortem” carried by an English Daily, *The Indian Express* on 11 January 2011. As per the report, a 16 Year old girl, resident of Dudhmunia village in Madhya Pradesh, died as she allegedly consumed poison. The local police did the

panchnama and told the father to get the autopsy done. The poor farmer put his daughter's body on a makeshift bicycle, tied it to the carrier of his bicycle and trekked 14 km to Anuppur for postmortem. His ordeal ended 3 km short of the postmortem centre when some residents of Anuppur called the local MLA, who took him to the office of the Superintendent of Police. Thereafter, the District Collector arranged a hearse van.

**9.35** Pursuant to the directions dated 12 January 2011 of the Commission, the Director General of Police, Madhya Pradesh, reported that ASI Sunder Lal Tiwari, who conducted the inquest proceedings, made efforts to find some vehicle for transportation of the body to the postmortem centre. However, he could not find even a bullock cart for the purpose and the father of the deceased had to carry the body to Anuppur on his bicycle. It was also reported that ASI Sunder Tiwari had been suspended and charge-sheeted. All the Senior Superintendents of Police in the State had also been issued instructions to ensure that such incidents do not recur.

**9.36** Upon consideration of the report, the Commission observed that the incident amounted to violation of human right of dignity in death and the State must compensate the next of kin of the deceased.

**9.37** The Commission vide its proceedings dated 1 March 2011 issued notice u/s 18 (a) (i) of the PHRA, to the Government of Madhya Pradesh, through the Chief Secretary, to show-cause as to why it should not recommend monetary relief to the next of kin of the deceased Kumari Sohaga. The reply to the notice served by the Commission is awaited.

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### RIGHTS OF ELDERLY PERSONS

**10.1** There is a steady rise in the population of elderly persons in India; from 19.8 million in 1951 to 76 million in 2001 and projections indicate that the number of 60 plus in India will increase to 100 million in 2013 and 198 million in 2030. With the steady increase of elderly persons, the magnitude of their problems is also increasing. Problems manifest in the form of abuse and violence against the elderly. The International Network for the Prevention of Elder Abuse (INPEA) defines elderly abuse as 'neglect, violation of human legal and medical rights and deprivation of the elderly'. Here the violence is not just physical but also mental, psychological and economic.

**10.2** The replacement of joint family with the nuclear family has been an important potent factor in the marginalization of the elderly in India. The size of the family today has reduced from many members to only the parents and children. The young are able to adjust to the fast pace life and move on with it, but it is the elderly who are left in the lurch due to sudden shift from a traditional to the modern society. This transition has left them alone to fend for themselves. The break down of the joint family system is not only making the elderly in the country lonely but is also emerging as one of the prime reasons for violation of their basic human rights.

**10.3** The elderly people have not only been thrown out of the mainstream but are left with no resources and are seen as a burden by the young. It has been seen that migration is on the rise and more and more young people are moving to the cities or going overseas leaving behind the elderly alone and helpless in their homes. Of late, economic liberalization and globalization has led to scrambling for space in the cities whereby it has become extremely difficult to have many people stay in the same house. In the process, the elderly are being considered as a burden by the youngsters who in their quest to maintain the desired standard of living seem to have forgotten their obligations to them.

**10.4** Among the elderly persons living in urban set-ups in India, majority of them face fear, neglect, isolation and economic insecurity. Their vulnerability makes them soft targets for crime. The protection which was offered to them when living in the joint family system is missing and they now have no security. What makes their lives even more complicated is that crime committed on them is of varied kinds – violent crimes, including murder and burglary; financial crimes, such as usurpation of property and fraud; and elderly abuse, both physical and emotional. The latter could include denial of food and medicines, verbal abuse or refusal to communicate, forcing them to do certain difficult chores, or even locking them up at home.

A recent study by HelpAge India, a Delhi based non-governmental organization, has revealed that most elders are ill-treated by their own children, who have emerged as the largest group of perpetrators at 47.3 per cent. Murder is the most common crime against the elderly and very often – it is the domestic help, the watchman or the driver, or a person known to the elderly person who is responsible for the crime.

**10.5** Human rights being universal, the civil, political, economic, social and cultural rights belong to all human beings, including the elderly persons. The human rights of the elderly are explicitly set out in the Universal Declaration of Human Rights, the two International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, and other widely adhered to international human rights treaties and declarations.

**10.6** Given below are the human rights of the elderly persons that need to be taken note of by all concerned as they are indivisible, interdependent and interrelated :

- The human right to an adequate standard of living, including adequate food, shelter and clothing.
- The human right to adequate social security, assistance, and protection.
- The human right to freedom from discrimination based on age or any other status, in all aspects of life including employment and access to housing, health care, and social services.
- The human right to the highest possible standard of health.
- The human right to be treated with dignity.
- The human right to protection from neglect and all types of physical or mental abuse.
- The human right to full and active participation in all aspects of political, economic, social and cultural life of society.
- The human right to full and effective participation in decision-making concerning their well-being.

**10.7** The Commission's involvement in respect of rights of the elderly persons initially began with acting upon complaints received from the elderly. However, its involvement increased substantially in 2000 when it participated in the work of the National Council for Older Persons and commented on the Action Plan (2000-2005) prepared by the concerned Ministry. From that year onward, the Commission has kept close contact with groups involved with the rights of elderly persons and has been transmitting suggestions to the Union Government as and when necessary.

### **A. Constitution of Core Group on Elderly Persons**

**10.8** Having a deep concern for the protection and promotion of human rights of the elderly people, and from the perspective of achieving a better understanding about their basic human rights as well as to ensure realization of those rights by the elderly persons, the Commission for the first time constituted a Core Group on Elderly People in November 2010 consisting of 13 members. They are :

1. Shri Mathew Cherian, Chief Executive, HelpAge India, New Delhi.
2. Dr S Siva Raju, Professor, Tata Institute of Social Sciences (TISS), Mumbai.
3. Shri M.M. Sabharwal, President Emeritus, HelpAge India, New Delhi.
4. Dr Vinod Kumar, Professor, St. Stephen's Hospital, Delhi.
5. Dr Mala Kapur Shankardass, Managing Trustee and Chairperson, Development, Welfare and Research Foundation (DWARF), New Delhi.
6. Dr S.P. Kinjawadekar, President, All India Senior Citizens' Confederation, Mumbai.
7. Prof. Sukan Bhatia, President, Indian University Association for Continuing Education, New Delhi.
8. Dr S.D. Gokhale, President, International Longevity Centre, Pune.
9. Dr Abha Chaudhary, Chairperson, ANUGRAHA, New Delhi.
10. Prof. P.V. Ramamurti, Director, Centre for Research on Ageing, Deptt. of Psychology, Sri Venkataswara University, Tirupati.
11. Shri R.N. Mittal, President Andhra Pradesh Senior Citizens' Confederation, Secunderabad.
12. Prof P.K.B. Nayar, Chairman, Centre for Gerontological Studies, Thiruvananthapuram.
13. Shri K.R. Gangadharan, Director, Heritage Hospital Foundation, Hyderabad.

## **B. National Seminar on Protecting Human Rights of Elderly Persons**

**10.9** The NHRC organized a National Seminar on "Protecting Human Rights of Older Persons" in Dehradun, Uttarakhand on 20 January 2011 in collaboration with ANUGRAHA, a Delhi based NGO. The seminar was supported by Oil and Natural Gas Commission Limited. Smt Margaret Alva, Governor of Uttarakhand, was the Chief Guest at the inaugural session of the Seminar which was presided over by Shri P.C. Sharma, Member, NHRC.

**10.10** Addressing the gathering, Shri Sharma said that the biggest tragedy of modern society is that the people are going away from their roots and the chasm between the young and old generation is growing. He stated that NHRC is committed to protecting the rights of the older persons and supported any effort which is directed towards understanding and recognizing their needs and sentiments. He added that the Universal Declaration of Human Rights, other international conventions and the Constitution of India recognized the rights of older persons. The Government of India had also enacted the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. However, it is a point of concern that the provisions of this Act are not being implemented properly. Shri Sharma stressed on the need to revive our culture of respecting and honouring senior citizens as a habit and this should not be limited to functions only. The elders may not necessarily always need their children's financial support unlike their care, concern and proximity. Shri J.P. Meena, Joint Secretary (P&A), NHRC also attended the Seminar which was addressed by fourteen eminent speakers. About five hundred senior citizens and around hundred student volunteers participated in the Seminar.

## C. Illustrative Case Dealt by NHRC Relating to Elderly Persons

### 1. *Problem of Shelterlessness in Delhi* (Case No. 3712/30/2005-2006)

**10.11** Shri Miloon Kothari, Coordinator, Housing and Land Rights Network – South Asia Regional Programme vide his petition dated 18 January 2006 drew the attention of the Commission to the crisis of homelessness in Delhi. The Commission also took suo motu cognizance of a newspaper report titled ‘Young, Cold and Homeless’ published in ‘The Hindustan Times’ dated 22 December 2010.

**10.12** Pursuant to the notice issued by the Commission, the Director (Shelter), Slum & Jhuggi and Jhopri Department, Municipal Corporation of Delhi (MCD) submitted a status report stating that there were 41 permanent and temporary night shelters in Delhi during the year 2004-2005 and the number of shelters had been increased to 56 in 2005-2006. He further informed that a decision to carry out a comprehensive survey had been taken. Vide communication dated 13 December, 2006, the Secretary, Department of Social Welfare, Government of N.C.T. of Delhi informed that the task of survey has already been entrusted to the Institute of Human Development and the survey is likely to be completed in three months.

**10.13** The survey report prepared by the Institute for Human Development and forwarded to the Commission by Dy. Secretary, Home, Government of N.C.T. of Delhi vide letter dated 26 November 2007, revealed that there were 46,788 shelterless persons in Delhi out of whom 84.35 per cent were men and 15.65 per cent were women. Nearly 3.16 per cent among them were children in the age group of 11-14. Only 1/3rd of them were aware of the facility of night shelters. Most of these people were subjected to harassment by the police.

**10.14** The survey agency also made recommendations for construction of shelters, maintenance of facilities in shelters, involvement of slum women in maintenance, issue of identity cards, appropriate initiatives for popularizing the various schemes for shelterless people, etc.

**10.15** The survey report was forwarded by the Commission to the Government of N.C.T. of Delhi with the direction that an action taken report be submitted to it on steps taken for ameliorating the conditions of shelterless people.

**10.16** In response to its directions, the Commission received a status report dated 24 August 2009 from the Department of Social Welfare, Government of N.C.T. of Delhi. It was reported that Delhi Government had set up a Special Empowered Committee under the chairmanship of its Chief Secretary and the Committee is in the process of taking decisions on various issues like construction of night shelters, preparation of action plan for improving maintenance facilities in night shelters, generation of employment opportunities by involving slum women in maintenance and supervisory activities in night shelters and selection of homeless resource centers, etc. While considering the matter on 8 September 2009, the Commission called upon the Members of the Special Empowered Committee to expedite the process of decision making as well as take concrete action for the benefit of the shelterless persons. A status report giving

details of the decisions taken by the Special Empowered Committee and action taken thereon was also called for by the Commission.

**10.17** While examining the matter, the Commission was informed that the issue of shelterlessness in Delhi is being considered by the High Court of Delhi in W.P. (Civil) 6698 of 2007 Pratibha Chopra vs. Union of India and Others. The National Commission for Protection of Child Rights in New Delhi had also formulated a scheme for Shelter/Drop-in Centre/Open Shelters for homeless children in Delhi. The matter continues to be under the consideration of the Commission.

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### RIGHTS OF PERSONS WITH DISABILITIES

**11.1** While estimates vary, there is growing evidence that people with disabilities comprise between 4 and 8 per cent of the Indian population (around 40-90 million individuals). The 2001 census found 21.91 million persons with disabilities (2.13 percent of the population), while the 2002 NSS round's disability estimate is 1.8 percent of the population\*. The share of 'households' estimated by NSS to have a disabled member was 8.4 and 6.1 percent in rural and urban areas respectively.

**11.2** The medical causes of impairments are rapidly changing in India – from communicable disease to non-communicable disease and accidents. For some impairments (e.g. speech and hearing), illness and disease remain major causes, while for others such as visual disability age is a major driver. For mobility disabilities, the causes are shifting from a dominance of polio to a more mixed set of causes. For several disabilities, in particular mental illness and mental retardation, the causes of disability are often unknown, indicating the major knowledge gaps in current disability research. Physical and mental impairments are compounded by poor education outcomes, and children with disabilities (CWD) have very high out of school rates compared to other children. As for any other group, education is critical to expanding the life prospects of people with disabilities. Disabled people have much lower educational attainment rates, with 52 per cent illiteracy against a 35 per cent average for the general population. Illiteracy is high across all categories of disability, and more so for children with visual, multiple and mental disabilities (and for severely disabled children of all categories). Equally, the share of disabled children who are out of school is around five and a half times the general rate and around four times even that of the Scheduled Tribe population. In even the best performing major States, a significant share of out of school children are those with disabilities: (in Kerala, 27 per cent; in Tamil Nadu over 33 per cent). Evidence from more advanced States demonstrates that CWD remain perhaps the most difficult group to bring into the educational net even where overall enrollments are very high. Across all levels of severity, CWD very rarely progress beyond primary school. This underlines the importance of getting CWD into school if India is to achieve the education MDGs.

**11.3** Disabled people also have significantly lower employment rates than average, and this gap has been increasing over the past 15 years. The large majority of persons with disabilities (PWD) in India are capable of productive work. Despite this fact, the employment rate of

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\*Significantly, the two differ notably on the composition of the disabled population by type of disability. The differences are in part explained by different disability definitions in NSS and Census.

disabled population is lower (about 60 percent on average) than the general population, with the gap widening in the 1990s. A recent adverse development is the decline in the employment rate of working age disabled people, from 42.7 per cent in 1991 to 37.6 per cent in 2002. The fall was almost uniform across the country, but the extent varies greatly across States. The gap between the disabled and general population employment rates also widened for all education levels during the 1990s, and disabled people with lowest educational attainment have fared the worst. Improving job prospects for the disabled will be critical for improving their welfare. However, public sector initiatives to date in this regard have had only marginal impact on employment outcomes for disabled people.

**11.4** The NHRC too has been deeply concerned and actively involved in the protection and promotion of rights of persons with disabilities. It is of the firm view that persons with disabilities should enjoy all human rights on equal basis with others. Towards this end, first and foremost, it urged for the adoption and proper implementation of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. In 2001-2002. Moreover, NHRC considered it appropriate to propose a number of detailed amendments to that Act. The Commission also intervened in many cases to assist individuals experiencing harassment, intolerance or discrimination on grounds of disabilities. A Core Group on Disability was appointed in 2001-2002, as also a Special Rapporteur to assist the Commission in better fulfillment of its responsibilities.

**11.5** During the period under report, the Commission adopted a multi-pronged approach to deal with rights of persons with disabilities which included redressal of individual complaints, legislative and policy reforms, spreading of awareness regarding their rights.

### **A. Harmonization of Disability Laws in India with UNCRPD**

**11.6** The Commission has been advocating for the harmonization of Indian laws with the United Nations Convention on Rights of Persons with Disabilities (UNCRPD). In this context, it recommended to the Ministry of Social Justice and Empowerment that the new legislation being prepared in place of the existing one, i.e. the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act, 1995) should take into account the following:-

1. The Preamble of the new Act or the amended Act as the case may be, should among other things, explicitly state that the Act is intended to give effect to the provisions of the UNCRPD which India has since ratified.
2. The definition of “persons with disabilities” should be both enumerative and inclusive so as to conform to the human rights based model of disability. leg
3. Explicit inclusion of the civil and political rights in addition to the social, economic and cultural rights of persons with disabilities must figure in the new Act or the amended Act as the case may be.
4. Explicit provision on al capacity and property rights must also figure in the new law or the amended law.

5. The new Act or the amended Act as the case may be must include the following over-riding clauses:
  - [1] Notwithstanding anything contained in any law for the time being in force, any act or omission done or committed in contravention of the purpose, spirit, and values of the UNCRPD to which India is a party shall be void in law.
  - [2] Any law for the time being in force which is inconsistent with the UNCRPD to which India is a party shall, to the extent of such inconsistency, be void.
6. The scope of affirmative action measures should both be expanded and diversified.
7. There should be a separate chapter on equality and non-discrimination and another separate chapter on accessibility and personal mobility.
8. The new Act or the amended Act must envisage all the general principles which figure in Article 3 of the UNCRPD.

**11.7** Further, the Commission reviewed the working draft of the Persons with Disability Bill, 2011 prepared by the Drafting Committee constituted by the Ministry of Social Justice & Empowerment, Government of India. This Committee is working on a new law to replace the existing PWD Act, 1995. The Commission observed that although Part III of the draft legislation provides for legal capacity, it does not refer explicitly to property rights, as recommended by the Commission earlier. The Commission has asked the Ministry of Social Justice & Empowerment to ensure that explicit provision on property rights for persons with disabilities is incorporated in the draft legislation.

## **B. Monitoring Preparation of Country Report on Rights of Persons with Disabilities**

**11.8** Under the UNCRPD, the Government of India has an obligation to submit its First Country Report before the United Nations Committee on the Rights of Person with Disabilities. During the reporting period, the Commission interacted with the Union Ministry of Social Justice and Empowerment to know when it was planning to submit the report and whether the persons with disabilities have been consulted and actively involved in the preparation of the Country report. The response of the Ministry is awaited.

## **C. Review of Copyright (Amendment) Bill, 2010 for Persons with Disabilities**

**11.9** It was brought to the notice of Commission that the Department related Parliamentary Standing Committee on Human Resource Development is considering "The Copyright (Amendment) Bill, 2010" and has invited suggestions on the proposed Bill. The Commission reviewed the Copyright (Amendment) Bill, 2010 from the perspective of human rights and noted that it does not meet the demand of print disabled persons. As such the Commission recommended amendments in the proposed Bill to protect and promote the rights of persons with disabilities.

**11.10** The Commission forwarded these recommendations to the Department related to Parliamentary Standing Committee on Human Resource Development and to the Ministry of Human Resource Development to consider the proposed amendment in “The Copy Right (Amendment) Bill, 2010” in the interest of print disabled persons.

## **D. Other Disability Concerns**

**11.11** The Commission has observed that persons with disabilities have to incur higher expenses in terms of assistive devices, medical, transport and other expenses to carry out their day-to-day activities in an effective manner. All this has a negative effect on their income. Consequently, the Commission has recommended to the Union Finance Minister to make special provisions in the income tax laws relating to persons with disabilities so as to provide them with higher exemption limit or extend any other benefit to them for maintaining same level of well-being as any other tax payer.

**11.12** It came to the notice of the Commission that insurance companies are charging extra premium from persons with disabilities in relation to certain health and life insurance policies. The matter was taken up with the Union Ministry of Finance conveying the concerns of the Commission. The Commission is of the view that such act of charging extra premium from the persons with disabilities violates Articles 14 and 21 of the Constitution of India and also runs counter to the letter and spirit of Articles 10 and 25 of the UNCRPD. The Commission urged the Government of India to issue necessary instructions to all nationalized insurance companies/corporations not to charge any additional, extra or higher rates of premium from persons with disabilities.

**11.13** It was brought to the notice of the Commission that in many States the Commissioner for Persons with Disabilities was holding dual charge of the Disability Commissioner as well as the Secretary in the State Government. The Commission has recommended to all the State Governments/Union Territory Administrations to post a full-fledged Disability Commissioner, without having any additional responsibility, to protect and promote the rights of persons with disabilities, as envisaged under the PWDs Act, 1995.

## **E. Publications Relating to Rights of Persons with Disabilities**

**11.14** In the light of the ratification of UNCRPD by the Government of India, the booklet on ‘Rights of Persons with Disabilities’ earlier prepared by the NHRC under the ‘Know Your Rights’ series was revised and then released on 10 December 2010, which is observed as Human Rights Day all around the globe.

**11.15** In order to create awareness and sensitize stakeholders with regard to various provisions of UNCRPD, the Commonwealth Secretariat published a book entitled ‘Convention on Rights of Persons with Disabilities – A Guide by Commonwealth Secretariat’. This book was released by Justice Shri K.G. Balakrishnan Chairperson of the NHRC, on 3 September 2010, at a function organized in the premises of the Commission.

## F. Seminar on Rights of Persons with Disabilities in the Commonwealth

**11.16** Later, on 14 January 2011, the Commission in collaboration with the Commonwealth Secretariat also organized a Seminar on the Rights of Persons with Disabilities in the Commonwealth at New Delhi. The seminar was inaugurated by Shri Mukul Wasnik, Union Minister for Social Justice & Empowerment and attended by representatives of Commonwealth countries who were working with the issue of disability in their respective countries. Mr. Shuaib Chalklen, United Nations Special Rapporteur on Disability of the Commission for Social Development participated in the seminar. After detailed discussions, it was decided to intensify ratification of the UNCPRD, improving the role and voice for disabled persons in shaping initiatives, addressing areas of employment and education and strengthening of advocacy network.

## G. Illustrative Case Dealt by NHRC Relating to Rights of Persons with Disabilities

1. *Violation of Rights of Disabled Persons with Spastic Cerebral Palsy*  
(Case No. 563/12/22/2010)

**11.17** The Commission received a complaint dated 5 April 2010 from Aditya Varde, a patient suffering from 70 per cent spastic cerebral palsy. In his complaint he submitted that he had completed B.Com. and Tally-9 courses but was unable to get a job due to discriminatory provisions of the Government of India. He further alleged that spastic cerebral palsy affected persons are being considered at par with the blind or deaf and dumb persons, during written examinations conducted by the Government for various jobs. As such, the provisions of the PWD Act are being violated as 1 per cent separate reservation is not being provided to them. He requested the intervention of the Commission for justice because the spastic cerebral palsy affected persons could not compete with others.

**11.18** Taking cognizance of the complaint, the Commission vide its proceedings dated 15 April 2010 issued a notice to the Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, New Delhi and Secretary, Ministry of Social Justice and Empowerment, Government of India, calling for a report.

**11.19** Pursuant to the directions of the Commission, the Under Secretary, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi informed vide letter dated 14 May 2010 that "Section 33 of PWD Act, 1995 provides that every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three percent for persons or class of persons with disability of which one per cent shall be reserved for persons suffering from (i) blindness or low vision; (ii) hearing impairment; (iii) locomotor disability or cerebral palsy in the posts identified for such disability". He further informed that the Department had issued instructions on reservation for persons with disability accordingly and these instructions provide for one per cent reservation for persons suffering from locomotor disability or cerebral palsy.

**11.20** The Commission sought comments of the complainant on the above report. In his response, the complainant submitted vide letter dated 9 August 2010 that the prevalent provisions do not address the problems faced by persons like him.

**11.21** The Commission vide proceedings dated 31 September 2010 directed that the complainant's comments be sent to the Secretary, Ministry of Social Justice and Empowerment, Government of India and the Secretary, Department of Personnel and Training, Government of India for taking required necessary action.

**11.22** The Under Secretary to the Government of India, Ministry of Social Justice and Empowerment vide communication dated 6 October 2010 forwarded their report thus communicating that provision for 1 per cent reservation exclusively for spastic cerebral palsy necessitated amendment of the PWD Act, 1995. He also informed that the Ministry had already initiated a process for amendment of the Act for which consultations had been held and the draft recast Act had been circulated to all the State Governments and Union Territory Administrations, concerned Central Ministries and was posted on the website of the Ministry as well for seeking comments on the proposed amendments. Suggestions/comments had been received from several sources including non-governmental organizations and individuals. A Committee consisting of representatives of various stakeholders, experts, etc. had been set-up in the Ministry to study the comments received and their incorporation in the recast draft legislation and its alignment with the provisions of the UNCRPD.

**11.23** The Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training vide letter dated 4 November 2010 informed that the following grievances of the complainant are to be dealt with by the Ministry of Social Justice & Empowerment: -

- 1) Reservation for cerebral palsy should be strictly limited to persons suffering from this category and reservation for orthopedically handicapped persons should be separated.
- 2) Specific rules should be made in departmental tests keeping in view the problems of cerebral palsy afflicted persons.
- 3) Separate methods of tests should be devised for these persons.

**11.24** The Commission has directed the concerned Ministries to sympathetically consider the matter of allowing additional time and adopting appropriate method for taking examination of candidates afflicted with cerebral palsy. In addition, the Commission has directed the Secretary, Ministry of Social Justice & Empowerment, Government of India to take necessary action in coordination with the Secretary, Department of Personnel and Training. The Secretary, Ministry of Social Justice & Empowerment has also been asked to expedite the process of framing new legislation with regard to persons with disabilities in accordance with UNCRPD.

Further report in the matter is awaited.

### HUMAN RIGHTS EDUCATION, TRAINING AND AWARENESS

**12.1** Section 12(h) of the PHRA sets before the Commission the responsibility to “spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means”. A similar duty has been assigned to the State Human Rights Commissions in respective States as per Section 29 of the PHRA.

**12.2** Ever since the NHRC was setup on 12 October 1993, it has aimed at creating a “culture of human rights” in the country. It has over the past seventeen years specifically taken a number of steps to advance human rights education, training and awareness in States/Union Territories across the country. These steps have inter alia included – working with the Ministry of Human Resource Development, the National Council of Educational Research and Training (NCERT) and the National Council for Teacher Education (NCTE) for preparation of educational materials at all levels of schooling; recommending 10 December each year be observed as Human Rights Day in all schools; working with the University Grants Commission (UGC) for the development of courses at the university level; instituting a chair for Human Rights at the National Law School of India University in Bangalore; encouraging courses on human rights in the training institutes for public servants, the police, para-military forces and army; bringing out a range of publications for sensitization of different stakeholders; interacting with diverse groups, ranging from students, teachers, teacher educators, medical practitioners to civil servants, judicial officers and the leadership of political parties, urging them to keep human rights issues on their respective agenda; and encouraging and supporting the efforts of non-governmental organizations, as their role is of central importance to the better protection and promotion of human rights in the country.

**12.3** During the period under review, the NHRC undertook numerous activities to promote human rights education, training and awareness in the country.

#### **A. Training Programmes Organized by NHRC**

**12.4** As part of its mandate, during the year 2010-2011, the Commission had approved 123 training programmes relating to various aspects of human rights. Out of these, 67 training programmes were successfully organized by 57 institutions/universities/NGOs. The details of the training programmes organized by the Training Division of NHRC are at **Annexure 9**.

## **B. Summer and Winter Internship Programmes**

**12.5** In order to sensitize university/college students to various human rights issues, the NHRC has been regularly conducting two internship programmes of one month duration each every year. During the year under review, the Summer Internship Programme was organized from 17 May to 15 June 2010 in which 48 students of 34 universities/colleges from 22 States/ Union Territories of India participated. The Winter Internship Programme was organized from 22 December 2010 to 20 January 2011 in which 46 students from 25 universities /colleges of 13 States / Union Territories of India participated. From the point of view of giving hands-on experience to the interns of both the internship programmes, they were taken for field visits to NGOs and District Jails. The interns were also attached with different Divisions of the Commission and given project assignments on varied aspects of human rights situation in the country on which they worked and submitted reports. Based on the overall performance of students during the course of the two internship programmes, three students were honoured with the 'Best Intern' prize in the Summer Internship Programme and four students were conferred the 'Best Intern' award in the Winter Internship Programme.

## **C. Training Programme for Indian Foreign Service Probationers**

**12.6** The NHRC has been collaborating with the Foreign Service Institute (FSI) of the Ministry of External Affairs in New Delhi from 2006 onwards in organizing a two-day 'Attachment Programme for the Indian Foreign Service Probationers'. The main objective of the attachment programme is to sensitize the probationers on various human rights issues. During 2010-2011, 19 Indian Foreign Service probationers of 2008 batch were attached with the NHRC on 26 and 27 October 2010. The probationers were given an overall view about the functioning of various Divisions in the Commission including an orientation about the complaint management system. They also interacted with the Members and Secretary General of the NHRC.

## **D. Training Programme for Assistant Security Commissioners (Probationers) of Railway Protection Force**

**12.7** Five Assistant Security Commissioners (Probationers) of the Railway Protection Force (RPF) of 2005 and 2009 batch were attached with NHRC for two days on 24 and 25 March 2011. During this attachment programme, the probationers were apprised about the functioning of various Divisions including the complaint management system of the NHRC.

## **E. In-house Training Programme**

**12.8** A two-day in-house training programme was organized for new officers and staff of the Commission on 26 and 27 August 2010. Its objective was to acquaint them about the overall functioning of the Commission and important issues being dealt by various Divisions of the Commission. In all 30 officials and staff were trained in this programme.

## **F. Interaction with Visiting Students/Trainees from Various Colleges/ Universities of India**

**12.9** During 2010-2011, the Commission interacted with more than 1,070 students/ trainees who visited the NHRC from 33 different colleges, universities, institutes, schools of law across the country along with their faculty members.

## **G. On-line Training Programme on Human Rights for Police Personnel**

**12.10** The NHRC in collaboration with the Indira Gandhi National Open University (IGNOU), New Delhi launched an on-line training programme on human rights for the police personnel on 1 February 2011. The main objective of the programme is to spread awareness among the police personnel, in particular, those who are at the cutting edge level of the rank of Constables and Sub-Inspectors, on diverse human rights issues and their application in day-to-day functioning with the public at large. The duration of the on-line training programme is of 5 days.

**12.11** Prior to launching of the on-line training programme, it was pre-tested in three Police Training Institutes of N.C.T. of Delhi, Haryana and Uttar Pradesh.

## **H. Hindi Fortnight at NHRC**

**12.12** The NHRC's Annual Hindi Fortnight event, to promote the use of official language in its day-to-day working, was organized from 14 to 28 September 2010. The officers and staff of the NHRC actively participated in the debate, quiz programme and essay competition as well as in other programmes organized on the occasion for the promotion of Hindi language.

## **I. Foundation Day Celebrations**

**12.13** The NHRC marked the completion of its 17th year on 12 October 2010. As part of the Foundation Day Celebrations, a one-day Conference on 'Prenatal Sex Selection in India: Issues, Concerns and Actions' was organized at India International Centre, New Delhi in the forenoon. It was followed with a Cultural Programme in the evening at the FICCI Golden Jubilee Auditorium in New Delhi. In the Cultural Programme, the officers and staff of NHRC, members of their families, children from SOS Children's Village in Bawana and other artists performed. The Chairperson of NHRC, Justice Shri K.G. Balakrishnan, presided over the function.

**12.14** During the Day long celebrations, Justice Shri K.G. Balakrishnan issued a message on the National Network of All India Radio and Doordarshan. Shri P.C. Sharma, Member, NHRC and Shri A.K. Garg Registrar (Law), NHRC also participated in different special programmes on Doordarshan and All India Radio. Besides, the Commission circulated short messages on Human Rights Day through mobile phone networks.

## **J. Human Rights Day Celebrations**

**12.15** The NHRC celebrated the Human Rights Day on 10 December 2010 at a function organized in Teen Murti Bhawan, New Delhi. Smt. Meira Kumar, Speaker, Lok Sabha was the Chief Guest.

**12.16** Addressing the gathering on the occasion, Smt. Meira Kumar, Speaker of Lok Sabha and the Chief Guest stated that human rights assumed a global dimension with the adoption of the Universal Declaration of Human Rights. She said that with the passage of time, the ambit of human rights had expanded. Human rights and democracy are closely inter-linked. Democracy would become meaningless if it does not ensure human rights for all its citizens irrespective of religion, race, caste, gender or place of birth. The Lok Sabha Speaker commended NHRC and the State Human Rights Commissions for their role in the promotion of the human rights of the people. She also lauded Commission's initiatives in eliminating manual scavenging, bonded labour, child labour and trafficking in women and children, and said that these will have a far reaching impact.

**12.17** Speaking on the occasion, Justice Shri K.G. Balakrishnan, Chairperson, NHRC said that the role of the Commission is that of a catalyst and facilitator in securing responsive and humane governance. It is working relentlessly in this direction. Referring to the role of the human rights defenders to whom the human rights day was dedicated this year, Justice Shri Balakrishnan said that it is the endeavour of the Commission to not only focus on civil and political rights but also on the economic and social rights of the people especially in backward areas. He pointed out that keeping in view the concerns of the human rights defenders and risks to them in pursuit of justice for violation of human rights of others, the Commission has set-up a focal point which may be accessed by them anytime to facilitate speedy action on their complaints. The NHRC Chairperson also threw light on the important activities of the Commission. On the occasion, the Human Rights Day message of United Nations Secretary General, Mr. Ban Ki-Moon was also read. Several dignitaries including former Members of the Commission, senior government officers, members of non-governmental organizations and the civil society at large attended the function.

**12.18** On the occasion, the NHRC Journals in English (Vol. No. 9, 2010) and Hindi (Nai Dishayain, Vol. No. 7, 2010) were released by the Chief Guest along with the NHRC Wall and Desk Calendars for the year 2011. The theme of both the calendars was based on diverse rights – civil and political as well as economic, social and cultural rights. In addition, the Chief Guest released two booklets, titled 'Guidelines for Police Personnel on Various Human Rights Issues' (in Hindi and English) and 'On-line Training on Human Rights for Police Personnel – Basic Course for Sub-Inspectors and Constables'. The revised versions of Know Your Rights Series on 'Bonded Labour', 'Rights of Persons with Disabilities' and a booklet on 'United Nations Declaration on Human Rights Defenders' in different regional languages was also released.

## **K. Inter-University Debate Competition**

**12.19** To commemorate the significance of Human Rights Day on 10 December 2010, an Inter-University Debate Competition was organized on 9 March 2011 by NHRC in collaboration

with the University School of Law and Legal Studies, Guru Gobind Singh Indraprastha University, New Delhi. Its objective was to create awareness about human rights amongst the university students. The topic of the Debate was : “The Overuse and Misuse of the Right to Information Act 2005 has Eclipsed the Proper Enforcement of the Citizens Right to Information as an Inalienable Human Right”. Students from different law schools/law universities of India participated in the competition. The inter-university debate competition was won by the Faculty of Law, University of Delhi.

## **L. Inter Para-Military Forces Debate Competition**

**12.20** The National Human Rights Commission organized an All-India Debate competition of Inter-Central Para-Military Forces in Hindi and English at SCOPE Complex, SCOPE Convention Centre, Lodhi Road, New Delhi on 16 November 2010 in collaboration with the Indo-Tibetan Border Police (ITBP). The topic of the debate competition was “Human Rights Can be Observed by Security Forces without Compromising National Security Concerns.”

**12.21** The first prize for debate in Hindi was awarded to Shri Om Prakash, Constable, Border Security Force and in English to Shri Avinash Kumar, Assistant Commandant, Border Security Force. The second prize in Hindi was given to Shri Puran Singh, Constable, Assam Rifles and in English to Shri B. Murugan, Constable, Border Security Force. The third prize in Hindi was awarded to Shri S.K. Malik, Deputy Commandant, National Security Guards and in English to Shri Sachin Kumar, Assistant Commandant, Border Security Force. The overall best team trophy went to Border Security Force. The winners were selected by a three member panel of jury headed by Justice Shri K. G. Balakrishnan, Chairperson, NHRC and comprising Shri K.S. Sachidananda Murthy, Resident Editor, *The Week* magazine and Shri N.C. Joshi, Former Director General, Bureau of Police Research and Development.

**12.22** Congratulating the winners of the Debate Competition, Justice Shri K.G. Balakrishnan said that war against terrorism has to be firm and relentless. In the present scenario of growing violence and terrorism, the role of the security forces in protecting and promoting human rights of the people is extremely challenging.

**12.23** Justice Shri Balakrishnan said that it must be remembered that the fundamental rationale of anti-terrorism measures must be to protect human rights and democracy. Counter-terrorism measures should, therefore, not undermine democratic values, violate human rights or subvert the rule of law. He added that the battle against terrorism must be carried out in keeping with international human rights obligations and the basic tenets of the rule of law. If human rights are violated in the process of combating terrorism, it will be self-defeating.

**12.24** Earlier, welcoming the participants and the guests, Shri R.K. Bhatia, Director General, Indo-Tibetan Border Police (ITBP) said that this debate competition has been useful in sensitizing the Central Para Military Forces about human rights.

**12.25** In his concluding remarks, Shri Sunil Krishna, Director General (Investigation), NHRC appreciated the valued inputs by the participants and congratulated the winners. He also thanked the jury and ITBP for making the event successful. NHRC has been organizing this debate competition in Hindi and English since 1996. The debate is initially conducted at eight zonal levels and then the semi-final and final rounds are conducted in New Delhi. The responsibility to hold semi-final and final round is entrusted to one of the Para Military Forces on rotation. This year the responsibility was entrusted to ITBP to hold the debate competition under the aegis of NHRC.

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### HUMAN RIGHTS DEFENDERS

**13.1** “Human rights defender” is a term used to describe people who, individually or with others, act to promote or protect human rights. The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (commonly known as the Declaration on Human Rights Defenders) is the main international instrument on human rights defenders. It was adopted by the United Nations General Assembly in December 1998, after 14 years of negotiation.

**13.2** The Declaration codifies the international standards that protect the activity of human rights defenders around the world. It recognizes the legitimacy of human rights activity and the need for this activity and those who carry it out to be protected. Under the Declaration, human rights defender is anyone working for the promotion and protection of human rights. This broad definition encompasses professional as well as non-professional human rights workers, volunteers, journalists, lawyers and anyone else carrying out, even on an occasional basis, a human rights activity.

**13.3** The Declaration articulates existing rights in a way that makes it easier to apply them to the situation of human rights defenders. It specifies how the rights contained in the major human rights instruments; including the right to freedom of expression, association and assembly, apply to defenders. The Declaration outlines specific duties of States as well as the responsibility of everyone with regard to defending human rights. For human rights defenders too, it is equally important to subscribe to the two principles of universality and non-violence for invoking protection under the United Nations Declaration on Human Rights Defenders.

**13.4** Ever since NHRC came into existence, it has worked closely with a number of organizations and individuals, both governmental and non-governmental, to improve the human rights situation in the country along with rendering support and protection to human rights defenders. It has observed and complied with the United Nations Declaration on Human Rights Defenders and consequently made efforts to promote the development of protective mechanisms for human rights defenders across the country. As part of its strategy, it works with non-governmental and civil society organizations; National and State Commissions including State Human Rights Commissions and other key actors to raise awareness about human rights defenders and challenges being faced by them.

## **A. Focal Point for Human Rights Defenders in NHRC**

**13.5** Acting on one of the recommendations of Workshop on Human Rights Defenders that was organized by the Commission on 12 October 2009 in New Delhi, a Focal Point for Human Rights Defenders has been set-up in the NHRC to deal with complaints alleging harassment of human rights defenders by or at the instance of public authorities. The designated contact person at the Focal Point is Shri A.K.Parashar, Joint Registrar (Law). The Focal Point is accessible to human rights defenders round the clock through (i) Mobile No. 9810298900, (ii) Fax No. 23384012, and (iii) E-mail: hrd-nhrc@nic.in . The Focal Point ensures that the directions of the Commission in every case of alleged harassment of human rights defenders are complied with on priority and also conveyed to the concerned human right defender. The update of the complaints of alleged harassment of human rights defenders is also posted on the website of the Commission.

## **B. United Nations Special Rapporteur on Human Rights Defenders Visits NHRC**

**13.6** Ms.MargaretSekaggya, United Nations Special Rapporteur on Human Rights Defenders, visited NHRC on 15 January 2011 wherein she interacted with the Members of the Statutory Full Commission and its senior officers. The Chairperson of the National Commission for Protection of Child Rights also participated in the discussions as a special invitee. Justice Shri K.G. Balakrishnan, Chairperson, NHRC presided over the meeting. Ms. Margaret Sekaggya stated that she was particularly concerned at the plight of human rights defenders working for the rights of marginalized people, i.e. scheduled castes, scheduled tribes and religious minorities, who face particular risks and ostracism because of their activities. She underscored the testimonies received by her about human rights defenders and their families, who have been killed, tortured, ill-treated, threatened, arbitrarily arrested and detained, falsely charged and under surveillance because of their legitimate work in upholding human rights and fundamental freedoms.

**13.7** The Commission shared the concerns of human rights defenders who risk their safety, while taking up matters of human rights violations of others. It was further informed that all possible steps are being taken by the Commission to protect the interests of human rights defenders. Later during the day, the Special Rapporteur interacted with the non-governmental organizations and the civil society.

## **C. Illustrative Cases Dealt by NHRC Relating to Human Rights Defenders**

**13.8** During the period under review, the Commission received 69 complaints concerning alleged harassment of human rights defenders. Out of these 69 cases, 20 were finally disposed of by the Commission. The details of pending cases along with action taken by the Commission are available on the website of the Commission and it is updated regularly.

1. *Abuse of Power by Police Against a Human Rights Defender in Sant Ravidas Nagar, Uttar Pradesh (Case No.11939/24/73/2010)*

**13.9** The complainant, a human rights defender, in his grievance dated 1 April 2010 informed that he had made a complaint to the Commission against some police officials of Gopiganj Police Station and the same was registered as case No. 224/24/73/09-10. The Commission had called for a report from the concerned District authorities in that case. The complainant alleged that the Additional Superintendent of Police, Sant Ravidas Nagar, Uttar Pradesh had called and asked him to withdraw his complaint. The complainant further alleged that when he showed reluctance, the Additional Superintendent of Police, Sant Ravidas Nagar, threatened him that since the investigation was under progress, his limbs would be broken. The complainant apprehended that the Additional Superintendent of Police, Sant Ravidas Nagar, might implicate him in some false cases or kill him in a fake encounter.

**13.10** The Commission took cognizance of the complaint on 9 April 2010. Pursuant to the directions of the Commission, the Deputy Inspector General of Police, Vidhyaanchal Range, Mirzapur, sent a report denying the allegations. A copy of the report was sent to the complainant for comments. In his comments, the complainant demanded an enquiry either by a team of Commission or by CB-CID as he was not satisfied with the report of the Deputy Inspector General of Police.

**13.11** The Commission considered the matter on 24 March 2011 wherein it observed and directed as under:

“The Commission has considered the matter on record and noticed that the complainant, a human rights activist, appears to be harassed by the police because he is pursuing matters/complaints related to the police. It is also pertinent that he was asked to appear before Ms. Ruchita Choudhary, Addl. Supdt. of Police, Sant Ravi Das Nagar on complaint of Shri Mangla Parsad Chaturvedi, the then SHO, Gopiganj, against whom departmental action has been initiated for releasing one Vinod Kumar Dixit after accepting a bribe of 5,000/-. This matter was pointed out by the complainant Shri Nand Lal Shukla and the same was registered in this Commission as case No. 224/24/73/09-10, in which a monetary relief of 25,000/-, in addition to action against the errant policemen, has been recommended. On query Ms. Ruchita Choudhary, ASP Bhadohi, has confirmed that the complainant was called to her office, but there is nothing on the record to establish anything against the complainant. Therefore, it is a matter of concern that a human rights defender is being exploited and harassed by the Addl. Supdt. of Police only because he has exposed police malpractices. As he is still getting threats, it would be appropriate to send a team of the Commission to investigate the matter.

Director General (Investigation) is requested to have the matter investigated by deputing a competent team of the Commission and submit a report within six weeks.”

The matter is being monitored by the Commission.

2. *Alleged Police High-Handedness Against a Human Rights Defender in Allahabad, Uttar Pradesh (Case No. 42087/24/4/2010)*

**13.12** Ms. Manju Pathak, Secretary, Jagriti Mahila Sewa Sansthan, Allahabad in her complaint dated 8 October 2010 alleged that on 28 September 2010 at about 6.30 p.m. she was abused, assaulted and beaten up by Meraj Khan, a Constable posted at Sabji Mandi Police Chowki, Khuldabad in Allahabad, Uttar Pradesh when she took up the grievance of a woman victim against him. The Commission vide proceedings dated 27 October 2010 directed to issue a notice to the Superintendent of Police, Allahabad, calling for a report within four weeks. Despite reminder with a warning of coercive process, the report is still awaited.

3. *Alleged Abuse of Power by Police Against a Human Rights Defender in Gujarat (Case No.4/6/0/2011)*

**13.13** The complainant in the above case alleged that human rights defenders and Ms. Teesta Setalvad in particular were being targeted and a false campaign of “perjury” is being made against them.

**13.14** The Commission vide proceedings dated 12 January 2011 directed to transmit a copy of the complaint to the Chief Secretary, Government of Gujarat for submitting a factual report on the matter within four weeks. Accordingly, a copy of the complaint was sent to the Chief Secretary, Gujarat vide Commission’s notice dated 12 January 2011. Despite several reminders, the State Government has not responded so far.

4. *Arrest of Five Human Rights Defenders on Alleged False Charges in Tirunelveli District, Tamil Nadu (Case No.896/22/37/2010)*

**13.15** The Commission received a complaint through e-mail on 17 August 2010 from Miloon Kothari, Convener, Working Group Human Rights, India and United Nations, alleging the arrest of five human rights defenders on false charges in Tirunelveli District, Tamil Nadu on the night of 15 August 2010. As per the directions of the Commission, a team from the Investigation Division of the NHRC was deputed for conducting a spot investigation at P.S. Veervanallur in Tirunelveli District. The NHRC team concluded that the allegations against the police were true.

**13.16** Their report revealed that FIR No. 161/10 dated 15 August 2010 was registered against five human rights defenders u/s 170/ 353/416/506 (i) IPC at P.S. Veervanallur on the written complaint of a woman Sub-Inspector, named, Roselin. However, the ingredients of all the four sections of IPC cited were not applicable as per the FIR.

**13.17** It was found that the five human rights defenders were among the 63 others undergoing a bonafide training programme at Madurai, Tamil Nadu and they were on a legitimate fact finding field visit. Thirteen teams had further been sent on similar visits to various districts of Tamil Nadu by the programme organizers – People’s Watch and Dalit Foundation based in Tamil Nadu.

**13.18** The NHRC team further found that the allegation against the five accused persons that they posed themselves as employees of the Human Rights Commission was false. There was also no evidence of assault or injury that was caused by the five accused persons on the woman Sub-Inspector Roselin or any attempt thereof. In the bail order dated 19 August 2010 the Judicial Magistrate observed “as from the allegations contained in the FIR no one was injured”.

**13.19** Further, the allegation of prevention of discharge of duty of a woman Sub-Inspector by the five trainees was found to be unsubstantiated. The investigation also revealed that no cheating was committed by the five accused persons. The charge of criminal intimidation was also not backed by any credible evidence. Further, the diary entries with regard to the arrest, interrogation, registration of case, etc. was also found to be fabricated and contradictory.

**13.20** Based on these findings, the NHRC team clearly brought out the contradictions in the Police case and proved that the trainees were falsely implicated in the case. Consequent to a Writ Petition filed in Madurai Bench of Madras High Court, and directions thereon, an independent enquiry by CB-CID was ordered by the Government of Tamil Nadu and is underway. The result of the CB-CID investigation is awaited.

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## INTERNATIONAL COOPERATION

### A. 15th Annual Asia Pacific Forum Meeting of NHRIs

**14.1** The 15th Annual Meeting of Asia Pacific Forum (APF) of National Human Rights Institutions (NHRIs) was convened in Bali, Indonesia from 3-5 August 2010. The Annual Meeting was attended by representatives of all the 17 APF member institutions. Delegation of NHRC-India was led by Justice Shri K.G. Balakrishnan, Chairperson and included Shri Satyabrata Pal, Member and Shri. K.S. Money, Secretary General. A Memorandum of Understanding between NHRC-India and Asia Pacific Forum of National Human Rights Institutions on the subject of NHRC contribution of US \$ 1,00,000 to the APF, was signed by Shri K.S. Money and Mr. Kieren Fitzpatrick, Director, APF on 2 August 2010. The Annual Meeting discussed among other issues, the draft APF Strategic Plan for 2011-2015; the review of the ICC accreditation and general observations; thematic issues of common concern to APF Members.

**14.2** Shri Satyabrata Pal, Member, NHRC and Shri K.S. Money Secretary General, NHRC also attended the Conference of Asian NGOs' Network on National Human Rights Institutions (ANNI), organized on 1 - 2 August in Bali. Responding to the ANNI Report on NHRC-India and a presentation made on the same subject by Shri Henri Tiphagne, Executive Director of People's Watch India in Tamil Nadu, Shri Pal pointed out that the ANNI statements on NHRC-India were factually incorrect. He further added that while NHRC-India values interaction with the civil society, there is a need for the NGOs and civil society organizations at large to establish their own credibility.

### B. Human Rights Council

**14.3** NHRC-India gives utmost importance to the human rights issues raised by the Human Rights Council. Many of these issues are also referred to NHRC-India for ascertaining the information on it. During the period under report, NHRC-India has responded to a wide range of questionnaires on reproductive rights, rights of persons with disabilities, children's rights and other issues relating to women.

### C. Participation in Activities of International Coordinating Committee of National Human Rights Institutions

**14.4** The NHRC, India is one of the founding members of the International Coordinating Committee (ICC) of National Human Rights Institutions for the Promotion and Protection of Human Rights and participates in the ICC meetings every year. NHRC is an ICC Member with 'A' status accreditation, which was re-accredited in 2006 and is again due for re-accreditation in May 2011.

**14.5** NHRC-India has also responded to several questionnaires forwarded by the ICC to it such as baseline assessment survey questionnaire pertaining to NHRIs for ICC Working Group on Business and Human rights, ICC Biennial Conference on Business and Human Rights and its comments on the draft concept paper, ICC survey of A-status NHRI's participation and contributions to the United Nations Human Rights Council and its mechanism, comments on strategic action plan and fund strategy for 2010-2012 ICC working group on Business and Human Rights, and response to ICC general observation questionnaire.

**- 10th Biennial Conference of International Coordinating Committee of National Human Rights Institutions**

**14.6** A high-level delegation from NHRC-India led by its Chairperson participated in the 10th Biennial Conference of International Coordinating Committee of National Human Rights Institutions convened in Edinburgh, Scotland from 7 to 10 October 2010. The theme of the Conference was 'Human Rights and Business : the Role National Human Rights Institutions'.

**14.7** Addressing one of the sessions on 'Asia Pacific - Human Trafficking' during the Biennial Conference, the Chairperson, NHRC stated that globalization has lifted millions out of the clutches of poverty, but there is perceptible tension today between human rights and processes of globalization of which the chief drivers are multi-national corporations. He mentioned that there were several examples which could explain this uneasy relationship between business and human rights. In this context, he cited the example of Union Carbide Gas leak tragedy in Bhopal in December 1984, which took the lives of about twenty thousand people and caused grievous harm to thousands of others. He also spoke about the bauxite mining project of a corporate house in Odisha affecting environment and interest of the local people. Spraying of endosulfan on cashew plantation was also mentioned by him as it was causing serious health hazards to the people residing in the area. He also stated that growing contract system had led to compromise of labour rights under liberalization on the process of globalization. Further, the development process in certain cases has caused conditions of forced/bonded labour in some industries. He cited the increasing trend for outsourcing production to third world countries to exploit the availability of cheap labour and the ill effects of mining, stone crushing and quarrying causing silicosis due to inhalation of silica. He said that the environmental damage caused by the business units and violation of peoples' human rights living in the vicinity could not be overlooked. He reiterated that NHRC-India was of the view that the NHRIs can play a crucial role in establishing a culture of accountability in the system.

**D. NHRC-India Participation in International Meetings, Seminars and Workshops**

**14.8** During the year 2010-2011, the Commission and its officials participated in the following meetings/seminars/workshops:

- (i) Five officers participated in the Sub-Regional Workshop on National Human Rights Institutions and the International Human Rights System convened in Maldives from

30 May 2010 to 3 June 2010. The focus of this workshop was on understanding and engaging with the international human rights systems.

- (ii) A Member and Deputy Registrar (Law), NHRC attended the Regional Consultation on National Human Rights Institutions and Civil Society Organisations Engagement with the International Human Rights System: Enhancing the Protection of Human Rights in Asia on 22 and 23 November 2010 at Bangkok in Thailand.
- (iii) The Joint Secretary, NHRC attended the Regional Training Course on Migrant Workers' Rights and Advocacy held at Lombok, Indonesia from 21-26 September 2010. The aim of the programme was to assist participants from National Human Rights Institutions and NGOs/CSOs to work together in developing practical strategies to protect and promote migrant workers' rights at the national and regional level.
- (iv) Senior Research Officer, NHRC participated in the International Conference on Human Rights Education 'Educating for Human Rights, Peace and Inter-Cultural Dialogue' from 4-6 November 2010 at Parramatta campus of University of Western Sydney, Australia.
- (v) The Chairperson, NHRC, India attended the Regional Seminar on Human Rights : Experiences and Challenges in Dhaka, Bangladesh on 13 and 14 November 2010. The seminar was organized by the National Human Rights Commission of Bangladesh with support from the United Nations Development Programme. Representatives of the National Human Rights Institutions from Indonesia, Malaysia, Maldives, Nepal, Philippines, and New Zealand participated in the seminar.
- (vi) Section Officer, NHRC attended the "17th South Asia Teaching Session on International Humanitarian Law" held at Kathmandu, Nepal from 24 November to 1 December, 2010.
- (vii) A Senior Superintendent of Police, NHRC participated in the Regional Seminar – Towards Developing and Strengthening National Programs on Witness and Victim Protection at Kathmandu, Nepal on 15 and 16 December 2010
- (viii) Joint Secretary, NHRC also participated in the Commonwealth Regional Seminar on 'UPR Follow-up and Implementation for Asia and Europe' at Dhaka, Bangladesh on 9 and 10 February 2011.
- (ix) Joint Secretary also attended the Yogyakarta Principles Forum and Asia Pacific Out Games Human Rights Conference held at Wellington, New Zealand from 15 to 18 March 2011.
- (x) Under Secretary (Coordination) participated in a Training workshop on Quantitative Methodology in Bangkok, Thailand from 28-30 March, 2011.

## **E. Interaction with Foreign Delegates in the Commission**

**14.9** The following individuals/delegations visited NHRC-India during 2010-2011:

- (i) A sixteen-member delegation consisting of officials of the Ministry of Women's Affairs, Government of Afghanistan visited NHRC-India on 27 April 2010 and interacted with the senior officers of the Commission. The purpose of their visit to India was to get an exposure to best practices in countries that have similar socio-political and legal basis of governance.

- (ii) A two-member delegation of South Asia, Amnesty International visited the Commission on 11 May 2010 and held a meeting with the Acting Chairperson of the Commission. The Amnesty International has prepared a report 'Don't Mine Us Out of Existence: Bauxite Mine and Refinery Devastates Lives in India' regarding U.K. based Vedanta Resources subsidiary companies to open a bauxite mine at Niyamgiri Hills and expand the operations of an existing alumina refinery at the nearby Lanjigarh in South-west Odisha leading to human rights violations and environmental damage. The purpose of their meeting in NHRC was to discuss the content of their report.
- (iii) Mrs. Masrie-Mwamba, Deputy Secretary General, Commonwealth Secretariat visited the Commission on 5 October 2010 and had a meeting with the Chairperson, NHRC. Among the issues discussed were Commonwealth Forum of National Human Rights Institutions, Universal Periodic Review for India and the rights of persons with disabilities.
- (iv) Ms. Gay McDougall, United Nations Independent Expert on Minority Issues visited the Commission on 21 December 2010 and had a meeting with the Chairperson, Members and senior officers of the Commission. The purpose of her visit was to understand more about the best practices followed by the Commission.
- (v) Mr. John Wadham, Legal Group Director, Equality and Human Rights Commission, U.K. and Mr. Iain Twigg, Second Secretary, Political and Bilateral Affairs, British High Commission, New Delhi visited NHRC on 11 February 2011 to discuss issues of mutual interest. They interacted with the officers of Law Division on the functioning of the Commission, the mechanism of handling complaints, the procedure for enquiry into complaints, matters pertaining to custodial deaths, administrative system of NHRC, its autonomy and related issues.
- (vi) Dr. Mate Szabo, Parliamentary Commissioner for Civil Rights in the Hungarian National Parliament visited the NHRC on 22 March 2011 and called on Member, Justice Shri B.C. Patel. Dr. Szabo was apprised of the structure and functioning of the Commission.

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### STATE HUMAN RIGHTS COMMISSIONS

**15.1** Section 21 of the Protection of Human Rights Act, 1993 as amended in 2006, stipulates constitution of State Human Rights Commissions (SHRCs) in all the States. The creation of a Human Rights Commission in all the States would definitely facilitate in 'better' protection and promotion of human rights. It is now an accepted proposition that good governance and human rights go hand in hand. During the period under report, SHRCs were set up in two States, namely, Jharkhand and Sikkim, thus taking the overall total of SHRCs in the country to 20. Eighteen States which already have an SHRC are Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Jammu&Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Odisha, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal. At present, there is no Chairperson and Members in the Himachal Pradesh State Human Rights Commission except for a Secretary.

**15.2** NHRC is keen that SHRCs are set up in every State of the country so that its inhabitants have easy access to better protection of human rights and justice. The Commission once again makes an earnest appeal to all those States which have not yet constituted SHRCs to take action at the earliest in the interest of better protection and promotion of human rights. In addition, the Commission is in constant touch with all the SHRCs and renders technical support to them as and when required by them.

**15.3** A meeting of the NHRC, SHRCs and Nodal Officers of the States where SHRCs have so far not been constituted was organized on 17 August 2010 in New Delhi. The items discussed in the meeting included financial, functional and administrative autonomy of SHRCs; complaint disposal by SHRCs - staffing pattern; financial assistance from NHRC for human rights training programmes, seminars and workshops; sittings of the Commission in States; amendments to the PHRA; complaint management system (CMS) and strengthening of District Human Rights Courts.

**15.4** In the said meeting, inter alia, it was decided to constitute a Committee that would look into the issue of evolving a basic structure, minimum manpower and financial requirements of SHRCs to enable them to discharge their functions as assigned under the PHRA. Besides, it would develop guidelines for disposal of complaints by the SHRCs. Accordingly, a Committee has been constituted under the chairmanship of Justice Shri G.P. Mathur, Member, NHRC. The other Members of the Committee are Justice Shri Subray Rama Nayak, Chairperson, Karnataka State Human Rights Commission and Justice Shri S.N. Jha, Chairperson, Bihar State Human Rights Commission. Shri J.P. Meena, Joint Secretary (P&A), NHRC is the Convenor of the Committee.

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## OTHER MECHANISMS

### A. Special Rapporteurs

**16.1** The system of appointing Special Rapporteurs is to facilitate the NHRC in discharging its designated responsibilities effectively. This continued during the period under report. They are senior officers who, prior to their retirement, have served as Secretaries to the Government of India or Directors General of Police or have done exemplary service in a human rights related field. They are either assigned specific subjects to deal with subjects, such as bonded labour, child labour, custodial justice, disability, etc., or a zone comprising a group of States/ Union Territories to look into human rights concerns and violations.

**16.2** During the reporting period, Dr. L. Mishra visited Ahmedabad and Mehsana Districts in Gujarat to review the bonded labour and child labour situation there. He also visited the Mental Hospital in Varanasi (Uttar Pradesh) in the month of July 2010; Institute of Mental Health in Hyderabad (Andhra Pradesh) on 19 and 20 July 2010; Institute of Mental Health, SCB Medical College in Cuttack (Odisha) from 26-29 July and from 29-30 November 2010; Institute of Human Behaviour & Allied Science in Delhi on 13 August 2011; Mental Health & Human Rights Resource Centre (SEVAC) in Kolkata (West Bengal) on 26 November 2010; Institute of Psychiatry & Human Behaviour in Goa from 6 – 9 December 2011; Mansik Arogyashala in Gwalior (Madhya Pradesh) from 29 January to 1 February 2011 and Institute of Neuro-Psychiatry and Allied Sciences in Ranchi from 24-26 February 2011.

**16.3** Similarly, Shri P.K.Pincha, Special Rapporteur on Disability visited the States of Madhya Pradesh and Tamil Nadu in November and December 2010 to review the implementation of Persons With Disability Act, 1995. Shri S.K.Tiwari, another Special Rapporteur visited Gorakhpur in Uttar Pradesh from 21 February to 1 march 2011 to review the functioning of the Integrated Child Development Services Scheme. The reports of the above visits made by him can be seen on NHRC website ([www.nhrc.nic.in](http://www.nhrc.nic.in) under the head 'Reports and Minutes').

### B. Core and Expert Groups

**16.4** Core and Expert Groups consist of eminent persons or representatives of bodies working on different human rights issues, who voluntarily agree to serve, in an honorary capacity, as members of such Groups. These Groups render expert advice to the Commission. Some of the important Core and Expert Groups constituted in the Commission are:

- Core Advisory Group on Health
- Core Group on Mental Health
- Core Group on Disability
- Core Group on NGOs
- Core Group on Legal Issues
- Core Group on Right to Food
- Core Group on Rights of Elderly Persons
- Expert Group on Emergency Medical Care
- Expert Group on Refugees
- Expert Group on Silicosis
- Expert Group on Unsafe Drugs & Medical Devices

**16.5** The details of meetings convened by some of the above Core and Expert Groups have been given in preceding chapters of the Annual Report pertaining to related human rights issues.

### **C. Non-governmental Organizations**

**16.6** In pursuance of Section 12(i) of the PHRA, 1993, as amended in 2006, the NHRC since its inception has been encouraging the efforts of non-governmental organizations (NGOs) and civil society organizations working in the field of human rights. The NHRC in association with credible NGOs and civil society organizations has undertaken many projects including human rights awareness programmes. It is of the opinion that promotion and protection of human rights cannot gain momentum without close cooperation between the Commission, NGOs and civil society organizations. The Commission considers them to be its allies and honest critics. This has proved to be of considerable value both to the Commission and to the NGOs facilitating better understanding of each other's view point and increasing their capacity to work together in the furtherance of human rights across the country. Together with the Special Rapporteurs appointed by the Commission, the NGOs have provided a "multiplier effect" to the efforts of the NHRC, giving to it high visibility and better public appreciation.

**16.7** In order to facilitate its interaction with the NGOs and civil society organizations, the Commission constituted a Core Group of NGOs in July 2001. This Core Group was reconstituted in October 2006 and a few new members were later added again in November 2006, August 2008 and September 2008. The members of the Core Group are representatives of NGOs and civil society organizations working primarily in the field of human rights.

**16.8** During the reporting year, two meetings of the Core Group of NGOs were held on 20 May 2010 and 26 November 2011 in the Commission. In these two meetings, the members of the Core Group suggested steps for improving cooperation and collaboration between the two and sharper focus on critical areas of concern, which was agreed to by the Commission.

**16.9** The following are some of the initiatives taken by the Commission during the reporting period, on the basis of suggestions given by the Core Group of NGOs :

- i) NHRC wrote to the Ministry of External Affairs, Government of India to facilitate the

- visit of UN Special Rapporteur on Human Rights Defenders to India. Accordingly, the UN Special Rapporteur on Human Rights Defenders visited India in January 2011.
- ii) The Commission constituted a Focal Point for Human Rights Defenders that can be accessed round the clock.
  - iii) The recommendations of all the conferences/seminars organized by the Commission were shared with the Core Group of NGOs.
  - iv) The Commission reviewed the existing guidelines on encounter deaths and revised it.
  - v) The Members of the Core Group of NGO were requested to send their suggestions/ views on critical human rights concerns.

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## ADMINISTRATION AND LOGISTIC SUPPORT

### A. Staff

**17.1** As on 31 March 2011, 302 persons were in position against the total sanctioned strength of 343 employees consisting of various ranks. The NHRC over the years has taken recourse to various methods for selection of personnel for developing and building a cadre of its own. These methods include direct recruitment, re-employment, deputation and contractual appointments.

### B. Use of Official Language

**17.2** The Official Language section of the Commission is assigned with the work of translation of the monthly newsletter, Annual Report, budget report, budget documents RTI Applications, booklets published by the Commission and other routine circular notices circulated in the Commission. Apart from this, Hindi Section of the Commission has been undertaking many other assignments for the awareness of Human Rights through official language Hindi.

### C. NHRC Library

**17.3** The Library of the Commission was established in the year 1994 for research and reference purpose primarily for the Members, officers and the staff of the Commission. With the passage of time, the Commission has strengthened its library by having a separate Documentation Centre for retrieval of information through computer and internet facility. Database of books / documents and articles is available on INTERNET/ INTRANET for the use of readers. At present it is also being used by the Interns, research scholars of universities and others working in the field of human rights.

**17.4** The library has about 20,000 books / back volumes of journals. It also has a collection of 307 CD /DVD /Cassettes. It subscribes to 51 journals, both Indian and foreign, 102 serial publications, 30 magazines and 23 national and regional newspapers. It thus has an extensive collection of books and documents covering a wide spectrum of human rights and related subjects.

**17.5** 1,402 books on human rights were added to the collection of the library during 2010-11. The new acquisition of books are on varied subjects like Human Rights, rights of women, and children, bonded labour and child labour, terrorism, torture, reproductive rights, scheduled castes and scheduled tribes, poverty, displaced persons and their rehabilitation and other related subjects.

**17.6** The library is also equipped with SCC Online (Supreme Court Case) Finder CD-ROM, AIR Infotech containing AIR Supreme Court Cases (1950-2010); AIR High Court Cases (1950-2010); AIR Privy Council (1914-1950), Criminal Law Journal (1950-2010) and Library Management System Software Package (E-Granthalaya) developed by National Informatics Centre (NIC), New Delhi.

**17.7** OPAC has been specially developed for quickly ascertaining the availability and location of any book/document available in the library through any access point such as Author, Title, Subject, Keyword and Publisher.

**17.8** The library is an institutional Member of British Council Library and DELNET (Developing Library Networking, New Delhi) which promotes resource sharing amongst the libraries. The library also maintains close liaison with others libraries through Inter-Library Loan facilities to access and borrow books/documents and journals.

**17.9** A new Indexing Service was initiated in the year 2007-08 namely, "Current Contents" of articles from journals received in the library. Data has been entered in the software namely DOCLIB. Articles are arranged under broad subject headings and keywords used in the text of articles and author and title retrieval are also available. It helps the Members, senior officers and researchers to know about the growing literature being published in Social Sciences and related academic discipline of Human Rights.

**17.10** Bibliographic service was also introduced recently covering international covenants/instruments, centre/state legislation, judicial cases (Supreme Court and High Courts), National Human Rights Commission cases and guidelines, books and articles on the subject. Bibliography on bonded labour, child labour, disability and mental health, juvenile delinquency, migrant workers, manual scavenging, older persons/ageing/elderly people, prisons/prisoners, refugees, reproductive rights, right to food, right to development, terrorism, torture, trafficking in women & children and transplantation of human organs has been prepared and released at the Webpage of the Commission for the readers with related links.

## D. Right to Information

**17.11** The National Human Rights Commission has its RTI in place since the implementation of the Right to Information Act in the year 2005. The Information and Public Relations Officer of the Commission is the Public Information Officer and the Joint Secretary (P&A) is the Appellate Authority.

**17.12** The details of applications and appeals received under the RTI Act during the year with effect from 1 April 2010 to 31 March 2011 are indicated below:

|    |                                                                               |       |
|----|-------------------------------------------------------------------------------|-------|
| 1. | No. of applications received                                                  | 2,097 |
| 2. | No. of applications disposed of within 30 days                                | 2,097 |
| 3. | No. of applications pending but disposed of beyond one month                  | --    |
| 4. | No. of applications pending but are within one month                          | --    |
| 5. | No. of applications transferred to other Ministries/Departments Organizations | 152   |

## Details of 1st Appeals

|    |                                                    |    |
|----|----------------------------------------------------|----|
| 1. | No. of appeals received by the Appellate Authority | 71 |
| 2. | No. of such appeals disposed of within one month   | 71 |
| 3. | No. of appeals pending                             | -- |

## Details of 2nd Appeals with C.I.C.

|    |                                                                        |     |
|----|------------------------------------------------------------------------|-----|
| 1. | No. of notices received from C.I.C.                                    | 22  |
| 2. | No. of hearings attended by C.P.I.O./Appellate Authority               | 22  |
| 3. | No. of hearings in r/o which compliance report submitted to C.I.C.     | 22  |
| 4. | No. of hearings in r/o which compliance report not submitted to C.I.C. | Nil |

**17.13** During the year 2010-2011, the Commission received Rs. 8,020 as registration fee for RTI applications and Rs. 2,612.00 for photocopies of documents provided to the applicants.

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### SUMMARY OF PRINCIPAL RECOMMENDATIONS & OBSERVATIONS

**18.1** During 2010-2011, protection and promotion of civil and political rights as well as economic, social and cultural rights remained the focus of the Commission. For example, the Commission, inter alia, dealt with a range of civil liberty issues, including protection of human rights in areas affected by terrorism and militancy; custodial violence and torture including deaths in custody and ‘encounter’; and conditions in prisons. It also dealt with issues such as the right to health; the right to food; the right to education; the rights of Scheduled Castes, Scheduled Tribes and other vulnerable groups; the rights of women and children; the rights of elderly persons, the right to environment; spreading of human rights awareness and literacy among the masses; and encouraging the efforts of State Human Rights Commissions and non-governmental organizations. In addition, the Commission dealt with the concerns of human rights defenders so as to ensure appropriate action on the complaints addressed to it concerning their protection. (para 1.6).

**18.2** The PHRA is premised on the mutually reinforcing character of the efforts that are to be made by the Commission and by the Governments, both at the Centre and in the States. A ‘unity of minds’ of all concerned is therefore required to ensure that there is better protection of human rights in the country. It is with this mission the Commission dedicates this Annual Report to the people of India, and submits it to the Central Government and the State Governments to place before each House of Parliament and concerned Legislative Assembly, in accordance with Section 20 (2) of the PHRA (para 1.7).

**18.3** As in the past, the Commission received a wide range of complaints relating to human rights violations from different parts of the country. These complaints included cases alleging custodial deaths, torture, fake encounters, police high-handedness, violations of rights committed by security forces, conditions relating to prisons, atrocities committed on women and children and other vulnerable sections, bonded and child labour, negligence by public authorities, etc. The Commission also took suo motu cognizance of many incidents pertaining to violation of human rights based on reports in print and electronic media as well as visits undertaken by its Chairperson, Members and Special Rapporteurs (para 2.6).

#### **Human Rights Violation Cases**

**18.4** On 1 April 2010, a total number of 14,580 cases were pending before the Commission (**Annexure-1**). 84,605 cases were registered in the Commission during 2010-2011 (**Annexure-2**). Thus, during the period under review, the Commission received a total of 99,185 cases for examination. Out of these, it disposed of 87,568 cases. A total of 9,254 cases were

further transferred to the State Human Rights Commission for disposal in accordance with the provisions of the PHRA. Of the total number of cases disposed of (87,568) by the Commission during 2010-2011, 54,676 cases were dismissed 'in limini', while 15,813 cases were disposed of with directions to the appropriate authorities for remedial measures. The details of State/Union Territory-wise cases disposed of by the NHRC during 2010-2011 are shown in **Annexure-3**. At the end of the reporting period, i.e. on 31 March 2011, the total number of cases pending with the Commission was 11,617, which included 1,856 cases awaiting preliminary consideration and 9,761 cases in respect of which reports were either awaited from the authorities concerned or the reports had been received but were pending further consideration of the Commission (**Annexure-4**) (para 2.7).

## Preventing Custodial Violence

**18.5** The NHRC received 1,426 intimations about deaths in judicial custody\*, 146 intimations regarding deaths in police custody and two intimations regarding deaths in para-military/defence forces custody during the period under review. It disposed of 1,944 cases of custodial deaths – comprising 1,753 cases of deaths in judicial custody, 189 cases of deaths in police custody and two cases of deaths in para-military/defence forces custody. These figures also include cases of previous years (para 2.10).

## Inspection of Jails

**18.6** One Member and two Special Rapporteurs of the Commission visited seven jails located in Barabanki, Lucknow and Faizabad in Uttar Pradesh; Bhubaneswar in Odisha; Shimla in Himachal Pradesh and Midnapore in West Bengal. The main objective of these visits was to oversee the functioning of these institutions as well as study the human rights situation of the inmates. Besides, officials from the Investigation Division of the Commission also visited Central Jail Viyyur in Trichur, Kerala; Dehradun District Jail in Uttarakhand; and Central Jail and District Jail in Indore, Madhya Pradesh (para 2.11).

## Spot Investigations

**18.7** During the period under review, the Commission directed its Investigation Division to conduct spot investigations in 64 cases of alleged violations of civil and political rights and economic, social and culture rights. These cases related to custodial deaths/rapes, sexual harassment by police men; custodial torture; false implication; illegal detention; bonded and child labour; atrocities on scheduled castes, scheduled tribes and other disadvantaged groups; medical negligence and lack of proper medical facilities in Government hospitals, death due to negligence of various State authorities; inhuman conditions in jails and homes for children. (para 2.12).

## Custodial Violence and Torture

**18.8** Custodial violence is a deliberate assault on human dignity. During the period under review, the Commission remained actively engaged in its efforts to bring to an end the egregious violations of human rights that result in custodial deaths. Concerted effort to curb custodial

violence has been a important priority of the Commission. In accordance with its guidelines issued from time to time, the agencies of the States/Union Territories have, by and large, been found to be prompt in informing the Commission, within 24 hours, of any occurrence of a death in custody. However, subsequent reports like inquest report, post-mortem report, magisterial enquiry report, etc. are not being received expeditiously in many cases (para 4.1).

**18.9** It is pertinent to note that not all cases of custodial deaths are a manifestation of custodial violence. The prime cause for many of these deaths is on account of natural reasons such as long-lasting illness, old age and other debilitating factors. The other causes could be due to violence between prisoners, suicide and medical negligence (para 4.2).

**18.10** As mentioned in Chapter-4, 1,574 cases of custodial deaths were reported to the Commission during the review period. Out of these, 1,426 cases were related to deaths in judicial custody, 146 cases pertained to deaths in police custody and two cases pertained to deaths in the custody of defence/para-military forces (para 4.3).

## Visits to Jails

**18.11** As per the PHRA, one of the functions of the Commission is to visit jails and other institutions under the control of the State Governments where persons are detained or lodged for purposes of treatment, reformation or protection, so as to assess the living conditions prevalent therein and make recommendations thereon to the Government (para 4.211).

**18.12** Accordingly, during the year 2010-2011, a Member and two Special Rapporteurs of the Commission visited seven jails located in Barabanki, Lucknow and Faizabad in Uttar Pradesh; Bhubaneswar in Odisha; Shimla in Himachal Pradesh and Midnapore in West Bengal. The main purpose of these visits was to oversee the functioning of these institutions as well as study the human rights situation of the inmates there. Besides, the officers of the Investigation Division visited Naini Jail in Allahabad (Uttar Pradesh); Dasna Jail in Ghaziabad (Uttar Pradesh); Central Jail in Indore (Madhya Pradesh); Central Jail in Gwalior (Madhya Pradesh); District Jail in Dehradun (Uttarakhand); Koramangala Open Air Jail in Bangalore (Karnataka); Birsa Munda Central Jail in Ranchi; Central Jail in Jharkhand; Trissur Jail in Kerala; Beur Jail in Patna (Bihar); Dist Jail Jharpada in Bhubaneswar (Odisha); Central Jail in Gurgaon (Haryana) and Central Jail in Madurai (Tamil Nadu). The officers of the Investigation Division also visited the Observation Home for Boys-II in Kingsway Camp, Delhi; and Special Home for Boys-1 in Majnu Ka Tila, Delhi (para 4.212).

## Analysis of Prison Population

**18.13** The NHRC compiles and analyzes statistics on prison population in the country to ascertain the actual position of overcrowding in the prisons and accordingly suggests measures for its decongestion. This is carried out by obtaining data from the prison headquarters of each State/Union Territory in a prescribed format every six months. During the period under review, it compiled and analysed the prison statistics based on the information received up to 30 June 2009 (para 4.213).

**18.14** It is encouraging to note that overcrowding which is an important factor for determining the living conditions of prisoners inside the jails has shown a continuous and significant decline of 15.5% from June 2005 (42.9%) to June 2009 (27.4%). States/Union Territories like Chhattisgarh, Uttar Pradesh, N.C.T. of Delhi, Goa, Dadra & Nagar Haveli, Gujarat, Uttarakhand, Kerala, Madhya Pradesh, Jharkhand, Punjab, Assam, Haryana and Himachal Pradesh which have a high percentage of overcrowding, more than the all India level of 27.4%, may be requested to bring it further down by creating additional capacity in their jails. Delhi, Gujarat and Jharkhand are making substantial efforts to bring down overcrowding in their jails. Other States/Union Territories may like to emulate their example for reducing overcrowding in their jails. Odisha and Tripura too have succeeded in reducing overcrowding in their jails (para 4.214).

**18.15** The same declining trend was noticed on other parameters of living conditions in jails as well. A slight downward trend was noticed in the percentage of undertrials as it declined from 68.3% in June 2008 to 67.9% in June 2009. The decline is required to be maintained and speeded up further. Measures like holding of frequent Jail Adalats (Camp Courts inside jails), provision of legal assistance to poor and needy prisoners, streamlining the process of granting of parole, speedy trial and holding of video conferencing, etc. are some of the measures which would enable States/Union Territories in reducing overcrowding in the jails (para 4.215).

**18.16** Percentage of undertrials when compared with the previous period of June 2008 shows that it has gone down in 10 States/Union Territories, gone up in 5 States/Union Territories and there had been no significant increase/decrease in 19 States/Union Territories (para 4.216).

**18.17** With regard to the percentage of women prisoners, there has been a status-quo. The percentage of women prisoners was reported to be high in Mizoram, Daman & Diu, West Bengal, Andhra Pradesh, Tamil Nadu and Maharashtra (para 4.217).

### **Better Medical Practices and Health Care Facilities in Tribal Areas**

**18.18** It was reported in the Annual Report of 2009-2010 that the Commission on 29 January 2010 had organized a one-day Meeting of the Health Secretaries of all the States/Union Territories on "Illegal Medical Practices and Health Care Facilities in the Tribal Areas" to ensure that the tribal areas in the country have better access to quality health care. In this meeting that was organized in New Delhi, the officials of States/Union Territories, experts and representatives of civil society organizations recommended/suggested a number of measures which need to be taken up by all the concerned stakeholders to guarantee better health care to those residing in tribal areas (para 5.5).

**18.19** The important recommendations/suggestions which emerged from deliberations of the meeting are as follows:

- (i) There is a need to adopt a uniform, humane and non-discriminatory approach in the existing public health care system so that the tribal, rural and disadvantaged sections of the society are not deprived of basic medical facilities and health care in the country. An approach of this kind would remove inequalities in health care and ensure that health care is available and accessible to one and all.

- (ii) State Governments/Union Territories should gearup their machinery to take action against illegal medical practitioners and quacks by prosecuting them under the prevalent laws, rules and regulations. Wherever absent, the States/UTs to put in place legal framework for effective action against illegal medical practitioners/quacks.
- (iii) All the States/UTs should put in place a monitoring system for anti-quackery actions. In addition, they should have a system of periodic review of the actions taken on this issue from time to time.
- (iv) In order to check the menace of illegal medical practitioners and quacks, the Central Government should bring out an Anti-Quackery Bill providing provisions for stringent punishment for the people indulging in such medical malpractices.
- (v) The role of professionals in health care, especially in tribal and rural areas should not be underestimated. The current trend followed in many States/UTs of providing training to illegal practitioners/quacks to upgrade their skills and having doctors with different qualifications to substitute doctors in rural and tribal areas should not be promoted as it is a discriminatory action.
- (vi) Lack of qualified medical and para-medical staff in rural areas provides an opportunity to the quacks to exploit people. Therefore, qualified medical and para-medical staff should be provided in rural areas and special incentives may be provided to encourage them to work in rural areas.
- (vii) There should be a review of the existing Acts, Rules and Regulations by the Central Government and the same should be suitably amended to provide for a strong legal framework for an effective and speedy action against malpractices in health care system.
- (viii) Inaccessibility to health care is not the only problem in tribal areas as different tribals living in different geographical regions have peculiar and specific problems related to their environment. These problems of different tribals spread over different geographical regions need to be addressed with region specific approach while providing basic health care facilities to them. The health care system should be tailor-made to suit local area situations.
- (ix) In order to improve the existing health care facilities in tribal areas in the country, there is a need to provide a multi-pronged approach by various Ministries/Departments of all States/UTs.
- (x) There is a need for convergence of efforts by all the related agencies to promote health care system in the tribal regions of the country like supply of potable drinking water, adequate sanitation and hygiene, healthy food, etc.
- (xi) There is a need to replicate some of the good/best practices in standardized health care facilities, available in tribal areas of some of the States/UTs, in other tribal regions. The concerned Ministries in the Central Government should facilitate this process.
- (xii) State/UT Government should put in place an incentive system to encourage medical and para-medical staff to work in tribal areas. This may include both financial and career progression incentives.

- (xiii) There is a need to create awareness among the public and healthcare providers on regular basis.
- (xiv) There is a need to strengthen the surveillance and monitoring system to curb the manufacturing and supply of spurious/fake drugs in the country.
- (xv) The drug inspection system also needs to be strengthened and streamlined in the country. The appointment of Drug Inspectors in States / UTs should be in proportion to the number of pharmacies which are increasing day by day.
- (xvi) It was recommended that facilities for drug-testing laboratories should be augmented with setting up of new labs with latest technologies and wherever it is feasible. This would facilitate testing of samples in a time-bound manner.
- (xvii) A system of seeking feedback from consultants/medical practitioners needs to be evolved for assessing the quality and efficacy of drugs and result of such assessment may be placed in public domain for general awareness of masses.
- (xviii) It is important to spread awareness about the supply of spurious/fake drugs among the public at large. The States/UTs should therefore conduct necessary programmes to create awareness among the masses.
- (xix) There is a need to examine the existing public medicine purchase system. The system of purchasing medicines from reputed manufacturers needs to be encouraged by all States/UTs. The focus should be on the quality of medicines rather than the cost of it.
- (xx) There is an urgent need to monitor the overall functioning of the pharmacies in the country by the concerned authorities.

**18.20** These recommendations were sent to all the stakeholders in all the States/Union Territories for compliance. The NHRC is optimistic that necessary action has been initiated on these recommendations by all the States/Union Territories (paras 5.6 & 5.7).

## Silicosis

**18.21** The Commission has been concerned about the health hazards posed by silicosis, an occupational disease. The disease is caused by inhaling dust containing free crystalline silica. Crystalline silica or silicon dioxide is found in quartz, sandstone, flint, slate, a number of mineral ores and many common building materials including clay bricks, concrete, mortar and tiles. Occupations with exposure to silica dust include mining; tunneling; stone work and sand blasting. In all these occupations, workers inhale tiny silica particles released into the air with the dust created by cutting, crushing, chipping, grinding, drilling, blasting or mining, and in the process become victims of silicosis. All those engaged in the manufacture of ceramics, glass and abrasive powders are also susceptible to silica dust (para 5.11).

**18.22** Workers involved in dry sweeping of areas where sandstones and rocks are broken or crushed or those engaged in loading, unloading and dumping sand or concrete or cleaning of building materials with pressurized air are susceptible to silicosis as these processes generate large quantity of dust clouds. Hence, any activity in which crystalline silica dust is generated, even if it is carried out in open air, is perilous. The silica particles inhaled are so small that

they can only be seen with a microscope. At the same time, they are so light that they can remain airborne for a long time. As a result, silica can travel long distances in the air and affect populations not otherwise considered to be at risk. Research studies conducted by the World Health Organization (WHO), Indian Council of Medical Research (ICMR) and the National Institute of Occupational Health (NIOH) have time and again brought forth the fact that silicosis is not only a serious threat to the health of all those who are engaged in occupations that are potentially exposed to crystalline silica dust but is a constant health hazard for people living in the vicinity where these occupations are carried out. Exposure to crystalline silica dust, even for a short period of time can cause silicosis and lead to gradual impairment of lungs in a few years along with other temporary or permanent disabilities and finally death. Unlike other diseases, there are no symptoms whatsoever whereby one can come to know about the onslaught of the disease in its early stages. A frequent cause of death in people with silicosis is silico-tuberculosis or lung cancer. Respiratory insufficiencies due to massive fibrosis and heart failure are other causes of death. However, due to lack of awareness, even among the doctors, silicosis is often confused with other diseases. The number of persons who die from silicosis in India is high but there is no statistics available concerning these deaths. It has also been established that there is no medical treatment for silicosis. It is, thus, a disabling, irreversible, fatal disease and continues to progress even when contact with silica is stopped. Needless to mention, it profoundly affects the work productivity, economic and social well-being of workers, their families and dependents (para 5.12).

**18.23** Silicosis is both a health issue and a human rights issue as it impacts not only on the right to life but also on the right to live with dignity of all those affected by it and their families. With a view to examine the issue, the Commission during 2009-2010 constituted an Expert Group on Silicosis under the chairmanship of one of its Member, Shri P.C. Sharma. As reported in the NHRC's Annual Report for the year 2009-2010, the first meeting of the Expert Group was convened in the NHRC in January 2010. It identified the silicosis-prone industries and decided to involve preventive, remedial and rehabilitative measures to deal with the problem of silicosis. Moreover, it suggested payment of compensation to the affected persons. Accordingly, the Commission has adopted a two-pronged approach to tackle the issue of silicosis. On the one hand, it is considering individual cases and has directed the concerned State Governments to give compensation to the victim, and on the other hand, it has devised preventive, rehabilitative and remedial measures to deal with the issue of silicosis. These measures are:

### *Preventive Measures*

- (i) The occupational health survey and dust survey on half yearly basis may be made mandatory in suspected hazardous industries. All the enrolled workers must be medically examined before entering into the employment. The workers should be clinically examined with chest radiography and pulmonary function test to rule out any respiratory disorder.
- (ii) State/UT governments should encourage development and promotion of various

cost-effective engineering control measures to manage silica dust through surveillance of processes or operations where silica is involved.

- (iii) Implementation of precautionary measures including the protective gears for the workers silicosis in prone industries may be made mandatory by the concerned enforcement authorities.
- (iv) Dust control devices should be installed to reduce the dust generation at the workplace. National Institute of Occupational Health (NIOH) has developed control devices for agate, grinding and quarts crushing industries based on the principle of local exhaust ventilation. The use of wet drilling and dust extractors may be enforced by respective regulatory authorities.
- (v) The workers vulnerable to silicosis need to be made aware of the disease through wide publicity campaigns with the use of electronic and print media. This will also improve self-responding of cases and facilitate early detection.
- (vi) Silicosis is a notified disease under Mines Act 1952 and the Factories Act 1948. Silicosis may also be made a notified disease under the Public Health Act. As such all district/primary health centres/hospitals in the country will have to report the cases/suspected cases of silicosis to the Government.
- (vii) There is a necessity to develop Master Trainers to impart training to all public health doctors/paramedics for early diagnosis and detection of silicosis.
- (viii) Less hazardous substitutes to silica should be found out for use in place of silica.
- (ix) Industrial units which are silica-prone should have an Occupational Health and Safety Committees (OHSC) with the representation from workers and Health Care Providers.
- (x) Silicosis control programme should be integrated with already existing Revised National Tuberculosis Control Programme (RNTCP).
- (xi) A mechanism to have inter-sectoral coordination among departments such as Ministry of Health & Family Welfare, Ministry of Labour & Employment, Directorate General of Factory Advice Services Labour Institute, National Institute of Occupational Health, Tuberculosis Association of India and civil society organizations to evolve an appropriate strategy to deal with the dual problems of silicosis and tuberculosis may be set up at the Centre and State level.

### ***Remedial Measures***

- (i) In each of the district where silicosis prone industry, quarrying or a big construction projects are on, there is a need to identify a facility for diagnosis of silicosis.
- (ii) The District Tuberculosis Officer must collect and maintain accurate information and documentation on number of workplaces and workers at risk from silica exposure.

- (iii) The accountability for the implementation and control over the rules & regulation of Laws must be reviewed time to time.
- (iv) The National /State Social Security Board set up under the Unorganized Worker's Social Security Act, 2008 should recommend welfare schemes to be formulated for the welfare of the unorganized workers who are at the risk of contracting silicosis as well as those already affected and their families.
- (v) The Central Government may consider extending the Rashtriya Swasthya Bima Yojna, a health insurance scheme for BPL families and extended subsequently to some other vulnerable groups, to the workers at risk of contracting silicosis and their families.

### ***Rehabilitative Measures***

- (i) The treatment cost of the silica-affected person including permanent, temporary or contractual worker should be borne by the employer. The district administration should ensure its implementation and treatment.
- (ii) The victims of silicosis should be rehabilitated by offering an alternative job or a sustenance pension if they are unable to work.
- (iii) NGOs should be involved in monitoring and implementation of the programmes initiated for the benefit of silica exposed workers.
- (iv) Appropriate counseling should be provided to the person affected by silicosis.

### ***Compensation***

- (i) The silica-affected person should be adequately compensated.
- (ii) Silicosis is a compensable injury enlisted under the ESI Act and the Workmen's Compensation Act. Therefore a separate Silicosis Board similar to the one set up by the Government of Odisha may be formed in every State. The guidelines and model calculation of compensation may be framed under the ESI Act and the Workmen's Compensation Act.
- (iii) The Board can carry out surveillance of silicosis cases and assessment of disability/loss of earning capacity resulting from the diseases for the purpose of compensation and rehabilitation.
- (iv) The compensation could be calculated based on Disability Adjusted Life Year (DALY) developed by World Health Organization.

**18.24** The Chairperson, NHRC has forwarded these recommendations to the Chief Ministers of all the States/Union Territories and has further told them to issue suitable directions to the concerned Departments so that there is effective implementation of all these recommendations (paras 5.13 & 5.14).

## Organization of a National Conference on Silicosis

**18.25** In order to assess the action taken by the State Governments/Union Territory Administrations with regard to the preventive, rehabilitative and remedial measures recommended by it in December 2010, the Commission on 1 March 2011 organized a National Conference on Silicosis in New Delhi. Through this Conference, the Commission also wanted to interact with non-governmental organizations, technical organizations and civil society who are dealing with the issue of silicosis. The Conference was attended by concerned officials/representatives of Central Government and State Governments/Union Territory Administrations. Besides, it was attended by representatives of non-governmental organizations, technical organizations and civil society who dealt with the problem of silicosis (para 5.15).

**18.26** The important decisions and suggestions that emerged from the Conference are listed below:

- All State Government should complete a detailed survey of the industries within 6 months, unless specific period indicated by the Commission as in case of some States.
- The Commission to call review meetings of concerned officials of few States in batches every two months.
- Silica detection equipment should be provided to factory inspectorate to identify industries producing silica.
- Survey should be divided into two parts. Apart from survey of workers, in silica producing factories, quarries etc, survey of ex-workers is needed.
- Silicosis Board of Mandsaur pattern should be extended to affected districts of all States.
- Need to differentiate between relief and compensation.
- In Madhya Pradesh, the status of victims is very poor. Therefore, NHRC recommendation of granting sustenance pension should be implemented early.
- All affected persons should be treated as Below Poverty Line.
- Separate programme specially targeting silicosis victims should be designed which should cover health education as well as livelihood /social security.
- Earlier recommendations made by CPCB and DGFASLI made on behest of NHRC should be implemented.
- When a victim suffering from Occupational Disease dies, ESIC is to be notified before last rites are performed to ascertain cause of death. They also want post mortem to be done. It is difficult for the people from poor strata of the society to follow the process

involving police. Also, it is not in line with the culture to keep the body for long time before funeral. This stipulation, therefore, requires change.

- Method of diagnosis should involve: 1st Step-Screening of persons who worked in silica dust producing factories and have symptoms like cough-breathlessness. 3 simple questions - (a) Are you breathless? (b) Have you worked in a "high risk industry"- to be defined; (3) Did you have the symptoms before starting work? 2nd Step-Medical examination and chest X-rays by doctor at designated "X-ray" center. 3rd step- Sending of X-rays to expert readers for final opinions.
- A comprehensive strategy to check migration should be designed which can include modifications in the MGNREGA scheme to provide more number of wage days.
- Many hazardous factories are still working, they should be closed.
- States should initiate criminal proceedings against the factories under the provisions of IPC and Factories Act where the labourers have contracted silicosis.
- DGFASLI should give standard questionnaire to all States. This should include name, address, etc., work history- worked/is working in identified industries, duration of work, hours of work each day, type of work done, level of dust exposure, wages received, symptoms related to chest, wasting, weight loss, record of employment etc.
- Silicosis is a public health issue and it should be taken up at the national level.
- The Government of Madhya Pradesh has done some relocation of industries from residential area to industrial area successfully. This may be replicated elsewhere.
- The High Court of Gujarat has passed order to the effect that all cases of silicosis be given 100% disability. ESIC should resolve to make it a rule.
- All State Factory Inspectorates should have at least one industrial hygiene expert.
- ESI Act is applicable to units employing less than 10 in Mandsaur. This should be extended to whole of India.
- All civil hospitals should have OPD for occupational diseases.
- Moreover, a worker may not have required legal documents to support his employment like identity card or attendance card or pay slip as well as length of exposure, when he is out of employment. This stipulation, therefore, requires change.
- Functioning of a separate cell under NRHM/state health department should be started.
- Introduction of special courses of "Environment & Occupational Health" for the Junior Doctors and interns which has to be initiated by the State Government.
- Immediate recruitment of certified surgeons, radiologists and chest specialists and their capacity building and training arrangement to be made on dust diseases as per WHO and ILO standards.

- Setting up of the Occupational Disease Diagnosis Centre (ODDC) at district level ESI, Government hospitals and NRHM centers at different location.
- Limiting exposure to harmful dusts can be achieved further by suppressing dust generation, filtering or capturing dust particles, diluting the concentration with fresh air, and using personal protective respiratory equipment as further possible means of the preventing silicosis.
- All the workers migrating to one State to Other state could be given identity cards to make it easier for the treating doctors to get the history of the work place, their exposure to the silica dust, working conditions and health conditions of the workers.

**18.27** These recommendations were forwarded to all the stakeholders by the Commission and it is of the view that necessary action has been initiated on these recommendations by all the States/Union Territories (paras 5.16 & 5.17).

## Endosulfan

**18.28** The Commission took cognizance of media reports with regard to the adverse effects of aerial spraying of endosulfan pesticide on the local population in Kasaragod District of Kerala. It also deputed its own team for an independent investigation, which confirmed a continued high incidence of the medical disorders recorded among people and the relief provided by the Government of Kerala made very little positive impact. Consequently, an urgent meeting of the NHRC's Core Advisory Group on Health was convened on 24 December 2010 with a view to seek expert advice on the issue. The Core Advisory Group suggested that based upon available evidences, the Commission should recommend ban on the use of endosulfan. It was moreover suggested to recommend immediate compensation to the affected people and that rehabilitative efforts should cover all areas including provision of complete medical facilities for the affected people (para 5.18).

**18.29** The Commission in its proceedings dated 31 December 2010 considered the views of the Core Advisory Group on Health and made detailed recommendations to the Union Government and Government of Kerala including recommending to Government of India to take administrative and legislative action to ban the use of endosulfan, conduct a nation-wide survey of the problem and establishment of a palliative care centre/hospital in Kasaragod District of Kerala. Besides, it recommended that the Government of Kerala should pay at least 5,00,000 each to the next of kin of all those who had died due to endosulfan as well as to those who were fully bedridden or mentally retarded and 3,00,000 to those who had other kinds of disability on account of endosulfan (para 5.19).

**18.30** Further, in order to review the steps being taken by all concerned, the Commission organized a series of meetings with the Secretaries of the concerned Union Ministries and Chief Secretary of Government of Kerala. In these meetings, the Government of Kerala was conveyed the need to pay more compensation to 178 confirmed cases of deaths in which only ₹ 50,000/- each was paid. Furthermore, the Government of Kerala should pay adequate compensation

to 5000 odd affected people as recommended by the Commission. The need to provide more awareness to public through widespread media campaigns on safe ways of using the pesticide was also recognized (para 5.20).

## **Human Rights Awareness and Facilitating Assessment & Enforcement of Human Rights Programme in Selected 28 Districts of India**

**18.31** During the period under review, the following two districts were visited by the NHRC as a part of the human rights awareness and facilitating assessment and enforcement of human rights programme out of the identified 28 districts in the country:

| S.No | District        | State      | Programme            |
|------|-----------------|------------|----------------------|
| 1.   | Chatra          | Jharkhand  | 22-23 September 2010 |
| 2.   | Thiruvannamalai | Tamil Nadu | 26-28 October 2010   |

### ***Chatra District***

**18.32** The District of Chatra is situated in the extreme north-west part of the State of Jharkhand. It is bounded on the north by Gaya District (Bihar State), on the east by Hazaribagh District, on the south by Palamu and Ranchi Districts and on the west by Gaya (Bihar State) and Palamu Districts. The District came into existence in the year 1991. Earlier, it was part of the Hazaribagh District. The District Headquarters is located at Chatra. It comprises one sub-division, ten development Blocks/Anchals, 125 Panchayats and 1,479 Revenue Villages. There is only one municipality – which is at the District Headquarters of Chatra. There are nine thanas (Police Stations) in Chatra District. Currently, Chatra is passing through a very serious phase of extremists' violence by the banned naxal outfit called the M.C.C. (Maoist Communist Centre). The NHRC team in Chatra visited the local police stations, schools, fair price shops to assess the public distribution system, health centres and hospitals, panchayats and various other departments working for the empowerment of disadvantaged sections. The purpose of these visits was to review the implementation of various programmes of the Centre and State Governments. After these visits, a one-day workshop was also conducted in the District. The workshop was attended by local MLAs, district officials, police officials, representatives of non-governmental organizations and the civil society at large (paras 6.11 & 6.12).

**18.33** Few of the recommendations/suggestions that emerged out of the deliberations held in Chatra workshop were as follows:

- Consider giving incentives to public servants so as to encourage them to serve in Chatra and not a punishment.
- Taking of disciplinary action against all those who have deserted their posts in Chatra, especially absentee doctors and teachers.
- Fill-up of all sanctioned posts on urgent basis, particularly of doctors and teachers, and also police.
- Paying of special attention to the education of girls and the empowerment of women.
- Urgently repair or rebuild infrastructure destroyed by the Naxals. Highest priority

needs to be given to rebuilding of schools that have been destroyed. The Police in no way should be allowed to occupy schools as camps for themselves.

- As a matter of priority, there is an urgent need to provide basic facilities in hospitals and schools.
- Rapidly increase the number of roads in the District, and improve their quality as well.
- Improve power supply, which is grossly inadequate for the needs of the District.
- Need to improve the quality and availability of drinking water.
- Consider the needs and demands of extremely large number of people who are below poverty line, but are not taken care of as they have not been enlisted in the existing lists (para 6.13).

### *Thiruvannamalai District*

**18.34** Thiruvannamalai District in Tamil Nadu, is known as a pilgrimage city. It started functioning as a separate District from 30 September 1989, after bifurcation of the erstwhile North Arcot District. The District is bordered in the north and west by Vellore District, on the south-west by Dharmapuri District, on the south by Villupuram District and on the east by Kanchipuram District. The NHRC team in Thiruvannamalai District took stock of the facilities available in the District including the implementation of various policies, programmes and schemes of the State and the Central Government designed to protect and promote civil, political, economic and social rights. The team visited various hospitals, police stations, sub-jails, anganwadi centres, schools and fair price shops. After the field visit, a one-day workshop was organized at the District Headquarter to discuss the current status of human rights situation with all the concerned officials of the State and the District, representatives of non-governmental organizations and the civil society. Some of the main recommendations/suggestions that emerged out of the deliberations of the workshop were :

- It was observed that the public distribution system was functioning very well in Thiruvannamalai District. There was no report of starvation deaths from the district. The example of the State of Tamil Nadu needs to be replicated as a role model for all the States in the country in addressing the issue related to 'right to food' through its public distribution scheme.
- As part of welfare measures for the people belonging to the weaker sections of the society, the State was running hostels for Scheduled Castes and Backward Classes. It was recommended that naming of these institutions should not be class indicative, as it is suggestive of discriminatory practices.
- It was recommended that the District authorities should spread awareness among the people especially those living in remote areas about all the State welfare measures and developmental programmes so that they could avail the benefits of these programmes and welfare measures.
- The District has a sizeable portion of uncultivable land (21039 hectares). It was recommended that efforts should be made to make the land cultivable and further distribute it to the poorer section of the society from the point of view of augmenting their incomes (paras 6.14, 6.15 & 6.16).

## UNESCO Convention Against Discrimination In Education, 1960

**18.35** Given the overall importance of the UNESCO Convention and the fact that in 2006 the Advisory Council of Jurists of the Asia Pacific Forum too had recommended to the NHRC-India to urge the Government of India to consider signing the said Convention, the Commission requested the Ministries of External Affairs and the Human Resource Development in July 2010 to apprise it about the status of signing or ratification by the Government of India. The Commission has so far not received any response from the Ministry of External Affairs despite a reminder (para 7.11).

## Organization of a National Workshop on Manual Scavenging and Sanitation

**18.36** The Commission during the reporting period organized a National Workshop on Manual Scavenging and Sanitation on 11 March 2011 at Teen Murti House, New Delhi. Senior officials from the Union Ministries of Social Justice and Empowerment, Housing and Urban Poverty Alleviation, Urban Development and Railways; technical institutions like HUDCO and representatives of non-governmental organizations, etc. participated in the one-day workshop. The workshop made the following recommendations:

1. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 should be implemented in letter and spirit at the fastest pace and the abolition of the practice of scavenging should be taken up as a national mission.
2. The States need to ensure that the data provided by them on the abolition of dry latrines and rehabilitation of manual scavengers is commensurate with the data of the Ministry of Social Justice and Empowerment. In case of any discrepancy, the State Governments should take up the matter with the Ministry, to get the data rectified.
3. On synchronizing of their data with the Ministry of Social Justice and Empowerment with regard to abolition of manual scavenging, each State/Union Territory should issue a declaration/notification with a copy to NHRC that their area is free from manual scavenging and dry latrines.
4. Till date, there is no single window to address the problems of manual scavengers. A single window should be created in every District with a Nodal Officer, where manual scavengers have been identified, to facilitate and fast track the process of rehabilitation. A Nodal Agency on manual scavenging should also be created at the State level.
5. The cleaning of septic tanks may be mechanized to abolish manual cleaning. The concerned authorities need to adopt technology/mechanized system for manhole operations with adequate safety measure and skilled training.
6. Railways should develop a state of art technology of sanitation facilities to minimize manual interventions within a fixed time frame.
7. The guidelines for cleaning work/manhole operation by the Supreme Court/High Court (Gujarat) should be implemented by the concerned agencies/employers so that the Safai Karamcharis are protected from health hazards.
8. The employers must provide necessary safeguard equipment, uniform, other safeguard measures to the manhole workers/scavengers to avoid fatal accidents. The structure of wages should be same for Safai Karamcharis all over the country.

9. Special health check-ups through mobile vans should be carried out in the residential areas of all Safai Karamcharis whether permanent, part-time and contractual and in all Harijan Bastis followed with medical aids.
10. In case of death or disability of Safai Karamchari, the dependent should be provided with immediate employment in accordance with their qualifications. Further, compensation of at least 3 lakhs should be given to the family of the deceased person.
11. Schemes like Self-Employment of Manual Scavengers (SRMS), Sarva Shiksha Abhiyan (SSA), National Rural Employment Guarantee Scheme – 2005 (NREGS), etc. must be inclusive of this segment of population. The success of these schemes must be evaluated only in terms of change they bring about in the quality of life of manual scavengers and Safai Karamcharis.
12. To encourage and facilitate the schooling of children of this class, residential good quality schools should be established where they should be provided with free education and study material, boarding and lodging, etc. The financial component for the children of manual scavengers needs to be enhanced substantially as they have been lagging far behind. They need to be provided regular assistance for their higher education as well.
13. There have been instances wherein those appointed to do the cleaning work have sublet their task to other manual scavengers or some other Safai Karamcharis. The exploitation therefore continues, albeit indirectly. The trend should be discouraged. This should be made an offence and those responsible for doing it should be given severe punishment.
14. To address the gender component of the issue, comprehensive measures should be taken to address their specific needs like safety, health and education issues.
15. The rehabilitated manual scavenger should be issued a BPL card along with scholarships to their children and pension should be given to the widows of manual scavengers.
16. The existing scheme for rehabilitation of manual scavengers should be revised in order to make it more practical and viable.

**18.37** These recommendations were sent to all concerned in the Centre and States/Union Territories for taking required action on them. The Commission feels that necessary action would be taken on these recommendations by all the concerned stakeholders (paras 8.6 & 8.7).

### **Review and Amendment of Section 11 of Bonded Labour (Abolition) System Act, 1976**

**18.38** Based on its experience of monitoring the bonded labour situation in the country, the Commission has requested the Secretary, Ministry of Labour & Employment, Government of India to review and amend Section 11 of the Bonded Labour System (Abolition) Act, 1976. The Ministry has yet to notify the amendment. The Commission once again makes a fervent appeal to the Ministry of Labour & Employment to amend Section 11 of the BLSA and notify the same at the earliest (para 8.15).

## Abolition of Child Labour

**18.39** Child labour as per International Labour Organization (ILO) Conventions, results in damage to children's health, impedes their education and leads to their further exploitation and abuse. Article 32 (1) of the Convention on the Rights of the Child (1989) calls for the recognition of the right of children to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral and social development. Therefore, eliminating child labour is particularly relevant to achieving Millennium Development Goals (MDG) 1 (eradicate extreme poverty and hunger), MDG 2 (ensuring that all boys and girls complete primary schooling) and MDG 6 (combat HIV/AIDS, malaria and other diseases). Achieving MDG 7, which seeks to reverse the loss of environmental resources, would help reduce environmental disasters – which devastate households and significantly increase conditions that foster child labour (para 8.19).

## Pre-natal Sex Selection in India: Issues Concerns and Actions

**18.40** A one-day Conference on 'Prenatal Sex Selection in India : Issues, Concerns and Actions' was organized by the NHRC in collaboration with the National Commission for Women (NCW) at New Delhi on 12 October 2010 (para 9.12).

**18.41** The following recommendations/suggestions were made by the participants to prevent the practice of prenatal sex selection in the country:-

- NHRC recognizes prenatal sex selection as an unacceptable form of gender discrimination having consequences that lead to violation of human rights of surviving girls and women.
- NHRC will review the non-governance of PCPNDT Act and plan its actions accordingly. It will also review the actions taken by the concerned States/Union Territories to address the issue.
- The Ministry of Health and Family Welfare should be made accountable for non-implementation of the PCPNDT Act.
- A mechanism needs to be developed for review and action concerning stringent implementation of PCPNDT and MTP Acts at all levels.
- States/UTs should improve registration of births so that availability of birth data can enable tracking of sex ratio at birth trends on a periodic basis.
- The NHRC will instruct all the States/UTs to undertake measures for removal of all types of discrimination against girl children and women.
- Specific attention is required to check malpractices in registration of clinics under the Act and to ensure scrutiny-based renewal of registration of facilities.
- NHRC should ensure that mechanisms mandated by law are functional at the Union and State levels.
- NHRC in partnership with the Medical Councils should ensure proper implementation of the PCPNDT Act and medical practitioners violating the Act must be dealt with severely. NHRC should also work with medical colleges and teacher's education programme to ensure that gender issues are included in their curriculum.

- There is a need to sensitize the judiciary and other stakeholders about the PCPNDT Act and its implementation.
- NHRC will hold discussions with States/UTs to ensure that the State population and other policies and schemes do not promote a two-child norm at the cost of daughters.
- NHRC will hold discussions with the judiciary in key States to expedite pending cases. Specific judicial colloquiums on the issue may also be held.

**18.42** At the time of writing of this Annual Report, these recommendations were forwarded to all the State Governments/Union Territory Administrations for necessary action with the request that an action taken report be also forwarded to the Commission at the earliest (para 9.15).

### **Harmonization of Disability Laws in India with UNCRPD**

**18.43** The Commission has been advocating for harmonization of Indian laws with the United Nations Convention on Rights of Persons with Disabilities (UNCRPD). In this context, it recommended to the Ministry of Social Justice and Empowerment that the new legislation being prepared in place of the existing one, i.e. the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act, 1995) should take into account the following:-

1. The Preamble of the new Act or the amended Act as the case may be, should among other things, explicitly state that the Act is intended to give effect to the provisions of the UNCRPD which India has since ratified.
2. The definition of “persons with disabilities” should be both enumerative and inclusive so as to conform to the human rights based model of disability. leg
3. Explicit inclusion of the civil and political rights in addition to the social, economic and cultural rights of persons with disabilities must figure in the new Act or the amended Act as the case may be.
4. Explicit provision on al capacity and property rights must also figure in the new law or the amended law.
5. The new Act or the amended Act as the case may be must include the following over-riding clauses:
  - [1] Notwithstanding anything contained in any law for the time being in force, any act or omission done or committed in contravention of the purpose, spirit, and values of the UNCRPD to which India is a party shall be void in law.
  - [2] Any law for the time being in force which is inconsistent with the UNCRPD to which India is a party shall, to the extent of such inconsistency, be void.
6. The scope of affirmative action measures should both be expanded and diversified.
7. There should be a separate chapter on equality and non-discrimination and another separate chapter on accessibility and personal mobility.
9. The new Act or the amended Act must envisage all the general principles which figure in Article 3 of the UNCRPD.

**18.44** Further, the Commission reviewed the working draft of the Persons with Disability Bill, 2011 prepared by the Drafting Committee constituted by the Ministry of Social Justice & Empowerment, Government of India. This Committee is working on preparing a new law to replace the existing PWD Act, 1995. The Commission observed that although Part III of the draft legislation provides for legal capacity, it does not refer explicitly to property rights, as recommended by the Commission earlier. The Commission has requested the Ministry of Social Justice & Empowerment to ensure that explicit provision on property rights for persons with disabilities is incorporated in the draft legislation (paras 11.6 & 11.7).

## **Monitoring Preparation of Country Report on Rights of Persons with Disabilities**

**18.45** Under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), the Government of India has an obligation to submit its First Country Report before the United Nations Committee on the Rights of Person with Disabilities. During the reporting period, the Commission consulted the Union Ministry of Social Justice and Empowerment in order to ascertain the time frame for submission of the report and the involvement of persons with disabilities in the preparation of the Country report. The response of the Ministry is awaited (para 11.8).

## **Review of Copyright (Amendment) Bill, 2010 for Persons with Disabilities**

**18.46** It was brought to the notice of the Commission that the Department related Parliamentary Standing Committee on Human Resource Development was considering “The Copy Right (Amendment) Bill, 2010” and had invited suggestions on the proposed Bill. The Commission reviewed the Copy Right (Amendment) Bill, 2010 from the angle of human rights and pointed out that it did not meet the interests print disabled persons. As such, the Commission recommended amendments in the proposed Bill to protect the rights of persons with disabilities. The Commission forwarded these recommendations to the Department related Parliamentary Standing Committee on Human Resource Development and to the Ministry of Human Resource Development to consider the proposed amendment in “The Copy Right (Amendment) Bill, 2010” in order to safeguard the interests of print disabled persons (paras 11.9 & 11.10).

## **Other Disability Concerns**

**18.47** The Commission has observed that the persons with disabilities have to incur higher expenses in terms of assistive devices, medical, transport and other expenses to carry out their day-to-day activities. These have a negative effect on their income. Consequently, the Commission has recommended to the Union Finance Ministry to make special provisions in the income tax laws so as to provide them with higher exemption limit or extend any other benefit to them for maintaining same level of well-being as any other tax payer (para 11.11).

**18.48** It came to the notice of the Commission that insurance companies were charging extra premium from persons with disabilities in relation to certain health and life insurance policies.

The matter was taken up with the Union Ministry of Finance, conveying the concerns of the Commission. The Commission is of the view that such levy of extra premium from the persons with disabilities violates Article 14 and Article 21 of the Constitution of India and also runs contrary to the letter and spirit of Article 10 and Article 25 of the UNCRPD. The Commission urged the Government of India to issue necessary instructions to all nationalized insurance companies/corporations not to charge any additional, extra or higher rates of premium from persons with disabilities (para 11.12).

**18.49** It was brought to the notice of the Commission that in many States the Commissioner for Persons with Disabilities was holding additional charge of Secretary in the State Government. Commission has accordingly recommended to all the State Governments/Union Territory Administrations to post a full-time Disability Commissioner, without having any additional responsibility, so that he could devote full time to his responsibilities, as envisaged under the PWDs Act, 1995 (para 11.13).

### **State Human Rights Commissions**

**18.50** NHRC is keen that SHRCs are set up in every State of the country so that its inhabitants have easy access to better protection of human rights and justice. The Commission once again makes an earnest appeal to all those States which have not yet constituted SHRCs to take action at the earliest in the interest of better protection and promotion of human rights. In addition, the Commission maintains contact with all the SHRCs and renders technical support to them as and when required (para 15.2).

**18.51** A meeting of the NHRC, SHRCs and Nodal Officers of the States where SHRCs have so far not been constituted was organized on 17 August 2010 in New Delhi. The items discussed in the meeting included financial, functional and administrative autonomy of SHRCs; complaint disposal by SHRCs - staffing pattern; financial assistance from NHRC for human rights training programmes, seminars and workshops; sittings of the Commission in States; amendments to the PHRA; complaint management system (CMS) and strengthening of District Human Rights Courts (para 15.3).

**18.52** In the said meeting, inter alia, it was decided to constitute a Committee to look into the issue of involving basic structure of SHRC, its their minimum manpower structure and financial requirements to enable them to discharge their functions as assigned under the PHRA. Besides, it would develop guidelines for disposal of complaints by the SHRCs. Accordingly, a Committee has been constituted under the chairmanship of Justice Shri G.P. Mathur, Member, NHRC. The other Members of the Committee are Justice Shri Subray Rama Nayak, Chairperson, Karnataka State Human Rights Commission and Justice Shri S.N. Jha, Chairperson, Bihar State Human Rights Commission. Shri J.P. Meena, Joint Secretary (P&A), NHRC is the Convenor of the Committee (para 15.4).

### **Non-governmental Organizations**

**18.53** The following initiatives were taken by the Commission during the reporting period on the basis of suggestions given by the Core Group of NGOs :

- i) It wrote to the Ministry of External Affairs, Government of India to facilitate the visit of UN Special Rapporteur on Human Rights Defenders to India. Accordingly, the UN Special Rapporteur on Human Rights Defenders visited India in January 2011.
- ii) The Commission constituted a Focal Point for Human Rights Defenders that can be accessed round the clock.
- iii) The recommendations of all the conferences/seminars organized by the Commission were shared with the Core Group of NGOs.
- iv) The Commission reviewed the existing guidelines on encounter deaths and revised it.
- v) The Members of the Core Group of NGO were requested to send their suggestions/ views on critical human rights concerns (para 16.9).

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# ANNEXURES



## Annexure - 1

Para 2.7

## STATEMENT SHOWING STATE/UT-WISE NUMBER OF CASES PENDING AS ON 01/04/2010

| S. No.                                   | Name of the State/ Union Territory | Cases awaiting preliminary consideration |                         |                  |       | Pendency of cases where reports have either been received or awaited from the Concerned Authorities |                         |                  |       |
|------------------------------------------|------------------------------------|------------------------------------------|-------------------------|------------------|-------|-----------------------------------------------------------------------------------------------------|-------------------------|------------------|-------|
|                                          |                                    | Complaints/ Suo-motu cognizance          | Intimation about        |                  | TOTAL | Complaints/ Suo-motu cognizance Cases                                                               | Custodial Deaths/ Rapes | Encounter Deaths | TOTAL |
|                                          |                                    |                                          | Custodial Deaths/ Rapes | Encounter Deaths |       |                                                                                                     |                         |                  |       |
| 1                                        | 2                                  | 3                                        | 4                       | 5                | 6     | 7                                                                                                   | 8                       | 9                | 10    |
| 1                                        | ALL INDIA                          | 5                                        | 0                       | 0                | 5     | 3                                                                                                   | 0                       | 0                | 3     |
| 2                                        | ANDHRA PRADESH                     | 27                                       | 5                       | 1                | 33    | 129                                                                                                 | 306                     | 39               | 474   |
| 3                                        | ARUNACHAL PRADESH                  | 2                                        | 0                       | 0                | 2     | 1                                                                                                   | 5                       | 0                | 6     |
| 4                                        | ASSAM                              | 3                                        | 1                       | 3                | 7     | 80                                                                                                  | 40                      | 59               | 179   |
| 5                                        | BIHAR                              | 94                                       | 3                       | 0                | 97    | 459                                                                                                 | 283                     | 5                | 747   |
| 6                                        | GOA                                | 3                                        | 0                       | 0                | 3     | 7                                                                                                   | 4                       | 0                | 11    |
| 7                                        | GUJARAT                            | 28                                       | 5                       | 0                | 33    | 231                                                                                                 | 168                     | 1                | 400   |
| 8                                        | HARYANA                            | 82                                       | 1                       | 0                | 83    | 397                                                                                                 | 97                      | 12               | 506   |
| 9                                        | HIMACHAL PRADESH                   | 3                                        | 0                       | 0                | 3     | 15                                                                                                  | 7                       | 0                | 22    |
| 10                                       | JAMMU & KASHMIR                    | 6                                        | 0                       | 0                | 6     | 121                                                                                                 | 6                       | 1                | 128   |
| 11                                       | KARNATAKA                          | 18                                       | 0                       | 0                | 18    | 88                                                                                                  | 150                     | 18               | 256   |
| 12                                       | KERALA                             | 17                                       | 2                       | 0                | 19    | 34                                                                                                  | 83                      | 1                | 118   |
| 13                                       | MADHYA PRADESH                     | 56                                       | 3                       | 0                | 59    | 190                                                                                                 | 145                     | 16               | 351   |
| 14                                       | MAHARASHTRA                        | 97                                       | 3                       | 2                | 102   | 143                                                                                                 | 407                     | 55               | 605   |
| 15                                       | MANIPUR                            | 6                                        | 0                       | 0                | 6     | 95                                                                                                  | 1                       | 4                | 100   |
| 16                                       | MEGHALAYA                          | 0                                        | 0                       | 0                | 0     | 20                                                                                                  | 9                       | 1                | 30    |
| 17                                       | MIZORAM                            | 0                                        | 0                       | 0                | 0     | 7                                                                                                   | 1                       | 0                | 8     |
| 18                                       | NAGALAND                           | 0                                        | 0                       | 0                | 0     | 3                                                                                                   | 1                       | 0                | 4     |
| 19                                       | ORISSA                             | 21                                       | 2                       | 0                | 23    | 573                                                                                                 | 58                      | 2                | 633   |
| 20                                       | PUNJAB                             | 18                                       | 3                       | 0                | 21    | 204                                                                                                 | 64                      | 0                | 268   |
| 21                                       | RAJASTHAN                          | 57                                       | 3                       | 0                | 60    | 146                                                                                                 | 104                     | 2                | 252   |
| 22                                       | SIKKIM                             | 0                                        | 0                       | 0                | 0     | 1                                                                                                   | 2                       | 0                | 3     |
| 23                                       | TAMILNADU                          | 40                                       | 6                       | 0                | 46    | 176                                                                                                 | 180                     | 18               | 374   |
| 24                                       | TRIPURA                            | 2                                        | 0                       | 0                | 2     | 23                                                                                                  | 9                       | 0                | 32    |
| 25                                       | UTTAR PRADESH                      | 1835                                     | 8                       | 2                | 1845  | 3533                                                                                                | 569                     | 391              | 4493  |
| 26                                       | WEST BENGAL                        | 30                                       | 1                       | 0                | 31    | 183                                                                                                 | 95                      | 5                | 283   |
| 27                                       | ANDAMAN & NICOBAR                  | 3                                        | 0                       | 0                | 3     | 4                                                                                                   | 0                       | 0                | 4     |
| 28                                       | CHANDIGARH                         | 5                                        | 0                       | 0                | 5     | 14                                                                                                  | 7                       | 0                | 21    |
| 29                                       | DADAR & NAGAR HAVELI               | 0                                        | 0                       | 0                | 0     | 0                                                                                                   | 1                       | 0                | 1     |
| 30                                       | DAMAN & DIU                        | 2                                        | 0                       | 0                | 2     | 1                                                                                                   | 0                       | 0                | 1     |
| 31                                       | DELHI                              | 171                                      | 0                       | 0                | 171   | 487                                                                                                 | 57                      | 22               | 566   |
| 32                                       | LAKSHADWEEP                        | 0                                        | 0                       | 0                | 0     | 0                                                                                                   | 0                       | 0                | 0     |
| 33                                       | PUDUCHERRY                         | 1                                        | 0                       | 0                | 1     | 11                                                                                                  | 7                       | 0                | 18    |
| 34                                       | CHHATTISGARH                       | 12                                       | 1                       | 0                | 13    | 77                                                                                                  | 65                      | 2                | 144   |
| 35                                       | JHARKHAND                          | 30                                       | 4                       | 0                | 34    | 271                                                                                                 | 145                     | 14               | 430   |
| 36                                       | UTTARAKHAND                        | 73                                       | 1                       | 0                | 74    | 221                                                                                                 | 37                      | 24               | 282   |
| 37                                       | FOREIGN COUNTRIES                  | 2                                        | 0                       | 0                | 2     | 18                                                                                                  | 0                       | 0                | 18    |
| TOTAL                                    |                                    | 2749                                     | 52                      | 8                | 2809  | 7966                                                                                                | 3113                    | 692              | 11771 |
| GRAND TOTAL(6+10) = 2809 + 11771 = 14580 |                                    |                                          |                         |                  |       |                                                                                                     |                         |                  |       |

# Annexure -2

## Para 2.7

### STATEMENT SHOWING STATE/UT-WISE NUMBER OF CASES REGISTERED FROM 01/04/2010 TO 31/03/2011

| S.No        | Name of the State/ Union Territory | Complaints | Suo-motu cognizance | Intimation Received about Custodial Deaths/ Rapes |                         |                                       | Intimation received about Encounter Deaths | Total (3+4+5+6 +7+8+9) |
|-------------|------------------------------------|------------|---------------------|---------------------------------------------------|-------------------------|---------------------------------------|--------------------------------------------|------------------------|
|             |                                    |            |                     | Police Custody Deaths                             | Judicial Custody Deaths | Defence/ Para-Military Custody Deaths |                                            |                        |
| 1           | 2                                  | 3          | 4                   | 5                                                 | 6                       | 7                                     | 8                                          | 9                      |
| 1           | ALL INDIA                          | 44         | 0                   | 0                                                 | 0                       | 0                                     | 0                                          | 44                     |
| 2           | ANDHRA PRADESH                     | 1153       | 2                   | 14                                                | 92                      | 0                                     | 11                                         | 1272                   |
| 3           | ARUNACHAL PRADESH                  | 28         | 0                   | 0                                                 | 0                       | 0                                     | 1                                          | 29                     |
| 4           | ASSAM                              | 236        | 1                   | 7                                                 | 25                      | 1                                     | 54                                         | 324                    |
| 5           | BIHAR                              | 2717       | 2                   | 6                                                 | 130                     | 0                                     | 7                                          | 2862                   |
| 6           | GOA                                | 56         | 0                   | 2                                                 | 3                       | 0                                     | 0                                          | 61                     |
| 7           | GUJARAT                            | 1356       | 1                   | 9                                                 | 66                      | 0                                     | 1                                          | 1433                   |
| 8           | HARYANA                            | 3275       | 1                   | 3                                                 | 42                      | 0                                     | 1                                          | 3322                   |
| 9           | HIMACHAL PRADESH                   | 157        | 0                   | 0                                                 | 7                       | 0                                     | 0                                          | 164                    |
| 10          | JAMMU & KASHMIR                    | 216        | 0                   | 2                                                 | 4                       | 0                                     | 2                                          | 224                    |
| 11          | KARNATAKA                          | 607        | 0                   | 5                                                 | 15                      | 0                                     | 8                                          | 635                    |
| 12          | KERALA                             | 610        | 1                   | 2                                                 | 45                      | 0                                     | 1                                          | 659                    |
| 13          | MADHYA PRADESH                     | 2231       | 2                   | 5                                                 | 79                      | 0                                     | 4                                          | 2321                   |
| 14          | MAHARASHTRA                        | 2157       | 2                   | 31                                                | 99                      | 0                                     | 8                                          | 2297                   |
| 15          | MANIPUR                            | 60         | 1                   | 1                                                 | 0                       | 0                                     | 4                                          | 66                     |
| 16          | MEGHALAYA                          | 23         | 1                   | 0                                                 | 3                       | 0                                     | 6                                          | 33                     |
| 17          | MIZORAM                            | 19         | 0                   | 2                                                 | 2                       | 0                                     | 0                                          | 23                     |
| 18          | NAGALAND                           | 13         | 0                   | 1                                                 | 5                       | 0                                     | 0                                          | 19                     |
| 19          | ORISSA                             | 1852       | 0                   | 7                                                 | 48                      | 0                                     | 10                                         | 1917                   |
| 20          | PUNJAB                             | 1010       | 3                   | 6                                                 | 90                      | 0                                     | 2                                          | 1111                   |
| 21          | RAJASTHAN                          | 2631       | 3                   | 2                                                 | 83                      | 0                                     | 5                                          | 2724                   |
| 22          | SIKKIM                             | 4          | 0                   | 0                                                 | 1                       | 0                                     | 0                                          | 5                      |
| 23          | TAMILNADU                          | 1372       | 1                   | 6                                                 | 71                      | 0                                     | 4                                          | 1454                   |
| 24          | TRIPURA                            | 48         | 0                   | 1                                                 | 1                       | 0                                     | 0                                          | 50                     |
| 25          | UTTAR PRADESH                      | 49457      | 10                  | 15                                                | 316                     | 0                                     | 42                                         | 49840                  |
| 26          | WEST BENGAL                        | 1170       | 1                   | 5                                                 | 67                      | 1                                     | 12                                         | 1256                   |
| 27          | ANDAMAN & NICOBAR                  | 19         | 0                   | 0                                                 | 1                       | 0                                     | 0                                          | 20                     |
| 28          | CHANDIGARH                         | 126        | 1                   | 0                                                 | 5                       | 0                                     | 0                                          | 132                    |
| 29          | DADAR & NAGAR HAVELI               | 25         | 0                   | 0                                                 | 0                       | 0                                     | 0                                          | 25                     |
| 30          | DAMAN & DIU                        | 8          | 0                   | 0                                                 | 0                       | 0                                     | 0                                          | 8                      |
| 31          | DELHI                              | 5893       | 14                  | 3                                                 | 19                      | 0                                     | 0                                          | 5929                   |
| 32          | LAKSHADWEEP                        | 8          | 0                   | 0                                                 | 0                       | 0                                     | 0                                          | 8                      |
| 33          | PUDUCHERRY                         | 47         | 0                   | 0                                                 | 2                       | 0                                     | 0                                          | 49                     |
| 34          | CHHATTISGARH                       | 434        | 2                   | 1                                                 | 36                      | 0                                     | 8                                          | 481                    |
| 35          | JHARKHAND                          | 1528       | 1                   | 6                                                 | 54                      | 0                                     | 7                                          | 1596                   |
| 36          | UTTARAKHAND                        | 1990       | 0                   | 4                                                 | 15                      | 0                                     | 1                                          | 2010                   |
| 37          | FOREIGN COUNTRIES                  | 199        | 3                   | 0                                                 | 0                       | 0                                     | 0                                          | 202                    |
| GRAND TOTAL |                                    | 82779      | 53                  | 146                                               | 1426                    | 2                                     | 199                                        | 84605                  |

## Annexure -3

Para 2.7

## STATEMENT SHOWING STATE/UT-WISE DISPOSAL OF CASES DURING 2010-2011

| S. No.      | Name of the State/Union Territory | Dismissed in Limini | Disposed of with Directions | Transferred to State Human Rights Commissions | Concluded after Receipt of Reports    |                       |                      |                       | Total |
|-------------|-----------------------------------|---------------------|-----------------------------|-----------------------------------------------|---------------------------------------|-----------------------|----------------------|-----------------------|-------|
|             |                                   |                     |                             |                                               | Complaints/ Suo-motu cognizance Cases | Custodial Death Cases | Custodial Rape Cases | Encounter Death Cases |       |
| 1           | 2                                 | 3                   | 4                           | 5                                             | 6                                     | 7                     | 8                    | 9                     | 10    |
| 1           | ALL INDIA                         | 36                  | 6                           | 0                                             | 3                                     | 0                     | 0                    | 0                     | 45    |
| 2           | ANDHRA PRADESH                    | 776                 | 229                         | 129                                           | 100                                   | 177                   | 0                    | 17                    | 1428  |
| 3           | ARUNACHAL PRADESH                 | 10                  | 6                           | 0                                             | 4                                     | 3                     | 0                    | 0                     | 23    |
| 4           | ASSAM                             | 112                 | 46                          | 20                                            | 44                                    | 26                    | 0                    | 19                    | 267   |
| 5           | BIHAR                             | 1866                | 595                         | 285                                           | 368                                   | 181                   | 0                    | 2                     | 3297  |
| 6           | GOA                               | 39                  | 15                          | 0                                             | 6                                     | 2                     | 0                    | 0                     | 62    |
| 7           | GUJARAT                           | 1023                | 228                         | 104                                           | 107                                   | 93                    | 0                    | 0                     | 1555  |
| 8           | HARYANA                           | 2050                | 924                         | 0                                             | 352                                   | 76                    | 0                    | 3                     | 3405  |
| 9           | HIMACHAL PRADESH                  | 95                  | 40                          | 4                                             | 11                                    | 6                     | 0                    | 0                     | 156   |
| 10          | JAMMU & KASHMIR                   | 99                  | 57                          | 34                                            | 56                                    | 3                     | 0                    | 4                     | 253   |
| 11          | KARNATAKA                         | 414                 | 121                         | 65                                            | 54                                    | 92                    | 0                    | 1                     | 747   |
| 12          | KERALA                            | 383                 | 125                         | 81                                            | 22                                    | 59                    | 0                    | 1                     | 671   |
| 13          | MADHYA PRADESH                    | 1570                | 423                         | 207                                           | 114                                   | 85                    | 0                    | 5                     | 2404  |
| 14          | MAHARASHTRA                       | 1557                | 385                         | 266                                           | 92                                    | 204                   | 0                    | 5                     | 2509  |
| 15          | MANIPUR                           | 18                  | 5                           | 5                                             | 22                                    | 0                     | 0                    | 1                     | 51    |
| 16          | MEGHALAYA                         | 11                  | 4                           | 0                                             | 4                                     | 5                     | 0                    | 0                     | 24    |
| 17          | MIZORAM                           | 8                   | 1                           | 0                                             | 4                                     | 0                     | 1                    | 0                     | 14    |
| 18          | NAGALAND                          | 9                   | 2                           | 0                                             | 1                                     | 3                     | 0                    | 0                     | 15    |
| 19          | ORISSA                            | 640                 | 677                         | 352                                           | 102                                   | 55                    | 0                    | 1                     | 1827  |
| 20          | PUNJAB                            | 654                 | 210                         | 152                                           | 173                                   | 55                    | 0                    | 0                     | 1244  |
| 21          | RAJASTHAN                         | 1817                | 539                         | 257                                           | 126                                   | 67                    | 1                    | 1                     | 2808  |
| 22          | SIKKIM                            | 2                   | 1                           | 0                                             | 1                                     | 3                     | 0                    | 0                     | 7     |
| 23          | TAMILNADU                         | 813                 | 388                         | 153                                           | 109                                   | 127                   | 0                    | 8                     | 1598  |
| 24          | TRIPURA                           | 30                  | 6                           | 0                                             | 12                                    | 5                     | 0                    | 1                     | 54    |
| 25          | UTTAR PRADESH                     | 32581               | 8353                        | 6926                                          | 2603                                  | 340                   | 2                    | 125                   | 50930 |
| 26          | WEST BENGAL                       | 713                 | 248                         | 153                                           | 135                                   | 60                    | 0                    | 5                     | 1314  |
| 27          | ANDAMAN & NICOBAR                 | 16                  | 3                           | 0                                             | 1                                     | 1                     | 0                    | 0                     | 21    |
| 28          | CHANDIGARH                        | 85                  | 37                          | 0                                             | 3                                     | 8                     | 0                    | 0                     | 133   |
| 29          | DADAR & NAGAR HAVELI              | 21                  | 3                           | 0                                             | 1                                     | 1                     | 0                    | 0                     | 26    |
| 30          | DAMAN & DIU                       | 8                   | 1                           | 0                                             | 1                                     | 0                     | 0                    | 0                     | 10    |
| 31          | DELHI                             | 4179                | 1332                        | 0                                             | 541                                   | 34                    | 0                    | 0                     | 6086  |
| 32          | LAKSHADWEEP                       | 5                   | 2                           | 0                                             | 0                                     | 0                     | 0                    | 0                     | 7     |
| 33          | PUDUCHERRY                        | 28                  | 18                          | 0                                             | 4                                     | 3                     | 0                    | 0                     | 53    |
| 34          | CHHATTISGARH                      | 274                 | 79                          | 61                                            | 58                                    | 45                    | 0                    | 1                     | 518   |
| 35          | JHARKHAND                         | 1105                | 328                         | 0                                             | 220                                   | 104                   | 1                    | 3                     | 1761  |
| 36          | UTTARAKHAND                       | 1499                | 321                         | 0                                             | 203                                   | 21                    | 0                    | 2                     | 2046  |
| 37          | FOREIGN COUNTRIES                 | 130                 | 55                          | 0                                             | 14                                    | 0                     | 0                    | 0                     | 199   |
| GRAND TOTAL |                                   | 54676               | 15813                       | 9254                                          | 5671                                  | 1944                  | 5                    | 205                   | 87568 |

# Annexure -4

## Para 2.7

### STATEMENT SHOWING STATE/UT-WISE NUMBER OF CASES PENDING AS ON 31/3/2011

| S. No.                                  | Name of the State/ Union Territory | Cases Awaiting Preliminary Consideration |                  |   |               | Pendency of Cases where Reports have either been Received or Awaited from the State Authorities |                         |                  |               |
|-----------------------------------------|------------------------------------|------------------------------------------|------------------|---|---------------|-------------------------------------------------------------------------------------------------|-------------------------|------------------|---------------|
|                                         |                                    | Com-plaints/ Suo-motu cognizance         | Intimation about |   | TOTAL (3+4+5) | Com-plaints/ Suo-motu cognizance Cases                                                          | Custodial Deaths/ Rapes | Encounter Deaths | TOTAL (7+8+9) |
| 1                                       | 2                                  | 3                                        | 4                | 5 | 6             | 7                                                                                               | 8                       | 9                | 10            |
| 1                                       | ALL INDIA                          | 4                                        | 0                | 0 | 4             | 3                                                                                               | 0                       | 0                | 3             |
| 2                                       | ANDHRA PRADESH                     | 38                                       | 3                | 0 | 41            | 119                                                                                             | 230                     | 22               | 371           |
| 3                                       | ARUNACHAL PRADESH                  | 8                                        | 0                | 0 | 8             | 8                                                                                               | 3                       | 0                | 11            |
| 4                                       | ASSAM                              | 9                                        | 2                | 0 | 11            | 48                                                                                              | 32                      | 19               | 99            |
| 5                                       | BIHAR                              | 67                                       | 3                | 0 | 70            | 414                                                                                             | 223                     | 2                | 639           |
| 6                                       | GOA                                | 1                                        |                  | 0 | 1             | 6                                                                                               | 2                       | 0                | 8             |
| 7                                       | GUJARAT                            | 53                                       | 2                | 0 | 55            | 125                                                                                             | 119                     | 0                | 244           |
| 8                                       | HARYANA                            | 55                                       | 4                | 0 | 59            | 471                                                                                             | 100                     | 3                | 574           |
| 9                                       | HIMACHAL PRADESH                   | 2                                        | 1                | 0 | 3             | 17                                                                                              | 8                       | 0                | 25            |
| 10                                      | JAMMU & KASHMIR                    | 3                                        | 0                | 0 | 3             | 71                                                                                              | 5                       | 4                | 80            |
| 11                                      | KARNATAKA                          | 10                                       | 1                | 0 | 11            | 63                                                                                              | 115                     | 6                | 184           |
| 12                                      | KERALA                             | 18                                       | 1                | 0 | 19            | 43                                                                                              | 71                      | 1                | 115           |
| 13                                      | MADHYA PRADESH                     | 59                                       | 2                | 1 | 62            | 142                                                                                             | 110                     | 6                | 258           |
| 14                                      | MAHARASHTRA                        | 49                                       | 7                | 1 | 57            | 116                                                                                             | 263                     | 7                | 386           |
| 15                                      | MANIPUR                            | 4                                        | 1                | 1 | 6             | 41                                                                                              | 0                       | 1                | 42            |
| 16                                      | MEGHALAYA                          | 1                                        | 0                | 0 | 1             | 4                                                                                               | 7                       | 0                | 11            |
| 17                                      | MIZORAM                            | 0                                        | 0                | 0 | 0             | 6                                                                                               | 2                       | 0                | 8             |
| 18                                      | NAGALAND                           | 0                                        | 0                | 0 | 0             | 1                                                                                               | 5                       | 0                | 6             |
| 19                                      | ORISSA                             | 32                                       | 0                | 0 | 32            | 132                                                                                             | 63                      | 1                | 196           |
| 20                                      | PUNJAB                             | 16                                       | 7                | 0 | 23            | 209                                                                                             | 83                      | 0                | 292           |
| 21                                      | RAJASTHAN                          | 48                                       | 2                | 0 | 50            | 151                                                                                             | 88                      | 1                | 240           |
| 22                                      | SIKKIM                             | 2                                        | 0                | 0 | 2             | 1                                                                                               | 3                       | 0                | 4             |
| 23                                      | TAMILNADU                          | 32                                       | 1                | 1 | 34            | 136                                                                                             | 147                     | 8                | 291           |
| 24                                      | TRIPURA                            | 0                                        | 1                | 0 | 1             | 18                                                                                              | 7                       | 1                | 26            |
| 25                                      | UTTAR PRADESH                      | 987                                      | 16               | 0 | 1003          | 3185                                                                                            | 434                     | 141              | 3760          |
| 26                                      | WEST BENGAL                        | 36                                       | 3                | 0 | 39            | 161                                                                                             | 85                      | 6                | 252           |
| 27                                      | ANDAMAN & NICOBAR                  | 1                                        | 0                | 0 | 1             | 2                                                                                               | 1                       | 0                | 3             |
| 28                                      | CHANDIGARH                         | 0                                        | 0                | 0 | 0             | 5                                                                                               | 8                       | 0                | 13            |
| 29                                      | DADAR & NAGAR HAVELI               | 0                                        | 0                | 0 | 0             | 1                                                                                               | 1                       | 0                | 2             |
| 30                                      | DAMAN & DIU                        | 0                                        | 0                | 0 | 0             | 1                                                                                               | 0                       | 0                | 1             |
| 31                                      | DELHI                              | 105                                      | 1                | 0 | 106           | 690                                                                                             | 47                      | 1                | 738           |
| 32                                      | LAKSHADWEEP                        | 0                                        | 0                | 0 | 0             | 0                                                                                               | 0                       | 0                | 0             |
| 33                                      | PUDUCHERRY                         | 1                                        | 0                | 0 | 1             | 4                                                                                               | 6                       | 0                | 10            |
| 34                                      | CHHATTISGARH                       | 17                                       | 1                | 0 | 18            | 63                                                                                              | 57                      | 2                | 122           |
| 35                                      | JHARKHAND                          | 25                                       | 1                | 0 | 26            | 274                                                                                             | 134                     | 5                | 413           |
| 36                                      | UTTARAKHAND                        | 98                                       | 1                | 0 | 99            | 282                                                                                             | 32                      | 3                | 317           |
| 37                                      | FOREIGN COUNTRIES                  | 10                                       | 0                | 0 | 10            | 17                                                                                              | 0                       | 0                | 17            |
| TOTAL                                   |                                    | 1791                                     | 61               | 4 | 1856          | 7030                                                                                            | 2491                    | 240              | 9761          |
| GRAND TOTAL(6+10) = 1856 + 9761 = 11617 |                                    |                                          |                  |   |               |                                                                                                 |                         |                  |               |

## Annexure - 5

Para 2.26

## TOTAL NUMBER OF CASES WHERE NHRC RECOMMENDED MONETARY RELIEF DURING 2010-2011

| Sl. No | Name of State/ UT | No. of cases in which Recommendations were made | Amount Recommended (₹) | No. of cases where Recommendations have been Complied with | Amount paid (₹) | No. of cases Pending for Compliance | Amount Recommended in the cases Pending for Compliance |
|--------|-------------------|-------------------------------------------------|------------------------|------------------------------------------------------------|-----------------|-------------------------------------|--------------------------------------------------------|
| 1      | 2                 | 3                                               | 4                      | 5                                                          | 6               | 7                                   | 8                                                      |
| 1      | Andhra Pradesh    | Monetary relief in 30 cases                     | 5,090,000              | 14                                                         | 2,440,000       | 16                                  | 2,440,000                                              |
| 2      | Arunachal Pradesh | Monetary relief in 2 cases                      | 2,00,000               | 0                                                          | ----            | 2                                   | 0                                                      |
| 3      | Assam             | Monetary relief in 13 cases                     | 5,395,000              | 5                                                          | 2,850,000       | 8                                   | 2,850,000                                              |
| 4      | Bihar             | Monetary relief in 46 cases                     | 7,927,000              | 32                                                         | 6,107,000       | 14                                  | 6,107,000                                              |
| 5      | Chandigarh        | Monetary relief in 1 cases                      | 5,00,000               | 0                                                          | ----            | 1                                   | 0                                                      |
| 6      | Chhattisgarh      | Monetary relief in 10 cases                     | 2,580,000              | 8                                                          | 1,980,000       | 2                                   | 1,980,000                                              |
| 7      | Delhi             | Monetary relief in 14 cases                     | 1,655,000              | 12                                                         | 1,635,000       | 2                                   | 1,635,000                                              |
| 7      | Goa               | Monetary relief in 1 cases                      | 50,000                 | 0                                                          | ----            | 1                                   | 0                                                      |
| 9      | Gujarat           | Monetary relief in 24 cases                     | 7,502,500              | 21                                                         | 3,025,000       | 3                                   | 3,025,000                                              |
| 10     | Haryana           | Monetary relief in 29 cases                     | 6,415,000              | 25                                                         | 5,205,000       | 4                                   | 5,205,000                                              |
| 11     | Jammu & Kashmir   | Monetary relief in 6 cases                      | 1,625,000              | 2                                                          | 9,00,000        | 4                                   | 9,00,000                                               |
| 12     | Jharkhand         | Monetary relief in 30 cases                     | 5,511,000              | 15                                                         | 3,226,000       | 15                                  | 3,226,000                                              |
| 13     | Karnataka         | Monetary relief in 15 cases                     | 2,500,000              | 13                                                         | 2,300,000       | 2                                   | 2,300,000                                              |
| 14     | Kerala            | Monetary relief in 9 cases                      | 1,560,000              | 3                                                          | 2,400,00        | 6                                   | 2,400,00                                               |
| 15     | Madhya Pradesh    | Monetary relief in 15 cases                     | 2,950,000              | 6                                                          | 1,350,000       | 9                                   | 1,350,000                                              |
| 16     | Maharashtra       | Monetary relief in 18 cases                     | 6,630,000              | 8                                                          | 2,950,000       | 10                                  | 2,950,000                                              |
| 17     | Manipur           | Monetary relief in 1 cases                      | 50,000                 | 1                                                          | 50,000          | 0                                   | 50,000                                                 |
| 18     | Meghalaya         | Monetary relief in 5 cases                      | 1,600,000              | 2                                                          | 1,00,000        | 3                                   | 1,00,000                                               |
| 19     | Mizoram           | Monetary relief in 2 cases                      | 60,0000                | 2                                                          | 6,00,000        | 0                                   | 6,00,000                                               |

|    |               |                              |                     |            |                    |            |                     |
|----|---------------|------------------------------|---------------------|------------|--------------------|------------|---------------------|
| 20 | Orissa        | Monetary relief in 9 cases   | 6,700,000           | 7          | 3,600,000          | 2          | 3,600,000           |
| 21 | Punjab        | Monetary relief in 6 cases   | 5,25000             | 3          | 2,25,000           | 3          | 2,250,00            |
| 22 | Rajasthan     | Monetary relief in 5 cases   | 5,00,000            | 3          | 3,00,000           | 2          | 3,00,000            |
| 23 | Tamil Nadu    | Monetary relief in 20 cases  | 3,497,500           | 15         | 2,897,500          | 5          | 2,897,500           |
| 24 | Tripura       | Monetary relief in 3 cases   | 8,20,000            | 2          | 5,200,00           | 1          | 5,20,000            |
| 25 | Uttar Pradesh | Monetary relief in 251 cases | 5,372,6000          | 158        | 2,965,4000         | 93         | 2,965,4000          |
| 26 | Uttarakhand   | Monetary relief in 7 cases   | 2,930,000           | 4          | 2,300,000          | 3          | 2,300,000           |
| 27 | West Bengal   | Monetary relief in 11 cases  | 2,094,000           | 6          | 1,319,000          | 5          | 1,319,000           |
|    | <b>TOTAL</b>  |                              | <b>19,86,55,500</b> | <b>367</b> | <b>7,57,73,500</b> | <b>216</b> | <b>12,28,82,000</b> |

## Annexure - 6

Para 2.27

## DETAILS OF CASES PENDING COMPLIANCE OF NHRC'S RECOMMENDATIONS DURING 2010-2011 FOR PAYMENT OF MONETARY RELIEF

| Sl. No | Name of the State/ UT | Case No.           | Nature of Complaint                   | Amount Recommended | Date of Recommendation | Remarks                  |
|--------|-----------------------|--------------------|---------------------------------------|--------------------|------------------------|--------------------------|
| 1.     | ANDHRA PRADESH        | 103/1/2005-2006-CD | Death In Judicial Custody(Intimation) | ₹ 1,00,000         | 17/02/2011             | Proof of payment awaited |
| 2.     | ANDHRA PRADESH        | 1085/1/6/07-08-JCD | Death In Judicial Custody(Intimation) | ₹ 1,00,000         | 18/02/2011             | Proof of payment awaited |
| 3.     | ANDHRA PRADESH        | 140/1/2006-2007-CD | Death In Judicial Custody(Intimation) | ₹ 3,00,000         | 23/02/2011             | Proof of payment awaited |
| 4.     | ANDHRA PRADESH        | 17/1/23/08-09-JCD  | Death In Judicial Custody(Intimation) | ₹ 1,00,000         | 22/12/2010             | Proof of payment awaited |
| 5.     | ANDHRA PRADESH        | 19/1/2005-2006-CD  | Death In Judicial Custody(Intimation) | ₹ 3,00,000         | 08/09/2010             | Proof of payment awaited |
| 6.     | ANDHRA PRADESH        | 325/1/2006-2007-CD | Death In Judicial Custody(Intimation) | ₹ 3,00,000         | 15/09/2010             | Proof of payment awaited |
| 7.     | ANDHRA PRADESH        | 377/1/2006-2007-CD | Death In Judicial Custody(Intimation) | ₹ 1,00,000         | 18/02/2011             | Proof of payment awaited |
| 8.     | ANDHRA PRADESH        | 428/1/17/09-10-PCD | Death In Police Custody(Intimation)   | ₹ 2,00,000         | 18/02/2011             | Proof of payment awaited |
| 9.     | ANDHRA PRADESH        | 444/1/2006-2007-CD | Death In Judicial Custody(Intimation) | ₹ 1,00,000         | 09/12/2010             | Proof of payment awaited |
| 10.    | ANDHRA PRADESH        | 50/1/2006-2007-CD  | Death In Judicial Custody(Intimation) | ₹ 1,00,000         | 24/01/2011             | Proof of payment awaited |
| 11.    | ANDHRA PRADESH        | 617/1/2006-2007-CD | Death In Judicial Custody(Intimation) | ₹ 1,00,000         | 24/09/2010             | Proof of payment awaited |
| 12.    | ANDHRA PRADESH        | 680/1/0/08-09-JCD  | Death In Judicial Custody(Intimation) | ₹ 1,00,000         | 30/06/2010             | Proof of payment awaited |
| 13.    | ANDHRA PRADESH        | 681/1/17/08-09-JCD | Death In Judicial Custody(Intimation) | ₹ 1,00,000         | 26/07/2010             | Proof of payment awaited |
| 14.    | ANDHRA PRADESH        | 729/1/2005-2006-CD | Death In Judicial Custody(Intimation) | ₹ 1,00,000         | 15/09/2010             | Proof of payment awaited |
| 15.    | ANDHRA PRADESH        | 84/1/16/07-08      | Death In Police Firing                | ₹ 50,000           | 21/02/2011             | Proof of payment awaited |
| 16.    | ANDHRA PRADESH        | 877/1/2003-2004    | Death In Police Encounter             | ₹ 5,00,000         | 30/03/2011             | Proof of payment awaited |
| 17.    | ARUNACHAL PRADESH     | 1/2/4/08-09-PCD    | Death In Police Custody(Intimation)   | ₹ 1,00,000         | 21/10/2010             | Proof of payment awaited |
| 18.    | ARUNACHAL PRADESH     | 3/2/14/08-09-PCD   | Death In Police Custody(Intimation)   | ₹ 1,00,000         | 12/11/2010             | Proof of payment awaited |
| 19.    | ASSAM                 | 10/3/2005-2006     | Death In Police Encounter             | ₹ 5,00,000         | 30/12/2010             | Proof of payment awaited |

|     |         |                     |                                                         |              |            |                          |
|-----|---------|---------------------|---------------------------------------------------------|--------------|------------|--------------------------|
| 20. | ASSAM   | 103/3/8/07-08       | Death In Police Encounter                               | ₹ 5,00,000   | 03/02/2011 | Proof of payment awaited |
| 21. | ASSAM   | 127/3/2004-2005     | Inaction By The State Government/Central Govt.Officials | ₹ 4,00,000   | 23/06/2010 | Proof of payment awaited |
| 22. | ASSAM   | 130/3/2/07-08-PCD   | Death In Police Custody(Intimation)                     | ₹ 5,00,000   | 11/08/2010 | Proof of payment awaited |
| 23. | ASSAM   | 152/3/9/2010        | Custodial Torture                                       | ₹ 25,000     | 15/02/2011 | Proof of payment awaited |
| 24. | ASSAM   | 167/3/12/2010       | Custodial Torture                                       | ₹ 20,000     | 01/03/2011 | Proof of payment awaited |
| 25. | ASSAM   | 32/3/2006-2007-CD   | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000   | 24/02/2011 | Proof of payment awaited |
| 26. | ASSAM   | 75/3/6/2010-ED      | Death In Police Encounter                               | ₹ 5,00,000   | 31/03/2011 | Proof of payment awaited |
| 27. | BIHAR   | 1098/4/2004-2005-CD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000   | 24/03/2011 | Proof of payment awaited |
| 28. | BIHAR   | 1152/4/26/09-10-JCD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000   | 03/03/2011 | Proof of payment awaited |
| 29. | BIHAR   | 1164/4/2004-2005-CD | Death In Judicial Custody(Intimation)                   | ₹ 50,000     | 28/12/2010 | Proof of payment awaited |
| 30. | BIHAR   | 1358/4/26/08-09-JCD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000   | 22/11/2010 | Proof of payment awaited |
| 31. | BIHAR   | 1389/4/23/09-10     | Abuse Of Power                                          | ₹ 5,00,000   | 15/06/2010 | Proof of payment awaited |
| 32. | BIHAR   | 1565/4/39/09-10     | Malfunctioning Of Medical Professionals                 | ₹ 5,00,000   | 11/01/2011 | Proof of payment awaited |
| 33. | BIHAR   | 1619/4/24/08-09-AD  | Alleged Custodial Deaths In Judicial Custody            | ₹ 1,00,000   | 28/03/2011 | Proof of payment awaited |
| 34. | BIHAR   | 2491/4/7/08-09-JCD  | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000   | 31/03/2011 | Proof of payment awaited |
| 35. | BIHAR   | 2602/4/2006-2007-CD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000   | 02/02/2011 | Proof of payment awaited |
| 36. | BIHAR   | 2765/4/4/08-09-JCD  | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000   | 11/01/2011 | Proof of payment awaited |
| 37. | BIHAR   | 3114/4/5/08-09-JCD  | Death In Judicial Custody(Intimation)                   | ₹ 50,000     | 03/03/2011 | Proof of payment awaited |
| 38. | BIHAR   | 3145/4/2005-2006-CD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000   | 11/02/2011 | Proof of payment awaited |
| 39. | BIHAR   | 3618/4/26/07-08-JCD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000   | 04/03/2011 | Proof of payment awaited |
| 40. | BIHAR   | 3665/4/9/07-08      | Abuse Of Power                                          | ₹ 20,000     | 18/02/2011 | Proof of payment awaited |
| 41. | GOA     | 11/5/1/09-10        | Abuse Of Power                                          | ₹ 50,000     | 30/12/2010 | Proof of payment awaited |
| 42. | GUJARAT | 259/6/2004-2005-CD  | Death In Judicial Custody(Intimation)                   | ₹ 5,00,000   | 01/04/2010 | Proof of payment awaited |
| 43. | GUJARAT | 300/6/25/07-08      | Hazardous Employments                                   | ₹ 7,140,0000 | 12/11/2010 | Proof of payment awaited |
| 44. | GUJARAT | 639/6/2003-2004-CD  | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000   | 23/06/2010 | Proof of payment awaited |
| 45. | HARYANA | 1771/7/10/07-08-PCD | Death In Police Custody(Intimation)                     | ₹ 5,00,000   | 28/10/2010 | Proof of payment awaited |
| 46. | HARYANA | 265/7/13/09-10      | Failure In Taking Lawful Action                         | ₹ 10,000     | 29/03/2011 | Proof of payment awaited |

|     |                 |                      |                                       |            |            |                          |
|-----|-----------------|----------------------|---------------------------------------|------------|------------|--------------------------|
| 47. | HARYANA         | 459/7/2005-2006      | Death In Police Encounter             | ₹ 5,00,000 | 30/03/2011 | Proof of payment awaited |
| 48. | HARYANA         | 602/7/9/08-09        | Atrocities On Sc/St/Obc               | ₹ 2,00,000 | 29/10/2010 | Proof of payment awaited |
| 49. | JAMMU & KASHMIR | 102/9/2000-2001      | Abuse Of Power                        | ₹ 1,00,000 | 28/02/2011 | Proof of payment awaited |
| 50. | JAMMU & KASHMIR | 153/9/8/07-08-AF     | Fake Encounter                        | ₹ 3,00,000 | 22/12/2010 | Proof of payment awaited |
| 51. | JAMMU & KASHMIR | 55/9/2002-2003       | Abuse Of Power                        | ₹ 3,00,000 | 19/11/2010 | Proof of payment awaited |
| 52. | JAMMU & KASHMIR | 62/9/2001-2002-AF    | Victimisation                         | ₹ 25,000   | 03/01/2011 | Proof of payment awaited |
| 53. | KARNATAKA       | 217/10/2005-2006-CD  | Death In Judicial Custody(Intimation) | ₹ 1,00,000 | 03/02/2011 | Proof of payment awaited |
| 54. | KARNATAKA       | 445/10/2006-2007-CD  | Death In Judicial Custody(Intimation) | ₹ 1,00,000 | 22/02/2011 | Proof of payment awaited |
| 55. | KERALA          | 112/11/10/2010-PCD   | Death In Police Custody(Intimation)   | ₹ 5,00,000 | 10/11/2010 | Proof of payment awaited |
| 56. | KERALA          | 24/11/2005-2006-CD   | Death In Judicial Custody(Intimation) | ₹ 3,00,000 | 27/10/2010 | Proof of payment awaited |
| 57. | KERALA          | 46/11/2006-2007-CD   | Death In Judicial Custody(Intimation) | ₹ 1,00,000 | 23/06/2010 | Proof of payment awaited |
| 58. | KERALA          | 48/11/2006-2007-CD   | Death In Judicial Custody(Intimation) | ₹ 1,00,000 | 10/02/2011 | Proof of payment awaited |
| 59. | KERALA          | 49/11/2006-2007-CD   | Death In Judicial Custody(Intimation) | ₹ 3,00,000 | 27/09/2010 | Proof of payment awaited |
| 60. | KERALA          | 55/11/1/09-10        | Abuse Of Power                        | ₹ 20,000   | 30/11/2010 | Proof of payment awaited |
| 61. | MADHYA PRADESH  | 130/12/13/2010-PCD   | Custodial Death (Police)              | ₹ 2,00,000 | 09/03/2011 | Proof of payment awaited |
| 62. | MADHYA PRADESH  | 139/12/2004-2005-CD  | Death In Judicial Custody(Intimation) | ₹ 1,00,000 | 14/01/2011 | Proof of payment awaited |
| 63. | MADHYA PRADESH  | 1667/12/32/07-08-PCD | Custodial Death (Police)              | ₹ 1,00,000 | 17/03/2011 | Proof of payment awaited |
| 64. | MADHYA PRADESH  | 1781/12/2002-2003    | Death In Police Encounter             | ₹ 5,00,000 | 01/04/2010 | Proof of payment awaited |
| 65. | MADHYA PRADESH  | 1785/12/8/08-09-PCD  | Death In Police Custody(Intimation)   | ₹ 1,00,000 | 09/02/2011 | Proof of payment awaited |
| 66. | MADHYA PRADESH  | 210/12/11/08-09-WC   | Gang Rape                             | ₹ 2,00,000 | 21/02/2011 | Proof of payment awaited |
| 67. | MADHYA PRADESH  | 2138/12/38/07-08     | Alleged Fake Encounters               | ₹ 2,00,000 | 14/07/2010 | Proof of payment awaited |
| 68. | MADHYA PRADESH  | 528/12/45/09-10      | Failure In Taking Lawful Action       | ₹ 1,00,000 | 02/02/2011 | Proof of payment awaited |
| 69. | MADHYA PRADESH  | 983/12/2004-2005-CD  | Death In Judicial Custody(Intimation) | ₹ 1,00,000 | 10/02/2011 | Proof of payment awaited |
| 70. | MAHARASH-TRA    | 1122/13/2005-2006-CD | Death In Judicial Custody(Intimation) | ₹ 3,00,000 | 05/01/2011 | Proof of payment awaited |
| 71. | MAHARASH-TRA    | 1328/13/16/08-09-JCD | Death In Judicial Custody(Intimation) | ₹ 1,00,000 | 11/02/2011 | Proof of payment awaited |
| 72. | MAHARASH-TRA    | 1328/13/2006-2007-CD | Death In Judicial Custody(Intimation) | ₹ 4,50,000 | 19/05/2010 | Proof of payment awaited |
| 73. | MAHARASH-TRA    | 1476/13/2006-2007-CD | Death In Judicial Custody(Intimation) | ₹ 1,00,000 | 06/01/2011 | Proof of payment awaited |

|     |                  |                           |                                                                                                            |             |            |                             |
|-----|------------------|---------------------------|------------------------------------------------------------------------------------------------------------|-------------|------------|-----------------------------|
| 74. | MAHARASH-<br>TRA | 1775/13/2004-2005         | Death In Police Encounter                                                                                  | ₹ 5,00,000  | 18/08/2010 | Proof of payment<br>awaited |
| 75. | MAHARASH-<br>TRA | 2103/13/2003-2004         | Death In Police Firing                                                                                     | ₹ 5,00,000  | 05/01/2011 | Proof of payment<br>awaited |
| 76. | MAHARASH-<br>TRA | 366/13/2006-2007-<br>CD   | Death In Judicial<br>Custody(Intimation)                                                                   | ₹ 1,00,000  | 22/12/2010 | Proof of payment<br>awaited |
| 77. | MAHARASH-<br>TRA | 511/13/2003-2004          | Failure In Taking Lawful<br>Action                                                                         | ₹ 1,43,0000 | 06/01/2011 | Proof of payment<br>awaited |
| 78. | MAHARASH-<br>TRA | 595/13/8/08-09-JCD        | Death In Judicial<br>Custody(Intimation)                                                                   | ₹ 1,00,000  | 27/01/2011 | Proof of payment<br>awaited |
| 79. | MAHARASH-<br>TRA | 745/13/2006-2007-<br>CD   | Death In Judicial<br>Custody(Intimation)                                                                   | ₹ 1,00,000  | 22/03/2011 | Proof of payment<br>awaited |
| 80. | MEGHALAYA        | 10/15/2/09-10-AD          | Alleged Custodial Deaths In<br>Police Custody                                                              | ₹ 5,00,000  | 01/12/2010 | Proof of payment<br>awaited |
| 81. | MEGHALAYA        | 24/15/6/07-08-PCD         | Custodial Death (Police)                                                                                   | ₹ 5,00,000  | 23/03/2011 | Proof of payment<br>awaited |
| 82. | MEGHALAYA        | 5/15/2005-2006            | Disappearance                                                                                              | ₹ 5,00,000  | 20/08/2010 | Proof of payment<br>awaited |
| 83. | ORISSA           | 256/18/2/09-10            | Atrocities By Custom/Excise/<br>Enforcement/Forest/Income-<br>Tax Dep'tt., Etc.Of Central/<br>State Govts. | ₹ 7,00,000  | 31/03/2011 | Proof of payment<br>awaited |
| 84. | ORISSA           | 613/18/2002-2003-<br>AF   | Victimisation                                                                                              | ₹ 2,400,000 | 19/10/2010 | Proof of payment<br>awaited |
| 85. | PUNJAB           | 348/19/5/09-10-JCD        | Death In Judicial<br>Custody(Intimation)                                                                   | ₹ 1,00,000  | 15/12/2010 | Proof of payment<br>awaited |
| 86. | PUNJAB           | 543/19/10/09-10-JCD       | Death In Judicial<br>Custody(Intimation)                                                                   | ₹ 1,00,000  | 24/03/2011 | Proof of payment<br>awaited |
| 87. | PUNJAB           | 97/19/2004-2005-CD        | Death In Judicial<br>Custody(Intimation)                                                                   | ₹ 1,00,000  | 30/12/2010 | Proof of payment<br>awaited |
| 88. | RAJASTHAN        | 1343/20/14/07-08-<br>JCD  | Death In Judicial<br>Custody(Intimation)                                                                   | ₹ 1,00,000  | 11/02/2011 | Proof of payment<br>awaited |
| 89. | RAJASTHAN        | 662/20/23/2010-JCD        | Death In Judicial<br>Custody(Intimation)                                                                   | ₹ 1,00,000  | 10/03/2011 | Proof of payment<br>awaited |
| 90. | TAMIL NADU       | 1106/22/2006-2007-<br>CD  | Death In Judicial<br>Custody(Intimation)                                                                   | ₹ 2,00,000  | 14/07/2010 | Proof of payment<br>awaited |
| 91. | TAMIL NADU       | 1681/22/10/07-08          | Abuse Of Power                                                                                             | ₹ 50,000    | 25/03/2011 | Proof of payment<br>awaited |
| 92. | TAMIL NADU       | 239/22/15/09-10-JCD       | Death In Judicial<br>Custody(Intimation)                                                                   | ₹ 50,000    | 03/11/2010 | Proof of payment<br>awaited |
| 93. | TAMIL NADU       | 911/22/2005-2006-<br>CD   | Death In Judicial<br>Custody(Intimation)                                                                   | ₹ 1,00,000  | 23/11/2010 | Proof of payment<br>awaited |
| 94. | TAMIL NADU       | 912/22/42/07-08-WC        | Women                                                                                                      | ₹ 2,00,000  | 27/09/2010 | Proof of payment<br>awaited |
| 95. | TRIPURA          | 28/23/2004-2005-CD        | Death In Judicial<br>Custody(Intimation)                                                                   | ₹ 3,00,000  | 21/06/2010 | Proof of payment<br>awaited |
| 96. | UTTAR<br>PRADESH | 10704/24/18/08-09-<br>PCD | Death In Police<br>Custody(Intimation)                                                                     | ₹ 1,00,000  | 23/12/2010 | Proof of payment<br>awaited |
| 97. | UTTAR<br>PRADESH | 11162/24/2006-2007        | Death In Police Encounter                                                                                  | ₹ 5,00,000  | 03/03/2011 | Proof of payment<br>awaited |
| 98. | UTTAR<br>PRADESH | 11178/24/15/2010          | Custodial Torture                                                                                          | ₹ 20,000    | 22/02/2011 | Proof of payment<br>awaited |
| 99. | UTTAR<br>PRADESH | 11359/24/2006-2007        | Death In Police Encounter                                                                                  | ₹ 5,00,000  | 03/11/2010 | Proof of payment<br>awaited |

|      |               |                       |                                            |            |            |                          |
|------|---------------|-----------------------|--------------------------------------------|------------|------------|--------------------------|
| 100. | UTTAR PRADESH | 11824/24/7/07-08      | Abuse Of Power                             | ₹ 5,000    | 22/02/2011 | Proof of payment awaited |
| 101. | UTTAR PRADESH | 12454/24/36/07-08-AD  | Alleged Custodial Deaths In Police Custody | ₹ 1,00,000 | 01/11/2010 | Proof of payment awaited |
| 102. | UTTAR PRADESH | 12677/24/2000-2001    | Discrimination Of SC/ST/OBC                | ₹ 1,20,000 | 25/11/2010 | Proof of payment awaited |
| 103. | UTTAR PRADESH | 12705/24/40/2010      | Abuse Of Power                             | ₹ 50,000   | 24/03/2011 | Proof of payment awaited |
| 104. | UTTAR PRADESH | 13457/24/6/2010       | Abuse Of Power                             | ₹ 20,000   | 15/03/2011 | Proof of payment awaited |
| 105. | UTTAR PRADESH | 14010/24/6/07-08      | Death In Police Encounter                  | ₹ 5,00,000 | 13/01/2011 | Proof of payment awaited |
| 106. | UTTAR PRADESH | 14759/24/14/07-08     | Alleged Fake Encounters                    | ₹ 5,00,000 | 22/12/2010 | Proof of payment awaited |
| 107. | UTTAR PRADESH | 14927/24/2003-2004    | Death In Police Encounter                  | ₹ 5,00,000 | 17/03/2011 | Proof of payment awaited |
| 108. | UTTAR PRADESH | 15853/24/2006-2007-CD | Death In Judicial Custody(Intimation)      | ₹ 1,00,000 | 18/11/2010 | Proof of payment awaited |
| 109. | UTTAR PRADESH | 16014/24/2006-2007-CD | Death In Judicial Custody(Intimation)      | ₹ 1,00,000 | 04/03/2011 | Proof of payment awaited |
| 110. | UTTAR PRADESH | 16176/24/12/07-08     | Illegal Arrest                             | ₹ 20,000   | 22/12/2010 | Proof of payment awaited |
| 111. | UTTAR PRADESH | 1640/24/1/2010        | Unlawful Detention                         | ₹ 50,000   | 17/02/2011 | Proof of payment awaited |
| 112. | UTTAR PRADESH | 17513/24/2006-2007    | Alleged Fake Encounters                    | ₹ 5,00,000 | 29/12/2010 | Proof of payment awaited |
| 113. | UTTAR PRADESH | 18387/24/53/07-08-AD  | Alleged Custodial Deaths In Police Custody | ₹ 5,00,000 | 26/08/2010 | Proof of payment awaited |
| 114. | UTTAR PRADESH | 18453/24/39/08-09-ED  | Death In Police Encounter                  | ₹ 5,00,000 | 03/02/2011 | Proof of payment awaited |
| 115. | UTTAR PRADESH | 18647/24/46/08-09-JCD | Death In Judicial Custody(Intimation)      | ₹ 1,00,000 | 08/12/2010 | Proof of payment awaited |
| 116. | UTTAR PRADESH | 19369/24/2002-2003    | Unlawful Detention                         | ₹ 50,000   | 23/09/2010 | Proof of payment awaited |
| 117. | UTTAR PRADESH | 19792/24/21/07-08     | Custodial Torture                          | ₹ 20,000   | 20/09/2010 | Proof of payment awaited |
| 118. | UTTAR PRADESH | 20170/24/2006-2007    | Failure In Taking Lawful Action            | ₹ 1,00,000 | 17/02/2011 | Proof of payment awaited |
| 119. | UTTAR PRADESH | 20640/24/2003-2004    | Victimisation                              | ₹ 2,00,000 | 02/07/2010 | Proof of payment awaited |
| 120. | UTTAR PRADESH | 20678/24/2004-2005-AD | Alleged Custodial Deaths In Police Custody | ₹ 5,00,000 | 26/08/2010 | Proof of payment awaited |
| 121. | UTTAR PRADESH | 21589/24/70/07-08     | Illegal Arrest                             | ₹ 40,000   | 17/09/2010 | Proof of payment awaited |
| 122. | UTTAR PRADESH | 21677/24/2006-2007    | Unlawful Detention                         | ₹ 50,000   | 17/06/2010 | Proof of payment awaited |
| 123. | UTTAR PRADESH | 21872/24/2006-2007-CD | Death In Judicial Custody(Intimation)      | ₹ 1,00,000 | 08/09/2010 | Proof of payment awaited |
| 124. | UTTAR PRADESH | 224/24/73/09-10       | Unlawful Detention                         | ₹ 25,000   | 26/08/2010 | Proof of payment awaited |
| 125. | UTTAR PRADESH | 2308/24/46/08-09-ED   | Death In Police Encounter                  | ₹ 5,00,000 | 04/11/2010 | Proof of payment awaited |
| 126. | UTTAR PRADESH | 23226/24/1/07-08      | Illegal Arrest                             | ₹ 10,000   | 18/10/2010 | Proof of payment awaited |

|      |               |                       |                                                         |             |            |                          |
|------|---------------|-----------------------|---------------------------------------------------------|-------------|------------|--------------------------|
| 127. | UTTAR PRADESH | 23917/24/2006-2007    | Abduction/Kidnapping                                    | ₹ 20,000    | 14/02/2011 | Proof of payment awaited |
| 128. | UTTAR PRADESH | 24409/24/43/07-08-JCD | Death In Judicial Custody(Intimation)                   | ₹ 5,00,000  | 19/04/2010 | Proof of payment awaited |
| 129. | UTTAR PRADESH | 2511/24/2006-2007     | Death In Police Encounter                               | ₹ 5,00,000  | 28/10/2010 | Proof of payment awaited |
| 130. | UTTAR PRADESH | 25804/24/2005-2006-CD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000  | 21/03/2011 | Proof of payment awaited |
| 131. | UTTAR PRADESH | 26298/24/57/09-10-JCD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000  | 25/01/2011 | Proof of payment awaited |
| 132. | UTTAR PRADESH | 26337/24/21/07-08-JCD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000  | 07/02/2011 | Proof of payment awaited |
| 133. | UTTAR PRADESH | 26592/24/2003-2004    | Abduction/Kidnapping                                    | ₹ 30,000    | 22/12/2010 | Proof of payment awaited |
| 134. | UTTAR PRADESH | 26810/24/2004-2005    | Abduction/Kidnapping                                    | ₹ 5,00,000  | 17/02/2011 | Proof of payment awaited |
| 135. | UTTAR PRADESH | 2697/24/2003-2004-CD  | Death In Judicial Custody(Intimation)                   | ₹ 50,000    | 22/12/2010 | Proof of payment awaited |
| 136. | UTTAR PRADESH | 28262/24/2006-2007    | Illegal Arrest                                          | ₹ 20,000    | 14/12/2010 | Proof of payment awaited |
| 137. | UTTAR PRADESH | 28766/24/50/07-08     | Alleged Fake Encounters                                 | ₹ 5,00,000  | 17/02/2011 | Proof of payment awaited |
| 138. | UTTAR PRADESH | 29321/24/2006-2007    | Unlawful Detention                                      | ₹ 25,000    | 17/03/2011 | Proof of payment awaited |
| 139. | UTTAR PRADESH | 29467/24/2005-2006-CD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000  | 14/03/2011 | Proof of payment awaited |
| 140. | UTTAR PRADESH | 29690/24/8/2010       | Custodial Torture                                       | ₹ 20,000    | 14/01/2011 | Proof of payment awaited |
| 141. | UTTAR PRADESH | 30443/24/68/09-10-JCD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000  | 14/01/2011 | Proof of payment awaited |
| 142. | UTTAR PRADESH | 32587/24/2004-2005    | Failure In Taking Lawful Action                         | ₹ 1,00,000  | 20/09/2010 | Proof of payment awaited |
| 143. | UTTAR PRADESH | 32600/24/2006-2007-CD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000  | 21/03/2011 | Proof of payment awaited |
| 144. | UTTAR PRADESH | 3322/24/71/07-08      | Unlawful Detention                                      | ₹ 50,000    | 01/11/2010 | Proof of payment awaited |
| 145. | UTTAR PRADESH | 33497/24/2004-2005    | Child Labour                                            | ₹ 2,200,000 | 05/01/2010 | Proof of payment awaited |
| 146. | UTTAR PRADESH | 3384/24/2005-2006-CD  | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000  | 14/01/2011 | Proof of payment awaited |
| 147. | UTTAR PRADESH | 34100/24/2006-2007    | Inaction By The State Government/Central Govt.Officials | ₹ 2,00,000  | 27/01/2011 | Proof of payment awaited |
| 148. | UTTAR PRADESH | 34295/24/2005-2006    | Abduction/Kidnapping                                    | ₹ 2,000     | 02/02/2011 | Proof of payment awaited |
| 149. | UTTAR PRADESH | 36412/24/30/07-08     | Death In Police Encounter                               | ₹ 5,00,000  | 12/01/2011 | Proof of payment awaited |
| 150. | UTTAR PRADESH | 3679/24/33/09-10-JCD  | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000  | 03/11/2010 | Proof of payment awaited |
| 151. | UTTAR PRADESH | 36897/24/2003-2004    | Irregularities In Govt.Hospitals/Primary Health Centres | ₹ 3,00,000  | 08/07/2010 | Proof of payment awaited |
| 152. | UTTAR PRADESH | 36978/24/2004-2005-WC | Abduction, Rape And Murder                              | ₹ 50,000    | 23/02/2011 | Proof of payment awaited |

|      |               |                       |                                                         |             |            |                          |
|------|---------------|-----------------------|---------------------------------------------------------|-------------|------------|--------------------------|
| 153. | UTTAR PRADESH | 3718/24/2006-2007     | Abduction/Kidnapping                                    | ₹ 25,000    | 13/09/2010 | Proof of payment awaited |
| 154. | UTTAR PRADESH | 37509/24/15/07-08     | Death In Police Encounter                               | ₹ 5,00,000  | 23/12/2010 | Proof of payment awaited |
| 155. | UTTAR PRADESH | 3751/24/2006-2007     | Death In Police Encounter                               | ₹ 5,00,000  | 17/03/2011 | Proof of payment awaited |
| 156. | UTTAR PRADESH | 38102/24/2006-2007-CD | Death In Judicial Custody(Intimation)                   | ₹ 3,00,000  | 25/02/2011 | Proof of payment awaited |
| 157. | UTTAR PRADESH | 38543/24/2005-2006    | Children                                                | ₹ 2,00,000  | 03/12/2010 | Proof of payment awaited |
| 158. | UTTAR PRADESH | 39640/24/2004-2005    | Abduction/Kidnapping                                    | ₹ 20,000    | 03/05/2010 | Proof of payment awaited |
| 159. | UTTAR PRADESH | 40177/24/2006-2007    | Unlawful Detention                                      | ₹ 10,000    | 22/02/2011 | Proof of payment awaited |
| 160. | UTTAR PRADESH | 40502/24/2002-2003-CD | Death In Judicial Custody(Intimation)                   | ₹ 3,00,000  | 22/12/2010 | Proof of payment awaited |
| 161. | UTTAR PRADESH | 40818/24/1/08-09-JCD  | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000  | 01/12/2010 | Proof of payment awaited |
| 162. | UTTAR PRADESH | 41093/24/2005-2006    | Inaction By The State Government/Central Govt.Officials | ₹ 2,600,000 | 14/03/2011 | Proof of payment awaited |
| 163. | UTTAR PRADESH | 41133/24/2006-2007    | Unlawful Detention                                      | ₹ 10,000    | 11/01/2011 | Proof of payment awaited |
| 164. | UTTAR PRADESH | 41956/24/2005-2006    | Death In Police Firing                                  | ₹ 1,00,000  | 29/11/2010 | Proof of payment awaited |
| 165. | UTTAR PRADESH | 42001/24/2005-2006    | Abduction/Kidnapping                                    | ₹ 10,000    | 20/09/2010 | Proof of payment awaited |
| 166. | UTTAR PRADESH | 42474/24/2006-2007    | Unlawful Detention                                      | ₹ 50,000    | 25/05/2010 | Proof of payment awaited |
| 167. | UTTAR PRADESH | 42526/24/2005-2006-CD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000  | 12/01/2011 | Proof of payment awaited |
| 168. | UTTAR PRADESH | 43174/24/48/07-08-JCD | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000  | 05/07/2010 | Proof of payment awaited |
| 169. | UTTAR PRADESH | 43674/24/2006-2007-CD | Death In Judicial Custody(Intimation)                   | ₹ 3,00,000  | 14/06/2010 | Proof of payment awaited |
| 170. | UTTAR PRADESH | 43706/24/2006-2007    | Unlawful Detention                                      | ₹ 20,000    | 29/01/2008 | Proof of payment awaited |
| 171. | UTTAR PRADESH | 44911/24/14/07-08-JCD | Death In Judicial Custody(Intimation)                   | ₹ 25,000    | 06/01/2011 | Proof of payment awaited |
| 172. | UTTAR PRADESH | 48147/24/7/07-08      | Abuse Of Power                                          | ₹ 5,00,000  | 17/06/2010 | Proof of payment awaited |
| 173. | UTTAR PRADESH | 49248/24/2006-2007    | Death In Police Encounter                               | ₹ 5,00,000  | 29/12/2010 | Proof of payment awaited |
| 174. | UTTAR PRADESH | 4999/24/10/09-10-JCD  | Death In Judicial Custody(Intimation)                   | ₹ 1,00,000  | 02/02/2011 | Proof of payment awaited |
| 175. | UTTAR PRADESH | 50349/24/2006-2007    | Illegal Arrest                                          | ₹ 15,000    | 28/03/2011 | Proof of payment awaited |
| 176. | UTTAR PRADESH | 50920/24/0/07-08      | Abuse Of Power                                          | ₹ 2,50,000  | 06/04/2010 | Proof of payment awaited |
| 177. | UTTAR PRADESH | 5148/24/13/07-08      | Death In Police Encounter                               | ₹ 5,00,000  | 10/02/2011 | Proof of payment awaited |
| 178. | UTTAR PRADESH | 53186/24/7/07-08      | Failure In Taking Lawful Action                         | ₹ 1,00,000  | 16/03/2011 | Proof of payment awaited |
| 179. | UTTAR PRADESH | 56421/24/14/07-08     | Death In Police Encounter                               | ₹ 5,00,000  | 11/11/2010 | Proof of payment awaited |

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|------|---------------|----------------------|----------------------------------------|------------|------------|--------------------------|
| 180. | UTTAR PRADESH | 6384/24/2003-2004    | Death In Police Encounter              | ₹ 5,00,000 | 05/05/2010 | Proof of payment awaited |
| 181. | UTTAR PRADESH | 6701/24/48/08-09-AD  | Alleged Custodial Deaths In Police Cus | ₹ 1,00,000 | 01/09/2010 | Proof of payment awaited |
| 182. | UTTAR PRADESH | 6888/24/2005-2006-CD | Death In Judicial Custody(Intimation)  | ₹ 3,00,000 | 11/03/2011 | Proof of payment awaited |
| 183. | UTTAR PRADESH | 8224/24/46/07-08     | Failure In Taking Lawful Action        | ₹ 5,00,000 | 28/10/2010 | Proof of payment awaited |
| 184. | UTTAR PRADESH | 8304/24/17/2010      | Hazardous Employments                  | ₹ 4,00,000 | 07/03/2011 | Proof of payment awaited |
| 185. | UTTAR PRADESH | 8573/24/48/07-08-JCD | Death In Judicial Custody(Intimation)  | ₹ 1,00,000 | 14/12/2010 | Proof of payment awaited |
| 186. | UTTAR PRADESH | 9085/24/48/08-09-JCD | Death In Judicial Custody(Intimation)  | ₹ 1,00,000 | 11/02/2011 | Proof of payment awaited |
| 187. | UTTAR PRADESH | 9550/24/72/07-08     | Abuse Of Power                         | ₹ 1,00,000 | 02/02/2011 | Proof of payment awaited |
| 188. | UTTAR PRADESH | 9742/24/2006-2007    | Abduction/Kidnapping                   | ₹ 10,000   | 17/02/2011 | Proof of payment awaited |
| 189. | WEST BEN-GAL  | 11/25/2003-2004      | Police Motivated Incidents             | ₹ 5,00,000 | 20/10/2010 | Proof of payment awaited |
| 190. | WEST BEN-GAL  | 149/25/2005-2006     | Exploitation Of Children               | ₹ 25,000   | 16/03/2011 | Proof of payment awaited |
| 191. | WEST BEN-GAL  | 25/73/94-LD          | Police                                 | ₹ 50,000   | 06/07/2004 | Proof of payment awaited |
| 192. | WEST BEN-GAL  | 827/25/9/08-09-PCD   | Custodial Death (Police)               | ₹ 1,00,000 | 28/03/2011 | Proof of payment awaited |
| 193. | WEST BEN-GAL  | 865/25/9/07-08-JCD   | Death In Judicial Custody(Intimation)  | ₹ 1,00,000 | 17/02/2011 | Proof of payment awaited |
| 194. | CHANDI-GARH   | 53/27/0/07-08-PCD    | Death In Police Custody(Intimation)    | ₹ 5,00,000 | 02/02/2011 | Proof of payment awaited |
| 195. | DELHI         | 4491/30/2/07-08      | Illegal Arrest                         | ₹ 5,000    | 22/10/2010 | Proof of payment awaited |
| 196. | DELHI         | 612/30/2/09-10       | Custodial Torture                      | ₹ 15,000   | 18/08/2010 | Proof of payment awaited |
| 197. | CHHATTIS-GARH | 431/33/2006-2007     | Alleged Fake Encounters                | ₹ 5,00,000 | 03/11/2010 | Proof of payment awaited |
| 198. | CHHATTIS-GARH | 45/33/2006-2007-CD   | Death In Judicial Custody(Intimation)  | ₹ 1,00,000 | 21/02/2011 | Proof of payment awaited |
| 199. | JHARKHAND     | 1096/34/2005-2006-CD | Death In Judicial Custody(Intimation)  | ₹ 3,00,000 | 30/08/2010 | Proof of payment awaited |
| 200. | JHARKHAND     | 1139/34/5/07-08-JCD  | Death In Judicial Custody(Intimation)  | ₹ 1,00,000 | 02/07/2010 | Proof of payment awaited |
| 201. | JHARKHAND     | 116/34/11/08-09-JCD  | Death In Judicial Custody(Intimation)  | ₹ 1,00,000 | 22/11/2010 | Proof of payment awaited |
| 202. | JHARKHAND     | 1175/34/16/08-09     | Illegal Arrest                         | ₹ 25,000   | 04/03/2011 | Proof of payment awaited |
| 203. | JHARKHAND     | 1281/34/2006-2007-CD | Death In Judicial Custody(Intimation)  | ₹ 1,00,000 | 27/01/2011 | Proof of payment awaited |
| 204. | JHARKHAND     | 1291/34/16/07-08-JCD | Death In Judicial Custody(Intimation)  | ₹ 1,00,000 | 25/10/2010 | Proof of payment awaited |
| 205. | JHARKHAND     | 1466/34/11/07-08     | Death In Police Encounter              | ₹ 5,00,000 | 10/02/2011 | Proof of payment awaited |
| 206. | JHARKHAND     | 1519/34/11/07-08-JCD | Death In Judicial Custody(Intimation)  | ₹ 1,00,000 | 12/01/2011 | Proof of payment awaited |

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|------|--------------|---------------------|-----------------------------------------------------------------------------------------------|------------|------------|--------------------------|
| 207. | JHARKHAND    | 172/34/2003-2004    | Attempted Murder                                                                              | ₹ 5,00,000 | 11/11/2010 | Proof of payment awaited |
| 208. | JHARKHAND    | 431/34/4/2010-PCD   | Custodial Death (Police)                                                                      | ₹ 1,00,000 | 07/02/2011 | Proof of payment awaited |
| 209. | JHARKHAND    | 449/34/8/09-10      | Unlawful Detention                                                                            | ₹ 10,000   | 03/11/2010 | Proof of payment awaited |
| 210. | JHARKHAND    | 490/34/8/08-09-PCD  | Death In Police Custody(Intimation)                                                           | ₹ 1,00,000 | 23/12/2010 | Proof of payment awaited |
| 211. | JHARKHAND    | 690/34/18/09-10-JCD | Death In Judicial Custody(Intimation)                                                         | ₹ 1,00,000 | 03/11/2010 | Proof of payment awaited |
| 212. | JHARKHAND    | 711/34/3/07-08-JCD  | Death In Judicial Custody(Intimation)                                                         | ₹ 1,00,000 | 15/03/2011 | Proof of payment awaited |
| 213. | JHARKHAND    | 729/34/11/09-10     | Abuse Of Power                                                                                | ₹ 50,000   | 21/02/2011 | Proof of payment awaited |
| 214. | UTTARA-KHAND | 1453/35/2006-2007   | Death In Police Encounter                                                                     | ₹ 5,00,000 | 24/02/2011 | Proof of payment awaited |
| 215. | UTTARA-KHAND | 1628/35/6/08-09     | Unlawful Detention                                                                            | ₹ 30,000   | 01/03/2011 | Proof of payment awaited |
| 216. | UTTARA-KHAND | 280/35/11/2010      | Atrocities By Custom/Excise/Enforcement/Forest/Income-Tax Deptt., Etc.Of Central/State Govts. | ₹ 10,00,00 | 10/03/2011 | Proof of payment awaited |

# Annexure - 7

Para 2.28

## DETAILS OF CASES PENDING COMPLIANCE OF NHRC'S RECOMMENDATIONS DURING 1993-1994 TO 2008-2009 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

| Sl. No. | Name of the state/ut | Case no.                                | Nature of complaint                                                                          | Recommendation                   | Date of recommendation         | Remarks                                                                                                                                                                                                                                                                                                                                  |
|---------|----------------------|-----------------------------------------|----------------------------------------------------------------------------------------------|----------------------------------|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.      | Bihar                | 838/4/2006-2007                         | Death in judicial custody(intimation)                                                        | ₹ 1,00,000 + disciplinary action | 1,00,000 + disciplinary action | Proof of payment awaited                                                                                                                                                                                                                                                                                                                 |
| 2.      | Delhi                | 102/30/2005-2006                        | Severe health problems suffered by a girl due to supply of wrong medicine by CGHS Dispensary | ₹ 1,00,000                       | 30.07.07                       | Compliance report not received due to challenge in the High Court of Delhi on the grounds of denial of medicines by the complainant; denial of opportunity to the petitioner to explain his stand; and condition of patient had worsened by administration of wrong medicine Orders of WP No.9776/07 pending in the High Court of Delhi. |
| 3.      | Kerala               | 235/11/98-99                            | Alleged false implication                                                                    | ₹ 10,000                         | 14.03.01                       | The State Govt. has preferred Writ Appeals against the recommendations of the Commission, which is pending consideration.                                                                                                                                                                                                                |
| 4.      | Kerala               | 95/11/1999-2000                         | Death of a head constable while on duty, for a want of timely medical care                   | ₹ 50,000                         | 29.08.07                       | Compliance report not received due to challenge in the High Court of Kerala on the grounds of non-compliance with the provisions of protection of Human Rights Act, 1993. Orders of WP No.36890/07 awaited from High Court of Kerala.                                                                                                    |
| 5.      | Kerala               | 43/11/2002-2003-cd                      | Death in judicial custody                                                                    | ₹ 1,50,000                       | 12.09.08                       | The Government of Kerala filed a Writ Petition No. 21305/09 in the High Court of Kerala against the recommendation made by the Commission and the High Court. Outcome of the writ petition is awaited                                                                                                                                    |
| 6       | Kerala               | 159/11/2006-2007<br>LF 169/11/2006-2007 | Illegal detention and harassment by police                                                   | ₹ 50,000                         | 02.04.08                       | Compliance report is awaited                                                                                                                                                                                                                                                                                                             |

|    |               |                       |                                                                                                                                        |            |          |                                                                                                                                                                                 |
|----|---------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7  | Orissa        | 123/18/1999-2000      | Alleged physical torture & illegal detention by police                                                                                 | ₹ 1,00,000 |          | The State Govt. has preferred writ petition No. O.J.C.No. 8776/2000 in the High Court of Orissa, against the recommendations of the Commission, which is pending consideration. |
| 8  | Uttar Pradesh | 30217/24/2002-2003-cd | Death in judicial custody (intimation)                                                                                                 | ₹ 10,000   | 20.02.08 | Compliance report is awaited.                                                                                                                                                   |
| 9  | Uttar Pradesh | 871/24/2006-2007      | Gang rape by police personnel(intimation)                                                                                              | ₹ 3,00,000 | 27.12.08 | Compliance report is awaited.                                                                                                                                                   |
| 10 | Uttar Pradesh | 24507/24/2004-2005-cd | Death in judicial custody(intimation)                                                                                                  | ₹ 1,00,000 | 16.02.09 | Compliance report is awaited.                                                                                                                                                   |
| 11 | Uttar Pradesh | 24720/24/2006-2007-cd | Death in judicial custody (Intimation)                                                                                                 | ₹ 2,00,000 | 17.03.09 | Proof of payment received. Action taken against erring doctor is awaited.                                                                                                       |
| 12 | West Bengal   | 213/25/2004-2005-cd   | Death in police custody (Intimation)                                                                                                   | ₹ 1,00,000 | 17.10.08 | Compliance report is awaited.                                                                                                                                                   |
| 13 | West Bengal   | 589/25/2002-2003      | A boy allegedly severely injured being shot accidentally by a guard of a Colliery under Deptt. of Coal Government of India (Complaint) | ₹ 1,00,000 | 28.12.07 | Compliance report and proof of payment awaited.                                                                                                                                 |

# Annexure ~ 8

Para 2.28

## DETAILS OF CASES PENDING COMPLIANCE OF NHRC'S RECOMMENDATIONS DURING 2009-2010 FOR PAYMENT OF MONETARY RELIEF/DISCIPLINARY ACTION/PROSECUTION

| Sl. No. | Name Of State/ut | Case No.                            | Nature Of Complaint                                                                        | NHRC Recommendations              | Date of Recommendation | Remarks                  |
|---------|------------------|-------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------|------------------------|--------------------------|
| 1       | Bihar            | 2349/4/98-99-ACD                    | Alleged death due to torture in police custody (complaint)                                 | ₹1,00,000+<br>Disciplinary action | 24.06.2001             | Proof of payment awaited |
| 2       | Bihar            | 3413/4/2006-2007                    | Death in Judicial custody(Intimation)                                                      | ₹ 1,00,000                        |                        |                          |
| 3       | Bihar            | 1583/4/26/07-08                     | Multiple fractures to one Rakesh Kumar Paswan as he was thrown by RPF Personnel(complaint) | ₹ 50,000                          | 12.05.2010             | Proof of payment awaited |
| 4       | Bihar            | 2367/4/9/07-08                      | Death due to electrocution(Complaint)                                                      | ₹ 2,00,000                        | 19.11.2009             | Proof of payment awaited |
| 5       | Jammu & Kashmir  | 55/9/2003-2004-ad                   | Alleged death in the custody of Jammu Police (Complaint)                                   | ₹ 5,00,000                        | 19.08.2009             | Proof of payment awaited |
| 6       | Jammu & Kashmir  | 206/9/2003-2004                     | Damage of House by the Govt. (Complaint)                                                   | ₹ 2,00,000                        | 23.11.09               | Proof of payment awaited |
| 7       | Kerala           | 160/11/2002-2003-cd                 | Death in Judicial Custody (Intimation)                                                     | ₹ 1,00,0000                       | 13.07.2009             | Proof of payment awaited |
| 8       | Madhya Pradesh   | 1904/12/2006-2007-CD                | Death in Judicial Custody (Intimation)                                                     | ₹ 1,00,4000                       | 13.07.2009             | Proof of payment awaited |
| 9       | Madhya Pradesh   | 1275/12/20/07-08-jcd                | Death in Judicial Custody (Intimation)                                                     | ₹ 1,00,0000                       | 26.11.2009             | Proof of payment awaited |
| 10      | Maharashtra      | 574/13/2006-2007-cd                 | Death in Judicial Custody (Intimation)                                                     | ₹ 1,00,000                        | 24.02.2010             | Proof of payment awaited |
| 11      | Maharashtra      | 34/13/2002-2003 LF 175/13/2002-2003 | Alleged death by the police in a Fake Encounter (Complaint)                                | ₹ 5,00,000                        | 20.01.2010             | Proof of payment awaited |
| 12      | Manipur          | 24/14/4/07-08                       | Harassment and Torture by the army personnel (Complaint)                                   | ₹ 25,000                          | 04.02.10               | Proof of payment awaited |
| 13      | Orissa           | 265/18/34/08-09                     | A 12 year boy allegedly thrown out of train by TTE (Complaint)                             | ₹ 5,00,000                        | 05.03.2010             | Proof of payment awaited |
| 14      | Uttar Pradesh    | 20992/24/2006-2007-CD               | Death in Judicial Custody (Intimation)                                                     | ₹ 1,00,000                        | 02.12.2009             | Proof of payment awaited |
| 15      | Uttar Pradesh    | 12969/24/2002-2003                  | Death in police encounter (Complaint)                                                      | ₹ 3,00,000                        | 27.05.2009             | Proof of payment awaited |

|    |               |                                                                      |                                                                                                                                                          |                                                                       |            |                          |
|----|---------------|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|------------|--------------------------|
| 16 | Uttar Pradesh | 14221/24/2004-2005 LF<br>11506/24/2004-2005 LF<br>17061/24/2004-2005 | Killing by police in Fake Encounter (Complaint)                                                                                                          | ₹ 1,00,000                                                            | 01.06.2009 | Proof of payment awaited |
| 17 | Uttar Pradesh | 39058/24/2003-2004                                                   | Killing by police in Fake Encounter (Complaint)                                                                                                          | ₹ 6,00,000 (3,00,000/- each to 2 persons)                             | 27.07.2009 | Proof of payment awaited |
| 18 | Uttar Pradesh | 25106/24/2006-2007                                                   | Killing by police in Fake Encounter (Intimation)                                                                                                         | ₹ 5,00,000                                                            | 04.02.2010 | Proof of payment awaited |
| 19 | Uttar Pradesh | 28279/24/2004-2005                                                   | Death in Judicial Custody (Intimation)                                                                                                                   | ₹ 1,00,000                                                            | 08.03.2010 | Proof of payment awaited |
| 20 | Uttar Pradesh | 42729/24/2006-2007                                                   | Illegal detention by Police (Complaint)                                                                                                                  | ₹ 50,000                                                              | 24.07.2009 | Proof of payment awaited |
| 21 | Uttar Pradesh | 33497/24/2004-2005                                                   | Death of children due to fire in cracker factory (Complaint)                                                                                             | ₹ 2,400,000 (3,00,000/- to each 8 victims)                            | 05.01.2010 | Proof of payment awaited |
| 22 | Uttar Pradesh | 18476/24/2005-2006-CD                                                | Death in Judicial Custody (Intimation)                                                                                                                   | ₹ 1,00,000                                                            | 22.02.2010 | Proof of payment awaited |
| 23 | Uttar Pradesh | 33074/24/2006-2007-cd                                                | Death in Judicial Custody (Intimation)                                                                                                                   | ₹ 1,00,000                                                            | 27.10.2009 | Proof of payment awaited |
| 24 | Uttar Pradesh | 5375/24/2005-2006-cd                                                 | Death in Judicial Custody (Intimation)                                                                                                                   | ₹ 1,00,000                                                            | 09.06.2009 | Proof of payment awaited |
| 25 | Uttar Pradesh | 7767/24/48/08-09                                                     | Beating of two persons with sticks by Police (Complaint)                                                                                                 | ₹ 10,000                                                              | 21.07.2009 | Proof of payment awaited |
| 26 | Uttar Pradesh | 37802/24/2006-2007                                                   | Alleged torture by police (Complaint)                                                                                                                    | ₹ 25,000                                                              | 24.08.2009 | Proof of payment awaited |
| 27 | Uttar Pradesh | 3278/24/24/07-08-jcd                                                 | Death in Judicial Custody (Intimation)                                                                                                                   | ₹ 1,00,000                                                            | 09.09.2009 | Proof of payment awaited |
| 28 | Uttar Pradesh | 38166/24/2006-2007-cd                                                | Death in Judicial Custody (Intimation)                                                                                                                   | ₹ 1,00,000                                                            | 31.10.2009 | Proof of payment awaited |
| 29 | Uttar Pradesh | 14303/24/2006-2007                                                   | Victimization and harassment of a press reporter by police on behest of then S.P. Lakhimpur Khiri, against whom he had reported in the press (Complaint) | ₹ 5,00,000                                                            | 04.02.10   | Proof of payment awaited |
| 30 | Uttar Pradesh | 13285/24/48/09-10                                                    | Death of a child due to falling down in a manhole at Gomti Nagar, Lucknow (Complaint)                                                                    | ₹ 3,00,000                                                            | 10.03.2010 | Proof of payment awaited |
| 31 | Uttar Pradesh | 24293/24/2002-2003-ad                                                | Death of an under trial prisoner in jail, due to consuming poison (Complaint)                                                                            | ₹ 1,00,000                                                            | 17.03.2010 | Proof of payment awaited |
| 32 | West Bengal   | 180/25/18/07-08-pf                                                   | Indiscriminate firing by BSF personnel (Complaint)                                                                                                       | ₹ 6,50,000 5,00,000/- to NOK of deceased and 50,000/- each to injured | 26.11.2009 | Proof of payment awaited |

# Annexure -9

## Para 12.4

### STATEMENT SHOWING TRAINING PROGRAMMES ORGANIZED BY NHRC DURING 2010-2011

| Sl. No. | Name of the Institution                                                                                                                                         | Theme of Training & No. of Programmes | Venue                                                                                                                                                                                                                                                              | Programme Date & No. of Participants                                                                                                                             |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1       | 2                                                                                                                                                               | 3                                     | 4                                                                                                                                                                                                                                                                  | 5                                                                                                                                                                |
| 1.      | <b>State Academy of Training,</b><br>Govt. of Manipur<br>Secretariat (South Block)<br>IMPHAL-795 001<br>(MANIPUR)                                               | One<br>TOT<br>(5-Days)                | State Academy of Training, Imphal, Manipur                                                                                                                                                                                                                         | 07th - 11th Feb'2011<br><br>Programme report awaited                                                                                                             |
| 2.      | <b>SIPARD,</b><br>State Institute of Public Administration & Rural Development, A.D. Nagar,<br>Agartala-799 003<br>TRIPURA (W)                                  | One<br>TOT<br>(3-Days)                | State Institute of Public Administration & Rural Development                                                                                                                                                                                                       | 3rd-5th Feb'2011<br><br>Programme report awaited                                                                                                                 |
| 3.      | <b>SEVAC,</b><br>Mental Health & Human Rights Resource Centre<br>135 A, Vivekananda Sarani (Pora Aswathathala, Thakurpukur<br>KOLKATA-700 063.<br>(WEST BENGAL) | Two<br>T.P.<br>(Two-Days)             | Academy of Fine Arts, Kolkata<br><br>Hotel Keshari, Bhubaneswar                                                                                                                                                                                                    | 3rd -4th Dec'2010<br>51 participants<br><br>17th -18th Dec'2010<br>35 participants                                                                               |
| 4.      | <b>Assam Human Rights Commission,</b><br>GMC Road, Bhangagarh<br>GUWAHATI-781 005<br>(ASSAM)                                                                    | Eight (One Day) Basic T.P.            | Mukalmua in Nalbari District<br>Hajo in Kamrup District<br>Dhakuakhana in North Lakhimpur District<br>Biswanath Chariali in Sonitpur District<br>Bajali in Barpeta District<br>Morigaon District HQs<br>Sonari in Sivasagar District<br>Titabor in Jorhat District | 30th Nov'2010<br>10th Dec'2010<br>18th Dec'2010<br>20th Dec'2010<br>07th Jan'2011<br>28th Jan'2011<br>03rd Feb'2011<br>05th Feb'2011<br>Programme report awaited |
| 5.      | <b>Army Institute of Education,</b><br>Delhi Cantt. Kandhar Lines,<br>Ring Road, Delhi Cantt.<br>NEW DELHI-110 010.                                             | One<br>T.P.<br>(1-Day)                | Army Institute of Education, Delhi Cantt, New Delhi                                                                                                                                                                                                                | 04th Feb.'2011<br><br>113 participants                                                                                                                           |

|     |                                                                                                                |                        |                                                                                   |                                                    |
|-----|----------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------|
| 6.  | <b>University College of Law, Andhra University</b><br>VISAKHAPATNAM<br>Pin. 530 003                           | One<br>T.P.<br>(1-Day) | Dr. B.R. Ambedkar College<br>of Law, Andhra University<br>Visakhapatnam           | 10th Dec'2010<br><br>200 participants              |
| 7.  | <b>Atma Ram Sanatan Dharma College,</b><br>University of Delhi<br>Dhaura Kuan,<br>NEW DELHI-110 021.           | One<br>T.P.<br>(1-Day) | Atma Ram Sanatan<br>Dharma College                                                | 23 March'2011<br><br>300 participants              |
| 8.  | <b>Law School</b><br>Banaras Hindu University<br>VARANASI-221 005<br>(UTTAR PRADESH)                           | One<br>T.P.<br>(1-Day) | Law School<br>Banaras Hindu University                                            | 23rd Jan. 2011<br><br>216 participants             |
| 9.  | <b>B.P.S. Mahila Vishwavidyalaya</b><br>Khanpur-Kalan (SONEPAT)                                                | One<br>T.P.<br>(1-Day) | Seminar Hall<br>BPS Mahila Vishwavidya-<br>laya                                   | 07th Feb.2011<br><br>75 participants               |
| 10. | <b>C.V.L.N.R. Degree &amp; P.G. College</b><br>11/461, Jesus Nagar, Mission Compound<br>ANANTAPUR-515001 (A.P) | One<br>T.P.<br>(1-Day) | CVLNR Degree & PG<br>College,<br>College Premises                                 | 29th Jan.2011<br><br>142 participants              |
| 11. | <b>Holy Cross College (Autonomous)</b><br>Teppakulam Post<br>TIRUCHIRAPPALLI-<br>620 002                       | One<br>T.P.<br>(1-Day) | Shanthi Hall                                                                      | 10th Feb. 2011<br><br>Programme report<br>awaited  |
| 12. | <b>The Indian Law Institute,</b><br>(Deemed University)<br>Bhagwandas Road<br>NEW DELHI-110 001.               | One<br>T.P.<br>(1-Day) | Plenary Hall, Indian Law<br>Institute                                             | 05thMarch.2011<br><br>Programme report<br>awaited  |
| 13. | <b>Jawaharlal Nehru Rajkeeya Mahavidya-<br/>laya</b><br>PORT BLAIR-744 104<br>ANDAMAN & NICOBAR ISLANDS        | One<br>T.P.<br>(1-Day) | Seminar Hall<br>Jawaharlal Nehru Raj-<br>keeya Mahavidyalaya                      | 24th Jan'2011<br><br>57 participants               |
| 14. | <b>National Law University</b><br>N.H.65, Nagour Road, Mandore<br>JODHPUR (RAJASTHAN)                          | One<br>T.P.<br>(1-Day) | Conference Hall,<br>National Law University,<br>Jodhpur                           | 11th Feb'2011<br><br>Programme report<br>awaited   |
| 15. | <b>National Law Institute University</b><br>Kerwa Dam Road,<br>BHOPAL-462 044<br>(M.P.)                        | One<br>T.P.<br>(1-Day) | Conference Hall,<br>National Law Institute,<br>Bhopal                             | 05thMarch'2011<br><br>78 participants              |
| 16. | <b>Sree Sankaracharya University of Sanskrit,</b><br>Kalady Post,<br>EMAKULAM-683 574<br>KERALA                | One<br>T.P.<br>(1-Day) | Head Quarters, Sree San-<br>karacharya University of<br>Sanskrit, Kalady          | 11th Feb'2011<br><br>Programme report<br>awaited   |
| 17. | <b>Tezpur University</b><br>Napam<br>TEZPUR-784 028                                                            | One<br>T.P.<br>(1-Day) | Seminar Hall, Deptt. of En-<br>ergy, Equal Opportunity<br>Cell, Tezpur University | 13th Nov'2010<br><br>(Approx.)<br>100 participants |

|     |                                                                                                                                 |                                     |                                                                                                              |                                         |
|-----|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 18. | <b>University Institute of Technology</b><br>University of Kerala<br>Neyyattinkara Centre,<br>Aralummoodu P.O.-695 123 (KERALA) | One<br>T.P.<br>(1-Day)              | Students Centre, Uni-<br>versity of Kerala, PMG<br>Thiruvananthapuram                                        | 20th Dec'2010<br><br>180 participants   |
| 19. | <b>University of Calcutta</b><br>35,Ballygunge Circular Road<br>CALCUTTA-700 019.                                               | One<br>T.P.<br>(1-Day)              | Sarbik Gram Bikash<br>Kendra (Gandhi Mission)<br>Dehi Boliarpur, West<br>Midnapore                           | 26th Dec'2010<br><br>129 participants   |
| 20. | <b>V.M. Salgaocar College of Law</b><br>Miramar- Panjim<br>GOA- 403 001.                                                        | One<br>T.P.<br>(1-Day)              | Conference Hall<br>V.M. Salgaocar College,<br>Goa                                                            | 11th Dec'2010                           |
| 21. | <b>Yashwantrao Chavan Institute</b><br>of Social Sciences & Research<br>Erandawane<br>PUNE-411 038<br>(MAHARASHTRA)             | One<br>T.P.<br>(1-Day)              | Conference Hall,<br>Yashwantarao Chavan<br>Institute of Social Sciences<br>and Research                      | 28th Jan'2011<br><br>100 participants   |
| 22. | <b>The Sun,</b><br>Rampachodavaram-533 288<br>East Godavari District<br>(Andhra Pradesh)                                        | One Day Basic Training<br>Programme | Project Monitoring & Re-<br>source Centre, Rampacho-<br>davaram<br>East Godavari District,<br>Andhra Pradesh | 23rd Jan'2011<br><br>60 participants    |
| 23. | <b>Himkala Sangam Bilaspur</b><br>House No.3, Roda Sector-3, Near College<br>Chowk<br>BILASPUR-174 001<br>(Himachal Pradesh)    | One Day Basic Training<br>Programme | Kandrour, District Bilas-<br>pur,<br>Himachal Pradesh                                                        | 27th March 2011<br><br>120 participants |
| 24. | <b>Samaja Seva Samithi (R)</b><br>No.60, 3rd Cross, Gavipuram Extn.<br>BANGALORE-560 019<br>(Karnataka)                         | One Day Basic Training<br>Programme | Shikshara Sadana, Semi-<br>nar Hall, Bangalore                                                               | 28th Feb'2011<br><br>50 participants    |
| 25. | <b>Institute of Human Rights Advocacy</b><br>No.24, Shivanand Nagar, Navanagar,<br>HUBLI- 580 025 (Karnataka)                   | One Day Basic Training<br>Programme | Karnataka Chamber of<br>Commerce, Jayachamraj<br>Nagar, Hubli, Dharwad,<br>Karnataka                         | 19th Feb.'2011<br><br>92 participants   |
| 26. | <b>Bijapur District Physically Handicapped</b><br>Welfare Association (R)<br>Matapati Galli,<br>BIJAPUR- 586 101<br>(Karnataka) | One Day Basic Training<br>Programme | Khed College Campus,<br>Mathapati Galli, Bijapur,<br>Karnataka                                               | 19th Feb'2011<br><br>112 participants   |
| 27. | <b>Swayam Siddha Sanstha</b><br>Hem-Manjul,<br>03 Ramsingh Road<br>Near Hotel Meru Palace<br>JAIPUR (Rajasthan)                 | One Day Basic Training<br>Programme | Forestry Training Institute,<br>Jaipur                                                                       | 30th Jan' 2011<br>70 participants       |
| 28. | <b>Chandra I.T. Education Trust</b><br>15, Kabir Colony, Manu Marg,<br>ALWAR-302 021<br>(Rajasthan)                             | One Day Basic Training<br>Programme | 22-23, Chetan Enclave,<br>Jaipur Road, Alwar,<br>Rajasthan                                                   | 12th March'2011<br><br>50 participants  |

|     |                                                                                                          |                                           |                                                               |                                                                                     |
|-----|----------------------------------------------------------------------------------------------------------|-------------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 29. | <b>Bhartiya Kisan Kalyan Samiti</b><br>216, A.B. Nagar, UNNAO<br>Uttar Pradesh                           | One Day Basic Training Programme          | Swadesh Girls Inter College, Nekpur, Madhinath, Bareilly      | 06th March'2011<br>60 participants                                                  |
| 30. | <b>Youth Welfare Society</b><br>3/7, Mazeed Street<br>FARRUKHABAD-209 625<br>(Uttar Pradesh)             | One Day Basic Training Programme          | Conference Hall, Hotel Rajputana, Barahpur, Farrukhabad       | 06th March'2011<br>(Approx.) 204 Participants                                       |
| 31. | <b>Sangita Mohila Samity</b><br>Ashram Road, W/No.III,<br>P.O.& District HAILAKANDI-788 151<br>(Assam)   | One Day Basic Training Programme          | Ramkrishna Sanskrit Vidyapith, Ashram Road, Hailakandi, Assam | 13th March'2011<br>162 participants                                                 |
| 32. | <b>Janta Kalyan Samiti</b><br>Opposite Bus Stand<br>REWARI<br>(Haryana)                                  | One Day Basic Training Programme          | Conference Hall Mini Secretariat, Rewari, Haryana             | 28th Jan'2011<br>250 participants                                                   |
| 33. | <b>Rajasthan State Human Rights Commission,</b><br>JAIPUR<br>RAJASTHAN                                   | Three (One Day) Basic Training Programmes | Bundi District<br>Nagaur District<br>Jodhpur District         | 27th Feb'2011<br>11th March 2011<br>09th March 2011<br><br>Programme Report awaited |
| 34. | <b>Baba Kakharua Baidyanath College</b><br>Manatri, Mayurbhanj-757017, ORISSA                            | One Day Basic Training Programme          | College premises                                              | 12th Feb'2011<br>81 participants                                                    |
| 35. | <b>Gobi Arts &amp; Science College</b><br>GOBICHETTIPALAYAM-638 453<br>(Tamil Nadu)                      | One Day Basic Training Programme          | KAM Hall, Gobi Arts & Science College                         | 25th Feb'2011<br>(Approx.)<br>100 participants                                      |
| 36. | <b>Little Flower Institute of Social Sciences &amp; Health</b><br>Kaithapoyil P.O.<br>KOZHIKODE-673 023  | One Day Basic Training Programme          | Little Flower Institute Of Social Sciences & Health Kozhikode | 18th Feb'2011<br>150 participants                                                   |
| 37. | <b>Maharishi Dayanand Law College,</b><br>Barafkhana, Jawahar Nagar Road,<br>JAIPUR (Rajasthan)          | One Day Basic Training Programme          | College Campus                                                | 11th March'2011<br>150 participants                                                 |
| 38. | <b>N. A. M. College</b><br>Kallikkandy, Vidyagiri<br>P.O. Kallikkandy<br>KANNUR-670 693                  | One Day Basic Training Programme          | Vyapara Bhawan, Panoor, Kannur District, Kerala               | 10th Feb'2011<br>55 participants                                                    |
| 39. | <b>Osmania Medical College Doctors' Forum</b><br>Post Box : 531<br>HYDERABAD-500 095<br>(Andhra Pradesh) | One Day Basic Training Programme          | Conference Hall, Osmania Medical College Doctors' Forum       | 08th March'2011<br>50 participants                                                  |
| 40. | <b>University College of Law</b><br>Osmania University<br>HYDERABAD-500 007<br>(Andhra Pradesh)          | One Day Basic Training Programme          | P.G. College of Law Osmania University, Bashirbagh, Hyderabad | 12th March'2011<br>60 participants                                                  |

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|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| 41. | <b>Department of Law</b><br>St. Andrew's College<br>Near Collectorate Court, Civil Lines, GORA-KHPUR-273 001 (Uttar Pradesh)                                         | One Day Basic Training Programme                                                                                  | Conference Hall, St. Andrew's College, Gorakhpur                             | 28th Feb'2011<br><br>Programme Report awaited                                 |
| 42. | <b>Thiruvalluvar Govt. Arts College,</b><br>RASIPURAM-637 408<br>Namakkal, (Tamil Nadu)                                                                              | One Day Basic Training Programme                                                                                  | Meeting Hall, Thiruvalluvar Govt. Arts College, Rasipuram                    | 24th Feb'2011<br><br>150 participants                                         |
| 43. | <b>Andhra Pradesh Police Academy,</b><br>Himayat Sagar<br>Hyderabad-500 008<br>Andhra Pradesh                                                                        | One TOT<br>(2-Days)                                                                                               | A.P. Police Academy, Hyderabad                                               | 21st – 22nd March'2011<br><br>57 Participants                                 |
| 44. | <b>Police Training College Daroh,</b><br>District: Kangra<br>Himachal Pradesh                                                                                        | One Two Days Workshop on Human Rights                                                                             | Police Training College, Daroh                                               | 28th – 29th March'2011<br>59 participants                                     |
| 45. | <b>Police Training College</b><br>Junagadh-362 001<br>Gujarat                                                                                                        | One Two Days Workshop on Human Rights                                                                             | Agriculture University Campus Junagadh Conference Hall                       | 29th – 30th March'2011<br><br>75 participants                                 |
| 46. | <b>Society for Disability and Rehabilitation Studies</b><br>B-285, Vasant Kunj Enclave, New Delhi-70                                                                 | One Day Training Programme                                                                                        | Gold Field College of Education, Bangarpet, Kolar, Karnataka                 | 29th March 2011<br><br>115 participants                                       |
| 47. | <b>Welfare Organization of Rural Development (WORD),</b><br>No.760, South Valasaikkadu<br>Salaigramam (Post) Elaiyankudi (Taluk)<br>Sivagangai-630 710<br>Tamil Nadu | One Day Basic Training Programme                                                                                  | Welfare Organization of Rural Development<br>Sivagangai District, Tamil Nadu | 26th March 2011<br><br>79 participants                                        |
| 48. | <b>Wayanad Social Service Society</b><br>Post Box No. 16,<br>Mananthavady-670 645<br>Kerala                                                                          | Human Rights Training Programme through Community Radio Mattoli in Wayanad                                        | Community Radio Mattoli, Wayanad                                             | 27th March 2011<br><br>2,50,000<br>Listeners in Wayanad through Radio Mattoli |
| 49. | <b>Youth Technical Training Society, (YTTS)</b><br>13(GF), Karuna Sadan, Sector – 11<br>Chandigarh.                                                                  | One Training Camp of 3 days to impart Training to NCC instructors as part of TOT programme on Human Rights issues | St. Kabir School, Sector – 26 Chandigarh                                     | 24th -26th March'2011<br><br>65 participants                                  |
| 50. | <b>Department of Legal Studies,</b><br>Ch. Charan Singh University,<br>Meerut, Uttar Pradesh                                                                         | One Day Training Programme                                                                                        | CCS University Campus                                                        | 29th March 2011<br>Programme Report awaited                                   |
| 51. | <b>University of Mumbai,</b><br>Dept. of Civics and Politics, Mumbai                                                                                                 | One – three days seminar                                                                                          | St. Xavier's Villa Khandala                                                  | 24th–26th Feb' 2011<br><br>More than 40 participants                          |
| 52. | <b>International Council of Jurists,</b><br>DS-423/424, New Rajinder Nagar<br>New Delhi – 110 060.                                                                   | One - two day conference                                                                                          | Vigyan Bhawan, New Delhi                                                     | 11th – 12th Dec' 2010<br>Programme report awaited                             |

|     |                                                                                                                                                              |                                                                  |                                                                                   |                                                 |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------|
| 53. | <b>Maharashtra State Human Rights Commission</b><br>Mumbai                                                                                                   | One day Prog.                                                    | Sahyadri State Guest House, Malabar Hill<br>Mumbai                                | 12th Aug'2010<br><br>114 participants           |
| 54. | <b>Nehru Yuva Kendra,</b><br>New Delhi                                                                                                                       | One National Launching Programme                                 | Kala BHarathi Auditorium, Madilapalem,<br>Visakhaptnam, Andhra Pradesh            | 03rd Dec' 2010<br><br>1120 participants         |
| 55. | <b>Nehru Yuva Kendra,</b><br>New Delhi                                                                                                                       | H.R. Training Programmes during National Integration Camps (NIC) | IMRT, Business School, Vipul Khand-06, Near Ambedkar Smarak, Gomti Nagar – 225010 | 04th March 2011<br><br>Programme report awaited |
| 56. | <b>Rajasthan Police Academy</b><br>Jaipur                                                                                                                    | One (2-Days) Seminar on Human Rights Protection                  | Rajasthan Police Academy<br>Nehru Nagar                                           | 29th – 30th March'2011<br><br>64 participants   |
| 57. | <b>AVADH, Activists of Voluntary Action</b><br>for Development of Humanity<br>86/32, Sarojini Debi Lane, Maqboolganj,<br>LUCKNOW-226 018.<br>(UTTAR PRADESH) | One T.P.<br>(One-Day)                                            | Gandhi Bhawan, District Barabanki, Uttar Pradesh                                  | 29th Jan'2011<br><br>70 participants            |

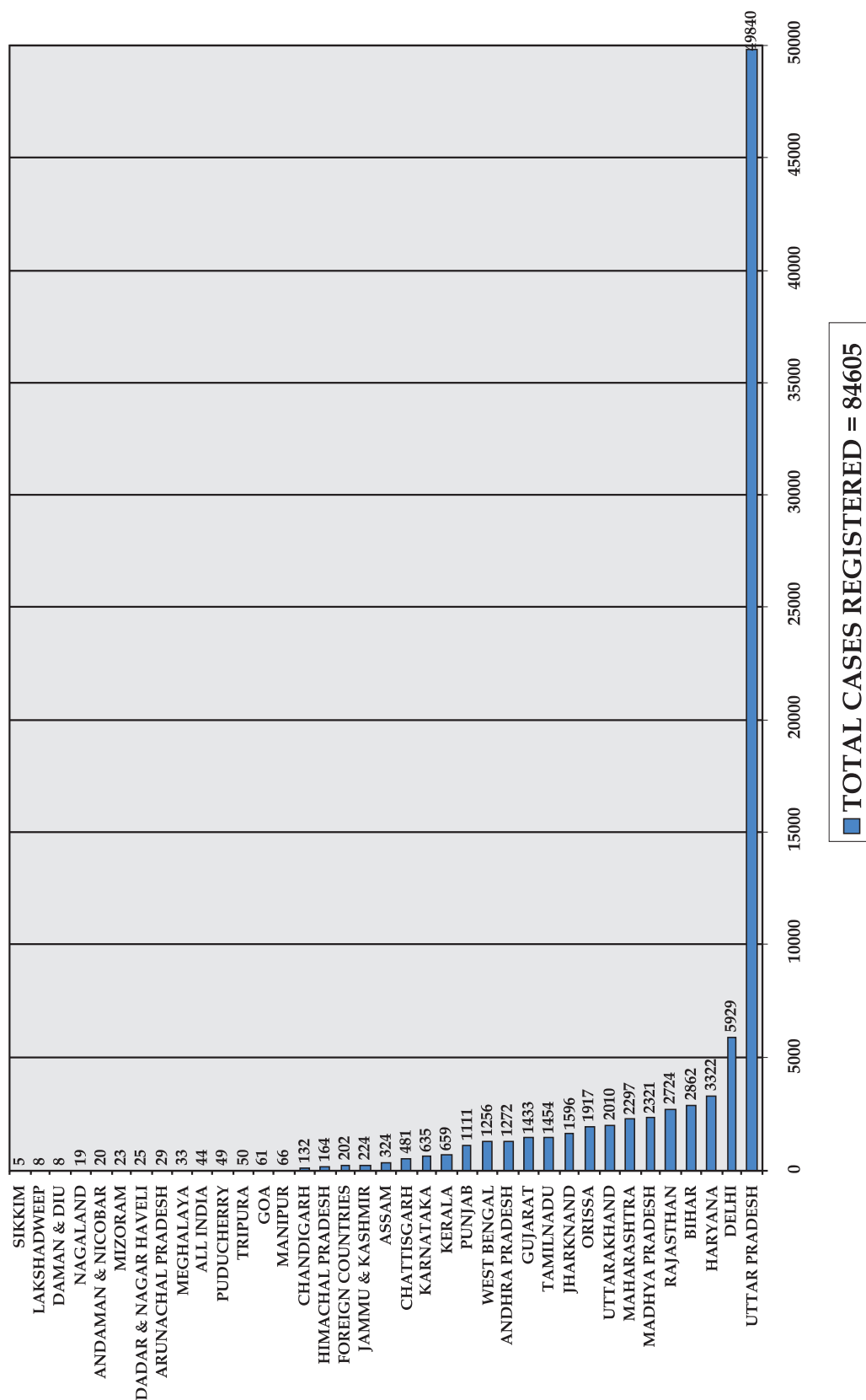
67 Nos. of Programmes of 57 Institutes/Universities/NGOs



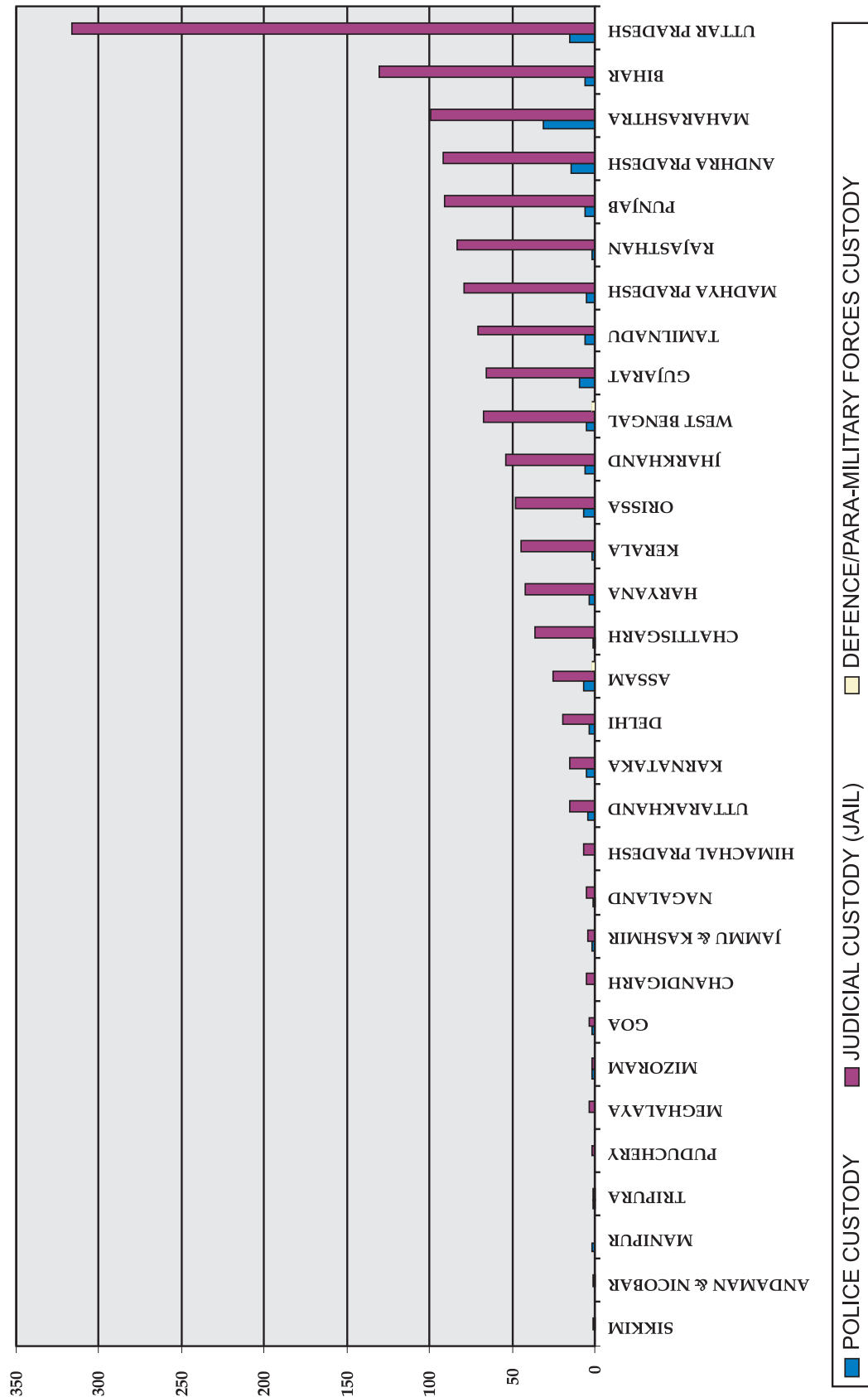
# CHARTS & GRAPHS



## STATE/UT-WISE NUMBER OF CASES REGISTERED IN NHRC DURING 2010-2011

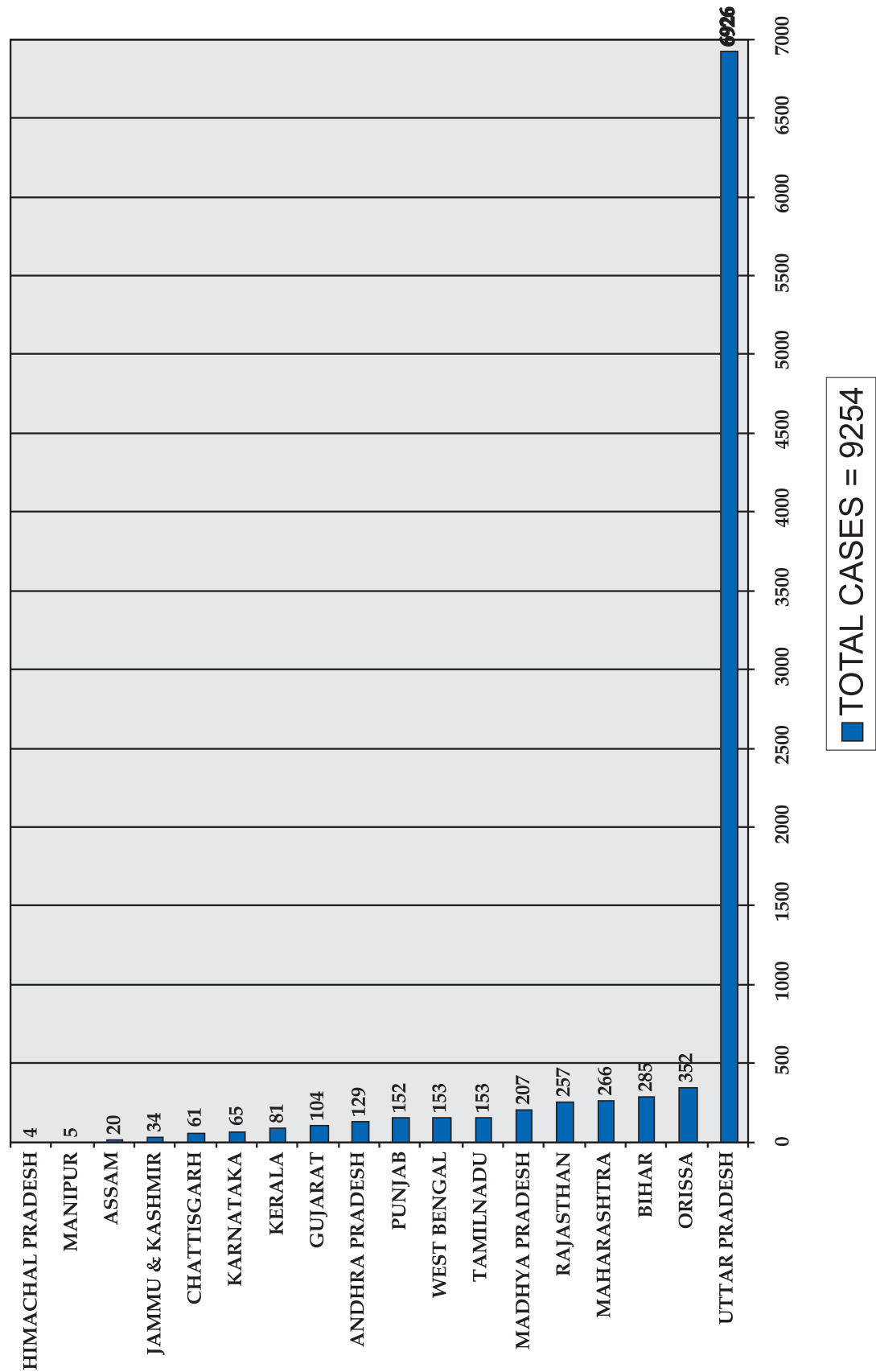


**STATE/UT-WISE INTIMATIONS REGISTERED IN NHRC  
RELATING TO CUSTODIAL DEATHS DURING 2010-2011  
TOTAL CASES = 1574**

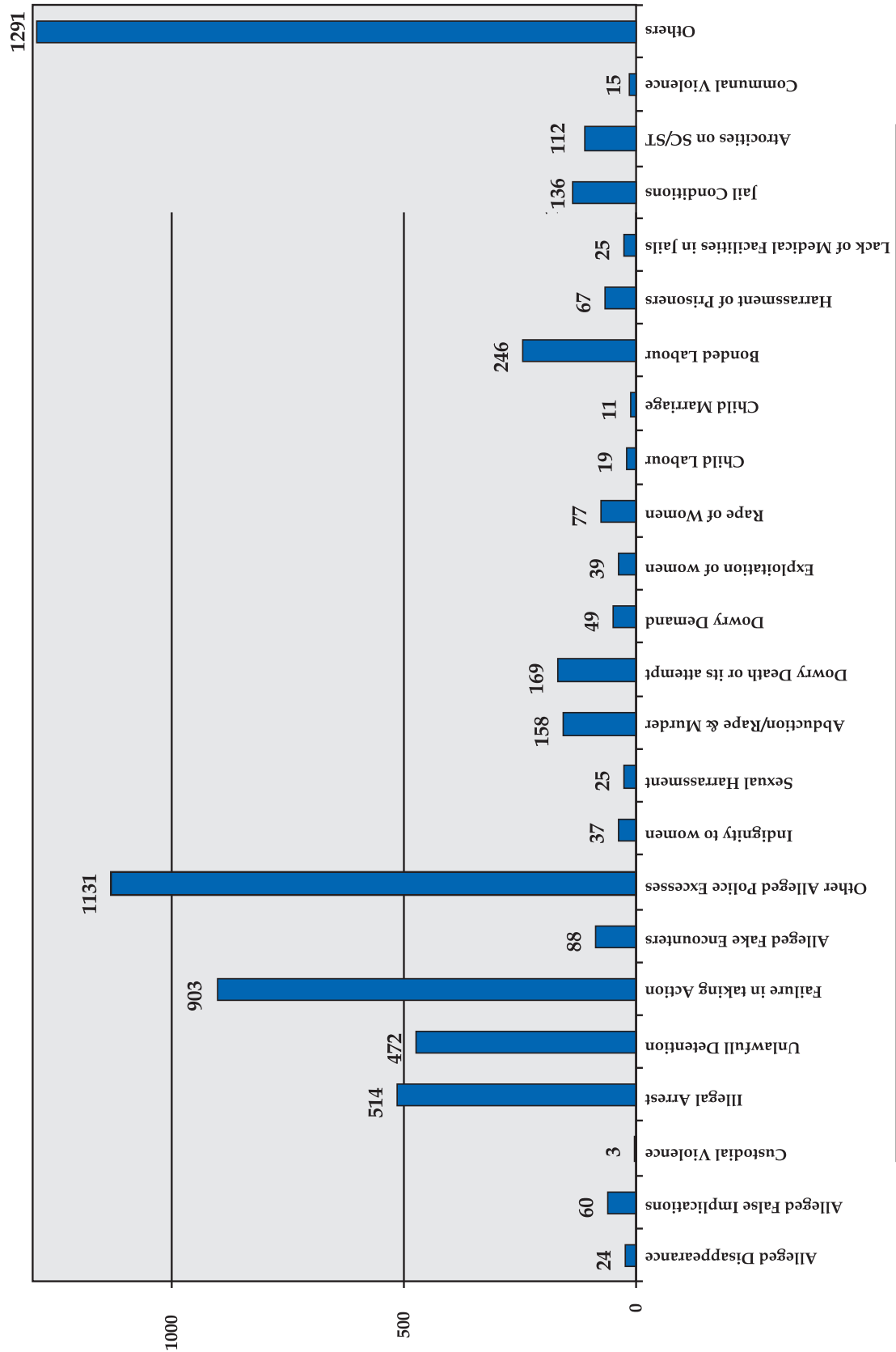




CASES TRANSFERRED BY NHRC TO SHRCs DURING 2010-2011



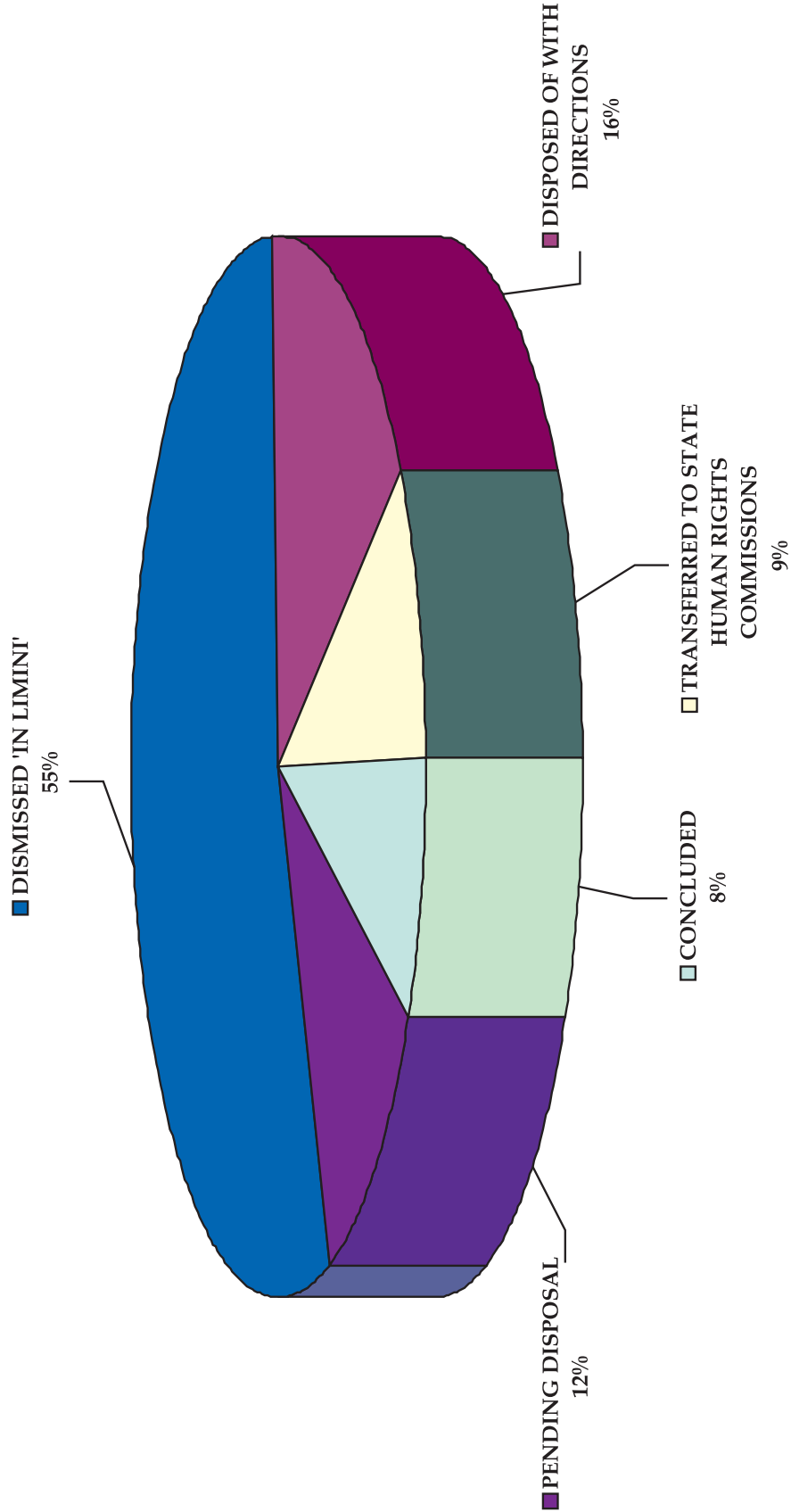
# NATURE & CATEGORIZATION OF REPORT CASES\* DISPOSED OF BY NHRC DURING 2010-2011



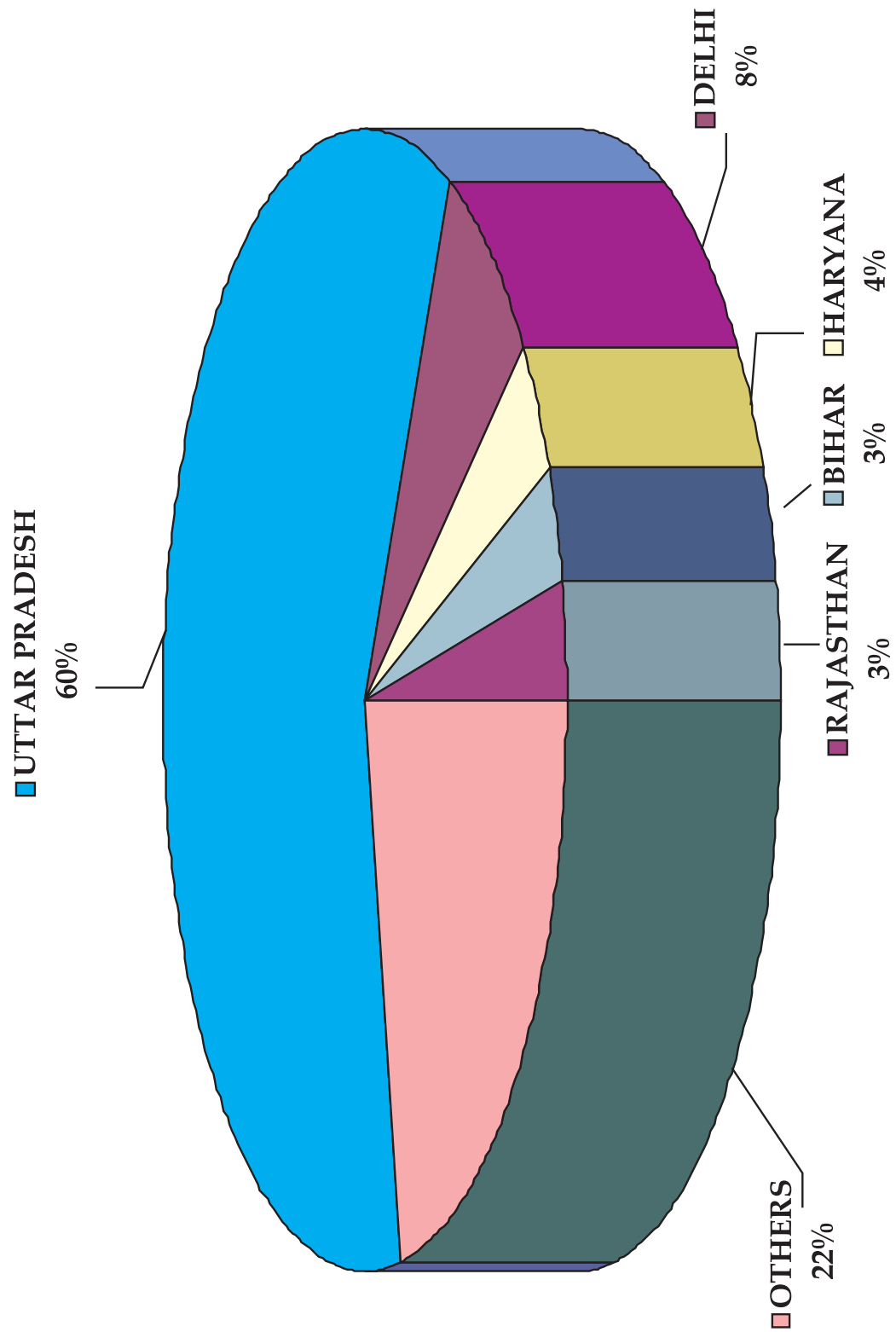
■ TOTAL CASES = 5671 (\* INCLUDING CASES OF PREVIOUS YEARS ALSO)



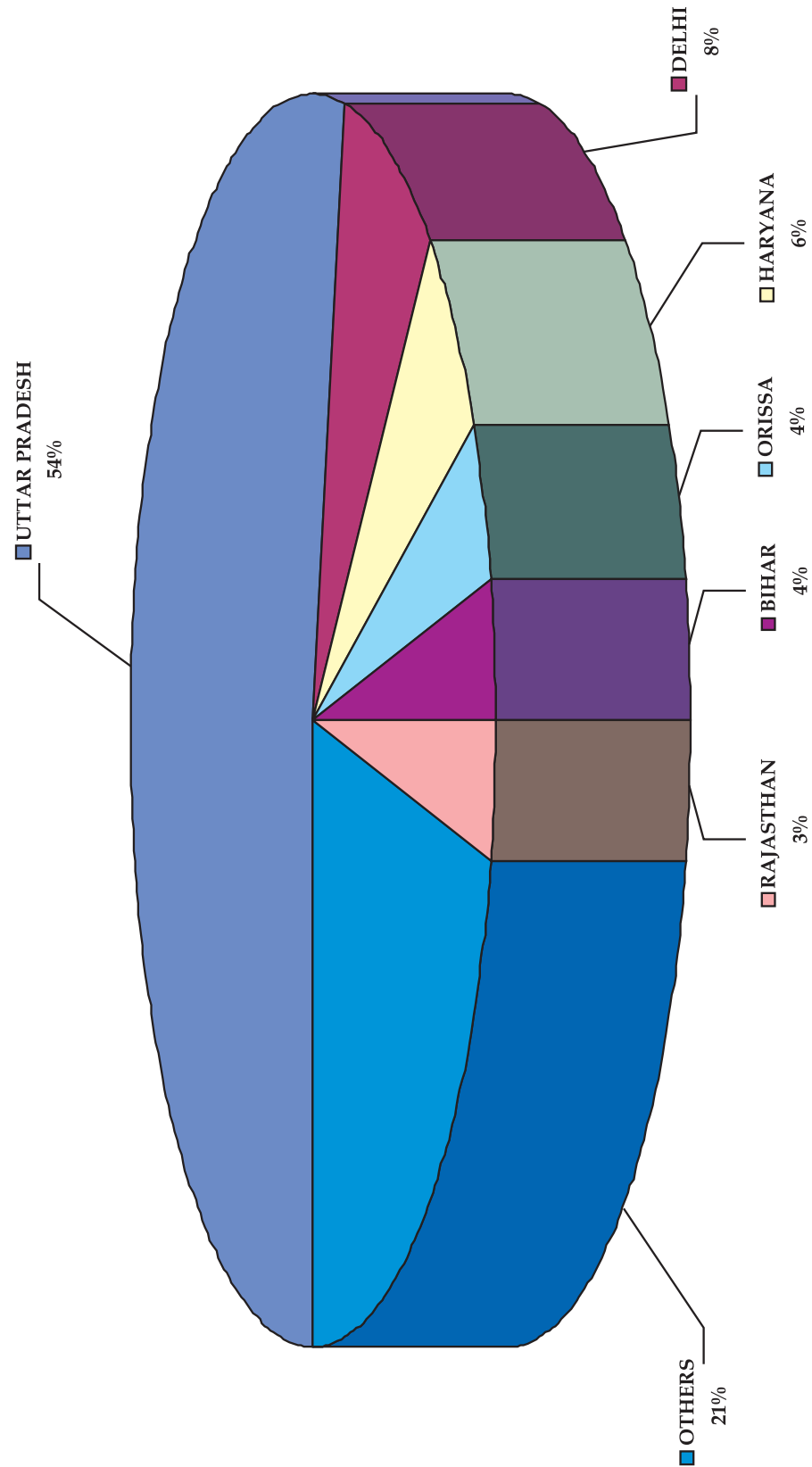
**CASES DISPOSED OF/PENDING DISPOSAL BY NHRC DURING 2010-2011**



**CASES DISMISSED 'IN LIMINI' BY NHRC DURING 2010-2011 IN STATES/UTs  
WITH A DISMISSAL RATE OF MORE THAN 3%**



**CASES DISPOSED OF WITH DIRECTIONS BY NHRC DURING 2010-2011 IN STATES/UTs WITH A DISPOSAL RATE OF MORE THAN 3%**





## ABBREVIATIONS

|          |                                                                |
|----------|----------------------------------------------------------------|
| ANM      | Auxiliary Nurse Midwife                                        |
| APF      | Asia Pacific Forum                                             |
| ATI      | Administrative Training Institute                              |
| CB-CID   | Crime Branch-Criminal Investigation Department                 |
| CBI      | Central Bureau of Investigation                                |
| CPCB     | Central Pollution Control Board                                |
| CPIO     | Central Public Information Officer                             |
| Cr. P.C. | Criminal Procedure Code                                        |
| Cr.      | Criminal                                                       |
| d/o      | daughter of                                                    |
| DG       | Director General                                               |
| DG(I)    | Director General ( Investigation)                              |
| DGFASLI  | Directorate General Factory Advice Service & Labour Institutes |
| DGP      | Director General of Police                                     |
| DIG      | Director Inspector General                                     |
| DRDA     | District Rural Development Agency                              |
| ECL      | Eastern Coalfields Limited                                     |
| ESIC     | Employees State Insurance Scheme                               |
| FIR      | First Information Report                                       |
| FSL      | Forensic Science Laboratory                                    |
| Gol      | Government of India                                            |
| ILO      | International Labour Organization                              |
| IPC      | Indian Penal Code                                              |
| Kg       | Kilogramme                                                     |
| NCT      | National Capital Territory                                     |
| NGO      | Non-Government Organization                                    |
| NHRC     | National Human Rights Commission                               |

|        |                                                                                                            |
|--------|------------------------------------------------------------------------------------------------------------|
| NHRIs  | National Human Rights Institutions                                                                         |
| NOK    | Next of Kin                                                                                                |
| NRHM   | National Rural Health Mission                                                                              |
| OHCHR  | Office of the United Nations High Commissioner for Human Rights                                            |
| OPD    | Out-Patients Department                                                                                    |
| P.S.   | Police Station                                                                                             |
| PCPNDT | Pre-conception and Pre-natal Diagnostic Techniques                                                         |
| PHRA   | Protection of Human Rights Act, 1993 as amended by the<br>Protection of Human Rights (Amendment) Act, 2006 |
| STF    | Special Task Force                                                                                         |
| Trg.   | Training                                                                                                   |
| u/s    | under section                                                                                              |
| U/Ts   | Union Territory                                                                                            |
| UNFPA  | United Nations Fund for Population                                                                         |
| WHO    | World Health Organization                                                                                  |

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“We must establish the independent power of the people-this is to say, we must demonstrate a power opposed to the power of violence and other than the power to punish.”

Vinoba Bhave



**National Human Rights Commission**

Faridkot House, Copernicus Marg,  
New Delhi-110001 (India)