

HUMAN RIGHTS Newsletter



A Monthly publication of the National Human Rights Commission, India



Cover story
Conference of Asia Pacific NHRIs



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Our greatest ability as humans is not to change the world, but to change ourselves.

— Mahatma Gandhi

Monthly Recap:

From the desk of the Secretary General & Chief Executive

The National Human Rights Commission (NHRC), India in collaboration with the Asia Pacific Forum (APF) organized the Biennial Conference of National Human Rights Institutions (NHRIs) of Asia Pacific regions and the Annual General Meeting of the APF at New Delhi to discuss various emerging challenges and way forward to promote and protect human rights in the region. Inaugurated by the Hon'ble President of India, Smt. Droupadi Murmu, the conference underscored the enduring importance of human rights. This issue of the newsletter carries a report on the conference and its outcome in the form and shape of the 'Delhi Declaration' which endorsed the Paris Principle and Universal Declaration of Human Rights as milestone documents and guiding principles for mainstreaming the promotion and protection of human rights in governance. The role of NHRIs in responding to and mitigating the impact of climate change on human rights was another area of consensus built on developing joint strategies in this regard.

On the sidelines of this major event, the Commission also organized an international seminar on 'Business and Human Rights' focusing on two crucial themes; 'Harmonizing Climate Change, Human Rights and Business' and 'Advancing Human Rights in

Business and Industry'. In addition to highlighting the need for comprehensive approaches to address these issues, the various sessions held also highlighted the impact of climate change on human rights and the subsequent evolving landscape of corporate responsibility.

Besides the issues of climate change and business impacting human rights, the Commission has been also concerned with the protection of the rights of the vulnerable segments of society. The rights of the LGBTQI+ community are one among them. The Commission after thorough consultations with different stakeholders including its Core Group on LGBTQI came out with an Advisory to ensure the welfare of transgender persons. The advisory has focused on six key areas; to ensure transgender persons get access to education, healthcare, employment, inclusivity, welfare, and grievance redressal. The Centre, States and UT Administrations are expected to implement the recommendations in the Advisory as a guiding principle ensuring the welfare of transgender persons in a welfare state. This issue of the Newsletter carries a report highlighting the key components of the advisory.

The preparation of many such advisories ensuring the protection

of the rights of different segments of society after wide-ranging consultations with civil society among others underscores the fact about the level of importance the Commission attaches to them. It held yet another consultation in September with Human Rights Defenders (HRDs), Civil Society Organizations (CSOs) and Non-Government Organizations (NGOs) as they play an important role in protecting and promoting the rights of the people. This edition also carries a report on this meeting and the issues discussed.

The Commission also continued with its hearing of the case related to the air pollution in Delhi-NCR, aiming for a successful intervention that could potentially offer a resolution to this perennial problem. Besides this, the Commission took *suo motu* cognizance of incidents of human rights violations, regular hearings and disposal of cases recommending relief, field visits to old age homes, shelter homes, prisons, observation homes by Special Rapporteurs and Monitors, human rights awareness training programmes in September which have been covered in this issue.

Bharat Lal

Secretary General &
Chief Executive, NHRC India

Cover story

Conference of National Human Rights Institutions of Asia Pacific

The National Human Rights Commission, India organized a two-day conference of the National Human Rights Institutions (NHRIs) at Vigyan Bhawan, New Delhi on 20th -21st September, 2023. It was held in collaboration with the Asia Pacific Forum (APF) of the NHRIs.

The two-day conference commenced with the inauguration by the President of India, Smt. Droupadi Murmu on 20th September, 2023. The President underscored the deep-rooted civilizational values shared by India and other nations within the Asia Pacific region, emphasizing their historical role as custodians of human rights. She further highlighted the potential for these nations to collaborate in forming a consensus on international matters pertaining to human rights.

The President said that India has a long historical experience of

practicing and cherishing democratic values and individual rights. The concept of republic may appear modern but nearly 2,800 years ago, India had the world's first people's representative government in Vaishali. Similarly, much before the Western world got acquainted with the concept of equal human rights through the Magna Carta, a revered sage and philosopher from southern India, Basavanna, promoted the concept of individual liberty and equality. He created an assembly of people which was called '*Anubhava Mantapa*' where people, irrespective of their class and gender, would participate and determine their collective fate.

In his keynote address on the occasion, the NHRC, India, Chairperson Justice Shri Arun Mishra said that the NHRIs of the Asia Pacific have to see how best they can strengthen global efforts by moving

from commitment to action. They need a joint strategy for the emerging challenges to human rights protection in areas of climate change, child trafficking, Child Sexual Abuse Material (CSAM) and other crimes in cyberspace as well as the latest developments in artificial intelligence.

Referring to the work and mandate of the NHRIs, Justice Mishra said that we all are working for need-based distributive justice so that no one is deprived of rights due to socio-economic conditions and personal beliefs. He said that we have to protect the human rights of victims of terrorism, drug abuse and war and their impact on the lives, livelihood, world economy, and peaceful co-existence. The time has come to remind ourselves of the non-violence preached by Lord Buddha and Bhagvan Mahaveer. The concentration of wealth in a few





The President of India, Smt. Droupadi Murmu delivering the inaugural address, as the Chief Guest

and Ms Amina Bouayach, Secretary, Global Alliance of National Human Rights Institutions (GANHRI) complimented NHRC India for organizing this conference on such a scale.

In his welcome address, NHRC Secretary General, Shri Bharat Lal gave an overview of the conference and the three sessions – a) 30 years of promoting and protecting human rights across Asia and the Pacific; b) Advancing the Universal Declaration of Human Rights (UDHR) and its promise of freedom, equality, and justice for all; and c) The role of NHRIs in responding to and mitigating the impact of climate change on human rights.

He said that India, a great civilization and diverse country of 1.43 billion people, has a deep-rooted ethos of democracy. The idea of equality, liberty, justice and fraternity is ingrained in all of us. Empathy and compassion in all forms of life is a way of life. He recalled that 75 years back when the Universal Declaration of Human Rights (UDHR) was being drafted, it was Ms Hansa Mehta from India, who introduced gender equality. Similarly, Ms Laxmi Menon was another Indian, who introduced non-discrimination into the

hands globally is causing a brooding sense of injustice. There is an acute need for the inclusion of marginalized and other disadvantaged segments of society in the gains of globalization.

He emphasized the importance of ensuring humane working conditions for workers engaged in various economic activities, stating that such conditions are essential. He highlighted that unfair trade practices are a violation of human rights, and pricing should be aligned with the cost of production to prevent unrealistic price imbalances affecting consumers. The Justice also stressed the responsibility of business entities in managing waste and removing debris from their premises, pointing out the persistent hazardous debris from the Bhopal gas tragedy in 1984, which poses a threat to groundwater and soil due to delays in its removal.

Justice Mishra said that the States while respecting intellectual property rights, must adopt a right-based approach to essential health services in public interest. The intervention of regulatory bodies, particularly in pricing life-saving drugs, medicines, vaccines and medical devices, is necessary for protecting the right to health, which

is part of the right to life. He also strongly pitched in for ensuring gender justice for women and the LGBTQI community without which he said, the right to equality cannot be achieved. Similarly, the right to equality has to be enforced vis-a-vis the specially-abled. The concept of providing reasonable opportunity in their case should be interpreted liberally. He said that the NHRC, India recently urged the insurance providers to provide coverage to them without discrimination.

In the opening ceremony, attended by more than 1,300 delegates, the Chairperson of Asia Pacific Forum (APF) of NHRIs, Mr Doo-Hwan Song



The NHRC, India Chairperson, Justice Shri Arun Mishra delivering the key note address

Declaration. He said that this kind of thought process reflected the true Indian ethos.

After the inaugural function, the common issues related to the Asia Pacific Forum were discussed at the AGM in detail and consensus was built on all issues.

On 21st September, in the 1st session of the Biennial Conference on the 30 years of National Human Rights Institutions and Paris Principles, the NHRC, India Chairperson, Justice Shri Arun Mishra, in his keynote address underscored the importance of prioritizing technology transfer at affordable rates, capacity building, and the dissemination of strategic insights on climate change. He stressed that these measures are essential to ensure that developing nations adhere to uniform emission standards.

He also provided an in-depth examination of the NHRC's operations and diverse interventions throughout its 30-year history, all in accordance with the provisions of the Universal Declaration of Human Rights (UDHR) and the Paris Principles.



The NHRC, India Secretary General, Shri Bharat Lal delivering the welcome address

Initiating discussions in the 2nd session on the 75th anniversary of UDHR, as a panellist, NHRC, India Member, Dr Dnyaneshwar M. Mulay said that the UDHR rose like a phoenix for the cause of human rights and called for joint strategies to address the new challenges. He said that achieving the first six goals of Sustainable Development Goals (SDGs) will ensure the basic requirements for protecting human life and dignity.

In the 3rd session on the environment and climate change, the NHRC, India Member, Shri Rajiv Jain, as a panel-

list, said that the right to life encompasses all rights and hence, needs to be accorded priority as it is affected by climate change. The NHRIs have to reinforce their role as a bridge between civil society organizations and policy makers besides educating the public on the issues of climate change. Noted environmentalist and Director General, Centre for Science and Environment, Ms Sunita Narain, panellist, emphasized that the climate agreement will not be complete without climate justice for the developing nations.

The two-day conference concluded by adopting the 'Delhi Declaration' unanimously. It marked the celebration of significant milestones, including the 75th anniversary of the Universal Declaration of Human Rights (UDHR), the 30th anniversary of the Paris Principles pertaining to the status of NHRIs, and the 25th anniversary of the UN Declaration on Human Rights Defenders. The declaration reaffirmed the enduring importance of these international norms in the promotion and safeguarding of human rights. It emphasized their value as guiding principles for the global human rights discourse and their role in establishing NHRIs worldwide to engage with diverse stakeholders,



NHRC, India Member, Dr. Dnyaneshwar M. Mulay initiating discussion in the second session of the conference

including governments, in the formulation of human rights-centred policies and legislation.

The declaration noted the emerging human rights issues and challenges, especially in the area of information and communication technologies, artificial intelligence, business, healthcare, climate change, natural and human-made disasters and offences taking place across borders. It emphasized the need for bolstering the human rights ecosystem; and called for reinvigoration of the UDHR as a global standard to address the newer challenges emerging out of the global business practices and climate change on human rights. The Asia Pacific NHRIs reaffirmed their commitment to advise the governments and communities in mitigating, adapting and responding to the human rights impacts of climate change.

Addressing the valedictory session of the two-day conference, the NHRC Chairperson, Justice Shri Arun Mishra expressed satisfaction over the deliberations leading to a consensus on the 'Delhi Declaration' on human rights, which he described as a milestone document. He said that we feel better equipped to



NHRC, India Member, Shri Rajiv Jain initiating discussion in the third session of the conference

defend human rights through our joint efforts and noble ideas exchanged at the conference including a dialogue between the APF and the civil society organizations.

He said that the NHRIs are expanding the reach and ambit of human rights in the wake of ever-growing challenges and newer forms of technological era. Problems due to globalization, environment degradation and cyberspace pose a danger. The discussions unfolded the promise for a better tomorrow for which the NHRIs have to work relentlessly to pursue the set goals.

During various sessions, other prominent speakers such as Mr Doo-Hwan Song, APF Chairman, Ms Amina Bouayach, Secretary, Global Alliance of Human Rights Institutions (GANHRI), Mr Vladlen Stefanov, Chief, National Institutions, Regional Mechanisms and Civil Society Section, UN Office of the High Commissioner for Human Rights, Mr Volker Turk, United Nations High Commission for Human Rights, Mr Rory Mungoven, Chief, Asia Pacific Section, Office of the High Commissioner for Human Rights, Dr Ian Fry, UN Special Rapporteurs on the Promotion and Protection of Human Rights in the context of climate change besides the Chairpersons and Commissioners of the human rights institutions of Fiji, Jordan, Mongolia, Australia, Morocco, Philippines also spoke.

The prominent civil society representatives and human rights defenders, who spoke at the conference, included Shri Suhas Chakma, Director, Rights & Risks Analysis Group, India, Dr Sakuntala Kadrigamar Executive Director, Law and Society Trust, Sri Lanka, Shri Syed Akbaruddin, former diplomat and Dean at the Kautilya School of Public Policy, Hyderabad, India, Dr. Kundan Aryal, Chairperson, Informal



The participants of the conference of Asia Pacific NHRIs at Vigyan Bhawan, New Delhi

Sector Service Centre, Nepal. More than 20 speakers spoke at the conference, which was attended by international delegates from NHRIs of Asia Pacific countries, officials of

Asia Pacific Forum (APF) and GANHRI and Chairpersons of SHRCs in India, Members of the legal and judicial fraternity, senior government officials from Govt of India as

well as states, representatives of NGOs, civil society, human rights defenders, academicians, students, researchers, etc. ■

In focus

International Seminar on Business and Human Rights

The National Human Rights Commission, India led by Chairperson, Justice Shri Arun Mishra has accorded a very high priority to address the issues related to the human rights of workers in business and industry. It also recognizes that climate change has a huge impact on human rights and the sustainability of businesses. Therefore, the NHRC, India is trying to bring all stakeholders together and work collectively to address various related concerns.

The Commission organized an international seminar on 'Business and Human Rights' on 20th September, 2023 at Vigyan Bhavan, New Delhi, parallel to the two-day conference of National Human Rights Institutions of Asia Pacific. The deliberations were held in two

sessions focused on: a) Harmonizing climate change, human rights and business and b) Advancing human rights in business and industry.

NHRC, India Secretary General, Shri Bharat Lal, setting the tone for the discussions, said that the business and related activities have a direct bearing on human rights. He stressed that the time has come to harmonize the issue of business & human rights and their intrinsic relation with climate change to ensure human rights are not impacted. Apart from suggesting global women-led development, he also said that up-skilling, education, health and welfare of the workforce should be given utmost priority.

Welcoming the participants, NHRC, India Joint Secretary, Shri D. K. Nim

said that vigilance, transparency, accountability and due diligence become necessary to prevent and mitigate human rights violations within the businesses and industries. The UN's guiding principles on business and human rights and framework of respect, protection and remedy are the way forward. He said that many areas, such as child labour, forced labour, unsafe working conditions beyond regulated hours, and issues in the supply chain may cause human rights violations in the context of business activities and climate change.

Professor K. Vijay Raghavan, former Principal Scientific Advisor to the Government of India, initiating the first session as the chair, said that in an era marked by globalization and



The dignitaries on the dias in the inaugural session of the international seminar on Business & Human Rights at Vigyan Bhawan

the expansion of economic activities, the issue of business and human rights has emerged as a key area to work.

Ms Gauri Kumar, former Secretary (Coord & Public Grievances, Cabinet Secretariat and Ministry of Labour & Employment), in her remarks, stressed the philosophy of 'one earth, one family and we share one future', which is why increased collaboration and cooperative efforts involving collective working towards shared goals are the necessity of the day. She said that cross-domain inter-operability must be adopted which enables synergy safeguarding rights while pursuing economic interests. Farsighted and enlightened businesses should focus on promoting and protecting human rights and should seek convergence with the government in mutual long-term interest. She suggested that special attention needs to be paid to protecting the human rights of labour.

Other panellists in the first session included Shri Neeraj Sah, Joint Secretary (Climate Change), Ministry of Environment, Forest and Climate Change, Shri Namit Agrawal, World Benchmarking Alliance, Shri Shikhar Jain, Executive Director, CII and Ms Tulika Bansal, Danish Institute of Human Rights. The panel discussed issues such as

fast-paced energy consumption, deforestation and industrial processes contributing to the emission of greenhouse gases.

Chairing the second session, Shri Rajiv Kumar, former Vice Chairperson, NITI Aayog said that in a diverse society like ours, coherence can lead the way to overcoming challenges. He said that the focus should be on a safe and livable environment for everyone.

Ms. Arti Ahuja, Secretary, Union Ministry of Labour & Employment as the lead speaker in the second session, said that 3Ds- Digitization, Decarbonization and Demographics need attention. Fair labour practices, issues of mental health, occupational safety and health standards, insurance, and mapping

diseases should be met in the industries with regulation of ethics.

Adding to the second theme, NHRC, India Member, Shri Rajiv Jain said that the NHRC is committed towards the issue of human rights in business. He said that focus should be on occupational health and diseases, and safe working conditions for workers. He said that there should be synergy between governments and businesses to ensure human rights protection.

Other panellists in the second session included Ms Vidya Tikkoo, Senior Vice President, Aditya Birla Group, Shri Gaurav Vats, Director, FICCI and Ms Nusrat Khan, representative from UNDP, India. The panel discussed issues on why is it important to talk about business and human rights in these challenging times.

Some of the important suggestions that emerged during the seminar were as follows:

- i.) **Regulation and legal frameworks:** Governments should enact and enforce laws and regulations that hold businesses accountable for human rights violations, providing a legal framework for responsible business conduct;



NHRC, India Secretary General, Shri Bharat Lal participating in the discussion



NHRC, India Member, Shri Rajiv Jain making a point in the second session



A section of participants in the Business and Human Rights seminar

ii.) **Respect for human rights in corporate culture:** It's essential for companies to integrate respect for human rights into their corporate culture, values, and decision-making processes;

iii.) **Supply chain responsibility:** Businesses must ensure that their supply chains adhere to human rights standards, and they should collaborate with suppliers to improve conditions and practices;

iv.) **Adopt sustainable business practices:** Businesses should integrate sustainability into

their core strategies and operations, focusing on reducing their carbon footprint, conserving resources, and minimizing negative human rights impacts;

v.) **Transparency and reporting:** Enhanced transparency and reporting mechanisms are crucial. Companies should disclose information about their human rights policies, actions, and impacts, allowing stakeholders to assess their performance;

vi.) **Collaborative initiatives:** Support and participate in

multi-stakeholder initiatives, such as the United Nations Guiding Principles on Business and Human Rights, to promote responsible business conduct;

vii.) **Implement human rights due diligence:** Businesses should conduct thorough human rights due diligence to identify, prevent, and address potential adverse human rights impacts in their operations and supply chains, and

viii.) **Collaboration with society:** It is important that civil society work as partners and contribute to the protection of human rights in business.

The seminar witnessed more than 450 participants, which included representatives from various ministries/ departments of the governments and their parastatal organizations, statutory organizations, State Human Rights Commissions, business organizations, PSUs, NGOs, CSOs, human rights defenders, climate scientists and embassy and UN agencies. It was live-streamed, and a large number of participants participated online. ■

LGBTQI+ concerns

NHRC advisory on transgender persons

The National Human Rights Commission, India, issued an Advisory to the Central and State governments and UT Administrations to ensure the welfare of transgender persons. The Commission has prepared this advisory after wide discussions with various

stakeholders and its Core Group members on LGBTQI+ issues.

In the advisory, the Commission has observed that one of the primary concerns faced by transgender persons in the country is that despite the legal advancements,

including the enactment of the Transgender Persons (Protection of Rights) Act, 2019, they continue to grapple with discrimination at various places like employment disparities, limited access to healthcare, and exclusion from social circles.



The Commission, in a letter to the Secretaries in the Department of Social Justice & Empowerment and Ministry of Corporate Affairs, Chief Secretaries of States and Administrators of Union Territories, has asked for the implementation of its recommendations in letter and spirit and has sought action taken report within two months.

The advisory has focused on six key areas for action by the Centre, States and UT Administrations to ensure transgender persons get access to education, healthcare, employment, inclusivity, welfare, and grievance redressal. Detailed advisory may be accessed from the NHRC website.

Some of the important recommendations are as follows;

- i.) Single trans child of a deceased government employee or pensioner, may be treated as an unmarried daughter for the family pension and other benefits;
- ii.) Transgender persons should be allowed to inherit ancestral agricultural land;
- iii.) Multi-purpose identity cards may be provided to transgender to help them access government schemes and other benefits;
- iv.) The Insurance Companies may be advised to consider and accept the transgender certificate issued by the appropriate authority for document verification purposes;
- v.) The concerned Ministry should ensure the timely release of the funds allocated to Garima Griha;

- vi.) Set up Transgender Welfare Board under Section 10(1) of the Transgender Persons (Protection of Rights) Rules, 2020;
- vii.) Reach out to the family members of transgender through Anganwadi workers to sensitize them about trans-children public to be sensitized through educational campaigns;
- viii.) Establish a Transgender Protection Cell under the Director General of Police or his/her nominee in the State to monitor cases of offences against transgender persons;
- ix.) Adequate steps may be taken to deal with the complaint of sexual harassment of transgender persons;
- x.) A policy should be formulated to address the issues of violence, discrimination and harassment at educational institutions by protecting gender non-conforming students from bullying, harassment or other forms of violence;
- xi.) An anti-discrimination cell must be set up at the district level for transgender persons, and ensure the setting up of a monitoring committee at educational institutions to address the issues of prejudices, discrimination, sexual abuse and other violence against them;
- xii.) Transgender students should not be discriminated against in higher studies, and suitable provision for financial assistance to them for pursuing degree/ diploma/ PG courses

may be ensured. Provision of scholarships and free education for transgender students also be formulated;

- xiii.) Medical boards at the district level should be set up to assist transgender persons in consultation, besides provisions in every district civil hospital for consultation, treatment, counselling for sex reassignment surgery; a provision for a suitable amount to be made for those who want to opt for a sex change or free sex reassignment surgery in government hospitals;
- xiv.) Include 'Third Gender' as an identity category of the transgender community seeking jobs in various civil services and to enable them to apply and appear in entrance examinations. Besides, wide publicity is to be given to the National Career Service Portal amongst the transgender community;
- xv.) All public places should have separate washrooms for transgender persons. Provide an exclusive platform for transgender persons to showcase their talent in cultural events and also to consider Old age home facilities for the transgender community; and
- xvi.) The Ministry of Corporate Affairs may consider incorporating welfare activities of transgender persons explicitly in Schedule VII of the Companies Act, 2013, which provides the list of activities that can be included for making expenditures for Corporate Social Responsibilities (CSR) activities. ■

Consultation

HRD & Core Group meeting

The National Human Rights Commission, India organized an interactive session with Human Rights Defenders (HRDs), Civil Society Organizations (CSOs) and Non-Government Organizations (NGOs) at its premises in New Delhi on 5th September, 2023. Chairing it, the NHRC, India Chairperson, Justice Shri Arun Mishra said that CSOs, HRDs and NGOs play a very important role in the promotion and protection of human rights. He said that it has been the endeavour of the Commission to engage with the HRDs on various aspects of human rights situation, which is helpful in ameliorating the cause of human rights. He appreciated them for highlighting among other issues, the problems of street vendors and said that digital literacy should be encouraged to build awareness about human rights.

NHRC, India Member, Dr. Dnyaneshwar M. Mulay, welcomed the suggestion that collaboration with the Panchayats and Gram Sabhas at the grass root level would be useful in making people aware of human rights and encouraging them to file complaints on the violations thereof. NHRC, India Member, Shri Rajiv Jain appreciated the efforts made by the HRDs and NGOs in addressing the human rights issues of the lower strata of the society.

NHRC, India Secretary General, Shri Bharat Lal spoke about the mission of the Commission, which is to identify ways to collaborate with HRDs nationwide to protect and promote the human rights of the vulnerable sections of society. He highlighted the importance of feedback, suggestions, and

innovative ideas from the HRDs in refining and enhancing the outreach of the Commission to achieve the common goal of upholding the human rights of all citizens. NHRC, India Registrar (Law), Shri Surajit Dey and other senior officers also attended the event. The HRDs and CSOs who participated included Shri Shomik Ray (Public Health Foundation of India, Shri Hemraj (Nyay Network), Shri Sandeep Chachra (Action Aid Association), Shri Rajeev Sharma, Shri Sanjay and Shri Moosa Azmi (Asian Bridge India, Varanasi), Shri Suhas Chakma (Rights & Risks Analysis Group), Shri Manish (Parmarth Samaj Sevi Sansthan), Shri Sandeep Verma and Shri Mohit (National Hawker Federation, Delhi), Naseema Khatoon, (Parcham), Manjula Pradeep, Dalit Human Rights Defenders Network



NHRC, India Chairperson, Justice Shri Arun Mishra, Members Dr. Dnyaneshwar M. Mulay, Shri Rajiv Jain and Secretary General, Shri Bharat Lal with the participants of interactive session with HRDs, CSOs and NGOs



(DHRDNet) and Shri Radha Kanta Tripathy (HRD & Advocate). The efforts put in by the NHRC, India to bring together all HRDs for discussions were appreciated.

Some of the issues discussed included the importance of incor-

porating human rights education in classrooms and capacity building, rescue and rehabilitation of victims of sexual exploitation, child labour and forced labour, the plight of street vendors, involvement of Gram Sabhas and Panchayats in addressing human rights issues,

attacks on HRDs and false implications, lack of digital literacy, inter-caste and inter-faith marriages, inclusion of all sex workers irrespective of age or gender to get benefits of welfare schemes, violence against women and transgender, and man-animal conflict. ■

NHRC interventions

Delhi - NCR air pollution: Full Commission hearing

The National Human Rights Commission, India continued with the full commission hearing of the Delhi - NCR air pollution case on 29th September, 2023 through video conference. The Commission had taken up this case *suo motu* last year on the basis of media reports and followed up with the Chief Secretaries and other senior officers of the state governments of Delhi, Haryana, Punjab and Uttar Pradesh on the progress made.

Expressing serious concern over the tardy progress so far towards achieving zero stubble burning to reduce air pollution, NHRC Chairperson, Justice Shri Arun Mishra said that the time has come to fix the responsibility of the officers.

He said that we have to rise to the situation as millions are choking due to air pollution stressing that this cannot persist indefinitely. The poor farmers cannot be blamed solely for stubble burning as some of them may not have the financial resources to buy or hire machines to remove stubble in a short span between the harvesting of one crop

and the sowing of the other. The states, besides giving subsidies to farmers, should also make arrangements to keep them in reserve for those farmers who cannot afford costly equipment. Providing subsidies for the machines cannot be a universal solution.

Likewise, the Commission said that the option of in-situ management of the crop waste is also time-consuming and the farmers may not be able to delay their sowing for the next crop. The Commission has asked the states of Punjab, Haryana and Uttar Pradesh to submit status reports on affidavits on the machines supplied to the farmers on a daily basis to achieve the targeted procurement of machines in the next 15 days. They are also expected to submit status reports on machines that are proposed to be reserved in every district for those farmers who cannot afford them.

The Commission also said that the crop rotation or diversification from other paddy varieties to Basmati may reduce the reasons for the pollution but may not end the problem. The governments will

have to share their responsibility. In addition to hearing the progress on measures taken to reduce air pollution in Delhi, the Commission has also been seeking progress reports on the action taken on the compliance of its advisory from all the state governments and Union Territory Administrations. Besides Delhi, Haryana, Punjab and Uttar Pradesh, it also heard Karnataka, Odisha, Himachal Pradesh, and Lakshadweep.

The Commission has asked the state governments to submit a road map ensuring to end human intervention in cleaning hazardous septic tanks and sewage cleaning to discharge statutory obligations. The Commission said that the officers may be open for criminal proceedings in dereliction of duties enjoined upon them. They have also been advised to utilize funds under the Centre's "Safai Mitra Suraksha Challenge" (SSC) campaign.

During the video conferencing hearing held with the representatives of the Govt. of NCT of Delhi, the Commission said that since there is a Swachh Bharat campaign



all over the country from 1st October, 2023 onwards, it would like to have a joint inspection of the condition of the Azadpur to Narela Railway line stretch with the

concerned authorities to see whether the garbage and plastic waste have been removed. The Commission said that it would also jointly inspect the Common

Effluent Treatment Plants (CETPs) at Narela, Bawana and the remaining hotspots of NCT of Delhi. ■

Suo motu cognizance

The media reports have been a very useful instrument for the National Human Rights Commission to know about the incidents of human rights violations. Over the years, it has taken *suo motu* cognizance of many such issues and brought succour to the victims of human rights violations. During September 2023, the Commission took *suo motu* cognizance in five cases of alleged human rights violations reported by the media and issued notices to the concerned authorities for reports. Summaries of some cases are as follows:

Assault and stripping of a Dalit woman on failing to pay interest on a loan

(Case No. 3543/4/26/2023)

The media reported on 25th September, 2023 that a 30-year-old woman belonging to Scheduled Caste was brutally assaulted, stripped and urinated upon in Mosimpur village of Patna, Bihar. Reportedly, she was subjected to torture and inhuman treatment after failing to repay additional interest on a loan amount of Rs. 1,500/- which she had borrowed from a local strongman. The Commission has issued notices to the Chief Secretary and the Director

General of Police, Bihar calling for a detailed report on the matter.

Harmful chemicals in disposable diapers for children

(Case No. 1446/90/0/2023)

On 30th September, 2023, the media reported on harmful chemicals used in making disposable diapers for children which may affect their health. The news report was based on a study of some of the disposal diapers available in the market that have been found to have toxic chemicals, prohibited from use in the product for children. The Commission has issued notices to the Secretaries of the Union Ministries of Textiles and Health & Family Welfare seeking detailed reports.

Circulation of falsified liver drug Defitalio and cancer drug Adcetris

(Case No. 1387/90/0/2023)

The media on 11th September, 2023 reported that the Central Drugs Standard Control Organization (CDSCO) has asked the state regulators, doctors and patients to remain vigilant about two medicines — liver drug Defitalio and cancer drug Adcetris as the falsified

versions of these drugs are circulating in four countries, including India. The direction came after the alert from the World Health Organization (WHO). Considering this as a serious violation of human rights, the Commission has issued notices to the Secretary, Union Ministry of Health & Family Welfare and the Drugs Controller General of India calling for a detailed report on the matter.

Tribal woman's head shaved by men

(Case No. 3386/4/1/2023-WC)

On 11th September, 2023, the media reported that the villagers in District Araria, Bihar, shaved the head of a woman, suspecting her of having an illicit relationship with a man in the same village. Reportedly, they also made a video of the incident and uploaded it on social media. The Commission has issued notices to the Chief Secretary and the Director General of Police, Bihar calling for a detailed report on the matter.

Beating and parading naked a pregnant woman

(Case No. 2021/20/34/2023-WC)

The media reported on 2nd September, 2023, that a pregnant woman



was allegedly beaten up and paraded naked in the village by her family members in Pratapgarh district of Rajasthan. A video of the incident also went viral on social

media. Reportedly, the woman had gone with a man to a nearby village from where her family members brought her back and subjected her to inhuman treatment. The Com-

mission has issued notices to the Chief Secretary and the Director General of Police, Rajasthan, calling for a detailed report on the matter. ■

Recommendations for relief

One of the primary responsibilities of the National Human Rights Commission is to address cases of human rights violations, listen to the grievances of victims, and recommend appropriate relief in such instances. It regularly takes up various such cases and gives directions and recommendations to

the concerned authorities for relief to the victims. In September, 2023, besides the number of cases taken up daily by the Member Benches, 1 case was heard by the Full Commission and 27 cases by the Double Member Bench-II. Monetary relief of more than ₹10,83,000/- was recommended for the victims or their Next

of Kin (NoK) in the 31 cases, wherein it was found that public servants had either violated human rights or been negligent in protecting them. The specific details of these cases can be downloaded from the NHRC website by logging the case number given in the table below:

S. No.	Case No.	Nature of Complaint	Amount (in ₹ lakh)	Authority
1.	28/30/9/2020-JCD	Death in judicial custody	07.00	Delhi
2.	173/9/7/2022-JCD	Death in judicial custody)	05.00	Jammu& Kashmir
3.	699/18/3/2021-JCD	Death in judicial custody	05.00	Odisha
4.	4121/24/42/2020-JCD	Death in judicial custody	05.00	Uttar Pradesh
5.	17199/24/48/2020-JCD	Death in judicial custody	05.00	Uttar Pradesh
6.	22261/24/14/2022-JCD	Death in judicial custody	05.00	Uttar Pradesh
7.	25617/24/14/2021-JCD	Death in judicial custody	05.00	Uttar Pradesh
8.	1937/25/18/2022-JCD	Death in judicial custody	05.00	West Bengal
9.	703/25/14/2021-JCD	Death in judicial custody	05.00	West Bengal
10.	417/13/19/2020-AD	Alleged deaths in police custody	10.00	Maharashtra
11.	38146/24/21/2022	Custodial torture	01.00	Uttar Pradesh
12.	7405/30/8/2021	Failure to take lawful action	00.50	Delhi
13.	1510/18/3/2022	Abuse of power	01.00	Odisha
14.	20383/24/43/2020	Inaction by the state/central govt officials	10.75	Uttar Pradesh
15.	30547/24/15/2022	Illegal arrest	03.00	Uttar Pradesh
16.	608/25/8/2022	Illegal arrest	02.00	West Bengal



S. No.	Case No.	Nature of Complaint	Amount (in ₹ lakh)	Authority
17.	1763/12/15/2022	Atrocities on SC/ST by police	00.25	Madhya Pradesh
18.	1379/19/21/2022	Trouble by anti-social elements	00.50	Punjab
19.	4895/30/1/2021	Other service disputes	02.00	Delhi
20.	7044/30/4/2022	Non-payment of pension/compensation	00.50	Delhi
21.	7657/30/8/2022	Miscellaneous	00.10	Delhi
22.	47/6/1/2023	Children	06.00	Gujarat
23.	1196/18/6/2022	Death due to electrocution	04.00	Odisha
24.	20631/24/1/2022	Trouble by anti-social elements	00.25	Uttar Pradesh
25.	31959/24/1/2022	Trouble by anti-social elements	00.25	Uttar Pradesh
26.	19789/24/24/2021-WC	Rape	00.25	Uttar Pradesh
27.	26452/24/27/2021-WC	Gang rape	01.00	Uttar Pradesh
28.	9423/24/30/2021	Child rape	03.00	Uttar Pradesh
29.	26150/24/48/2020	Sexual harassment/unnatural offence	02.00	Uttar Pradesh
30.	38367/24/28/2021	Medical negligence	03.00	Uttar Pradesh
31.	27079/24/52/2022	Miscellaneous	10.00	Uttar Pradesh

Payment of relief to the victims

The Commission closed 24 cases, either on receipt of the compliance reports and proof of payment from the public authorities or by giving other

observations/directions. An amount of ₹89.75 lakh was paid to the victims or their Next of Kin (NoK) on the recommendations of the Commission. The specific

details of these cases can be downloaded from the NHRC website by logging the case number given in the table below:

S. No.	Case No.	Nature of Complaint	Amount (in ₹ lakh)	Authority
1.	1640/4/26/2015-JCD	Death in judicial custody	05.00	Bihar
2.	2644/4/8/2019-JCD	Death in judicial custody	05.00	Bihar
3.	394/30/6/2020-JCD	Death in judicial custody	05.00	Delhi
4.	594/30/9/2021-JCD	Death in judicial custody	05.00	Delhi
5.	414/6/9/2021-JCD	Death in judicial custody	05.00	Gujarat



S. No.	Case No.	Nature of Complaint	Amount (in ₹ lakh)	Authority
6.	438/6/25/2020-JCD	Death in judicial custody	05.00	Gujarat
7.	682/34/16/2020-JCD	Death in judicial custody	05.00	Jharkhand
8.	491/20/19/2022-JCD	Death in judicial custody	05.00	Rajasthan
9.	31238/24/78/2021-JCD	Death in judicial custody	03.00	Uttar Pradesh
10.	5879/24/17/2021-JCD	Death in judicial custody	05.00	Uttar Pradesh
11.	8650/24/30/2020-JCD	Death in judicial custody	10.00	Uttar Pradesh
12.	1523/25/14/2021-JCD	Death in judicial custody	05.00	West Bengal
13.	2028/25/5/2018-JCD	Death in judicial custody	01.00	West Bengal
14.	343/6/21/2020-AD	Alleged deaths in police custody	05.00	Gujarat
15.	582/25/15/2019-PF	Abuse of power	04.00	West Bengal
16.	172/10/15/2020	Illegal arrest	02.00	Karnataka
17.	1763/12/15/2022	Atrocities on SC/ST by police	00.25	Madhya Pradesh
18.	19/17/8/2017	Atrocities on SC	01.00	Nagaland
19.	1397/18/24/2022	Death due to electrocution	00.50	Odisha
20.	27523/24/31/2021	Death due to electrocution	05.00	Uttar Pradesh
21.	11148/24/24/2021	Death due to consumption of illicit liquor	02.00	Uttar Pradesh
22.	26150/24/48/2020	Sexual harassment/unnatural offence	02.00	Uttar Pradesh
23.	35/1/2/2020	Victimization	02.00	Andhra Pradesh
24.	1406/4/16/2019-WC	Rape	02.00	Bihar

Case studies

Sexual assault and police inaction

(Case No. 26150/24/48/2020)

The matter pertained to the sexual assault on a minor in Lucknow, Uttar Pradesh on 7th September 2020. Allegedly, the accused used to stalk and harass the girl but police did not take any action despite repeated

prayers by the father of the victim to various authorities. Following the Commission's intervention, an FIR was registered three months after the incident and the accused was arrested. On the basis of reports received from the concerned state authorities, in response to its notices, the Commission found that a sub-

inspector was found guilty of negligence in his duty, and an FIR u/s 166 A of IPC was also registered against him. The Commission recommended that the Government of Uttar Pradesh pay Rs. 2 lakh as a relief to the victim, which was complied with.

Death after consuming illicit liquor

(Case No. 11148/24/24/2021)

The matter pertained to the death of two persons and the ailment of five others due to the consumption of illicit liquor in Ghaziabad, Uttar Pradesh on 29th March 2021. Based on the material on record, the Commission held that the incident happened due to the negligence of the police and the Excise Department who failed to prevent such illegal activities in the district. Accordingly, it recommended that

the Government of Uttar Pradesh pay Rs. 1 lakh as a relief to the Next of Kin (NoK) of deceased victims. The recommendations of the Commission were complied with.

Illegal detention and assault by police

(Case No. 172/10/15/2020)

The matter pertained to the illegal detention and assault of a youth by the Inspector of Mandi Police Station, Mysuru, Karnataka resulting in his kidney failure on 7th March, 2020. On the basis of the

material on record, the Commission found the allegations true and observed that the illegal detention and beating the victim in custody is a clear indication of his human rights violations. The Commission recommended that the Government of Karnataka pay a relief of Rs. 2 lakh to the victim and take disciplinary action against the erring police personnel. The Commission was informed by the State authorities that the relief was paid to the victim. ■

Spot enquiry

From 13th – 15th September, 2023, a spot enquiry was conducted in South West district of Delhi by the Investigation Division of the commission on the allegations of assault and sexual exploitation of a minor girl by her family members due to a family property dispute. No action was taken despite reporting the incident to the women police officials. ■



Field visits

The National Human Rights Commission, India, has appointed 15 Special Rapporteurs to keep watch on the human rights situations in different geographical zones in the country. They visit shelter homes, prisons,

observation homes, etc. and submit reports to the Commission on their observations and suggestions for further course of action. Besides this, the Commission has also appointed 12 Special Monitors who have been assigned thematic issues

of human rights to keep a watch on the related development in the country and report to the Commission accordingly. During September 2023, several places were visited by the Special Rapporteurs and Special Monitors.

Special Rapporteurs

From 24th-30th September, 2023, Dr Ashok Kumar Singla (Retd. IPS) visited District Jail and Observation Home for Juvenile offenders, Almora-Bhimtal, Uttarakhand. He observed the human rights issues in jail and the areas of improvement were brought to the notice of the Commission.

From 1st-2nd, 6th – 9th and on 8th, 11th and 13th September, 2023, Ms Suchitra Sinha (Retd. IAS) visited various institutions in Jamshedpur, Jharkhand. These included residential schools (middle and higher secondary levels) for the girls and boys of Scheduled Tribes, Central schools, to assess their conditions and human rights situation.



From 24th-29th September, 2023, Shri Akhil Kumar Shukla (Retd. IPS) visited Central Jail at Dimapur and Kohima in Nagaland to make an assessment of the facilities in the prison and human rights situation.

From 29th-30th September, 2023, Shri Mahesh Kumar Singla (Retd. IPS) visited Chandigarh Observation Homes & Special Home for girls and boys in sector-25 and 26, respectively in Chandigarh. He had an interaction with the authorities concerned and observed the condition in the both the places.

From 13th-18th September, 2023, Shri Umesh Kumar (Retd. IPS) visited Tinsukia in Assam for inspection of a jail. He took note of the condition the inmates were residing in the jail and the facilities available to them.

Special Monitors

From 11th – 14th September, 2023, Dr. Yogesh Dube visited a home for visually impaired at Kolhapur, Maharashtra for an on the spot inspection and data collection including the status of the utilization of the Nirbhaya Fund. He held meetings with the concerned officers of Kolhapur District Administration to discuss the current status, issues, concerns, needs and future plans for the Persons with Disabilities (PWDs) in the district.



News in brief

On 1st September, 2023, the 15-day Online Short-Term Internship programme of the NHRC concluded. Addressing the valedictory session, NHRC Secretary General Shri Bharat Lal congratulated the 77 interns on the successful completion of their internship. He expressed the hope that they have imbibed the knowledge about various aspects of human rights for further sensitization of the people.



On 6th September, 2023, the students of Sharda University, Noida visited NHRC. They were given an orientation about human rights and the functioning of the Commission by the senior officers.



On 14th September, 2023, Hindi *Pakhwada* (Fortnight) started in NHRC, India. Inaugurating it, Member, Dr. Dnyaneshwar M. Mulay said that a language is the identity of a nation, and we should use and promote our mother tongue. Member, Shri Rajiv Jain, Joint Secretaries, Smt. Anita Sinha and Shri Devendra Kumar Nim and other officers and staff were present. During Hindi Fortnight, many competitions were organized to encourage the officers and staff to increase the use of official language in their work.



On 19th September, 2023, NHRC, India Member, Shri Rajiv Jain had an interactive session with the 19 trainee officers and psychologists from Academy of Prisons & Correctional Administration, Vellore, Tamil Nadu who visited the Commission.



On 22nd September, 2023, the Chairperson of the newly constituted Nagaland State Human Rights Commission, Justice Shri Songkhupchung Serto, Member, Shri R. Nzanbemo Lotha, and Secretary, Smt Limanenla NCS visited NHRC. During their visit, they engaged with the Deputy Inspector General, Sr Superintendents of Police and Deputy Superintendents of Investigation Division, NHRC and interacted with the Chairperson, Secretary General and other senior officers of the Commission to have an understanding of the functioning of its various Divisions.

On 25th September, 2023 NHRC Chairperson Justice Shri Arun Mishra accompanied by Shri Bharat Lal, Secretary General called on the Former President of India, Shri Ram Nath Kovind and requested him to grace the Foundation Day celebrations as the Chief Guest on 12th October, 2023, which he accepted.



Forthcoming events

1. The National Human Rights Commission, India will celebrate its 30th Foundation Day on the 12th October, 2023. The former President of India, Shri Ram Nath Kovind will be the Chief Guest. The foundation day celebrations will endorse the commitment of the Commission towards the promotion and protection of human rights.
2. On 13th October, 2023, the National Human Rights Commission will hold a one-day conference of NHRC, SHRCs and Special Monitors and Rapporteurs on 'Advancing human rights' at Garvi Gujarat, New Delhi.
3. On 26th October, 2023, the NHRC, India, will organize a meeting of its Core Group on



impact of climate action on employment. This will be the fourth meeting this year on

various aspects relating to mitigating the impact of climate change. ■

Human rights and NHRC in news

During September, 2023, the Media & Communication Wing of the Commission prepared and issued 13 press releases. 4,121 news clippings on various human rights issues were culled out from different/select editions of major English and Hindi

newspapers and some news websites out of which in 601 news clippings a reference was made to the NHRC. News clippings related to the incidents of alleged human rights violations were brought to the notice of the Commission. News stories having specific reference to

the interventions by the NHRC can be seen at 'NHRC-in-News' on the website of the Commission. 'NHRC X handle' was abuzz with 263 posts including threads & re-posts on the Commission's interventions & activities. ■



Complaint management in September, 2023

Complaints received	5,266
Disposed off	5,043
Under consideration of the Commission	8,805

Important telephone numbers of the NHRC for filing complaints

Toll Free No.: 14433 (Facilitation Centers)

Fax No.: 011-2465 1332

For Filing online complaints: www.nhrc.nic.in, hrcnet.nic.in, Common Service Centres

Email: jrlawnhrc@nic.in (For complaints), cr.nhrc@nic.in (For general queries/ correspondence)

Focal point for Human Rights Defenders:

Indrajeet Kumar, Deputy Registrar (Law)

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