



# HUMAN RIGHTS NEWSLETTER

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## NHRC Human Rights Day function

The National Human Rights Commission, NHRC, India on 10th December, 2022 organized a function in New Delhi to celebrate Human Rights Day marking the beginning of the worldwide, year-long celebrations of the 75 years of the Universal Declaration of Human Rights (UDHR). Addressing the gathering as the Chief Guest, the President of India, Mrs. Droupadi Murmu said that considering the sad developments, which keep taking place in many parts of the world, we wonder if the declaration, translated into more than 500 languages, has been read at all in some of those languages. The President lauded the NHRC for protecting and promoting human rights and said that the country is proud of the fact that its work has been appreciated internationally.

She said that developing sensitivity and sympathy is the key to promoting human rights. There is

a so-called 'golden rule, which says, "Treat others as you would like them to treat you." Just as the concept of human rights exhorts us to consider every human being as no different from us, we should treat the whole living world and its habitat with respect. That sums up the human rights discourse beautifully.

Mrs. Murmu said that over the past few years, the world has suffered from a high number of natural disasters caused by unusual weather patterns. Climate change is knocking on the doors. People in the poorer nations are going to pay a heavier price for the degradation of our environment. We must consider the environmental dimension of justice now.

The President wondered what would the animals and trees tell us if they could speak. What would our rivers say about human history and what would our cattle say on the topic of human rights. We have trampled on their rights for long, and now the results are before us.

The President said that the challenge of climate change is so enormous that it forces us to redefine 'rights'. We must



NHRC Chairperson, Mr. Justice Arun Mishra presenting a memento to the President of India, Mrs. Draupadi Murmu

learn – rather re-learn – to treat nature with dignity. This is not only a moral duty; it is necessary for our own survival too.



The President of India, Mrs. Draupadi Murmu addressing the gathering



प्रधान मंत्री  
Prime Minister

### MESSAGE

I am extremely happy to learn about the celebration of Human Rights Day 2022 organised by National Human Rights Commission (NHRC) in New Delhi. The theme of this year's Human Rights Day – "Dignity, Freedom and Justice for All" is extremely meaningful and apt.

Indian philosophy and culture have always been a strong proponent of respecting every form of life. Our history and freedom struggle, in particular, are a saga of fighting for lofty values of freedom and humanity. In fact, the Fundamental Rights enshrined in our Constitution capture the very essence of basic human rights.

Our government is working unflinchingly towards building an inclusive and equitable society, with rule of law, justice, equality and fairness being its pillars. Such an approach will help create an ecosystem that will enable everyone to fulfil their socio-economic aspirations and live a life of dignity.

We have taken a series of steps to remove all barriers of discrimination. Be it women, Divyangjan, transgender persons, marginalised sections of society or other vulnerable groups, we have been proactive and sensitive in our efforts to ensure fairness, justice and empowerment.

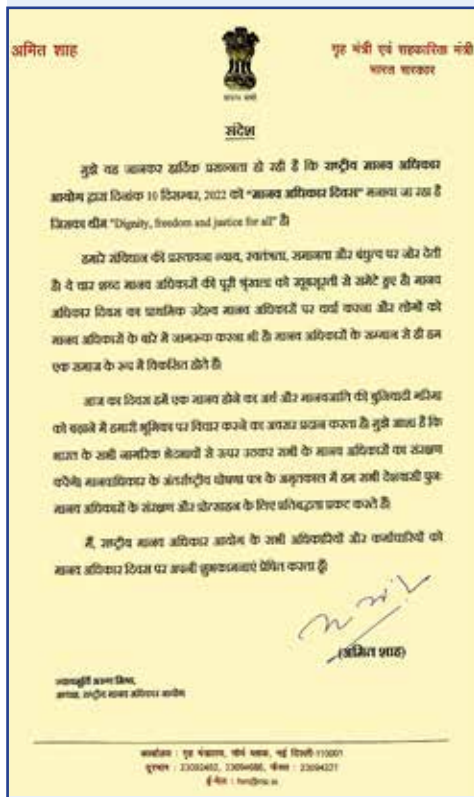
As India assumes the presidency of G20, we also have a chance to showcase our values of rights and respect for everyone. As the 'Mother of Democracy', we will continue to promote peace, harmony and democratic values the world over. The 25-year period of Amrit Kaal till 2047 is an opportunity to work collectively towards building a strong and glorious New India.

May the Human Rights Day 2022 celebration inspire each one of us to uphold the principles of dignity, freedom and justice, for the larger benefit of humanity. Best wishes to NHRC and everyone associated with the Commission, for making Human Rights Day celebrations a success.

(Narendra Modi)

New Delhi  
नवदिल्ली 16, नवंबर 1944  
07<sup>th</sup> December, 2022

## “Cleanliness is next to godliness.” – Mahatma Gandhi



Earlier, the NHRC Chairperson, Mr. Justice Arun Mishra reiterated the commitment of the NHRC towards the promotion and protection of human rights and said that the Commission will ensure that the benefits of welfare schemes trickle down to the needy.

He said that it is fundamental to the right to life that we live with dignity and provide the same equally to others. Freedom of speech and expression is supreme, which has to be exercised with responsibilities while protecting the dignity of others. Justice Mishra said that the development of nations is judged by human dignity, not by economic growth devoid of morals. Technological advancements should benefit humankind. Individual freedom cannot go against the morality of society. Cyberspace is being blatantly used for criminal and immoral purposes.

He said that we have to get rid of child labour, child trafficking, and child sexual abuse material. The commercialization of education is also a cause for concern. To ensure justice for all, the system has to build a homogenous and productive

society. We have to create trust in institutions.

Justice Mishra said that discrimination is seen against women worldwide due to social, customary, and religious practices. The time has come to take care of the same by enacting legislative provisions to remove discrimination in inheritance, property rights, parental rights, domicile of married women, and legal capacity. Improving the condition of women in vulnerable sections and in rural areas is needed. Article 44 of the Constitution, enabling equality by enacting a Common Civil Code should not remain a dead letter.

The NHRC Chairperson said that globalization has brought foreign investment but it has created centers of power even in competition with the power of states. Free movement of capital causes money laundering. The challenge is ensuring the right to livelihood from aggregator platforms with no investment. The majority of them are distributors. Their monopoly disrupts the global supply chain. They can change shape and location easily and are involved in anti-labour practices of hire and fire, predatory pricing, and dodging taxes in gross violation of human rights. Hence, the new approach should be adopted by judiciary, legislative, executive and human rights institutions. Even civil society has to be vigilant.

Justice Mishra also said that we must ensure respect for human rights by multinational corporations and guard against superior bargaining power within the national legal framework. The terms and licensing conditions to operate must include provision for protection of human rights. Licensing regulations must protect the interest of the national industries/businesses. He also advocated judicious use of funds under corporate social responsibility needs to be channelized by the Government.



NHRC Chairperson, Mr. Justice Arun Mishra addressing the gathering

The NHRC Chairperson said that the responsibility of 'Transnational Enterprises' has to be well defined for calamities caused by Industrial Disasters. Delay in the disposal of hazardous waste by a multinational company contaminates the groundwater and soil and is a direct abuse of the right to health of the survivors and residents of the area. He also said that we have to fight manufacturing of spurious drugs at war footing. It is a criminal act that should receive strictest punishment. No one should be allowed to play with human life.



NATIONS UNIES  
THE SECRETARY-GENERAL  
Human Rights Day  
10 December 2022  
Message of UN Secretary-General António Guterres

The world is facing unprecedented and interlocking challenges to human rights. Hunger and poverty are increasing – an affront to the economic and social rights of hundreds of millions of people. Civic space is shrinking. Media freedom and the safety of journalists are in dangerous decline in almost every region of the world. Trust in institutions is evaporating, especially among young people. The COVID-19 pandemic has led to increased levels of violence against women and girls. Racism, intolerance and discrimination are running rampant. New human rights challenges are emerging from the triple planetary crisis of climate change, biodiversity loss and pollution. And we are only beginning to grasp the threat posed to human rights by some new technologies. These trying times call for a recommitment to all human rights – civil, cultural, economic, political and social. The Call to Action I launched in 2020 positions human rights at the centre of solutions to the challenges we face. This vision is reflected in my report on Our Common Agenda, which calls for a renewed social contract, anchored in human rights. The 75th anniversary of the landmark Universal Declaration on Human Rights next year must be an opportunity for action. I urge Member States, civil society, the private sector and others to put human rights at the heart of efforts to reverse today's damaging trends. Human rights are the foundation for human dignity, and the cornerstone of peaceful, inclusive, fair, equal and prosperous societies. They are a unifying force and a rallying cry. They reflect the most fundamental thing we share – our common humanity. On this Human Rights Day, we reaffirm the universality and indivisibility of all rights, as we stand up for human rights for all.

Justice Mishra said that the International Convention for Suppression of Financing of Terrorism of 1999, provides for action against financing terrorism directly or indirectly through groups under the guise of charitable, social or collateral goals. The international community must unite to take all possible measures to wipe out this scourge.

The NHRC Secretary General, Mr. D.K. Singh in his report highlighted the activities and interventions of the Commission during the last one year. These included, among others, 53 suo motu cognizance cases, 46 spot enquires, recommendations for payment of Rs. 9.14 crore relief in suitable cases, various Advisories and visits to mental health hospitals

with an aim to assess and seek improvement in their conditions for the protection of human rights of mentally ill patients.

On the occasion, two NHRC publications were also released. These included Hindi and English Journals carrying scholarly articles on various human rights issues by the experts.

NHRC Members, Mr. Justice M.M. Kumar, Dr. Dnyaneshwar M. Mulay and Mr. Rajiv Jain, former Chairperson, Mr. Justice K.G. Balakrishnan, Chairpersons



NHRC Publications being released

and Members of the State Human Rights Commissions, Members of Judiciary and Legal fraternity, senior officers, Diplomats, civil society representatives, media persons, among others, were present.

## Message on Human Rights Day by NHRC Chairperson, Mr. Justice Arun Mishra

“Greetings to all on the eve of Human Rights Day, which is celebrated on the 10th December every year since 1950 in commemoration of the Universal Declaration of Human Rights, UDHR by the United Nations in 1948. It is entering the milestone 75th anniversary this year and the “*Amrit Kaal*” to mark the global consensus on the importance of promotion & protection of human rights.

The Day is observed to remember and strengthen the tenets of UDHR that every human being, regardless of race, colour, religion,

sex, language, political or other opinions, national or social origin, property, birth or other position, is born equal and has inalienable rights to life, liberty, dignity and equality. However, we have to co-relate every right to some corresponding duty to be performed.

Today amidst various new concerns of human rights, the climate change & environment degradation is emerging as a major cause of many human rights violations across the globe for which all stakeholders, nationally as well as internationally, need to contribute in the interests

of growth and development of all equally.

The motto of the NHRC, India - “*Sarve Bhavantu Sukhinaḥ*”, i.e. let there be happiness everywhere, is the essence of life on earth. It is also rooted in the age old traditional Indian belief of ‘*Vasudhaiva Kutumbakam*’, i.e. world is one family. Let us join hands to guide ourselves through this path of seeking peace and harmony by valuing human rights and sentiments in our quintessential quest for a better world. *Jai Hind!*”

## The message of NHRC Chairperson, Mr. Justice Arun Mishra for Human Rights Defenders Day on 9th December, 2022

“9th December is observed as Human Rights Defenders Day. On this Day, the United Nations adopted the Declaration of Human Rights Defenders in 1998. The NHRC, India believes that Human Rights Defenders are the front warriors and assets in promoting and protecting human rights, as they stand up for their rights and many other victims of human rights violations.

To protect the human rights of HRDs, the Commission has set up a focal point for them. It also engages with them through various mechanisms like core group meetings, dialogues during open hearings and camp sittings in different parts of the country. A Core Group of Human Rights Defenders has also been re-constituted recently. The Commission has included a separate chapter on

Human Rights Defenders in its Annual Report to give an insight into the issues they raised.

On the occasion of Human Rights Defenders Day, I hope that the HRDs would earnestly continue with the cause of human rights of the people living in the far-flung areas and be the eyes & ears of the Commission to bring justice to them. *Jai Hind!*”

## Important Intervention

### **NHRC deposes its own team for an on the spot enquiry into hooch tragedy (Case No. 6352/4/32/2022)**

The National Human Rights Commission, NHRC, India in the wake of media reports on 17th December, 2022 about more deaths in the Bihar Hooch tragedy spreading other districts, decided to depute its own investigation team headed by its Member, Mr. Rajiv Jain comprising

Director General (I), Mr. Manoj Yadava and other officers for an on the spot enquiry.

The Commission is concerned to know as to where and what kind of medical treatment, relief and rehabilitation was being provided to these victims as most of them were from poor families; steps taken to dismantle clandestine hooch manufacturing hot spots to completely eradicate this social menace.

This yet another suo motu proceeding in the matter followed the suo motu cognizance taken by the commission of earlier media reports, carried on 15th December, 2022, alleging several deaths in Saran district hooch tragedy. It had asked the Government of Bihar, through its Chief Secretary and Director General Police, to submit detailed reports into the reported incident affecting several people and families.

## Suo Motu Cognizance

The Commission took suo motu cognizance in 09 cases of alleged human rights violation reported by the media during December, 2022 and issued notices to the concerned authorities for reports. Summaries of some these cases are as follows:-

### **Suicide over alleged police atrocity (Case No.838/33/2/2022)**

The media reported on 30th November, 2022 that a 23 year old man has committed suicide by jumping in front of a moving train, as he could not bear the humiliation of watching his father being beaten up mercilessly by the police personnel at a Police Station in Bilaspur district of Chhattisgarh. The Commission has issued a notice to the Director General of Police, Chhattisgarh calling for a detailed report in the matter including action taken against the police personnel responsible and whether any relief has been granted to the aggrieved family. The Commission has also asked its Special Rapporteur for the State of Chhattisgarh, Mr. Umesh Kumar Sharma to visit the spot and submit a report.

### **Torture of 12 orphaned juveniles at a Madrasa (Case No.4984/22/13/2022)**

The media reported on 1st December, 2022 that two persons have been arrested in Chennai, Tamil Nadu for housing and abusing orphaned juveniles from Bihar and rescued 12 children from a Madrasa located at Ponniyammanmedu.

The Commission has issued notices to the Chief Secretaries to the Governments of Tamil Nadu and Bihar and the Commissioner of Police, Chennai, Tamil Nadu calling for a detailed report in the matter, including the present health status of

the victim boys.

In addition to this, the Commission has asked its Special Rapporteur, Dr. Rajinder Kumar Malik to visit the State of Bihar from where these juveniles were brought to Tamil Nadu. He has also been asked to meet and examine the victim juveniles in Chennai and submit a report.

### **Syndicate selling spurious cancer drugs (Case No.7515/30/0/2022)**

The media reported on 1st December, 2022 that an international racket manufacturing and selling spurious life-saving cancer medicines has been busted in Delhi. The Commission has issued notices to the Secretary, Union Ministry of Health and Family Welfare, and the Commissioner of Police, Delhi calling for a detailed report in the matter. It has also called reports from the Chief Secretaries of the Governments of NCT of Delhi and Uttar Pradesh. The reports must contain data reflecting the locations where these fake drugs were supplied to the patients and their impact on them.

### **Suicide by three students taking coaching in Kota (Case No.5082/20/21/2022)**

The media reported on 13th December, 2022 that three students of a coaching center died by suicide in Kota, Rajasthan on 11th December, 2022. Reportedly, the incident has brought spotlight back on punishing pressure, the teenagers are experiencing at private institutes in the city for limited seats in pursuing technical and medical education. The Commission has observed that that the contents of the media report, if true, amount to a grave issue of human rights. There is a need to regulate private coaching

institutes. Accordingly, notices have been issued to the Chief Secretary, Government of Rajasthan, Secretary, Higher Education, Union Ministry of Education, and the Chairperson, National Medical Commission, calling for reports.

### **Acid attack on a girl (Case No.7674/30/7/2022)**

The media reported on 15th December, 2022 that two masked men threw acid on a 17-year-old girl on her way to school in West Delhi on 14th December, 2022. Reportedly, the victim was admitted to the Safdarjung Hospital ICU. The Commission has observed that how despite ban on the sale of acid and corrosive substances how these are freely available leading to violation of human rights of the victims of acid attacks. Accordingly, it has issued notices to the Chief Secretary, Govt. of NCT of Delhi, Commissioner of Police, and the Member Secretary, State Legal Services Authorities calling for detailed specific reports.

### **Increasing child marriages (Case No.4289/13/5/2022)**

A newspaper article published on 21st December, 2022 highlighted the malpractice of child marriage prevailing in the Marathwada region of Maharashtra due to which a large number of women are forced to lead a miserable life. The article has documented the plight of some child marriage victims in the region.

The Commission has issued notices to the Chief Secretary, Government of Maharashtra, and the District Collectors of Jalna, Aurangabad, Parbhani, Hingoli, Nanded, Latur, Osmanabad, and Beed in the State, calling for a detailed report in the matter including the steps taken/ proposed to be taken to

address the issue raised in the news report. It has also asked its Special Rapporteur,

Mr. P.N. Dixit to visit the Marathwada region; collect data, make an in-depth study of the

problem of child marriage and suggest measures for better implementation of the law in force.

## Recommendations for Relief

A part from the number of cases taken up daily, 573 cases by the Full Commission and 50 cases by the Double Bench-II and 110 cases were dealt by the Double Bench-II in January, 2023. The Commission has recommended monetary relief of ₹ 2,03,25,000/- for the victims or their NoK in the 43 cases, where it 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.N. | Case No.             | Nature of Complaint                                      | Amount (in ₹) | Authority      |
|------|----------------------|----------------------------------------------------------|---------------|----------------|
| 1    | 444/4/5/2019-JCD     | Death in judicial custody                                | 500000        | Bihar          |
| 2    | 438/6/25/2020-JCD    | Death in judicial custody                                | 500000        | Gujarat        |
| 3    | 750/6/9/2020-JCD     | Death in judicial custody                                | 500000        | Gujarat        |
| 4    | 1447/7/6/2021-JCD    | Death in judicial custody                                | 500000        | Haryana        |
| 5    | 2580/7/8/2021-JCD    | Death in judicial custody                                | 500000        | Haryana        |
| 6    | 557/7/1/2020-JCD     | Death in judicial custody                                | 500000        | Haryana        |
| 7    | 295/11/10/2020-JCD   | Death in judicial custody                                | 500000        | Kerala         |
| 8    | 940/13/17/2020-JCD   | Death in judicial custody                                | 500000        | Maharashtra    |
| 9    | 24395/24/32/2019-JCD | Death in judicial custody                                | 500000        | Uttar Pradesh  |
| 10   | 699/25/25/2020-JCD   | Death in judicial custody                                | 500000        | West Bengal    |
| 11   | 1068/1/17/2018-PCD   | Death in police custody                                  | 700000        | Andhra Pradesh |
| 12   | 274/3/16/2015-PCD    | Death in police custody                                  | 500000        | Assam          |
| 13   | 3567/30/6/2017-PCD   | Death in police custody                                  | 750000        | Delhi          |
| 14   | 5095/30/8/2018-PCD   | Death in police custody                                  | 300000        | Delhi          |
| 15   | 585/6/18/2020-PCD    | Death in police custody                                  | 500000        | Gujarat        |
| 16   | 3186/7/8/2016-PCD    | Death in police custody                                  | 500000        | Haryana        |
| 17   | 582/34/16/2017-PCD   | Death in police custody                                  | 500000        | Jharkhand      |
| 18   | 10/14/15/2019-PCD    | Death in police custody                                  | 750000        | Manipur        |
| 19   | 12/20/13/2019-PCD    | Death in police custody                                  | 750000        | Rajasthan      |
| 20   | 702/20/10/2019-PCD   | Death in police custody                                  | 500000        | Rajasthan      |
| 21   | 1224/22/45/2019-PCD  | Death in police custody                                  | 750000        | Tamil Nadu     |
| 22   | 1903/22/7/2017-PCD   | Death in police custody                                  | 750000        | Tamil Nadu     |
| 23   | 24319/24/3/2018-PCD  | Death in police custody                                  | 500000        | Uttar Pradesh  |
| 24   | 662/25/4/2017-PCD    | Death in police custody                                  | 350000        | West Bengal    |
| 25   | 355/33/20/2019-ED    | Death in police encounter                                | 100000        | Chhattisgarh   |
| 26   | 1318/34/20/2019-ED   | Death in police encounter                                | 750000        | Jharkhand      |
| 27   | 561/19/3/2016-ED     | Death in police encounter                                | 500000        | Punjab         |
| 28   | 1515/22/46/2019-AD   | Alleged custodial deaths in police custody               | 500000        | Tamil Nadu     |
| 29   | 10779/24/38/2020-AD  | Alleged custodial deaths in police custody               | 500000        | Uttar Pradesh  |
| 30   | 12662/24/22/2020-AD  | Alleged custodial deaths in police custody               | 500000        | Uttar Pradesh  |
| 31   | 31647/24/72/2016-AD  | Alleged custodial deaths in police custody               | 500000        | Uttar Pradesh  |
| 32   | 1233/25/14/2019-PF   | Abuse of power                                           | 100000        | West Bengal    |
| 33   | 3769/24/31/2018-WC   | Abduction, rape and murder                               | 500000        | Uttar Pradesh  |
| 34   | 4507/4/10/2014       | Malfunctioning of medical professionals                  | 200000        | Bihar          |
| 35   | 6850/30/8/2021       | Abuse of power                                           | 150000        | Delhi          |
| 36   | 2083/18/6/2022       | Death due to electrocution                               | 400000        | Odisha         |
| 37   | 3099/18/1/2019       | Death due to electrocution                               | 200000        | Odisha         |
| 38   | 796/18/6/2022        | Inaction by the state /central govt. officials           | 25000         | Odisha         |
| 39   | 27626/24/39/2019     | Irregularities in govt. hospitals/primary health centres | 500000        | Uttar Pradesh  |
| 40   | 39592/24/38/2016     | Disappearance                                            | 500000        | Uttar Pradesh  |
| 41   | 4239/24/31/2014      | Abuse of power                                           | 500000        | Uttar Pradesh  |
| 42   | 5384/24/30/2022      | Police                                                   | 300000        | Uttar Pradesh  |
| 43   | 1234/25/5/2019       | Abuse of power                                           | 500000        | West Bengal    |

## Relief on NHRC Recommendations

The Commission closed 10 cases, either on receipt of compliance report and proof of payment from the public authorities or by giving some other observations/directions. An amount of ₹35,00,000/- was paid to the victims or their next of kin on the recommendations of the Commission. The specific details of these cases can be downloaded by the NHRC website by logging the case number given in the table below:

| S. N. | Case No.          | Nature of Complaint                                                                           | Amount(in ₹) | Authority     |
|-------|-------------------|-----------------------------------------------------------------------------------------------|--------------|---------------|
| 1     | 1/15/2/2021-PCD   | Death in police custody                                                                       | 500000       | Meghalaya     |
| 2     | 62/25/22/2017-PCD | Death in police custody                                                                       | 300000       | West Bengal   |
| 3     | 135/33/0/2017-WC  | Sexual harassment at workplace (govt.offices)                                                 | 100000       | Chhattisgarh  |
| 4     | 4208/30/1/2020-WC | Rape                                                                                          | 400000       | Delhi         |
| 5     | 294/6/25/2020-WC  | Rape outside police station                                                                   | 500000       | Gujarat       |
| 6     | 1209/25/5/2016-AD | Alleged custodial deaths in police custody                                                    | 750000       | West Bengal   |
| 7     | 986/1/21/2019     | Abuse of power                                                                                | 200000       | Andra Pradesh |
| 8     | 2108/7/16/2017    | Atrocities by custom/excise/enforcement/forest/income-Tax Deptt., etc.of central/state govts. | 200000       | Haryana       |
| 9     | 4082/18/7/2017    | Malfunctioning of medical professionals                                                       | 200000       | Odisha        |
| 10    | 21095/24/24/2020  | Alleged death in home                                                                         | 350000       | Uttar Pradesh |

## Success stories

In many cases, the Commission received compliance reports from the respective state authorities. Summaries of four such cases are as under:

### Death in a juvenile home (Case No. 21095/24/24/2020)

Allegedly, a juvenile lodged under the Children Protection Home, Ayodhya was mercilessly beaten by a staff member and the child succumbed to injuries. The Commission sought reports from authorities. It was informed that after an investigation, a charge sheet has been filed against the accused under section 304 of IPC. However, no compensation was provided to the next of kin of the deceased in absence of any provisions under the Child Protection Scheme. The Commission observed that the Government of Uttar Pradesh is vicariously liable to compensate for the death in its custody, and hence, pay Rs. 3.50 lakh to the NoK of the deceased as relief, which was paid.

### Malfunctioning of medical professionals (Case No. 4082/18/7/2017)

Allegedly, the wife of the complainant delivered twins on 10th July, 2017 at DHH, Keonjhar, and subsequently, was shifted to Cuttack

Medical Hospital. The doctor there advised to shift the patient to a private nursing home to avail ICU facility, and accordingly, she was admitted to a private hospital on 11th July, 2017 but died during the night. The complainant alleged medical negligence in the caesarean operation of his wife.

On the basis of the material on record, the Commission found that she was referred to SCB, Medical College, Cuttack in an ambulance with no advance life support system leading to complications, and hence, recommended a compensation of Rs. 2 lakh to the NoK of the deceased victim, which was paid by the Government of Odisha.

### Abuse of power (Case No. 986/1/21/2019)

Allegedly, the son of the complainant was picked up and taken to police station and beaten up mercilessly. The victim sustained fracture on his leg but in order to cover up, the police registered 2 false cases against him including the attempt to escape from the custody. After considering the facts and the circumstances of the case, the Commission found lapses on part of the police personnel, and

recommended that an action be taken against them besides the payment of Rs.4.50 lakh as relief for the victim, which was complied with.

### Rape by police personnel (Case No. 294/6/25/2020-WC)

Allegedly, on 14th March, 2020, a police Constable of Laxmipura Police Station, Vadodara, Gujarat along with the driver of a PCR van accosted a man and woman. They threatened them and demanded Rs. 5000/-. As they did not have the cash in hand, the friend of the woman went with the PCR driver to collect it from a nearby petrol pump. In the meantime, the constable took the girl to an old abandoned house and raped her.

The reports received from the Government of Gujarat in response to the notices of the Commission, confirmed the allegations and both the accused were arrested on 15th March, 2020 on the basis of an FIR filed by the victim; a charge-sheet was filed in the Court on 10th May, 2021. Thereafter, the accused was dismissed from the service. The monetary relief of Rs.5 lakh, as recommended by the Commission, was paid to the victim in addition to Rs. 2 lakh under Gujarat Victim Compensation Scheme 2019.

## From Investigation Files

This column carries stories unfolding an intricate case of human rights violation leading to a diametrically opposite revelation to prima- facie claims and findings after investigation by the NHRC team:

### Medical negligence

#### Case No. 2283/13/19/2018-JCD

The case pertains to the death of a man in the judicial custody at Nasik Road Central Prison, Maharashtra on 19th November, 2018. The Commission asked its DG(I) to examine the matter. It was found that the Enquiry Magistrate did not find any foul play or medical negligence in

the matter. The family members were not associated with the enquiry. The DG(I) sought the opinion of the medical expert on the panel of the Commission. The medical expert observed that the medical records, inquest and post mortem report of the deceased indicated inadequacy in the treatment of the prisoner.

On the basis of the findings of its Investigation Division, the Commission recommended that the Government of Maharashtra pay Rs.5 lakh as monetary relief to the NoK of the deceased on the grounds of medical negligence. The

State Government did not agree that there was medical negligence in the treatment of the prisoner, and hence, it sought reconsideration of the recommendation. The Commission observed that the victim got infected with pulmonary tuberculosis in jail, and if the doctor at Nasik Road Central Jail had provided treatment for it in the early stages of the visible symptoms, he could have been cured. Hence, it is a clear case of medical negligence resulting in the death of the prisoner for which the State is vicariously responsible and hence, should pay the recommended relief to his next of kin.

## Disposal of cases

During December, 2022, total 284 cases were processed including 03 spot enquiries, 217 Judicial Custodial Deaths, 31 Police Custodial Deaths, 15 Encounter Deaths and 18 Fact Finding Cases.

## Spot enquiries

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

| S.N. | Case Number    | Allegations                                | Date of visit              |
|------|----------------|--------------------------------------------|----------------------------|
| 1.   | 660/6/23/2020  | Police atrocities in Surat City, Gujarat.  | 19th - 23rd December, 2022 |
| 2.   | 6352/4/32/2022 | Hooch tragedy affected districts of Bihar. | 20th - 23rd December, 2022 |

## Training initiatives for Human Rights Awareness

The National Human Rights Commission restored its month long Winter Internship Programme in physical format, which was not being organized since last two years due to COVID restrictions. The NHRC Chairperson, Mr. Justice Arun Mishra inaugurated it in the presence of senior officers of the Commission on 20th December, 2022. He touched upon a number of contemporary issues having a human rights perspective including Environment, Tribal and Farmer Rights, Suicides by students in Kota & Stress factor, National Education Policy 2020, Mental Health and inadequacy of Mental Health Institutions and rights of mentally-ill patients and their rehabilitation, Cross - Border Terrorism, Cyber Crimes, e-commerce, Human Trafficking, SDG's etc. 54 post graduate level students from different parts of the country were short listed for the Internship.



## Snippets

- In run up to human rights day, 16 interviews of NHRC Chairperson and Members were organized by the Media & Communication Wing of the Commission for building awareness on human rights, which were as follows:

**NHRC Chairperson, Mr. Justice Arun Mishra :** APN News channel in Hindi, India Legal in English, Sansad TV in English, Doordarshan in Hindi, Doordarshan in English, All India Radio (News) in spotlight in English, All India Radio (News) in Surkhiyon Mein in Hindi, Times Now/Mirror Now in English, APN News channel in Hindi.

**NHRC Member, Mr. Justice M.M. Kumar:** DD(Punjabi), DD(Kashir) and DD(Urdu).

**NHRC Member, Dr. D.M. Mulay:** DD(Sahyadri)-Marathi and All India Radio (Mumbai)-Marathi.

**NHRC Member, Mr. Rajiv Jain:** All India Radio National Programme of talks in Hindi and DD Urdu- panel discussion.

- From 7th to 8th December, 2022, Mr. Manoj Yadava, DG(I), NHRC attended a meeting with the Director Generals of UP SHRC and Prisons, Uttar Pradesh on a study relating to Judicial Custody Deaths in Indian Prisons.
- From 14th to 16th December, 2022, Mr. Kulbir Singh, Dy. Supdt. of Police delivered lecture on Human Rights & Violations" at BSF Training Centre, Tekanpur, Gwalior, Madhya Pradesh.
- From 16th to 17th December, 2023, NHRC Secretary General, Mr. D.K. Singh held a meeting with the senior officers of the Bihar Government on the implementation of Mental Health Act; review of payment of compensation on the cases decided by the Commission. He also met with the officers of Bihar SHRC and visited a Child Care Home in Patna.
- On 29th December, 2022, the NHRC organized a Gender Sensitization Training Programme for in-house officers and staff in the form of a Quiz. After the Quiz, Secretary General, Mr. D.K. Singh and Joint Secretary, Mrs. Anita Sinha addressed them. Ms. Aparna Tiwai, JRC, Mr. Sunil Kumar Meena, DIG, Ms. Prabnoor Kaur, JRC and Mr. Devesh Sharma (Developer) were given prizes as the winners of the Quiz.

## Human Rights and NHRC in News

During December, 2022, the Media & Communication Wing of the Commission prepared and issued 13 press releases. 3561 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 747 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 Twitter handle' was abuzz with 30 tweets on the Commission's interventions & activities.



### Complaints in December, 2023

|                                       |       |
|---------------------------------------|-------|
| Complaints received                   | 6008  |
| Disposed                              | 7778  |
| Under consideration of the Commission | 12727 |

#### Important Telephone Numbers of the Commission:

Facilitation Centre (Madad) Incharge: Mrs. Rekha Bhalla  
NHRC Toll Free No: 14433

For Complaints: Fax No. 011-2465 1332

For Filing online complaints: [www.nhrc.nic.in](http://www.nhrc.nic.in), [hrcnet.nic.in](http://hrcnet.nic.in), Common Service Centres

#### Other Importance E-mail Addresses

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

#### Focal point for Human Rights Defenders: Indrajeet Kumar

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Mobile No. +919999393570, Fax No. 011-2465 1334  
E-mail: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

This Newsletter is also available on the Commission's website [www.nhrc.nic.in](http://www.nhrc.nic.in)

NGOs and other organization are welcome to reproduce material of the Newsletter and disseminate it widely acknowledging the NHRC

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