

HUWAN RIGHTS NEWSLETTER

A Monthly Publication of the National Human Rights Commission, India



NHRC organizes a meeting with different stakeholders to discuss challenges in women's health care and nutrition and way forward

The National Human Rights Commission, NHRC, India organized a meeting on the theme of 'Women's health, survival and nutritional status in India: Challenges and Way Forward' on 5th September, 2022...

Chairing it, Mr. Justice Arun Mishra, Chairperson, NHRC said that there are enabling laws and policy frameworks towards ensuring better health care for women as well as their empowerment. However, these require to be implemented in right earnest. The imbalance in the sex ratio between male and female child remains a point of concern for a long. He said that it is perhaps due to the mindset, which is causing this disparity between the male and female child despite that the girls legally have an equal share in the inheritance of parental property. Society as a whole needs to ponder

over it.

Justice Mishra
also said that the
Maternal Mortality
Rate, MMR has
comparatively
declined in the
country but it
continues to remain
on a higher side. He
emphasized that it is
to be pondered over
why some states have
low MMR compared

to the others. The NHRC Chairperson said that the intra-state differences in MMR reflect the existing inequality in access to factors that determined women's health including health care services.

Earlier, triggering the discussions, NHRC Secretary General, Mr. D.K. Singh said that

the aim of the meeting is to have inputs from different stakeholders including the Union Ministries, which have been working for women empowerment variously as part of the policies of the Union Government, and



Left to Right: NHRC Chairperson, Mr. Justice Arun Mishra, Member, Mr. Justice M.M. Kumar and Secretary General, Mr. D.K. Singh

their implementation.

The meeting, organized in hybrid mode, was divided into two thematic sessions: 'Identifying issues/challenges in access to health services and health care system, and the Way forward to improve the health, survival, and nutritional status of women and girls in India'. The NHRC Joint Secretary, Mrs. Anita Sinha moderated it.

find out the gaps in the policies and

The participants, among others, included NHRC Members, Mr. Justice M.M. Kumar and Mr. Rajiv Jain; senior officers, NHRC Core Group on Women, representatives of different Union Ministries including Health, Women & Child Development, Tribal Affairs, and Panchayati Raj. The Commission will further deliberate upon the various suggestions to finalize its recommendations.



A scene from the Core Group meeting on Rights of Women on the theme of Women's health, survival and nutritional status in India

"Cleanliness is next to Godliness." - Mahatma Gandhi

NHRC, India Chairperson, Mr. Justice Arun Mishra elected as a Member of APF Governance Committee

THRC, India Chairperson, Mr. Justice Arun Mishra has been elected as a Member of the Asia Pacific Forum, APF Governance Committee as well as a Member of the Global Alliance of National Human Rights Institutions, GANHRI Bureau in the 27th online Annual General Meeting of APF.

Prior to the voting on 15th September, 2022, addressing the representatives of the NHRIs of the Asia Pacific Region, Justice Mishra said that he strongly believed in

the joint efforts and taking along all on the board to work together globally to implement efficient strategic plans, involving constitutional, human rights and legal issues for expanding the ambit and reach of the rights in the spirit of "Vasudhaiva Kutumbakam" i.e. the entire world is our family.

The APF Governance Committee is elected by APF Councilors, representing 'A status'

> National Human Rights Institutions in the Asia Pacific region. The role of the five-member APF Governance Committee is to consider and make recommendations to the APF General Assembly on a range of issues for the promotion and protection of human rights.

The GANHRI



NHRC Chairperson, Mr. Justice Arun Mishra

is one of the largest

human rights networks worldwide. The GANHRI Bureau is the executive committee (board of directors) comprising 16 members, 4 from each of the GANHRI regional networks of Africa, the Americas, the Asia-Pacific, and Europe. It is responsible for GANHRI's overall functions including the development of organizational policies and procedures, implementation of programs and activities. Importantly, the Bureau is responsible for decisions on the accreditation of members.



A scene from the Online conference

Stop dumping e-waste into the borders of developing nations, says NHRC Chairperson Justice Arun Mishra at an international meet

Tr. Justice Arun Mishra, Chairperson, National Human Rights Commission, India expressed serious concern over the dumping of e-waste by developed countries into the borders of developing countries at an international meet on 14th September, 2022. He emphasized that this practice needs to be stopped to universally ensure human rights for a healthy sustainable environment.

Justice Mishra was addressing two days 27th Annual General online Meeting of Asia Pacific Forum, APF of National Human Rights

Institutions of various countries in the region in the Session on "A Universal Human Rights to a Health, Sustainable Environment - The Role of NHRIs". He said that a multiprong strategy is required to fight the menace of Climate Change in a timebound manner by all the countries.

He gave a brief insight into several interventions made by the NHRC, India, the Supreme Court of India as well as the Govt. of India to protect the environment ensuring people's right to life guaranteed under the Constitution of India.

He made a specific reference to the Advisory issued by the Commission to the Centre and State governments to prevent minimize and mitigate the impact of environment pollution and degradation of human rights. He also mentioned, among others, the Supreme Court orders ensuring relocation of hazardous industries away from densely populated areas as well as the protection of forest lands and natural resources throughout the country by the establishment of eco-sensitive zones around National Parks and Wild Life Century.

Justice Mishra said that India has also demonstrated that it is not only committed but also making efforts to achieving Sustainable Development Goals, SDGs to mitigate the effect of Climate Change and build Sustainable cities and communities. These include, among others, checking environmental pollution through increased use of green fuels and stringent carbon emission norms in a time-bound manner. He said that time has come to study the impact of construction activities causing air pollution and the way forward to reduce it.

The NHRC delegation included Members, Mr. Justice M.M. Kumar and Mr. Rajiv Jain, Secretary General, Mr. D.K. Singh and Joint Secretary, Mrs. Anita Sinha.

Important Intervention

Payment of held up retirement dues (Case No. 2049/30/0/2021)

The intervention of the National Human Rights Commission, NHRC, India in a case of non-payment of retirement dues for more than three years, not only resulted in the release of the same but also payment of Rs.1 lakh as relief to the complainant by the Department of Posts.

The Commission had registered the case on the basis of the complaint in 2021 by the son of the victim retired government employee. Allegedly, his father, superannuated as a Section Officer from the Department of Posts & Telegraph Office, Delhi, but due to his critical illness, he could not submit his life

certificate in the year 2017, therefore, his pension was withheld. Later, he submitted the requisite life certificate and supporting documents in the year 2018 onwards, but still he could not get his pension despite many requests to the concerned authorities. In the meantime, he passed away in Sept., 2020 but his terminal dues were not paid.

In response to the notices of the Commission, the allegations were found true by the Deptt. of Posts. It informed that the undrawn pension amounting to Rs. 12,36,235/- of the victim retired employee had been processed. In addition, as part of departmental action, a written warning under CCS (CCA) Rules,

1965 was issued to the erring officer for the delay.

Taking into the consideration all the facts and circumstances of the case, the Commission observed that the pensioner was deprived of his legitimate pension arrears during his lifetime and thereafter his son for more than three years, thereby subjecting them to misery, mental agony and undue harassment. This act of negligence has violated the human rights of the deceased victim and the complainant for which, the Dept. of Posts is vicariously have liable and it pay R.1 lakh as relief to the complainant.

Suo Motu Cognizance

The Commission took suo motu cognizance in one case of alleged human rights violation reported by the media during September, 2022 and issued notices to the concerned authorities for reports. Summary of the case is as follows:-

Negligence in the ammonia gas leak at a meat factory (Case No. 31203/24/3/2022)

The media reported on 30th September, 2022 that about 100 workers, mostly women, fell ill after inhaling ammonia gas that leaked in a meat factory in Aligarh district of Uttar Pradesh on 29th September, 2022. Reportedly, the pipeline through which the gas leaked, required replacement but it was instead repaired recently and the matter was also not reported to the authorities.

The Commission has issued notices to the Director General of Police and the District Magistrate, Aligarh, Uttar Pradesh calling for a report in the matter. The report is expected to include action taken against the officers responsible as well as the status of the medical

treatment being provided to the

The Commission would also like to know whether any compensation has been given by the State Government to the victims or not. The report should also mention whether the meat factory management has obtained lawful approval/licenses from the authorities concerned including the NOC by the Fire Services and also whether the labour laws were being properly followed by the factory.

Cases of Human Rights Defenders (HRDs)

False implication and harassment (Case No.51/2/4/2022)

The Commission registered one case of alleged false implication and mental harassment of a Human Rights Defender by the Deputy Commissioner, Changlang district, Arunachal Pradesh. He is the President of Arunachal Pradesh Chakma Students Union (APCSU). The case is under consideration of the Commission.

Recommendations For Relief

A part from the number of cases taken up daily, 50 cases were dealt by the Full Commission and 40 by the Double Bench-I and 76 cases by Double Bench-II in September, 2022. The Commission recommended monetary relief amounting to a total of ₹54,70,000/- for the victims or their NoK in 15 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	13/27/0/2020-JCD	Death in Judicial Custody	500000	Chandigarh
2	78/34/15/2020-JCD	Death in Judicial Custody	500000	Jharkhand
3	178/18/29/2021-JCD	Death in Judicial Custody	500000	Odisha
4	517/20/11/2021-JCD	Death in Judicial Custody	300000	Rajasthan
5	305/36/4/2019-JCD	Death in Judicial Custody	300000	Telangana
6	31238/24/78/2021-JCD	Custodial death (judicial)	300000	Uttar Pradesh
7	8919/24/11/2020-JCD	Death in Judicial Custody	500000	Uttar Pradesh
8	1391/18/31/2020-AD	Alleged custodial deaths in judicial custody	500000	Odisha
9	1316/25/5/2019-AD	Alleged custodial deaths in judicial custody	550000	West Bengal
10	14/14/3/2020	Custodial violence	20000	Manipur
11	467/18/35/2022	Death due to electrocution	500000	Odisha
12	589/18/24/2021	Inaction by the state government/central govt. officials	300000	Odisha
13	10172/24/11/2020	Failure in taking lawful action	100000	Uttar Pradesh
14	26013/24/8/2019	Atrocities on Scheduled Caste	500000	Uttar Pradesh
15	24665/24/22/2020-WC	Rape of Scheduled Caste	100000	Uttar Pradesh
16	19166/24/7/2020-AR	Alleged custodial rape in police custody	100000	Uttar Pradesh

Relief on NHRC Recommendations:

The Commission closed 15 cases, either on receipt of the compliance report and proof of payment from the public authorities, or by giving some other observations/directions and it has recommended an amount of total ₹83,25,000/- to the victims of human rights violations or their next of kin. 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	3/17/9/2020-JCD	Death in Judicial Custody	375000	Nagaland
2	967/25/11/2019-JCD	Death in Judicial Custody	500000	West Bengal
3	672/11/3/2016-PCD	Death in Police Custody	650000	Kerala
4	372/25/15/2017-PF	Abuse of power	50000	West Bengal
5	1112/20/29/2019-AD	Alleged custodial deaths in judicial custody	200000	Rajasthan
6	2/3/16/2015-ED	Death in police encounter	1600000	Assam
7	3915/4/10/2018	Lack of infrastructure support in hospitals/primary health centres	300000	Bihar
8	57/30/0/2020	Abuse of power	200000	Delhi
9	284/6/4/2020	Child rape	2250000	Gujarat
10	2032/18/2/2020	Death due to electrocution	400000	Odisha
11	2557/18/16/2020	Medical care for elderly persons	100000	Odisha
12	2928/18/28/2019	Sewer deaths	600000	Odisha
13	13195/24/12/2020	Failure in taking lawful action	50000	Uttar Pradesh
14	1006/25/6/2016	Atrocities on SC	50000	West Bengal
15	2465/4/9/2019-WC	Gang rape	1000000	Bihar

Success stories

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

Death in an under construction sewer (Case No. 2928/18/28/2019)

Allegedly, a 60 year old woman fell into an open hole of an under construction sewer in a locality in the jurisdiction of the Bhubaneswar Municipal Corporation on 25th August, 2019. There was no sign board or warning signals around the water logged open hole of the sewer. On the basis of the material on record, the Commission found that the Municipal Corporation had initially denied the allegations of any negligence on the part of the public authority but subsequently, had paid Rs.2 lakh as monetary relief to the next of kin of the deceased. She was the sole bread earner of the family of a sick husband and a physically challenged son. It was also found that no legal action was taken against the delinquent public servants in the

The Commission issued a notice to the Chief Secretary, Government of Odisha to show cause why an adequate amount of interim relief in addition to Rs.2 lakh paid by the Municipal Corporation may not be recommended to be paid to the victim's family and also asked the Commissioner, BMC and DGP Odisha to submit reports on legal and departmental action taken against the delinquent public servants in the matter. In response, the Commission was informed that Rs.4 lakh as ex-gratia assistance was paid to the victim's family and action has been taken against the delinquent public servants.

Non-payment of pension (Case No.2423/12/21/2020)

The complainant alleged that he had retired from the Public Health Engineering Department, Indore, Government of Madhya Pradesh

on 28th February, 2020 and his retirement dues including pension, gratuity, Leave Encashment etc. had not been paid to him.

In response to the notices and the conditional summons issued to the Addl. Chief Secretary, Madhya Pradesh, the Commission was informed that the PF amount of Rs. 4,97,955/-, Insurance of Rs. 91,871/, Group Insurance of Rs. 27,075/-, Leave Encashment of Rs. 2,70,201/- and travel allowances of Rs. 54,922/- have been paid to the complainant besides the pension and gratuity.

Death due to electrocution (Case No.25271/24/51/2020)

Allegedly, a person died in Mainpuri, Uttar Pradesh after a hightension wire fell on him on 18th July, 2020. The victim's family demanded compensation and criminal proceedings in the matter.

Subsequent to the notices of the Commission, it was informed that the Government of Uttar Pradesh has paid Rs.5 lakh as compensation to the next of the kin of the deceased under Durghatna Kalyan Yojana.

Gang rape (Case No.2465/4/9/2019-WC)

The Commission had taken suo motu cognizance of a media report dated 16th September, 2019 that an 18-year old survivor from the Muzaffarpur Girl's Shelter Home, where many inmates had been abused for years, was allegedly gang raped in a moving car. Though an FIR was lodged against the accused persons on the complaint of the victim but none of them had been arrested.

In response to the notices of the Commission, the Government of Bihar informed that the five accused persons were arrested and in addition to Rs. 3 lakh paid to the victim by the State Legal Services Authority, Rs. 2 lakh more were paid to her on the basis of the Commission's observations that the amount was inadequate.

Gang rape and delayed action (Case No.1269/34/16/2016)

The matter relates to the rape of a minor girl of a tribal community by 5 minors in Ranchi, Jharkhand in 2016. The complainant had alleged that though the accused were arrested but subsequently released instead of being sent to the child rehabilitation home.

In the interim, the gang rape victim also gave birth to a girl child. The complainant also alleged that the victim had no means for the survival of herself and her newly born girl child.

Based on the material on record, the Commission found that the monetary relief of Rs. 2 lakh was paidto the victim under various social security schemes of the Central and the State Governments.

However, the complainant submitted that the victim was not paid monetary relief as mandated by the Jharkhand Victim Compensation Scheme. As per Sl. No. 2 of schedule-I of Jharkhand Victim Compensation Scheme 2016, minimum compensation amount had not been paid to the victim, which is Rs. 3 lakh + 50% of the prescribed amount in case of the victim was less than 14 years.

Pursuant to the subsequent directions of the Commission, the Deputy Commissioner, Ranchi vide communication dated 8th July, 2022 submitted a report that an additional compensation of Rs. 2.50 lakh was paid to the victim. A chargesheet was also filed against all the five accused.

Delayed action in acid attack (Case No.32558/24/52/2016)

Allegedly, some persons threw acid on the sister of the complainant and other family members in Mathura, Uttar Pradesh on 14th July, 2016. The victims sustained grievous injuries and despite the complaint, the police was not taking action against the accused persons, who

were threatening the complainant for dire consequences.

In response to the notices of the Commission to the concerned authorities of the Government of Uttar Pradesh, it was informed that a case was registered against the accused u/s 326A IPC and Sections 307/303 IPC were added in the FIR after the death of one of the victims of acid attack.

The remaining accused surrendered before the court. In response to the further notices of

the Commission on the status of the payment of monetary relief to the victims, the State Government informed that Rs.10 lakh was paid to the next of kin of the deceased and Rs.3 lakh was sanctioned as compensation to be paid to an injured in the incident.

From Investigation Files

T his 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:

Death of an under trial prisoner (Case No. 26/6/1/2020-JCD)

The matter relates to the death of an under trial prisoner, who died by hanging himself in Sabarmati Central Jail, Ahmedabad on 3rd January, 2020. Based on the material on record, the Commission held the Government of Gujarat vicariously responsible for an unnatural death in its custody and recommended that it pay Rs.3 lakh to the next of kin of the deceased. But the State Government disagreed with the recommendation for the payment of compensation to the victim's family

denying any foul play in the death of the under trial prisoner, as the enquiry Magistrate had also stated so.

The Commission asked its Investigation Division to conduct an inquiry in the matter. Contrary to the claims of no foul play by the State, the Investigation Team of the Commission found that there were injuries on the body of the victim, which were fresh prior to his death, and therefore, observed that the negligence of the jail authorities in keeping a vigil on the activities in the prison cannot be ruled out, which led to the unnatural death of the under trial prisoner. Based on the findings of its Investigation Division, the Commission reiterated its recommendation that the Government of Gujarat pay Rs.3 lakh as relief to the next of kin of the deceased and submit compliance report.

Disposal of cases

During September, 2022, total 261 cases were processed including 07 spot enquiries, 204 Judicial custody deaths, 17 Police custody deaths, 19 Encounter deaths and 14 Fact finding cases by the Investigation Division.

Spot enquiries

 Γ ollowing 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.	1210/7/3/2019	Beating of a woman by a group of policemen using belt for obtaining certain information in District Faridabad, Haryana	5th – 8th September, 2022
2.	214/33/11/2020-WC	Inaction by police on a complaint of gang rape and loot of 1 lakh rupees by the named police personnel in District Koriya, Chhattisgarh	5th – 9th September , 2022
3.	640/25/19/2020-WC	Missing women since 2010 in District South 24 Paragana, West Bengal	12th -16th September, 2022
4.	14327/24/30/2022	Mental and physical torture by the opponents in a land dispute and inaction by the Police, District Gautam Budh Nagar, Uttar Pradesh	12th – 19th September, 2022
5.	22711/24/59/2021	124/59/2021 Illegal picking of complainant's son from Delhi torture, false implication by SOG of Uttar Pradesh Police	
6.	5399/30/6/2022	A house maid not allowed to talk to her family members for 20 years and not even given remuneration for her work by the employer in Delhi.	27th – 30th September, 2022

Snippets



On 8th September, 2022, NHRC Member, Mr. Rajiv Jain inaugurated two days National Seminar on 'Manav Adhikaron ki Amrit Uplabddhiyan' at Maharashtra NLU, Nagpur organized by the Commission in collaboration with the Maharashtra NLU.

On 12th September, 2022, an Australian delegation met the NHRC Chairperson, Mr. Justice Arun Mishra and Members, Mr. Justice M.M. Kumar, Dr. D.M. Mulay and Mr. Rajiv Jain at the Commission's premises. The delegation led by Mr. Rick Hanson, Assistant Director, Country Information Report Section of Multilateral Policy Division in the Department of Foreign Affairs and Trade, Australia comprised the officials from the High Commission of Australia in New Delhi. They were briefed about the mandate, functions and interventions of the Commission.







On 19th September, 2022, NHRC Chairperson, Mr. Justice Arun Mishra chaired the inauguration of the 'Hindi Pakhwada' in the Commission to encourage and motivate the officials to promote and use the Hindi language in their official work.

On 20th September, 2022, NHRC Member, Dr. D.M. Mulay addressed and interacted with the students and the faculty of Yashwant Mahavidyalaya, Wardha, Maharashtra.





On 23rd September, 2022, NHRC Member, Mr. Rajiv Jain addressed and interacted with IRPFS probationers along with their two faculty members to give an orientation on human rights and functioning of the Commission.

On 25th September, 2022, NHRC DG(I), Mr. Manoj Yadava participated in the Civil Services Cultural and Sports Board, Half marathon organized by the DoPT in association with the Youth Hostels Association of India (YHAI). He finished the Half Marathon in 2.11 hrs.



On 27th September, 2022, NHRC Secretary General, Mr. D.K. Singh met with the senior officers of State Government of Kerala to review the status of reports in pending cases and visited the Kerala State Human Rights Commission also in connection with building of synergy and cooperation between the NHRC and SHRCs.

On 29th September, 2022, the NHRC Member, Dr. D.M. Mulay addressed and interacted with the visiting post graduate level students and faculty members of Sri Ram Krishan Mission Vidyalaya of Arts and Science, Coimbatore, Tamil Nadu.





On 30th September, 2022, NHRC Member, Mr. Justice M.M. Kumar chaired an online session on "Access to Justice - Vulnerable and Disadvantaged Groups Linguistic Barriers" organized by the Law Faculty to mark the centenary year of Delhi University.

On 30th September, 2022, NHRC Secretary General, Mr. D.K. Singh chaired the Gender Sensitization Training Programme for the officers and staff of the Commission.



Human Rights and NHRC in News

uring September, 2022, the Media & Communication Wing of the Commission prepared and issued 07 press releases. 2964 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 341 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 29 tweets on the Commission's interventions & activities.

NHRC issues notice to BJP panel seeks CBI, NHRC CS for compensation probe into Kolkata violence

NHRC intervenes in a case of death of two labourers in Jharkhand NHRC's intervention has re-sulted in the payment of Rs 1

sulted in the payment of Rs. It lake each as compensation by the mine owner to the next of kin of the two labourers who died in stone mine accident in Kodermu Jharkhand. The incident hap pened in 2019, in which one of the co-owners of the mine als died. The Commission had registered a case on basis of a com-

ered a case on basis of a com bint on September 16, 2020 b

'एनएचआरसी व सीवीसी के नाम के

दुरुपयोग की सजा मात्र ५०० रुपए जुर्माना'

जस्टिस अरुण मिश्रा एशिया पैसिफिक फोरम के सदस्य बने



NHRC ensures payment of held-up retirement dues

discuss women's healthcare National Human Rights Commis-sion organised a meeting on the theme 'Women's health, survival and nutritional status in India: and nutritional status in India: challenges and way forward' on September 5. Chairing it, Jus-tice Arun Mishra, Chairperson, NHRC said that there are ena-bling laws and policy frameworks towards ensuring better health care for women as well as their empowerment. However, these reoutire to be implemented in right require to be implemented in right earnest. Steps are being taken to work towards making it a priority.

Payment of govt employee's

retirement dues ensured

Complaints in September, 2022

Complaints in september, assu-		
Complaints received	8954	
Disposed	10953	
Under consideration of the Commission	14184	

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, hrcnet.nic.in, Common Service Centres

Other Importance E-mail Addresses

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

Focal point for Human Rights Defenders: Indrajeet Kumar Deputy Registrar (Law Mobile No. +919999393570, Fax No. 011-2465 1334 E-mail: hrd-nhrc@nic.in

This Newsletter is also available on the Commission's website www.nhrc.nic.in NGOs and other organization are welcome to reproduce material of the Newsletter and disseminate it widely acknowledging the NHRC

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