



HUMAN RIGHTS NEWSLETTER

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the National Human Rights Commission, India



NHRC Chairperson, Mr. Justice Arun Mishra greets all the Indians on the 76th Independence Day of India

On behalf of the National Human Rights Commission, NHRC, India, greetings to all the Indians on the 76th Independence Day of the country on 15th August, 2022. The day marks yet another milestone in the journey of our sovereign nation as the largest and successful democracy in the world.

As we commemorate our country's 76th Independence Day holding the Tricolour high, let's take a pledge to uphold the unity and integrity of the country with peace and

harmony in honour of all our great men and women, who fought for the freedom of the country from the British rule, and made supreme sacrifices to make a just, equitable and progressive society.

Let's work for strengthening the great Indian ethos and cultural tradition of "*Vasudhaiva Kutumbakam*" and "*Sarve Bhavantu Sukhinah*" (the world is a family wherein all may live happily) on this 'Azaadi ka Amrit Mahotsav', the festival of democracy. *Jai Hind!*"



NHRC 'Open Hearing and Camp Sitting' at Ranchi

The National Human Rights Commission, NHRC, India held 'Open Hearing' of the human rights cases of Jharkhand at Judicial Academy, Ranchi on 16th August, 2022. The NHRC Chairperson, Mr. Justice Arun Mishra, Members, Mr.

Justice M.M. Kumar, Dr. D.M. Mulay and Mr. Rajiv Jain heard 53 cases of violation of human rights.

The cases were of serious violations like rape, gang rape, allegation of witchcraft, electrocution deaths, medical negligence, denial of medical facilities, non-release of prisoners after completion of sentence, illegality in distribution of ration, deaths due to silicosis, etc. An amount of Rs. 50 Lakh was recommended

as relief out of which Rs.13.5 lakh was paid.

After the disposal of the cases, the Commission held an interaction with the NGOs/HRDs. They raised a gamut of issues of human rights violations, including delay in the payment of MNREGA workers. They were informed that they can file online complaint at hrcnet.nic.in.

The Commission appreciated the work done by the NGOs and Human Rights Defenders in the State of Jharkhand and encouraged them to do their bonafide duty without fear or favour. The Chairperson, NHRC concluded with the observation that the continued partnership of the NGOs, HRDs with the National Human Rights Commission will go a long way in the strengthening of the human rights regime in the country.



A scene from the "Open Hearing and Camp Sitting"

“In the democracy which I have envisaged, a democracy established by nonviolence, there will be equal freedom for all.”

– Mahatma Gandhi

NHRC expresses serious concern over the apathetic attitude of the authorities in running the affairs of RINPAS and CIP in Ranchi, Jharkhand

The National Human Rights Commission, NHRC, India Chairperson, Mr. Justice Arun Mishra, Members, Mr. Justice M.M. Kumar, Dr. D.M. Mulay and Mr. Rajiv Jain, Secretary General, Mr. D.K. Singh visited the Ranchi Institute of Neuro-Psychiatry & Allied Science, RINPAS and Central Institute of Psychiatry, CIP, Ranchi, Jharkhand on 17th August, 2022. Later, while addressing a workshop on the issues and challenges facing these two Institutions on 18th August, 2022, they unanimously expressed serious concerns over the conditions of these two institutions.

Earlier, chairing the workshop as the Chief Guest, NHRC Chairperson, Mr. Justice Arun Mishra deplored the apathy of the concerned government departments in running the affairs of RINPAS and CIP. He said that several vacancies in various categories, including doctors and para-medical staff, lack of proper registration of patients with their complete details including addresses, life-saving medicines, cleanliness, among others, in these hospitals is a serious concern.

Justice Mishra said that it is a criminal offence to keep languishing 300 patients in the mental hospital, who have been cured of their mental illnesses and are fit to go back their homes. He said that the hospital authorities have to ensure that all these fit patients are sent back to their homes within next 15 days. He said that the mental health patients even require better facilities than any other patient for their recovery.

Earlier, addressing the inaugural session, NHRC Member, Mr. Justice M.M. Kumar said that the implementation of Mental Health Care Act, 2017 in letter and spirit

is the key to improving the conditions in the mental health care institutions. He said that the arrangements in RINPAS and CIP are far from being satisfactory as probably these age old institutions have been neglected. It is time that this casual approach in dealing with these mental health care institutions is put to an end. Mere notification of the State Mental Health Authority in 2018 in Jharkhand will not serve the purpose unless a board is constituted and budget is allocated to oversee the functioning of mental health care in the State. He said that duties are cast upon on State governments in the Mental Health Act 2017, which they have to sincerely adhere.

NHRC Member, Dr. D.M. Mulay said that mental health care cannot be revived without strengthening the three pillars of, “*Seva, Shiksha and Anusandhan*” (Service, Education and Research) with the support of people, their representatives and the media for the motivation of the employees working in these institutions.

NHRC Member, Mr. Rajiv Jain said that the human rights violations of mental health patients are given a sense of being prisoners in a jail, which is a matter of serious issue. He said that it gives a sense of confinement to the mental health patients inside a building having very high boundary walls.

NHRC Secretary General, Mr. D.K. Singh said that the lack of



NHRC Chairperson and Members visiting RINPAS

awareness about mental health issues in the local language needs to be addressed in the State of Jharkhand, which has a predominant population of Tribal people. Besides this, he also highlighted the three core issues of filling of vacancies, rehabilitation of the cured patients and implementation of the Mental Health Care Act, 2017.

Mr. Santosh Kumar Satpati, Acting Chairperson, Jharkhand State Human Rights Commission, Mr. Arun Kumar Rai, Judicial Commissioner, Ranchi and Mr. Arun Kumar Singh, Additional Chief Secretary, Department of Health Government of Jharkhand also addressed the inaugural session.

In the technical session, there were presentations by Dr. Jayati Simlai, Director, RINPAS and Mr. Basudeb Das, Director, CIP on the working, challenges and future plans of their respective institutions. It was assured by them that the patients declared fit will be rehabilitated back to their families in the next two weeks. Issues regarding the maintenance of heritage building of RINPAS and CIP, as well as the need for modern infrastructure were also raised.

The other key speakers included Prof. Dr. Rajesh Sagar, Psychiatry Department, AIIMS Delhi, Dr. Atul Goel, DG, Health Services, Government of India, Prof. Dr. Pratima Murthy, Director, NIMHANS, Bengaluru. Mr. Harish Chandra Chaudhary, Joint Secretary NHRC, delivered the vote of thanks.

Some of the important suggestions emerged during the discussions during the workshop are as under:

- In addition to the institutional mental health care, the NHRC should also focus on community health care to bring it more close to the people;
- Focus on a compact campus with the state of art infrastructure alongside a small heritage part of

the RINPAS instead of maintaining a spread out campus;

- The idea of Tele Mental Health consultations needs to be taken forward;
- Focus on the cleanliness of the toilets in RINPAS as well as CIP and provide coolers in the wards;
- Issue of encroachment on the land allotted to RINPAS needs to be addressed;
- Ensure special wards for children and the elderly;
- Increase the number of family cottages in RINPAS and CIP in the interest of providing better mental health care to the patients in proximity with their families;
- Ensure employment of regular employees instead of outsourced

functionaries to instill a sense of belonging in the functioning of RINPAS, and;

- Ensure proper registration of the patients at the admission time so that there are no problems in their rehabilitation.

Besides the NHRC senior officers and the Jharkhand SHRC, the workshop was attended by different stakeholders including the senior representatives of Centre, State government, mental health experts, doctors and para-medical staff of these Institutions, as well as the representatives of the National Institute of Mental Health and Neurosciences, NIMHANS and All India Institute of Medical Science, AIIMS, New Delhi.

NHRC open house discussion on the problems of migrant workers on the basis of the findings of its two research projects

Mr. Justice Arun Mishra, Chairperson, NHRC, India has said that there is a need to focus on the education, health and social security of the women and children of the migrant workers, who are forced to leave their abode in search of better opportunities. He said that the migrant workers contribute immensely to the economy of the country. The steps taken to reach out to them through various digital modes and portals are appreciable. However, the digital divide should be taken care of.

Justice Mishra was chairing an open-house in hybrid mode organized by the Commission on 3rd August, 2022 to discuss the outcome of the two research projects commissioned by it on the migrant workers in 2019-20. These are: "Identifying Human Rights Issues and Problems and Developing Policy Framework for Providing Social Security and Healthcare to Migrant Workers" by Dr. R. Kasilingam from the Pondicherry University and "Unheard Voices of Silent

Growing Majority: An Assessment of Social Security and Health Risks among women migrant workers of Rajasthan" by Dr. Shaizy Ahmed from the Central University of Rajasthan.

Justice Mishra said that the attention should be paid to the minimum wages of migrant workers, occupational safety and the requirements of food, potable water, health, safe accommodation, effective implementation of the 'Public Distribution System' under 'One Nation and One Ration Card Scheme'. He also said that the State machinery needs to gear up to meet any challenges as were faced by the migrant workers during the COVID-19 pandemic lockdowns.

The NHRC Chairperson asked the participants to send their suggestions to the Commission in writing so that all the inputs are considered by it to finalize the recommendations, which may be sent to the Government(s) for implementation.

Earlier, triggering the discussions, the NHRC Secretary General, Mr. D.K. Singh said that the migrant workers add value to the economic development of the country. He said that economic and social empowerment of the migrant workers will directly benefit the development of the country.

The participants included NHRC Members, Mr. Justice M.M. Kumar, Dr. D.M. Mulay and Mr. Rajiv Jain, DG (I), Mr. Manoj Yadava, Registrar (Law), Mr. Surajit Dey, Joint Secretaries, Ms. Anita Sinha and Mr. H.C. Chaudhary, besides the two researchers. Inputs were also given by the representatives of Union Ministries of Education, Consumer Affairs, Women & Child Development, Labour & Employment, Karnataka and Rajasthan State Governments, experts from National Law School of Indian University (NLSIU), Bangalore, Tata Institute of Social Sciences, Mumbai, Indian Council of Medical Research, V. V. Giri National Labour Institute, NOIDA.

Important Interventions

Medical negligence (Case No. 677/25/13/2020)

The intervention by the National Human Rights Commission, NHRC, India in the death of a pregnant woman due to medical negligence, has resulted in the Government of West Bengal paying Rs. 3.75 lakh as monetary relief to her Next of the Kin. The State Medical Council has been asked to take disciplinary action against the negligent doctor. The incident had happened at Lalbagh Sub-Divisional Hospital, Murshidabad, West Bengal on 8th February, 2020.

The Commission had registered a case on the basis of a complaint. In response to the notices of the Commission, the Department of Health & Family Welfare, Govt.

of West Bengal informed that an Enquiry Committee had found that as per the death certificate, the patient had died due to heart failure. It was also found that the doctor on duty was not present in the hospital and instead gave instructions over phone to the nurses. He attended the patient after a delay of five hours.

Death of two labourers in a stone mine (Case No. 951/34/12/2020)

The intervention by the National Human Rights Commission, NHRC, India has resulted in the payment of Rs.10 lakh each as compensation by the mine owner to the next of kin of the two labourers, who died in a stone mine accident in Koderma, Jharkhand. The incident had happened in 2019, in which one of

the co-owners of the mine had also died.

The Commission had registered a case on the basis of a complaint on 16th September, 2020 alleging that rescue operation was taken up only after five hours of the incident. In response to the notices of the Commission, the Dy. Commissioner, Koderna informed that a case under various sections of the IPC had been registered on 10th November, 2019 against the mine owner for his negligence. After investigations, a charge sheet was filed in the court in 30th July, 2020. Even as the court proceedings in the matter are pending, the mine owner on 26th October, 2021, paid Rs.10 lakh each to the Next of Kin, NoK of the two deceased labourers.

Suo Motu Cognizance

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

Death of a child due to corporal punishment (Case No.3964/20/16/2022)

The media reported on 14th August, 2022 that a Scheduled Caste student of 3rd standard in Sarasvati Vidyalaya in Surana area of district Jalore, Rajasthan was beaten up by the Headmaster of the school on 20th July, 2022 due to which he sustained grievous injuries and died in a hospital in Ahmedabad during the

course of the treatment.

The Commission has issued notices to the Chief Secretary and the Director General of Police, Rajasthan calling for a detailed report in the matter. The report is expected to include the information about the present status of the investigation in the matter and the action taken against the Headmaster. The DGP, Rajasthan is expected to explain why the FIR in the matter was not registered by the police for 23 days in spite of efforts made by the family of the victim.

Vacant post of State Commissioner for Persons with Disabilities (Case No.1332/34/0/2022)

The NHRC has taken suo motu

cognizance of the information that the post of State Commissioner for Persons with Disabilities has been lying vacant for more than one and half years in Jharkhand. Mr. Pramod Kumar gave this information to the Commission during a meeting with the NGOs as part of its Ranchi Camp Sitting. The Commission has issued a notice to the Chief Secretary, Government of Jharkhand, calling for a detailed report in the matter. If allegations are found true, he is expected to give reasons for not filling up the post for so long and fix the responsibility for the same and the steps, if any, taken or proposed to be taken to fill the post.

Important Intervention

Apart from the number of cases taken up daily, 53 cases were heard by the Full Commission in its Ranchi Camp Sitting & Open Hearing, 34 cases by the Double Bench-II & 60 cases by Double Bench-III in August, 2022. The Commission recommended monetary relief amounting to a total of ₹ 79,00,000/- for the victims or their Next of Kin, NoK in 16 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	1916/4/26/2019-JCD	Death in Judicial Custody	750000	Bihar

2	2220/4/26/2017-JCD	Death in Judicial Custody	500000	Bihar
3	3587/4/2/2018-JCD	Death in Judicial Custody	500000	Bihar
4	172/33/16/2020-JCD	Death in Judicial Custody	500000	Chhattisgarh
5	2333/7/17/2019-JCD	Death in Judicial Custody	700000	Haryana
6	135/13/8/2021-JCD	Death in Judicial Custody	500000	Maharashtra
7	848/13/23/2018-JCD	Death in Judicial Custody	750000	Maharashtra
8	3188/18/30/2018-JCD	Death in Judicial Custody	300000	Odisha
9	25366/24/14/2020-JCD	Death in Judicial Custody	300000	Uttar Pradesh
10	26169/24/26/2019-JCD	Death in Judicial Custody	700000	Uttar Pradesh
11	4127/24/72/2020-JCD	Death in Judicial Custody	500000	Uttar Pradesh
12	1655/13/1/2017-PCD	Death in Police Custody	500000	Maharashtra
13	4970/18/14/2018-PCD	Death in Police Custody	500000	Odisha
14	7798/24/9/2020	Death due to Electrocution	300000	Uttar Pradesh
15	592/19/10/2019	Death due to Electrocution	500000	Punjab
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 recommended an amount of total ₹42,00,000/- 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	762/25/8/2020-JCD	Death in Judicial Custody	475000	West Bengal
2	5488/30/0/2017-JCD	Death in Judicial Custody	200000	Delhi
3	877/34/23/2017-AD	Alleged custodial deaths in Police Custody	300000	Jharkhand
4	46/15/1/2016-ED	Death in Police Encounter	300000	Meghalaya
5	608/1/3/2017	Custodial Torture	100000	Andhra Pradesh
6	873/1/21/2019	Death due to Electrocution	500000	Andhra Pradesh
7	513/4/23/2016	False Implications	525000	Bihar
8	3533/30/0/2017	Death in Police Custody	200000	Delhi
9	2108/7/16/2017	Atrocities by Custom/Excise/Enforcement/Forest/Income tax deptt., etc. of Central/State Govts.	200000	Haryana
10	1816/18/9/2020	Death due to Electrocution	300000	Odisha
11	13616/24/17/2020	Atrocities by Custom/Excise/Enforcement/Forest/Income-tax deptt., etc. of Central/State Govts.	100000	Uttar Pradesh
12	2204/24/21/2020	Abuse of Power	50000	Uttar Pradesh
13	23598/24/45/2019	Failure in Taking Lawful Action	350000	Uttar Pradesh
14	34115/24/6/2017	False Implications	300000	Uttar Pradesh
15	9349/24/78/2019-WC	Rape outside Police Station	300000	Uttar Pradesh

Success stories

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

Unlawful detention (Case No. 608/1/3/2017)

Allegedly, the complainant was picked up by the police, illegally detained and tortured for 18 hours in the PS, East Police Station, Tirupati

from 4th June, 2017 midnight to 9.30 pm on 5th June, 2017. On the basis of the material on record, the Commission observed that the freedom and liberty of a citizen cannot be curtailed by police at their whims without following due procedure. Admittedly, the police had taken departmental action against the erring police personnel and one Inspector was already

awarded the punishment of censure. Accordingly, the Commission recommended that the Govt. of Andhra Pradesh pay Rs. 1 lakh to the victim as relief, which was paid.

Death due to electrocution (Case No. 873/1/21/2019)

Allegedly, two school students died due to electrocution in Kenpur Govt. School, Mahisagar, Gujarat

during Independence Day ceremonies due to failure of the school management to take precautionary measures. On the basis of material on record, the Commission observed that it was evident that both boys went to the terrace with the peon of the school, hence, they were under his supervision and care of the school. The management of the school cannot escape the responsibility for the negligence. Following the observations of the Commission, the Govt. of Gujarat paid Rs.2.5 lakh to the Next of Kin of the deceased children as relief. Besides this, departmental action was also taken against the six officials.

Death in a correctional home (Case No. 762/25/8/2020-JCD)

The case relates to the suicide by a female prisoner on 28th May, 2020 in the Hooghly District Correctional Home, West Bengal. On the basis of the material on record, the Commission has observed that it was a case of unnatural death due to the lack of vigilance and negligence on the part of jail staff. Accordingly, it recommended that the Government of West Bengal pay relief to the

victim's family. In response, the State Government submitted a compliance report along with a proof of payment of Rs 4.75 lakh to the NoK of the deceased female prisoner.

Death in police custody (Case No. 256/33/27/2019-AD)

The case relates to a custodial death of a man in PS-Chandoura, Balrampur, Chhattisgarh on 26th June, 2019. The father-in-law of the man had made a complaint against him. The police brought him to police station where he hanged himself. On the basis of the material on record, the Commission observed that the dark contusion mark on the hip of the victim indicates beating by the police as it cannot be self caused. The State is vicariously responsible for a suicide in the police custody and recommended that it pay of Rs.3 lakh as relief to the next of deceased, which was paid.

Death in judicial custody (Case No. 1058/22/37/2021-AD)

Allegedly, one prisoner died after being beaten inside the Palayamcottai Jail, Tirunelveli, Tamil Nadu. The victim was shifted to this

jail from Srivaikundam Sub-Jail on the pretext that there was a threat to his life but within a couple of hours of shifting, he was beaten to death in the jail. In response to the notices of the Commission, it was informed that punitive action was taken against the three prison officials and the next of kin of the deceased was paid Rs. 10 lakh from Chief Minister's Relief Fund and Rs. 4,12,500/- towards the first installment of 50% of the relief amount under SC/ST (POA) Amendment Act, 2015.

Abduction and gang-rape (Case No. 2237/20/21/2021)

Allegedly, a 15 year old tribal girl was abducted and gang-raped by three youths in Kota, Rajasthan on the night of 24th June, 2021. On the basis of the material on record, it was found that the allegations were found true during the police investigation and a charge sheet was filed against the three accused under POCSO and SC/ST Act. Monetary relief Rs.4,12,500/- and Rs.2,06,250/- was sanctioned under SC/ST (PoA) Act. The Commission has asked the District Administration to confirm the payment.

NHRC SSP, Mr. Anupam Sharma gets Police Medal for Meritorious Services



Mr. Anupam Sharma, Senior Superintendent of Police, posted in the Investigation Division of the National Human Rights Commission, NHRC, India has been chosen for the Police Medal for Meritorious Services on the occasion of Independence Day, 2022.

Mr. Sharma is an IPS officer of Himachal Pradesh cadre and joined the Investigation Division of the Commission on deputation on 7th June, 2021. Within a short span of time, he very significantly contributed to the enquiries in various cases of human rights violations, including the post poll violence in West Bengal, deaths in custody and encounter.

From Investigation Files

Disposal of cases

During August, 2022, total 244 cases were processed including 08 spot enquiries, 191 Judicial Custodial Deaths, 14 Police Custodial Deaths, 19 Encounter Deaths and 12 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.	36478/24/31/2017-AFE	Death in fake encounter in District Ghaziabad, Uttar Pradesh.	1st - 8th August, 2022

NHRC online human rights photography competition

The National Human Rights Commission, NHRC, in line with the 'Aazadi Ka Amrit Mahotsav' celebrations, launched on 15th August, 2022 its month-long online human rights photography competition marking the 76th Independence Day of India on MyGov Portal. Mounted by the Media and Communication Wing

of the Commission, the competition aims at spreading awareness about various aspects of human rights and values as well as the need to protect them.

Indian Citizens aged 14 years and above can participate in it without any entry fee. Three cash awards of Rs. 15,000/-, Rs. 10,000/- and Rs. 5000/- along with certificates

will be given for the first, second and the third winners besides seven consolation cash prizes of Rs. 2000/- each or as may be decided by the Commission. The selected photographs will be used by the Commission for awareness purposes. The participants can log in online at the MyGov Portal, wherein the detailed guidelines are also given.

Snippets



English journal editorial meeting

On 1st August, 2022, the NHRC Chairperson, Mr. Justice Arun Mishra chaired the first meeting of Editorial Board of NHRC English Journal 2022. This Publication carries research based articles written by eminent experts on various important aspects of human rights issues. It is released every year on the occasion of Human Rights Day on 10th December.

Internship with practical exposure to the NHRC functioning

From 5th – 19th August, 2022, fourteen under and post graduate students attended a short internship in the Commission. short internship. They were exposed to the functioning of the Commission during the attachment with its various units. The Commission reinstated this internship, which was put on hold earlier during the Covid-19 pandemic related restrictions.



15 days' online Short Term Internship

On 22nd August, 2022, the NHRC Member, Mr. Justice M.M. Kumar inaugurated 15 days' online Short Term Internship Programme of the Commission. He said that the interns should make the best use of this opportunity to understand various aspects human rights.



Interview

On 29th August, 2022, the Sansad TV aired an interview of the NHRC Member, Mr. Justice M.M. Kumar on the Human Rights Act in the programme of Bills & Acts.

Visit

On 29th August, 2022, the National Commission for Woman, NCW organized a visit of a delegation of students from Ladakh to the NHRC to give them an understanding of the importance of human rights and the functioning of the Commission for promotion and protection of human rights.



