



HUMAN RIGHTS NEWSLETTER

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NHRC Core Group on Business and Human Rights flags the rights issues of truck drivers

Mr. Justice Arun Mishra, Chairperson, National Human Rights Commission, NHRC, India has expressed serious concern over the plight of commercial truck drivers. He said that the truck drivers are not recognized as an organized workforce, though they contribute significantly to the Gross Domestic Product (GDP) of the country.

Chairing the meeting of the Commission's Core Group on Business and Human Rights with focus on the rights issues of truck drivers in New Delhi on 19th April, 2022, Justice Mishra said that the steps need to be taken to ensure that their rights are also protected.

He said that the efforts by the Centre and States stand appreciated but more attempts need to be made to ensure provision of social security, means to reduce abuse of substances, standardizing their wages and provision of regular breaks.

Besides the inaugural session,



A scene of the meeting in progress

the meeting was divided into three technical sessions including 'protection from exploitation', 'socio-economic welfare framework' and the 'physical and mental well-being' of the commercial truck drivers.

Some of the important aspects, among others, emerged during the discussions were as follows:

- Mandatory health and accident insurance to be provided to truck drivers;
- Provision of truck-stops and resting places on all National Highways and Expressways with amenities for resting, clean food, potable water and clean sanitation;
- Formal remuneration structure along with mandatory social security benefits including life insurance, provident fund, etc.;
- Establishing a dedicated helpline for registration of complaints of corruption and bribery, and



NHRC Chairperson, Mr. Justice Arun Mishra chairing the meeting

- Efforts to provide basic psychological well-being as a relief to the sedentary and inflexible and highly stressful lifestyle of the commercial truck drivers.

The participants included, among others, the NHRC Members, Mr. Justice M.M. Kumar, Dr. D.M. Mulay and Mr. Rajiv Jain, DG(I), Mr. Santosh Mehra, Registrar (Law), Mr. Surajit Dey, Joint Secretaries, Mrs. Anita Sinha and Mr. H.C. Chaudhary, officers of the Commission, NHRC Core Group members. Representatives from the Union Ministries of Road Transport & Highways, Social Justice & Empowerment, Labor & Employment and Health & Family Affairs; All India Transporter's Welfare Association, Insurance Regulatory & Development Authority of India, NIMHANS and Save Life Foundation also attended.

**"The best way to find yourself is to lose yourself in the service of others."
– Mahatma Gandhi**

Re-constituted Core Group on Disabilities pitches in for using full potential of persons with disabilities

The National Human Rights Commission, NHRC, India held the first meeting of its re-constituted Core Group on Disabilities on 13th April, 2022. Chairing it, the NHRC Member, Dr. D.M. Mulay expressed concern over the pace with which efforts are being made to ensure that all the public facilities are available to Divyangjan at par with any other citizen. He said that the Rights of Persons with Disability Act, 2016 provides guiding principles to envisage a large vision to act and implement disabled friendly environment to enable every person with disability to realize his/her full potential as a citizen of India and to make justice, dignity and equality available to them.

Dr. Mulay emphasized that using full potential of persons with disabilities should be focus of discourse and it should not end just with ensuring facilities to them or

raising their problems. He said that the NHRC Core Group Members and experts, working on the issues related to disabilities, should travel to various parts of the country to look out for the best practices so as to evolve a common framework for implementation throughout the country for the betterment of facilities and infrastructure for the persons with disabilities.

Making a brief interjection, NHRC Member, Mr. Justice M.M. Kumar said that the usage of Artificial Intelligence needs to be promoted to ensure accessibility of all the services to the Divyangjan at par with others.

Earlier, Mr. H. C. Chaudhary, NHRC Joint Secretary said that the Commission decided to re-constitute its Core Group on Disabilities exclusively in order to focus specifically on the issues of persons

with disability. He said that the Rights of Persons with Disability Act, 2016 has a number of provisions to create disabled friendly facilities, which needed to be implemented on the ground.

Mr. Mritunjay Jha, Deputy Chief Commissioner for Persons with Disabilities said that the Centre and States, in line with the Rights of Persons with Disability Act, 2016 as well as the Sustainable Development Goals, have started working towards making cities and human settlements disabled friendly.

Some suggestions, among others, that emerged from the meeting, were as follows:

- Include community-based rehabilitation services;
- Ensure participation of persons with disabilities in the decision-making processes;
- Ensure disabled friendly public transport;
- Ensure access to justice by video call and text and a dedicated mobile toll free number, which can be accessed in police stations or hospitals alike for diverse communication needs of persons with disabilities.

The participants included senior officers of the Commission, representatives from the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, National Association for Blind, Disability Rights Alliance, NHRC Core Group Members.



NHRC Member, Dr. D. M. Mulay chairing the meeting

NHRC India online human rights quiz on MyGov Portal sees enthusiastic response from all over the country

An online quiz on human rights and National Human Rights Commission, NHRC, India saw a very enthusiastic participation from across the country. The Media and Communication Wing of the Commission collaborated with the MyGov team to organize it from

15th February, 2022 to 15th March, 2022. The objective was to spread awareness about the importance of the promotion and protection of human rights and the activities of the Commission to this effect.

The participants were required to answer maximum five questions

in five minutes and the winners were decided from among those who answered maximum correct answers in shortest time.

Total 21,329 people in different age groups participated from all the 28 States and 7 UTs, barring Lakshadweep, in this online quiz,

which emerged as one of the most successful and highly participated quiz on the MyGov platform in the recent past. Maximum participation was from the 18-24 age group, out of which, 52.9% were males and 47.1% were females. The youngest participant was 14 years old and the senior most was 68 years.

The first prize of Rs. 15,000 has been won by Karan Singh Nathawat from Rajasthan, who took fifteen seconds to answer all five questions correctly.

The second prize of Rs. 10,000 has gone to Dev Chawla from Delhi; and the third winner is Purav Keshabji Shah, from Maharashtra, who gets a

cash prize of Rs. 5000.

The winners of seven consolation prize of Rs. 2,000 each are Shaun Shaji Philip from Kerala; Raj Lakshmi Khess and Abhilash Khess from Jharkhand; Anshu Tiwari, Prajjwal Kasera, Swati Soni and Ashok Kumar Sarkar from Uttar Pradesh.

Important Intervention

Payment of Rs. 36 lakh as relief in a case deaths due to spurious cough syrup (Case No. 80/9/14/2020)

On the recommendations of the National Human Rights Commission, NHRC, India, the Jammu and Kashmir, UT Administration has finally paid the monetary relief of Rs. 36 lakh to the next of kin of the twelve infants, who died after consuming a cough syrup, which was subsequently found to be spurious. The incident happened in Ramnagar, Udhampur during December-end, 2019 and January-mid, 2020. The Commission had registered the case on the basis of a complaint dated 30th April, 2020.

Initially, in response to the notices of the Commission, the UT Administration had maintained that there was no scope for any complacency on the part of its Drugs Control Department: The

manufacturing of quality drugs is primarily the responsibility of the manufacturing firm and the department had already lodged a formal complaint against it before the competent court of law.

The Commission found the contention unacceptable and observed that there was no denial of the lapse in the case though the drugs department did not want to own the responsibility. It observed that the department had failed to keep a regular vigil on the contamination and contents of the medicine sold within its jurisdiction and hence the State is vicariously liable for the negligence and for the payment of the monetary relief of Rs. 3 lakh each to the next of kin of the deceased children.

Thereafter, the UT Administration responded that the monetary compensation shall remain subject to the outcome of

Special Leave Petition, SLP pending before the Supreme Court of India. However, the compliance report, along with the proof of the payment of the recommended relief was submitted when the Commission reiterated its recommendations issuing a final reminder to the Chief Secretary, as well as the Additional Secretary, Department of Health and Medication, UT of J&K to submit the report, failing which it will be constrained to invoke its coercive power under Section 13 of the PHR Act, 1993 calling for the personal appearance of the authority concerned before it.

Reportedly, the J&K High Court had upheld the NHRC recommendations for payment of relief holding the UT Administration vicariously responsible for the negligence when it challenged the Commission's recommendations.

Suo Motu Cognizance

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

Manual cleaning of muck (Case No. 2287/30/4/2022)

The Media reported on 3rd April, 2022 that a man standing chest deep inside a drain, under the Public Works department, cleaning muck without protective gear in the

Kashmere Gate area of Delhi. The Commission has observed that the incident indicates that despite specific judgments given by the Apex Court and guidelines issued from time to time, manual cleaning of drains continues in the National Capital.

Accordingly, it has issued a notice to the Chief Secretary, Government of NCT of Delhi calling for a detailed report by specifically intimating the measures that the Government of Delhi has already taken or likely to be taken to prevent such gross violation of human rights of poor and under privileged people.

Death while cleaning a sewage tank (Case No. 1031/7/22/2022)

The media reported that one person died while cleaning a sewage tank in Palwal district of Haryana on 9th April, 2022. Three others were admitted to a hospital in a serious condition. Reportedly, the workers were not provided safety gears equipment by the contractor, working for the Municipal Council.

The Commission has issued notices to the Chief Secretary, Government of Haryana, the Chairman, Municipal Council and

the Superintendent of Police, Palwal calling for a detailed report in the matter. The report is expected to include the present health status of the three injured workers and the relief/ rehabilitation provided to the aggrieved families.

Death while cleaning sewer (Case No. 1100/7/6/2022)

The media reported that four sanitation workers died after inhaling toxic gases while cleaning a sewage tank in Budha Khera village in Hisar district of Haryana. The Commission has issued a notice to the Chief Secretary of Haryana, calling for a detailed report in the

matter. The report is expected to include the action taken against the responsible officers and relief granted to the families of the victims.

Death of infants due to overheating of warmer in a hospital (Case No. 1563/20/1/2022)

The media reported that two infants died due to overheating of warmer in a Government-run Amrit Kaur Hospital in Ajmer, Rajasthan. The Commission has issued notice to the Chief Secretary of Rajasthan, calling for a detailed report including status of investigation in the matter, action taken against the responsible persons, along with the relief, if any,

provided to the aggrieved families.

Atrocity against a Dalit man (Case No. 999/18/27/2022)

The media reported that a Dalit man was allegedly forced to rub nose in his own spit in front of a village Sarpanch and locals in Kendrapada district of Odisha, when he refused to pay more donations for the construction of a Temple. The Commission has issued notice to the Odisha Chief Secretary calling for a report including status of investigation of the case, which has been reportedly registered by the police, as well as the status of statutory relief paid to the victims.

Cases of Human Rights Defenders (HRDs)

The Commission registered 01 case of alleged harassment of Human Rights Defenders (HRDs) during the month of April, 2022. Summary of the case is as under:-

Police inaction in a matter of attack on an HRD (Case No. 907/18/18/2022)

Allegedly, a human rights activist was attacked by some miscreants, threatening his and the life of his

aged parents in Bhadrak District of Odisha and the state authorities had not taken any action. He claimed to have filed several cases of human rights violation against Bhadrak District Administration and police.

The Commission has issued notices to the Chief Secretary, Govt. of Odisha and Director General of Police, Odisha calling for an action taken report.

Recommendations For Relief

As part from the number of cases taken up daily, 42 cases by the Full Commission and 68 cases by the Double Bench-II in April, 2022. The Commission recommended monetary relief amounting to a total of ₹ 38,50,000/- for the victims or their NoK in 9 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:

Sr. No	Case No.	Nature of Complaint	Amount (in ₹)	Authority
1	26/6/1/2020-JCD	Death In Judicial Custody	300000	Gujarat
2	437/1/21/2018-PCD	Death In Police Custody	300000	Andhra Pradesh
3	1723/22/46/2017-PCD	Death In Police Custody	300000	Tamil Nadu
4	62/25/22/2017-PCD	Death In Police Custody	300000	West Bengal
5	1209/25/5/2016-AD	Alleged Custodial Deaths In Police Custody	750000	West Bengal
6	873/1/21/2019	Death Due To Electrocution	600000	Andhra Pradesh
7	4421/4/8/2021	Child Rape	200000	Bihar
8	1351/34/11/2016	Death In Police Firing	800000	Jharkhand
9	2928/18/28/2019	Sewer Deaths	300000	Odisha

Payment of Relief on NHRC Recommendations

The Commission closed 31 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 ₹69,00,000/- 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:

Sr. No	Case No.	Nature of Complaint	Amount(in ₹)	Authority
1.	237/3/11/2018-JCD	Death In Judicial Custody	300000	Assam
2.	551/4/26/2017-JCD	Death In Judicial Custody	500000	Bihar
3.	945/4/26/2017-JCD	Death In Judicial Custody	400000	Bihar
4.	321/13/16/2018-JCD	Death In Judicial Custody	350000	Maharashtra
5.	23025/24/7/2019-JCD	Death In Judicial Custody	325000	Uttar Pradesh
6.	3088/24/6/2018-JCD	Death In Judicial Custody	350000	Uttar Pradesh
7.	8017/24/64/2019-JCD	Death in Judicial Custody	400000	Uttar Pradesh
8.	33654/24/1/2019-JCD	Death in Judicial Custody	275000	Uttar Pradesh
9.	439/25/11/2015-JCD	Death in Judicial Custody	400000	West Bengal
10.	279/6/15/2020-PCD	Death in Police Custody	450000	Gujarat
11.	457/10/21/2018-PCD	Death in Police Custody	100000	Karnataka
12.	1781/4/4/2019-AD	Alleged Custodial Deaths in Judicial Custody	500000	Bihar
13.	89/3/26/2019	Mob Lynching	100000	Assam
14.	2863/30/2/2019	Atrocities on Sc	300000	Delhi
15.	1417/12/53/2020	Abuse of Power	200000	Madhya Pradesh
16.	1792/12/43/2020	Medical Negligence	400000	Madhya Pradesh
17.	2818/13/15/2015	Malfunctioning of Medical Professionals	100000	Maharashtra
18.	1626/18/17/2020	Death due to Electrocution	300000	Odisha
19.	1623/22/31/2019-WC	Rape	100000	Tamil Nadu
20.	12541/24/53/2020	Inaction by the State Government/Central Govt. officials	350000	Uttar Pradesh
21.	16629/24/44/2018	Failure in Taking Lawful Action	100000	Uttar Pradesh
22.	21849/24/37/2019-WC	Rape Outside Police Station	300000	Uttar Pradesh
23.	29865/24/22/2016	Atrocities on SC/ST (by Police)	200000	Uttar Pradesh
24.	317/35/3/2018	Malfunctioning of Medical Professionals	100000	Uttarakhand

Success stories

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

Inaction by the police personnel (Case No. 16629/24/44/2018)

Allegedly, a father complaint that his son was killed in District Fatehpur, Uttar Pradesh on 3rd March, 2018 but neither his body was handed over nor any action taken by the police in the matter. Based on the material on record the Commission found that despite orders of the Court of Chief Judicial Magistrate, Kaushambi on 9th October, 2019, the then Inspector/SHO and his subordinate staff did not take any action and for their carelessness, an enquiry against them was being conducted. The

Commission noticed that there was complete police inaction in the matter right from registration of the FIR till conclusion of the investigation resulting in violation of human rights of the deceased and his father. Accordingly, the Commission recommended that the Government of Uttar Pradesh pay Rs. 1 lakh, as an interim relief to the NoK of the deceased, which was paid. It was also informed that the delinquent police personnel have been dealt with and punished departmentally with stoppage of annual increment and the amount of Rs.1 lakh paid to the petitioner is also being recovered from them.

Negligence of jail officials (Case No. 1781/4/4/2019-AD)

A complaint was received that an under trial prisoner developed some

health issue suddenly and rushed to Sadar Hospital, Begusarai, where he died on 15th June, 2019. Pursuant to the directions of the Commission, the Director General (Prisons), Bihar informed that prisoner was in jail for alleged rape of his daughter and nobody from his family came to meet him. He was under depression and committed suicide by consuming toilet cleaner. It was further reported that departmental enquiry was initiated against a house-keeping staff and the room keeper. Both of them were punished by stoppage of three increments. Therefore, the Commission recommended that the Government of Bihar pay Rs.5 lakh, as an interim relief to the NoK of the deceased, which was paid.

Lack of medical facilities (Case No. 1792/12/43/2020)

Allegedly, a young woman lost her life due to lack of medical facilities in District Sheopur, Madhya Pradesh. The victim was pregnant and occasionally got herself examined at the Primary Health Centre. However, due to pandemic and lockdown she was unable to find neither any work nor the dry ration delivered to her. As a result, her health deteriorated. When she delivered her child at her house but died due to the loss of blood. No ASHA worker came to check her either before or after the delivery. Pursuant the directions of the Commission, the Chief Medical & Health Officer, District Sheopur (MP), informed that the victim died due to postpartum hemorrhage i.e. loss of blood. During the inquiry, it was found that despite making call at helpline no.108 no services were made available to the victim. The Commission recommended the Government of Madhya Pradesh pay Rs 4 lakh as an interim relief to the NoK of the deceased, which was paid.

Inaction by the police personnel (Case No. 89/3/26/2019)

Allegedly, some vigilantes beat a restaurant owner for serving beef in Biswanath Chariali District of Assam. Despite complaint, the police did not take any action in the matter. Pursuant to the directions of the Commission, the SP informed that FIR No. 80/19 u/s 143/ 341/ 325/ 294 A/ 295 A/ 153 A(B)/ 384 IPC was registered against 15 accused persons. 11 were arrested and all efforts were made to arrest the remaining accused persons. The Commission recommended that the Govt of Assam pay Rs.1 Lakh to the victim, which was paid.

Collapse of school boundary wall (Case No. 12541/24/53/2020)

Allegedly, the boundary wall of a school collapsed resulting in the death of an 8 years old student in Mau, Uttar Pradesh. Pursuant to the directions of the Commission, the District Magistrate informed that on the complaint of his father an FIR was lodged against District Basics Education Officer, Mau etc. Therefore, the Commission recommended that the Government of Uttar Pradesh pay interim relief Rs.3.50 lakh/- to the NoK of the deceased child, which was paid.

Rape by police personnel (Case No. 21849/24/37/2019-WC)

The Commission had received complaint alleging that a 15 year old minor girl was raped by a police official and no action was taken by the concerned authorities in the case. In response to the directions of the Commission, Sr. Superintendent of Police, Hathras reported that an FIR No. 325/19 u/s 376/506 IPC and 3/4 POCSO Act was registered against the accused police personnel. Since the accused was absconding, non-bailable warrant was issued against him, and when he did not appear before the police; orders U/s 82 Cr.PC were received from the court. A challan No. 387/19 was filed and an arrest award of Rs.25,000/- was declared. A departmental enquiry was also initiated against him.

Therefore, the Commission recommended that the Government of Uttar Pradesh pay Rs. 3 lakh as relief to the victim, which was paid. It was also informed that the accused policemen has been arrested and sent to jail, and the case against him is pending before the court of Special Court of POCSO-I, Hathras.

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:

Police atrocity and attempt of fake encounter (Case No. 1586/30/0/2021)

The matter relates to a complaint alleging illegal detention and attempt to kill in a fake encounter in District Basti, Uttar Pradesh. The complainant alleged that his minor son had gone to Delhi from where he, along with two other persons were picked up by the Uttar Pradesh Police. There was no complaint against his son. This incident was

recorded in the CCTV footage. The police brought them to Basti and then shot bullet in the leg of one of the persons showing it as an encounter in the area of Parshuram Police Station. Now, whereabouts of his son and others were not known. He requested intervention of the Commission in the matter.

Pursuant to the directions of the Commission, its Investigation Division conducted a spot enquiry and found the allegations true exposing many contradictions and inconsistencies in the police theory. It was also found that the son of the complainant was Juvenile, aged 17 years. Instead of producing him before a Juvenile Justice Board,

he was sent to the District jail in violation of his human rights and legal procedure established by law.

On the basis of the findings of its Investigation Division, the Commission issued a notice to the Govt. of Uttar Pradesh through its Chief Secretary, to show cause why Rs. 2 lakh should not be recommended as monetary relief to the victim. It also asked the Director General of Police, Uttar Pradesh to submit an action taken report on the following:

a. Constitute a SIT, headed by an officer not below the rank of Superintendent of police other than District Basti and further investigate the case CR No 108/2021 and

109/2021 u/s 173(8) Cr PC as per the provisions of law.

b. The SIT shall also look into the lapse committed during previous investigation including immediate preservation/analysis of CDRs of all the police officials involved in the said encounter.

c. The SIT shall also consider enquiring the allegations of the complainant of false implication and illegal detention of his son.

d. The SIT shall also to identify the check list to be followed by the police while dealing with the juveniles.

Disposal of cases

During April, 2022, total 218 cases were processed including 04 spot enquiries, 126 Judicial Custodial Deaths, 26 Police Custodial Deaths, 20 Encounter Deaths and 42 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:

Sl. No.	Case Number	Allegations	Date of visit
1.	7038/24/48/2022	Illegal detention, assault by inebriated police personnel in Lucknow, Uttar Pradesh.	4th – 8th April, 2022
2.	5038/30/3/2021	Inaction by the authorities of Delhi Government in a case of false implication and custodial torture.	18th-22nd April, 2022
3.	300/34/1/2022 (Link With 1555/34/1/2014-JCD)	Cover up a judicial custodial death case by District Jail, Bokaro, Jharkhand.	18th-22nd April, 2022
4.	255/24/30/2020	Not providing medical treatment to an inmate in Luxar Jail, Gautam Budh Nagar, Uttar Pradesh.	25th-27th April, 2022

Research Projects

The National Human Rights Commission has approved seven proposals for conducting research studies and decided to provide the financial assistance for the same. The target is to complete these studies within one year. The approved proposals are as under:

1. Protection of Human Rights of Abandoned Widows: Research Project titled 'Abandoned Widows: Visible yet Invisible, Voice yet Voiceless' was sanctioned to Guild for Service, New Delhi with Ms. Meera Khanna as Principal Investigator.
2. Shelter Homes for Women and Children: Functioning and Challenges: Research Project titled 'A study on the States, Functioning and Effectiveness of Swadhar Greh and Ujjawala Homes for Women and Adolescent Girls' was sanctioned to Gujarat National Law University, Gandhinagar with Prof. (Dr.) S. Shanthakumar as Principal Investigator.
3. Human Trafficking: Issues relating to Legal Framework and its Enforcement: Research Project titled 'Human Trafficking: An Evaluation Study of Functioning of AHTUs' was sanctioned to Center for Studies in Social Sciences, Calcutta, with Prof. (Dr.) Saibal Kar as the Principal Investigator.

Training initiatives for Human Rights Awareness

The National Human Rights Commission, NHRC, India conducted Online Short Term Internship Programme from 18th April to 2nd May, 2022. NHRC Member, Dr. D.M. Mulay inaugurated it. The valedictory session was chaired by Member, Mr. Justice M.M. Kumar. In all, 71 students from various Universities in different parts of the country were given an insight into various facets of human rights during their online interactions with Members, senior officers and domain experts.

Snippet

1. NHRC Chairperson, Mr. Justice Arun Mishra gave an interview to the Sansad TV on Uniform Civil Code (UCC) on 2nd April, 2022.
2. A delegation of United Nations High Commissioner for Refugees (UNHCR) headed by Ms. Gillian Triggs, UNHCR Assistant High Commissioner for Protection, visited NHRC on 25th April, 2022.
3. A delegation of European Union visited the NHRC on 27th April, 2022.

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