

# HUMAN RIGHTS NEWSLETTER

A Monthly Publication of the National Human Rights Commission, India



Mr. Justice Arun Kumar Mishra, former Judge of the Supreme Court of India, joins as the new Chairperson of the NHRC, India

Mr. Justice Arun Kumar Mishra, former Judge of the Supreme Court of India, joined as the new Chairperson of the National Human Rights Commission, NHRC, India on 2nd June, 2021. He is the 8th Chairperson of the Commission.

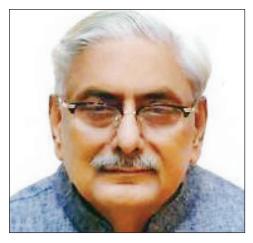
He was on born on 3rd September, 1955. After completing B.Sc., M.A., L.L.B., he joined the Bar in 1978 and practiced in constitutional, civil, industrial, service and criminal matters.

He was elected as the youngest Chairman of the Bar Council of India, BCI in 1998 and particularly focused on the improvement of legal education. During his Chairmanship, the BCI decided to close the evening Law Colleges, it also decided that a 5-year Law course should be started in all the colleges instead of 3 years course. More than two hundred substandard law colleges were closed by the BCI. Also, amount of medical aid to lawyers was enhanced.

He was instrumental in the drafting and implementation of Foreign Law Degree Recognition Rules of 1997 under the Advocates Act, 1961; Bar Council of India Employees Service Rules,1996 and Rules pertaining to Foreign Lawyers Conditions of Practice in India.

He was appointed Judge of the High Court of Madhya Pradesh on 25th October, 1999 and appointed as the Chief Justice of Rajasthan High Court on 26th November, 2010 and held the office till his appointment as the Chief Justice of the High Court at Calcutta on 14th December, 2012.

Justice Mishra was elevated as



a Judge of the Supreme Court of India on 7th July, 2014 and held the position till his superannuation on 2nd September, 2020. During his tenure as a Supreme Court Judge, he delivered 236 judgements. Out of this, 199 were in two Judges Bench, 32 in three Judges Bench and 5 in five Judges Bench.

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"The greatness of humanity is not in being human, but in being humane"— Mahatma Gandhi

## Mr. Justice M.M. Kumar, Former Chief Justice of J&K High Court, Joins as Member, NHRC, India

Tr. Justice M.M. Kumar, former Chief Justice of Jammu & Kashmir High Court, joined as a Member of the National Human Rights Commission, NHRC, India on 2nd June, 2021.

Born on January 5, 1953, Justice Kumar after completing L.LB from Punjabi University, Patiala in 1977; got enrolled with the Bar Council of Punjab and Haryana, the same year & started his law practice. He did LL.M from the University of Birmingham, England in 1982.

He taught as a Guest Faculty in Department of Law, Punjab University, Chandigarh. He was elected as Vice-President of the Punjab and Haryana High Court Bar Association for 1991-92 and later appointed as Additional Advocate General (Punjab) from October, 1995.

He took oath as a Judge of the Punjab and Haryana High Court on 02nd July, 2001 and was elevated as the Chief Justice of Jammu & Kashmir High Court on 08th June, 2012. In J&K, he dealt with many PILs related to the public interest. He popularized the use of video conferencing, Mega Lok Adalats and a number of other projects. He is known to have conducted the Court proceedings even during floods in September, 2014.

Thereafter, Justice Kumar also served as the Chairman, Company Law Board and also as the founder President of National Company



Law Tribunal on the abolition of the Company Law Board.

He has made significant contribution in the setting up of the Chandigarh Judicial Academy and the Rajiv Gandhi National Law University, Patiala.

## Mr. Rajiv Jain, former Director of Intelligence Bureau, joins as Member, NHRC, India

Intelligence Bureau, joined as a Member of the National Human Rights Commission, NHRC, India on 2nd June, 2021. He was born on 17th March, 1957. Prior to this, he was the Director of the Intelligence Bureau. He had been an officer of the 1980 batch of Indian Police Service, IPS

from the Jharkhand cadre.

Mr. Jain is a recipient of President's Police Medal and other awards. He has served in various districts of Bihar and Jharkhand and other places in India and abroad. While in the Intelligence Bureau, he dealt with a plethora of issues having a bearing on national security.



# NHRC Issues Advisories to the Centre, States and UT Administration in view of the adverse impact of Covid-19 pandemic

The National Human Rights
Commission, NHRC India,
keeping in view the adverse effects of
the pandemic on different sections of
society, issued five more Advisories
to the Centre, States and Union
Territory Administration as part of

its 2.0 series of Covid-19 pandemic Advisories. These are: Right to Mental Health, Identifying Release and Rehabilitate Bonded Labourers, Safeguarding the Rights of Informal Workers during the pandemic, protection of Human Rights of the Particularly Vulnerable Tribal Groups and Protection of the Rights of Children.

The detailed Advisories can be seen at the Commission's website: www nhrc.nic.in or the link: https://nhrc.nic.in/media/whats-new

#### World Elder Abuse Awareness Day

Given the increasing demographic of 'Elderly', the World Elder

Abuse Awareness Day is observed annually on 15th June. Elder Abuse

is a growing concern in India, as the joint family is being replaced by the

nuclear family system.

The National Human Rights Commission has constituted a 'Core Group on Disability and Elderly Persons', wherein Elderly Abuse during the COVID-19 pandemic was made an Agenda item in the virtual meeting of the Core Group on 12th January, 2021. Recommendations regarding Senior Citizens Associations, Constitution of a National Commission, a 24X7 Helpline for helping and directly dealing with issues of senior citizens were made.

The Commission is committed to the protection and promotion of the rights of the elderly, safeguarding those rights against abuse and harassment and shall strive for the same in the future.

## Enquiry by Committee of NHRC into complaints of post-poll violence in West Bengal

A seven-member Committee was constituted by the Chairperson, NHRC, on 21st June, 2021, to enquire into the complaints of post-poll violence in West Bengal.

This Committee was constituted in pursuance of the directions of the High Court of Calcutta in the order dated 18th June, 2021 in the WPA (P) No. 142 of 2021. The Court directed this Committee to examine all the cases of post-poll violence in West Bengal, complaints which had already been received or which may be received in the NHRC and the WB SLSA, to examine the cases, including by visiting the affected areas, and to submit a comprehensive report to the Court about the present situation and also steps to be taken to ensure confidence of people that they can peacefully live in their houses and pursue their livelihood and also to point out the persons prima-facie responsible for crime and the officers, who maintained calculated silence on the issue. The Committee consisted of the following:

- 1. Mr. Rajiv Jain, Member, NHRC-Chairman of the Committee
- 2. Mr. Atif Rasheed, Vice Chairperson, National Commission for Minorities
- 3. Dr. Rajulben L. Desai, Member National Commission for Women
- 4. Mr. Santosh Mehra, Director General (Investigation), NHRC
- 5. Mr. Pradip Kumar Panja, Registrar, West Bengal State Human Rights Commission
- 6. Mr. Raju Mukherjee, Member Secretary, West Bengal State Legal Services Authority
- 7. Mrs. Manzil Saini, DIG (Investigation), NHRC.

The NHRC received nearly 4,500 complaints relating to about 15,000

victims since May 2, 2021, and also after the judgment dated June 18, 2021. A list of 315 complaints from WB SLSA and some others were received from the WB SHRC and NCW. The Committee prioritised the areas to be visited on the basis of gravity of offences (like murder, rape, large scale vandalism), intensity/volume of cases and complaints of collusion/inaction by Police.

The Members of the Committee and the operational teams visited different areas of the State and carried out field visits, conducted discreet enquiries into important incidents, at times without disclosing their locations and tour programs. They also organized camp sittings at various places.

The Committee submitted its interim report to the High Court of Calcutta on 30th June, 2021. It will be followed by a comprehensive report.

## NHRC Chairperson, Mr. Justice A. K. Mishra says, Right to Life should prevail over the Rights of patent holders



Mr. Justice
A.K. Mishra,
Chairperson,
NHRC, India
said that the
Right to Life
should prevail
over the Rights
of patent holders
to ensure that the
scarcity of the
lifesaving drugs,
medicines and
vaccines relating

to Covid-19 is overcome the world over, and these are made available to the poor at affordable prices. He was making an oral statement in the online Session on 'States' response to Covid-19 pandemic' as part of the 47th Session of Human Rights Council on 22nd June, 2021.

Justice Mishra said that the world is facing the colossal loss caused by COVID-19. New challenges have emerged for protecting the life and livelihoods of the marginalized sections of society, education has suffered, healthcare infrastructure fell short, families left destitute and children orphaned.

He said that the NHRC, India, through its various interventions including Advisories, has been trying to sensitise the systems of governance to deal with such an unprecedented situation. Even the dignity of the dead had to be taken care of by the NHRC, India.

In his brief interjection, the NHRC Chairperson touched several key issues and expressed concern how these were impacting human rights. These included, among others, on-line commerce, which he said, has concentrated wealth in fewer hands. He also referred to the challenges of cross border terrorism and how the rehabilitation of its victims and drug peddling is lurking at large.

While cherishing the freedom of cyberspace, Justice Mishra cautioned that it should not to be misused to subvert the constitutional values.

Emphasizing that environmental issues are endangering human existence, he said that we have to

unite to protect the Planet Earth for next generation. We cannot afford to fail, stop or fear. We have to resolve a New Declaration to take care of the unprecedented situation. The statement can be seen at https://media.un.org/en/asset/klo/klomxfktfo.

Besides the oral statement delivered by the NHRC Chairperson, the Commission also made its contribution to the 47th Session of Human Rights Council through written statements.

#### More on International Engagements

- On 22nd June, 2021, Mr. Bimbhadhar Pradhan, Secretary General and Mr. Surajit Dey, Registrar (Law) participated in the Roundtable of APF Senior Executive Officer's Network. The officers discussed the NHRC, India's activities during the Covid-19 pandemic.
- On 24th June, 2021, during the general discussions on indigenous women and girls in the 79th Session of OHCHR Committee on CEDAW, the NHRC, India Member, Mrs. Jyotika Kalra and Joint Secretary, Mrs. Anita Sinha delivered oral statements. Written statements on Indigenous Women and Girls were

- also submitted to the CEDAW.
- The GANHRI Annual Meeting, held online from 29th June to 1st July, 2021 was attended by the NHRC, India Chairperson, Mr. Justice A.K. Mishra along with the Secretary General, Mr. Bimbadhar Pradhan, Joint Secretary, Mrs. Anita Sinha and Junior Research Consultant, Ms. Aparna Tiwari. Justice Mishra interjected in the Knowledge Exchange Session and called for common strategies by the global community to defeat the COVID-19 virus.
- Mr. Bimbadhar Pradhan, Secretary General, NHRC, as

the Chair of GANHRI Finance Committee, made presentations in the GANHRI Bureau Meeting and General Assembly on the updates of GANHRI finances.

• During the launch of GANHRI Annual Action Plan on Human Rights Defenders and Civic Space, Mrs. Anita Sinha, Joint Secretary, NHRC said that the Commission is concerned about the rights of HRDs and is continuously in touch with them in terms of their consultation on various human rights issues, advisories and also in terms of handling their complaints on priority through a Focal Point on HRDs.

#### **Important Interventions**

Alleged assault on a doctor by a patient's relatives in Hojai, Assam

Case No.2516/30/0/2021

The National Human Rights
Commission, NHRC, India, on the
basis of a complaint has called for the
action taken report from the Chief
Secretary and the Director General
of Police, Government of Assam into
the brutal assault on a doctor by the
relatives of a Covid patient at Udali
Model Hospital in Hojai district of
Assam on 01st June, 2021. Besides
an enquiry into the allegations, the
report is expected to include the

needful preventive and punitive action taken in the matter.

The Commission has also sent a copy of the complaint to the Secretary, Union Health & Family Welfare Ministry to initiate necessary measures to ensure the safety and security of the frontline health workers in the country.

Chaining of a 92 year old prisoner at a hospital bed in district Etah, Uttar Pradesh

Case No. 12689/24/22/2021

The National Human Rights

Commission, NHRC, India has taken a serious view of chaining a 92 year old prisoner to a bed during treatment in Etah district hospital, Uttar Pradesh. Taking cognizance of a complaint, having attached a news clipping in the matter, the Commission has observed that keeping a 92 year old ill prisoner in jail indicates towards the malfunctioning of Sentence Review Board in the State.

Accordingly, the Commission has issued a notice to the Chief Secretary, Government of Uttar Pradesh calling for a report, explaining the following:

- 1. When the last meeting of the Sentence Review Board was held;
- 2. How many cases are pending before the Sentence Review Board;
- 3. How many sentences have been commuted by the Sentence Review Board in year 2020 and 2019, and;

4. What system is being followed in Jails for referring the matters to the Sentence Review Board?

The Commission has further observed that under section 433 Cr. PC and Prison Rules, the Government has powers to commute the sentence through Sentence Review Board.

The functioning of Sentence Review Board should be improved for the protection of human rights of prisoners and decongesting jails to relieve the Government from the burden of taking care of such old and ill inmates.

#### **Cases of Human Rights Defenders**

The Commission registered 2 cases of alleged harassment of Human Rights Defenders, during the month of June, 2021. Summaries of these cases are as under:-

#### False implication Case No. 15255/24/72/2021

Allegedly, a Human Rights Defender, Mr. Ramjanam Yadav, his family members and others were falsely implicated and arrested under the provisions of Goonda Act in Varanasi, Uttar Pradesh. Allegedly, the arrest were made in violation of the directions of the Supreme Court of India in the matter of D.K Basu guidelines. The Commission had asked the SSP, Varanasi to take appropriate action in the matter. However, the complainant brought to the notice of the Commission that no action had been taken. Hence, the Commission directed the SSP, Varanasi to submit an Action Taken Report.

#### False implication Case No. 1003/1/11/2021

Allegedly, Mr. M. Balasundram, Convenor United Forum for SC, ST, BC and Minorities, Kurnool, Kerala was implicated along with his family members in false cases. They were arrested without adhering to the procedure of law and the directions of the Supreme Court of India in the matter of D.K. Basu. The matter is under the consideration of the Commission.

#### **Recommendations For Relief**

A part from a huge number of cases taken up daily, 18 cases were taken up by Double Bench in June, 2021. The Commission recommended monetary relief amounting to a total of Rs. 42,00,000 /- for the victims or their NoK, 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 Case	Amount (in Rs.)	Authority
1.	1186/4/26/2018-JCD	Custodial Death (Judicial)	400000	Bihar
2.	2451/4/26/2018-JCD	Custodial Death (Judicial)	500000	Bihar
3.	3028/4/37/2014-JCD	Custodial Death (Judicial)	200000	Bihar
4.	2840/7/10/2018-JCD	Custodial Death (Judicial)	200000	Haryana
5.	25834/24/23/2017-JCD	Custodial Death (Judicial)	300000	Uttar Pradesh
6.	28812/24/21/2013-JCD	Custodial Death (Judicial)	800000	Uttar Pradesh
7.	32976/24/7/2013-JCD	Custodial Death (Judicial)	200000	Uttar Pradesh
8.	1095/1/2/2020	Custodial Torture	100000	Andhra Pradesh
9.	506/19/1/2020	Custodial Torture	300000	Punjab
10.	1017/34/12/2020	Abuse of Power	100000	Jharkhand
11.	405/34/4/2020	Abuse of Power	100000	Jharkhand
12.	2548/18/17/2019	Atrocities on SC	100000	Odisha
13.	6239/24/53/2018	Victimisation of SC	100000	Uttar Pradesh
14.	31/2/4/2017-PF	Death in Firing	500000	Arunachal Pradesh
15.	1213/12/21/2019-WC	Dowery Death or their Attempt	100000	Madhya Pradesh
16.	25365/24/64/2015	Illegal Arrest	50000	Uttar Pradesh
17.	1623/22/31/2019-WC	Rape	100000	Tamil Nadu
18.	2415/24/64/2015	Unlawful Detention	50000	Uttar Pradesh

#### Payment of Relief On NHRC Recommendations:

The Commission closed 12 cases on receipt of compliance reports from different public authorities, furnishing proof of payment. It had recommended an amount of total Rs. 30,75,000/-to the victims of human rights violations or their next of kin. The specific details of these cases, closed in June, 2021, can be downloaded from the NHRC website by logging the case number given in the table below:

Sr. No.	Case No.	Nature of Case	Amount (in Rs.)	Authority
1	1186/4/26/2018-JCD	Custodial Death (Judicial)	200000	Bihar
2	2354/4/37/2017-JCD	Custodial Death (Judicial)	300000	Bihar
3	2451/4/26/2018-JCD	Custodial Death (Judicial)	500000	Bihar
4	3028/4/37/2014-JCD	Custodial Death (Judicial)	200000	Bihar
5	490/4/5/2018-JCD	Custodial Death (Judicial)	350000	Bihar
6	2840/7/10/2018-JCD	Custodial Death (Judicial)	200000	Haryana
7	25834/24/23/2017-JCD	Custodial Death (Judicial)	300000	Uttar Pradesh
8	49596/24/34/2015	Failure in Taking Lawful Action	100000	Uttar Pradesh
9	4719/18/12/2018	Inaction by the State / Central Government Officials	300000	Odisha
10	4879/18/2/2014	Inaction by the State / Central Government Officials	475000	Odisha
11	881/19/19/2018	Unlawful Detention	100000	Punjab
12	2415/24/64/2015	Unlawful Detention	50000	Uttar Pradesh

#### **Success Stories**

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

### Sexual harassment at work place Case No: 1294/34/8/2018-WC

The complainant had alleged that her supervisor had been sexually harassing her in the Indian Statistical Institute, Giridih, Jharkhand. She was employed on contract basis as an Assistant Cook in the Canteen of the Institute. In response to the directions of the Commission, the SP, Giridih informed that an FIR u/s 341/354/323/506 IPC, was registered against the prime accused and others. The prime accused surrendered before the Court and got bail. On completion of investigations, a charge sheet was filed in the case.

The Commission, while considering the material on record, observed that it is amply clear that the complainant was sexually harassed by an official of the Institute

but despite her complaint to the senior officials, timely action was not taken. Hence, it recommended that the Government of Jharkhand pay Rs.1,50,000/-as monetary relief to the victim for violation of her human rights, which was paid.

#### Manual scavenging Case No.771/13/16/2017

A Human Rights Activist brought to the notice of the Commission that three labourers died and one was seriously injured while manually cleaning a septic tank at a Housing Society in Malad, Mumbai. On the basis of the material on record. the Commission observed that the State was responsible for the nonenforcement of the prohibition of the manual scavenging and responsible for such incidents. Accordingly, it recommended that the Government of Maharashtra pay Rs 3lakh each to the Next of Kin of the deceased and Rs. 75000/- to the injured for violation of their human rights, which was paid.

### Caste violence (Case No.22787/24/69/2019)

A complaint was received in the Commission that 10 people belonging to SC/ST communities were killed and 23 injured, when they were attacked by the people of upper caste in Ubha village of Sonbhadra district, Uttar Pradesh on 17th July, 2019.

In response to the notice of the Commission, the Superintendent of Police (HR), Police Hqr., Lucknow confirmed the incident. A case vide FIR No. 78/19 u/s 147/148/149/307/302/34 IPC r/w 3(2)(5) SC/ST Act was registered against the 28 named accused people and more than 40 unknown. After completion of the investigations, a charge sheet was filed in the Court. It was also informed that total Rs. 8.25 lakh each had been deposited in two instalments in the bank accounts of NoK of all the 11 deceased victims and Rs. 3 Lakh each deposited in two instalments in the bank accounts of all the 20 injured as monetary relief

under SC/ST (PoA) Act.

Further, on the directions of the Commission, the Govt. of Uttar Pradesh, granted sanctions to initiate departmental action against the 21 delinquent officials including the then District Magistrate, Sonbhadra, Addl. Superintendent of Police, SDM and others.

### Denial of minimum wages (Case Number- 69/32/4/2019)

It was complained to the Commission that Daily Wage Mess Workers in Jawahar Navodaya Vidalaya, Yanam, Puducherry as well as in other parts of the country, were not getting minimum wages and other statutory benefits. Pursuant to the directions of the Commission, it was informed that the prescribed

minimum wages were being paid at all the centres. However, in the case of the JNV, Yanam, it was found that the concerned dealing hand was not working as per the rules in the payment of the wages to the eight mess workers, and hence, he was suspended and a charge sheet was filed against him. It was reported that their dues amounting to Rs. 5,42,242/- were cleared.

#### **From Investigations Files**

#### Disposal of cases

During June, 2021, total 191 cases were processed including 3 spot enquiries, 115 Judicial Custodial Deaths, 23 Police Custodial Deaths, 25 Encounter Deaths and 25 Fact Finding Cases.

# Spot Enquiry Alleged shortcomings in medical facilities Case No.11416/24/30/2021

Mrs. Jyotika Kalra, Member,

NHRC led a team for a spot enquiry in the hospitals of Gautam Budh Nagar District of Uttar Pradesh on 25th June, 2021 on alleged failure of district administration to provide necessary information, infrastructure support, adequate medical setup, distribution of life saving drugs/medicines and other emergency services during the Covid pandemic. This was

in addition to the enquiry into West Bengal post poll violence.



#### **Human Rights Awareness Programmes**

The Training Division of the Commission conducted the following:

- Online Training Programme on Human Rights for the undergraduate, post graduate students and faculty members of Smt. VHD Central Institute of Home Sciences, Bangalore on 23rd June, 2021
- Gender Sensitization Programme for officials of NHRC on 24th June, 2021. Approx. 35 participants attended the Programme, chaired by the NHRC Member, Mrs. Jyotika Kalra. The focus was on how to conduct oneself at workplace.

#### **Snippets**

- 1. On June 10, 2021, the Commission organized an online meeting of the Advisory Board for the 18th edition of its Hindi Patrika "Manav Adhikar :Nai Dishayen". Dr. D.M. Mulay, Member, NHRC chaired it. Besides, the senior officers of the Commission, seven external experts participated. It was decided to keep "Natural Disasters & Human Rights" as the main theme for this edition for which articles have been invited.
- 2. On 15th June, 2021, the Commission organized a meeting on CEDAW. Mrs. Jyotika Kalra, Member, NHRC chaired it.
- 3. On 22nd June, 2021, the Commission organized a meeting of the Experts Committee on Missing Children. Mrs. Jyotika Kalra, Member, NHRC chaired it.
- 4. Dr. Jayashree Gupta, Special Monitor, NHRC visited Ahmedabad, Gujarat from 08th 12th March, 2021 to have an assessment of the functioning of consumer protection machinery and programmes related to food and nutrition. She found that the PDS system had been fully computerized and the students enrolled in schools were being provided with food grains and cooking cost as per the prescribed rates.

#### **Human Rights and NHRC in News**

uring June, 2021, the Media & Communication Wing of the Commission prepared and issued 13 press releases. 2367 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 594 News Clippings wherein 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 75 tweets on the Commission's interventions & activities.



Complaints in June, 2021				
Complaints received	7692			
Disposed	5918			
Under consideration of the Commission	13083			

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.in, hrcnet.nic.in, Common Service Centres Other Importance E-mail Addresses jrlawnhrc@nic.in (For complaints), cr.nhrc@nic.in

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Focal point for Human Rights Defenders: C.S. Mawari Assistant 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 acknowledge the NHRC

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