



HUMAN RIGHTS NEWSLETTER

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Inside

■ NHRC-SHRCs Meeting	2	■ From Investigation files	8
■ NHRC 'Open Hearing and Camp Sitting' in Raipur	3	■ Meeting of the Core Group on Business, Environment...	8
■ National Seminar on "Concept of Development..."	3	■ Meetings to Review the Status of implementation of UPR...	9
■ Suo Motu Cognizance	4	■ NHRC Opens its Twitter Account	10
■ Cases of Human Right Defenders	5	■ NHRC approves findings of research study on...	10
■ Success Stories	5	■ Training Programmes	11
■ Recommendations for Relief	6	■ Mr. R.K. Khandelwal Joins NHRC as Joint Secretary	11
■ Payment of Relief on NHRC Recommendations	7	■ Other Important Visits/Seminars/Programmes...	11

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"The weak can never forgive. Forgiveness is an attribute of the strong." —Mahatma Gandhi

NHRC-SHRCs Meeting



NHRC Chairperson, Mr. Justice H.L. Dattu, Members & Secretary General at the 'NHRC-SHRCs' meeting

The National Human Rights Commission, NHRC, India organised its meeting with State Human Rights Commissions, SHRCs at India Habitat Centre in New Delhi on 20th February, 2020. It concluded with several important suggestions to ameliorate the cause of human rights. Earlier, Mr. Justice H.L. Dattu, Chairperson, NHRC inaugurated the meeting in the presence of NHRC Members, Mr. Justice P.C. Pant, Mrs. Jyotika Kalra, Dr. D.M. Mulay, Secretary General, Mr. Jaideep Govind, Chairpersons and Members of SHRCs and officers of NHRC and SHRCs.

Justice Dattu said that there is a need for the NHRC and SHRCs to work in synergy to promote, protect and propagate the human rights of the people, in particular, the vulnerable sections of the society; identify bottlenecks and systemic failures, impeding their growth, and contribute to their well-being. He said that the National and State Human Rights Commissions, set up under the Protection of Human Rights Act, have become prominent actors in the human rights arena for their vital role in promoting and monitoring the effective implementation of national and international human rights standards, thereby, enabling Governments to fulfil their constitutional and international

obligations.

Justice Dattu urged the State Human Rights Commissions, who are yet to come on board the NHRC's HRCnet Portal, to join it to avoid duplication of complaint registration on the same issue and suggest contemporary issues for research to improve the living standards of the marginalized sections of people, who are facing various hardships due to uneven economic prosperity amongst the citizens of the country.

The NHRC Secretary General, Mr. Jaideep Govind said that besides linking SHRCs with its HRCnet portal for complaint management,

the Commission has taken several initiatives to collaborate with them including providing a link to its library. It is also extending all possible support to them. He said that linking of online complaint filing system with over three lakh Common Service Centres, spread throughout the country, as well as efforts to collaborate with the wide network of NSS, NYKS, NCC, Red Cross, All India Radio and Doordarshan will go a long way in building awareness about the importance of the promotion and protection of human rights.

Several important suggestions emerged in the discussions, some of which are as follows:

- There is a need to set up human rights courts along with a punishment procedure of trial and other related issues;
- Participation of women in workplace needed to be increased to ensure their economic independence and better living standards;
- Several aspects of the Surrogacy Bill were principally agreed upon for suggestions to be made by NHRC;
- Issues of rights of environmental migrants/internally displaced people were needed to be addressed;



NHRC Chairperson, Mr. Justice H.L. Dattu, Members & Secretary General releasing some publications of the Commission at the 'NHRC-SHRCs' meeting

- Need to provide healthy environment and unadulterated food rather than spending on health schemes;
 - Issues of mentally ill patient needed more attention;
 - Uniformity of compensation was broadly discussed and the need for it to be implemented as per the merit of the case emphasized;
 - The constraints of SHRC's budget, manpower and infrastructure were raised and it was suggested to provide HRCNet handling training to SHRCs;
 - Inclusion of human rights perspective in the curriculum of judges / police / training institutions was suggested;
 - It was observed and clarified that the objective of carrying out investigations by NHRC / SHRCs is different from state police authorities;
 - There is a need to develop guidelines for HRDs and NGOs to encourage them for registration of complaints of human rights violations of the distressed people;
 - It was agreed that rights of property for LGBTI and protection and mainstreaming of Hijra community needed to be addressed;
 - It was suggested that a possibility of three tier human rights body at local level may be explored;
- A few NHRC publications were also released on the occasion.

NHRC 'Open Hearing and Camp Sitting' in Raipur

The National Human Rights Commission, NHRC India organized its 'Open Hearing and Camp Sitting' in Raipur to hear cases of atrocities related to the rights violation of people belonging to Scheduled Castes and Scheduled Tribes in Chhattisgarh from 12th-13th February, 2020. 54 cases were heard in the 'Open Hearing' in three benches presided over by the NHRC Chairperson, Mr. Justice H.L. Dattu, Members, Mrs. Jyotika Kalra and Dr. D.M. Mulay. Thereafter, 13 cases were heard in the Full Commission sitting. NHRC Secretary General, Mr. Jaideep Govind, Director General (Investigation), Mr. Prabhat Singh, Registrar (Law), Mr. Surajit Dey and other senior officers as well as officials of the State Government and complainants were present.

The State Government officers informed that they had already paid Rs. 12.90 lakhs to the victims in some cases, as per the recommendations of the Commission. The Commission further recommended payment of Rs. 54 lakh as relief in some more cases.

The matters heard in the 'Open Hearing' included non-implementation of compensation to 35 women, as

recommended by the Commission, non-implementation of healthcare facilities in Maoist affected districts of the State, air and water pollution, rehabilitation of people rendered homeless on account of implementation of mega project by NTPC, etc.

The NGOs, during the interaction with the Commission, raised issues of healthcare, SCs/ST's welfare, care of women, elderly and children.

Earlier, inaugurating the 'Open Hearing and Camp Sitting', the NHRC Chairperson, Mr. Justice H.L. Dattu said that the Public Hearings at regular periods provide platform for speedy justice to SCs/STs and other vulnerable sections of society. Complainants and officials come at one place for speedy justice and succour to the victims. He further said that the Human Rights Defenders are crucial to protection of human rights.

NHRC Secretary General, Mr. Jaideep Govind said that the NHRC



NHRC Chairperson, Mr. Justice H.L. Dattu, Members & Secretary General at Raipur 'Open Hearing and Camp Sitting'

is extensively using the HRCNet Portal for facilitation of submission of complaints and redressal of grievances.

Mr. Amitabh Jain, Additional Chief Secretary, Finance, Government of Chhattisgarh said that the State is having 32% Scheduled Tribe population with half area as the Scheduled Area (85 Tribal Blocks out of 159). The State has special focus on nutrition and health. The State Government is involved in tackling of malaria as a major problem. The poverty level in the State is high, with Dantewada District at 60%, against the national level of 22%.

National Seminar on "Concept of Development Marginalized Group and Human Rights" in Goa

A National Seminar on the theme "Concept of Development, Marginalized Group and Human Rights" was organized in Hindi by the National Human Rights Commission, NHRC, India in collaboration with the

Goa University in Goa on 7th February, 2020. NHRC Member, Dr. D. M. Mulay was the Chief Guest and Secretary General, Mr. Jaideep Govind was the Guest of Honour.

Dr. Damodar Khadse, senior writer, Pune, Prof. Manoj Kumar, Mahatma Gandhi Antarrashtriya Hindi Vishvidyalaya, Wardha, Prof. Rahul Tripathi, Goa University, Prof. Ashutosh Kumar, Delhi University, Mr.

Prakash Kamath, senior journalist, Mr. Ajit Kumar Dwivedi, senior journalist, Uramilesh Bhatt, senior correspondent, DD News, Mr. Vinod Kumar, Deputy Director, PIB, Goa were the resource persons in the different academic sessions of the Seminar.

Dr. Mulay emphasized the importance of the Constitution of India as the basic document that provides safeguards to the rights of the marginalized sections of society. He pointed out that dialogue is necessary for protecting democratic rights.

Mr. Govind highlighted the

Commission's interventions on the issues of marginalized sections including disabled, elderly, tribal's etc.

Prof. Varun Kumar Sahni, Vice Chancellor, Goa University outlined the importance of three generational classifications of human rights in setting the template for human rights discourse around the world. The conference was attended by senior officers of NHRC, academicians, journalists and activists.



NHRC Member, Dr. D.M. Mulay addressing the National Seminar in Goa

Suo Motu Cognizance

The Commission took suo motu cognizance in 04 cases of alleged human rights violations reported by media during 1-29 February, 2020, and issued notices to the concerned authorities for reports. Summary of the cases is as follows:

NHRC team for spot enquiry into Delhi violence

On 29th February, 2020, the National Human Rights Commission, NHRC, India, taking suo motu cognizance of media report on violence in Delhi and specifically in North-East District, directed its Director General (Investigation) to depute two fact find teams to conduct spot enquiries into allegations of human rights violations due to these incidents. In order to ensure the safety of its officers in view of the incidents of cross firing during the violent clashes, the Commission thought it appropriate to send them for enquiry when the situation was little under control. The teams will visit the North East district police control room, affected people and also meet the families of those, who lost life in the violence.

Atrocities on Dalits Case No.454/20/22/2020

The media reported on 20th February, 2020 that two men belonging to Scheduled Caste were thrashed, stripped and tortured after they were allegedly caught stealing money from a motorcycle agency in Nagaur, Rajasthan. Both men, who are brothers, were reportedly attacked by the staff of

the agency and the news came out after four days of the incident when a video of the incident went viral on social media. In the video, the accused could be seen stripping the men. A man was seen, dipping a screw driver in a bottle of petrol and applying on the private parts of one of the victims.

The victims have reportedly lodged a complaint at Panchodi Police Station where a case u/s 342, 323, 143 IPC under relevant sections of the SC/ST (Prevention of Atrocities Act) has been registered. Seven accused have been arrested by the police and seven others have been detained and their alleged role in the crime is being looked into.

The Commission has observed that the contents of the news reports, if true, amount to a barbaric and shameful incident raising the issue of protection of the people belonging to Scheduled Caste, Scheduled Tribe and other vulnerable sections of the society in the State. The Commission found it appropriate to bring it to the notice of the Rajasthan State Human Rights Commission for their consideration.

Deaths due to malnutrition Case No.4418/24/15/2020

The media reported that a family residing at Ojhaganj village of the Basti district in Uttar Pradesh lost four of its members during the last six years due to malnutrition. Reportedly, not being able to bear the extreme physical and mental suffering, the head of the family, requested the authorities to allow him end his life, as he was not

being given work by anyone for the last three months and had no source of income to procure bread and butter for him and his lone daughter, who was also struggling to survive.

The Commission has issued a notice to the Government of Uttar Pradesh, through its Chief Secretary, calling for a detailed report in the matter, including the data pertaining to effective implementation social welfare schemes in the district, specifically mentioning about the family referred in the news report.

The Commission would also like to know the present health status of the only child of Harishchandra and steps taken to ensure some source of income for him by the State. Details of the relief provided to the family by the district administration be also informed. Issuing the notice, the Commission has further observed that the media report indicates that there could be more such hapless families, shattered due to the lack of infrastructure and negligence by the authorities concerned. Such incidents are happening in spite of a large number of the flagship programmes having been announced and their implementation being monitored by the Union and the State governments to ensure socio-economic protection to the citizens, including their right to food, health, education, housing and adequate standard of living. These schemes have been designed and developed to protect the vulnerable sections of the society focusing upon women, pregnant ladies,

lactating mothers, newly born and young children.

**Village without a school in the
National Capital
Case No. 868/30/0/2020**

The media reported that there is no school in Chilla Khadar village in

Delhi due to which the children have to cross the Yamuna river by boat everyday putting their lives to immense danger to attend a school. It is not easy especially for girl students, as they have to walk an hour to reach the school after riding a boat. Reportedly, if the boat is not available on a particular day, the students have to walk about 2 kms

on a non-motorable road.

The Commission has issued a notice to the Chief Secretary, Government of NCT of Delhi calling for a detailed report in the matter. The report must include details of the government schools functional in the area mentioned in the news reports.

Cases of Human Right Defenders

The Commission registered 5 cases of alleged harassment of Human Right Defenders during the month of February 2020, Summary of these cases is as under :

Case No. 4358/24/6/2020

The complainant, Mr. Henri Tiphange, National Working Secretary of HRD Alert- India has sent a complaint to the Commission alleging brutal lathi charge and ill treatment of human rights defenders during a peaceful protest against Citizenship Amendment Act at Azamgarh, Uttar Pradesh on February 5th, 2020. It has been alleged that the perpetrators of the incident were District Magistrate & Superintendent of Police, Bilariaganj, District Azamgarh, Uttar Pradesh. The complaint is under consideration of the Commission for further directions.

Case No. 702/22/11/2020

The complainant, Mr. Henri Tiphange, National Working Secretary of HRD Alert- India has sent a complaint to the Commission alleging arbitrary arrest and foisting of false charges against social activist, Mr. Shanmugam in Karur District, Tamilnadu on 31st January, 2020 for the reasons that he had raised issues of non implementation of repair works,

in a canal located in Thirumanilayur in Karur District of Tamil Nadu, during a meeting organized by the District Collector on the 'Grievance Day.' The Commission has taken the cognizance of the complaint and sought an action taken report from the Chief Secretary, Govt. of Tamil Nadu.

Case No. 1065/30/0/2020

The complainant, Mr. Harish Verma, a social worker, has sent a complaint alleging corruption and practice of bribery within the Delhi police and accused the Commissioner of Police as the prime culprit. He has further alleged that due to his work, he is being targeted by the Commissioner and other Police officials of Delhi Police and is constantly living in a state of fear. The Commission has taken the cognizance of the complaint and directed its Director General (Investigation) to collect the facts in this matter over telephone and submit a report.

Case No. 485/18/27/2020

The complainant, Mr. Radhakanta Tripathy, Advocate & Human Rights Defender, HRD has sent a complaint to the Commission alleging that an Human Rights Defender and RTI

Activist, Mr. Ranjan Kumar Das was brutally murdered at the roadside near Sinikata area of Beruan Village in Kendrapara District of Odisha on 31st January, 2020. He requested for a fair investigation and legal action against the culprits and compensation to the family members of the victim. The Commission has called for a report from the Director General of Police, Govt. of Odisha.

Case No. 3762/24/72/2020

The complainant, Mr. Henri Tiphange, National Working Secretary of HRD Alert- India in a complaint to the Commission has alleged harassment and intimidation of a social activist and a woman HRD, Ms. Jagriti Rahi by Uttar Pradesh police culminating into issuance of non-bailable warrant and registration of FIR against her. It is alleged that Ms. Rahi is being targeted by the police administration and other non-state actors in a smear campaign, which is aimed at attacking her reputation, credibility in order to silence her. Taking cognizance of the same, the Commission has called for a report in the matter from the Director General of Police, Govt. of Uttar Pradesh.

Success Stories

Case No. 6610/24/2/2018

The Commission received a complaint from activist, Mr. R.H. Bansal that on 21st February, 2018, a pregnant lady of District Ambedkar Nagar, Uttar Pradesh died along with her child due to the absence of the Anaesthesiologist, Dr. S.K. Choubhey in the District Hospital, Ambedkar Nagar.

The DM, Ambedkar Nagar got

an inquiry conducted by a Medical Board according to which the duty nurses failed to inform the Doctor on emergency in absence of gynaecologist. The Board concluded that there was negligence on the part of the Doctors and staff nurses in the treatment of the deceased. According to them, if the cure had been provided timely treatment. She could have survived.

The Commission took note of the material on record and held that there

was negligence by the Doctors and Nurses of the concerned Hospital and the negligence shown towards the victims amounted to a gross violation of her human rights. As per recommendations of the Commission, compensation of Rs. 3 Lakhs has been sanctioned by the Government of U.P. in favour of the next of the kin of the deceased.

Case No.44809/24/72/2015-JCD

The Commission had received an

intimation regarding custodial death of an under trial prisoner named Munna Singh alias Vinod Singh, R/o Village Narhar Pur, PS Kohdapur, Pratapgarh, Uttar Pradesh on 13th August, 2015 in the custody of District Jail, Varanasi. On examination of all relevant records submitted by the public authority, the Commission observed that the convict was chronic heroin addict and such addicts are more likely to have weak lungs. Had he been provided regular check-ups, the victim could be provided timely treatment to save his life. Thus, there was medical negligence amounting to violation of his human rights. The Commission recommended a sum of Rs. three lakhs as monetary compensation to be paid to the next of the deceased by the State of UP and the same has been paid.

Case No. 2345/13/23/2017

Allegedly, due to the negligence of authorities, 8 laborers died because of falling of a crane at the construction site of a tunnel at village Akole, Pune, Maharashtra.

SP, Pune, in response to NHRC notice confirmed that the incident happened on 20th November, 2017. He pointed out the negligence of 4 officials including the crane operator and safety officers. A case CR No. 135/2017 u/s 304(2)/34 IPC dated 22/11/2017 was registered against them and all 4 accused were arrested and charge sheet against them was also filed in the court on 10th June, 2018. The machines involved were forwarded to Director, Engineering College for inspection by the technical committee.

The Commission recommended

payment of Rs. 3 Lakh each to NoK of 8 deceased laborers a compensation along with departmental action taken against erring officials.

In response, the Secretary Water Resources Department Mumbai informed the Commission that the contractor was found responsible and an ex-gratia amount of Rs. 3 Lakh each had been paid to Nok of the deceased 7 laborers and Rs. 10 Lakh to the family of the other deceased labour. In addition, an amount of Rs. 68,40,000/- had been deposited with the Commissioner for Employees Compensation, Pune by the Contractor for payment towards workmen compensation for 8 deceased laborers. Now, all the safety gadgets have been provided to the labourers and regular drill practice are being done at the site to avoid such fatal incidents.

Recommendations for Relief

During February, 2020, Apart from the large number of cases taken up daily by individual Members 28 cases were taken up during 02 sitting of the Full Commission, 77 cases in the 05 sittings of the Divisional Bench-I and 13 cases at 01 sitting of the Camp Sitting in Raipur on 13th February, 2020. On 47 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of Rs. 1,29,15,000/- for the victims or their next of kin, 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	File No	Inc. Name	Amount (in Rs.)	State
1	1108/1/4/2013-JCD	Custodial Death (Judicial)	200000	Andhra Pradesh
2	592/1/4/2017-JCD	Custodial Death (Judicial)	200000	Andhra Pradesh
3	156/2/4/2014-JCD	Custodial Death (Judicial)	200000	Arunachal Pradesh
4	516/4/9/2017-JCD	Custodial Death (Judicial)	100000	Bihar
5	141/33/16/2014-JCD	Custodial Death (Judicial)	200000	Chhattisgarh
6	3083/18/24/2018-JCD	Custodial Death (Judicial)	500000	Odisha
7	767/19/9/2016-JCD	Custodial Death (Judicial)	100000	Punjab
8	657/20/26/2014-JCD	Custodial Death (Judicial)	200000	Rajasthan
9	202/1/14/2014-JCD	Custodial Death (Judicial)	100000	Telangana
10	9989/24/3/2017-JCD	Custodial Death (Judicial)	100000	Uttar Pradesh
11	34144/24/10/2015-JCD	Custodial Death (Judicial)	300000	Uttar Pradesh
12	359/3/15/2013-PCD	Custodial Death (Police)	500000	Assam
13	1520/13/23/2011-PCD	Custodial Death (Police)	100000	Maharashtra
14	228/13/21/2011-PCD	Custodial Death (Police)	100000	Maharashtra
15	124/8/9/2017-PCD	Custodial Death (Police)	500000	Himachal Pradesh
16	212/33/17/2013-ED	Death in Police Encounter	500000	Chhattisgarh
17	440/33/14/2012-ED	Death in Police Encounter	1500000	Chhattisgarh
18	611/33/0/2013-ED	Death in Police Encounter	500000	Chhattisgarh
19	2843/30/1/2010	Inaction by the State/Central Govt. officials	100000	Delhi
20	431/34/12/2018	Inaction by the State/Central Govt. officials	100000	Jharkhand
21	4084/18/9/2017	Inaction by the State/Central Govt. officials	200000	Odisha

22	279/12/15/2017	Irregularities in Govt. hospitals/Primary Health Centres	200000	Madhya Pradesh
23	2855/13/36/2015	Irregularities in Govt. hospitals/Primary Health Centres	50000	Maharashtra
24	22469/24/34/2016	Irregularities in Govt. hospitals/Primary Health Centres	300000	Uttar Pradesh
25	748/33/0/2014	Illegal Arrest	50000	Chhattisgarh
26	3228/24/3/2015	Illegal Arrest	100000	Uttar Pradesh
27	43620/24/31/2014	Illegal Arrest	20000	Uttar Pradesh
28	26845/24/3/2015	Failure in Taking Lawful Action	50000	Uttar Pradesh
29	40420/24/75/2012	Failure in Taking Lawful Action	25000	Uttar Pradesh
30	24/25/6/2018	Failure in Taking Lawful Action	200000	West Bengal
31	29891/24/4/2012	Abuse of Power	200000	Uttar Pradesh
32	66/32/0/2016	Abuse of Power	20000	Puducherry
33	355/34/22/2012	Abuse of Power	500000	Jharkhand
34	2217/18/13/2018	Miscellaneous	100000	Odisha
35	2240/18/24/2017	Miscellaneous	1000000	Odisha
36	18890/24/8/2016	Atrocities on SC	100000	Uttar Pradesh
37	2571/20/2/2017	Atrocities on SC	50000	Rajasthan
38	98/33/18/2014-AFE	Alleged Fake Encounters	1500000	Chhattisgarh
39	7361/30/4/2014	False Implications	100000	Delhi
40	2609/18/18/2016	Children	50000	Odisha
41	9669/24/65/2018	Children	100000	Uttar Pradesh
42	101/22/13/2014-WC	Rape	100000	Tamil Nadu
43	13050/24/31/2013	Unlawful Detention	400000	Uttar Pradesh
44	17442/24/53/2017-WC	Abduction, Rape And Murder	300000	Uttar Pradesh
45	28049/24/72/2018-WC	Rape Outside Police Station	500000	Uttar Pradesh
46	32401/24/47/2016	Malfunctioning of Medical Professionals	300000	Uttar Pradesh
47	42747/24/25/2016	Victimisation of SC	300000	Uttar Pradesh

Payment of Relief on NHRC Recommendations

The Commission closed 33 cases on receipt of compliance reports from different public authorities, furnishing proof of payment, it has recommended, totaling Rs. 75,50,000/- the victim of human rights violations or their next of kin. The specific details of these cases, closed in February, 2020, can be downloaded from the NHRC website by logging the case number given in the table below:

Sr No	File No	Inc. Name	Amount (in Rs.)	State
1	166/3/9/2017-JCD	Custodial Death (Judicial)	300000	Assam
2	623/34/4/2017-JCD	Custodial Death (Judicial)	100000	Jharkhand
3	627/34/6/2018-JCD	Custodial Death (Judicial)	300000	Jharkhand
4	2572/30/9/2016-JCD	Custodial Death (Judicial)	500000	Delhi
5	2431/6/1/08-09-JCD	Custodial Death (Judicial)	300000	Gujarat
6	243/33/10/2015-JCD	Custodial Death (Judicial)	200000	Chhattisgarh
7	2310/13/14/2013-JCD	Custodial Death (Judicial)	300000	Maharashtra
8	3040/18/13/2017-JCD	Custodial Death (Judicial)	500000	Odisha
9	1066/20/2/2018-JCD	Custodial Death (Judicial)	300000	Rajasthan
10	11771/24/34/2016-JCD	Custodial Death (Judicial)	600000	Uttar Pradesh
11	19153/24/7/2018-JCD	Custodial Death (Judicial)	500000	Uttar Pradesh
12	34457/24/78/2017-JCD	Custodial Death (Judicial)	300000	Uttar Pradesh
13	8290/24/6/2018-JCD	Custodial Death (Judicial)	300000	Uttar Pradesh
14	8313/24/46/2018-JCD	Custodial Death (Judicial)	300000	Uttar Pradesh
15	1292/35/6/2018-JCD	Custodial Death (Judicial)	300000	Uttarakhand
16	198/33/4/2014-PCD	Custodial Death (Police)	300000	Chhattisgarh

17	851/33/18/2015-PCD	Custodial Death (Police)	300000	Chhattisgarh
18	1943/13/1/2017-DH	Custodial Death in Juvenile Home	250000	Maharashtra
19	431/34/12/2018	Inaction by the State/Central Govt. officials	100000	Jharkhand
20	910/20/9/2018	Inaction by the State/Central Govt. officials	50000	Rajasthan
21	6115/24/53/2016	Inaction by the State/Central Govt. officials	100000	Uttar Pradesh
22	2373/18/17/2018	Inaction by the State/Central Govt. officials	100000	Odisha
23	1680/13/15/2015	Irregularities in Govt. hospitals/Primary Health Centres	200000	Maharashtra
24	13619/18/1/2015	Irregularities in Govt. hospitals/Primary Health Centres	300000	Odisha
25	4257/18/1/2016	Irregularities in Govt. hospitals/Primary Health Centres	400000	Odisha
26	969/22/13/2017	Failure in taking lawful action	300000	Tamil Nadu
27	19274/24/19/2018	Failure in taking lawful action	50000	Uttar Pradesh
28	5163/24/43/2019	Abuse of Power	100000	Uttar Pradesh
29	1089/25/13/2016-PF	Abuse of Power	300000	West Bengal
30	32212/24/35/2018-WC	Dowry Death or their Attempt	100000	Uttar Pradesh
31	40528/24/76/2015	Trouble By anti-social elements	100000	Uttar Pradesh
32	1269/12/35/2015	Malfunctioning of Medical Professionals	300000	Madhya Pradesh
33	777/7/5/2019	Non Registration of FIR	100000	Haryana

From Investigation files

This column will carry stories, unfolding intricate cases of human rights violations, leading to diametrically opposite revelation to the prima facie claims and findings after investigation by the NHRC team.

Case No. 22715/24/52/2019-AD

It's a case of police atrocities in custody leading to the death of one of the victims. According to the complaint from Mr. R.H. Bansal, on 13th August 2019, a police constable assaulted a pan vendor for asking money for cigarettes he purchased. The victim's brother recorded the incident on his mobile. Annoyed by this, the police personnel took both the brothers to police station - Highway where victim Rahul was badly beaten up and handed over to his aunt. His brother was also released. While undergoing treatment Rahul died. The police did not register the case under appropriate sections. The

brother was also forced to endorse a wrong post mortem report.

The Investigation Division of the Commission conducted an enquiry and found the allegations correct and also the fact that several complaints received in this matter were marked to one Sub Inspector, who himself was an alleged accused in this case and did not do proper enquiry. It was also revealed that the family members of the deceased were also being threatened not to file and pursue their complaints. Contrary to the claims of the local police, it was exposed that the victim died due to torture by police as also confirmed in the medical report.

Case No. 11/19/10/2019

This is another case of police atrocities. The complainant, Mr. Gurwinder Singh has alleged that his brother was arrested by the Police of PS Salim Tabri Ludhiana Punjab

on 25th December, 2018 and was kept in illegal detention and slapped false non-bailable sections including section 153(A) IPC. The complainant has alleged that the police gave third degree torture. He was kept hungry, naked and entire scene was filmed by the 2 policemen on the night of 26th December, 2018. When he went to meet his brother, the policemen tried to abduct him but somehow he managed to escape. Their commercial building was also demolished by the Municipal Corporation of Ludhiana, Punjab, allegedly, in connivance with some politicians.

During the course of the enquiry by the Investigation Division, contrary to the claims of local police, it was revealed that no proper records were maintained about the arrest of the victim and the attempt to kidnap of complainant by the police cannot be ruled out.

Meeting of the Core Group on Business, Environment and Human Rights

Mr. Justice H.L. Dattu, Chairperson, NHRC chaired the second meeting of the Core Group on Business, Environment and Human Rights organized by the Commission in New Delhi on 12th February, 2020. Besides the Core Group Members, NHRC Secretary General, Mr. Jaideep Govind, Director General (Investigation), Mr.

Prabhat Singh, Registrar (Law), Mr. Surajit Dey, Joint Secretaries, Mr. R.K. Khandelwal and Ms. Anita Sinha, Joint Director (Research) and Dr. M.D.S. Tyagi attended.

2. The deliberations of the meeting revolved around three agenda items i.e.

- Presentation on the Research Project titled "Assessment and Evaluation of business and Human Rights Reporting by Corporate India.";
- Presentation on the Research Project titled "Study to understand functioning of companies' response systems

vis-à-vis key Human Rights violations;

iii. Agenda Item III:

- a. National Action Plan on Business and Human Right- National Baseline Assessment;
- b. Framework for handling cases of Human Rights Violations in Companies;

3. The following suggestions emerged from the deliberations-

- i. The governance structure should create awareness in the corporate sector about human rights, as business does not understand these at all. The lack of awareness & sensitivity about human rights is deep rooted both among the workers and the company management in different sectors;
- ii. The governance structure should ensure operational grievance redressal mechanism at local level, where companies have a very important role to play;
- iii. The governance structure should ensure that all individuals and groups, whose human rights are

impacted, have access to effective grievance redressal mechanisms. There is also a need to make reporting of human rights violations mandatory;

- iv. There is a need to analyse the role of NHRIs in the development process of National Action Plan on business and human rights;
- v. There is a distinction between Corporate Social Responsibility, CSR based approach and Human Rights based approach. CSR is about sustainable development goals, whereas

human rights in business are about how companies do their business responsibly which needs to be highlighted;

- vi. The Government of India should act as a massive facilitator and not only as a regulator;
- vii. The governance structure should have suggestive guidelines for Ombuds persons and grievance redressal in the private sector. The suggestive guidelines would help bring in standardized systems for the remedy aspects of UNDP and NAP.



NHRC Chairperson, Mr. Justice H.L. Dattu, chairing the meeting of Core Group on Business, Environment and Human Rights

Meetings to Review the Status of implementation of UPR-III Recommendations

The NHRC, India has been holding a series of review meetings with various concerned Ministries to obtain their views on the recommendations of Universal Periodic Review, UPR-III.

One such meeting was held in October, 2018. Thereafter, written inputs on the action taken by various Ministries were also sought from 18 Ministries in the second week of January, 2020. It was further decided that review meetings would be undertaken in groups of 3-4 Ministries. The meetings held in February, 2020 were as follows:-



NHRC Member, Dr. D.M. Mulay chairing one of the meetings

Date of Meeting	Chair	Ministries involved
04.2.2020	Dr. D. M. Mulay Member, NHRC	- Ministry of Consumer Affairs, Food and Public Distribution - Ministry of Jal Shakti - Ministry of Housing and Urban Poverty Alleviation.
11.2.2020	Dr. D. M. Mulay Member, NHRC	- Ministry of External Affairs - Department of Empowerment of Persons with Disabilities - Ministry of Skill Development and Entrepreneurship

Date of Meeting	Chair	Ministries involved
17.2.2020	Ms. Jyotika Kalra Member, NHRC	Ministry of Women and Child Development
17.2.2020	Mr. Jaideep Govind Secretary General, NHRC	- Ministry of Law and Justice - Ministry of Corporate Affairs - Ministry of Environment, Forest and Climate Change - Ministry of Personnel Grievances and Pension - Ministry of Human Resource Development - Ministry of Tribal Affairs - Ministry of Statistics and Programme Implementation
18.2.2020	Mr. Justice P. C. Pant Member, NHRC	Ministry of Health and Family Welfare - Ministry of Home Affairs - Ministry of Labour and Employment - Ministry of Minority Affairs

The UPR is a unique process, which involves a review of the human rights records of all 193 United Nations Member States once every four and half years. The ultimate goal of UPR is to improve the human rights situation of every country. To accomplish this, the UPR process involves assessment of the human rights record of all the member countries and gives recommendations to improve the situation.

In the first four-year cycle (2008-2011) of UPR mechanism, India was reviewed on 10th April 2008. A total of 18 recommendations were made to the Government of India, out of which 6 recommendations were accepted. The second cycle of the UPR commenced in 2012 and out of the 169 recommendations, 67 recommendations which were accepted by the Government of India. The third

cycle of the UPR of India was held on 4th May 2017, and subsequently, the outcome of the Government of India's report was adopted on 21st September, 2017 by the Human Rights Council at its 36th Session. There were a total of 250 recommendations out of which 152 recommendations were accepted and the remaining were noted by the Government of India.

NHRC Opens its Twitter Account

Keeping in tune with in-principle policy of the NHRC, India on expanding its outreach, its Media & Communication Wing, with the technical support of the Computer

Cell, opened the Commission's Twitter Handle - twitter.com/India-NHRC.

Launching it on 25th February, 2020, Mr. Jaideep Govind, Secretary

General, NHRC expressed the hope that it would serve as a useful platform to increase awareness about human rights and the role and functions of the Commission.

NHRC approves findings of research study on Rehabilitation of Victims of Human Trafficking

The National Human Rights Commission, NHRC, India has approved the findings of a research study on "Rehabilitation of Victims of Human Trafficking: A Study of Effectiveness, Efficiency and Sustainability of Victim Compensation Schemes". This was undertaken by the Commission in collaboration with Human Development Society. Dr. Anil Kumar Das was the Principal Investigator of the research study.

The objectives of the study were to examine the extent of effectiveness, efficiency and sustainability of Victim Compensation Schemes, VCS and to suggest measures for strengthening the Scheme as a tool for rehabilitation of victims of human trafficking. The study was focused on the states of Rajasthan, Uttar Pradesh and West Bengal.

Key findings of the study are as follows:

- Profile of the Rescued Victims of Human Trafficking: Mostly lowly educated, live in thatched houses, are engaged in wage labour or low paying jobs (three-fourths in Rs. 5000 or less monthly income range). They are mostly from SC and ST communities.
- Status and Nature of Compensation: Access to financial compensation was found to be limited with three-fifth of the total sample forming non-receivers. In 88% of the cases, the amount of compensation was only Rs. 20,000. The reach of VCS is only 2%.
- Effectiveness: In view of abysmally low coverage of VCS, its purpose

stands defeated and, therefore, is not very effective in mitigating the challenges. Two key challenges to effectiveness are time consuming procedure & low amount of compensation.

- Efficiency: Processing period of up to two years or more is a negation of timeliness and efficiency. Moreover, officials processing compensation have not always been good to the victims.
- Sustainability: Meagre compensation is insufficient to create sustainable assets.
- Status of Non-Receipts: Non-recipient victims are not highly aware of VCS. Non-availability of documents like release certificate in case of bonded labour & copy of

FIRs precluded access to benefits of compensation.

A few of the recommendations emanating from the study include:

- i. There is a strong and immediate need to make the victims aware of VCS by disseminating details of the Scheme.
- ii. Victims should be guided for meaningful utilization of compensation money and should be linked to organisations in order to meet their entrepreneurial and

employment needs.

- iii. Interim compensation should contribute to rehabilitation of victims.
- iv. Concerning procedural efficiency, SLISA and DLISA should ensure award of compensation by completing the enquiry within two months of receipt of court recommendation or application from victim; procedures should be simple and hassle free; and police should share with DLISA

information about the crime and victim immediately after registration of FIR.

- v. The NHRC may set up a monitoring mechanism in coordination with the SHRCs for the purpose of obtaining and analysing data on utilization of funds under VCS, and sending periodic binding and non-binding advisories with a view to making the Scheme effective, efficient, impactful and sustainable.

Training Programmes

During the month of February, 2020, 13 NHRC sponsored training programmes on human rights and related issues were conducted by the 13 intuitions in different parts of the country. Apart from this, 67 student interns from various universities of the country successfully completed their Short Term Internship Programme

from 14th February, 2020 to 28th February, 2020. Several delegations of students from university/colleges and representatives/officers from other institutions totaling 387 persons also visited NHRC. They were given orientation/training on the working of the Commission and human rights issues.



Dr. Shobhana Radhakrishnan, renowned Gandhian, delivering lecture in short term internship programme

Mr. R.K. Khandelwal Joins NHRC as Joint Secretary

Mr. R.K. Khandelwal joined the NHRC as Joint Secretary on the 5th February, 2020. He is 1989 batch Bihar Cadre officer of Indian Administrative Service. He is an Engineering Graduate with M. Tech from IIT Delhi.

Prior to joining the Commission, he was posted as Joint Secretary, Union Ministry of Food, Policy Distribution and Consumer Affairs. He contributed to record procurement of food grains and as Government nominee Director of Board of Directors in the FCI. He has also worked in the Ministry of

Communications as Joint Secretary, where as one of the Directors of Board of BSNL and MTNL, contributed to smooth functioning of these CPSUs.

Before his deputation to the Central Government in September 2017, he worked on several key positions including as District Magistrate and Collector, Deoghar, Gumla, Purnea and Kaimur; as Divisional Commissioner in Purnea, Magadh (Gaya), Darbhanga and Muzaffarpur Division of Bihar. He has also worked as Secretary in the Department of Cooperation,



Agriculture and Finance Department in the Government of Bihar.

He has attended trainings both in India and abroad in Harvard University, USA.

Snippets

A ten member delegation of Swedish Parliament visited the NHRC, India on 26th February, 2020. Former Defence Minister of Sweden, Ms. Karin Enstrom was heading it. The delegation met the NHRC Members, and senior officers of the Commission and discussed the issues related to human rights. They were briefed about the jurisdiction of the NHRC, India and the various issues and aspects related to human rights being handled by it.



Other Important Visits/Seminars/Programmes/Conferences

Events	Delegation
Conference on "Social Reform & Challenges of Human Rights". Tirupati, Andhra Pradesh on 18 th February, 2020	Mr. Jaideep Govind, Secretary General, NHRC

During the month of February, 2020, the Media & Communication Wing of the Commission prepared and issued 09 press releases. More than 2500 news clippings on various human rights issues were culled out from different/select editions of major English and Hindi newspapers and some news websites. News clippings related to several incidents of alleged human rights violations were brought to the notice of the Commission, which it considered and found fit for suo motu cognizance. Many News stories, wherein there was a specific reference to the interventions by the NHRC can be seen at 'NHRC-in-News' on the website of the Commission.

नई दिल्ली, 20 फरवरी। राष्ट्रीय मानवाधिकार आयोग के अध्यक्ष न्यायमूर्ति एचएल दत्त ने सभी राज्य मानवाधिकार आयोगों से गुजरात को साझे पीटल के साथ जुड़ने की अपील की ताकि एक ही शिकारपट दो बार दर्ज न की जा सके।

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