



HUMAN RIGHTS NEWSLETTER

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**“Service which is rendered without joy helps neither the servant nor the served.”
— Mahatma Gandhi.**

Review meeting of UPR-III recommendations

As part of its continuous process of the review meetings of recommendations of the UN Mandate Universal Periodic Review, UPR, the National Human Rights Commission, NHRC India organized a meeting with the civil society organizations at its premises in New Delhi, on 4th March, 2020. Twelve participants representing the ten

civil society organizations attended. The aim was to seek their views on the recommendations of UPR-III. Mr. Justice P.C. Pant, Member, NHRC chaired the meeting. NHRC Members, Ms. Jyotika Kalra, Dr. D.M. Mulay, Secretary General, Mr. Jaideep Govind, Registrar (Law), Mr. Surajit Dey, Joint Secretary (A&R), Mr. R.K. Khandelwal, Joint Secretary (P&T),

Ms. Anita Sinha and other officers of NHRC were present.

Now, the Commission is planning to prepare a mid-term report on the basis of the inputs received through writing or presentations by the Union Ministries and Civil Society Organizations for further necessary action.

NHRC dismisses the complaint of the mother of Nirbhaya case convict Mukesh Kumar seeking its intervention to prevent his execution

The National Human Rights Commission, NHRC, India received a complaint from Mrs. Ram Bai, a resident of Ravidas Camp, R.K. Puram, Delhi through her counsel Dr. A.P. Singh seeking urgent intervention by the Commission in the matter to prevent alleged unlawful execution of her son, Mukesh Kumar, who was confined at Jail No. 3, Tihar in Delhi in case FIR No. 413/2012 registered at Police Station Vasant Vihar, Delhi. The complainant stated that all the accused including her son were falsely implicated in the case and their execution in compliance of the court orders will be a miscarriage of justice.

The complainant said that her son was also a witness in the case of custodial death of the co-accused Ram Singh, who died inside Tihar jail, on 11th March, 2013. The complainant alleged many flaws in the investigation of the case registered in connection with the custodial death of the deceased prisoner, Ram Singh and that no compensation had been given to the NoK of the deceased prisoner.

It was further mentioned by the complainant that legal remedies/cases are pending for disposal before different courts/ constitutional bodies on behalf of the death row convicts, including her son but the

authorities were still planning to hang them, on 20th March, 2020. The complainant had also stated that due to various kinds of viral infections, pollution and other hazards, the life had become very short in Delhi NCR region hence, the death penalty and its execution was not at all justifiable.

The complainant requested the Commission to stay the execution of the death sentence imposed on the convicts including her son which was fixed for 20th March, 2020.

The Commission observed that going by the contents of the complaint, the son of the complainant was one of the accused in a case Crime No. 413/12 registered at PS Vasant Vihar in which death sentence had been awarded by the competent court and upheld by the Apex court. The case relating to the death of one of the accused in the criminal case, Ram Singh had come before the Commission when an intimation was received from the jail authorities, in accordance with the guidelines issued by the Commission directing the authorities to report all the custodial deaths to it within 24 hours of the occurrence.

The case was registered vide No. 1543/30/9/2013-JCD. The matter was taken up by the Investigation Division of the Commission and the requisite reports were obtained

from the authorities concerned. A magisterial enquiry was also conducted in the matter. There were some allegations raised by the family members that the deceased prisoner had not committed suicide and he was killed in the judicial custody. The Inquiry Magistrate held that there was no foul play or negligence in that case of custodial death and the Commission, upon consideration of the reports and the recommendations made by its Investigation Division, had closed the case, on merits. Since, there was no negligence on the part of any of the authorities, no compensation was recommended by the Commission.

The Commission did not find any substance sufficient for taking cognizance of the matter. The case relating to custodial death of the deceased co-prisoner Ram Singh was disposed of by the Commission on merits. So far as the prayer made by the complainant to stay execution of the death sentence was concerned, it was apparent that the said convict Mukesh Kumar had already approached the appropriate authorities and the authorities had exercised their jurisdiction judiciously. The matter was outside the purview of the Commission. Hence, the complaint was dismissed in limini.

Cases of Human Rights Defenders

The Commission registered 7 cases of alleged Harassment of Human Rights Defenders during the month of March 2019, Summary of some of these cases is as under -

1. Case No. 875/12/36/2020

The Complainant r/o Post Amiliya, Thana Garh, District-Rewa, Madhya Pradesh, in his online complaint dated 15-3-2020 has stated that he is a social activist, Human Rights Defender and taking up the matter on various issues with the concerned state authorities. Through RTI or other means, he has exposed corruption of public authorities. Recently, he has submitted a complaint exposing corrupt practices of village Sarpanches in construction of tube wells in villages. On 9-3-2020, during inspection of the tube wells in presence of SDO, he was physically assaulted by his village Sarpanch and his men. On his complaint, FIR no. 80/2020 u/s 294, 323, 506, 34 IPC was registered at Garh PS, District Rewa, Madhya Pradesh. Despite his request section, 307 IPC (attempt of murder) was not included by the police. The complainant has sought for an intervention of the Commission for directing police to include section 307 IPC in the FIR and to protect his life.

The case is under consideration of the Commission.

2. Case no. 382/13/16/2020

The Complainant Sh. Lenin Raghuvanshi, Convenor CFR, PVCHR has given a complaint through an email to the Commission alleging illegal detention and harassment of a Human Rights Defender, Sh. Lallan Jaiswar by police in V.P. Road Police Station. He has been detained in view of his proposed protest against police firing in Delhi on 31st Jan, 2020.

The case is under consideration of the Commission.

3. Case no. 339/13/0/2020

In the instant case, the Complainant Sh. Suraj Yengde in his complaint through email dated 13-3-2020 has alleged propaganda against protests, and exposure of activists to adverse circumstances including the named activist Sh. Anand Teltumbde, who is facing arrest. The case is under consideration of the Commission.

4. Case no. 111/10/15/2020

The complainant Mr. Henri Tiphange, National Working Secretary of HRD Alert- India in a complaint through email to the Commission has alleged that the Mysuru Police pressed false charges of sedition against the HRDs, Ms. Nalin Balakumar and Mr. Maridevaiah S., who were peacefully protesting against the CAA as well as the recent attack on JNU students on 8th Jan, 2020 in the premises of Mysore University in Mysuru, Karnataka. It is further alleged that the HRDs were harassed and shamed by the Mysuru Advocates Association as Anti-Nationals and later on the association had adopted a resolution of denial of any legal assistance to them.

The case is under consideration of the Commission.

5. Case no. 295/25/5/2020

The complainant Mr. Henri Tiphange, National Working Secretary of HRD Alert- India, in a complaint through email to the Commission, has alleged that Mr. Neingulo Krome, a Naga Civil society Leader and HRD, currently serving Movement for Human Rights was offloaded from the flight from Kolkatta to Bangkok on 5-2-2020 on the orders of the Central Government. He was informed about this by immigration authorities at Kolkatta Airport. The complainant has further alleged that the authorities have not offered any additional clarification or

shown any official document or list containing the victim's name.

The Commission has taken cognizance of the complaint and has called for a report from Secretary, Govt. of India, North Block, New Delhi.

6. Case No. 36/3/24/2020

The Complainant, Mr. Henri Tiphange, National Working Secretary of HRD Alert- India in a complaint dated 4-3-2020 to the Commission has submitted that one renowned and committed Human Rights Defender named Akhil Gogoi, is currently lodged in Guwahati Central Jail, Assam. He has alleged that Akhil Gogoi is having serious health ailments but the authorities are not taking adequate steps to attend to his illness.

In this case, telephonically Sri Dass, I.G. Prison Assam was contacted by Sri Debindra Kundra, Assistant Registrar (Law) and Focal Point for HRD's, NHRC who told that the prison authorities are taking due care regarding health of Shri Gogoi. The authority has constituted a Medical Board who is regularly monitoring his health condition. On an issue of denial of access to his wife and legal counsel, he has stated that there is no bar or restriction on his wife or a legal counsel and they can meet him. As per his version, Mr. Gogoi himself has refused to meet them.

The Commission has sought for comments of the Complainant for further action.

7. Case No. 509/20/29/2020

The complainant Mr. Henri Tiphange, National Working Secretary of HRD Alert- India has sent a complaint to the Commission alleging about lathi charge, ill treatment and filing of fabricated cases against Human Rights Defenders by Rajasthan Police in

Udaipur on 29-1-2020 for reason of holding peaceful protest in Udaipur against Citizenship Amendment Act.

Taking cognizance of the same, the Commission has called for a

report in the matter from DGP, Govt. of Rajasthan.

Report of some major cases during Lock down period (Focal Point of HRD)

1. Date 29-3-2020 Complaints of discrimination against NE people

- (a) I want to draw kind and urgent attention of Union Home Minister Shri Amit Shah as well as all the Chief Ministers of North East, that large number of Northeast students living in Delhi, Bangalore, Mumbai and many other cities of the country are facing racial assault and forced to vacate their residential places. The local administration of those area are not coming to their rescue. It is very painful and inhuman act at this critical phase when PM Modi is appealing people not to move out of their door step and stay at home. I will appreciate, if Union Home Minister takes appropriate and prompt action to take note of the situation being faced by these citizens in their own country and also request all the Chief Ministers of North East to take up the matter seriously with the Ministry of Home Affairs, Govt of India so that a prompt action by Home Minister will create confidence in the mind of Northeast people and sense of alienation will be checked.

Regards

- Ajit Kr Bhuyan, Elected
Member of The Council of States

- b) **Complaint forwarded by Sanjoy Hazarika** -We the North East people here in Mumbai/Maharashtra would like to appraise our current situation of difficulties and problem confronting us due to COVID-19. We are facing

many problem now since the Central Govt. as well as State Govt. has imposed total Lock down. 99% of the North East population here in the city and other parts of Maharashtra depend their livelihood on daily wages. We are all employed in the private and unorganised sectors like Hotels/ Restaurant/Spa /Saloon / Mall showroom and few of us in Call centers, which the Lock down impacted adversely. Many families and individual youths are at the verge of starvation due to sudden suspension of employment and salary. 100% of the north east people in Maharashtra, live in the rented accommodation, many are unable to pay the monthly house rent. On the other hand there are pressures from the land lords and land ladies to pay the rent. The situation is more aggravated since they can not leave for home town due to Nation wide Lock down. So we would like to request to the authority to kindly look into the life and death situation of the Northeast people. The area most affected are Kalina/ Khar /Juhu/Mira road and many other places, where our northeast Indians reside in large number. Apart from the bread and butter problem, there are few incident of abusing and racially discriminating the northeast people even in Mumbai by calling them Corona people. We the people of northeast will remain grateful for the help rendered in these hard times.

Regards

- Leo Tharmi Raikhan

Representative of Northeast India." This rental issue with landlords is even there for Mumbaikars staying in slums/chawls and who are having a problem with earning a livelihood due to this calamity"

- Krishna Hegde

Response on part of NHRC- Matter of discrimination of NE people taken up with Nodal Officer (Police) of Maharashtra, Delhi, Gujarat and Karnatka, who assured positive action in the matter. For instance report from Nodal Officer -Maharashtra [29/03, 21:23] Mr. Quaiser Khalid IG Mumbai: Good evening sir, we are in constant touch with Mumbaikars, who are originally from north east. Mr Leo Tharmi is coordinating with us. So far there is no issue that we have come across during our interaction. However, we have assured them of all possible help whenever it is needed. Our local officers and staff and also the senior formation are in touch with them. We will continue to coordinate with them to address any apprehensions or difficulties they may face in the future.

Moreover, Commissioner of Police, Karnataka informed that in case of discrimination against N/E students in Mysore Mall, a case was registered against that Mall Manager and its employees.

On request of Sh. Sanjoy

Hazarika, CHRI, contact number of Focal Point was forwarded to all union leaders of N/E students for any assistance from NHRC on issue of discrimination. During this period, assistance was provided on two occasion to NE Students for funeral arrangement of their fellow students, who died in Chandigarh by coordinating with SSP (Law and Order) Chandigarh and DC, Chandigarh.

2) Date 29-3-2020

Complaint from Sanjoy Hazarika regarding interference of NHRC in matter of movement of large number of Migrant laborers from Delhi due to Lock Down.

Noting the GoI's circular today on detaining anyone breaking lockdown ... what happens to the hungry hopeless and homeless..

will they be put in detention centers if they go out to get essentials. The MHA must be told to clarify all these details and not create more confusion or anxiety and issue fresh orders the next day

Response- Please appreciate that for homeless people Disaster Management Act has been invoked. Govt is taking measures for their safety. All DMs & SPs have been directed to ensure the same. MHA has also given directions to all Chief Secretaries to take all appropriate steps. It is not bothering that despite repeated requests people are violating safety norms. Keeping in view the population and level of awareness among masses, some steps may seem to be harsh but ultimately what matters is the end result. All citizens of India are keeping their fingers crossed for the simple reason that let the

situation like Italy, US or other European countries do not occur in India. Pl extend your help in telling us what more safety/ cautionary measures are required at this juncture of time which may take up at appropriate level.

3) Date 31-3-2020 on issue of On issue of video clipping of incident at Bareilly, UP wherein migrant workers were washed by the district administration using chemicals to disinfect them.

Response- The matter was immediately taken up with DM Bareilly & SSP Bareilly. ADM City Bareilly informed that DM has directed Municipal Commissioner to conduct an enquiry as who were involved in that incident. ADM has assured to forward that enquiry report for perusal of Commission. SSP Bareilly has also stated so.

Recommendations for Relief

A part from the large number of cases taken up daily by individual Members 12 cases were taken up during 01 sitting of the Full Commission and 15 cases were taken up during 01 sitting of the Divisional Bench-I. On 17 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of Rs. 36,75,940/- 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	5221/30/0/2017-JCD	Custodial Death (Judicial)	300000	Delhi
2	4124/4/37/2016-JCD	Custodial Death (Judicial)	300000	Bihar
3	39635/24/21/2012	Inaction by the State/Central Govt. officials	50000	Uttar Pradesh
4	1095/1/10/2017	Inaction by the State/Central Govt. officials	350000	Andhra Pradesh
5	4170/18/9/2016	Inaction by the State/Central Govt. officials	300000	Odisha
6	4230/18/28/2017	Inaction by the State/Central Govt. officials	100000	Odisha
7	4470/18/28/2017	Inaction by the State/Central Govt. officials	50000	Odisha
8	1356/34/4/2017	Inaction by the State/Central Govt. officials	100000	Jharkhand
9	4122/4/23/2016	Failure in Taking Lawful Action	50000	Bihar
10	44352/24/13/2013	Failure in Taking Lawful Action	200000	Uttar Pradesh
11	292/30/0/2018	Exploitation of Labour	300000	Delhi
12	342/12/8/2019-WC	Rape Outside Police Station	50000	Madhya Pradesh

13	1081/13/30/2018	Abuse of Power	200000	Maharashtra
14	1151/19/15/2016	Death in Police Firing	300000	Punjab
15	2734/20/22/2018	Victimisation	100000	Rajasthan
16	845/22/13/2018	Atrocities on SC/ST (By Police)	300000	Tamil Nadu
17	26229/24/37/2018-WC	Rape	300000	Uttar Pradesh

Payment of Relief on NHRC Recommendations

The Commission closed 21 cases on receipt of compliance reports from different public authorities, furnishing proof of payment, it has recommended, totaling Rs. 53,20,002/- the victim of human rights violations or their next of kin. The specific details of these cases, closed in March, 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	3477/4/27/2015-JCD	Custodial Death (Judicial)	200000	Bihar
2	1743/34/16/2014-JCD	Custodial Death (Judicial)	300000	Jharkhand
3	11/16/5/2018-JCD	Custodial Death (Judicial)	100000	Mizoram
4	23479/24/15/2013-JCD	Custodial Death (Judicial)	100002	Uttar Pradesh
5	1922/18/19/2017	Inaction by the State Government/Central Govt. officials	1600000	Odisha
6	171/18/17/2015	Inaction by the State Government/Central Govt. officials	400000	Odisha
7	7609/18/27/2016	Inaction by the State Government/Central Govt. officials	160000	Odisha
8	11196/24/23/2015	Inaction by the State Government/Central Govt. officials	100000	Uttar Pradesh
9	27804/24/55/2018	Inaction by the State Government/Central Govt. officials	100000	Uttar Pradesh
10	996/10/15/2017	Failure in Taking Lawful Action	100000	Karnataka
11	3443/18/5/2017	Failure in Taking Lawful Action	300000	Odisha
12	38500/24/6/2013	Abuse of Power	60000	Uttar Pradesh
13	292/25/14/2015-PF	Abuse of Power	300000	West Bengal
14	1603/34/18/2014	Irregularities in Govt. hospitals/Primary Health Centres	100000	Jharkhand
15	4370/18/28/2018	Death Due to Electrocution	300000	Odisha
16	4377/18/30/2017	Exploitation of Children	200000	Odisha
17	15879/24/46/2018-WC	Abduction, Rape and Murder	200000	Uttar Pradesh
18	19239/24/52/2017	Harassment of Prisoners	50000	Uttar Pradesh
19	25862/24/9/2014	Malfunctioning of Medical Professionals	300000	Uttar Pradesh
20	35104/24/21/2013	Disappearance	50000	Uttar Pradesh
21	37780/24/12/2018-AD	Alleged Custodial Deaths in Police Custody	300000	Uttar Pradesh

Success Stories from Law Division

Case No. 171/18/17/2015

In the instant case, a complaint

was received, alleging that the victim, Jhas Ketan Budek, aged 62 years, r/o

Village- Tetelapali, District-Bargarh, Odisha was electrocuted by a low

hanging 11 KV live electricity line and died on the spot. Despite registration of the complaint at the local police station, neither any action had been taken nor any compensation had been paid to the NoK of the deceased.

After taking cognizance of the complaint, notice was issued to Superintendent of Police, District-Bargarh, Odisha and Secretary, Dept. of Energy, Govt of Odisha.

On perusal of the reports submitted by the concerned authorities, it was observed by the Commission that the victim while passing through the ridge in the paddy field near the village Tentelpali, came in contact with 11 KV live line and got electric shock. He was fallen to the Hospital, where he was declared dead by the doctor. It was further stated that the accident could have been avoided by proper ground clearance and maintaining the line in proper condition on periodic basis. The conductor was in hanging position at a height of around 6 feet from ground, which was a clear negligence on the part of the Electricity Department / its officials.

In view of this report, it was held by the Commission that the human rights of the deceased namely Jhas Ketan Budek were violated and the NoK of the deceased were entitled to be compensated by the State on account of its vicarious liability for the action and inaction of its employees. Pursuant to the show cause notice issued by the Commission, State of Odisha has since informed that Rs. two lakh as recommended by the Commission, have been paid to NoK of the deceased as compensation. Hence, the case was closed.

Case No. 38500/24/6/2013

Sub Inspector Jai Narain Ram from 21st Battalion, Seema Suraksha Bal (BSF), Gopalpur, New Kuch Behar, approached the then S.H.O. of P.S. Jiyanpur in Azamgarh, UP with a grievance that the heirs of his late grandfather have blocked his ancestral right of way. It was alleged

that the said SHO in collusion with the opposite parties, did not take lawful action and misbehaved with the complainant and his kin, mentally and physically harassed them and even asked for bribe. On failing to pay the bribe, the complainant was implicated in false criminal cases. The complainant's requests for help made to various authorities did not yield any results.

Pursuant to the Commission's directions, the Superintendent of Police reported that the SHO, in question had connived with the opposite party and had obtained complaints from them, containing several allegations, which, prima facie, were not true and had registered two criminal cases against the complainant and others. It was further stated that having found prima facie guilty of the misconduct of registering false criminal cases against the complainant and guilty of misbehaviour and misuse of his powers, departmental action had been initiated against him.

On the basis of the above reports, the Commission recommended to the authorities that the cases registered against the complainant should be re-investigated under Section 173 (8), Cr.PC with due permission of the Court. The Commission did not find any merit in the submissions of the State of UP that since the SHO in question had been exonerated of the charges against him, no compensation can be granted to the complainant. Accordingly, it recommended monetary compensation of Rs. 60,000/- only to be paid to the complainant Sh. Jai Narain for violation of his human rights. The said compensation having been paid, the case has been closed.

Case No. 1095/1/10/2017

The Commission received a complaint from Mr. Bezawada Abhisagar alleging that a tourist boat carrying about 38 persons capsized in a river as the boat was not in good condition and no life jackets were provided to the tourists, which amounts to negligence on part of

Govt. authorities. Due to this, at least 21 persons died and many others were missing.

The Chief Secretary, Govt. of AP, vide communication dated 26.03.2019, reported that on the basis of preliminary departmental enquiry, 3 officers - General Manager, Transport and Water Fleet, Divisional Manager Vijaywada and Asst. Manager - were found responsible for dereliction of duty and were suspended and 4 other persons, working on outsourcing basis, were removed. Cr. Case FIR No. 604/17 u/s 304(ii) IPC was registered at PS Ibrahimpatnam, PS Vijaywada against 10 accused persons and charge sheet had also been filed in the Court. The Government of Andhra Pradesh also undertook to streamline the boat operations.

Accordingly, the Commission after giving a show cause notice to the Chief Secretary, which went un-responded, recommended to the Government of Andhra Pradesh that it pay monetary compensation of Rs. 3 lakh to the NoK of the each of the deceased persons, and Rs. 50,000 each to the persons, who fell into the river. The Chief Secretary, Govt. of Andhra Pradesh has been asked to file the compliance report along with the proof of payment.

Case No. 1356/34/4/2017

The complainant, Mr. Onkar Vishwakarma, a Human Rights Activist, submitted a complaint before the Commission alleging starvation death of a labourer namely Sh. Baidyanath Das, at Dhanbad, Jharkhand, as he was not provided with the Ration Card under the Public Distribution System and had no food.

The Commission, while considering the report submitted by the State authorities, observed that the victim died on 21st October, 2017 whereas, his Ration Card was made available to his wife on 25th October, 2017. The victim's family was using the Ration Card of the victim's elder brother and they were receiving Ration for their survival but after the death of victim's brother, the said

Ration was stopped and the family of 7 members was left helpless. The victim's son applied 6 months ago for a new Ration Card but the same could not be made available. Thereafter, the family again applied online on 22nd September, 2017 to get a ration card and also submitted a written application on 18th October, 2017 but authorities did not pay

any heed. The victim was suffering from fever for past one month and he was deprived of the Ration/ food provided by the Govt. and also no proper pre-medical care was available to the victim. The report did not mention any specific disease of the victim due to which he died.

Therefore, the Commission vide its proceedings dated 09.03.2020

asked the Chief Secretary, Government of Jharkhand to make payment of Rs. 1,00,000/- as monetary compensation to the next of kin of the deceased for the violation of their Human Rights due to negligence on the part of public servants. The compliance report along with the proof of payment is awaited.

Spot Enquiry during the month

S. No.	Case Number	I/O's Name (S/sh./ Ms.)	Date of Visit	Allegations in brief
1	1085/30/5/2020	DSP M.S. Gill, DSP Rajvir Singh, Insp. Lal Bahar, Insp. Arun Tyagi, Insp. Neeraj Kumar, Insp. Arun Kumar & Insp. Randheer Singh	I st Phase : 01.3.2020 to 06.3.2020 II nd Phase : 11.3.2020 to 18.3.2020	Negligence and failure on part of local administration and police authorities as they did not effectively tackle the situation, which led to violence in some parts of Delhi. The law enforcing agencies failed to foresee and analyze the situation in the affected areas, which later went out of control and claimed many precious human lives.
2	5181/7/18/2016-WC	DSP Rajendra Singh, Insp. Manoj Dahiya & Insp. Kulwant Singh	02.3.2020 to 06.3.2020	Murder of a woman by her employer and his father. Inaction by local police, PS Elanabad. The complainant suspected that they concealed her dead body.
3	6505/7/3/2015	Insp. Saroj Tiwari & Insp. Chandra Shekhar	03.3.2020 to 06.3.2020	Police Atrocities and illegal detention of the complainant. Inaction by the senior police officers.
4	1724/24/30/2017-BL	DSP Isam Singh & Insp. Jintu Saikia	11.3.2020 to 13.3.2020	The complainants (resident of Assam) alleged that they were held as bonded labourers by a Contractor at Greater Noida, District Gautam Budh Nagar, Uttar Pradesh. Requested for their wages and rescue from bondage.

From NHRC Investigation Files

Case No. 1018/24/3/2020

Aligarh Muslim University Case

During the anti CAA (Citizenship Amendment Act) protests, one of the places where the violence erupted on a massive scale was the campus of AMU, Aligarh UP where the students, mob & police clashed and later there were serious allegations on the police for atrocities

& mishandling of the situation. Soon many petitions were filed in the Supreme Court & High Court, Allahabad, alleging police brutalities & lodging of false cases. Many complaints were received in the NHRC also. The High Court directed the NHRC to get the matter enquired & submit a report within one month. Accordingly, a team headed by SSP and a Dy Registrar and seven

investigating officers was formed and enquiry was set in motion.

The students had alleged that police forcibly entered the campus without permission, broke open the main gate 'Bab-e-Sayed' caned-charged the students on a peaceful protest, teargassed them, entered hostels & lobbed stun grenades inside, damaged their vehicles, did

not provide medical assistance to students, illegally detained them, lodged false FIRs, abused & tortured them in police station premises; many students were in coma and many went missing inter alia other allegations while there was no violence or provocation from the students' side. The police acted in a biased, politically motivated & ruthless manner and now threatening to open their names in the FIRs and thrust serious sections & NSA on them.

The team stayed in Aligarh for two weeks, interacted with the petitioners, students, ex-students, local inhabitants, doctors, University officials and collected material evidences & recorded their statements. The team also took statements of the police, PAC & RAF. All the scenes of incident were visited inside the campus and nearby places, CCTV footages & videos available were collected apart from other scientific & forensic evidences.

After thorough investigation, the NHRC investigation team found that the anti-CAA protests were being carried out in AMU campus for past few days of the incident by various groups of students, teachers & other stakeholders separately. Soon after the Jamia's incident in Delhi & rumour mongering on social media about (students) death in the incident

due to police firing, the situation turned worse in AMU also and took an ugly turn. Despite being a Sunday, the students, locals, ex & rusticated students gathered in large numbers and marched towards the main gate of campus on 15.12.2019. However, it was found that it was purely a law and order situation in which police had no option but to intervene, take coercive steps in order to control the situation. It was found that the gate was broke open by the mob itself, they started first pelting stones on the police and University staff, they lobbed the teargas shells back on to the police, were too violent & created total chaos & anarchy. The police, though had full powers to enter the campus due to poor law & order situation yet in this case, they were also called by the campus Registrar both verbally as well as through a letter. The executive magistrates were also deputed by the District Magistrate for controlling L&O situation. The incident continued for more than three hours, the PAC & RAF forces were also called to supplement the force. However, there were a few footages & evidences wherein few policemen were seen unnecessarily canecharging the arrested people, damaging & falling down the motorbikes of students. This act was definitely unwarranted & unprofessional and had no bearing on the task of dispersing the crowd &

controlling the law & order situation.

No student was found missing, some students were arrested by the police from the spot, who were later given proper medical assistance and after the intervention by University authorities, they were set free on the same day after few hours. There was no illegal detention but later arrests were made since FIRs were lodged. It was not just the students but mainly the ex-students, rusticated students and the locals, who mixed with the students' fraternity & in the garb of crowd & anonymity created violence provoking the police to canecharge.

The recommendations were made such as investigation of cases by a SIT on merits in a time-bound manner & outside the district Aligarh, compensation to the students, who lost their limbs or received grievous injuries on humanitarian grounds commensurate to their injuries, action against policemen, who were seen in footages unnecessarily caning & damaging the bikes with a focus on training & sensitization towards handling law & order situation, creation of a robust intelligence system & effective monitoring of social media posts for preventing such incidents in future, among many other, suggestions. The report was submitted to the High Court, Allahabad on time, which was duly accepted.

Regional Workshop on Manual Scavenging and Human Rights

The National Human Rights Commission has been deeply concerned about the inhuman and degrading practice of employment of persons for manual handling or manual cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain, pits, railway track, private homes and toilets maintained by Municipal Corporations etc.

The Commission has a

statutory responsibility to review the safeguards provided under the Indian Constitution and other enforced laws for the protection of human rights of manual scavengers and make recommendations for the effective implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

The Commission also has a responsibility to review the factors that inhibit the enjoyment of human

rights and recommend appropriate remedial measures as per Section 12 of the Protection of Human Rights Act, 1993. Keeping it's mandate in view, the NHRC has been organising various national and regional level consultations on time to time to review the implementation of the laws aimed at ending this menace and make necessary recommendations.

One such regional workshops was decided to be organised at NLSIU, Bangalore, Karantka on

6th March, 2020, which had to be postponed due Corona lockdown.

The Objectives of the Regional Workshop were:-

- a. Identification of gaps/constraints in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 and implementation of rehabilitation schemes for people

involved in manual scavenging and in order to facilitate eradication of the practice.

- b. Identification and deliberation of the challenges faced by the Manual Scavengers, Sewage, Sanitation and Domestic workers.
- c. Discuss strategies for expeditious implementation of Government Schemes with regards to

the eradication of Manual Scavenging.

- d. Discuss the role of the civil society in spreading awareness and sensitize the society at large, of the harmful effects of manual scavenging.
- e. Deliberate on provisions for adoption of technology to end manual scavenging

Research Study

The National Human Rights Commission, NHRC, India approved the final report of a research project titled "Status and Functioning of Local Complaints Committees under the Sexual Harassment of Women at Workplace (Prevention, Protection and Redressal) Act, 2013 and awareness levels among women in the work force". It was initiated in the year 2018 by NHRC in collaboration with Social Action Forum for Manav Adhikar (SAFMA). Dr. Charu Wali Khanna, President, SAFMA is the Principal Investigator for the study. The main objectives of the study were:

- a. To study the role and functioning of the Local Complaints Committees (LCCs) and to make recommendations on viable alternatives.
- b. Method of nominating members adopted by the District Officer.
- c. Whether the composition of LCCs is in accordance with the Act.
- d. Procedure followed by LCCs and Nodal Officers on receiving complaints and the action taken by them.
- e. Whether procedure adopted is simple enough to be comprehended by poor, uneducated and rural women.
- f. Whether District Officer has taken measures under Section 20 for creation of awareness on sexual

harassment and the rights of women.

The research was conducted in Delhi, Haryana and Odisha.

The main findings of the research study were:

- a. Out of the 743 women surveyed, majority of respondents were working as domestic workers (28%), while a large number of women were employed in shops/retail (17%), women in labour (12%), and workers in clinics (5%). 38% comprised Anganwadi workers, advocates, tutors, and women working with courier services, in the beauty/event/hospitality industry altogether. Out of this, the most number of uneducated women fell in the category of domestic workers.
- b. The District Magistrate is the overall in charge of every important official activity in the district, and coordinates the activities of all government departments, which function in the district i.e. public health, agriculture, public works, irrigation, education and cooperation. In such a situation, on the District Magistrate/DC/Collector being appointed as District Officer to exercise and discharge functions under the POSH Act, they are unable to do justice to the role.
- c. There is no liability for failure

to constitute LCC as per law. According to Section 26 an employer is liable to pay fine upto Rs. 50,000/- on failing to constitute an ICC and action taken under sections 13, 14 and 22; but there is no such liability on the State nor District Officer.

- d. The MWCD instead of strengthening the already constituted LCCs came out with an alternate mechanism the SHe-Box (Sexual Harassment electronic Box), and website (www.shebox.nic.in) with page on how to register a complaint. Women are under the impression that the SHe-Box is a redressal mechanism which will provide them immediate relief. However the harsh reality is that the SHe-Box complaint forwards the complaint to the existing LCC in the State/District, and finally the complaint reaches the LCC almost after 6 months.
- e. Simply constituting a LCC may be the first step towards legal compliance, but that is not sufficient and will remain merely symbolic unless awareness is created among the women whom the law intends to protect and provide a redressal mechanism. It is reiterated that the legislative intent can only be achieved when the aggrieved woman and the LCC members both proactively address the problem effectively.

In other words, the LCC should be easily accessible to women; and in case women are subjected to sexual harassment at the workplace, they should not only be aware of the LCC as a forum of redressal, but also be able to impose confidence in the LCC.

Some of the major recommendations that emanated from the study are:

- a. The Chairperson and all members of the LCC should be given a standardized training to ensure that they are aware of what behaviours constitute sexual harassment, including

the difference between bullying and misogynist behaviour; and instructions in procedures of handling a complaint.

- b. The Sarpanch should be made Nodal officer to collect complaints as he is a trusted and elected head of a village.
- c. Separate budget should be allocated for awareness and gender sensitisation workshops on the POSH Act, in which acceptable behaviour and the consequences of overstepping the limit, is clearly defined.
- d. There should be increase in involvement of NGOs at

community the level, and Resident Welfare Associations.

- e. Need to promote the facility of counselling and develop linkages to make the law robust, on the lines of the Protection of Women from Domestic Violence Act, 2005, which provides for counselling under Sections 9 and 14.
- f. Creation of a syllabus for training. This syllabus should be vetted by an independent expert body, including experts in law, human rights, and education. The report is available on the website of NHRC.

NHRC Appointments

The NHRC, India appointed ten Zonal Special Rapporteurs in the month of March, 2020 for the promotion and protection of human rights. They are as under:-

1. Mr. Mukesh Mittal, East Zone
2. Dr. Sadhana Rout, West Zone
3. Dr. B. Kishore, South Zone
4. Dr. Vinod Aggarwal, Central Zone

They were also given orientation about the activities and functioning of the Commission by the senior officers led by Mr. Jaideep Govind, Secretary General.

NHRC-NSS Human Rights awareness workshops

As part of collaboration between National Human Rights Commission, NHRC, India and National Service Scheme, NSS, ten human rights awareness workshops were to be organized by the end of the financial year 2019-2020. The inaugural workshop was held in Moti Lal Nehru College, University of Delhi, Regional Directorate, NSS on 29th February, 2020.

Mr. Sanjeev Sharma, SSA, Mr. U.N. Sarkar, Assistant Director (Publication) and Ms. Shashi, UDC

represented the Commission in the inaugural workshop and briefed the participants about various activities of the Commission including complaint registration, processing thereof, and NHRC's publications. About 50 participating students were also administered human rights pledge and shown some select films on human rights for their awareness about the importance of promotion and protections of human rights as part of structured programme for the NHRC and NSS workshops.

Subsequently, the NSS informed that due to the corona lockdown, the remaining seven workshops may not be organized till 31st March, 2020. The NSS requested to allow them organise these workshops in the next financial year for which the fund was already transferred to them by the NHRC.

On behalf of the Commission, these workshops are being coordinated by Mr. Jaimini Kumar Srivastava, Deputy Director (Media & Communication), NHRC.

Other important visits/seminars/programmes/conferences

Events	Delegation
Visits and interaction with Faculty and Students on "Human Rights and Responsibilities in Diverse Societies" at Shanti Business School, Ahmedabad on 6 th March, 2020	NHRC Member, Dr. D.M. Mulay

