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*“ An unjust law is itself a species of violence.
Arrest for its breach is more so”— Mahatma Gandhi*

Meeting on the Issue of Missing Children

A virtual meeting on the issue of 'Missing Children' was held in the Commission on 9th June, 2020. It was chaired by Mrs. Jyotika Kalra, Member, NHRC. The objective of the meeting was to discuss the issue of missing children and brainstorm effective measures to address the menace.

The major actionable points that emerged from the meeting were as follows:-

Accordingly, the NHRC took stock of the situation and the following charter of activities were taken up by the Commission on the issue of Bonded Labour:

1. A particular State which could be perhaps Delhi or UP, may be selected to get the following details through selected NGOs including the status of work on missing children by the NGOs, the number of FIR filed in the state with respect to missing children, number of children who were traced back, the procedure of tracing children adopted by the police and the reason for the children to have gone missing may be investigated as a pilot project.
2. Empirical data of missing children should be collected district-wise and a data bank should be formed at the central-level which should be seeded with Aadhaar database. Information regarding return or rescue of children should



NHRC Member, Mrs. Jyotika Kalra, S.G., Mr. Jaideep Govind and other official in the webinar

- also be regularly updated in this database. Wide publicity of missing children should be made by both police and local NGOs in order to speed up the process of recovery. An SOP may be created to deal with the issue of missing children.
3. Police and NGOs should be encouraged to be more technologically equipped while tracing and tracking the missing children with facial recognition software, etc.
4. Existing tracking and redressal mechanisms such as National Tracking System for Missing Children, Anti-Trafficking Units, and the CHILDLINE Helpline (1098) may be assessed for their effectiveness.
5. A better synchronized and integrated approach is needed between various NGO's, civil society groups, police, state administration and different ministries to deal with the issue of missing children.

NHRC officers, Mr. Jaideep Govind, Secretary General, Mr. Ajit Singh, Special Monitor on Trafficking, Mr. Surajit Dey, Registrar (Law), Mrs. Anita Sinha, Joint Secretary (P&T) and Mrs. Manzil Saini, DIG (I), Dr. M.D.S. Tyagi, JD(R), Dr. Seemi Azam, RO and Ms. Diana Thomas, JRC participated.

Meeting of the first Sub-committee on CEDAW

The first meeting of the Sub-committee on Convention on the Elimination of All Forms of

Discrimination against Women, CEDAW, constituted by National Human Rights Commission, India

was held on 2nd June, 2020. Mrs. Jyotika Kalra, Member, NHRC chaired it. The Sub-committee



NHRC Member, Mrs. Jyotika Kalra chairing the meeting

on CEDAW was constituted to examine whether the domestic laws, policy frameworks, schemes and judgements meet the requirements of the articles and make recommendations to fill the gaps identified, if any.

Sub-committee which was to come up with a document on comparative analysis between CEDAW and domestic legislations. She spoke about how the preparation of this document would be an interesting

Mr. Jaideep Govind, Secretary General, NHRC spoke about the importance and relevance of CEDAW whereas, Mrs. Jyotika Kalra, explained the purpose of the

academic exercise that required the efforts of everyone in the Sub-committee. She highlighted the relevance of the document, and how it will be useful for the government as they will be able to find all the relevant laws, policies and schemes in tune with CEDAW at one place.

The meeting set the tone for future work and concluded with the division of task amongst the Sub-committee members to prepare for the next meeting. The participants included, among others, NHRC officers, Mrs. Anita Sinha, Joint Secretary, and Dr. M.D.S. Tyagi, Joint Director (Research).

Important Interventions

Supreme Court allows NHRC intervention in its suo motu writ petition on the problems and miseries of migrant labourers in the wake of COVID lockdown

The National Human Rights Commission, NHRC, India has filed an application for intervention and directions along with suo motu writ petition No.6 of 2020 in the Supreme Court of India on the problems and miseries of migrant labourers, who had been stranded in different parts of the country after the nationwide lockdown. The Apex Court has admitted the NHRC intervention. The Commission has sought directions from the Supreme Court for consideration of implementation of its proposed short term and long term measures in order to decrease the plight of the migrant workers and to ensure that the human rights of these poor labourers are not violated.

Short term measures:

i. In order to estimate the in-flow of migrant workers, States should collect the data of migrant workers at the point of departure in the originating States as well on arrival in the destination States. This will help States to effectively plan

quarantine and relief measures for the migrant workers.

- ii. The Government of India and the State Governments must ensure proper implementation of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 so that the migrant workers are provided with a journey allowance.
- iii. Menstrual hygiene products should be provided to migrant women and adolescent girls across the country.
- iv. Each state should be directed to ensure proper functioning of shelter homes especially for the accommodation of pregnant women, lactating mothers, children, and elderly person. It should be ensured that medical facilities and nutritious food are available in these shelter homes.
- v. Each State should be directed to identify the industry in which the migrant labour

is working i.e. construction, agriculture, brick kiln, etc. This identification will aid the State in creating schemes for the migrant workers and in the preparation of a State-wide and Nation-wide database.

- vi. States should be directed to take steps for the support of migrant workers, similar to the steps taken by the State of Odisha which has set up a toll-free Sharmik (labour force) Sahayata Helpline, Migrant Labour Help Desk, seasonal hostels for the children of migrant workers, and has strengthened Anti-Human Trafficking Units for migrant workers.
- vii. States must ensure medical facilities for check-ups for migrants before and after the journey, as well as the availability of food and medical care during the journey. For migrants, who are walking or travelling on bicycles, food and water should be made available

both at the originating and destination states, as well as en route.

- viii. The originating States should take steps to identify the destitute among the migrant labour and provide some quantum of compensation to ensure that they do not resort to begging after reaching their destination.
- ix. Railways in consultation with the respective State Governments should ensure that such delays do not take place and the trains do not reach wrong destinations. A mission similar to that of the dedicated Vande Bharat Mission should be started in a phased manner to help migrant workers reach their source destination.
- x. A fund should be created for payment of ex-gratia relief by the concerned DM, which will provide fixed compensation to every migrant returning home.

Long term measures:

- i. A special provision to be

inserted in the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 to deal with emergency situations like COVID-19, natural disasters etc.

- ii. Appointment of a claim Commissioner to look into recovery from employers who abandoned their labourers despite notification for continuity of wages by Central Govt.
- iii. Allocation of funds to states to be allotted to gram panchayats in order to create employment opportunities in the home states of migrants.
- iv. National portal for registration of migrants so that a nationwide database is created.
- v. Compensation to family members of those who died while migrating to their respective states.
- vi. Universal Ration Card to be granted to migrants.
- vii. Maximum benefits be extended

to the migrant labour as provided for under the Unorganised Workers' Social Security Act, 2008.

- viii. The government should implement its scheme, that it had announced to launch, for affordable rental housing complexes for migrant workers and urban poor as soon as possible.
- ix. There should be a Nodal agency created under the Ministry of Labour for the resolution of Inter-State migrant labour issues. A study of best practices from other countries on issues concerning migrant labour could be commissioned.
- x. Simplified registration process for ensuring the understanding capability of the migrant workers. In this context, the issue of giving a universal number / smart card with portability of migrant workers may be revisited.

Better communication measures needed for COVID patients and attendants in Delhi's LNJP Hospital, observes NHRC team

A team of National Human Rights Commission, NHRC, India, led by its Member, Mrs. Jyotika Kalra, visited the LNJP hospital in Delhi on 10th June, 2020 for an on the spot assessment of the facilities for COVID care in view of the allegations that despite beds the patients were being denied

admission and treatment. The team interacted with the hospital administration, doctors, staff and some attendants of the patients there. The team visited the emergency and the Ward having beds for the COVID patients.



NHRC Team inside the LNJP Hospital

The team was informed that no serious patient was denied admission and as such only those patients are being admitted whose condition is serious; others having minor symptoms are being advised for home quarantine. The hospital administration claimed that they are being referred patients by various doctors without any proper protocol.



NHRC Member, Mrs. Jyotika Kalra after the visit

On the delay in shifting of dead bodies, the hospital administration informed that only due to problems in lifts on some occasions, there might have been some delay but mostly the bodies are shifted immediately. The patients are being allowed to carry mobile phones and there is no such restriction.

Home food is also being allowed. Additionally, the hospital canteen has been providing breakfast, lunch and dinner as per schedule.

The team found several beds lying vacant. However, the hospital administration said that this was as part of requirement in coming days. Even additional equipment like dialysis machines and ventilators had also been kept ready for any exigencies. About 23% doctors and para- medical staff had been kept

ready aside for deployment on need basis.

The NHRC Member observed that at hospital entry gate proper and visible notice boards giving directions to the patients and their attendants were required. These should properly display the telephone number of an official, who can directly guide them instead of a number, which only gives another number to contact.

Mrs. Kalra said that the idea of the NHRC's visit is to help hospital administration to plug in loop holes in their functioning and not just find faults. A detailed report will be prepared and submitted to the Commission shortly. However, she said that the Commission would continue to keep a check on the facilities of the LNJP hospital and may also visit some hospitals in the National Capital under the Union Health Ministry.

Serious allegations about COVID mismanagement

The National Human Rights Commission, NHRC, India has issued notices to the Government of NCT of Delhi and Union Health & Family Welfare Ministry on a complaint making serious allegations about the difficulties being faced by the general public in Delhi, due to non-availability of beds, inadequate number of tests, increasing deaths, resulting inordinate delay in conducting the last rites of the deceased people. Allegedly, tests on the bodies of the symptomatic deceased are also not being conducted violating the WHO and ICMR norms which can be extremely dangerous.

The Commission has observed that the complainant appears to have made sincere efforts to provide data in support of his allegations, which if true, raise serious issue of inappropriate approach of the government agencies towards

the plight of the general public amounting to a serious issue of violation of human rights. The data indicates that there is an urgent need for taking effective steps immediately by the government agencies.

Issuing the notices, the Commission added that it would appreciate if both the Government of NCT of Delhi and Union Health & Family Welfare Ministry consider the matter in consultation with each other to ensure a comprehensive report within ten days. In the meantime, the government of NCT of Delhi is expected to increase the number of beds and tests per day, for the COVID patients.

The Commission has further observed that there have been many complaints coming to its notice from across the country relating to the difficulties being faced by the general

public in getting timely medical treatment for COVID-19 illness and the national capital has been no exception. Suo motu cognizance was also taken of such matters including one relating to the death of a 32 year old Delhi Police constable, who lost to the deadly virus because he was not admitted in the hospital in time.

The Commission added that it also understands that this is an unprecedented situation for the government agencies, hospitals, doctors as well as patients and their families but the State cannot leave its citizens to die without making the best possible efforts. It is not incorrect to say that the number of COVID patients, in the country are increasing day by day and the recovery rate is above 48% but it is also true that a large number of people have died and the National capital is one of the worst affected cities so far.

Suo Motu Cognizance

The Commission took suo motu cognizance in 05 cases of alleged human rights violations reported by media during 1st-30th June, 2020 and issued notice to the concerned authorities for reports. Summaries of the cases is as follows:

Medical apathy towards critically ill other than COVID

Case No. 10116/24/30/2020

The media reported about the medical apathy towards two

expecting women by various government and private hospitals in Gautam Budh Nagar and NOIDA, Uttar Pradesh. Accordingly, a notice has been issued to the Chief Secretary, Government of Uttar Pradesh calling for a detailed report in the matter, within four weeks, including the action taken against the delinquent doctors/ officials.

Reportedly, in the incident of Gautam Budh Nagar, an eight-month pregnant woman died when a

frantic 13 hour hospital hunt failed to find her a bed. The victim aged 30 years was taken to at least 8 hospitals by her husband including the government run hospitals before she died in the ambulance, just outside a health facility in Greater Noida on 5th June, 2020. In the second incident of NOIDA, a 26 year old woman was allegedly refused admission by the NOIDA District Hospital in Sector-30 and as a result she delivered a still born baby on the

pavement, outside the hospital. The family of the woman has reportedly alleged that had she got timely treatment, the baby could have survived.

The Commission has observed that it is understood that amid spread of Covid-19 virus, the hospitals are receiving a very large number of patients and there is shortage of infrastructure but denial to attend to the patients by the hospitals is a matter of concern for it. Therefore, it would like to know from the State Government whether any Standard Operating Procedure has been issued by it to the hospitals to deal with the current scenario, if yes, all the concerned shall be asked for strict compliance so that lives of the people coming to the hospitals in emergency for treatment of illnesses other than Covid-19, could also be saved.

Apart from this, the Commission has also sent copies of the press clippings to the Secretary, Union Ministry of Health & Family Welfare to look into the matter and to issue specific instructions to all the States and UTs that people coming to the hospitals in emergency for treatment of illness other than Covid-19 are not denied medical treatment and critical support by them.

NHRC notice to IRDA and Union Finance Ministry over reported refusal or high premium for mediclaim policies for healthcare workers.

Case No. 651/90/0/2020

The media reported that the healthcare workers, who stood the maximum risk from corona infections, were facing refusals or demands for high premiums to buy group Mediclaim policies.

It is further stated that while most doctors have a medical cover, the struggle has mainly been about ensuring protection for their staffers. Reportedly, there was also confusion whether ₹ 50 lakh health cover

provided by the Central government for healthcare workers included private doctors, staffers and also those doing non-COVID work or not.

Accordingly, the Commission has issued notices to the Chairman, Insurance Regulatory and Development Authority and the Secretary, Department of Financial Services, Insurance Division, Union Ministry of Finance calling for a detailed report in the matter within four weeks. Issuing the notices, the Commission also observed that in this period of pandemic, the country needs proper health facilities and infrastructure. Denial of insurance claims by the companies to the Covid warriors may bring down their morale which may adversely affect the general public. Considering the issue as a case of violation of human rights, the Commission thought its intervention necessary in the matter as poor citizens were already under trauma of the Corona virus due to the lack of medical facilities.

Dumping of a body in a garbage bin

Case No.10172/24/11/2020

The media reported that the body of a man, who died near a government office in Utraula block of Balrampur District in Uttar Pradesh, was being dumped in a garbage van by the Municipal workers while some Police personnel stood mute bystanders. Reportedly, after a video went viral, the Balrampur District administration placed under suspension four municipal workers and three police personnel. The Commission has issued notices to the Chairman, Municipal Corporation Balrampur and the Director General of Police, Uttar Pradesh calling for a detailed report in the matter in four weeks.

Issuing the notices, the Commission has observed that going by the contents of the media reports, it is not expected from the public servants to show such disregard to the body of a deceased.

They have not only failed to do their duty but also crossed the limits of the sickening cruelty. This is a serious issue of violation of human rights.

The Chief Secretary, Government of Uttar Pradesh is expected to issue necessary guidelines to all the district and municipal authorities immediately that the bodies of the deceased persons and people in need of immediate medical care found on the roads, are attended promptly and treated with dignity. The State government is also expected to identify cremation grounds or burial places for the patients died of COVID infection, so that unnecessary harassment of the relatives of the deceased by locals could be avoided.

57 minor girls found COVID positive in a State run Shelter Home

Case No.10769/24/43/2020

The media reported that fifty-seven minor girls had tested positive for the novel corona virus at a State-run children's Shelter Home in Kanpur district of Uttar Pradesh. Five of them were found pregnant and one HIV positive. Reportedly, the girls were exhibiting symptoms of COVID 19 for some time but there was delay in taking them to the hospital for tests.

Accordingly, it has issued a notice to the Chief Secretary, Government of Uttar Pradesh calling for a detailed report in the matter including health status of all the girls, their medical treatment and counseling provided to the girls by the authorities. The State Government is expected to order an inquiry into the matter from an independent agency. It is also expected to review health status of the female inmates lodged in Shelter Homes, across the State and issue suitable directives that such incidents do not recur in future.

A notice has also been issued to the Director General of Police, Uttar Pradesh calling for a report regarding registration of FIR in this matter and status of investigation. The response is expected within four weeks from both the authorities.

Killing of a journalist by the alleged sand mafia

Case No.11059/24/71/2020

The media reported that a journalist was allegedly killed by sand mafia in the Unnao district of Uttar Pradesh on the 19th June, 2020. Reportedly, the victim Shubham Tripathy was working as a correspondent with a Hindi Daily, Kampu Mail. He had been reporting about illegal sand mining in the district and had apprehended threat to his life from them. Reportedly,

his opponents had also lodged a complaint against him with the District Magistrate.

The Commission has issued a notice to the Government of Uttar Pradesh through its Chief Secretary and the Director General of Police calling for a detailed report in the matter. The State Government has also been directed to get an impartial enquiry into the matter by an independent agency, preferably the State CB CID and to ensure safety of the family of the victim and the witnesses in the matter. The call details and other forensic evidences gathered during inquiry to be preserved as the Commission might call them during consideration of the case. The response is expected, within four weeks.

The Commission has observed that the news report has mentioned that in many cases the media persons have been targeted by the anti-social elements and in most of the cases, no action against the culprits had been taken by the police authorities. In the democratic system of Government, the media is considered as its fourth pillar, which cannot be allowed to be victimised by the anti-social elements. It is the duty of the state to provide adequate safety and security to the media persons, who in the public interest, keep taking risks to highlight illegal activities in society. The death of Shubham Tripathy in this case is a matter of concern for the Commission and also an issue involving violation of human rights.

Cases of Human Rights Defenders

The Commission registered 07 cases of alleged Harassment of Human Right Defenders during the month of June, 2020, Summaries of some of these cases is as under -

Case No. 987/20/7/2020

Mr. Vijay Dixit, a HRD based in Bikaner, has complained that he had made a complaint against malpractices of one doctor due to which the license of a medical store, being operated in his illegal hospital, was cancelled. On his another complaint a raid was also conducted at the residence of that doctor by the Electricity Department and the meter was confiscated for theft of electricity. Because of these reasons, the Complainant was getting threats and was also attacked by that doctor and his family on two occasions. Recently, a number of masked goons attacked the complainant's house, intimidated him and his family. The Complainant provided CCTV footage of the incident to the police and the matter was registered but nobody was arrested. The said Doctor continues to threaten the complainant on Facebook and

other media. The case is under consideration of the Commission.

Case No. 319/10/12/2020

Mr. Henri Tiphange, National Working Secretary of HRD Alert-India has complained about the murder of one Dalit activist, Mr. Venkatesh in Mallipatna village, District-Hassan, Karnataka on 4th June, 2020. Allegedly, police delayed registration of FIR under appropriate sections of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Allegedly, it is only on account of public pressure that the police finally registered the FIR No. 155/2020 at Arakalgud PS on 8th June, 2020 against the owner of a hotel and three of his employees. The case is under consideration of the Commission.

Case No. 464/6/1/2020

Mr. Henri Tiphange, National Working Secretary of HRD Alert-India has complained about the arrest of human rights defender, Mr. Dhaval Patel in a false case for sedition for publishing an article

on his website, claiming that the Chief Minister of Gujarat might be replaced. After publication of this story, Mr. Dhaval was detained and arrested by a team of Ahmedabad Detection of Crime Branch. An FIR was filed u/s 124A IPC(sedition) and Disaster Management Act section 54 (Punishment for false warning). Mr. Patel was given regular bail by the Sessions Court. It is alleged that this is a clear case of misuse of power by the police officials. The arrest of Mr. Patel is an attempt to stop the journalists/ human rights defenders from writing about the political leadership and same is violative of Article 19 of the Constitution, which provides for free speech and power to express oneself. The case is under consideration of the Commission.

Case No.1229/1/6/2020

Mr. K. Tirupathy Nayadu, claiming to be the Director of the International Human Rights Association for State Level, has complained that he was attacked by group of persons at the instance of local MLA, Macherla Constituency of Andhra Pradesh. It is also stated

that despite taking up the matter with Principal Secretary and DGP, Govt. of Andhra Pradesh, no action had been taken on his complaints. He also alleged that there was threat to his and his wife's life. The Complaint was disposed of with a direction to the Superintendent of Police, Guntur, Andhra Pradesh to take appropriate action within eight weeks associating the complainant/victim and to inform them of the action taken in the matter.

Case No. 9629/24/68/2020

Mr. Rajhans Bansal, Director of NGO- Center for Human Rights has complained about registration of false FIR against one human rights defender and journalist Ravinder Saxena for reporting in "Today-24"

portal about inhumane conditions in a govt. quarantine center, operated by the District Administrator of Sitapur District of Uttar Pradesh. It is alleged that registration of FIRs against such journalists, who are merely discharging his duty as human rights defenders, amount to an attempt by the state to throttle the freedom of press. The Complaint was disposed of with a direction to the Superintendent of Police to take appropriate action within eight weeks associating the complainant/victim and to inform him of the action taken.

Case No.1458/18/5/2020

Mr. Papun Kumar Sadagi, a social activist and a reporter for Odisha Vision TV has complained

that he had aired a news story that Gauda Gaan Panchayat Sarpanch made several daily workers to work amid lockdown on some bridge construction work under MGNREGA policy from 22nd - 26th March, 2020. After this, he was abused and false information about him was shared in social media. The complainant went to the police station to register a complaint but the same was not registered by the police on account of false information on social media. The Complaint was disposed of with a direction to the Superintendent of Police, Ganjam, Odisha to take appropriate action within eight weeks associating the complainant/victim and to inform him of the action taken in the matter.

Important case from Investigation Division files

Violation in Jamia Millia Islamia University

Case No. 5630/30/0/2019

The Students and faculty of Jamia Millia Islamia were on protest since 9th Dec, 2019 against the Citizen Amendment Bill (now CAA) in Parliament. In this connection, initially the Commission received a complaint on 15th Dec., 2019 regarding detention of 34 students of the Jamia Millia Islamia at the PS Kalkaji and New Friends Colony, New Delhi and denial of legal and medical assistance to them. Beside no information was being given about them. Subsequently, many other complaints were also received.

In these complaints, it was alleged that one student had died and many, including women suffered injuries during the police action on the students, who were peacefully protesting against the Citizenship Amendment Bill (Now Act), 2019. It was also alleged that the police forcefully entered the University's Campus, libraries and lobbed tear gas shells, brutally beat the students, causing serious injuries

to them, vandalized property. No permission was sought prior to enter the University campus.

The Commission initially sought a report from the Commissioner of Delhi Police on the matter and subsequently deputed a team of Investigation Division to undertake visit to Jamia Millia Islamia University for an assessment on the alleged human rights violation. Accordingly, a team of Investigation Division headed by the SSP carried out a spot visit followed by thorough enquiry for several days. The team met the office bearers of the University and visited new and old libraries and its surrounding areas. During spot enquiry, statements of affected students, independent witnesses, University staff, police personnel were recorded. Relevant information and documents from hospitals, CCTV footages, photographs, MLCs, etc. were also collected.



NHRC spot enquiry team recording statements

After thorough enquiry, the NHRC team found that the campus of JMI is divided into two sides on the public road namely Mohd. Ali Jauhar Marg which connects South district with NOIDA, UP. No foolproof security in regard to movement of students and locals was being regulated by the University and the University itself is facing hardship due to this problem. About 22000 students are studying in JMI, out of which about 3500 are hostlers and some are residents of Delhi and other areas. Most of them are residing on rented accommodations in the nearby area.

Though there is no student union in the University but various protests were carried out by certain group of students of JMI and local residents a week before the alleged incident. Social networking was used to coordinate these events. There was a call for protest march up to Parliament on 13th Dec, 2019. No permission was sought for this protest. There was wide spread violence committed by the students and local residents in which many police personnel as well as students were injured. But somehow protestors were contained at Gate No. 1 of the JMI. No complaint in regard to the incident dated 13th Dec, 2019 was reported to any authority by anyone.

After the incident, police registered a case under relevant sections of IPC and Prevention of Damage to Public Property Act at PS Jamia Nagar in this regard. It is worth mentioning here that there were prohibitory orders u/s 144 Cr.P.C imposed in New Delhi District and no protest was allowed in that area. Considering the situation, on 14th Dec., 2019, the University administration decided to cancel all examinations and preponed the winter vacations from 16th December, 2019 onwards.

On 15th Dec., 2019, there was another call for protest march of students and local residents up to Parliament but protest became violent and somehow contained at Mathura road. There were thousands of protestors. Many Govt. vehicles, personal property etc. were burnt down or damaged by the protestors. The gathering was declared unlawful. While the mob was being dispersed, many of the students and apparently outsiders entered inside the campus of the University and pelted stones on the police personnel. To contain further violence and to remove protestors from the campus, police entered inside the campus under compelling

circumstances. On seeing the police inside the campus, many protestors entered inside the various libraries and blocked the doors from inside with furniture. Somehow, police and RAF personnel broke open the door and removed the protestors by using force. Some police personnel, especially RAF men beat the protestors/students inside the libraries, which was unprofessional.

The remains of tear gas shells inside the libraries indicated that shells were lobbed inside the libraries, which were avoidable. However, these actions were not a state policy rather it was an individual act seeing a violent protest. Law & Order is a state subject but the officer on the spot is the best judge to take a decision. There are contradictions in the statements of students. Many students accepted that they were part of the protest from day one either inside or outside the campus. Many students also denied that they were part of the protest outside the campus, carrying stones etc and had faces covered, whereas, the CCTV footage supported the police version. No student received any bullet injury. Version of the security guards also revealed that the situation was very violent and students were aggressive and pelted stones on the police. All appeals made by police were unheard. There was poor coordination of University administration with local police, particularly, at the time of incident. No responsible office bearers of JMI were present at the time of entry of police inside the campus.

Hundreds of PCR calls were made within a span of about 2 hours by local residents. Sizeable number of tear gas shells and hand grenades (stun) were used by the police during protest on 15th Dec, 2019 to maintain the law & order situation. The high number of PCR calls and shells used during protest clearly indicated about the kind of

situation and circumstances at the spot. Seizure memos, which included stones/bricks, petrol bottles, burned articles vehicles, pots, burnt tyres, broken tube lights, used cartridges two wheelers etc, corroborated the police version about violent protest. Even private property was damaged by the protestors.

The injured students were provided medical treatment on time and handed over to the office bearers of the University after legal formalities. List of detainees indicated that ex-students were also involved in the protest and they were apprehended from the campus by the police. Hence, prima facie entry to the campus was open for all irrespective of students. As per the prevailing laws, there is no bar on the police to enter University campus without permission. Contrary to this, no permission was granted to the students for the protest. Prima facie, involvement of local political leaders and other anti-social elements has been established during enquiry in flaring up the protest.

After the incident dated 15th Dec, 2019, two FIRs were registered at PS New Friends Colony and PS Jamia Nagar under relevant sections of IPC and Prevention of Damage to Public Property Act. Both the cases have been transferred to SIT for investigation and charge sheets against several persons in both cases have been filed in the court. The matter is subjudice. The Registrar, JMI had filed a petition u/s 156 (3) Cr.P.C for registration of FIR from University side in the Court of CMM, Saket which is subjudice.

An administrative enquiry on the alleged atrocities by Police inside the library building of JMI on 15th Dec, 2019 has also been ordered by the Delhi Police, which is under progress. An Internal Fact Finding Committee has been constituted by the Jamia Millia Islamia to look into the entire matter.

Students claimed that their protest was peaceful but there is no answer as to how large numbers of private and Govt. properties were destroyed and many vehicles were burnt down. The protest dated 15th Dec, 2019 of students was not peaceful as they claimed. It is beyond doubt that students of Jamia Millia Islamia, local residents, doubtful characters, political leaders were actively involved in various violent protests in Jamia area. Police personnel and protestors including students received injuries.

Recommendations by Investigation Team were made such as to provide suitable compensation to the injured students commensurate with their injuries on humanitarian grounds; to identify members of force (both Delhi Police and RAF), as seen in CCTV footage, involved in damaging CCTV Cameras; unnecessarily

caning inside the reading rooms of libraries of Jamia Millia Islamia and also using tear gas shells inside the close compound of library; to ensure that the police force should be sensitized and special training modules be carried out to inculcate professionalism in handling such law & order situations; to ensure that the SIT of Crime Branch, Delhi Police investigate all the related cases on merits and in a time bound manner by identifying and arresting the real perpetrators behind this violent protest; to expedite administrative enquiry into alleged atrocities by Delhi Police inside the library building of Jamia Millia Islamia; to improve and set up a robust intelligence gathering system to ensure better preparedness to prevent such incidents in future; to direct the Vice Chancellor, Registrar and other authorities of JMI to establish a mechanism of better

communication with the students' fraternity so that they are not influenced by outsiders and local goons or petty politicians; Also, the University management should ensure timely sharing of information and regular liaisoning with local police so that such incidents can be prevented in future. An SOP may be prepared to deal with such incident in future.

The Secretary, Ministry of Human Resources Development, Govt of India may be directed to look into the difficulty of Jamia Millia Islamia in regard to division of campus across public road namely Mohd. Ali Jauhar Marg and to sort out the issue amicably to avoid law & order problems in future.

All recommendations have been considered by the Commission and communicated to the authorities for further action.

Success Stories

Case No. 44/27/0/2017

The complainant Ms. Maya Devi vide her complaint dated 22nd May, 2017 alleged that her daughter Renu died due to negligence of the duty doctors named in the complaint of Govt. Multi-Specialty Hospital, Sector 16, Chandigarh. Renu consumed poison and she was undergoing treatment in the hospital.

The Commission vide proceedings dated 16th Dec, 2019 considered the report dated 24th Oct, 2019 and issued a notice to the Chief Secretary, Govt. of UT Chandigarh to show cause why it should not recommend to pay ₹ 2 lakh towards monetary compensation to the Next of Kin of the deceased.

But the Chandigarh Administration denied negligence on part of the doctors. However, the Commission maintained that

the record shows that the doctor, who treated the patient avoided her admission in the hospital despite her repeated visits in the emergency ward. The precious life of a young girl could have been saved, if she had been admitted by the hospital. Therefore, the Commission reiterated that the Govt. of UT Chandigarh, pay ₹ 2 lakh/- to the Next of Kin of the deceased and asked to submit a report along with proof of payment to the Commission.

Case No. 23/34/6/2018

The instant case pertains to a complaint received from Mr. Bezwada Wilson regarding death of one contractual worker named Akash Karua aged about 30 years, while cleaning sewer line in JASCO at Ranikudar, Jamshedpur

Pursuant to the directions of the Commission, the DGP, Ranchi, Jharkhand responded that safety

gears were provided to the deceased labourers. He also said that payment of monthly maintenance of ₹ 10,018/- was sanctioned to be given to the wife of the deceased with increment of ₹ 300 per year till the notional age of 60 years of the deceased is attained.

Medical insurance of ₹ 2 Lakh for the wife and son of the deceased had also been provided. The son of the deceased had been admitted to JUSCO, South Park School, Jamshedpur and necessary fee had been paid by the JUSCO. Benefits under the PF, ESI laws were already received by the wife of the deceased.

It was further stated that the family of the deceased was paid ₹ 50,000 in cash and ₹ 3 Lakhs vide cheque no. 2758822 dated 25th April, 2017. The statement of the wife of the deceased has also been received in the regard.

Recommendations for relief

A part from the large number of cases taken up daily by individual Members 30 cases were taken up during 01 sitting of the Divisional Bench-I during the month. On 04 cases, listed in

the table below, the Commission recommended monetary relief amounting to a total of ₹ 6,50,000/- 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 ₹)	State
1	44/27/0/2017	EXPLOITATION OF CHILDREN	200000	Chandigarh
2	2030/30/9/2019	ABUSE OF POWER	50000	Delhi
3	5373/7/17/2016-JCD	CUSTODIAL DEATH (Judicial)	300000	Haryana
4	96/24/8/2016	ABUSE OF POWER	100000	Uttar Pradesh
5	23091/24/31/2015	FAILURE IN TAKING LAWFUL ACTION	10,000	Uttar Pradesh
6	32935/24/16/2016	FAILURE IN TAKING LAWFUL ACTION	50,000	Uttar Pradesh

Payment of Relief on NHRC Recommendations:

The Commission closed 02 case on receipt of compliance reports from different public authorities, furnishing proof of payment, it

has recommended, totaling ₹ 2,30,000/- the victim of human rights violations or their next of kin during the month. *The specific*

details of these cases, closed in June, 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	4689/4/24/2014	FALSE IMPLICATIONS	30000	Bihar
2	2289/19/15/2013	MALFUNCTIONING OF MEDICAL PROFESSIONALS	200000	Punjab

Webinar on impact of COVID – 19 on rule of law

The National Human Rights Commission, NHRC India, organized a webinar on “Impact of Covid – 19 on Rule of Law” in collaboration with the School of Liberal Arts, NOIDA International University on 8th June, 2020. NHRC officers, DIG, Mrs. Manzil Saini, AR (Law), Mr. C.S. Mawri, Dy.SP Mr. I.R. Kurillose and Dy. SP, Mr. Bimal Jit Uppal interacted with the participants.

Mrs. Saini presented an analysis of role of police during lockdown implementation and the pressing need to lay down standard operating procedures for police to

act in accordance with law during such unprecedented emergencies. Mr. Mawri explained the various dimensions of the Rights and Rule of law that prevailed during the pandemic. Mr. Kurillose mentioned about the special rights of police during lockdown and Mr. Uppal gave a presentation on Protection of Child Rights during and after pandemic. Dr. Aparna Srivastava, Head, School of Liberal Arts, NIU, coordinator and moderator,



NHRC, DIG, Mrs. Manzil Saini and other officers interacted with the participants of webinar

spoke on the response and role of NHRIs during pandemics.

Mr. Jaideep Govind, Secretary General, NHRC and Prof. Dr. Vikram Singh, Chancellor NIU graced the forum. Around 80 participants joined the webinar including faculties and students of various universities.

Snippets

1. The NHRC organized an online Gender Sensitization

Programme for the awareness officers and staff of NHRC on 4th June, 2020 74 participants including senior officers attended the session.

2. The NHRC organized an online interaction with Dr. Naresh Trehan, Medanta Hospital, Gurugram for the employees of the Commission to make them aware of the causes, prevention

and treatment related to COVID.

3. NHRC, India Invites research project proposals from Institutions, Universities, NGO's devoted to Human Rights on various themes in the country on or before 14th August 2020. For guidelines see the link <https://nhrc.nic.in/training-&-research/research-studies-&-projects/research-guidelines>

Other important seminars/programmes/conferences

Lecture as part of online Certificate Course for students of National Law School on "Concept of Human Rights and Duties" organized by Think India – Delhi in collaboration with Human Rights Defense International, which conducted on 05 th June, 2020	Mrs. Jyotika Kalra, Member, NHRC
Lecture on "COVID-19 – migrants' challenges and the way forward" organized by Daulat Ram College, University of Delhi on 11 th June, 2020	Mrs. Jyotika Kalra, Member, NHRC

Human Rights and NHRC in News

During the month of June, 2020, the Media & Communication Wing of the Commission prepared and issued 08 press releases. More than 3100 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, some of 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. NHRC Twitter handle was also abuzz with regular tweets on the Commission's intervention & activities. Its followers continue to increase. Total tweets during the month were 47.

Complaints in June, 2020

Complaints received	6668
Disposed	6097
Under consideration of the Commission	20662

Important Telephone Numbers of the Commission:

Facilitation Centre (Madad) Incharge: **Satish**

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 Important E-mail Addresses

jrlawnhrc@nic.in (For complaints), cr.nhrc@nic.in

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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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