



HUMAN RIGHTS NEWSLETTER

A Monthly Publication of
the National Human Rights Commission, India



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“You must not lose faith in humanity. Humanity is an ocean; if a few drops of the ocean are dirty, the ocean does not become dirty.” – Mahatma Gandhi

Meeting of the Core Group on ‘Right to Food and Nutrition’

The National Human Rights Commission, India organized a virtual meeting of the **‘Core Group on Right to Food and Nutrition’** on 25th August, 2020. NHRC Member Dr. D.M. Mulay chaired it, the senior officers from the Commission they included Mr. Jaideep Govind, Secretary General, Mr. Surajit Dey, Registrar (Law), Mr. R.K. Khandelwal, Joint Secretary, Dr. M.D.S. Tyagi, Joint Director (Research) and other officers were attended the virtual meeting. Smt. Aastha Saxena Khatwani, Joint Secretary, Ministry of Women and Child Development, Shri S. Jagannathan, Joint Secretary, Department of Food and Public Distribution, Dr. R. Hemlatha, Director, ICMR-NIN, Shri Vijay Bhaskar, Director, Department of School Education and Literacy, Dr. Dipa Sinha and other Core Group Members along with the special invitees Ms. N. Sarojini and Dr. Parashram J. Patil also participated in the meeting.

The aim of the meeting was to address the (i) food and nutritional security of children, pregnant women and lactating mothers and (ii) draft advisory on Children’s Nutrition



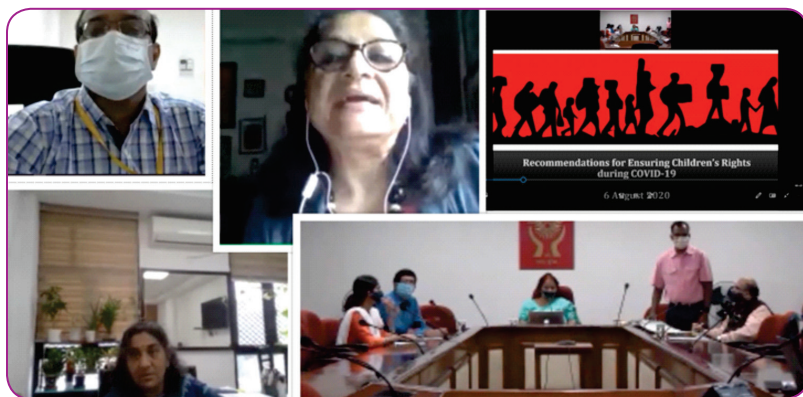
Meeting of the Core Group on Right to Food and Nutrition

for Central and State Government prepared in consultation with Dr. Dipa Sinha, Ms. Enakshi Ganguly and Ms. Sarojini Nadimpally. The draft advisory on Public Distribution System (PDS) presented by Ms. Dipa Sinha was also discussed in the meeting. The draft advisories were prepared in the light of prevailing Covid-19 pandemic situation across the country.

After consideration and approval of the Commission, the advisory will be issued to the Centre and State Governments for implementation

The meeting ended with the closing remarks of Hon’ble Member, NHRC Dr. D.M. Mulay followed by the vote of thanks by Dr. M.D.S. Tyagi, Joint Director (Research).

Second Meeting of Sub Group-II of NHRC’s Committee of Experts on ‘Impact of COVID-19 Pandemic on Human Rights and Future Responses’



Second Meeting of Group-II of NHRC’s Committee of Experts on ‘Impact of COVID-19 Pandemic on Human Rights and Future Responses’

The National Human Rights Commission has its second meeting of Sub Group-II of NHRC’s Committee of Experts on ‘Impact of COVID-19 Pandemic on Human Rights and Future Responses’ held on 14th August, 2020 to discuss and approve the draft advisory on the rights of children submitted by Smt. Enakshi Ganguly, Member, NHRC Committee of Experts.

The meeting was chaired by Smt. Jyotika Kalra, Hon’ble Member, NHRC and attended by members of Sub Group-II of the Committee of Experts and representatives from the Ministry

of Women and Child Development including Smt. Anuradha S. Chagti, Joint Secretary, Child Protection, Shri Manoj Kumar Singh, Director, Child Protection Services, Smt. Enakshi Ganguly, Co-Founder and Advisor, HAQ: Centre for Child Rights, Dr. Dipa Sinha, Right to Food Campaign, Dr. Indu Agnihotri, Special Monitor on Women, NHRC, and Smt. Razia Ismail, Special

Monitor on Children, NHRC. Officials from NHRC including Shri Jaideep Govind, Secretary General, NHRC, Shri Surajit Dey, Registrar (Law), NHRC, Smt. Anita Sinha, Joint Secretary (P&T), Dr. M.D.S. Tyagi, Joint Director (Research) along with team were also present.

Smt. Ganguly gave a detailed presentation on the advisory as

prepared and submitted by her to the Commission and the participants gave their comments and feedback on the same. It was agreed by all participants that the draft advisory was comprehensive but required to be shortened. The representatives from the Ministry of Women and Child Development also agreed to provide their detailed comments on the advisory.

Meeting of the Core Group on Elimination of Bonded Labour

The National Human Rights Commission of India organized a meeting on 06th August, 2020 on the Core Group on Bonded Labour chaired by Justice Shri PC Pant, Hon'ble Member NHRC. The meeting was attended by Shri Jaideep Govind, Secretary General NHRC, Shri Surajit Dey and other senior officials from NHRC. The meeting witnessed participation from the Ministry of Labour and Employment, VV Giri National Labour Institute and representatives from domain experts, NGOs and civil society organizations working on the issue of Bonded Labour.

The following agenda items were discussed during the meeting:

- i. Clarification regarding interpretation of the Bonded Labour (Abolition) Act, 1976
- ii. Discussions on the implementation of Central Sector Scheme-2016



Meeting of the Core Group on Elimination of Bonded Labour

- iii. Clarifications on Central Standard Operating Procedure (SOP) for Identification and Rescue of Bonded Labourer and Prosecution of Offender, circulated by Ministry of Labour and Employment, Government of India on August 17, 2017
- iv. Observations on State Standard Operating Procedures on Bonded Labour brought out by the State Government of Karnataka on 10 February 2020: Issues of

concerns raised by Shri Kiran Kamal Prasad, Member of the Core Group

- v. Rights of migrant workers in context of the COVID-19 pandemic

Several suggestions and best practices were received during the deliberations and the Commission will be circulating the recommendations emanating from the meeting.



NHRC webinar on Forensic Science setup dominates the sentiment that the country lacks the adequate number of forensic laboratories and manpower to handle them

The National Human rights Commission, NHRC India organized a webinar on 11th August, 2020 to address the Forensic Science setup in India and related issues concluded with the most commonly expressed view that the country lacks the adequate number of Forensic laboratories and manpower to handle them. Several important suggestions emerged during the

online discussions.

Mr. Justice P. C. Pant, Member NHRC, inaugurated the webinar of the Forensic Examination which is very important evidence in criminal justice system for successful administration of justice. In his address Justice Pant said that there is also a need for the Judiciary & investigating agencies to be aware of general procedures & principles

followed in forensics while collecting & examining the physical evidences from the scene of occurrence.

Justice Pant said that the NHRC has also been raising the issue of increased pendency in Forensic labs due to which cases pile up in trial courts & under trial prisoners languish in jails. The Commission has issued various guidelines also from time to time, on conduct of

autopsies, medico-legal reports, use of ballistics, scientific collection of evidences & so on. Growing dependence on forensic evidences and the dynamic nature of change in crime patterns with the surge of cyber-crime, necessitates filling up of vacant posts urgently in Forensic Laboratories to clear large pendency, budgetary support training.

Triggering the session, Mr. Jaideep Govind Secretary General, NHRC said that the objective of the webinar is to sensitize all the stakeholders about the functioning of the important fields of Forensic Science, especially in the context of custodial deaths cases, encounter deaths cases and investigation of cases involving serious human rights violations.

Ms. Punya Salila Srivastava, JS, MHA spoke on the large amount of funds given to States & Central forensic labs for building capacities. How forensic infrastructure is being built up under police modernisation scheme & Nirbhaya fund. Centers of excellence like University at Gujarat, Gandhinagar are being built up especially after the Criminal Law Amendment Act 2018. More than 200 crore has been sanctioned

in last 2 years for forensic science.

In her concluding remarks, the NHRC Member, Mrs. Jyotika Karla, while appreciating various suggestions, said that in order to insure the safety of women, it will be necessary to strengthen gathering of digital forensic evidence. She said that sexual assault kits needs to be made available to all the forensic labs to facilities forensic examination of such cases. She expressed the hope that with the sanctioning of Rs. 200 crores by the Center, the states would take pro-active action to improve the forensic laboratories to work more effectively.

Several suggestions emerge during the online discussion of this meeting are as follows:

- Bring in uniformity under an SOP for conducting Forensic Examination;
- Fill in all the vacant posts in Forensic Science laboratories, provide them with sufficient infrastructure and funds;
- Introduce Forensic study and training in MBBS course;
- Introduce Forensic law studies as a separate course curriculum

in integrated BSc (Forensic) LLB;

- Increase the Number of Forensic Labs in proportion to the number of cases to examine to avoid delay in administering justice;
- Create the post of District Medico Legal expert;
- Introduce professionalism in the photography and videography of post mortem;
- Make post mortem an important activity for medical professionals with proper orientation to the Doctors about medico-legal procedures;
- Mortuary setup need to be improve with proper equipment and environment to facilities conduct of post-mortem;

More than 190 participations attended the webinar, who besides the NHRC Members and officers included, among others, representatives of Chief Secretaries and DGPs from all the States / UTs, Central and State Forensic Labs, National Forensic Universities, representatives from MHA, DFSS, BPR&D, NICFS, CBI, NIA, CBCID of states and State Police Academies.

NHRC opens entries for its sixth annual competition for short films on human rights: Last date 15th October, 2020

The National Human Rights Commission, NHRC India has opened the entries for its sixth annual competition for short films on human rights which has received tremendous response so far. This year, the prize money for the three cash awards has been doubled to ₹ 2 lakh, ₹ 1.50 lakh and ₹ 1 lakh for the best first, second and third film respectively along with the certificates. This year, the entries have been invited online only. The last date to receive the entries is the 15th October, 2020.

The aim of the award scheme is to encourage and acknowledge cinematic and creative efforts of the Indian citizens, irrespective of their age, towards the promotion and protection of human rights. There is no entry fee and bar on the number of films sent by an individual for participation in the contest. However, the participants will have to send each film separately with a duly filled in application form(s), which is available on the website of the Commission under the button 'what's new on : www.nhrc.nic.in or the link (click here for NHRCs

Short film scheme). The films and the entry forms along with the requisite documents may be sent at nhrcshortfilm@gmail.com using Google drive.

The short films may be in any Indian languages with sub-titles in English or in English. Duration of the short film should not be less than 3 minutes or more than 10 minutes. The short film could be a documentary, dramatization of real stories or a work of fiction, in any technical format including animation.

The themes of the films, having a tinge of rights perspective, could be broadly-based on various socio-economic, cultural and political rights, within the ambit of right to life, liberty, equality and dignity. The films may cover issues specific to bonded and child labour, women & children's rights, rights of elderly

persons, disabled rights, right to healthcare, issues of fundamental freedoms, human trafficking, domestic violence, human rights violation due to police atrocities, custodial violence and torture, socio-economic disparities, rights of indigenous people, prison reforms, right to education, right to clean

environment, right to work, right to equality before law, right to food and nutritional security, rights of LGBTI etc.

For any further queries, the office of Under Secretary (Media & Communication), NHRC can also be contacted.

Important Intervention

The National Human Rights Commission came across a Tweet on 21st August, 2020 by Kashmir Zone Police which states "By releasing video of attack, # terrorists want to glamourise # terrorism. But they can't. We replied by actions & killed 04 top comdrs, Sajjad @ Haider & FT Taimur Khan @ Abu Usman (seen in said video/attack) & Naseer @ Sad bhai & FT Ali bhai @ Danish within 72 hours".

The Commission taking suo motu cognizance, observed that it is apparent that some police officer has posted it in response to release of a video by the terrorists showing an attack by them on security forces. The Commission has understood that it is in response to a violent act reportedly done by the terrorists. The officer has this way, tried to glamourise the action taken by the police by killing 04 persons stated to be top commanders of a terrorist group.

The Commission understands that the UT Jammu & Kashmir has been victim of terrorism and violence, being done and promoted by certain anti-national groups active in the region for a long period. The government agencies and the security forces have been evidently trying their best to contain the violence and to reduce the number of incidents of violation and killing of innocent people. There have been constant efforts made by the government agencies to maintain law and order in the area. The Commission understands that it is indeed a difficult task for the forces

and other government agencies to fight with terrorism in such an area which is in the grip of violence for decades together.

The Commission is pained to notice that member of a disciplined police force has acted in a sheer reckless manner by posting such infuriating and unwarranted content on social media which can only spread a message of lawlessness and anarchy. In a civilized society, our officers/officials in uniform, cannot be allowed to act in such a negligent manner which would elicit hatred and unlawful ways of dealing with the perpetrators by the members of police and security forces, resulting in possible violation of basic human rights of the people.

The Commission directed issuance of notice to the Director General of Police, UT of Jammu & Kashmir calling for the reports and the investigation into the matter.

The place of incident is not mentioned in the tweet, hence the Chief Secretary, Government of Jammu and Kashmir is expected to direct the District Magistrate concerned to submit the requisite reports to the Commission within 4 weeks. He is also expected to sensitize all the District Magistrates to adhere to the guidelines issued by the Commission.

The Commission also observed that it had issued certain guidelines recommending the procedure to be followed in the cases of encounter deaths by all the States/UTs, on 29th March, 1997, which were revised

vide a letter of the Commission dated 02nd Dec., 2003. Again, on 12th May, 2010, a letter with revised guidelines was issued to all the States/UTs emphasizing upon them to give appropriate instructions to follow the revised guidelines issued by the Commission in all cases where death is caused in police action.

Earlier, before reorganization of Jammu and Kashmir as a Union Territory, the Commission had limited jurisdiction over it according to provisions laid down under Section 1(2) of the Protection of Human Rights Act, 1993. Now, when the Jammu and Kashmir has been made a Union Territory, the proviso stands repealed. The Protection of Human Rights Act has also been amended in the year 2019. Accordingly, a letter by the Secretary General of the National Human Rights Commission was written to the Jammu & Kashmir and Ladakh, Union Territories to intimate the Commission, deaths in police and judicial custody within 24 hours and the deaths in encounter within 48 hours of the occurrence of the incident. It was also mentioned in the letter that now there is no prohibition of exercising jurisdiction by the Commission and therefore, it is incumbent upon the UT of Jammu & Kashmir follow the guidelines issued by the Commission in cases of custodial and encounter deaths occur in the territory of UT of Jammu & Kashmir with a view to protect and promote human rights of the citizens of the Union Territory.

As per available records, these 4 deaths in encounter with the police, occurred in the UT of Jammu and Kashmir, have not been reported by

the authorities which tantamount to violation of the specific guidelines issued by the Commission. Hence, the Director General of Police, UT

of Jammu & Kashmir is expected to explain the non-compliance while sending the detailed report to the Commission.

Suo Motu Cognizance

The Commission took suomotu cognizance in 06 cases of alleged human rights violations reported by media during August, 2020 and issued notices to the concerned authorities for reports. Summaries of some the cases are as follows-

Gang-rape and murder of a girl in Kheri, UP

Case No.14920/24/46/2020

The National Human Rights Commission, NHRC, India has taken suo motu cognizance of media reports that a 13 year old girl belonging to Scheduled Caste was gang-raped and killed when she had gone to relieve herself on the farmland owned by one of the accused on 15th August, 2020. Reportedly the victim was tortured before strangled to death. It is mentioned in the news report that there is a toilet in the victim's house but it's not functional.

The Commission has issued notices to the Chief Secretary and DGP, Government of Uttar Pradesh calling for detailed reports in the matter within six weeks including disbursement of the statutory relief as per rules framed under provisions of the SC/ST (POA) Act to the family of the victim, action taken against the guilty and the status of the FIRs registered in the matter. The Chief Secretary is also expected to sensitize the district authorities in the State to create awareness that the toilets should not be constructed for mere fulfillment of the government records, they are to be actually made functional.

Union Ministry of Jal Shakti, which is the Nodal Ministry for the 'Swachhh Bharat Abhiyan.' It is expected from the Ministry to issue guidelines to all the States and Union Territories to ensure that

the toilets are not only constructed but also used to make the country clean and save the women from the heinous crimes committed by anti-social elements when they go out to relieve themselves.

Police Misbehaviour and in action on molestation of a girl in Kanpur. UP

Case No. 14913/24/43/2020

The National Human Rights Commission, NHRC, India has taken suo motu cognizance of a media report that an Inspector of Govind Nagar police Station, Kanpur, Uttar Pradesh asked a 16 years old girl to dance in lieu of registering an FIR against the nephew of her landlord who has been molesting her. The girl with her family, lives in a rented accommodation in Dabauli West area of Govind Nagar.

The Commission has issued a notice to the Director General of Police, Uttar Pradesh calling for a detailed report within 6 weeks in the matter including action taken against the delinquent police officer and the status of the FIR registered on the complaint submitted by the victim's family.

Reportedly, the girl's family earns livelihood by doing some Jagran parties etc and they had tried to lodge a complaint against the nephew of their landlord accusing him of molesting the girl besides forcibly evacuating them from the rented portion of the house, a few days ago.

According to the media report, the Circle Officer of Govind Nagar, Kanpur has denied the allegations stating that there is no substance in the charges and prima facie.

NHRC decides to refer jailed poet activist Mr. VaraVaraRao's

medical report sent by Maharashtra Government to its expert panel

Case No.777/13/20/2020

The National Human Rights Commission, NHRC India today decided to get examined the medical report of Mr. Vara Vara Rao, sent by the Government of Maharashtra in response to its notices, by the medical expert on its panel. The report is to be given within two weeks for consideration of the Commission. Mr. Rao, a Telgu Poet and intellectual, is lodged in Taloja jail in Maharashtra for about two years.

The Commission found the submission as reasonable and plausible and accepted it considering the fact that COVID pandemic has affected the State of Maharashtra in large scale. It held the report as comprehensive which included the medical examination reports of Mr. Rao by the team of doctors and other medical reports.

Earlier, taking cognizance of the matter vide its proceedings dated 13.07.2020, the Commission opined that the deteriorating health condition of Mr. Rao is a serious issue of violation of human rights. The Commission directed to issue notice to the Chief Secretary, Government of Maharashtra calling for a detailed report in the matter. The Commission also directed to immediately constitute a Medical Board to analyze the health condition of Mr. Rao. The directions of the Commission were accordingly conveyed to the authorities concerned.

In the meantime, the Commission received several communications regarding his deteriorating health condition.

It was communicated to the Commission that Mr. Rao had been tested positive for COVID-19 and that he had been transferred to St. George's Hospital, which is a State Government run COVID facility. Considering potential danger to his life, being a COVID positive with co-morbidities, the Commission directed the government of Maharashtra to provide him the best possible treatment at a private hospital without any further delay. The Commission on 17th July, 2020 directed the State Government to shift him to the best possible COVID hospital, the same day.

In response to the directions

given by the Commission, a report dated 22nd July, 2020 was received from the Chief Secretary, Government of Maharashtra. The report confirmed that he was COVID positive with comorbidities. It is further mentioned in the report of the Chief Secretary, Govt. of Maharashtra that in view of the directions given by the Commission, Mr. Rao was shifted from St. George's hospital to Nanawati Super Specialty Hospital, Mumbai on 19th July, 2020.

The State Government contended that there was no intentional delay in shifting him to the super specialty hospital

keeping in view the requirement of arrangements including security. The case being complex one, required proper coordination of multiple agencies, which includes, assessment of prisoner's health condition by a team of experts, required procedural compliance, availability of beds in super-specialty hospital, which is treating COVID cases, proper coordination with the private authorities and adequate security measures for shifting the prisoner. It is also mentioned that constant vigil was kept on the prisoner's health condition by the treating doctors.

Cases of Human Rights Defenders

The Commission registered eight cases of alleged Harassment of Human Right Defenders during the month of August, 2020. Summaries of some of these cases is as under –

Case No. 1159/12/5/2020-

The complainant Mr. Henri Tiphange, National Working Secretary of HRD Alert- India in a complaint to the Commission made an appeal for urgent action on an issue regarding the fabricated case against one HRD Mr. Deepak Bunde who is stated to a journalist and a lawyer living and practicing in Betul district of Madhya Pradesh. He had previously worked as a journalist for over 10 years in Bhopal in several leading newspapers. It is alleged that Mr. Bunde is being intimidated by the Madhya Pradesh (MP) Police after he took actions against his brutal physical assault on 23rd March, 2020 when he was on way to hospital for seeking medical assistance and subsequent intimidations by MP Police Officials for withdrawing the complaint. It is further alleged that a false and fabricated case has been registered against him on complaint of police officials and is currently out on anticipatory bail.

The Commission has taken

cognizance of the complaint on 6th August, 2020 and directed the Superintendent of Police, District- Betul, Madhya Pradesh to submit an action taken report within four weeks.

Case 14552/24/53/2020

In this case, the complainant Mr. Sandeep Srivastava, who claimed to be a social worker for the last 15 years, had given a complaint that he was being harassed and abused by the police when he tried to expose the illegal business of a police official. He apprehended that he might be killed.

Since, in the instant case, the complaint was only a copy addressed to some other authority so as per NHRC(Procedure) Regulation, 1994 the complaint was dismissed in limini.

Case No. 990/13/16/2020

In this case, complainant Mr. Andrew Andersen, Executive Director of organisation Front Line Defender, Ireland made an urgent appeal before the Commission regarding arrest of one HRD Mr. Hany Babu, an Associate Professor of Department of English, Delhi University, on 28th July, 2020, by National Investigation Agency

(NIA) for allegedly propagating Naxal activities and Maoist Ideology and for being a co-conspirator in instigating violence in Bhima Koregaon Case.

The complaint was disposed of with a direction to the Director General of Police, Maharashtra to take appropriate action within 8 weeks associating the Complainant/ victim and to inform them of the action taken in the matter.

Case No. 1335/20/33/2020

In this case, the Complainant, Mr. Mohammad Ashfaq, in a complaint before the Commission had alleged his father Mr. Abdul Rahim, a social activist, was arrested by the police and implicated in false cases when he and a few others had gone to the police station to enquire about the whereabouts of a young man who was abducted by some unknown persons from their residential area.

The complaint was disposed of with a direction to the Superintendent of Police, District-Baran, Rajasthan to take appropriate action within 8 weeks associating the Complainant/victim and to inform them of the action taken in the matter.

Case No.1175/25/15/2020

In this case, the Complainant Ms. Sangita Chakarborty in a complaint before the Commission, has alleged that the police officers

of Minakhan PS, 24 Parganas, West Bengal misbehaved with her NGO activists and the villagers, when they went to collect a small donation of food items but the contents of

the complaint as such were not legible nor it was addressed to NHRC so as per NHRC(Procedure) Regulation, 1994 the Complaint was dismissed in limini.

Success stories

Case No. 3260/18/5/2014

This was a complaint received from a human rights activist alleging that an 8 year old boy got seriously injured when he came in contact with a low-hanging live electricity wire at an under construction building. Compensation of Rs.3,00,000/- was sought apart from enquiry by the State Government and criminal action against the concerned officials.

Taking cognizance, notice was issued to the Secretary, Department of Power, Govt. of Odisha. The Department submitted an enquiry report of the Chief Engineer-cum-Chief Electrical Inspector (South Zone) stating that the distribution company namely SOUTHCO suppressed the incident and violated section 161(1) of the Electricity Act, 2003. Contravention of regulation 61(3)(i) of CEA Regulation, 2010 is also recorded in the report. As per the letter of Department of Energy, Govt. of Odisha dated 26th Feb, 2018, no compensation was given to the victim or his family. Based on these grounds, a show cause notice was issued to the Chief Secretary, Govt. of Odisha as to why monetary compensation of ₹ 1,00,000/- may not be recommended to be paid to the victim on account of violation of his human rights. As no reply was received from the Chief Secretary, the Commission confirmed the show cause notice and recommended the State Government of Odisha to pay compensation of ₹ 1,00,000/.

As per the report dated 13th Jan., 2020 received from the Department of Energy, Govt. of Odisha, the requisite compensation amount has been paid to the victim. The Commission, therefore, closed the case.

Case No. 2661/18/10/2017

The Commission received a complaint on 18th May, 2017 alleging that Smt. Banita Gouda gave birth to a child on road side because proper medical aid was not provided to her by doctors of Community Health Centre Jharigaon, District Nabarangpur, Odisha.

On consideration of the reports received from the authorities, the Commission found that the State Government of Odisha is vicariously liable for violation of human rights of both Smt. Banita Gouda and her new born child due to medical negligence attributable to the Doctors of CHC Jharigaon and Umerkote Odisha, in which both the mother and the new born child could have lost their precious human life.

The Commission issued a notice under section 18 (a)(i) of The Protection of Human Rights Act, 1993 to the Chief Secretary, Government of Odisha, to show cause, as to why the Commission should not recommend payment of monetary compensation amounting to ₹ 1,00,000/- (Rupees One Lakh) only be paid to the victim Smt. Banita Gouda, w/o Sh Lalit Gouda, r/o village Dhepaguda, GP-Chacha, Block Jharigaon, District Nabarangpur, Odisha, by the Government of Odisha for violation of human rights of the mother and her new born child due to which the mother and the new born child both could have lost their lives due to medical negligence on the part of CHC Jharigaon and CHC Umerkote, Odisha. No response having being received, the Commission confirmed its show cause notice dated 06th Sep., 2018 and recommended to the Govt. of Odisha to pay a sum of ₹ 1 lakh as monetary compensation to Smt.

Banita Gouda

Subsequently, Special Secretary, Health & Family Department, Govt. of Odisha submitted a report dated 19th July, 2020 alongwith proof of payment wherein it has been stated that ₹ 1 lakh has been paid in favour of the victim.

In view of the fact that directions of the Commission have been complied with and the case was closed.

Case No. 120/11/11/2015-JCD

The Commission received an intimation from the Superintendent, Sub Jail, Kottarakkara, Kollam, Kerala regarding the custodial death of UTP Subhash @ Beedi Suresh 32 yrs. on 26th November, 2014. The intimation revealed that the on 26th November, 2014 the deceased became seriously ill and he was immediately sent to TalukHqr. Hospital Kottarakkara Kollam, Kerala and returned at 3.40 AM after receiving treatment. Again at 4.25 AM his condition became critical and he was sent to the hospital where the doctors declared him brought dead. The Magisterial enquiry report prepared by the SDM, Kollam also concluded that the deceased died due to occlusive coronary artery disease. However, it was noticed that during magisterial enquiry a jail official (DPO) of the sub jail alleged that the deceased died due to lack of sufficient jail staff, lack of vehicle and negligence of the jail Doctor. The post mortem examination also revealed injuries on the body of the deceased which were not explained in the magisterial enquiry report. The Commission after perusal of all available material evidence observed that the State as well as prison authorities were negligent

in providing him proper treatment for fits, artery disease and taking care of his proper safety as the injuries sustained by him could have accelerated the disease and precipitated death. The Commission therefore recommended a sum of ₹ 3 lakhs to be paid to the NoK of the deceased for violation of his human rights. Subsequently, upon receipt of compliance report and payment of proof from Additional Chief Secretary to Government of Kerala, the case is closed.

Case No. 912/19/18/2017-WC

This is a case of alleged attempt to rape of two girl students in District Sangrur, Punjab by the accused persons and delay in registration of FIR by the police.

SSP, Sangrur responded to the directions of the Commission and informed that case no. 114/2017 u/s 354(A) IPC r/w Section 10 POC SO Act was registered against the school Principal on 18th July, 2017 which is under investigation. However, Addl. DGP, Punjab informed that as per enquiry, the complaint was received only on 18th November, 2017, meaning thereby that there was no delay in registering FIR.

The Commission considered all the relevant material on record and observed that it is very difficult to believe that the complainant has gone everywhere to get the complaint registered but has not approached the police till 18th November, 2017. It was apparent from the records that complainant had written the complaint to the Commission on 10th November, 2017 which was received on 14th November, 2017 stating that despite approaching the police FIR was not registered about the incident that took place on 1st November, 2017 and that he is left with no option but to approach the Commission. The Commission refused to accept the

unjustified plea of police authorities and issued a Notice u/s 18 of PHRA to the Government of Punjab to show cause as to why the Commission should not recommend payment of ₹ 50,000/- each to two victims as their human rights have been violated by non registration of the complaint at the very first instance.

DGP, Punjab was also directed to submit the details of departmental action taken against the delinquent police personnel and action against them u/s 166(A) IPC. The Commission also referred to the Judgment of Supreme Court in Lalita Kumari vs. Government of UP according to which it was mandatory for the police to register a FIR if the complaint given to it discloses commission of a cognizable offence. Subsequently, the Commission was informed that the compensation recommended by the Commission has been paid to the victims. But the Parties have settled the matter and approached the High Court u/s 482 Cr.PC for quashing FIR No. 114 dated 18.11.2017 u/s 354 a IPC r/w 10 POC SO Act.

In view of the fact that victims have been compensated the Commission closed the case.

Case No. 2150/24/57/2017-JCD

This case pertains to death of an Under Trial Prisoner (UTP) Novin Valentine on 18th January, 2017 in District Jail, Muzaffarnagar, Uttar Pradesh. The deceased was admitted in the jail on 21st December, 2013. On 15th January, 2017, he complained of chest pain and high blood pressure. He was provided initial treatment, and then referred to District Hospital, Muzaffarnagar. On 16th January, 2017, he was further referred to Medical College, Meerut where he died on 18th January, 2017 while undergoing treatment.

After examination of the reports received from State Authorities, the Commission observed that deceased prisoner Novin Valentine, 62 years of age, remained in the jail for about 3 years and 1 month. The clinical record of LLRM Medical College and Hospital revealed that the deceased was a known case of hypertension and DM-Type-II for the last 20 years and on antihypertensive and OHGA for the last 15 years. He was also having h/o depression/psychological disorder.

Rejecting claim of the Superintendent, District Jail, Muzaffarnagar that the deceased had never approached the jail hospital for any illness prior to 15th January, 2017, the Commission held that the deceased was on antihypertensive and OHGA for hypertension and diabetes for the last 15 years, so considering his age and ailments, it is not realistic that the deceased might not have complained of any illness during his stay of 3 years in the jail. In view of the same, the Commission held that the deceased was not provided adequate treatment for his ailments during his stay in the jail and the jail authorities had failed to identify the problem of the deceased. Inaction on the part of the jail authorities, has resulted in the painful death of the deceased prisoner. For the negligence on the part of public servants, which has resulted in the violation of the human rights of the deceased prisoner, the State is vicariously liable.

The Commission recommended a monetary compensation of ₹ 2,00,000/- (Rupees Two Lakhs only) to the NOK of the deceased for the violation of human rights of the deceased prisoner Novin Valentine which has been duly complied by the State by government.

Important Case from Investigation File

Case No.2/3/16/2015 ED 113/3/16/2015-AFE

1. An intimation was received from SP, Sonitpur, Assam regarding

death of Natuwar Karmakar and two other unidentified persons on 24th Dec., 2014 during police action. The incident took place

as NDFB(S) militants brutally killed six Adivasi persons in Junglebasti, Batasipur PS Dhekiajuli on 23rd Dec., 2014.

The local people were irate and did not allow the police to shift the dead bodies for PM examination. As the people were irate and gathered in thousands of number, the District Magistrate imposed curfew and announcements were made to follow the rules. However mob not heeding to the government orders and unlawful assembly of about ten thousand people, proceeded to PS Dhekiajuli. After some time they attacked to the police and magistrate on duty. The police fired tear gas shells and resorted to lathi charge to disperse the crowd. Finally to save the lives and public the police was ordered by the magistrate to open controlled fire to disperse the crowd, resulting in which three persons were killed.

2. The case was analyzed by the investigation division and found that Police had followed all the legal procedure and took decision according to rule of law for dispersal of unlawful assembly. However, this incident took place due to killing of 06 villagers by NDFB(S) militants. Due to this villagers were protesting in a democratic way which

later converted into violence. Meanwhile, Magistrate on duty declared the crowd as unlawful. It was spontaneous reaction in which three innocent persons including one minor of victim community lost their lives in police firing. It is also evident that six innocent Adivasi were killed by militants and when villagers protested, in the meantime some other Adivasis were killed by militants at other places. This shows that local police and their intelligence network mechanism failed to analyze the situation.

3. It is further noticed that firing by the police team was not professional and not on the principle of minimal use of force. It is seen that all deceased got bullet injury on middle of forehead, occipital and chest region which shows that police had shot them with aimed fire. Whereas, during dispersal of unlawful assembly, the police must try to fire as a last resort and towards lower parts of the body to ensure minimum loss. Apparently it is not seen that the police forces adopted the principle of minimum use of force against the demonstrators.

Moreover no report of the state confirms that the deceased person were instigating the public, creating eminent danger to the life of the Government official, other (general public) and creating threat to loss of Government property/others. The police has failed miserably twice, first in preventing the gruesome crime of killing of six Adivasi people by NDFB militant on 23rd Dec., 2014 and then by further mishandling the law and order situation on 24th Dec., 2014 leading to deaths of 3 more innocent people during course of police action. Therefore, the welfare state is vicariously liable for the loss of life of the demonstrator and for the unprofessional Act of police force.

4. The Hon'ble Commission, has recommended to issue show cause notice to Chief Secretary, Government of Assam as to why NoK of the deceased be not granted compensation in sum of ₹ 5,00,000/- (Five Lakhs only) each and injured civilians be not granted compensation in sum of ₹ 50,000/- (fifty thousand only) each.

Recommendations for relief

A part from the large number of cases taken up daily by individual Members 88 cases were taken up in two Double Bench during August, 2020. On 23 cases, listed in the table below,

the Commission recommended monetary relief amounting to a total of ₹ 47,50,000/- 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:*

NHRC RECOMMENDED MONETARY RELIEF FROM 01/08/2020 TO 31/08/2020				
Sr No	File No	Inc. Name	Amount (in ₹)	State
1	2153/4/28/2017-AD	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	300000	BIHAR
2	2177/30/6/2018	ABUSE OF POWER	50000	DELHI
3	839/30/1/2019-WC	MURDER	300000	DELHI
4	81/7/11/2018-JCD	CUSTODIAL DEATH (Judicial)	300000	HARYANA
5	89/8/2/2018	SEXUAL HARASSMENT/UNNATURAL OFFENCE	250000	HIMACHAL PRADESH
6	293/34/3/2018	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200000	JHARKHAND
7	165/10/1/2017	CUSTODIAL TORTURE	50000	KARNATAKA

8	525/11/12/2018-JCD	CUSTODIAL DEATH (Judicial)	300000	KERALA
9	77/11/12/2015-PCD	CUSTODIAL DEATH (Police)	300000	KERALA
10	195/18/32/2019	DEATH DUE TO ELECTROCUTION	300000	ODISHA
11	199/18/33/2019	DEATH DUE TO ELECTROCUTION	300000	ODISHA
12	2218/18/6/2018	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300000	ODISHA
13	4591/18/13/2016	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	100000	ODISHA
14	4768/18/7/2018	MEDICAL NEGLIGENCE	50000	ODISHA
15	1007/19/15/2014	UNLAWFUL DETENTION	200000	PUNJAB
16	1066/19/1/2015-JCD	CUSTODIAL DEATH (Judicial)	200000	PUNJAB
17	134/19/10/2017	RAPE	100000	PUNJAB
18	603/36/2/2018-WC	RAPE	300000	TELANGANA
19	26805/24/72/2016	UNLAWFUL DETENTION	300000	UTTAR PRADESH
20	42837/24/77/2016	ABUSE OF POWER	50000	UTTAR PRADESH
21	49596/24/34/2015	FAILURE IN TAKING LAWFUL ACTION	100000	UTTAR PRADESH
22	6851/24/22/2016-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
23	1507/25/22/2018	NON-PAYMENT OF PENSION/COMPENSATION	100000	WEST BENGAL

Payment of Relief on NHRC Recommendations:

The Commission closed 36 case on receipt of compliance reports from different public authorities, furnishing proof of

payment, it has recommended, total ₹ 74,75,000/- the victim of human rights violations or their next of kin (NOK). The specific details of these

cases, closed in August, 2020, can be downloaded from the NHRC website by logging the case number given in the table below:

NHRC RECOMMENDED MONETARY RELIEF AND CASES ARE CLOSED FROM 01/08/2020 TO 31/08/2020				
Sr.No	File No	Inc. Name	Amount (in ₹)	State
1	1292/1/6/2013-JCD	CUSTODIAL DEATH (Judicial)	200000	ANDHRA PRADESH
2	1359/1/15/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	ANDHRA PRADESH
3	685/1/3/2018	FAILURE IN TAKING LAWFUL ACTION	300000	ANDHRA PRADESH
4	2473/4/20/2017-JCD	CUSTODIAL DEATH (Judicial)	300000	BIHAR
5	969/4/18/2017-WC	RAPE	50000	BIHAR
6	625/33/12/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	CHHATTISGARH
7	828/33/14/2015-PCD	CUSTODIAL DEATH (Police)	100000	CHHATTISGARH
8	1246/30/6/2018	ABUSE OF POWER	100000	DELHI
9	1722/7/3/2018	SEXUAL HARASSMENT/UNNATURAL OFFENCE	200000	HARYANA
10	898/7/2/2018-JCD	CUSTODIAL DEATH (Judicial)	450000	HARYANA
11	984/34/15/08-09	ABUSE OF POWER	500000	JHARKHAND
12	120/11/11/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	KERALA
13	1232/12/35/2014	ABUSE OF POWER	200000	MADHYA PRADESH
14	1252/12/4/2016	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	MADHYA PRADESH
15	137/14/10/2012-AD	ALLEGED CUSTODIAL DEATH	500000	MANIPUR
16	137/14/10/2012-AD	ALLEGED CUSTODIAL DEATH	500000	MANIPUR
17	1019/18/2/2018	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT.OFFICIALS	200000	ODISHA
18	2661/18/10/2017	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	ODISHA
19	3260/18/5/2014	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT.OFFICIALS	100000	ODISHA
20	4469/18/1/2014	EXPLOITATION OF CHILDREN	25000	ODISHA
21	5276/18/10/2017	MALFUNCTIONING OF MEDICAL PROFESSIONALS	50000	ODISHA
22	791/19/0/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	PUNJAB
23	912/19/18/2017-WC	SEXUAL HARASSEMENT (GENERAL)	100000	PUNJAB
24	1187/20/2/2017	ABUSE OF POWER	200000	RAJASTHAN
25	1533/20/7/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	RAJASTHAN
26	10011/24/71/2015	ATROCITIES ON SC	50000	UTTAR PRADESH
27	12021/24/46/2013	FAILURE IN TAKING LAWFUL ACTION	25000	UTTAR PRADESH
28	12023/24/46/2013	FAILURE IN TAKING LAWFUL ACTION	25000	UTTAR PRADESH
29	15464/24/14/2017-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
30	19683/24/1/2013	UNLAWFUL DETENTION	150000	UTTAR PRADESH
31	2150/24/57/2017-JCD	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
32	22443/24/1/2013	CUSTODIAL TORTURE	800000	UTTAR PRADESH
33	31011/24/57/2015	FAILURE IN TAKING LAWFUL ACTION	25000	UTTAR PRADESH
34	33505/24/26/2012-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
35	5699/24/53/2014	FALSE IMPLICATIONS	25000	UTTAR PRADESH
36	84/25/3/2017-JCD	CUSTODIAL DEATH (Judicial)	200000	WEST BENGAL

Snippets

1. NHRC officers Mr. C.S. Mawri, Mr. O.P. Vyas, Mr. Bamaljit Uppal, Mr. Rajvir Singh address CRPF, Academy online training on "Human Rights and Gender Sensitization" from 6-8 August, 2020.
2. NHRC participates online in Samarkand Human Rights Forum on "Youth 2020: Global Solidarity, Sustainable Development and Human Rights on 12-13 August participants include Registrar, Mr. Surajit Dey Joint Secretary, Ms Anita Sinha, Deputy Secretary, Mr. B.S Nagar, Joint Director(R), Dr. M.D.S.Tyagi, Under Secretary, Mr. D.M. Tripathy.
3. NHRC participates in Regional Review Meeting on the Global Impact of Migration organized by Economic and Social Commission for Asia and the Pacific online on 26th Aug, 2020. Senior Research Officer, Mr. Sudesh Kumar, represented the Commission at the meet.
4. NHRC, India organised its second Online Short Term Internship Programme from 17th August, 2020 to 31st August, 2020, inaugurated by NHRC Member, Mr. Justice P.C. Pant. A total of 99 Student Interns attended 66 sessions addressed by subject



Overseas speakers addressing the Interns

specialists and senior officers. This was the first ever such short term internship program having specialist/speakers addressed to the interns from the overseas arena. They included Ms. Katharina Rose, Country Representative, GANHRI at Geneva, Ms. Ileana Bello, Operation Head, GANHRI and Mr. Kieren Fitzpatrick, Director, Asia Pacific Forum, Sydney.

Other important seminars/programmes/conferences

Events	Delegation
Lecture on "Citizen's Rights and Contemporary Issues during pandemic" in a Webinar organized by the Research Cultural Society & Maharishi University on 25th August, 2020.	Mrs. Jyotika Kalra, Member, NHRC

Human Rights and NHRC in News

During the month of August, 2020, the Media & Communication Wing of the Commission prepared and issued 08 press releases. More than 2300 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 suomotu 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 no. of tweets during the month were 103.

This is besides the usual activities of media monitoring, weekly digest, tweets, answering queries of media persons etc. any other activities related to media and outreach as guided to be taken up.

Complaints in August, 2020

Complaints received	5934
Disposed	6171
Under consideration of the Commission	18509

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

jlawnhrc@nic.in (For complaints), cr.nhrc@nic.in
(For general queries/correspondence)

Focal point for Human Rights Defenders: C.S. Mawri

Assistant Registrar (Law)
Mobile No. +919999393570, Fax No. 011-2465 1334
E-mail: hrd-nhrc@nic.in

This Newsletter is also available on the Commission's website www.nhrc.nic.in

NGOs and other organization are welcome to reproduce material of the Newsletter and disseminate it widely acknowledge the NHRC

Printed & Published by Jaideep Govind, Secretary General, NHRC on behalf of the National Human Rights Commission and Printed at Power Printers 2/8A, Ansari Road, Daryaganj, New Delhi-110002 and published at National Human Rights Commission, Manav Adhikar Bhawan, Block-C, GPO Complex, INA, New Delhi-110023. Editor: D.M. Tripathy, Under Secretary (M&C), NHRC

Editor's Contact Ph.: 91-11-24663381, E-mail: dydir.media.nhrc@nic.in

Cover: Painting in 2018 by Antara Ghatha, DLF Public School, Class X-E, Sahibabad, UP.