

HUMAN RIGHTS NEWSLETTER

ISSN 0973 - 757X



A Monthly Publication of the National Human Rights Commission, India



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"IT'S ALWAYS BEEN A MYSTERY TO ME HOW PEOPLE CAN RESPECT THEMSELVES WHEN THEY HUMILIATE OTHER HUMANS" – Mahatma Gandhi

MR. BIMBADHAR PRADHAN, IAS JOINS NHRC AS ITS SECRETARY GENERAL

Mr. Bimbadhar Pradhan, IAS (Batch 1987), joined the National Human Rights Commission on 12th October, 2020 as Secretary General of the Commission.



Prior to joining NHRC, he was working as the Special Secretary & Financial Adviser in the Ministry of Agriculture and Farmers' Welfare.

He has held various assignments in the Government of India, such as, Additional Secretary, Ministry of Home Affairs and looked after work of National Disaster Management Authority. He has served



Mr. Bimbadhar Pradhan, IAS Joins NHRC as Secretary General

as Joint Secretary in Ministry of Rural Development, Government of India. He

has worked in Bihar as the Divisional Commissioner, Patna, Principal Secretary in Dept. of Mines, Tourism, Cabinet Secretariat and Coordination

Department etc.

As the SG, he is the CEO of the Commission and Publisher of Human Rights Newsletter and Human Rights Samachar.

MR. JAIDEEP GOVIND, IAS RETIRED AS SECRETARY GENERAL, NHRC ON ATTAINING THE AGE OF SUPERANNUATION



Mr. Jaideep Govind, IAS retired as Secretary General, NHRC on attaining the age of superannuation

Mr. Jaideep Govind, IAS, Secretary General, retired on 30th September, 2020 on attaining the age of superannuation. He took charge as Secretary General of the Commission on 15th January, 2019.

During his tenure as Secretary

General, the Commission attained many new heights. The complaint mechanism of the Law Division was shifted to online mode. His contribution will be remembered in finalizing recruitment rules of 44 posts consisting Group A, B & C categories. File processing on e-office

mode rolled out in NHRC. Both Summer and Winter training programmes were streamlined. Planning for the construction of Commission's Seminar Hall in Manav Adhikar Bhawan was initiated by Mr. Jaideep Govind.

CISF LEADS BEST TEAM ROLLING TROPHY 2020 OF NHRC DEBATE COMPETITION AMONG CENTRAL ARMED POLICE FORCES (CAPF):

The National Human Rights Commission in collaboration with Railway Protection Force (RPF) organized "All India Inter-Central Armed Forces Debate Competition 2020" through Webinar.



Total 16 participants from different CAPFs were selected after zonal rounds held in 8 zones of the country & semi-

final round were held at Kolkata, West Bengal. In the final round held at New Delhi on 16.9.2020, Dr. Dnyaneshwar Manohar Mulay, Hon'ble Member, NHRC graced as the Chief Guest. In the same round of the debate competition, Ms. Jyotika Kalra, Member, NHRC, (Chief Jurist) along with Mr. Prabhat Singh, IPS (Retd.), Former DG, NHRC and Mr. Nitin Malik, Registrar, Dr. B.R. Ambedkar University, Delhi were the Jury Members. The trophy for the best team was won by Central Industrial Security Force (CISF).



NHRC has been organizing this debate competition on Human Rights issues every year since 1996. Since 2004, Zone-wise Debate Competitions is being organized as a run-up to the Final Competition for wider participation of the CAPF personnel all over the country.

EDITORIAL BOARD MEETING OF THE NHRC ENGLISH JOURNAL, 2020

The National Human Rights Commission organized first meeting of the Editorial Board of NHRC English Journal 2020 on 28.09.2020 chaired by Mr. Justice H. L. Dattu, Chairperson, NHRC.

The meeting was attended by Members of the Commission Mr. Justice Prafulla Chandra Pant, Ms. Jyotika Kalra, Dr. Dnyaneshwar Manohar Mulay, along with the members of the newly constituted Editorial Board comprising of Prof. (Dr.) Furqan Qamar, Center for Management Studies, Jamia Millia Islamia, Prof. (Dr.) Bharat H. Desai, Professor of International Law, Center for International Legal Studies, Jawaharlal Nehru University, Prof. (Dr.) Priyanka Upadhyay, UNESCO Chair for Peace and Intercultural Understanding, BHU, and Prof. (Dr.) Manoj Kumar Sinha, Director, Indian Law Institute.

The aim of the meeting was to discuss and decide the themes and authors of the articles as suggested by Members



Meeting of the Core Group on Elimination of Bonded Labour

of the Editorial Board, for Commission's English Journal of 2020.

Some of the finalized themes include 'Sexual & Gender Based Violence in International Human Rights Law: Some Reflections', 'Human Rights of Migrant Workers: Issues and Challenges',

'Protecting the Indian Seafarers Rights: A Legal Challenge', 'Business and Human Rights Conundrum: A Case of Corporate Social Responsibility in India', 'Compliance with Basic Human Rights during Covid-19 Health Pandemic: Issues & Concerns', etc.

VIRTUAL CONFERENCE ON THE IMPACT OF COVID-19 ON THE RIGHTS OF PERSONS WITH DISABILITIES

The National Human Rights Commission, India organized a virtual conference on the 'Impact of Covid-19 on the Rights of Persons with Disabilities' on 1st September 2020 chaired by Dr. Dnyaneshwar Manohar Mulay, Member, NHRC.

The conference was organized to analyze the initiatives of Government of India for the protection of rights of persons with disabilities during the pandemic and to discuss the 'draft advisory on

Rights of Persons with Disabilities for Central and State Governments'. The meeting was attended by the subject experts and representatives from the government and various civil society organizations.



NHRC ISSUED ADVISORIES ON VARIOUS HUMAN RIGHTS ISSUES TO UNION MINISTRIES, STATES AND UTS

The National Human Rights Commission (NHRC), India constituted a 'Committee of Experts on Impact of Covid-19 Pandemic on Human Rights and Future Response', viewing the unprecedented situation across the country and being deeply concerned about the rights of the vulnerable and marginalized sections of the society affected by the COVID-19 pandemic and the resultant lockdowns.

The Committee included representatives from the civil society organizations, independent domain experts, and the representatives from the concerned

Ministries/ Departments, and was tasked with assessing the impact of the pandemic on realization of the rights of the people, especially the marginalized / vulnerable sections of the population which have been disproportionately impacted.

After due consideration of the impact assessment and recommendations made by the Committee of Experts, the Commission issued following advisories in context of COVID-19 in September, 2020:

1. Advisory for Protection of the Rights of Children

2. Advisory on Rights to Food Security and Nutrition

3. Advisory on Rights of Persons with Disability

4. Advisory on Rights to Health

The action taken report on the implementation of the recommendations made in the advisories has been requested from the concerned Ministries/ State Governments/UT Administrations.

The advisories may be downloaded from the website of the Commission i.e., www.nhrc.nic.in.

SUO MOTU COGNIZANCE

The Commission took suo motu cognizance in 4 cases of alleged human rights violations reported by media during September 2020 and issued notices to the concerned authorities for reports. Summary of some of the cases are as follows-

CASE No. 1435/90/0/2020

"A news report captioned "Amnesty says India ops shut" appeared in the Hindustan Times dated 30.09.2020. As per the reports, Amnesty International, a human rights body was going to wind up its operation in India because it felt victimized by the Government of India

by accusing it of Foreign Contribution Regulation Act (FCRA) violations."

The Amnesty International reportedly alleged that the action against them was in retaliation to their reports on human rights violations in Jammu & Kashmir and Delhi in February, 2020 and the alleged suppressing of speech by the Govt. of India and raising the demand for release of activists who were arrested in connection with the January, 2018 caste clashes in Bhima-Koregaon near Pune in Maharashtra.

The Commission, after careful examination, observed that Amnesty

International is a reputed non-governmental organization raising its voice globally whenever there is an incident of violation of the human rights.

The Commission being the apex body for the protection and promotion of human rights in India has a responsibility to examine such issues in accordance with the Paris Principles. Accordingly, it took suo-motu cognizance of the matter and directed to issue a notice to the Home Secretary, Ministry of Home Affairs, Govt. of India, New Delhi, calling for their comments on the allegations leveled by the Amnesty

International as mentioned in the news report.

CASE No. 17187/24/45/2020

The Commission took suo-motu cognizance of the media report by the news channel NDTV on 07.09.2020 regarding the news that a man accused of murder at a village in Kushi Nagar in Eastern Uttar Pradesh being beaten to death in the presence of policemen.

The Commission observed from the contents of the news report that though it was yet to be investigated as to how the murder of the teacher, (as narrated by the police) took place. The villagers took law in their hands in the presence of police. The police team was present on the spot when the victim was being brutally attacked with sticks and stones. As reported in the news channel, the unruly crowd did not spare him even when the victim became motionless. Had the police force acted timely under the supervision of a senior officer, the life of the victim could have been saved. The police failed to do their lawful duty in this particular incident. Human life has been lost due to sheer negligence of the law enforcement authority. This is a gross violation of human rights.

The Commission, therefore, took suo-motu cognizance of the matter and directed to issue a notice to the Director-General of Police, Uttar Pradesh, seeking for a detailed report in the matter within 4 weeks, including the status of the investigation of the cases registered in connection with both the cases of murder.

The Commission also directed to issue a notice to the Chief Secretary, Uttar Pradesh for a detailed report on whether any relief has been granted to the family of the then deceased as the state has failed to secure the right to fair trial of the victim. He is also expected to inform the status of any disciplinary action initiated against the delinquent officers/officials.

CASE No. 19419/24/3/2020-WC

The Commission took suo-motu cognizance of the incident of gang rape of a 19-year-old woman belonging to Scheduled Caste in Hathras District of Uttar Pradesh. The victim has reportedly died at Safdarjung Hospital in New Delhi on 29.09.2020.

As per media reports, the victim who went missing on 14.09.2020 was found in a badly injured condition on 22.09.2020. It is apparent that the police were not able to take timely action to trace and save the victim girl due to which the young woman could not be saved from being subjected to grave cruelty. The way the perpetrators have acted shows that they had no fear of the law. The family has suffered an irreparable loss. A young and precious human life has been lost.

There are also allegations by the family that the police forcibly took away the body of the deceased for cremation, as reported by media. The incident has raised many questions about the law and order situation in the State. Many such incidents have occurred in the State of Uttar Pradesh where the members of the Scheduled Caste Community have been subjected to discrimination and harassment by the people belonging to the higher caste. There have been several instances of leveling allegations of inaction against the police authorities and the administration.

The Commission, therefore, directed the Chief Secretary, Govt. of Uttar Pradesh and Director General of Police, Uttar Pradesh calling for a report in the matter. The Commission also observed that the State government is required to provide adequate protection to the family of the deceased and the witness and other members of the SC Community residing in the village. The DGP, U.P. was advised to look into the matter personally to ensure a speedy trial so that the culprits could be punished by the competent court without any further delay.

CASE No. 4048/30/4/2020-AD

The Commission came across a piece of distressing news published in the Hindustan Times on 21.09.2020 under the caption "Convict out on parole hangs self in lockup hours after raping a minor girl".

The deceased, who was out on parole, allegedly committed rape of a minor girl and was arrested by the police on the allegations of rape. He died by hanging himself inside the police lockup, which was being guarded by the policemen. The allegations of beatings have also been levelled by the family members of the deceased.

Taking suo-motu cognizance in the matter, the Commission observed that the police personnel have apparently failed to do their lawful duty at two stages. Firstly, when a person with a history of committing the crime was out on parole, it was expected from the local police station to keep an eye on his activities through Beat Constable and other sources. Secondly, when such a prisoner was kept in the police lock-up, it was obvious to be more vigilant to keep a check on him.

The deceased was in the lawful custody of the police. The right to life of the deceased has been violated and the State cannot escape its liability. Had the policemen been alert towards their duty, human life could have been saved and the suspect culprit could be subjected to a fair trial.

The Commission, therefore, directed to issue a notice to the Commissioner of Police, Delhi calling for a detailed report in the matter within 4 weeks. The Commission has noticed that this case of death in police custody has not been reported to it by the authorities, within 24 hours of its occurrence. The authorities are expected to explain the reason thereof. All the reports, including the inquest and the post-mortem examination reports, video CD

of the postmortem examination, and medical report, of the deceased before being lodged in the lockup, are to be forwarded to the Commission.

The Commission expected that the

magisterial inquiry in the matter will be completed without any further delay and its report will be submitted to the Commission at the earliest.

Apart from this, considering the trauma

suffered by the poor victim, who is a minor girl, the Chief Secretary, Government of NCT of Delhi is directed to inform about her health condition as well as the relief, rehabilitation, and counseling provided to her by the administration.

CASES OF HUMAN RIGHTS DEFENDERS

The Commission registered 7 cases of alleged harassment of Human Rights Defender, during the month of September, 2020. Summary of some of these cases is as under –

Case No.1093/13/16/2020

The complainant, Mr. Henri Tiphagne, HRDA vide a complaint dated 03.09.2020 alleged that Ms. Sudha Bhardwaj, Sr. Lawyer, and Woman Human Rights Defender has been suffering from heart disease, has allegedly been lodged in jail having numerous COVID -19 positive cases. Further, the authorities were not providing proper medical care to her.

The complainant has also stated that the Bombay High Court is also seized of the matter. Because of the High Court intervention, the Commission closed the case on 10.09.2020.

Case No.3629/30/11/2020

Mr. Mirza Naushad Alam in his complaint dated 18.7.2020 alleged that he was harassed, tortured, and abused, and also subjected to extortion of money by the policeman named in the complaint. He has further alleged that he was challaned for not wearing a face mask at public place/workplace on 18.6.2020 and 10.7.2020. The complainant has stated that he is a social worker, involved in anti-corruption and public welfare activity. However, he was challaned and ill-treated by the police officials.

The Commission took cognizance of the matter on 03.09.2020 directing to submit a copy of the complaint to the concerned authority with an Action

Taken Report within 4 weeks.

Case No.4153/30/0/2020

The complainant, Mr. Henri Tiphagne of HRDA in a complaint to the Commission dated 10.9.2020 alleged that a Human Rights Defender and Ph.D Scholar, Sharjeel Imam was arrested arbitrarily and without following due procedure of law. The complainant alleged that the HRD has falsely been implicated in the case. Further, the victim was tested positive for COVID – 19 on 1.8.2020, but the Prison authorities have declared him negative, through Rapid Antigen Test.

The Commission took cognizance of the case on 29.9.2020 and directed to send a copy of the complaint to the Commissioner of Police, Delhi for submitting an 'Action Taken Report' within 4 weeks.

Case No.3749/30/3/2020

The complainant Mr. Kirty Roy, MASUM and National Convener of Programme Against Custodial Torture and Impunity, vide a complaint dated 14.8.2020 alleged that Prof. Prem Kumar Vijayan of Hindu College, University of Delhi was being harassed by the National Investigating Agency (NIA) in relation to the investigation of the Bhima Koregaon Elgar Parishad case. The complainant further alleged that personal computer of the victim was targeted through a malware attack to gain illegal access to his communications.

The Commission took cognizance in the matter on 15.9.2020 and directed to send the complaint to the Director

General of Police, Maharashtra for appropriate action within 8 weeks and intimate the same to the complainant/victim.

Case No.:416/33/3/2020

The complainant Mr. Henri Tiphagne of HRDA vide a complaint dated 21.8.2020 alleged that one Human Rights Defender, namely Neeraj Shivhare, a Journalist based in Dantewada was harassed and intimidated. The Commission had registered a Case No.239/33/9/2020 directing the Collector, Dantewada to take appropriate action. However, it was complained to the Commission that no action has been taken by the concerned authority so far. The matter was further considered by the Commission as Case No. 416/33/3/2020 on 21.9.2020, when the Commission directing to send a copy of the complaint to the District Collector, Dantewada, Chhattisgarh, calling for a report in the matter.

Case No.762/6/1/2020

The complainant Mr. Henri Tiphagne vide a complaint dated 28.8.2020 alleged that Mr. Kaleem Siddiqui has been falsely implicated and was being harassed by the police of Ahmadabad, for participating in a peaceful procession. It was stated that police has issued a show cause notice to him, as to why he should not extern for 2 years from Ahmadabad and neighboring districts. On perusal of the complaint, the Commission called for a report from the Commissioner of police Ahmadabad.

SUCCESS STORIES

Case No. 21509/24/45/2013

The Commission received a complaint from Ms. Kamli (SC) resident of District Kushi Nagar, UP alleging non-registration of FIR and inaction by the local police in the matter of killing of her husband Ram Dayal Bharti. The petitioner also alleged that despite approaching the SP, Kushi Nagar; the case was not registered. The complainant sought the intervention of the Commission on the matter.

Pursuant to the notice issued by the Commission, the Under Secretary, Govt. of UP forwarded a report of the Superintendent of Police, Gorakhpur Division, CB CID, Lucknow with final inquiry/investigation report. It was reported that based on the complaint filed u/s 156(3) Cr.P.C. by the complainant, a case was registered and after investigation, a final report No. 11/2016 dated 3.11.2016 was sent to the court. CB/CID also concurred with the findings given in the inquiry report by the police. However, since there had been a delay in the registration of the case, the then SHO Jai Raj Yadav, PS Kaptanganj, prima facie, appeared to be guilty. However as he is retired, no departmental action could be taken.

Upon consideration of the report, the Commission observed that it is admitted by the police department that delay was caused in the registration of a case by public servant and thus human rights of the complainant had been violated for which, the State is vicariously liable to compensate the family of the deceased.

The Commission, therefore, recommended to the Government of Uttar Pradesh, through its Chief Secretary to pay a sum of Rs. 50,000/- as monetary relief to the family of the deceased and to send proof of payment made in the case.

Case No. 6929/30/5/2013

This case relates to the collapse of the wall of a garbage collection site causing grievous injuries to a 7-year-old child Sohail and the death of Mursleen on the spot.

The Commission took cognizance and issued 'Show Cause Notice' to the Chief Secretary, Government of NCT of Delhi, observing that the incident occurred due to negligence of the public servants.

Pursuant to directions of the Commission, the SDM, Seemapuri submitted that a sum of Rs.5,00,000/- (Rupees Five Lakhs only) by cheque bearing No.000063 dated 22.10.2019 drawn on Bank of Baroda has been paid to Mr. Sheikh Siraj, father of the deceased Mursleen and Rs.25,000/- by cheque bearing No.000069 dated 22.10.2019 to Sheikh Shahidul Islam, father of the injured Sheikh Javed through Tahsildar concerned. The proof of payment was also enclosed with the report. Therefore, the Commission closed the case.

Case No. 2982/18/9/2017

This case pertains to the death of a 12 years old Tribal boy name Bikram Soren of Maghgaon Village under Budhikhamari Panchayat due to illegal stone blasting at Bangiriposhi area in Mayurbhanj District of Odisha on 07.06.2017. The Commission took cognizance and issued 'Show Cause Notice' to the Chief Secretary, Govt. of Odisha observing that the Hon'ble Supreme Court of India in its recent judgment titled 'Punjab State Human Rights Commission vs. Jai Singh & Anr. (Civil Appeal 5911 of 2012)' has decided that even if the violation of human rights is by a private person, it shall be covered u/sec. 12 of PHR Act,

1993 and that the Commission is of the considered opinion that the State Govt. specifically, the office of DM and SP of the concerned District is responsible for not preventing (any) illegal mining and also for illegal blasting which led to the death of a 12-year-old child resulting in loss of precious life of a child and directed to pay a sum of Rs. 3,00,000/- (Rupees Three Lakhs only) to the NoK of the deceased child Bikram Soren.

Upon receipt of a report stating that Mr. Chunku Soren F/o deceased victim Bikram Soren has been paid Rs. 2.00 lakh by cheque. The Commission noted the compliance of its direction and closed the case.

Case No. 13600/24/19/2015

This case relates to the beatings and robbing of one Suraj Kumar by Crime Branch police officials resulting in his unconsciousness.

The Commission took cognizance and issued Show Cause Notice for Rs. 2,00,000/- (Rupees two lakh only) to be paid to the victim Mr. Suraj Kumar Kanojia / Suraj Pratap Kanojia for violation of his human rights to the Chief Secretary, Govt. of UP followed by confirmation vide proceedings dated 31st December 2018.

Pursuant to the directions of the Commission, the SP, Chandauli, (06th May 2020) has submitted in compliance with directions of the Commission, a sum of Rs. 2,00,000/- has already been credited to the bank account of the victim through on-line transactions having UTRI No. RBI 0862036829115 dated 25th March 2020 through Treasury Chandauli along with proof of payment which resulted in the closure of the case vide proceedings dated 16th September 2020.

RECOMMENDATIONS FOR RELIEF

A part from a huge number of cases taken up daily, 6 cases were taken up by Full Commission and 65 cases by Double Bench in

September, 2020. Out of these, in 24 cases, the Commission recommended monetary relief amounting to a total of Rs. 45, 25,000/- for the victims or their

NoK, where it found that public servants had either violated human rights or been negligent in protecting them.

PAYMENT OF RELIEF ON NHRC RECOMMENDATIONS

The Commission closed 28 cases on receipt of compliance reports from different public authorities, furnishing

proof of payment, it has recommended an amount of total Rs.73,85,000/- to the victims of human rights violations or

their next of kin.

HUMAN RIGHTS AND NHRC IN NEWS

During September 2020, the Media & Communication Wing of the Commission prepared and issued 6 press releases. More than 2400 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 cases were found fit for suo motu cognizance. News stories having specific reference

to the interventions by the NHRC can be seen at 'NHRC-in-News' on the website of the Commission. 'NHRC Twitter handle' was a buzz with regular tweets on the Commission's interventions & activities. Its followers continue to increase day by day.

SNIPPETS

- A meeting under the chairpersonship of Ms. Jyotika Kalra, Member, NHRC, was held on 25th September 2020 to discuss the draft research project titled 'Transgender Inclusivity: A Reality Check' submitted by Dr. Rajni Singh, Associate Professor & Head, Dept. of Humanities and Social Sciences, IIT, Dhanbad, Jharkhand: with special reference

- to South Indian States' submitted by Dr. M.L. Kalicharan, Professor and Director, School of Legal Studies, REVA University, Bengaluru.
- NHRC, India organized its 'Online Short Term Internship Programme' from 15th September 2020 to 29th September 2020. A total of 110 Student Interns attended the internship sessions, addressed

by subject specialists and senior officers. During the internship, the students were assigned a group research project and a declamation contest was also organized which was judged by a jury of NHRC. The best three students were given a cash prize of Rs. 2000/-, 1500/- and 1000/- respectively.

Complaints in September, 2020

Complaints received	7024
Disposed	5907
Under consideration of the Commission	17773

Important Telephone Numbers of the Commission:

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

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

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Printed & Published by Bimbardhar Pradhan, 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

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Cover: Painting in 2019 by Yashvi Kumar Class X, DPS, R.K. Puram, New Delhi