

HUMAN RIGHTS NEWSLETTER

A Monthly Publication of the National Human Rights Commission, India



NHRC National Debate Competition for Police Forces

he National Human Rights
Commission, NHRC, India
organized an online All India
Debate Competition in Hindi and
English for Police Forces in run up
to Human Rights Day celebrations.
The topic of the debate was "Police
as protectors of law have both
a professional duty and moral
obligation to uphold the Human
Rights of individuals."

After State Level rounds, 46 participants including 24 for Hindi and 22 for English were selected for the final round on 25th and 26th November, 2020.

NHRC Member, Dr. D.M. Mulay was the Chief Guest and the Chief of Jury. Mr. Prabhat Singh, Former DG, NHRC and Prof. Indu Agnihotri, Special Monitor, NHRC and Director, Centre for Women Development Studies, New Delhi were the Jury Members. Mr. Bimbadhar Pradhan, Secretary General, NHRC and other senior officers of the Commission



NHRC Member, Dr. D. M. Mulay, Chief of Jury and other senior officers attending online debate competition

also attended the final round of the competition.

The first prize of Rs. 10,000/in Hindi along with trophy and
certificate went to Ms. Parveen
Dilawarkhan Pathan, WPN of
Maharashtra Police and in English
to Ms. Sushma Mehla, HC of
Chandigarh Police. The second prize
of Rs. 8000/- in Hindi went to Ms.

Sushma Rani, HC of Uttarakhand Police and in English to Mr. V. Vijay Kumar, Inspector of Telangana Police. The third prize of Rs. 6,000/in Hindi went to Ms. Sayida Akhter, Constable, Jammu & Kashmir Police and in English jointly to Mr. Gagandeep Sidhu, Sub. Inspector, Punjab Police and Mr. Swapnil J. Salunke, API, Maharashtra Police.

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"The greatness of humanity is not in being human, but in being humane" — Mahatma Gandhi

NHRC Advisory on Rights of Elderly Persons in connection with COVID-19 pandemic

The National Human Rights
Commission, NHRC, India
had set up an expert group
to prepare advisories to ensure
protection of rights of the vulnerable
and marginalized sections of
society, who have been affected due
to COVID-19 pandemic and the
resultant lockdowns. In this context,
the Commission issued another
advisory related to the rights of
elderly persons on 05th November,
2020.

Prior to this, the Commission had

issued six advisories on Protection of the Rights of Women, Protection of the Rights of LGBTQI+, Rights of Mental Health, Business and Human Rights and Future Responses, Human Rights of the Prisoners and Police Personnel and Future Responses and Informal Workers and Future Responses.

The Commission has sent these advisories to the concerned Ministries, State/UT Administration for implementation and action taken report from them. The advisories may be downloaded from the website of the Commission: www.nhrc.nic.in.

On the advisory on the Rights of Elderly Persons, the action taken reports have been received from 7 States/UTs namely Maharashtra, Govt. of National Capital of Delhi, Uttar Pradesh, Goa, Tripura, Meghalaya and Chandigarh stating that the said advisory has been sent to the concerned Departments to take appropriate action on the recommendations.

Suo Motu Cognizance

The Commission took suo motu cognizance in one case of alleged human rights violation reported by media during November, 2020 and issued notices to the concerned authorities for reports. Summary of the case is as follows-

Sexual Assault

Case No. 24338/24/18/2020-WC

The media reported that a minor rape victim, belonging to Dalit community, was doused with petrol and burnt to death by the relatives of the accused person in Bulandshahar, Uttar Pradesh on the 17th November, 2020. She was referred to the

Safdarjung Hospital, Delhi with 65 percent burns, where she passed away.

The Commission in the recent past while taking cognizance of such matters, has been expressing its view that the people belonging to the Scheduled Castes, Scheduled Tribes, and vulnerable sections of society are being regularly targeted by the antisocial elements in Uttar Pradesh and the state has not been able to provide a safe and secure environment to its citizens, especially the women.

The Commission has issued notices to the Chief Secretary and the Director General of Police,

Uttar Pradesh calling for a report in the matter. The DGP is expected to intimate the status of the investigation of the case and the arrest of the remaining accused whose names have been mentioned in the FIR.

The Commission would also like to know whether the statutory relief to the victim was given by the state authorities when the FIR on the allegations of her rape was registered in the month of August, 2020 as the victim belonged to a Scheduled Caste and the FIR was reportedly registered under the relevant sections of POCSO and SC/ST (PoA) Acts.

Cases of Human Rights Defenders

The Commission registered 10 cases of alleged Harassment of Human Right Defenders during the month of November 2020; Summary of some of these cases is as under –

NIA raids on NGOs

Case No. 1779/90/0/2020

The complainant Mr. Henri

Tiphange, National Working Secretary of HRD Alert- India requested for an urgent action on an issue involving the recent raids by National Investigation Agency (NIA) at the offices of various NGOs and Human Rights Defenders, in Kashmir, Delhi and Bengaluru on 28th-29th October, 2020 on alleged grounds of terror funding. The complainant has alleged that the NIA has misused legal provisions to target HRDs and stifle dissent. The Commission transmitted a copy of the complaint to the Union Home Secretary for appropriate action.

Harassment and pre-trial detention Case No. 1776/90/0/2020

The complainants, Members of

the European Parliament, made a complaint for seeking Commission's intervention against the judicial harassment and pre-trial detention faced by nine human rights defenders in the Bhima Koregaon case.

The complainants also expressed concern regarding the denial of anticipatory bail of Gautam Navlakha and Anand Teltumbde and the threat of imminent arrest faced by them. It has been alleged that on 24th January, 2020, the Central Government transferred the investigation from Pune Police to the National Investigation Agency. It has been interpreted as an attempt to prevent any independent scrutiny into the case. The Commission transmitted a

copy of the complaint to the Union Home Secretary for appropriate action.

Alleged illegal detention Case No. 23279/24/48/2020

The complainant Mr. Henri Tiphange, National Working Secretary of HRD Alert- India in a complaint to the Commission has made an appeal for urgent action concerning brutal assault and illegal detention of the father and minor brother of HRD, Ms. Zainab Siddiqui by the UP police on November 05, 2020 in Lucknow, UP. It is alleged that the policemen, who went to Ms. Zainab's home, were in civil uniform and they did not have any

FIR or arrest memo with them. The Commission has called for a report SSP, Lucknow.

Harassment of HRD

Case 7355/22/26/2020

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 harassment and threat to the life of one S. K. Lenin, a journalist, for exposing corruption in the MNREGA scheme of the government in District- Puddukottai, Tamil Nadu. The Commission has called for an action taken from DM and SP, District Pudukottai, Tamil Nadu.

Success Stories

Police inaction in a case of sexual assault

Case No. 258/24/55/2015-WC

The matter relates to police inaction and apathy in a case of sexual assault resulting in self-immolation by the victim. In response to the Commission's notice to the S.P., Mirzapur, UP, a report was received, which confirmed the allegations. A preliminary enquiry had also been initiated against the erring SHO.

The Commission observed that despite the State Authorities having been seized of the facts of the case, non-registration of FIR, accounted to human rights violations. The Commission, therefore, recommended monetary compensation of Rs. 2 Lakh as interim relief to the Complainant. Though initially the state held that there is no provision under the Rules of the Government for payment of compensation in respect of cases under sections 306/372 IPC but subsequently, complied with the recommendations and paid the amount to the victim's father through e-payment.

Death in judicial custody

Case No. 3081/4/13/2015-JCD

The case relates to the death in

judicial custody in Jahanabad. Upon examination of all relevant records submitted by the public authority, it was observed by the Commission that the deceased was assaulted in the jail, which led to his unfortunate and untimely death. Accordingly, the Commission recommended payment of Rs. 3 Lakh as monetary relief to the NoK of the deceased, which has been paid by the public authority to the wife of the deceased.

Police negligence

Case No. 27685/24/31/2017-AD

The case relates to illegal detention and death due to torture in police custody in Sahibabad, Ghaziabad, Uttar Pradesh. Allegations were that a young man did not return home after going for a walk on 9th July, 2017 at around 10:00 P.M.

The family approached the police for lodging a complaint. The photos of the man were also provided. The family members of the victim continued to visit the police station, Sahibabad, but no clue was provided to them about him. On 15th September, 2017, a police officer called them in the evening to come at the police station. He showed a picture of a dead body identified as of

Mandeep.

The mother of the victim alleged that a PCR call was received at around 11:20 P.M. on 9th July, 2017 and her son was brought to police station and was beaten by the police officials and when his condition started deteriorating, the police officials admitted him at a private hospital, at around 3:50 A.M. Sensing that condition of her son was serious, the police officials got him discharged from the private hospital and admitted at Government Hospital MMG in Ghaziabad at around 4:55 A.M where he died. The cause of death was opined as head injury.

The police officials kept the dead body for 72 hours but did not make any efforts to get whereabouts of the dead person, whereas her house is merely 500 meters away from the police station. Moreover, the cremation of the dead body was done as unidentified on 13th July, 2017, whereas the missing complaint of her son was lodged on 12th July, 2017 at the same police station.

On examination of all relevant records submitted by the public authority, it was observed by the Commission that there was negligence/lapses on the part of the concerned police officials.

Accordingly, the Government of Uttar Pradesh was recommended to pay Rs. 3 lakh to the victim's family as relief, which was paid.

Harassment

Case No. 23249/24/39/2020

The Commission received an email complaint from a girl and others that her friend, who was working as a Software Engineer in Pune, was held hostage by her family members at her home in district Jaunpur, Uttar Pradesh against her will. All means of communication were taken away from her and her life was allegedly in danger. On 29th September, 2020, she sent desperate messages to her friends that her family was forcing her to marry against her will. Subsequent to the intervention of the Commission,

a truce was reached between the girl and her family members, who have agreed that they will not force her to marry and she can live her independent life as per her will.

Police Atrocity

Case No. 13470/24/30/2013

This case relates to a complaint alleging that the police personnel of P.S. sector 24 and sector 52, Gautam Budh Nagar picked up the complainant's son Ankur Verma on 27th February, 2013 at 03.30 pm while he was sitting alone in his jewellery shop. It was further alleged that he was beaten up, tortured and falsely implicated in a criminal case on 01st January, 2013 by the police.

The Commission on the basis of the material on record observed that the Police personnel were

negligent in discharge of their duties in the matter. Accordingly, the Chief Secretary Govt. of U.P was directed to pay Rs. 50,000/- to each of the two victims as relief. The Chief Secretary, Government of Uttar Pradesh and the Director General of Police, Uttar Pradesh. They were also directed to initiate departmental proceedings against the three erring Police Officers, including two Sr. Superintendents of Police and CO-II, NOIDA, Gautam Budh Nagar, who failed in ensuring justice to the petitioner/victims and forwarded a false report to the Commission.

Pursuant to the directions of the Commission, a compliance report has been received including the proof of payment and information that the guilty police officials have been punished.

From Investigation Files

I his column carries a story unfolding an intricate case of human rights violations leading to diametrically opposite revelation to prima facie claims and findings after investigations by the NHRC team.

Death due to dowry harassment Case No.1779/12/7/2018-WC

This is a case of dowry harassment by the in-laws of a woman and inaction by the local police. The complainant alleged that on 11th July, 2018 in Bhind, Madhya Pradesh, her sister strangulated herself to death due to dowry harassment by her in-laws. Despite recording of statements of her family

members by the police, no FIR was lodged against the in-laws/accused persons and they were threatening to kill the family members of the deceased.

Details analysis by Investigation Division found that the date of occurrence of the incident was 11th July, 2018 and the FIR was registered on 05th December, 2018, i.e. after delay of 5 months.

The Commission observed that it is a violation of the directions of the Supreme Court given in Lalita Kumari Vs. State of U.P., in which the court had held that the registration of FIR u/s 154 Cr.PC, is mandatory,

if information/complaint discloses commission of a cognizable offence. So there is clear human rights violation of the victim and negligence of police of PS Daboh.

Accordingly, the Commission recommended that the Government of Madhya Pradesh pay monetary relief of Rs. 2 lakh to the NoK of the deceased victim Roshin. In addition, the Superintendent of Police, Bhind, Madhya Pradesh was directed to take departmental action against delinquent police official i.e. the then SHO of PS Daboh, Bhind, who was responsible for non-registration of case and violation of Section 166 IPC and submit the compliance report.

Recommendations for Relief

part from a huge number of cases taken up daily, 66 cases were taken up by Full Commission and 23 cases by Double Bench in November, 2020. Out of these, in 19 cases, listed

in the table below, the Commission recommended monetary relief amounting to a total of Rs. 46,50,000/-for the victims or their NoK, 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	Case No	Nature of complaint	Amount recommended	Public authority
1	3081/4/13/2015-JCD	Custodial Death (Judicial)	300000	Bihar
2	4424/30/9/2015-JCD	Custodial Death (Judicial)	300000	Delhi
3	3011/7/18/2017-JCD	Custodial Death (Judicial)	300000	Haryana
4	3071/24/4/2016-JCD	Custodial Death (Judicial)	200000	Uttar Pradesh
5	4512/24/56/2016-JCD	Custodial Death (Judicial)	500000	Uttar Pradesh
6	260/25/5/2016-JCD	Custodial Death (Judicial)	300000	West Bengal
7	3061/30/4/2017-DH	Custodial Death In Juvenile Home	200000	Delhi
8	13470/24/30/2013	Custodial Torture	100000	Uttar Pradesh
9	3167/30/7/2015	Failure In Taking Lawful Action	200000	Delhi
10	1868/12/7/2016	Failure In Taking Lawful Action	300000	Madhya Pradesh
11	37162/24/52/2017	Failure In Taking Lawful Action	200000	Uttar Pradesh
12	37956/24/17/2012	Illegal Arrest	50000	Uttar Pradesh
13	645/7/17/2019	Inaction By The State Government/ Central Govt. officials	100000	Haryana
14	2012/12/47/2017	Miscellenous	300000	Madhya Pradesh
15	20293/24/52/2015-WC	Rape	200000	Uttar Pradesh
16	36657/24/38/2015	Abuse of Power	300000	Uttar Pradesh
17	27685/24/31/2017-AD	Alleged Custodial Deaths In Police Custody	300000	Uttar Pradesh
18	2959/20/14/2017	Atrocities On Sc/St (By Police)	200000	Rajasthan
19	1232/34/23/2016	Death In Police Firing	500000	Jharkhand

Payment of Relief on NHRC Recommendations

The Commission closed 43 cases on receipt of compliance reports from different public authorities, furnishing proof of payment, it has recommended an amount of total Rs. 91,65,000/-to the victims of human rights violations or their next of kin. The specific details of these cases, closed in November, 2020, can be downloaded from the NHRC website by logging the case number given in the table below:

Sr No	Case No	Nature of complaint	Amount recommended	Public authority
1	3081/4/13/2015-JCD	Custodial Death (Judicial)	300000	Bihar
2	825/33/1/2015-JCD	Custodial Death (Judicial)	600000	Chhattisgarh
3	5920/30/0/2015-JCD	Custodial Death (Judicial)	300000	Delhi
4	5929/30/9/2015-JCD	Custodial Death (Judicial)	400000	Delhi
5	3011/7/18/2017-JCD	Custodial Death (Judicial)	300000	Haryana
6	1102/1/16/2013-JCD	Custodial Death (Judicial)	25000	Telangana
7	15581/24/72/2014-JCD	Custodial Death (Judicial)	500000	Uttar Pradesh
8	16388/24/26/2014-JCD	Custodial Death (Judicial)	200000	Uttar Pradesh
9	18802/24/71/2017-JCD	Custodial Death (Judicial)	200000	Uttar Pradesh
10	260/25/5/2016-JCD	Custodial Death (Judicial)	300000	West Bengal
11	4116/4/24/2016-JCD	Custodial Death (Judicial)	500000	Bihar
12	1139/22/2004-2005-CD	Custodial Death (Police)	100000	Tamil Nadu
13	5/1/3/2015	Abuse Of Power	20000	Andhra Pradesh
14	212/30/6/2017	Abuse Of Power	10000	Delhi
15	19125/24/31/2015	Abuse Of Power	10000	Uttar Pradesh

Sr No	Case No	Nature of complaint	Amount recommended	Public authority
16	36657/24/38/2015	Abuse Of Power	300000	Uttar Pradesh
17	27685/24/31/2017-AD	Alleged Custodial Deaths In Police Custody	300000	Uttar Pradesh
18	3454/24/36/2010-AD	Alleged Custodial Deaths In Police Custody	500000	Uttar Pradesh
19	2634/30/9/2013	Custodial Torture	100000	Delhi
20	13470/24/30/2013	Custodial Torture	100000	Uttar Pradesh
21	18432/24/68/2013	Failure In Taking Lawful Action	500000	Uttar Pradesh
22	18892/24/7/2016	Failure In Taking Lawful Action	100000	Uttar Pradesh
23	5197/30/4/2017	Inaction By The State Government/Central Govt. officials	300000	Delhi
24	2911/18/16/2016	Inaction By The State Government/Central Govt. officials	300000	Odisha
25	4142/18/1/2014	Inaction By The State Government/Central Govt. officials	200000	Odisha
26	4576/18/24/2017	Inaction By The State Government/Central Govt. officials	300000	Odisha
27	31334/24/10/2016	Inaction By The State Government/Central Govt. officials	100000	Uttar Pradesh
28	27/32/0/2012-WC	Indignity Of Women	100000	Puducherry
29	6429/30/1/2012	Irregularities In Govt.hospitals/Primary Health Centres	300000	Delhi
30	3530/24/78/2015	Irregularities In Govt.hospitals/Primary Health Centres	50000	Uttar Pradesh
31	654/33/11/2018	Malfunctioning Of Medical Professionals	200000	Chhattisgarh
32	20293/24/52/2015-WC	Rape	200000	Uttar Pradesh
33	25392/24/22/2014-WC	Rape of SC	25000	Uttar Pradesh
34	1465/25/3/2013	Service Matters	100000	West Bengal
35	25386/24/1/2013	Unlawful Detention	50000	Uttar Pradesh
36	258/24/55/2015-WC	Abduction, Rape And Murder	200000	Uttar Pradesh
37	365/18/21/2019	Death Due To Electrocution	100000	Odisha
38	304/1/9/2012-DH	Death Of Child Staying With Female Prisoner In Judicial Custody	200000	Telangana
39	45951/24/70/2013	Denial Of Medical Facilities	200000	Uttar Pradesh
40	22490/24/27/2015	Disappearance	25000	Uttar Pradesh
41	2240/22/9/2018-WC	Exploitation Of Women	100000	Tamil Nadu
42	303/3/24/2013	False Implication	400000	Assam
43	37956/24/17/2012	Illegal Arrest	50000	Uttar Pradesh

Snippets

Spot Enquiries

Three spot enquiries were conducted by the teams of Investigation Division of the Commission during November, 2020. These are as under:

(i) On the allegations of abduction of gang rape and misuse of power by local police in Yamunanagar District of Haryana



(ii) On the serious allegations of fake encounter by police personnel in Bhadohi District of Uttar Pradesh.





(iii) On the allegation of atrocities committed by the police on students of Akhil Bhartiya Adhivakta during the protest against the fee hike by educational institutions in Dhule District of Maharashtra.

Information Technology Initiatives

1. HRCNet Portal(https://hrcnet. nic.in):

The National Human Rights
Commission has added several
provisions in the HRCNet Portal
such as improved performance of
e-Files processing, search on sentbox
webpage, textual reports, automation
of Summon actions, submission of
multiple proceedings on as case,
Parking of e-CaseFiles, Search for
grouped cases and access of HRCNet
Portal to various stakeholders
working from outside of the building.

2. Video-Conferencing and Webinars:

Computer Cell provided IT support to 82 webinars (Full day/half day) using web platforms such as WebEx, Vidyo, Google Meet, Microsoft Teams, and BlueJeans for

Online training, meetings, interview, competitions etc.

3. Hindi Translator software:

A software has been designed, developed and implemented for maintaining records of communications sent for translation from vernacular languages to English language. The software has provision for electronic transmission of communication to translators and uploading of translated text by them. This software has increased the efficiency of the concerned in terms of time taken, less requirement of manpower and bill processing.

4. Online Short Term Internship Software

A Software has been designed, developed and implemented recently for online submission of applications for online short term internships programme. The Software provides facility for downloading details of applicants for comparison purpose.

5. SPARROW:

The Commission has started implementation of Smart Performance Appraisal Report Recording Online Window (SPARROW) portal for its Officers and Staff. This is one more step of the Commission towards paperless office.

6. Network and Security Operations:

For meeting the increased requirement of Internet bandwidth, the Commission has upgraded is it's Leased Lines from 34 Mbps to 100 Mbps. This has improved the software performance in the Commission.

Training initiatives for human rights awareness

- Coordination for processing of MOOC (Massive Open Online Course) on SAWAYAM – e learning platform developed by Ministry of Human Resource Development.
- The content of human rights in booklet form, prepared by

NHRC in collaboration with MARG (Multiple Action Research Group), has been provided for uploading on e- Pathshala portal developed by the CIET (Central Institute of Educational Technology), and NCERT (National Council of Educational Research and Training)

 Content of human rights shared with NCERT for uploading on its DIKSHA Portal for the purpose of spreading awareness about human rights amongst school children, teachers and also people in general.

Human Rights and NHRC in News

- The Media & Communication Wing extended support to the Nehru Yuvak Kendra Sangthan, NKYS to organize three workshops on virtual mode on 17th, 19th & 24th November, 2020 to spread awareness on Promotion & Protection of Human Rights.
- 'NHRC Twitter handle' was abuzz with 15 tweets on the Commission's interventions & activities during November, 2020. Its followers continue to increase day by day.



Complaints in November, 2020 Complaints received 6523 Disposed 7575 Under consideration of the Commission 16551

Important Telephone Numbers of the Commission:
Facilitation Centre (Madad) Incharge: Mrs. Rekha Bhalla
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 Importance E-mail Addresses
jrlawnhrc@nic.in (For complaints), cr.nhrc@nic.in
(For general queries/correspondence)

Focal point for Human Rights Defenders: C.S. Mawari
Assistant Registrar (Law)
Mobile No. +919999393570, Fax No. 011-2465 1334
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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

Printed & Published by Bimbadhar 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: Jaimini Kumar Srivastava, Dy. Director (M&C), NHRC