



HUMAN RIGHTS NEWSLETTER

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National Human Rights Commission, India



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*"Happiness does not depend on what you have or who you are.
It solely relies on what you think" - Gautama Buddha*

NHRC Open House Discussion on Rural Development and Human Rights

The National Human Rights Commission, NHRC, India organized an 'Open House Discussion on Rural Development and Human Rights' at Manav Adhikar Bhawan, New Delhi on the 27th February, 2019. In his inaugural address, Mr. Justice H.L. Dattu, Chairperson, NHRC said that the objective of the 'Open House Discussion' is to raise awareness amongst all stakeholders with regard to the linkage between Rural Development and Human Rights.

He said that the grass root level democracy, ushered in by a constitutional amendment at the village level, defines the legal framework of the Rural Development Institutions in India. It has a close link with the rights based approach to development. He said that the Commission has come across several complaints with regard to non-availability of basic facilities in rural areas, including roads, electricity, schools or teachers without schools, among others.

Justice Dattu referred to a complaint received in the Commission alleging that children, in the absence of a bridge, had to cross a river to attend their school. It was constructed after the intervention of the Commission. He said that the rural development implies both the economic betterment of people as well as greater social transformation, which can be ensured with the participation of government agencies, civil society organizations and NGOs.

Mr. Amarjeet Sinha, Secretary, Union Ministry of Rural Development, highlighted various welfare schemes

of the government aimed at improving the life and living standards of people in rural areas of the country. Quoting the global multi dimensional poverty index 2018, he said that India has made momentous progress in reducing multidimensional poverty, which was almost halved between 2005/6 and 2015/16, climbing down to 27.5% from 635 million poor persons to 364 million. He said that making a difference to rural poverty is the way forward to ensure people's rights, opportunities and their well being.



A scene from Open House Discussion in progress

Mr. Sinha said that in order to ensure transparency in the delivery mechanism, the government has also started geo tagging of the beneficiaries with their assets. The focus of the government programmes and schemes is to improve the lives of rural households from the prism of opportunities, human rights and poverty alleviation, which is very much in tune with the Sustainable Development Goal, SDG-17 and mostly pertains to rural development.

Mr. Sinha said that the lack of health and education facilities dominated the social sector neglect, which is now the key area of government's focus. He said that

despite Sarva Shiksha Abhiyan, the learning outcomes are not satisfactory and therefore, efforts are on to improve the situation because education holds the key to poverty alleviation. Citizen centric Apps are being developed to provide grievance redressal interface locally. Public information campaign is also being encouraged. All Gram Sabhas have been requested to put up a notice board highlighting the welfare schemes for awareness. Social audit tools have been developed, which can be used to audit any schemes.

Allocation for rural development has gone up steeply. Mr. Sinha said that Anganwadis require having their own good buildings for which the Centre is providing financial assistance but the States also need to pitch in their efforts for this. The housing in rural areas is being promoted with a human rights perspective by provisioning the construction of houses

having a dignified space of at least two rooms with an attached toilet, kitchen and a veranda in 25 sq. meters area. Employment alternatives are being worked out for the rehabilitation of manual scavengers.

Prof. Dr. Nupur Tiwari of Indian Institute of Public Administration, Delhi raised concerns on the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996, PESA. She said that the implementation of schemes is uneven across States. The role of Gram Sabha and Gram Panchayat lacks clarity. The participants generally felt that there was still a gap between the policies and implementation thereof at the ground level.

Earlier, Mr. Jaideep Govind, Secretary General, NHRC said that the Commission, through its various interventions, has been ensuring the benefits of all the welfare schemes as well as the basic amenities to the people in different parts of the country. It has also linked its online complaint registration mechanism with Common Service Centres to expand its outreach to the people and provide them various alternatives to approach the Commission in order to get redressal of their grievances related to rights violations.

Some of the important suggestions emerged during the discussions were as follows:

1. Increase the number of days of assured employment under MGNREGA with wages commensurate with the provisions of Minimum Wages Act;
2. Ensure mechanism for access to justice in rural areas;
3. Improve payment system for Anganwadi centres as a number of children still remain malnourished;
4. Road connectivity and other facilities apart, ensure availability of potable water as a major challenge;
5. Ensure rehabilitation of displaced persons;
6. Ensure that books and uniforms reach the school going children in rural areas in time and not towards the end of the academic session;
7. Give some powers, including judicial and financial to Gram Panchayats;
8. Synthesize the work related to various welfare schemes under different Ministries in a manner so as to ensure that the prospective beneficiaries do not have to run from office to office in different departments under them;
9. Constitute a special task force to indentify the places of dry latrines to end the menace of manual scavenging;
10. NHRC in collaboration with SHRC and civil society should ensure access to the grievance redressal mechanism in rural areas;
11. Eligibility criteria for providing skill development training for rural people is very high, which, specially for the rescued bonded labour, needs to be scaled down to make it useful for them;
12. Each department under various Ministries should have a rights cell;
13. Human Rights Defenders, who raise concerns on the rights violation of others, should be defended in collaboration with civil society organizations;
14. Partnership with media should be encouraged to build awareness on various welfare schemes with a rights perspective;
15. It should be ensured that the victims of Kamaiya system also get employment under MGNREGA and the benefits under skill India programme.

Besides, the NHRC Members, Mr. Justice P.C. Ghose and Mrs. Jyotika Kalra, the participants included civil society representatives, Ms. Maja Daruwala and Sanjoy Hazarika, CHRI, Mr. Surendra Kumar, AVARD, Ms. Suman, FIAN, Mr. Bejwada Wilson, Safai Karamchari Andolan, Ms. Neha Khandoori, Ms. Tina Kuriallose, Mr. Vinod Agarwal, Spl. Rapporteur, NHRC, Mr. Surajit Dey, Registrar (Law), Mr. Dilip Kumar, JS(T&R), Dr. Ranjit Singh, JS(P&A) and other senior officers of the Commission.

NHRC Workshop on elimination of bonded and child labour with focus on illegal mining in Meghalaya

The National Human Rights Commission organized a day long workshop on elimination of bonded and child labour system with focus on illegal mining at Shillong in collaboration with the Government of Meghalaya on the 8th February, 2019. Mr. Justice P.C. Ghose, Member, NHRC,



NHRC Member, Mr. Justice P.C. Ghose addressing the workshop

chaired the workshop. Mr. Prestone Tynsong, Deputy Chief Minister of Meghalaya was the Chief Guest.

The workshop assumed significance in the light of coal mining without necessary permissions in the State despite a ban by the National Green Tribunal

in 2014. Allegations of bonded child labour in these illegal mines have been a point of concern for the NHRC. The objective of the Workshop was that with the exchange of ideas and experiences, a proactive approach and measures could be adopted to sensitize all the stakeholders and raise awareness about this menace prevailing in our society.

Some of the major take away

points were:-

- i) Raise awareness and sensitization programme at grass root level;
- ii) Change of mindset and attitude towards the problem of child labour;
- iii) Involve all stake holders;
- iv) Encourage online research;
- v) Encourage registration of workers

Over 200 delegates including, among others, the State Chief Secretary and DGP, representatives of NGOs, brick kilns, stone crushing and other related industries. Academic, research scholars and Students/Research Scholars from IIM, Shillong, North-Eastern Hill University and Mahatma Gandhi University, Shillong attended the workshop.

Japanese delegation of lawyers and human rights activists visits NHRC, India

A thirteen member Japanese delegation of lawyers and human rights activists, accompanied by the representatives of Bar Association of India, visited the NHRC, India in New Delhi. They met Mrs. Jyotika Kalra, Member, NHRC and senior officers to have an understanding of the functioning of the Commission in pursuance of its mandate for the promotion and protection human rights.

During the course of interaction, the visiting delegates said that Japan does not have a Human Rights Institution like NHRC, India, though they have been demanding the one for long. Their association of lawyers and human rights activists, through

an internal mechanism, takes up the issues of human rights with the system of governance in their country. In addition to the research and training programmes of the NHRC, India, they showed keen interest in the disposal of complaints of human rights violation and investigation related to them. The compliance of most of the recommendations of the Commission by the governments was also noted

by them.

The delegation was visiting India in connection with the Law Asia



Scene from Interactive sessions with visiting Japanese delegation

Human Rights Conference, which was organized in association with the Bar Association of India in New Delhi from the 9th-10th February, 2019.

NHRC, Nepal delegation visits NHRC, India

A delegation from the National Human Rights Commission, NHRC, Nepal visited the National Human Rights Commission, India from the 4th -8th February, 2019. The seven

member delegation was led by Mr. Sudip Pathak, Commissioner and included, among senior officers, Mr. Bed Prasad Bhattarai, Secretary, Mr. Murari Prasad Kharel, Director.

and other senior officers to have an overview of the functioning of the Commission. They were further briefed by the specialist officers handling complaints, investigation, research, information technology and media related issues in the NHRC, India.

The delegation met with the NHRC, India Chairperson, Mr. Justice H.L. Dattu, Member, Mrs. Jyotika Kalra and Secretary General, Mr. Jaideep Govind

They also visited the National Commission for Women, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Minorities, National Commission for Backward Classes and National Commission for Safai Karamcharis to understand their functioning.



Visiting Nepalese delegation interacting with NHRC Chairperson, Mr. Justice H.L. Dattu

Suo Motu Cognizance

The Commission took suo motu cognizance in 16 cases of alleged human rights violations reported by media during February, 2019 and issued notices to the concerned authorities for reports. Summaries of the cases are as follows:

Death of a man after beating by police (Case No. 806/30/0/2019)

Media reported on the 11th February, 2019 that a fifty year old man died at his home on return from Raj Park Police Station in outer Delhi, where he was allegedly beaten mercilessly by police personnel for five hours till his condition deteriorated. Reportedly, the man had gone to the Police Station along with his son against whom a girl had filed a complaint. Allegedly, instead of listening to the man, the police personnel started beating him mercilessly and later asked his son to take his injured father back home.

The Commission has observed that the contents of media reports, if true, amount to violation of human rights of the victim. Accordingly, it has issued a notice to the Commissioner of Police, Delhi calling for a report in the matter along with details of the action taken against the guilty police personnel. The Chief Secretary, Government of NCT of Delhi has also been directed to submit a report regarding measures taken to provide relief to the family of the deceased.

Death of a baby due the denial of a ventilator (Case No. 316/12/37/2019)

Media reported on the 11th February, 2019 that a one-and-a-half-year-old girl died of burn injuries after she was allegedly denied a ventilator in the Bundelkhand Medical College of Sagar District in Madhya Pradesh on the 9th February, 2018. Allegedly, the doctor told her parents to arrange for the ventilator, if they wanted to save her life. As per news reports, the parents of the baby were allegedly told that the hospital did not have

the ventilator. On the other hand, the Dean of the Medical College has stated that there are 17 ventilators in the College.

The Commission has observed that the contents of the media reports, if true, amount violation of human rights of the victim. Accordingly, it has issued a notice to the Chief Secretary, Government of Madhya Pradesh calling for a report in the matter regarding action taken against the responsible doctor/staff along with the measures taken to ensure that such incidents do not recur in future.

Hooch tragedy (Case No. 51/3/7/2019)

Media reported that 143 people had died more than 300 were admitted to various hospitals after consuming toxic liquor in Golaghat and Jorhat districts of Assam on the 21st February, 2019. As per the news reports, the police authorities had expressed apprehension that the Methanol used in the hooch was the reason behind the deaths but the exact cause of death will be known only after the examinations were conducted. Reportedly, more than seven lakh liters of illegally distilled liquor had been seized in the State of Assam from April, 2016 to November, 2018.

The Commission has issued notices to the Chief Secretary, Government of Assam calling for a detailed report in the matter including action taken against the officers/officials, relief and rehabilitation provided to the victims and their dependents along with status of the medical treatment being provided to those, who are still fighting for their lives in the hospitals.

The Commission also expects from the Union Home Secretary to issue necessary directions to the Directors General of Police of all the States and UTs calling upon them to look into the matter personally and

issue relevant guidelines to enhance police patrolling and vigil in the affected areas of their respective States and take strict legal action against the culprits. If necessary, special teams at the district level be constituted to clamp down on the perpetrators of law in an effective manner.

The Commission has observed that a few days back, it had expressed concern over the death of people in hooch tragedy in Uttar Pradesh and Uttarakhand as apparently, the State authorities had failed to take effective measures and stringent action against the errant officials and the violators of law. It appears that this issue of spurious and illicit liquor is not restricted to one or two States, rather it has become a serious issue at the national level. The law is very much in existence to deal with this menace but in view of present scenario, it seems that there is a need to sensitize the police and the excise authorities in the States to be more active and vigilant so that precious human lives are not lost. An effective mechanism is required to be evolved to curb the unlawful network of spurious liquor manufacturers and distributors, who are playing with the lives of the innocent people.

Denial of basic amenities to garment industry workers (Case No. 512/22/0/2019)

Media reported on the 21st February, 2019, highlighting the plight of thousands of the workers, who are employed in a large number at garment factories and mills in different parts of Tamil Nadu. The news report revealed that many of the factories and mills in the State, which is the largest textile and garment industry hub in the country, operate informally with inferior working conditions and poor grievance mechanism for their workers. The media report was based on the interviews of some women workers, aired by three different radio stations

operated through mobile phones.

The Commission has observed that the contents of the news reports, if true, raise a serious issue of violation of human rights. Accordingly, it has issued a notice to the Chief Secretary, Government of Tamil Nadu calling for a detailed report.

It has observed that the reported denial of the basic facilities by the factory owners to their employees is not only violation of law and prescribed norms but also a serious violation of human rights. The workers have the right to dignity. Irregularities, as mentioned in the news report, are in violation of the "Clean India Campaign". The Commission has also commended the radio stations, set up across the State of Tamil Nadu, for raising such issues.

Unabated production of spurious liquor (Case No. 5768/24/51/2019)

Media reported on the 18th February, 2019, that in Pusaina village of district Mainpuri of Uttar Pradesh out of 300 families, 150 have widows, in the age of 25 to 65 years, who lost their husbands to hooch in the last 15 years. Reportedly, around 10,000 to 12,000 litres of liquor is manufactured and sold in the area every day despite police claiming to have cracked down on the illegal trade. The villagers are hesitant to say anything due to fear of the liquor mafia.

The Commission has observed that the contents of the news report, if true, indicate failure on part of the concerned authorities for not taking lawful action against the culprits forcing the distraught families to lead miserable lives violating their Rights to Life, Liberty and Dignity. Accordingly, it has issued a notice to the Chief Secretary, Government of Uttar Pradesh calling for a detailed report in the matter. The report should be comprehensive, covering the steps taken/proposed to be taken by the state agencies along with the status of benefits of the social welfare

schemes provided to the aggrieved families.

The Commission has further observed that apparently no strict action has been taken by the police authorities and the administration to curb the menace. According to the media report that in the Pusaina village there are families, which have lost more than one male member. The noxious alcoholic concoction, that sometimes comes mixed with deadly urea, battery fluid and chemicals, for an instant and extra high, is the main cause of deaths in such a large number.

The news report has also mentioned that a Social Worker, who is also member of the Bal Kalyan Samiti of Mainpuri, has insisted that there should be a rehabilitation programme in the village to end the liquor business and the widows should be provided benefit of the Government schemes but nothing has been done so far.

Hotel fire incident in Karol Bagh (Case No. 855/30/0/2019)

Media reported that about one of the deadliest fire tragedies in the capital in recent years resulting in the death of 17 people were killed at a five-storey hotel in central Delhi's Karol Bagh on the 12th February, 2018. Many of them died in their sleep, after an early morning blaze spread swiftly through AC ducts. Reportedly, the hotel owner had, apparently, carried out unauthorized construction/ modification in the building, after obtaining the clearance from the Fire Department.

The Commission has issued notices to the Chief Secretary, Government of NCT of Delhi, Commissioner of Police, Delhi and the Commissioner, North Delhi Municipal Corporation calling for a detailed report in the matter along with action taken against the errant officers/ officials along with relief and rehabilitation provided to the NOKs of the deceased and the injured persons.

The Commission also expects

from the Chief Secretary, Government of NCT of Delhi to immediately form a committee of experts to look into the matter relating to violation of norms by the hotel owners/shopkeepers and other individuals/ firms, who are conducting commercial activities in the residential colonies and encouraging encroachment of public roads by recourse to illegal parking. The Committee should examine all the issues thoroughly and submit a report along with their suggestions to streamline these areas, making them safe and worth living for the citizens.

The Commission is of the opinion that it seems the authorities have not learnt any lessons from the tragic incidents occurred in the recent past; no one appears to be bothered about the rules/ norms to be followed by the building owners and local residents. This painful incident could have been avoided, if the hotel management and the authorities concerned had acted sincerely. This is indeed a very serious case of violation of human rights.

Alleged Police inaction resulting in the murder of a woman (Case No. 777/30/0/2019-WC)

Media reported on the 8th February, 2019 that despite having lodged a complaint with the police about her harassment and blackmailing by the contractor of a shoe factory, a woman worker was stabbed to death by him in front of her house in Nagloi, Delhi on the 6th February, 2019. The Commission has issued a notice to the Commissioner of Police, Delhi calling for a detailed report in the matter. The police authorities have also been directed to provide copies of the General Diary of the police station pertaining to the dates when the accused was allegedly kept for two-three days in police lock-up.

The Commission has also asked its Director General (Investigation) to depute a team for an on the spot enquiry. The team is directed to examine all the stakeholders to obtain necessary records including relevant

portion of the General Diary of the police station.

Fire in Metro Hospital in NOIDA (Case No. 4755/24/30/2019)

Media reported on the 8th February, 2019 about a massive fire which broke out in the Intensive Care Unit (ICU) of the Metro Hospital and Heart Institute in Sector-12, Noida, Gautam Budh Nagar, Uttar Pradesh on the 07th February, 2019. Reportedly, 66 patients were admitted in the Hospital out of which 16 were in the ICU, when the fire broke out. No one was seriously injured. According to the media reports, the Hospital had been running without a fire safety license.

The Commission has issued a notice to the Chief Secretary, Government of Uttar Pradesh, calling for a detailed report in the matter. Describing the incident as grave, it has observed that it is obligatory on the part of the authorities concerned to ensure strict implementation of the relevant guidelines. They have to check that no Hospital or any other institution is allowed to function without having a proper "No Objection Certificate" from the Fire Department.

Hospital working without any paediatrician and ventilator (Case No. 314/7/15/2019)

Media reported on the 1st February, 2019 that "The Special Neonatal Care Unit (SNCU) at the General Hospital in Panipat district of Haryana was running without any paediatrician and ventilator. Three

neonates had died there on the 28th January, 2019, while 33 others in 2018. Last year saw, the unit virtually turned into a referral centre with 351 neonates referred to other hospitals due to the lack of amenities. The doctors have reportedly stated that they have no option but to refer serious patients to the other hospitals. Reportedly, the vacancy for the paediatrician's post has been advertised twice but no doctors seem to be willing to join at a monthly salary of ₹80,000/-. The commission has issued a notice to the Chief Secretary, Government of Haryana calling for a detailed report in the matter.

Sexual abuse of 15 minor girls at a Shelter Home (Case No. 308/22/39/2019)

Media reported on the 30th January, 2019 that 15 minor girls were rescued from a Shelter Home in Tiruvannamalai district of Tamil Nadu following complaints of sexual abuse against the In-charge of the Home, who was arrested under the Protection of Children from Sexual Offences (POCSO) Act. The rescued girls have been shifted to a government facility and further investigation in the case was in progress.

The Commission has observed that the contents of the news report, if true, amount to violation of human rights of the victim minor girls. Accordingly, it has issued notices to the Chief Secretary and the Director General of Police, Tamil Nadu calling for a detailed report including action

taken against the guilty and steps taken for relief, rehabilitation and counseling of the victims.

It has also observed that in the recent past, several such incidents were reported from various parts of the country, where the girl inmates had been sexually abused in custody either by the staff or the persons, who run the Shelter Homes. These incidents call for review of the monitoring mechanism by the State authorities.

Sexual exploitation of girls at a Ratlam Shelter Home (Case No. 261/12/35/2019)

The Commission has also issued a notice to the Chief Secretary, Government of Madhya Pradesh calling for a detailed report on the allegations made in media reports that girls of a Shelter Home, Kundan Kuteer Balika Grih at Jaora town in Ratlam district of the State, were being sexually exploited, assaulted and manhandled. The State Government has been asked to submit all the details regarding action taken against the culprits, steps taken for relief/rehabilitation/counseling of the victim girls.

Media reported that five inmates of the Shelter Home had escaped on the 24th January, 2019 by breaking the window of the toilet and later they were traced in Mandsaur. Three persons, including a couple, were reportedly arrested in this connection. Efforts were being made to arrest the current President of the Shelter Home, who is also an accused in the case.

NHRC spot enquiries

Following is the list of cases wherein spot enquiries were conducted by the Commission's officers in its Investigation Division:

S. No.	Case Number	Allegations	Date of visit
1.	463/24/3/2017-WC	Abduction rape and murder	05-08 February, 2019
2.	175/20/5/2014	Inaction by the State/Central Govt. Officials	7, 8, 12 to 15 February, 2019
3.	839/30/1/2019/WC	Murder	14,15,18 & 19 February, 2019
4.	777/30/0/2019-WC	Murder	18-20 February, 2019
5.	20899/24/30/2018	Abuse of Power	18-22 February, 2019
6.	408/20/2/2018	Illegal detention and subjected to custodial violence	25 Feb. to 01 March, 2019

Important Interventions

NHRC condemns killing of more than 40 CRPF personnel in a terrorist attack in Jammu & Kashmir

"The National Human Rights Commission is disturbed over the killing of more than 40 CRPF personnel in a terrorist attack on their convoy near Awantipora on the Srinagar-Jammu highway on the 14th February, 2019 and condemns it. The scourge of terrorism is one of the major factors leading to violation of human rights in our society.

The Commission firmly believes that the acts of terrorism are an anti-thesis to the struggle for protection

of human rights. A loss of life of any innocent person, whether in force or a civilian, is a matter of violation of human rights.

Being an apex institution, committed to the promotion and protection of human rights of all, the NHRC, India appeals all to stand up in condemning such incidents that lead to death and destruction in place of brotherhood, development, peace, progress and prosperity. If we can question and make the security

forces accountable for failing in their duties, we must also make those accountable, who violate the human rights of the security forces, committed towards nation building.

It is expected that the State will take note of the supreme sacrifice made by the personnel of CRPF in maintaining the rule of law and creating an environment of peace and security in the country, and the aggrieved families would be suitably compensated."

Reported ill-treatment of Kashmiri people (Case No. 177/90/0/2019)

Media reported on the 21st February, 2019 about the attacks on Kashmiri people, including students studying in various institutes at different places in the country in the aftermath of terrorist attack in Pulwama on CRPF convoy. The Commission has observed that the media reports on the incidents, if true, raise serious issue of violation of human rights. The contents therein are shocking and very disheartening.

Accordingly, it has issued notices to the Union Home Secretary and the Secretary, Union Ministry of Human Resource Development calling for reports. Notices have also been also issued to the Chief Secretaries of the Governments of Uttar Pradesh, Uttarakhand and West Bengal as well as the Commissioner of Police, Delhi calling for their reports on the incidents mentioned in the news reports.

The Commission has observed that though there is an atmosphere of grief and anger across the country after the terrorist attack on the convoy of the CRPF in Pulwama in which 42 soldiers were martyred but even in extreme situation, a civilized society cannot accept such kind of violence by the people against their fellow countrymen. Rustication, suspension or action against the students, as mentioned in the news reports, can be a matter of investigation on merits but the incidents of ill-treatment of the Kashmiri people in different parts of the country is definitely in violation of Article 14 of the Constitution of India, which protects equality before law and provides protection of laws to all within the territory of India.

It further observed that such incidents would only tarnish the image of the country. The Central Government has to act quickly by taking action against the miscreants. There is a need for sensitization of local authorities, police agencies and the general public to maintain law and order at every cost.

According to the media reports, the Union Human Resource Development Minister, Mr. Prakash Javadekar had dismissed reports of alleged harassment of Kashmiri students outside their State in the wake of Pulwama terror attack and said that the government is in touch with all the institutions in this regard. However, it has also been reported that two Dehradun based educational institutions had stated on record that they will not admit Kashmiri students in future, as they were threatened by the mob. At least 10 Kashmiri students had been booked and around 20 suspended or rusticated from colleges across the country for, what the officials called, "anti-national" social media posts. One of the colleges suspended its Dean from Jammu & Kashmir as the mob asked to do it.

NHRC condemns killing of a Pakistani prisoner by fellow inmates in Jaipur Central Jail (Case No. 435/20/14/2019-AD)

Media reported on the 21st February, 2019 that a Pakistani national, serving life sentence in the Jaipur Central Jail, Rajasthan, was killed allegedly in a brawl with four inmates over the volume of a

television set. Describing the incident as inhuman, the Commission has said that it condemns all such incidents and has called for stringent action against the miscreants to ensure that the Right to Life of the prisoners is

not violated while they are in lawful judicial custody. Accordingly, the Commission has issued notices to the Chief Secretary and the Director General (Prisons), Rajasthan calling for reports.

The Commission, on the basis of the media reports, has also held that the authorities are expected to take immediate precautionary measures in the jails, where Pakistani nationals are lodged in the wake of prevailing atmosphere. It has also directed its Registry to send a copy of the proceeding in this matter to the Chief Secretaries of all the States and UTs across the country for strict compliance and taking necessary action.

The Commission has observed that it is immaterial whether the victim was an Indian citizen or a foreigner, he was a human being and the Apex Court has also held, in the case of Charles Shobraj vs. Superintendent of Central Jail, Tihar, that imprisonment does not spell farewell to fundamental rights

guaranteed under the Constitution of India. Once, someone is kept in the custody of the State, it is duty bound to ensure his safety and security, being a lawful custodian.

The Commission has also noted the reported allegations, leveled by the Pakistan government, that the inmate was killed in retaliation to Pulwama attack and the reported denial of the same by the State prison authorities. However, it has pointed out that keeping in view the timing of the incident, the allegations are required to be looked into thoroughly.

The Commission has further observed that there had been many instances in India as well as Pakistan, when citizens of the other countries were targeted by the native prisoners due to anger and hatred. One Indian

citizen, Sarabjit Singh, who was serving sentence in a Pakistan jail was also attacked in a similar manner and later he succumbed to injuries during the course of treatment. These kinds of incidents may aggravate the grim situation violating human rights of the innocent citizens and, particularly those, who are in jails.

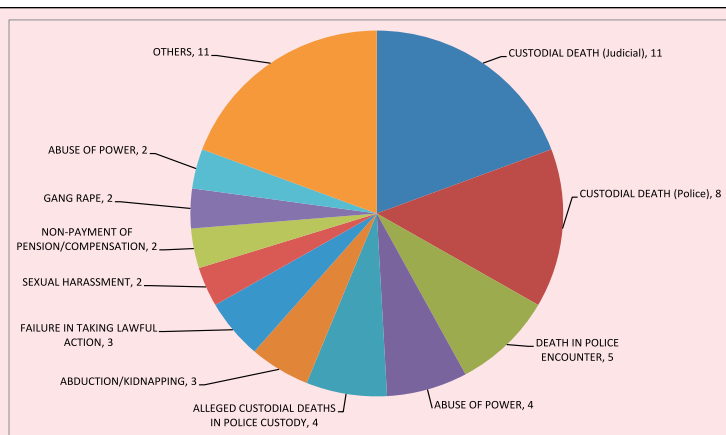
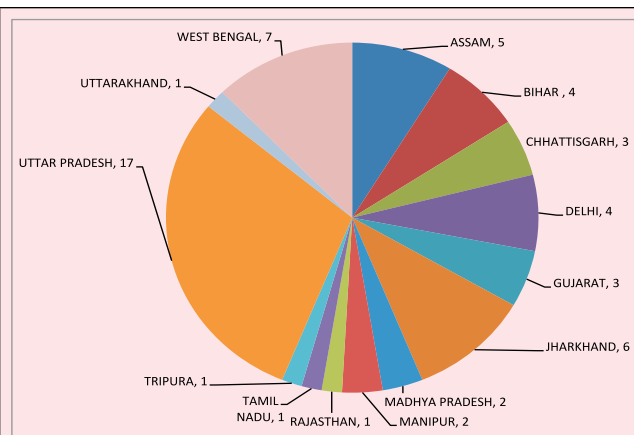
According to the media reports, the victim, a resident of Sialkot in Pakistan, was arrested in the year 2011 under Unlawful Activities (Prevention) Act and he was serving a life sentence in the jail. Quoting Rajasthan police sources, it was also reported that an investigation into the killing will be conducted under the guidelines issued by the National Human Rights Commission and that an FIR u/s 302 IPC had been registered.

Recommendations for relief

Apart from the large number of cases taken up daily by individual Members, 15 cases were considered during 01 sitting of the Full Commission and 88 cases were taken up during 04 sitting of Divisional Bench in February, 2019. On 57 cases, the Commission recommended monetary relief amounting to a total of ₹15755000/- 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 details of these cases can be downloaded from the complaints section of the NHRC website by logging the case number given in the table below:**

Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1.	9669/24/65/2018	CHILDREN	100000	UTTAR PRADESH
2.	31960/24/43/2016	SEXUAL HARASSMENT	200000	UTTAR PRADESH
3.	36044/24/23/2017	SEXUAL HARASSMENT	300000	UTTAR PRADESH
4.	7023/24/23/2014	DISAPPEARANCE / MISSING	25000	UTTAR PRADESH
5.	43766/24/10/2015	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	UTTAR PRADESH
6.	222/3/24/2015-JCD	CUSTODIAL DEATH (Judicial)	500000	ASSAM
7.	2878/4/26/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	BIHAR
8.	345/33/14/2016-JCD	CUSTODIAL DEATH (Judicial)	200000	CHHATTISGARH
9.	4763/30/0/2017-JCD	CUSTODIAL DEATH (Judicial)	200000	DELHI
10.	789/6/25/2013-JCD	CUSTODIAL DEATH (Judicial)	500000	GUJARAT
11.	917/34/11/2013-JCD	CUSTODIAL DEATH (Judicial)	200000	JHARKHAND
12.	14047/24/7/2016-JCD	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
13.	33404/24/3/2012-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
14.	40341/24/31/2015-JCD	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
15.	7072/24/1/2016-JCD	CUSTODIAL DEATH (Judicial)	500000	UTTAR PRADESH
16.	1722/25/13/2015-JCD	CUSTODIAL DEATH (Judicial)	200000	WEST BENGAL
17.	669/25/22/2017-DH	DEATH IN HOMES	200000	WEST BENGAL
18.	1430/34/6/2013	ABDUCTION/KIDNAPPING	300000	JHARKHAND
19.	22909/24/1/2015	ABDUCTION/KIDNAPPING	10000	UTTAR PRADESH
20.	30658/24/51/2015	ABDUCTION/KIDNAPPING	50000	UTTAR PRADESH
21.	212/30/6/2017	ABUSE OF POWER	10000	DELHI
22.	875/34/2/2015	ABUSE OF POWER	25000	JHARKHAND
23.	6591/24/79/2013	ABUSE OF POWER	10000	UTTAR PRADESH
24.	1345/25/5/2014	ABUSE OF POWER	50000	WEST BENGAL
25.	441/3/15/2014-PCD	CUSTODIAL DEATH (Police)	300000	ASSAM
26.	559/3/7/2014-PCD	CUSTODIAL DEATH (Police)	200000	ASSAM
27.	99/3/4/2015-PCD	CUSTODIAL DEATH (Police)	200000	ASSAM
28.	2921/4/36/07-08-PCD	CUSTODIAL DEATH (Police)	500000	BIHAR
29.	3400/30/5/2013-PCD	CUSTODIAL DEATH (Police)	300000	DELHI
30.	1115/6/23/2015-PCD	CUSTODIAL DEATH (Police)	500000	GUJARAT
31.	1695/12/4/2017-PCD	CUSTODIAL DEATH (Police)	100000	MADHYA PRADESH
32.	1994/25/19/2015-PCD	CUSTODIAL DEATH (Police)	500000	WEST BENGAL

Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
33.	254/33/18/2013-ED	DEATH IN POLICE ENCOUNTER	500000	CHHATTISGARH
34.	611/33/0/2013-ED	DEATH IN POLICE ENCOUNTER	500000	CHHATTISGARH
35.	393/34/10/2013-ED	DEATH IN POLICE ENCOUNTER	500000	JHARKHAND
36.	3048/12/18/2014-ED	DEATH IN POLICE ENCOUNTER	1000000	MADHYA PRADESH
37.	116/14/15/2012-ED	DEATH IN POLICE ENCOUNTER	500000	MANIPUR
38.	55/14/15/2012-AFE	ALLEGED FAKE ENCOUNTERS	500000	MANIPUR
39.	5161/30/0/2017	FAILURE IN TAKING LAWFUL ACTION	25000	DELHI
40.	41624/24/28/2014	FAILURE IN TAKING LAWFUL ACTION	50000	UTTAR PRADESH
41.	1111/35/12/2014	FAILURE IN TAKING LAWFUL ACTION	25000	UTTARAKHAND
42.	29000/24/71/2015	ILLEGAL ARREST	50000	UTTAR PRADESH
43.	1035/6/25/2015	POLICE MOTIVATED INCIDENTS	1100000	GUJARAT
44.	1414/20/2/2017	VICTIMISATION	50000	RAJASTHAN
45.	199/4/25/2012-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	BIHAR
46.	1008/22/13/2014-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	100000	TAMIL NADU
47.	40/23/4/2014-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	TRIPURA
48.	1628/25/4/2012-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	WEST BENGAL
49.	490/4/30/2016	NON-PAYMENT OF PENSION/COMPENSATION	25000	BIHAR
50.	1007/34/2/2016	NON-PAYMENT OF PENSION/COMPENSATION	50000	JHARKHAND
51.	943/34/3/2014-WC	GANG RAPE	100000	JHARKHAND
52.	8988/24/61/2014-WC	GANG RAPE	25000	UTTAR PRADESH
53.	4577/24/38/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	500000	UTTAR PRADESH
54.	126/3/0/2013-AF	CUSTODIAL DEATH (Defence)	1000000	ASSAM
55.	1417/25/15/2016-PF	ABUSE OF POWER	25000	WEST BENGAL
56.	983/25/15/2016-PF	ABUSE OF POWER	50000	WEST BENGAL
57.	42747/24/25/2016	VICTIMISATION	300000	UTTAR PRADESH

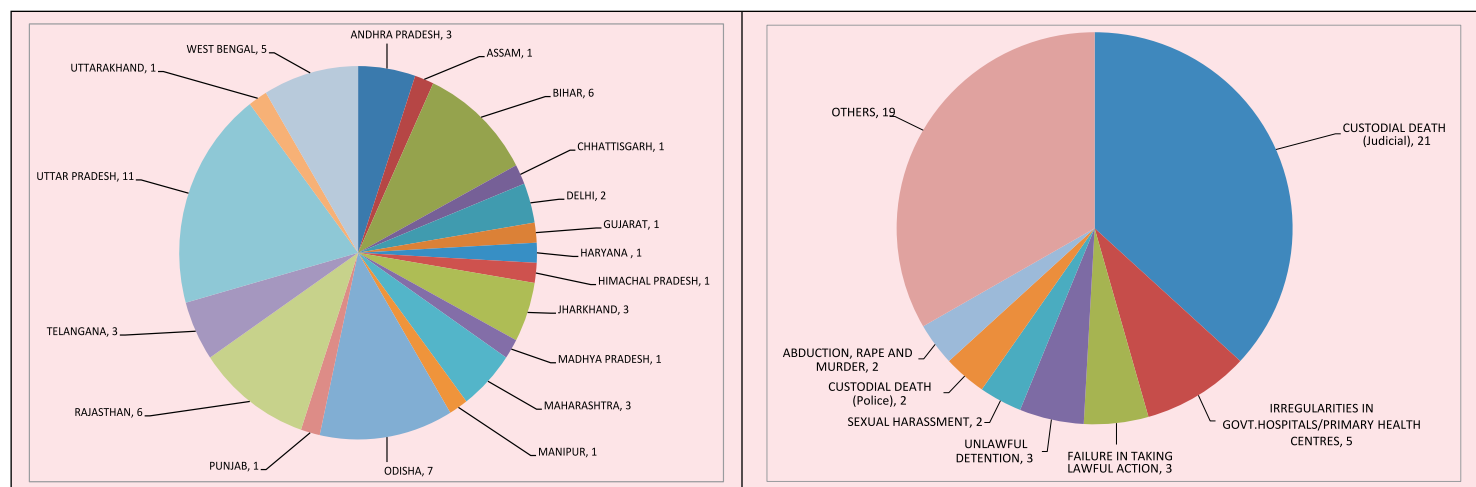


Compliance with NHRC recommendations

In February, 2019 the Commission closed 57 cases on receipt of compliance reports from different public authorities, furnishing proof of payments, it had recommended, totalling ₹27800000/- the victims of human rights violations or their next of kin. **The details of these cases can be downloaded from the complaints section of the NHRC website by logging the case number given in the table below:**

Sl. No	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1.	3712/18/16/2013	CHILDREN	440000	ODISHA
2.	1669/12/7/2017	SEXUAL HARASSMENT	200000	MADHYA PRADESH
3.	112/25/18/2016	SEXUAL HARASSMENT	300000	WEST BENGAL
4.	1471/34/1/2015-DH	DEATH OF CHILD STAYING WITH FEMALE PRISONER IN JUDICIAL CUSTODY	200000	JHARKHAND
5.	351/6/3/2010	PUBLIC HEALTH HAZARDS	18300000	GUJARAT
6.	130/34/6/2014	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	JHARKHAND
7.	138/8/2/2014	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	200000	HIMACHAL PRADESH
8.	3143/13/23/2013	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	200000	MAHARASHTRA
9.	1760/18/24/2014	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	100000	ODISHA
10.	3726/18/12/2013	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	100000	ODISHA
11.	4018/18/11/2014	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	370000	ODISHA
12.	1027/1/19/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	ANDHRA PRADESH
13.	1086/1/24/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	ANDHRA PRADESH
14.	1183/1/4/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	ANDHRA PRADESH
15.	601/3/11/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	ASSAM
16.	1902/4/9/2012-JCD	CUSTODIAL DEATH (Judicial)	300000	BIHAR
17.	2198/4/7/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	BIHAR

Sl. No	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
18.	3694/4/32/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	BIHAR
19.	409/4/23/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	BIHAR
20.	180/33/5/2015-JCD	CUSTODIAL DEATH (Judicial)	200000	CHHATTISGARH
21.	4910/30/9/2013-JCD	CUSTODIAL DEATH (Judicial)	50000	DELHI
22.	276/34/21/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	JHARKHAND
23.	2866/13/30/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	MAHARASHTRA
24.	1413/20/15/2015-JCD	CUSTODIAL DEATH (Judicial)	200000	RAJASTHAN
25.	1330/1/7/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	TELANGANA
26.	624/1/12/2013-JCD	CUSTODIAL DEATH (Judicial)	200000	TELANGANA
27.	838/1/14/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	TELANGANA
28.	10040/24/7/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
29.	12034/24/12/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
30.	30217/24/2002-2003-CD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
31.	44873/24/14/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
32.	9245/24/14/2013-jcd	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
33.	3193/4/23/2015-JCR	CUSTODIAL RAPE (Judicial)	300000	BIHAR
34.	4942/18/21/2013-AD	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	100000	ODISHA
35.	49661/24/77/2014	TROUBLE BY ANTI-SOCIAL ELEMENTS	25000	UTTAR PRADESH
36.	33200/24/5/2013	ABDUCTION/KIDNAPPING	25000	UTTAR PRADESH
37.	17307/24/57/2015	ABUSE OF POWER	25000	UTTAR PRADESH
38.	2418/30/7/2010-PCD	CUSTODIAL DEATH (Police)	500000	DELHI
39.	1625/25/13/2012-PCD	CUSTODIAL DEATH (Police)	100000	WEST BENGAL
40.	1285/20/14/2014	CUSTODIAL TORTURE	100000	RAJASTHAN
41.	23/14/12/2014-ED	DEATH IN POLICE ENCOUNTER	500000	MANIPUR
42.	98/19/21/2013	FAILURE IN TAKING LAWFUL ACTION	100000	PUNJAB
43.	1754/20/5/2015	FAILURE IN TAKING LAWFUL ACTION	50000	RAJASTHAN
44.	8998/24/9/2014	FAILURE IN TAKING LAWFUL ACTION	25000	UTTAR PRADESH
45.	15122/24/43/2013	UNLAWFUL DETENTION	10000	UTTAR PRADESH
46.	546/25/14/2014	UNLAWFUL DETENTION	100000	WEST BENGAL
47.	546/25/14/2014	UNLAWFUL DETENTION	100000	WEST BENGAL
48.	2497/20/5/2011-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	200000	RAJASTHAN
49.	3987/18/8/2014	OTHER SERVICE DISPUTES	200000	ODISHA
50.	64/20/30/2015-WC	ABDUCTION, RAPE AND MURDER	25000	RAJASTHAN
51.	8447/24/51/2013-WC	ABDUCTION, RAPE AND MURDER	10000	UTTAR PRADESH
52.	2916/35/12/2015-WC	DOWRY DEATH OR THEIR ATTEMPT	200000	UTTARAKHAND
53.	6192/7/21/2014-WC	INDIGNITY OF WOMEN	20000	HARYANA
54.	1745/20/3/2015-WC	RAPE	25000	RAJASTHAN
55.	102/13/13/2014-WC	SEXUAL HARASSMENT AT WORKPLACE (GOVT.OFFICES)	100000	MAHARASHTRA
56.	5254/18/27/2016	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300000	ODISHA
57.	1929/25/8/2015	ATROCITIES BY CUSTOM/EXCISE/ENFORCEMENT/FOREST/INCOME-TAX Deptt., etc. OF CENTRAL/STATE Govts.	200000	WEST BENGAL



Snippets

Visits to the NHRC, India

The following delegations visited the NHRC, India during the month of February, 2019 to understand its functioning. They are follows:

1. Delegation consisting of 147 students and 02 Faculty Members of the Indian Institute of Legal Studies, Darjeeling, West Bengal
2. Delegation consisting of 40 students and 03 Faculty Members of the Lokmanya Tilak College, Pune, Maharashtra
3. Delegation consisting of 60 students and 01 Faculty Member of the Gitarattan International Business School, Delhi

NHRC notice to cops on Nangloi

NHRC responds to Human Rights Defenders complaints

On the 12th February, the NHRC focal point for human rights defenders received a communication from a human rights defender, Mr. Shekhar Srivastava of Bokaro, Jharkhand, apprehending threat to his life. The matter was immediately taken up with the SSP, Bokaro for providing protection to him, if the circumstances warranted so.

Another call was received on 18th February, 2019 from Ms. Sangita Chakroborty, a human rights defenders, alleging that she was illegally detained at Police Station Ausgram, Burdwan, West Bengal. The matter was immediately taken up with SP, Burdwan for immediate appropriate action in the matter.

Human Rights and NHRC in News, February, 2019

During the month of February, 2019, the Media & Communication Wing prepared 19 press releases based on the proceedings of the Commission in different cases. Total 1271 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 16 incidents of alleged human rights violations were brought to the notice of the Commission, which it considered and found fit for suo motu cognizance. 163 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.

Other important visits/seminars/programmes/conferences

Event	Delegation from NHRC
Visit to Hamsadwani School for Deaf Children and Manasa Kendra for Mentally ill persons, Indiranagar, Bengaluru on 7 th February, 2019	Mr. Justice H.L. Dattu, Chairperson, NHRC

Complaints received/processed in February, 2019 (As per an early estimate)

Number of fresh complaints received in the Commission	7,169
Number of cases disposed of including fresh and old	7,783
Number of cases under consideration of the Commission including fresh and old	20,203

Important Telephone Numbers of the Commission:

Facilitation Centre (Madad) : 011-2465 1330
For Complaints : Fax No. 011-2465 1332

Other Important E-mail Addresses

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

Focal point for Human Rights Defenders

Mobile No.: 9810298900, 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 organizations are welcome to reproduce material of the Newsletter and disseminate it widely acknowledging the NHRC.

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