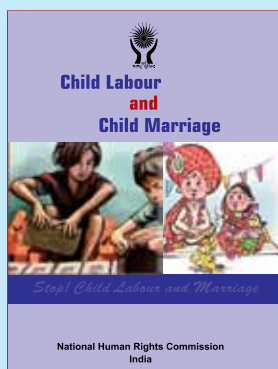
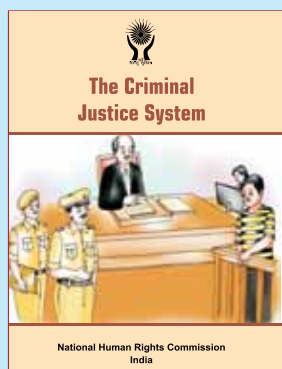
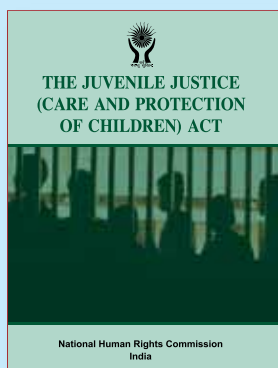
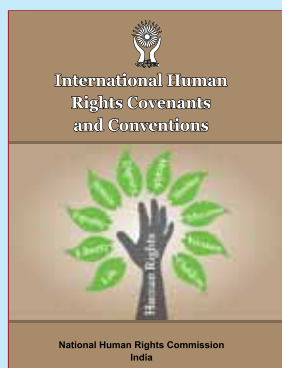
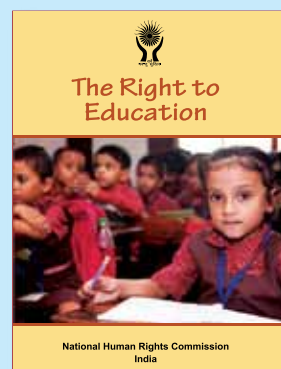
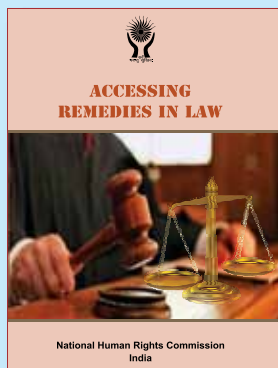
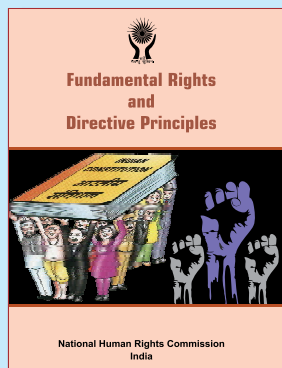




HUMAN RIGHTS NEWSLETTER

A Monthly Publication of the
National Human Rights Commission, India

NHRC booklets for
rights' awareness



Inside

■ NHRC, India attends 10 th Session of the UN General Assembly's...	2	■ Compliance with NHRC recommendations	9
■ Open House Discussion on the 'Right to Food and Nutrition'	3	■ NHRC visits IHBAS, Dilshad Garden, Delhi	10
■ NHRC releases booklets on ten subjects with a human rights perspective	4	■ Mr. Justice Prafulla Chandra Pant joins as Member, NHRC	10
■ NHRC research project on 'Status of human rights education in...	5	■ Dr. Dnyaneshwar Manohar Mulay joins as Member, NHRC	11
■ Suo Motu Cognizance	6	■ Human Rights and NHRC in News, April, 2019	12
■ NHRC spot enquiries	8	■ Complaints received/processed in April, 2019	12
■ Recommendations for relief	8		

"Education is the most powerful weapon which you can use to change the world" - Nelson Mandela

NHRC, India attends 10th Session of the UN General Assembly's Open-ended Working Group on Ageing

A delegation from the National Human Rights Commission, India comprising Mr. Justice H.L. Dattu, Chairperson, NHRC and Mr. Jaideep Govind, Secretary General, NHRC attended the 10th Session of the UN Open-ended Working Group on Ageing (OEWGA) in New York from 15th-18th April, 2019. The aim of the Session was to provide substantive inputs on the two focused areas, namely, "Education, Training, Life-long Learning and Capacity Building" and "Social Protection and Social Security (including social protection floors)".

The Working Group on Ageing was established by the General Assembly by resolution 65/182 on 21st December 2010. It is mandated to examine the existing international framework of the human rights of older persons and identify possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures.

Addressing the opening Session, Ms Amal Abou Rafeh, Chief, Programme on Ageing, UN Department of Economics and Social Affairs introduced the subject and spoke at length about the challenges that lie ahead.

Mr. Justice H.L. Dattu, Chairperson, NHRC, India, during the deliberations, emphasized the need of the protection of elderly persons by providing basic amenities like shelter, food, medical care, maintenance and protection against abuse. He said that the Constitution of India guarantees equality before law, equal protection of laws and non-discrimination to all persons, without exception.

Mr. Jaideep Govind, Secretary

General, NHRC, India spoke in the first Session on the Agenda Item 6: "Focus Area : Education, Training, Life-long Learning and Capacity Building" on 16th April, 2019. He said that the NHRC, India in accordance with the mandate provided under the PHR Act, 1993 has been monitoring the status of the rights of older persons, particularly on the issues of equality and non-discrimination as



From R to L : NHRC Chairperson, Mr. Justice H.L. Dattu and Secretary General, Mr. Jaideep Govind at the 10th session of OEWGA in New York

well as violence, neglect and abuse. It monitors aspects concerning social protection, security, health-care, access to socio-economic programmes and other rights and entitlements of older persons.

Further, in his intervention, the Secretary General stated that the life-long learning is also a cherished goal of the Sustainable Development Agenda. He informed the gathering that in order to contribute to the Life-long Learning process, India, in the year 1966, formed the **Indian Education Commission**, which stated that *"Education does not end with schooling, but is a lifelong process. The adult needs an understanding of the rapidly changing world and the growing complexities of society."* However, it remained dominated by the concept of adult literacy.

He said that continuing its efforts

in the Life-long Learning process, the Government of India introduced in 1988 the **National Literacy Mission** to eradicate illiteracy; and in 1992, the **National Policy on Education** to provide a policy framework of the education system. **Continuing Education (CE) Programme** was launched to achieve the policy goals aimed to cater to the diverse learning needs and to create life-long learning environment. With a view to expand the scope of the CE Programme, Life-long Education and Awareness Programme Centres were designated in 2007.

He said that another variant of the National Literacy Mission was launched in the form of **Sakshar Bharat**, which provided functional literacy to non-literate and facilitated skill development and opportunities for neo-literates. In its efforts in the direction of life-long learning process, the Indian Government initiated the capacity building of the aged persons through **Integrated Programme for Older Persons, 2011 (revised in 2016)**. **The University Grants Commission (UGC)** – the highest statutory body of higher education in India – formulated the **Guidelines on Life-long Learning and Extension**.

While participating in the Second Session, the Secretary General, NHRC stated that in India, there is a growing concern of demographic ageing in spite of the phase of demographic dividend. The Government of India, acknowledging the need to formulate policies and programmes for elderly persons, took the first major initiative through the **National Policy on Older Persons (NPOP), 1999 (revised in 2016)**, **National Council for Senior Citizens (NCSrC)**

for formulation and implementation of the programmes for the elderly persons, the **Maintenance and Welfare of Parents and Senior Citizens Act, 2007, National Programme for Health Care of the Elderly (NPHCE), Ayushman Bharat**, a health insurance scheme, launched in 2018 in order to provide healthcare facilities to the left-out especially women, children and the elderly without having put a cap on the family size and age. Information was also given about **Senior Citizen's Welfare Fund** established for promoting financial security, welfare of elderly widows, nutrition of senior citizens, old age homes, short stay homes and day care for senior citizens. The Secretary General also made a brief mention of the **Integrated**

Programme for Senior Citizens, National Old Age Pension Scheme, 2007 and Annapurna Scheme to provide financial assistance and food security to Below Poverty Line (BPL) elderly persons. The audience was also briefed about the **Rashtriya Vayoshri Yojana (RVY)** of the Government of India to cater to the need of assistive technology and aids of senior citizens, especially senior citizens with disability.

The Secretary General highlighted that the Commission on its part is keeping a close watch on the implementation aspects of various programmes to ensure that the benefits reached the targeted needy. The Commission has a Core Group on Disability and Elderly Persons to assist it in review and enforcement

of the existing laws and Government policies. In 2018, the Core Group recommended the concerned Union Ministries of the Government to revise old age pension; nomination of a police official as a Nodal Officer in every police station for dealing with the issues concerning elderly persons; and replication of the Switzerland's "Time Bank Scheme". The representatives of UN, State Parties, NGOs and other NHRIs made presentations and shared their best practices and elaborated the areas and issues where further protection and action is needed.

The details of the agenda deliberations and video link to the presentation made by NHRC, India are available at <https://social.un.org/ageing-working-group/>.

Open House Discussion on the 'Right to Food and Nutrition'

The National Human Rights Commission, India held an open house discussion on the "Right to Food and Nutrition" at its premises on the 12th April 2019. The aim was to review the status of the National Food Security Act, 2013, identify gaps in its effective implementation and recommend remedial measures. Chairing the discussion. Mr. Justice H.L. Dattu, Chairperson, NHRC said that Article 21 read with Article 47 of the Constitution of India make the State duty bound towards its obligation in effective realization of right to food of the citizens of the country. He highlighted that although in recent period, India has made a faster economic growth, the nutritional status among women & children remains a matter of concern.

Justice Dattu dwelt upon the challenges in realization of right to food of the citizens of the country in terms of inaccurate identification of household leakages in food grains delivery system, shortfall in storage capacity with FCI etc. He apprised the participants that the NHRC has been emphasizing on the proper implementation of National Food Security Act, 2013 and also the

flagship schemes of the government, namely, ICDS and Mid-day Meal schemes.

Earlier, Mr. Jaideep Govind, Secretary General, NHRC said that the right to food is intrinsic to living a life with dignity and it includes proper emphasis on adequate nutrition content, which must be met and not remain a theoretical concept. He said that although a wide spectrum of national programmers/schemes such as NFSA, NDM, ICDS, POSHAN Abhiyan have contributed towards improved nutrition outcomes, yet the pace of decline of nutritional status is far below what numerous countries with similar growth trajectories to India have achieved.

The representatives from NGOs and subject experts expressed their concern on varied issues pertaining to the implementation of the National

Food Security Act in line with Public Distribution System and Integrated Child Development Services (ICDS) which included, among others; Inclusion and exclusion errors in the identification of beneficiaries under Public Distribution System (PDS); Marginal rise in total distribution of



NHRC Chairperson, Mr. Justice H.L. Dattu chairing the 'Open House Discussion'

food grains under the PDS from 51.4 million tons to 55 million tons; Need for distributing millets through the PDS; Evaluation of PDS at regular intervals; Weak grievance redressal mechanism under the National Food Security Act, 2013; Ensuring food grains to extreme vulnerable group especially tribals; Provision of culturally appropriate food to the poor under

PDS; Poor functioning of biometric authentication; Social audits; Coverage for the homeless children under the ICDS; ICDS to shift its focus on children under three; Quality of food grains being provided under the PDS; Restricting of maternity entitlements under the Pradhan Mantri Matritva Vandana Yojana to first child, etc.

Mr. Ravikant, Secretary, Department of Food and Public Distribution, Union Ministry of Consumer Affairs and Public Distribution and Dr. Rajesh Kumar, Joint Secretary, Union Ministry of Women and Child Development, apprised the participants of the initiatives taken by their respective Ministries to address the problem of food security and malnutrition.

Post intensive discussion, the following recommendations were made:

I. Distribution of millets through the PDS: Public Distribution System being the single largest mechanism to reach the most vulnerable population, there should be a mechanism in place for distribution of millets under this System to address the issue of nutritional security.

II. ICDS to shift its focus on children under three: The ICDS programme targets children mostly after the age of three, when malnutrition has already set in. It does not focus on the critical age group of children under three years. It is suggested that the ICDS should focus on the children under the age of three so that health and nutrition interventions could be most effective.

III. Ensuring food security to extreme vulnerable population especially the tribals: Ration should be ensured to the extreme vulnerable group, especially the tribals/adivasis and the receipt of ration by such groups must be available in the public domain in order to ensure transparency in the PDS.

IV. Providing culturally appropriate food to the poor under the PDS: There is a need that culturally appropriate food, which will satisfy the nutritional and dietary needs of individuals may be provided under the PDS.

V. Maternity Entitlements under NFS Act 2013: Maternity entitlements under NFSA must be provided to all pregnant and

lactating women, without any conditionalities.

The participants included, among others, Mrs. Jyotika Kalra, Member, Mr. Jaideep Govind, Secretary General, Mr. Ravikant, Secretary, and Ms. Manisha Sen Sharma, Economic Advisor, Department of Food and Public Distribution, Ministry of Consumer Affairs and Public Distribution, Dr. Rajesh Kumar, Joint Secretary, Ministry of Women and Child Development, Ms. Ankita M. Bundela, Secretary-cum-Commissioner, Food Supplies and Consumer Affairs, Government of NCT Delhi, Mr. Shashank, Joint Director, Department of Social Welfare, GNCT of Delhi, representatives of NGOs and civil society organizations working at the grassroots level and the subject experts such as Dr. N.C. Saxena, Former Secretary to GOI, Planning Commission, Prof. K.B. Saxena, Council for Social Development also attended the programme. NHRC officers, Mr. Prabhat Singh, Director General(I), Mr. Dilip Kumar, Joint Secretary (T & R), and Dr. M.D.S. Tyagi, Joint Director (Research) were present.

NHRC releases booklets on ten subjects with a human rights perspective

The National Human Rights Commission, NHRC, India has published a series of ten booklets on specific rights issues to generate awareness in society. Each booklet, in the first phase of the series, seeks to give information about a specific right with a human rights perspective and remedies available for redressal of violations thereof. The booklets were released by Mr. Justice H.L. Dattu, Chairperson, NHRC on the occasion of 'Open House Discussion' on the right to food and nutrition on the 12th April, 2019.

The booklets are :



NHRC Chairperson, Mr. Justice H.L. Dattu, Member, Mrs. Jyotika Kalra, Secretary General, Mr. Jaideep Govind and Mr. Prabhat Singh, Director General (I) releasing the booklets

• Rule of Law	• Accessing Remedies in Law
• The Right to Information	• The Juvenile Justice Act
• Fundamental Rights and Directive Principles	• Child Labour and Child Marriage
• International Human Rights Covenants and Conventions	• The Right to Education
• The Criminal Justice System	• Protection of Children from Sexual Offences (POCSO)

The booklets have been structured to deal with appropriate attitude towards the issue (respect for right), explanation of rights (knowledge of law) and tips on how to use the law (knowledge and skills to secure rights). These booklets have been developed in collaboration with an NGO, Multiple

Action Research Group (MARG) as part of a project.

Under this, the Commission will release total 27 booklets relating to various rights issues. The other issues on which the booklets are being prepared include, bonded labour, rights of elderly persons, rights of

the disabled, right to healthcare, reproductive rights and allied issues, domestic violence, rights of indigenous people, rights of LGBTQI, sexual offences, constitutional rights, right to food, right to shelter, etc.

NHRC research project on 'Status of human rights education in Colleges and Universities'

The National Human Rights Commission, India entrusted a research study titled "Status of Human Rights Education in Colleges and Universities" to the Centre for Research in Rural and Industrial Development (CRRID), Chandigarh.

The objectives of the study were: (i) examine critically the implications of human rights movement on policy formulations, especially with regard to higher education system in India; (ii) make an assessment about the availability of courses on human rights in the higher education system; (iii) examine the problems involved in students gaining access to higher education, especially courses on human rights; (iv) assess the existing course contents on human rights education, at different levels ranging from graduation to post-doctorate in the area of Social Sciences, (vii) explore the prospects of introducing teaching and research in human rights education in the curricula of Social Science disciplines in Central and State Universities affiliated colleges and Research Institutions.

Out of 789 Universities and Colleges across India, 65, which run courses on human rights, were selected for the purpose of the study. Besides these, another 65 institutions were also consulted for comparative analysis wherein no such courses are being offered. The primary data was collected through face-to-face interaction/interview with relevant stakeholders including Deans, Heads of Departments/Centres, Directors, Dy. Directors, Principals, Senior Faculty, Researchers and Students. *Focused Group Discussions (FGDs)* were also

conducted with students regarding prospects and challenges of the contemporary trends in the human rights education.

Some of the major recommendations emanated from the research project are as under:

1. The provision for financial assistance to Universities and Colleges for Human Rights Education (HRE) should be separated from General Assistance (GDA) and there should be exclusive, adequate and sustainable financial assistance to the colleges and universities for promotion of HRE.
2. Financial assistance to the two nodal centres (Central University of Hyderabad and Tata Institute of Social Sciences (TISS) at Mumbai) should be reinstated with provisions of recruitment and maintenance of teaching and support staff. As envisioned during the XIth Plan, the remaining four nodal centres should be established as soon as possible in different parts of the country.
3. To promote employment in Universities and Colleges, applicants with human rights background should be given weightage and priority in recruitments in departments offering HRE. Even if a faculty from other social science discipline is recruited, there should be compulsory provision for obtaining a suitable degree in human rights within a specified period. Doing so, would not only ensure specialized and

motivated teaching atmosphere in human rights, but also provide employment avenues to students and researchers in human rights.

4. There should be a national level online freely accessible data bank with sufficient information about the availability and nature of courses at various levels in the country. Provisions could also be made for students with degrees in human rights to register themselves so that employer could directly approach them.
5. UGC offers National Eligibility Test (NET) in human rights, which allows post-graduate students to be eligible for employment in Universities and Colleges. Similarly, the Union Public Service Commission and State Service Commissions should introduce Human Rights subject in their competitive exams so that the respective Commissions get its young officials already trained in human rights issues.
6. There should be a compulsory course/paper on human rights in all orientation programmes for new employees in public and private sector. The duration and content of the course may be determined on the basis of the nature of the employment.
7. The perception about the course that it lacks employment opportunity needs urgent attention. Attempts should be made not only on increasing the number of courses and students but also on the gradual seeding of human rights education in the

- educational institutions to learn and understand and promote human rights in the society.
8. Universities and Colleges of excellence should be allowed the flexibility to design and offer courses on human rights that are more pertinent to the needs of

that specific area, rather following a top down universal curriculum.

9. The Government of India has so far not participated in any of the assessment calls by United Nations' World Programme for Human Rights Education at several occasions. It is thus needed that

information based on credible assessment of the status of human rights education in higher educational institutions in India is appropriately recorded and made accessible for academic scrutiny and analyses.

Suo Motu Cognizance

The Commission took suo motu cognizance in 12 cases of alleged human rights violations reported by media during April, 2019 and issued notices to the concerned authorities for reports. Summaries of the cases are as follows:

Collapse of the part of civil hospital roof top (Case No. 951/7/5/2019)

The media reported that in Gurugram, Haryana 16 newborn babies had a narrow escape after a part of the ceiling of the government hospital came off. Though, there were no injuries to the babies but the incident has exposed the risk to the patients in the civil hospital building, which had already been deemed dangerous by the agencies concerned as on multiple occasions, the slabs had fallen off.

The Commission has issued a notice to the Chief Secretary, Government of Haryana calling for a detailed report in the matter. It has observed that apparently, a crucial project of shifting the hospital to a new building and arrangement of a proper building for the school students has been recklessly ignored by the administration. The State is responsible to ensure best medical care, education, safety and security to its citizens. This is a fit case of violation of human rights due to negligence by the civic authorities.

Suicide by a prisoner (Case No. 950/7/5/2019-AD)

The media reported that a 24-year-old inmate lodged in Bhondsi Jail of Gurugram, Haryana, allegedly, committed suicide by hanging himself inside the washroom of the jail on the

25th April, 2019. It has issued a notice to the Director General of Prisons, Haryana calling for a detailed report in the matter. The Commission has observed that the contents of the media report, carried on the 26th April, 2019, if true, amount to violation of the Right to Life of the prisoner while in the custody of the State. The Commission has also observed that despite its guidelines, it has not received any intimation from the Jail or the State authorities regarding this custodial death.

Police action injuring many lawyers (Case No. 771/25/9/2019)

The media reported that as many as 20 persons, including the Civic Agency staff and the lawyers received head injuries in police action in Howrah, West Bengal on the 24th April, 2019. Reportedly, demanding action against the police personnel, the Bar Council of West Bengal observed black day throughout the State and resolved to cease the work till 29th April, 2019 in solidarity with the lawyers of Howrah. According to media reports, the incident happened following the lawyers' faceoff with the Howrah Municipal Corporation staff over parking.

The Commission has issued a notice to the Director General of Police, West Bengal calling for a detailed report in the matter, including action taken against the delinquent police personnel and health status of the victims. It has observed that the contents of the news report, if true, raise serious issue of violation of human rights of the victims, who have sustained injuries in the incident. Apparently, the police personnel

did not deal the situation in proper manner, which resulted in humiliation and physical injuries to the victims.

Intermediate result goof up; about 3 lakh students fail and 18 commit suicide (Case No. 410/36/0/2019)

The media reported that 18 students committed suicide since March 2019, who were declared failed in the intermediate examinations, conducted by the Board of Intermediate Education (BIE), Telangana. Reportedly, large-scale discrepancies triggered furore in the State after about 3 lakh students failed in the exams and the students and parents were staging protests.

The Commission has issued a notice to the Chief Secretary, Government of Telangana calling for a detailed report in the matter, including action taken against the guilty and relief, if any, provided to the aggrieved families.

It has observed that the contents of the news reports, if true, raise the issues of serious lapse on the part of the authorities amounting to violation of human rights. Thorough probe into the matter is required not only to punish the guilty but also to ensure that such sorrowful incidents do not recur in future.

According to the media reports, hundreds of students failed to get even pass marks. The State Education Ministry, the Board and the Government initially dismissed the allegations but later gave in to the growing protests. The aggrieved students had also approached the High Court.

Co-dwellers of starvation death victims not getting ration (Case No. 1701/30/2/2019)

The Media reported on the 8th April, 2019 that ration cards elude 30-odd families in the same building of East Delhi, where three minor girls had died of starvation eight months ago. Reportedly, after the death of the three minor girls, the Delhi Government had promised ration cards to all those, who lived in the building. The entire area is deprived of basic amenities and the garbage is also being dumped near the residential area.

The Commission has issued a notice to the Chief Secretary, Government of NCT of Delhi, calling for a detailed report including action taken after the deaths of the minor girls by the department concerned and present status of the applications pending for issuance of ration cards and status of Public Distribution System along with basic amenities in the area.

The Commission has observed that the contents of the news report are quite disturbing that even after the death of three young girls due to starvation; seemingly, the authorities, in the Government of NCT of Delhi, have not woken up. Apparently, the innocent people have become victims of the State's apathy and inhuman approach. This is a serious case of violation of Right to Food of the poor people.

According to the media report, the Delhi government's Food & Civil Supply department officials have stated that under current rules, eligible applicants are required to have the same address on the Aadhar Card where they currently reside. A module is reportedly being developed by the Central Government to enable beneficiaries to procure ration anywhere in the country with the card issued to them on the permanent address or any other place but the same is yet to be implemented. It is also mentioned that till this system comes into implementation, applicants have to submit Aadhar, having a Delhi address.

Reportedly, the Deputy Chief Minister of the Government of NCT of Delhi, accompanied by the officers from the Department of Food and Supplies had visited the building on 26th July, 2018, after the death of three minors due to starvations. It was assured that all the residents would be given ration cards but, till date, nothing has happened.

Abduction, rape and murder of a nine year old girl (Case No. 584/13/16/2019-WC)

The media reported on the 7th April, 2019 that a nine year old girl, who had gone missing on the 4th April, 2019 from the Nehru Nagar slum area of Juhu, Mumbai, was found murdered on the 6th April, 2019. Her body was recovered from a septic tank of her locality. Reportedly, preliminary medical reports have confirmed that she was raped and murdered. According to the media report, a similar incident had happened in the J.J. Marg area about one and half years ago. The Commission has issued notices to the Director General of Police, Maharashtra and the Commissioner of Police, Mumbai calling for a detailed report in the matter.

It has observed that it seems, the area lacks proper patrolling and monitoring by the police authorities. The culprit in the instant case, has a criminal background, as he was reportedly, arrested by the police in the year 2013. The local police officials are expected to be vigilant about suspicious activities of these anti-social elements so that such heinous crimes could be averted. The Right to Life and Dignity of the innocent victim has been grossly violated.

Death of a youth in police custody (Case No. 336/19/10/2019-AD)

The media reported on the 8th April, 2019, that a 22-year-old youth, arrested in a vehicle theft case, died in the police custody at the Janakpuri post in district Ludhiana, Punjab on the 7th April, 2019. The Commission has observed that the news reports, if true, amount to serious issue of violation of

Right to Life of the victim. Accordingly, it has issued a notice to the Director General of Police, Punjab calling for a detailed report in the matter within four weeks. The Commission directed him to explain why this case of custodial death had not been reported to it as per its guidelines.

According to the media reports, the deceased has been identified as Karan, a resident of Prem Colony, Bhamia Khurd in Ludhiana district of Punjab. He along with his friend, Gautam was arrested by the police, on the 06th April, 2019 and a stolen motorcycle was recovered from them. According to another media report, the family members of the victim alleged that he was taken away by the police, without disclosing any reason and later he was framed in the vehicle lifting case.

Death of 10 MGNREGA women workers (Case No. 366/36/0/2019)

The media reported on the 11th April, 2019, that at least 10 women working under the MGNREGA scheme died when an embankment caved in on them in Narayanpet district of Telangana. The Commission has issued a notice to the Chief Secretary, Government of Telangana calling for detailed report of the tragic incident including action taken against guilty, relief and rehabilitation to the families of the victims and status of the safety measures at such sites where deep digging is conducted.

The Commission has observed that the contents of the media report, if true, raise a serious issue of violation of the right. Poor villagers, who are not skilled workers and need a job to earn their livelihood, do opt to work under MGNREGA scheme. The deceased, no doubt, belonged to the poorest strata, the way, the embankment has collapsed and negligence on the part of the contractor and the department concerned cannot be ruled out. It seems that neither any precaution was taken by the authorities nor any kind of help was available on the spot. If safety measures were taken, ten human lives may have been saved.

NHRC spot enquiries

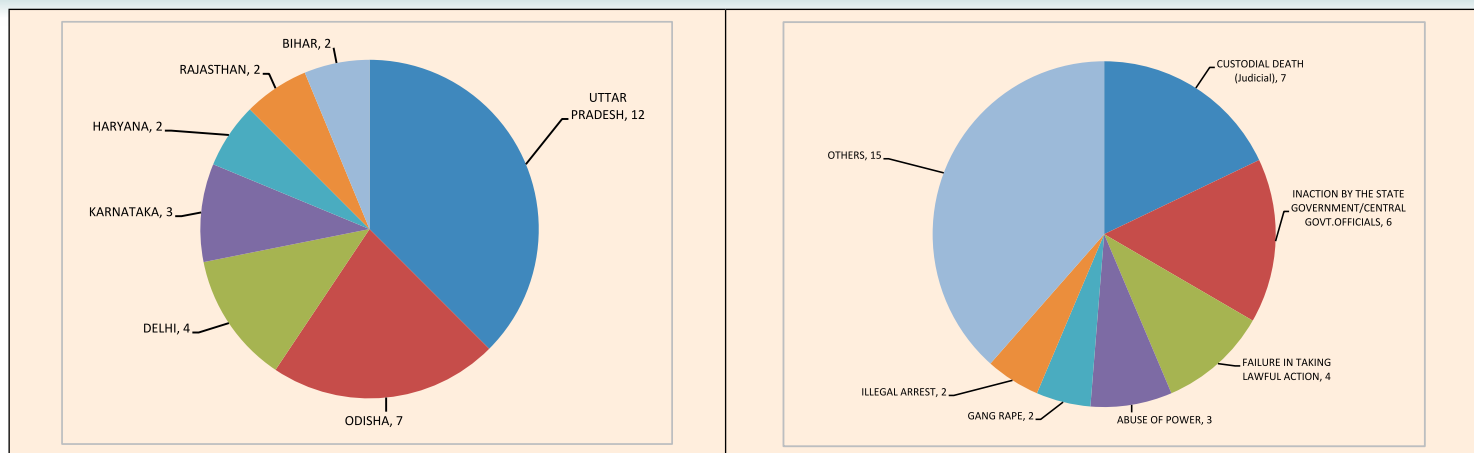
Following is the list of case wherein spot enquiries were conducted by the Commission's officers in its Investigation Division:

S. No.	Case Number	Allegations	Date of visit
1	1034/4/34/2017-WC	Dowry death or their attempt	01/04/2019 to 05/04/2019
2	2970/30/9/2017	Failure in taking lawful action	02/04/2019 to 05/04/2019
3.	Visit to IHBAS	To evaluate facilities at the institution.	11/04/2019
4.	4138/30/8/2014	Inaction by the govt.officials	25/04/19 to 26/04/19
5.	342/12/8/2019-WC (Re Enquiry)	Rape and false implication by AGP	11/04/2019 to 12/04/2019
6.	640/7/6/2019	Custodial Torture	08/04/2019 to 12/04/2019
7.	9499/24/52/2019	Allegation rape & abuse of power by the police	10/04/2019 to 12/04/2019

Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 33 cases were taken up during 01 sitting of Divisional Bench in April, 2019. On 39 cases, the Commission recommended monetary relief amounting to a total of ₹7305000/- for the victims or their next of kin, where it found that public servants had either violated human rights or been negligent in protecting them. **The specific details of these cases can be downloaded from the NHRC website by logging the case number given in the table below:**

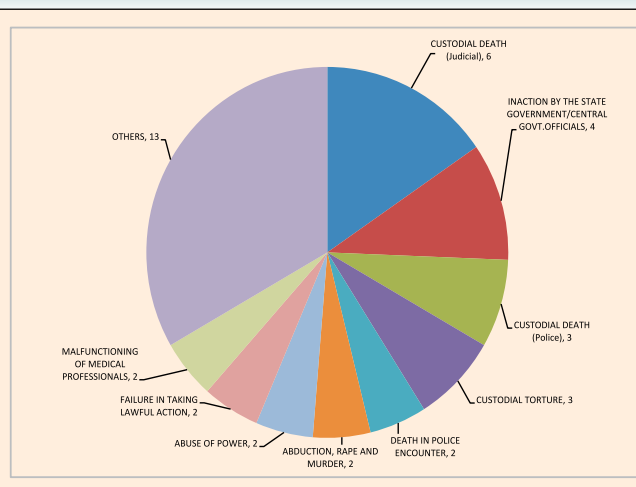
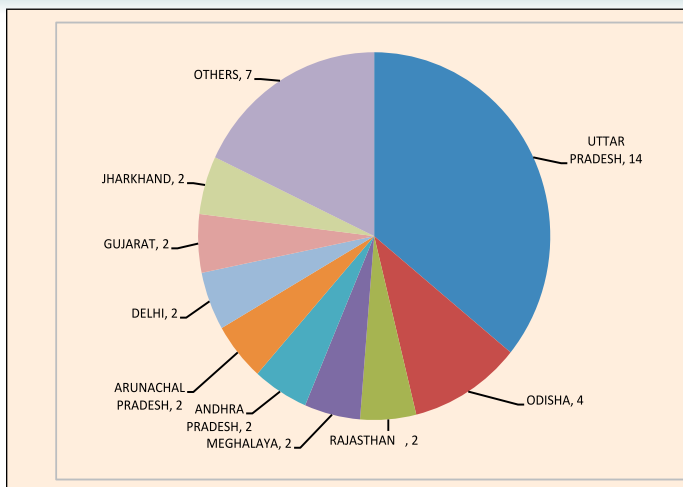
Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1	568/36/3/2016	CHILDREN	160000	TELANGANA
2	2388/18/16/2016	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	300000	ODISHA
3	5930/30/9/2015-JCD	CUSTODIAL DEATH (Judicial)	200000	DELHI
4	6379/7/6/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	HARYANA
5	3858/18/34/2017-JCD	CUSTODIAL DEATH (Judicial)	100000	ODISHA
6	6/19/9/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	PUNJAB
7	23479/24/15/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
8	36479/24/1/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
9	1835/35/6/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTARAKHAND
10	7359/24/8/2015-BL	BONDED LABOUR	25000	UTTAR PRADESH
11	1219/4/12/2018	POLICE	200000	BIHAR
12	1836/18/3/2018-WC	RAPE OUTSIDE POLICE STATION	100000	ODISHA
13	387/13/23/2018	ABUSE OF POWER	600000	MAHARASHTRA
14	4092/18/5/2014	ABUSE OF POWER	150000	ODISHA
15	2078/20/5/2016	ABUSE OF POWER	100000	RAJASTHAN
16	49981/24/57/2014	ATROCITIES ON SC/ST (BY POLICE)	10000	UTTAR PRADESH
17	3676/4/10/2013-PCD	CUSTODIAL DEATH (Police)	200000	BIHAR
18	5553/30/10/2016	CUSTODIAL TORTURE	50000	DELHI
19	1179/7/3/2018	FAILURE IN TAKING LAWFUL ACTION	100000	HARYANA
20	178/10/22/2018	FAILURE IN TAKING LAWFUL ACTION	100000	KARNATAKA
21	996/10/15/2017	FAILURE IN TAKING LAWFUL ACTION	100000	KARNATAKA
22	33889/24/79/2016	FAILURE IN TAKING LAWFUL ACTION	50000	UTTAR PRADESH
23	7361/30/4/2014	FALSE IMPLICATIONS	100000	DELHI
24	25395/24/9/2015	ILLEGAL ARREST	30000	UTTAR PRADESH
25	27864/24/31/2015	ILLEGAL ARREST	75000	UTTAR PRADESH
26	1598/34/16/2012	UNLAWFUL DETENTION	30000	JHARKHAND
27	3454/24/36/2010-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	UTTAR PRADESH
28	17442/24/53/2017-WC	ABDUCTION, RAPE AND MURDER	300000	UTTAR PRADESH
29	4537/30/7/2017-WC	GANG RAPE	100000	DELHI
30	14732/24/36/2016-WC	GANG RAPE	10000	UTTAR PRADESH
31	41703/24/20/2013-WC	INDIGNITY OF WOMEN	5000	UTTAR PRADESH
32	640/20/8/2018-WC	RAPE	50000	RAJASTHAN
33	955/1/5/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	210000	ANDHRA PRADESH
34	19/2/14/2018	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	400000	ARUNACHAL PRADESH
35	1328/18/10/2018	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	ODISHA
36	3206/18/14/2017	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	ODISHA
37	4477/18/17/2017	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	600000	ODISHA
38	17000/24/54/2018	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	1000000	UTTAR PRADESH
39	733/10/1/2016	ATROCITIES ON SC/ST/OBC	50000	KARNATAKA



Compliance with NHRC recommendations

In April, 2019 the Commission closed 39 cases on receipt of compliance reports from different public authorities, furnishing proof of payments, it had recommended, totalling ₹17790000/- the victims of human rights violations or their next of kin. **The specific details of these cases can be downloaded from 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	2168/18/32/2013	SEXUAL HARASSMENT	100000	ODISHA
2	212/6/9/2010	PUBLIC HEALTH HAZARDS	1600000	GUJARAT
3	2540/7/17/2013	MALFUNCTIONING OF MEDICAL PROFESSIONALS	600000	HARYANA
4	3492/24/54/2015	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	UTTAR PRADESH
5	28905/24/51/2016	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	100000	UTTAR PRADESH
6	1234/1/19/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	ANDHRA PRADESH
7	4/2/15/2014-JCD	CUSTODIAL DEATH (Judicial)	200000	ARUNACHAL PRADESH
8	1578/34/11/2013-JCD	CUSTODIAL DEATH (Judicial)	200000	JHARKHAND
9	551/36/8/2016-JCD	CUSTODIAL DEATH (Judicial)	200000	TELANGANA
10	10881/24/53/2012-JCD	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
11	456/25/5/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	WEST BENGAL
12	41860/24/40/2015-WC	RAPE OUTSIDE POLICE STATION	500000	UTTAR PRADESH
13	15100/24/34/2013	ABUSE OF POWER	75000	UTTAR PRADESH
14	1831/24/23/2015	ABUSE OF POWER	200000	UTTAR PRADESH
15	1168/34/23/2012-PCD	CUSTODIAL DEATH (Police)	200000	JHARKHAND
16	12864/18/17/2015-PCD	CUSTODIAL DEATH (Police)	500000	ODISHA
17	1717/22/35/2014-PCD	CUSTODIAL DEATH (Police)	300000	TAMIL NADU
18	18/2/4/2012	CUSTODIAL TORTURE	50000	ARUNACHAL PRADESH
19	2347/4/22/2013	CUSTODIAL TORTURE	25000	BIHAR
20	5943/30/8/2013	CUSTODIAL TORTURE	200000	DELHI
21	5659/30/2/2012	DEATH IN POLICE FIRING	200000	DELHI
22	1/15/0/2013-ED	DEATH IN POLICE ENCOUNTER	1000000	MEGHALAYA
23	9/15/5/2015-ED	DEATH IN POLICE ENCOUNTER	500000	MEGHALAYA
24	16593/24/18/2010-AFE	ALLEGED FAKE ENCOUNTERS	500000	UTTAR PRADESH
25	2666/20/11/2015	FAILURE IN TAKING LAWFUL ACTION	30000	RAJASTHAN
26	30196/24/30/2015	FAILURE IN TAKING LAWFUL ACTION	100000	UTTAR PRADESH
27	5135/24/30/2015	FALSE IMPLICATIONS	25000	UTTAR PRADESH
28	42848/24/31/2012	UNLAWFUL DETENTION	25000	UTTAR PRADESH
29	12170/24/3/2012-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	100000	UTTAR PRADESH
30	334/6/9/2010	ENVIRONMENTAL POLLUTION	8400000	GUJARAT
31	11220/24/8/2014-WC	ABDUCTION, RAPE AND MURDER	50000	UTTAR PRADESH
32	36492/24/18/2012	ABDUCTION, RAPE AND MURDER	50000	UTTAR PRADESH
33	225/3/8/2015-WC	GANG RAPE	200000	ASSAM
34	2163/13/16/2014-WC	SEXUAL HARASSEMENT (GENERAL)	100000	MAHARASHTRA
35	955/1/5/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	210000	ANDHRA PRADESH
36	2177/18/31/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	ODISHA
37	2676/18/18/2017	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300000	ODISHA
38	31042/24/3/2013	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	UTTAR PRADESH
39	1190/20/9/2014	VICTIMISATION	50000	RAJASTHAN



NHRC visits IHBAS, Dilshad Garden, Delhi

Ms. Jyotika Kalra, Member, NHRC visited the Institute of Human Behaviour and Allied Sciences (IHBAS) on the 11th April, 2019 for an on the spot review to evaluate the functioning of the institution. Director, IHBAS, Prof Nimesh G. Desai, informed that perception to deal with mental illness through custodial mechanisms, i.e. imprisonment has to change in society. In Delhi, as informed by Dr. Desai, the only place of persons with mental illness was Tihar Jail's mental ward for long. With advancement of medicine and psychiatry, the concept of mental illness transitioned to a medical model where mental illness was deemed curable within the institutional boundaries of mental hospitals. IHBAS hospital setup is 50 years old and its teaching and research institute is 27 years old.

The Following important issues were flagged and recommendations for course correction were made:

- **False victimization of women as mentally ill:** An interaction

with a woman in Semi-open female ward of IBHAS revealed that she was left at there by her husband after a quarrel with him and she has been in the institution ever since as his husband is not willing to take her back.

- **Challenges in reinstating the patients back to their families:** It has been often observed that families don't want to take these people back, the causes for this may be the economic burden, the people with mental illness may have on the family, the fear of dealing with them, the stigma of mental illness. Therefore, rehabilitation programme for such women should be evolved.
- **Denial of legitimate economic rights of persons with mental illness:** IBHAS does help such people with legal services to deal with the situation, however, the victims have not been able to get their rights. Therefore, adequate legal aid be provided to the

inmates.

- **Problem in the legal term 'unsoundness of mind':** Several laws in India, contain the term unsoundness of mind and existence of it in a person can be used as grounds for divorce, reduction of legal capacities etc. In this context, Dr. Desai explained that people often come to IBHAS to ascertain someone's unsoundness of mind, which is impossible as there are no rational parameters defining unsoundness of mind. The concerned Ministry be asked to consider defining "unsoundness of mind"

The Member was assisted in the process by the NHRC officers, who included Mr. K. K. Srivastava, Assistant Registrar(Law), Mr. Kulbir Singh, Deputy Superintendent of Police, Smt. Manju Rani, PPS to Member and Ms. Tania, Research Consultant.

Mr. Justice Prafulla Chandra Pant joins as Member, NHRC

In pursuance of the Warrant of Appointment, signed by the President of India, Mr. Justice Prafulla Chandra Pant assumed office as Member of the National Human Rights Commission on the 22nd April, 2019. Prior to his appointment as Member, NHRC, he was a Judge of the Supreme Court of India from 13th August, 2014 to 29th August, 2017. He was born in the State of Uttarakhand (then part of Uttar Pradesh State)



on 30th August, 1952. After his primary and secondary education, he graduated from Allahabad University with a degree of Bachelor of Science, and thereafter, obtained the degree of LL.B from Lucknow University.

Justice Pant enrolled with the U.P. Bar Council at Allahabad in 1973, and practiced Law in the High Court of Judication at Allahabad. From Feb 1976 to Nov 1976, he

served as Inspector Central Excise and Customs at Sagaur, M.P. Thereafter, he entered into Uttar Pradesh Judicial Service in the year 1976 through Uttar Pradesh Civil (Judicial) Services Examination, 1973. He was promoted to Uttar Pradesh Higher Judicial Service in 1990.

After creation of the new State of Uttarakhand, he served as the first Secretary, Law and Justice of the State. He also held the post of District

and Sessions Judge at Nainital before being posted as Registrar General of the High Court of Uttarakhand at Nainital. He took oath of Office of Additional Judge, High Court of Uttarakhand with effect from 29 June 2004, where after, on 19th February 2008, he was administered oath as a permanent Judge of the Uttarakhand High Court. He assumed charge of Office of Chief Justice of the High Court of Meghalaya at Shillong on 20th September, 2013 and continued

till 12th August, 2014. On being further elevated, he took oath of Office of Judge, Supreme Court of India on 13th August 2014 and demitted the office on 29th August 2017.

He has written books on different subjects of law, which include, 'Marriage, Divorce and other matrimonial disputes', 'Commentary on Code of Civil Procedure', 'Relief of Injunctions and Sundar Nirnay Kaise Likhen' (in Hindi).

Dr. Dnyaneshwar Manohar Mulay joins as Member, NHRC

In pursuance of the Warrant of Appointment, signed by the President of India, Dr. Dnyaneshwar Manohar Mulay assumed office as Member of the National Human Rights Commission on the 25th April, 2019. He was born in 1958 in Village Arag in Sangli District of Maharashtra. His father Manohar Krishna Mulay was a farmer, while Mother Akkatai Mulay has been a homemaker.

At the age of 10, he left the village to join Rajarshi Shahu Chatrapati Vidyaniketan, Kolhapur, a school that was founded by the Zilla Parishad to nurture talent from rural areas. He became the first student from rural area to win the Jagannath Shankarsheth Award by securing highest marks in Sanskrit at SSC exam in 1975. Obtained B.A. (English Literature) degree from the Shahaji Chatrapati College, Kolhapur and stood first in the University for which also won the prestigious Dhananjay Keer Award.

Seeking to join the civil services and realizing that there was a dearth of study resources and guidance in Kolhapur, he relocated to Mumbai; studied Personnel Management at the Mumbai University and won the Peter Alvarez medal for standing first in the University. Subsequently he stood first in the Maharashtra Public Service Commission (MPSC) examination in

the year 1981 and succeeded in the Union Public Service Commission (UPSC) examination before being selected in the Indian Foreign Service in 1983.

Prior to joining the Commission, Dr. Mulay served as a Diplomat in the Indian Foreign Service from 1983–2019 and served in various important capacities including the Consul General of India, New York and High Commissioner of India, Male.

He is a renowned author, columnists, motivator, diplomat and former Secretary to the Government of India. His unique strengths include huge experience and expertise at national, local and international level. He has as worked in the Ministries of Finance, Commerce, External Affairs and Cabinet Secretariat. He knows many languages including Hindi, Marathi, English, Sanskrit, Kannada, Japanese, Russian, Punjabi and has an extensive network of people all over the world.

Among his various assignments in public service, one of the most recent and remarkable is the opening of 410 new Passport offices in his leadership thereby taking passport office to every Lok Sabha constituency. From a mere 77 passport centres in the country, the number in 2019 stands at 510.

He was also instrumental in creating a strong framework to

help Indians stranded in overseas countries and to ensure no Indian suffers in distress in any overseas location.



He has written over 15 books, which have been translated in Arabic, Dhivehi, Urdu, Kannada and Hindi. His magnum-opus – 'Maati Pankh ani Akash', written in Marathi, has received immense popularity and has also been prescribed in the Arts curriculum at the North Maharashtra University, Jalgaon. He has inspired several socio-educational projects including 'Balodyan', an orphanage in his native village. A documentary titled 'Gypsy', highlighting the life and work of Dnyaneshwar Mulay, produced by Director Dhananjay Bhawalekar received 'Special Jury Award' at the Delhi Short Film Documentary Festival. Well-known writer Deepa Deshmukh authored a book on him titled as 'Dr. Dnyaneshwar Mulay – Passport Man of India'.

The D.Y. Patil University of Mumbai honoured him with Doctor of Literature (D.Litt.) (honoris causa) for 'exemplary contribution to society' in January, 2017.

NHRC notice to DGP over custody death

Human Rights and NHRC in News, April, 2019

During the month of April, 2019, the Media & Communication Wing prepared 8 press releases based on the proceedings of the Commission in different cases. Total 662 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 8 incidents of alleged human rights violations were brought to the notice of the Commission, for suo motu cognizance. 23 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.

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

Number of fresh complaints received in the Commission	5,497
Number of cases disposed of including fresh and old	5,689
Number of cases under consideration of the Commission including fresh and old	19,797

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

For filing online complaints : www.nhrc.nic.in, hrcnet.nic.in,
Common Service Centers

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

Mobile No.: 9810298900, Fax No. 011-2465 1334
E-mail : hrd-nhrc@nic.in

NGOs and other organizations are welcome to reproduce material of the Newsletter and disseminate it widely acknowledging the NHRC.

Printed and Published by Jaimini Kumar Srivastava, Deputy Director (Media & Communication) on behalf of the National Human Rights Commission and Printed at Dolphin Printo- Graphic, 4E/7, Pabla Building, Jhandewalan Extn., New Delhi-110055 and published at National Human Rights Commission, Manav Adhikar Bhawan, Block-C, GPO Complex, INA, New Delhi-110023. **Editor : Jaimini Kumar Srivastava**

Design : Jaimini Kumar Srivastava

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