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From the Editor's Desk

The month of December every year becomes very significant from the point of human rights. On the 10th December, 1948, the UN General Assembly had proclaimed and adopted the Universal Declaration of Human Rights in commemoration of which the 10th December is celebrated as Human Rights Day every year. To mark the occasion this year, the National Human Rights Commission (NHRC), India in addition to a function also organized various activities in run up to it to emphasize the importance of the promotion and protection of human rights. The function was addressed by Mr. M. Venkaiah Naidu, Vice President of India, who underscored centuries-old traditional and cultural ethos of India having human face without any history of aggression against any country in the world.

In the context of celebration of human rights and protection thereof, the month of December in the country also became very significant with the passage of the Muslim women (Protection of Rights on Marriage) Bill-2017 in the Lok Sabha, which holds instant triple talaq a criminal offence. Of course, the dissenting voices continue to remain in the discourse, which are the signs of a healthy democracy. The government on its part, described the Bill as a deterrent to instant triple talaq as, according to it, several such incidents happened even after the Supreme Court of India, in August, 2017, had held it violative of the fundamental right contained under Article 14 of the Constitution of India. The Bill now requires approval of the Rajya Sabha, before it is sent for the Presidential nod to make it a law for implementation.

Incidentally, December became the month of various media reports, highlighting human rights and violations thereof. The NHRC took suo motu cognizance of those, wherein the role of the public authorities was under a scanner. Closure of 1300 Zila Parishad schools, eye surgeries in torchlight, demolition of a hostel for visually impaired, death of several prisoners due to the lack of doctors, suicide by 12 farmers in 50 days, inhuman treatment to jail inmates and stripping of 88 school girls, as a punishment, were some of such issues, which have been pecked in this edition of the Newsletter.

Besides these, the release of the report of the National Crime Records Bureau, NCRB brought fourth some critical statistics and issues, which cause a concern not only from the perspective of human rights but also human behaviour. The rising crime and atrocities against Dalits, women and children in various parts of the country tell sordid tales. Incidents of sexual assault topped the crimes against women in the year 2016, and this despite a stringent law in force post December, 2012 Nirbhaya case. Incidents of kidnapping and abduction of children was one of the major crimes against children, whose human rights stood violated into the hands of various traffickers and other criminals. More than 60% of children, who were missing, were girls. As reported, the cases of child rapes were up by 82% in 2016 compared to the previous year. However, the irony was that the crimes committed by the juveniles also showed uptrend. The overall crime rate was reported up by 2.6% compared to 2015.

This cannot be called a good picture of a society, which is described as value based since time immemorial. Every criminal offence committed by a person ends up in the violation of the rights of a fellow human being. The State has the responsibility to book the guilty and also spread awareness, through various institutional and non-institutional platforms, to check rights violations. But instead of passing the buck, ultimately, it is for all the sections of society to work for creating an atmosphere wherein the spirit of living in cohesiveness, peace, harmony, mutual respect and coexistence dominates to root out the very genesis of human rights violations.

*"The tree laden with fruits always bends low.
If you wish to be great, be lowly and meek."*

– Sri Ramakrishna Paramahansa

Human Rights Day Message from Mr. Justice H.L. Dattu, Chairperson, NHRC, India

"Tomorrow, on the 10th December is Human Rights Day. It is observed and celebrated on this day to mark the anniversary of the Universal Declaration of Human Rights in 1948 by the General Assembly of the United Nations. The Day reminds us that human rights are our basic rights. These include our right to live with liberty, equality and dignity, our right to health, education, freedom of speech and thoughts.



The occasion provides us an opportunity for re-motivating ourselves to use our freedom to stand up not only for the protection of our rights but also of others. If we follow our duties as a citizen, our human rights will automatically get protected. And for this, we must, first, remember to respect the rights of others. We must ensure that in exercise of our freedom we do not violate others' lawful and natural rights. I am sure, many incidents of human rights violations, which we witnessed in the past, may have not happened, if we were little careful on these counts.

The Preamble of the Constitution of India and the Articles relating to the Fundamental Rights and the Directive Principles of State Policy make the protection of human rights a Constitutional obligation for the citizens as well as the governments elected by them.

The National Human Rights Commission, India, mandated for the promotion and protection of human rights, has entered the 25th year of its existence on the 12th October, 2017.

On the eve of Human Rights Day, the Commission rededicates itself to continue this mission, as per its mandate, to raise concerns on any action, policy or law, which impinge on human rights in the country. To this effect, the interventions of the Commission should not be seen and sought to be interpreted having an adversarial role to the functioning of governments. The interventions of the Commission should, in fact, be seen and supported only as guidance towards ensuring good governance for which, the State has a Constitutional obligation.

Let us join hands to create a society in which human rights of all are valued and protected in our great nation.

Jai Hind!!"

NHRC, India Celebrates Human Rights Day



Chief Guest, Mr. M. Venkaiah Naidu, Vice President of India, accompanied by the NHRC Chairperson, Mr. Justice H.L. Dattu, Members, Mr. Justice P.C. Ghose and Mr. Justice D. Murugesan, lighting the lamp



Chief Guest, Mr. M. Venkaiah Naidu, Vice President of India addressing the gathering

The National Human Rights Commission, India organised a function to mark Human Rights Day in New Delhi on the 10th December, 2017. Mr. M. Venkaiah Naidu, Vice President of India addressed the gathering as the Chief Guest. He said that giving value to human rights is part of the DNA of India, which has no history of aggression against any country in the world. He said that irrespective of different castes and creeds, India remains one; there may have been some violent incidents for which the governments should take action.

Mr Naidu said that violence is the worst form of human rights violation. Unfortunately, some people make violence and terror as part of the State policy. Terror has no religion. It poses serious threat to humanity. It is time that the United Nations concluded with the process of defining terror and acted against it by

taking stringent action.

He also said that personal rights cannot come in the way of national integrity. Peace is important for development. If there is terror, there is tension and due to this, there cannot

India, he said that it has made significant contribution towards spreading awareness about the promotion and protection of Human rights. He said that the Chairperson of the NHRC, India, is a former Chief Justice of India; this shows how much importance the country attaches to human rights and the institution, mandated to promote and protect human rights. He said that the Millennium Development Goals cannot be achieved without ensuring protection of human rights. Poverty remains a challenge and it is not specific to India. The whole world needs to work to eradicate it.



NHRC Chairperson, Mr. Justice H.L. Dattu addressing the gathering

be attention for development. Power comes from ballot not from bullet. Those who seek to change system, have no right to kill people. They should join public life and change system.

Lauding the role of the NHRC,

Addressing the gathering, Mr. Justice H.L. Dattu, Chairperson, NHRC, India said that since 1948, the Universal Declaration of Human Rights, UDHR continues to be, perhaps, the most important and far-reaching of all United Nations declarations, and a source of inspiration for national and



NHRC Secretary General, Mr. Ambuj Sharma addressing the gathering



UNIC representative, Mr. Rajiv Chandran delivering the message of UN Secretary General



Mr. M. Venkaiah Naidu, Vice President of India, releasing the NHRC Publications



A section of audience, including former NHRC Chairperson, Members, Judges and other dignitaries

international efforts to promote and protect human rights and fundamental freedoms. He said that in India, despite multiple challenges, the Constitution and democratic polity has ensured inclusivity and a respect for human rights. The NHRC, India has consistently endeavoured to expand the sphere of its work and activities,

unwavering commitment to the cause of human rights. He said that the NHRC, India has been recently recommended for retaining its 'A' status of accreditation with the Global Alliance of National Human Rights Institutions (GANHRI), Geneva for the 3rd consecutive time, which is an acknowledgement of its work.

Silver Jubilee Celebrations to further increase its engagements with civil society.

The UN Secretary General, Antonio Guterres, in his message on Human Rights Day, read by Mr. Rajiv Chandran, the representative of United Nations Information Centre in Delhi, said that



Winner of NHRC'S Short Film Awards (from L to R) : Ms. Eeshrat Brar, Ms. Sayle Mathadhikari and Mr. Mahesh Kumar Mishra receiving the awards from Mr. M. Venkaiah Naidu, Vice President of India



in tune with the broad definition of human rights, contained in the Protection of Human Rights Act and its expansive mandate, which has also been recognized by the Supreme Court of the country.

Justice Dattu said that the Commission has been observing Human Rights Day each year, with a view to renew and reiterate its

Giving a brief insight into the various features of the functioning of the NHRC, including the handling of a large number of complaints of human rights violations, Justice Dattu said that the Commission, enthused with the response to its Short Film Award Scheme, started in 2015, is planning to hold a National Street Theatre Festival in 2018 as part of its Foundation Day

"I urge people and leaders everywhere to stand up for all human rights – civil, political, economic, social and cultural – and for the values that underpin our hopes for a fairer, safer and better world for all."

Earlier, Mr. Ambuj Sharma, Secretary General, NHRC, dwelling upon the significance of Human



NHRC Joint Secretary, Dr. Ranjit Singh delivering the vote of thanks



Vice President, Mr. M. Venkaiah Naidu, NHRC Chairperson, Members and Secretary General being shown the exhibition by Dy. Director (M&C), Mr. Jaimini Kumar Srivastava

Rights Day said that the Commission is committed to the cause of human rights. He also threw light on various activities and interventions of the Commission.

Marking the Human Rights Day celebrations, the Vice President of India also released three NHRC publications, including two Journals in Hindi and English respectively, carrying articles on important aspects of human rights issues by eminent persons as well as a book titled 'Standard Operating Procedures (SOP) for Combating Trafficking of Persons in India'.

Apart from this, he also gave away

awards to the winners of NHRC's Short Films on Human Rights Award Scheme -2017. These included, 'Knights of Terror' in Punjabi by Ms. Eeshrat Brar, first prize of rupees one lakh, 'Varvanta' in Marathi by Ms. Sayli Mathadhikari, second prize of rupees 75 thousand and 'Savitri Ka Syapaa' in Hindi by Mr. Mahesh Kumar Mishra, third prize of rupees 50 thousand. They were also given a certificate and a trophy each. The films relate to the issues of police atrocities, riots and terrorism impacting human rights as well as women's rights.

Earlier, The Vice President

opened NHRC's photo and children's paintings exhibition showcasing the photographic depiction of the Commission's activities during the last year.

Several prominent dignitaries, including, among others, Judges of Supreme Court, High Courts, former Judges of Supreme Court, High Courts, UN representatives, diplomats, senior Government functionaries, civil society representatives, members of Para Military Forces, NHRC officers and staff attended the function.

Human Rights Defenders Day Message from Mr. Justice H.L. Dattu, Chairperson, NHRC

"This year, the National Human Rights Commission is entering into the Silver Jubilee year of its establishment. What began as a watchdog to protect the human rights of the common man of the country has now evolved into a mechanism which not only facilitates the Government to protect and promote human rights of the people but has also played a stellar role as the law strengthening mechanism in the country. In the substantive evolution of the National Human Rights Commission, the Human Rights Defenders have played a very important role. The press, the civil society organizations, the lawyers, etc. have all contributed substantially as the Human Rights Defenders. The Commission has intervened in many matters which have been brought to the notice of the Commission by the Human Rights Defenders. The interventions have also contributed in strengthening the human rights regime in the country.

Today, on 9th December, the day when the Declaration on Human Rights Defenders was adopted in the year 1998 by the UN General Assembly,

due credit and support must be given to the Human Rights Defenders, who have been playing a very important role in the promotion and protection of the human rights of common citizens of the country. They have raised many issues, where NHRC's intervention has led to new policy initiatives. They have also supported the Commission during the 'Open Hearings and Camp Sitzings' of the Commission in different parts of the country.

The Commission applauds the work done by the Human Rights Defenders and resolves to continue supporting them in their pursuit of ensuring fuller assurance of human rights for all in the country. However, there is a need for greater constructive involvement of the Human Rights Defenders at the grass-root level in the country. There are still pockets, which lag behind in the development and implementation of several social welfare schemes. They have to highlight the issues of human rights violations in such pockets so that human rights of the people in such regions can be protected.

The Commission also takes this opportunity to acknowledge the

work done by the Women Human Rights Defenders in the country. Women empowerment is one of the cardinal issues to be taken up in the present scenario. Women HRDs, by bringing forth important human rights issues, including those pertaining to women, have rendered a great service for women empowerment. The Commission will continue to support them in their endeavors.

The Commission believes that the work done by the Human Rights Defenders will be supported by the State actors so that the best results for attaining best human rights standards could be achieved. The Commission is not oblivious to the threats, intimidation and other forms of repression faced by the HRDs in their challenging sphere of work at the hands of the State/non-state actors. The Commission will continue to do its best to ensure that they feel safe and secure in their legitimate human rights work.

The Commission wishes all the Human Rights Defenders greater strength and wisdom to fight for the cause of human rights for all in the country."

Suo Motu Cognizance

The Commission took suo motu cognizance in 7 cases of alleged human rights violations, reported by media during December, 2017, and issued notices to the concerned authorities for reports. Summaries of some of the cases are as follows:

Closure of 1300 Zila Parishad schools (Case No. 2323/13/23/2017)

The National Human Rights Commission has issued a notice to the Government of Maharashtra, through its Chief Secretary, after taking suo

motu cognizance of a media report that its Education Department has decided to close down Zila Parishad schools with less than 10 students and shift them to other nearby schools. The Commission has observed that the reported decision

of the State Education Department would adversely affect the students, particularly, those who were from rural background and cannot afford education in private schools. The Commission felt that before deciding to close down Zila Parishad schools, a thorough study on the issue is required to be conducted so that the right to basic education of the children is not violated.

According to the media report, carried on the 21st December, 2017, the teachers and the parents have criticized the education department's decision.

Stripping of 88 school girls as a punishment (Case No. 44/2/10/2017)

The National Human Rights Commission, NHRC, has taken suo motu cognizance of a media report, carried on the 01 December, 2017, that 88 girls were forced to remove all their clothes in front of the entire school, as a punishment by the three teachers, when they did not confess to having written vulgar words against the Head teacher and another student on a piece of paper. The incident, reportedly, happened at the Kasturba Gandhi Balika Vidyalaya, District Papum Pare, Arunachal Pradesh on the 23th November, 2017. The Commission has issued a notice to the Chief Secretary, Government of Arunachal Pradesh, calling for a detailed report in the matter along with action taken against the guilty teachers and steps taken for counseling of the victim students.

The Commission has also asked the Secretary, Union Ministry of Human Resource Development to inform whether any guidelines for protection of the students from such maltreatment or humiliation have been made/circulated to the States.

Demolition of a hostel for visually impaired (Case No. 5738/30/9/2017)

The National Human Rights Commission, NHRC has taken suo motu cognizance of media reports that about 20 visually impaired students were forced to live in open since a week as on the 15th December, 2017, the Delhi Development Authority, DDA demolished their hostel claiming that it was constructed on a public land in Janak Puri area of the National Capital. According to the media reports, carried on the 22nd December, 2017, the hostel, Louis Welfare Progressive Association of the Blind had been running from that building for the last 17 years. Accordingly, it has issued notices to the Delhi Government and DDA calling for a detailed report.

Eye surgeries in torchlight (Case No. 39104/24/71/2017)

The National Human Rights Commission, NHRC, has taken suo motu cognizance of media reports about eye surgeries of 32 patients under torchlight at a Primary Health Centre in district Unnao, Uttar Pradesh on the 25th December, 2017. The Commission has observed that the contents of the media reports reveal negligence on the part of the doctors and are a sad commentary on the status of infrastructure facilities in the hospitals in Uttar Pradesh, particularly non-availability of backup power supply, especially in the operation theatre. Accordingly, it has issued a notice to the Chief Secretary, Government of Uttar Pradesh calling for a detailed report.

Death of several prisoners due to the shortage of doctors (Case No. 2696/12/29/2017)

The National Human Rights Commission, NHRC, has taken suo-motu cognizance of a media report, carried on the 17th December, 2017, that a large number of prisoners are dying in the jails of Madhya Pradesh as out of 51 posts of doctors 46 are vacant. 6 out of 11 central jails have no doctors. Not only this, all the 40

district jails in the state do not have doctors. The jail authorities are, somehow, managing with the part time services of the doctors from the Primary Health Centres and District Hospitals; as a result, prisoners, suffering from serious ailments, fail to get timely treatment. The Commission has asked its DIG (Investigation) to constitute a team for an on the spot enquiry in the matter.

Inhuman treatment to inmates (Case No. 37922/24/30/2017)

The National Human Rights Commission, NHRC, has taken suo motu cognizance of a media report, carried on the 11th December, 2017, that amidst torture, abuse and disease, the Home for juveniles itself needs course correction in NOIDA, Uttar Pradesh. Citing an inspection of the Home by the District Legal-Aid Services Authority, the media report has carried several references to the kind of inhuman treatment being meted out to the young juveniles there.

The Commission has asked its DIG (Investigation) to depute a team, headed by an officer of the rank of the Senior Superintendent of Police, for conducting spot investigation into the matter and submit a report.

Suicide by 12 farmers in 50 days (Case No. 5369/18/17/2017)

The National Human Rights Commission, NHRC, has taken suo-motu cognizance of a media report that 12 farmers committed suicide in 50 days in District Bargarh, Odisha. Reportedly, the recent suicide was by a farmer on the 15th December, 2017. He was allegedly, under tremendous pressure due to crop loss and loan burden.

The Commission has issued a notice to the Chief Secretary, Government of Odisha calling for a detailed report in the matter, including the steps taken for relief and rehabilitation of the affected families.

NHRC's spot enquiry

Following is the list of case wherein spot enquiry was conducted by the Commission's officers:

S. No.	Case Number	Allegations	Date of visit
1.	2461/7/17/2014	Harassment of patient by the staff at PGIMS Rohtak, Haryana	12 th -13 th December, 2017

Important Interventions

NHRC indicts Police for illegal proceedings in a case of love marriage (Case No. 35244/24/11/2014-AR)

The National Human Rights Commission found that illegal proceedings in a case of love marriage resulted in a grave violation of human rights of a newlywed couple in district Balrampur, Uttar Pradesh. This included wrongful detention, custodial rape, false implication and delay in initiating criminal proceedings against the accused Sub-Inspector. Accordingly, it has issued a notice to the Government of Uttar Pradesh, through its Chief Secretary, to show cause why the victim woman, her husband and the father-in-law should not be recommended to be paid Rs. 5 lakh, Rs. 3 lakh and Rs. 1.5 lakh respectively as monetary relief in the case. The Chief Secretary has been asked to submit his reply along with the specific action taken on the following:

- (i) Examine maintainability of the charge sheet filed in the case FIR No. 348/2014, in the matter.
- (ii) Case No. FIR No.432/2014, PS Lalia against the accused Sub Inspector shall be taken up for further investigation by an officer not below the rank of DSP.

(iii) A detailed fact finding inquiry into this entire murky episode conducted by not below the rank of DIG to bring out the acts of omission and commission of police officers at various levels in District Balrampur.

During the course of enquiry, the Commission found that a young man and a girl from Balrampur district had eloped and got married in Mumbai. The girl's father lodged a complaint of kidnapping with the police. The couple was called to Mathura police post of Balrampur district. However, instead of taking a proper legal recourse in the matter, both of them were detained in separate cells at the police post from the 12th-13th August, 2014.

The Sub-Inspector subjected the girl to sexual assault. When the girl complained about her sexual assault by the Sub Inspector, no prompt lawful action was taken. The police continued to pursue the case of underage marriage despite a City Court having held both of them of major age and allowed the girl to live with her husband as per her wish. Not only this, the police, subsequently, charged her

husband with rape by adding section 376 to the main case file and also falsely implicated her father-in-law. She was also coerced to retract her allegations under pressure of another FIR having been registered on charges of rape against her supporters.

While drawing the show cause notice proceedings under case no. 35244/24/11/2014-AR, the Commission, in addition to examining the material on record, also drew references from the observations of the Supreme Court in the matter of S. Varadrajana Vs. State of Madras (1965 AIR (SC) 942) and the High Court of Allahabad in writ petition (MISC) 10562 of 2015 examining the issues of attaining the age of majority and attaining the age of discretion of the girls in two different cases of love marriages.

Taking a serious exception to the functioning of the police, the Commission has observed that they had also failed to appreciate the provisions of law, as far as, the applicability of Section 376 IPC is concerned.

Recommendations for relief

Apart from the large number of cases taken up daily by individual Members, 20 cases were considered during 02 sittings of the Full Commission and 61 cases were taken up during 06 sittings of Divisional Benches in December 2017. On 67 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of ₹ 3,11,10,000/- for the victims or their next of kin, where it found that public servants had either violated human rights or been negligent in protecting them.

Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1.	1085/1/10/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	150000	GOVT. OF ANDHRA PRADESH
2.	1086/1/24/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF ANDHRA PRADESH
3.	1183/1/4/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF ANDHRA PRADESH
4.	1234/1/19/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF ANDHRA PRADESH
5.	20/2/13/2015-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF ARUNACHAL PRADESH
6.	1902/4/9/2012-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF BIHAR
7.	3964/4/26/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF BIHAR
8.	323/33/5/2012-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF CHHATTISGARH
9.	406/33/3/2015-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF CHHATTISGARH
10.	699/33/5/2015-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF CHHATTISGARH
11.	3155/30/9/2015-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF NCT OF DELHI

Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
12.	5324/30/9/2011-JCD	CUSTODIAL DEATH (JUDICIAL)	150000	GOVT. OF NCT OF DELHI
13.	6641/30/9/2014-JCD	CUSTODIAL DEATH (JUDICIAL)	500000	GOVT. OF NCT OF DELHI
14.	80/34/4/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF JHARKHAND
15.	2661/13/23/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF MAHARASHTRA
16.	2866/13/30/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF MAHARASHTRA
17.	1004/20/14/2015-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF RAJASTHAN
18.	1232/1/13/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF TELANGANA
19.	12091/24/43/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF UTTAR PRADESH
20.	13407/24/1/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF UTTAR PRADESH
21.	18635/24/70/2014-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF UTTAR PRADESH
22.	19437/24/48/2015-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF UTTAR PRADESH
23.	26132/24/57/2016-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF UTTAR PRADESH
24.	32054/24/4/2014-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF UTTAR PRADESH
25.	35089/24/52/2015-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF UTTAR PRADESH
26.	44873/24/14/2014-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF UTTAR PRADESH
27.	480/24/46/2015-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF UTTAR PRADESH
28.	6696/24/64/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF UTTAR PRADESH
29.	8390/24/1/2014-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF UTTAR PRADESH
30.	730/25/22/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF WEST BENGAL
31.	3966/4/39/2013-AD	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	100000	GOVT. OF BIHAR
32.	239/34/3/2012-PCD	CUSTODIAL DEATH (POLICE)	300000	GOVT. OF JHARKHAND
33.	2504/12/14/2016-PCD	CUSTODIAL DEATH (POLICE)	200000	GOVT. OF MADHYA PRADESH
34.	31/14/15/2012-ED	DEATH IN POLICE ENCOUNTER	500000	GOVT. OF MANIPUR
35.	81/34/12/2013	CUSTODIAL TORTURE	50000	GOVT. OF JHARKHAND
36.	1211/12/2/2014	CUSTODIAL TORTURE	100000	GOVT. OF MADHYA PRADESH
37.	4197/4/35/2013	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	40000	GOVT. OF BIHAR
38.	2024/18/13/2013	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	200000	GOVT. OF ODISHA
39.	2178/18/1/2013	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	75000	GOVT. OF ODISHA
40.	28399/24/19/2013	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	100000	GOVT. OF UTTAR PRADESH
41.	27373/24/8/2013	FALSE IMPLICATIONS	400000	GOVT. OF UTTAR PRADESH
42.	2108/20/1/2015	FAILURE IN TAKING LAWFUL ACTION	10000	GOVT. OF RAJASTHAN
43.	3162/20/24/2015	FAILURE IN TAKING LAWFUL ACTION	25000	GOVT. OF RAJASTHAN
44.	22045/24/51/2015	FAILURE IN TAKING LAWFUL ACTION	50000	GOVT. OF UTTAR PRADESH
45.	640/33/17/2013	ABUSE OF POWER	150000	GOVT. OF CHHATTISGARH
46.	2588/30/7/2013	ABUSE OF POWER	25000	GOVT. OF NCT OF DELHI
47.	1749/12/18/2013	ABUSE OF POWER	10000	GOVT. OF MADHYA PRADESH
48.	35140/24/68/2013	ABUSE OF POWER	50000	GOVT. OF UTTAR PRADESH
49.	2168/18/32/2013	SEXUAL HARASSMENT	100000	GOVT. OF ODISHA
50.	746/20/1/2012-WC	SEXUAL HARASSEMENT (GENERAL)	200000	GOVT. OF RAJASTHAN
51.	538/10/14/2013-WC	RAPE	200000	GOVT. OF KARNATAKA
52.	2194/12/20/2013-WC	RAPE	400000	GOVT. OF MADHYA PRADESH
53.	14280/24/32/2013-WC	RAPE	40000	GOVT. OF UTTAR PRADESH
54.	43290/24/56/2011-WC	GANG RAPE	100000	GOVT. OF UTTAR PRADESH
55.	2144/20/16/2014-WC	RAPE OF SC/ST/OBC	50000	GOVT. OF RAJASTHAN
56.	2337/4/18/2015-JCR	ALLEGED CUSTODIAL RAPE IN JUDICIAL CUSTODY	50000	GOVT. OF BIHAR
57.	224/18/7/2014-WC	INDIGNITY OF WOMEN	25000	GOVT. OF ODISHA
58.	26578/24/44/2013-WC	EXPLOITATION OF WOMEN	50000	GOVT. OF UTTAR PRADESH
59.	1762/18/8/2014	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	300000	GOVT. OF ODISHA
60.	3726/18/12/2013	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	100000	GOVT. OF ODISHA
61.	11463/24/22/2016	ATROCITIES ON SC/ST/OBC	50000	GOVT. OF UTTAR PRADESH
62.	6699/24/77/2013	UNLAWFUL DETENTION	10000	GOVT. OF UTTAR PRADESH
63.	730/12/18/2012	MALFUNCTIONING OF MEDICAL PROFESSIONALS	50000	GOVT. OF MADHYA PRADESH
64.	48000/24/31/2015	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	GOVT. OF UTTAR PRADESH
65.	1012/6/9/2011	PUBLIC HEALTH HAZARDS	2500000	GOVT. OF GUJARAT
66.	351/6/3/2010	PUBLIC HEALTH HAZARDS	18300000	GOVT. OF GUJARAT
67.	2808/12/21/2014	NON-PAYMENT OF PENSION/COMPENSATION	200000	GOVT. OF MADHYA PRADESH

Compliance with NHRC recommendations

In December, 2017, the Commission closed 28 cases on receipt of compliance reports from different public authorities, furnishing proof of payments, it had recommended, totalling 4570002/- to the victims of human rights violations or their next of kin. Details are in the table below:

Sl. No	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1.	6689/24/31/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	100002	GOVT. OF UTTAR PRADESH
2.	33710/24/14/2012-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF UTTAR PRADESH
3.	2093/13/23/2014-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF MAHARASHTRA
4.	30776/24/64/2013-JCD	CUSTODIAL DEATH (POLICE)	400000	GOVT. OF UTTAR PRADESH
5.	2504/12/14/2016-PCD	CUSTODIAL DEATH (POLICE)	200000	GOVT. OF MADHYA PRADESH
6.	1534/19/13/2012-PCD	CUSTODIAL DEATH (POLICE)	100000	GOVT. OF PUNJAB
7.	1487/6/9/2014-PCD	CUSTODIAL DEATH (POLICE)	300000	GOVT. OF GUJARAT
8.	3925/30/7/2013-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	GOVT. OF NCT OF DELHI
9.	108/14/4/2011-AD	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	200000	GOVT. OF MANIPUR
10.	22473/24/43/2014	CUSTODIAL TORTURE	50000	GOVT. OF UTTAR PRADESH
11.	29/23/2005-2006	DEATH IN POLICE ENCOUNTER	500000	GOVT. OF TRIPURA
12.	221/3/13/2011-AF	DEATH IN ARMY ENCOUNTER	500000	GOVT. OF ASSAM
13.	1691/23/3/2013	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	10000	GOVT. OF TRIPURA
14.	6433/7/19/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	GOVT. OF HARYANA
15.	38557/24/37/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	GOVT. OF UTTAR PRADESH
16.	2173/18/7/2013	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	60000	GOVT. OF ODISHA
17.	22385/24/34/2013	FAILURE IN TAKING LAWFUL ACTION	25000	GOVT. OF UTTAR PRADESH
18.	1438/7/15/2012	FAILURE IN TAKING LAWFUL ACTION	50000	GOVT. OF HARYANA
19.	1749/12/18/2013	ABUSE OF POWER	10000	GOVT. OF MADHYA PRADESH
20.	715/4/39/2014-WC	ABDUCTION/RAPE	100000	GOVT. OF BIHAR
21.	2106/18/14/2013-WC	RAPE OF SC/ST/OBC	100000	GOVT. OF ODISHA
22.	19607/24/41/2010-WC	RAPE	20000	GOVT. OF UTTAR PRADESH
23.	49485/24/33/2011-WC	INDIGNITY OF WOMEN	10000	GOVT. OF UTTAR PRADESH
24.	485/12/5/2012	EXPLOITATION OF CHILDREN	35000	GOVT. OF MADHYA PRADESH
25.	817/34/9/2013	ATROCITIES ON SC/ST/OBC	50000	GOVT. OF JHARKHAND
26.	157/18/24/09-10	ATROCITIES BY CUSTOM/EXCISE/ENFORCEMENT/FOREST/INCOME-TAX DEPTT., ETC.OF CENTRAL/STATE GOVTS.	400000	GOVT. OF ODISHA
27.	21330/24/34/2013	VICTIMISATION	25000	GOVT. OF UTTAR PRADESH
28.	977/19/2/2014	MALFUNCTIONING OF MEDICAL PROFESSIONALS	25000	GOVT. OF PUNJAB

Meeting of the Delhi Based Human Rights Defenders

A meeting on the issues of Human Rights Defenders was held in the Commission on the 22nd December 2017. Mr. Ambuj Sharma, Secretary General, NHRC chaired the meeting. He noted that the objective of NHRIs is not to function as an adversary to the government or the HRDs but as a companion to highlight the issues affecting human rights in government. He briefed the participants about the actions taken by the NHRC on the recommendations of the HRD workshop held in 2015.

Mr. Bezwada Wilson, Safai Karamchari Andolan, Ms. Kavita Srivastava, People's Union for Civil

Liberties (PUCL), Ms. Uma Kapari & Mr. Amit Kumar, National Alliance of People's Movement (NAPM), Mr. Hem Raj, Delhi Justice Resource Centre, Mr. R.H. Bansal, Center for Human Rights, Ms. Kalyani Menon Sen, & Ms. Sudha Bhardwaj, Women Against Sexual Violence and State Repression, Mr. Rajiv Kumar Sharma, Human Rights Activist, Mr. Radhakanta Tripathy, Advocate & Human Rights Defender participated in the discussions.

Several issues were raised, which included, among others, progress on the torture bill, Foreign contribution (Regulation) Act and problems of the NGOs, sensitization of security

forces and law enforcement agencies, strengthening legal aid services authorities, toll free number of NHRC focal point, strengthening SHRCs, expeditious registration and disposal of complaints by the NHRC, increased interface between HRDs and NHRC, besides some specific cases of human rights violations.

The NHRC officers Mr. Surajit Dey, Registrar (Law), Dr. Ranjit Singh, Joint Secretary (P&A), Dr. Sanjay Dubey, Director (A), Mr. Mahesh Bhardwaj, Senior Superintendent of Police and Mr. Srinivas Kammath, DR (Law) and Mr. Jaimini Kumar Srivastava, Dy. Director (M&C) were present among others.

Important Judgment of the Supreme Court of India

Judgment on strengthening human rights protection mechanism

In this column, a brief report on an important judgment of the Supreme Court of India will be given, which has a bearing on human rights :

On the 14th July, 2017, the

Supreme Court ordered a CBI inquiry into 95 cases of encounters in Manipur between 2000 to 2012, while hearing the Writ Petition (CRL) No. 129 of 2012. These cases were part of the Commission of inquiry, judicial

inquiry and High Court and NHRC proceedings. The Apex Court also dwelt at length upon the constraints of the NHRC in fulfilling its mandate under the Protection of Human Rights, PHR Act.

This order underscores the constitutional and judicial importance attached to the human rights in India. It also serves as a critique on the responsibilities of governments towards strengthening our human rights protection mechanism.

The Apex Court observed that the provisions of the PHR Act make it an obligation on part of the Central Government to "provide adequate officers and staff so that the NHRC can perform its functions efficiently."

It also observed that "Considering that such a high powered body has brought out its difficulties through affidavits and written submissions filed in this Court, we have no doubt that it has been most unfortunately reduced to a toothless tiger. We are of the clear opinion that any request made by the NHRC in this regard must be expeditiously and favorably respected and considered by the Union of India otherwise it would become impossible for the NHRC to function effectively and

would also invite avoidable criticisms regarding respect for human rights in our country. We direct the Union of India to take note of the concerns of the NHRC and remedy them at the earliest and with a positive outlook.... We expect all State Governments to abide by the directions issued by the NHRC in regard to compensation and other issues as may arise from time to time. If the people of our country are deprived of human rights or cannot have them enforced, democracy itself would be in peril."

From the NHRC Investigation Files

This column will carry a story unfolding an intricate case of human rights violations leading to diametrically opposite revelation to prima facie claims and findings after investigations by the NHRC team :

Illegal detention, torture and false implication

Case No. 34221/24/52/2013

The NHRC received a complaint that one Hari Om Aggarwal, aged 52 years r/o Mathura, UP, a scrap dealer, was arrested in a case of stolen idols by the Police of District Bharatpur, Rajasthan on the 14th September, 2013 at 11.00 A.M. He was not produced before the Magistrate within 24 hours as required under the law and was being tortured in illegal custody.

During the course of enquiry conducted from 23rd May, 2016 to 26th May, 2016 by the team of the Commission's Investigation Division, the police maintained that the accused was arrested on the 16th September, 2013. The allegations of the petitioner were altogether denied in the police report stating that the actions of local

police were completely in order and justified.

During spot enquiry, the NHRC team found various irregularities in police claims, which included inconsistencies in the time and place of the actual and claimed arrest of the accused. The police claimed that they produced the accused at the residence of the magistrate on 16th September, 2013 at 05.40 pm within 40 minutes after arrest on 16th September, 2013 at 05.00 pm., which could not be possible as the time was too short to complete all the formalities and cover distance to the Magistrate's residence.

Further, it was also not possible that a police personnel from Kaman police station left for Kosikalan at 3.05 p.m. to arrest the accused at his residence and returned with him at 4.30 p.m. by travelling to and fro 60 kilometers in just 1 hour 25 minutes, during which he not only managed to locate the address of the accused but also made the required preliminary enquiry necessitating his arrest.

The complainant of the theft case stated that he was never associated

with the investigation. The Inquiry Officer, IO did not get the accused medically examined as per the guidelines. During the NHRC enquiry, 06 independent witnesses stated that they met the victim Hariom Aggarwal at police station Kama on the 14th September, 2013 & 15th September, 2013.

Thus, it was prima facie clear that the police illegally detained and tortured the accused for two days before showing his official arrest two days later on the 16th September, 2013. However, they could not cover up the inconsistencies in their proceedings, which were exposed in the NHRC investigations prompting it to issue a notice to the Government of Rajasthan to show cause why the victim should not be recommended to be paid monetary relief of Rs. 50,000/- for violation of his human rights.

The DGP, Rajasthan was also directed to initiate departmental proceedings against the then SHO Kaman and ASI who was the Inquiry Officer in the Crime No. 497/13 of PS Kaman.

From the archives of human rights cases

This column will carry a brief from the archives of the intricate cases of human rights violations, which became a landmark after the public authorities had to eventually accept the recommendations of the NHRC :

Mentally ill under trial prisoner's release (Case No. : 3628/30/2001-02)

The Director General Prisons, Delhi

informed the NHRC, vide his letter dated the 26th February, 2002 that an under trial prisoner, Charanjit Singh had been languishing in jail for more than 17 years since 28th October, 1985 without the trial being completed in the case FIR No. 854/85 U/S 302 of the Indian Penal Code, IPC on account of his mental condition. He requested for the intervention of the NHRC in

the matter. An under trial prisoner Charanjit Singh had been in jail for more than 2 decades.

The Commission appointed Ms. Meenakshi Arora, Advocate, to examine the matter. It was revealed that in the medical examination by the Medical Board, the accused was found suffering from schizophrenia, remission with senile dementia along with

hypertension. As per the Additional District Judge, the accused could not be released on bail as neither he had any relatives, under whose custody he could have been released, nor was he mentally fit to face the trial. Eventually, after a long period of 15 years, the Trial Court decided to release him on bail and an order was passed to this effect on the 14th July, 2000. However, since the prisoner could not appear in the court, his bail was cancelled on this ground since then he had been languishing in the jail.

Ms. Arora advised that the Commission could move an application u/s 482 Cr.P.C before a competent court for quashing the trial in view of the inordinate delay. Accordingly, the Commission, through her, informed the High Court of Delhi about the issue. The Institute of Human Behaviour and Allied Sciences

(IHBAS) had been approached but it was not willing to keep the under trial prisoner. Therefore, the Court directed the NHRC to find out a place where the under trial prisoner could be lodged.

The Court was informed that the Commission had been able to arrange the facilities for the treatment and stay of the accused Charanjit Singh at VIMHANS initially for a period of three months by keeping him as an indoor patient.

It was also suggested that after the condition of the patient stabilized, he could be shifted to a Half-way-Home "Ehass" which is near VIMHANS. The representative of the VIMHANS was present in the Court. The Help Age India representative, during his presence in the court, said that after VIMHANS certified the condition of

the patient to be stable, the Help Age India was prepared to take the prisoner in their Half Age Home or Old Age Home without charging any expenses for the same. Thus, the efforts made by the NHRC for the release, treatment and rehabilitation of a mentally ill under trial prisoner bore fruits with the Division Bench of the High Court, presided over by Mr. Justice D.K. Jain and Mr. Justice A.K. Sikri, quashing the FIR registered against the accused, paving the way for his release.

The High Court also issued certain directions keeping in mind the guidelines suggested by NHRC. The High Court directed the Delhi Judicial Academy for organising short term capsule courses to sensitize the judicial officers, likely to deal with the mental health cases, as suggested by the NHRC.

NHRC's 'Winter Internship' begins

Mr. Justice P.C. Ghose, Member, NHRC inaugurated a month-long Winter Internship Programme of the Commission in New Delhi on the 19th December, 2017. Giving an insight into the concept of human rights, he expressed the hope that the interns would proactively engage themselves in learning various aspects related to human rights to make the best use of the internship with the Commission.

Mrs. Jyotika Kalra, Member, NHRC, said that the outcome of their exposure to human rights related issues will be more fruitful, if they proactively raised voice against human rights violations and registered



NHRC Member, Mr. Justice P.C. Ghose inaugurating the Winter Internship Programme

complaints with the Commission and other appropriate forums for justice.

Mr. Ambuj Sharma, Secretary General, NHRC said that the Commission has entered into silver jubilee year of its existence and it would be keen to know from the young minds about their ideas on how to expand the outreach of the NHRC, India, particularly in the far

flung areas. Earlier, Dr. Ranjit Singh, JS (P&A) welcomed the participants and Dr. Sanjay Dubey, Director elaborated on the significance of the internship programme. Mr. S.C. Sinha, Member, Mr. Surajit Dey, Registrar (Law), Mr. Jaimini Kumar Srivastava, Dy. Director (M&C) and other senior officers of the Commission were present.

49 students from different colleges/universities of 15 States of the country have been selected for participation. They include 25 girls and 24 boys. They would be exposed to various human rights issues and laws, composition, role and function of the Commission.

Mr. Gurbachan Singh joins NHRC as Director General (Investigation)

Mr. Gurbachan Singh joined the National Human Rights Commission as the Director General (Investigation) on the 28th December 2017. He is a 1984 batch Indian Police Service officer of Odisha cadre. Prior to joining the Commission, he was holding the position of the Special Director in the Intelligence Bureau. He has held senior positions in different areas of investigation and intelligence. He was also the part of the Commonwealth Mission as a Member on visit to South Africa for the historical elections held in 1994. Besides, he also served as a Counsellor at the High Commission of India at Ottawa, Canada between December 2001 to June 2005.





Other important visits/seminars/programmes/conferences

Events	Delegation from NHRC
International Seminar on Sustainable Development Goals and Human Rights at Dhaka, Bangladesh from 10 th -11 th December, 2017	Mrs. Jyotika Kalra, Member, NHRC,

Complaints received/processed in December, 2017
(As per an early estimate)

Number of fresh complaints received in the Commission	6244
Number of cases disposed of including fresh and old	5792
Number of cases under consideration of the Commission including fresh and old	27617

Important Telephone Numbers of the Commission:

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

Other Important E-mail Addresses

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

Focal point for Human Rights Defenders

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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.

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

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Front cover painting taken from the collection of NHRC's children painting competitions.