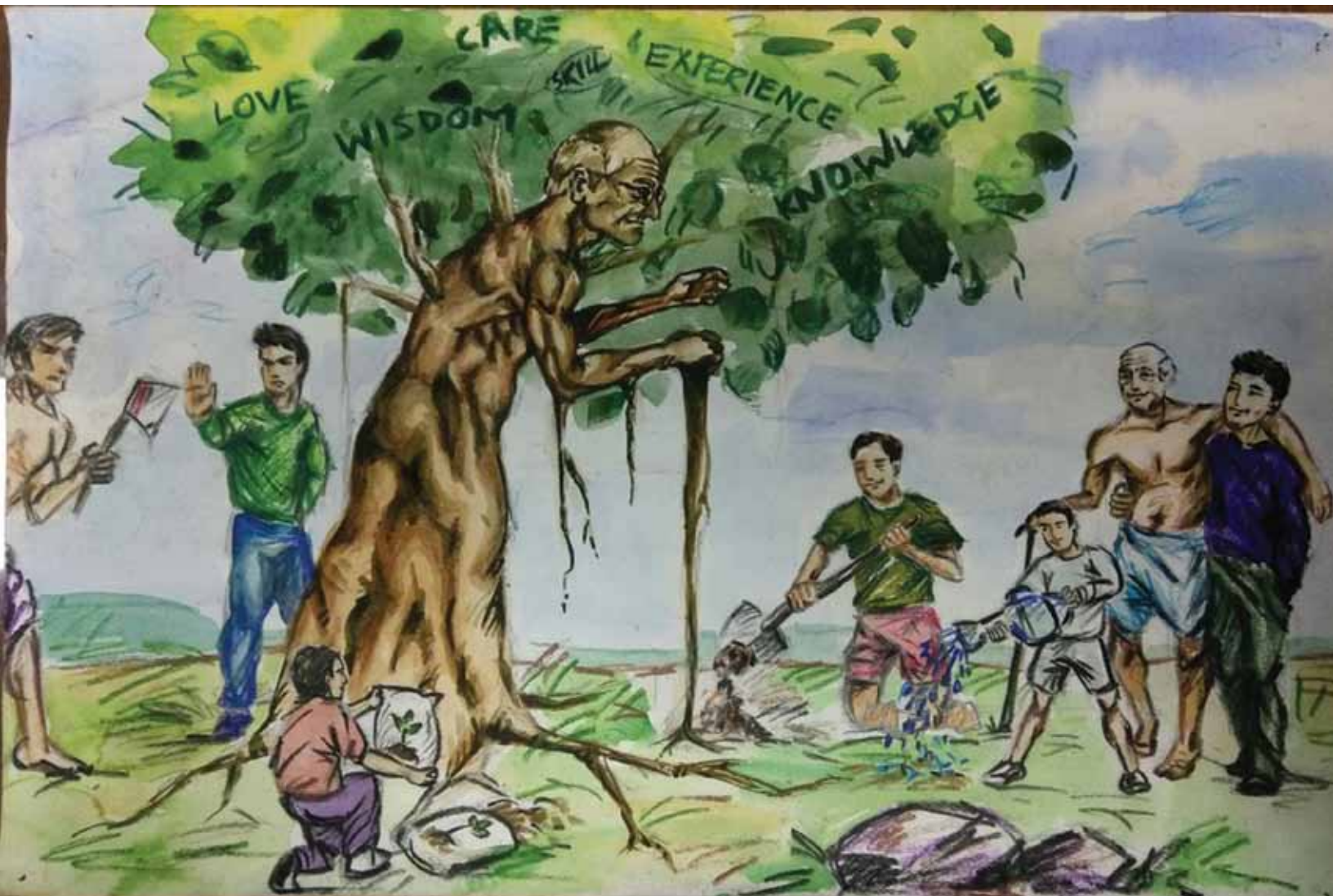




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HUMAN RIGHTS NEWSLETTER

A Monthly Publication of the National Human Rights Commission, India



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From the Editor's Desk

There may be hardly a month when the local, regional and national main stream media does not report issues, which may have an undercurrent of rights violation, but these may not be necessarily reported conclusively with a rights violation perspective, leaving a lot for interpretation from that angle. Be that as it may, the month of January, 2018 was in focus because of several such media reports. Also, in the line were the reports on the case proceedings in the Supreme Court on the issues, which impinged on human rights.

The Apex Court asked the Centre to respond to public interest litigation that dying with dignity is a part of right to life and executing a death row convict by hanging involved prolonged pain and suffering. In another matter, the Supreme Court's stand became very significant when it observed that the Caste Khap Panchayats cannot stop adults from marrying and asked the Centre to give its response on ways to prevent the killing of young couples for marrying inter caste or intra-clan in the name of family honour.

In yet another case, the Supreme Court was reported to have pulled up the CBI for not complying with its order to lodge FIRs in 42 alleged fake encounter cases in Manipur, which were examined by the judicial bodies, including the National Human Rights Commission. The January, 2018 brought the debate back in the national discourse on the relevance of Section 377 of Indian Penal Code, IPC, criminalizing homo-sexuality, when the Apex Court referred the writ petition in the matter to a larger constitutional bench. Its observation acquired significance that 'law has to change pace with time and a section of people cannot live in fear of a law that criminalizes their sexual orientation.'

Now coming to some media reports, which had an implicit undertone of human rights violation. A very bizarre incident of insensitivity of police was reported from Saharanpur, Uttar Pradesh, wherein the cops refused to carry the two young victims of a road accident to the hospital in the police control room vehicle saying that it will get dirty. The locals took them to hospitals on a tempo but a lot of precious time was lost to save them. The NHRC took suo motu cognizance of the media report and issued a notice to the concerned authorities, which has been pegged in this newsletter. But it is not only the lapses on the part of the police personnel, in line of their duties, which draw the attention of the NHRC towards them but also their constraints. During the month, the Commission also issued notices to the Centre, States and Union Territories on a complaint that vehicular pollution affected the health of traffic police personnel, who were neither provided any extra allowance nor health facilities.

In the other media report, the humiliating insensitivity of a teacher was galore, when she got slapped 168 times a 12 year old girl student by her class mates for not completing her homework at a residential government school was another condemnable incident. This incident took place in one of the Navodaya Vidyalayas in Jhabua district of Madhya Pradesh. Isn't it ironical that these government schools were set up to give quality education in a quality atmosphere to the students? Even more bizarre was the logic, reportedly given by the Principal of the school, downplaying the incident as a friendly punishment. Did he really not know that the corporal punishment of any kind is banned?

The prominent reporting of the NHRC's Regional Conference on Child Marriage in a section of media brought the focus on the menace prevalent in the six States of Odisha, Assam, Bihar, Chhattisgarh, Jharkhand and West Bengal. The reported data of the National Family Health Survey-4 indicated high incidences of child marriages. Therefore, proactive action from all the stakeholders is required to end this social evil, which cannot be brushed aside under the carpet presuming that in the modern times such incidents cannot be believed to be happening.

The reported violence in parts of Maharashtra on the occasion of the bicentenary celebrations of the historic 1818 battle of Bhima-Koregaon led to the death of a young man and injury to several others apart from damage to public and private property. The public angst over certain developments cannot be questioned, as it is insulated by the right to freedom of expression, but the moment an expression of dissent or dissatisfaction turns into a violent protest, it takes the focus away from even a genuine point of resentment. Violent protests violate the Human Rights of protestors also among others.

"The highest education is that which does not merely gives information but brings our life in harmony with all existence."

– Rabindranath Tagore

Message by Mr. Justice H.L. Dattu, Chairperson, NHRC

"The responsibility of the State to ensure universal

access to human rights, guarantee a life of dignity and equal access to various public goods and services is underscored by a wide range of international human

rights conventions. India is a signatory to many of them. These include *International Covenant on Civil and Political Rights, 1966, International Covenant on Economic, Social, and Cultural Rights, 1966, Convention on the Elimination of All Forms of Discrimination against Women, 1979, Convention on the Rights of the Child, 1989, and the Convention on Rights of Persons with Disabilities, 2006*, among others.



The Indian judiciary, through a broad interpretation of Article 21 (Right to Life) of the Constitution, has underscored the inextricable link between human rights and democratic 'good governance'. NHRC, India, in keeping with this progressive interpretation of Article 21 by the Courts and its own wide-ranging mandate under the Protection of Human Rights Act, 1993, has significantly enhanced the ambit and scale of its activities to address not only civil and political rights, but also social and economic justice.

It is only through an unwavering commitment to making human rights a key aspect of our country's socio-political, economic and cultural fabric that a fundamental change can be brought about to eradicate the scourge of poverty, ignorance, prejudices, and discrimination based on sex, caste, religion, disability and other grounds."

NHRC's Jaipur 'Open Hearing and Camp Sitting'

The National Human Rights Commission, NHRC organised its 'Open Hearing and Camp Sitting' in Jaipur, Rajasthan from the 18th – 19th January, 2018. The Commission, in its three benches, presided over by the Chairperson, Mr. Justice H.L. Dattu,

Bench considered 14 old cases. Of these, five were closed. In five other cases, further reports were called for and in four cases monetary relief of Rs.12.90 lakh was recommended to be paid to the victims or next of kin of the deceased.

marginalized and weaker sections of society.

Earlier, inaugurating the 'Open Hearing and Camp Sitting', Justice Dattu emphasized on the need for speedy disposal of pending matters. He said that the Commission was not only awarding compensation, in accordance with the Protection of Human Rights Act, 1993, but also considering expanding the scope of human rights including civil, political, social, economic and cultural rights, thereby covering a gamut of issues pertaining to health, food, education, displacement due to calamities and proper implementation of welfare schemes.

Mr. N.C. Goyal, Chief Secretary Government of Rajasthan, on the occasion, highlighted the implementation of Social Welfare measures for the protection of human rights in the State. Mr. Ambuj Sharma, Secretary General, NHRC emphasized that apart from providing a forum for disposal of pending cases, the 'Open Hearing and Camp Sitting' of the



NHRC Chairperson, Mr. Justice H.L Dattu hearing a complainant at the Jaipur Open Hearing

Members, Mr. Justice Pinaki Chandra Ghose and Mr. Justice D. Murugesan, heard 169 complaints on the atrocities and grievances of the people belonging to the Scheduled Caste and Schedule Tribe communities. The complainants and the State authorities were present during the hearing of the complaints.

The Commission expressed concern over tardy implementation of SC/ST (Prevention of Atrocities Act) 1989 and the Rules of 1995 besides the delay, in taking action for redressal of grievances. 57 cases were closed, when the authorities submitted reports of affirmative action and even payment of Rs. 3.10 lakh as monetary relief in some cases. In 108 cases, further reports were called for. In one case, show cause notice was issued for failure in taking lawful action. In another case, the Commission recommended monetary relief of Rs. one lakh for prima-facie proven violation of human rights.

On the second day of its Camp Sitting, the Commission in its Full

After the Full Commission hearing, the Commission had an interaction with the leading NGOs of the State for a feedback on the issues of human rights violations. The issues



NHRC Chairperson, Mr. Justice H.L Dattu, flanked by the Members, Mr. Justice P.C. Ghose and Mr. Justice D. Murugesan on his right and left hand respectively, addressing the media

raised by the NGOs were taken up with the State government during a meeting with the senior officers for sensitization and formulation of mechanism and schemes for better protection of human rights of the

Commission also gave an opportunity for a dialogue with the affected people and the public authorities for on the spot redressal of grievances.

Workshop on Elimination of Bonded Labour System



NHRC Member, Mr. Justice D. Murugesan addressing the workshop

The National Human Rights Commission organised Workshop on 'Elimination of Bonded Labour System' in collaboration with the Government of Kerala at Gokulam Park Hotel and Convention Center, Kaloor-I, Kochi, Ernakulam, Kerala on the 12th January, 2018. Mr. Justice D. Murugesan, Member, NHRC chaired the workshop.

The participants of the Workshop included senior officers of the Government of Kerala, Kerala State Human Rights Commission, NGOs and representatives of brick kilns, stone crushing and other related industries, academicians and final year law

students/research scholars from Kerala University.

The objective of the Workshop was to familiarize and sensitize the District Magistrates, Sub Divisional Magistrates, State Labour Officers and Members of Vigilance Committees, owners of brick kilns, stone crushing and other related industries etc. about the process of identification, release and rehabilitation of bonded labourers and the provisions of Bonded Labour System (Abolition) Act, 1976 and other related legislations. The Commission has organised 43 workshops on elimination of bonded labour so far.

National Conference on Business and Human Rights

The National Human Rights Commission organised a National Conference on 'Business and Human Rights' in collaboration with the Bharat Heavy Electricals Limited (BHEL) at BHEL, Bengaluru on the 12th January, 2018. The objective of the Conference was to discuss the national and international developments in the area of Business and Human Rights besides sharing the experience and views of different stakeholders.

Inaugurating the Conference, Mr. Justice H.L. Dattu, Chairperson, NHRC said that there is a growing recognition that the activities of corporate sector have led to economic growth, employment generation and rise in incomes but there are also clear signs of an acute strain on environment due to the damage to the planet's ecological support systems and widening gaps between the rich and poor, impacting fundamental human rights, dignity, equality and well-being of a large number of people.

Mr. Justice P.C. Ghose, Member, Mr. Ambuj Sharma, Secretary General and Dr. Ranjit Singh, Joint Secretary, (P&A), NHRC, Dr. Devi Prasad Shetty, Chairman, Narayan Group of Hospitals, Mr. N. Santhanam, General Manager

(Finance) and Mr. K. Adishesu, General Manager (HR), BHEL were present.

The conference was attended by the senior officers from the Centre and State Governments, State Human Rights Commission, CEOs and other representatives of various business enterprises/industries/federations including Public Sector Undertakings, PSUs, Trade Union, academia and Civil Society Organisations, working in the area of business and human rights.

After intensive deliberations various important suggestions emerged, some of which are as follows:

1. States should develop a National Action Plan on Business and Human Rights, in conformity with the UN Guiding Principles, to protect against the adverse impact on human rights by business enterprises;
2. Develop an accreditation/rating mechanism for all the PSUs to ensure protection and promotion of human rights;
3. Remove the word 'Voluntary' from

the 'National Voluntary Guidelines' of the Union Ministry of Corporate Affairs.

4. Business entities should develop a self regulating mechanism to ensure protection of human rights of all their workers;

5. The companies need to adopt/ use 'Self Assessment Tool', developed by a team of representatives from the



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

Industry Federations/organisations and facilitated by the NHRC, to self evaluate their commitment to human rights, and identify the needs/ gaps for further improvement;

6. NHRC may undertake a short term research study/project in collaboration with the Indian Institute of Management, Ahmedabad/Bengaluru on Business and Human Rights.

Regional Conference on Child Marriage

The National Human Rights Commission organised a regional conference on Child Marriage at Bhubaneswar, Odisha from the 4th-5th January, 2018. It collaborated with the Government of Odisha, Sane and Enthusiastic Volunteers Association of Calcutta, SAIEVAC and India Alliance for Child Rights, IACR for the event. The objective of the conference was to raise awareness about the existing legislations prohibiting child marriage and understanding impediments in the effective implementation thereof to suggest the course correction.

Mr. S.C. Sinha, Member, NHRC chaired the conference. Besides the senior officers of the NHRC, the participants included senior police and administrative officers from the States of Assam, West Bengal, Bihar, Jharkhand, Odisha and Chhattisgarh, Members of the State Commission for women, State Commission for Protection of Child Rights, Legal experts and representatives of about 35 NGOs, Civil Services and Human

Rights Organizations and academic institutions. The discussions were divided into four segments of child marriage, reality check, policy framework, factors influencing child marriage and preventive measures, human trafficking and child marriages and road ahead. Several important



NHRC Member Mr. S.C Sinha addressing the conference

suggestions emerged, some of which are as follows:

1. States should design strategic plans to address the menace of child marriage and ensure that Gram Panchayats run anti child marriage campaigns as part of their various development initiatives;

2. Village Level Child Protection Committee should be activated to track and report child marriages and child trafficking apart from engaging with community and religious leaders to build awareness about the harms of child marriage.

3. Linking of marriage registration with AADHAR should be made compulsory;

4. Make child marriage a criminal offence under protection of Child Marriage Act and depute child marriage prohibition officers at Taluk, district and State level;

5. Introduce a child marriage dissolution law with provisions for speedy adjudication of cases concerning children along with the rehabilitation of those

rescued;

6. Include child related laws in school curriculum for awareness; also involve corporate sector under corporate social responsibilities for building awareness on the ills of child marriage;

7. Develop mobile App to connect with police control room.

Suo Motu Cognizance

The Commission took suo motu cognizance in 5 cases of alleged human rights violations reported by media during January, 2018 and issued notices to the concerned authorities for reports. Summaries of some of the cases are as follows:

Increasing serious diseases (Case No. 68/19/3/2018)

The media reported about the excessive use of pesticides and insecticides leaving residue of heavy metals in soil and ground water causing various serious diseases to many people in the Malwa region of Punjab. The Commission has issued notices to the Chief Secretary Government of Punjab and the Secretary, Union Ministry of Health and Family Welfare for a detailed report. They have been asked to inform

about the steps taken after the year 2012, when the Commission had disposed the matter on the assurance given by the State Government for an affirmative and prompt action to deal with the menace.

Selling of an infant (Case No. 51/11/10/2018)

The media reported on the 25th January, 2018 that a woman in Palakkad, Kerala, allegedly, sold her four-day-old baby for Rs. 1 Lakh to a Pollachi-based childless couple. The Commission has observed that the sale and purchase of the infant, as reported in this case, amounts to violation of his human rights and the statutory provisions on adoption. Such illegal practices cannot be allowed in a civilized society.

Accordingly, notices have been

issued to the Chief Secretaries and DGPs, Government of Kerala and Tamil Nadu calling for a detailed report in the matter, including action taken in similar cases, if any. The Commission has also issued a notice to the Secretary, Union Ministry of Women & Child Development calling for a report in the matter, especially on the monitoring mechanism in place, at CARA for Protection of the Children/ Infants against the misuse of the adoption laws.

Closer of its several primary and upper primary schools (Case No. 19/90/0/2018)

The media reported on the 21st January, 2018 that a large number of government run primary and upper primary schools had been closed in Odisha due to less number of

students. The report raised the issue of Right to Education of the children, mostly belonging to poor families of Scheduled Caste, Scheduled Tribe and Other Backward communities. The Commission has issued a notice to the Chief Secretary, Government of Odisha, calling for a report. It has observed that apparently the government schools are lacking in basic amenities; the number of teachers is also not adequate. Opening of private schools cannot be a solution for the shortcomings being faced by the students and the parents in the government schools. The Commission has also issued a notice to the Union Ministry of Human Resource Development, through its Secretary, for its response in the matter.

An alive patient declared dead and sent to mortuary (Case No. 79/35/6/2018)

The media reported on the 20th January, 2018 that the doctors at a hospital run by Bharat Heavy Electrical Limited, BHEL in Haridwar, Uttarakhand, declared an alive patient dead and shifted him to the mortuary. He was an employee of

BHEL. Allegedly, he remained alive for the next eight hours in the mortuary before his death. This was revealed in the autopsy report. The Commission has issued a notice to the Chairman, BHEL and the Medical Superintendent of the BHEL Hospital, Haridwar calling for a detailed report, along with action taken against the guilty doctors and the relief provided to the family of the deceased.

Police refuse carrying two injured boys to hospital (Case No. 1618/24/64/2018)

The media reported on the 20th January, 2018 that in Saharanpur, Uttar Pradesh, policemen refused to carry two grievously injured boys in a road accident to the hospital in the Police Control Room (PCR) Van saying that the vehicle will get smudged. Thus, crucial time was lost in carrying them in a Tempo by public to the hospital, where both were declared dead by the doctors. The Commission has observed that the reported insensitive and hard-hearted attitude of the police personnel seems to have caused the loss of two lives. Accordingly, it

has issued a notice to the Director General of Police, Uttar Pradesh calling for a detailed report in the matter, including the action taken against the delinquent police officials. The Commission has also issued a notice to the Chief Secretary, Government of Uttar Pradesh to inform about the number of ambulance functional in the area along with the status of the relief granted to the families of the deceased persons.

Ward Boy works as a Doctor and Pharmacist

The media reported on the 1st January, 2018 about a Ward Boy doing the work of a Doctor and a Pharmacist at a Government run Public Health Centre in Sarai Gopi area of District Barabanki, Uttar Pradesh. Reportedly, the local residents did not visit the centre as there were no facilities. The Doctor posted at the centre visited it once in a fortnight and the Pharmacist mostly remained absent. The Commission has issued a notice to the Chief Secretary, Government of Uttar Pradesh calling for a detailed report in the matter.

Important Interventions

Daughter of a bonded labour dies due to electrocution (Case No. 1295/22/5/2014)

The six year old daughter of a bonded labour couple was forced to stay back at a Coimbatore Power Loom Godown in Tamil Nadu as a security for his parents, when they went to visit their elder daughter in the village. The girl got electrocuted as soon as she touched the fence around the Power Loom godown, running on illegal electricity connection.

During the course of enquiry, the Commission found that the concerned State Authorities could not provide any cogent argument why the State Electricity Authorities could not take any action against the illegal electricity connection taken by the owner of the Power Loom. It was only when a local NGO protested after the girl was

electrocuted that a case was registered and one person was arrested for illegal electric connection.

The Commission also noted that no records or registers were verified and information was provided by the State administration to show that the parents of the victim girl were not bonded labourers and they were being paid wages in conformity with the provisions of the Minimum Wages Act, 1948. The Commission has observed that inaction of the State Electricity Authorities amounted to negligence in the prevention of violation of human rights of the victim for which, the State is liable.

Accordingly, it has issued a notice

to the Government of Tamil Nadu, through its Chief Secretary, to show cause why a relief of Rs. 3 lakh should not be recommended to be paid to the next of kin of the deceased.

Further, the District Magistrate, Coimbatore has been directed to declare the parents of the victim as bonded labourers and issue their release certificates. He has also been asked to ensure their rehabilitation, strictly, as per the Provisions of Bonded Labour System (Abolition) Act, 1976 and submit compliance report with the proof of payment to them.

The Commission had registered the case on the basis of a complaint dated on the 1st September, 2014.

98 bonded labourers (Case No. 3/9/15/2018-BL)

The National Human Rights Commission has taken cognizance of a complaint that 98 bonded labourers, rescued from two brick kiln sites in Samba and Reasi districts of Jammu and Kashmir on the 28th & 29th January, 2018, have neither been given any immediate interim relief nor release certificates, as per law and left to fend for themselves. They belonged to Bilaspur, Janjgir, Champa, Jaijaipur, Raigarh, Chhattisgarh and included, among themselves, 20 women and 41 children. Allegedly, the victims were subjected to lathi charge by Delhi Police and some of the victims, including pregnant women

sustained injuries. The victims travelled from Jammu to Delhi in a pitiable condition, without food and shelter, and approached the Commission with the help of some social activists on the 4th January, 2018.

The Commission has asked its Director General (Investigation) to inquire into the matter and submit a report. The Investigation Division of the Commission shall also contact the office of the Chief Secretary, Government of NCT of Delhi, Resident Commissioners of Chhattisgarh and J&K in order to see the welfare and wellbeing of the victims till they reached their native places in

Chhattisgarh. A report will also be obtained from Commissioner of Police, Delhi on the allegations of the use of force by police on the victims.

Besides this, notices have been issued to the District Magistrates of Samba and Reasi, J&K, calling for reports in accordance with the actions taken as per the provisions of the Bonded Labour System (Abolition) Act, 1976. The District Magistrates of Bilaspur, Janjgir, Champa, Jaijaipur, Raigarh, Chhattisgarh has been asked to coordinate with the District Magistrates of Samba and Reasi for the rehabilitation of the rescued bonded labourers.

Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 12 cases were considered during 02 sittings of the Full Commission and 47 cases were taken up during 04 sittings of Divisional Benches in January 2018. On 46 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of ₹ 94,35,000/- 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.	197/1/6/2014-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF ANDHRA PRADESH
2.	81/1/10/2014-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF ANDHRA PRADESH
3.	3111/4/13/2014-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF BIHAR
4.	1578/34/11/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	200000	GOVT. OF JHARKHAND
5.	879/11/13/2015-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF KERALA
6.	2417/13/30/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF MAHARASHTRA
7.	1080/19/3/2015-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF PUNJAB
8.	583/19/3/2016-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF PUNJAB
9.	46506/24/43/2015-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF UTTAR PRADESH
10.	1349/25/5/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF WEST BENGAL
11.	767/25/10/2014-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF WEST BENGAL
12.	295/1/7/2014-PCD	CUSTODIAL DEATH (POLICE)	100000	GOVT. OF TELANGANA
13.	20163/24/49/2010-ED	DEATH IN POLICE ENCOUNTER	500000	GOVT. OF UTTAR PRADESH
14.	6621/24/1/2010-ED	DEATH IN POLICE ENCOUNTER	1000000	GOVT. OF UTTAR PRADESH
15.	4244/4/2005-2006	ALLEGED FAKE ENCOUNTERS	1500000	GOVT. OF BIHAR
16.	2634/30/9/2013	CUSTODIAL TORTURE	100000	GOVT. OF NCT OF DELHI
17.	1528/20/14/2016	CUSTODIAL TORTURE	25000	GOVT. OF RAJASTHAN
18.	883/20/19/2015	CUSTODIAL TORTURE	25000	GOVT. OF RAJASTHAN
19.	22443/24/1/2013	CUSTODIAL TORTURE	800000	GOVT. OF UTTAR PRADESH
20.	2004/30/5/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	300000	GOVT. OF NCT OF DELHI

Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
21.	5685/18/18/2016	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200000	GOVT. OF ODISHA
22.	8464/18/14/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	105000	GOVT. OF ODISHA
23.	41733/24/72/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200000	GOVT. OF UTTAR PRADESH
24.	1031/24/43/2014	FALSE IMPLICATIONS	50000	GOVT. OF UTTAR PRADESH
25.	5077/30/10/2015	FAILURE IN TAKING LAWFUL ACTION	25000	GOVT. OF NCT OF DELHI
26.	8194/30/5/2014	FAILURE IN TAKING LAWFUL ACTION	100000	GOVT. OF NCT OF DELHI
27.	161/7/10/2016	FAILURE IN TAKING LAWFUL ACTION	575000	GOVT. OF HARYANA
28.	1192/20/30/2015	FAILURE IN TAKING LAWFUL ACTION	20000	GOVT. OF RAJASTHAN
29.	3084/20/20/2014	FAILURE IN TAKING LAWFUL ACTION	25000	GOVT. OF RAJASTHAN
30.	3087/20/14/2014	FAILURE IN TAKING LAWFUL ACTION	50000	GOVT. OF RAJASTHAN
31.	18245/24/14/2014	FAILURE IN TAKING LAWFUL ACTION	25000	GOVT. OF UTTAR PRADESH
32.	18967/24/18/2014	FAILURE IN TAKING LAWFUL ACTION	25000	GOVT. OF UTTAR PRADESH
33.	926/10/2/2014	ABUSE OF POWER	300000	GOVT. OF KARNATAKA
34.	1773/20/18/2016	ABUSE OF POWER	25000	GOVT. OF RAJASTHAN
35.	5/7/21/2015	SEXUAL HARASSMENT	25000	GOVT. OF HARYANA
36.	21592/24/77/2012-WC	SEXUAL HARASSEMENT (GENERAL)	25000	GOVT. OF UTTAR PRADESH
37.	2101/18/29/2015-WC	RAPE	100000	GOVT. OF ODISHA
38.	26649/24/27/2014-WC	ABDUCTION, RAPE AND MURDER	10000	GOVT. OF UTTAR PRADESH
39.	11802/24/20/2014	ATTEMPTED MURDER	300000	GOVT. OF UTTAR PRADESH
40.	530/34/12/2015	EXPLOITATION OF CHILDREN	50000	GOVT. OF JHARKHAND
41.	16053/24/47/2017	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	200000	GOVT. OF UTTAR PRADESH
42.	3595/30/9/2015	IRREGULARITIES IN JAIL	100000	GOVT. OF NCT OF DELHI
43.	45784/24/72/2015	UNLAWFUL DETENTION	400000	GOVT. OF UTTAR PRADESH
44.	23089/24/77/2015	DISAPPEARANCE	25000	GOVT. OF UTTAR PRADESH
45.	4814/30/8/2016	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	GOVT. OF NCT OF DELHI
46.	25825/24/54/2015	MALFUNCTIONING OF MEDICAL PROFESSIONALS	25000	GOVT. OF UTTAR PRADESH

Compliance with NHRC recommendations

In January, 2018, the Commission closed 45 cases on receipt of compliance reports from different public authorities, furnishing proof of payments, it had recommended, totalling ₹ 80,05,000/- 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.	135/1/6/2014-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF ANDHRA PRADESH
2.	2853/4/11/2012-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF BIHAR
3.	4255/4/27/2014-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF BIHAR
4.	2326/30/9/2015-JCD	CUSTODIAL DEATH (JUDICIAL)	300000	GOVT. OF NCT OF DELHI
5.	1505/19/1/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF PUNJAB
6.	634/1/7/2012-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF TELANGANA
7.	21939/24/48/2011-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF UTTAR PRADESH
8.	26275/24/14/2013-JCD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF UTTAR PRADESH
9.	3583/24/97-98-CD	CUSTODIAL DEATH (JUDICIAL)	500000	GOVT. OF UTTAR PRADESH
10.	38166/24/2006-2007-CD	CUSTODIAL DEATH (JUDICIAL)	100000	GOVT. OF UTTAR PRADESH
11.	157/25/13/09-10-AD	ALLEGED CUSTODIAL DEATH	500000	GOVT. OF WEST BENGAL
12.	624/25/13/09-10-AD	ALLEGED CUSTODIAL DEATH	500000	GOVT. OF WEST BENGAL
13.	3021/12/33/2014-AD	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	100000	GOVT. OF MADHYA PRADESH

Sl. No	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
14.	286/6/23/2013-PCD	CUSTODIAL DEATH (POLICE)	100000	GOVT. OF GUJARAT
15.	4291/7/15/2016-PCD	CUSTODIAL DEATH (POLICE)	100000	GOVT. OF HARYANA
16.	10/16/1/2016-PCD	CUSTODIAL DEATH (POLICE)	25000	GOVT. OF MIZORAM
17.	2929/30/9/2014-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	GOVT. OF NCT OF DELHI
18.	31/14/15/2012-ED	DEATH IN POLICE ENCOUNTER	500000	GOVT. OF MANIPUR
19.	1701/12/38/2013	CUSTODIAL TORTURE	50000	GOVT. OF MADHYA PRADESH
20.	25081/24/31/2011	CUSTODIAL TORTURE	25000	GOVT. OF UTTAR PRADESH
21.	380/34/11/2010	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	150000	GOVT. OF JHARKHAND
22.	9328/18/2/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	GOVT. OF ODISHA
23.	9429/18/17/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	80000	GOVT. OF ODISHA
24.	33298/24/19/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	50000	GOVT. OF UTTAR PRADESH
25.	35370/24/7/2013	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	180000	GOVT. OF UTTAR PRADESH
26.	39468/24/6/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	GOVT. OF UTTAR PRADESH
27.	84/25/19/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	600000	GOVT. OF WEST BENGAL
28.	6247/30/0/2015	FAILURE IN TAKING LAWFUL ACTION	25000	GOVT. OF NCT OF DELHI
29.	35618/24/31/2012	FAILURE IN TAKING LAWFUL ACTION	25000	UTTAR PRADESH
30.	36219/24/23/2013	HARASSMENT OF PRISONERS	100000	GOVT. OF UTTAR PRADESH
31.	31226/24/21/2013	ABUSE OF POWER	25000	GOVT. OF UTTAR PRADESH
32.	20264/24/78/2013	ILLEGAL ARREST	200000	GOVT. OF UTTAR PRADESH
33.	1271/1/14/2013-WC	RAPE	300000	GOVT. OF TELANGANA
34.	2463/18/18/2013	CHILDREN	300000	GOVT. OF ODISHA
35.	36086/24/31/2013-WC	DOWERY DEATH OR THIER ATTEMPT	100000	GOVT. OF UTTAR PRADESH
36.	208/4/39/2013-WC	ABDUCTION, RAPE AND MURDER	25000	GOVT. OF BIHAR
37.	42032/24/27/2012-WC	ABDUCTION, RAPE AND MURDER	100000	GOVT. OF UTTAR PRADESH
38.	7294/30/1/2013	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	100000	GOVT. OF NCT OF DELHI
39.	3512/18/12/2014	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	100000	GOVT. OF ODISHA
40.	882/20/19/2013	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	100000	GOVT. OF RAJASTHAN
41.	36210/24/31/2013	ATROCITIES ON SC/ST/OBC	25000	GOVT. OF UTTAR PRADESH
42.	257/24/40/2014	ATROCITIES ON SC/ST (BY POLICE)	100000	GOVT. OF UTTAR PRADESH
43.	15672/24/1/2012	UNLAWFUL DETENTION	20000	GOVT. OF UTTAR PRADESH
44.	3526/18/31/2014	VICTIMISATION	100000	GOVT. OF ODISHA
45.	3380/4/26/2014	NUISANCE BY LOCAL RUFFIANS	800000	GOVT. OF BIHAR

Online Human Rights Pledge

Mr. Justice H.L. Dattu, Chairperson, National Human Rights Commission, in run up to its silver jubilee celebrations in 2018, inaugurated the 'Online Human Rights Pledge' at a brief ceremony in New Delhi on the 25th January, 2018. On the occasion, Justice Dattu, NHRC Member, Mr. Justice D. Murugesan, Secretary General, Mr. Ambuj Sharma, Director General (Investigation), Mr. Gurbachan Singh and Registrar (Law), Mr. Surajit Dey were among the first few, who took the online pledge.

This initiative is aimed at inculcating a sense of self commitment among the citizens towards the promotion and protection of human rights and build

widespread awareness about the importance of the same throughout the country.

This pledge can be taken by the people through MyGov portal in Hindi or English. The people shall get an automated certificate in their names, immediately after taking the pledge to protect and promote human rights of all by filling in some basic personal information online to complete the process. They can download or take



NHRC Chairperson, Mr. Justice H.L. Dattu, Member, Mr. Justice D. Murugesan, Secretary - General, Mr. Ambuj Sharma, DG(I), Mr. Gurbachan Singh and Registrar (Law), Mr. Surajit Dey with their certificates of Human Rights Pledge

out its print. The people can also share their certificates of Human Rights Pledge on Facebook and Twitter through MyGov portal.



Winners of Competitions in Hindi with the NHRC Chairperson, Members and senior officers

Hindi Awards

Mr. H.L. Dattu, Chairperson, NHRC gave away awards and certificates to the winners of various competitions organized by the Commission for its officers and staff during the Hindi fortnight. He expressed the hope that they would promote and use official language in their work. NHRC Member, Mr. Justice D. Murugesan, Secretary General, Mr. Ambuj Sharma, Director General (Investigation), Mr. Gurbachan Singh, and Joint Secretary (P&A), Dr. Ranjit Singh and other officers and staff of the Commission were present on the occasion.

Winter Internship Programme concludes

The month long 'Winter Internship Programme' organised by the National Human Rights Commission, NHRC for the university and college students concluded in New Delhi on the 17th January, 2018. Total 49 interns, including 25 girls and 24 boys from 15 States of the country attended. The interns were given exposure to various aspects of human rights by eminent persons and senior officers of the Commission besides visits to police stations, jails and presentation on research studies.

Addressing the valedictory session, Mr. Ambuj Sharma, Secretary General, NHRC congratulated the interns on the successful completion of internship. He expressed the

hope that the interns would act as the ambassadors and contribute to the Commission's endeavour by being ambassadors of human rights. He lauded their efforts in preparing research studies on important issues of human rights, which he said would be useful for further analysis by the Research Wing of the Commission.

He also gave away the certificates of internship and the cash awards for the best interns. The first award of Rs. 6,000/- was given to Mr. Sandeep

Kumar. Mr. Chinmay Anand Panigrahi got Rs. 5,000/- as the second best intern and Mr. Saijeet Pratap Singh got the third



NHRC interns with the Secretary-General, Mr. Ambuj Sharma and other senior officers

award of Rs. 4,000/-. Dr. Ranjit Singh, JS (P&A) and other senior officers of the Commission were present.

NHRC, Nepal delegation visits NHRC, India

A four member delegation from the National Human Rights

Commission of Nepal, led by its Chairperson, Mr. Justice Anup Raj Sharma and including Commissioner, Ms. Mohna Ansari visited the National Human Rights Commission, India in New Delhi on the 10th January, 2018. They met Mr. Justice H.L. Dattu, Chairperson, Mr. Ambuj Sharma, Secretary General and the other senior

officers of the NHRC, India and shared the best practices being followed in both the NHRIs.

The Nepal delegation also extended an invitation to Justice Dattu to participate in a South Asia Regional Conference being organised by it in Kathmandu from the 9th-11th April, 2018 and requested for all possible support. The conference aims at identifying challenges in realizing human rights in South Asia and strengthening the NHRIs in the region.



NHRC Chairperson, Mr. Justice H.L. Dattu and senior officers interacting with the delegation from the NHRC of Nepal

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.

Gang rape and police inaction (Case No. 31633/24/42/2014)

The National Human Rights Commission received a complaint, based on media reports, from an NGO alleging police inaction in a case of

gang rape in District Kannauj on the 16th August, 2014. The Commission called for reports from the Senior Superintendent of Police, SSP, Kannauj.

His report revealed that in the alleged incident, a case Crime No.

192/14 dated 17th August, 2014 u/s 376 IPC, was registered at Police Station Indergarh on the complaint of victim's husband. After investigation, an accused was arrested on the 19th August, 2014 and sent to the jail. The inquiry officer of the case had sent notices to the complainant, victim and witnesses of the case for lie-detector test. However, they left the village without information. The Police report said that during further investigations, the matter was found false and based on past enmity with opponents for political reasons. Hence, no offence was made out and a final report dated 17th October, 2014, was filed stating that there was lack of evidence to support the case.

This report did not inspire the confidence of the Commission. Hence, it entrusted the responsibility to the Investigation Division for conducting a spot enquiry into the allegations to cull out the real facts.

The NHRC Investigating officers found many contradictions in the police report. From the perusal of available documents, including the recorded statements and the opinion of the medical expert on the NHRC panel, the incident of sexual assault was, prime-facie, established. During the enquiry, the NHRC team did not find any dispute or enmity between the victim's family and the alleged accused, as claimed by the District Police. The police made procedural lapses during the investigation of the case to weaken it.

The victim and her family members had not left the village under any pressure. They had left for Delhi in due course as they had been residing there for the last 5-6 years. Police had provided security to the victim after the incident, so obviously, the whereabouts of the victim were known to them. Hence, the police report was found to be baseless and

misleading amounting to denial of justice to the victim.

The Commission, taking a serious note of the lapses on part of the Police, and directed the Chief Secretary, Govt. of Uttar Pradesh, to Show Cause why interim monetary relief of Rs.1,00,000/- should not be recommended to be paid to the victim. The Chief Secretary and Director General of Police, Uttar Pradesh were directed to get the case re-investigated by a Gazetted Police Officer of CB/ CID and take appropriate action against the delinquent police officers. Adequate financial relief u/s 357A Cr.P.C. was also recommended to be granted to the victim, as per rules.

They were further directed to issue guidelines to all the districts in the State to collaborate with NGOs/ service providers to ensure that legal aid and psychological counseling is provided to the victims of sexual assault in accordance with the prescribed guidelines.

Media Watch

This column will carry a brief report and analysis of the editorials, carried by major newspapers during the preceding month to understand on what issues, which were part of national discourse, the media most commonly commented upon, and how human rights or rights perspective reflected in them.

During the month of January, 2018, there were many issues of interest on which most of the major English newspapers commonly commented upon in their editorials but these were not essentially having a direct bearing on the human rights per se. The act of vandalism committed by the Karni Sena after the Supreme Court refused to recall its order on the release of the movie 'Padmaavat' was one of the most commonly commented upon issues. Seven editorials were carried on the topic. The Indian Express wrote that "in this country, an industry of hurt sentiments has flourished for long, only its lead protagonists have changed." The Tribune wrote "caste groups can be indulged only at national cost". The Hindu wrote, "the attack on bus carrying school children captures the State failure to stand up

to vigilantism".

India's growth story, which was pegged by the Prime Minister at the World Economic Forum in Davos, was the second most commonly commented topics with five editorials. The Tribune commented that it was an impressive performance by the Prime Minister. However, it also said that "the world businessmen will come to India only when we are able to present ourselves as a peaceful and orderly nation." The Indian Express, Hindustan Times, The Economic Times, by and large, also echoed the similar sentiments.

At least two newspapers, including Pioneer and The Economic Times commented upon the 2018 Environmental Performance Index report, which has put India among the bottom five countries in the world. The Economic Times said, "air pollution is a problem, admit it, do not put public health at risk by junking the latest environmental data." The Hindustan Times complemented the Centre for finalizing Rupees Six Thousand Crore scheme to tackle the countries depleting ground water level.

The third most commented upon

subject was Roger Federer's winning streak in tennis grand slams. The Hindu called him a 'Renaissance man' after his victory at the Australian Open. The Tribune, Indian Express, The Pioneer and the Millennium Post carried editorials hailing the amazing grace and talent of Federer as the tennis's tallest. India's growing relationship with ASEAN with the presence of the leaders of the six nations of the region at its Republic Day celebrations, was also commented upon by some papers as a good augury.

Apart from this, the editorial comments were a mixed bag of issues commented upon. Some of these which impinged on human rights, included the WWSupreme Court's decision to uphold Hadiya's freedom to independently choose her life partner, Cancer taking toll on health and economy, suicide by students and mental health advisory, stringent pesticide management law to curb unsafe use of toxins, centre's decision to re-visit the 2003 report on Justice V.S Malimath Committee on reforming the criminal justice system with a rights perspective.

NHRC seeks progress report on Bhangar firing
Two youths had died when the police...

UP cops left 2 injured to die
The Commission has issued a notice to the Uttar Pradesh government over the insensitivity of the state police in Saharanpur.

NHRC has taken cognizance of some cow vigilantism
The Commission has issued a notice to the Uttar Pradesh government over the insensitivity of the state police in Saharanpur.

NHRC concludes Winter Internship
The National Commission's much sought after month-long programme on human rights concluded in New Delhi with 49 interns, 24 boys from various states, attending to the task.

UP cops face homicide charge for not aiding dying teens
The Commission has issued a notice to the Uttar Pradesh government over the insensitivity of the state police in Saharanpur.

NHRC asks Rajasthan to create look into air pollution
The Commission has issued a notice to the Rajasthan government over the insensitivity of the state police in Jaipur.

Other important visits/seminars/programmes/conferences

Events	Delegation from NHRC
Visit to Presidency Jail, Alipore, North 24 Parganas, Kolkata from 23 rd – 25 th January, 2018	Mr. Justice P.C. Ghose, Member, NHRC,
Visit to Alipore Central Correctional Home, Kolkata from 29 th – 30 th January, 2018	Mr. Justice P.C. Ghose, Member, NHRC,

Complaints received/processed in January, 2018 (As per an early estimate)

Number of fresh complaints received in the Commission	5796
Number of cases disposed of including fresh and old	5743
Number of cases under consideration of the Commission including fresh and old	27593

Important Telephone Numbers of the Commission:

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

Other Important E-mail Addresses

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

Focal point for Human Rights Defenders

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

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

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

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