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HUMAN RIGHTS NEWSLETTER

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Green India, Clean India



Malnourished Children



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From the Editor's Desk

Some of verdicts by the Supreme Court in the month of March, 2018 underscored the significance attached to human rights in India and thus became landmarks from that point of view. These included judgments on - paving the way for passive euthanasia, giving guidelines on curbing the role of 'Khap Panchayats' (caste bodies) in the marriage of two consenting couples, directing the authorities to prevent the abuse of SC/ST Act causing arrest of persons for extraneous considerations, upholding Hadiya's right to choose her faith and life partner.

The reports on the progress of the ongoing hearing in the Apex Court examining the aspects relating to the right to privacy viz-a-viz Aadhaar, the unique identification number and the Chief Justice of India, Mr. Justice Dipak Misra's call for policy and judicial activism to combat human trafficking, which he described as the 'greatest human tragedy', while addressing an international conference in Delhi, further touched human rights concerns. The NHRC, as a quasi judicial body, also has been very consistently vocal about addressing the problem of human trafficking.

The Apex Court verdicts during the month, and the issues involved therein generated further debate in society and hence, in media also with a rights perspective. Particularly, the issue of preventing the 'acknowledged abuse' of law of arrest under the SC/ST Act saw large scale protests in various parts of the country, which at some places also became violent resulting in deaths, injuries and loss of property as well as violations of human rights.

The crux of the judgment was very clear; it did not do away with the provisions of the SC/ST Act but only put checks and balances to ensure that its provisions are not misused to implicate an innocent amounting to violation of his constitutional guarantees. It said that in order to avoid false implication of an innocent, a preliminary enquiry may be conducted by the concerned DSP before registration of an FIR under the provisions of SC/ST Act. It held that there is no absolute bar against the grant of anticipatory bail in cases under the Act and the arrest of a public servant can only be after approval of the appointing authority and of a non-public servant after approval by the S.S.P. This was needed to be explained to the agitators in good earnest by the people, who mattered to them the most, instead of adding fuel to the fire spread on misinterpretations.

Faith in the institutions is the key to restoring order in society; without which there will be chaos serving no purpose. A constructive purpose is one which seeks to create order out of chaos by honest, objective and transparent commentary and not vice-a-versa. System of appeal, review and curative petitions are already there to protect the interests of any litigant in the judicial system of the country, which is governed by the 'Principles of Natural Justice' that no one should be made a judge in his own case and that no one should be condemned unheard. Therefore, suggestions, as sought to be given in some sections of media, for the composition of benches on caste lines to hear any such issue in the country will lead to nowhere.

Another significant development, noted and reported internationally, was about the UNICEF recognizing that due to the progress in India, South Asia witnessed the largest decline in child marriage worldwide in the last 10 years, though a lot remains to be done to reach the UN target of eradicating child marriages by 2030. The UNICEF recorded that in the current trend nearly 20% girls in India i.e., about five million, are married before they turned 18, which is a sharp decline from 47% a decade ago. May be the land mark judgment of the Supreme Court last year, ruling that sex with an underage wife constituted rape, goes a long way in checking this menace resulting in violations of rights of the girls due to marriage at a tender age.

The sense of rights violations and reporting thereof in the newspapers helps the NHRC in taking suo motu cognizance. The month of March, 2018 had several such media reports. Some of these have been pegged in this edition of the Newsletter. These include: woman falls of bike and dies after kicked by a traffic cop, spread of AIDS among the prisoners in the jails of Uttar Pradesh, a patient's amputated leg placed as pillow etc.

"Do not dwell in the past, do not dream of the future, concentrate the mind on the present moment."

- Gautama Buddha

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

"It is really disheartening

to hear about the

incidents of atrocities and violence against the people from the Dalit communities in various parts of the country.

There are enabling laws to protect their rights as

well as human rights and the constitutional guarantees given to them as citizens of this country. Several policies have been framed to ensure their upliftment and to bring them in the national mainstream. There have been several social movements to highlight their plight and promote equality and brotherhood in our society by discouraging discrimination on the basis of caste, class, creed and colour. Apart from the judiciary, different Commissions at the Centre and State level have been set up to address their grievances. The National Human Rights Commission also organizes 'Open Hearings' in different states to hear on the spot their grievances of atrocities and denial of the benefits of welfare schemes and make recommendations for relief. Still, why the shocking stories of violence and atrocities against the people from Dalit communities do not cease to happen? The answer has to come more from within ourselves, and that includes all, and not essentially from the Commissions of enquiries and studies.

Therefore, it is my earnest appeal to one and all to understand the significance of the rights to life, liberty, dignity and equality and work for a society, where no one has a sense of deprivation. One may escape the eye of law but not natural justice. The essence of human existence lies in sensitivities, we are born with which. Let's not allow them to die down. Therefore, not due to fear of law but by heart, in recognition and realization of the true essence of human life, act freely but fairly to promote brotherhood, not enmity."



Workshop on Sexual Harassment at Workplace



NHRC Member, Mrs. Jyotika Kalra addressing the workshop

The National Human Rights Commission organized a day long workshop on 'Sexual Harassment at Workplace' at its premises in New Delhi on the 28th March, 2018. Mrs Jyotika Kalra, Member, NHRC Chaired the workshop. She drew attention towards the declining trend in participation of women in the work force in India over the last decade as per the data from International Labour Organization. One of the reasons, she felt, behind this trend was the concern related to their safety at workplace.

Ms. Swati Maliwal, Chairperson, Delhi Commission for Women (DCW), expressed her concern about the increasing cases of sexual violence against women/girls. She apprised the participants that in the universities in Delhi either there is no Internal Complaints Committee, ICC, or if

there is one, it does not have any external member, as required. The



DCW Chairperson, Mrs. Swati Maliwal addressing the workshop

Members of the Committee are also not trained to deal with the complaints

of sexual harassment.

Earlier, initiating the discussions, Mr. Ambuj Sharma, Secretary General, NHRC observed that going by the data from the National Crime Records Bureau, NCRB, it appears that the women are not reporting about the sexual harassment cases at workplace. He added that the need of the hour is to involve State Human Rights Commissions in these matters and hold regional as well as national level meetings to come up with an action plan. Further, it is also necessary to involve the private sector to ensure that the top companies set up Internal Complaints Committee (ICC).

Some of the notable observations of the participants were: Women

victims hesitate in reporting sexual harassment by superiors at workplaces fearing repercussions; There is poor compliance of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and redressal) Act, 2013 by the employers; There is no monitoring of the redressal mechanism under the Act, which calls for penalty on the employer not constituting Internal Complaints Committee or implementing the other provisions.

The participants included senior officials from NHRC, the governments of Delhi, Haryana, Punjab, Rajasthan and UT of Chandigarh, Delhi Legal Services Authority (DLSA), academicians and civil society organizations.



NHRC Secretary General, Mr. Ambuj Sharma addressing the workshop

Suo Motu Cognizance

The Commission took suo motu cognizance in 09 cases of alleged human rights violations reported by media during March, 2018 and issued notices to the concerned authorities for reports. Summaries of some of the cases are as follows:

Strip-search of the girls by their hostel warden

(Case No. 626/12/37/2018-WC)

The media reported on the 27th March, 2018 that the warden of the Rani Laxmi Bai Hostel of Dr Hari Singh Gour University, Sagar strip searched the hostel girls to find out who could have possibly thrown the used sanitary pads in the hostel premises on the 25th March, 2018. The issue came into public glare when the girls, reportedly, took up the matter with the Vice-chancellor of the University.

The Commission has issued a notice to the Chief Secretary, Government of Madhya Pradesh calling for a detailed report in the matter. It has observed that the contents of the news report, if true, raise a serious issue of violation of the right to dignity of the victim girls, who suffered mental agony and humiliation due to the unethical act by the hostel authorities. The officials are required to be sensitized to be careful and behave in a sensible manner, while dealing with the students, especially the girl students.

Death of journalists' in a road accident

(Case No. 803/4/6/2018)

The media reported that two journalists were crushed to death on the in Bhojpur district of Bihar on the 25th March, 2018, allegedly, after a heated exchange with a former Mukhia over some reports filed by them. He had, reportedly, threatened them with dire consequences. The Indian Federation of Working Journalists (IFWJ) has strongly condemned the incident calling for stern action against the accused. Reportedly, this is the fourth incident involving killing of journalists in the

past two years making it amply clear how they have become the soft targets of miscreants.

The Commission has issued notices to the Chief Secretary and the Director General of Police, Bihar calling for a detailed report in the matter.

It has observed that if the deceased journalists were actually targeted, as indicated in the news report, it is indeed a serious threat for a civilized society. The state authorities are required to take immediate stringent action against the miscreants by protecting life, liberty and dignity of the media persons to uphold the rule of law and constitutional safeguards extended to journalists in our democratic society. Freedom of speech and expression is essential for proper functioning of democracy.

A truck mows down a journalist

(Case No. 627/12/7/2018)

In yet another incident, the media reported that a television journalist was mowed down by a truck in front of a police station in Bhind district of Madhya Pradesh on the 26th March, 2018. He had complained about threats to his life after carrying a sting operation on illegal sand mining for a local TV news channel. He had informed various authorities including police. The Commission has issued notices to the Chief Secretary and the Director General of Police, Madhya Pradesh calling for a detailed report in the matter.

The Commission has observed that the contents of the news report, if true, indicate towards negligence on the part of administration, especially the police authorities, who failed to save a precious human life. The tragic death of the journalist is indicative of violation of human rights as well as democratic values and also callousness of the state administration for not taking appropriate steps protecting the life and safety of the victim, when, reportedly, he had already complained

about the threats to his life.

The Commission further observed that the journalist, who had reportedly exposed certain unlawful and unauthorized activities, was doing his duty and his death is a matter of concern for it. India is a democratic country and the democracy cannot thrive without Right to Freedom of Speech and Expression, which is recognized under Article 19 of the Constitution of India as well as the Universal Declaration of Human Rights.

Apathy towards an injured Jawan of CRPF

(Case No. 621/12/29/2018)

The media reported on the 24th March, 2018 that a Jawan of Central Reserve Police Force (CRPF) has been forced to carry his intestine in a polythene bag wrapped around his waist for the last four years as despite running from pillar to post, he has not got the required assistance for the costly treatment. He has made several visits to the All India Institute of Medical Sciences (AIIMS), New Delhi but has not been provided proper treatment. He was injured in a Naxal attack in Chhattisgarh's Sukma district in 2014. He lost vision in one eye after the injury and could never recover completely as a portion of his intestine remained outside his stomach.

The Commission has issued a notice to the Union Home Secretary calling for a detailed report in the matter. The Commission has also called for the comments of the Director, All India Institute of Medical Sciences, New Delhi on the status of the treatment of the injured victim.

Suicide by a convict in Prison

(Case No. 139/10/1/2018-AD)

The media reported that a 38 year old convict, undergoing imprisonment for 10 years, committed suicide inside the Bengaluru Central Prison by slitting his throat with a shaving blade on the 27th February, 2018. He was accused

in 15 cases of rape and murder, out of which he had been convicted in 3 cases. He was confined to an isolated cell, as he was considered a threat to the other inmates.

The Commission has issued a notice to the IG (Prisons), Karnataka calling for a detailed report in the matter. It has observed that the contents of the news report, if true, amount to the negligence on the part of the jail officials. The Commission has also noted that the State authorities have not informed it of the death in judicial custody within 24 hours, as per its guidelines. Therefore, it has also sought an explanation from the IG (Prisons), Karnataka.

Woman dies after falling from a bike chased and hit by a cop (Case No. 334/22/36/2018)

The media reported that a traffic policeman kicked a moving motorcycle of a couple leading to their fall and severe head injuries to the 30 year old pregnant woman, who died on the spot in Thuvakudi area near Trichy in Tamil Nadu on the 7th March, 2018. According to the media reports, the Inspector chased them on another bike when, ignoring the signals of a police team, they did not stop. After chasing them for a short distance, he kicked their bike due to which the couple fell on the ground causing injuries to them. The delinquent police official reportedly fled the scene when people began to gather at the spot.

The Commission has observed that the contents of the media reports, if true, amount to worst example of police brutality and issued notices to the Chief Secretary and the Director General of Police, Tamil Nadu calling for a detailed report in the matter. The Commission has asked that the report should include the details about the action taken against the delinquent police official and relief granted to the family of the deceased woman as well as the health condition of her husband and the status of the medical treatment being provided to him.

The Commission expected that

the DGP, Tamil Nadu will issue suitable directions to the state police personnel to behave in a sensible manner while on duty and respect the human rights of the citizens. While issuing the notice, the Commission further observed that police force is meant to enforce law and protect the people but frenzied actions in exercise of their powers may lead to such unfortunate incidents. Going by the media reports, the woman was not wearing helmet. The police officer could have easily sensed that hitting a moving bike may cause grievous injuries to the riders. The Right to Life of the innocent woman has been grossly violated and the circumstances, as mentioned in the media reports, warrant stringent action against the guilty policeman.

Spread of AIDS among prisoners (Case No. 5795/24/34/2018)

The media reported that twenty-four prisoners had tested positive for HIV in the last four months at Gorakhpur District Jail in Uttar Pradesh. They included 21 undertrials and three convicts, including a woman. Reportedly, during the tests, conducted by the Uttar Pradesh State AIDS Control Society in the 70 jails of the State, 265 prisoners were tested HIV positive till December last year. These cases were reported from the jails in Bareilly, Allahabad, Gorakhpur, Lucknow, Faizabad, Agra, Meerut, Varanasi and Kanpur.

The Commission has issued notices to the Chief Secretary and IG (Prisons) of Uttar Pradesh calling for detailed reports in the matter along with the steps taken to deal with the menace. It has also observed that the contents of the news report, if true, indicate towards sorry state of affairs in the jails of Uttar Pradesh. Seemingly, there is an urgent need to conduct a probe into the matter to determine the cause of the spread of HIV infection among prisoners. It is also necessary to take immediate preventive measures so that other prisoners do not fall prey to the infection and they, who are suffering, are provided necessary medical treatment.

According to the media report, carried on the 28th February, 2018, the jail administration has claimed that the disease did not spread inside the jail and the prisoners were already infected when they arrived. Most of them had been jailed under the Narcotic Drugs and Psychotropic Substances Act.

Patient's amputated leg placed as a pillow (Case No. 6034/24/40/2018)

The media reported on the 12th March, 2018 that a patient's amputated leg was placed below his head as a pillow at Maharani Laxmi Bai Medical College in Jhansi. Reportedly, two doctors and two nurses were placed under suspension and departmental action was ordered against one doctor.

The Commission has observed that the contents of the media reports, if true, amount to unethical and negligent act done by the doctors/nurses, which is not only in violation of the medical norms but also amounts to violation of right to dignity of the patient, who was already undergoing trauma, due to amputation of his leg. Accordingly, it has issued a notice to the Chief Secretary, calling for a detailed report in the matter. Besides this, the Secretary, Union Ministry of Health and Family Welfare has been asked to submit a report whether any instructions/guidelines on the subject have been issued to the doctors/hospitals along with the status of mechanism to monitor their implementation across the country.

The Commission has also observed that it is hard to understand how any reasonable person could act so irresponsibly. The amputated leg of the patient should have been disposed off in the "Yellow Box" meant for the amputated human organs, as per the Bio Medical Waste (Management and Handling) Rules 2016. These had been notified by the Ministry of Environment, Forest and Climate Change, Government of India on 28th March, 2016.

Important Interventions

₹ 40 lakhs to the families of victims of silicosis (Case No. 1209/25/15/2014) & (Case No. 302/25/3/2012)

The National Human Rights Commission has recommended in two cases that the Government of West Bengal pay ₹ 4 lakhs each to the next of kin of 10 workers, who had contracted silicosis and died after inhaling silica dust while working at stone crushing factories in West Bengal during 2012-2013. The Commission directed that this amount would include ₹ 2 lakh, which the State Government was

already contemplating to pay to the next of kin of the 10 victims of silicosis. The Commission has observed that from the records, it was clear that these workers had died due to the carelessness and negligence of the enforcement agencies of the Government of West Bengal, who had not ensured that the factory management provided necessary protective equipments for the protection of workers from silica

dust. There is no cure for silicosis but it can be prevented by taking certain precautions to ensure that silica in the dust is not inhaled. The Commission also asked the State Government to equip its rural and ESI hospitals with a specialist doctor and (at least 300 amp x-ray machine) to diagnose silicosis. The Commission also directed the State Government to close all illegally running stone crushing units.

Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 39 cases were considered during 03 sittings of the Full Commission and 40 cases were taken up during 03 sittings of Divisional Benches in March, 2018. On 46 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of ₹ 2,59,60,000/- 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.	4375/30/8/2015	EXPLOITATION OF CHILDREN	100000	GOVT. OF NCT Of DELHI
2.	15/26/0/2016	SEXUAL HARASSMENT	200000	GOVT. OF ANDAMAN & NICOBAR
3.	1012/6/9/2011	PUBLIC HEALTH HAZARDS	2000000	GOVT. OF GUJARAT
4.	1013/34/6/07-08	PUBLIC HEALTH HAZARDS	11600000	GOVT. OF JHARKHAND
5.	1254/18/5/2010	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	GOVT. OF ODISHA
6.	3083/4/10/2016	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	900000	GOVT. OF BIHAR
7.	81/30/9/2016-JCD	CUSTODIAL DEATH (Judicial)	200000	GOVT. OF NCT Of DELHI
8.	2384/6/1/08-09-JCD	CUSTODIAL DEATH (Judicial)	200000	GOVT. OF GUJARAT
9.	1164/7/2/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	GOVT. OF HARYANA
10.	1032/10/22/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF KARNATAKA
11.	1647/19/1/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	GOVT. OF PUNJAB
12.	411/20/23/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	GOVT. OF RAJASTHAN
13.	1186/1/18/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF TELANGANA
14.	25/36/9/2014-JCD	CUSTODIAL DEATH (Judicial)	200000	GOVT. OF TELANGANA
15.	10040/24/7/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF UTTAR PRADESH

Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
16.	16039/24/48/2015-JCD	CUSTODIAL DEATH (Judicial)	200000	GOVT. OF UTTAR PRADESH
17.	21777/24/36/2016-JCD	CUSTODIAL DEATH (Judicial)	200000	GOVT. OF UTTAR PRADESH
18.	24561/24/26/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	GOVT. OF UTTAR PRADESH
19.	7699/24/33/2015-JCD	CUSTODIAL DEATH (Judicial)	200000	GOVT. OF UTTAR PRADESH
20.	447/25/22/2014-JCD	CUSTODIAL DEATH (Judicial)	200000	GOVT. OF WEST BENGAL
21.	511/1/23/2013	HARASSMENT OF PRISONERS	500000	GOVT. OF TELANGANA
22.	33219/24/72/2014	HARASSMENT OF PRISONERS	50000	GOVT. OF UTTAR PRADESH
23.	1209/25/15/2014	HAZARDOUS EMPLOYMENTS	3200000	GOVT. OF WEST BENGAL
24.	1474/25/8/2014	HAZARDOUS EMPLOYMENTS	100000	GOVT. OF WEST BENGAL
25.	302/25/3/2012	HAZARDOUS EMPLOYMENTS	800000	GOVT. OF WEST BENGAL
26.	592/20/11/2015	ABUSE OF POWER	10000	GOVT. OF RAJASTHAN
27.	17307/24/57/2015	ABUSE OF POWER	25000	GOVT. OF UTTAR PRADESH
28.	1678/12/12/2012-PCD	CUSTODIAL DEATH (Police)	500000	GOVT. OF MADHYA PRADESH
29.	37/15/2/2013-PCD	CUSTODIAL DEATH (Police)	200000	GOVT. OF MEGHALAYA
30.	53/15/5/2014-PCD	CUSTODIAL DEATH (Police)	100000	GOVT. OF MEGHALAYA
31.	45951/24/52/2011-ED	DEATH IN POLICE ENCOUNTER	500000	GOVT. OF UTTAR PRADESH
32.	5632/7/10/2012	FAILURE IN TAKING LAWFUL ACTION	50000	GOVT. OF HARYANA
33.	4689/4/24/2014	FALSE IMPLICATIONS	30000	GOVT. OF BIHAR
34.	4424/24/22/2015	UNLAWFUL DETENTION	10000	GOVT. OF UTTAR PRADESH
35.	1440/24/72/2015-WC	ABDUCTION, RAPE AND MURDER	25000	GOVT. OF UTTAR PRADESH
36.	25018/24/3/2014-WC	ABDUCTION, RAPE AND MURDER	25000	GOVT. OF UTTAR PRADESH
37.	1532/20/2/2016-WC	EXPLOITATION OF WOMEN	100000	GOVT. OF RAJASTHAN
38.	634/20/6/2015-WC	INDIGNITY OF WOMEN	50000	GOVT. OF RAJASTHAN
39.	41657/24/53/2013-WC	INDIGNITY OF WOMEN	10000	GOVT. OF UTTAR PRADESH
40.	10048/24/48/2015-WC	RAPE	150000	GOVT. OF UTTAR PRADESH
41.	735/18/8/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200000	GOVT. OF ODISHA
42.	16512/24/47/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	600000	GOVT. OF UTTAR PRADESH
43.	137/14/10/2012-AD	ALLEGED CUSTODIAL DEATH	500000	GOVT. OF MANIPUR
44.	11016/18/8/2015-PF	ABUSE OF POWER	100000	GOVT. OF ODISHA
45.	306/20/1/2016	ATROCITIES ON SC/ST/OBC	25000	GOVT. OF RAJASTHAN
46.	630/18/26/2015-WC	RAPE OF SC/ST/OBC	100000	GOVT. OF ODISHA

Compliance with NHRC recommendations

In March, 2018, the Commission closed 42 cases on receipt of compliance reports from different public authorities, furnishing proof of payments, it had recommended, totalling ₹ 91,60,000/- 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.	4814/30/8/2016	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	GOVT. OF NCT OF DELHI
2.	1439/6/9/2015	MALFUNCTIONING OF MEDICAL PROFESSIONALS	25000	GOVT. OF GUJARAT
3.	1770/18/29/2015	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	GOVT. OF ODISHA
4.	43/27/0/2010	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	50000	CHANDIGARH ADMINISTRATION
5.	2196/4/36/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF BIHAR
6.	2315/4/8/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF BIHAR
7.	1644/6/11/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF GUJARAT
8.	4864/18/29/2013-JCD	CUSTODIAL DEATH (Judicial)	200000	GOVT. OF ODISHA
9.	1647/19/1/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	GOVT. OF PUNJAB
10.	1254/20/7/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF RAJASTHAN
11.	1536/20/7/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF RAJASTHAN
12.	2731/20/14/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF RAJASTHAN
13.	2841/20/14/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF RAJASTHAN
14.	3738/24/48/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF UTTAR PRADESH
15.	44878/24/49/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF UTTAR PRADESH
16.	956/24/62/2016-JCD	CUSTODIAL DEATH (Judicial)	300000	GOVT. OF UTTAR PRADESH
17.	620/25/5/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF WEST BENGAL
18.	642/20/29/2013-WC	ABDUCTION/RAPE	300000	GOVT. OF RAJASTHAN
19.	14254/24/69/2014	ABUSE OF POWER	25000	GOVT. OF UTTAR PRADESH
20.	7501/24/75/2014	ABUSE OF POWER	50000	GOVT. OF UTTAR PRADESH
21.	1343/6/23/2014-PCD	CUSTODIAL DEATH (Police)	100000	GOVT. OF GUJARAT
22.	394/6/6/2013-PCD	CUSTODIAL DEATH (Police)	500000	GOVT. OF GUJARAT
23.	897/6/26/2013-PCD	CUSTODIAL DEATH (Police)	100000	GOVT. OF GUJARAT
24.	2821/13/21/2014-PCD	CUSTODIAL DEATH (Police)	200000	GOVT. OF MAHARASHTRA
25.	13267/24/56/2013	FAILURE IN TAKING LAWFUL ACTION	100000	GOVT. OF UTTAR PRADESH
26.	25272/24/51/2013	FAILURE IN TAKING LAWFUL ACTION	50000	GOVT. OF UTTAR PRADESH
27.	36761/24/70/2016	FAILURE IN TAKING LAWFUL ACTION	25000	GOVT. OF UTTAR PRADESH
28.	10790/18/30/2015	POLICE MOTIVATED INCIDENTS	200000	GOVT. OF ODISHA
29.	1306/12/22/2012	VICTIMISATION	500000	GOVT. OF MADHYA PRADESH
30.	2486/24/7/2015-AR	ALLEGED CUSTODIAL RAPE IN POLICE CUSTODY	100000	GOVT. OF UTTAR PRADESH

Sl. No	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
31.	42818/24/63/2015-WC	ABDUCTION, RAPE AND MURDER	50000	GOVT. OF UTTAR PRADESH
32.	307/33/5/2015-WC	GANG RAPE	100000	GOVT. OF CHHATTISGARH
33.	2486/20/4/2013-WC	GANG RAPE	25000	GOVT. OF RAJASTHAN
34.	136/20/3/2014-WC	RAPE	50000	GOVT. OF RAJASTHAN
35.	702/12/20/2016	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	GOVT. OF MADHYA PRADESH
36.	2806/20/1/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	10000	GOVT. OF RAJASTHAN
37.	16512/24/47/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	600000	GOVT. OF UTTAR PRADESH
38.	589/25/2002-2003	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	1000000	GOVT. OF WEST BENGAL
39.	11/14/2/09-10-PF	ALLEGED FAKE ENCOUNTER(Para-Military Forces)	1000000	GOVT. OF MANIPUR
40.	35/14/12/09-10-PF	ALLEGED FAKE ENCOUNTER(Para-Military Forces)	1500000	GOVT. OF MANIPUR
41.	144/1/15/2015	SC/ST/OBC	100000	GOVT. OF ANDHRA PRADESH
42.	26090/24/44/2014	ATROCITIES ON SC/ST/OBC	100000	GOVT. OF UTTAR PRADESH

From the NHRC Investigation Files

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

Rescue of a women from exploiters Case No. 685/20/1997-98

The Commission received an anonymous complaint sometime around 1998 that a woman aged about 23 years was forcibly kept at a house in a village of District Jaipur, Rajasthan for the past 2-3 years by one named government official and his named friend, a tailor by profession. Both of them, though married, were allegedly sexually abusing the woman and planning to force her into prostitution. Allegedly, the woman was in a pitiable condition along with a small child and was urgently in need of intervention by the NHRC.

The Commission took cognizance of the complaint and called for a report from the Rajasthan Police. In response, the Superintendent of Police, Rural, Jaipur in his a report not only denied the allegations but also

the very existence of the victim. He stated that both the suspected persons belonged to respectable families. They were not found involved in keeping any women in confinement for her sexual exploitation.

Not satisfied with this report, the Commission deputed a two member team of officers from its Investigation Division for an on the spot enquiry in the matter. The team with the available lead, conducted covert and overt enquiries and on the 13th April, 1998 rescued the victim with the help of local police from another place, a confinement of a known criminal in Sikar district of the State. The victim was found to be in a very poor health, undernourished and traumatized. She was sent for the medical examination and was found to be pregnant. The team came to know that a planning had already been made to sell her in flesh trade in Delhi. The local police, however, were initially reluctant to register the case. However, later in the day eventually, a criminal case was registered at Police Station, Kotwali, Sikar on the complaint of the NHRC officers for the offences punishable

u/s 343/365/366/376 of Indian Penal Code.

The victim in her statement before the Court, stated that she was married on the 18th February, 1990 with a person in Jaipur District. Her husband left to earn livelihood but did not return and his whereabouts were not known. She was evicted out of her matrimonial home. This was the beginning of her miseries. Her poverty and helplessness were exploited. Her good looks became her own enemy. She was brutally, sexually exploited by a number of persons, including government officials and police personnel. At one stage, she was forced into prostitution under the threat of physical elimination and disfiguring her with acid. She was sold twice to prospective buyers and further subjected to inhumane torture, deprivation and continued sexual exploitation leading to abortions. The court directed that she may stay with her parents in her native village as per her desire along with her children.

On intervention of the Commission, the District Administration, Sikar assured to allot

her a house under the Indira Awas Yojana, ex-gratia payment, food grain and medical aid immediately. The District Administration also came forward to 'adopt' her and to take all possible steps for her resettlement and rehabilitation. The Superintendent of Police, Sikar also took action to provide her protection by giving her

special security cover.

Thereafter, the local police undertook thorough investigation into the matter and a chargesheet was placed before the Sessions Court, Sikar against the nine offenders, including the government officials and the police personnel. After the conclusion

of the trial, the court, on the 01 May, 2000, pronounced the judgment convicting all the nine offenders and sentencing them with rigorous imprisonment of 5 years along with fine. The court appreciated the role of NHRC Inquiry officers- Mr. O. P. Vyas and Mr. A. S. Dhama.

Important Judgment of the Supreme Court of India

Making way for Passive Euthanasia

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 9th March, 2018, the Supreme Court gave a landmark verdict making the way for passive euthanasia, which is also described as Physician Assisted Suicide (PAS). The Court reiterated that the right to die with dignity is a fundamental right, as already held by its constitutional bench in Gian Kaur case earlier, and declared that an adult human being, having mental capacity, to take an informed decision, has right to refuse medical treatment including withdrawal from life saving devices. Giving its verdict in the civil no. 215 of 2005 – Common Cause vs. Union of India and others, the Apex Court concluded that a person of competent mental faculty is

entitled to execute an advance medical directive.

The 538 page judgment was delivered by the five-judges' constitutional bench comprising the Chief Justice of India, Mr. Justice Dipak Misra, Mr. Justice, A.K. Sikri, Mr. Justice A.M. Khanwilkar, Mr. Justice D.Y. Chandrachud and Mr. Justice Ashok Bhushan.

In 2005, an NGO, Common Cause had approached the Supreme Court praying for a declaration that the 'fundamental right to live with dignity' under Article 21 of the Constitution is inclusive of the 'right to die with dignity' and directions for adoption of suitable procedure for executing 'Living Wills', in which a person, when in sound mind and good health, may record his wish that he should not be kept alive with the help of ventilators,

if doctors, at any stage of his life, opine that he cannot be kept alive without life support system.

The judgment has paved the way for the terminally ill patients to seek death through the passive euthanasia under a "living will".

Euthanasia has been derived from the Greek word "euthanatos", which means "good death". There are two ways to seek euthanasia viz. passive and active. In passive euthanasia, there is withdrawal of medical treatment of terminally ill patients, whereas, in active euthanasia, injections or overdose of medicines is given to hasten their death, which is illegal in India. Passive euthanasia is considered morally superior to active euthanasia since it means allowing the patient to die and not killing him.

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 the media most commonly commented upon, which were part of national discourse and how human rights or rights perspective reflected in them.

Issues related to human rights and that too the interventions of the Supreme Court dominated most of the editorial comments during the month of March, 2018. The most commonly commented upon issue was the landmark judgment of the Supreme Court reiterating 'Right to die

with dignity' as a fundamental right under Article 21 of the Constitution of India and paving the way for passive euthanasia. The 7 major English newspapers, by and large, welcomed the verdict but also raised several questions relating to the applicability of 'living will' vis-a-vis passive euthanasia. The Indian Express wrote, "The living will guarantees freedom and dignity, but it faces complex issues, which must be ironed out in use." The Times of India wrote, "Living will elevates passive euthanasia..... choosing not to prolong once life artificially is a human right."

The breach of privacy of

individuals due to the leakage of personal data of Facebook users to 'the Cambridge Analytica' also saw the edits in 7 major newspapers. All suggested tough regulation for each tech mega firms to control the abuse of personal data and privacy violations. The Hindu wrote, "The controversy is a wake-up call to press ahead with a robust data professional law". The Indian Express wrote, "Data breach debate should lead to simplified terms of service for Apps to help users understand, what they sign up for." As a natural corollary, this debate was followed by 5 editorials on Aadhaar data security, the ongoing case in the

matter before the Supreme Court's and other related aspects. The Times of India wrote, "UIDAI, Central and State Governments & Companies must reveal all their plans for Aadhaar." The Pioneer commented, "one of the most pertinent and common issues with the Aadhaar system is not so much its security but whether it works seamlessly."

The guidelines issued by the Supreme Court curbing the role of 'Khap Panchayats', which prevent two consenting adults from marriage, received comments in the editorials of 5 major English newspaper. The Hindu wrote, "The Supreme Court guidelines are welcome but we need a strong law on honour crimes." The Economic Times said, "For defying centuries-old custom, more than Supreme Court guidelines is required.... The State must enforce individual liberty in marital choice."

The Apex Court verdict for amendment in the SC/ST Act, in order to prevent the abuse of law, was also editorially commented by 5 newspapers. The Indian Express said, "Apex Court's order in SC/ST Act lets down most marginalized, ignores social context of law, it must be re-visited." The Pioneer said, "It

is also traumatic when innocents are framed. The Hindu said, "Protection of innocent persons is fine as long as the SC/ST Act is not de-fanged." The Times of India said, "But the reality is that the stringent provision of the Act which deny pre-arrest bail, have been misused on several occasions."

The Supreme Courts' verdict upholding Hadiya's right to choose her faith and life partner was commented upon by the 4 major newspapers. The Times of India wrote, "The Supreme Court has ended the sham that deprived Hadiya of her liberties." The Pioneer said, "The Supreme Court has set the right precedent." 3 newspapers wrote editorials on International Women's Day and underscored challenges being faced by women protecting their honour, self respect, security, rights and recognition. The Economic Times wrote, "It might be good idea to start a convention for all centres of regulation, whether board rooms or government departments, to issue a report card on the progress made in empowering women in the last one year," in order to go beyond the formalities of assorted calls for women empowerment."

'Maharashtra's farm crises also saw 5 edits. The Hindustan Times

said, "Piecemeal solutions won't solve it." The Economic Times said, "Debt waiver cannot yield lasting rural prosperity." Almost all the papers were, by and large, of the view that Maharashtra's farmers represent a larger crisis in agriculture sector of the country, which is needed to be addressed. The issue of the death of the 39 Indian Citizens in Iraq was commented by 5 newspapers. Some hailed the handling of the issue by the Government and the others felt it could have been better but almost all were unanimous that there is a need for adequately informing the job seekers about the challenges abroad.

The death of a famous scientist Stephen Hawking, National Health Protection Mission, climate change, plastic in water bottles, world water day, draft forest policy, labour reforms, child abuse in schools, child marriages, Supreme Court setting up the Constitution Bench to examine the practices of polygamy and nikah halala, Union cabinet's move to ban commercial surrogacy in India, right to education etc were some other topics of editorial comments during the month of March, 2018 with a rights perspective.

Entries open for the NHRC's 4th annual short film awards

The National Human Rights Commission has opened the entries for its fourth annual competition for short films on human rights, which has received tremendous response. The entries received after the 2nd July, 2018 will not be entertained.

The award carries a certificate along with prize money of ₹ 1 lakh, ₹ 75 thousand and ₹ 50 thousand for the best first, second and third film respectively.

The aim of the award scheme is to encourage and acknowledge cinematic and creative efforts of the Indian

citizens, irrespective of their age, towards the promotion and protection of human rights.

The short films may be in any Indian languages with sub-titles in English or in English. Duration of the short film should not be less than 3 minutes or more than 10 minutes. These may be made in any technical format on the themes, having a tinge of rights perspective, which could be broadly-based on various socio-economic, cultural and political rights. The NHRC is completing its silver jubilee in 2018, hence short

films may also be educative and informative about the human rights violation redressal mechanism in the country and challenges being faced by those involved in the promotion and protection of human rights.

There is no entry fee and bar on number of films sent by an individual for participation in the contest. More detailed information can be accessed from the website of the Commission, www.nhrc.nic.in. For any further queries, Jaimini Kumar Srivastava, Deputy Director (Media & Communication), NHRC can also be contacted.

Snippets

Visits to NHRC, India

A delegation consisting of students and faculty from the Gitarattan International Business School, GGSIU, Delhi visited the NHRC on the 1st March, 2018. They were briefed about the functioning of the Commission.

NHRC notice to in CRPF : NHRC asks AIMS not

He was forced to

STAFF REPORTER NEW DELHI

The National Human Rights Commission (NHRC) said on Monday that it had not yet received any response from the Odisha branch of the AIMS (All India Medical Services) regarding the petition filed by the family of a deceased person, who was allegedly killed by CRPF personnel.

NHRC finds govt hospital docs guilty of negligence

STAFF REPORTER NEW DELHI

The National Human Rights Commission on Wednesday said that it had found doctors at a government hospital "negligent" in connection with the death of a man. The commission said that the doctors had not provided proper medical attention to the patient, who died on June 12, 2017, after being referred from one hospital to another.

NHRC notice to T.N. on wc

STAFF REPORTER CHENNAI

The National Human Rights Commission on Thursday issued notices to the Tamil Nadu Chief Secretary and a motorcycle after allegedly being kicked by a traffic police inspector in Tiruchi. In a separate development, the State Human Rights Commission directed the matter and submit a detailed report to the Registrar within eight weeks.

Journalist Murder

IP recommends CBI probe; NHRC notices or chief secy, DGP

NEWS SERVICE NEW DELHI

The National Human Rights Commission (NHRC) has recommended a CBI probe into the murder of a journalist, who was killed by a group of men in a village in Odisha. The commission has also issued notices to the state government, the DGP, and the chief secretary.

Human Rights and NHRC in News, March, 2018

During the month of March, 2018 total 11 press releases were prepared and issued based on the proceedings of the Commission in different cases. Total 1704 news clippings on various human rights issues were culled out from different/select editions of major English and Hindi newspapers and some news websites. News clippings related to 09 incidents of alleged human rights violations, wherein the role of public authorities was also under the scanner, were brought to the notice of the Commission, which it considered and found fit for suo motu cognizance. 116 news stories, wherein there was a specific reference to the interventions by the NHRC, can be seen at 'NHRC-in-news' on the website of the Commission.

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

Number of fresh complaints received in the Commission	6045
Number of cases disposed of including fresh and old	6280
Number of cases under consideration of the Commission including fresh and old	25526

Important Telephone Numbers of the Commission:

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

Other Important E-mail Addresses

jlrawnhr@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 by Vijaylaxmi Rout, taken from the collection of NHRC's children painting competitions.