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HUMAN RIGHTS NEWSLETTER

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From the Editor's Desk

In the month of April, 2018 there were two incidents, which stirred a nationwide debate and political turmoil widely reported in media. Both the incidents involved sexual assault on two minor girls and police inaction. But in the one at Kathua of Jammu & Kashmir, the victim was brutally killed and in the other at Unnao of Uttar Pradesh, she was left to bear the trauma of her ordeal and later the death of her father, who was reported to have been struggling to get justice for his daughter but instead landed up in judicial custody that ended with his life.

Whereas, in the Kathua incident, the authorities concerned were reported to have moved after the noises increased, they appeared to be wanting in the Unnao incident and hence, given its jurisdiction, the NHRC, took suo motu cognizance of such media reports and issued notices to the government of Uttar Pradesh seeking reports and clarifications.

Politics apart, the issues raised serious concerns on violations of human rights and ignited the debate whether to have or not the provision of death sentence, as a deterrent, to the perpetrators of sexual assault, particularly when the victim was a minor. In the backdrop of several incidents of sexual assault on minors in the recent past, the voices for the death penalty were reported and heard more than those against it. Some of the State governments, reportedly, took stern measures in this regard as well. But this time, it was for the Centre to move. Thus, ostensibly to send a strong message about its concern over the issue, as if on a cue, it came out with the Criminal Law (Amendment) Ordinance, which was promulgated by the President of India on the 21st April, 2018.

Its highlights are: If the rape victim is below 12 years, the perpetrator will get rigorous imprisonment of at least 20 years extendable to life imprisonment, along with fine to meet medical expenses and rehabilitation cost of the victim, or, death. If the victim is below 16 years, the punishment has been enhanced to a minimum rigorous imprisonment of at least 20 years, extendable to life imprisonment, along with fine, to meet medical expenses and rehabilitation cost of the victim. Anticipatory bail cannot be granted to the accused. The time limit for investigation in all offences of rape of minor girls stands reduced from three to two months. Appeal against the sentence to be disposed of within six months. The Ordinance amends the POCSO, 2012 for all such offences and the punishment, which is higher between this amended Act and IPC, 1860, will apply.

But in no time, this move triggered another high pitched debate opposing the provision of death sentence terming it as regressive. Even public interest litigation was filed in the Delhi High Court challenging the Ordinance, which prompted it to question the government, if any scientific study was done before this exercise.

Several questions were raised from various other quarters as well after the Ordinance. A few among them were: How can there be different sets of punishment for a similar offence of sexual assault just on the basis of the difference in the age of the minor victims or even adults? How the charges of sexual assault made by a minor just below sixteen years can be presumed to be correct and not tutored to wrongly frame anybody leading to his incarceration without bail? How can the punishment for sexual assault be the same as is for murder? What would happen to the judicial norm of giving death sentence in the rarest of rare case in the face of a sweeping provision of death penalty? How the death penalty can be presumed to be a deterrent when even after major changes in the IPC post December 2012 Nirbhaya case, there was no understandable reduction in such crimes?

Well, a counter view has also been floating around: that the increase in the reports of such crimes could be attributed to the confidence of the victims in the amended laws; that the incidents of murder may not have come down with the provision of death sentence in the country but what is the guarantee that their numbers would not be more without such a deterrent law?

Be that as it may, there cannot be any simple answers to complex questions on such vexed issues of law when it is weighed in for a balance. But it is for sure that laws, and more stringent of them, are needed to rein in a reckless society only; education of values and social behaviour can save it from becoming reckless to need such laws. And for this, as a long term measure, we, including all sections of society, need to take recourse to studying, understanding, introspecting and fixing the root causes, mindsets and circumstances that lead people to commit grievous crimes at a time when reports are coming that an alarmed Government is planning to further amend the POCSO Act in order to provide justice to male children also, who are increasingly becoming victims of sexual assault.

Hope this edition of the Newsletter provides an engaging reading.

"Those who cannot work with their hearts achieve but a hollow, half-hearted success that breeds bitterness all around."

- Dr. A.P.J. Abdul Kalam

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

"Historically India remains a land and society of rich composite culture and heritage despite several adversity and challenges since time immemorial. In tune with that spirit, its Constitutional framework upholds the rights for one and all and equally imposes duties on its people. These act as a bulwark for securing all the civil, political and cultural rights in our country, which stands out as the world's largest democracy. With so many people around, there are bound to be some problems and issues.



However, the increasing reports of human rights violations indicate increased awareness as well as the lack of respect for our duties. If the rights protect our interests; our duties ensure protection of others' rights. Human rights encompass all rights, which will not stand violated, if we performed our duties better. In real sense, our nation will become progressive only if we, as citizens of it, allowed such thoughts and deeds stemming out of them, which are objective and balanced; which do not undermine constitutional liberties of others. The state, constitutional and statutory bodies are there only to guide us all on this path."

Biennial Meeting of CFNHRI and Commonwealth Women Forum

Mr. Justice H.L. Dattu, Chairperson, accompanied by Dr. Ranjit Singh, Joint Secretary(P&A), NHRC, India attended the Biennial meeting of Commonwealth Forum of NHRIs, CFNHRI and Commonwealth Women Forum at London from 16th-18th April, 2018. During the course of discussions on 'Business and Human Rights', Justice Dattu shared his thoughts on the global as well as Indian challenges in seeking a balance between the prerequisites of business ensuring protection of human rights.

He said that the NHRC, India had already commissioned a study on "Developing a Code of

Ethics for Indian Industry", corporate social responsibility is a dimension thereof. He also touched upon the Indian challenge in the face of the country becoming the fastest growing economies in the world and the issues of chasm between organized and unorganized sector, the wage disparities, facilities and occupational hazards, displacements, undermining the issues of health, life, liberty and dignity of workers.

Justice Dattu said that as the Focal Point for 'Business and Human Rights' of the CFNHRI, NHRC, India has been working diligently to promote respect for human rights within the business fraternity and monitor violations and human rights abuses by various types of business activities.

He also dwelt upon the initiatives taken by the NHRC, India in terms of engaging in dialogue with the different stakeholders to evolve common understanding on practices under a 'National Action Plan' to be followed by the government agencies as well as the business entities to ensure that human interests and



From right to left : NHRC Chairperson, Mr. Justice H.L. Dattu at the meeting

related concerns are not allowed to be burnt at the altar of business opportunities.

The Commission has recently commissioned a research study on "Corporate Duty to Respect Human Rights in Indian Context: An Empirical Study on the State of Human Rights Practices Based on Ruggie's Framework in Business Firms in India" to IIT Bombay, Mumbai. The study will attempt to empirically examine the state of human rights practices

of business firms with different ownerships in India based on Ruggie's framework of "Protect, Respect and Remedy". The Commission has also called for a research project on the subject of 'Business and Human Rights'. And as a way forward, it has been emphasizing upon strengthening of legal framework as well strict compliance thereof to ensure human rights remain protected even as the country and businesses progress.

International Conference in Kathmandu

A delegation comprising Mr. Justice D. Murugesan, Member and Mr. Surajit Dey, Registrar (Law), NHRC, India attended the International Conference on Identifying Challenges, Assessing Progress, Moving Forward: Addressing Impunity and Realizing Human Rights in South Asia at Kathmandu, Nepal from 9th -11th April, 2018. The President of Nepal,

Mrs. Bidya Devi Bhandari inaugurated the Conference, which was organized by the National Human Rights Commission, Nepal.

During the course of preliminary sessions, Justice Murugesan gave an insight into the structure, functioning and jurisdiction of the National Human Rights Commission, India, which was setup under the Protection of Human

Rights Act, passed by Parliament in 1993. He highlighted, among others, the Commission's work in the area of Bonded and Child Labour, rights of elderly persons, disabled persons, environmental issues, custodial deaths and encounter deaths, human trafficking and related challenges. He said that the Commission is committed to building awareness on human rights.

Most of the speakers emphasized that poverty, lack of quality education, contracting space for freedom of speech and expression, lack of women empowerment in the South Asian countries are the major challenges. They also expressed concern over the increasing incidents of human rights violations of women, children and older persons in the region. One of the Speakers, Dr. Seema Samar, Chairperson, Afghanistan Independent Human Rights Commission, particularly, spoke about terrorism as a real threat to human rights and the



NHRC Member, Mr. Justice D. Murugesan standing 7th from right along with other dignitaries

rule of law.

The conference concluded with a Kathmandu Declaration which, among others, strongly reaffirmed the need for full adherence to the UN mandated 'Paris Principles' and actively working towards this, including through seeking legislative reforms ensuring the integrity and financial independence of the NHRIs. Noting that the year 2018 marks the 70th anniversary of the UDHR, it reaffirmed

marking that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated fairly, equally and with the same level of attention.

The representatives of National Human Rights Institutions (NHRIs) of Afghanistan, Bangladesh, India, Maldives, Nepal, Pakistan and Sri Lanka, as well as the National Women's Commission of Bhutan,

participated in the conference. Representatives of the NHRIs from Jordan, Malaysia, Myanmar, Mongolia and Philippines also attended along with a broad range of human rights organisations and journalists from the South Asia region. The United Nations Office of the High Commissioner for Human Rights, the United Nations Development Program (UNDP)-Kathmandu and a number of international human rights organisations were present.

Open Hearing and Camp Sitting

The National Human Rights Commission, NHRC organized two day's 'Open Hearing and Camp Sitting' at Gandhinagar, Gujarat from the 26th–27th April, 2018. The Commission, in its four benches presided over by the Chairperson, Mr. Justice H.L. Dattu, Members, Mr. Justice Pinaki Chandra Ghose and Mr. Justice D. Murugesan, Mrs. Jyotika Kalra heard 136 cases in the 'Open Hearing' on the atrocities and grievances of the people belonging to the Scheduled Caste and

The State Government was asked to submit a comprehensive report in a case of alleged deaths of 165 people, while cleaning manholes and non-payment of ₹ 10 lakhs as per the March, 2014 order of the Supreme Court.

The cases of release of pensionary benefits and other retiral benefits, payment of wages to employees of certain companies through Labour Department, rehabilitation and relief for an 11 year old rape victim, ex-

Commission sitting. These included cases of Silicosis deaths, deaths in hospital(s), killing of tribals in district Sabarkantha, construction of a bridge for school going children in Junagarh district etc. The Full Commission recommended a total monetary relief of ₹ 8 Lakh in 03 cases and in other cases, either the proof of payment was submitted or the payment of relief was at an advance stage of consideration.

The Full Commission meeting was followed by an interaction with the NGOs and Human Rights Defenders, who raised numerous issues including untouchability and caste based atrocities in almost 75% of the villages and the reluctance of the police to register cases pertaining to these issues. Attention was also invited to the Forest Land issues pertaining to Tribals, non-implementation of the Food Security Act and non provision of admissible relief to the poor in Panchmahal District, besides non-issue of job cards under MNREGA scheme. An issue pertaining to constructions in Ahmedabad by Builders in violation of laws was also raised.

The interaction with NGOs was followed by a meeting with the senior officers of the Government of Gujarat including the Chief Secretary and DGPs and the senior officers of the two Union Territories of Dadra & Nagar Haveli and Daman & Diu for sensitizing them on their role in better protection of human rights. They assured their full cooperation and commitment for the protection of human rights of all and particularly, the marginalized sections of Society.

Earlier, inaugurating the 'Open



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

Schedule Tribes communities.

Out of these, **63** cases were closed after the reports on action taken by the authorities were found satisfactory and proof of payment of ₹ 4 Lakh was received. In **40** cases, further reports were called. In **05** cases, the State Government informed that the sanction for relief was given in accordance with the provisions of the SC & ST (PoA) Act & Rules. The Commission recommended monetary relief of ₹ 3.25 Lakh in some cases.

gratia relief for family of a woman, who had died due to negligence of doctor(s) in Banaskantha, were also taken up. The concerned District Magistrates were sensitized for counseling the local bodies and the groups in districts, from where complaints were received about the prevention of Dalits entry into temples, barber facilities and taking marriage processions etc.

On the second day, **19** old cases were considered during the Full

Hearing and Camp Sitting', Mr. Justice H. L. Dattu emphasized that such camp sittings facilitate speedy disposal of cases. Wider interactions with the diverse stakeholders help understand the key concerns of the people from the marginalized sections of society. Apart from monetary compensation for

violation of human rights and action against the perpetrators, the camp sittings help strengthening of partnership between the Commission, State, Civil Society and media towards promotion and protection of human rights.

Dr. J. N. Singh, Chief Secretary of the Government of Gujarat, said that

the state government was committed to work for the welfare of the people. Mr. Ambuj Sharma, Secretary General, NHRC emphasized upon the need for creation of mass awareness programmes for the protection of rights of all at the grass-root level.

Regional workshop on Elimination of Bonded Labour

The National Human Rights Commission, NHRC organized a day long Regional Workshop on 'Elimination of Bonded Labour System' in collaboration with the Government of Punjab at Chandigarh Judicial Academy, Chandigarh on the 5th April, 2018. Mr. Justice D. Murugesan, Member, NHRC chaired the workshop.

The participants of the Workshop were senior officers of the Government of Punjab, Haryana, Himachal Pradesh, UT of Chandigarh and Jammu & Kashmir, Punjab State Human Rights Commission, NGOs and representatives of brick kilns, stone crushing and other related industries, Academicians and Students/Research Scholars from Punjab University, Indian School of Business and Post Graduate Government College for Girls, Chandigarh.

The objective of the Workshop was to familiarize and sensitize the District Magistrates, Sub Divisional

Magistrates, State Labour Officers and Members of Vigilance Committees, brick kilns, stone crushing and other related industries etc. in the process of identification, release and rehabilitation of bonded labourers and with the provisions of Bonded Labour System (Abolition) Act, 1976 and other related legislations.

The Commission, in its endeavour to raise concerns on the continuance of bonded labour, has been organising workshops to sensitize official machinery to work for its abolition in different parts of the country. It has organised 45 workshops on elimination of bonded labour so far.



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

Suo Motu Cognizance

The Commission took suo motu cognizance in 04 cases of alleged human rights violations reported by media during April, 2018 and issued notices to the concerned authorities for reports. Summaries of some of the cases are as follows:

Sexual exploitation of women in Telugu Film Industry

(Case No. 232/36/0/2018-WC)

The media reported on the 12th April, 2018 about the issue of sexual exploitation of women in the Telugu Film Industry as raised by a Television anchor turned actress. Reportedly, the actress staged a semi-nude protest outside the Telugu Film Chamber of Commerce in an attempt to highlight her grievances. The actress had been questioning the State government

and the Movie Artists' Association, MAA of the Telugu Film Industry on the absence of the Committee against Sexual Harassment (CASH) due to which, no female could represent and seek redressal of her grievances related to sexual harassment at work place.

The Commission has observed that the contents of the media reports, if true, tantamount to inaction on the part of the State government. The reported prohibitions imposed upon the actress, barring her to act in the films and stopping others to work with her amount to violation of her right to livelihood to live with dignity.

Accordingly, it has issued notices to the Chief Secretary, Government of Telangana and the Secretary, Union Ministry of Information and

Broadcasting, calling for a detailed report in the matter. The state authorities are expected to intimate about the available/proposed mechanism to deal with the subject.

The Commission has also observed that reportedly, legal action against the actress had been taken u/s 294 IPC but it is nowhere mentioned, if action on the serious allegations of casting couch and sexual harassment, leveled by her, had been taken by the authorities. Therefore, it appears to be an attempt to muzzle the voice of whistle blower by the MAA as well as the State authorities.

The Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 has laid

down provisions to prevent sexual harassment of women at work places. The "workplace" includes not only the government organisations/offices but also private ventures. Section 2 (o) (ii) of the Act reads:

"Any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service."

Thus, the Commission observed that the issues raised by the actress demand action on part of the State government in the form of a committee to address and redress the grievances of the female actors and women employees, in case of any sexual harassment at the work place i.e. Telugu Film Industry, in this case.

According to the media reports, annoyed by the nude protest by the artist, the MAA not only dismissed her allegations but also declared that she will not be given its membership under any circumstances. The MAA, reportedly, has even moved further stating that action will be taken against any artist, who would share screen space with her. The MAA who have filed a police complaint against the actress, have stated that action against her has been taken as per rules and they have the right to deny membership to her. The actress has been reportedly booked u/s 294 IPC (obscene act in a public place).

Death in judicial custody

(Case No. 8385/24/71/2018-AD)

The media reported on the 10th April, 2018 about the mysterious death of a rape victim's father, who was in custody at a jail in Unnao, Uttar Pradesh. The incident was reported to have happened a day after the alleged rape victim tried to immolate herself near the Chief Minister's residence accusing an MLA and his aides of gang rape. The girl's father was in judicial custody after his arrest on charges of a brawl with the MLA's supporters. The daughter of the deceased, reportedly, alleged that it was only the delinquent

MLA, who had got her father killed since she was not willing to withdraw the complaint of gang rape against him.

The Commission has observed that the allegations, if true, raise serious issue of violation of human rights of the victim family. It has issued notices to the Chief Secretary and the Director General of Police, Uttar Pradesh calling for a detailed report in the matter, including action taken against the delinquent police officials, who refused to register an FIR. The Commission also expects from the DGP, an explanation for not communicating the custodial death to the Commission within 24 hours. They have been asked to submit all the reports, including health screening report of the deceased at the time of his admission to the jail and the medical treatment provided to him.

The Commission has also directed the Chief Secretary, Government of Uttar Pradesh to look into the matter personally and ensure that the aggrieved family is not subjected to further harassment and humiliation by the opponents, who appear to be resourceful persons of the locality. He is also directed to monitor and expedite the magisterial inquiry, which is underway.

According to the media reports, some miscreants forcibly entered into the house of the deceased and thrashed him brutally in front of his family members on the 3rd April, 2018. The family approached the Makhi police station to lodge an FIR against the younger brother of the MLA and his aides. It was mentioned in their complaint that the brother of the MLA led the group and asked his accomplices to attack the family. The FIR had been, reportedly, lodged but the name of the brother of the MLA was not mentioned therein. On the other hand, the police booked the father of the girl u/s 323, 504, 506 IPC and also added sections of the Arms Act against him. He was arrested and remanded to judicial custody for 14 days. The police, as mentioned in the news report, argued that the accused was a listed criminal. After medical examination, the alleged accused was sent to prison at 7.30 pm on the 4th April, 2018. In the evening of the 8th April, 2018, the accused complained

of stomach ache and the next day he died in the hospital at around 3.30 am.

The daughter of the deceased, who has leveled allegation of rape against the MLA and his associates, has, reportedly, stated that since Unnao police had refused to act against the MLA, his brother and accomplices, they were forced to move the Court to get an FIR registered. She has also alleged that the MLA had threatened to get the entire family killed. As per news reports, she had met the Chief Minister on the 17th August, 2017, to raise her grievance and was assured help but in spite of this, her father ended up dying in custody.

According to the media reports, the doctors, who examined the victim's father after two days in police custody, noted 19 injury marks on his body. Reportedly, he was taken to hospital only when his condition deteriorated.

Unabated violence in Asansol-Raniganj area

(Case No. 391/25/1/2018)

The media reported on the 2nd April, 2018 that the failure of the law enforcing agencies has resulted in the violation of the rights to life, liberty and dignity of innocent people, who have become victims of violence in the Asansol- Raniganj area of West Bengal since the 25th March, 2018. Many people had been forced to leave their houses; several had died in the violence; a police officer had also sustained grievous injuries and the situation was reported to be still out of control.

Expressing serious concern, the Commission has issued notices to the Chief Secretary, Home Secretary and Director General of Police, West Bengal calling for a detailed report in the matter.

The Commission has also asked its Director General (Investigation) to depute a team headed by an officer not below the rank of SSP to visit the disturbed areas of Asansol-Raniganj for spot investigation/ inquiry to assess the actual situation and submit a report.

According to the media reports, the people's call for police help at 100

number went unanswered. The unruly mob had destroyed the public and private properties. There were many families from different communities, as mentioned in the news report, who had lost everything in the ongoing violence. According to the reported eye witness accounts, the police just stood there for a while and then vanished when the crowd attacked the victims. Expecting women and the people suffering from illnesses were the most affected.

However, reportedly, the Commissioner of Police of Asansol stated that a large number of police personnel had been deployed in the sensitive areas and the situation was under control; loud speakers were being used to spread awareness against the rumours.

Paper leak of class 10 and 12 Board exams

(Case No. 154/90/0/2018)

The media reported that papers of Class X and XII board examinations conducted by the Central Board of

Secondary Education (CBSE) were out. Reportedly, two cases had been registered on the charges of criminal breach of trust, cheating and criminal conspiracy and some arrests were also made.

The Commission has observed that prima facie, it seems the concerned authorities have failed to keep the faith of the students, intact. The humiliation being faced by the innocent students is amounting to violation of their Rights to Dignity and Education. Accordingly, on the 2nd April, 2018, it issued notices to the Secretary, Union Ministry of Human Resource Development, the Chairperson, Central Board of Secondary Education and the Commissioner of Police, Delhi calling for a detailed report in the matter.

The Ministry of Human Resource Development is also expected to inform the Commission about the steps taken regarding counselling of the aggrieved students and to make the process of conducting

board examinations trustworthy and foolproof to avoid recurrence of such painful incidents in future.

The Commission has further observed that such instances would adversely affect the credibility of the institutions in which the students have absolute faith. The students have been undergoing trauma engulfed with helplessness, heart break and mental agony during examinations days. The parents and the teachers try their best to counsel and motivate the students to remain calm and confident these days. Several government and non-government agencies including the media also contribute to impart ancillary support to the students to deal with the anxiety, attached to the board examinations. In spite of all the best efforts made by every stake holder, if the preparations done by the students go in vain due to such demoralizing and unexpected incidents like paper leak, it would definitely shatter the enthusiasm of the young aspiring students.

NHRC's spot enquiries

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

S. No.	Case Number	Allegations	Date of visit
1.	27685/24/31/2017-AD	Death due to torture in illegal police custody despite filing of missing person report in the same police station in District Ghaziabad, Uttar Pradesh	2 nd – 6 th April, 2018
2.	391/25/1/2018	Incidents of violence and exodus of people post Ram Navami celebrations in Asansol, West Bengal	9 th – 13 th April, 2018
3.	3192/30/3/2013	Illegal police action, detention, insult and humiliation in New Delhi	11 th -14 th April, 2018
4.	23819/24/3/2013-WC	Murders by in-laws for dowry and police inaction in Aligarh, Uttar Pradesh	23 rd -26 th April, 2018

Important Interventions

Sexual Harassment of minors at a Children's Home (Case No. 3897/30/10/2016)

The National Human Rights Commission received a complaint that the Superintendent of Children's Home run by the Delhi Government in Lajpat Nagar had been subjecting some minor inmates to sexual assault and harassment. The Commission vide proceedings dated 22nd July, 2016 directed the Secretary, Women and Child Welfare, Delhi Government and Commissioner of Police, Delhi to

submit reports.

In response, it was informed that during the course of inquiry, the allegations were found correct; six children had been sexually assaulted by the Government functionary. A case was already registered under POCSO Act on the complaint of a victim at the Lajpat Nagar Police Station on the 7th June, 2016. The said errant Superintendent was arrested

and two female officers including a Superintendent and a Welfare officer were posted at the Children's Home.

The Commission observed that the conduct of the said public servant amounted to gross violation of the human rights of the victims. Therefore, they were entitled to adequate monetary relief in addition to proper psychological counseling to overcome the trauma of sexual assault.

Accordingly, it recommended that the Delhi Government pay ₹ 1 lakh each to all the six victims, who were in the care

of its own establishment. In response the Delhi Government informed that the monetary relief as recommended

by the Commission had been paid and thus the case was closed.

Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 21 cases were considered during 02 sittings of the Full Commission and 44 cases were taken up during 03 sittings of Divisional Benches in April, 2018. On 37 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of ₹ 8,53,5,000/- 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.	2603/4/9/2014-JCD	CUSTODIAL DEATH (Judicial)	500000	GOVT. OF BIHAR
2.	396/33/2/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF CHHATTISGARH
3.	161/6/1/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	GOVT. OF GUJARAT
4.	7551/7/18/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF HARYANA
5.	540/11/15/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	GOVT. OF KERALA
6.	697/12/36/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF MADHYA PRADESH
7.	23/17/1/2017-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF NAGALAND
8.	791/19/0/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF PUNJAB
9.	2314/24/4/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF UTTAR PRADESH
10.	40636/24/67/2016-JCD	CUSTODIAL DEATH (Judicial)	300000	GOVT. OF UTTAR PRADESH
11.	4818/24/42/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF UTTAR PRADESH
12.	5901/24/48/2015-JCD	CUSTODIAL DEATH (Judicial)	200000	GOVT. OF UTTAR PRADESH
13.	1119/13/30/2011-AD	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	100000	GOVT. OF MAHARASHTRA
14.	18/15/2/2012-WC	ABDUCTION/RAPE	250000	GOVT. OF MEGHALAYA
15.	309/13/16/2016	ABUSE OF POWER	100000	GOVT. OF MAHARASHTRA
16.	2611/20/28/2015	ABUSE OF POWER	175000	GOVT. OF RAJASTHAN
17.	12521/24/54/2014	ABUSE OF POWER	25000	GOVT. OF UTTAR PRADESH
18.	7/2/4/2015-PCD	CUSTODIAL DEATH (Police)	100000	GOVT. OF ARUNACHAL PRADESH
19.	1340/13/33/2011-PCD	CUSTODIAL DEATH (Police)	300000	GOVT. OF MAHARASHTRA
20.	12864/18/17/2015-PCD	CUSTODIAL DEATH (Police)	500000	GOVT. OF ODISHA
21.	135/22/6/2013-PCD	CUSTODIAL DEATH (Police)	25000	GOVT. OF TAMIL NADU
22.	518/1/7/2012-PCD	CUSTODIAL DEATH (Police)	500000	GOVT. OF TELANGANA
23.	577/6/21/2015	CUSTODIAL TORTURE	25000	GOVT. OF GUJARAT
24.	416/3/6/2012-ED	DEATH IN POLICE ENCOUNTER	500000	GOVT. OF ASSAM
25.	36836/24/52/2010-AFE	ALLEGED FAKE ENCOUNTERS	500000	GOVT. OF UTTAR PRADESH
26.	887/10/2/2016	FALSE IMPLICATIONS	25000	GOVT. OF KARNATAKA
27.	239/24/18/2015	ILLEGAL ARREST	10000	GOVT. OF UTTAR PRADESH
28.	1627/13/15/2012	VICTIMISATION	300000	GOVT. OF MAHARASHTRA
29.	123/10/1/2016-WC	INDIGNITY OF WOMEN	100000	GOVT. OF KARNATAKA
30.	4004/7/20/2016-WC	RAPE	300000	GOVT. OF HARYANA
31.	1821/12/16/2016-WC	RAPE	300000	GOVT. OF MADHYA PRADESH
32.	2177/18/31/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	100000	GOVT. OF ODISHA
33.	2897/18/33/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	GOVT. OF ODISHA
34.	3031/18/20/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	GOVT. OF ODISHA
35.	9426/18/3/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	GOVT. OF ODISHA
36.	216/3/8/2011-AF	DEATH IN ARMY ENCOUNTER	1000000	GOVT. OF ASSAM
37.	388/1/21/2012-WC	RAPE OF SC/ST/OBC	100000	GOVT. OF ANDHRA PRADESH

Compliance with NHRC recommendations

In April, 2018, the Commission closed 60 cases on receipt of compliance reports from different public authorities, furnishing proof of payments, it had recommended, totalling ₹ 1,31,52,500/- 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.	1115/18/1/2014	EXPLOITATION OF CHILDREN	70000	GOVT. OF ODISHA
2.	35164/24/25/2013	IMMORAL TRAFFIC ON CHILDREN	50000	GOVT. OF UTTAR PRADESH
3.	2329/4/39/2011	SEXUAL HARASSMENT	25000	GOVT. OF BIHAR

Sl. No	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
4.	3897/30/10/2016	SEXUAL HARASSMENT	600000	GOVT. OF NCT OF DELHI
5.	2170/12/54/2015	SEXUAL HARASSMENT	200000	GOVT. OF MADHYA PRADESH
6.	25825/24/54/2015	MALFUNCTIONING OF MEDICAL PROFESSIONALS	25000	GOVT. OF UTTAR PRADESH
7.	29857/24/9/2016	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	100000	GOVT. OF UTTAR PRADESH
8.	2056/4/23/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	GOVT. OF BIHAR
9.	323/33/5/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF CHHATTISGARH
10.	677/33/8/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF CHHATTISGARH
11.	678/33/14/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF CHHATTISGARH
12.	692/33/11/2012-JCD	CUSTODIAL DEATH (Judicial)	300000	GOVT. OF CHHATTISGARH
13.	699/33/5/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	GOVT. OF CHHATTISGARH
14.	1082/6/9/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	GOVT. OF GUJARAT
15.	500/6/19/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF GUJARAT
16.	802/6/23/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF GUJARAT
17.	19620/24/43/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF UTTAR PRADESH
18.	22499/24/9/2013-JCD	CUSTODIAL DEATH (Judicial)	200000	GOVT. OF UTTAR PRADESH
19.	26985/24/1/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF UTTAR PRADESH
20.	27898/24/49/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF UTTAR PRADESH
21.	1272/25/5/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	GOVT. OF WEST BENGAL
22.	44988/24/59/2013	ABUSE OF POWER	100000	GOVT. OF UTTAR PRADESH
23.	48166/24/4/2011	ABUSE OF POWER	500000	GOVT. OF UTTAR PRADESH
24.	1189/6/11/2013-PCD	CUSTODIAL DEATH (Police)	100000	GOVT. OF GUJARAT
25.	942/6/23/2013-PCD	CUSTODIAL DEATH (Police)	50000	GOVT. OF GUJARAT
26.	1538/34/4/2014-PCD	CUSTODIAL DEATH (Police)	100000	GOVT. OF JHARKHAND
27.	60/12/18/2014-PCD	CUSTODIAL DEATH (Police)	100000	GOVT. OF MADHYA PRADESH
28.	301/13/14/2011-PCD	CUSTODIAL DEATH (Police)	50000	GOVT. OF MAHARASHTRA
29.	4/16/4/2016-PCD	CUSTODIAL DEATH (Police)	100000	GOVT. OF MIZORAM
30.	2216/20/20/2011-PCD	CUSTODIAL DEATH (Police)	100000	GOVT. OF RAJASTHAN
31.	26234/24/68/2013-PCD	CUSTODIAL DEATH (Police)	125000	GOVT. OF UTTAR PRADESH
32.	39654/24/31/08-09-PCD	CUSTODIAL DEATH (Police)	500000	GOVT. OF UTTAR PRADESH
33.	4433/30/2006-2007	DEATH IN POLICE ENCOUNTER	500000	GOVT. OF NCT OF DELHI
34.	4693/30/2005-2006	DEATH IN POLICE ENCOUNTER	500000	GOVT. OF NCT OF DELHI
35.	117/14/15/2012-ED	DEATH IN POLICE ENCOUNTER	500000	GOVT. OF MANIPUR
36.	236/12/38/2015	FAILURE IN TAKING LAWFUL ACTION	30000	GOVT. OF MADHYA PRADESH
37.	3622/13/33/2012	FAILURE IN TAKING LAWFUL ACTION	25000	GOVT. OF MAHARASHTRA
38.	18128/24/27/2014	FAILURE IN TAKING LAWFUL ACTION	25000	GOVT. OF UTTAR PRADESH
39.	8584/24/57/2012	FAILURE IN TAKING LAWFUL ACTION	1000000	GOVT. OF UTTAR PRADESH
40.	2000/7/6/2012	ILLEGAL ARREST	50000	GOVT. OF HARYANA
41.	24558/24/31/2013	UNLAWFUL DETENTION	25000	GOVT. OF UTTAR PRADESH
42.	9523/24/17/2013	UNLAWFUL DETENTION	25000	GOVT. OF UTTAR PRADESH
43.	13180/24/64/2015	VICTIMISATION	25000	GOVT. OF UTTAR PRADESH
44.	1573/6/9/2013-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	GOVT. OF GUJARAT
45.	8643/7/19/2015-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	GOVT. OF HARYANA
46.	15/14/4/07-08-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	GOVT. OF MANIPUR
47.	6066/24/56/2014-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	GOVT. OF UTTAR PRADESH
48.	3849/30/9/2016-AR	ALLEGED CUSTODIAL RAPE IN POLICE CUSTODY	50000	GOVT. OF NCT OF DELHI
49.	4087/4/26/2013-WC	EXPLOITATION OF WOMEN	400000	GOVT. OF BIHAR
50.	9803/18/13/2015-WC	RAPE	300000	GOVT. OF ODISHA
51.	2942/20/6/2015-WC	RAPE	25000	GOVT. OF RAJASTHAN
52.	744/20/5/2010	MISCELLANEOUS	1065000	GOVT. OF RAJASTHAN
53.	1495/12/30/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	GOVT. OF MADHYA PRADESH
54.	271/12/35/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	100000	GOVT. OF MADHYA PRADESH
55.	554/12/15/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	22500	GOVT. OF MADHYA PRADESH
56.	972/12/46/2015	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	500000	GOVT. OF MADHYA PRADESH
57.	2585/18/16/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	GOVT. OF ODISHA
58.	2976/18/3/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	50000	GOVT. OF ODISHA
59.	3556/18/1/2014	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	100000	GOVT. OF ODISHA
60.	3778/18/12/2013	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	40000	GOVT. OF ODISHA

From the archives of human rights cases

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

Death of tribal children (Case No. 272/LD/93-94)

The National Human Commission received a complaint that about 400 children had died in Phulbani district of Odisha as a result of acute malnutrition followed by malaria. The complaint was filed by an advocate, Mr. A.C. Pradhan. The allegations were serious prompting the Commission to swing into action. Notices were issued to the State Government for providing factual report in the matter. The State Government, in its report, stated that a medical team headed by the Chief District Medical Officer,

Phulbani enquired into the matter and found that the number of deaths was an exaggeration. However, it admitted that many children below 10 years had died in Daringibadi block August and September, 1993.

The Commission, in its directions of 25th October, 1994, observed that adequate and satisfactory arrangements had not been made to prevent the calamity. Unimpressed by the State Government's claims concerning the opening of health sub-centres and the deployment of para-medical staff in that area, the Commission observed: "The fact that the Scheduled Tribe people prefer to treat their children with witchcraft and by village quacks is again encomium to the State Government." The Commission said that it reflected the inability of the State Government to

adequately educate the tribal citizens, which was an obligation of the State Government under the Constitution. Accordingly, it recommended that the Government of Odisha pay a sum of ₹ 625,000/- within a month to 125 tribal families whose children had died of malnutrition and malaria in Phulbani district. Considering those days, the value of the amount of relief was enough to send strong message to the State Government that it needed to pull up its socks for the welfare of the people in far flung areas whose plight cannot escape the eyes of the Commission even if they lived beyond the mainstream in the remote places. The State Government was also asked to ensure the supply of clean water in that district, wean the tribals away from the quacks and also encourage them to approach the local hospitals and medical centres for treatment.

Important Judgment of the Supreme Court of India

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 27th March, 2018, the Supreme Court gave a landmark ruling in the Writ Petition (Civil) No.231 of 2010- Shakti Vahini v Union of India & ors that any attempt by Khap Panchayats or any other assembly to scuttle or preventing two consenting adults from marrying is absolutely 'illegal' and laid down preventive, remedial and punitive measures in this regard. The court's judgment came on a petition filed by a Non-Government Organisation (NGO) Shakti Vahini in 2010. The petitioner had sought directions to States and the Centre

to put in place a plan to curb honour killings.

The 54 page judgment was delivered by the three-judges' bench comprising the Chief Justice of India, Mr. Justice Dipak Misra, Mr. Justice A.M Khanwilkar and D.Y Chandrachud. The court held, "the criminal cases pertaining to honour killing or violence to the couple(s) shall be tried before the designated Court/Fast Track Court earmarked for that purpose. The trial must proceed on day to day basis to be concluded preferably within six months from the date of taking cognizance of the offence. We may hasten to add that this direction shall apply even to pending cases. The concerned District

Judge shall assign those cases, as far as possible, to one jurisdictional court so as to ensure expeditious disposal thereof."

The judgment also says that Khap panchayats should not take the law into their hands and cannot assume the character of a law implementing agency for that authority has not been conferred upon them under any law.

Khaps are caste and community based assemblies — usually comprising elderly men from the Jat community — in northern parts of India that have a say on several issues, including marriage, dowry and the education of children, based on traditional customs.

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.

During the month of **April, 2018**, there were many issues of interest on which most of the major English newspapers commented upon in their

editorials, among them, some of the issues were having direct bearing on human rights per se while others weren't. The brutal tragedies of Unnao and Kathua rapes were the most commonly commented upon issues by the newspapers. Thirteen editorials were carried on the topic. The Tribune wrote that "the country needs another Nirbhaya moment". The Millenium Post wrote that "the prophetic end of 'Kal Yug' is undeniably visible today in the sporadic currents witnessed across

the length and breadth of our country- and perhaps, the globe."

In the wake of Kathua and Unnao rape cases, there has been increasing clamour for death penalty for child rapists among certain sections of society. Eight editorials were carried on the topic. Most of the newspapers argued against the death penalty as it won't deter the future criminals. The Hindustan Times wrote that "better prosecution, the certainty of conviction and the severity of the sentence will

work far better." The Times of India wrote, "Lawmakers must have the patience to work and improve the laws we have, rather than make bad new ones to satisfy the inflamed moods on the streets."

The conviction of Asaram Bapu for life imprisonment in rape, after a long trial, was reported and commented upon as the reinforcement of faith in justice. Eight major English newspapers commented upon the verdict. The Hindu wrote, "there is nothing more mortifying to the devout than witnessing jet-age god men betraying the trust of their followers."

The impeachment move against the Chief Justice of India, Dipak Misra was also among the most commonly commented upon issues with nine

editorials. The Tribune wrote that "the very fact that the controversy swirls around the CJI does not bode well for the judiciary, a critical pillar of our constitutional democracy." The Hindustan Times wrote that "the biggest loser is the highest judicial office in the land, which has now been well and truly politicized."

The victory of India at the Commonwealth Games held in Gold Coast, Queensland, Australia was another most commented upon issues in the editorial columns. The Times of India wrote, "India shines at CWG; with 26 golds onus is on sports officials to nurture this talent." The Indian Express wrote, "luckily for India, now there are new champions to follow, CWG has added variety to the

sporting view."

Apart from this, the editorial comments were on a mixed bag of issues. Some of these were: Cash crunch in the ATMs in many parts of the country, the meeting of Prime Minister Modi and Chinese Prime Minister Xi Jinping, lifting up of AFSPA in Meghalaya and parts of Arunachal Pradesh, the Supreme Court's denial to put a stay on its SC/ST Act verdict, conviction of actor Salman Khan in black bug poaching case and the Prime Minister's intervention withdrawing the guidelines for journalists on fake news issued by the Union Ministry of Information and Broadcasting.

NHRC Street Theatre Festival and Award Scheme-2018

The National Human Rights Commission, NHRC, India has opened the entries for its inaugural 'Street Theatre Festival and Award Scheme-2018'. The aim is to recognize, encourage and promote the creative methods of the Indian citizens for communication through street plays in order to build awareness about the protection and promotion of human rights.

The inaugural run of the competition is open for the participation of the college theatre groups as well as registered theatre groups of Delhi-NCR region with their street plays in the contemporary spoken Hindi only. **The last date to receive entries is 31st July, 2018 till 05.00 p.m.**

The groups whose street plays will be shortlisted for performance will be paid ₹ 25,000/- each to meet various expenditures towards the production cost etc apart from the participation certificates. Besides this, the three best performances for the first, second and third positions will be given the **prize money of ₹ 1 lakh, ₹ 60 thousand and ₹ 40 thousand respectively along with certificates and trophies.**

The themes of the street plays could be broadly-based on various socio-economic, cultural and political rights within the ambit of right to life, liberty, equality and dignity and covering issues specific to bonded and child labour, women & children's rights, rights of elderly persons, disabled rights, right to healthcare, issues of fundamental freedoms, human trafficking, domestic violence, human rights violation due to police atrocities, custodial violence and torture, socio-economic disparities, rights of indigenous people, prison reforms, right to education, right to clean environment, right to work, right to equality before law, right to food and nutritional security, various human rights violations and their redressal mechanism.

The NHRC is completing its silver jubilee in 2018, hence street plays may also be educative and informative about the human rights violations and their redressal mechanism in the country and challenges being faced by those involved in the promotion and protection of human rights.

The detailed terms and conditions of the competition along with the application form can be downloaded from the Notice Board on the home page of the website of the Commission, www.nhrc.nic.in. For any further queries, Mr. Jaimini Kumar Srivastava, Deputy Director (Media & Communication), NHRC can also be contacted.

NHRC invites online entries for painting competition

The National Human Rights Commission, NHRC, in run up to its silver jubilee celebrations, has organized a painting competition in order to encourage people join hands in promotion and protection of human rights. The theme is: **'My idea of human rights and Promotion and protection thereof.'** **Three awards of ₹ 15000/-, 10,000/- and 5,000/- along with certificates** will be given for the first, second and the third best painting besides, nine consolation cash prizes of ₹ 2500/- each. The participants can submit their entries online at the 'Creative Corner' section of the 'Mygov' portal, wherein the detailed guidelines are also given.

The last date to send entries at www.mygov.com is 15th July, 2018 till 05.00 pm. A link to participate in the painting competition is also given on the home page of www.nhrc.nic.in for sending the entries.

Prior to this, the Commission had also organized silver jubilee logo designing and tagline/slogan writing competitions through MyGov portal. The results of these two competitions will be announced soon.

Snippets

Visits to NHRC, India

1. A delegation consisting of 25 students and 3 faculty members from the Mewar Law Institute, Ghaziabad, Uttar Pradesh visited the NHRC on the 10th April, 2018. They were briefed about the functioning of the Commission.

Contd. next page

2. Mr. O.P. Saini, IAS, Addl. Chief Secretary & Chairman, Rajasthan Civil Services Appellate Tribunal (on the right) met Mr. Ambuj Sharma, Secretary General, at Manav Adhikar Bhawan, New Delhi. He showed keen interest in the functioning of the NHRC and also took online pledge committing himself to the promotion and protection of human rights. The Secretary General, on behalf of the Commission, presented him a Certificate for the same.



During the month of April, 2018 total 09 press releases were prepared and issued based on the proceedings of the Commission in different cases. Total 2120 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 04 incidents of alleged human rights violations were brought to the notice of the Commission, which it considered and found fit for suo motu cognizance. 149 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.

एनएचआरसी ने स्वास्थ्य सचिव को किया तलब

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एनएचआरसी ने ममता सरकार को नोटिस भेजा

Number of fresh complaints received in the Commission	6323
Number of cases disposed of including fresh and old	6337
Number of cases under consideration of the Commission including fresh and old	23783

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

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

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

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

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

Front cover painting by Janhavi Balodi, taken from the collection of NHRC's children painting competitions.