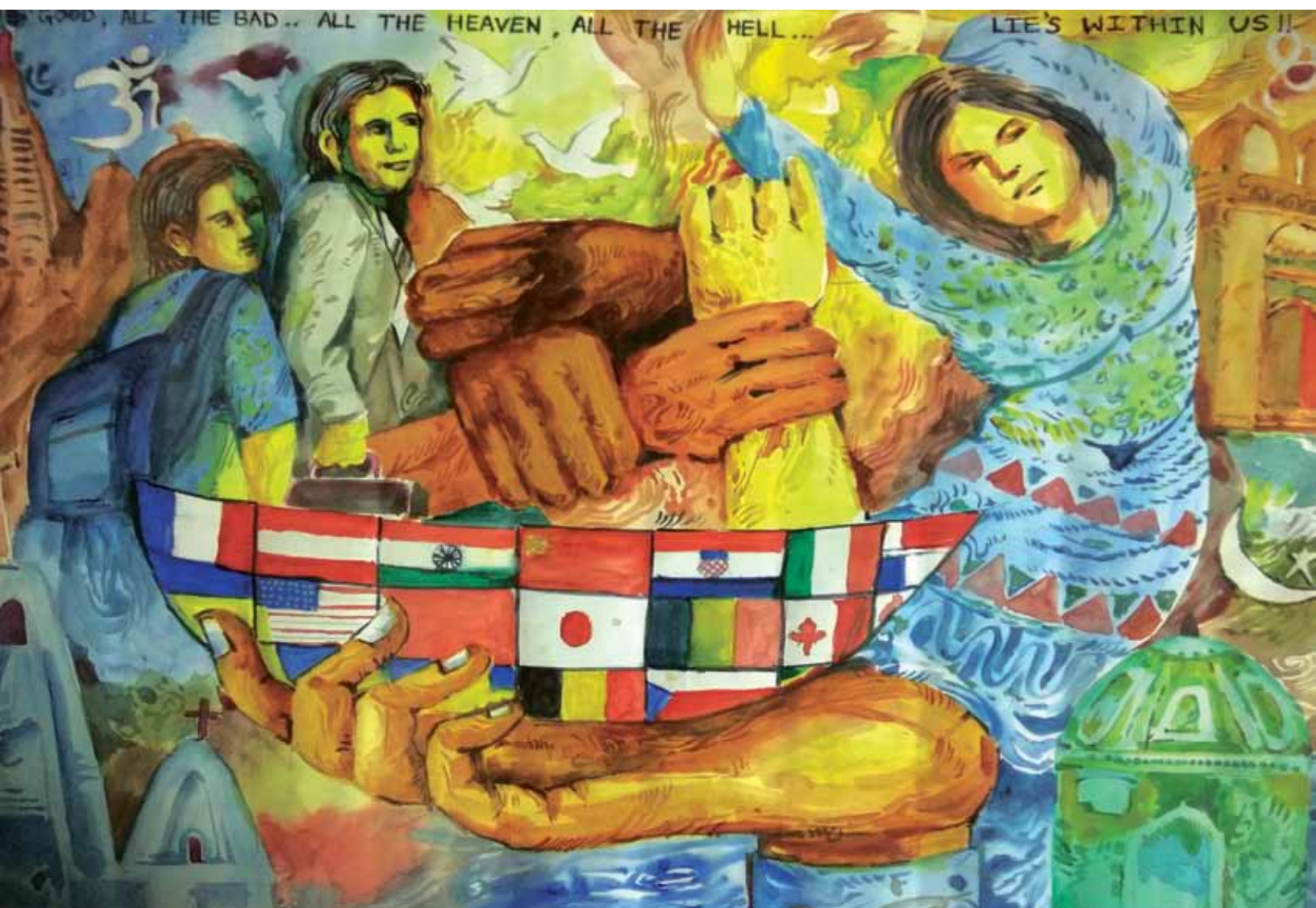




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HUMAN RIGHTS NEWSLETTER

A Monthly Publication of the National Human Rights Commission, India



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From the Editor's Desk

The month of September, 2018 became another very important month for the developments related to human rights, which acquired national and international significance and emphasized the fact that India is a rights conscious nation.

The Supreme Court of India decriminalized homosexuality. It held that Section 377 of the Indian Penal Code, prescribing ten years punishment for homosexuality, violated Articles 14, 15, 19 and 21 of the Constitution. Hence, criminalization of private consensual sexual conduct between adults of the same sex with punishment of 10 years of imprisonment, violated the right of LGBTQ community to "equal citizenship and equal protection of Law." However, the Court also said that this Section would continue to apply to unnatural sexual acts like bestiality. Sexual act without consent also continues to be a crime under this Section. This historic judgment has settled the debate on an issue, which lingered on for a very long period, particularly due to conflicting voices in the matter. Now, with the legalities of the issue set in place, it's just a matter of social acceptability, which, hopefully should come through soon by building awareness and introducing enabling rules, facilities and atmosphere.

Another historic judgment by the Apex Court was striking down of Section 497 of the Indian Penal Code that punished a married man up to five years in jail, if he had entered into the sexual relations with a married woman without the consent of her husband. The Court observed that husband is not the master of the woman but said that the adultery could continue to be a ground for divorce. Therefore, the judgment is explicit that marriage is a bond of mutual trust and respect. The Centre in its affidavit before the Court had, reportedly, said that it would be against the sanctity of marriage to dilute the offence of adultery.

Some other important developments prominently reported were: the Law Commission's advocacy for the diversity of personal laws but not at the cost of violating the fundamental rights; the ordinance by the Government to make triple Talaq a penal offence; the Centre assuring the Supreme Court that it would issue warning messages on mob lynching; the Supreme Court sending the plea for ban on female genital mutilation to the five Judge Constitution bench and upholding the Constitutionality of Aadhar number by saying that it did not infringe the right to privacy but restricted its application.

Thus, it was a month of rights in focus, which gained further importance with the beginning of NHRC's series of its Silver Jubilee events. These have been pegged in this issue of the Newsletter besides some other stories of horrific violation of human rights, particularly of women, of which the Commission has taken suo motu cognizance of.

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

NHRC starts its Silver Jubilee celebrations with a media dialogue



Mr. Justice Chandramauli Kumar Prasad, Chairman, Press Council of India addressing the gathering

The National Human Rights Commission, NHRC, India has held, right since its inception on the 12th October, that media remains its equal partner in the promotion and protection of human rights. Marking this spirit, the Commission decided to launch its series of Silver Jubilee celebrations with a media dialogue in collaboration with the country's premier institution of journalism, the Indian Institute of Mass Communication, IIMC, New Delhi on the 5th September, 2018.

As part of a composite media programme, the Commission also released its documentary: **'NHRC: 25 years: Billion Hopes' and DVD of award winning short films on human rights** on that day. The documentary, envisioned by Mr. Ambuj Sharma, Secretary General, NHRC and conceptualized by Mr. Jaimini Kumar Srivastava, Dy. Director (Media & Communication), NHRC, has been made for the Commission by the Films Division.

The three winners of the NHRC short film awards were also honoured on the occasion. They included Dr. Dev Kanya Thakur, Mr. Biplab Majumder and Mr. Jayajose Raj C.L. for the first, second and third prize of Rs. 1 lakh, 75 thousand and 50 thousand along with certificates and trophies for their films - 'Behind the Bars', 'Third Gender' and 'It's Possible' respectively.



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

Earlier, inaugurating the programme, as a Chief Guest, Mr. Justice Chandramauli Kumar Prasad, Chairman, Press Council of India said that media has mostly helped propagate an informed opinion about human rights. With the changing time, massive power and infrastructure supported by technology to reach people within seconds,

the responsibilities and duties of media towards the society have also increased.

He said that media persons play an important role in creating mass awareness about human rights. But they also need to be fully conversant with various aspects related to them in order to enable people recognize violation of their rights in daily life.

The Press Council of India Chairman said that the violation of human rights of members of mass media is also a very significant aspect, which goes unnoticed. The provisions of the Working Journalists Act is followed more in breach than obedience. This needs to be looked into.

The NHRC, Chairperson, Mr. Justice H.L. Dattu said that the Commission recognizes and cherishes the media as its valuably in addressing the issues of human rights violations in



NHRC Secretary General, Mr. Ambuj Sharma, in the middle along with the media persons, moderating the discussion

of citizens of the country.

Mr. K.G. Suresh, Director General, IIMC, New Delhi said that there is a need to develop a human rights curriculum in the studies of journalism. Mr. Ambuj Sharma, Secretary General, NHRC highlighted how the media reports have been useful for

journalist and columnist, Mr. K.V. Prasad, Senior Associate Editor, The Tribune, Delhi and Mr. Nikunj Garg, Senior Editor, Times Now and Mr. Ambuj Sharma, Secretary General, NHRC, who also moderated the discussion. The discussion remained focussed around how best



Winners of NHRC's Short Film Awards (from L-R) : Dr. Dev Kanya Thakur, Mr. Biplab Majumder and Mr. Jayajose Raj C.L.

the country. He also said that the Commission, through its dedicated Media & Communication wing, in addition to its engagement with the news media, is also trying to use varied media platforms to encourage people's participation in spreading human rights literacy. These include, among other things, organizing human rights films festival besides the launching of human rights street theatre festival this year to reach out the mind and hearts

the Commission to take suo-motu cognizance of the human rights violations in the far flung areas of the country.

The programme concluded with a panel discussion on 'The Role of Media in creating awareness on the human rights'. The participants included noted journalists, Mr. Prabhu Chawla, Editorial Director, New Indian Express, Ms. Arati Radhika Jerath, senior

the awareness on human rights could be increased.

The attendees included the faculty and students of IIMC and other media institutions, representatives from the media organizations and civil society, besides the senior officers and staff of the Commission. The Media & Communication Wing of the Commission, led by Mr. Jaimini Kumar Srivastava, Dy. Director (M&C) and his colleagues, coordinated the event.

NHRC Silver Jubilee Lecture

In line with its Silver Jubilee celebrations, the National Human Rights Commission, NHRC, India on the 10th September, 2018, organized the lectures of three eminent persons, who have been working tirelessly in the field of human rights. They included: Mr. Kailash Satyarthi, Nobel Peace Laureate, Dr. Ajay Mathur, Director General, The Energy and



Mr. Kailash Satyarthi, Nobel Peace Laureate addressing the gathering

Resources Institute, TERI and Mr. Prakash Singh, Former Director General of Police, Uttar Pradesh.

The Nobel Laureate, Mr. Kailash Satyarthi and the founder of '*Bachchan Bachao Aandolan*', addressing the gathering as the

of constitutional guarantees through judicial pronouncements, have underlined the right to clean environment as a human right.

Therefore, there is an immediate need to develop consensus on a corpus of knowledge that would be

a lack of understanding on how an objection will be dealt with, which claims for example, that the Ghazipur landfills site area impacts the air quality of the National Capital Regions endangering the life and dignity of the people, though, it is probably a clear case of the violation of the human rights of the thousands of people, who live around the landfills.

Lauding the role and contribution of the Commission in addressing the complaints of human rights violations, The TERI Chief said that the NHRC, India as well as the similar Commissions across the world, reflect the reality that rights relating to life, liberty, equality and the dignity of the individual are often not adequately met.



Dr Ajay Mathur, Director General, (TERI) addressing the gathering

Chief Guest, recalled his long association with the NHRC, India and how, on several occasions, its interventions gave support to his fight for the protection of child rights in the country. He said that despite legislations, the challenges in the field of child rights have not ended in the country. The child trafficking and child labour still persist.

Mr. Satyarthi expressed concern over the recently reported incidents of sexual assault in the child care homes and shelter homes in various parts of the country. He said that it is unfortunate that the places, which are meant for providing enabling atmosphere to rehabilitate children and protect their rights, are becoming places of torture for them. He urged the governments to stop this.

Dr Ajay Mathur, Director General, (TERI) said that the concept of human rights and violations thereof is ever expanding and evolving, which may differ from country to country and from time to time. The international bodies, including those under the aegis of United Nations and Indian domestic laws, and interpretation



Mr. Prakash Singh, Former Director General of Police, UP, addressing the gathering

Mr. Prakash Singh, Former Director General of Police, UP, in his lecture, highlighted that India followed the concept of human rights since ancient times. This reflects in its Constitution and a number of special enactments to preserve and safeguard the basic human rights to



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

agreed to as actions, which result in the lack of a clean environment hampering human rights. He urged the NHRC, India to initiate a dialogue on the issue of right to clean environment as a human right to help build a common understanding of it including the limits of such rights.

The TERI, DG said that there is

life and liberty of every individual. He said that the Government of India has been laying great emphasis on the observance of human rights by the security forces. But there have been controversies from time to time in this context. Be it over 2,500 writ petitions filed in the Supreme Court and Punjab and Haryana High Court against

Punjab Police force after the defeat of terrorism in Punjab, resulting in huge demoralization of officers and men or the recent controversy in the backdrop of July, 2016 Supreme Court Judgment against the Armed Forces in the matter of extra judicial executions in Manipur.

Mr. Singh said that the voices of dissent coming from the Armed Forces in such an orchestrated manner have to be taken serious notice of, and the larger question of human rights in insurgency situations must be debated and discussed.

He said that the absence of political consensus on fighting terrorism has adversely affected the country's capacity to combat it. We need to strike a balance between the security concerns and the human rights considerations. It would be a sad day, if, at any stage, we win the battle of human rights but lose the battle to uphold the unity and integrity of the country.

The NHRC, Chairperson, Mr. Justice

H.L. Dattu said that the Commission has been involved in efforts to address the issues of extra judicial killings, prison conditions, bonded and child labour, and the protection of vulnerable groups, including women and children, persons with disabilities, and the elderly, among others.

It has also been making efforts to spread human rights literacy in society, and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means. More recently, to further spread the message of human rights protection, he said that the Commission had initiated an 'Online Human Rights Pledge' hosted on the MyGov portal of the Government of India, which is open to both individuals and organisations to sign to show their commitment for human rights.

The NHRC Chairperson said that the Commission has tried to reach out to people from all walks of life,

including those living in the remotest parts of the country. The fact that the Commission has indeed been able to extend its reach across the length and breadth of the country can be gauged from the phenomenal increase in the number of complaints received each year.

Recalling the contributions of Mr. Kailash Satyarthi for the protection of child rights, Dr. Ajay Mathur for his contribution in the field of environment rights with the rights perspective and Mr. Prakash Singh for his invaluable contribution to police reforms in India, the NHRC Chairperson that a true commitment to human rights will require concerted efforts to nourish and treasure the rich diversity of all people and the natural environment and developing and sustaining mutually-enabling relationships. The Coordination Section of the Commission, led by Mr. Balraj Nagar, Under Secretary and his colleagues, coordinated the event.

NHRC Silver Jubilee Painting Competition

The National Human Rights Commission, NHRC India received an overwhelming response to its Silver Jubilee Painting Competition, organized online, through MyGov portal, from the 30th April, 2018 to 15th July, 2018. The theme of the Competition was: **'My idea of human rights and promotion and protection thereof'**. Total 525 entries were received from different parts of the country.

The Commission on the basis of

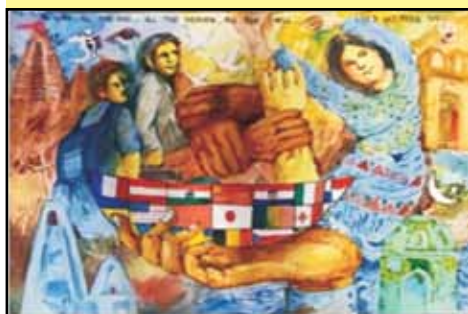
the recommendations of a Selection Committee decided the winners. They included three for the first, second and third prize of Rs. 15,000/-, Rs. 10,000/- and Rs. 5,000/- respectively besides nine consolation prizes of Rs. 2500/- each along with certificates.

The Selection Committee headed by Mrs. Jyotika Kalra, Member, NHRC, comprised as members, Mr. Ambuj Sharma, Secretary General, Mr. Dilip Kumar, JS(T&R), Mr. Jaimini Kumar Srivastava, DD(M&C), Mr. Indrajeet

Kumar, AR (Law), NHRC and Ms. Rekha Shingari, an artist. Earlier a Screening Committee, chaired by Mr. Ambuj Sharma, Secretary General, comprising Dr. Ranjit Singh, JS (P&A), Ms. Chhaya Sharma, DIG, Mr. Jaimini Kumar Srivastava, Dy. Director (M&C), Mr. Sanjeev Sharma, SSA and Mr. U.N. Sarkar, Asstt. Dir. (Publication), NHRC shortlisted the entries for the Selection Committee. The Media & Communication Wing of the Commission coordinated the event.

Paintings selected for the three Awards

**First Prize of Rs. 15000/- to
Ms. Neha Agarwal,
(Kolkata, West Bengal)**



**Second Prize of Rs. 10000/- to
Ms. Shikha Verma,
(Lakhimpur Kheri, U.P)**



**Third Prize of Rs. 5000/- to
Mr. Soumya Ranjan Samal,
(Jajpur, Odisha)**



Paintings selected for the consolation prizes of Rs. 2500/- each

Pallavi Dewangan,
(Raipur, Chattisgarh)



Samriddhi Paul,
(Indirapuram, Ghaziabad,
Uttar Pradesh)



Jagdeep Soni,
(Lalitpur, Uttar Pradesh)



Deepshikha De,
(Noida, Uttar Pradesh)



Shreya Mishra,
(Chaudhary Bazaar,
Cuttack, Odisha)



Ranju Patar,
(Kamrup, Assam)



Jayatri Saha,
(Bhauri, Bhopal,
Madhya Pradesh)



Patil Rohit Pravin,
(Dhule, Maharashtra)



Rohit Kumar,
(Chandsarai, Vaishali, Bihar)



Seven groups to perform in NHRC Street theatre festival

The National Human Rights Commission, NHRC India, based on the recommendations of a Committee, selected seven street plays out of total 19, received as entries for participation in its first **'Street theatre festival and competition'** to be held at amphitheatre of Central Park, Rajiv Chowk (Connaught Place), New Delhi on the 13th October, 2018 as part of the **NHRC's Silver Jubilee human**

rights Mela, a cultural extravaganza. Each street play will be of 10-15 minutes duration. The Selection Committee headed by Mr. Justice P.C. Ghose, Member, NHRC comprised Mr. Ambuj Sharma, Secretary General, Mr. Gurbachan Singh, DG(I), Mr. Dilip Kumar, J.S. (T&R), Dr. Ranjit Singh, JS (P&A) NHRC. Mr. Jaimini Kumar Srivastava, Dy. Director (M&C), NHRC was the convener.

Out of these seven plays, the three best will be given the first, second and third prizes of Rs. 1,00,000/-, 60,000/- and 40,000/- and certificates. Besides this, all the groups performing the seven plays will be paid Rs. 25000/- each along with the certificates of participation.

The cultural extravaganza, open for public, will be an evening of fun, entertainment, education

and information with a focus on motivating people to stand up for the promotion and protection of human rights. Stalls will be set up around the amphitheatre by leading NGOs, like Help Age India, Bachpan Bachoo Andolan, Delhi police, Paramilitary forces, Tihar Central jail besides the NHRC showcasing their work. Some books, literature and articles will also be available for sale at the stalls. The Street Theatre Festival is being coordinated by the Media & Communication Wing and the Human Rights Mela by the Investigation Division of the Commission.

The selected plays for performance to decide the three awards were as follows:

1. **My Human Rights** sent by Mr. Sanjeev Kumar representing 'Common People Foundation Trust'. **Theme: Need to stand**

up for the protection of constitutional rights;

2. **Jan Gan Man** sent by Mr. Vanshaj Rai representing 'Rangayan', The Dramatics Society of ARSD College, Delhi. **Theme: Need to protect Right to equality ending corruption/discrimination;**
3. **Apna Adhikaar Pehchano** sent by Mr. Umesh Dixit representing 'Rudraksh Kala Mandal', Delhi. **Theme: Domestic violence and how to deal with it taking legal recourse and approaching rights bodies;**
4. **Maila Kuchaila** sent by Ms. Yakshi Soni representing 'Anubhuti'- The Street Play Society of JDM College, Delhi. **Theme: Ills of manual scavenging and the need to end discrimination on**

the basis of caste and vocation;

5. **Jee Bhi Lay** sent by Ms. Meghali representing 'Navrang'- The Dramatics Society of Lakshmibai College. **Theme: Need to protect the rights of the children of prostitutes and challenges thereof;**
6. **Tript** sent by Ms. Nishtha Singh Thakural representing 'Delhi Technological University' (DTU). **Theme: Need to empathize with the victims of drug abuse; and**
7. **Bhookh** sent by Mr. Yogesh Kumar representing 'Jazba Theatre Group'. **Theme: Right to food and how it can be better ensured by avoiding wastage of food grains and food.**

Suo Motu Cognizance

The Commission took suo motu cognizance in 06 cases of alleged human rights violations reported by media during September, 2018 and issued notices to the concerned authorities for reports. Summary of some of these cases is as follows:

A fifth of ambulance fleet under CATS out of action

The media reported on the 18th September, 2018 that Delhi Government's critical emergency response service, Central Accident and Trauma Service, CATS is hampered as nearly a fifth of its 265 ambulances remained out of action due to the lack of funds, fuel, equipment and poor maintenance. The Commission has issued a notice to the Chief Secretary, Govt. of NCT of Delhi calling for detailed report including the steps taken to make the services accessible to the common citizens by ensuring full operation of the entire fleet of CATS ambulances.

Hacking of a railway gateman's hands by some miscreants

The media reported on the 18th September, 2018 that three persons on a bike attacked a level

crossing gateman with sharp objects, hacked his left arm and left him and his friend in a pool of blood near Sonapat, Haryana. The Commission, on the basis of the media reports, has observed that whatever be the reason behind this gruesome act, it clearly indicates that there were no security arrangements for the safety of on duty staff leading to violation of his human rights. Accordingly, it has issued notices to the Chief Secretary & Director General of Police, Haryana calling for a detailed report along with the details of steps taken in the matter. A notice has also been issued to the Chairman, Railway Board seeking a report about the steps to be taken, if not taken already, to prevent such ghastly act against gatemen of Railway crossing across the country.

Lynching of 3 alleged kidnappers

The media reported that three alleged armed 'kidnappers', reportedly looking for a girl at a school, were lynched by the people of Narayanipur village in Begusarai district of Bihar on the 7th September, 2018. The Commission has issued notices to the Chief Secretary and Director

General of Police, Government of Bihar, emphasizing that they should personally look into such matters and take effective measures to stop them. A factual report on the incident, including action taken against the guilty and steps taken to stop such incidents, is expected from them.

The Commission has observed that if the school authorities suspected the trio of any foul play, they should have taken a lawful course by informing the police. Such incidents indicate towards lawlessness prevailing in the State of Bihar. These not only cause loss of life but also dent the image of the State and the country.

Recently, the Commission also took suo-motu cognizance of media reports regarding naked parading of a girl and a woman after assault in Araria and Bhojpur districts respectively of Bihar. In another story an inmate of a shelter home in Begusarai district tried to commit suicide by consuming glass pieces on the 2nd September, 2018. It has asked the State Government to work on an effective action plan to deal with such tragic incidents.

NHRC's spot enquiries

Following is the list of cases wherein spot enquiry was conducted by the Commission's officers in its Investigation Division :

S. No.	Case Number	Allegations	Date of visit
1.	23788/24/72/2013	Registration of several criminal cases against the husband of the complainant by the SSP Varanasi, U.P. in connivance with a land mafia.	11 th to 14 th Sep. 2018
2.	17426/24/35/2018	Merciless beating of Under Trial Prisoners at the office of Superintendent, Hamirpur District Jail, UP.	26 th to 28 th Sep 2018

Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 14 cases were considered during 01 sitting of the Full Commission and 27 cases were taken up during 01 sitting of Divisional Benches in September, 2018. On 47 cases, obtained from the Law Division and listed in the table below, the Commission recommended monetary relief amounting to a total of ₹ 7950000/- 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.	830/34/12/2016	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	JHARKHAND
2.	26214/24/9/2014	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	UTTAR PRADESH
3.	279/12/15/2017	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	200000	MADHYA PRADESH
4.	1126/6/1/2017	LACK OF PROPER MEDICAL FACILITIES IN THE STATE	900000	GUJARAT
5.	20452/24/42/2014	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
6.	4/2/15/2014-JCD	CUSTODIAL DEATH (Judicial)	200000	ARUNACHAL PRADESH
7.	1407/4/39/2014-JCD	CUSTODIAL DEATH (Judicial)	200000	BIHAR
8.	2321/4/8/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	BIHAR
9.	2899/4/23/2013-JCD	CUSTODIAL DEATH (Judicial)	200000	BIHAR
10.	1716/12/38/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	MADHYA PRADESH
11.	1957/13/16/2013-JCD	CUSTODIAL DEATH (Judicial)	200000	MAHARASHTRA
12.	2411/13/30/2013-JCD	CUSTODIAL DEATH (Judicial)	200000	MAHARASHTRA
13.	2587/20/16/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	RAJASTHAN
14.	838/1/14/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	TELANGANA
15.	13410/24/42/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
16.	17566/24/26/2014-JCD	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
17.	17721/24/43/2013-JCD	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
18.	37596/24/26/2013-JCD	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
19.	49482/24/4/2015-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
20.	9989/24/3/2017-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
21.	3055/30/6/2017	ABUSE OF POWER	50000	DELHI
22.	593/30/0/2017	ABUSE OF POWER	50000	DELHI
23.	4770/7/15/2016	ABUSE OF POWER	50000	HARYANA
24.	2051/24/40/2014	ABUSE OF POWER	25000	UTTAR PRADESH
25.	255/4/39/2012-PCD	CUSTODIAL DEATH (Police)	50000	BIHAR
26.	2/16/7/2017-PCD	CUSTODIAL DEATH (Police)	100000	MIZORAM
27.	43825/24/40/2016	FAILURE IN TAKING LAWFUL ACTION	50000	UTTAR PRADESH

Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
28.	13050/24/31/2013	UNLAWFUL DETENTION	400000	UTTAR PRADESH
29.	7/16/3/2016	VICTIMISATION	75000	MIZORAM
30.	24745/24/5/2013-AD	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	100000	UTTAR PRADESH
31.	43800/24/52/2012-WC	ABDUCTION, RAPE AND MURDER	50000	UTTAR PRADESH
32.	650/24/43/2016-WC	ABDUCTION, RAPE AND MURDER	50000	UTTAR PRADESH
33.	27/32/0/2012-WC	INDIGNITY OF WOMEN	100000	PUDUCHERRY
34.	18225/24/1/2016-WC	INDIGNITY OF WOMEN	50000	UTTAR PRADESH
35.	2104/18/32/2015-WC	RAPE	50000	ODISHA
36.	3048/30/6/2017	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	300000	DELHI
37.	2756/12/38/2014	NACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	300000	MADHYA PRADESH
38.	1191/18/17/2017	NACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	600000	ODISHA
39.	2385/18/28/2017	NACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	400000	ODISHA
40.	3251/18/6/2014	NACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	200000	ODISHA
41.	4601/18/2/2016	NACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	100000	ODISHA
42.	7449/18/26/2016	NACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	200000	ODISHA
43.	14080/24/48/2010	NACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	200000	UTTAR PRADESH
44.	1628/25/13/2016-PF	ABUSE OF POWER	50000	WEST BENGAL
45.	10011/24/71/2015	ATROCITIES ON SC/ST/OBC	50000	UTTAR PRADESH
46.	1006/25/6/2016	ATROCITIES ON SC/ST/OBC	50000	WEST BENGAL
47.	1190/20/9/2014	VICTIMISATION	50000	RAJASTHAN

Compliance with NHRC recommendations

In September, 2018, the Commission closed 48 cases on receipt of compliance reports from different public authorities, furnishing proof of payments, it had recommended, totalling ₹ 9891000/- to the victims of human rights violations or their next of kin. Details as obtained from its Law Division, are listed in the table below:

Sl. No	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1.	15/26/0/2016	SEXUAL HARASSMENT	200000	ANDAMAN & NICOBAR
2.	2725/30/0/2017	MALFUNCTIONING OF MEDICAL PROFESSIONALS	200000	DELHI
3.	615/11/3/2016	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	KERALA
4.	977/19/2/2014	MALFUNCTIONING OF MEDICAL PROFESSIONALS	25000	PUNJAB
5.	2064/20/3/2017	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	780000	RAJASTHAN
6.	3717/4/16/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	BIHAR
7.	4378/4/21/2012-JCD	CUSTODIAL DEATH (Judicial)	50000	BIHAR
8.	81/30/9/2016-JCD	CUSTODIAL DEATH (Judicial)	200000	DELHI
9.	467/6/25/2014-JCD	CUSTODIAL DEATH (Judicial)	200000	GUJARAT
10.	118/34/16/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	JHARKHAND
11.	80/34/4/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	JHARKHAND
12.	2116/13/10/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	MAHARASHTRA
13.	2417/13/30/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	MAHARASHTRA
14.	1597/20/29/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	RAJASTHAN
15.	2051/22/13/2012-JCD	CUSTODIAL DEATH (Judicial)	300000	TAMIL NADU
16.	767/25/10/2014-JCD	CUSTODIAL DEATH (Judicial)	100000	WEST BENGAL
17.	17064/24/21/2013	HARASSMENT OF PRISONERS	50000	UTTAR PRADESH
18.	2337/4/18/2015-JCR	ALLEGED CUSTODIAL RAPE IN JUDICIAL CUSTODY	50000	BIHAR

Sl. No	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
19.	1572/7/19/2014	TROUBLE BY ANTI-SOCIAL ELEMENTS	900000	HARYANA
20.	864/1/10/2013	ABUSE OF POWER	110000	ANDHRA PRADESH
21.	2624/30/0/2013	ABUSE OF POWER	50000	DELHI
22.	35140/24/68/2013	ABUSE OF POWER	50000	UTTAR PRADESH
23.	7030/7/3/2015-PCD	CUSTODIAL DEATH (Police)	500000	HARYANA
24.	1243/34/6/2013-PCD	CUSTODIAL DEATH (Police)	500000	JHARKHAND
25.	39/13/28/2013-PCD	CUSTODIAL DEATH (Police)	100000	MAHARASHTRA
26.	1533/25/5/2015-PCD	CUSTODIAL DEATH (Police)	500000	WEST BENGAL
27.	181/22/13/2015	CUSTODIAL TORTURE	25000	TAMIL NADU
28.	7351/24/30/2014	CUSTODIAL TORTURE	150000	UTTAR PRADESH
29.	2572/20/2/2014	DEATH IN POLICE FIRING	500000	RAJASTHAN
30.	1111/30/2006-2007	DEATH IN POLICE ENCOUNTER	1000000	DELHI
31.	2407/20/23/2014	FAILURE IN TAKING LAWFUL ACTION	10000	RAJASTHAN
32.	3084/20/20/2014	FAILURE IN TAKING LAWFUL ACTION	25000	RAJASTHAN
33.	43640/24/51/2013	UNLAWFUL DETENTION	30000	UTTAR PRADESH
34.	2842/18/8/2012	NON-PAYMENT OF PENSION/COMPENSATION	100000	ODISHA
35.	39734/24/36/2013-WC	DOWERY DEATH OR THEIR ATTEMPT	100000	UTTAR PRADESH
36.	26578/24/44/2013-WC	EXPLOITATION OF WOMEN	50000	UTTAR PRADESH
37.	5565/7/21/2012-WC	GANG RAPE	50000	HARYANA
38.	929/20/2/2014-WC	GANG RAPE	100000	RAJASTHAN
39.	2330/12/21/2014-WC	INDIGNITY OF WOMEN	50000	MADHYA PRADESH
40.	224/18/7/2014-WC	INDIGNITY OF WOMEN	25000	ODISHA
41.	2004/30/5/2014	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	300000	DELHI
42.	2540/30/7/2016	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	600000	DELHI
43.	10997/18/20/2015	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	300000	ODISHA
44.	1179/18/18/2014	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	100000	ODISHA
45.	735/18/8/2015	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	200000	ODISHA
46.	14789/24/39/2011	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	25000	UTTAR PRADESH
47.	3727/18/29/2013	ATROCITIES ON SC/ST/OBC	161000	ODISHA
48.	43922/24/3/2012	ATROCITIES ON SC/ST/OBC	25000	UTTAR PRADESH

NHRC delegation discusses key human rights issues with top functionaries of Tamil Nadu Government

A delegation of the NHRC, India led by its Member, Mr. Justice D Murugesan comprising Mr. Ambuj Sharma, Secretary General and Mr. O.P. Vyas, Assistant Registrar(Law) visited Chennai and held discussions on the 12th September, 2018 with the top functionaries of the Government of Tamil Nadu on some important issues having bearing on human rights.

They informed the visiting NHRC delegation that the State Government has approved the State Action Plan for Release, Rescue and Rehabilitation of

Bonded Labour and implementation of Bonded Labour System (Abolition) Act, 1976. An SOP was also being finalized on the issue. An amount of Rs.125 lakh has been provisioned in the budget for immediate relief as a part of rehabilitation of the released bonded labourers. The State will confirm and report on rehabilitation of the released bonded labourers (2016-2017 – 1020 labourers), (2017-2018 – 276 labourers) and (2018-2019 – 193 labourers) under new scheme and also outcome of the Summary Trial

conducted in these matters. On being asked by the Secretary General, NHRC, the State Government agreed to deal with the errant employers by canceling their licenses and other punitive actions.

The Commission took note of the fact that the child labourers in Tamil Nadu had come down from 9.57 lakh in the year 1981 to 1.51 lakh in the year 2011. 18000 migrant workers had been registered across the State. The State Government agreed for

initial medical examination of the labourers, in particular for Silicosis, and other occupational diseases, and also to see that child labourers are brought under the mainstream by way of implementation of the Right to Education Act when suggested so by the NHRC Member. He also suggested that by making the education upto 12th Standard compulsory, the issue of child marriage could be contained in

the State of Tamil Nadu.

It was informed that in Tamil Nadu, the human trafficking is mainly for labour and sex. The victims are mostly from Nepal, Bangladesh, Odisha, Chhattisgarh, Bihar, North Eastern States and they are cheated because of language barrier. The Commission advised the State Government to closely monitor human trafficking for adoption of minors.

The officers assured the visiting NHRC delegation that they would expedite reports in all the 521 pending cases. They also informed that every district in Tamil Nadu is equipped with Forensic Science Laboratory. Besides the State Chief Secretary, Dr. Girija Vaidyanathan, Additional Chief Secretary, Home, Prohibition and Excise Department, Director General of Police, and other senior officers were present.

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.

The Supreme Court gave a landmark judgment on the 6th September, 2018 in WRIT PETITION (CRIMINAL) NO. 76 OF 2016- Navtej Singh Johar v. Union of India, where it has partially struck down Section 377 of the Indian Penal Code (IPC), which made "carnal intercourse against the nature" a criminal offence, overruling its decision in **Suresh Kumar Koushal & Anr. v. Naz Foundation & Ors.** The Court held:

- i. That in so far as Section 377 criminalizes consensual sexual acts of adults (i.e. persons above the age of 18 years who are competent to consent) in private, is violative of Articles 14, 15, 19, and 21 of the Constitution. It is, however, clarified that such consent must be free consent, which is completely voluntary in nature, and devoid of any duress or coercion.
- ii. The declaration of the aforesaid reading down of Section 377

shall not, however, lead to the reopening of any concluded prosecutions, but can certainly be relied upon in all pending matters whether they are at the trial, appellate, or revisional stages.

- iii. The provisions of Section 377 will continue to govern non-consensual sexual acts against adults, all acts of carnal intercourse against minors, and acts of bestiality.
- iv. The judgment in Suresh Kumar Koushal & Anr. v. Naz Foundation & Ors. is hereby overruled for the reasons stated in paragraph 19.

The 495 page judgment was delivered by the five Judge bench comprising the Chief Justice of India, Mr. Justice Dipak Misra, Mr. Justice R.F. Nariman, Mr. Justice A. M. Khanwilkar, Mr. Justice D. Y. Chandrachud and Ms. Justice Indu Malhotra. The bench observed that "the courts must protect the dignity of an individual as right to live with dignity is recognized as fundamental right." It also observed that "any kind of sexual activity with animals shall remain penal offence under Section 377 of the IPC." The provision still presumably applies to

consensual sexual intercourse among minors of the same gender. Under Section 375 of the IPC, as amended in 2013, even consensual sexual intercourse among heterosexual minors, if the girl is under 18 years of age, is considered to be rape.

The issue was first raised by the NGO, Naaz Foundation, which approached the Delhi High Court in 2001, which in 2009 decriminalized sex between consenting adults of the same gender by holding the penal provision as "illegal". This judgment was overturned in 2013 by the Apex court, which also dismissed the review plea against which the curative petitions were filed which are pending.

The historic judgment came on a batch of writ petitions filed by dancer Navtej Jauhar, journalist Sunil Mehra, chef Ritu Dalmia, hoteliers Aman Nath and Keshav Suri and business executive Ayesha Kapur and 20 former and current students of the IITs. They had sought decriminalization of consensual sex between two consenting adults of the same sex by declaring Section 377 illegal and unconstitutional.

Snippets

Visits to the NHRC, India

The following delegations visited the NHRC, India during the month of September, 2018 to understand its functioning. They were as follows:

1. Delegation consisting of 40 Social Activists and 2-3 Staff Members of Indian Social Institute, Lodhi Road, New Delhi.
2. Group consisting of 35 trainee officers and 01 staff Member of the Academy of Prisons & Correctional Admn., Vellore, Tamil Nadu.
3. A batch of 05 Assistant Security Commissioners (Probationers) of the RPF.
4. Delegation consisting of 15 students and 02 staff members of Abhinav Law College, Pune, Maharashtra.

During the month of September, 2018, the Media & Communication Wing of the NHRC, India, based on the proceedings of the Commission in different cases, prepared and issued total 09 press releases. Total 1887 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 06 incidents of alleged human rights violations were brought to the notice of the Commission, which it considered and found fit for suo motu cognizance. 87 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

The front cover painting is by Ms. Neha Agarwal, who won the first prize in the NHRC Silver Jubilee Painting Competition.