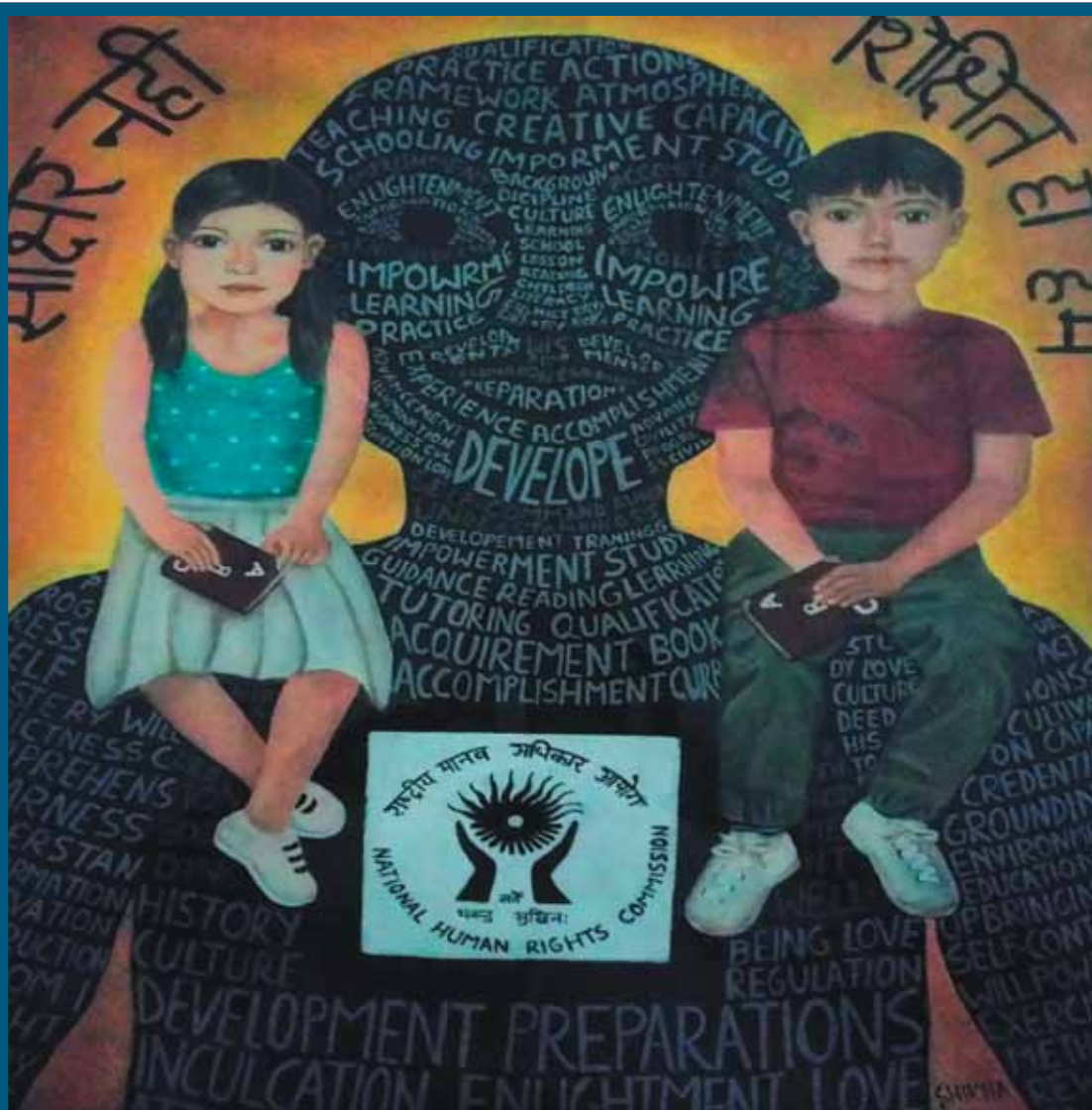




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HUMAN RIGHTS NEWSLETTER

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“Surround yourself with people who believe in your dreams, encourage your ideas, support your ambitions, and bring out the best in you.” - Roy T. Bennett.

Open House: Prevention of Torture Bill, 2017

The National Human Rights Commission, NHRC, India organized an ‘Open House’ discussion on ‘Analysis of Prevention of Torture Bill, 2017’ on the 15th November, 2018. Mr. Justice H. L. Dattu, Chairperson, NHRC chaired it. Some of the important suggestions were as follows:

1. It was agreed that the definition of torture needs to be expanded. Under section 3(b) (i), simple hurt needs to be incorporated too under the definition of Torture.
2. The United Nations Convention Against Torture (UNCAT) definition also includes torture, **“for any reason based on discrimination of any kind.”** This needs to be added to the present definition of torture to incorporate torture committed without any specific reason or purpose.
3. Denial of timely and adequate medical care to a person in custody also tantamount to torture, hence, the bill should account for this.
4. In Section 3(b) (iv), in the case of death, it has been suggested that the compensation needs to be given to the next of kin.
5. In case of alleged torture wherever the government officials justify the use of force, it should be of the same scale and nature as is prescribed for use of force in scenarios like mob, riots etc. Disproportionate use of force must not be used by the Police. [With reference to S 130(3) Cr.PC]
6. It has been suggested that under Section 4(3), the term **“just and reasonable”** should be in compliance with **Central**

Government Health Scheme (CGHS) provisions.

7. The payment of treatment expenses to victims of torture is dependent on recovery from Public Servants. As this would deny timely treatment, it has been suggested that both need to be delinked and treatment be given out of Government funds. Hence, the term **“in addition to”** in Section 4(5) needs to be substituted with **“notwithstanding”**.
 8. Designated Courts presided by Session Judge for torture cases need to be provided for as in
- 
- NHRC Chairperson, Mr. Justice H.L. Dattu flanked by Member, Mr. Justice P.C. Ghose on his left and Secretary General, Mr. Ambuj Sharma on his right chairing the Open House discussion
9. Scheduled Castes/Scheduled Tribes (SC/ST) cases, Protection of Children from Sexual Offences (POCSO) cases etc. to expedite the trial process.
 10. The period of cognizance under section 6(1) should be any time within custody period and extending up to six months from the date of discharge and release, including parole and furlough. Also, the provision of cognizance in the bill can be aligned to that of the CrPC's mandate.
 10. Under Section 9(5), it has been suggested that the State shall ensure proper medical examination of every person

remanded to **custody in jail and at the time of release**, and the report of such medical examination shall be transmitted to the concerned trial court.

11. Under Section 10 (2), **denial of anticipatory bail** to public servant is not reasonable as it tantamount to denial of his/her basic human rights.
12. Article 3 of United Nations Convention Against Torture (UNCAT) **relating to extradition of persons** needs to be added to the Bill.

Article 3:

- (a) No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
 - (b) For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.
13. As regards the issue of providing **civilian oversight** to prevent torture in custody, Jail Visitors Board in prison/ jail provide for such mechanism and the same should be effectively implemented.
 14. **Standard Operating Procedure (SOP) for independent** tool of investigation must be duly adopted and incorporated in day to day functioning of the police and prison authorities.
 15. In cases of complaints against torture, investigation should be done **by an officer of a rank higher** than that of the accused.

National Seminar on "Gandhi, Satyagrah & Human Rights"



NHRC Member, Mrs. Jyotika Kalra addressing the seminar

The National Human Rights Commission, India organized a two day National Seminar on **"Gandhi, Satyagrah & Human Rights"** in collaboration with A. N. Sinha Institute of Social Studies at Patna, Bihar from the 29th-30th November, 2018. Addressing the inaugural session as the Chief Guest, Mrs. Jyotika Kalra, Member, NHRC began by invoking the philosophy of Mahatma Gandhi that "a nation's greatness is measured by how it treats its weakest members."

Describing him as one of the greatest political and spiritual leaders of twentieth century, she said that 'satyagrah' by Mahatma Gandhi for the rights of the people through non-violence and peaceful means was the beginning and end of his work culture.

Mrs. Kalra said that Mahatma Gandhi countered violence and injustice by taking people along. A great profounder of truth and simplicity, he created and led the most influential movements in India. The purpose of this movement was to retrieve human rights of the people of India, and return them their dignity. Gandhi Ji led his followers by example; poor could relate to him, he lived with

simplicity, which inspired people to give their best to build a nation on the foundation of justice and non-violence.

Eminent Gandhian, Prof. N.K. Acharya, Mr. Shubhmurthi, Mr. Ram Chandra Rahi, Prof. Jagdishwar Chaturvedi, Prof. D.M. Diwakar, Mr. Anil Nauriya, Mr. Mithlesh Mishra (IAS), Justice Mrs. Mridula Mishra, Dr. Subhash Sharma (IAS) also shared their views in different academic sessions of the Seminar attended by the faculties and students of the various departments of A. N. Sinha Institute of Social Studies and other universities and colleges, senior NHRC officers, including Mr. Dilip Kumar, Joint Secretary (T&R), Dr. Muni Dev Singh Tyagi, Joint Director (Research), Mr. Sanjay Kumar, Under Secretary, and Dr. S.K. Shukla, Assistant Director, (O.L.).

Meeting of the Core Group on Women

The National Human Rights Commission, India held the first meeting of its reconstituted Core Group on Women at Manav Adhikar Bhawan, New Delhi on the 2nd November 2018. It was chaired by Mrs. Jyotika Kalra, Member, NHRC. The meeting provided a platform for the Core Group Members to review the existing government policies, laws, rules, orders, etc, relating to women from the perspective of human rights and make suggestions/recommendations for changes or for their better implementation in the light of relevant provisions of the Protection of the Human Right Act, 1993.

The Core Group discussed the issues relating to the rights of women, including enabling them for decision making roles, their sexual and

reproductive health rights, surrogacy, child sex ratio and the status of implementation of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013'.



NHRC Member, Mrs. Jyotika Kalra, flanked by senior officers of the Commission, chairing the meeting

In her opening remarks, Mrs. Kalra said that to enable women for decision making roles, men must be included in the debate on gender equality. The status of women in India is improving

day by day, however, a lot is to be done for their empowerment. She said that out of 543 Members of Parliament, 62 are women i.e. 11%. There are 28 women out of 244 M.Ps. in the Rajya Sabha (11%). The representation of women in the judiciary is even less than 10%. The economic contribution of Indian Women is 17 % of GDP, which is less than half of the global average. We need more women in workforce to achieve gender parity. The issues regarding safe private and public spaces for women, better decision making roles, reproductive & sexual health, etc are some

of the major concerns in the present discourse. Gender equality and empowerment of women as well as the active participation of women in political, social and cultural life must be promoted. For women to be able

to enjoy their human rights, gender perspective has to be mainstreamed at the policy level. Mrs. Kalra further stated that, while we have moved ahead from the social evils of sati and child marriage, we must not forget that, women's participation in the decision making process is pivotal for enabling political democracy.

The major recommendations of the meeting were as follows:

Enabling decision making role for women

- I. Political consensus needs to evolve to facilitate early, the 33% reservation for women in positions of public representation officers at all levels.
- II. Mahila Pradhans have been working as proxy administrators, where their spouse/son carries on their roles. Thus, Mahila Pradhans must be provided with training/ orientation programme on leadership roles, skill development and must also be made aware of their duties and responsibilities towards their village as Pradhans.
- III. Community women collective or Mahila Sabha must be formed and promoted to participate in the welfare of the community and conduct of social audits such as safety audits.
- IV. Research on Women's Voices must be promoted to analyze and explore their struggles and negotiations of everyday life for a

better perspective on the status of women in India.

- V. Effective implementation of Government guidelines must be ensured through regular monitoring and evaluation. Vernacular translation of guidelines must be prepared focusing on the target population, so that these are easily understandable for gaining access to the system with simplified procedures.
- VI. Awareness programmes of Government policies must be in coherent with the technological advancement. WhatsApp messages and Facebook must also be used to ensure the awareness of government policies, programmes and schemes.
- VII. Women's empowerment as a movement must, not be a movement for women and by women; the support of men is crucial, and must be promoted.

II: Safe spaces for women at workplace and public spaces

- VIII. Awareness with regards to the Internal Complaints Committee must be ensured. The quarterly meetings of the Committee must be conducted in office spaces, to spread awareness, including the legal provisions in case of an incident of sexual harassment at workplace.

- IX. Sex education must be comprehensive and should be made a compulsory part of the school curriculum, according to the appropriateness of age.
- X. School curriculum must also deconstruct the notion of masculinity; as it manifests in our society and in our lives.
- XI. Gender sensitization trainings must be conducted in office spaces by trained professionals regularly. Civil society organizations may be collaborated with for providing gender sensitization trainings to women/ men working in unorganized sector.
- XII. To generate awareness and accountability, the employees/ employers should undertake a pledge/undertaking for protection, preservation and promotion of women's rights at the work place when joining an organization (both private and public sectors).

Apart from the NHRC Secretary General, Mr. Ambuj Sharma, members of NHRC Core Group on women and special invitees, the participants also included Mr. Anuradha S. Chagti, Joint Secretary, and Mrs. Shipra Roy, Deputy Secretary, Ministry of Women and Child Development, Mr. Dilip Kumar, Joint Secretary (T&R), NHRC, Mrs. Chhaya Sharma, DIG (Investigation), NHRC.

Meeting of NHRC Core Group on Children

The National Human Rights Commission, India held the first meeting of its reconstituted Core Group on Children at Manav Adhikar Bhawan, New Delhi on the 20th November 2018. Chairing the meeting, Mrs. Jyotika Kalra, Member, NHRC said that the Government run Child Care Institutions (CCIs) are often not utilized fully whereas privately run CCIs are overcrowded. Regarding the

rehabilitation of trafficked children, she emphasized that the problem is more serious in case of rescued children who belong to neighboring states.

The Core Group discussed the issues pertaining to the "protection of children from sexual abuse in the Child Care Institutions, Children's Human Rights in National and International context, UNCRC/ Indian Laws, Rights

of the Children with Disabilities and Rehabilitation of Children rescued from trafficking."

Besides, Ms. Astha Saxena Khatwani, Joint Secretary, Ministry of Women and Child Development (MWCD), the NHRC Core Group Members and Special Invitees, senior officers of the Commission, including Mr. Ambuj Sharma, Secretary General and Joint Secretary (T&R), Mr. Dilip

Kumar, Mr. Sudhir Kumar, Special Rapporteur, Mrs. Chhaya Sharma, DIG (Investigation), Dr. M.D.S. Tyagi, Joint Director (Research) attended the meeting.

The major recommendations were as follows:

Mandatory Registration of CCI

As mandated under the provisions of the JJ (Care and Protection) Act 2015, all Child Care Institutions (Government and Non Governmental, irrespective of receiving grants or not) should be registered under the Act in such a manner as prescribed and it should also be linked to the Specialized Adoption Agencies. It should be ensured that timely inspections and follow up actions are carried out meticulously as per the guidelines of the Ministry of Woman and Child Development.

Compliance of Registration formalities

Compliance of legal and other formalities of the proposed Societies should be ensured from the time of registration itself under the relevant Acts/Rules. It must be made mandatory to submit quarterly Report on continuation of those compliances and its routine evaluation by the authorities concerned.

Profiling and redundant Monitoring of CCI

The guidelines contained in the WCD manuals for Institutional Care and protection of Children should be followed by every CCI. The monitoring and inspection of CCIs and effective functioning of the Internal Management Committee must be ensured by the State Inspection Committee. Child Welfare Committees should also give preference to Government run CCIs over the private run CCIs. Profiling of CCIs, random checking and routine inspections

should be strictly followed as per the guidelines of MWCD. Additional mechanism to monitoring the system and some level of accreditation or ranking may be given to the CCIs on the basis of its functioning with the required level of transparency and accountability

Installation of CCTV Cameras

Premises of the CCIs should be under CCTV coverage. It is an effective deterrent measure although not substitute for human care and accountability. Therefore, senior officers must be held responsible for its effective deployment, functioning, utilization and accountability.

Accessibility of help line Number 1098



NHRC Member, Mrs. Jyotika Kalra chairing the meeting of Core Group on Children

It should be ensured that the helpline is effectively working and is accessible freely to the children. The advantageous utility of the same to be made known to every inhabitant of the CCI. Also, it should be ensured that the access to the phone should not be under the coverage of CCTV.

Background and character antecedents check

Periodical background and character antecedent check in respect of the people working in the CCIs must be compulsorily carried out.

Enhancement of Remuneration of the Staff of CCI

The State must ensure payment of the reasonable amount to the employees of the CCIs to enable the staff to stay longer into these

institutions and also, there will be a fear of accountability attached to it.

Sensitization, early Intervention and Community based management

Sensitization and awareness campaigns to be organized for early detection of disability among the children and interventions by the local stakeholders, Panchayati Raj Institutions, Administrators, Legislators, Doctors, Nurses, Aanganwadi, Asha workers, Para medical workers, etc. Training programmes and workshops should be organized for creating awareness about the rights of the disabled children and to provide them with compulsory elementary education in an appropriate environment.

Mapping and Survey

The States/UTs need to undertake specific survey of the disabled children, ascertaining their special needs and the extent to which these are being met. The survey also needs to be carried out to promote and facilitate inclusive education and their empowerment from the primary level itself. Also, there should be an attempt to develop a child tracking system to keep updated information of whereabouts of the child.

Promotion of retrofitting of environment

There should be initiative in creating a universal design of all products, technologies, the assistive/supportive devices with which we can help children overcome the major difficulties in their development.

Funding for Action Research

Preferential research funding for action research on the subject of disability especially for the poor children with disability who are not only disadvantaged but also vulnerable, to be considered.

Celebrating Universal Children's Day

The National Human Rights Commission also organized a discussion on Child Rights and Sustainable Development Goals to celebrate Universal Children's Day at its premises on the 20th November, 2018. Mrs. Jyotika Kalra, Member, NHRC chaired the meeting attended by subjects experts namely, Ms. Razia Ismail, (Convener, CSO Coalition), Ms. Bharti Ali, (Co-Director, HAQ), Prof. Anita Julka, (NCERT) and Mr. Amitabh Behar, (CEO, OXFAM India) and other members of the NHRC Core Group on Children as well as senior officers of the Commission including Mr. Ambuj Sharma, Secretary General, Mr. Gurbachan Singh, Director General (Investigation), Mr. Surajit Dey, Registrar (Law), Mr. Dilip Kumar, Joint Secretary (T&R), Dr. Ranjit Singh, Joint Secretary (P&A).



NHRC Member, Mrs. Jyotika Kalra chairing the discussion

Meeting of United Nations Forum on Business & Human Rights

The National Human Rights Commission, NHRC, India deputed its Secretary General, Mr. Ambuj Sharma to attend the meeting of the United Nations Forum on Business and Human Rights, held at Geneva, during 26-28 November, 2018. The event comprised a series of meetings, some of which were held in parallel. It was informed that originally out of the 350 odd proposals/ suggestions for sessions received, 70 were selected to be included in this Forum.

The goal of the Forum is to normalize Business and Human Rights and make it applicable and as widespread as possible across the world, with priority areas including climate change, gender sensitization in business and human rights and optimizing living wages for specific industry like SEZ etc. Two thematic reports are usually brought out each year and are also presented to the General Assembly of UN. This year, thematic report was on "Due Diligence." The focus this year is also on Corporate Responsibility to respect human rights and Government action on application of GPS in business enterprises.

It was also emphasized that studies reveal that only a strong

top management committed on Sustainable Development Goals, SDGs and human rights can result in a successful implementation of meaningful application of guiding principles on Business and Human Rights. Human rights should be made as a 'core business' principle instead of being an adjunct to the otherwise 'profit centric' operations of commercial concerns and, along with this, a strong and wider partnership

direct power over the private sector as well as the Government sector and their orders are mandatorily applicable for the business entities, which lead to better compliance by the private sector. The presentation of India was made by Mr. Sameer Sharma, Director General, Indian Institute of Corporate Affairs, Ministry of Corporate Affairs, who explained the advanced stage of process of consultation with all stakeholders for the purpose of

preparing the National Action Plan on Business and Human Rights, which is expected to be finalized in 3-6 months.

Several representatives of the private sector represented that the successful implementation of UNGPs also depends, substantially, on such enabling factors as provision of financial and non-financial

incentives by Government to the industry. On the sidelines of the 3 day event, small group meetings of NHRIs of Commonwealth (CHRI), South Asia and Asia-Pacific region were held wherein common issues of interest in Business and Human Rights were discussed to evolve greater collaboration and synergy.



NHRC Secretary General, Mr. Ambuj Sharma (in the middle) attending the meeting

with all the stakeholders including Government and non-Government agencies and particularly, the workers and the people living in and around the operational areas is absolutely essential.

In a discussion on NHRI's role to provide access to remedy in Business and Human Rights, it came to fore that Ghana and Kenya NHRIs have

Suo Motu Cognizance

The Commission took suo motu cognizance in 05 cases of alleged human rights violations reported by media during November, 2018 and issued notices to the concerned authorities for reports. Summaries of the cases are as follows:

Mob lynching of a man in police custody

(Case No. 36018/24/76/2018)

The National Human Rights Commission, NHRC has taken suo motu cognizance of media reports, carried on the 28th November, 2018, that a 28 years old man, Rajendra alias Manu, was pulled out of a police van and beaten to death by a mob in the presence of Constables in Hathchoya Village in district Shamli, Uttar Pradesh on the 26th November, 2018.

The Commission has observed that the contents of the media reports, if true, amount to violation of human rights of the victim. There cannot be any denial that it is the solemn duty of the police personnel to keep the arrested man in safe custody so that he could not be denied his infallible right to get justice in accordance with law. In the instant reported incident, it appears that by not protecting the victim from the clutches of hooligans or inciting mob resulted in his death.

Accordingly, it has issued notices to the Chief Secretary and Director General of Police, Government of Uttar Pradesh, calling for a detailed report, including the present status of the case registered against the miscreants in the matter.

Fake encounter of a youth having no crime record

(Case No. 36209/24/54/2018-AFE)

The National Human Rights Commission, NHRC has taken suo motu cognizance of a media report, carried on the 28th November, 2018, that a 20-year old youth, Irshad Ahmad of Muzaffarnagar district was shot dead in an alleged fake encounter by the Uttar Pradesh Police

early Tuesday on the 27th November, 2018. The police, reportedly, claimed that the victim along with four others accomplices was transporting bulls in a mini truck and had opened fire at them when challenged. However, the father of the victim said that his son had no criminal history and was killed in cold blood in a fake encounter.

The Commission has observed that the contents of the news report, if true, raise serious issue of violation of human rights of the victim and his family. Accordingly, it has issued notices to the Chief Secretary and Director General of Police, Uttar Pradesh calling for detailed report in the matter. The Commission has also observed that it is the solemn duty of the police force to protect the people and not to create atmosphere of fear under the garb of dealing with crime. Any death caused in an encounter, if not justified, would amount to an offence of culpable homicide.

Surgery by a drunken doctor causes death

(Case No. 1840/6/30/2018)

The National Human Rights Commission, NHRC has taken suo motu cognizance of media reports, carried on the 28th November, 2018 that a drunken doctor performed a C-section of a woman in an advance stage of pregnancy leading to the death of both the mother and her child at Government run Sonawala hospital in Botad, Gujarat on the 26th November, 2018.

The Commission has observed that the incident, if true, amounts to gross violation of human rights of the victims. Accordingly, it has issued notices to the Chief Secretary and Director General of Police, Government of Gujarat calling for a detailed report in the matter as well as the status of the criminal case registered against the concerned doctor. The Commission has also observed that doctors are always expected to maintain high standards of professionalism and devotion to

duty but in the instant case, it appears that the concerned doctor had shown carelessness and criminal negligence.

Collapsing of an under construction bridge

(Case No. 36019/24/64/2018)

The National Human Rights Commission, NHRC has taken suo motu cognizance of media reports, carried on the 28th November, 2018, that an iron net of an under construction bridge of Public Works Department, PWD fell down leading to the death of two workers on the spot and injuries to another in City Kotwali area of Saharanpur, Uttar Pradesh. The police and administrative officers found the contractor responsible for negligence and had ordered an independent enquiry.

The Commission has issued notices to the Secretary, PWD and Chief Secretary, Government of Uttar Pradesh calling for a detailed report in the matter. The Chief Secretary has been asked to inform what steps have been taken or proposed to be taken to deal with such incident across the State. The Commission has also observed that the labourers working at construction site are entitled to protective gears which the administration had, apparently, failed to provide. It is also not clear as to whether there was compliance with Standard Operating Procedures.

Fire in an illegal factory killing four

(Case No. 5646/30/1/2018)

The National Human Rights Commission has taken suo moto cognizance of a media report that an illegal factory caught fire in the congested area of Karol Bagh, Delhi in which four workers were charred to death and another is battling for his life. The Commission has issued notices to the Chief Secretary, Government of NCT of Delhi and the Commissioner of Police, Delhi calling for detailed reports. The Commission would like to know about the action taken against the negligent public

servants and steps taken to ensure that these kinds of tragic incidents do not recur in future.

The Commission has observed that the accident could have been averted, if the authorities had executed their designated duties, sincerely. It seems that there were no fire fighting arrangements available at the factory

operating in a residential area. The incident raises several issues regarding working of civic authorities in the National Capital, as well as police authorities, who are responsible to manage the traffic to avoid congestion, so that in case of any emergency the fire tenders could reach close the site of the incident, within time.

According, to the media report, carried on 20th November, 2018, fire officials have stated that though they had reached close to the accident site within a few minutes, but due to congestion on the road, the vehicle could not be brought closer and they had to use their pipes to douse the flames from a distance.

NHRC's spot enquiries

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

S. No.	Case Number	Allegations	Date of visit
1.	24227/24/76/ 2017/ED	Encounter Death	12 th -16 th November, 2018
2	794/25/6/2017-PF	Custodial Torture	12 th -16 th November, 2018
3.	1794/30/5/2017	Inaction by the State /Central Govt. Officials	14 th -16 th November, 2018
4.	5208/7/7/2016	Police inaction on a complaint of suicide	14 th -16 th November, 2018
5.	2890/7/19/2017	Police inaction	19 th -22 nd November, 2018
6.	2890/7/19/2017	Police inaction in a complaint of untraceable girl in Haryana	26 th -29 th November, 2018
7.	765/20/33/2018	Failure in taking lawful action	26 th -30 th November, 2018

Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 13 cases were considered during 01 sitting of the Full Commission and 12 cases were taken up during 01 sitting of Divisional Benches in November, 2018. On 55 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of ₹ 14400000/- 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.	5467/30/5/2017	CHILDREN	50000	DELHI
2.	4822/18/0/2014-CL	CHILD LABOUR	10000	ODISHA
3.	2540/7/17/2013	MALFUNCTIONING OF MEDICAL PROFESSIONALS	600000	HARYANA
4.	45/1/15/2018	IRREGULARITIES IN GOVT.HOSPITALS/PRIMARY HEALTH CENTRES	300000	ANDHRA PRADESH
5.	1108/1/4/2013-JCD	CUSTODIAL DEATH (Judicial)	200000	ANDHRA PRADESH
6.	1209/1/6/2013-JCD	CUSTODIAL DEATH (Judicial)	500000	ANDHRA PRADESH
7.	1359/1/15/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	ANDHRA PRADESH
8.	156/2/4/2014-JCD	CUSTODIAL DEATH (Judicial)	200000	ARUNACHAL PRADESH
9.	644/33/10/2016-JCD	CUSTODIAL DEATH (Judicial)	300000	CHHATTISGARH
10.	760/33/1/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	CHHATTISGARH
11.	1857/30/6/2017-JCD	CUSTODIAL DEATH (Judicial)	200000	DELHI
12.	1453/34/12/2016-JCD	CUSTODIAL DEATH (Judicial)	100000	JHARKHAND
13.	1481/34/18/2015-JCD	CUSTODIAL DEATH (Judicial)	100000	JHARKHAND

Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
14.	2007/13/20/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	MAHARASHTRA
15.	29/20/21/2016-JCD	CUSTODIAL DEATH (Judicial)	100000	RAJASTHAN
16.	1101/24/4/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
17.	16665/24/44/2017-JCD	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
18.	28202/24/57/2016-JCD	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
19.	39420/24/1/2016-JCD	CUSTODIAL DEATH (Judicial)	200000	UTTAR PRADESH
20.	49853/24/57/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
21.	9322/24/26/2016-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
22.	932/13/19/2017-WC	RAPE OUTSIDE POLICE STATION	300000	MAHARASHTRA
23.	66/32/0/2016	ABUSE OF POWER	20000	PUDUCHERRY
24.	409/36/0/2017	ABUSE OF POWER	400000	TELANGANA
25.	15520/24/72/2014	ABUSE OF POWER	600000	UTTAR PRADESH
26.	4658/24/64/2018	ABUSE OF POWER	50000	UTTAR PRADESH
27.	124/8/9/2017-PCD	CUSTODIAL DEATH (Police)	500000	HIMACHAL PRADESH
28.	1689/35/12/2015-PCD	CUSTODIAL DEATH (Police)	500000	UTTARAKHAND
29.	8/3/1/2012-ED	DEATH IN POLICE ENCOUNTER	500000	ASSAM
30.	587/36/2/2015	FAILURE IN TAKING LAWFUL ACTION	300000	TELANGANA
31.	27215/24/8/2015	FAILURE IN TAKING LAWFUL ACTION	50000	UTTAR PRADESH
32.	29095/24/1/2015	FAILURE IN TAKING LAWFUL ACTION	100000	UTTAR PRADESH
33.	39156/24/30/2015	FAILURE IN TAKING LAWFUL ACTION	25000	UTTAR PRADESH
34.	42608/24/30/2015	FAILURE IN TAKING LAWFUL ACTION	50000	UTTAR PRADESH
35.	1019/12/35/2013	FALSE IMPLICATIONS	500000	MADHYA PRADESH
36.	14996/24/31/2013	FALSE IMPLICATIONS	75000	UTTAR PRADESH
37.	29094/24/18/2014	FALSE IMPLICATIONS	100000	UTTAR PRADESH
38.	24012/24/8/2017	ILLEGAL ARREST	200000	UTTAR PRADESH
39.	514/33/12/2016-AR	ALLEGED CUSTODIAL RAPE IN POLICE CUSTODY	200000	CHHATTISGARH
40.	35620/24/12/2016-WC	ABDUCTION, RAPE AND MURDER	500000	UTTAR PRADESH
41.	25410/24/33/2016-WC	DOWERY DEATH OR THEIR ATTEMPT	300000	UTTAR PRADESH
42.	5889/30/0/2013-WC	INDIGNITY OF WOMEN	100000	DELHI
43.	42293/24/37/2016-WC	SEXUAL HARASSMENT AT WORKPLACE (GOVT.OFFICES)	50000	UTTAR PRADESH
44.	4649/18/18/2017	MISCELLANEOUS	200000	ODISHA
45.	1495/1/5/2014	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	1800000	ANDHRA PRADESH
46.	5168/30/5/2015	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	300000	DELHI
47.	6595/30/7/2011	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	300000	DELHI
48.	3746/18/32/2013	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	10000	ODISHA
49.	4345/18/2/2013	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	500000	ODISHA
50.	4600/18/19/2016	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	300000	ODISHA
51.	4761/18/31/2014	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	200000	ODISHA
52.	7609/18/27/2016	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	160000	ODISHA
53.	37408/24/12/2014	INACTION BY THE STATE/CENTRAL GOVT. OFFICIALS	50000	UTTAR PRADESH
54.	15666/24/65/2014	ATROCITIES BY CUSTOM/EXCISE/ENFORCEMENT/FOREST/INCOME-TAX Deptt., etc. OF CENTRAL/STATE Govts.	200000	UTTAR PRADESH
55.	7941/24/52/2017	IRREGULARITIES	100000	UTTAR PRADESH

Compliance with NHRC recommendations

In November, 2018, the Commission closed 31 cases on receipt of compliance reports from different public authorities, furnishing proof of payments, it had recommended, totalling ₹4844998/- 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.	1254/18/5/2010	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	ODISHA
2.	6855/24/56/2012	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	UTTAR PRADESH
3.	1164/7/2/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	HARYANA
4.	1197/12/36/2013-JCD	CUSTODIAL DEATH (Judicial)	300000	MADHYA PRADESH
5.	141/20/17/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	RAJASTHAN
6.	1617/20/26/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	RAJASTHAN
7.	922/20/21/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	RAJASTHAN
8.	1046/1/18/2012-JCD	CUSTODIAL DEATH (Judicial)	100000	TELANGANA
9.	24561/24/26/2014-JCD	CUSTODIAL DEATH (Judicial)	300000	UTTAR PRADESH
10.	42330/24/12/2016-JCD	CUSTODIAL DEATH (Judicial)	100000	UTTAR PRADESH
11.	1349/25/5/2013-JCD	CUSTODIAL DEATH (Judicial)	100000	WEST BENGAL
12.	33219/24/72/2014	HARASSMENT OF PRISONERS	50000	UTTAR PRADESH
13.	3966/4/39/2013-AD	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	100000	BIHAR
14.	2648/22/13/2012-AD	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	100000	TAMIL NADU
15.	46119/24/30/2014	NUISANCE BY NOTORIOUS GANGS/MAFIAS	200000	UTTAR PRADESH
16.	3500/30/0/2011	POLICE	100000	DELHI
17.	44241/24/72/2012	ABUSE OF POWER	50000	UTTAR PRADESH
18.	1463/6/5/2014-PCD	CUSTODIAL DEATH (Police)	199998	GUJARAT
19.	14807/24/42/2012-PCD	CUSTODIAL DEATH (Police)	100000	UTTAR PRADESH
20.	947/34/11/2013	DEATH IN POLICE FIRING	700000	JHARKHAND
21.	2995/12/5/2014	FAILURE IN TAKING LAWFUL ACTION	50000	MADHYA PRADESH
22.	37988/24/35/2013	FAILURE IN TAKING LAWFUL ACTION	100000	UTTAR PRADESH
23.	48728/24/1/2015	FAILURE IN TAKING LAWFUL ACTION	10000	UTTAR PRADESH
24.	593/18/9/2015	FALSE IMPLICATIONS	150000	ODISHA
25.	28428/24/31/2012	UNLAWFUL DETENTION	10000	UTTAR PRADESH
26.	44142/24/5/2011	SERVICE MATTERS	50000	UTTAR PRADESH
27.	21592/24/77/2012-WC	SEXUAL HARASSEMENT (GENERAL)	25000	UTTAR PRADESH
28.	2418/30/2/2012	INACTION BY THE STATE / CENTRAL GOVT. OFFICIALS	300000	DELHI
29.	317/22/42/2016	INACTION BY THE STATE / CENTRAL GOVT. OFFICIALS	300000	TAMIL NADU
30.	5487/24/34/2013	INACTION BY THE STATE / CENTRAL GOVT. OFFICIALS	100000	UTTAR PRADESH
31.	2144/20/16/2014-WC	RAPE OF SC/ST/OBC	50000	RAJASTHAN

NHRC Research Study Projects

The National Human Rights Commission, through its Research Division and Core Group on Women, analyzed, evaluated and approved the following Research Study projects commissioned by it.

1. 'Country Assessment on Human Rights in the Context of Sexual Health and Reproductive Health Rights'

conducted by SAMA- Resource Group for Women and Health and PLD - Partners in Law and Development-. The objective of the study was to document the existing international framework and language on human rights relating to sexual and reproductive health and

well-being and, to analyze the compliance of the legislative and policy framework in India against it. It was also intended to map and analyze legal and policy framework, demographic data on sexual and reproductive health and rights in India towards identifying compliance, gaps and

making recommendations for reform in law, policy and praxis.

2. **'Legal Rights and Challenges of Surrogates from Mumbai and Delhi'** conducted by Dr. Arathi P.M., Assistant Professor,

Council for Social Development, New Delhi. The objective of the study was to explore the challenges and difficulties in seeking justice by surrogate mothers due to violation of their rights, understand the impact of

new law proposed on surrogacy practices and to develop best practices in the domain of surrogacy with a view to minimize the exploitation involved in both commercial and altruistic surrogacy.

Mrs. Jyotika Kalra, Member, NHRC visits District Jail, Rohini, New Delhi

Mrs. Jyotika Kalra, Member, National Human Rights Commission visited District Jail, Rohini, New Delhi on the 13th November, 2018, to inspect and review the infrastructural facilities, living conditions of prisoners and the legal support being given to the undertrials. She was accompanied by NHRC officers, Mr. Vikal Raj, Assistant Registrar (Law), Mr. Rajbir

Singh, Dy. S.P., Mrs. Manju Rani, PPS and two students namely Mr. Siddharth Gautam and Mr. Pritam Raman Giriya from National Law University Delhi. One of the purpose of the visit was to assess whether the jail is adhering to the human rights standards and the directions of the NHRC on the prisoner's legal rights. The students of NLU, Delhi

were involved so that they can follow up the release of the inmates, who continue to be in custody for want of technical formalities and provide them the legal support. Mrs. Kalra interacted with senior prison officers as well as with the prisoners to have a firsthand account of their problems while visiting hospital, jail barracks and institutional area.

Mrs. Jyotika Kalra, Member, NHRC visits Asha Kiran Home, Rohini, Delhi

Mrs. Jyotika Kalra, Member, National Human Rights Commission went on a discreet visit to the Asha Kiran Home, Rohini, Delhi on the 22nd November, 2018, for an on the spot review of its activities, where mentally challenged and mentally retarded children and patients from the age of 6 years onwards are living. She was assisted in the process by the NHRC officers, Mr. Vikal Raj, Assistant Registrar (Law), Mr. Kulbir Singh, Dy. S.P. and Mr. Pratap Singh. After taking stock of the facilities there, Mrs. Kalra interacted with senior officers of the Home.

Mrs. Kalra emphasized that a mentally ill and mentally retarded persons are human beings. They are also entitled to the same dignity and decency as any other human being. They need special care and attention both at home and in the hospital by way of kind and compassionate treatment, timely medication, rehabilitation and reintegration into the mainstream of social life. Mrs. Kalra said that ensuring right to health is not limited to the absence of disease; it means overall wellbeing of a person including physical, mental, psychological and emotional aspects. She said that the 'Right to Health' is a matter of fundamental right. Health includes mental health and providing special care and attention to a mentally ill person is an important responsibility of the State since such persons cannot look after for themselves.

Awards to the winners of Hindi fortnight competitions

On the 14th November, 2018, the National Human Rights Commission, NHRC organized a function to distribute prizes to the winners of the competition organized during the celebration of Hindi fortnight from 14th September, 2018. NHRC Chairperson, Mr. Justice H.L. Dattu, Members, Mr. Justice P.C. Ghose and



NHRC Chairperson, Mr. Justice H.L. Dattu, Members, Mr. Justice P.C. Ghose, Mrs. Jyotika Kalra and senior officers of the Commission at the Hindi Awards function

Mrs. Jyotika Kalra, Secretary General, Mr. Ambuj Sharma, Director General (Investigation), Mr. Gurbachan Singh, Mr. Surajit Dey, Registrar Law and other senior officers and staff were present. Justice Dattu gave away awards to the NHRC employees, who won awards in different categories of competitions.

Snippets

Visits to the NHRC, India

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

1. Delegation consisting of 25 students and 02 Staff Members of the Haldia Law College, Medinipur, West Bengal.
2. Delegation consisting of 26 students and 02 Staff Members of the Durgapur Institute of Legal Studies, Burdwan, West Bengal.

During the month of November, 2018 total 05 press releases were prepared and issued based on the proceedings of the Commission in different cases. Total 979 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 05 incidents of alleged human rights violations were brought to the notice of the Commission, which it considered and found fit for suo motu cognizance. 53 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.

Issuing notices to the Delhi government and police, the NUSC...

Other important visit/seminar/programme/conference

Event	Delegation from NHRC
Meeting with West Bengal State Legal Service Authority, meeting with NGOs and meeting at 'The Ramakrishna Mission Institute of Culture' Kolkata from 5 th - 9 th November, 2018.	Mr. Justice Pinaki Chandra Ghose, Member, NHRC

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

Number of fresh complaints received in the Commission	6832
Number of cases disposed of including fresh and old	5980
Number of cases under consideration of the Commission including fresh and old	20886

Important Telephone Numbers of the Commission:

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

Other Important E-mail Addresses

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

Focal point for Human Rights Defenders

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

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

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

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The front cover painting is by Ms. Shikha Verma, who won the second prize in the NHRC Silver Jubilee Painting Competition.