



HUMAN RIGHTS NEWSLETTER

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Glances of Human Rights Day function...page 2-4

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From the Editor's Desk

Human Rights Day reminds each one of us that human rights are universal and inalienable rights of every human being by birth and that these rights have to be always observed, promoted and protected by every human being.

'Our Rights. Our Freedoms. Always'; the slogan, adopted by the United Nations for this year's Human Rights Day, aptly serves the importance, universally attached to economic, social, cultural, civil and political rights under the two International Covenants, which are completing 50 years.

However, the need of the hour is to convert this slogan into a reality at a time when fresh challenges to humanity have emerged in several parts of the world.

Humanity, by application would stand for balance in outlook and living in mutual co-existence and brotherhood; where varied believes, thoughts and philosophies exist in harmony; where there is no dominance of one thought over the other but open to discourse.

Humanity means tolerance; which, of course, should not mean that provocative assertions and excesses, in an exercise of freedom of expression, will not be retorted by the same logic. Therefore, the key to humanity, perhaps, lies in 'Maryada' – behaviour with restraint.

The world knows that India is a great nation and its democracy and Constitution has space for all thoughts. Seeing the strife ridden world of the day, struggling for supremacy among faiths and orders, the Indians have every reason to feel proud that their beliefs, customs, inherent social chemistry and Constitution continue to guide them in upholding the virtues of humanity, which are becoming difficult to find elsewhere in the world.

Barring a few aberrations on time to time, which are obvious in a country traditionally valuing free speech, the broad narrative of thinking in the nation, i.e., respect for all faiths and philosophies, remains unchanged. Indian institutions in legislature, judiciary and executive and media, as a watch dog, represent the social and constitutional values upholding humanity. They serve as a mirror to the world. As for some recent voices, raising doubts over this broad narrative, it may be assumed that these are born out of objective concerns only, as a note of caution, and not otherwise.

Human Rights Day reminds us to stand up for the virtues and values enshrined in the Constitution and embedded in Indian ethos, and to show the world that amidst all internal and external challenges, the social and humanitarian fabric of the country remains intact and will not be eroded.

NHRC celebrates Human Rights Day



The Chief Justice of India, Justice Shri T.S. Thakur, accompanied by the Union Minister of State for Home Affairs, Shri Kiren Rijiju, the NHRC Acting Chairperson, Justice Shri Cyriac Joseph and Members, Justice Shri D. Murugesan & Shri S.C. Sinha, lighting the lamp on Human Rights Day

The National Human Rights Commission, NHRC organized a function to celebrate human rights day in New Delhi on the 10th December, 2015. Addressing a gathering as the Chief Guest of the function, Justice Shri T.S. Thakur, Chief Justice of India lauded the role being played by the Commission in its endeavour towards the protection and promotion of human rights. He said that judiciary was not lagging behind in enforcing human rights and cited a number of cases



The Chief Justice of India, Justice Shri T.S. Thakur addressing the gathering

Complaints received/processed in December, 2015 (As per an early estimate)

Number of fresh complaints received in the Commission	10020
Number of cases disposed of including fresh and old	8373
Number of cases under consideration of the Commission including fresh and old	51837

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A section of audience including judges, diplomats and other dignitaries

wherein its interventions not only brought relief to the victims of human rights violations but also issues like clean environment and drinking water as enforceable rights within the ambit of Right to Life. He said that some of the human rights should be placed a pedestal higher than the constitutional rights.

Justice Thakur said that it is time that Parliament revisited the Protection of Human Rights Act, 1993 to make it more effective towards empowering the Human Rights Commissions in a manner that, if not all, to begin with, at least some of their recommendations are binding for the Governments. He was reacting to the NHRC Acting Chairperson, Justice Shri Cyriac Joseph's observation that 679 recommendations of the Commission were not implemented by the different Governments and that many termed it to be a toothless or paper tiger.

Justice Thakur said that when a recommendation for a



The Chief Justice of India, Shri T. S. Thakur releasing the NHRC Publications

relief is made by a body like NHRC, having a former Chief Justice of India as its Chairperson and other Members of eminence and high standing, the least the Governments must do is to give a reasonable answer why they cannot implement it.

Observing that there were a number of deficiencies in

the Protection of Human Rights Act, 1993, Justice Thakur said that these needed to be looked into. He pointed out that Protection of Human Rights Act, 1993 has given the Governments mandate to set up Human Rights Courts but in order to make them functionally effective, it is necessary to identify some definite class of cases pertaining to offences against women, children and vulnerable sections of the



NHRC Secretary General, Shri S. N. Mohanty welcoming the dignitaries

society which can be heard by these Courts on a fast track basis.

Justice Thakur wondered why a city like Delhi should not have a Human Rights Commission. He said that the Supreme Court had given six months' time in July, 2015 to the Delhi Government to set up a Human Rights Commission and a response was awaited.

Earlier, the Union Minister of State for Home Affairs, Shri Kiren Rijju, as a Guest of Honour, said that India is committed to protection and promotion of human rights and is party to several international Covenants on human rights. He also agreed with the concerns raised by the NHRC Acting Chairperson and said that Protection of Human Rights Act, 1993 needed to be reviewed.

Justice Shri Cyriac Joseph, Acting Chairperson, NHRC, in his Presidential Address said that the protection of human rights is an obligation of the State. In this connection, the



Human Rights Day function in progress



NHRC Acting Chairperson, Justice Shri Cyriac Joseph addressing the gathering

Judiciary, Legislature and Executive have to play an equal role. He also said that the judiciary was better placed than the Human Rights Commissions to protect human rights as their orders were binding unlike those of the Commissions. He said that Parliament, in its wisdom, thought it best to make Human Rights Commissions recommendatory bodies, though after a period of 22 years of NHRC's existence and experience, it was desirable to make its recommendations binding.

Giving an insight into the various features of the Commission's activities towards promotion and protection of human rights during the last 22 years of its existence, Justice Cyriac Joseph said that it registered more than 15 lakh 42 thousand cases out of which more than 14 lakh 84 thousand were disposed. It has recommended monetary relief of more than rupees 102 crore 20 lakh in 4328 cases. Out of this, in 3649 cases, more than rupees 74 crore 52 lakh were paid to the victims or their dependents. He lauded the role of Human Rights Defenders towards protection and promotion of



The Chief Justice of India, Shri T. S. Thakur, accompanied by the NHRC Acting Chairperson Justice, Shri Cyriac Joseph and J. S., Dr. Ranjit Singh, opening NHRC's photo and children's paintings exhibition

human rights.

On the occasion, the message of Mr. Ban Ki Moon, UN Secretary General, on Human Rights Day, was read out by Ms. Kiren Mehra Kerpelman, Director, UNIC – India & Bhutan. In the message, he said that "Amid large-scale atrocities and widespread abuses across the world, Human Rights Day

should rally more concerted global action to promote the timeless principles that we have collectively pledged to uphold."

The Commission added some new features to its Human Rights Day celebrations this year. These included, among others, competitions for short films on human rights and



The Union Minister of State for Home Affairs, Shri Kiren Rijiju addressing the gathering

paintings by visually impaired children. Prizes were given to the winners of the Short Film competition. 'The Rice Mill Story' by Mr. Amith Krishnan, got first prize of rupees one lakh, 'Sapno Ka Basar' by Aditya Kapur, second prize of rupees 75 thousand and 'Kulfi' by Vivek K.R., third prize of rupees 50 thousand. These films were also screened.

The winners of the painting competition for visually impaired children, who were given prizes, included, Master Harsh Keshari, first prize of rupees 10 thousand, Kumari Elem, second prize of rupees eight thousand and Kumari Bhawana, third prize of rupees six thousand in the age group of 5 to 12 years. In the age group of 12 to 18 years, first prize of rupees 10 thousand went to Kumari Sanjana, second prize of rupees eight thousand went to Master John Moses and third prize of rupees six thousand went to Kumari Vandana Gupta.



The Chief Justice of India, Justice Shri T. S. Thakur and NHRC Acting Chairperson, Shri Cyriac Joseph, being shown the exhibition by Dy. Dir. (M & C), Shri Jaimini Kumar Srivastava

Justice Thakur also opened NHRC's photo and children's paintings exhibition, including those by the visually impaired children, showcasing its journey since the last Human Rights Day. He also released five publications of the NHRC, including a Trilingual Glossary of Human Rights Terms in English – Malayalam – Hindi.

Several prominent dignitaries, including, among others, Judges of Supreme Court, High Courts, former Judges of Supreme



The Chief Justice of India, Justice Shri T. S. Thakur, giving awards to the winners of NHRC short film on Human Right competition.

Court, High Courts, UN representatives, diplomats, senior Government functionaries, civil society representatives, groups of specially privileged children, members of Para Military Forces, NHRC officers and staff attended the function.

Another first time feature to this year's Human Rights Day celebration by the NHRC was the live coverage of its programme on Doordarshan.



The Chief Justice of India, Justice Shri T. S. Thakur, giving awards to the winners of painting competition for visually impaired children

Human Rights Day Message from Justice Cyriac Joseph, Acting Chairperson, NHRC, India

Tomorrow (10th December) is Human Rights Day. The Universal Declaration of Human Rights was adopted and proclaimed by the General Assembly of the United Nations on 10th December, 1948. It is to commemorate the Universal Declaration of Human Rights and to spread awareness about human rights and to motivate people and governments to protect and promote human rights that 10th December is observed as Human Rights Day. On this year's Human Rights Day, the U.N. Human Rights Office is launching a year-long campaign with the slogan: "Our Rights. Our Freedoms. Always."

In simple words, human rights, means all rights and freedoms essential for a person to live with dignity. In India, protection of human rights is a Constitutional value and a Constitutional goal and it is the Constitutional obligation of the State to uphold and protect human rights. This is evident from the Preamble of the Constitution of India and the Articles relating to the Fundamental Rights and the Directive Principles of State Policy. Protection of human rights is the duty of a citizen as well. Article 51A(a) of the Constitution commands that it shall be the duty of every citizen to abide by the Constitution and to respect its ideals and institutions. This duty can be performed by a citizen only through upholding and protecting human rights, which is a Constitutional value and a Constitutional goal.

The National Human Rights Commission was constituted in the year 1993 for better protection of human rights. The Commission is committed to the protection of human rights and the protection of the rights of Human Rights Defenders. During the last 22 years, the Commission, with the assistance and cooperation of Human Rights Defenders, spread better awareness about human rights, tried to prevent violation of human rights and extended relief to the victims of violation of human rights. On the eve of the Human Rights Day, the Commission rededicates itself to continue with more vigour its mission to promote and protect human rights of every person, within the territory of India.

On the occasion of observing Human Rights Day, on behalf of the National Human Rights Commission, I appeal to the Central

and the State Governments to discharge their Constitutional obligation to uphold and protect human rights. I also appeal to all my brothers and sisters in India to perform their duty to protect human rights. Such protection of human rights by a citizen has two dimensions:-

- (I) He/she should not directly or indirectly violate the human rights of others;
- (ii) He/she should act as a Human Rights Defender, to prevent violation of human rights of others and to protect the victims of any violation of their human rights.

Let us join hands to create a better society in which the human rights of every individual will be safe and protected. ”

NHRC Acting Chairperson Justice Cyriac Joseph's message on the eve of Human Rights Defenders Day

“By Resolution A/RES/53/144 dated 9th December, 1998, the General Assembly of the United Nations adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, popularly known as "the Declaration on Human Rights Defenders". Significantly, the Declaration on Human Rights Defenders was adopted on the occasion of celebrating the 50th anniversary of the Universal Declaration of Human Rights. 'Human Rights Defender' is a term used to describe people who, individually or with others, act to promote or protect human rights. The date on which the Declaration on Human Rights Defenders was adopted i.e. "9th December" is traditionally observed as "the International Human Rights Defenders Day". The object of observing '9th December' as the Human Rights Defenders Day is to highlight and recognize the important role being played by Human Rights Defenders all over the world in the protection and promotion of human rights. The National Human Rights Commission considers the Human Rights Defenders as supporters, collaborators and partners in its endeavour to promote and protect human rights. In this connection, it may be mentioned that protection of human rights is a Constitutional value and a Constitutional goal in India. As per the Constitution of India, the State has an obligation to protect human rights and the citizen also has a duty to promote and protect human rights. Thus, in India protection of human rights is not merely an obligation of the State, but it is a duty of the citizen as well.

It is a matter of deep concern that in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats and harassment and suffer insecurity as a result of those activities, including through the curtailment of freedom of association or expression or the right to peaceful assembly or the abuse of civil or criminal proceedings. It is also to be observed that women human rights defenders are at the risk of and suffer from violations and abuses, including systematic violations and abuses of their fundamental rights to life, liberty and security of person, to psychological and physical integrity, to privacy and respect for private and family life and to freedom of opinion and expression, association and peaceful assembly. They also experience gender based violence, rape and other forms of sexual violence, harassment and verbal abuse and attacks on reputation, online and offline, by State actors including law enforcement personnel and security forces, and non-State actors such as those related to family and community, in both public and private spheres. The General Assembly of the United Nations had to pass a Resolution on 18th December, 2013 for "Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms : protecting women human rights defenders".

Hence, on the occasion of observing Human Rights Defenders Day, I, on behalf of the National Human Rights Commission, salute all the Human Rights Defenders including the women human rights defenders in India and express solidarity with them in their endeavour to protect and promote human rights. I appeal to the Central Government and State Governments to take effective steps for protecting the recognized rights of the human rights defenders. I also appeal to the citizens of India to realize that they have a Constitutional duty to protect human rights and that protection of human rights is impossible without protecting the human rights defenders.

I wish to share with the esteemed human rights defenders the following verses from the Bible:-

"Fortunate are those who hunger and thirst for justice, for they shall be satisfied;

Fortunate are those who work for peace, they shall be called children of God;

Fortunate are those who are persecuted for the cause of justice, for theirs is the kingdom of heaven:

(Gospel according to Saint Mathew, Chapter V)"

The Human Rights Defenders are persons who hunger and thirst for justice and who work for peace. Even if they are persecuted for the cause of justice, let us hope that the kingdom of heaven will be theirs. ”

Suo Motu Cognizance

The Commission took suo motu cognizance in 11 cases of alleged human rights violations reported by media during December, 2015 and issued notices to the concerned authorities for reports. Summaries of some of these cases are as follows:

Rape, assault and loot by security personnel (Case No. 913/33/17/2015-PF)

The media reported that a minor girl, a pregnant woman and several other women were gang raped, assaulted and looted by security personnel in a remote, Maoist dominated, area of District Bijapur, Chhattisgarh. Reportedly, though, an FIR was registered on the 1st November, 2015 against the unknown security personnel, no arrests were made. The Commission has issued notices to the Union Home Secretary and Director General of Police, Chhattisgarh calling for detailed reports.

Mine leaking radioactive and toxic waste (Case No. 1526/34/6/2015)

The media reported from a study that amidst the Government apathy, radioactive and toxic waste had been leaking from India's oldest and most important Uranium mine at Jaduguda, East Singhbhum district, Jharkhand, affecting people, livestock, rivers, forests and agricultural produce in the area. Toxins were leaching into underground aquifers and the Subarnarekha River could be contaminating

the food chain from fish to vegetables.

The media report quoted a study by a US based news organisation that adequate measures had not been taken to prevent toxic leaks from the site by India's nuclear establishment, which systematically overlooked evidence that points to a radiation hazard.

The Commission has observed that the matter raises a serious issue of violation of rights to health of the workers and local residents, besides damage to the environment, flora and fauna. Accordingly, it has issued notices to the Secretary, Department of Atomic Energy, Government of India, Chairman, Uranium Corporation of India and Chief Secretary, Government of Jharkhand calling for reports.

Danger from un-defused stockpile of Army ammunition (Case No. 2851/12/22/2015)

The media reported on the 14th December, 2015 that there is a huge security risk to the city of Jabalpur in Madhya Pradesh due to danger of spontaneous combustion of thousands of unexploded and rejected bombs, which are buried and awaiting disposal at the Ordinance Factory, Khamaria (OFK). The factory is located in a densely populated area. The Commission has issued a notice to the Union Defence Secretary calling for a report.

NHRC's spot enquiry

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

Sl. No.	Case Number	Allegations	Date of visit
1.	9000/30/4/2014	Inaction and false implication by police in North district, Delhi.	15 th -16 th December, 2015
2.	42006/24/51/2012	Illegal detention in Mainpuri, Uttar Pradesh.	15 th -18 th December, 2015
3.	198/19/10/2014-WC	Abduction/Rape in Ludhiana district, Punjab.	21 st -23 rd December, 2015
4.	231/20/14/2014	Police inaction in Jaipur district, Rajasthan.	28 th -31 st December, 2015

Important Intervention

Notice to Government of Andhra Pradesh over alleged exploitation of people by call money operators

The National Human Rights Commission has taken cognizance of a complaint and media reports that in Andhra Pradesh, a call money-cum-sex racket is thriving at the cost of poor and gullible people who become victims of

easy money loan at door steps against the guarantee of moveable and immovable property. The interest rate usually ranges from 120 per cent to 200 per cent. Allegedly, call money scam, busted in the Vijayawada city, revealed that it

was not only call money but also a sex racket exploiting women who took the call money. The lender can demand return of the money over a call anytime and anywhere. Hundreds of women were threatened, coerced and dragged into flesh trade if they were unable to repay on time.

The Commission has observed that the contents of the press reports and the allegations made in the complaint, if true, would amount to a modern slavery, in the form of call money racket, which is a serious violation of human rights, particularly of women and girls who were dragged down to such slavery by financiers and others.

The Commission has issued notices to the Chief Secretary and the Director General of Police, Andhra Pradesh to submit detailed reports on the contents of the press clippings and the allegations made in the complaint. They have also been directed to submit the report on the action taken on the complaints so far received.

Notices over demolition rendering several homeless in Delhi

The National Human Rights Commission has taken suo motu cognizance of media reports on demolition of slum dwellings at Shakurbasti and Belagaon area in the National Capital and issued notices, among others, to Chairman, Railway Board and Delhi Chief Secretary. It has also decided to send a team of its officers to visit both the places of demolition and conduct an on-the-spot enquiry.

The Commission has observed that the contents of the news reports, if true, raise a serious issue of violation of the right to life, right to shelter and right to dignity of the people, including women and children, who have been rendered homeless due to demolition of their slum dwellings.

Show cause notice on wrongful confinement for 14 years as a terrorist

The National Human Rights Commission has issued a show cause notice to the Delhi Government why monetary relief of rupees five lakh should not be recommended to be paid to Mohammad Amir, who was released after 14 year long incarceration in jail, destroying his youth, due to his wrongful arrest on the 27th February, 1998 from Old Delhi as an alleged 'terrorist' when he had just turned 18. The victim had been acquitted in 17 cases, including one by the High Court of Delhi. It has asked the Chief Secretary, Government of NCT of Delhi to respond.

The Commission has observed that Police play significant role in maintaining the order and enforce laws fairly and not unjustly. Police, as protector of law have both legal and moral obligations to uphold Human Rights and act strictly in accordance with law. Implicating innocent persons would not only go against all cannons of justice and rule of law but it also amount to real accused escaping from the clutches of law.

The Commission has also observed that it cannot be disputed that the security of the nation stands atop all other considerations and security of the nation is primary and sacred duty of every organ of the State. But the execution of such duties is strictly subjected to the mandate of relevant statutes and procedures established by the Supreme Court. In other words, the entire set of actions of the State must be regulated by the Rule of Law. It transpires from the case record that the victim was subjected to State action only on suspicion. Not an iota of evidence was produced in the court to connect Mohammad Amir with any of the alleged crimes. All the newspaper reports were unanimous over the human rights violation of the victim and the Commission cannot afford to differ with the wisdom displayed by the courts and media.

The Commission had taken suo motu cognizance of the issue on the basis of the media reports in March, 2014.

Recommendations for relief

Apart from the large number of cases taken up daily by individual Members, 36 cases were considered during 02 sittings of the Full Commission and 01 sittings of Divisional Benches in December, 2015. On 15 cases, the Commission recommended monetary relief amounting to a total of ₹34 lakh 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.

Compliance with NHRC recommendations

In December, 2015, the Commission received 06 compliance reports from different public authorities, furnishing proof of payments it had recommended, totalling ₹12.6 lakh to the victims of human rights violations or their next of kin.

NHRC's Winter Internship Programme begins

Justice Shri Cyriac Joseph, Acting Chairperson, NHRC inaugurated a month-long Winter Internship Programme of the Commission in New Delhi on the 21st December, 2015. Giving an insight into the concept of human rights to the interns, he said that they should make best use of this opportunity to learn about various aspects relating to the promotion and

protection of human rights. 49 students from different colleges/universities of 13 States/UTs have been selected for participation. They would be exposed to various human rights issues and laws, composition, role and function of the Commission. The interns would be guided to write dissertations on various issues and aspects of human rights. Field visits to prisons and NGOs would also be organised to give them a first-hand account of the functioning of such institutions.

Shri C.K. Chaturvedi joins NHRC as Registrar (Law)

Shri C.K. Chaturvedi, B.Sc., LL.M. (Delhi), joined the National Human Rights Commission, NHRC as the Registrar (Law) on the 1st December, 2016. Prior to this, as an officer of the Delhi Higher Judicial Services, Shri Chaturvedi worked as a District Judge and also served as the President of New Delhi District Consumer Redressal Forum. He also served as the Chief Legal Advisor in Delhi Development Authority. He is the working President of All India Judges Association and visited Greece for human rights studies. He has also authored a book "Legal Control of Marine Pollution". He is credited with several important judgements addressing the concerns on human rights.



Other important visits/seminars/programmes/conferences

Events	Delegation from NHRC
Keynote Address on 'Skill Development and Right to Education' at a seminar for students at Nedumkunnampuzha, Kottayam, Kerala on the 4 th December, 2015	Justice Shri Cyriac Joseph, Acting Chairperson, NHRC
Review of the progress in the Research Programme on 'Human Rights of Elderly Persons, Law, Policy and Implementation – A Study with Special Reference to Kerala' being conducted by the NUALS with the assistance of the Commission at Kochi, Kerala on the 5 th December, 2015	Justice Shri Cyriac Joseph, Acting Chairperson, NHRC
Visit to Torture Prevention Centre Trust, Kochi, Kerala on the 5 th December, 2015	Justice Shri Cyriac Joseph, Acting Chairperson, NHRC
Visit to Government Institutions in Pune along with the Chairperson, Maharashtra State Human Rights Commission on the 16 th December, 2015	Justice Shri Cyriac Joseph, Acting Chairperson, NHRC
Human Rights Seminar conducted by the Indian Army at Akhnoor, Jammu & Kashmir on the 18 th December, 2015	Justice Shri Cyriac Joseph, Acting Chairperson, NHRC
Meeting with Kerala Government representatives regarding the proposed Human Rights Workshop with Legislators at Thiruvananthapuram, Kerala on the 23 rd December, 2015	Justice Shri Cyriac Joseph, Acting Chairperson, NHRC



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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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