



HUMAN RIGHTS NEWSLETTER

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National Seminar in Hindipage 7

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From the Editor's Desk

Contrary to a misconception in the minds of some people, the National Human Rights Commission, NHRC is not an adversary but an ally to the Governments in helping them in good governance. Therefore, many a times, exposing the bureaucratic wrangles becomes imperative to the functioning of the Commission, which, in a way, again is meant for helping the governments to set the ball rolling in the right direction. There are several issues of human rights violations, wherein specific recommendations have been made by the Commission to a particular State Government from which other State functionaries may draw lessons to improve human rights quotient in their functioning. This is how human rights violations can be brought down.

But there may be issues of human rights violations, specific to a place, wherein the concerned State government may not have any precedence to follow or to learn from others' experience. Hazards of aerial spraying of endosulphan, is one such issue, which is more specific to Kerala and particularly its northern belt. It has affected human beings as well as flora and fauna and the State needed to proactively set an example for course correction. The NHRC has been pursuing this issue with the State for long. However, it is disheartening to know from the media that many victims were yet to receive the relief, notified by the State, as per the recommendations of the Commission.

An equally moving story reported in the media pertained to the non-payment of pension and retirement dues to teachers of various universities of Jharkhand. Many of them, reportedly, suffered a life of penury. There are several mechanisms in place in Centre and State Governments to ensure that a retiring employee gets his dues in time in order to lead his life with dignity in old age. But reported aberrations at a mass scale, such as these, only hint towards an apathetic, inhumane and ill-informed attitude of the people working in the system. The Commission's suo-motu cognizance of the matter has been pegged in this edition.

The issue of deplorable conditions of our prisons is another subject which has been debated time and again but not much seems to have been achieved. A media report, based on an exhaustive research study about the status of prisons in Bihar only underlines this concern. There are problems but unless there is a will, the conditions and image of prisons in the country cannot be improved from that of a torture house to a reform home.

This and several other issues of human rights violations, covered in this issue, hopefully will ignite the discerning readers' thought to underscore the importance of promotion and protection of human rights.

NHRC's 'Western Region Public Hearing on Right to Healthcare'

The National Human Rights Commission organized a two day Western Region Public Hearing on Right to Healthcare, in collaboration with Jan Swasthya Abhiyan, a network of civil society organizations working on health issues, at Mumbai from the 6th - 7th January, 2016. The States of Maharashtra, Gujarat and Rajasthan were covered during this public hearing. Health



NHRC Acting Chairperson, Justice Shri Cyriac Joseph addressing the gathering

officials as well as representatives of several non-governmental organizations from these States attended. Representatives of Union Ministry of Health and Family Welfare were also present.

On the opening day, three benches of the Commission, presided over by the Acting Chairperson, Justice Shri Cyriac Joseph and Members, Justice Shri D. Murugesan and Shri S. C. Sinha heard 88 cases out of total 106 cases registered. These included 38 cases from Maharashtra, 30 from Gujarat and 20 from Rajasthan. The remaining 18 cases were from Maharashtra which could not be taken up due to paucity of time.

Complaints received/processed in January, 2016 (As per an early estimate)

Number of fresh complaints received in the Commission	10679
Number of cases disposed of including fresh and old	8963
Number of cases under consideration of the Commission including fresh and old	53553

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Justice Shri S.R. Bannurmah, Chairperson, Maharashtra State Human Rights Commission was also present during the hearing.

The Commission recommended compensation to the tune of ₹4,25,000/- in five cases. These involved incidents of amputation of limb due to medical negligence and delay in treatment; mental agony and trauma faced by a woman and child because of a wrong HIV report; taking a patient without his consent to a private hospital by ambulance doctor and denial of right to health caused due to the absence of a doctor at a Public Health Centre.

In three cases, the Commission issued show cause notices to the Government of Rajasthan why monetary relief should not be recommended to be paid to the victims or their next of kin. In a number of cases, the respective State Governments were asked to conduct detailed enquiries. 35 cases were disposed of out of

which 23 were either time barred or beyond the jurisdiction of the Commission.

On the second day, presentations were made by the non-governmental organizations on several systemic issues impacting the healthcare causing violation of right to health. These included issues of maternal health and problems with proper implementation of Janani Shishu Suraksha Yojana; occupational healthcare and need for improvement in the Employees' State Insurance Corporation (ESI) Scheme and shortcomings in community monitoring mechanism.

The role of State Medical Councils in protecting and ensuring the rights of patients was also discussed with reference to effective grievance redressal mechanism. A large number of suggestions were received to improve healthcare, which will be examined by the Commission for suitable recommendations to the concerned authorities.

Workshops on Elimination of Bonded Labour

The National Human Rights Commission organised day long Workshops on 'Elimination of Bonded Labour' at Bhubaneswar, Odisha on the 12th January, 2016 and at Jaipur, Rajasthan on the 29th January, 2016 in collaboration with the respective State Governments. Justice Shri D. Murugesan, Member, NHRC chaired the Workshops.

The objective of these Workshops was to familiarize and sensitize the District Magistrates, Sub Divisional Magistrates, State Labour Officers, Members of Vigilance Committees, representatives of brick kilns, stone crushing and other related industries with the process of identification, release and rehabilitation of bonded labourers as per the provisions of Bonded Labour



A scene from the workshop

System (Abolition) Act, 1976 and other related legislations.

The National Human Rights Commission was asked by the Supreme Court of India in 1997 to monitor the implementation of the Bonded Labour System (Abolition) Act, 1976. The Court's directions came while hearing a Writ Petition (No. 3922/1985) – People's Union for Civil Liberties Vs State of Tamil Nadu & Others. Since then, the NHRC has been overseeing the implementation of the Bonded Labour System (Abolition) Act 1976 in different parts of the country. The Commission has organised 33 workshops on elimination of bonded labour so far.



NHRC Member, Justice Shri D. Murugesan inaugurating the workshop at Bhubaneswar

Academics and research scholars from Kalinga Institute of Industrial Technology (KIIT) University and

University of Rajasthan attended the workshop at Bhubaneswar and Jaipur respectively.

Suo Motu Cognizance

The Commission took suo motu cognizance in 08 cases of alleged human rights violations reported by media during January, 2016 and issued notices to the concerned authorities for reports. Summaries of some of these cases are as follows:

Discrimination on the basis of caste (Case No.2990/12/35/2016)

The media reported that a person, belonging to the Scheduled Tribe became victim of discrimination on the basis of caste and was eventually removed from his job at a nationalized bank where he worked for ten years as Peon against an honorarium.

The Commission has issued notices to the Secretary, Department of Financial Services, Union Ministry of Finance and Chief Managing Director, UCO Bank, Kolkata recommending them to get the allegations enquired and submit a report.

Reportedly, at the instance of senior officers in the Dodhar Branch of UCO Bank in Sheopur district of Madhya Pradesh, the officials refused to drink water served by the victim, Ramswarup Sahar and thus subjected him to untouchability. Reportedly, he had made a complaint to the District Collector, Sheopur in this regard.

School banning an HIV positive boy (Case No. 1988/25/19/2015)

The media reported that a private school in Bishnupur area of South 24 Parganas, West Bengal banned an HIV positive student and also forced his maternal grandmother, a teacher in the same school, to take a 'purity test' and since then she has been a target of repeated verbal abuse. Describing it as a sad incident, the Commission has observed that it is due to the lack of awareness among the people about HIV/AIDS that breeds stigma, prejudice, fear and the consequent discrimination of the victims. Accordingly, it has issued a notice to the Chief Secretary, Government of West Bengal calling for a detailed report in the matter.

According to the media report, carried on 20th November, 2015, a seven year old boy was asked to leave the school after a five month old confidential report about his HIV positive status was leaked and the parents of

several children signed a petition demanding his ouster. Reportedly, both the parents of the child are also HIV positive.

Drowning of a boy in a school (Case No. 747/30/0/2016)

The media reported that on the 27th January, 2016 a 4-5 year old boy, Ankit, died after falling in an open septic tank at a school run by the South Delhi Municipal Corporation in Kapashera area. Reportedly, Ankit fell in the open septic tank around 11:30 a.m. while playing with his friends in the school premises. He was taken to Columbia Asia Hospital in Gurgaon where the doctors declared him brought dead. The boy's family, police and civic body were not immediately informed about the incident and the call to the Police Control Room was made around 01:30 p.m., almost two hours after the incident.

The Commission has issued notices to the Commissioner, South Delhi Municipal Corporation and Deputy Commissioner of Police (South West), Delhi calling for detailed reports in the matter.

Panchayat taking law in hands (Case No. 1977/24/57/2016-WC)

The media reported that a woman was not only beaten up by shoes but also asked to pay a fine of ₹60 thousand by a village panchayat on allegations of theft of buffalos in District Muzaffarnagar, Uttar Pradesh on the 28th November, 2015. The Commission observed that the incident, if true, is illegal and undermines human dignity and raises serious questions of violation of human rights of the victim. Accordingly, a notice has been issued to the Director General of Police, Government of Uttar Pradesh to submit a detailed report in the matter.

Sexual assault on train (Case No. 3/34/0/2016-AF)

The media reported that a 14 year old girl, who had run-away from her home in Kolkata and boarded Military Coach of Amritsar Express, was forced to drink alcohol and gang raped allegedly by army jawans on the 27th December, 2015. The medical examination confirmed the rape. Reportedly, the girl had later identified two jawans from a video footage and, at her instance, another jawan

was arrested for forcing her to drink alcohol.

Calling for a report, the Commission issued a notice to the Union Defence Secretary and observed that the incident, if true, raises serious questions about the safety of women and also brings disrepute to the institution of army which is known for its motto "Service before self" by standing vigil along the border – watchful, prepared for any sacrifice, so that the people of the country may live in peace and with honour.

Airlines fleecing flood affected people (Case No. 53/10/1/2016)

The media reported that some private airline carriers have been accused of charging exorbitant fares

to Bengaluru at a time when Chennai airport was closed due to flood following unprecedented rain. The matter was raised during the Zero Hour in the Lok Sabha by a Member of Parliament, Shri K.C. Venugopal.

The Commission observed that the contents of the press report, if true, raise a serious issue of violation of human rights of the persons who were being exploited at a time when facing personal trauma and pain caused by natural disaster. Accordingly, it has issued a notice to the Secretary, Union Ministry of Civil Aviation, calling for a factual report in the matter. He has also been asked to inform what action is proposed to be taken in such a situation.

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.	703/19/14/2011-AFE	Alleged fake encounter in district Nawashahr (Shahid Bhagat Singh Nagar), Punjab	18 th – 21 st January, 2016
2.	536/24/23/2010	Illegal arrest and torture of three persons of a family in district Etawah, Uttar Pradesh	27 th – 30 th January, 2016

Important Intervention

Denial of the committed relief to the victims of endosulfan in Kerala

The media reported that there are many endosulfan victims in Kerala and that the relief was not being extended to the victims as per the recommendations of the National Human Rights Commission given on the 31st December, 2010. The Commission has issued notices to the Chief Secretary, Government of Kerala, District Collectors of Kasargod and Palakkad calling for reports in the matter.

The Commission has observed that the Government of Kerala, vide order dated 26th May, 2012, had notified that the recommendations of the NHRC were to be implemented. The State Government had also laid down the method by which the compensation was to be paid to various categories of victims of endosulfan. Therefore, it is bound to compensate and rehabilitate the victims. If the victims of endosulfan are

not being compensated in terms of the Government of Kerala order, it amounts to violation of their human rights.

The report, carried on the 18th January, 2016, referred to an unofficial survey that 613 children below the age of 14 continued to suffer from the illness caused by the aerial spraying of the pesticide in mango plantation of Muthalamada in Palakkad district of Kerala. The report cited the case of a girl named Hemalatha, who, though born after two years of global ban on the pesticide endosulfan, suffers from physical illness because of the residuary effect of the pesticide.

The report further stated that the families of the victims are demanding an expert study at Muthalamada, Velanthavalam, Vadakarapathi, Eruthempathy, Nenmara and Nelliampathy gram Panchayats.

Non-payments of retirement benefits in Jharkhand

The media reported that retirement benefits and pensions of several retired teachers of various universities in Jharkhand have not been paid for long and the Jharkhand universities and University Grants Commission (UGC) appeared to be insensitive to the need of teachers in crisis.

The Commission has observed that the contents of the media report, if true, raise a serious issue of non-release of retirement and pensioner benefits impinging upon human rights to life, liberty, dignity and healthcare of retired professors of colleges in Jharkhand. Accordingly, it has issued notices to the Secretary, Union Ministry of Human Resource Development, Chairman, University Grants Commission, Secretary, Department of Health, Government of Jharkhand and Vice-Chancellor, Sidhu Kanho Murmu (SKM) University, Dumka, Jharkhand calling for factual reports.

According to the media report, Roopnarayan

Falhari, a professor at Deoghar College, had retired in 2009. He was suffering from brain hemorrhage and got admitted to the Guru Nanak Hospital in Ranchi on the 12th December, 2015. Despite doctor's recommendation for better medical care, he could not be shifted elsewhere due to financial crisis. He eventually died on the 22nd December, 2015 at the age of 70 in penury, though, reportedly, his retirement arrears worth ₹20 lakh were pending with the SKM University.

Reportedly, several retired university teachers and their families are crying hoarse over the alleged apathy of the varsities and the University Grants Commission. Further, the Federation of University Teachers' Association of Jharkhand had claimed that at least ten retired professors in Jharkhand had died due to the lack of funds for better treatment. It has also been claimed that a number of retired professors were suffering from critical illness.

Deplorable conditions of prisons in Bihar

The media reported about the deplorable conditions of prisons in Bihar. The news story was based on an exhaustive report titled "Prisons of Bihar: Status Report-2015" prepared by Smita Chakraborty, an activist and researcher. She was assigned a project by Justice Shri V.N. Sinha, Judge of Patna High Court and Executive Chairman, Bihar State Legal Services Authority, to visit all the 58 prisons of Bihar to study the living conditions.

The story also carried an interview of Justice Sinha besides an article "Neglected Reforms". In a related piece, a reference was made to the initiatives and recommendations of the National Human Rights Commission on the subject of Prison Reforms.

The Commission has observed that although it is not oblivious to the ills plaguing the prison system in the country, the news story discloses gross violation of human rights of the prisoners that are under the care and custody of the State. This is an eye opener which throws light on the denial of basic human rights of prisoners in Bihar and points to the urgent need for prison reforms across the country. Accordingly, it has issued notices to the Chief Secretary and Director

General of Prisons, Government of Bihar for factual reports.

Reportedly, Ms. Chakraborty interviewed as many as 30070 inmates during her study and highlighted the following issues:

- Complete absence of medical facilities in prisons, particularly for women;
- Bias against terror accused and undertrials by denying them even the copy of chargesheet in cases against them;
- Forced Labour by undertrials which is punishable under Indian Penal Code;
- Punishment of prisoners, under the discretionary powers provided by the Prison Manual Rules without supervision by an appellate body;
- Denial of free legal aid counsel to undertrials, as very few advocates meet the undertrials in the court and they are not represented when produced before the Magistrate;
- Condition of women prisoners and need of medical and psychiatric help etc.;

₹4 lakh to the families of victims of medical negligence in Madhya Pradesh

The National Human Rights Commission has recommended interim relief of rupees one lakh each to the next of kin of four new born babies, who died due to the medical negligence at Community Health Centre, Jugsalai, Jamshedpur during the intervening night of 14th-15th December, 2013. It has asked the Chief Secretary, Government of Jharkhand to submit the compliance report along with the proof of payment. The Commission took cognizance of the matter on the basis of a complaint dated the 15th January, 2014.

On the basis of the material placed before it, the Commission found that all the four new born babies were in good health at the time of birth at the

Community Health Centre, Jugsalai. There was no doctor on duty as the 15th December, 2013 was Sunday and the Officer-in-Charge of the Community Health Centre had not prepared the Duty Chart. Baby Warmer was also not available at Community Health Centre. As a result, due to want of proper medical care, all the four new born babies died.

The incident remained under the wraps till, after the fourth day on the 17th December, 2013, it was brought to the notice of the Civil Surgeon who conducted an enquiry. Departmental proceedings were underway against the erring Officer-in-Charge for the negligence.

Recommendations for relief

Apart from the large number of cases taken up daily by individual Members, 36 cases were considered during 01 sitting of the Full Commission and 02 sittings of Divisional Benches in January, 2016.

On 13 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of ₹15.35 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.

Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1.	1904/20/14/2011-JCD	Custodial Death (Judicial)	Fifty thousand	Government of Rajasthan
2.	818/1/20/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Andhra Pradesh
3.	24179/24/13/2011-AD	Alleged Custodial Death (Police)	Five lakh	Government of Uttar Pradesh
4.	705/35/11/2011-AD	Alleged Custodial Death (Police)	Two lakh	Government of Uttarakhand
5.	1179/35/6/2011	Unlawful Detention (Police)	Twenty five thousand	Government of Uttarakhand
6.	44241/24/72/2012	Abuse of Power (Police)	Fifty thousand	Government of Uttar Pradesh
7.	40059/24/43/2012	Abuse of Power (Police)	One lakh	Government of Uttar Pradesh
8.	6029/7/1/2012	Abuse of Power (Police)	One lakh	Government of Haryana
9.	3555/4/19/2012	Abuse of Power (Police)	Sixty thousand	Government of Bihar
10.	629/12/8/201	Sexual Harassment (Children)	Two lakh	Government of Madhya Pradesh
11.	14292/24/34/2013-WC	Dowry Death or their attempt	Twenty five thousand	Government of Uttar Pradesh
12.	41114/24/25/2013-WC	Dowry Death or their attempt	One lakh	Government of Uttar Pradesh
13.	2852/16/3/2015	Irregularities in Government Hospitals/Primary Health Centres	Twenty five thousand	Government of Uttar Pradesh

Compliance with NHRC recommendations

In January, 2016, the Commission received 06 compliance reports from different public authorities, furnishing proof of payments it had recommended, totalling ₹13.80 lakh 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.	454/33/2/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Chhattisgarh
2.	33932/24/4/2012	Custodial Torture (Police)	Fifty thousand	Government of Uttar Pradesh
3.	1226/6/14/2012	Abduction/Rape (Police)	One lakh eighty thousand	Government of Gujarat
4.	376/34/16/2014-PF	Abuse of Power (Para-Military Forces)	One lakh	Union Ministry of Home Affairs
5.	4608/4/23/2012-WC	Dowry Death or their attempt	Fifty thousand	Government of Bihar
6.	150/12/12/2015	Inaction by the State Government Officials	Nine lakh	Government of Madhya Pradesh

National Seminar in Hindi on human rights at University of Gauhati

The National Human Rights Commission organised a two-day National Seminar on 'Global Thinking on Human Rights: A Dialogue' in collaboration with the University of Gauhati, Assam at the Fanidhar Dutt Auditorium of the University from the 21st to 22nd January, 2016. Shri S.C. Sinha, Member, NHRC inaugurated the seminar as the Chief Guest. He said that the integration of human rights with economic and social developments is necessary. He also said that Armed

The seminar was divided into four academic sessions apart from the inaugural and concluding sessions. The subjects for discussion in the four academic sessions included, 'Present Global Thinking with regard to Human Rights', 'Media, Society and Human Rights: Present Global Scenario', 'Global Thinking, Police and Human Rights' and 'Social Multiplicity of North-East and Human Rights'.

Several prominent speakers, including, among others, Prof. D.P. Verma, Dean, Faculty of Law, Banaras Hindu University, Varanasi, Mr. Rahul Dev, senior journalist & writer, Delhi, Dr. Subhash Sharma, IAS,



NHRC Member, Shri S.C. Sinha addressing the Seminar

Forces Special Powers Act, AFSPA cannot be used as a tool of impunity leading to violation of human rights.

Dr. Mridul Hazarika, Vice-Chancellor, University of Gauhati said that the sense of respect for human rights has to be inculcated so that prejudices and discrimination can be effectively removed from the society.

Earlier, Joint Secretary, NHRC, Dr. Ranjit Singh, in his introductory remarks about the seminar said that dialogue among all stakeholders is a key for spreading awareness about the importance of human rights as well as resolving any critical issue of conflict.



A scene from the Seminar

litterateur and writer, Delhi, Prof. Apurba Kumar Barua, University of Gauhati addressed the thematic sessions. Dr. S.C. Shukla, Asstt. Director (Official Language), NHRC also addressed the gathering.

The seminar was a part of a series of seminars being organised by the NHRC in collaboration with different institutions in various parts of the country to build awareness about human rights.

NHRC's Winter Internship Programme concludes

A month-long Winter Internship Programme of the National Human Rights Commission concluded in New Delhi on the 19th January, 2016. Addressing the Valedictory Function, Justice Shri Cyriac Joseph, Acting Chairperson, NHRC expressed the hope that the interns, with this training, will evolve themselves as ambassadors of human rights. 49 students from the universities and colleges of 13 States/UTs were selected for the internship. Eight interns shared the first, second and third award of best interns having prize money of 15 thousand rupees.



NHRC Acting Chairperson, Justice Shri Cyriac Joseph addressing the interns

During the internship, Acting Chairperson, Members and senior officers of the Commission interacted with the interns who were exposed to various facets of the functioning of the Commission and also sensitized on various issues of human rights. Apart from being encouraged to produce short films on a subject of human rights, they were also taken for field visits to a jail and an NGO.

Other important visits/seminars/programmes/conferences

Events	Delegation from NHRC
Visit to Mental Hospital, Thiruvananthapuram, Kerala from the 27 th – 28 th January, 2016	Justice Shri Cyriac Joseph, Acting Chairperson
Visit to Institution of Mental Health, Kilpauk, Chennai, Tamil Nadu on the 27 th January, 2016	Justice Shri D. Murugesan, Member
Visit to Budail Jail, Chandigarh on the 18 th January, 2016	Shri S.C. Sinha, Member
Meeting with officials of Government of Meghalaya at Shillong on the 22 nd January, 2016	Shri S.C. Sinha, Member

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