



HUMAN RIGHTS NEWSLETTER



Awareness programme on drug abusepage 7

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From the Editor's Desk

The month of February, 2016, carried a number of news stories about the medical negligence from various parts of the country. Right to health is a fundamental right and hence, it casts a duty upon the State to protect this right of every citizen. However, it is also a fact that despite various efforts by the Centre and the respective State Governments, the healthcare remains a neglected area compared to the requirement of a huge population in the country.

Manpower, financial and infrastructural constraints can be understood to some extent but not the insensitive attitude of the people, working in the healthcare, leading to denial of others' right to health. The complaints received in the NHRC as well as several media reports may suggest that the patients' rights were violated more because of the apathetic and careless attitude of the persons involved in the healthcare sector. They need to imbibe the basic ethic of medical profession that the words are as significant as medicines in the treatment of a patient. In this issue itself, there are three such incidents of reported medical neglect, which have been pegged.

Talking of apathetic attitude brings the issue of neglect of elderly parents by their children. It may be a matter of curious research that how India, despite having a tradition of care and respect towards elders, had to enact the 'Maintenance and Welfare of Parents and Senior Citizens Act, 2007' to define clear responsibilities of State and children towards elderly people. Thus, it is no more only a social obligation but a legal duty of both the State and children towards the care of elderly people. Their neglect is a punishable offence. It becomes a more serious issue of human rights violation, when the State is reported to be falling short of action on its part.

This is what happened in the capital of Kerala, when, reportedly, well placed children of an elderly woman, not only left her to take shelter at an ashram but also refused to perform her last rites. It speaks very poorly for any developing or developed society, where children leave their elders to fend for themselves.

Human rights are all about being sensitive to the feelings of fellow human beings, which no law but values and culture can teach better. If a conscious effort is made to be mindful of one's words and deeds, there will be, perhaps, little scope for a situation of human rights violation. Some stories covered in this Newsletter reflect how a little sensitivity on our part would have avoided violation of human rights of others.

Justice H.L. Dattu joins NHRC as Chairperson

Justice Shri H.L. Dattu, former Chief Justice of India joined as the Chairperson of the National Human Rights Commission of India on the 29th February, 2016. He is the seventh Chairperson of the National Human Rights Commission. Born on the 3rd December, 1950 in Chikamagaluru district of Karnataka, Justice Dattu, after completing his early education in Kadur, Tarikere and Birur, moved to Bengaluru to pursue higher studies. He completed LL.B. from Bengaluru and enrolled at the Karnataka Bar Council on the 23rd October, 1975 as an Advocate. He pleaded in civil, criminal, constitutional and taxation matters.



He appeared as a Government Counsel in the Karnataka High Court for the Sales Tax Department from 1983 to 1990, Government Advocate from 1990 to 1993, Standing Counsel for the Income Tax Department from 1992 to 1993 and a Senior Standing Counsel for the Income Tax Department from 1993 to 1995.

He was appointed a Judge of the Karnataka High Court on the 18th December, 1995 and elevated as the Chief Justice of the Chhattisgarh High Court on the 12th February, 2007. On the 18th May, 2007, he was transferred to the Kerala High Court to head it. He was elevated as the Judge of the Supreme Court on the 17th December, 2008. On the 28th September, 2014 he was appointed the Chief Justice of India and retired on the 2nd December, 2015.

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

Number of fresh complaints received in the Commission	7480
Number of cases disposed of including fresh and old	9434
Number of cases under consideration of the Commission including fresh and old	40284

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Justice Dattu has been associated with several significant judgments. He was on the bench that expanded the Indian jurisprudence on death sentence cases by commuting the death penalty of terror convict Devinder Pal Singh Bhullar to life term over mental illness and an inordinate delay in deciding his mercy plea by the government.

Justice Dattu also headed the bench that acquitted 11 persons charged under terror laws telling the Gujarat police that no innocent person should be branded a terrorist and put behind bars simply because he belongs to a minority community. The bench said: Police must ensure that no innocent person has the feeling of sufferance only because “my name is Khan, but I am not a terrorist”.

Justice Dattu pronounced a landmark verdict giving a ruling that “bail is the rule and jail an exception” while granting bail to five big corporate in the 2G case. Authoring this verdict along with Justice G. S. Singhvi

on the bench, he said: “The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.”

Upholding the freedom of press, Justice Dattu quashed an Allahabad High Court order, directing the Centre to prohibit media from reporting on the controversial troop movements near the national capital in 2012.

Left in cold storage for quite some time, the black money case hit the headlines again as Justice Dattu rejected the UPA government’s plea and started hearing the case. He ordered immediate constitution of the Special Investigation Team, ordered by the Apex Court way back in 2011.

He was on the Constitution Bench that declared as “unconstitutional” a law enacted by Kerala to restrict water level in the Mullaperiyar dam to 136 feet, while protecting the legal right of Tamil Nadu.

Suo Motu Cognizance

The Commission took suo motu cognizance in 09 cases of alleged human rights violations reported by media during February, 2016 and issued notices to the concerned authorities for reports. Summaries of some of these cases are as follows:

Abduction of a woman from a Hospital and police inaction (Case No. 1245/30/0/2016)

The media reported that an expecting mother went for her delivery to the Lok Nayak Jaiprakash Narayan (LNJP) Hospital in Delhi on the 6th February, 2016. She was with her mother-in-law. However, some persons, allegedly, lured away her from the hospital. She returned home the next day evening in a delirious condition without her new born child. The husband of the victim has alleged that some hospital staff might be involved in her abduction as part of a racket. He said that the incident was informed to the police but no action was taken. Reportedly, there had been several instances of abduction of children from the LNJP Hospital.

The Commission has issued notices to the Chief Secretary, Secretary, Department of Health,

Government of NCT of Delhi and Delhi Police Commissioner calling for reports in the matter.

Denial of treatment at Hospitals (Case No. 444/12/8/2016)

The media reported about the two expecting mothers, who were suffering from HIV positive and Hepatitis-B respectively, and how they were made to shuttle from one Government hospital to another and still denied treatment in Madhya Pradesh.

The Commission has issued a notice to the Secretary, Department of Health and Family Welfare, Government of Madhya Pradesh directing him to get enquired into the allegations made in the press reports and submit a report.

In the first case, as reported in the media, a pregnant woman, who had been HIV positive for last eight years, approached the Civil Surgeon, Vidisha, Madhya Pradesh, with her sonography report. She was advised to go to the Hamidiya Hospital, Bhopal, as the hospital at Vidisha, did not have appropriate facilities to operate upon the HIV positive patient. The woman, along with her husband, approached the Chief Minister’s House for help. The officials of the CM House gave them a letter for

treatment at Sultania Women Hospital, Bhopal. On approaching that hospital, they were further referred to ART Centre, Indore. Accordingly, the couple went there. But the doctor at ART Centre asked them to first get the financial assistance from the CM Fund, as they were BPL card holder. However, they were not given the estimate of expenditure for the treatment to enable them to apply for the grant from CM or PM Fund.

In the other case, as reported, an expecting mother was denied treatment at District Hospital, Satna with an excuse that she was suffering from Hepatitis-B and her condition was serious, hence, she was being referred to the Reeva Medical College. But, she was not in a position to be taken to the Medical College, Reeva which is 52 kilometers away from Satna, hence, she was forced to deliver the child at a private hospital in Satna.

Refusal by hospitals to admit a serious patient (Case No. 907/30/1/2016)

The National Human Rights Commission, in yet another case of refusal to admit a serious patient in Delhi hospitals, has observed that it is not clear why the patient cannot be temporarily admitted in any other general ward or ICU of any other specialty in case of shortage of a bed in a particular wing of a hospital?

The Commission made these observations while issuing notice to the Principal Secretary (Health), Government of NCT of Delhi after media reported about how Satish Kaushik, a senior citizen, who suffered brain haemorrhage, had to be shunted from one Government hospital to another, either because of the shortage of a bed or non-availability of a Neurologist.

According to the media report, carried on the 27th January, 2016, 65-year-old, Satish Kaushik, resident of Mayur Vihar Phase – III, Delhi, suffered brain haemorrhage on the 25th January, 2016. He was taken to the Lal Bahadur Shastri Hospital which referred him to the G.B. Pant Hospital due to the lack of Neurology treatment facilities. The G.B. Pant Hospital refused to admit him pleading non-availability of beds and late arrival of the patient four hours after the stroke.

Reportedly, somehow, the patient was admitted in the LNJP Hospital but again referred back to the G.B. Pant Hospital due to non-availability of Neurologist and the G.B. Pant Hospital refused him admission yet again

due to non-availability of bed. Finally, he got admission at the Dr. R.M.L. Hospital where he was being given treatment.

The Commission has also observed that it expressed anguish on such incidents in the recent past as well and emphasized the need to strengthen the health facilities while taking up the matter with the Government of NCT of Delhi. However, it appears that a lot more needs to be done in the matter by the authorities.

Withholding of class 10th result of a cancer patient (Case No. 387/12/44/2016)

The media reported that the Central Board of Secondary Examination (CBSE) had given special permission to a student, suffering from blood cancer, to write her class 10th examination. However, despite having approached several authorities, her result remained withheld, even seven months after the declaration of the class 10th results.

The Commission has issued notices to the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi and Regional Director, Regional Office, Central Board of Secondary Education (CBSE), Ajmer, Rajasthan calling for reports.

According to the media report, when the student contacted her school, Kendriya Vidyalaya, No. 1, Gwalior, Madhya Pradesh, she was asked to approach the CBSE. The Director, Ajmer Regional Office, CBSE turned her back to seek information from the school. Thereafter, the victim approached the Chief Minister of Madhya Pradesh and Union Minister for Human Resource Development but she neither received any reply from them nor her result was declared.

Stripping of a Tanzanian student (Case No. 123/10/1/2016-WC)

On the 4th February, 2016, the media reported about the stripping of a Tanzanian student who was forced to walk “without her top” in Bengaluru, Karnataka on the night of 31st January, 2016. Allegedly, a police constable, who was present at the scene, remained a mute spectator. The Commission has observed that the incident, if true, would amount to a serious violation of human rights, including racism. Notices have been issued to the

Chief Secretary and Director General of Police, Government of Karnataka to submit a report on the action taken in the matter.

Reportedly, 30 minutes before the said incident, a road accident took place wherein the car, driven by a Sudanese Medical student, had hit a local resident who died in the incident, while another sustained injuries. Thereafter, a mob gathered that night and stopped the

car in which the Tanzanian Student was travelling with her friends. The mob set her car on fire and also targeted the student.

The student attempted to board a bus, but passengers pushed her away. Later on she tried to hire an auto rickshaw but the driver refused. The mob continued to thrash the student and her friends accompanying her. A passerby, who offered a t-shirt to the victim, was also attacked.

NHRC's spot enquiry

Following is the case wherein spot enquiry was conducted by the Commission's officers:

Sl. No.	Case Number	Allegations	Date of visit
1.	536/24/23/2010	Illegal arrest and torture of three persons of a family in District Etawah, Uttar Pradesh.	8 th – 12 th February, 2016

Important Intervention

Vacant posts of Labour Officers in Rajasthan

The National Human Rights Commission has viewed it as serious that in Rajasthan, about 160 posts of Labour Inspectors and a sizeable number of posts of Labour Welfare Officers were lying vacant. The Commission has observed that the post of Labour Officers is meant for ensuring implementation of the provisions of the Bonded Labour System (Abolition) Act. Labour Officer is the source of information for the District Magistrate about the prevalence of bonded labour. Therefore, sufficient number of Labour Officers should be posted.

Accordingly, a notice has been issued to the Chief Secretary, Government of Rajasthan calling for a factual report. He has been asked to give the number of sanctioned posts and the present strength of Labour Inspectors and Labour Welfare Officers in all the 33

revenue districts of the State and the steps taken for filling up the vacancies.

The matter came to the knowledge of the Commission during its day-long workshop on 'Elimination of Bonded Labour' for the sensitization of various stakeholders, including senior Government functionaries, at Jaipur on the 29th January, 2016.

The Commission has always emphasized that for effective implementation of the provisions of Bonded Labour System (Abolition) Act, the setting of Vigilance Committee is a must. The Labour Officers are members in the Vigilance Committee at the District and Sub-Divisional level to identify the bonded labourer. The role of Vigilance Committee assumes importance as the labour officers are required to verify the records to be maintained under the labour laws.

Wrong publication of result and a student's suicide in Odisha

The National Human Rights Commission has asked the Government of Odisha why it should not

recommend payment of rupees three lakh as monetary relief to the next of kin of a class 10th student, who

committed suicide after the published result showed her failed in the Board Exams, which, in fact, she had passed.

The Commission, in the show cause notice issued to the Chief Secretary, has set aside the contention of the State Government that the student committed suicide as she apprehended her poor performance. The Commission observed that she committed suicide on account of negligence of the officials of the Board of Secondary Education, Odisha, which had issued a wrong

result only to be corrected subsequently. Therefore, the State is vicariously liable.

Pursuant to the directions of the Commission, the State Government admitted that the result, published on the 30th April, 2014, was corrected on the 2nd May, 2014, as there was certain anomaly in the result of third language (Sanskrit/Hindi) for some students. The Commission took cognizance of the matter on the basis of a complaint.

Non-payment of salary to primary school teachers in Delhi

The National Human Rights Commission has taken cognizance of a complaint alleging that non-payment of salary to the school teachers by the Municipal Corporations in Delhi, MCD has put them at the verge of starvation. Allegedly, primary teachers of the MCD schools have no money to pay school fee of

their children and to buy food and medicines. The Commission has issued notices to the Chief Secretary, Government of NCT of Delhi and Commissioners of North, South and East MCD calling for action taken reports in the matter.

Negligence by children leading to the death of an elderly woman in Kerala

The National Human Rights Commission, in a matter of the death of an elderly woman due to the alleged neglect by her children, has issued notices to the Chief Secretary, Director General of Police, Secretary, Department of Social Justice and Director of Social Justice, Government of Kerala and District Collector, Thiruvananthapuram.

The Commission has observed that the act of the children of elderly woman, reported to be highly placed officers in the Government of Kerala, if true, is not only inhuman but also illegal. As per the extant laws, it is the duty of the children to maintain and take care of their aged parents.

The Commission has also observed that apparently, the police and administrative functionaries failed to enforce the provisions of the 'Maintenance and Welfare of Parents and Senior Citizens Act, 2007' and the 'Kerala Maintenance and Welfare of Parents and Senior Citizens Rules 2009', which resulted in violation of the Right to Life of the victim elderly woman.

The Commission took the cognizance of the matter on a complaint, accompanied by media reports. She was forced to live in Saranalayam 'Tapasya' run by the Sree Narayana Women's Cultural Association at Thiruvananthapuram. The children did not turn up to her even when she was hospitalized and refused to perform the last rites, when she died in a hospital on the 24th January, 2016.

Requesting for the Commission's intervention in the matter, the complainant also referred to the 'Maintenance and Welfare of Parents and Senior Citizens Act 2007' passed by Parliament as well as the 'Kerala Maintenance and Welfare of Parents and Senior Citizens Rules, 2009' for the protection, welfare and maintenance of Parents and Senior Citizens.

The Commission also came across a Circular No. 16/2010 dated the 11th March, 2010 issued by the Director General of Police, Kerala laying down certain duties/responsibilities of the police to ensure strict enforcement of the Act and Rules.

Recommendations for relief

Apart from the large number of cases taken up daily by individual Members, 79 cases were considered during 04 sittings of the Full Commission and 02 sittings of Divisional Benches in February, 2016.

On 15 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of ₹ 23.05 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.	12338/24/72/2013-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh
2.	32411/24/3/2013-JCD	Custodial Death (Judicial)	Fifty thousand	Government of Uttar Pradesh
3.	298/33/16/2011-AFE	Alleged Fake Encounter	Five lakh	Government of Chhattisgarh
4.	2679/18/2/2014	Custodial Torture	Five lakh	Government of Odisha
5.	18702/24/64/2012	Illegal Arrest	Twenty five thousand	Government of Uttar Pradesh
6.	12025/24/69/2014	Abuse of Power	One lakh	Government of Uttar Pradesh
7.	20006/24/60/2015	Failure in Taking Lawful Action	Three lakh	Government of Uttar Pradesh
8.	5755/30/6/2013	Failure in Taking Lawful Action	One lakh	Government of NCT of Delhi
9.	17610/24/65/2013-WC	Abduction, Rape and Murder	Twenty five thousand	Government of Uttar Pradesh
10.	11927/7/15/2014	Atrocities on SC/ST/OBC	Two lakh	Government of Haryana
11.	2003/35/13/2013	Inaction by the State /Central Government Officials	One lakh	Government of Uttarakhand
12.	1179/18/18/2014	Inaction by the State /Central Government Officials	One lakh	Government of Odisha
13.	18500/24/12/2014	Inaction by the State /Central Government Officials	One lakh	Government of Uttar Pradesh
14.	1760/18/24/2014	Irregularities in Government Hospitals/Primary Health Centres	One lakh	Government of Odisha
15.	2908/20/25/2012	Other Service Disputes	Five thousand	Government of Rajasthan

Compliance with NHRC recommendations

In February, 2016, the Commission received 18 compliance reports from different public authorities, furnishing proof of payments it had recommended, totalling ₹ 42.85 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.	1608/13/15/2012-JCD	Custodial Death (Judicial)	Three lakh	Government of Maharashtra
2.	1580/13/19/2013-JCD	Custodial Death (Judicial)	One lakh	Government of Maharashtra
3.	1486/4/2006-2007-CD	Custodial Death (Judicial)	One lakh	Government of Bihar
4.	11233/24/6/2013-DH	Custodial Death (Judicial)	Three lakh	Government of Uttar Pradesh
5.	32667/24/60/2010-AD	Alleged Custodial Deaths (Police)	Five lakh	Government of Uttar Pradesh
6.	24217/24/39/2011	Custodial Torture	One lakh	Government of Uttar Pradesh
7.	42930/24/55/2012	Failure in Taking Lawful Action	Twenty five thousand	Government of Uttar Pradesh
8.	1811/35/8/2013	Abuse of Power	Fifty thousand	Government of Uttarakhand
9.	580/6/14/2010-WC	Abduction/Rape	Four lakh	Government of Gujarat

Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
10.	178/33/7/2013-WC	Abduction, Rape & Murder	Three lakh	Government of Chhattisgarh
11.	2458/18/32/2013-WC	Abduction, Rape & Murder	Ten lakh	Government of Odisha
12.	2061/13/16/2013	Sexual Harassment	One lakh	Government of Maharashtra
13.	8915/7/3/2013-WC	Indignity of Women	Twenty five thousand	Government of Haryana
14.	6995/30/4/2013	Children	Twenty five thousand	Government of NCT of Delhi
15.	2192/7/22/2013	Inaction by State/Central Government Officials	Six lakh	Government of Haryana
16.	2086/18/13/2013	Inaction by State/Central Government Officials	Two lakh fifty thousand	Government of Odisha
17.	3802/24/30/2014	Inaction by State/Central Government Officials	Ten thousand	Government of Uttar Pradesh
18.	3604/18/13/2013	Malfunctioning of Medical Professionals	One lakh	Government of Odisha

Awareness programme on drug abuse prevention in Manipur

The National Human Rights Commission sponsored a day-long State level 'Awareness Programme on Drug Abuse Prevention', jointly organised by the Manipur University and the Department of University and Higher Education, Government of Manipur at D.M. College of Teacher Education, Imphal on the 18th February, 2016.

Representing the Commission, Shri J.S. Kochher, Joint Secretary (T&R), as the Guest of Honour, said that the issue of drug addiction is a challenge before every State of the country. Although, the Union Ministry of Social Justice has special schemes and programmes for the prevention of drug

abuse, it is the duty of all stakeholders to join in creating awareness about these schemes and the need to prevent this menace. He said that substance abuse has affected human rights in every aspect. He particularly lauded the role of youths from Manipur, who brought laurels to the country through sports and thus reminded youths to emulate their deeds by taking part in sports and other healthy activities.

Shri P. Vaiphei, Commissioner, Higher and Technical Education, Government of Manipur said that the increasing drug users in the State of Manipur, especially among the students, posed a grave danger. He appreciated the initiative of the National Human Rights Commission in the area of drug abuse prevention by organising such awareness programmes, which he said,

will prove to be useful in the long run. Prof. H. Nandakumar Sarma, Vice-Chancellor of Manipur University also addressed the gathering.

The participants included 450 students from University of Manipur and different colleges located in Imphal and adjoining districts of Manipur.

They were addressed by several resource persons coming from the background of social and medical sciences. They included, among others, Padam Shri Dr. Jayanta Kumar Singh, Director, RRTC – North-East, Prof. N. Lokendra Singh, Dean of School of Social Sciences, University of Manipur and Dr. Angomacha Singh, Senior Psychologist, District Hospital, Bishnupur, Manipur.



NHRC Joint Secretary, Shri J.S. Kochher inaugurating the programme alongwith other dignitaries

Other important visits/seminars/programmes/conferences

Events	Delegation from NHRC
Inauguration of Workshop on Gender Sensitization for Police Officers at National Police Academy, Hyderabad, Andhra Pradesh on the 2 nd February, 2016	Justice Shri Cyriac Joseph, Acting Chairperson and Shri J.S. Kochher, Joint Secretary (T&R)
Inauguration of 'Wonders of Rights' – a programme for promotion of human rights at Magic Planet, Kazhakuttom, Thiruvananthapuram, Kerala on the 4 th February, 2016	Justice Shri Cyriac Joseph, Acting Chairperson
State level launch of Anti-Trafficking Students Clubs at High Court of Kerala on the 6 th February, 2016	Justice Shri Cyriac Joseph, Acting Chairperson
Inauguration of the NHRC sponsored one day Seminar on Welfare of the Elderly People organized by the Department of Social Justice, Government of Kerala at Ernakulam, Kerala on the 25 th February, 2016	Justice Shri Cyriac Joseph, Acting Chairperson
Delivering K.T. Chandy Memorial Lecture on 'Tolerance and Democracy – a Human Rights Perspective' organised by the Kerala Management Association at Ernakulam, Kerala on the 25 th February, 2016	Justice Shri Cyriac Joseph, Acting Chairperson
National seminar on 'Rights of the Elderly People' organised by the NHRC in collaboration with NLSIU, Bangalore on the 11 th February, 2016	Justice Shri D. Murugesan, Member
'Eastern & Central Region Consultation Towards Third Universal Periodic Review' organised by the NHRC at Kolkata, West Bengal on the 10 th February, 2016	Shri S.C. Sinha, Member and Shri J.S. Kochher, Joint Secretary (T&R)

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