



HUMAN RIGHTS NEWSLETTER

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From the Editor's Desk

Right to Life is one of the basic human rights, and key to its realization lies in Right to Health. No doubt, average life expectancy has increased with improvement in living standards and healthcare facilities. However, myriad challenges have cropped up in the health sector of the country due to several new and lifestyle diseases, including mental illnesses. Naturally, there is a massive requirement for infrastructure, medical research, trained medical and para-medical staff as well as cost-effective treatment at various levels of healthcare services, bridging the gap between the rural and urban divide.

In the absence of a credible public healthcare system, no doubt, expenditure on health is leaving a big hole in the pockets of many, which should be a serious concern for any government. The Government has encouraged private initiatives to share some of its burden, which unfortunately have tended to highly commercialize the healthcare services so much so that even the health insurance cover has also not proved to be useful to its potential in many cases. In this backdrop, the Government's draft National Health Policy, 2015 gains significance. It is only right that the Government, before finalizing it, has invited views of different stakeholders. In this context, the opinion of the NHRC's Core Group on Health should be viewed seriously that human rights perspective is missing from this proposed Policy.

Insufficient tertiary, primary and advanced diagnostic and treatment facilities apart, the non-availability of medicines at an affordable cost have always been a challenge and so is the issue of spurious drugs which allegedly have captured a sizeable market. India is a major manufacturer and one of the leading suppliers of generic medicines in the world but the prescription and usage of generic medicines is not very popular in the country, primarily, perhaps, due to commercial interests. Generic medicines, which are very cheap compared to branded medicines, become more useful, especially, for long-term treatment of diseases. Therefore, recently, when the Union Government moved to lift the restriction on hiking the prices of cardio-vascular and anti-diabetes drugs, it was obvious for the NHRC to know from it the reasons behind taking such a retrograde step.

Constable is one who has to have the most direct interface with public in any police force. Therefore, it is imperative that they are sensitized towards respecting the dignity and other rights of a person in line of their duty. NHRC's latest initiative to help RPF train its 16 thousand newly recruited Constables on human rights is a step in that direction.

NHRC reviews draft National Health Policy, 2015

The NHRC's Core Group on Health has observed that rights perspective is missing from the draft National Health Policy, 2015. It also felt that public health system needs to be



NHRC Member, Shri S.C. Sinha (in centre) flanked by sr. officers at the meeting

made accountable and participatory. The 2015 draft does not talk about community action. The views were expressed while reviewing the draft National Health Policy, 2015 prepared by

Contd. from Page-2

NHRC reviews Bonded Labour System (Abolition) Act, 1976

The National Human Rights Commission held a meeting of its Core Group on Bonded Labour on the 20th January, 2015. The meeting was chaired by the NHRC Member, Justice Shri D. Murugesan. The aim of the meeting was to discuss various dimensions of bonded labour and explore whether there was a need to amend the existing Bonded Labour System (Abolition) Act, 1976 to ensure complete eradication of this menace. During the discussions, it was by and large felt that there was no need

Contd. from Page-2

More in this issue...

■ Suo motu cognizance	2	■ Compliance with NHRC recommendations	5	■ Other important visits/seminars/ programmes/conferences	8
■ NHRC's spot enquiry	3	■ NHRC's Camp Sitting at Allahabad	5	■ Complaints received/processed in January, 2015	8
■ Important Intervention	3	■ Workshop on human rights for RPF personnel	6		
■ Recommendations for relief	4	■ NHRC's Winter Internship concludes	7		

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NHRC reviews draft National HealthContd. from Page-1

the Union Ministry of Health and Family Welfare at the first meeting of the Commission's re-constituted Core Group on Health in New Delhi on the 30th January, 2015. The meeting was chaired by the NHRC Member, Shri S. C. Sinha. He said that health is one of the most basic and essential assets of a human being and therefore, it is a fundamental human right that enables one to live a life with dignity. Several other suggestions and observations were made about the draft 2015 Policy and other

health concerns, some of which are as follows:

- (i) Public-centered universal health care finds no mention in the 2015 Draft Policy.
- (ii) The Policy should look into national action plan on health prepared by the NHRC in collaboration with Jan Swasthya Abhiyaan and the Union Ministry of Health & Family Welfare.
- (iii) The Policy should also reflect the budget that the Government will invest in the health sector.

NHRC reviews Bonded Labour SystemContd. from Page-1

for amendments in the existing Act. However, it needs to be strengthened by framing rules. It was also felt that DMs, SDMs, State Police and State Labour Departments were required to be further sensitized to ensure better implementation of the provisions of the Act. Some of the other important suggestions were as follows:

1. A time limit should be fixed for completion of process

by District Magistrates to bring the cases related to bonded labour to logical conclusion.

2. Accountability of all stakeholders should be clearly defined and fixed for effective implementation and monitoring of the provisions of the Act.
3. NGOs should be involved in the investigation and rehabilitation process of bonded labourers.

Suo motu cognizance

The Commission took suo motu cognizance in 06 cases of alleged human rights violations reported by media during January, 2015 and issued notices to the concerned authorities for reports. Summaries of some of these cases are as follows:

Cardiovascular and anti-diabetes drugs (Case No. 8/30/0/2015)

The media reported that the withdrawal of an order by the National Pharmaceuticals Pricing Authority (NPPA) might lead to an arbitrary hike in the prices of 108 cardiovascular and anti-diabetes drugs. The Commission has observed that such a decision may amount to violation/denial of right to health to poor and marginalized citizens of the country. It has issued notices to the Secretary, Department of Pharmaceuticals, Union Ministry of Chemicals and Fertilizers and the National Pharmaceuticals Pricing Authority to submit reports in the matter.

Reportedly, the NPPA withdrew its 29th May, 2014 guidelines on the 22nd September, 2014 which were meant for putting a cap on the prices of 108 cardiovascular and anti-diabetes drugs to insulate them from arbitrary hikes through market mechanisms. The

decision to do so followed an order dated 19th September, 2014 by the Department of Pharmaceuticals (DoP). This did not present any robust logic for doing away with a policy that was aimed at easing access of common man to medicines.

The Commission has also observed that the availability of essential drugs at reasonable prices is extremely important for fullest enjoyment of right to health by the citizens of the country, especially the poor and the marginalized. Withdrawal of the guidelines dated 29th May, 2014 is likely to impinge upon the access of common man to health and medicare.

Vandalizing churches (Case No. 301/30/9/2015)

The media reported that a church in Vikaspuri area of Delhi was vandalized on the 14th January, 2015. Prior to this, reportedly, four other incidents of attacks and suspected arson at Christian religious institutions had happened in Dilshad Garden, Rohini and Jasola areas of Delhi since the 1st December, 2014.

The Commission has observed that these frequent attacks on the religious institutions of the minority community, if true, may violate the fundamental right

to freedom of religion and cause immense harm to the social fabric. The culprits involved in these incidents should be brought to book.

It has issued a notice to the Chief Secretary, Government of NCT of Delhi calling for a report on these incidents. He has also been directed to send a report about the action proposed to be taken to prevent recurrence of such incidents in the National Capital.

Hooch tragedy

(Case No. 1445/24/48/2015)

The media reported that the consumption of hooch resulted in the death of many people in Malihabad near Lucknow and its bordering District Unnao in Uttar Pradesh. The Commission has issued notices to the Chief Secretary of the State Government, Inspector General of Police, Lucknow Range and District Magistrate, Lucknow calling for reports.

Reportedly, till the 13th January, 2015, the death toll had climbed up to 32 even as 18 more were in a critical condition in various hospitals. The State Government had ordered a magisterial enquiry and suspended 20 erring officials during a crackdown. The police had registered four cases and arrested two of the main accused responsible for selling the spurious liquor.

Deaths due to electrocution

(Case Nos. 1444/24/30/2015 & 387/30/0/2015)

The media reported that two linemen were charred to death on the 11th January, 2015 as the high tension line, they were working on, suddenly went live. Deceased Mohammad Hassan and Saddam Hussain, the two linemen were part of a group of eight, working simultaneously in different parts of the same high tension line in Sector 10 of NOIDA, Uttar Pradesh. Six of them had finished work while the remaining two were about to windup their job when the line became live.

The Commission has issued notices to the Principal Secretary, Department of Power, Government of Uttar Pradesh, District Magistrate and Superintendent of Police, Gautam Budh Nagar calling for reports.

In yet another case of death due to electrocution, the media reported that the negligence of concerned authorities resulted in electrocution of a 26 year old Gaurav Rana and his dog by a live wire in a park of North West Delhi on the 18th January, 2015. Allegedly, the family of the victim had repeatedly complained to civic authorities about the wire but no action was taken.

The Commission has issued notices to the Chief Secretary, Government of NCT of Delhi and Commissioner of Police, Delhi calling for reports in the matter.

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.	458/30/9/2014	Police inaction in a complaint of assault in Vikas Nagar, Hastsal, New Delhi.	8 th – 9 th January, 2015
2.	16713/24/72/2010-ED	Death in police encounter in Varanasi, Uttar Pradesh.	9 th – 13 th & 19 th – 27 th January, 2015
3.	13398/24/59/2013-WC	Sexual assault by a police constable in Police Lines, District Pratapgarh, Uttar Pradesh.	19 th – 21 st January, 2015

Important Intervention

NHRC calls for reports on excessive fluoride in drinking water and remedial steps taken by 27 States

The National Human Rights Commission has issued notices to the Chief Secretaries of 27 States calling

for a detailed report on the steps taken by the respective Governments to address the problem of fluoride in

drinking water.

The Commission's directions followed a presentation by the Union Ministry of Drinking Water and Sanitation before it on the 20th January, 2015 on the problem of fluorosis in various States. The presentation also focused on short-term, medium-term and long-term solutions for mitigating the problem of contamination in drinking water.

According to the presentation, there are more than 1000 habitations affected by fluorosis in Rajasthan, Andhra Pradesh and Madhya Pradesh. The problem of fluorosis is also acute in some other States where more than 100 habitations are affected. These are Bihar, Karnataka, Odisha, Maharashtra, Uttar Pradesh, Kerala, Chhattisgarh, West Bengal, Jharkhand, Gujarat, Assam, Haryana, Uttaranchal, Tamil Nadu, Himachal Pradesh, Jammu & Kashmir, Punjab, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura.

The Ministry informed that the National Rural Drinking Water Programme had been launched to provide every rural person with adequate safe water for drinking, cooking and other domestic needs on a sustainable basis. The challenges and the new initiatives of the Central Government for providing safe drinking water were also outlined with reference to fluoride and arsenic problem in different States.

The Indian Council for Medical Research also made a presentation on the contributions of the Council in the field of fluorosis.

The Commission had taken suo motu cognizance of the issue of excessive fluoride in drinking water on the basis of a media report which alleged that 14132 habitations in 19 States were affected by it. The Commission had asked the Secretary, Union Ministry of Drinking Water and Sanitation to make a presentation on the gravity of the problem and the steps taken by the Central and various State Governments to combat it.

₹ 2.05 lakh as relief to 41 girl victims of Mid-Day Meal poisoning

In a case of Mid-Day Meal poisoning of 44 girl students in the National Capital, the National Human Rights Commission found negligence of public servants and recommended ₹5000 each as monetary relief to the victims, which the Government of NCT of Delhi has paid to all except three, who could not be located since they had left the school. The incident had happened in the Sarvodaya Girls School, Mohan Garden, Uttam Nagar in New Delhi on the 3rd September, 2011 and the girls had to be admitted in the Deen Dayal Upadhyaya hospital. The Commission had taken cognizance of the incident on complaints alleging that a lizard had fallen in the Mid-Day Meal leading to food poisoning.

In the enquiry report received in response to the Commission's notices, it was confirmed that a lizard was found in the Mid-Day Meal provided by a company M/s Indcare Trust. A case vide FIR No. 384/2011 under Section 336, 337/34 IPC was registered in the matter at Police Station, Uttam Nagar.

The report also mentioned that "it seems that the

lizard was present in food since the time of cooking because the lizard was shrunk and appeared cooked." Also, the Directorate of Education, Delhi had issued general instructions regarding Mid-Day Meal on the 23rd January, 2012 mentioning that Deputy Directors Education/ Education Officers/Principals/Heads of School were not taking due interest in the implementation of Mid-Day Meal Scheme in their districts/zones/schools and that the officers concerned shall be responsible for monitoring and distribution of Mid-Day Meals as per these instructions.

The Commission observed that in view of this, it was clear that the concerned authorities/public servants had neither taken due precaution nor conducted necessary checks on the food which was supplied to the students at the school. Therefore, not only the human rights of the girl students were violated by providing them unhygienic Mid-Day Meal but also their life was put to risk. Thus, the State was liable to pay monetary relief to the victims.

Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 100 cases were considered during 5 sittings of the Full Commission and 6 sittings of Divisional Benches in January, 2015.

On 11 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of ₹21.5 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.	513/33/14/2012-JCD	Custodial Death (Judicial)	Two lakh	Government of Chhattisgarh
2.	30596/24/3/201-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh
3.	689/6/21/2013-JCD	Custodial Death (Judicial)	Three lakh	Government of Gujarat
4.	153/25/7/2014-JCD	Custodial Death (Judicial)	Three lakh	Government of West Bengal
5.	752/12/18/2013-JCD	Custodial Death (Judicial)	Three lakh	Government of Madhya Pradesh
6.	1038/34/4/2012-AD	Alleged Custodial Death (Police)	Two lakh	Government of Jharkhand
7.	3731/4/4/2013	Abuse of Power (Police)	Twenty five thousand	Government of Bihar
8.	35563/24/3/2013	Abuse of Power (Police)	Twenty five thousand	Government of Uttar Pradesh
9.	34547/24/8/2013	Unlawful Detention (Police)	One lakh	Government of Uttar Pradesh
10.	31257/24/3/2013	Malfunctioning of Medical Professionals	Three lakh	Government of Uttar Pradesh
11.	2469/18/2/2013-WC	Rape of Tribal Woman	Three lakh	Government of Odisha

Compliance with NHRC recommendations

In January, 2015, the Commission received 13 compliance reports from different public authorities, furnishing proof of payments it had recommended,

totalling ₹15.45 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.	5487/24/56/2010-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh
2.	25927/24/36/2011-JCD	Custodial Death (Judicial)	Three lakh	Government of Uttar Pradesh
3.	620/1/4/2011-JCD	Custodial Death (Judicial)	Two lakh	Government of Andhra Pradesh
4.	5584/7/3/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Haryana
5.	31/25/13/2013-JCD	Custodial Death (Judicial)	Three lakh	Government of West Bengal
6.	1523/30/0/2011-JCD	Custodial Death (Police)	Three lakh	Government of NCT of Delhi
7.	2977/30/7/2013	Custodial Torture (Police)	Ten thousand	Government of NCT of Delhi
8.	106/22/13/2010	Illegal Arrest (Police)	Twenty thousand	Government of Tamil Nadu
9.	6508/24/54/2011	Illegal Arrest (Police)	Ten thousand	Government of Uttar Pradesh
10.	49115/24/33/2011	Failure in taking lawful Action (Police)	Five thousand	Government of Uttar Pradesh
11.	3063/24/31/2012	Failure in taking lawful Action (Police)	One lakh	Government of Uttar Pradesh
12.	2032/18/27/2012	Atrocities on SC/ST (Police)	Fifty thousand	Government of Odisha
13.	786/24/56/2013-WC	Exploitation of Women	Fifty thousand	Government of Uttar Pradesh

NHRC's Camp Sitting at Allahabad

The National Human Rights Commission organised a three-day Camp Sitting to hear 52 pending cases from nine Districts of Uttar Pradesh at Allahabad from the 27th – 29th January, 2015. It was presided over by Member, Shri S.C. Sinha, who heard the petitioners and

the concerned officers.

Out of 52 cases, 15 were from Allahabad, 2 from Pratapgarh, 3 from Chitrakoot, 5 from Fatehpur, 1 from Kaushambi, 12 from Banda, 5 from Faizabad, 4 from Ambedkar Nagar and 5 from Sultanpur.

These cases related to the incidents of abuse of power by police (8 cases), abduction, rape and murder (2 cases), lack of medical facilities (3 cases), harassment of prisoners (3 cases), dowry death and related issues (4 cases), atrocities on SC/ST/OBC (4 cases), failure in taking lawful action (9 cases), debarment of legal aid (2 cases), indignity of women (2 cases), unlawful detention (4 cases), irregularities in Government Hospital/ primary Health Centre (1 case), inaction by the State Government/ Central Government officials (6 cases),



NHRC Member, Shri S.C Sinha hearing the cases at the Camp Sitting

bonded labour (1 case), custodial death (1 case), false implication (1 case) and rape (1 case).

In four cases pertaining to the flood victims of 1975 in District Ambedkar Nagar, the Commission directed the concerned authorities to allot a piece of land to them for constructing houses. During the course of hearing, it was brought to the notice of the Commission that about 22 families were also victims of 1975 flood. Therefore, the Commission directed the concerned authorities to give them also a piece of land and some assistance under the Government Schemes for constructing houses. 62 bonded labourers in a brick kiln were declared bonded and were directed to be released by the District Magistrate, Faizabad. In a case of illegal detention by police in Chitrakoot, the Commission recommended monetary relief of ₹1 lakh each to the two victims. An additional compensation of ₹1.05 lakh was recommended to be

paid to the victim of electrocution in District Banda. The Commission also directed CBCID enquiry in a case of false implication by police in District Pratapgarh. In another case, the Commission recommended investigation by the State Vigilance Department against police officials of Police Station, Lalganj, Pratapgarh.

In a case pertaining to prisoners in the Naini Central Jail not getting proper food and medical treatment, the Commission sent a team to conduct an enquiry in the matter. Further action will follow on the basis of findings of the team.

After the hearing of the cases, the Commission held a meeting with the representatives NGOs and civil society on the 29th January, 2015. They raised several issues of human rights violation in the nine districts for which this Camp Sitting was organised.



NHRC Member, Shri S.C. Sinha and senior officers holding meeting with senior officers of the State Government

The Commission also held a meeting with the Officers of Allahabad Division of the Government of Uttar Pradesh. The Commission took up with them the issues which came to its notice through complaints, visits of its teams to the districts of Chitrakoot, Banda and Hamirpur and during interaction with the representatives of NGOs and civil society. The officers were asked to take action to improve the situation for which several suggestions were also given to them.

Workshop on human rights for RPF personnel

Justice Shri K.G. Balakrishnan, Chairperson, National Human Rights Commission inaugurated a two-day workshop for the Master Trainers of Railway Protection Force (RPF) on 'Basic Course on Human Rights for Constables' at Rail Museum Auditorium in New Delhi

on the 9th January, 2015. It was organised by the Commission in collaboration with the RPF. The Master Trainers will further impart training to about 16 thousand newly recruited Constables in the RPF, through their 34 training centers in different parts of the country.

Addressing the gathering on the occasion, Justice Balakrishnan said that the Indian Railway network is the biggest in the world, which is used by a large number of people from all sections of society. Though the Commission has not received many complaints against the RPF for human rights violations but the Force always has a challenge in dealing with different kinds of passengers with a humane approach, and issues related to safety and security on trains and railway stations. The railway platforms are public places and there is always a challenge to remain alert about the possibility of criminal activities. He expressed the hope that the Master Trainers will provide much needed orientation towards human rights to the Constables who have a direct interface with people traveling on trains. He also said that Travel Ticket Examiners should also be given training on human rights.

Earlier, the Director General, RPF, Shri Krishna Choudhary expressed the happiness to collaborate with the NHRC in the training of RPF personnel. He said that despite some improvement in the awareness about the importance of human rights, the violations thereof remained a major cause of concern. He said that as human beings, we must respect human rights of others and follow laws. A person in uniform must react with a



NHRC Chairperson, Justice Shri K.G. Balakrishnan (in centre) at the inauguration of the workshop

human face and be responsive, responsible and helpful. He expressed the hope that the training on various aspects of human rights to 16 thousand newly recruited RPF Constables will transform the public face of the Force in the coming years.

Shri J.S. Kochher, Joint Secretary (Training), NHRC underscored the point that since the RPF has to deal with a large section of people, it is imperative that its personnel be sensitized on human rights issues.

Shri C.S. Ray, Inspector General (Administration), RPF also spoke on the occasion and emphasized the importance of such training programmes for police forces.

NHRC's Winter Internship concludes

A month-long Winter Internship Programme of the National Human Rights Commission concluded in New Delhi on the 20th January, 2015. Addressing the Valedictory Function, Justice Shri K.G. Balakrishnan, Chairperson, NHRC expressed the hope that learning in the NHRC would help the interns in moulding their careers in future. He said that the interns should give critical analysis of the internship as a feedback to make the programme more useful. He also said that the Commission was happy to know that its internship programme gave an opportunity to students from different parts of the country to build new friendships. He urged the interns to remain linked to each other by using modern means of communication. 50 students from the universities and colleges of 17 States/UTs were selected for the internship and 49 of them successfully completed it. Ten interns shared the best intern award of ₹15000.

During the internship, Chairperson, Members and senior officers of the Commission interacted with the



NHRC Chairperson, Members and senior officers with the interns

interns who were exposed to various facets of the functioning of the Commission and also sensitized on various issues of human rights. Apart from giving interns the expert guidance in writing dissertations on various issues of human rights, they were also taken for field visits to a jail, an NGO and police stations.

Other important visits/seminars/programmes/conferences

Events	Delegation from NHRC
Inauguration of 'District Conference' organized by Rotary International at Allapey, Kerala on the 23 rd January, 2015	Justice Shri K.G. Balakrishnan, Chairperson
Inauguration of Training-cum-Awareness programme 'Take action now to prevent and control life style diseases: Diabetes, Heart disease and cancer' at Ernakulam, Kerala on the 24 th January, 2015	Justice Shri K.G. Balakrishnan, Chairperson
Inauguration of Seminar on 'Measures to Combat Human Trafficking' organized by the Government Law College, Thrissur, Kerala on the 29 th January, 2015	Justice Shri K.G. Balakrishnan, Chairperson
Seminar on 'Religious Freedom and Human Rights' at Kochi, Kerala on the 24 th January, 2015	Justice Shri Cyriac Joseph, Member
Inauguration of Right to Health Programme organised by Kumbalangi Grama Panchayat and Wellness Solutions at Government UP School, Kumabalingi, Ernakulam, Kerala on the 25 th January, 2015	Justice Shri Cyriac Joseph, Member
Function of Queen Mira International School, Madurai on the 24 th January, 2015	Justice Shri D. Murugesan, Member
Inauguration of one day NHRC sponsored Training Programme at Ethiraj College for Women, Chennai on the 27 th January, 2015	Justice Shri D. Murugesan, Member
Visit to Mental Hospital, Ahmedabad, Gujarat on the 23 rd January, 2015	Shri S.C. Sinha, Member

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

Number of fresh complaints received in the Commission	10102
Number of cases disposed of including fresh and old	6601
Number of cases under consideration of the Commission including fresh and old	47227

Important Telephone Numbers of the Commission:

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

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