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From the Editor's Desk

The month of October, 2015 is significant for the National Human Rights Commission as it marks its Foundation Day. The Commission was set up on the 12th October, 1993 under the Protection of Human Rights Act passed by Parliament. The Act embodies the spirit of the Constitution of India and is also in conformity with the 'Paris Principles'. Thus, it is committed not only to the Constitutional guarantees but also to the mandate given to every NHRI under the Universal Declaration of Human Rights.

What a coincidence that the month of October, 2015 dominated the media coverage on stories relating to the Right to Freedom of Expression, a basic human right, as it empowers an individual to raise voice against violation of his other rights.

The heated arguments for and against an issue withstood the grounds of free speech in exercise of Right to Freedom of Expression at various platforms, including media. Some wanted to say certain things in exercise of their right to free speech, others thought that it was their right to dissent. Sometimes, perhaps, both the lines of thinking lacked 'self-restraint' and 'Maryada', as no right, guaranteed under the Constitution of India or in tune with it, can be absolute and without the responsibilities, which come only with a sense of rational approach.

It is a universal truth that faith and rationalism remain at loggerheads. A rational thinking is understood to be in line with the scientific reasoning. It does not selectively question certain aspects of belief of some people while overlooking those of others. A rational thinking is suggestive of a balance which sees through the illogic and presents a clear perspective about human life and values, irrespective of caste, class and creed and thus, cannot be termed as violating rights of people.

It is time-tested that the philosophy of a faith may or may not have logic but it may be open to test by rational thinking. It is also true historically that rational thinking had always been resisted but survived by holding the parameters of balance, pragmatism, logic, vision, purpose and erudition, sans the whimsical notions. A rational thinking cannot be subjective if it has to be accepted.

Therefore, if people, following any ideology, are able to apply principles of rational thinking, while making critical appreciation of their faith or of others' or opposing such attempts, they would have no reason to physically or verbally intimidate or attack in writings others, holding a different point of view. The stories, covered in this issue, raise serious concern on various aspects of human rights and hopefully would generate debate.

NHRC observes its 22nd Foundation Day

he National Human Rights Commission (NHRC), India organized a function to celebrate its 22nd Foundation Day on the 12th October, 2015. The Commission was established on this day in 1993 under the Protection of Human Rights (PHR) Act, 1993. Addressing the gathering as the Chief Guest, Shri Kailash Saty-



Nobel Laureate, Shri Kailash Satyarthi addressing the gathering

arthi, Nobel Laureate said that human rights and development are the two sides of the same coin and none of them can be ignored. The development discourse will be incomplete without ensuring rights of one and all.

Delivering the Presidential Address on the occasion, Justice Shri Cyriac Joseph, Acting Chairperson, NHRC said that Foundation Day celebrations give an opportunity to self-introspect and rededicate ourselves towards promotion and protection of human rights. Giving an insight into the journey of the Commission and the number of cases registered by it on various types of human rights violation, Justice Cyriac Joseph said that the scope of human



NHRC Acting Chairperson, Justice Shri Cyriac Joseph addressing the gathering

rights is very vast and so are the challenges to deal with the violations thereof. He acknowledged the contribution of human rights defenders and civil society in the protection and promotion of human rights. He said

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

Number of fresh complaints received in the Commission	10824
Number of cases disposed of including fresh and old	8833
Number of cases under consideration of the Commission including fresh and old	48691

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that the presence of Shri Satyarthi as the Chief Guest on the NHRC's Foundation Day function signifies the importance. the Commission attaches to the work being done by the Human Rights Defenders.

On the occasion, the NHRC Acting Chairperson also felicitated ten special children from Asha Kiran, a Home for Mentally Challenged, who brought laurels to the country by winning medals in the World Summer Games 2015 in Los Angeles, USA. Awards were also given to the winners of the Painting Competition organised for the children of officers and staff of the Commission in run-up to its Foundation Day.

Three awards were given for best Essay in Hindi by the writers from SC, ST and OBC categories on the theme of 'Good Governance, Social Justice and Human Rights'. First prize of rupees twelve thousand went to Shri Anurag Singh. The second prize of rupees eight thousand went to Shri Aditya Sharma and the third prize of rupees six thousand went to Shri Amit Kumar Saav.

Shri K.H.C. Rao, former Dy. S.P. in the Commission was conferred the President's Police Medal, awarded to him for his distinguished service in the year 2014.

Winners of Children's Painting Competition

Age Group of 5-8 years:

1st Prize: Krishna Rawat, cash prize Rs. 2,500/-2nd Prize: Akshat Tiwari, cash prize Rs.2,000/-3rd Prize: Poorva Sharma, cash prize Rs.1,500/-

Age group of 8-13 years

1st Prize: Gyanvi, cash prize Rs.2,500/-2nd Prize: Sneha Sadangi and Vijayalaxmi Rout, cash prize Rs.2,000/-each 3rd Prize: Sanya Tiwari, cash prize Rs.1,500/-

Age group of 13-17 years

1st Prize: Radhesyam Dash, cash prize Rs.2,500/-2nd Prize: Janhavi Balodi, cash prize Rs.2,000/-3rd Prize: Shubhalxmi Rout, cash prize Rs.1,500/-



1st Prized Painting



1st Prized Painting



1st Prized Painting







NHRC Acting Chairperson, Justice Shri Cyriac Joseph giving awards to Hindi essay writers

The other attraction of NHRC's Foundation Day function was a cultural show by the special children from Asha Kiran and the Association for Learning Performing Arts and Normative Action (ALPANA). The artists of Song and Drama Division, Ministry of Information & Broadcasting and some officers and staff of the Commission also performed.

Other highlights of the Foundation Day of the Commission

ustice Shri Cyriac Joseph, Acting Chairperson, NHRC decided to add some new dimensions to the Foundation Day celebrations of the Commission. Therefore, for the first time, he along with the two Members of the Commission, Justice Shri D. Murugesan and Shri S.C. Sinha, held an interaction with the officers and staff of the Commission in order to give them a sense of participation in the efforts to improve the various aspects of the Commission's functioning. Apart from this, he along with the two Members held an interaction with the media persons and shared with them the key features of the Commission's activities over the last 22 years of its existence. He also answered their queries on some current issues of concern with respect to human rights.

Some more facts about the NHRC's activities

Since its inception on the 12th October, 1993 till 1st October, 2015, the National Human Rights Commission registered more than 15 lakh cases. During the last year, from the 1st October, 2014 to 1st October, 2015, it registered 1,17,888 cases of Human Rights violation. Out of this, 98,460 cases were disposed. During this period, the Commission recommended payment of total Rs.6,95,10,000/- as monetary relief. Most of these cases related to alleged police inaction in protection of human rights, abuse of power by police, false implication by police, dowry death and harassment for dowry, indignity of women and inaction by State authorities, etc.

During this period, the Commission intervened in various important cases, such as killing of two youths and injury to others in firing by Army in Chattergam area in Budgam, J&K; allegations of 30 thousand quacks practicing in Tamil Nadu, notice to 27 State Governments on the steps taken by them to address the problem of fluorosis; vandalizing of churches in Delhi and other places; killing of alleged red Sandal smugglers in Andhra Pradesh, etc.

The Commission organised 09 Camp Sittings and Open Hearings and in this connection visited Bhubaneswar (Odisha), Chandigarh (for the States of Punjab, Himachal Pradesh, Haryana and UT of Chandigarh), Allahabad (for eight districts of Uttar Pradesh), Thiruvananthapuram (Kerala), Hyderabad (for the States of Telengana and Andhra Pradesh) and Puducherry. The Camp Sittings were focused on disposal of pending cases and Open Hearings on the complaints of atrocities against Scheduled Castes.

Suo motu cognizance

The Commission took suo motu cognizance in 13 cases of alleged human rights violations reported by media during October, 2015 and issued notices to the concerned authorities for reports. Summaries of some of these cases are as follows:

Thrashing of a young Dalit poet (Case No. 1108/10/9/2015)

The media reported that a young Dalit poet, Uchchangi Prasad, was attacked by a group of persons objecting to his poems and articles against Hinduism in Davangere, Karnataka in the night of 21st October, 2015. Even as he managed to escape from their clutches, his right hand was slashed. Subsequently, after taking treatment at CG Hospital, he lodged a complaint at RMC Yard Police Station. The Commission has issued a notice to the Chief Secretary, Government of Karnataka calling for a report. The State Government has also been asked to report about the assistance provided to the victim in accordance with the SC/ST (PoA) Rules, 1995.

Attacking persons at a book launch (Case No. 2406/13/16/2015)

The media reported that some

persons attacked Sudheendra Kulkarni, former BJP leader, hours ahead of the launch of a book written by former Pakistan Foreign Minister, Khurshid Kasuri. Black oil paint was smeared all over his face, neck, hand and his scalp. The doctors also reported that paint had high level of leadinit.

The Commission observed that "the incident reveals the failure of the law enforcing agencies to prevent violation of human rights. It is necessary to know what action has been taken against the culprits and what action is proposed to be taken by the State Government to prevent recurrence of such incidents in future." Accordingly, it has issued notices to the Chief Secretary and Director General of Police, Government of Maharashtra to submit reports in the matter.

Violence on rumours of cow slaughter (Case No. 42678/24/51/2015)

The media reported that rumours of cow slaughter triggered violence in Mainpuri district of Uttar Pradesh on the 7th October, 2015. Protesters vandalized properties,

targeted police vehicles and resorted to arson. Seven policemen had also been injured. An FIR had been lodged against 29 people and 250 unidentified others for violence.

The Commission has observed that "The reported incident, if true, is a serious issue disturbing the secular fabric of the country. State should take all possible steps, both preventive and punitive, to create an atmosphere of peace in the society so that the cherished fundamental right of freedom of conscience and free profession, practice and propagation of religion does not come under any threat." Accordingly, it has issued notices to the Chief Secretary and Director General of Police, Government of Uttar Pradesh calling for a report in the matter.

Woman Constable raped by colleagues (Case No. 41860/24/40/2015)

The media reported that a woman Constable was gang raped by her colleagues in Maoranipur, District Jhansi, Uttar Pradesh. According to the media report, carried on the 6th October, 2015, the victim was returning from duty when on the 28th

September, 2015, she was enticed by her two male colleagues and subjected to gang rape in a car. She was admitted in a critical condition at District Hospital, Etawah. The Commission has issued a notice to the Senior Superintendent of Police, Jhansi calling for a report.

Sexual assault by police personnel (Case No. 39307/24/31/2015-AR)

The media reported that a field boy was allegedly sodomized by police personnel in Police Post, Link Road, Vaishali, Ghaziabad on the 21st April, 2015. They tortured the victim by pouring petrol on his private parts before exploiting him. The victim was allegedly called by a police personnel on the pretext of making some payment near Jagatpuri traffic signal, abducted and taken in a car to Link Road Police Post.

The Commission has issued a notice to the Senior Superintendent of Police, Ghaziabad to submit a report along with the details of medical treatment, if any, provided to the victim.

Rape inside a police station (Case No. 41057/24/43/2015-AR)

The media reported that a young girl and her boy friend, involved in a road accident in Kanpur, were taken by a constable to the

nearby police station where the boy was brutally beaten up. The cops also took away Rs 22,000/- from his wallet and asked him to leave. Later, the girl was allegedly raped inside the police station. The Commission has issued a notice to the Director General of Police, Govt. of Uttar Pradesh to submit a detailed report in the matter.

Police personnel outrages modesty of a Dalit woman (Case No. 40852/24/30/2015)

The media reported that a Dalit family approached Dankaur Police Station in Greater Noida, Uttar Pradesh for registration of a criminal case relating to a robbery. The Station House Officer refused to register the case. When the family protested, he ill treated a woman of the family and tore off her clothes.

The Commission has issued notices to the District Magistrate and Senior Superintendent of Police, Gautambudha Nagar to submit the reports in the matter.

Nurse assaults a patient [Case No. 12002/18/9/2015

The media reported that an expecting mother delivered a still baby after a nurse abused and kicked her at the District Hospital, Baripada, District Mayurbhanj, Odisha on the 5th October, 2015. A few hours after

delivering the child, the mother also died. The Commission has issued a notice to the Chief Secretary, Government of Odisha calling for a report in the matter.

According to the media report, carried on the 7th October, 2015, the victim woman was admitted at an advance stage of pregnancy to the District Hospital at the Baripada Town on Sunday, the 4th October, 2015. The nurse allegedly abused the victim for screaming and kicked her. After sometime, she delivered a still child and died a few hours later. Allegedly, the hospital staff demanded money from the family members to move their bodies.

Ill treatment to deaf and dumb players (Case No. 291/99/4/2015)

The media reported, on the 8th October, 2015 that the passports of Indian players, who had gone to participate in the Asia-Pacific deaf and dumb games, were seized in China Taipei due to non-payment of hotel bills. Reportedly, the players also had a difficult time in Delhi when they spend a night on the footpath outside a Gurudwara while waiting to get visa as arrangements for their stay could not be made. The Commission has issued a notice to the Secretary, Union Ministry of Youth Affairs and

NHRC's spot enquiry

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

Sl. No.	Case Number	Allegations	Date of visit
1.	3555/4/19/2012 & 2635/4/8/2015	Missing boy in custody of police at PS Lakkhisarai, District Lakkhisarai, Bihar. Mother abused by the SHO for making enquiries.	14 th – 20 th October, 2015
2.	5411/30/0/2014	Capital punishment leading to the death of a child in a school campus in Samaipur Badli, Delhi.	21 st October, 2015

Important Intervention

NHRC alarmed over increasing pesticides in vegetables, fruit, meat and spices

The National Human Rights Commission got alarmed over a media report that there had been an almost two-fold increase in the level of pesticides in vegetables, fruits, meat and spices in the last six years. The report was based on the findings of the Union Agriculture Ministry.

Taking its suo motu cognizance, the Commission has issued notices to several authorities in the Centre and the State Governments. They include the Chairperson, Food and Safety Standard Authority of India, Secretary, Union Ministry of Food Processing Industries and Secretaries, In-Charge of Food and Agriculture of all

States.

The Commission has also asked them to inform about the action taken to minimize the residue level in vegetables, foods, meat and spices within limits of permitted Maximum Residue Level (MRL).

The Commission, while issuing notices, has observed that "It has been repeatedly pointed out by the Hon'ble Supreme Court that the right to food is a Fundamental Right to Life, guaranteed under Article 21 of the Constitution of India. It is to be emphasized that any food article, which is hazardous and injurious to public health, is a potential danger to the Fundamental

Right to Life. The enjoyment of life and attainment, including Right to Life and human dignity encompasses, within its ambit, availability of articles of food, without insecticides or pesticides residues, veterinary drugs residues, antibiotic residues, solvent residues etc."

It also pointed out that "Though, it is the paramount duty of the States and its authorities to achieve an appropriate level for protection of human life and health, which is a Fundamental Right as well as human right, the reports of rampant use of pesticides etc. in food articles continue to pour in."

The Government of Assam pays Rs.45 lakh as relief in six encounter cases

persistent National Human Rights Commission ensured that the Government of Assam paid Rs.45 lakh as relief in the six cases of deaths in encounters by police. In all these cases, the Government of Assam could not convince the Commission that the encounters were genuine and the police had to open fire in self-defence.

Out of these, four cases were registered by the Commission in the year 2010 under the case numbers 230/3/16/2010-ED, 223/3/3/2010-ED, 79/3/20/2010-ED and 127/3/24/09-10-ED. Two other cases were registered in the year 2011 under the case numbers 241/3/15/2011-ED and 26/3/11/2011-ED. According to police claims, all these encounters were of the suspected extremists and were carried out by police or in joint operations with security forces in the different districts of Assam.

The Case number 230/3/16/2010-ED related to the death of Javed Muchahari and Silvestine Borgayari in police firing in District Sonitpur on the 18th September, 2010. The next of kin of both the victims were paid rupees five lakh each. The Case number 223/3/3/2010-

ED related to the death of Robertson Bidar and Daful Sangma in police firing in Godhabill village, District Udalguri on the 10^{th} January, 2010. The next of kin of both the victims were paid rupees five lakh each. The Case number 79/3/20/2010-ED related to the death of Babul Gogoi in police firing in Tinmileghat Poba reserve forest in Dhemaji district on the 13^{th} June, 2009. The next of kin of the victim were paid rupees five lakh.

The Case number 127/3/24/09-10-ED related to the death of Rajib Basumatary in police firing in Guwahati district on the 30th October, 2009. The next of kin of the victim were paid rupees five lakh. The Case number 241/3/15/ 2011-ED related to the death of Arup Boruah and Jintu Changmai in police firing in Sibasagar district on the 7th May, 2009. The next of kin of the victims were paid rupees five lakh each. The Case number 26/3/11/2011-ED related to the death of Nikudin Rabha in police firing in Kokrajhar district on the 10th February, 2011. The next of kin of the victim were paid rupees five lakh.

Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 42 cases were considered during 03 sittings of the Full Commission and 02 sittings of Divisional Benches in October, 2015.

On 19 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of Rs.21.15 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.

SI. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1.	42106/24/6/2011-JCD	Custodial Death (Judicial)	Three lakh	Government of Uttar Pradesh
2.	40134/24/6/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh
3.	18883/24/3/2014-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh
4.	165/1/20/2013-JCD	Custodial Death (Judicial)	One lakh	Government of Rajasthan
5.	907/20/21/2013-JCD	Custodial Death (Judicial)	One lakh	Government of Rajasthan
6.	1617/20/26/2013-JCD	Custodial Death (Judicial)	One lakh	Government of Rajasthan
7.	1951/4/7/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Bihar
8.	2766/4/1/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Bihar
9.	6143/7/18/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Haryana
10.	902/12/20/2013-PCD	Custodial Death (Police)	One lakh	Government of Madhya Pradesh
11.	10704/24/52/2013	Attempted Murder (Police)	Five lakh	Government of Uttar Pradesh
12.	34734/24/21/2012	Failure in Taking Lawful Action (Police)	Twenty five thousand	Government of Uttar Pradesh
13.	35618/24/31/2012	Failure in Taking Lawful Action (Police)	Twenty five thousand	Government of Uttar Pradesh
14.	12023/24/46/2013	Failure in Taking Lawful Action (Police)	Twenty five thousand	Government of Uttar Pradesh
15.	13538/24/63/2013	Failure in Taking Lawful Action (Police)	One lakh	Government of Uttar Pradesh
16.	26047/24/7/2014	Failure in Taking Lawful Action (Police)	Fifteen thousand	Government of Uttar Pradesh
17.	22934/24/46/2013-WC	Rape	Twenty five thousand	Government of Uttar Pradesh
18.	3446/12/8/2014	Malfunctioning of Medical Professionals	One lakh	Government of Madhya Pradesh
19.	354/3/9/2013	Inaction by the State Government Officials	One lakh	Government of Assam

Compliance with NHRC recommendations

In October, 2015, the Commission received 07 compliance reports from different public authorities, furnishing proof of payments it had recommended, totalling Rs.10.75 lakh to the victims of human rights violations or their next of kin. Details are in the table below:

SI. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1	20/20/14/2013-JCD	Custodial Death (Judicial)	One lakh	Government of Rajasthan
2.	5316/30/0/2010-PCD	Custodial Death (Police)	One lakh	Government of NCT of Delhi
3.	131/10/5/2012-PCD	Custodial Death (Police)	One lakh	Government of Karnataka
4.	81/4/5/2013	Failure in Taking Lawful Action (Police)	Twenty five thousand	Government of Bihar
5.	52/19/15/2013-WC	Gang Rape	Three lakh	Government of Punjab
6.	10699/24/32/2013	Electrocution Deaths	Four lakh	Government of Uttar Pradesh
7.	505/12/15/2014	Malfunctioning of Medical Professionals	Fifty thousand	Government of Madhya Pradesh

NHRC, India at ICC Conference

ustice Shri Cyriac Joseph, Acting Chairperson, and Shri S.C. Sinha, Member NHRC attended the 12th International Coordinating Committee (ICC) Conference of the National Institutions for the Promotion and Protection of Human Rights at Merida, Yucatan, Mexico from the 8th to 10th October, 2015. The Conference was organized by the National Human Rights Commission of Mexico (CNDH) in collaboration with the Office of the High Commissioner for Human Rights (OHCHR) and ICC. The Conference deliberated upon the role for the National Human Rights Institutions (NHRIs) in achieving the Sustainable Development Goals (SDGS).

On the 8th October, 2015 Justice Cyriac Joseph addressed the 4th Session on SDGS, NHRIs, Non-Discrimination and Vulnerable Groups. The participants, while acknowledg-



NHRC Acting Chairperson, Justice Shri Cyriac Joseph addressing a session

ing the progress made under the Millennium Development Goals (MDGs), noted that these were not rights based and failed to reach all. The Conference concluded with the adoption of the Merida Declaration, which encourages all NHRIs, in line with their mandates under the Paris Principles, to collaborate in mutual capacity building and sharing of experiences to contribute to a human rights-based approach to implementation of the 2030 Agenda for Sustainable Development.

International Conference on older persons and human rights



Justice Shri Cyriac Joseph, Acting Chairperson, NHRC accompanied by Shri J.S. Kochher, Joint Secretary (T&R) attended the National Human Rights Institutions (NHRIs) Special Session and ASEM Conference on Global Ageing and Human Rights of Older Persons at Seoul, South Korea from the 26th to 28th October, 2015. Mr. Hwang Kyo-ahn, Prime Minister of South Korea inaugurated the Conference.

Presenting a paper in the Special Session on "Human Rights of Older Persons and NHRIs' Role" on the 26th October, 2015, Justice Shri Cyriac Joseph said that every human being, irrespective of his age, was entitled to a life with dignity and enjoyment of all human rights. In view of the special circumstances and problems connected with old age, elderly people deserved

special consideration and protection to empower and enable them to enjoy their human rights, which is a major challenge. He observed that the obligation towards the older persons was primarily not of the State but that of their children. He also highlighted different constitutional and legal provisions as well as Government policies and schemes in India for the welfare of older persons.

Justice Cyriac Joseph said that the NHRC, India has organized several workshops and seminars on the problems and issues related to older persons and made several recommendations to the Government to address them. It has also constituted a Core Group on Protection and Welfare of Older Persons. This Group has to review existing Government policies, laws, rules, orders etc. from a human rights perspective and make an assessment of the current status of enforcement of the rights of the elderly in different States/UTs of India. It will, among other aspects, also identify gaps in the policy framework and implementation thereof with suggestions to overcome them.

Two-day training programme for judicial officers

The National Human Rights Co-mmission organised a two-day training programme for district level judicial officers in collaboration with the Indian Law Institute, New Delhi from the 3rd – 4th October, 2015. Justice Shri Cyriac Joseph, Acting Chairperson, NHRC inaugurated the programme. Justice Shri D. Murugesan, Member, NHRC addressed the Valedictory Session as the Chief Guest. The eight thematic sessions of the programme, addressed by eminent speakers, covered human rights; Indian judiciary and prison reforms; immoral trafficking; rights of women, children, SCs/STs; preconception and pre-natal diagnostic techniques; and criminal justice etc.



Other important visits/seminars/programmes/conferences

Events	Delegation from NHRC		
Inauguration of Seminar on "Children and Human Rights" organised by HOPE Rehabilitation Centre at Pilathara, Kannur, Kerala on the 16 th October, 2015	Justice Shri Cyriac Joseph, Acting Chairperson		
Presiding over World Travellers Meet at Kochi, Kerala on the 17 th October, 2015	Justice Shri Cyriac Joseph, Acting Chairperson		
Regional Consultation for Third Universal Periodic Review at Punjab University, Chandigarh on the 28 th October, 2015	Shri S.C. Sinha, Member, Dr. Ranjit Singh, JS (P&A) and Dr. Savita Bhakhry, JD(R)		

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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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