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#### From the Editor's Desk

The month of November, 2015 witnessed reigniting of a major debate as to what should be the age of a juvenile, who cannot be tried like an adult offender for heinous crimes like rape and murder. The issue was in focus due to the imminent release of a juvenile involved in the sexual assault and murder case of 'Nirbhaya' in December, 2012.

The parents of the victim girl approached the NHRC apprehending that given the high chances of recidivism in persons involved in heinous crimes, there was no guarantee that the juvenile would not indulge in such a crime again. Their petition also raised a debate whether a law like the SORNA (Sex Offender Registration and Notification Act) was required in India too, as is in some countries, for easy identification and tracking of such persons. They had also petitioned the Union Home Minister.

Even as the debate continued, it was but obvious for the Commission to seek a response from the concerned authorities in the Centre and Government of NCT of Delhi to know about their plans in connection with the juvenile including psychological and psychiatric assessment for his mental health.

Talking of mental health brings us to the issue of mental healthcare system in the country. Its present state cannot be described in a good condition as per the assessments of various stakeholders. No wonder, the sufferers of mental illnesses and their kith and kin continue trying all the available means for cure, including taking shelter at shrines, thronged by scores of people.

However, as the tradition goes, both 'Dawa and Dua', sometimes, may work wonders in the life of susceptible. Therefore, it is a good sign that now with the efforts of civil society groups, augmented by institutional and Government support, some faith healers are gradually getting convinced to allow setting up of mental health clinics and rehabilitation centres at centres of faith. These get easily gelled with the beliefs and religious sentiments also as the people have the satisfaction of getting the benefit of both the prayers and medicines.

State Governments need to identify all such centres of faith, thronged by scores of people, to ensure that basic amenities are put in place there along with the establishment of mental health care clinics and rehabilitation centres.

Both these subjects have been pegged in this issue, among other stories focusing on the importance of protection and promotion of human rights.

# CISF lifts rolling trophy in the NHRC Debate competition

The Central Industrial Security Force (CISF) lifted the overall best team rolling trophy winning the final round of All India Inter-Para Military Forces debate competition in Hindi and English, organized by the National Human Rights Commission in collaboration with the Central Industrial Security Force (CISF) in



NHRC Acting Chairperson, Justice Shri Cyriac Joseph addressing the gathering

New Delhi on the 4<sup>th</sup> November, 2015.

The topic of the debate competition was "Human Rights Act as a hindrance to the security forces in performing their duties". Among the individual honours, the first prize for debate in Hindi went to Sub Inspector, Laxmikant Sharma, (CISF), West Zone and in English to Assistant Commandant, Manmohan Sharma, Border Security Force (BSF), North-East Zone.



CISF, UP Zone and in English to K.G. Krishna Kumar, Assistant Sub Inspector, BSF, North-East Zone.

The second prize

in Hindi went to

Ankit Dubey, Assis-

tant Comman-dant.

The third prize in Hindi went to Yogesh Kumar, Rifle

## Complaints received/processed in November, 2015 (As per an early estimate

November, 2015 (As per an early estimate		
Number of fresh complaints received in the Commission	10003	
Number of cases disposed of including fresh and old	8504	
Number of cases under consideration of the Commission including fresh and old	50190	

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Man, Assam Rifles, North-East Zone and in English to Irina Pegu, Sub Inspector, CISF, Delhi Zone. Consolation prize in Hindi went to Rajesh Kumar Dutt, Constable, BSF, West Zone and in English to Vivek Kumar, Sub Inspector, CISF, Central Zone.

The winners were decided by a three member panel of jury headed by Mr. S.C. Sinha, Member, NHRC, comprising Mrs. Kanwaljeet Deol, former Director General (Investigation), NHRC, and Prof. B.H. Desai, Jawaharlal Nehru University.

Congratulating the winners of the Debate Competition, Mr. Justice Cyriac Joseph, Acting Chairperson, NHRC said that human rights are universally recognized values to uphold the dignity of an individual in normal

circumstances. At the same time, one cannot be allowed to violate human rights of others for the sake of his rights. A terrorist's rights can be curtailed as human rights do not deny the security forces the right to self-defence. They also need the protection of human rights.

Allaying the apprehension in the minds of some security personnel, Justice Cyriac Joseph said that human rights do not obstruct the security forces from performing their duties. This country and society depends on security forces. The nation has so much confidence in them.

The NHRC Acting Chairperson said that as a watchdog of human rights, the Commission understands and appreciates the constraints of security forces that sometimes they have to take a quick decision, depending on the situation, leaving very little time for them to go strictly by the rule book. The only point from the human rights perspective is that use of excessive force should be avoided. All that is required from the security forces is that while discharging their duties, they respect the human rights.

The NHRC has been organizing this debate competition in Hindi and English since 1996. The debate is initially conducted at 8 zonal levels to short list debaters and then the semi final and final rounds are conducted. The responsibility to hold debate under the aegis of the NHRC is entrusted to one of the Para Military Forces on rotation basis, and the CISF shared the responsibility this year.

## Biennial Meeting of Commonwealth Forum of NHRIs

ustice Shri Cyriac Joseph, Acting Chairperson, National Human Rights Commission (NHRC), India attended the Biennial Meeting of the Commonwealth Forum of National Human Rights Institutions at St. Julian's, Malta from the 23<sup>rd</sup> - 25<sup>th</sup> November, 2015. The delegates shared experiences and good practices in monitoring, protecting and advocating for human rights including the use of international, regional and national systems and identified challenges faced by the NHRIs in the Commonwealth.

Giving a presentation at the Meeting, Justice Shri Cyriac Joseph said that in India, protection of human rights is a constitutional value and a constitutional goal. He said that drawing inspiration from the United Nations Charter and the Universal Declaration of Human Rights, necessary provisions were incorporated in the Constitution of India for the protection of human Rights. Various

legislations also have been made by Parliament and State Legislatures for the protection and promotion of human rights.

The NHRC Acting Chairperson also informed the delegates that for better protection of human rights, Parliament also enacted 'The Protection of Human rights Act' in 1993 to provide the constitution of a National Human Rights Commission, State Human Rights Commissions in States and Human Rights Courts.

Giving an insight into the structure, jurisdiction and functioning of the NHRC, Justice Cyriac Joseph drew specific attention to a number of varied activities taken up by the Commission, in addition to disposal of complaints, towards promotion and protection of human rights during 2014-2015.

These included monitoring of civil and political rights; economic, social and cultural rights; organization

of national conferences/seminars/ workshops: introduction of awards for the best short films on human rights; undertaking research projects; publications for creating awareness on human rights; organization of regional consultations for the third Universal Periodic Review; organization of regional awareness workshops on bonded labour; open hearings on atrocities against Scheduled Castes/ Tribes; camp sittings; training programmes; and awareness programmes like moot court competition, summer and winter internship programmes, short term internship programmes, essay writing competition for vulnerable groups, debate competition for para military forces, literary awards for promotion of human rights and painting competition on human rights. Apart from this, planning was also done for regional public hearings on right to healthcare across the country.

## Suo motu cognizance

The Commission took suo motu cognizance in 24 cases of alleged human rights violations reported by media during November, 2015 and issued notices to the concerned authorities for reports. Summaries of some of these cases are as follows:

# Atrocity against Dalits (Case No. 10506/7/6/2015)

The media reported on the 23rd November, 2015 that in Muzadpur village of District Hissar, Haryana, some influential persons barged into the house of a Dalit and compelled him and his daughter to eat cow dung. They also physically assaulted and injured them. When they went to the hospital for treatment, they were again attacked and beaten. Reportedly, the victim and his daughter were targeted after, despite opposition from some villagers, a statue of Dr. B.R. Ambedkar was erected in the village. The Commission has issued a notice to the Chief Secretary, Government of Haryana calling for a report.

# Use of colours by students for identifying caste (Case No. 2569/22/37/2015)

The media reported on the 5th November, 2015 that in schools of Tirunelveli district of Tamil Nadu students wear shades of red, yellow, green and saffron on their wrists, foreheads, around their necks, under their shirts to indicate their caste. Reportedly, southern Tamil Nadu is known for violent caste conflicts between Other Backward Communities (OBCs) and Dalits and bands of different colours come in handy for that. Any deviation from the colour scheme may invite questioning by the

other communities.... In November, 2013, after a caste tension in Gopal Samudram Village in Tirunelveli district, a separate branch was set up for Dalits. But in June this year, the District Administration refused to renew permission to 'Dalits only school' forcing most of the students out of 140 to drop out. Reportedly, a Dalit student of a school in Tirunelveli town said the 'pottu' (bindi or tilak) worn by students were also colour coded. The Commission has issued notices to the Principal Secretary, Social Welfare Department, Government of Tamil Nadu and District Collector, Tirunelveli calling for factual reports.

# Botched up cataract surgery (Case No. 2561/13/33/2015)

The media reported on the 6<sup>th</sup> November, 2015 that at least 32 persons complained of complications ranging from retinal pain to total loss of vision, after undergoing cataract surgeries at a Free Eve Camp organised at the Washim District Hospital, Maharashtra last month. A preliminary probe found negligence as the standard operating procedure for sterilization of instruments was not followed. The patients, all in the age group of 55 to 90 years, were found to be suffering from pseudomonas (bacteria) infection. The Commission has issued a notice to the Principal Secretary, Department of Health, Government of Maharashtra calling for a report. According to the media report, carried on the 6<sup>th</sup> November, 2015, at least 171 patients were operated upon at the Eye Camp. Of these, 32 suffered serious eye inflammation.

### Separate Anganwadi for the children of Dalits (Case No. 1275/6/19/2015)

The media reported on the 5<sup>th</sup> November, 2015 that in Hajipur village of District Patan, Gujarat there are two separate Anganwadis for the children of Dalits and the other castes including Patidars and Brahmins. A few weeks ago, a three year old Dalit girl, lost in conversation with her four year old neighbour and friend, walked towards the Anganwadi meant for the children of the other castes but was stopped at the gate. The Commission has issued a notice to the Secretary, Department of Women & Child Development, Government of Gujarat calling for a report.

### Death of 3 babies after delivery on floor at a PHC (Case No. 43766/24/10/2015)

The media reported on the 20<sup>th</sup> October, 2015 that in the Primary Health Centre (PHC), Bansdih, District Balia, Uttar Pradesh, health workers made three women deliver on the floor resulting in the death of their babies. Reportedly, the staff on duty was resorting to this practice to avoid the bed sheets getting dirty. Not only this, ASHA workers, though not authorized, were being asked to get the deliveries done. The Commission has issued notices to the Principal Secretary, Department of Health and Family Welfare, Government of Uttar Pradesh and the Chief Medical Officer, Balia calling for reports.

## Suicide over alleged police inaction (Case No. 45287/24/30/2015)

The media reported on the 17<sup>th</sup> October, 2015 that a 17 year old girl committed suicide in Chijarsi, NOIDA, District Gautam Budh Nagar, Uttar Pradesh on the 16<sup>th</sup> October, 2015 after she was repeatedly harassed by three men who had also tried to kidnap her. Reportedly, she took the extreme step when the police did not arrest the accused even after a complaint was filed. The Commission has issued notices to the District Magistrate and Superintendent of Police, Gautam Budh Nagar, Uttar Pradesh calling for reports in the matter.

## 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.	2635/4/8/2015	Police inaction over complaint of murder and abduction in District Sitamarhi, Bihar.	14 <sup>th</sup> – 18 <sup>th</sup> November, 2015
2.	2064/7/15/2015	Abuse of power by police in District Panipat, Haryana.	16 <sup>th</sup> – 21 <sup>st</sup> November, 2015
3.	7379/7/5/2015	False cases registered against a resident of Gurgaon, Haryana by Crime Branch of Delhi & Haryana Police.	17 <sup>th</sup> – 20 <sup>th</sup> November, 2015
4.	3050/20/24/2012-BL & 89/19/7/2014-BL	Non-rehabilitation of released bonded labourers in Badayun, Uttar Pradesh.	18 <sup>th</sup> – 21 <sup>st</sup> November, 2015
5.	2919/4/4/2014-CL	Non-rehabilitation of child labourers in District Begusarai, Bihar.	23 <sup>rd</sup> – 30 <sup>th</sup> November, 2015

### **Important Intervention**

# Notices to Centre and Delhi Govt. over threat perception with the release of the juvenile involved in the 'Nirbhaya' rape and murder case

The National Human Rights Commission has taken cognizance of a complaint received from the parents of 'Nirbhaya' who was brutally gang raped and murdered in Delhi on the 16th December, 2012. They stated that the juvenile, who was largely responsible for the death of their daughter and was the most brutal amongst all the offenders, was supposed to be released sometime in

December, 2015.

They submitted that such persons are threat to the life and liberty of the common man. There should be a mechanism to keep a strict check on them so that people are not subjected to any risk of being harmed. The laws dealing with women and children should be strengthened. The complainants also stated that the rate of recidivism (committing crimes again)

was fairly high.

The complainants requested the Commission to recommend to the Government to prepare a plan to protect the citizens from such delinquent juveniles post their release and also to strengthen the extant laws on the subject. The complainants also cited the SORNA (Sex Offender Registration and Notification Act) which operates in countries such as

USA, Canada and others. They stated that similar law should be made operational in India.

The complainants also made a representation to the Union Home Minister on the same subject, a copy of which was also submitted to the Commission along with the complaint.

The Commission observed that "there is no doubt that the complainants have undergone extreme agony and pain after the incident of rape and murder of their daughter. The fears expressed by them need to be looked into."

Accordingly, notices have been issued, with a copy of the complaint, to

the Secretary, Govt. of National Capital Territory of Delhi, the Commissioner of Police, Delhi and the Secretary, Ministry of Home Affairs, Govt. of India calling for reports in the matter.

The Commission has further directed as follows:

- 1. The Chief Secretary, Govt. of NCT of Delhi shall also inform whether any pre-release and post release plan as per Rule 17(3) of the Juvenile Justice (Care and Protection of Children) Rules, 2007 has been prepared in the case of the juvenile? If yes, copies of the same may be furnished to the Commission.
- 2. The Chief Secretary, Govt. of NCT

- of Delhi shall furnish a copy of the discharge order, if any, issued under Rule 17(10) of the Juvenile Justice (Care and Protection of Children) Rules, 2007.
- 3. The Chief Secretary, Govt. of NCT of Delhi shall also inform whether the juvenile has been recently subjected to psychological/psychiatric assessment for assessing his mental health? If yes, a copy of the psychological assessment report shall be furnished. The Secretary, Ministry of Home Affairs, Govt. of India shall inform the action, if any, taken on the representation submitted by the complainants to the Union Home Minister.

## Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 95 cases were considered during 05 sittings of the Full Commission and 04 sittings of Divisional Benches in November, 2015.

On 29 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of Rs.54.1 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.	226/33/14/09-10-JCD	Custodial Death (Judicial)	One lakh	Government of Chhattisgarh
2.	41/22/15/2012-JCD	Custodial Death (Judicial)	Five lakh	Government of Tamil Nadu
3.	326/22/36/2013-JCD	Custodial Death (Judicial)	One lakh	Government of Tamil Nadu
4.	880/1/23/2012-JCD	Custodial Death (Judicial)	Three lakh	Government of Telengana
5.	495/1/18/2013-JCD	Custodial Death (Judicial)	One lakh	Government of Telengana
6.	18844/24/3/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh
7.	27481/24/71/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh
8.	5467/30/9/10-JCD	Custodial Death (Judicial)	One lakh	Government of NCT of Delhi
9.	1410/19/1/2013-JCD	Custodial Death (Judicial)	One lakh	Government of Punjab
10.	1512/6/23/2013-JCD	Custodial Death (Judicial)	One lakh	Government of Gujarat
11.	2542/4/25/2010-PCD	Custodial Death (Police)	Fifty thousand	Government of Bihar
12.	971/25/17/2011	Death in Police Firing	Two lakh	Government of West Bengal

SI. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
13.	52622/24/48/08-09-AFE	Alleged Fake Encounter (Police)	Five lakh	Government of Uttar Pradesh
14.	8/23/5/2012	Failure in Taking Lawful Action (Police)	Twenty five thousand	Government of Tripura
15.	2315/30/10/2013	Failure in Taking Lawful Action (Police)	Seventy five thousand	Government of NCT of Delhi
16.	523/25/15/2013	Abuse of Power (Police)	Twenty five thousand	Government of West Bengal
17.	19165/24/44/2014	Abuse of Power (Police)	Ten thousand	Government of Uttar Pradesh
18.	15083/24/54/2013	Unlawful Detention	Twenty five thousand	Government of Uttar Pradesh
19.	49639/24/37/2014	Atrocities on SC/ST (Police)	Twenty five thousand	Government of Uttar Pradesh
20.	6565/30/8/2013	Victimisation (Police)	Two lakh fifty thousand	Government of NCT of Delhi
21.	134/22/13/2015	Sexual Harassment (Children)	One lakh	Government of Tamil Nadu
22.	183/4/30/2013-WC	Abduction, Rape & Murder	One lakh	Government of Bihar
23.	1010/1/8/2013-WC	Abduction, Rape & Murder	Three lakh	Government of Telengana
24.	37566/24/1/2013	Lack of Medical Facilities (Prison)	Twenty five thousand	Government of Uttar Pradesh
25.	164/34/5/2013	Harassment of Prisoners	One lakh	Government of Jharkhand
26.	395/18/28/2013	Inaction by the State Government Officials	One lakh	Government of Odisha
27.	26993/24/13/2014	Inaction by the State Government Officials	One lakh	Government of Uttar Pradesh
28.	6858/30/3/2013	Inaction by the State Government Officials	Fifteen lakh	Government of NCT of Delhi
29.	1572/7/19/2014	Trouble by anti-social elements	Three lakh	Government of Haryana

# Compliance with NHRC recommendations

In November, 2015, the Commission received 08 compliance reports from different public authorities, furnishing proof of payments it had recommended, totalling Rs.14 lakh to the victims of human rights violations or their next of kin. Details are in the table below:

	betains are in the table below.			
SI. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
1.	1551/22/36/2011-JCD	Custodial Death (Judicial)	Three lakh	Government of Tamil Nadu
2.	316/3/16/2013-JCD	Custodial Death (Judicial)	One lakh	Government of Assam
3.	1653/13/8/2013-JCD	Custodial Death (Judicial)	One lakh	Government of Maharashtra
4.	2375/19/7/2013-JCD	Custodial Death (Judicial)	One lakh	Government of Punjab
5.	1330/25/10/2013-JCD	Custodial Death (Judicial)	One lakh	Government of West Bengal
6.	14336/24/2005-2006	Death in Police Encounter	Five lakh	Government of Uttar Pradesh
7.	21470/24/54/2011-WC	Abduction/ Rape (Police)	One lakh	Government of Uttar Pradesh
8.	98/19/21/2013	Failure in Taking Lawful Action (Police)	One lakh	Government of Punjab

## NHRC Member, Justice Shri D. Murugesan visits Dargah & Dawa Dua Project



NHRC Member, Justice Shri D. Murugesan at the Dargah and Dua project

ustice Shri D. Murugesan, Member, National Human Rights Commission visited Dargah and Dawa & Dua (in Tamil "Markkam & Maruthuvam") Project at Erawadi in Ramanathpuram district of Southern Tamil Nadu on the 23<sup>rd</sup> November, 2015 and looked into the facilities at a clinic-cum-pharmacy run by the Government of Tamil Nadu for patients visiting the Dargah praying for a cure to all their illnesses, especially mental problems.

Justice Murugesan also visited the Psychiatric Institute constructed by the Government of Tamil Nadu at Erawadi. He inaugurated a rehabilitation programmes for the patients attending the Dawa & Dua Project.

This project is a unique concept which provides the

holistic mental healthcare to the pilgrims visiting Erawadi Dargah without disturbing their religious faith and belief. Under this programme, the faith-healers have come forward to construct a psychiatric clinic inside the Dargah. The patients, visiting the Dargah, are directed to go to psychiatric clinic by the faith-healers after they finish religious rituals.

It may be recalled that in the year 2001, a fire accident took place in one such mental asylums set up in Erawadi in which 28 people died, who could not escape because they were chained. The Erawadi tragedy galvanized all the stakeholders, including the judiciary and the National Human Rights Commission, prompting monitoring of mental healthcare system in the country.



NHRC Member, Justice Shri D. Murugesan talking to some patients and their relatives

# Jury selects winners of NHRC's Short Film Competition

A Jury appointed by the National Human Rights Commission selected three short films for award of Rs.1 lakh, Rs.75 thousand and Rs.50 thousand respectively which entered the NHRC's Competition for 'Short Films on Human Rights Award'. These were 'The Rice Mill Story' (Tamil) by Mr. Amith Krishnan from Chennai, 'Sapno Ka Basar' (Hindi) by Mr. Aditya Kapur from Kolkata and 'Kulfi' (Tamil) by Mr. Vivek K.R. from Palakkad, Kerala for the First, Second and Third prizes respectively. The awards will be given at Human Rights Day function of the Commission on the 10th December, 2015.

Total 44 entries were received till the last date on the  $30^{\text{th}}$  September, 2015 for the



competition out of which the Jury found 34 entries to be in consonance with the terms and reference, set out by the Commission. The Jury comprised: Shri Sunit Tandon, former DG, IIMC (Chairman-cum-Member); Nadoja Dr. Mahesh Joshi, Additional Director General (Program-mes), Doordarshan (Member); Shri Rajiv Rai, Video Executive, Doordarshan (Member); Shri Roshan Gaur,

Film Critic (Member); Shri Arun Chadha, Film Maker (Member); and Ms. Aditi Kapoor, Communication Strategist (Member).

The Commission initiated the Short Films on Human Rights Award Scheme in 2015, in order to recognize and promote creative efforts towards the promotion and protection of human rights. The films on human rights issues, shot on any technical format in the shape of either a documentary or docu-drama or fiction etc. had to be either in English or in any Indian language with sub-titles in English having a maximum duration of 10 minutes each.



interacting with the jury

## Painting competition for visually impaired children

he National Human Rights Commission organised a spot painting competition for visually impaired children in collaboration with the National Association for the Blind on 30<sup>th</sup> November, 2015, in run up to Human Rights Day celebrations. The competition was organised in two age groups of 5-12 and 12-18 years. The award carried three cash prizes of Rs.10,000/-, Rs. 8,000/- and Rs. 6,000/- along with certificates for the first, second and third positions in both the categories. The awards will be



given to the winners on Human Rights Day function on 10<sup>th</sup> December, 2015.

### Other important visits/seminars/programmes/conferences

Events	Delegation from NHRC	
Interaction with Chairperson, Maharashtra State Human Rights Commission at Mumbai on the 13 <sup>th</sup> November, 2015	Justice Shri Cyriac Joseph, Acting Chairperson	
Lecture on Human Rights and Police Investigations in the Writers' Forum at Jai Shankar Prasad Sabhagar, Qaiserbagh, Lucknow, Uttar Pradesh on the 27 <sup>th</sup> November, 2015	Shri S.C. Sinha, Member	
Visit Swadhar Shelter Home for Girls and Children Home (Girls) at Lucknow, Uttar Pradesh on the 28th November, 2015	Shri S.C. Sinha, Member	

#### **Important Telephone Numbers of the Commission:**

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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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