



HUMAN RIGHTS NEWSLETTER

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NHRC to send draft MoU between APF and SAARC to the Government

The National Human Rights Commission has decided to recommend the draft Memorandum of Understanding (MoU) between the APF and South Asian Association for Regional Cooperation (SAARC) Secretariat to the Government of India for its consideration and approval. The MoU is primarily aimed at supporting the establishment and strengthening of independent NHRIs in SAARC countries as well as to ensure that gender considerations are incorporated into all activities, with a view to promoting gender equality in the SAARC region. The NHRC is of the view that this MoU will be useful. The Asia Pacific Forum (APF) had sent the draft MoU to the NHRC, India with the request to provide its inputs to the Government of India for approval. This draft MoU has to be approved by all SAARC Member States.

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NHRC officers attend APF Course on Media and Communication



From left to right : NHRC officers, Shri Jaimini Kumar Srivastava, I&PRO, Dr. Savita Bhakhry, Jt. Director (Research) and Shri Utpal Narayan Sarkar, AIO at the programme

The National Human Rights Commission, India nominated three officers, Dr. Savita Bhakhry, Joint Director (Research), Shri Jaimini Kumar Srivastava, I&PRO and Shri Utpal Narayan Sarkar, AIO to attend Pilot APF Blended-Learning Course on 'Building an Effective Media and Communication Programme'. The first component of the programme was a four week online course from the 17th February – 16th March, 2014. The second component of the course was a Sub-Regional Training Workshop held in Male, the Maldives

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The issue of MoU between APF and SAARC was also discussed during the 18th APF Annual General Meeting and Biennial Conference at Doha on the 2nd October, 2013. The Director, APF had explained in detail about the need for the MoU and desired that the NHRC, India take a leading role in

seeing through the culmination of this MoU into a reality keeping in view the need to strengthen the NHRIs in the SAARC region. Justice Shri K.G. Balakrishnan, Chairperson, NHRC was also of the view that the strong NHRIs in the region was the need of the hour.

NHRC officers attend APF CourseCont. from page-1

from the 7th – 10th April, 2014.

The overall aim of the training was to strengthen the institutional capacity of NHRIs to develop effective media and communication programme. During the programme, the focus mainly remained on using the social networking sites by the NHRIs for sharing information about their activities and human rights.

During the discussions, the NHRC, India representatives maintained that the Commission favoured and promoted use of all possible platforms for communication and that it already had an exhaustive and inclusive 'Media and Outreach Policy' wherein the importance and use of social networking sites had also been very well delineated.

However, there were several aspects, among others, relating to the feasibility of using social networking sites with respect to manpower and other paraphernalia requirements which were to be addressed. However, the Commission continues to engage with people through direct communication with various print, electric and news agency organisations, who in turn have been further reporting on human rights issues as well as NHRC, India related activities in various newspapers, magazines, TV and radio news channels, web-based platforms etc. The Commission also publishes monthly Newsletters in English and Hindi and various publications.

18 Participants from the NHRIs of India, Afghanistan, Nepal, Bangladesh, Sri Lanka and

Maldives attended the programme. Sharing of communication strategies by the participants and communicating human rights issues through digital stories was also among some of the significant aspects of the programme. The participants also visited the Human Rights Commission of Maldives and met the President, Members and officers to have a first-hand account of their functioning.

Ms. Mariyam Azra Ahmed, President of Human Rights Commission of Maldives, addressed the Valedictory Session of the Workshop conducted by Prof. Judy McGregor, Head of School of Social Sciences and Public Policy, Auckland University of Technology and Mr. James Illiffe, a Consultant to the APF on media and communication training programme.

Shri Jaimini Kumar Srivastava, when invited to speak on behalf of the participants in the Valedictory Session, appre-

ciated the efforts of APF towards developing a collective strategy for the NHRIs, even as the ground realities of each member country remained different, to deal with the subjects of media and communication. He was of the view that the course content would hopefully be improved as it was just a pilot programme and there would be a clear cut strategy for training of those who were un-initiated in the business of communication and those who already had some experience and faced different challenges within the institutional framework of each NHRI and the essential requirements of communication through media.



Participants with Ms. Mariyam Azra Ahmed, President of Human Rights Commission of Maldives

Suo motu cognizance

The Commission took suo motu cognizance in 08 cases of alleged human rights violations during April, 2014 and issued notices to the concerned authorities for reports. Summaries of these cases are as follows:

Police inaction in a case of gang rape (Case No. 13167/24/13/2014-WC)

The media reported that no FIR had been registered in a case of gang rape on the 13th April, 2014 in Haidergarh area of Barabanki District in Uttar Pradesh. The four alleged culprits included the father of the girl, who was sexually assaulted by the husband of their victim. Reportedly, the incident happened at the behest of a woman who was dissatisfied with the jail sentence to the rapist of her teenage daughter. She conspired to avenge her trauma by meting out the same fate to the culprit's wife. The victim, found in a critical condition on the roadside, was admitted by villagers to a nearby medical facility.

A notice has been issued to the Senior Superintendent of Police, Barabanki calling for a report in the matter.

Rapist let off by mere apology (Case No. 414/25/11/2014-WC)

In yet another incident of rape, the media reported that a Village Court in District Malda, West Bengal let off an accused of sexual assault after he sought an apology by merely touching the feet of his victim, a mother of three, who upset with the humiliation, committed suicide on 2nd April, 2014. The bizarre decision did not end here itself as it had a caveat that in future an accused of rape would have to pay ₹ 25,000/- to his victim. The Commission directed the Director General of Police, West Bengal to submit a detailed report in the matter.

Fire in an Old Age Shelter Home (Case No. 1888/30/8/2014)

The media reported that two persons were killed in a fire which broke out in an Old Age Shelter Home in Vasant Kunj, New Delhi in the intervening night of 3rd and 4th April, 2014. The dead included 60 year old

Ramesh Chand and 27 year old Poonam, a dumb woman who was given this name by the Earth Savior Foundation, an NGO, which was running this Old Age Shelter Home in make shift tents.

The Home primarily housed mentally disabled persons, senior citizens and those left by their children. At the time of incident, there were about 150 inmates in the 10 make shift tents. Most of them were rescued but a few of them were still missing as it was suspected that they had ran away.

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

RTI activist's suicide under pressure of public authorities (Case No. 816/13/23/2014)

The media reported that an RTI activist, named Vilas Dattatrey Baravakar, aged 53 years, committed suicide and was found hanging at his residence in Chakan, Pune on the 25th March, 2014 leaving behind a suicide note on a stamp paper of ₹ 100 that several prominent politicians and top serving and retired officers of Indian Police Service in Maharashtra were harassing him.

Issuing notices to the Chief Secretary and Director General of Police, Government of Maharashtra, calling for a report in the matter, the Commission has observed that the contents of the report, if true, raise a serious issue of violation of human rights of an RTI activist.

Pathetic condition of workers in several brick kilns (Case No. 10928/24/72/2014-BL)

The National Human Rights Commission observed that several children were working along with men and women in several brick kilns on both sides of Varanasi – Mirzapur Highway on way to Chunar. Most of the workers were from the State of Chhattisgarh and Jharkhand. Their living conditions were pathetic. Allegedly, due to terror of mafia, no raids were being conducted by the State machinery.

The Commission has issued notices to the District Magistrates of Varanasi and Mirzapur calling for reports on the 15 points, including about the number of raids, number of brick kilns, number of labourers, including SC/ST/OBC, their wages, age, addresses, their caste etc.

Poor quality life saving drugs in Delhi AIIMS (Case No. 1825/30/8/2014)

The media reported that the Head of Anaesthesiology Department, AIIMS had written a letter to the Medical Superintendent of AIIMS alleging that due to poor quality of life saving drugs provided by the Institute, her husband suffered reaction. She had to request the Medical Superintendent to withdraw and stop purchase of such spurious life saving drugs for AIIMS in the interest of patients' safety.

The Commission has observed that the contents of the press report, if true, raise a serious issue of violation of human rights of patients. It has issued notices to the Director, AIIMS and the Secretary, Union Ministry of Health & Family Welfare, New Delhi calling for reports.

Hazardous garbage dumps (Case No. 2275/30/0/2014)

The media reported on the landfills' threat to environment in Delhi saying that the three garbage dumps at Ghazipur, Okhla and Bhalaswa in the National Capital Territory were monstrous trash mountains including hazardous waste. Recyclable waste was getting mixed with the organic waste leading to contamination of the ground water and air in the surrounding areas of these sites. Rag pickers roaming in these landfills were contracting various diseases. Neither, the Corporations in Delhi had given no thought to manage them, nor the Delhi

Pollution Control Committee was taking steps to check the pollution.

The Commission has issued notices to the Secretary, Union Ministry of Environment & Forest, Chief Secretary, Government of NCT of Delhi and Commissioners of all the three Municipal Corporations in Delhi calling for reports.

A girl dies for lack of medical aid (Case No. 1607/4/0/2014)

The media reported that in the model Village Dharhara of Bihar a little girl died of diarrhea due to lack of basic medical facilities. Reportedly, Dharhara is the village where, on the birth of a girl child, the Chief Minister had been planting saplings since the last three years. The Chief Minister had also planted a sapling in the year 2013 for Rani Kumari, the girl who succumbed to diarrhea.

According to the news report, the Health Centre in the village was in shambles and was often locked. The Chief Minister and his Health Minister had promised a six bed hospital during their visits to the village in 2010 but the same had not been constructed so far.

Reportedly, the father of the deceased girl also believed that his daughter would have been alive if the Health Centre had been functioning. The residents of the village, who were hailed for their practice of planting ten trees of Mangos and Lichies on the birth of every girl child, expected that after the four visits of the State Chief Minister, some development would have happened but the situation did not improve.

The Commission has issued a notice to the Government of Bihar through its Principal Secretary, Health & Family Welfare calling for a detailed report in the matter.

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.	516/12/30/2014	False implication in a case of murder in District Narsinghpur, Madhya Pradesh	21 st - 24 th April, 2014

Important intervention

NHRC's swift move ensures voting by eight SCs in Odisha

The National Human Rights Commission, acting swiftly on a complaint received on the 6th April, 2014, ensured that eight voters belonging to three Scheduled Caste families of rescued bonded labourers cast their votes at village Birakesharipur, PS Gadishangooda, District Puri in police protection on the 17th April, 2014. Ousted from their village, they had been fighting for their right to live in their village.

The complainant, a human rights activist, alleged that one Maguni Sethi and two other bonded labour families wanted to exercise their right to vote but were not feeling safe to go to the electoral booth in their village from where they were ousted long before. He had sought the intervention of the Commission in the matter.

Persistent NHRC ensures ₹ 9 lakh more as relief in a case of electrocution in Mizoram

Holding that monetary relief of rupees one lakh ten thousand to the next of kin of nine electrocuted persons was meagre, the National Human Rights Commission ensured that the Government of Mizoram paid an additional amount of ₹ rupees one lakh each to them. The nine persons were travelling in a bus running between New Serkawr and New Latawh in District Saiha, Mizoram on the 25th March, 2011. They were electrocuted when bus got in touch with the live 11 KV line which was hanging low at 3.35 meter above the ground instead of required 4.5 meters. The Commission has received a proof of payment to the families of the victims from the State Government.

Earlier, the Superintending Engineer's report, magisterial enquiry report and the police report pointed the gross negligence on the part of power

department. A Junior Engineer, P&E Division, Lawngtlai was held responsible. Therefore, the Commission did not accept the contention of the State Government that the driver and conductor of the bus were responsible for the accident.

It also did not accept the State's argument that the NHRC might not be the appropriate forum to decide the issue of compensation since a criminal case had already been registered under Section 304-A IPC in the matter, and that a competent civil court as well as human rights court were there to take up and decide the case for violation of human rights.

The Commission observed that the registration and pendency of a criminal case does not debar it from granting appropriate relief, under Section 18 of the Protection of Human Rights Act, 1993, to the next of kin of the deceased.

₹ 2 lakh in two cases of death in Tihar Jail; Delhi Chief Secretary to submit ATR against the guilty

In two cases of death in judicial custody in Tihar Jail, the National Human Rights Commission has asked the Government of NCT of Delhi to pay rupees one lakh each as monetary relief to the next of kin of the deceased under trial prisoners, Prakash and Devi Ram. Prakash died on the 9th April, 2010 and Devi Ram died on the 11th December, 2010. In both the cases, the Commission has asked the Chief Secretary

of the Government of NCT of Delhi to send compliance report along with the proof of payment and report on the action taken against the officers and doctors found guilty of human rights violation of the victims.

During the course of enquiry and the material provided on record by the concerned authorities, the Commission found that Prakash died while

undergoing treatment in Rajan Babu T.B. Hospital. He was lodged in Central Jail No.3, Tihar since the 25th November, 2009 in connection with a case u/s 363,366,376 IPC. The Magisterial enquiry report held that the deceased expired due to natural disease, however, there was negligence on the part of the doctors of Tihar Jail in not providing timely treatment to the deceased. The Board of Doctors opined that the prisoner suffered from Pulmonary Tuberculosis which is a curable disease.

In Devi Ram's case, the Commission found that there was unnecessary delay on the part of the Jail authorities in sending him to Deen Dayal Upadhyaya Hospital, where he was declared brought dead. The under trial prisoner was having breathing problem and the Magisterial enquiry report had mentioned

that delay of 50 minutes in carrying him to hospital proved fatal and there was no explanation provided for this unnecessary delay. The Medical Officer also observed that Devi Ram's life could have been saved if he had reached the hospital in time. It was also revealed that Jail authorities and Delhi Armed Police could not coordinate well in transporting the patient by a private vehicle in the absence of a government vehicle. The Commission has observed that whether it was the carelessness of the Jail authorities or Delhi Armed Police authorities, Devi Ram lost his life due to delay in sending him to Deen Dayal Upadhyaya Hospital. Thus, the State of NCT of Delhi is vicariously liable for the negligence of its employees and hence, it has to pay relief to the next of kin of the deceased.

NHRC holds staff responsible for delivery of a baby on roadside in Bhilwara

The National Human Rights Commission has asked the Government of Rajasthan, through its Chief Secretary, to pay a sum of ₹ 50 thousand as monetary relief to a woman, who had to suffer the indignity of delivering a baby by the roadside due to the negligence and indifference of the medical staff of the Government Community Health Centre, Kareda, Bhilwara, Rajasthan. He has been asked to send a compliance report along with a proof of payment.

During the course of the enquiry, the Commission found that a male nursing staff was guilty of negligence and dereliction of duty and that disciplinary action had been initiated against him. The lack of coordination between the doctors was also exposed. The male doctor was transferred and

proposal for a disciplinary action against the lady doctor had been forwarded to the Directorate of Health, Government of Rajasthan.

The Commission had taken up the cognizance of the matter on the basis of a complaint filed by a human rights activist. According to the complaint, a pregnant woman was taken to the residence of a male doctor of the Government Health Centre, Kareda on the 3rd August, 2011, who referred her to the Health Centre. The attendants took the woman to the Health Centre, Kareda. However, the staff at the Health Centre refused to admit her. When the woman was being taken to the residence of a lady doctor of the Health Centre, she delivered the baby by the roadside.

Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 70 cases were considered during 03 sittings of the Full Commission, and 04 sittings of Division Benches in April, 2014.

On 41 cases, listed in the table below, the

Commission recommended monetary relief amounting to a total of ₹ 99.5 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.	207/19/10/09-10-JCD	Custodial Death (Judicial)	One lakh	Government of Punjab
2.	1225/34/17/2010-JCD	Custodial Death (Judicial)	One lakh	Government of Jharkhand
3.	1262/7/10/2010-JCD	Custodial Death (Judicial)	Two lakh	Government of Haryana
4.	5487/24/56/2010-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh

Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
5.	302/34/12/2011-JCD	Custodial Death (Judicial)	One lakh	Government of Jharkhand
6.	2421/20/29/2011-JCD	Custodial Death (Judicial)	Three lakh	Government of Rajasthan
7.	4/3/15/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Assam
8.	513/33/14/2012-JCD	Custodial Death (Judicial)	Two lakh	Government of Chhattisgarh
9.	4111/4/26/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Bihar
10.	14803/24/1/2012-JCD	Custodial Death (Judicial)	Two lakh	Government of Uttar Pradesh
11.	21146/24/4/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh
12.	24822/24/17/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh
13.	35222/24/7/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh
14.	31/25/13/2013-JCD	Custodial Death (Judicial)	Three lakh	Government of West Bengal
15.	5316/30/0/2010-PCD	Custodial Death (Police)	One lakh	Government of NCT of Delhi
16.	1228/13/14/2012-PCD	Custodial Death (Police)	One lakh	Government of Maharashtra
17.	1624/12/34/2012-PCD	Custodial Death (Police)	Three lakh	Government of Madhya Pradesh
18.	254/34/1/2010-AD	Alleged Custodial Death (Judicial)	One lakh	Government of Jharkhand
19.	51/14/4/07-08-AD	Alleged Custodial Death (Police)	Five lakh	Government of Manipur
20.	2064/30/4/2012	Death in Firing (Children)	Five lakh	Government of NCT of Delhi
21.	304/3/1/2010	Abuse of Power (Police)	Fifty thousand	Government of Assam
22.	11738/24/6/2012	Abuse of Power (Police)	Fifteen thousand	Government of Uttar Pradesh
23.	27032/24/13/2011	Unlawful Detention (Police)	Thirty thousand	Government of Uttar Pradesh
24.	6798/24/31/2012	Unlawful Detention (Police)	Fifteen thousand	Government of Uttar Pradesh
25.	291/19/3/2013-WC	Abduction/Rape (Police)	One lakh	Government of Punjab
26.	120/8/8/2013-WC	Gang Rape	Three lakh	Government of Himachal Pradesh
27.	1037/4/19/2013-WC	Gang Rape	Three lakh	Government of Bihar
28.	4515/4/17/2012	Sexual Harassment (Children)	Three lakh	Government of Bihar
29.	454/33/14/2011	Death due to Negligence (Children)	One lakh ninety thousand	Government of Chhattisgarh
30.	25774/24/72/2011	Atrocities on SC/ST (Police)	One lakh	Government of Uttar Pradesh
31.	2032/18/27/2012	Atrocities on SC/ST (Police)	Fifty thousand	Government of Odisha
32.	1240/12/8/2011	Irregularities in Government Hospitals	Three lakh	Government of Madhya Pradesh
33.	1467/20/22/2011	Irregularities in Government Hospitals	Two lakh	Government of Rajasthan
34.	128/6/23/2012	Lack of proper medical facilities in the State	One lakh	Government of Gujarat
35.	2006/4/23/2011	Malfunctioning of Medical Professionals	Three lakh	Government of Bihar
36.	594/20/32/2013	Negligence of School Authorities (Children)	One lakh	Government of Rajasthan
37.	20767/24/43/2011	Inaction by the State/Central Government Officials	One lakh	Government of Uttar Pradesh
38.	30734/24/36/2011	Inaction by the State/Central Government Officials	Two lakh	Government of Uttar Pradesh
39.	285/12/38/2012	Inaction by the State/Central Government Officials	Three lakh	Government of Madhya Pradesh
40.	34906/24/1/2012	Inaction by the State/Central Government Officials	Two lakh	Government of Uttar Pradesh
41.	342/12/36/2013	Inaction by the State/Central Government Officials	Thirty lakh	Government of Madhya Pradesh

Compliance with NHRC recommendations

In April, 2014, the Commission received 14 compliance reports from different public authorities, furnishing proof of payments it had recommended, totalling ₹ 19.7 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.	494/30/9/07-08-JCD	Custodial Death (Judicial)	Three lakh	Government of NCT of Delhi
2.	689/20/14/2010-JCD	Custodial Death (Judicial)	Three lakh	Government of Rajasthan
3.	2384/20/23/2010-JCD	Custodial Death (Judicial)	One lakh	Government of Rajasthan
4.	120/11/4/2011-JCD	Custodial Death (Judicial)	One lakh	Government of Rajasthan
5.	1063/4/11/2011-JCD	Custodial Death (Judicial)	Two lakh	Government of Bihar

Sl. No.	Case Number	Nature of Complaint	Amount Recommended (in ₹)	Public Authority
6.	71/22/53/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Tamil Nadu
7.	703/4/28/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Bihar
8.	3104/24/79/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh
9.	1242/34/20/2011	Custodial Torture (Police)	Fifty thousand	Government of Jharkhand
10.	918/30/1/2012	Abuse of Power (Police)	Twenty thousand	Government of NCT of Delhi
11.	4114/24/65/2012	Abuse of Power (Police)	One lakh	Government of Uttar Pradesh
12.	25325/24/54/2010	Failure in Taking Lawful Action (Police)	One lakh	Government of Uttar Pradesh
13.	8634/24/57/2012	Failure in Taking Lawful Action (Police)	Two lakh	Government of Uttar Pradesh
14.	30784/24/48/2011	Electrocution Death	Two lakh	Government of Uttar Pradesh

Other important visits/seminars/programmes/conferences

Events	Delegation from NHRC
National Seminar on "Emerging Trends in Human Rights: A contemporary perspective" organised by the Fairfield Institute of Management & Technology from 11 th – 13 th April, 2014 in New Delhi	Justice Shri K.G. Balakrishnan, Chairperson
Seminar on 'Social Violence, a Challenge to Human Rights' and release of a book 'Human Rights From the Dalit Perspective' on the 25 th April, 2014 at Chennai, Tamil Nadu	Justice Shri K.G. Balakrishnan, Chairperson
Inquiry into allegation of violation of Human Rights in a Children's Home at Kottayam, Kerala on the 4 th April, 2014	Justice Shri Cyriac Joseph, Member
Inauguration of the seminar organized by the Kerala Lawyers' Association at Kochi, Kerala on the 4 th April, 2014	Justice Shri Cyriac Joseph, Member
Visits to the Leprosy Hospitals at Koratty and Nooranad, District Ernakulam, Kerala from the 7 th – 10 th April, 2014	Justice Shri Cyriac Joseph, Member

Complaints received/processed in April, 2014 (As per an early estimate)

Number of fresh complaints received in the Commission	8282
Number of cases disposed of including fresh and old	5950
Number of cases under consideration of the Commission including fresh and old	34736

Important Telephone Numbers of the Commission:

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

Other Important E-mail Addresses

jrlawnhrc@nic.in (For complaints),
cr.nhrc@nic.in (For general queries/correspondence)

Focal point for Human Rights Defenders

Mobile No.: 9810298900, Fax No. 011-2465 1334
E-mail : hrd-nhrc@nic.in

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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