



HUMAN RIGHTS NEWSLETTER

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Website : www.nhrc.nic.in

NHRC's National Conference on Mental Health and Human Rights

The National Human Rights Commission organised a day-long National Conference on Mental Health and Human Rights in New Delhi on the 30th May, 2014. During the discussions, one of the key suggestions, among others, included that given the Commission's success, it needed to expand its scope of monitoring the Mental Health Care Institutions in the country. Some of the other important suggestions and recommendations included the need to:

- address the issue of shortage of paramedical staff and Psychiatrists;
- set-up and strengthen Psychiatry Department in all Medical Colleges;
- utilize allocated funds by the Mental Health Care Institutions;
- organize media campaigns for awareness on mental health issues;



NHRC Chairperson, Justice Shri K.G. Balakrishnan inaugurating the conference

- work towards financial independence of Mental Health Care Institutions; and
- provide support to NGOs for their increased role in the Mental Health Care.

It was strongly felt that due to monitoring by the NHRC, there had been some discernible improvements, especially, in the Mental Health Care Institutions, but a lot was needed to be done to improve the overall scenario in the area of mental health care, including special budgetary support and increased emphasis on mental health care education. The suggestions will be sent to the Government for implementation.

Earlier, inaugurating the Conference, Justice Shri K.G. Balakrishnan, Chairperson, NHRC said that the Commission was deeply concerned with the rights of mentally ill persons. He said that good mental health hospitals were not there in all

States in the country. Their region-based presence is inadequate keeping in view the number of persons getting affected with one or the other psychiatric or mental disorder. Recalling the progress made in terms of the legislation for the Care and Protection of Mentally Ill Persons, since the British time, Justice Balakrishnan hoped that the 2013 Bill on Mental Health Care, pending in Parliament, might address several concerns. He also referred to the financial crisis being faced by the Mental Health Institutions and related challenges which were needed to be addressed on priority basis to strengthen them.

Shri Lov Verma, Union Health and Family Welfare Secretary said that the timing of the Conference was very contextual and appropriate in the light of the fact that a Bill seeking amendments in the Mental Health Legislation was before Parliament which hopefully would turn into a Law in a year's time. However, he said that the issues relating to mental healthcare were not the preserves of Government only but all the stakeholders

were equal partners in addressing them. Shri Verma also said that 88 Psychiatry Wings in Government Hospitals were being upgraded.

Shri J.S. Kochher, Joint Secretary, NHRC said that the Commission was concerned with the prevailing situation in the Mental Health Care Institutions which included, among other things, providing clean environment, sanitation and drinking water facilities to the inmates. He said that wandering mentally ill persons on the streets and their care and rehabilitation was another area of serious concern and the police personnel needed to be sensitized with regard to their role in dealing with them as per the existing provisions of the Mental Health Act.



A section of participants in the conference

NHRC Members, Justice Shri Cyriac Joseph and Shri S.C. Sinha, NHRC's Special Rapporteurs, senior officers, representatives of Centre and State Governments, Heads of Mental Health Care Institutions, including, Director, NIMHANS, Bengaluru, civil society representatives participated in the deliberations.

Suo motu cognizance

The Commission took suo motu cognizance in 15 cases of alleged human rights violations during May, 2014 and issued notices to the concerned authorities for reports. Summaries of some of these cases are as follows:

Social boycott of tribal families (Case No. 307/33/10/2014)

The media reported that two tribal families had been facing social boycott for the last fourteen months in Village Dhaurabatha, District Korba, Chhattisgarh following a diktat of the Ghunghutti Rampur Panchayat. Reportedly, one family was subjected to social boycott on the 25th February, 2013 when on charges of abusing the Sarpanch, it failed to pay the entire fine of ₹ 10 thousand. The other family was made to suffer the same fate when one of its members was seen talking to another member of the socially boycotted family. Due to social boycott, nobody was supposed to speak to them. They were prevented from grazing their cattle. They could not purchase anything from the shops in the village and their

children could not go even to the Aanganwadi centre. The local police did not take any action in the matter. The Collector and the Superintendent of Police of Korba were approached and a police team visited the village on the 15th April, 2014 only to level allegations against the affected families. The Commission has issued notices to the Chief Secretary and Director General of Police, Government of Chhattisgarh to submit a detailed report in the matter.

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

Reportedly, Dharhara is the village where the Chief Minister had been planting saplings for the last three

years on the birth of a girl child. 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 visit to the village in 2010 but the same was not constructed.

Death of an RTI activist (Case No. 15242/24/30/2014)

The media reported that in the wake of threat from the local mafia, an RTI activist, Chandra Mohan Sharma, requested police to provide him protection, but it did not take any action. Sharma, aged 38 years, was charred to death inside his car in Greater NOIDA, Uttar Pradesh on the 2nd May, 2014.

Reportedly, the allegations had been made by the wife of the deceased who said that the police was trying to convert the killing of her husband into a mishap. According to the media report, this was the third incident in the last six months in which an RTI activist had been targeted in Greater NOIDA.

The Commission has issued a notice to the Senior Superintendent of Police, Gautam Budh Nagar, UP calling for a report.

Firing by forest personnel at helpless villagers (Case No. 215/3/11/2014)

The media reported that some of the survivors of the violent attack by miscreants in Village Khagrabari, District Baksa, Assam in which 20 persons had died, made a specific complaint to a team of CID of Assam Police that when under attack, they rushed to the forest beat office in Khagrabari, but instead of helping them, the forest personnel allegedly fired at them and set some of the houses on fire. The Commission has issued notices to the Chief Secretary and Director General of Police, Assam calling for factual reports.

Custodial torture (Case No. 276/3/7/2014)

The media reported that a youth, Siddharth Kaushik Dutta, was subjected to false implication and custodial torture in one of the police stations in District Jorhat, Assam. Reportedly, no action had been taken on two separate complaints made by the mother of the victim against the police and the other accused. According to the media report, the Officer-in-Charge of Pulibor Police Station, Jorhat picked up the victim from his house on the 16th April, 2014 without any formal complaint against him. He was later transferred to Jorhat Sadar Police Station. His torture continued till the 26th April, 2014 and when the victim got unconscious he was shifted to

Dibrugarh Medical College for treatment. The Commission has issued a notice to the Director General of Police, Assam calling for a report.

Malfunctioning in water supply scheme in Ludhiana (Case No. 509/19/10/2014)

The media reported that despite spending more than Rs.14 lakh to augment the water supply at Haripur and Harnampur Villages in District Ludhiana, the Punjab Water Supply and Sanitation Department had not been able to provide chlorinated water and an over-head tank for storage.

Reportedly, the Contractor was paid without actually completing the work of laying down the pipeline properly along with storage facilities, as a result, the villagers had to depend on water from tube wells which worked only when there was power supply. The Commission has issued a notice to the Chief Secretary, Government of Punjab calling for a report.

A baby delivered in the park of a hospital (Case No. 5429/7/15/2014)

The media reported that on the 16th April, 2014, the doctors at the Civil Hospital, Panipat, Haryana instead of providing treatment to a woman at an advance stage of labour, referred her to PGI, Khanpur. In the process, she delivered a baby in the park of the Civil Hospital. The doctor at the hospital said that Sonia was anaemic and the hospital did not have blood. Therefore, she had to be referred elsewhere. Reportedly, the victim suffered labour pain in the morning of the 16th April, 2014 and was taken to the Primary Health Centre but due to non-availability of any doctor there, she was brought to the Civil Hospital.

The Commission has issued a notice to the Secretary, Health Department, Government of Haryana calling for a report.

A child fell and died in an open manhole (Case No. 5493/7/15/2014)

The media reported that a 15 month old boy, Abdul Razzak, fell and died in an open manhole near an under construction building in the Sector -18, Panipat, Haryana on the 21st May, 2014. According to the media report, sewage manholes had been lying opened at many places in different parts of the city, which might cause accidents. The Commission has issued a notice to the Deputy Commissioner of Panipat, Haryana calling for a factual report in the matter.

Doctors' absenteeism mars PHCs (Case No. 2659/30/0/2014)

The media reported that surprise checks conducted by the Delhi Government's health department last month have revealed that most doctors in Primary Health Centres were missing from duty, for 25 to 40 per cent of

their work days. On an average, doctors were reporting for duty about two hours late and leaving much before their scheduled time. This was the case in all the 260 dispensaries, which form PHCs, under Delhi Government. The punctuality and sanitation emerged to be the biggest problems in these PHCs. The patients who came to the dispensaries after travelling for hours had to return back without treatment. Thus, even for minor ailments, they were forced to go to the hospitals.

The Commission directed the Secretary, Health Department, Government of NCT of Delhi, to submit report in the matter.

Allegation of rape by an SHO (Case No. 5147/7/6/2014-WC)

The media reported that a rape victim, resident of Hissar, who was sitting on a dharna outside the police headquarters was produced before SDM, Panchkula by the local police. In her statement, she stated that she was raped by an SHO in Hissar but senior officials were not taking any action in the matter. Reportedly, DGP, Haryana had ordered an enquiry into the rape charges and also directed to send the samples to the Forensic Science Laboratory for examination. The Commission directed the Director General of Police, Govt. of Haryana to submit a report in the matter.

Lack of drinking water (Case No. 5730/7/8/2014)

The media reported that in 30 Jind villages, water taps had been running dry for 3 weeks. The local MLA, alleged that the Department had not installed required

number of pump sets and those already installed were not maintained properly, hence the problem. The Commission directed the Chief Secretary, Govt. of Haryana to submit a report in the matter.

Ill-equipped ambulances (Case No. 2926/30/2/2014)

The media reported that most of the vehicles running under the garb of ambulance services were not even half equipped to transfer patients, let alone critically sick patients. According to the press report, an Advance Life Support Ambulance should have facilities such as doctor or para-medical staff, monitoring of vital signs, advanced drug therapy, cardiac monitoring, oxygen and intravenous therapy, heart and blood pressure monitoring equipment etc. The report raised questions about fixing the responsibility in a situation of a critically ill patient's death during transit and the forum to lodge a complaint for such negligence.

The Commission has issued notices to the Secretary, Union Ministry of Health and Family Welfare, Secretary, Department of Health and Family, Government of NCT of Delhi and the Chairman, Medical Council of India calling for a report along with a copy of the guidelines, if any, issued to all the hospitals and Nursing Homes to have ambulance fitted with some basic common equipments and facilities essential for transporting critically ill patients. They have also been asked to submit details of the steps proposed to be taken if there had been no guidelines issued regarding the upkeep of ambulances.

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.	12865/24/54/2013	Abuse of power by police personnel in District Meerut, Uttar Pradesh.	29 th April - 2 nd May, 2014
2.	3789/30/7/07-08	Threat from police for false implication in Vasant Vihar, Delhi.	7 th - 9 th May, 2014
3.	14717/24/30/2014	Violence among Gujjars and Dalits over a land dispute on the 28 th April, 2014 at village Kanwani, NOIDA, Uttar Pradesh.	19 th - 21 st May, 2014
4.	646/25/13/2013-WC	Torture and harassment by police in District Murshidabad, West Bengal.	26 th - 29 th May, 2014
5.	14863/24/47/2014	Selling / mortgaging of children due to starvation and lack of basic needs in District Lalitpur, Uttar Pradesh.	26 th - 29 th May, 2014

Important intervention

Mortgaging of children due to starvation

The National Human Rights Commission has issued notices to the Chief Secretary, Government of Uttar Pradesh and District Magistrate, Lalitpur to submit detailed reports into the allegations that due to severe drought in Lalitpur District of the State, a number of cases of starvation had been reported over the months. Some families had even sold or mortgaged their children for small sums of money for survival.

The Commission also directed its Director General (Investigation) to send a team for an on-the-spot investigation into these serious allegations. The Commission took cognizance of the issue on the basis of a complaint which also carried a number of news clippings on the plight of poor people, including those belonging to Saharia tribe in the district.

₹ 30 lakh as relief to the families of ten deceased labourers

The National Human Rights Commission has recommended interim relief of ₹ 3 lakh each to the next of kin of ten labourers who died while working in an under construction rice mill which collapsed on the 4th February, 2013 in Village Bhundha, District Rewa, Madhya Pradesh. It has held that the financial assistance of ₹ 1 lakh each to the families of the deceased given by the State Government was grossly inadequate for the loss of life of bread earners. Eleven seriously injured were paid ₹ 50 thousand each from the Chief Minister's Relief Fund.

The Chief Secretary, Government of Madhya Pradesh has been directed to submit proof of payment made to the next of kin of all the ten deceased.

The Commission has also stated that this amount was independent of any other claim contemplated or

pending before any court or tribunal. However, the State Government was at liberty to submit the details of relief before the concerned court or tribunal where the claims were under adjudication under the Workmen Compensation Act as mentioned by the State Government in its response to the Commission.

The Commission has also asked the Government of Madhya Pradesh, through its Chief Secretary, to ensure speedy disposal of proceedings under Workmen Compensation Act pending in Labour Court, Rewa.

During the course of enquiry, the Commission had been informed by the State Government that the criminal proceedings against the rice mill owner and the Project Engineer were pending in the Court of Chief Judicial Magistrate, Rewa, Madhya Pradesh.

Boy shot dead by a Police Constable

The National Human Rights Commission has recommended that Delhi Police Commissioner and Government of NCT of Delhi pay ₹5 lakh as monetary relief to the next of kin of late Tarun Chauhan, aged 12 years, who was shot dead by a Constable in an inebriated condition at a marriage pandal at Village Dhaka, Delhi on the 11th March, 2012. The Commission has observed that the abuse of power by a public servant led to the loss of life of an innocent child for which the State must bear the liability. It has asked them to submit the proof of payment.

During the course of inquiry, the Commission found that the Constable had an altercation with one of the

relatives of the deceased over the parking of his vehicle. After that, he came back to the pandal in a drunken state and tried to enquire from Tarun, the whereabouts of his relative. He fired three rounds, first in the air, second on the ground and third on Tarun for not giving him any clue. Tarun was hit on the chest and was rushed to the Sushrut Trauma Centre, Metcalfe House, Delhi where he succumbed to his injuries on the same day.

A case under Sections 307/302/34 of IPC was registered against the Constable who was sent to the judicial custody. He was placed under suspension and departmental proceedings had been initiated against him.

Recommendations for relief

A part from the large number of cases taken up daily by individual Members, 66 cases were considered during 04 sittings of the Full Commission, and 02 sittings of Division Benches in May, 2014.

On 10 cases, listed in the table below, the

Commission recommended monetary relief amounting to a total of ₹26.5 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.	1579/22/31/08-09-JCD	Custodial Death (Judicial)	One lakh	Government of Tamil Nadu
2.	4896/24/33/08-09-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh
3.	6651/24/24/2011-JCD	Custodial Death (Judicial)	Fifty thousand	Government of Uttar Pradesh
4.	928/1/5/2012-JCD	Custodial Death (Judicial)	One lakh	Government of Andhra Pradesh
5.	118/27/0/07-08-AD	Alleged Custodial Death (Police)	One lakh	UT Administration of Chandigarh
6.	47628/24/3/08-09-FE	Alleged Fake Encounter (Police)	Five lakh	Government of Uttar Pradesh
7.	48/33/3/2012-PF	Custodial Torture (Para Military Forces)	Five lakh	Government of Chhattisgarh
8.	35891/24/28/2011	False Implication (Police)	Three lakh	Government of Uttar Pradesh
9.	21470/24/54/2011-WC	Abduction/Rape (Police)	One lakh	Government of Uttar Pradesh
10.	739/33/4/2012	Irregularities in Govt. Hospital/ Primary Health Centers	Eight lakh	Government of Chhattisgarh

Compliance with NHRC recommendations

In May, 2014, the Commission received 09 compliance reports from different public authorities, furnishing proof of payments it had recommended, totalling ₹20.45

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.	1655/13/2006-2007-CD	Custodial Death (Judicial)	One lakh	Government of Maharashtra
2.	8509/24/31/08-09-JCD	Custodial Death (Judicial)	One lakh	Government of Uttar Pradesh
3.	250/3/11/2010-JCD	Custodial Death (Judicial)	Three lakh	Government of Assam
4.	659/13/18/2011-JCD	Custodial Death (Judicial)	Two lakh	Government of Maharashtra
5.	1559/22/35/2012	Atrocities on SC/ST/OBC	Ten thousand	Government of Tamil Nadu
6.	420/25/19/2012	Atrocities by Customs/Excise /Enforcement/Forest/ Income Tax Deptts. of State/Central Government	Ten thousand	Government of West Bengal
7.	6780/30/0/2011	Irregularities in Govt. Hospitals/ Primary Health Centres	Four lakh	Government of NCT of Delhi
8.	700/25/13/2010	Inaction by the State / Central Govt. officials	Six lakh	Government of West Bengal
9.	4233/30/0/2011	Inaction by the State/ Central Govt. officials	Three lakh twenty five thousand	Government of NCT of Delhi

NHRC's visit to the Government Hospital for Mental Healthcare, Visakhapatnam

Shri S.C. Sinha, Member, National Human Rights Commission, accompanied by Shri K.H.C. Rao, Dy. S.P., visited the Government Hospital for Mental Healthcare, Waltair, Visakhapatnam on the 1st May, 2014. Established in 1863, the hospital is one of the oldest mental healthcare hospitals in India and one among the first four such hospitals in South India.

The Member inspected various facilities, including the kitchen, wards of the patients, medicine stores etc. and met with the concerned doctors and staff. During the course of discussions, some of the issues which needed attention were as follows:

1. There was problem in procuring specialised drugs due



NHRC Member, Shri S.C. Sinha holding discussions with the doctors and staff

to delay in releasing the funds by the State Government. Even procuring day-to-day medicines from pharma companies became difficult.

2. The rehabilitation of the cured patients in absence of the



NHRC Member, Shri S.C. Sinha and Dy. S.P., Shri K.H.C. Rao, accompanied by the doctors and staff, inspecting the facilities

whereabouts of their family members and correct addresses was a major issue.

3. Security of mentally ill patients was outsourced but contract was not further renewed due to non-payment

of dues, as a result, patients were mostly confined to the closed wards. They were not being allowed to go out during the day time to breathe fresh air and get exposed to sun rays.

4. Sanitation facilities for the patients were being compromised as the outsourced staff was not being paid regularly.

5. Vacancies were lying unfilled due to ban on fresh recruitment without giving a reasonable thought to their essentiality.

6. Lack of residential facilities for doctors and staff needed to be addressed urgently.

7. Lack of generators to ensure un-interrupted supply of electricity.

8. Facilities for MRI and CT Scan were not available in the hospital.

The Commission has observed that the Government of Andhra Pradesh should immediately carry out an assessment of the requirement for the growth of the hospital which has the potential to be developed further, and should take steps in a time-bound manner so that this reputed hospital attained its full potential.

NHRC team takes stock of mental healthcare and juvenile justice system in Lucknow

An NHRC team led by Member, Shri S.C. Sinha, visited Lucknow in Uttar Pradesh from the 7th to 9th May, 2014 to take stock of mental healthcare and juvenile justice system. The other members of the team were Shri A.K. Parashar, Joint Registrar (Law) and Dr. Savita Bhakhry, Joint Director (Research). The aim of the visit was to look into the functioning of mental healthcare and juvenile justice system. Department of Geriatric Mental Health established in King George's Medical College, a Children's Home and Observation Home for juveniles in conflict with law were visited.

The team also interacted with the Chairperson and Members of the Child Welfare Committee. They highlighted the problems which included, among others, poor basic infrastructure for children in need of care and protection, lack of supportive staff in many Homes and need for separate Homes for physically and mentally challenged children.

During the course of interaction with the juveniles, it was observed that a large number of them were staying in the Home for more than two years as no decision had been taken on their cases. In the absence of an Observation Home in Rai Bareilly, Unnao and Barabanki districts, a large number of juveniles from these districts were found

residing in the Observation Home at Lucknow.

The delegation also interacted with the Metropolitan Magistrate and the women social workers of the Juvenile Justice Board. The team also visited Ashalayam, a Shelter Home run by an NGO to provide



NHRC Member, Shri S.C. Sinha, Jt. Director, Dr. Savita Bhakhry and Jt. Registrar, Shri A.K. Parashar interacting with juveniles

residential facilities to children. It also visited Cheshire Home. The main objective of this Home is to enable, encourage and empower the persons with disabilities with the help of committed staff and volunteers.

Asia Pacific Forum Workshop on the 'Rights of Older Persons'

Shri J.S. Kochher, Joint Secretary, NHRC, representing the Commission, attended the Asia Pacific Forum Workshop on the 'Rights of Older Persons' in Sydney,

Australia from the 13th – 15th May, 2014. Representatives of 17 NHRIs of the region discussed the main elements that should be included in an International Legal Instrument,

such as a Convention, to promote and protect the rights and dignity of older persons. The outcomes of the Workshop will be further discussed at the Open-Ended Working Group on Ageing, which will finally present an overall proposal to the UN General Assembly.

Delegates came from the NHRIs of Bangladesh, India, Indonesia, Jordan, Malaysia, The Maldives, Mongolia, Myanmar, Nepal, New Zealand, The Philippines, Qatar, Samoa, Sri Lanka, Thailand and Timor Leste as well as from HelpAge, the International Federation on Ageing, the UN Economic and Social Commission for Asia and the Pacific and the Asia Pacific Forum.



Shri J.S. Kochher, Jt. Secretary, NHRC (standing 3rd from Right) alongwith the other participants of the workshop

Other important visits/seminars/programmes/conferences

Events	Delegation from NHRC
Meeting with the Trade Unions, NGOs and State Govt. Officials at Bhavnagar, visit to Shipyard at Alang, Gujarat from 25 th – 27 th May, 2014	Justice K.G. Balakrishnan, Chairperson
Keynote Address at the 4th International Conference on Cellular Health & Anti-aging Medicine organised by the Indian Nutrition Medical Association at Kochi from 30 th May – 3 rd June, 2014	Justice Cyriac Josph, Member
Visit to Rajasthan State Human Rights Commission and meeting with its Acting Chairperson, meeting with the Chief Secretary and Secretaries of Departments dealing with Mid-day Meal Scheme, Sarva Shiksha Abhiyan, Food Security and Health (including Mental Health) and presided over the National Consultation on 'Mineworkers and the State – Imbibing Good Practices for a Nationwide Change', organised by the Mine Labour Protection Campaign, Jaipur at Jaipur, Rajasthan from 22 nd – 25 th May, 2014	Shri S.C. Sinha, Member
Public Hearing on Bonded Labour at Patna on the 25 th May, 2014	Shri A.K. Parashar, Joint Registrar (Law)

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

Number of fresh complaints received in the Commission	8914
Number of cases disposed of including fresh and old	6094
Number of cases under consideration of the Commission including fresh and old	37556

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

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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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