

NHRC rules in favour of probe in custodial deaths

Neeraj Chauhan

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मानवाधिकार आयोग में दायर परिवाद की निष्पक्ष जांच की मांग

पटना | शोषणमुक्त बिहार अभियान के सचिव व अधिवक्ता वीरेंद्र कुमार सिंह ने राज्य मानवाधिकार आयोग में दायर परिवाद (संख्या 6619/20) की निष्पक्ष जांच की मांग की है। पत्र के अनुसार आयोग के सदस्य शशिशेखर शर्मा ने इस परिवाद में वर्णित तथ्यों की जांच का जिम्मा पटना डीएम को सौंपा है। पुलिस, परिवादी बच्चन राय के पुत्र (बबलू राय) को 7 जनवरी से थाना के हाजत में रखे हुए है। यह जांच को बाधित करने की कोशिश है।

परीक्षाओं में नाक की नथ निकलवाने पर मानवाधिकार आयोग का संज्ञान

राज्य ब्यूरो, चंडीगढ़ : हरियाणा कर्मचारी चयन आयोग की परीक्षाओं में महिलाओं के नाक की नथ पिन (नथ) निकलवाने पर हरियाणा मानवाधिकार आयोग ने कड़ा रुख अपनाया है।

आयोग के चेयरमैन सेवानिवृत्त जस्टिस एसके मित्तल व सदस्य दीप भाटिया पर आधारित बेंच ने इस मामले में संज्ञान लेकर हरियाणा कर्मचारी आयोग को नोटिस जारी कर जवाब तलब किया है।

आयोग ने कर्मचारी चयन आयोग से पूछा है कि क्या नाक की नथ पिन के माध्यम से ब्लू टूथ का प्रयोग किया जा सकता है। अगर नहीं तो महिलाओं के सम्मान की प्रतीक नथ पिन को क्यों निकाला जा रहा है।

मानवाधिकार आयोग ने अपने संज्ञान में कहा कि रोहतक में एक महिला की नथ पिन कर्मचारी चयन आयोग का स्टाफ निकाल रहा था और महिला की आंखों से आंसू निकल रहे थे।

मानवाधिकार आयोग ने कहा कि महिलाओं का नथ पिन (नथ) पहनना हमारी प्रथा रही है। उसे निकलवाना महिलाओं के मानवाधिकारों का उल्लंघन है। रोहतक में जिस तरीके से महिला की नथ पिन कर्मचारी चयन आयोग का स्टाफ निकाल रहा था, वह सहन करने योग्य नहीं है। मानवाधिकार आयोग ने कर्मचारी चयन आयोग के सचिव को आदेश दिया कि इस बाबत 26 अप्रैल से पहले हलफनामा दायर कर अपना पक्ष रखा जाए।

Outlook India

Silent Alarm

Less knocks on NHRC's door while violations keep rising are a wake-up call. It

must get back to keeping the State alert.

BY **K.G. BALAKRISHNAN**

JANUARY 18, 2021



Human rights means rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution, or embodied in international covenants and enforceable by Indian courts. The National Human Rights Commission (NHRC) was established after a thorough assessment of the need for such bodies to address human rights issues, and by keeping in consideration the ways and measures to apply for their protection. The Protection of Human Rights Act 1993 gave this commission a complete statutory status.

Soon after it came into being, the commission emerged as an outstanding institution by performing its role of guarding human rights and creating awareness about them. Yet, there continue to exist many challenges—poverty, food security, terrorism, discrimination based on caste or religion, iniquities in global economic order, to mention but a few—some more pronounced than others. To confront these effectively, free and frank exchange of views, coordination at regional and international levels, convergence in resources and technical cooperation have great value.

For the commission, discrimination on any of the grounds listed in the Constitution of India—and these include race, caste and even dissent—must constitute an unacceptable assault on the dignity and worth of the human person; an egregious violation of human rights. The commission has always held the view that instruments of governance in India and a committed non-governmental sector can unitedly triumph over historical injustices that have hurt the weakest sections of our country, particularly Dalits and Scheduled Tribes.

The COVID-19 pandemic and its aftermath have made the importance of upholding human rights clearer than ever before. A human rights-based approach to the pandemic is based on values. It prioritises the most disadvantaged and vulnerable, and it is holistic. This is not a time to neglect human rights; it is a time when, more than ever, human rights are needed to navigate the crisis in a way that will allow us to focus again on achieving equitable sustainable development and sustaining peace. Not just the

NHRC, but all commissions—National Commission for Protection of Child Rights, National Commission for Scheduled Tribes, National Commission for

Scheduled Castes and National Commission for Women—and state governments must ensure that international human rights charters, humanitarian and refugee law and standards are at the centre of all Covid responses. The NHRC must ensure accessible and quality healthcare to all without discrimination; it must make stimulus packages and other economic measures people-centric, while also ensuring income security and availability of food, water, sanitation and housing.

Unfortunately, in the earlier phase of the pandemic and lockdown, it seemed even the plight of jobless workers—millions were forced to walk hundreds of kilometres, barefoot and hungry, to reach their homes—failed to wake up the NHRC. It issued a routine advisory to the government, which nobody took note of. People deprived of their liberty, including in prisons, pre-trial detention, immigration detention, compulsory drug rehabilitation centres, Nari Niketans, old-age homes, orphanages and other places of detention continue to remain at a heightened risk of infection. What measures did the NHRC take in crisis planning and response aimed at these vulnerable sections—and if it did, what real impact did such measures have?

The pandemic aside, experts have routinely pointed towards the persistent upswing in incidents of human rights violations, especially by police and other law enforcement agencies. Curiously though, the number of fresh cases at the NHRC has been falling. In 2015, a high of 1.20 lakh fresh cases were registered, but in 2017-18, only 79,612. Are citizens losing faith in the NHRC as a protector of their rights?

Eternal vigilance is the price of liberty. The NHRC must be vigilant. It must keep the State alert to ensure rights are not denied or curtailed. Large sections of our community, especially those on the periphery, lack adequate consciousness about their rights and also the means to enforce them. The NHRC must play an active role for realisation of human rights, recognising that this alone is its eternal struggle.

(Views are personal.)

POWER POINT

SACHIDANANDA MURTHY



The stinking truth

The National Human Rights Commission used to be a noisy organisation, making up with strong words its lack of teeth to punish delinquent governments and individuals. But the commission has been rather subdued of late, leaving the job to more specific bodies like the National Commission for Women and the National Commission for Minorities. But an NHRC team led by Justice P.C. Pant recently returned to its earlier style of functioning after a workshop on manual scavenging exposed the claims of many state governments that they had put an end to the inhuman work.

A horrified commission issued a stinging circular, taking note of the situation. Although it did not use the word "lie", it said what the states were saying were "far from truth". The commission asked the definition of manual scavenging to be expanded to include other types of equally hazardous work undertaken in sewers across the country and called for total accountability from officials concerned. It called upon the Union home and finance ministries and the social justice department to prepare comprehensive schemes for the rehabilitation of scavengers, who face the worst forms of caste discrimination among the dispossessed groups in the country and demanded strong action against municipalities and panchayats that continue to employ manual scavengers.

Although manual scavengers constitute a major vote bank in many states, their concerns were not addressed properly for a long time. It was prime minister Manmohan Singh who appointed a separate minister of state to handle the challenges of sanitation. Prime Minister Modi has appointed a cabinet minister to deal with the issue under the omnibus Jal Shakti portfolio. He has also set up the Swachh Bharat Mission. Some of his colleagues did not like being addressed "minister of toilet", but the department grew in stature after Modi

made sanitation one of his signature initiatives and set the target of building ten million new toilets to make India open defecation free (ODF) by October 2, 2019, the 150th birthday of Mahatma Gandhi. On that day, Modi declared that every Indian household had a toilet.

When Modi took over in 2014, only 40 per cent of the households had toilets. And his government achieved the impressive feat of covering the remaining 60 per cent in five years. Modi's next target is to make India ODF+ by 2025. The government has allocated ₹1.5 lakh crore for the initiative, which is aimed at sustaining the ODF programme, and will also take up solid and liquid waste management.

Critics say many state governments have given themselves ODF certificates without actually meeting the target. It is alleged that some panchayats, districts and states claimed to have achieved a large percentage of their target during the fortnight before the national deadline. But the Central government is satisfied with the

progress, which it says is being monitored by official and informal sources. Officials say ODF+ will address the more serious issue of lack of running water, which drives people back to open defecation. The initiative will also subsidise panchayats to build sanitation complexes for the homeless and the hutment dwellers. As hygiene is an issue involving exploitation, there are allegations that casteism is behind the denial of wet toilets to dispossessed groups in rural areas.

Modi is happy that the ODF project has helped rural women, whom he calls his "invisible voters". Along with the Ujjwala scheme which provides cooking gas to rural households, the Swachh Bharat Mission, too, has a gender specific target. But it is important that the Central and the state governments act urgently on the timely alert given by the NHRC on the terrible tragedy that manual scavengers continue to face on a daily basis.



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KANDHAMAL RIOTS

Odisha files NHRC report in apex court

POST NEWS NETWORK

New Delhi, Jan 14: The state government has filed the report of National Human Rights Commission (NHRC) on the Kandhamal riots in the Supreme Court in support of its submission that the NHRC had only dealt with riots occurred in the district in 2008 and had nothing to do with those of 2007.

In response to a petition seeking additional compensation to the victims of 2007 riots, the state government submitted in the court that the NHRC had only dealt with 2008 riots victims and the apex court's order of 2016 for additional compensation was also confined to 2008 riots victims only.



A three-judge bench of the Supreme Court comprising Justices UU Lalit, Hemant Gupta and S Ravindra Bhat had adjourned the hearing in the matter for three weeks following the state government's request.

Earlier, the apex court in November 2020 had sought the clarification from the state government whether any other agency had dealt

Archbishop John Baruwa had filed a contempt petition in the SC demanding compensation for victims of 2007 riots

with 2007 Kandhamal riots.

Significantly, a contempt petition was filed by Archbishop John Baruwa in the apex court saying that additional compensation has not been paid by the state government to victims of 2007 riots.

The petitioner contended that the apex court's direction in 2016 was to give additional compensation to all victims of Kandhamal riots. He

submitted that the state government has given additional compensation to 2008 riots victims but they have been completely neglecting victims of 2007 violence.

Notably, at least three persons were killed and over 100 churches and church institutions, including convents and hostels, 700 houses and other structures were burnt in the riots which devastated the district between December 24 and 27, 2007.

Similarly, 39 people were killed and over 395 churches vandalised, 600 villages ransacked; over 5,600 houses were looted and over 54,000 people were left homeless in the August 2008 riots in Kandhamal district which allegedly set off after the murder of Swami Lakshmananda.

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