

# NHRC orders compensation of Rs 3 lakh to family of electrocution victim

**STATESMAN NEWS SERVICE**

BALASORE, 6 AUGUST

The National Human Rights Commission (NHRC) has directed the Chief Secretary of Odisha to provide compliance to its order of compensation of Rs 3 lakh to the next of kin of a minor boy of Bhadrak district who was electrocuted

Acting on the petition filed by rights activist Dr Sitakanta Tripathy the NHRC passed the order.

In his petition, Tripathy stat-



ed that the minor child Sanjay Majhi was with his friends when he came in contact with a 11 kv line close to a cyclone shelter. He died on the spot. The petitioner alleged that the death was due to negligence of the electricity department which had failed to repair snapped wires after

the cyclone Yash.

The Commission has considered the materials placed on record and observed that DISCOM (TPNODL) is liable for the accidental death of the victim. The charge sheet in the matter has also been filed in the Court against the officials of the electricity department.

It confirmed its recommendation of compensation of Rs 3 lakh and directed the Chief Secretary to submit a compliance report within six weeks.

**UP: Seven months after prisoner's death, report shows 'toxins in body'**

<https://timesofindia.indiatimes.com/city/meerut/seven-months-after-prisoners-death-report-shows-toxins-in-body/articleshow/93383170.cms>

MUZAFFARNAGAR: Months after an inmate died in prison due to chest pain, as jail officials had claimed then, a reinvestigation to understand the cause of his death has been ordered by the jail authority after the undertrial's viscera report came into public domain.

The jail authority also released a statement doubting the report's findings. On December 27, last year, Mohd Zakir, 48, an undertrial (for attempt to murder), who was imprisoned in Saharanpur jail for two months, had complained of "chest pain".

He was taken to medical college where he died. Seven months later, his viscera report revealed "methyl-ethyl alcohol toxins in his body".

Following which, jail superintendent Amita Dubey raised questions. "

The report doesn't mention the quantity of the traces of methanol. Besides, the doctors who made the report are orthopaedic and medical officers posted at the community health centre, they are not forensic/ postmortem experts," Dubey said.

"It is quite possible that Zakir consumed homoeopathy and that's why alcohol traces were present. But still, we will inquire into the development," Dubey added. Saharanpur district magistrate (DM), Akhilesh Singh, has also taken cognisance of the case and is considering steps to institute an inquiry to find out whether alcohol was being consumed inside the jail. "I am collecting more information.

The National Human Rights Commission is already aware of this incident," the DM said.

## **Tamil Nadu excels in human rights protection**

<https://newswaali.com/tamil-nadu-excels-in-human-rights-protection-news-waali/>

Tamil Nadu excels in human rights protection

Supreme Court Justice Sanjay Kisan Kelal said that Tamil Nadu excels in the protection of human rights.

The State Human Rights Commission's silver jubilee year was held at Kalaiwan Arena, Chennai on Saturday. Presiding over the function, Supreme Court Justice Sanjay Kisan Kelal spoke:

The Constitution of India emphasizes the concept of equality for all. Human rights are emphasized at many places in Thirukkural. A society that respects human rights is considered a developed society. Human rights are not just about treating your fellow man as a human being. Ensuring access to good education and healthcare for all.

Women should be given equal rights not only in education but also in employment. Madras High Court has the largest number of women judges in India. The Human Rights Commission should be involved in creating awareness among people about human rights and related laws. He said that Tamil Nadu excels in human rights protection as compared to other states.

Special focus on juvenile offenders: Madras High Court Chief Justice Muneeswar Nath Bhandari spoke:

The Human Rights Commission works well on the rights of women, children and persons with disabilities. Human Rights Commission should take strict action against police station deaths. He said that by paying special attention to juvenile criminals, we can create a future without criminals.

Supreme Court Branch in Chennai: Chief Minister M. K. Stalin spoke:

Human rights are the most fundamental aspect of the Constitution. The government has the responsibility and obligation to protect the right to equality, right to speech, right to write, right to express thoughts, right to assemble, right to work, freedom of religion, right to education, right to property. The Tamil Nadu government will not fail a day from that duty. Vacancies in State Human Resources Commission will be filled soon. The number of employees will be increased. The commission's inquiry team was told that the number of police officers was insufficient. It will be investigated and decided soon. Training camps will be organized on human rights principles and principles and how to follow them.

Keeping in view the interest of the general public and lawyers, arrangements should be made to set up a branch of the Supreme Court in Chennai. He said that Tamil should be made the language of proceedings in the Madras High Court.

In the function, district administrations and police officers who worked well in human rights protection were felicitated.

National Human Rights Commission Chairman Arun Mishra, Tamil Nadu Law Department Minister S. Raghupathi, Chief Secretary V. Iraiyanpu, State Human Rights Commission Chairman S. Bhaskaran, members Justice Durai. Jayachandran, Sittaranjan and others participated.



### **SC Commission begins probe into death of Narayana**

<https://www.thehansindia.com/andhra-pradesh/sc-commission-begins-probe-into-death-of-narayana-756700>

Nellore: Director of National Commission for Scheduled Castes, State Office for Andhra Pradesh, and Telangana Dr G Sunil Kumar Babu on Saturday visited Podalakur mandal to conduct investigation on the alleged suicide of Udayagiri Narayana, 38, on June 19. The National Commission for Scheduled Castes Stook up the issue seriously and directed for a spot investigation in the matter.

It may be recalled that Narayana was working as a labourer at a brick factory near Gayatri Sugar Factory in Podalakur mandal and the owner of kiln Vamsi Naidu lodged a complaint with Podalakur police suspecting his role in a theft. Police interrogated Narayana and sent him away. TDP leaders alleged that the victim was summoned twice to the police station and his body was found hanging to a tree close to the village on next day.

The autopsy for Narayana's body was conducted two days after the incident and his wife Padma alleged that the injury marks on her husband's body were not mentioned in the autopsy report and demanded a fresh postmortem again. She earlier blamed the police personnel for forcing them to conduct cremation disregarding their family sentiments. Padma alleged that Vamsi Naidu and Podalakur SI SK Karimullah killed her husband and showed it as a case of suicide by hanging his body to a tree. She said that there was no reason for her husband to commit suicide and accused the role of cops visiting her house every day and taking her signatures on blank papers.

TDP leaders lodged a complaint with the National Human Rights Commission (NHRC) and demanded action against responsible for Narayana's death. Narayana's wife submitted a representation to the National Commission for Scheduled Castes and alleged that her husband died in police lockup due to torture by the SI and other police personnel of Podalakur police station.

The Commission mentioned in its letter on August 5 that neither the District Collector nor the Superintendent of Police have forwarded an action taken report to them within seven days. The Commission warned that they would have to exercise the powers of Civil Courts conferred under Article 338 of the Constitution of India and will issue summons for their appearance in person or by a representative before the Commission if they fail to comply with the requirements. Further, SP Ch Vijaya Rao denied role of Podalakur police personnel in suicide of Narayana on July 13 and said the incident was only due to personal reasons, releasing some video footages to the media persons. Commission members visited the places and interacted with the family members of Narayana, police personnel and others on Saturday. Director of the Commission Dr Dr

G Sunil Kumar Babu who interacted with District Collector KVN Chakradhar Babu and SP Ch Vijaya Rao and other officials, asked them to submit a detailed report to the commission by August 30. Sunil Kumar Babu said they have interacted with Udayagiri Padma and the state government provided employment, house site, ex gratia of Rs 4,12,500 and education support to the children.

## **Fake Encounters In India: Laws, Flaws & Fear**

<https://www.outlookindia.com/national/fake-encounters-in-india-laws-flaws-fear-magazine-213923>

Since there is a thin line between exercising the right to self-defence, retaliation and using excessive force, police encounters must always be looked at with a critical eye, say experts

There is no ambiguous provision or statute in Indian laws that legalises encounter killings. On the contrary, various Supreme Court judgments and National Human Rights Commission (NHRC) guidelines limit the use of police's excesses. However, the ground reality is very different. Legal experts point at various cases where the victims didn't get any justice. The glorification of extrajudicial killings by politicians also emboldens an ecosystem of lawlessness.

Data tabled in the Lok Sabha on July 26 revealed that across the country, 82 people were killed in police encounters during the 2020-2021 fiscal, which jumped to 151 during the 2021-2022 fiscal. Although the data for the year shows an uptick in encounters, India's history since the 1990s has remained replete with instances of fake encounter killings.

Between 2000 and 2017, the NHRC registered 1,782 fake encounter cases. Similarly, between 1993 and 2009, at least 2,560 cases of encounters were brought to the notice of the NHRC. Of them, 1,224 were fake.

Arif Jwadder, a Delhi-based lawyer and activist, tells Outlook, "There are some [IPC/CrPC] sections that, depending on the circumstances, may give officers involved in encounters specific rights to deal with criminals." The lawyer says that in most cases, police are known to misuse their privileges.

The standard explanation used by officers to justify their actions is that the killing was necessary to protect themselves from being attacked by the putative criminals, or to exercise their "right of private defence".

According to Section 96 of the Indian Penal Code (IPC), any act done in the exercise of 'right of private defence' is not an offence. Nevertheless, Section 99 explicitly pre-sages that the defence is not available for inflicting more harm than is necessary for defence. In other words, the use of force should be proportionate.

The Supreme Court, in Extra Judicial Execution Victim Families Association (EJVFAM) and Ors. Vs Union of India and Ors., states that the right of self-defence or private defence falls in one basket, and use of excessive force or retaliatory force falls in another basket. While police have the right to private or self-defence, if they go



beyond these by employing excessive force or punitive measures, they become aggressors and commit crimes that are punishable by law.

"Sadly, there are times when using extreme force or retaliation results in the death of the first offender," the lawyer says.

The Supreme Court held in the *EEVFAM* case that "there is a qualitative difference between use of force in an operation and use of such deadly force that is akin to using a sledgehammer to kill a fly; one is an act of self-defence while the other is an act of retaliation."

Similarly, in *Darshan Singh Vs State of Punjab and Anr*, the apex court observed that, "...it is also settled position of law that a right of self-defence is only right to defend oneself and not to retaliate. It is not a right to take revenge."

NHRC's 2010 Guidelines Make It Binding For Police To File An FIR Whenever There's A Complaint Against Them Of Criminal Conduct That Makes A Cognisable Case Of Culpable Homicide.

Another shield often used by police to cover up extrajudicial killings is that they opened fire because the accused was trying to evade arrest. Although this side is governed by Section 46 (3) of CrPC, it doesn't include killing someone, unless the victim is charged with a crime that carries death or life sentence.

The Supreme Court judgment in *Om Prakash & Ors Vs State Of Jharkhand & Anr.*, observes, "It is not the duty of police officers to kill the accused merely because he is a dreaded criminal."

"Undoubtedly, police have to arrest the accused and put them up on trial," the judgment further reads. "This court has repeatedly admonished trigger-happy police personnel, who liquidate criminals and project the incident as an encounter... Such killings... are not recognised as legal by our criminal justice administration system. They amount to State-sponsored terrorism," it adds.

The saga of investigations

Since there is a thin line between exercising the right to self-defence and perpetrating retaliation or excess force, the police encounters must always be looked at with a critical eye.

A human rights activist tells Outlook, "If there's an independent investigation into police encounters, most of them will turn out to be cases of killing using excess force or of motivated cold-blooded murder."



In the matter of death during the course of any police action, the NHRC issued some guidelines in 2010. A statute from the list makes it mandatory to file an FIR under appropriate IPC sections whenever a particular complaint is made against the police alleging conduct of a criminal act on their part that sets out a cognisable case of culpable homicide. The guidelines recommend that the state CBCID (Crime Branch, Crime Investigation Department) or another specialised investigating agency must probe the matter.

In the landmark judgment of PUCL Vs State of Maharashtra, the Supreme Court issued 16 guidelines to be followed in the investigation of deaths following police encounters, after considering recommendations made by the Bombay high court, the counsels, NHRC and other stakeholders. One of the guidelines says that an independent investigation into the incident/encounter shall be conducted by the CID or a police team of another police station, under the supervision of a senior officer (at least a level above the head of the police party engaged in the encounter).

The guidelines also make a magisterial inquiry under Section 176 of the code mandatory. Moreover, the apex court said these “requirements/norms must be strictly observed in all cases of death and grievous injury in police encounters by treating them as law declared under Article 141 of the Constitution of India”.

#### A rotting ecosystem

On July 14, the Supreme Court imposed a fine of Rs 5 lakh while delivering its verdict on a petition an activist moved in 2009. Activist Himanshu Kumar and 12 other Adivasis had petitioned the apex court for a fair investigation into the 2009 Gompad massacre of Adivasis in the Sukma area of Chhattisgarh. In the violent incidents, several Adivasis were killed. Among the petitioners were the family members of those who were killed, as well as survivors with injuries.

The apex court’s judgement maintained that since the FIRs lodged by the petitioners alleging massacre by police and paramilitary forces were investigated, and that the investigating agency concluded that it was Maoists rather than the police force that had perpetrated the massacre, “prima facie, it could be said that false information was given by the first informants to the police as regards the alleged massacre by the police force”.

Several Experts Believe That Police Carry Out Encounters And Liquidate Certain People Under Pressure Of Their Political Bosses.

“The Supreme Court judgement,” says Kavita Krishnan, a human rights activist based in Delhi, “creates a precedent that might discourage survivors and witnesses in massacre

instances from even filing FIRs, especially if they run the risk of being penalised for doing so in case the court cannot support their claims.”

Krishnan, calling the move contradictory to the apex court’s previous landmark judgments, says that it is worrying because this is likely to encourage the atmosphere of fear among the petitioners, activists and victims’ families who demand a fair probe into the encounter killings. “Such an ecosystem bolsters the perpetrators to kill more as they’re seemingly promised impunity,” she adds.

Several experts believe that police carry out encounters and liquidate certain people under political pressure. Indian Police Service (IPS) officer Prakash Singh, who has served as director general of police of Uttar Pradesh and Assam, tells Outlook, “I remember when I was serving as a junior officer in Uttar Pradesh. The state home minister moved from district to district and got a list prepared of people who should be bumped off.”

“The minister told police officers that the next time he came by, he would check how many from the list had been eliminated/killed,” adds Singh, who has also commanded India’s Border Security Force (BSF).

Singh says that the political sanction or approval arises out of the fact that the criminal justice system is slouching and slow. Politicians, he adds, often give unrealistic deadlines to police officers to nab the accused.

“Whenever a major crime of any kind takes place, a politician steps in and tells the police officer in charge to solve the case in 24 hours,” Singh says, adding, “In such cases, the police are caught in a bind. I’ve seen this happen a lot of times.”

Singh believes when it comes to encounter killings it is easy to put the blame on the police and get away with it, but it is important to “understand the whole political ecosystem, where-in the police have not only lost their independence, but also their autonomy”.

Police is the main strong-arm of the State and is vested with many powers. However, Swaran Ram Darapuri, a social activist, politician and ex-IPS officer, tells Outlook that the problem lies in the distribution, or rather, the over-centralisation of powers.

“In current times,” says Darapuri, “police are not able to do anything at their own discretion and will. Nowadays, even the chief of police or DGP has become an insignificant player.”

“All diktats are read out from the top by the political bosses, who manage everything,” he says, adding, “Political power in this country is becoming the supreme power. The system is moving towards authoritarianism. This is a dark ecosystem.”

Darapuri feels that expecting the rule of law to prevail under such circumstances is a far-fet-ched dream. "You see, many chief ministers are openly calling for encounter killings. How can you expect due process of law to be follo-wed when the heads of states glorify police excesses and extrajudicial killings?" asks the former top cop.

It is a question, the answer to which India has been intermittently searching for since 1947.

(This appeared in the print edition as "Laws, Flaws & Fear")



## **Andhra Pradesh: SC commission conducts probe into Dalit man's death in Nellore**

<https://www.thehindu.com/news/national/andhra-pradesh/andhra-pradesh-sc-commission-conducts-probe-into-dalit-mans-death-in-nellore/article65737520.ece>

The National Commission for Scheduled Castes(NCSC) on Saturday conducted an inquiry into the circumstances surrounding the death of a Dalit man from Kandamooru village in Nellore district.

Udayagiri Narayana(38)'s body was found hanging from a tree on June 19. The family members allege that Narayana had died following police excesses during an interrogation that followed when the owner of a brick factory, where Narayana worked, had a filed a complaint against him for theft of electrical equipment.

After a meeting with District Collector K.V.N. Chakradhar Babu, NCSC Director Sunil Kumar Babu recorded the statement of the family members.

The official said he would file a detailed report to the NCSC. Superintendent of Police Ch Vijaya Rao also submitted a report to the Commission Director.

Opposition parties had complained to the National Human Rights commission (NHRC), demanding action against those responsible for Narayana's death.

### **NHRC & State commissions functioning effectively: Arun Mishra**

<https://theprint.in/india/nhrc-state-commissions-functioning-effectively-arun-mishra/1071956/>

Chennai, Aug 6 (PTI) National Human Rights Commission (NHRC) and State Commissions are functioning effectively serving the cause of the government of India, NHRC chairperson Arun Mishra said here on Saturday.

The issue of human rights, concern for the environment and thought for others' wellbeing including the deprived sections, is age-old practice in the country and these values are embedded in India's ethos and culture, the chairperson said while speaking at the silver jubilee of the Tamil Nadu State Human Rights Commission here.

"For equal protection of human rights it is necessary that every human respects the rights of all beings, and biodiversity on earth because without that human existence is not possible," he said.

Pointing out that humans are dependent on each other, Mishra said there is space also for taking care of the environment. "We have to care of the environment and take care of the system, take care of each other and live with dignity, love and affection," he said.

Human rights has been embedded in the Indian ethos and culture from the beginning, at least 5,000 years ago.

"Even globalisation that we now talk of is a concept, which is also 5,000 years old and we can find it in the Vasudhaiva Kutumbakam (world is one family) concept in our scriptures," he said.

Mishra further said that the Hindu culture has the power to assimilate all religions, cultures and languages and this is the power, spirit and culture of India.

When we go back to the Mahabharat days, we find that the civil liberties in a political system have to be protected by the rulers," he said.

Mahabharat is a salutary example of human rights. During the great war, the battle was fought during the day and in the evening, the warring groups visited each other's camps, even enemy camps, looked after the injured, held talks for compromise or solutions. "That is our culture," Mishra said.

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“That is the culmination of India’s policy of no first use of atomic energy. Our entire system is embedded with human rights and even food security, which we can see in the form of Langar established by the Sikh gurus, where food is given for free,” he said.

Further, the concept of sustainable development, earlier measured in terms of GDP, is now progressive and inclusive. Qualitative improvement of human is aimed at developing; and sustainable development has to take care of not only today’s needs but also of posterity.

“We should ensure this planet with its natural resources remains intact for future generations,” the NHRC Chairperson said.

Giving awards to best performing district collectors and police commissioner, Tamil Nadu Chief Minister M K Stalin reiterated his demand for establishing a bench of the Supreme Court in Chennai and making Tamil the official language of the Madras High Court in addition to English.

He assured to take steps to fill up the vacancies in the State HRC and to increase the staff strength.

“Increasing the police representation in enquiry panel will also be decided soon,” the CM said.

Tamil version of the state HRC website will be created and all information on NHRC will be disseminated through Tamil, said Stalin who earlier released a souvenir to commemorate the silver jubilee of the Tamil Nadu State Human Rights Commission.

Chief Justice of Madras High Court, Justice Munishwar Nath Bhandari stressed the need for providing better living conditions for the children in observation home and said if the conditions are not improved, then the children may tend to run away to involve in crimes again.

“I urge all the State HRCs to involve entrepreneurs to adopt the houses because we can’t look up at the government every time. This is one area which needs to be addressed at national level,” he said.

The HRC in his view should be provided more teeth and empowered for an effective mechanism to implement their recommendations.

Supreme Court judge Justice Sanjay Kishan Kaul unfurled the silver jubilee inscription and justice Arun Mishra, chairperson, NHRC released the silver jubilee journal, edited



A special postal cover to commemorate the silver jubilee of TN SHRC was handed to Chief Justice of Madras High Court Justice Munishwar Nath Bhandari by K Somasundaram, director of Postal Services, Chennai city region.

Awards for best performing collectors in TN were received by Gayathri Krishnan (Tiruvarur district), K Senthilraj (Thoothukudi) and M Aravind (Kanyakumari district) from the CM.

Best performing police Commissioner award to Madurai Commissioner D Senthil Kumar, best performing awards to Superintendents of police were given to V Badrinarayanan, Coimbatore, and Saroj Kumar Thakur of Krishnagiri, by the Chief Minister.

State Law Minister S Regupathy, Justice S Baskaran, chairperson of State HRC and D Jayachandran, member of State HRC were among those who spoke. PTI JSP ROH ROH

## **NHRC & State Commissions Functioning Effectively: Arun Mishra**

<https://www.republicworld.com/india-news/general-news/nhrc-and-state-commissions-functioning-effectively-arun-mishra-articleshow.html>

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by former Supreme Court judge, Justice Ibrahim Kalifullah, and updated version of the human rights aspects book.

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### **NHRC asks Govt to pay Rs 3L aid**

<https://www.dailypioneer.com/2022/state-editions/nhrc-asks-govt-to-pay-rs-3l-aid.html>

The National Human Rights Commission (NHRC) has directed the Odisha Chief Secretary to pay a compensation of Rs 3 lakh to the family of a minor boy who was electrocuted. The order was passed taking cognisance of a petition filed by human rights activist Sitakanta Tripathy.

Tripathy had stated that Sanjay Majhi of Karanajamala GP under Chandbali block of Bhadrak district came in contact with a live electric wire which had snapped from an 11-KV pole when he had gone to a relative's place at Harishpur of Chaddia GP under the Bansada police station.

The commission observed that the DISCOM TPNODL is liable for the accidental death and recommended payment of the compensation.

The NHRC has also directed the Chief Secretary to submit a compliance report of payment of the compensation along with the proof of payment within six weeks.