

Alarmed by rampant violations of Prevention of Sexual Harassment Act in sports, NHRC issues notice to 16 federations

<https://theleaflet.in/alarmed-by-rampant-violations-of-prevention-of-sexual-harassment-act-in-sports-nhrc-issues-notice-to-16-federations/>

In the backdrop of the ongoing protests by women wrestlers against alleged sexual harassment by Wrestling Federation of India (WFI) president Brij Bhushan Singh and the media focus it has brought on the conditions under which female sportspersons train and work in India, the National Human Rights Commission (NHRC) has taken cognisance of non-compliance of sports federations, including the WFI, with the Prevention of Sexual Harassment Act, 2013. The NHRC has given 16 non-complying sports federations a month to submit a detailed reports on the status of constitution of sexual harassment panels and steps taken to address reported violations.

THE National Human Rights Commission (NHRC) has issued notices to 16 of the 30 national sports federations in India for failing to meet the compliance requirements regarding the constitution of 'internal complaints committees' (ICCs) under the Prevention of Sexual Harassment Act (PoSH), 2013.

Suo motu cognisance by NHRC

The NHRC took suo motu cognisance of the matter after violation of the law was highlighted in an article by the Indian Express on May 4. The article noted that of the 30 federations in India, five do not have an ICC, the rest have constituted ICCs, but four of them do not have the stipulated number of members, six lack any external member, as is required, and one has two panels, but does not have an independent member.

The matter came to light after the Wrestling Federation of India (WFI) president and member of Parliament of the Bharatiya Janata Party (BJP) Brij Bhushan Singh was accused of sexual harassment by several women wrestlers. On Friday, the Delhi Police had informed a special court that a special investigation team (SIT) had been constituted to probe the allegations of sexual harassment levelled by women wrestlers against him.

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"The commission has carefully examined the contents of the news report which are shocking and alarming," the NHRC has stated in the notice. In its view, the matter is one of concern "as the issue relates to the right to equality and dignity of sportspersons."

The oversight committee's response

In January, an oversight committee formed by the Indian Olympic Association, which is headed by boxer and former member of Rajya Sabha M.C. Mary Kom, had also flagged the absence of duly-constituted ICCs. The committee had noted the overall "lack of adequate mechanism for awareness-building among sportspersons for grievance redressal." The report drafted by the Mary Kom oversight committee is yet to be made public.

Soon after the constitution of the oversight committee, the Ministry of Sports had sent a letter to all national sporting federations reminding them of the need to comply with the PoSH Act. While claiming that "most bodies have the necessary structures in place", the letter had called on sports federations to "reexamine their structures and policies" and make necessary changes to comply with the law. The Indian Express newsreport disclosing the existence of this letter has also been taken note of by the NHRC.

Errors of fact by NHRC

The NHRC makes two errors of fact while stating that "an FIR has been registered on the directions given by the Apex Court". In actuality, two separate first information reports (FIR) have been registered against Singh. One, under Sections 354 (assault or criminal force to woman with intent to outrage modesty), 354A (sexual harassment), 354D (stalking) and Section 34 (criminal conspiracy) of the Indian Penal Code, 1860. Since one of the seven complainants is a minor, the matter falls under the scope of Section 10 (aggravated sexual assault) of the Protection of Children from Sexual Offences (POCSO), 2012.

The second error relates to the claim that the criminal complaints were registered on the directions of the Supreme Court, a statement also erroneously forwarded by BJP member of Parliament Singh himself during media interactions.

Also read: Supreme Court closes wrestlers' petition, says 'purpose fulfilled' with FIR registration against WFI chief

The said FIRs were registered after the Delhi Police, through Solicitor General of India Tushar Mehta, informed the Supreme Court on April 28 that "we have decided to register an FIR. It will be registered today".

"The commission has carefully examined the contents of the news report which are shocking and alarming," the NHRC stated in the notice.

This was submitted merely two days after the Delhi Police told the court that a preliminary enquiry might be needed first. Mehta did not elaborate on the reasons for

the change of stance of the Delhi Police which followed the widely reported protest by wrestlers and their allies.

The report relied upon by the NHRC has also erroneously omitted the fact that the Wrestling Federation of India has a sexual harassment committee, though its mandate appears to be beyond merely investigating complaints of sexual harassment at workplace, and it does not meet the mandatory requirements for the constitution of an ICC.

WFI's sexual harassment committee

The stated mandate of WFI's sexual harassment committee is "to ensure ethical practices and fair play in sports including elimination of doping practices, match fixing, fraud of age and sexual harassment of women in sports", as per its website.

Considering the above, "the WFI has established an ethics commission", the website states. It is not clear whether this panel was formed to deal with complaints of sexual harassment or ethical malpractices.

Nevertheless, the said panel consists of four office bearers of the WFI and only one external member: Olympic bronze medallist freestyle wrestler Sakshi Malik.

The law on ICCs

As per Section 4(2) of the PoSH Act, an ICC shall constitute of the following members:

Presiding officer: A woman employed at a senior level at the workplace from amongst employees.

Internal members: Not less than two; from employees preferably committed to the cause of women or who have experience in social work or have legal knowledge.

Independent member: One; from amongst non-government organisations (NGO) or associations committed to the cause of women or a person familiar with issues relating to sexual harassment.

Supreme Court issues guidelines for enforcement of PoSH Act

In a judgement delivered on Friday, a division Bench of the Supreme Court issued a set of guidelines to ensure the urgent and efficient enforcement of the PoSH Act in the interest of working women across the country.

Also read: A decade after its enactment, SC issues directions to ensure better implementation of the PoSH Act

The judgement in Aureliano Fernandes versus State of Goa and Others (2023) highlights that the successful implementation of the Act depends on the constitution of ICCs at the workplace by every employer and the constitution of local committees and the internal committees by the appropriate government.

The constitution of such committees ensures that there are proper institutions in place to conduct inquiries into complaints of sexual harassment at the workplace, the judgment notes

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The court issued the following directions:

In a time-bound manner, the Union of India, all state governments and Union territories are directed to verify whether all the concerned ministries, departments, government organisations, authorities, public sector undertakings, institutions, bodies, etc., have constituted committees in accordance with the PoSH Act.

It is directed to ensure that updated and necessary information regarding the constitution and composition of the committees, details of the email IDs and contact numbers of the designated person(s), the procedure prescribed for submitting an online complaint, relevant rules, regulations and internal policies are made readily available on the website of the concerned authority.

All statutory bodies of professionals at the “apex level” and the state level, including the bodies that regulate doctors, lawyers, architects, chartered accountants and other professionals, as well as universities, colleges, training centres and educational institutions, and government and private hospitals and nursing homes, are directed to conduct a similar exercise.

The authorities, management and employers are directed to take immediate steps in familiarising the members of the committee with the manner of conduct of an inquiry.

The authorities, management and employers are directed to conduct orientation programmes, workshops, seminars and awareness programmes to upskill members of the committees and to educate women about the provisions of the law.

The National Legal Services Authority and state legal services authorities are directed to develop modules to conduct workshops and organise awareness programmes to sensitise authorities, managements, employers, employees and adolescent groups with the provisions of the PoSH Act.

The National Judicial Academy and state judicial academies are directed to include in their annual calendars, orientation programmes, seminars and workshops for capacity building of members of the committees established in the high courts and district courts and for drafting standard operating procedures to conduct an inquiry.

The secretaries of all the ministries of the Union government and the chief secretaries of every state and Union territory are directed to ensure the implementation of these directions.

Also read: POSH Act: Cases suggest need for safeguards even while keeping Evidence Act inapplicable

In the judgement, Justices Hima Kohli and A.S. Bopanna made a specific reference to the report the NHRC has relied upon to issue notices to the 16 sports federations. The NHRC has given the said federations four weeks time to submit a detailed report on the present status of the ICC in their organisations and the steps taken or proposed to be taken to address the issue.

3 Die Inhaling Toxic Fumes In Newly-Built Septic Tank In Tamil Nadu's Cuddalore

<https://news.abplive.com/tamil-nadu/3-dead-asphyxiated-in-tamil-nadu-newly-built-septic-tank-cuddalore-inhaled-toxic-fumes-nhrc-manual-scavenging-1602246>

Three casualties were reported in Tamil Nadu's Cuddalore district as they entered into a newly built septic tank inside a house and inhaled toxic fumes. A case has been lodged and an investigation is underway.

Three people lost their lives in Tamil Nadu on Saturday as they inhaled toxic fumes after entering into a newly-built septic tank in a house in the Cuddalore district. Cuddalore Police lodged a case into the matter and an investigation is being carried out, reported news agency ANI.

More details about the incident are awaited.

A similar incident occurred last year in November wherein three sanitation workers were asphyxiated in Karur district and the National Human Rights Commission (NHRC) issued a notice to the Tamil Nadu government over the deaths reported during cleaning of a septic tank.

Taking suo motu cognisance of the reports published by media organisations that three workers were asphyxiated to death while they were cleaning a septic tank in the Gandhi Nagar area at an under-construction house in Karur district on November 15. NHRC issued notices to the State Chief Secretary, Director General of Police (DGP), and the Municipal Commissioner of Karur, calling for reports on the matter.

The NHRC asked the Chief Secretary to submit an action-taken report regarding fixing the responsibility or accountability of the authorities who entrusted the cleaning of those tanks at the construction site. It also asked for the details of compensation and rehabilitation provided to the next of kin of the deceased.

The notice read, "The report should also specify the awareness and sensitization camps initiated by the State Government to provide security covers to workers involved in hazardous cleaning of sewer/septic tanks etc., as well as the welfare schemes initiated or to be initiated by the State Government for such sanitary workers. Action taken report must also contain implementation of the Advisory issued by the NHRC on September 24, 2021, about the protection of human rights of the person engaged in hazardous cleaning and its outcome."

NHRC suggests Centre, State act on education deficit

STATESMAN NEWS SERVICE
BHUBANESWAR, 14 MAY:

National Human Rights Commission (NHRC) has asked the Centre and States to ensure that education be imparted, both in digital as well as physical mode, to the children of different age group, at least in rural and wherever necessary in urban areas and with a view to get rid of digital divide amongst the children of different strata of society.

The State Governments and Union Territory Administrations should act in unison to achieve the goal of universal education across the society, which includes

poor, under-privileged and down-trodden children, with a view to promote an enlightened society for the future, the NHRC stated in an order disposing the petition filed by activist and Lawyer Radhakanta Tripathy.

No concrete measure has been taken neither by the center nor by the States and Union Territories to fill the gap of education due to dearth of resources living in inaccessible areas.

The students who face power supply and electrification challenges also suffer. The failure of the Union and state Governments violates Constitutional rights of the Stu-

dents and the provisions of Right to Education Act, the petition noted.

The NHRC made several recommendations including adhocism in imparting education through Shiksha Karmi/Shiksha Mitra, etc. need to be replaced by regular qualified, and efficient teachers.

Technology should be evolved in order to ensure learning of the most marginalized sections.

Integration and alignment of education practices with the larger curriculum objectives of problem-solving, organizing data, etc. should be done.



NHRC prods Centre, states to ensure edu for all kids

<https://timesofindia.indiatimes.com/city/bhubaneswar/nhrc-prods-centre-states-to-ensure-edu-for-all-kids/articleshow/100238535.cms>

Bhubaneswar: The National Human Rights Commission (NHRC) has recommended the Centre as well as states/Union territories, including Odisha, to take appropriate initiatives to ensure education for all, both in digital and physical mode. It has also recommended the governments must curb the digital divide among children of different sections of the society.

The commission recently passed these recommendations after hearing a petition filed on September 22, 2020, by Odish-based human rights activist and lawyer Radhakanta Tripathy. The petitioner had alleged that no substantial steps were taken by the governments as corrective measures to address the education deficit during the Covid-19 pandemic.

After taking cognisance of the complaint, the NHRC has taken several steps like issuing notice to the Centre and state/UT governments to address the issue. It had issued advisories to protect and promote the rights of children. It has also conducted two webinars on digital divide and issues and challenges of digital education.

Later, the ministry of education had submitted an action taken report regarding digital education for children. The research division of the NHRC analysed the report and gave recommendations to the Centre and states/UTs to reduce the impact of learning loss and digital divide.

Some of these recommendations include door-to-door/app-based surveys to identify out of school children and bring provide them education by preparing special online courses. Access to textbooks in both digital and physical form should be provided to elementary school children, said the order.

The commission in its order stated that states/UTs should ensure that the guidelines formulated in the various advisories and the steps taken by the Centre must be implemented holistically to remove differences between sections in the society and impart quality education to students across the country.

The full bench of the NHRC said the states/UTs and the Centre should act in unison to achieve the goal of universal education across the society, which includes poor, underprivileged and downtrodden children, with a view to promote an enlightened society for the future. With these observations, the commission closed the case.

राष्ट्रीय संयुक्त सचिव बननेपर किया स्वागत

<https://www.livehindustan.com/uttarakhand/haldwani/story-welcomed-on-becoming-national-joint-secretary-8166062.html>

हल्द्वानी। रा राष्ट्रीय मा मानव अधिधिका कार एन्ड एन्टी करप्शन फोर्सके तत्वावधान में एक बैठक का आयोजन किया गया। इसमें चंपा त्रिपाठी का राष्ट्रीय संयुक्त सचिव बनने पर स्वागत किया गया। इस दौरान नलिनी त्रिपाठी, मंजूशाह, चंपा चिलवाल, सोनूजोशी, भवानी बिष्ट, पार्षद राधा आर्यको सदस्यता दिलाई गई। राष्ट्रीय सचिव शारिफ खान, प्रदेश अध्यक्ष पृथ्वी पाल रावत, प्रदेश अध्यक्ष शोभा बिष्ट, लक्ष्मी नारायण, अशोक कश्यप आदि मौजूद रहे।