

Delegation from embassies of Nordic countries visits NHRC office in Delhi

<https://theprint.in/india/delegation-from-embassies-of-nordic-countries-visits-nhrc-office-in-delhi/1656466/>

New Delhi, Jul 5 (PTI) A five-member delegation from the embassies of Nordic countries in New Delhi visited the headquarters of the National Human Rights Commission here on Wednesday, officials said.

They were given an insight into the functioning of the NHRC and had an insightful discussion, the commission said.

“It included Mr. Freddy Svane, Amb’r of Denmark, Mr. Gudni Bragason, Amb’r of Iceland, Mr. Christian Kamil, Cd’A, Embassy of Sweden, Ms Martine Aamdal Bottheim, Minister-Counselor Dy Head of Mission, Embassy of Norway & Mr. Rauli Kostamo, Second Secretary, Embassy of Finland,” the NHRC tweeted.

They met NHRC chairperson justice (retd) Arun Kumar Mishra, rights panel members D M Mulay and Rajiv Jain, secretary general Bharat Lal and other senior officers, officials said. PTI KND RHL

Ganjam farmers to get crop insurance money

<https://www.dailypioneer.com/2023/state-editions/ganjam-farmers-to-get-crop-insurance-money.html>

Sociologist and rights activist Rabindra Kumar Mishra, accompanied by farmers' leaders Sachin Mahapatra and Ramesh Kar, held a meeting with the Principal Secretary, Agriculture Arabinda Padhi, nodal officer of insurance, and Advisor to the Department of Agriculture Dr Rama Chandra Panda.

They discussed issues regarding crop loss and the non-payment of dues by insurance company, AIC, under the Pradhan Mantri Fasal Bima Yojana (PMFBY).

During the meeting, it was agreed upon that the matter would be promptly resolved, and the affected farmers would receive their compensation within two months. The decision aimed to prevent any potential agitation or protests from taking place in Bhubaneswar regarding the issue.

Notably, activist Mishra has been advocating for the rights of 6,000 farmers affected by low pressure issues for the past three years.

The proceeding of the enquiry committee report, dated July 22, 2022, recommended a payment of 85 percent as compensation. The report, conducted by the chief district agricultural officer, highlighted the devastating impact of crop loss on the farmers in three panchayats of Rangeilunda block in Ganjam district. Meanwhile, the NHRC has directed the Ganjam Collector on July 3, to take appropriate action on the farmers issues after hearing a petition of Mishra.

बंगाल में पंचायत चुनाव से जुड़ी एनएचआरसी की याचिका कलकत्ता उच्च न्यायालय ने खारिज की

<https://hindi.theprint.in/india/calcutta-high-court-dismisses-nhrc-petition-related-to-panchayat-elections-in-bengal/563476/>

कोलकाता, पांच जुलाई (भाषा) कलकत्ता उच्च न्यायालय की एक खंडपीठ ने बुधवार को एकल न्यायाधीश की पीठ के आदेश के खिलाफ राष्ट्रीय मानवाधिकार आयोग (एनएचआरसी) की अपील को खारिज कर दिया।

एकल न्यायाधीश की पीठ ने मानवाधिकार निकाय के उस निर्देश को खारिज कर दिया था जिसमें उसने पश्चिम बंगाल में आगामी पंचायत चुनावों में संवेदनशील निर्वाचन क्षेत्रों की पहचान करने और 'माइक्रो ऑब्जर्वर' के तौर पर अपने अधिकारियों की तैनाती की बात कही थी।

खंडपीठ ने कहा कि राष्ट्रीय मानवाधिकार आयोग (एनएचआरसी) का निर्देश स्वतंत्र और निष्पक्ष पंचायत चुनाव कराने के राज्य निर्वाचन आयोग (एसईसी) के अधिकार क्षेत्र में अतिक्रमण करना चाहता है।

एनएचआरसी ने 12 जून के आदेश में अपने महानिदेशक (अन्वेषण) विशेष मानवाधिकार पर्यवेक्षक के रूप में प्रतिनियुक्त किया था। उन्हें हाल की घटनाओं की जानकारी देने और एसईसी के परामर्श से संवेदनशील निर्वाचन क्षेत्र जहां पंचायत चुनावों से संबंधित नियमों के उल्लंघन की आशंका है के बारे में पश्चिम बंगाल का मौके पर सर्वेक्षण करना था।

इसमें कहा गया है कि एक बार संवेदनशील क्षेत्रों की पहचान हो जाने के बाद, डीजी पंचायत चुनाव के दौरान और उसके बाद राज्य के सभी संवेदनशील निर्वाचन क्षेत्रों में 'माइक्रो ऑब्जर्वर' की तैनाती के लिए एक व्यापक रिपोर्ट प्रस्तुत करेंगे।

आदेश में कहा गया कि संवेदनशील क्षेत्रों की पहचान के बाद महानिदेशक उसे (आयोग को) राज्य के सभी संवेदनशील निर्वाचन क्षेत्रों में पंचायत चुनावों के दौरान और बाद में 'माइक्रो ऑब्जर्वर' तैनात करने के लिये एक व्यापक रिपोर्ट देंगे।

यह मानते हुए कि वह एकल पीठ द्वारा पारित आदेश में हस्तक्षेप करने के इच्छुक नहीं है, मुख्य न्यायाधीश टी.एस. शिवगणन की अध्यक्षता वाली खंडपीठ ने एनएचआरसी और महानिदेशक की अपील को खारिज कर दिया।

पीठ में न्यायमूर्ति हिरणमय भट्टाचार्य भी शामिल हैं। पीठ ने कहा कि 12 जून का एनएचआरसी आदेश मानव अधिकारों के किसी विशिष्ट उल्लंघन या मानव अधिकारों के संरक्षण में लापरवाही या किसी लोक सेवक द्वारा इसके उकसावे की बात नहीं करता है।

NHRC sends notice over a dilapidated building

The National Human Rights Commission, NHRC, India has taken suo moto cognisance of a media report that about 35 students of one of the country's oldest schools for the visually impaired are forced to study at the risk of their lives in a dilapidated building with literally no requisite educational as well as residential facilities. This unrecognised school being run by an NGO in the Panchkuyian area of Delhi.

The Commission has issued a notice to the Chief Secretary, Govt of NCT of Delhi calling for a detailed report within 4 weeks.

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<https://www.ptinews.com/news/national/delegation-from-embassies-of-nordic-countries-visits-nhrc-office-in-delhi/2/602392.html>

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Noida: Alleging threat from cops, jailed gangster s wife seeks NHRC help

<https://www.hindustantimes.com/cities/noida-news/wife-of-gangster-seeks-protection-from-police-alleges-plot-to-kill-husband-and-brother-in-law-in-fake-encounter-101688581408671.html>

Wife of gangster Randeep Bhati, who is currently lodged in Tihar Jail on charges of murder, has written to the National Human Rights Commission (NHRC), requesting protection from Gautam Budh Nagar police, who she alleged was trying to get her husband and brother-in-law Kulveer Bhati, who is lodged in Chitrakoot jail on charges of murder as well, killed by fake encounter.

She told NHRC that another gangster, Anil Dujana, was killed in an alleged encounter with the Uttar Pradesh special task force (UP STF) in Meerut on May 4. (Representative Image)

She told NHRC that another gangster, Anil Dujana, was killed in an alleged encounter with the Uttar Pradesh special task force (UP STF) in Meerut on May 4.

In the letter sent on July 1, Arti Bhati, a resident of Rithori village in Dadri, Greater Noida, said a case has been registered on June 22 at Jarcha police station against her husband and 16 others on charges of attempt to murder, for allegedly threatening a witness in a 2019 case under trial in Gautam Buudh Nagar.

“The 2019 case has been registered against Kulbeer Bhati and eight others under charges of extortion and criminal intimidation. The police has now registered an FIR against my husband Randeep Bhati and brother-in-law Kulveer Bhati, alleging that they have threatened witnesses in the 2019 case,” said Arti

Naming deputy commissioner of police (Greater Noida) Saad Miyan Khan in her letter, she alleged that he has registered the FIR with the intention of killing her husband and brother-in-law.

“DCP, Greater Noida, Saad Miyan Khan who is also in charge of SOG (special operations group) has registered the FIR against Randeep and Kulveer and he intends to kill them while being produced before the court or under the farce of taking police custody remand from the court,” she wrote.

“We request the honourable NHRC to ensure a fair investigation and provide protection to them from the police,” she urged in the letter, which has been copied to Uttar Pradesh director general of police, police commissioner, and district magistrate of Gautam Budh Nagar.

Responding to the allegations, DCP Khan said, "The FIR registered at Jarcha police is not "fake", as termed by the applicant. The police station received a complaint alleging that witnesses in the 2019 case were being threatened by gangsters Randeep and Kulveer Bhati. On the basis of the complaint, the FIR was registered. The police have the duty to take cognisance of such complaints. Further, strict legal action is being taken against gangsters in the district by the police and all protocols are being followed," he said.

NHRC Takes Suo Moto Cognisance Of Rats Gnawing Feet Of Patients At Jodhpur Hospital, Seeks Report From Govt

<https://medicaldialogues.in/state-news/rajasthan/nhrc-takes-suo-moto-cognisance-of-rats-gnawing-feet-of-patients-at-jodhpur-hospital-seeks-report-from-govt-113916>

The commission has observed that the content of the media report, if true, indicates the violation of the right to health and medical care of the patients, which is a matter of concern for it. New Delhi: Taking cognisance of the media report that rats are gnawing on the feet of patients in the psychiatry department of the MDM Hospital in Jodhpur, the National Human Rights Commission (NHRC) on Tuesday issued a notice to the Rajasthan government seeking a detailed report in four weeks. The NHRC on Tuesday issued a notice to the Rajasthan government over rats allegedly found gnawing the feet of patients in a government-run hospital in Jodhpur. Reportedly, the number of rats has increased so much that in ward C of its psychiatry department, they have bitten four patients, the National Human Rights Commission said in a statement.

The NHRC has taken “suo motu cognisance of a media report that rats are gnawing on the feet of patients in government-run Mathura Das Mathur Hospital (MDMH) in Jodhpur”, it said. The commission has observed that the content of the media report, if true, indicates the violation of the right to health and medical care of the patients, which is a matter of concern for it. Accordingly, it has issued notice to the chief secretary, the government of Rajasthan, seeking a detailed report in four weeks, including steps being taken or proposed to be taken to address the grievance of the patients at the MDMH, Jodhpur, the statement said. A notice also be issued to the superintendent of the hospital to submit a report with regard to the “failure of the public servant”, who has allowed this kind of “remiss to happen”, within four weeks, the rights panel said. According to the media report on July 3, the hospital administration has given a contract to an agency for Rs 27,000 per month to control pests and rats, but the “rat menace continues unabated”, it added. Following repeated complaints of rats gnawing

feet of patients in the psychiatry department of the hospital, the administration on Monday set up an inquiry committee to look into the matter. The family members of at least four mentally-ill patients complained about similar incidents in the past week, prompting the hospital administration to intervene.

Alleging threat from cops, jailed gangster's wife seeks NHRC help

Ashni Dhaor

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GREATER NOIDA: Wife of gangster Randeep Bhati, who is currently lodged in Tihar Jail on charges of murder, has written to the National Human Rights Commission (NHRC), requesting protection from Gautam Budh Nagar police, who she alleged was trying to get her husband and brother-in-law Kulveer Bhati, who is lodged in Chitrakoot jail on charges of murder as well, killed by fake encounter.

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Uttar Pradesh special task force (UP STF) in Meerut on May 4.

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Naming DCP (Greater Noida) Saad Miyan Khan in her letter, she alleged that he has registered the FIR with the intention of killing her husband and brother-in-law. "DCP, Greater Noida, Saad Miyan Khan who is also in charge of SOG (special operations group) has registered the FIR against Randeep and Kulveer and he intends to kill them while being produced before the court or under the farce of taking police custody remand from the court," she wrote."

कलकत्ता हाई कोर्ट ने पश्चिम बंगाल ग्रामीण चुनावों के लिए पर्यवेक्षकों की तैनाती पर एनएचआरसी की अपील खारिज कर दी

<https://lawtrend.in/wb-hc-panchayat-nhrc/>

कलकत्ता हाई कोर्ट की एक खंडपीठ ने बुधवार को एकल पीठ के आदेश के खिलाफ एनएचआरसी की अपील को खारिज कर दिया, जिसने पश्चिम बंगाल में आगामी पंचायत चुनावों के लिए संवेदनशील निर्वाचन क्षेत्रों की पहचान करने और सूक्ष्म पर्यवेक्षकों को तैनात करने के लिए अपने अधिकारी को तैनात करने के मानवाधिकार निकाय के निर्देश को रद्द कर दिया था। .

खंडपीठ ने कहा कि राष्ट्रीय मानवाधिकार आयोग (एनएचआरसी) का निर्देश स्वतंत्र और निष्पक्ष पंचायत चुनाव कराने के राज्य चुनाव आयोग (एसईसी) के अधिकार क्षेत्र में अतिक्रमण करना चाहता है। एनएचआरसी ने अपने 12 जून के आदेश में अपने महानिदेशक (जांच) को हाल की घटनाओं की प्रत्यक्ष जानकारी देने और पहचान के लिए एसईसी के परामर्श से पश्चिम बंगाल का ऑन-द-स्पॉट सर्वेक्षण करने के लिए एक विशेष मानवाधिकार पर्यवेक्षक के रूप में प्रतिनियुक्त किया था। संवेदनशील निर्वाचन क्षेत्र जहां पंचायत चुनावों से संबंधित इस तरह का उल्लंघन होने की संभावना है।

इसमें कहा गया है कि एक बार संवेदनशील क्षेत्रों की पहचान हो जाने के बाद, डीजी पंचायत चुनावों के दौरान और उसके बाद राज्य के सभी संवेदनशील निर्वाचन क्षेत्रों में सूक्ष्म मानवाधिकार पर्यवेक्षकों की तैनाती के लिए एक व्यापक रिपोर्ट प्रस्तुत करेंगे।

यह मानते हुए कि वह एकल पीठ द्वारा पारित आदेश में हस्तक्षेप करने के इच्छुक नहीं है, मुख्य न्यायाधीश टीएस शिवगणन की अध्यक्षता वाली खंडपीठ ने एनएचआरसी और डीजी की अपील को खारिज कर दिया।

पीठ, जिसमें न्यायमूर्ति हिरण्मय भट्टाचार्य भी शामिल थे, ने कहा कि 12 जून का एनएचआरसी आदेश मानवाधिकारों के किसी विशिष्ट उल्लंघन या मानवाधिकारों के संरक्षण में लापरवाही या किसी लोक सेवक द्वारा इसके दुरुपयोग की बात नहीं करता है।

पीठ ने कहा कि एसईसी एक संवैधानिक प्राधिकारी है जिसके पास पंचायत चुनाव कराने की शक्ति है, वह स्वतंत्र और निष्पक्ष चुनाव सुनिश्चित करने के लिए कर्तव्यबद्ध है और इस उद्देश्य के लिए उसे संवेदनशील निर्वाचन क्षेत्रों की पहचान करनी होगी, जो कि मूल्यांकन का एक हिस्सा है। कानून एवं व्यवस्था की स्थिति.

खंडपीठ ने कहा कि एनएचआरसी को “मानवाधिकारों की रक्षा की आड़ में आदेश जारी नहीं करना चाहिए था क्योंकि उक्त निर्देश स्वतंत्र और निष्पक्ष पंचायत चुनाव कराने के लिए एसईसी के विशेष अधिकार क्षेत्र का अतिक्रमण करना चाहता है।”

इसमें कहा गया कि सुप्रीम कोर्ट ने एक फैसले में कहा था कि एनएचआरसी न्याय की समानांतर सीट के रूप में कार्य नहीं कर सकता है।

पीठ ने कहा कि पंचायत चुनाव प्रक्रिया के दौरान मानवाधिकारों की सुरक्षा से संबंधित मामले इस अदालत द्वारा समय-समय पर पारित आदेशों के अंतर्गत आते हैं।

पश्चिम बंगाल में पंचायत चुनाव 8 जुलाई को होंगे.

यह देखते हुए कि एक संवैधानिक प्राधिकारी होने के नाते पर्यवेक्षकों को नियुक्त करना एसईसी का कर्तव्य है, पीठ ने कहा, “एनएचआरसी पर्यवेक्षकों की नियुक्ति करके एसईसी के अधिकार क्षेत्र का अतिक्रमण नहीं कर सकता है।”

पश्चिम बंगाल एसईसी ने अदालत के समक्ष दलील दी थी कि हालांकि यह एक संवैधानिक प्राधिकरण है, एनएचआरसी एक वैधानिक प्राधिकरण है।

यह मानते हुए कि एसईसी द्वारा पर्यवेक्षक नियुक्त करने का आदेश पारित करने के लिए चुनाव अधिसूचना जारी करने के बाद एनएचआरसी का अधिकार क्षेत्र भी वर्जित है, डिवीजन बेंच ने कहा कि एनएचआरसी का निर्देश एसईसी के अधिकार क्षेत्र को हड़पने के समान है और आचरण में हस्तक्षेप के समान है। एसईसी द्वारा चुनाव की.

एनएचआरसी के आदेश को उच्च न्यायालय की एकल पीठ ने रद्द कर दिया था, जिसके खिलाफ एनएचआरसी ने अपील दायर की थी।

Cal HC dismisses NHRC appeal on deploying observers for WB rural polls

<https://theprint.in/india/cal-hc-dismisses-nhrc-appeal-on-deploying-observers-for-wb-rural-polls/1656340/>

Kolkata, Jul 5 (PTI) A division bench of the Calcutta High Court on Wednesday dismissed an appeal by the NHRC against a single bench order that set aside the human rights body's directive deputing its official to identify sensitive constituencies and for deploying micro-observers for the upcoming panchayat polls in West Bengal.

The division bench said the direction of the National Human Rights Commission (NHRC) seeks to encroach upon the jurisdiction of the State Election Commission (SEC) to conduct free and fair panchayat elections.

The NHRC in its June 12 order had deputed its director general (investigation) as a special human rights observer to apprise first-hand information of recent incidents and to conduct an on-the-spot survey of West Bengal in consultation with the SEC to identify the sensitive constituencies where such violation relating to panchayat polls is likely to occur.

It said that once the sensitive areas are identified, the DG will submit a comprehensive report to it for deployment of micro human rights observers in all sensitive constituencies in the state during and after the panchayat polls.

Holding that it is not inclined to interfere with the order passed by the single bench, a division bench presided by Chief Justice T S Sivagnanam dismissed appeals by the NHRC and the DG.

The bench, also comprising Justice Hiranmay Bhattacharyya, said that the NHRC order of June 12 does not speak of any specific violation of human rights or negligence in preservation of human rights or its abetment by a public servant.

The bench said the SEC being a constitutional authority vested with the power to conduct panchayat elections is duty-bound to ensure a free and fair election, and for such purpose, it has to identify sensitive constituencies, which is a part and parcel of assessment of the law and order situation.

The division bench said that the NHRC ought not to have issued the order "in the garb of protecting the human rights as the said direction seeks to encroach upon the exclusive jurisdiction of the SEC to conduct free and fair panchayat elections." It said that the Supreme Court had in a judgement held that the NHRC cannot function as a parallel seat of justice.

The bench said that matters relating to protection of human rights during the panchayat poll process are covered by the orders passed by this court from time to time.

Panchayat elections in West Bengal will be held on July 8.

Observing that it is the duty of the SEC, being a constitutional authority, to appoint observers, the bench said “the NHRC cannot encroach upon the jurisdiction of the SEC by appointing observers.” The West Bengal SEC had contended before the court that while it is a constitutional authority, the NHRC is a statutory authority.

Holding that the jurisdiction of NHRC is also barred after the issuance of election notification by the SEC to pass an order appointing an observer, the division bench said that the NHRC’s directive amounts to usurping the jurisdiction of the SEC and also amounts to interference in the conduct of elections by the SEC. The NHRC order had been set aside by the single bench of the high court, against which the NHRC filed the appeal. PTI AMR NN

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कलकत्ता हाईकोर्ट ने एनएचआरसी पर्यवेक्षक रखने पर आदेश सुरक्षित रखा

<https://jantaserishta.com/local/west-bengal/calcutta-high-court-reserves-order-on-appointment-of-nhrc-observer-2544293>

पश्चिम बंगाल: कलकत्ता उच्च न्यायालय के मुख्य न्यायाधीश टी.एस. शिवगणनम की खंडपीठ और न्यायमूर्ति हिरण्मय भट्टाचार्य ने मंगलवार को पश्चिम बंगाल में 8 जुलाई को होने वाले पंचायत चुनावों के लिए राष्ट्रीय मानवाधिकार आयोग (एनएचआरसी) से एक पर्यवेक्षक रखने पर आदेश सुरक्षित रख लिया। एनएचआरसी ने 11 जून को पंचायत चुनावों के लिए स्वतंत्र पर्यवेक्षक के रूप में अपने महानिदेशक (जांच) दामोदर सारंगी की नियुक्ति की घोषणा की थी। इस संबंध में एक पत्र उसी दिन एनएचआरसी द्वारा राज्य चुनाव आयोग (एसईसी) और राज्य सचिवालय को भेज दिया गया था। नामांकन दाखिल करने के चरण के दौरान हिंसा की रिपोर्टों पर एनएचआरसी द्वारा स्वतः संज्ञान लेने के बाद यह कदम उठाया गया।

हालांकि, एसईसी ने एनएचआरसी के इस कदम का विरोध किया और इस संबंध में एक याचिका के साथ कलकत्ता उच्च न्यायालय का दरवाजा खटखटाया। 23 जून को न्यायमूर्ति सब्यसाची भट्टाचार्य की एकल-न्यायाधीश पीठ ने ग्रामीण नागरिक निकाय चुनावों के लिए एक स्वतंत्र पर्यवेक्षक नियुक्त करने के एनएचआरसी के प्रस्ताव को खारिज कर दिया। एनएचआरसी ने उचित समय पर मुख्य न्यायाधीश शिवगणनम की अध्यक्षता वाली खंडपीठ में फैसले को चुनौती दी।

मंगलवार को सुनवाई के दौरान एनएचआरसी के वकील अमन लेखी ने तर्क दिया कि अदालत एनएचआरसी के फैसले में हस्तक्षेप नहीं कर सकती, जो मानवाधिकार सुनिश्चित करने के लिए जिम्मेदार है। लेखी ने तर्क दिया, "यही कारण है कि एनएचआरसी ने ग्रामीण नागरिक निकाय चुनावों से पहले हिंसाग्रस्त क्षेत्रों में स्थिति की समीक्षा करने के लिए पर्यवेक्षकों को नियुक्त करने का निर्णय लिया। एनएचआरसी ऐसी स्थितियों की स्वतः समीक्षा करता है और तदनुसार सिफारिशें देता है। एनएचआरसी का एकमात्र कार्य मानव अधिकारों को सुनिश्चित करना है।

उन्होंने यह भी कहा कि चूंकि 2018 में पंचायत चुनावों और 2021 में विधानसभा चुनावों के दौरान बड़े पैमाने पर हिंसा और रक्तपात हुआ था, इसलिए एनएचआरसी 2023 में इसकी पुनरावृत्ति नहीं चाहता है। उन्होंने कहा, "अगर हर दिन मानवाधिकारों का हनन होता है तो एनएचआरसी चुप नहीं रह सकता।" एसईसी के वकील जयंत मित्रा ने दावा किया कि एनएचआरसी का कदम राजनीति से प्रेरित है। इस मामले में कोई राजनीतिक मकसद शामिल नहीं है, लेकिन ऐसा लगता है कि अदालत के आदेश ने इसे नजरअंदाज कर दिया है।" मित्रा ने कहा, "ज्यादा रसोइयों का हाथ लगने से शोरबा खराब हो जाता है। राज्य निर्वाचन आयोग जैसी संवैधानिक संस्था कानून-व्यवस्था की स्थिति पर लगातार नजर रख रही है। न्यायालय मानवाधिकारों की सुरक्षा के लिए नियमित निर्देश दे रहा है। ऐसी स्थिति में एनएचआरसी, जो एक संवैधानिक निकाय नहीं है, इस मामले में कैसे हस्तक्षेप कर सकता है।" राज्य सरकार के वकील ने तर्क दिया कि जब अन्य राज्यों में

चुनाव संबंधी हिंसा होती है तो एनएचआरसी पर्यवेक्षक नहीं भेजता है। सभी पक्षों को सुनने के बाद खंडपीठ ने आज के लिए अपना आदेश सुरक्षित रख लिया।

Gangster's wife fears 'police encounter' plan, writes to NHRC

Advitya.Bahl
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Noida: The wife of gangster Randeep Bhati, who is lodged in a jail in Delhi, has written to the National Human Rights Commission (NHRC), seeking protection for him.

Arti Bhati, a resident of Rithori village in Dadri, expressed fear that her husband could be killed in a "fake encounter" by Noida police in a manner similar to that of gangster Anil Dujana. Dujana, an associate of Bhati and one of western UP's most dreaded gangsters, was killed in an encounter by the special taskforce (UP STF) of UP Police in Meerut on May 4.

In the letter, Arti expressed the same apprehension for the life of her brother-in-law Kulveer Bhati, who is lodged in a jail in Chitrakoot on charges of murder. She alleged the DCP Greater Noida had registered a "fake case" against the two last month in order to get them out of jail for court hearings.

"In 2019, a case was registered against Kulveer Bhati and eight others on charges of extortion and criminal intimidation. On June 22 this year, a new case was filed at Jarcha

police station against my husband Randeep Bhati and Kulveer Bhati alleging they have threatened witnesses in the 2019 case," Aarti said.

She claimed witnesses' statements were already recorded by the magistrate in May.

"This proves that DCP Greater Noida Saad Miyan Khan, who is also in charge of the special operations group (SOG), has registered a fake case against Randeep and Kulveer so that they are forced to be produced before a court, outside the prison, and then can be killed in a fake encounter, just like Anil Dujana was killed in Meerut," she claimed.

Arti said that if anything were to happen to her husband and brother-in-law, Noida police should be held responsible. "We request honourable NHRC to ensure a fair investigation and provide protection to them from the police," states the letter, which has also been marked to the DGP, commissioner of police and district magistrate of Gautam Budh Nagar.

Responding to the letter, DCP Khan said the FIR registered in Jarcha police station is "not fake".

Gangster's wife alleges 'police encounter' plan

<https://timesofindia.indiatimes.com/city/noida/gangsters-wife-alleges-police-encounter-plan/articleshow/101527726.cms?from=mdr>

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"Randeep Bhati is the leader of one of the seven gangsters/mafia groups listed by the Gautam Budh Nagar police. We had received a complaint where the complainant alleged threats by gangsters Randeep and Kulveer Bhati following which the case was registered. Our team is taking strict legal actions as per law and all protocols are followed by us. We have attached property of their gang member as well," Khan said.

Commissioner of police Laxmi Singh told TOI that police teams were working to nab Bhati's gang members. "Randeep has 20 members in his gang. Of them, 7-8 members are still out of jail and the rest are in judicial custody. Bhati, who was mainly active in Haryana, has 28 cases against him," Singh said.

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कलकत्ता HC ने पंचायत चुनावों के लिए पर्यवेक्षक नियुक्त करने की NHRC की याचिका खारिज कर दी

<https://jantaserishta.com/local/west-bengal/calcutta-hc-rejects-nhrCs-plea-for-appointing-observer-for-panchayat-polls-2546635>

कोलकाता: कलकत्ता उच्च न्यायालय ने 8 जुलाई को होने वाले पश्चिम बंगाल पंचायत चुनाव के लिए पर्यवेक्षक नियुक्त करने की राष्ट्रीय मानवाधिकार आयोग (एनएचआरसी) की याचिका बुधवार को खारिज कर दी। हालांकि इस मामले की सुनवाई मंगलवार दोपहर को ही पूरी हो गई थी, लेकिन मुख्य न्यायाधीश टी.एस. की खंडपीठ ने इस मामले में सुनवाई पूरी कर ली थी। इसके बाद शिवगणनम और न्यायमूर्ति हिरण्मय भट्टाचार्य ने आदेश दिन भर के लिए सुरक्षित रख लिया। बुधवार को शीर्ष अधिकार संस्था की याचिकाओं को खारिज करते हुए उसने इस प्रतिवाद को स्वीकार कर लिया कि चुनाव आयोग को छोड़कर कोई अन्य इकाई चुनाव की प्रक्रिया में हस्तक्षेप नहीं कर सकती है।

11 जून को, एनएचआरसी ने पश्चिम बंगाल पंचायत चुनावों के लिए एक स्वतंत्र पर्यवेक्षक के रूप में अपने महानिदेशक, जांच, दामोदर सारंगी की नियुक्ति की घोषणा की और उसी दिन राज्य चुनाव आयोग और राज्य सचिवालय को एक संचार भेज दिया गया। एनएचआरसी ने नामांकन चरण के दौरान हिंसा की रिपोर्टों पर स्वतः संज्ञान लिया था। हालाँकि, राज्य चुनाव आयोग ने कलकत्ता उच्च न्यायालय में NHRC के इस कदम का विरोध किया। 23 जून को, न्यायमूर्ति सब्यसाची भट्टाचार्य की एकल न्यायाधीश पीठ ने एक स्वतंत्र पर्यवेक्षक नियुक्त करने के एनएचआरसी के प्रस्ताव को खारिज कर दिया। इसके बाद एनएचआरसी ने एकल न्यायाधीश के फैसले को खंडपीठ में चुनौती दी, जिसने भी याचिका खारिज कर दी।

WB rural elections: HC dismisses NHRC appeal on deploying observers

PTI ■ KOLKATA

A division bench of the Calcutta High Court on Wednesday dismissed an appeal by the NHRC against a single bench order that set aside the human rights body's directive deputing its official to identify sensitive constituencies and for deploying micro-observers for the upcoming panchayat polls in West Bengal.

The division bench said the direction of the National Human Rights Commission (NHRC) seeks to encroach upon the jurisdiction of the State Election Commission (SEC) to conduct free and fair panchayat elections.

The NHRC in its June 12 order had deputed its director general (investigation) as a special human rights observer to apprise first-hand information of recent incidents and to conduct an on-the-spot survey of West Bengal in consultation with the SEC to identify the sensitive constituencies where such violation relating to panchayat polls is likely to occur.

It said that once the sensitive areas are identified, the DG will submit a comprehensive report to it for deployment of micro human rights observers in all sensitive constituencies in the state during and after the panchayat polls.

Holding that it is not inclined to interfere with the order passed by the single bench, a division bench presided by Chief Justice T S Sivagnanam dismissed appeals by the NHRC and the DG.

The bench, also comprising Justice Hiranmay Bhattacharyya, said that the NHRC order of June 12 does not speak of any specific violation of human rights or negligence in preservation of human rights or its abetment by a public servant.

The bench said the SEC being a constitutional authority vested with the power to conduct panchayat elections is duty-bound to ensure a free and fair election, and for such purpose, it has to identify sensitive constituencies, which is a part and parcel of assessment of the law and order situation.



The division bench said that the NHRC ought not to have issued the order "in the garb of protecting the human rights as the said direction seeks to encroach upon the exclusive jurisdiction of the SEC to conduct free and fair panchayat elections."

It said that the Supreme Court had in a judgement held that the NHRC cannot function as a parallel seat of justice.

The bench said that matters relating to protection of human rights during the panchayat poll process are covered by the orders passed by this court from time to time.

Panchayat elections in West Bengal will be held on July 8.

Observing that it is the duty of the SEC, being a constitutional authority, to appoint observers, the bench said "the NHRC cannot encroach upon the jurisdiction of the SEC by appointing observers."

The West Bengal SEC had contended before the court that while it is a constitutional authority, the NHRC is a statutory authority.

Holding that the jurisdiction of NHRC is also barred after the issuance of election notification by the SEC to pass an order appointing an observer, the division bench said that the NHRC's directive amounts to usurping the jurisdiction of the SEC and also amounts to interference in the conduct of elections by the SEC.

The NHRC order had been set aside by the single bench of the high court, against which the NHRC filed the appeal.

West Bengal Panchayat elections: Calcutta High Court quashes NHRC order appointing observer says it usurped EC jurisdiction

<https://www.barandbench.com/news/complaint-man-urinating-tribal-youth-national-human-rights-commission>

In a video that went viral yesterday, a worker belonging to the tribal community is seen sitting on the roadside when a person, reportedly named Pravesh Shukla, appears to urinate on him while smoking.

A complaint has been filed before the National Human Rights Commission (NHRC) in relation to an incident where a man allegedly urinated on a tribal youth in Madhya Pradesh.

The complaint was filed by a Belagavi-based lawyer and Karnataka Pradesh Congress Committee (KPCC) legal department secretary, Bhimana Gowda Pargonda.

The incident allegedly took place in the Sidhi district in Madhya Pradesh.

In a video that went viral yesterday, a worker belonging to the tribal community is seen sitting on the roadside when a person, reportedly named Pravesh Shukla, appears to urinate on him while smoking.

Paragonda filed a complaint with the NHRC via online mode on July 5, Wednesday.

As per reports, the police have filed a First Information Report (FIR) against the accused under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

The police have also reportedly invoked the National Security Act (NSA) against the accused following directions from the Madhya Pradesh Chief Minister, Shivraj Singh Chouhan.

"The incident is reprehensible and a shame on humanity. Bulldozer action will be carried out if there is an encroachment (by the accused)," the State's Home Minister Narottam Mishra told PTI.

The accused was arrested late last night.

As per reports, the local administration has also demolished the man's property on the ground that it was an illegal encroachment.

मानवाधिकार आयोग ने दिल्ली सरकार को भेजा नोटिस

नई दिल्ली (एसएनबी)। राष्ट्रीय मानवाधिकार आयोग (एनएचआरसी) ने लोकनायक जयप्रकाश (एलएनजेपी) अस्पताल के परिसर में निर्माण स्थल पर करंट लगने से एक मजदूर की मौत के मामले में दिल्ली सरकार को नोटिस भेजा है। आयोग ने चार सप्ताह में मामले पर रिपोर्ट मांगी है। राष्ट्रीय मानवाधिकार आयोग ने एक बयान में कहा कि अस्पताल अधिकारियों की ओर से लापरवाही प्रथम दृष्टया स्पष्ट है और इसके परिणामस्वरूप जनहानि हुई। इसमें कहा गया है कि काम की निगरानी करने और निर्माण स्थल पर श्रमिकों की सुरक्षा सुनिश्चित करने के लिए सभी सावधानियां बरतने की जिम्मेदारी उनकी है।

बयान में कहा गया है करंट लगने के कारण होने वाली मौतों पर गंभीर चिंता व्यक्त करते हुए, एनएचआरसी ने एक मीडिया रिपोर्ट पर स्वतः संज्ञान लिया कि मध्य दिल्ली में सरकार द्वारा संचालित लोक नायक जय प्रकाश (एलएनजेपी) अस्पताल के बेसमेंट में 2 जुलाई को काम करने के दौरान करंट लगने के कारण 18 वर्षीय एक लड़के की मौत हो गई। उसने कहा कि हाल के दिनों में

एलएनजेपी में मजदूर को करंट लगने का मामला

अस्पताल अधिकारियों की ओर से लापरवाही प्रथम दृष्टया स्पष्ट है : एनएचआरसी



दिल्ली में बिजली का झटका लगने की यह कथित तौर पर, तीसरी घटना है। आयोग ने कहा, यदि मीडिया की खबर सही है तो यह पीड़ित के मानवाधिकार उल्लंघन का गंभीर मुद्दा है।

बता दें कि एलएनजेपी अस्पताल के परिसर में एक नई इमारत का निर्माण किया जा रहा है। मीडिया में प्रकाशित खबरों के अनुसार 2 जुलाई को अस्पताल के बेसमेंट में काम करने वाले 18 वर्षीय एक मजदूर को करंट लगने से मौत हो गई थी। इसमें कहा गया है कि बेसमेंट में कुछ खुले तार थे और पानी भरा हुआ था। आयोग ने कहा कि दिल्ली के मुख्य सचिव को नोटिस जारी करके चार सप्ताह में मामले पर विस्तृत रिपोर्ट मांगी गई है।

Panchayat Elections: Calcutta High Court Dismisses NHRC's Appeal For Appointment Of “Human Rights Observers”

<https://www.livelaw.in/high-court/calcutta-high-court/calcutta-high-court-nhrc-appeal-dismissed-panchayat-elections-human-rights-observer-231990>

The Calcutta High Court has dismissed the appeal preferred by the National Human Rights Commission (NHRC) against a single-judge's order which set aside appointment of observers and other related directions issued by the Commission “to protect human rights” in the course of the 2023 Panchayat Elections, on the basis of a media reports on wide-spread violence.

In dismissing the appeal, a Division Bench of Chief Justice T.S. Sivagnanam and Justice Hiranmay Bhattacharya held that, being a body sui juris as pointed out by the single-judge as well as the Advocates for the SEC, the NHRC would have to trace the validity of its actions to its parent statute, viz. the Human Rights Act, 1993 (“Act”), which was not done in this case.

“NHRC being a statutory authority constituted under the 1993 Act has to act within the forecorners of the said statute and the regulations framed thereunder subject to the limitations imposed upon it by the statute and the regulations thereunder. It is the duty of the SEC, being a constitutional authority to appoint observers in accordance with the provisions of the 2003 Act. Therefore, the NHRC cannot encroach upon the jurisdiction of the SEC by appointing observers” it was held.

NHRCs Order was outside of its Statutory Powers

Under the Act, the Bench noted, that the powers of the Commission were laid down in Section 12, from clauses (a) to (j). In holding that the NHRC's actions of passing directions on the WB SEC were not in consonance with its powers under Section 12, the Bench held:“As noted above, the [NHRC] order dated 12.06.2023 uses the word “complaint”, it also uses the word “suo moto” and the basis of suo moto action is a media report. The question is, whether the NHRC without any verification process can commence the inquiry by exercising its powers under Section 12(a) of the 1993 Act solely based upon the media report. In our prima facie view the same would not be possible without an exercise being conducted by the NHRC. On a reading of the order dated 12.06.2023, it is evidently clear that there is no reference to any independent exercise conducted by NHRC upon going through the media report. Therefore, the powers exercised by NHRC cannot be traced to Section 12(a). Powers under clause (d) of Section 12 is to review the safeguards provided by or under the constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation...To our mind, the order dated 12.06.2023

is not traceable to the powers conferred under Section 12 (d) of the 1993 Act. Section 12(j) is a residuary power given to the NHRC to perform such other functions as it may consider necessary for the promotion of human rights. Unfortunately, the order dated 12.06.2023 passed by the NHRC does not trace its power to Section 12(j) nor there is any other observation as to how it seeks to promote the human right. Therefore, we are of the view that the order impugned in the writ petition is not traceable to any of the functions which the NHRC is empowered to do under section 12 of the Act.”..

The Bench also noted, that in order for the NHRC to exercise its statutory powers, even suo moto, under Section 12 of the Act, there would need to be a specific complaint on the violation of human rights, or the inaction of a public servant in protecting members of the public against the violation of human rights. It was further noted that the NHRC's order was silent on what kind of human rights were being infringed, and whose human rights were being infringed, thereby taking it outside the scheme envisaged under Section 12 of the Act. It held:

“The order dated 12.06.2023 issued by the NHRC does not speak of any specific complaint of violation of human rights. The said order is also silent as to which right has been denied and to whom for which the NHRC had to intervene and pass the order dated 12.06.2023. Though the Commission can make an enquiry even suo motu but such inquiry has to be into a specific complaint of violation of human rights or abetment thereof or negligence in the prevention of such violation by a public servant... It goes without saying that the NHRC has the jurisdiction to intervene for the purpose of protecting the human rights if there is a clear violation of human rights. Therefore, in the absence of any material disclosing violation of human rights the order of the NHRC dated 12.06.2023 cannot be fitted even within the widely worded residuary clause (j) of Section 12.”

NHRC's Order was in excess of jurisdiction

Dealing with the aspect on the ouster of jurisdiction of the NHRC, the Court opined that on the issue of appointment of a “special human rights observer” by the NHRC, the first hurdle would be Section 36 of the NHRC's Parent Act, the Human Rights Act, 1993. It was observed that Section 36 of the Act bars the NHRC from taking cognizance of matters which are pending before a State Commission or any other Commission, as well as of matters in which Human Rights violations occurred more than a year before the date of taking cognizance.

Thus, it was held that the SEC being a Constitutionally sanctioned body would have to be given exclusive control over the election process, and that the NHRC's attempts to intervene were lacking in jurisdiction and no attempt was being made to help the SEC. The Bench opined: “The first hurdle which the NHRC has to cross is the embargo placed

under Section 36 of the Act. Section 36 deals with matters not subject to jurisdiction of the Commission. Sub Section (1) states that Commission shall not inquire into any matter which is pending before the State Commission or any other Commission. Subsection 2 bars the NHRC from taking it cannot be disputed that the SEC is constituted under the Constitution of India, it is a constitutional body and in the scheme of the Election Law such constitutional body has been entrusted with the constitutional function of conducting Panchayat elections in the state of West Bengal and any interference by NHRC into any of the powers of the SEC being conferred by the constitution is wholly out of the realm of NHRC...On a reading of the order dated 12.06.2023, it is clear that the decision has already been taken by NHRC to appoint a Special Human Rights Observer and also a decision has been taken to appoint Micro Human Rights Observer upon receiving the report of the second appellant...it is evidently clear that the entire matter has been pre decided and prejudged by NHRC giving no scope for any other interpretation and the plea that the order intends to assist SEC has to be necessarily rejected."It was also held that the NHRC had acted beyond the powers vested in it under Regulation 9 of the NHRC Rules, since the prayer on appointment of observers had already been rejected by the Court on earlier occasions, and these orders had subsequently been upheld by the Supreme Court. It was observed:"The prayer for appointment of an [Observer] was turned down by this Court by the judgment and order dated 13.06.2023 which had already attained finality. Regulation 9 empowers the NHRC to dismiss complaints in limine in respect of a matter which is covered by a judicial verdict or which is subjudice before a court. The order dated 12.06.2023 appointing an observer, by whatever name called, though passed prior to the order passed by this Court on 13.06.2023, the attempt of the appellant to set aside the impugned order passing by the learned Single Judge necessarily implies that the NHRC is trying to function as a parallel seat of justice in an indirect way to rectify or correct the order passed by this Court on the issue of appointment of Observer which has already been upheld by the Hon'ble Supreme Court."NHRCs Order interfered into exclusive domain of the SEC. In perusing various Supreme Court decisions, the Bench held that the word "election" has been interpreted to include all the steps necessary for holding election and that the test of "superintendence, directions and control" of the SEC, would be subject to law made by either Parliament or by the State legislature. It was further noted that Article 243K of the Constitution deals with the election of the panchayat and vests the "superintendence, direction and control" for the preparation of electoral rolls and conduct of elections to the State Election Commission headed by a State Election Commissioner, appointed by the Governor. It was held accordingly, that once the State Election Commissioner had been appointed, the entire election process would fall under the domain of the SEC. Thus, the NHRCs actions were deemed to have interfered in to the Constitutional domain of the SEC. It was opined:"Thus, we are of the view that appointing an observer by NHRC would clearly make an in road into the

election process and would tantamount to interfere with the powers of the SEC which is not permissible. However in case of any specific complaint the NHRC is well within its power under the 1993 Act to exercise any of the functions exercisable in terms of Section 12 of the Act read with Section 9 of the National Human Rights Commission (procedure) Regulations, 1994.”The Court concluded by observing, that on earlier occasions, it has rejected prayers for the appointment of independent observers for the Panchayat Election, as that would amount to questioning the powers of the Election Commission and potentially interdict the election process, and thus the NHRC ought not have issued orders and directions on an issue that had been conclusively decided as well as deliberated on by the Court. It was held:“The SEC being a constitutional authority vested with the power to conduct panchayat elections is duty bound to ensure free and fair election... NHRC ought not to have issued the order dated 12.06.2023 in the garb of protecting the human rights as the said direction seeks to encroach upon the exclusive jurisdiction of the SEC to conduct free and fair Panchayat elections.”

Calcutta HC rejects NHRC s plea for appointing observer for panchayat polls

<https://www.siasat.com/calcutta-hc-rejects-nhrCs-plea-for-appointing-observer-for-panchayat-polls-2633001/>

Kolkata: The Calcutta High Court on Wednesday rejected the National Human Right Commission (NHRC)'s plea for appointing an observer for July 8 West Bengal panchayat polls.

Although the hearing in the matter was concluded on Tuesday afternoon only, the division bench of Chief Justice T.S. Sivagnanam and Justice Hiranmay Bhattacharya then reserved the order for the day.

On Wednesday, while rejecting the apex right body's petitions, it accepted the counter-argument that barring the Election Commission no other entity can interfere in the process of elections.

On June 11, the NHRC announced the appointment of its Director General, Investigation, Damodar Sarangi as an independent observer for the West Bengal panchayat polls and a communication was forwarded to the State Election Commission and the state Secretariat on the same day.

The NHRC had taken suo motu cognisance of the reports of violence during the nomination phase.

However, the State Election Commission opposed the move by the NHRC in the Calcutta High Court.

On June 23, a single judge bench of Justice Sabyasachi Bhattacharya rejected the NHRC's proposal to appoint an independent observer. The NHRC then challenged the decision of the single-judge at the division bench, which too rejected the plea.

West Bengal Panchayat polls: Calcutta HC rejects NHRC plea against Single-Bench setting aside appointment of human rights observers for elections

<https://www.indialegallive.com/constitutional-law-news/courts-news/west-bengal-panchayat-polls-calcutta-high-court-nhrc/>

The High Court of Calcutta on Wednesday dismissed an appeal filed by the National Human Rights Commission against a Single-Judge Bench order, which had set aside the directions issued by NHRC to the West Bengal State Election Commission on appointment of human rights observers for the Panchayat elections in the state.

Earlier on Tuesday, the Division Bench of Chief Justice T.S. Sivagnanam and Justice Hiranmay Bhattacharya had reserved its verdict on the application filed by the rights body.

Taking suo motu cognisance of violence during the nominations, NHRC, on June 11, had appointed its Director General (Investigation), Damodar Sarangi, as the independent observer for the rural civic body polls in West Bengal, scheduled to be held in a single phase on July 8.

The rights body had forwarded a communication in this regard to the State Election Commission (SEC) and the state secretariat on the same day.

However, the SEC moved the Calcutta High Court against the directions.

The matter was taken up by the Single-Judge Bench of Justice Sabyasachi Bhattacharyya on June 23, which rejected the NHRC's proposal to appoint an independent observer for the elections.

NHRC challenged this decision before the Division Bench of the High Court, which had reserved its orders in the case on July 4.

Appearing for NHRC on Tuesday, Aman Lekhi had contended that the High Court could not interfere with a decision taken by NHRC, as the body was responsible for ensuring human rights.

It said in order to review the situation in violence-prone areas of west bengal ahead of the Panchayat election, the rights body had appointed the observer. He said NHRC has been doing it in the past also. It would take suo motu cognisance of such situations and make recommendations accordingly.

Noting that NHRC's only task was to ensure human rights, the Counsel argued that there was no political motive involved in the matter, adding that the court order, however, seems to have overlooked this.

Appearing for the SEC, Jayanta Mitra alleged that the decision taken by NHRC was politically-motivated.

As per Mitra, the State Election Commission was keeping a constant watch on the law and order situation in West bengal. The Counsel said the High Court has been giving regular directions on safeguarding human rights. He wondered as to how NHRC, which was not a constitutional body, could interfere in the matter.

The lawyer representing the state government argued that NHRC did not send observers to other states, when they witnessed poll-related violence. After hearing all parties, the Division Bench had reserved its order on July 4.

West Bengal Panchayat elections: Calcutta High Court quashes NHRC order appointing observer says it usurped EC jurisdiction

<https://www.barandbench.com/news/west-bengal-panchayat-elections-calcutta-high-court-quashes-nhrc-order-appointing-observer>

The High Court held that the NHRC not only lacked jurisdiction while passing the said order on June 12 but also attempted to interfere with the ongoing elections process.

The decision of the National Human Rights Commission (NHRC) to appoint 'observers' for the upcoming panchayat elections in West Bengal amounted to usurping the jurisdiction of the West Bengal State Election Commission, the Calcutta High Court held on Wednesday [National Human Rights Commission vs West Bengal State Election Commission].

A bench of Chief Justice TS Sivagnanam and Justice Hiranmay Bhattacharyya, therefore, dismissed an appeal filed by NHRC against an order of a single-judge who had quashed the NHRC decision.

In its order, the division bench held that the NHRC not only lacked jurisdiction while passing the said order on June 12 but also attempted to interfere with the ongoing elections process.

"NHRC being a statutory authority has to act within the four corners of the statute. It is the duty of the SEC, being a constitutional authority to appoint observers. Therefore, the NHRC cannot encroach upon the jurisdiction of the SEC by appointing observers. The said order (of NHRC) amounts to usurping the jurisdiction SEC. It also amounts to interference in the conduct of elections by of SEC," the Court held in its order.

The bench made it clear that the order appointing an observer by NHRC would clearly make in roads into the election process and would tantamount to interfering with the powers of the SEC which is not permissible.

"The SEC being a constitutional authority vested with the power to conduct panchayat elections is duty bound to ensure free and fair election and for such purpose it has to identify sensitive constituencies which is a part and parcel of assessment of the law and order situation. The NHRC ought not to have passed the said order in the garb of protecting the human rights as the said direction seeks to encroach upon the exclusive jurisdiction of the SEC to conduct free and fair Panchayat elections," the bench underlined.

It noted that the NHRC had taken suo motu cognizance of an article published in a news magazine which highlighted the rampant violence across the State amid the election procedure.

In its 33-page order, the bench held that the NHRC indeed has powers to take up suo motu cognizance of violation of human rights by public servants but while doing so, it first has to conduct an enquiry and cross check the claims.

It noted that in the instant case the NHRC did not conduct any enquiry and solely relied upon the contents of the news article.

"Therefore, we are of the view that the order impugned in the writ petition is not traceable to any of the functions which the NHRC is empowered to do under section 12 of the Protection of Human Rights Act, 1993. The NHRC order does not speak of any specific complaint of violation of human rights. It is also silent as to which right has been denied and to whom for which the NHRC had to intervene," the bench said in the order.

Though the Commission can make an enquiry even suo motu but such inquiry has to be into a specific complaint of violation of human rights or negligence in the prevention of such violation by a public servant, the bench underscored.

With these observations, the bench dismissed the appeal.

Senior Advocate Aman Lekhi along with advocates Ranajit Chatterjee, Dipak Rankan Mukherjee, Ujjwal Sinha, Aniruddha Mitra and S Sonam appeared for the NHRC.

Advocate General SN Mookherjee along with advocates Sirsanya Bandopadhyay and Arka Kumar Nag represented the State.

Senior Advocate Jayanta Mitra along with advocates Kishore Datta, Sonal Sinha, Sumita Shaw, Suman Sengupta, Tarun Kumar Chatterjee, Sujit Gupta, Sayan Datta and Soumen Chatterjee represented the SEC.

Panchayat polls: HC dismisses NHRC plea to appoint observers

<https://www.millenniumpost.in/bengal/panchayat-polls-hc-dismisses-nhrc-plea-to-appoint-observers-524585?infinitescroll=1>

: The Calcutta High Court on Wednesday dismissed the appeal by the National Human Rights Commission (NHRC) against the Single Bench order which had set aside appointment of observers and other related directions issued by the Commission for the upcoming Panchayat election. The appeal was dismissed by the Division Bench of Chief Justice T S Sivagnanam and Justice Hiranmay Bhattacharyya. In its order, the Division Bench held that NHRC lacked jurisdiction. "We are of the view that the learned single bench rightly set aside the order passed by NHRC and we find no good grounds to interfere with the ultimate conclusion of the learned single bench," the Bench stated.

They further stated: "The learned senior advocate submitted that the action initiated by in NHRC was held to be based on conjectures and surmises which is incorrect...We have elaborately referred to the basis on which the order dated 12.06.2023 was passed by NHRC and we have held that based on such media report the order could not have been passed and the powers exercised by Commission to pass such order cannot be traced to any one of the clauses in Section 12 of the 1993 Act which enumerates the functions of the NHRC. We have also held that NHRC had pre-decided the matter solely based upon media report."