

NHRC alarmed over circulation of falsified drugs

The National Human Rights Commission has taken suo moto cognisance of a media report that after the alert from the World Health Organisation, the Central Drugs Standard Control Organisation has asked the state regulators, doctors and patients to remain vigilant about two medicines — liver drug Defitalio and cancer drug Adcetris as the falsified versions of these drugs are circulating in four countries, including India. Reportedly, the falsified versions of Adcetris injection 50mg, detected in four

countries, including India are most often found to be available at the patient level and distributed in unregulated supply chains.

The Commission has issued direct issuance of notices to the Secretary, Union Ministry of Health & Family Welfare and the Drugs Controller General of India calling for a detailed report in the matter. It should include the present status of the implementation of the relevant laws to check the supply and sale of the falsified versions of the life-saving drug including Defitalio and Adcetris.

6-year ban for convicted netas inadequate, amicus tells SC

'Govt Employees Get Dismissed After Conviction'

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New Delhi: Days after the Supreme Court agreed to take up the issue of convicted politicians' eligibility to contest elections, amicus curiae Vijay Hansaria on Thursday told the SC that while government employees got dismissed on being convicted, a similarly placed politician only got disqualified for six years.

Highlighting the disparity, the senior advocate, who is assisting the SC in the matter relating to fast-tracking of trials in criminal cases against sitting and former MPs/MLAs, said, "As per service rules applicable to central government

“Even a Class IV employee would be terminated from service, once convicted for an offence involving moral turpitude, not to speak of Class I, II and III employees... CVC, NHRC and other such bodies bar convicted individuals... from becoming members or chairpersons... the law (Section 8(3) of RP Act) has put convicted politicians on a different footing

—Vijay Hansaria | Amicus curiae

There are no specific 'service conditions' laid down in respect of elected representatives even though MPs and MLAs are public servants... **Their conduct is bound by propriety and good conscience, and they are expected to generally work in the interest of the nation...** There is no justification for the challenge to the constitutional validity of Section 8(3) of the Representation of the People Act

—Centre in 2020

and state government employees, a person convicted for any offence involving moral turpitude is liable to be dismissed from service. "Even a Class IV employee would be terminated from service, once convicted, for an offence involving moral turpitude, not to speak of Class I, II and III employees

and persons holding any office under the All-India Services Act, 1951, and the Rules framed thereunder."

The amicus reeled off a list of statutory authorities, including the Central Vigilance Commission, NHRC and other such bodies which bar individuals convicted of offences in-

volving moral turpitude from becoming members or chairpersons to argue that the law has put convicted politicians on a different footing. It was manifestly arbitrary that such convicted people could become members of Parliament and assemblies, he argued.

Hansaria was recently told by a bench headed by CJI D Y Chandrachud that it would separate the challenge to the validity of Section 8(3) of the Representation of the People Act from expediting trials against politicians. The court had asked the amicus to give detailed submission on the provision.

Interestingly, the Centre in December 2020 had dissuaded the SC from testing the constitutional validity of Section 8(3) of RP Act, rejecting the comparison between government servants and politicians.

► **Not to test Act validity, P 17**

In '20, govt had urged SC not to test Act validity

►Continued from P 1

Section 8(3) disqualifies a person for six years from contesting elections from the date of completing the sentence of two or more years awarded to him after being convicted in a criminal case. The Union government, dissuading the SC from testing the constitutional validity of Section 8(3) of RP Act, had said in 2020, "There are no specific 'service conditions' laid down in respect of elected representatives even though MPs and MLAs are public servants. They are ordinarily bound by the oath that they have taken, to serve the citizens of the country."

"They are already bound by the disqualifications in terms of RP Act as well as various directions and precedents as laid down by the SC from time to time." It had said, "In so far as the conditions of service of public servants, not being elected representatives, is concerned, the same is regulated by their respective service laws, including recruitment rules. Thus, there is no justification for the challenge to the constitutional validity of Section 8(3) of RP Act."

NSCM-IM militant killed in encounter in Arunachal Pradesh

<https://www.devdiscourse.com/article/law-order/2593784-nscm-im-militant-killed-in-encounter-in-arunachal-pradesh>

An NSCN-IM militant was killed in an encounter with security forces in Changlang district of Arunachal Pradesh on Wednesday night, officials said.

The militant was killed in a gunfight at Kali Mandir area that falls under Miao police station in Changlang district of the northeastern state, Changlang deputy commissioner (DC) Sunny Singh informed on Thursday.

The rebel was killed by personnel of 11 Assam Rifles during an exchange of fire that broke out after two armed militants of the outfit shot at a patrolling party which was moving from Miao Ghat to Dharampur via Kali Mandir, officials said.

On spotting the militants, personnel of Assam Rifles challenged them. The rebels opened fire with 9mm pistol and a bullet hit the spare wheel of a vehicle of the security forces, the DC said.

"On retaliation by the troops of 11 Assam Rifles, a militant was killed on the spot while the other fled in the cover of darkness," Singh said.

A pistol along with the body of the slain rebel was recovered from the encounter site. However, the identity of the dead insurgent is yet to be established, officials said.

Meanwhile, the district administration has ordered a magisterial inquiry into the incident.

The DC in an executive order directed extra assistant commissioner (EAC) A J Lungphi to conduct the magisterial inquiry into the incident as per revised guidelines issued by the National Human Rights Commission (NHRC) in cases of death caused in security forces action and submit the report to him within four weeks.

NHRC sends notice over the reported shaving of the head of a woman

The National Human Rights Commission, NHRC, India has taken suo moto cognisance of a media report that a group of men reportedly shaved the head of a woman belonging to a Scheduled Tribe in the Raniganj area of the district Araria in Bihar. The incident reportedly happened on September 8.

The Commission has issued notices to the Chief Secretary and the Director General of Police, Bihar calling for a detailed report in the matter. The response is expected within four weeks.

FARMER'S ELECTROCUTION

NHRC issues notices over compensation

PNN & AGENCIES

Kendrapara, Sept 14: The National Human Rights Commission (NHRC) has issued notices to the state Energy Secretary, District Magistrate of Jagatsinghpur and CEO of TPCODL on payment of compensation to the next of kin of a farmer who died due to electrocution.

The notice was issued by the commission on a petition filed by Human Rights Activist Radhakant Tripathy who alleged that a farmer was electrocuted while working on his field when an overhead live supply wire fell on him.

Tripathy had requested the NHRC for fair investigation, legal action and compensation to the bereaved family.

The NHRC directed the officials to submit a report on the



point of compensation to be paid to the Next of Kin (NoK) of the deceased along with proof of payment, including inspection report of the Electoral Inspector as mandated under Section 161 (1) of Electricity Act, 2003, within eight weeks.

Pursuant to the directions of the NHRC, the SP of Jagatsinghpur stated that a case was registered in Paradeep police station and enquiry was conducted by the sub-inspector.

He said as per the autopsy report the cause of death of the deceased was due to electric injury. Local enquiry also revealed that the cause of death of the deceased was due to snapping of live electric conductor/wire on him while he was farming on his land.

The commission was informed that the TPCODL authorities had given cash of ₹20,000 to the deceased family for his obsequies.

Further, it was also decided that the TPCODL will provide contract job to one of the family members of the deceased within three months as per his education qualification.

The NHRC observed the point of compensation is missing in the police report and called for a requisite report within eight weeks stating that it is a case of electrocution death.

6-year ban for convicted netas not enough, SC told

Amicus Points To Disparity With Govt Staff

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New Delhi: Days after the Supreme Court agreed to take up the issue of convicted politicians' eligibility to contest elections, amicus curiae Vijay Hansaria on Thursday told the SC that while government employees got dismissed on being convicted, a similarly placed politician only got disqualified for six years.

Highlighting the disparity, the senior advocate, assisting the SC in the matter relating to fast-tracking of trials in criminal cases against sitting and former MPs/MLAs, said, "As per service rules applicable to central government and state government employees, a person convicted for any offence involving moral turpitude is liable to be dismissed from service.

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“Even a Class IV employee would be terminated from service, once convicted for an offence involving moral turpitude, not to speak of Class I, II and III employees... CVC, NHRC and other such bodies bar convicted individuals... from becoming members or chairpersons... **the law (Section 8(3) of RP Act) has put convicted politicians on a different footing**

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—Centre in 2020

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The amicus reeled off a list of statutory authorities, including the Central Vigilance Commission, NHRC and other such bodies which bar individuals convicted of offences involving moral turpitude from becoming members or chairpersons to argue that the law has put convicted politicians on a different footing. It was manifestly arbitrary that such convicted people could become members of Parliament and assemblies, he argued.

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► 'Can't compare', P 21

Can't compare netas & govt staff: Centre in '20

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New Delhi: Senior advocate Vijay Hansaria has told the apex court that politicians convicted for an offence involving moral turpitude get away with six-year disqualification while government staff get dismissed for a similar offence. The court had asked the amicus curiae to give a detailed submission on Section 8(3) of the Representation of the People Act. The provision disqualifies a person for six years from contesting elections from the date of completing the sentence of two or more years awarded to him/her after being convicted in a criminal case.

Interestingly, the Union government in December 2020 had dissuaded the SC from testing the constitutional validity of Section 8(3) of the RP Act, rejecting the comparison between government servants and politicians. It had said, "There are no specific 'service conditions' laid down in respect of elected representatives even though MPs and MLAs are public servants. The elected representa-

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Union government in 2020

tives are ordinarily bound by the oath that they have taken to serve the citizens." It added, "Their conduct is bound by propriety and good conscience, and they are expected to generally work in the interest of the nation. They are already bound by the disqualifications in terms of the RP Act as well as various directions and precedents as laid down by the SC from time to time."

It further said, "In so far as the conditions of service of public servants, not being elected representatives, is concerned, the same is regulated by their respective service laws, including recruitment rules. Thus, there is no justification for the challenge to the constitutional validity of Section 8(3) of the RP Act."

आदिवासी महिला के मुंडन पर NHRC ने बिहार सरकार को भेजा नोटिस, 4 सप्ताह के अंदर मांगी रिपोर्ट

<https://bihar.punjabkesari.in/bihar/news/nhrc-sent-notice-to-bihar-government-on--mundan--of-tribal-woman-1878799>

नई दिल्ली/पटना: राष्ट्रीय मानवाधिकार आयोग ने बिहार में एक आदिवासी महिला के साथ हुए दुर्व्यवहार और उसका मुंडन काराए जाने की घटना पर स्वतः संज्ञान लेकर राज्य सरकार से रिपोर्ट मांगी है। आयोग की बुधवार को जारी एक विज्ञप्ति के अनुसार आयोग ने मीडिया में प्रकाशित खबरों के आधार पर स्वयं संज्ञान लेते हुए यह कार्रवाई शुरू की है।

आयोग द्वारा बिहार के मुख्य सचिव और पुलिस महानिदेशक को नोटिस जारी कर वारदात के संबंध में की गई कार्रवाई पर चार सप्ताह के अंदर विस्तृत रिपोर्ट मांगी गई है। आयोग ने नोटिस के जवाब में घटना से संबंधित प्राथमिकी दर्ज किए जाने, महिला को मानसिक और शारीरिक प्रताड़ना और उसके मुआवजा आदि दिए जाने की स्थिति के संबंध में विवरण मांगा है। आयोग ने कहा कि अगर समाचार रिपोर्ट की सामग्री, यदि सच है, तो यह मानवाधिकारों के उल्लंघन का गंभीर मुद्दा बनता है और चिंता का विषय है।

गौरतलब है कि 11 सितंबर को आई मीडिया की रिपोर्ट के अनुसार, आठ सितंबर को अररिया जिले के रानीगंज इलाके में पुरुषों के एक समूह ने कथित तौर पर एक अनुसूचित जनजाति की महिला का सिर मुंडवा दिया। रिपोर्ट के अनुसार कृत्य में शामिल लोगों का कहना था कि महिला का उसी गांव के एक व्यक्ति के साथ अवैध संबंध है। रिपोर्ट के मुताबिक भीड़ ने महिला के साथ अभद्र व्यवहार की घटना का वीडियो भी बनाया और इसे सोशल मीडिया पर अपलोड कर दिया।

सुप्रीम कोर्ट ने 'मीडिया ट्रायल' पर नकेल कसी

<https://jantaserishta.com/local/supreme-court-cracks-down-on-media-trial-2807850>

सुप्रीम कोर्ट ने 'मीडिया ट्रायल' पर कड़ी आपत्ति जताई है - जिसका संदर्भ "पक्षपातपूर्ण रिपोर्टिंग से है जो जनता के संदेह को जन्म देती है कि व्यक्ति ने अपराध किया है" - और गृह मंत्रालय को निर्देश दिया कि वह प्रेस ब्रीफिंग के दौरान पालन करने के लिए पुलिस के लिए दिशानिर्देश तैयार करे। आपराधिक मुकदमा। मंत्रालय को एक विस्तृत मैनुअल तैयार करने में तीन महीने का समय लगा है। मुख्य न्यायाधीश डीवाई चंद्रचूड़ की अगुवाई वाली पीठ ने संवेदनशीलता की आवश्यकता को रेखांकित करते हुए कहा कि प्रत्येक राज्य के शीर्ष पुलिस अधिकारियों और राष्ट्रीय मानवाधिकार आयोग को एक महीने के भीतर गृह मंत्रालय को सुझाव सौंपने का निर्देश दिया गया है और अगली सुनवाई जनवरी में होगी। एनडीटीवी की रिपोर्ट के मुताबिक, पुलिस कर्मों। मार्च में, मुख्य न्यायाधीश ने पत्रकारों से "रिपोर्टिंग में सटीकता, निष्पक्षता और जिम्मेदारी के मानकों को बनाए रखने" का आग्रह किया था और कहा था, "...भाषणों और निर्णयों का चयनात्मक उद्धरण चिंता का विषय बन गया है। इस प्रथा में महत्वपूर्ण कानूनी मुद्दों के बारे में जनता की समझ को विकृत करने की प्रवृत्ति है। न्यायाधीशों के निर्णय अक्सर जटिल और सूक्ष्म होते हैं, और चयनात्मक उद्धरण यह आभास दे सकते हैं कि निर्णय का अर्थ न्यायाधीश के इरादे से कुछ अलग है। नाराज सुप्रीम कोर्ट ने इस तथ्य पर जोर दिया कि "मीडिया ट्रायल" किसी पीड़ित या शिकायतकर्ता की गोपनीयता का उल्लंघन करता है, और यह चिंताजनक है कि क्या वे नाबालिग हैं। "पीड़ित की गोपनीयता को प्रभावित नहीं किया जा सकता। हमें आरोपियों के अधिकारों का भी ख्याल रखना होगा।"

देश में लीवर और कैंसर की नकली दवाओं का हो रहा प्रसार,केंद्र और DGCI को NHRC द्वारा भेजा गया नोटिस

<https://divyahindi.com/nhrc-notice-to-center-and-dgci-on-the-spread-of-fake-medicines-fake-medicines/>

नई दिल्ली- राष्ट्रीय मानवाधिकार आयोग (NHRC) ने लीवर की नकली दवा डेफिटालियो और कैंसर की दवा एडसेट्रिस के कथित प्रसार को लेकर स्वास्थ्य मंत्रालय और भारत के औषधि महानियंत्रक (DGCI) को नोटिस जारी किया है। आयोग ने एक बयान में कहा कि अगर खबर सही है तो यह मानवाधिकारों के उल्लंघन का गंभीर मुद्दा है जो चिंता का विषय है।

देश में दवाओं के नकली संस्करण पाए गए

NHRC ने मीडिया में आई उस खबर का स्वतः संज्ञान लिया है, जिसमें कहा गया है कि WHO के अलर्ट के बाद केंद्रीय औषधि मानक नियंत्रण संगठन (CDSCO) ने राज्य नियामकों, डाक्टरों और मरीजों को दो दवाओं डेफिटालियो और एडसेट्रिस के बारे में सतर्क रहने को कहा है, क्योंकि इन दवाओं के गलत संस्करण चार देशों में प्रसारित हो रहे हैं।

जिसमें भारत भी शामिल है। एनएचआरसी ने आगे कहा कि रिपोर्ट में कहा गया है कि भारत सहित चार देशों में एडसेट्रिस इंजेक्शन 50 मिलीग्राम के नकली संस्करण पाए गए। नकली दवाओं के मुख्य रूप से आनलाइन वितरित किए जाते हैं।

Several agencies on the lookout for new chiefs

Prawesh Lama

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NEW DELHI: With just two days to go before the term of Enforcement Directorate (ED) chief Sanjay Mishra ends, the central government is yet to call a meeting of the panel led by the Central Vigilance Commissioner to appoint the next chief of the premier investigation agency.

Moreover, ED isn't the only body that's waiting for a new boss — the Special Protection Group (SPG) — which is responsible for security of the Prime Minister of India — and the Central Industrial Security Force (CISF) are also waiting for new chiefs. For the past two months, the post of Director General (Investigation) in the human rights body NHRC, too, has been vacant.

While there has been much speculation about Mishra taking on a key role in the government that will allow him to continue to oversee money laundering cases, the officer himself has said that he will lead a retired life starting this weekend.

However, before he leaves office, he is likely to make his recommendation for the next ED director. According to section 25 of the Central Vigilance Commission Act, 2003, a panel comprising the Central Vigilance Commissioner (CVC), two vigilance commissioners, and secretaries

MISHRA'S LAST WORKING DAY WAS DECIDED BY THE SC ON JULY 27, WHEN IT GAVE HIM A FINAL EXTENSION

of home, finance, and department of secretary of personnel will deliberate on nominees for the next chief.

The committee "shall, in consultation with the Director of Enforcement, recommend officers for appointment to the posts above the level of the Deputy Director of Enforcement and also recommend the extension or curtailment of the tenure of such officers in the Directorate of Enforcement", the Act says.

While there are some front-runners for the job from the Indian Revenue Service (the traditional pool of service the ED draws from), the government could pull a surprise. For instance, former ED director Karnal Singh was a police officer.

Mishra's last working day was decided by the Supreme Court on July 27, when it gave him a final extension. He took office on November 19, 2018 for a period of two years. He was given three extensions by the Centre, a move that was criticised by the Opposition and opposed by NGO Common Cause in court. →P4

ED, 2 other agencies on a search for chiefs

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NEW DELHI: With the tenure of Enforcement Directorate (ED) chief Sanjay Mishra set to end on Friday, the central government is yet to call a meeting of the panel led by the Central Vigilance Commissioner to appoint the next chief of the premier investigation agency. However, ED isn't the only body that's waiting for a new boss — the Special Protection Group (SPG) and the Central Industrial Security Force (CISF) are also waiting for new chiefs.

While there has been much speculation about Mishra taking on a key role in the government that will allow him to continue to oversee money laundering cases, the officer himself has said that he will lead a retired life starting this weekend. However, before he leaves office, he is likely to make his recommendation for the next ED director. According to section 25 of the Central Vigilance Commission Act, 2003, a panel comprising the Central Vigilance Commissioner (CVC), two vigilance commissioners, and secretaries of home, finance, and department of secretary of personnel will deliberate on nominees for the next chief.

The committee "shall, in consultation with the Director of Enforcement, recommend officers for appointment to the posts above the level of the Deputy Director of Enforcement and also recommend the extension or curtailment of the tenure of such officers in the Directorate of Enforcement", the Act says.

While there are some front-runners for the job from the Indian Revenue Service (the traditional pool of service the ED draws from), the government could pull a surprise. For instance, former ED director Karnal Singh was a police officer. "No one knows who the government will appoint. CBI chairperson Nitin Gupta and members Praveen Kumar, both IRS officers from the 1986 and 1987 batch, look like obvious choices. Then there is Rashmi Shukla who is currently chief of SSB. Shukla could also be kept in SSB and be



Sanjay Mishra

given the Maharashtra DGP post when the incumbent retires or is reappointed. There is also one officer in contention from the AGMUT cadre. But these are just eligible candidates. The government may spring a surprise by bringing in a new name, as has happened in the past," said a serving DG-rank officer in the Centre who asked not to be named.

Mishra's last working day was decided by the Supreme Court on July 27, when it gave him a final extension. He took office on November 19, 2018 for a period of two years. He was given three extensions by the Centre, a move that was criticised by the Opposition and opposed by NGO Common Cause in court.

The people against whom ED has moved is a virtual who's who of the opposition: Congress leaders Sonia Gandhi and Rahul Gandhi along with the former's son-in-law Robert Vadra, former Delhi ministers Satyendar Jain and Manish Sisodia of the Aam Aadmi Party, members of Parliament Karti Chidambaram (Congress), Sanjay Raut (Shiv Sena-UBT) and Abhishek Banerjee (Trinamool Congress), to name just a few. The Opposition has accused ED of being politically motivated under Mishra's tenure and said that the government extended his tenure (three times) from "ulterior political motives". The government has denied this.

The government, many believe, is likely to parachute an officer from outside the agency because, Mishra's deputies, the agency's current special directors, are junior in comparison to the eligible candidates. Special director Rahul Navin is a 1993-batch IRS officer, and another special director Sonia Narang is an IPS officer of the 2002

batch.

Most director general or director rank officers in federal agencies today are officers from 1984-1989 batches. Mishra is from the 1984 batch (IRS). The current CBI chief Praveen Sood is from the 1986 batch (IPS) while NIA director general MA Ganapathy is from the 1987 batch (IPS). The CRPF, ITBP, and SSB chiefs are from 1988 batch (IPS) while the BSF DG is a 1989 batch officer (IPS).

However, ED isn't the only organisation looking for a boss.

SPG, the elite security unit, which is responsible for security of the Prime Minister of India, is also headless after SPG director, Arun Kumar Sinha (1987 batch IPS), passed away at a Gurugram hospital on September 6. The functioning of the agency is currently being supervised by Sinha's deputy, Alok Sharma, a 1991 batch IPS officer. It is unclear if Sharma will continue to head the elite security force.

For the past two months, the post of Director General (Investigation) in the human rights body NHRC, too, has been vacant. The last DG (Investigation) Manoj Yadav was on July 19, 2023 appointed the chief of the Railway Protection Force (RPF). Yadav, who is also from the 1988 batch (IPS), was earlier the DGP of Haryana. DG NHRC is an important post because the Commission is mandated to investigate, suo motu, cases of human rights violation. Officials at NHRC said the government has always chosen police officers with experience of serving in state and the intelligence bureau as the DG of NHRC.

"Currently we do not have a director general. The work at the commission is currently being supervised by a DIG rank officer," an official at the commission said.

Finally, for the last fortnight, CISF has been headed by Nina Singh (1989 batch IPS) who was given the additional charge of heading the force, after former DG Sheel Vardhan Singh retired on August 31. Officials in CISF said Singh could be made the full-time DG because the 1989 batch officer was already the No 2 in the force.

NHRC seeks reports on farmer electrocution case

STATESMAN NEWS SERVICE

BHUBANESWAR, 14 SEPTEMBER:

The National Human Rights Commission (NHRC) has issued notices to the Secretary, Department of Energy, DM and the Chief Executive Officer, TP Central Odisha Distribution Limited (TPCODL), Bhubaneswar, directing them to submit report on the point of compensation to be paid to the next of kin of a farmer who was electrocuted after coming in contact with a live wire.

The Commission also sought for the submission of proof of payment, including the inspection report of the Electoral Inspector as mandated under Section 161 (1) of Electricity Act, 2003, within eight weeks.

“Let the Secretary, Department of Energy, Odisha, DM, and the Chief Executive Offi-

cer, TP Central Odisha Distribution Limited (TPCODL), Bhubaneswar, Odisha, be directed to submit report on the point of compensation to be paid to the NOK of the deceased along with proof of payment, including inspection report of Electoral Inspector as mandated under Section 161 (1) of Electricity Act, 2003, within eight weeks”, NHRC ordered

Seeking intervention of the Apex Human Rights Panel of India, Supreme Court Lawyer and Human Rights Activist Radhakanta Tripathy, alleged that the victim was ploughing his paddy field, when he got electrocuted after an overhead live supply line fell on him.

Tripathy had prayed to the NHRC for fair investigation, legal action and compensation to the bereaved family.