

Tribune

NHRC official holds surprise check at Fatehgarh Sahib hospital

Issues guidelines for attending patients

<https://www.tribuneindia.com/news/patiala/nhrc-official-holds-surprise-check-at-fatehgarh-sahib-hospital-584311>

Fatehgarh Sahib

The Special Monitor of the National Human Rights Commission (NHRC), Balkrishan Goyal, conducted a surprise inspection of the Fatehgarh Sahib Civil Hospital today. He interacted with patients to receive their feedback on the facilities being provided at the hospital.

Goyal presided over a meeting with officials of the health department and issued guidelines that hospitals needed to follow while attending patients. He inspected the OPD, emergency area, blood-bank, operation theatres, gynaecology ward and neonatal health services at the hospital.

Addressing mediapersons, Goyal said that the NHRC has been working to prevent human rights violations in the country, adding that everyone should be aware of their rights as citizens of India. Goyal said that the NHRC conducts inspections to make sure that the welfare schemes run by the Central and state governments reach the citizens.

Civil Surgeon Dr Davinderjit Kaur, Assistant Civil Surgeon Swapnjit Kaur, Deputy Medical Commissioner Dr Sarita, District Family Welfare Officer Dr Daljit Kaur, Senior Medical Officer Dr Balkar Singh and Dr Shikha were present at the meeting.

Counter Currents

Women Members in National Human Rights Commission

<https://countercurrents.org/2024/01/women-members-in-national-human-rights-commission/>

Since its inception National Human Rights Commission (NHRC) had 29 members and chairpersons out of which only 4 are women. On December 28 2023 Smt Vijaybaharathi Sayani is appointed as a women member of NHRC. Smt Vijaybaharathi is the 3rd women member of the NHRC since its incorporation in 1993. The First Women member was Justice Ms. M. Fathima Beevi, second women member was Justice Smt. Sujata V. Manohar and first women civil society representative was Smt. Jyotika Kalra.[1] The Appointment was delayed for the period of 633 days after Smt. Jyotika Kalra demitted the office on 04.04.2022. Smt Vijaybaharathi assumed office on 28th December 2023, prior to this she was practicing as an advocate and well known for dealing with cases of women harassment and dowry. She has served several professional and social organisations. She has also conducted several workshops and written many articles related to women's issues.[2]

Bottom of Form

After appointment of the women member, the NHRC has one Chairperson who was a former judge of Supreme Court, and 3 members who were appointed as persons having knowledge of, or practical experience in matters relating to human rights. Even after the appointment there is vacancy of 2 members who must be a former judge of supreme court and former Chief Justice of High Court. These posts were vacant since Justice Prafulla Chandra Pant who demitted office on 11.09.2021 and Justice D. Murugesan who demitted office on 20.09.2018.

The Indian NHRC has two members positions vacant, the current composition lacks pluralistic balance as suggested by Global Alliance of National Human Rights Institutions – Sub Committee of Accreditation (GANHRI-SCA). The GANHRI-SCA report of March 2023 pointed out that NHRC's current composition is incomplete and there was no women leadership body in NHRC. The SCA does not consider that the amendments of PHRA act in 2019 are not sufficient to meet the pluralism requirements of Paris Principles. SCA stated that 'only having one member who is a woman does not represent appropriate gender balance'.

"The SCA is of the view that a diverse decision-making and staff body facilitates the NHRI's appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates and promotes the accessibility of the NHRI to all citizens."

The SCA recommended the NHRC to advocate for the completion of the appointment process to fill remaining vacancies in its leadership body, and for further amendments to the PHRA, to ensure a pluralistic balance in its composition and staff, in particular by

ensuring that diversity of Indian society is represented including, but not limited to religious or ethnic minorities.

In accordance with section 4 of the Act, the Chairperson and other members of the NHRC are appointed by the President of India based on the recommendation of a committee consisting of the Prime Minister, the Speaker of the House of the People, the Minister in-charge of the Ministry of Human Affairs in the government of India, the Leader of the Opposition in the House of the People, the Leader of the Opposition in the Council of States, and the Deputy Chairperson of the Council of States. The SCA acknowledges the position of the NHRC, that the members of the selection committee are elected officials accountable to the people of India and include voices from diverse political perspectives. However, the SCA does not consider this to sufficiently promote broad consultation or participation in the selection process, nor maximize the number of candidates from a wide range of groups. The SCA notes that the selection committee does not provide for the formal involvement of civil society organizations in the process.

It is critically important to ensure the formalization of a clear, transparent, and participatory selection and appointment process for an NHRI's decision-making body in relevant legislation, regulations, or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI. The SCA recommends that the NHRC advocates for the formalization and application of a process that includes requirements to:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;
- c) Promote broad consultation and / or participation in the application, screening, selection and appointment process;
- d) Assess applicants on the basis of pre-determined, objective and publicly available criteria

All Indian Network of NGO's and Individuals Working with the National and State Human Rights Institutions (AiNNI) welcomes the appointment as a member. AiNNI hopes that the remaining 2 posts will also be filled immediately and persons of similar stature will be appointed.

Ashish Reddy is an Advocate and legal researcher who is currently serving as a Regional Coordinator of Human Rights Defenders Alert (HRDA) for southern India. He is also a member of the All India Network of Individuals and NGOs working with State and National Human Rights Institutions (AiNNI).

Siyasat

Video of Telangana police brutality on protesting student emerges, sparks row

BRS MLC K Kavitha condemned the incident and urged the National Human Rights Commission (NHRC) to take "swift and strict action" against those involved.

<https://www.siasat.com/video-of-telangana-police-brutality-on-protesting-student-emerges-online-2963427/>

Hyderabad: A video of two Telangana policewomen dragging a protesting student by her hair while riding a bike emerged online on Wednesday, January 24, leading to widespread condemnation of police brutality.

The incident happened at Professor Jayashankar Telangana State Agricultural University (PJTSAU) in Rajendranagar.

According to reports, the female student suffered injuries on her hands and legs.

The student belonged to the ABVP and was protesting against the state government's recent decision to allocate land belonging to PJTSAU for the construction of the new High Court complex.

BRS MLC K Kavitha condemned the incident and urged the National Human Rights Commission (NHRC) to take "swift and strict action" against those involved.

"The recent incident involving Telangana police is deeply concerning and absolutely unacceptable. Dragging a peaceful student protester and unleashing abrasive behaviour on the protestor raises serious questions about the need for such aggressive tactics by the police. This arrogant behavior demands an unconditional apology from the Telangana Police. Urging the Human Rights Commission to take swift and strict action against those involved. This behavior cannot become a norm and must be condemned by all alike. @India_NHRC," she said.

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— Kavitha Kalvakuntla (@RaoKavitha) January 24, 2024

AP BJP vice president Vishnu Vardhan Reddy slammed the Congress government over the development and demanded action from the Union Women and Child Development ministry.

“A female ABVP worker who was protesting against Telangana’s Congress gvt is dragged by the hair by police. Is this your Mohabbat ki dukan Mr @RahulGandhi?? I demand strict action against the culprits & request @MinistryWCD to interfere,” he said on X.

A female ABVP worker who was protesting against Telangana's Congress gvt is dragged by the hair by police.
Is this your Mohabbat ki dukan Mr @RahulGandhi??

I demand strict action against the culprits & request @MinistryWCD to interfere. @khushsundar @smritiirani pic.twitter.com/xMBA85omXM

— Vishnu Vardhan Reddy (@SVishnuReddy) January 24, 2024

The Kashmiriyat

SC slams Gujarat Police for tying five Muslims to poles, assaulting them

<https://thekashmiriyat.co.uk/sc-slams-gujarat-police-for-tying-five-muslims-to-poles-assaulting-them/>

In a scathing critique, the Supreme Court admonished the Gujarat Police on Tuesday for the public flogging of five individuals from the Muslim community in 2022.

The court questioned the audacity behind tying them to poles and administering physical punishment, expressing incredulity at the officers' actions.

A bench comprising Justices BR Gavai and Sandeep Mehta presided over an appeal lodged by four police personnel—Inspector A V Parmar, Sub-Inspector D B Kumavat, Head Constable K L Dabhi, and Constable R R Dabhi—against a Gujarat High Court order from October 19, 2023.

This order had sentenced them to 14 days of simple imprisonment for contempt of court, as they violated the Supreme Court's guidelines regarding the detainment and interrogation of suspects.

Justice Gavai, visibly irate during the hearing, exclaimed, "What kind of atrocities are these? Do you have the authority under the law to tie people to a pole and beat them?" His sentiments were echoed by Justice Mehta, who sternly reprimanded the officials for their actions and questioned the need for the Supreme Court's intervention.

The officials' defense, presented by senior advocate Siddharth Dave, emphasized ongoing criminal prosecution, departmental proceedings, and an inquiry by the National Human Rights Commission (NHRC).

Dave contended that the primary issue was the high court's jurisdiction in contempt proceedings rather than the officials' culpability.

However, Justice Gavai countered, asserting that every police officer should be aware of the law laid down in the DK Basu case, which established guidelines for arrests, detention, and interrogation.

The officials' claim of ignorance was dismissed, as Justice Gavai declared, "Ignorance of the law is not a valid defense."

Despite arguments against contempt jurisdiction, the court inquired about the status of a private complaint against the accused policemen.

Senior advocate I H Syed, representing the complainant, confirmed its pending status. Justice Gavai clarified that, as it was an appeal, the court needed to hear the matter.

Dave sought a stay on the high court's order to prevent the appeal from becoming infructuous.

In a derisive remark, Justice Gavai quipped, "Go and enjoy the custody. You will be a guest of your own officers. They will provide you special treatment." Eventually, the court acceded to Dave's request and granted a stay on the sentence.

The case's history, rooted in an incident where five Muslims were allegedly beaten by the accused policemen, highlighted the violation of Supreme Court guidelines during the arrest and detention process.

The high court, in its October 19, 2023, order, found the four policemen guilty of contempt and sentenced them to 14 days in jail, with a three-month stay to facilitate their appeal.

The incident had initially involved 13 policemen, but after a probe, the CJM specified the roles of only four, leading to the contempt charges.