

India Legal

Senior Advocate Ashok Bhan briefs NHRC chairperson ahead of his Kashmir camp

<https://www.indialegallive.com/top-news-of-the-day/news/senior-advocate-ashok-bhan-briefs-nhrc-chairperson-ahead-of-his-kashmir-camp/>

With the National Human Rights Commission (NHRC) set to conduct a camp sitting and an open public hearing on grievances related to human rights violations in Jammu and Kashmir, Senior Advocate Ashok Bhan met NHRC chairperson Justice Arun Mishra on Thursday.

This is the first time the NHRC will address such issues in the region following the abolition of the State Human Rights Commission. Bhan, renowned for his expertise in international law, briefed the NHRC chairperson on the dire human rights situation in Jammu and Kashmir and submitted a note on it.

Bhan emphasized the need for a humanitarian approach towards the victims of the long-standing turbulence in the region, which has witnessed over 30 years of insurgency, leading to violence, displacement, and suffering.

In his two-hour meeting with the NHRC chairperson, Bhan discussed the pressing issues facing the region, including the rehabilitation of internally displaced native populations, addressing the drug menace, and ensuring economic stability for the youth.

Bhan highlighted the importance of winning the hearts and minds of the society and establishing a robust security ecosystem to build faith in the rule of law and democracy.

Human rights abuses in Jammu and Kashmir have ranged from mass killings, forced disappearances, torture, rape, abuses due to using pellet guns and suppression of freedom of speech to bans on religious gatherings, a situation akin to genocide and selective killings.

The NHRC camp sitting and open public hearing are scheduled to take place from February 7 to 9 in Srinagar, with the NHRC inviting individuals to submit complaints of rights violations.

The NHRC will review these complaints, including acts of terrorism that inhibit the enjoyment of human rights, and recommend appropriate remedial measures. They will also examine treaties and international instruments on human rights for effective implementation.

Bhan also reminded the NHRC chairman that the rights body came up when India was in a bind on Kashmir at the UNHRC in 1994. It was after realizing this and to keep international human rights bodies from interfering in domestic affairs that then Prime Minister Narasimha Rao conceived the idea of an internal mechanism to address human rights issues.

Bhan added that despite having its origin to address rights issues in Kashmir, the NHRC never sought any proactive role in the region.

He said it is better late than never that the NHRC has woken up to take up the issue of human rights in Kashmir and also to order ways to ameliorate them.

This development follows the aftermath of the inoperability of Article 370 and the subsequent winding of the Jammu and Kashmir State Human Rights Commission. The Union Government empowered the NHRC to address human rights concerns in the Union Territory through the J&K Reorganisation Act.

The NHRC's decision to hold an open public hearing on rights violations comes after call of its conscience and from the Supreme Court opinion to create mechanisms allowing people in Jammu and Kashmir to file complaints directly with the NHRC.

Bhan told NHRC about the brutal human rights situation faced by the Kashmiri Pandit community. Forced displacement, violence, and ongoing discrimination. That left them vulnerable and in need of urgent government and NHRC intervention. The rights to life, liberty, and security of the Kashmiri Pandits are being systematically violated, and their cultural heritage is at risk of being obliterated and erased. National Human Rights Commission is once again urged to investigate these atrocities, ensure accountability, and implement measures to safeguard the well-being and rights of the Kashmiri Pandits and their return to roots is a national demand that deserves serious recommendations.

It is hoped that the NHRC efforts are seen as a healing process and unifying factor for varied sections of the fractured society shattered by the turbulence of the last 35 years, Bhan said.

Times of India

Odisha police inspector booked for 'rape' of colleague in 2019

<https://timesofindia.indiatimes.com/city/bhubaneswar/odisha-police-inspector-booked-for-rape-of-colleague-in-2019/articleshow/107390386.cms>

BHUBANESHWAR: The state Crime Branch on Friday registered a case against an inspector on charges of sexually assaulting a sub-inspector (SI) in June 2019. According to director general of police (in-charge) Arun Sarangi, the inspector has been booked under section 376 (rape) of the IPC following a direction from the national human rights commission (NHRC). Sarangi said he entrusted the Crime Branch to investigate the case.

“We have registered a case. A team led by a woman police officer will start the investigation,” additional director general (Crime Branch) Arun Bothra told TOI.

Police sources said the SI was allegedly subjected to sexual harassment while working under the inspector in Ganjam district in June 2019. The SI recently moved the NHRC alleging that she did not get justice from the Odisha police. She alleged that though she had lodged a complaint with the Ganjam police then, no FIR was registered against Pradhan.

“The inspector kept sexual relations with me forcefully inside his quarters. When I drew the attention of my seniors to the incident, I was asked to keep quiet,” she complained to the NHRC.

“As over four years have passed since the alleged incident took place, it will be a testing time for the Crime Branch to verify whether or not she was sexually harassed. We can register a rape case whenever a victim lodges a complaint. Circumstantial evidence, if proved against the inspector, may play a key role during the trial,” another police officer said.

Hindustan Times

After 4 over years, Odisha police inspector booked for sexual assault of woman SI

<https://www.hindustantimes.com/india-news/after-4-over-years-odisha-police-inspector-booked-for-sexual-assault-of-woman-si-101706955630632.html>

A senior police official said the Criminal Investigation Department (CID) of Odisha police lodged a case of sexual assault against inspector Ramesh Pradhan, now posted as an inspector in Phiringia police station of Kandhamal district

Bhubaneswar: Nearly four and half years after a woman sub-inspector of Odisha police was allegedly sexually assaulted by a police inspector in Ganjam district where she worked, cops have lodged a case against the accused following directions from the National Human Rights Commission (NHRC), officials familiar with the matter said on Friday.

A senior police official said the Criminal Investigation Department (CID) of Odisha police lodged a case of sexual assault against inspector Ramesh Pradhan, now posted as an inspector in Phiringia police station of Kandhamal district.

An inquiry has also started over the complaint given by a woman sub-inspector who worked under Pradhan when he was inspector of Pattapur police station in Ganjam in 2019.

The woman sub-inspector, who now works in a police station of Bhubaneswar Commissionerate Police, was allegedly sexually

assaulted by Pradhan at his official quarters on June 27, 2019, according to the complaint.

Similar incidents took place on two separate occasions, said police. Though the sub-inspector filed a complaint with the then Ganjam superintendent of police (SP), no first information was lodged.

The woman then moved the office of the chief minister, following which the additional SP of Ganjam and other senior officials conducted a probe.

The woman sub-inspector however alleged that she was pressurised by her senior officials to withdraw her complaint following which she moved the National Human Rights Commission in 2020.

Following her complaint, the NHRC asked its investigation division to conduct a probe which last month asked the Odisha director general of police (DGP) to order the registration of a fresh FIR on the complaint of the woman SI.

The NHRC said the investigation has to be done by a woman officer of the rank of deputy SP or above. The DGP also met the woman SI as per NHRC orders that had asked the

state police to ensure speedy justice to her departmental grievances such as salary issues, promotion and family security.

The NHRC has also asked the DGP to order an inquiry into the allegation levelled by the SI against an SP who allegedly demanded asked her to build a tennis court at his residence and other issues while she was posted in Boudh district.

In the past few years, several police officials in Odisha have been accused of sexual assault. In October last year, an assistant sub-inspector of Jamda in Odisha's Mayurbhanj district was arrested for allegedly sexually assaulting a minor girl who worked as a domestic help in his house.

Tripura Info

TSF vice president file complain to police over TBSE president's role vis-à-vis Roman script

<https://tripurainfo.com/news.aspx?intnid=19604&title=TSF-vice-president-file-complain-to-police-over-TBSE-president%E2%80%99s-role-vis-%C3%A0-vis-Roman-script>

In a bizarre turn to the ongoing controversy over Roman or modified Bengali script for 'Madhyamik' and HS (2) exams to be conducted by the Tripura Board of Secondary Education (TBSE), Johan Debbarma, the vice president of pro-'Tipra Motha' student outfit Tribal Student Federation (TSF), filed a complaint with the new capital complex police station north of Agartala town yesterday against the TBSE president Dr Dhananjay Gan Chowdhury. The complaint is yet to be registered, as FIR because without any prima facie evidence no complaint can be treated as FIR. The SP (west) Dr Kiran Kumar K. also confirmed to media persons that a complaint had been received but made no comment on whether it would be treated as FIR. Apart from this, the TSF leadership have also filed a complaint with the National Human Rights Commission (NHRC) against the TBSE and its president Dr Dhananjay Gan Chowdhury.

Responding to queries on the issue sources in TBSE said that some time ago a delegation of TSF had met in deputation with the president of TBSE and pressed for allowing students to appear in Board exams on 'Kokborok' language in Roman script. Giving them a patient hearing Dr Gan Chowdhury told the TSF delegation that he had no objection to the use of Roman script but the Board had no manpower capable of evaluating 'Kokborok' language paper in Roman script. "Historically the modified Bengali script has been used at the school level and the examiners of 'Kokborok' language in our panel are used to the modified Bengali script and not Roman; hence it will not be possible for them to do justice to the evaluation of answers in both the scripts; that is why we have decided to stick to the modified Bengali script as of now; there is also the possibility of a major controversy in case we make the examiners evaluate papers in both the scripts as marking will not be even" said Dr Dhananjay Gan Chowdhury. Apparently the TSF delegation had no answer to this but they returned sullen.

Since then many other tribal based organizations including linguistic and cultural ones had pressed for Roman script but got the same answer that in the absence of proper expert manpower the Roman script can not be allowed in the school level Board exams. But the controversy fuelled understandably by vested interest and lobbies has snowballed with senior politicians like the leader of the opposition Animesh Debbarma and 'Motha' chief Pradyot Kishore getting involved in it.

Youth Ki Awaaz

Disabled, Gay Government Employee Not Paid For 3 Years

<https://www.youthkiawaaz.com/2024/02/disabled-gay-government-employee-not-paid-for-3-years/>

Nagpur: Kumar Kalbande, an employee of the Forest Survey of India (FSI), who is a gay man who belongs to the OBC community and is a person with a disability, has not been paid a salary for over 3 years. Kumar said, "I never imagined homophobia would turn my life 360 degrees. From being physically fit and financially secure, I am now living with a disability and a job that does not pay. This is not the life I had imagined for myself."

Kumar was outed in his FSI Nagpur office by his disgruntled ex-boyfriend. Kumar alleges that on finding out that he is gay, the Regional Director of FSI Nagpur, Mr Chaturbhuj Behera, sought sexual favours from Kumar, which he opposed. Kumar was then transferred to FSI Kolkata.

Prior to the transfer, Kumar met with an accident. FSI Nagpur did not release emergency medical fund. This led to Kumar developing a locomotor disability. The FSI Kolkata office building does not have a working elevator, so Kumar is unable to access his assigned workplace. He rightfully requested disability assistance, but it was denied.

The accused, Regional Director Chatrabhuja Behera, in a letter to Kumar, has denied all his allegations and said that Kumar is hallucinating. Kumar said, "Mr Behera has demonised me in the entire office. He wants everyone to believe that I've lost my mental balance. My colleagues, who were friendly and supportive earlier, stopped talking to me. Maybe they are scared of retaliation, too."

FSI Nagpur has conveniently lost Kumar's personal file, which contains all his employment and performance details. FSI is neither paying Kumar nor firing him from the job, which is limiting the legal remedies that he can avail.

Hoping to get justice, Kumar has met the Minister of Forest Bhupender Yadav and got letters from Maharashtra Deputy Chief Minister Devendra Fadnavis, Union Minister Nitin Gadkari, and other MPs and MLAs. "Any politician I speak with initially shows sympathy towards me, but when my office tells them that I am gay and not to entertain me, their attitude towards me suddenly changes. It is as if they do not want a gay man to work in a government office", said Kumar.

He has approached the Central Administrative Tribunal (CAT), National Human Rights Commission (NHRC), National Commission of Other Backward Classes, Court of Commissioner for Persons with Disabilities and other bodies but has received no relief. None of these bodies recognised the homophobic harassment that Kumar has been facing. "I had never imagined that my parents retirement savings would be spent on fighting this homophobic system. My parents are supportive, but seeing me struggle for so long is taking a toll on their health. It breaks my heart", shares Kumar.

“I don't look the same as I used to look before all this happened. Any hopes of finding a partner, in a society obsessed with looks, are over. I am on a vanvaas alone, and I don't know when it will end. My will to live is hanging by a thread. But I will not give up”, Kumar asserts his unbreakable resolution to get justice.

Kumar is currently looking for a Bombay High Court lawyer who can help him pro bono till he receives his dues and salary. If you are a lawyer or a media person and wish to take up this case, please email yesweexistindia@gmail.com

The Hans India

Champions of Change 2024 Award to AMR India Limited Group Chairman and Managing Director A Mahesh Reddy

<https://www.thehansindia.com/tehrangana/champions-of-change-2024-award-to-amr-india-limited-group-chairman-and-managing-director-a-mahesh-reddy-856111#:~:text=Today%20he%20received%20the%20Champions,Balakrishnan.>

HIGHLIGHTS

Shri A. Mahesh Reddy belongs to Telangana state. He was awarded the Champions of Change 2024 award for his exemplary and inspirational work in the...

Shri A. Mahesh Reddy belongs to Telangana state. He was awarded the Champions of Change 2024 award for his exemplary and inspirational work in the field of social welfare in India. The head of AMR India Limited Group, A Mahesh Reddy, has grown into a top young businessman within a very short time of starting the business. Today the AMR India Limited Company stand at the number 1 position in the mining business. At present 5000 people are working in the company and they are going ahead with the determination to create at least one lakh jobs for youngsters. As an ever measured devotee of Shirdi Sainadha, he donated a golden throne to the shrine at Shirdi. Similarly, he built divine temples not only in Andhra state but in many places in India. He renovated temples like Srisailam, Kanipakam, Ramatheertham, Sri Rajarajeswara Temple in Nellore, Sri Pridveswara Temple at his own expense. He was earlier honored with the 'Malik Ek Sur Anek' award for his services in teaching Sai Philosophy in connection with Sai Prerna Trust. During the covid pandemic, He donated 1core to Andhra and Telangana governments. Many health camps were organized in Hyderabad. Similarly, a donation of 1 crore rupees was made to Ayodhya Sri Ram Janmabhoomi. AMR Productions has produced two Telugu movies to teach the philosophy of Bhakti. Similarly, A Mahesh Reddy donated 148 kg of gold to Saibaba Sanatana Trust Shirdi.

Today he received the Champions of Change 2024 award for his services. The award was presented at an award function held at Hotel Grand Hyatt Mumbai on Tuesday night. A. Mahesh Reddy received the award from the hands of Former Chief Justice of India and Former Chairman of NHRC India K. G. Balakrishnan.

The Wire Hindi

जम्मू कश्मीर: अदालत के निर्देश के एक साल बाद एनएचआरसी मानवाधिकार उल्लंघन पर सुनवाई करेगा

जम्मू कश्मीर से अनुच्छेद 370 हटने के बाद यह पहली बार है कि मानवाधिकार का मुद्दा आधिकारिक स्तर पर उठाया जाएगा. राष्ट्रीय मानवाधिकार आयोग के एक नोटिस में कहा गया है कि इसकी एक समिति 7 फरवरी से 9 फरवरी तक श्रीनगर में कथित मानवाधिकार उल्लंघनों के संबंध में आम जनता की शिकायतों पर सुनवाई करेगी.

<https://thewirehindi.com/267485/nhrc-to-hold-public-hearing-on-jk-human-rights-violations-a-year-after-sc-directions/>

नई दिल्ली: सुप्रीम कोर्ट के निर्देशों के लगभग एक साल बाद केंद्र सरकार अगले सप्ताह जम्मू-कश्मीर में मानवाधिकारों पर अपनी तरह की पहली सार्वजनिक सुनवाई करने के लिए तैयार है.

नएचआरसी के एक नोटिस में कहा गया है कि राष्ट्रीय मानवाधिकार आयोग (एनएचआरसी) की एक समिति 7 फरवरी से 9 फरवरी तक श्रीनगर में कथित मानवाधिकार उल्लंघन के संबंध में आम जनता की शिकायतों पर एक शिविर बैठक और खुली सार्वजनिक सुनवाई करेगी.

नोटिस में लोगों से जम्मू कश्मीर में मानवाधिकारों के उल्लंघन की रोकथाम में लापरवाही या ऐसी किसी घटना में शामिल होने के लिए किसी भी लोक सेवक के खिलाफ 29 जनवरी तक अपनी शिकायत दर्ज कराने को कहा गया है.

अनुच्छेद 370 हटने के बाद यह पहली बार है कि मानवाधिकार का मुद्दा आधिकारिक स्तर पर उठाया जाएगा.

हिरासत में नागरिकों की हत्या के बाद सुनवाई

एनएचआरसी की सुनवाई पुंछ जिले में हुई चौंकाने वाली घटना की पृष्ठभूमि में होगी, जिसमें पिछले साल दिसंबर में सेना की हिरासत में तीन नागरिकों को कथित तौर पर यातना देकर मार डाला गया था, जबकि कम से कम चार अन्य गंभीर रूप से घायल हो गए थे.

मार्च 2020 में केंद्र ने जम्मू कश्मीर में मानवाधिकार संबंधी चिंताओं से निपटने के लिए एनएचआरसी को अधिकृत किया था. लेकिन अपने स्थानीय कार्यालयों की अनुपस्थिति में, इस बात की कोई जानकारी नहीं है कि आयोग ने पिछले तीन वर्षों से अधिक समय में किसी मामले का संज्ञान लिया या नहीं.

राज्य मानवाधिकार आयोग (एसएचआरसी), एक अर्ध-न्यायिक निकाय, जो जम्मू कश्मीर में मानवाधिकारों के हनन की जांच करता था, का अस्तित्व 31 अक्टूबर 2019 को समाप्त हो गया था, जब जम्मू और कश्मीर पुनर्गठन अधिनियम लागू हुआ और तत्कालीन राज्य को दो केंद्र शासित प्रदेशों में विभाजित कर दिया गया.

जम्मू कश्मीर मानवाधिकार संरक्षण अधिनियम-1997, जो एसएचआरसी की स्थापना का आधार बना, समेत दर्जनों कानून 2019 में जम्मू कश्मीर में पुनर्गठन अधिनियम लागू होने के बाद निरस्त कर दिए गए थे.

2022 में नरेंद्र मोदी सरकार द्वारा जम्मू कश्मीर को राज्य से केंद्र शासित प्रदेश में बदले जाने के बाद यहां मानवाधिकार आयोग समेत वैधानिक निकायों की अनुपस्थिति को लेकर पुणे के वकील असीम सुहास सरोदे द्वारा सुप्रीम कोर्ट में एक याचिका दायर की गई थी।

पिछले साल फरवरी में केंद्र ने अदालत को बताया था कि जम्मू कश्मीर में निष्क्रिय मानवाधिकार आयोग का मुद्दा उसके विचाराधीन है। बाद में भारत के मुख्य न्यायाधीश डीवाई चंद्रचूड़ की अगुवाई वाली पीठ ने सरकार को एक ऐसा तंत्र लाने का निर्देश दिया, जो जम्मू-कश्मीर के लोगों को जम्मू कश्मीर से ही एनएचआरसी में अपनी शिकायतें दर्ज कराने की अनुमति देगा।

उच्च आधिकारिक आंकड़े, उससे भी अधिक अनौपचारिक संख्या

एक आरटीआई कार्यकर्ता द्वारा प्राप्त आधिकारिक आंकड़ों के अनुसार, जब एसएचआरसी को 2019 में बंद किया गया था, तब वह हत्या, जबरन गायब होने, बलात्कार और स्थानीय निवासियों पर सुरक्षा बलों द्वारा कथित तौर पर किए गए अन्य प्रकार के दुर्व्यवहार की कम से कम 630 शिकायतों की जांच कर रहा था।

प्रशासन ने कार्यकर्ता वेंकटेश नायक की आरटीआई के जवाब में कहा था, 'आयोग के सभी रिकॉर्ड तत्कालीन मानवाधिकार आयोग (ओल्ड असेंबली कॉम्प्लेक्स, श्रीनगर) के कार्यालय परिसर में एक निर्दिष्ट कमरे में बंद कर दिए गए थे।'

हालांकि, अनौपचारिक आंकड़े बहुत अधिक हैं। वर्ष 2017-18 की एसएचआरसी की वार्षिक रिपोर्ट का हवाला देते हुए हफपोस्ट की एक रिपोर्ट के अनुसार, आयोग के पास यातना, गायब होने, न्यायेतर हत्याओं, उत्पीड़न और अन्य समेत दुर्व्यवहार के 8,000 से अधिक मामले लंबित थे।

संयुक्त राष्ट्र की एक समिति ने सितंबर 2020 में एसएचआरसी को बंद करने पर केंद्र सरकार को फटकार भी लगाई थी। स्वतंत्र आकलनों के अनुसार, 1990 के दशक की शुरुआत में आतंकवाद भड़कने के बाद से जम्मू-कश्मीर में 8,000 से अधिक लोग जबरन गायब होने का शिकार बन चुके हैं।

जांच करने वालों को सज़ा

2021 में जम्मू कश्मीर में अधिकारों के हनन का दस्तावेजीकरण करने में शामिल माननाधिकार समूहों और व्यक्तियों के एक संगठन कोअलिशन ऑफ सिविल सोसाइटी (सीसीएस) के संयोजक खुर्रम परवेज़ को 'आतंकवाद की फंडिंग' में संलिप्तता का आरोपी बनाया गया था और राष्ट्रीय जांच एजेंसी (एनआईए) द्वारा गिरफ्तार कर लिया गया था।

2000 में अपनी स्थापना के बाद से सीसीएस ने जम्मू कश्मीर में सुरक्षा बलों और आतंकवादियों द्वारा मानवाधिकारों के हनन पर दर्जनों वार्षिक, द्विवार्षिक और विशेष रिपोर्ट प्रकाशित की हैं। हालांकि, इसके संयोजक की गिरफ्तारी के बाद समूह निष्क्रिय हो गया है।

सीसीएस की आखिरी रिपोर्ट राजौरी के उन तीन युवाओं के बारे में थी, जो जम्मू कश्मीर का विशेष दर्जा हटाए जाने के एक साल बाद 2020 में सेना द्वारा एक फर्जी मुठभेड़ में मारे गए थे।

पिछले साल अनुच्छेद 370 को हटाए जाने को चुनौती देने वाली याचिकाओं पर सुनवाई करते हुए सुप्रीम कोर्ट ने जम्मू कश्मीर में अधिकारों के हनन की जांच के लिए 'सच और सुलह समिति' (Truth and Reconciliation Committee) गठित की थी.

मामले की सुनवाई करने वाली संवैधानिक पीठ का हिस्सा जस्टिस एसके कौल ने कहा था, 'समिति कम से कम 1980 के दशक से जम्मू कश्मीर में राज्य और गैर-राज्य कर्ताओं द्वारा किए गए मानवाधिकारों के उल्लंघन की जांच करेगी और रिपोर्ट करेगी और सुलह के उपायों की सिफारिश करेगी.'