



NATIONAL HUMAN RIGHTS COMMISSION INDIA



**ANNUAL REPORT
2019-20**



NATIONAL HUMAN RIGHTS COMMISSION

Foreword

Justice Shri H.L. Dattu
Hon'ble Chairperson



The National Human Rights Commission is pleased to present to the Parliament and public of India, its twenty-seventh Annual Report for the period from 1st April, 2019 to 31st March, 2020.

2. The National Human Rights Commission was established under the Protection of Human Rights Act (PHRA), 1993. In its 27 years of long journey, the NHRC has been consistently doing a pioneering work in the field of protection and promotion of human rights across the country. The Commission discharges multifarious responsibilities, the most important of which is to link the Government and Civil Society. The Commission seeks to bridge the gap between responsibilities of the state and the rights of individuals to ensure that each citizen lives a life of self-respect and dignity.
3. Over the years, the Commission has concerted its efforts largely on the opportunities to serve the people of India and has unceasingly strived to empower them through recognition of their rights. It has consistently emphasized on the key features of human rights framework, which are principles of universality, non-discrimination and equality, principle of participatory decision making, the notion of accountability and recognition of interdependence of rights, in the course of its advocacy on matters related to rights of women, children, persons with disabilities, LGBTI, persons belonging to Scheduled Castes, Scheduled Tribes, other vulnerable minorities and marginalized communities. In recognition of full compliance of UN mandated Paris Principles, NHRC has consecutively been accredited with 'A' status by the Global Alliance of National Human Rights Institutions and the Commission is proud to have participation in the work and decision-making of the GANHRI, Human Rights Council and other UN mechanisms.
4. While the State is primarily responsible for realization of human rights of its people, other States and non-State actors also have a responsibility to contribute towards prevention of violations of human rights. Therefore, the NHRC has earnestly followed a human rights-centered approach in its functioning with the Government at both the Central and States levels. The significant issues pertaining to human rights have been meticulously addressed either by taking suo moto cognizance, or when brought to the notice of Commission by the civil



society, media, concerned citizens, expert advisers etc. Furthermore, the Commission strives for comprehensive partnerships with key stakeholders such as, the judiciary, police personnel, media, representatives of NGOs and civil society organizations, industry and academia (including students). It functions most notably through sponsoring research, conducting consultations, seminars, workshops, internships, training programmes and publications.

5. To keep pace with the advent of advanced technology in communication, the Commission is proud to announce the start of its Twitter account @India_NHRC in an effort to voice the human rights issues it is deeply concerned with. With concerted efforts, the NHRC has been playing a pivotal role in protection and promotion of Human Rights, therefore, other Human Rights Institutions are bound to follow. Also, in order to handle complaints more effectively within the Commission, the upgraded Complaint Management System (CMS) software is being used for a more advanced internal system.
6. In this Annual Report, the important activities of the Commission and its numerous initiatives undertaken are being described at length. The consequent chapters deal with a range of issues concerning civil liberties, terrorism and militancy, custodial violence and torture. It also details the measures taken after the Supreme Court of India, in 1997, vested the Commission with the responsibility of monitoring and implementation of the Bonded Labour System (Abolition) Act, 1976. Pursuant to the Apex Court directives, a separate unit designated as Bonded Labour Cell was created in the Commission. Also, the summaries of some of principal cases handled during the period under report are illustrated here. These involve cases related to the systemic reforms of the prisons and criminal justice system, cases that primarily deal with the laws and International instruments relevant to the protection of human rights. The Commission is committed to not only protect the human rights of Indian citizens but also the rights of Refugees.
7. It is an ardent hope that this Annual Report for the period 2019-2020, will not only serve to inform its readers about the important initiatives undertaken by the Commission, but also encourage meaningful participation of both the government and the civil society. So that we as citizens stand together as a Nation and strengthen our commitment to protect and promote human rights and it is this commitment which will act as a force for protecting respect and dignity of all.

(Justice H.L. Dattu)

(Former Chief Justice of India)



NATIONAL HUMAN RIGHTS COMMISSION

From the Secretary General's Desk

Shri Jaideep Govind, IAS
Secretary General, NHRC



It is my immense pleasure to present the National Human Rights Commission's (NHRC) Annual Report for the year 2019-2020 which enumerates the Commission's initiatives to create a robust regime of human rights in India.

2. NHRC, which is an embodiment of India's concern for human rights, was established to promote, protect and defend human rights of all. Since its inception in 1993, the Commission has been working on the issues of extrajudicial killings, prison conditions, bonded and child labour, and the protection of vulnerable groups, including women, children, persons with disabilities, senior citizens, LGBTI, among others. In this regard, it examines and reviews the safeguards provided by the various legislations for the protection of human rights and recommends measures for their effective implementation; inquires into violations of human rights and recommends initiation of remedial proceedings; studies treaties and international instruments, periodically reviews existing policies, programmes and makes recommendations for their effective implementation; undertakes and promotes research in the field of human rights; spreads human rights literacy and creates awareness of the safeguards available for protection of these rights through publications, media, seminars and other available means.
3. This issue of the Annual Report, containing twenty chapters, gives an account of the Commission's initiatives and achievements on a range of human rights issues including individual complaints, research studies and deliberations on incidents of contemporary relevance. The report also focuses on NHRC India's cooperation at the international level with the Human Rights Council, Asia Pacific Forum of National Human Rights Institutions and Global Alliance of National Human Rights Institutions.
4. As the Annual Report is a product of coordinated efforts of all the Divisions of the Commission, I would like to sincerely commend everyone who has been involved in the preparation of this Report.
5. It is the Commission's sincere hope that the Annual Report will serve as a beneficial resource to anybody who wants to gain a holistic understanding of the human rights situation of our country and the important initiatives undertaken by the Commission.

(Jaideep Govind)



CONTENTS

CHAPTER	SUBJECT	PAGE
Chapter 1	Introduction	1
Chapter 2	Highlights	3
	A. International Events	4
	B. National Seminars and Conferences	6
	C. Strategic Plan and Annual Action Plan	8
	D. Information and Communication Technology achievements for the period 2019-20	9
	E. Dissemination of information and outreach mechanisms	10
	F. NHRC's Short Film Awards	14
	G. Some other major activities	14
	H. Documentation Centre (E-Library)	15
	I. Special drive for disposal of files in 2019-2020	15
	J. Number and nature of complaints	16
	K. Human rights violation cases	18
	L. Commission Meetings	26
	M. Statistics of cases dealt by Investigation Division from April 2019 to March 2020	27
Chapter 3	NHRC: Organization and Functions	29
	A Constitution of the Commission	30
	B Specialized Divisions and Staff	32
Chapter 4	Civil and Political Rights and Safeguarding Criminal Justice System	39
	A. Terrorism and Militancy	40
	B. Draft Bill on Committee against Torture	40
	C. Internal Meeting on Torture Held on 28th May, 2019	41
	D. Legal Aid Scheme	42
	E. Prison Oversight Mechanism	43
	F. Research Projects	44
	G. Conditions of Prisons: Visits to Jails	47
	H. Illustrative Cases in the year 2019-20	50



CHAPTER	SUBJECT	PAGE
	a) Custodial Deaths	50
	b) Unlawful Arrest, Illegal detention and Torture	57
	c) Police High-handedness	59
	d) Police Firing and Encounter	66
	e) Encounter and Firing by Paramilitary Forces	70
	f) Rights of prisoners	70
	g) Electrocution Cases	72
	h) Other Cases	75
Chapter 5	Reaching Out	80
	A Appointments	80
	B Commission's Meeting with State Human Rights Commissions	81
	C Statutory Full Commission Meeting	83
	D Setting up of Human Rights Courts	85
	E Special Rapporteurs and Special Monitors of the Commission	85
	F Core and Expert Groups	87
Chapter 6	Right to Health and Mental Health	88
	A Mental Health: National Level Review Meeting on Mental Health	89
	B Visits to Mental Health Institutions	93
	C Meeting of Core Advisory Group on Health and Mental Health	96
	D The Charter of Patients' Rights	98
	E Silicosis	98
	F Ayushman Bharat Scheme	99
	G Illustrative Cases in the year 2019-20	99
Chapter 7	Rights to Food & Nutrition	108
	A Open House Discussion on 'Right to Food and Nutrition'	110
	B Illustrative Cases in the year 2019-20	111
Chapter 8	Right to Education	113
	A Illustrative Cases in the year 2019-20	115



CHAPTER	SUBJECT	PAGE
Chapter 9	Rights of Bonded, Migrant and Child Labour and other Labour related issues	120
	A National Seminar on Elimination of Bonded Labour System	121
	B Regional Workshops on Elimination of Bonded Labour System	125
	C Core Group Meeting on Bonded, Child and Migrant Labour	127
	D Regional Conference on “Human Rights of Domestic Workers: Issues and Challenges”	130
	E Half Yearly Reports on Bonded Labour	131
	F Human Rights at Sea	132
	G Research Initiatives	133
	H Special Rapporteur Visits	136
	I Illustrative Cases in the year 2019-20	137
	a) Bonded Labour	138
	b) Exploitation of labour and hazardous employment	139
Chapter 10	Rights of Scheduled Castes,/Scheduled Tribes/Other Backward Classes/Other Minorities and Issues of Manual Scavenging	142
	A Rights of Scheduled Castes, Scheduled Tribes, Other Backward Class, and Other Minorities	142
	B Open House Discussion on Securing Tribal Rights through FRA & PESA in the Light of Forest Related Acts: Issues, Challenges and Way Forward	143
	C Issues of Manual Scavenging	144
	D Open House Discussion on Manual Scavenging and Human Rights: Issues and Challenges	146
	E Special Rapporteur Visits	149
	F Publications	150
	G Illustrative Cases in the year 2019-20	150
Chapter 11	Rights of Women, Children and LGBTQI	155
	I Rights of Women	156
	A Conference on ‘Integrating Women’s Development with Nation’s Development: Role of Stakeholders’	156
	B Meeting of the Core Group on Women	157
	C Research Projects	158



CHAPTER	SUBJECT	PAGE
	D In-house Gender Sensitisation Programme organised at NHRC	160
	E Publications Undertaken	160
	F Visit by Special Monitor	161
	II Rights of Children	162
	G Western Region Review Conference on Juvenile Justice (Care and Protection) Act, 2015, Protection of Children from Sexual Offences Act, 2012 and Victim Compensation Schemes	162
	H Meeting of the Core Group on Children	165
	I Research Projects	166
	J Report of the Sub-Committee on the United Nations Convention on Rights of us the Child (UNCRC)	166
	K Publications Undertaken	167
	L Visits by Special Rapporteurs	167
	III Rights of LGBTQI	170
	M Conference on 'Human Rights and LGBTQI: Challenges and Way Forward'	170
	N Meeting of the Core Group on LGBTI	173
	O Research Projects	175
	P Publications Undertaken	175
	IV Human Trafficking	175
	Q Research Projects	175
	R Publications Undertaken	176
	S Visit Report	176
	V Illustrative Cases in the year 2019-20	177
Chapter 12	Rights of Elderly Persons	186
	A Meeting of Core Group on Disability and Elderly Persons	187
	B Research Study: Sense of Security and Human Rights of Older Persons	188
	C Special Rapporteur and Special Monitor Visits	189
	D Illustrative Cases in the year 2019-20	191



CHAPTER	SUBJECT	PAGE
Chapter 13	Right of Persons with Disabilities	196
	A Meeting of NHRC Core Group on Disability and Elderly Persons	197
	B Sub-committee on UN Convention of the Rights of Persons with Disability	198
	C Special Rapporteur and Special Monitor Visits	199
Chapter 14	Business, Environment and Human Rights	205
	A Core Group Meeting on Business, Environment and Human Rights	205
	B Research Studies entrusted by the Commission on the subject Business and Human Rights	206
	C Illustrative cases for the year 2019-20	208
Chapter 15	Human Rights Education, Training and Awareness	212
	A Research Project	212
	B Training Programmes Organised by the NHRC	214
Chapter 16	Human Rights Defenders	218
Chapter 17	International Cooperation	224
	A Cooperation with the Asia Pacific Forum of National Human Rights Institutions (APF)	224
	B Cooperation with the Global Alliances of National Human Rights Institutions (GANHRI)	225
	C NHRC Participation in Other International Meetings & Programmes	226
	D Interaction with Foreign Delegates in the Commission	227
Chapter 18	Administration and Logistic Support	228
	A Staff	228
	B Documentation Centre (E-Library)	228
	C Promotion of Official Language	229
	D Information and Communication Technology Activities	231
	E Administrative, Financial and Manpower Constraints	233



CHAPTER	SUBJECT	PAGE
Chapter 19	Non-Acceptance of NHRC Recommendations by State Governments	236
Chapter 20	Summary of Principal Recommendations and Observations	238
	A Recommendations emanated during the NHRC- SHRC Meeting held on 20th February, 2020	238
	B Recommendations from the National Seminar on Elimination of Bonded Labour System held on 8th November, 2019	241
	C Key recommendations/suggestions that emanated from National Level Review Meeting on Mental Health held on 7th August 2019	244
	D Recommendations from Core Group Meeting on Business, Environment and Human Rights held on 12 February 2020	245
	E Recommendations from Core Group Meeting on Disability and Elderly Persons held on 7th January 2020	246
	ANNEXURES	248
	1 Statement Showing State-Wise No. of Cases Registered	249
	2 Statement Showing State-Wise Disposal of Cases	250
	3 Statement Showing Number of Cases Pending	251
	4 Total Number of Cases Where NHRC Recommended Monetary Relief	252
	5 Details of Cases Pending Compliance of NHRC's Recommendations	253
	5A Total Number of Cases Where NHRC Recommended Disciplinary Action and Prosecution	266
	6 Details of Cases Pending Compliance of NHRC's Recommendations	267
	7 Details of Cases Pending Compliance of NHRC's Recommendations For Payment of Monetary Relief/Disciplinary Action/Prosecution	277
	8 Details of spot enquiries carried out by the Investigation Division from April 2019 to March 2020	281
	Abbreviation	287



TABLES INDEX

TABLE NUMBER	TABLE DESCRIPTION	PAGE
Table 2.1	Nature and Number of complaints	17
Table 2.2	Nature and Number of complaints	18
Table 2.3	Details of NHRC recommendations challenged in the High Courts	25
Table 2.4	Details of the last 5 years' perspectives on certain important parameters during NHRC Camp Sitzings	26
Table 2.5	Statistics of cases dealt by Investigation Division from April 2019 to March 2020	28
Table 5.1	Zonal Special Rapporteurs	85
Table 5.2	Special Monitors engaged in the Commission	86
Table 18.1	Additional posts proposed to be created which are under consideration	234
Table 18.2	Posts sanctioned by Ministry of Home Affairs	235
Table 19.1	Recommendations made by the National Human Rights Commission challenged before Courts during 2019-2020	236





CHAPTER 1

INTRODUCTION

- 1.1 This report of the National Human Rights Commission (NHRC) covers the period from 1st April, 2019 to 31st March, 2020. It is the twenty-seventh Annual Report of the Commission.
- 1.2 The twenty-sixth Annual Report of the Commission, covering the period from 1 April, 2018 to 31 March, 2019, was submitted to the Ministry of Home Affairs for preparing the Memorandum of Action Taken and placing the same before each House of Parliament in accordance with the procedure laid down under Section 20 of the "Protection of Human Rights Act (PHRA), 1993" and its amendment thereby in September, 2006.
- 1.3 During the period under review, Justice Shri H.L. Dattu (former Chief Justice of India) continued to serve as Chairperson in the Commission. Justice Shri P.C. Pant (Former Judge Supreme Court of India) assumed charge as Member of the Commission on 22.04.2019 and Dr. D.M. Mulay (Former Secretary, Indian Foreign Service) assumed charge as Member of the Commission on 25.04.2019. Smt. Jyotika Kalra (Advocate on record Supreme Court of India) continued to serve as Member of the Commission.
- 1.4 Shri Jaideep Govind, IAS (MP: 1984) continued to be the Secretary General of NHRC. Shri Prabhat Singh took over as Director General (Investigation) w.e.f. 23.01.2019. Shri Dilip Kumar, IAS (PB: 1995) demitted the office of Joint Secretary (Administration & Research), NHRC on 21.10.2019. Dr. Ranjit Singh demitted the office of Joint Secretary (Programme & Training), NHRC on 15.07.2019. Shri R.K. Khandelwal, IAS (BH: 1989) assumed Charge as Joint Secretary (Administration & Research) in the Commission on 05.02.2020, and Smt. Anita Sinha, IRS (1990) assumed charge as Joint Secretary (Programme & Training) in the Commission on 17.12.2019.
- 1.5 As provided in Section 3 (3) of the PHRA (1993), Smt. Rekha Sharma, Chairperson of the National Commission for Women, Dr. Bhagwan Lal Sahni, Chairperson of the National Commission for Backward Classes, Shri Priyank Kanoongo, Chairperson of the National Commission for Protection of Child Rights, Smt. Shakuntala D. Gamlin, Chief Commissioner for Persons with Disabilities (also Secretary, Department of Empowerment of Persons with Disabilities), the Chairperson of the National Commission for Scheduled Castes, the Chairperson of the National Commission for Scheduled Tribes, and the Chairperson of the National Commission for Minorities continued to be deemed Members of the NHRC for the discharge of functions specified in clauses (b) to (j) of Section 12 of the PHRA, 1993.
- 1.6 The Annual Report of the Commission not only provides a description about the overall activities undertaken by it each year but also serves as a principal source of information on the human rights situation in the country. During the year 2019-20, the Commission focused its attention on a wide range of activities in accordance with the various functions as prescribed under Section 12 of the PHRA, 1993. It took suo motu cognizance of media reports as well as on the basis of complaints about occurrences that hint towards the use of excessive force by



police personnel in different parts of the country resulting in loss of many lives; rape and death in police and judicial custody; violation of human rights of prisoners in jails; illegal detention and torture; deaths in encounter; deaths due to electrocution; delay in payment of pension to retired employees; lack of educational facilities and basic amenities like drinking water, toilet, safe building and infrastructure in schools; children falling ill after consuming mid-day meals in schools; dubious functioning of In Vitro Fertilization (IVF) clinics; sexual assault, rape and trafficking of children and women; killing of persons on allegations of practicing witchcraft; suicide by farmers; enticing children for begging; stray dog menace; pesticides in vegetables and fruits; botched up cataract surgery; separate anganwadis for children of dalits; poor facilities in Primary Health Centres resulting in death of new born babies; increasing incidents of missing children; and atrocities against vulnerable sections like the Scheduled Castes (SCs), Scheduled Tribes (STs), Minorities, Other Backward Classes (OBCs), children, women, persons with disabilities and the elderly. In all these, apart from making some important interventions by way of issuing directives to the concerned State Governments and sending its own teams from the Investigation Division for conducting on the spot inquiries, the Commission also recommended the payment of monetary relief to the victims whose rights were violated or their next-of-kin (NoK) along with furnishing of proof of payments.

- 1.7 The Commission has always been sensitive to the concerns of vulnerable sections of the society, particularly SCs and STs. In its endeavour to implement the recommendations made by Shri K.B. Saxena, IAS (Retd.) in the report submitted by him after carrying out a study about the atrocities against persons belonging to SCs, on the request of the Commission, Camp Sitings/ Open Hearings of the Commission are being held in different States and Union Territories of the country. During the period under review, Camp sittings were held at Chennai, Tamil Nadu (12th & 13th September-2019) (189 cases listed), Thiruvananthapuram, Kerala (31st October and 1st November-2019) (101 cases) and Raipur, Chattisgarh (13th February-2020) (67 cases). These Camp Sitings provided an opportunity to the Non-Governmental Organizations (NGOs), Human Rights Defenders (HRDs), Transgender and Civil Society to invite attention to glaring human rights issues concerning the State.
- 1.8 This Annual Report for the year 2019-2020 deals with the issues pertaining to civil and political rights including deaths in police/judicial custody, illegal detention, high handedness of police, death in police encounters etc. The Report also focuses on economic and social rights, such as rights relating to health care including mental health care, right to food, right to education, rights of vulnerable groups including women, children, persons with disabilities and elderly persons, rescue, release and rehabilitation of bonded and child labourers.
- 1.9 The Commission also explored areas of cooperation and coordination between NHRC and State Human Rights Commissions (SHRCs) for protecting and promoting human rights. In addition, the NHRC continued to spread human rights literacy among various sections of society including key stakeholders like the judicial officers, police personnel, government officials, media persons, representatives of non-governmental and civil society organizations, and university and college students through its comprehensive training and internship programmes, publications, seminars, workshops, consultations and other available means.
- 1.10 These issues have been detailed out in different chapters of the Annual Report for the year 2019-2020.





CHAPTER 2

HIGHLIGHTS

- 2.1 The National Human Rights Commission (NHRC) of India is a symbol of India's concern for the promotion and protection of human rights. Given below are the highlights of the Commission during the period under report.
- 2.2 **Observance of Human Rights Day:** Human Rights Day Function is celebrated by the Commission on 10th of December every year to commemorate the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly by organizing a special function. As the culminating function of the Commission, NHRC celebrated the 'Human Rights Day' on 10th December, 2019 at Plenary Hall, Vigyan Bhawan, Maulana Azad Road, New Delhi. Shri Ramnath Kovind, Hon'ble President of India was the Chief Guest on the occasion.



Shri Ramnath Kovind, Hon'ble President of India at the observance of 'Human Rights Day' on 10.12.2019 at Plenary Hall, Vigyan Bhawan, Maulana Azad Road, New Delhi

- 2.3 **NHRC Foundation Day Celebrations:** The National Human Rights Commission of India celebrated its 26th Foundation Day on 12th October, 2019 at DRDO Bhawan, New Delhi. The function was graced by Shri Amit Shah, Hon'ble Minister of Home Affairs, Government of India, as the Chief Guest. On the occasion of Foundation Day, as part of its celebrations, the Commission organized various cultural activities and painting competitions on various themes of Human Rights for different age groups, school going children of employees and awards were given to the winners.



Shri Amit Shah, Hon'ble Minister of Home Affairs, Government of India at 26th Foundation Day Celebrations on 12.10.2019 at DRDO Bhawan, New Delhi

A. International Events



Shri Jaideep Govind, Secretary General, NHRC speaking at the 24th Annual General Meeting of the Asia Pacific Forum (APF) of NHRI on 3rd - 4th September, 2019 at Seoul, South Korea



- 2.4 National Human Rights Institutions (NHRIs) that comply with the principles relating to the status of national institutions, commonly known as the Paris Principles, are playing a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level. Through the Universal Periodic Review, treaty monitoring bodies, and other international human rights mechanisms, every State is being encouraged to establish an effective, independent NHRI that complies with the Paris Principles as well as strengthen it where already existing. NHRIs encourage cooperation with a range of actors, among which the United Nations and, in particular, the Office of the United Nations High Commissioner for Human Rights (OHCHR) besides the Global Alliance of National Human Rights Institutions (GANHRI) and the Asia Pacific Forum of National Human Rights Institutions (APF) are of significance.
- 2.5 During the period under review, the National Human Rights Commission of India, which is a member of the GANHRI and a founder member of the APF, participated in a number of meetings, seminars, workshops and interacted with foreign delegates in the Commission.
- 2.6 The Cooperation with the APF, GANHRI, NHRC's participation in other international meetings and Programmes, and interaction with foreign delegates in the Commission etc. are enumerated at Chapter 17.
- 2.7 The Global Alliance of National Human Rights Institutions (GANHRI) is a representative body of National Human Rights Institutions established for the purpose of creating and strengthening NHRIs which are in conformity with the Paris Principles. It performs this role through encouraging international co-ordination of joint activities and co-operation among these National Human Rights Institutions, organizing international conferences, liaison with the United Nations and other international organizations and, where requested, assisting governments to establish a National Institution. It works to create and strengthen National Institutions and to ensure that they conform to the Paris Principles. In all its activities and in its Presidency, Committees, Working Groups, etc., the GANHRI ensures gender equality. NHRC, India is a GANHRI member with 'A' status accreditation which was earlier accredited in 1999 and reaccredited in 2006 and 2011.



Smt. Jyotika Kalra, Hon'ble Member, NHRC and Shri Jaideep Govind, Secretary General, NHRC attending a meeting on GANHRI operations

- 2.8 The Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) awarded 'A' status accreditation to the National Human Rights Commission of India in 2017 as acknowledgement of the important work that the Commission has carried out for the protection of human rights and promotion of human rights awareness within the country.

B. National Seminars and Conferences

- 2.9 The Commission held a National Seminar on Elimination of Bonded Labour System on 8th November, 2019 at New Delhi to review the action of States on the implementation of bonded labour rehabilitation scheme while establishing conceptual clarity about strategy of identification, release and rehabilitation of bonded labourers. The seminar was inaugurated by Justice Shri H.L. Dattu, Hon'ble Chairperson, NHRC and Justice Shri P.C. Pant, Hon'ble Member NHRC. Shri Santosh Kumar Gangwar, Hon'ble Minister of State for Labour and Employment (Independent Charge), Government of India, was the Chief Guest.



Shri Santosh Kumar Gangwar, Hon'ble Minister of State for Labour and Employment (Independent Charge), Government of India, at the National Seminar on 'Elimination of Bonded Labour System' on 08.11.2019

- 2.10 The Commission had organized a National Level Review Meeting on Mental Health on 7th August, 2019 at India International Centre (IIC), New Delhi. The meeting was organized with the objective of reviewing the status of mental healthcare service delivery in India with special reference to implementation of Mental Healthcare Act, 2017 by the States. The meeting was inaugurated by Justice Shri H.L. Dattu, Hon'ble Chairperson, NHRC and attended by the senior officials of the Ministry of Health and Family Welfare namely, Ms. Preeti Sudan, Secretary,



Shri Sanjeeva Kumar, Addl. Secretary and Chairperson, Central Mental Health Authority, Shri Luv Aggarwal, Joint Secretary, and representatives of Ministry of AYUSH.



Deliberations during the National Level Review Meeting on Mental Health held on 7.8.2019 at IIC, New Delhi.

2.11 National Seminar on Social reforms & Challenges of Human Rights was held on 18.02.2020 at Tirupati



Dr. D.M. Mulay, Hon'ble Member, NHRC at the National Seminar on Social reforms & Challenges of Human Rights held on 18.02.2020 at Tirupati

2.12 A one-day conference was held at National Academy of Legal Studies and Research (NALSAR) University of Law, Hyderabad on 'Integrating Women's Development with Nation's Development:

Role of Stakeholders' on 17th January, 2020. The conference highlighted several facets of women's empowerment in India. It focused on the achievements of women, including their overcoming of traditional roadblocks in their empowerment. However, it also highlighted that despite women in twenty-first century India being more empowered than before, there still exist several challenges that specifically affect women. The conference saw participation from practitioners, academicians, industry experts and students from various fields of study and work.

- 2.13 A conference on the subject of Lesbian, Gay, Bisexual, Transgender, Queer, Intersex (LGBTQI), titled 'Human Rights and LGBTQI: Challenges and Way Forward' was organized by the Commission on 26th February, 2020 at Bengaluru, in collaboration with National Law School of India University (NLSIU), Bengaluru. It was organised to discuss and understand the human rights violations and challenges faced by the community and to seek recommendations for implementation of relevant directives for protection of the rights of LGBTQI community and for reviewing the initiatives and efforts made by the state governments for the protection and promotion of human rights of LGBTQI community.



Smt. Anita Sinha, Joint Secretary, NHRC taking part in discussions during the conference on Human Rights of LGBTQI at NLSIU, Bengaluru

C. Strategic Plan and Annual Action Plan

- 2.14 The NHRC India has evolved a comprehensive institutional mechanism of an Annual Action Plan (2019-20) and a three-year Strategic Plan for 2018-2021 to streamline the Commission's work more effectively. One of the key objectives of these plans is to further strengthen the Commission's engagement with NGOs, Human Rights Defenders, and Civil Society actors, and to make the existing mechanisms even more robust within its mandate. The Commission's



focus areas are Bonded & child labour issues, human dignity for all, protect rights of the people from marginalized sections of society, prison reforms, women & child rights, rights of disabled, elderly, LGBTI rights, environment protection, health care & mental health, human rights education, good governance, business & human rights, actively engage with the human right defenders, NGOs/civil society and encourage research on the same. It also encourages spread of awareness and work with all the stakeholders for improvement in laws and schemes to promote and protect human rights. These plans are being reviewed regularly.

D. Information and Communication Technology achievements for the period 2019-20

- 2.15 Video-Conferencing with State/Union Territories (UTs) Government Authorities:** The NHRC has reviewed the cases pending in the Commission. It was found that most of the cases are pending for receipt of reports from Government Authorities in States/UTs. To increase the coordination between NHRC officers and Government Authorities, NHRC has nominated its Officers from Law Division as nodal officers to follow up with Government Authorities for expediting the reports pending with them. To further strengthen coordination with the Government Authorities, Secretary General, NHRC has held video conferences (VCs) with the Home Department, Police Department, State Nodal Officers Human Rights (Civil & Police) and other senior officers in States/UTs. The VCs were also joined by Director General (Investigation), Registrar (Law), Deputy Inspector General, Senior Superintendent of Police, Joint Registrar (Law), NHRC Nodal Officer for State and Senior Systems Analyst from NHRC to discuss the pendency case by case. During the VCs with 33 States/UTs, NHRC also sensitized the Government officials on human rights and made them aware about the initiatives taken by the Commission to increase its outreach. Government officials were requested to spread awareness among the general public about the facility of lodging human rights complaints through Common Service Centres (CSCs) and NHRC toll-free number 14433.
- 2.16 Online Submission of Reports by State Authorities to NHRC:** For enabling the State Nodal Officers of Human Rights Cell (Civil & Police) to see the details of pending cases of respective states, NHRC has made provision in its HRCNet Portal (www.hrcnet.nic.in). Through the portal, Nodal officers can see complaint details, complainant details, incident details and all orders passed by the commission in the matter and can also upload the reports to be submitted to NHRC.
- 2.17 On-boarding of State Human Rights Commissions (SHRCs) on HRCNet Portal:** NHRC has developed Human Rights Commissions Network (HRCNet) portal (<https://www.hrcnet.nic.in>) with the technical assistance of NIC. This portal can be used by all Human Rights Commissions in the country for Online Complaints lodging/tracking System and handling of complaints received offline i.e. by hand or by post etc. NHRC has conducted several workshops to get the State Human Rights Commissions on-board on the HRCNet Portal. At present, out of 26 SHRCs, 19 SHRCs have already on-boarded the HRCNet portal. NHRC is making efforts for on-boarding of remaining SHRCs so that these commissions can also take the huge benefit of linkage particularly with respect to duplicacy of complaints received in NHRC and SHRCs.



A 3-day workshop on HRCNet Portal was held from 21-23.8.2019

- 2.18 Simplification of Online Complaint Lodging and Tracking System:** NHRC has its web pages for Online Complaint Lodging and Tracking System simplified and user-friendly. The Commission has started to display all actions on the complaint in public domain.
- 2.19 NHRC website made bi-lingual:** The User Interface (UI) of the website of the Commission has been made bi-lingual including other contents available in Hindi language.
- 2.20 Investigation Division Module:** Dashboard has been designed and developed for the Investigation Division for monitoring of the cases transferred to them for inquiry/ analyzing of reports. Investigation Division can now monitor the new case files, files in process, reports pending/ received from Govt. Authorities.
- 2.21 Bi-lingual Interface for HRCNet:** To increase the reach of the Commission, the UI of the HRCNet Portal is also being designed and developed in Hindi language in addition to English language.
- 2.22 Human Rights Defenders cases details:** NHRC has made provision to display a list of cases regarding alleged violations of human rights on Human Rights Defenders.

E. Dissemination of information and outreach mechanisms

- 2.23 Press Releases, Press Conferences, Interviews, Newsletter:** During the period from 01.04.2019 to 31.03.2020, about 103 press releases/statements were prepared and issued by the Media & Communication wing about the various interventions and activities of the Commission. Besides this, 09 Interviews/Discussions programmes of Chairperson, Members and Officers in Print & Electronic Media were organized including The Week, All India Radio, Doordarshan, Rajya Sabha TV. About 111 news clippings were brought to the notice of the Commission for consideration of suo motu cognizance. In order to give an idea about the issues reported in the media about the NHRC's role and interventions, daily news clippings were uploaded on the website of the Commission. A monthly compendium of these news clippings was also prepared and sent to the library for record and reference. Besides this, efforts were made to explore various alternative media platforms to expand the outreach through people's participation. Apart from this, in the monthly Newsletter of the Commission several new features including success stories



were introduced in 2019. The Newsletter in English is edited, designed, printed and circulated by the Media and Communication Wing and translated, printed and circulated in Hindi by Official Language Section. The number of soft copy recipients was increased to about 4,000. The list of hard copy recipients was rationalized and made more inclusive to include education institutions, police and administrative institutions among others. These were circulated free of cost among all the important functionaries of the Government(s), academic institutions, NGOs, media persons, individuals etc. for spreading awareness about the importance of human rights and NHRC interventions and recommendations. It was also uploaded on the NHRC website. The copies of the Newsletters were also available for the visitors in the reception area of the Manav Adhikar Bhawan.



NHRC Monthly Newsletter for the month of March, 2020

- 2.24** In addition to providing information to media persons on some specific issues during the period, the Media and Communication Wing invited them for the coverage of Camp Sitzings and Open Hearings/Workshops/Seminars/Conferences of the Commission organized in different parts of



the country. Apart from the activities in the Headquarters, special efforts were made for some specific outstation events for media coverage during the period, which were as follows:

- i. NHRC's One day workshop on 'Elimination of Bonded Labour' at Chandigarh on 5th July, 2019.
- ii. NHRC's day long regional workshop on Elimination of Bonded Labour System at Aizawl, Mizoram on 2nd August, 2019.
- iii. A day-long NHRC National Level Review Meeting on Mental Health at IIC, New Delhi on 7th August, 2019.
- iv. NHRC National Seminar on Poverty, Corruption & Human Rights at Santiniketan, West Bengal on 19th-20th August, 2019.
- v. NHRC Regional Conference on 'Human Rights of Domestic Workers: Issues and Challenges' organized by the Commission in collaboration with ILS Law College, Pune, Maharashtra on 30th August, 2019.
- vi. NHRC's Two days' Open Hearing and Camp Sitting at Chennai, Tamil Nadu from 12th – 13th September, 2019.
- vii. Three days NHRC-GNLU National Moot Court Competition at Gujarat National Law University (GNLU) Gandhinagar, Gujarat from 26.09.2019.
- viii. NHRC Open Hearing and Camp Sitting at Thiruvananthapuram, Kerala from 31th October- 1st November, 2019.
- ix. National Seminar on 'Elimination of Bonded Labour System' in New Delhi on 8th November, 2019.
- x. NHRC Human Rights Day Function at Vigyan Bhawan, New Delhi on 10th December, 2019.
- xi. NHRC's short film awards presentation on Human Rights Day on 10th December, 2019.
- xii. NHRC-TISS day-long Western Region Review Conference at Mumbai, Maharashtra on 17th December, 2019.
- xiii. Army Chief General Bipin Rawat addressed NHRC Interns on 27th December, 2019.
- xiv. Crime Bureau of Investigation (CBI) Director, Mr. Rishi Kumar Shukla addressed NHRC Interns on 14th January, 2020.
- xv. NHRC Statutory Full Commission meeting in New Delhi on 30th January, 2020.
- xvi. NHRC 'Open Hearing and Camp Sitting' in Raipur, Chhattisgarh on 13th February, 2020.
- xvii. NHRC-SHRCs meeting at India Habitat Centre (IHC), New Delhi on 20th February, 2020.



Shri Jaideep Govind, Secretary General, NHRC speaking at the NHRC-SHRCs meeting at India Habitat Centre, New Delhi held on 20.02.2020



Session chaired by Hon'ble Member Dr. DM Mulay with Shri R. K. Khandelwal, Joint Secretary, NHRC and invited dignitaries.

2.25 Twitter Handle of NHRC: The Commission has started its twitter handle (https://twitter.com/India_NHRC) for sharing the information regarding the important activities conducted by the NHRC from time to time.

2.26 In-house feedback mechanism: Besides providing news clippings on various aspects of human rights to the Chairperson, on a daily basis, a 'Weekly News Digest on Human Rights' issues in the media was prepared for the feedback of the commission. A monthly compendium of media reports on human rights issues and such events and activities, which may have direct or indirect bearing on human rights, was also prepared for reference. Besides getting uploaded NHRC specific news clippings on the NHRC website, the display boards on all the floors of the



Commission were made more vibrant with the mounting of such clippings under 'NHRC in News' on regular basis for the awareness and information of the visitors to the Commission as well as the in-house functionaries. Daily quotes as 'Thought of the Day' related to human values and rights were displayed at the reception of the Manav Adhikar Bhawan.

F. NHRC's Short Film Awards

2.27 The Commission decided to continue with the fourth run of the Short Film Award Scheme-2019. The award carries three prizes of Rupees one lakh, seventy five thousand and fifty thousand respectively with a certificate and a specially designed trophy. The aim of the NHRC Short Film Award Scheme is to encourage and acknowledge cinematic and creative efforts towards the promotion and protection of human rights. This is the fifth year of this competition, which received tremendous response with 88 entries from various parts of the country. A Jury headed by Dr. D.M. Mulay, Member, NHRC and comprising of NHRC's Secretary General, Shri Jaideep Govind, Director General (Investigation), Shri Prabhat Singh, Registrar (Law), Shri Surajit Dey, Deputy Director (Media & Communication), Shri Jaimini Kumar Srivastava, two awarded filmmakers and Film and Television Institute of India (FTII) Alumni, Shri Arun Chadha and Ms. Reena Mohan short listed 12 films for consideration of awards. These were considered in a Full Commission meeting chaired by the Chairperson, Justice Shri H.L. Dattu wherein Members, Justice Shri P.C. Pant, Smt. Jyotika Kalra and Dr. D.M. Mulay, Secretary General, Shri Jaideep Govind, Director General (Investigation), Shri Prabhat Singh and Deputy Director (Media & Communication), Shri Jaimini Kumar Srivastava decided the three winners and the four films for certificate of special mention. The 3 best films for the awards were: Kumbhil Shiva: by Shri Vishal Kumbhar from Bhandup (West), Maharashtra; Transgender: by Shri Ernest Rosario P.B. from Chennai, Tamil Nadu; Gulp: by Shri Vijeendra Syam from Kerala. The three winners were invited to receive the award in New Delhi on Human Rights Day on 10th December, 2019. Besides this, the four films given the certificate of 'Special Mention' were: 1. To Let by Shri K. Jeyanchandra Hashmi; 2. 'A Dying wish' by Ms. Shubhra Dixit; 'Nima' by Shri. Yangchen Thapa; and 'Do spit Here' by Shri R. Ravi Prasath. The DVDs of the 7 films along with brochures were released on Human Rights Day function of the Commission. The films were also uploaded on the NHRC website with a YouTube link support for wider awareness of various aspects of human rights.

G. Some other major activities

2.28 Exploring alternative communication platforms: The Commission, through its Media & Communication Wing, continued to explore alternative media platforms for building awareness about the importance of Promotion and Protection of Human Rights. As part of this endeavor, in the year 2019-20, it set out to collaborate with National Service Scheme (NSS), Nehru Yuva Kendra Sangathan (NYKS), National Cadet Corps (NCC), Indian Red Cross to organize human rights workshop through their wide work network of youths and officers. Besides this, it was also decided to engage with the national broadcasters, All India Radio and Doordarshan for dissemination of information about human rights through their pan India networks. As part of this exercise Rs. 4.10 lakh were sanctioned and disbursed in the month of January, 2020 to the NSS to organize 10 awareness workshops through their Regional Directorate in Delhi on a pilot



basis. The understanding with the other organizations for collaborative exercises is also at an advanced stage for finalization.

2.29 Linking NHRC online system with CSCs: In the year 2018, the Commission, as per its outreach expansion linked its online complaint filing system about 740 Common Service Centres (CSCs) in different districts of the country on a pilot basis, as per a policy document prepared by the Media & Communication Wing and approved by the Commission. In 2019, it was decided to expand it and link over 3 lakh CSC across the country with the technical support of the Computer Cell of the Commission and the Common Service team, Government of India. 8 short films of human rights awareness and one page brief prepared by the Media & Communication Wing on when and how to file the complaint with the Commission was prepared with the help of the creative team of CSC were uploaded on NHRC Website with links on CSC Website.

H. Documentation Centre (E-Library)

2.30 The Library of the Commission was established in 1994 for research and reference purposes. It has been upgraded to NHRC Documentation Centre (E-Library) which is well equipped with computer and internet services. Database of Books/Documents and Articles is available on the internet for the wider use of readers. These readers include Research Scholars of Universities and other readers working in the field of human rights. The Library is also equipped with 2 Online databases i.e. SCC Online, Manupatra Online along with Software Package (E-Granthalaya) developed by National Informatics Centre (NIC), New Delhi. Library is modernized with State of Art Computers, Printers, CCTV (Close Circuit Television) Cameras. An online Open Public Access Cataloguing (OPAC) has been specially developed for quickly ascertaining the availability and location of any book or document available in the library. NHRC library is Institutional Member of British Council Library and Developing Library Networking (DELNET), New Delhi which promotes resource sharing amongst the libraries. Library also maintains close liaison with other Libraries through Interlibrary Loan facilities for accessing and borrowing books, documents and journals.

I. Special drive for disposal of files in 2019-2020

2.31 As assessment was done in the Investigation Division regarding the pendency of old files. It was found that a total of 7069 files were lying pending in March 2019, out of which one-third files were old cases of ED and FFC. Under the supervision of senior officers, a special drive was launched and a dedicated team of Investigating Officers (IOs) were made and a special Custodial Death (CD) Cell was set up to exclusively dispose off custodial death files. With sincere efforts and excellent team work of all the IOs, including CD Cell, old pending cases were analyzed on priority and disposed off in a time bound and efficient manner. As a result, the overall pendency of the Investigation Division was reduced to 1256 (as on date). The efforts by the Investigation Division were appreciated by all the senior officers including the Hon'ble Chairperson.



J. Number and nature of complaints

2.32 In pursuit of its primary goal of protection and promotion of human rights, the National Human Rights Commission has been making concerted efforts at enhancing awareness about human rights in the country. In this task, the Commission has been receiving full support both from civil society/NGOs/human rights activists and the media. The camp sittings and open hearings organized by the Commission in different parts of the country, to provide justice at the doorsteps of the victims of the human rights violations have proved to be of immensely useful. During these camp sittings and open hearings the media persons and NGOs/Human Rights Defenders (HRDs) are also associated. This has resulted in wide spread awareness about human rights, the National Human Rights Commission, and its functioning. People are coming forward voluntarily for the cause of protection of human rights, and the number of volunteers and NGOs working to safeguard human rights is increasing manifold. The Commission, in collaboration with NIC has taken an important stride by providing the facility of online registration of complaints through Common Service Centers spread across the country. For online registration of complaints, a common link has been developed where the complainant may register the complaint with the NHRC or with the SHRC. As a result, a good chunk of complaints have shifted to SHRCs. The number of complaints registered by the Commission which has crossed the figure one lakh, (1,17,808 cases registered in the year 2015-2016), has reflected a decreasing trend i.e., - 91,887 cases in the year 2016-2017, 79612 cases in the year 2017-2018 and 89,584 cases in the year 2018-2019. In the current year 2019-20, the Commission registered 76,628 cases. This declining trend may be attributed to the awareness created by the NHRC about its role, jurisdiction and functions besides the nature of complaints entertained by the Commission. In the past, due to lack of this awareness, such complaints which were not entertainable by the Commission, used to be received in large numbers, consequently the number of complaints dismissed in limine, as not entertainable, was very high. In the current year, 2019-2020, the Commission dismissed only 17,861 complaints in limine, whereas the number of such complaints has been 33,070 in 2017-2018, 42,527 in 2016-2017 and 28,116 in 2018-2019.

2.33 The 76,628 complaints, received in the Commission in the year 2019-2020 cover a wide range of issues such as alleged human rights violation due to negligence by public servants in the prevention of such violations, alleged custodial deaths, torture, fake encounters, police high-handedness, violations committed by security forces, conditions relating to prisons, atrocities committed on women and children and other vulnerable sections, communal violence, bonded and child labour, non-payment of retiral benefits, negligence by public authorities and atrocities on Scheduled Castes/Scheduled Tribes (SC/ST) etc. The Commission also took cognizance of the intimations received regarding deaths in police encounters and police custody, judicial custody and in the custody of defence/paramilitary forces. Suo motu cognizance of many incidents based on reports in print and electronic media was taken including those cases which came to the notice of Chairperson, Members, Special Rapporteurs and senior officers of the Commission during their visits to different parts of the country.



2.34 Apart from complaints about atrocities by police, police inaction or abuse of power by the police, the Commission received numerous complaints on violation of human rights of vulnerable sections of society and other sensitive areas concerning the society including the following:

Table 2.1: Nature and Number of complaints

Nature of complaints of violation	Number of complaints received
Children	1019
Women	6796
Scheduled Caste/Scheduled Tribes	2405
Differently abled	297
Project affected persons	83
Communal violence	119
Health	1284
Business and Human Rights	57
Violations in Educational Institutions	466
Pollution Issues	458
Rights of Labour	1894
Violation of High Seas	11
Panchayati Raj Institutions	189
Denial of retiral benefits	1083
Inaction by concerned government	8268
Irregularities in implementation of government schemes	172
Death due to electrocution	377
Denial of benefit of government housing scheme	190
Rehabilitation of Homeless	67
Mob lynching	45



2.35 In exercise of its powers under Section 18 of Protection of Human Rights Act (PHRA) 1993, the Commission recommended monetary relief of about 12.78 Crores in 431 cases. In addition, the initiative and proactive action by the Commission resulted in relief to the victims and their families in the following manner:

- i. Ex gratia relief payment by the concerned State Government/Authority
- ii. Relief in accordance with the Schedule to SC/ST (POA) Act 1989 and Rules of 1995 for SC/ST victims of atrocities
- iii. Release and Rehabilitation of Bonded Labourers– Implementation of guidelines laid down by the Ministry of Labour and Employment, Government of India.
- iv. Payment of Rs. Ten Lakhs to the families of deceased labourers who died during the course of manual scavenging– implementation of the directives by the Supreme Court.
- v. Release of retiral benefits for retired public servants.
- vi. Provision of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) Job card, Indira Awas Yojana House and other benefits to the Below Poverty Line (BPL) category, landless poor and SC/STs beneficiaries
- vii. Payment under Victim Compensation Scheme.
- viii. Payment to Acid Attack Victims
- ix. Rehabilitation of persons affected by Mega Projects.

2.36 During the year a number of cases were closed, taking into account to redressal of grievances raised in the complaints, noticeable among them being the following:

Table 2.2: Nature and Number of complaints	
Nature of complaints	Number of complaints
Rights of Children	402
Right to Health	399
Bonded Labour	475
Pollution	62
Release of retiral benefits to public servants	387
Rights of Women	1736
Rights of SC/ST	500

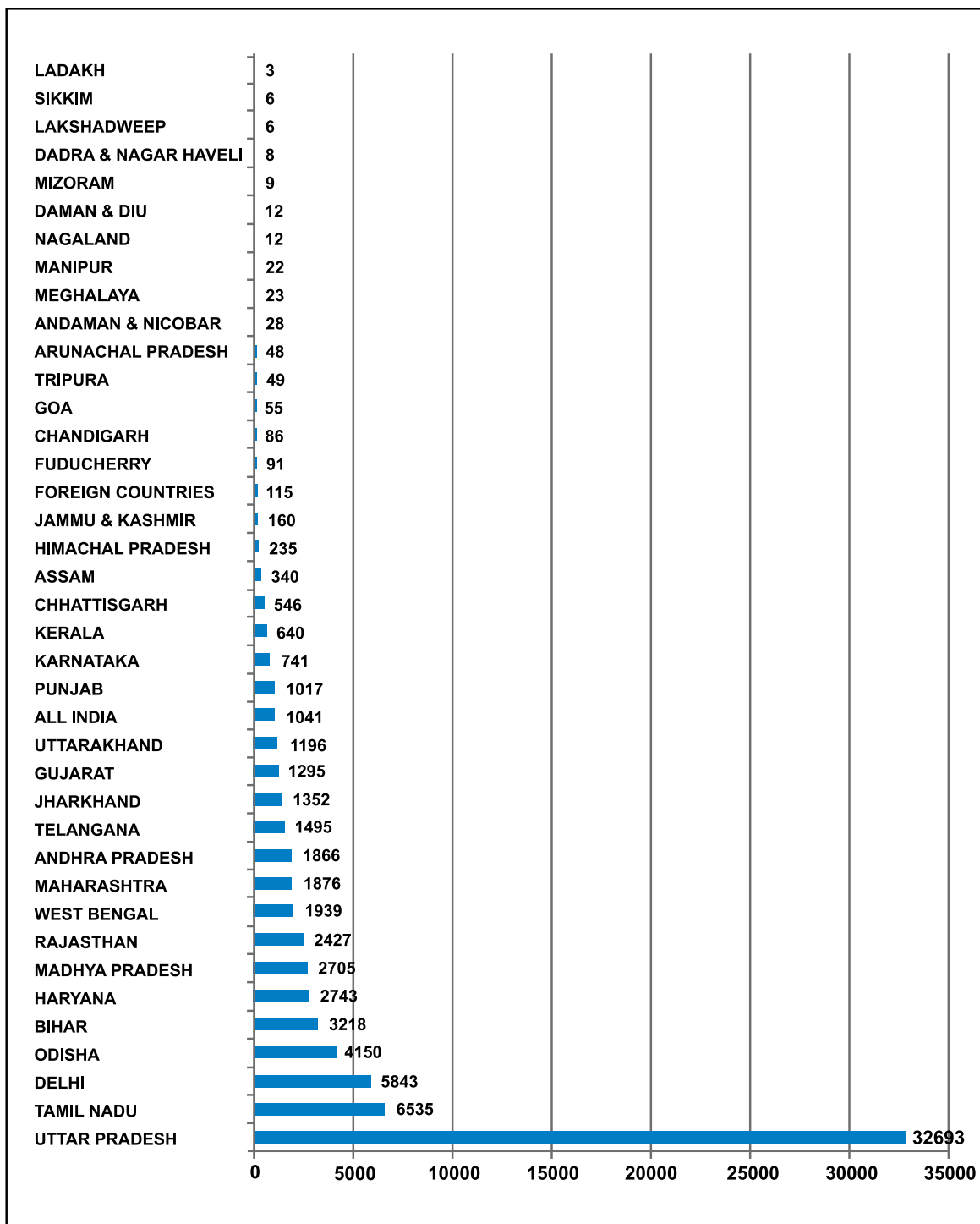
K. Human rights violation cases

2.37 A total 76,628 cases were registered in the Commission (Annexure-1) during 2019-2020. Out of these 32,693 cases related to the State of Uttar Pradesh, 6535 to State of Tamil Nadu, 5843 to State of NCT of Delhi, 4150 cases to Odisha, 3218 cases to Bihar and 2743 cases to Haryana. The State wise break up of the number of cases registered is given in the chart below:



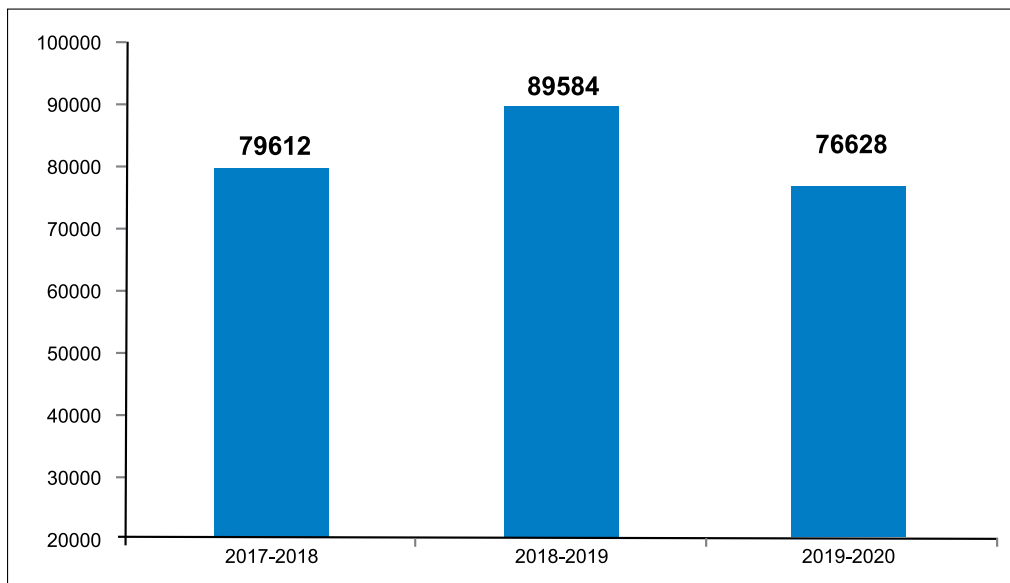
State/UT Wise Number of Cases Registered in NHRC During 2019-2020

(To reflect the states in the descending order of the number of complaints registered, the chart below may please be glanced at)



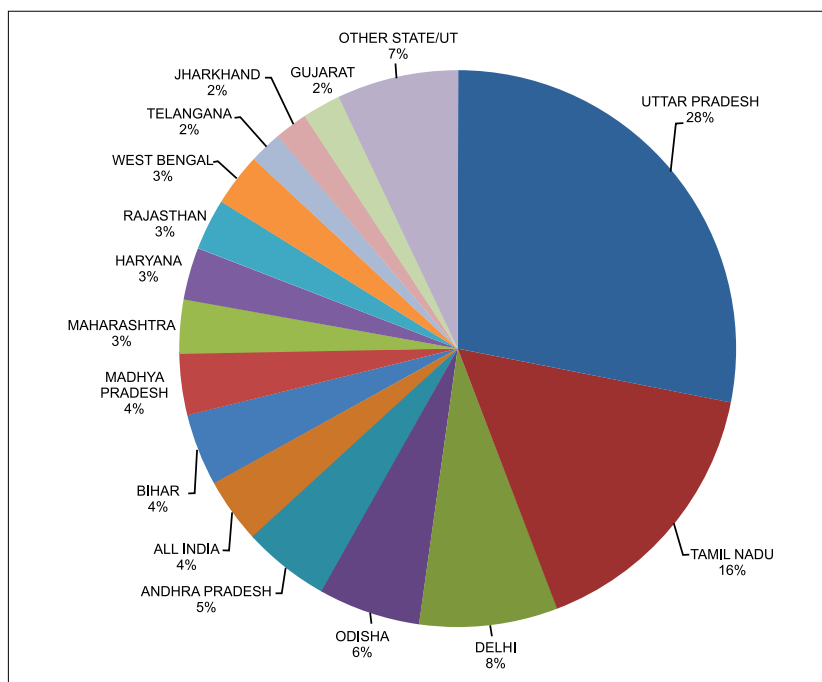
2.38 The Graph below gives a comparative analysis of total number of cases registered in the NHRC from 2017-2018 to 2019-2020:

Total No. of Cases Registered (2017-2018 to 2019-2020)



2.39 The Commission disposed off 76,725 cases which included cases of previous years as well. Of the total number of cases disposed off by the Commission during the year under review, 17,861 were dismissed 'in limine'. The State-wise break up of these cases is furnished in the chart below:

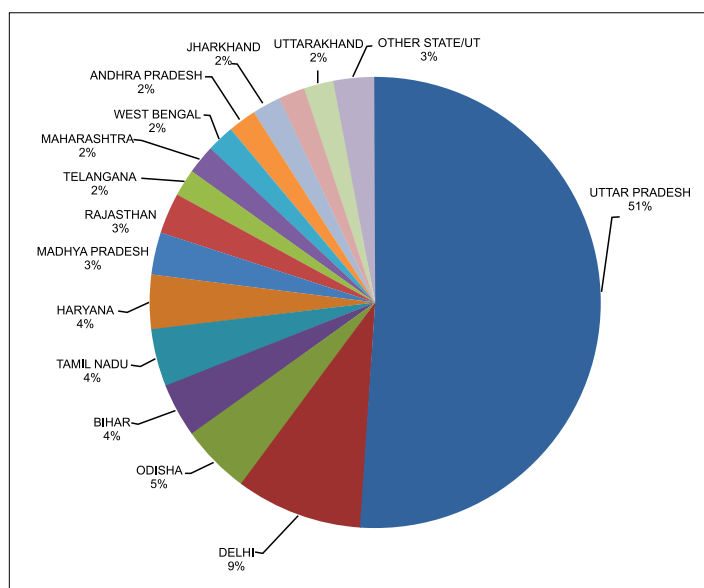
**Cases 'Dismissed in Limine' by NHRC during 2019-2020
(Total Cases: 17,861)**





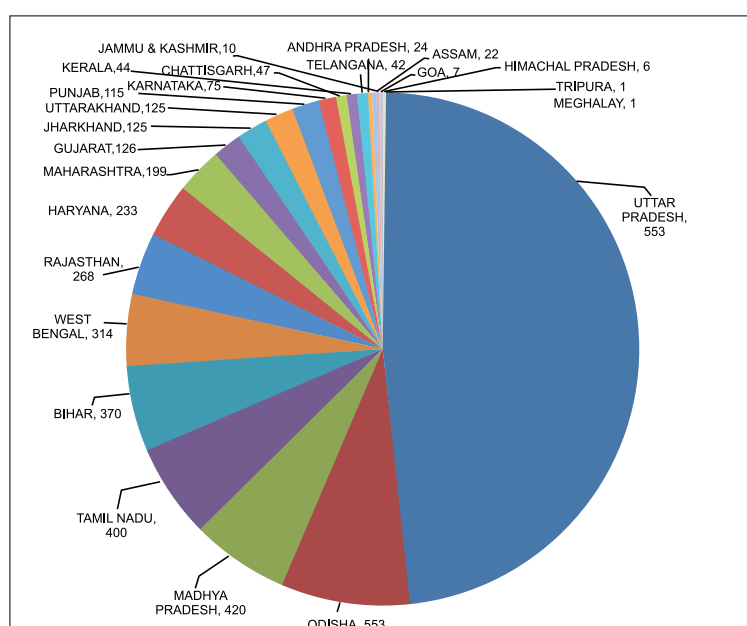
2.40 The Commission disposed off 39,923 cases with directions to the appropriate authorities for remedial measures during 2019-2020. The state wise break up of these cases is furnished in the chart below:

**Cases 'Disposed off with Direction' (DWD) by NHRC during 2019-2020
(Total Cases: 39923)**



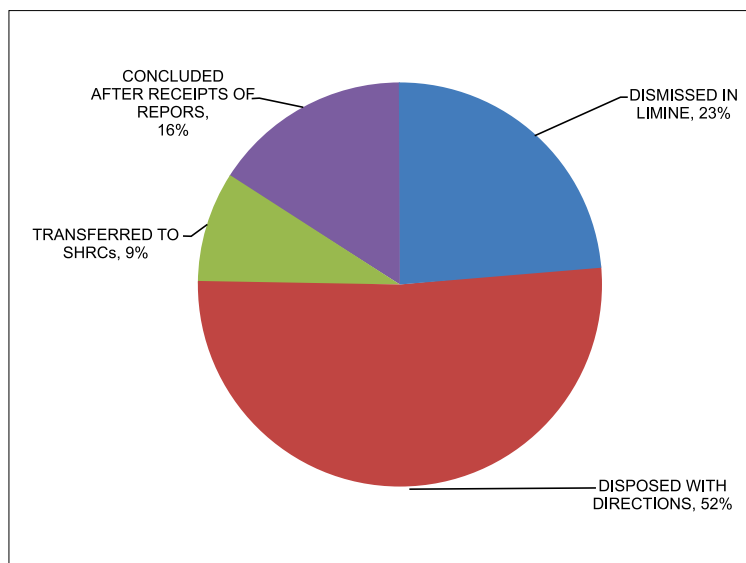
2.41 6801 cases were transferred to the SHRCs for disposal in accordance with the provisions of the PHRA. For details of State/Union Territory-wise cases disposed off by the NHRC during 2019-2020 please see Annexure-2. This also reflected in the chart below:

**Cases Transferred to SHRCs by NHRC during 2019-2020
(Total Cases: 6801)**



2.42 The disposal of the cases during the year in different ways, by dismissal of the complaint (DIL), by directions to the authorities for taking appropriate action, transferring of the complaint to the SHRC, closure of the case upon consideration of the reports received in pursuance to the Commissions, is indicated in the chart below:

Cases Disposed off by NHRC during 2019-2020



2.43 At the end of the reporting period, i.e. on 31st March 2020, the total number of cases pending with the Commission was 21,037. These covered 4,127 cases awaiting preliminary consideration and 16,910 cases pending either for want of reports from the authorities concerned or the reports received being pending for consideration by the Commission (Annexure-3).

2.44 Civil and Political Rights

2.44.1 Preventing Custodial Violence: The NHRC received 1,586 intimations concerning death in judicial custody¹, and 114 intimations of death in police custody during the year 2019-20. No death in para-military/defence forces custody was reported during the review period. It disposed of 2074 cases of custodial death. Out of these 2074 cases, 1586 cases relate to death in judicial custody and 114 cases of death in police custody. These figures contain cases of previous years as well. See the Graph below for all details.

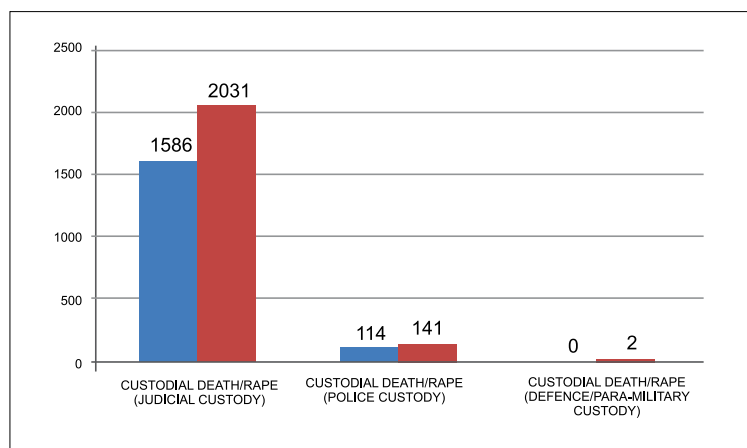
¹Judicial Custody means persons in jails as per the orders of the court



Number of Cases Custodial Death/Rapes Registered and Disposed during 2019-2020

Registered: 1700

Disposed off: 2174 (Including Disposal of Cases of previous years)



2.45 Recommendations of NHRC for Monetary Relief and its Compliance

- i. During the period 1st April 2019 to 31st March 2020, the Commission recommended Rs.12,32,05,002/- as payment of monetary relief/compensation to the victims/next of kin of the deceased in 437 cases. Out of the 437 cases in which monetary relief was recommended, compliance reports were received only in 113 cases, wherein a total amount of Rs. 4,16,30,002/- was paid to the victims/next-of-kin (NoK) of the deceased. The State/ Union Territory-wise details of these cases are at Annexure-4.
- ii. As on 31.03.2020, compliance reports were awaited in 324 cases wherein monetary relief amounting to Rs. 8,15,75,000/- was recommended during the year (details of the cases at Annexure-5). Apart from the recommendations for monetary relief, the Commission also recommended disciplinary action against the errant public servants in two cases (details of the cases at Annexure-5A). The Commission, once again, recommends to all those States/ Union Territories, in particular the Government of Uttar Pradesh, to take speedy action on cases pending with them for compliance so that the monetary relief recommended in each case is immediately given to the victim/NoK.
- iii. As is evident from the given Annexure 4, during 2019-2020, a total of 101 cases were found to be pending with the Government of Uttar Pradesh, 43 with the Government of Odisha, 28 cases with the Government of Bihar, 23 cases with Government of Delhi, 18 Cases with the Government of Rajasthan, 15 cases with the Government of Jharkhand, 11 cases each with the Government of Assam and the Government of Punjab, 10 with the Government of Madhya Pradesh, 09 Cases with the Government of Maharashtra, 07 cases each with the Government of Haryana and Government of Telangana, 06 cases each with the Government of West Bengal and the Government of Chhattisgarh, 04 Cases each with the Government of Andhra Pradesh and the Government of Uttarakhand, 03 cases each



with the Government of Gujarat, Government of Karnataka and Government of Manipur, and 01 case each with the Government of Arunachal Pradesh, Government of Kerala, Government of Meghalaya and Government of Pondicherry.

- iv. With regard to compliance reports relating to cases pertaining to previous years, compliance was awaited in 240 (176+64) cases, for details see Annexures- 6 & 7.
- v. Annexure-6 provides details of cases pending compliance for the year 2018-2019 in respect of payment of monetary relief. As is apparent, the State of Uttar Pradesh tops the list again as the Commission till date has not received proof of payment in 75 cases, most of which relate to civil and political rights. Other States, which had yet to forward their compliance reports in this respect were– NCT of Delhi (13 cases), Odisha (11 cases), Jharkhand, Madhya Pradesh and West Bengal (each 8 cases), Haryana (7 cases), Assam and Bihar (each 6 cases), Punjab (5 cases), Andhra Pradesh, Maharashtra and Tamil Nadu (each 4 cases), Telangana (3 cases), Gujarat, Himachal Pradesh, Kerala, and Rajasthan (each 2 cases), and Mizoram and Paducherry (each 1 case) these cases involved allegation of malfunctioning in primary health centres and government hospitals, abduction/rape including of a scheduled caste/scheduled tribe/other backward class woman, and non-payment of pension etc. The details of these cases have been reported in earlier Annual Reports of NHRC. The Commission once again calls upon all the aforementioned State Governments to take immediate steps for sending their compliance reports to the Commission and simultaneously take comprehensive steps for protection and promotion of civil, political, economic, social and cultural rights, along with special measures to prevent acts of violence and discrimination towards women, including those belonging to the SCs, STs and other backward classes.
- vi. Annexure-7 gives details of 64 cases pending compliance on the recommendations made by the Commission during 2017-2018 and in previous years, payment of monetary relief. Out of these cases, compliance is awaited in 26 cases from the Government of Uttar Pradesh, in 5 cases each from Government of NCT of Delhi, Jharkhand, Madhya Pradesh and Rajasthan, in 4 cases each from Government of Bihar and Odisha, in 2 cases each from Andhra Pradesh, Assam, Karnataka, Maharashtra and Manipur, and in 1 case each from Kerala and Telangana.
- vii. Out of the cases, where the compliance on the recommendations made by the Commission during 2017-2018 and in previous years, have been pending, the concerned State Governments/authorities have challenged the recommendations of the Commission in 6 cases by filing Writ Petitions in the respective High Courts, The details of the cases is given below:

**Table 2.3: Details of NHRC recommendations challenged in the High Courts**

S.No	Details of petition	Details of High Court	Nature of recommendation challenged
1.	WP(Civil)5074/2015 Union of India through Asstt. Security Commissioner Vs NHRC	Jharkhand High Court	Recommendation dated 18.5.2015 for payment of Rs. 5,00,000/- (Rupees Five Lakhs Only) for death of Sanjay Kumar in custody of RPF.
2.	WP(Civil)/85/2020 Apollo Hospital Enterprise Ltd. Vs State of Orissa & Others.	Orissa High Court	Order dated 25.11.2019 challenged wherein recommendation was made to the State Government for action against the hospital.
3.	CMWP 8878 of 2019 Indian Oil Corporation & Others Vs NHRC & Others	Allahabad High Court	Recommendation dated 29.10.2018 of the Commission for payment of Rs. 2,00,000/- (Rupees Two Lakhs) to the NoK of Indirawati R/o Mahoba due to burn injuries from fire leaking due to cooking cylinder on 5.7.2016.
4.	WP(C) 5797 of 2019, Executive Engineer Southco Utility & Others Vs NHRC	Orissa High Court	Recommendation dated 12.10.2018 for payment of Rs. 3,00,000/- (Rupees Three Lakhs Only) for NoK of deceased Haravati Bhatra who died due to electrocution on 4.12.2014.
5.	WP(C) 11345 of 2019 (P) Kerala Public Service Commission Vs NHRC	Kerala High Court, Ernakulam	Recommendation dated 28.1.2019 for payment of Rs.1000/- (Rupees One Thousand) each to 290 Different Abled candidates.
6.	CWP 12112 of 2019 (O&M) District Food and Civil Supplier and Consumer Affair Controller Vs NHRC	Punjab and Haryana High Court.	Recommendation dated 20.6.2018 and 5.3.2019 for payment of Rs. 2,00,000/- (Rupees Two Lakhs) each to beneficiaries of Village Kalotha (Fatehabad) deprived of distribution of PDS Ration.



- viii. The Commission nonetheless makes a fervent appeal to these Governments to expedite the cases pending in their respective High Courts. It also trusts that the Governments of other States, as well as authorities under the Government of India, who are recommended to make the payments, or initiate disciplinary action against the guilty public servants as mentioned at Annexure-5 to Annexure 7, will adhere to the recommendations made by the Commission and provide immediate respite to the victims/NoK at the earliest.

L. Commission Meetings

2.46 During the year under review, the Full Commission took up 337 cases of human rights violations in its 23 sittings. In addition, the two Division Benches considered 623 cases in 39 sittings.

2.47 NHRC Open Hearings on Atrocities against Scheduled Castes: During the period under review, the Commission took up 275 cases in its 02 Open Hearings held at Chennai, Tamil Nadu (12 September, 2019) and Thiruvananthapuram, Kerala (31st October, 2019). Out of 275 cases, 112 cases were disposed off.

2.48 NHRC Camp Sitzings: The NHRC has been organising Camp Sitzings in different States in order to expedite disposal of pending complaints and sensitize the State functionaries on human rights. During the period under review, the Commission held Camp Sitzings in Tamil Nadu (12-13 September 2019) and Kerala (31st October to 1st November, 2019). The Commission considered 15 cases in its sittings of the Full Commission and one case was closed.

2.49 Details of the last 5 years' perspectives on certain important parameters is given below:

Table 2.4: Details of the last 5 years' perspectives on certain important parameters during NHRC Camp Sitzings

Financial Year	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Death in Police Encounter (Inc. Code 812)	188	179	169	164	-----
Custodial Death (Judicial) (Intimation) (Inc. Code 301)	1588	1668	1616	1636	-----
Custodial Death (Police) (Intimation) (Inc. Code 807)	130	151	145	148	-----
Child Labour (Inc. Code 101)	716	66	50	76	-----
Bonded Labour (Inc. Code 601)	1017	3345	240	355	-----



Financial Year	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Inaction by the State/Central Government Officials (Inc. Code 1505)	14799	16258	13578	10929	-----
Gang Rape (Inc. Code 1307)	759	572	455	422	-----
Rape (Inc. Code 1311)	978	707	535	701	-----
Children (Inc. Code 100-112)	2560	1657	1211	1340	-----
Health (Inc. Code 200-205)	2738	2535	1832	1377	-----
Jail (Inc. Code 300-318)	2583	2670	2447	2669	-----
Police (Inc. Code 800-823)	34954	35533	27845	27491	-----
Pollution/Ecology/Environment (Inc. Code 900-904)	334	457	446	471	-----
Women (Inc. Code 1300-1314)	9904	8105	7413	7843	-----
Defence Forces (Inc. Code 1600-1617)	144	128	72	98	-----
Paramilitary Forces (Inc. Code 1700-1717)	178	160	152	132	-----
SC/ST/OBC (Inc. Code 1900-1904)	3555	3454	3207	2660	-----

M. Statistics of cases dealt by Investigation Division from April 2019 to March 2020

2.50 The following table indicates the statistics of cases dealt by Investigation Division from April 2019 to March 2020:

**Table 2.5: Statistics of cases dealt by Investigation Division
from April 2019 to March 2020**

Case/ Status	Judicial Custodial Deaths	Police Custodial Deaths	Fact Finding Cases	Total files
Received (including carry forward cases)	4434	773	2812	8019
Processed	3949	548	2122	6619

2.51 Besides above, 71 numbers of spot enquiries have also been conducted by the Investigation Division. Details of the Spot Enquiries carried out by the Investigation Division from April 2019 to March 2020 are mentioned at Annexure 8.



Smt. Manzil Saini, Deputy Inspector General, NHRC and the Investigation team enquiring at Encounter site at Hyderabad



NHRC Investigation team taking stock of the riot affected areas of North East Delhi





CHAPTER 3

NHRC: Organization and Functions

- 3.1 The National Human Rights Commission (NHRC), India was set up by an act of the Parliament on 12th October, 1993, known as the Protection of Human Rights Act (PHRA), 1993. It was enacted for the 'better protection and promotion of human rights'. It is an institution which acts as a compliment to the judiciary and is engaged in– the protection and promotion of the constitutionally enshrined fundamental human rights of all people in the country.
- 3.2 As per the Act, 'human rights' means the 'rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India'. "International Covenants" means the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by the General Assembly of the United Nations on the 16th December, 1996 and the other Covenants or Conventions adopted by the General Assembly of the United Nations as the Central Government may by notification specify. These other covenants/conventions mainly relate to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all Forms of Racial Discrimination (CERD). The Government of India acceded to the ICCPR and ICESCR in 1979. It ratified the CEDAW in 1993, the CRC in 1991 and the CERD in 1968. **It would be pertinent to mention that most of the human rights provided in the said International Covenants/Conventions, have already been enshrined in the Part III of the Constitution of India, as Fundamental Rights.**
- 3.3 Unquestionably, the greatest strength of the PHRA, 1993 has been to provide the Commission with 'independence, functional autonomy and broad mandate', which are essential to the composition and proper functioning of a National Human Rights Institution (NHRI) conforming with the Paris Principles. NHRC, India is an embodiment of India's concern for the promotion and protection of human rights.
- 3.4 The experience of NHRC-India, ever since its inception, has reflected that its independence and strength is well guaranteed by the requirements of the statute relating to its composition, appointments procedure, and powers relating to inquiries, extensive range of functions and specialized divisions and staff.
- 3.5 **Amendment to Protection of Human Rights Act (1993):** The Ministry of Law & Justice, Government of India vide its Gazette Notification No. 19 of 2019 dated 27th July 2019 amended by the Protection of Human Rights (Amendment) Act, 2019, which came into force from 2nd



August, 2019 vide Ministry of Home Affairs Gazette Notification dated 1st August 2019. The provisions of the Protection of Human Rights (Amendment) Act, 2019, pertaining to the NHRC are as under:

- 3.5.1 A retired Judge of the Supreme Court has been made eligible for appointment as Chairperson of the National Human Rights Commission, in addition to the person who has been the Chief Justice of India.
- 3.5.2 The Members (having knowledge of, or practical experience in matters relating to human rights) of the NHRC has been increased from two to three, out of which at least one shall be a woman.
- 3.5.3 The Chairperson of the National Commission for Backward Classes, Chairperson of the National Commission for Protection of Child Rights and the Chief Commissioner for Persons with Disabilities have been made as deemed Members of the Commission, in addition to the present deemed Members of the Commission.
- 3.5.4 The Secretary General, NHRC has been delegated full administrative and financial powers of NHRC, subject to the control of the Chairperson, NHRC.
- 3.5.5 The term of office of the Chairperson and Members of NHRC has been reduced from five to three years. They shall be eligible for re-appointment for another term or until they attain the age of seventy years, whichever is earlier.
- 3.5.6 The functions relating to human rights in case of Union territory of Delhi shall be dealt with by the NHRC.

A. Constitution of the Commission

- 3.6 Section 3 of the PHRA, (amended in 2019) provides for the constitution of a Commission consisting of:
 - i. A Chairperson who has been a Chief Justice of India or a Judge of the Supreme Court;
 - ii. One Member who is, or has been, a Judge of the Supreme Court;
 - iii. One Member who is, or has been, the Chief Justice of a High Court;
 - iv. Three Members, out of which at least one shall be a woman, to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.
- 3.7 With this amendment the number of Deemed Members of the Commission has increased from five to seven. As per PHRA, (amended) 2019 the seven Deemed Members of the Commission are as under:
 - i. Chairperson of the National Commission for Scheduled Castes
 - ii. Chairperson of the National Commission for Scheduled Tribes
 - iii. Chairperson of the National Commission for Minorities
 - iv. Chairperson of the National Commission for Women



- v. Chairperson, National Commission for Protection of Child Rights.
- vi. Chairperson, National Commission for Backward Classes
- vii. Chief Commissioner for Persons with Disabilities



Hon'ble Chairpersons, Members and Officers of NHRC & SHRCs at a meeting in New Delhi on 20.02.2020

- 3.8 The Chairperson and the Members of the NHRC are appointed by the President of India, on the recommendations of a high-level Committee comprising of the Prime Minister (as Chairperson), the Speaker of the Lok Sabha (House of the People), the Minister in-charge of the Ministry of Home Affairs in the Government of India, the Leaders of the Opposition in the Lok Sabha and Rajya Sabha (Council of States), and the Deputy Chairman of the Rajya Sabha.
- 3.9 The Chief Executive Officer of the Commission is the Secretary General, an officer of the rank of Secretary to the Government of India. The Secretariat of the Commission works under the overall guidance of the Secretary General.
- 3.10 Powers Relating to Inquiries:** The NHRC has been given all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, in particular in respect of summoning and enforcing the attendance of witnesses and examining them on oath; discovery and production of any documents; receiving evidence through affidavits; requisitioning any public record or copy thereof from any court or office; issuing commissions for the examination of witnesses or documents, and any other matter that may be prescribed. In case of breach, it calls upon the concerned government to take remedial measures and pay compensation to the victim or to the next of their kin and also remind public servants of their duties and obligations. Depending on the case, it may further initiate proceedings for prosecution, or any other suitable action as it may deem fit, against the person(s) concerned. Another important feature, which it fully utilizes, is the suo motu cognizance of serious matters, which it takes on the basis of newspaper and media reports.
- 3.11 Extensive Range of Functions:** The Commission has a wide mandate. Its functions, as laid down in Section 12 of the PHRA, include:
- a. Inquire, suo motu or on a petition presented to it by a victim or any person on his



behalf or on a direction or order of any court, into complaint of (i) violation of human rights or abetment thereof; or (ii) negligence in the prevention of such violation, by a public servant.

- b. Intervene in any proceeding involving any allegation of violation of human rights pending before a court, with the approval of such court.
- c. Visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purpose of treatment, reformation or protection, for the study of the living conditions of inmates thereof and make recommendations thereon to the Government.
- d. 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.
- e. Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- f. Study treaties and other international instruments on human rights and make recommendations for their effective implementation.

B. Specialized Divisions and Staff

3.12 There are five Divisions in the Commission. These are– **(i) Law Division, (ii) Investigation Division, (iii) Policy Research, Projects and Programmes Division, (iv) Training Division, and (v) Administration Division.**

3.13 Law Division: The Law Division of the Commission basically has been serving as the Registry of the Commission. It receives, scrutinizes and registers complaints from the victims or others on behalf of the victims or intimations from the authorities about custodial deaths, custodial rapes, deaths in encounters or action by police/paramilitary forces or defence forces, references from the Courts. It further processes these complaints/matters by placing them before the Commission for orders/proceedings and ensures that necessary follow up action is taken pursuant to the Commission's orders. It also organizes Camp Sitzings, Open Hearings of the Commission, in various parts of the country, to enable the Commission to render justice to the victims at their doorsteps. The Law Division also facilitates the Commission to make interventions in the Court Proceedings, or to respond in the Cases filed against the Commission in the matters of the human rights violations. It also facilitates the Commission in taking suo motu cognizance. Around one lakh cases are annually registered and disposed off by the Law Division. Disposal of a number of these cases results in relief to the victims in the forms of grant of monetary relief, disciplinary action or prosecution against the delinquent public servant, release of bonded labourers, registration of First Information Reports (FIRs), payment of pensions etc.



3.13.1 During the year 2019-20, the Commission registered 76,628 complaints as against 89,584 complaints registered during the previous year. The Commission had initiated steps for providing a platform to the complainants to submit online complaints and also encouraged the State Human Rights Commission to come on board hrc.net portal which enabled the complainants to submit online complaints to many of the State Human Rights Commissions. The Commission made efforts to increase its reach to the people. The use of hrc.net portal extended the facility to the people to make a complaint from anywhere in the country through the Common Service Centres ensuring immediate submission of complaints and a safeguard against postal delays or loss in transit. The use of hrc.net portal benefitted the complainant by way of acknowledgement of receipt through SMS or e-mail message, alert on directions passed by the Commission on the complaint and access to information pertaining to the status /action on the complaint. The portal of which Complaint Management and Information System (CMIS) is a part, facilitates storage and retrieval of data, submission of reports online by the authorities and an important tool in speedy decision making and redressal of grievances. Focal point of NHRC (Mobile No. 9999393570) had constant interaction with State government officials for better protection of human rights of the human rights defenders, particular reference may be made to the following initiatives taken by the focal point:-

- i. Intervention and taking up the matter with DCP, South-East Delhi about police action in the campus of Jamia-Millia-Islamia University and arrest of students on the basis of telephonic complaints received on 16.12.2019.
- ii. Detention of members of HRDA and CHRI by the police outside UP Bhavan on 23.12.2019. The matter was taken up with DCP, New Delhi.
- iii. Release of bonded labours at Misfah Oman working with M/s Aruwad Aluminum Company, Muscat. The matter was taken up with the Secretary, Ministry of Foreign Affairs.
- iv. Complaint received on 4.3.2020 from Human Rights Alert about deteriorating health condition of HRD Akhil Gogoi in Guwahati Central Jail. The matter was taken up with the I.G. Prison, Assam.
- v. Complaint received about discrimination against North-East people/ students during lock-down in some Metropolitan cities. The matter was taken up with the Nodal Police Officers of Maharashtra, Delhi, Gujarat and Karnataka who assured of prompt action for redressal.

3.13.2 The Law Division is headed by a Registrar (Law), who is assisted by Presenting Officers, a Joint Registrar, a number of Deputy Registrars, Assistant Registrars, Section Officers and other secretarial staff.

3.14 Investigation Division: The Investigation Division is headed by an officer of the rank of Director General of Police, assisted by one Deputy Inspector General and four Senior Superintendents of Police. Each Senior Superintendent of Police heads a group of investigative officers (consisting



of Deputy Superintendents of Police and Inspectors). The functioning of Investigation Division is analytical & multi dimensional and it carries out the following activities:

- i. **Spot Enquiries:** The Investigation Division conducts spot enquiries and recommends suitable action in the case revealing human rights violations. The spot enquiries conducted by the Investigation Division not only bring out the truth before the Commission, but also send a message to all concerned– complainants, public servants, etc. The Commission orders a Spot Enquiry in a range of cases concerning serious violation of human rights by public authorities– from illegal detention, extra judicial killings, etc. by the police to the lack of facilities in a hospital leading to unnatural deaths or cases of bonded labour. Spot enquiries enhance the confidence of the general public too and instill their faith in NHRC's role in protection of human rights. The Investigation Division also gives its comments/ observations, whenever sought, in the cases of advice/analysis, besides monitoring of cases whenever referred to it.
- ii. **Custodial Deaths:** As per the guidelines issued by the Commission to the State authorities, the latter are supposed to intimate the Commission in case of any death occurring in custody (whether in police or judicial custody) within 24 hours. The Investigation Division on receiving such intimations analyzes the reports in order to find out if there was any human rights violation involved. In order to make the analysis more professional and accurate, the Investigation Division seeks opinion from the forensic experts and doctors on the panel of NHRC. In May 2019, a total of 7069 number of case files were available in the Investigation Division for processing. Considering the scenario, it was decided to form a **Custodial Death (CD) Cell** within the Investigation Division by deputing staff exclusively for speedy disposal of such files. Accordingly, the CD cell was formed on 10th May, 2019 and was in functional till 20th December, 2019. During this period, more than 1400 files were disposed off by the CD Cell which reduced the overall pendency of the Investigation Division.
- iii. **Deaths in course of Police Firing/Encounters:** The Commission has laid down detailed guidelines for such cases in which people/extremists get killed during a police action such as firing. The matter is mandatory to be reported to the Commission within 48 hours following a detailed report, post-mortem reports, Ballistics report, Magisterial enquiry reports, status of investigation etc. by an independent agency. The Investigation Division is entrusted with the work of analysis of such incidents and brings out the fallacies/ anomalies, in case any, in such cases before the Commission.
- iv. **Fact Finding Cases (FFC):** The Investigation Division also calls upon the different authorities to submit reports in "Fact Finding" Cases as directed by the Commission. The Investigation Division critically analyzes these reports with a view to assist the Commission in deciding whether there is any violation of human rights or not. In cases where reports received are misleading or not factual, the Commission orders a spot enquiry as well.



- v. **Rapid Action Cell (RAC):** From the year 2007, the Investigation Division has taken the initiative of making a Rapid Action Cell functional in the Commission. Under RAC cases, the Investigation Division deals with cases which are of a very urgent nature e.g. the allegation may be regarding a child marriage likely to be performed the very next day or else the complainant fears that a relative or friend picked up by the police may be killed in a false encounter. In all such cases, the Investigation Division takes up the urgent follow up required by the Commission. It may require speaking to them personally over telephone to ascertain facts, faxing the complaint to various authorities for reference and asking them to send their replies expeditiously – all these actions are performed by the Investigation Division. During the period 01.4.2019 to 31.3.2020, the Investigation Division has dealt with 90 such RACs where immediate intervention by the Commission was able to prevent not only Human Rights violation but also threats to human life & liberty.
- vi. **Debate Competition for personnel of Central Armed Police Forces:** In order to promote human rights awareness and spread sensitization towards it among the personnel of the Central Armed Police Forces (CAPF), the Investigation Division has been regularly organising a debate competition on such issues every year since 1996. Moreover, since 2004, as desired by the Hon'ble Chairperson, zone-wise debate competitions have also been organized as a run up to the final competition, for larger participation of the CAPF's all over the country. The semi-final and the final rounds of teams selected during the zonal competitions are subsequently organized in the Capital. Each year this event sees enthusiastic participation and an outstanding level of brainstorming sessions. The Commission provides necessary financial assistance to CAPFs for conduct of these debates. Last year (2019-2020), the nodal agency for conduct of the annual debate was Indo-Tibetan Border Police Force (ITBP). After the zonal competitions in eight different zones across the country, the semi-final competition was held in Chandigarh on 30th Aug 2019, organized by ITBP in collaboration with NHRC. The topic of debate in the semi-final event was "The existing legal framework & institutions are sufficient to ensure protection of Human Rights in India". The final debate competition was held in New Delhi at the Bureau of Police Research and Development (BPR&D) Auditorium on 27th Sep 2019, organized by the ITBP in collaboration with NHRC. The topic of final event was "Terrorism & militancy in the country can be tackled effectively while observing Human Rights". The occasion was graced by Hon. Member of the Commission Justice Shri P.C. Pant, Secretary General NHRC Shri Jaideep Govind, Director General ITBP Shri S.S. Deswal, Director General (Investigation) NHRC Shri Prabhat Singh, Ex-Director General NHRC Shri Sunil Krishna and Registrar NLU-Delhi Prof. (Dr.) G.S. Bajpai. In the final event a total of 16 participants (8 for Hindi & 8 for English) took part in the competition. Trophies, certificates & cash prizes were given to the winners in each category and the Rolling Trophy was won by Central Industrial Security Force (CISF).

- vii. **Debate Competition for personnel of State Police Forces:** The police today are duty bound to conform to the principles of Human Rights in discharging their duties. The lower and middle levels in the police forces are extremely crucial from the viewpoint of Human Rights because they directly come into contact with the general public while discharging their duties. Since the year 2004, an attempt has been made by the Investigation Division of NHRC to increase the level of Human Rights awareness among the police officials by providing necessary financial assistance to State/Union Territories (UTs) Police Forces for conducting Debate Competitions for State Police Force personnel. Last year (2019-2020), directions were sent to all the States and UTs to conduct a debate competition among the state police personnel in their respective States/UTs as a practice to promote human rights awareness and sensitize the subordinate forces. The necessary financial assistance was provided by the Commission for the event. In response to that 16 States/UTs responded and conducted the debates on human rights issues. These are Rajasthan, Jharkhand, Delhi, Assam, Kerala, Mizoram, Telangana, West Bengal, Puducherry, Odisha, Chattisgarh, Haryana, Jammu & Kashmir (UT), Uttarakhand Maharashtra & Manipur.
- viii. **Training:** The officers of the Investigation Division deliver lectures in training institutes and other forums, wherever they are invited to spread human rights literacy and promote awareness of the safeguards available for the protection of Human Rights. Regular lectures and presentations are given by officers of the Investigation Division to interns and students of Short Term as well as Long Term Internship Programmes of NHRC.



NHRC Investigation team at Aligarh Muslim University

- ix. **Visits to places of Detention:** There are a large number of complaints related to the living conditions in the jails, shelter homes and other institutions where persons are detained or lodged for the purpose of treatment, reformation or protection. The Investigating Officers (IOs) of the Investigation Division visit Jails, Shelter Homes and other institutions in different states as and when directed by the Commission and submit reports presenting the facts regarding specific allegations or the general condition of prisoners or inmates with regard to their Human Rights..



- 3.15 **The Policy Research, Projects and Programmes Division (PRP&P):** The division undertakes and promotes research on human rights and organizes conferences, seminars and workshops on important human rights issues. Whenever the Commission, on the basis of its hearings, deliberations or otherwise, arrives at a conclusion that a particular subject is of importance, it is converted into a project/programme to be dealt with by the PRP&P Division. Besides, it reviews policies, laws, treaties and other international instruments in force for the protection and promotion of human rights. It facilitates in monitoring the implementation of NHRC recommendations by the Central, State and UT authorities. It further helps the Training Division in spreading human rights literacy and in promoting awareness about the safeguards available for the protection of human rights. The work of the Division is handled by Joint Secretary (Administration & Research) and Joint Secretary (Programme & Training), Joint Director (Research), Senior Research Officer (SRO), Research Officers (ROs), Section Officers (SOs), Senior Research Assistant, Junior Research Consultants (JRCs) and other secretarial staff.
- 3.16 **Training Division:** This division is responsible for spreading human rights literacy among various sections of the society. As such, it trains and sensitizes various government officials and functionaries of the State and its agencies, non-government officials, representatives of civil society organizations and students on different human rights issues. For this purpose, it collaborates with the Administrative Training Institutions/Police Training Institutions and Universities/Colleges. Besides, it conducts internship programmes for college and university students. The Division is headed by a Joint Secretary (P&T), who is supported by a Senior Research Officer (Training), an Assistant, Research Consultant and other secretarial staff. The Coordination Section, under the Training Division, deals with all the international matters, including international treaties and conventions. Besides, it coordinates with Camp Commission Sitzings/Open Hearings in various States/UTs, organizes Commission's annual functions, viz., Foundation Day and Human Rights Day. It is also tasked with taking care of protocol duties as well as organizing visits of Chairperson/Members/Senior Officers of the Commission, both at the national and international levels. Coordination Section consists of an Under Secretary, Section Officer, Assistants, Research Consultant and other secretarial staff.
- 3.17 **Administration Division:** This division looks after the establishment, administrative and related requirements of the Chairperson and Members of the NHRC. Besides, it looks into personnel, accounts, library and other requirements of the officers and staff of the NHRC. The work of the division is handled by the Joint Secretary (A&R) who is assisted by Deputy Secretary, Under Secretaries, Section Officers, Assistants and other secretarial Staff. The administration division also looks after the procurement and issue of goods required for official use. The division procures all such items from Government e-Marketplace (GeM) as per instructions of the General Financial Rules while e-store software is used to issue the procured items to around 100 users of the Commission.
- 3.18 **Media and Communication (M&C) Wing:** The Media and Communication (M&C) Wing under the Administration Division disseminates information relating to the activities of the NHRC



through the print and electronic media. It brings out a bilingual monthly Newsletter 'Human Rights'. The Publication Unit, responsible for bringing out all the publications of the Commission, is another crucial Unit of the NHRC. The Annual Report, NHRC English and Hindi Journal, "Know Your Right" Series are a few of the salient publications brought out by this Unit. Furthermore, it looks into applications and appeals received under the Right to Information Act, 2005.

- 3.19 **Special Features:** The reach of the Commission is considerably enhanced by the appointment of Special Rapporteurs and the constitution of Core and Expert Groups. It has evolved transparent systems and procedures for discharging its functions. The Commission has laid down procedures to transact its own business by formulating regulations.





CHAPTER 4

Civil and Political Rights and Safeguarding Criminal Justice System

- 4.1 The Commission has been deeply concerned about the pathetic condition of prisons and other detention facilities which are plagued with numerous problems like severe overcrowding, understaffing, lack of adequate medical care, physical maltreatment of prisoners including custodial deaths, lack of infrastructure, poor administration and inadequate inter-agency communication, long detention of those awaiting trial, and inadequate opportunities for prisoners to communicate with counsel, authorities and family etc.
- 4.2 The Commission has issued instructions/guidelines with regard to issues like overcrowding, mental and physical health rights of the prisoners, detention of under-trials, Sentence Review Board, Visitor Board, Prison administration and infrastructure. The Commission has also written to Chief Justices of all High Courts, for effecting speedy trials of cases and release of under-trials and to give appropriate instruction to District and Sessions Judges to ensure that they visit jails regularly as is envisaged in the State Prison Manuals. The Commission has also issued instructions to all prison authorities requiring compulsory health screening of all prisoners and sending a monthly report to the Commission. The issues of premature release of prisoners undergoing life imprisonment have also been taken up by the Commission.
- 4.3 Custodial violence and torture represent the worst forms of excesses by public servants entrusted with the duty of law enforcement. The Commission regards crimes like rape, molestation, torture, fake encounter in police custody as manifestations of a systemic failure to protect human rights of one of the most vulnerable and voiceless categories of victims. Therefore, it is deeply committed to ensure that such illegal practices are stopped and human dignity is respected in all cases. Besides awarding compensation to the victims or their next-of-kin, the Commission's efforts are also geared towards bringing an end to an environment in which human rights violations are committed with impunity under the shields of "Uniform" and "Authority" within the four walls of a police station, lock-up and prison, where the victims are totally helpless. The Commission has issued various guidelines in this regard. One of such guidelines is that a death in custody has to be reported to the Commission within 24 hours. Though all custodial deaths may not be crimes or the results of custodial violence or medical negligence, it is important that no assumption is made without thorough enquiry and analysis of reports like inquest report, post-mortem reports, initial health screening report, Magisterial enquiry report, etc. Compliance of the guidelines of the Commission by the State authorities, therefore, plays a crucial role in quick disposal of cases relating to custodial deaths. However, it has been seen that some deaths are reported either after considerable delay or not reported at all, and in many cases reports are



forwarded to the Commission only after issuance of conditional summons to the authorities concerned.

A. Terrorism and Militancy

- 4.4 Today, India is facing a daunting challenge of protecting the human rights of a common man on the face of terrorism. With the grim spectre of terrorism continuing to target innocent and defenceless people, the task of protection of human rights has become all the more challenging.
- 4.5 A peaceful society rests on the pillars of justice and individual's accountability. The concern for justice has been of paramount importance while dealing with the vexed issue of terrorism. In most of the tragedies associated with terrorism, it is mostly the common people whose rights are violated.
- 4.6 An increase in the activities of terrorists and Naxalites has made the role of security forces even more demanding. They are increasingly called upon to control civil unrest, to enhance the security at important places and also to control and maintain law and order, whenever required.
- 4.7 The Commission is of the firm view that proper observance of human rights is not a hindrance to the promotion of peace and security. Rather, it is an essential element in any worthwhile strategy to preserve peace and security and to defeat terrorism. The purpose of anti-terrorism measures must, therefore, be to protect democracy, rule of law and human rights, which are fundamental values of our society and the core values of the Constitution.
- 4.8 The Commission from time to time has reiterated that terrorism creates an environment that destroys the rights of the people to live in freedom from fear. Terrorism's goal is to destroy the very fabric of democracy and society. India remains an important ally in the global war on terrorism. It has fought against terrorism for more than fifty years and has learnt a great deal from its success and failures. The endeavour of the Commission is to call upon the international community to co-operate in combating terrorism. At the same time, the Commission has always emphasized that in doing so, the approach should be human, rational and secular.

B. Draft Bill on Committee against Torture

- 4.9 A draft Bill on Prevention of Torture Bill, 2010 which was prepared by the Ministry of Law was sent by the Ministry of Home Affairs (MHA) to the Commission for comments. The draft bill was examined by the Commission who agreed to the provisions with certain observations which was conveyed to MHA on 6.4.2010. The Bill was referred to the Select Committee of Rajya Sabha. The Committee deliberated on the provisions of the Bill through nine sittings. However, the Bill introduced in Rajya Sabha in August 2010 lapsed.
- 4.10 There was a need to reintroduce the Bill afresh. In this regard a meeting was held under the Chairmanship of Justice Shri D. Murugesan, former Hon'ble Member in the Commission on 20th March, 2018 to discuss the current status of the bill as the Law Commission of India released its report on Implementation of 'United Nation Convention against Torture and other Cruel Inhuman and Degrading Treatment or Punishment' through Legislation on 30th October, 2018.



The Report was issued by the Commission in pursuance of Central Government's direction to Law Commission to examine the issue of ratification of UN convention against Torture.

- 4.11 A brief note on the issue was placed before the Commission in its meeting held on 21st May, 2018. The Commission considered the matter and directed to seek the then status of the Bill from the MHA. Subsequently, it was directed to do a comparative analysis of the International Convention against Torture, 1984 and Prevention of Torture Bill, 2017 which was discussed at the meeting held on 12th July, 2018. The corrections suggested during the meeting were duly incorporated in the latest bill. The Commission also organized an Open House Discussion on the analysis of Prevention of Torture Bill, 2017 to discuss the incorporated changes.
- 4.12 In the meantime, the former Law Minister, Dr. Ashwini Kumar had approached the Hon'ble Supreme Court praying for a comprehensive law for the prevention of torture. The Hon'ble Supreme Court vide its Order dated 14.02.2019 had reserved the judgment. The Attorney General of India submitted that the prayer made in the Writ Petition has been the subject matter of discussion in the Law Commission and it has already made certain recommendations. He would further submit the report which is being seriously considered by the Government. Keeping in view the submissions made by the Attorney General, the Supreme Court observed that it does not intend to keep the said Writ Petition Pending and disposed it accordingly.

C. Internal Meeting on Torture Held on 28th May, 2019

- 4.13 An internal meeting on Torture was held on 28th May, 2019 in the Commission under the Chairmanship of Secretary General Shri Jaideep Govind. The objective of this meeting was to discuss the other issues of torture that are prevalent in the society with the Bill for Prevention against Torture still pending in the Supreme Court.
- 4.14 The recommendations of the meeting are as follows:
- i. It was recommended that the ambit of the definition of torture to be expanded to include private individuals also.
 - ii. The expression of torture by public servants should not only be confined to custodial torture but should be exhaustive enough to include cases of denial of services by the public servants as well.
 - iii. Standard procedures for dealing with cases pertaining to torture should be laid down systematically. Such procedures should have a compact time frame.
 - iv. It was recommended that a comprehensive process of sensitization of the large masses with regards to the remedies of torture should be conducted and organized by the Research Division.
 - v. It was recommended to conduct a survey of negligence of elderly and senior citizens along with the identification and effective implementation of schemes like Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and other remedies against such atrocities.



- vi. Encourage research study on atrocities committed on members of Scheduled Castes (SC) and Scheduled Tribes (STs).
- vii. Identify gaps in the implementation of government schemes with regards to torture meted out on SC/STs.
- viii. Conduct a thorough survey with regards to torture meted out on individuals
- ix. Identify different forms of atrocities committed through domestic violence and review the government schemes for providing maintenance to the victims.

D. Legal Aid Scheme

- 4.15 As per National Crime Records Bureau's (NCRB) Prison statistics India 2018, there were 4,66,084 prisoners in 1339 prisons in India as on 31st December, 2018. According to their analysis, the undertrial population in prison is increasing at a higher rate. With the continuing pace, the share of undertrial prisoners would have crossed the 70% mark in 2019, highest since 2001- making India's proportion of pre-trial detainees 12th highest in the world. One of the causes for influx of under trials in the Prisons is the delay in the trial due to lack of legal support provided to the detainees.
- 4.16 In the light of the issue, NHRC conducted a meeting on 24th January, 2019 with DSLSA, Central Jail Tihar, National Law University (NLU) and National Legal Services Authority (NLSA) where it was decided that the students of NLU, Delhi may assist the counsel deployed by DSLSA/NLSA in filing bail appeals/applications etc. of the detainees in various court. As per the outcome of the meeting draft of a pilot project has been formulated wherein the following objectives are proposed to be achieved:
- 4.17 Objectives of the Pilot Project: Promoting human rights of the prisoners by improving their access to the legal aid system and fostering professionalism and a sense of public service amongst law students, thereby promoting legal aid at college level.
- 4.18 Duration of the Pilot project: 12 Months (inclusive of 2 days training and prison visit by students 6 days every month).
- 4.19 Outcomes Expected of the Pilot Project:
- i. Facilitation of legal aid to jail inmates to curb the issue of delayed justice.
 - ii. Once found successful, the project will be implemented all over the country.
 - iii. Training and awareness of the students with regard to rights of jail inmates.
 - iv. The pilot project will promote awareness towards human rights.
 - v. Development of sensitivity towards human rights amongst students.
- 4.20 In the last two meetings held on 31st January, 2020 and 10th February, 2020 with the representative of NLSA and DLSA, the draft proposal for the project has been finalised and submitted to the Financial Advisor, MHA for its concurrence.



E. Prison Oversight Mechanism

4.21 The Commission held a meeting with representatives of Commonwealth Human Rights Initiative (CHRI) on strengthening Prison Oversight Mechanism on 3rd March, 2020 under the Chairmanship of Shri Jaideep Govind, Secretary General, NHRC. The objective of the meeting was to discuss the findings of CHRI recent report 'Looking into the Haze: Second National Report on Prison Monitoring in India. Secondly, MHA advisory of February 2011 regarding appointment and working of Non-Official Visitors for Prisons was brought to light. Thirdly, organisation of regional consultations led by Special Rapporteurs and State Human Rights Commissions (SHRCs) for capacity building of Board of Visitors (BOVs) and formulation of guidelines for the determination of compensation in cases of unnatural deaths in prisons were discussed. Fifthly, recommendation for Development of a webpage on prison monitoring as part of NHRC website which provides information on state-wise reports, functioning of BOVs, formats for reporting etc. to streamline documentation. The recommendations that emanated from the meeting are as follows:

- i. In tune with the Supreme Court directives, all States may be requested to make 'Board of Visitors', as specified in the Jail Manual, functional as this would help in maintaining better standards of the jails. NHRC may also recommend the States to conduct training of the members in the board.
- ii. A standard format for inspection may be formulated for the Visitors inspecting the prison administration. Such format may be uploaded in the NHRC website so that it is accessible to the Board members, Special Rapporteurs and Special Monitors. All the Visitors may be recommended to conduct the inspection as per the format and send the compiled report to respective States and also to the Commission.
- iii. A discussion may be conducted with all the Special Rapporteur and Special Monitor of NHRC to deliberate on capacity building of the Official and Non-Official Visitors to Prison and strengthening Prison Oversight Mechanism.
- iv. It is also recommended to broaden the ambit and understanding of Prison Oversight Mechanism and hold a discussion on how to institutionalize such mechanisms.
- v. A standardized Standard Operating Procedure (SOP) may be formulated with regards to the functioning of BOVs. A dynamic website portal may be created for uploading the prison data collected from such visits.
- vi. Standard guidelines for the determination of compensation in cases of unnatural deaths in prisons may be formulated by the Commission.
- vii. In the first phase, prisons would be selected zone-wise to monitor the conditions of prisoners by the NHRC Special Rapporteurs and Monitors.



F. Research Projects

4.22 From Cell to Society: A Study on the re-integration of Released Prisons in Kerala and Tamil Nadu

- i. The Commission approved a research proposal titled 'From Cell to Society: A Study on the re-integration of Released Prisons in Kerala and Tamil Nadu' by Dr. R. Santhosh, Assistant Professor (Sociology), Department of Humanities and Social Sciences, Indian Institute of Technology Madras, Chennai on 14.09.2018. The duration to complete the research project was nine months with a financial assistance of Rs. 11,23,375.
- ii. Purpose of the study:
 - » To examine the psychological factors affecting the released prisoners.
 - » To look into the complex process of social integration in which there are a number of components like familial relations, role of community dealing with social stigma and discrimination and so on.
 - » To understand the questions related to livelihood issues and economic independence.
 - » To reflect on the efficacy of various schemes & programmes in the prison as well as on the wider social factors including social stigma, livelihood issues, familial conditions etc.
- iii. Aim: To explore the theme of social integration of released prisoners from central prisons of Kerala and Tamil Nadu.
- iv. Findings and Recommendations:
 - » The prison administration system must give enhanced importance to the correctional aspect.
 - » The sentence of imprisonment must be understood as the punishment for the crime committed and the life within the prison must be seen as the opportunity for the offenders to reform themselves and re-enter into society
 - » As a primary step a systematic classification of prisoners must be introduced in every prison.
 - » A host of new-age crimes such as the ones come under POSCO, Domestic Violence Act, crime against women and children, cybercrimes, UAPA and so on require more sophisticated intervention plan in the prisons so that the offenders are given specialized counseling, awareness programs and psycho-social interventions so that there is a definite attitudinal change takes place among them.
 - » The correctional aspect of prison must be seen as a pivotal domain that requires the service of qualified professionals.



- » The office of welfare officers must be strengthened and all vacancies must be filled. The roles and responsibilities of welfare officers could be bifurcated into two: One, focusing on the regular welfare activities of the inmates and second, focusing on facilitating their rehabilitation and proper reintegration into the society.
- » Welfare Officers must be encouraged to develop better ties with NGOs and other agencies outside the prison and explore various avenues available in the society to help rehabilitation and reintegration of released prisoners.
- » Skill enhancement programs and vocational programmes introduced in the prison must be sensitive to the changes taking place outside the society.
- » A separate cell of probation officers could be created within the existing system
- » Probation system must be strengthened with more manpower and additional resources. A support system comprising of social work/ counseling professionals must be set up in every district to provide support to probation officers and the smooth functioning of the system. In Kerala probation assistants are appointed on an ad-hoc basis to help probation officers and this is a welcome step and can be replicated in other places as well.
- » Half-way-homes must be set up to accommodate released prisoners for a specific time who face difficulty in adjusting with their release after prolonged years of incarceration. Such homes must function as active spaces that facilitate the transition of the prisoner's life from the prison to the society.
- » The executive staff of the prison must be provided with sufficient training in criminology, social work and counseling so that they have a more comprehensive understanding of their roles and duties and the prison as a correctional institution.
- » The government is yet to come up with a rehabilitation policy of released prisoners either at the Centre or at the state level. In the absence of such a comprehensive policy, there cannot be any concerted and well thought-out initiatives from the states in this direction.

4.23 An Empirical Study on the Status of Undertrial Prisoners in Gujarat Central Jails

- i. The Commission approved a research proposal titled '**An Empirical Study on the Status of Undertrial Prisoners in Gujarat Central Jails**' by Prof. (Dr.) Purvi Pokhariyal, Director, Institute of Law, Nirma University, Ahmedabad, Gujarat on 14.09.2018. The duration to complete the research project is nine months with a financial assistance of Rs.1,15,000/-.
- ii. The area/coverage of study: Four major Gujarat Jails: Sabarmati Central Jail, Vadodara Central jail, Rajkot Central jail & Lahore Central Jail (Surat).
- iii. Purpose of study: To conduct an empirical research study on the status of under-trial prisoners in the prisons with focus on their health, growing number of suicide and



overstay/lingering on in the prisons for longer duration even after expiry of sentence terms.

4.24 Analysis of Trends and Patterns of Deaths in Prison and in Police Custody: An Analytical Study of such deaths in Maharashtra, Uttar Pradesh, and Delhi

- i. The Commission sponsored and entrusted a research project on **Analysis of Trends and Patterns of Deaths in Prison and in Police Custody: An Analytical Study of such deaths in Maharashtra, Uttar Pradesh, and Delhi** to Dr. Mohammad Aslam, Assistant Professor, Department of Political Science, Aligarh Muslim University.
- ii. Objectives of the Study
 - » To examine the trend and patterns of deaths in prison and police custody and its impact on the society.
 - » To study the cause and consequences of deaths in prison and police custody in the light of human rights jurisprudence.
 - » To examine the effectiveness of existing laws at the National and International level to curb and control such incidents.
 - » To list the data on custodial deaths and deaths in prisons.
 - » To analyze the present status of human rights of prisoners in the country.
 - » To examine the extent to which custodial violence contributes to deaths.
 - » To suggest the course of action that could be taken by the Government and voluntary organizations to curb these atrocities and violations of human rights of the prisoners.
- iii. Locale: Maharashtra, Uttar Pradesh and Delhi.

4.25 Custodial Deaths: Trends and Patterns in Jharkhand, Bihar and West Bengal

- i. The Commission approved a research project on **Custodial Deaths: Trends and Patterns in Jharkhand, Bihar and West Bengal** to be undertaken by Dr. Anwar Alam, Professor, Policy Perspective Foundation.
- ii. Objectives of the Study:
 - » To understand and highlights the magnitude of custodial deaths (prison deaths and deaths under police custody) in India;
 - » To comprehend and analyze the various reasons behind custodial deaths in various forms- the causative and contributory factor;
 - » To examine the pattern and trends in custodial deaths e.g. economic, sociological and psychological aspects of custodial deaths
 - » To examine the role of Police Officials, Jails Authorities and judicial inertia in the matter of custodial deaths;



» To decipher the signs and symptoms of possible suicides.

iii. Locale: Jharkhand, West Bengal and Bihar

G. Conditions of Prisons: Visits to Jails

- 4.26 Under the provision of Section 12(c) of Protection of Human Rights Act (PHRA) 1993, the Commission can visit any jail or other institution under the State Government to study the living conditions of the inmates, where persons are detained or lodged for the purpose of treatment, reformation or protection. Accordingly, Special Rapporteurs appointed by the Commission undertake visits to various jails in the country and facilitate the Commission in discharging its sensitive and demanding responsibilities by making suggestions/recommendations after observing the prevailing conditions.
- 4.27 **Special Rapporteur, NHRC visited Arthur Road Central Jail, Mumbai on 9th July, 2019** to understand the living conditions of the prisoners and under-trials. Dr Aggarwal made certain key observations and recommendations after his visit to Arthur Road Central Jail. He highlighted that the infrastructure of the jail is over 100 years old which needs to be renovated. Issue with regards to shortage of personnel and Medical staff needs to be addressed. Posts have been created in proportion to 800 inmates when the total number of inmates is around 3400. It also lacks proper medical facilities. The jail should have 150 beds in its hospital, but in actuality, it has only 20 beds.
- 4.28 **Dr. Vinod Aggarwal had a discussion with Director General Prisons, Maharashtra about the Jail Administration on 10th July 2019** and drafted a general report about the jails wherein he gives a bird eye view of the prison and its administration, along with their best practices, in the State of Maharashtra. There are 9 central jails and 17 District Prisons in Maharashtra with an aggregate capacity of 24032, but at present housing 36195 inmates. Therefore, all overcrowded Jails need immediate measures of reducing the number of inmates either by speeding up the trials, opening more of the open jails or liberal remission policy and construction of additional jails. These jails are very old and in dire need of renovation. He further stated that there are 8 posts of psychiatrist and psychologist, out of which only 4 have been filled. All Central Jails and Kalyan District Prison required a team of Psychiatrist and psychologist at all times. While in other districts Jails position of psychologist and psychiatrist may be created whose work can be overseen by Jail Physician or District Psychiatrist in the district hospital. Finally, the Public-private partnership (PPP) Model should be encouraged in Central Jails for the creation of more jobs and subsequent revenue.
- 4.29 **Special Rapporteur, NHRC visited Yerwada Central Jail, Pune on 11th July, 2019.** He is of the opinion that immediate judicial attention must be taken for pending under-trial cases as 167 out of 4411 under-trial prisoners are undergoing imprisonment since 5 years. He believes that a new jail is needed to be constructed outside the city as the Jail is within the fringe of the town and the jail is unable to accommodate 5868 inmates as the jail has housing capacity for 2449 prisoners solely. The posts of psychologists, sociologists, and social workers are the need



of the hour within the prison for training, assessment and rehabilitation of prisoners. He further recommended that a hospital should have at least 200 beds as there is insufficient number of hospital beds in the men and women prison.

- 4.30 **Special Rapporteur for Central Zone Dr. Vinod Aggarwal visited Shaheed Khudi Ram Bose Central Jail, Muzaffarpur, Bihar on 26th July, 2019.** On his observation he recommended that Under-Trial Cases: Immediate judicial attention must be taken to resolve cases of under-trial prisoners. Further, A usability certificate should be provided to jail to ensure safety of prisoners in jail during natural disasters such as earthquakes etc. Regular check-ups and mental health related facilities through sociologists and psychologists be provided. Quality and availability of drinking water needs to be checked. He also observed that the inmates are allowed to meet only blood relatives only after police verification. It needs to be extended to family and friends as permitted in other jails of the country.
- 4.31 **Special Rapporteur, NHRC visited Colvale Central Jail, Goa on 27th August, 2019.** He observed that Jail has 331 under-trial prisoners out of 477. 21 under-trial prisoners are there for more than 5 years. Therefore, he recommended speedy trial for the under-trial detainees. Also, he has observed. Laxity on the part of the State Sentence Review Board (SSRB) in releasing prisoners. There are 22 prisoners who have completed 14 years in the Jail. He believes that as per rule 397 of Goa prison manual they should have been released long time back.
- 4.32 **Dr. Vinod Aggarwal had a discussion with Inspector General Prisons, Goa about Jail Administration on 28th August, 2019.** He observed that there are 36 percent vacancies. The post of psychiatrist and psychologist are not created and the jail has 40-45 Patients in need of immediate psychological intervention. The Jail hospital is not functioning properly. Therefore, the issue with regards to medical facilities needs to be addressed. With more than 173 convicts and 336 under-trial prisoners in Goa Jail, the jail authorities should provide opportunities to train and work. The wage should be disbursed as per the Bureau of Police Research and Development (BPRD) norms
- 4.33 **Dr. Vinod Aggarwal had a discussion with DG Prisons, Madhya Pradesh about Jail Administration on 23rd September, 2019.** He observed that the total capacity of Jail is for 28578 inmates, however, there are 43091 inmates. Therefore the number of inmates is about 151% higher of the capacity. The infrastructure of the jail is over 100 years old and needs renovation. The issue of overcrowding also needs to be addressed. The arrangement and training of cadre is not enough although the regional jail management and research institute has a capacity of 50 trainees. This building should be kept for officers, deputy superintendent and assistant superintendent at this training place who are about 4000 and further expansion may require at the training place. Further, Madhya Pradesh has 6 open prisons with the capacity of 90. However, the number is too less. Construction of open prisons can be a great way to reduce the expenditure behind its construction.
- 4.34 **Special Rapporteur, NHRC visited Bhopal Central Jail, Madhya Pradesh on 23rd September, 2019.** The Central Jail was constructed approximately 27 years back. The Central Jail has enough



land with 151 acres along with the installation of modern design. The Jail is meant to house 2600 prisoners. However, at present the Jail holds 3455 inmates. Few inmates going through rigorous imprisonment have been employed but the wage given to the inmate is low. Therefore, the administration must follow the BPRD guidelines for the same. There are 1366 under-trial prisoners. The Criminal Justice System must ensure speedy trial for the detainees. Further, all the vacant posts for doctors and medical support need to be filled. It is recommended that the hospital at the women jail should be fully operational.

- 4.35 **Special Rapporteur, NHRC visited District Jail Vidisha (Madhya Pradesh) on 24th September 2019.** He made observations with regard to the infrastructure of the jail which is over 100 years old and needs to be renovated. The positions of jail superintendent and jail doctor are vacant. Among the other senior positions, 1 post of Assistant doctor is vacant. Further, 2-3 positions of warders are vacant. Therefore, these places need to be filled. He also found out that one prisoner died due to medical negligence in the year 2017; such cases must be reviewed and necessary actions need to be meted out.
- 4.36 **Special Rapporteur, NHRC visited Thane Central Jail, Maharashtra on 26th November, 2019** to understand the living conditions of the prisoners and under-trials, and to see whether their rights are being respected by the local jail administration. The Jail is built to house 1105 prisoners only, however there are a total of 3799 inmates. There are 17 barracks which are almost overcrowded, thus making it imperative to address the issue of overcrowding. Further, the issue of acute shortage of personnel needs to be addressed. The Jail administration demanded more than 300 personnel, but this proposal is pending in the home department. Dr Aggarwal also observed that the visitation rights of the prisoners are at great variance from other States. At present the inmates are allowed to meet only immediate blood relatives that also after rigorous police verification and under unreasonable restriction. Therefore, the visitation rights of the Correctional Homes need to be reviewed.
- 4.37 **Special Rapporteur, NHRC visited Aurangabad Central Jail on 28th November.** Some of the key observations and recommendations included to give attention to the acute overcrowding of the jail and refurbish its dilapidated infrastructure. Further, look into the problem of administrative and health personnel shortage. Dr. Aggarwal also highlighted the issue of under-trial detainees who need speedy trials.
- 4.38 **Shri Umesh Kumar, Special Rapporteur, North East Zone visited Central Jail, Jorhat, Assam** to understand the living conditions of the prisoners and under-trials and to see whether their rights are being respected by the local jail administration or not. The jail has significant overcrowding (111% of the capacity) and a disproportionate number of Under-trial prisoners (70%) as are the case with most of the jails across the country. It has been recommended to the jail administration that the Under-trial prisoners must be mandatorily provided with the datasheet at the time of admission stating the duration, date of admission, nature of offence and maximum punishment. The health facilities were also found to be inadequate mainly in terms of shortage of personnel and beds. In addition, there was a general shortage of jail staff,



especially for the positions of warders and staff nurses. Of the total sanctioned positions, 30 percent remain vacant which were recommended to be filled up on a priority basis. Compliance with BPRD norms in payment of wages for the work done by inmates was also recommended.

- 4.39 **Special Rapporteur, Central Zone visited Nashik Road Central Jail, Maharashtra.** The jail infrastructure was found to be in a poor state and construction of new premises away from the core areas of the city was recommended. It was found that the amendment of Maharashtra prison rules had made furlough very difficult for the inmates. And the visits were restricted only to immediate blood relatives and that too after police verification which seemed very harsh. The Special Rapporteur suggested that the concerned administrative wing of the Commission must ensure that the magisterial inquiry report regarding custodial deaths in the jail premises be filed positively within 30 days after the unnatural death. Importantly, an effort may be made towards ensuring uniformity in prison rules across the country under the guidance of MHA and the Commission, so that differences in State Sentence Review Boards, treatment of prisoners regarding parole, furlough and visitation rights are not at great variance across the states.

H. Illustrative Cases in the year 2019-20

a) Custodial Deaths

1. Death of a prisoner, Gurmeet Singh aged 27 years, who was found hanging in the Central Jail, Ferozepur, Punjab

(Case No. 541/19/5/2016-JCD)

- i. This case relates to the custodial death of a convict, Gurmeet Singh son of Jagdish Singh (27 years of age) on 22.5.2016 when he was found hanging inside the de-addiction ward of the Central Jail, Ferozepur, Punjab.
- ii. Taking cognizance in the matter the Commission obtained reports like inquest report, post mortem report, magisterial enquiry report etc. from the authorities concerned. On analysis of the reports, the Commission observed that the deceased convict, admittedly, was a known case of drug abuse. The Jail authorities had shifted him to the de-addiction ward on 20.5.2016 but the convict prisoner was not watched properly in the de-addiction ward. Despite the fact that the deceased was suffering from depression, as observed by the Magistrate in Magisterial Inquiry Report (MER), yet the jail authorities were not vigilant and careful in respect of the prisoner's nature. The lapses on the part of the Jail authorities led to an opportunity for the deceased to hang himself inside the Jail and consequent death. By applying principle of vicarious liability, show cause notice was served upon Chief Secretary Government of Punjab, as to why the monetary compensation of Rs. 2,00,000/- (Rupees Two Lakh Only) should not be recommended under Section 18(a) of the PHRA, 1993 to be paid to the next-of-kin (NoK) of the deceased convict prisoner Gurmeet Singh. The said recommendation was complied with by the State Government by paying the same to the mother of the deceased.



2. Death of an UTP Saikat Ganguly (Subo), aged 25 years in the judicial custody of Dum Dum Correctional Home Kolkata, West Bengal

(Case No. 231/25/5/2014-JCD)

- i. The Commission in this case, observed that under-trial prisoner (UTP) Saikat Ganguly (Subo), 25 years young man died in judicial custody at Dum Dum Central Correctional Home. The initial health screening report of the deceased, revealed that there were injuries on several parts of the body due to assault while the UTP was brought to Dum Dum Central Correctional Home and he had to be immediately rushed to R.G. Kar Medical College Hospital as a life saving measure for treatment. The inquest report revealed fresh marks of assault on both shoulder, chest, back and buttock of the deceased. The post mortem report revealed many injuries on the body of the deceased UTP and the case was opined to be due to effects of these injuries homicidal in nature. The Commission further observed that the Judicial Magistrate, Barrackpore North 24 Pargana in his enquiry report had concluded that the deceased was assaulted by police of Police Station Noapara after his arrest, due to which he died.
- ii. The Commission held that any person who is in the custody of the police or the prison authorities, though his liberty is curtailed because of due process of law, but his life is to be protected by the State. In the instant case the police officials of Police Station Noapara had beaten the under-trial-prisoner Saikat Ganguly (Subo) mercilessly and consequent upon injuries sustained in the beating, he died during treatment. Therefore, the public servant had committed a crime in the police station whereas the police authorities were supposed to protect the life of the prisoner. For the act of these officials the State was held as vicariously liable and therefore, the Commission directed its Registry to issue a notice to the Chief Secretary Government of West Bengal calling upon him to show-cause, within 8 weeks, as to why monetary compensation of Rs. 2,00,000/- (Rupees Two Lakhs Only) should not be recommended under Section 18(a)(i) of Protection of Human Rights Act, 1993 to the NoK of the deceased UTP Saikat Ganguly.
- iii. The State submitted its compliance report.

3. Death of Binu (Mekku Binu) in the custody of police at P.S. Thampanoor, Thiruvananthapuram City, Kerala

(Case No. 750/11/12/2015-PCD)

- i. The Commission received an intimation regarding the death of Binu (Mekku Binu), on 29.7.2015, while in the custody of police of Police Station Thampanoor, Thiruvananthapuram City, Kerala, from the District Police Chief, Thiruvananthapuram. The police claimed that deceased Binu pick pocketed a sum of Rs.1600/- (Rupees One Thousand Six Hundred Only) from Ravi. He was caught by the public and manhandled by them. Binu, however, managed to escape and while escaping, he jumped over the compound wall of



Chenthitta Temple and fell down and sustained injuries. The police reached the spot and brought Binu to Police Station Thampanoor. At the police station Binu felt giddiness and showed symptoms of fits. He was immediately taken to General Hospital where the doctor declared him brought dead.

- ii. The Commission on 07.08.2015 took cognizance of the intimation and called for reports from concerned authorities.
- iii. The post mortem report of the deceased mentioned the cause of death due to occlusive coronary artery disease. The injury noted on the head could have accelerated the disease and precipitated death.
- iv. Initially, the magisterial enquiry of the incident was conducted by Sub-Divisional Magistrate (SDM), Thiruvananthapuram. He held that as the relatives of the deceased expressed suspicion on his death, he was of the view that to determine whether there is any truth in the allegations of the relatives of the deceased, a detailed enquiry is required in the matter by a Judicial Magistrate.
- v. Subsequently, a detailed enquiry was conducted by Judicial Magistrate First Class-III, Thiruvananthapuram. During the course of enquiry, the Magistrate recorded the statement of the Autopsy Surgeon and other witnesses. The relatives of the deceased were, however, not examined by the Magistrate. On examination of the statement of witnesses and other evidence, the Magistrate concluded that none of the witnesses stated that they saw deceased Binu falling on the ground or anybody beating him. The Magistrate also could not establish as to how the deceased sustained the injuries and held that he died as a result of the reasons mentioned in the post mortem report.
- vi. Upon consideration of the above facts and circumstances as revealed in the reports received from the authorities concerned, the Commission vide proceedings dated 12.09.2018 observed and directed as under:

"Commission has carefully considered the materials on record. It has been stated by the police that one Ravi was pick pocketed [pickpocketed] by the deceased but he was not examined in the magisterial enquiry. The family members of the deceased, who raised doubt about the death of [the] deceased in the first magisterial enquiry were not examined by the Magistrate in the second magisterial enquiry. The post mortem report of the deceased indicated a contusion on left side of back of head and an abrasion on left leg knee, which are improbable together in a fall from the wall. The police has also not registered any case on the statement of Shri Ravi that he was robbed off Rs.1600/- by the deceased. No independent witnesses deposed before the Magistrate that they have seen the deceased being manhandled by [the] public who caught him. Even if we believe that the deceased was in a serious injured condition especially with head injury, when the police took him in their custody, he should have been taken to hospital first for giving prompt medical treatment



but the police took him to police station. If the police acted promptly and [had] taken him to hospital first, his life could have been saved[.],

In the light of above discussions, the Commission doubts about the police story of the incident regarding the circumstances of death of the deceased and providing timely medical care to the deceased by the police to save his life. A notice u/s 18 of the Protection of Human Rights Act, 1993 be issued to the Government of Kerala requiring it to show cause as to why an amount of Rs. Five Lakhs be not recommended to be paid to the NoK of the deceased Bind. Chief Secretary, Govt. of Kerala shall respond to the show cause notice within eight weeks."

- vii. In response to the show cause notice, the Government of Kerala informed that there was no negligence or delay on the part of the local police in giving proper medical care to the deceased and there was no lapse or harassment on the part of the Police. Therefore, the Kerala Government was not in a position to grant any compensation to the dependent of the deceased Mekku Binu.
- viii. After considering the contention of the Government of Kerala, the special circumstances and the nature of negligence by the police in not providing timely medical treatment resulting in loss of life, the Commission vide proceedings dated 25.04.2019 recommended to the Government of Kerala to pay a monetary compensation of an amount of Rs. 3,00,000/- (Rupees Three Lakhs Only), instead of Rs. 5,00,000/- (Rs. Five Lakhs Only) as proposed earlier, to the NoK of the deceased Binu (Mekku Binu).
- ix. Additional to the Chief Secretary, Government of Kerala vide communication dated 18.08.2019 has conveyed the sanction accorded by the State Govt. for payment of monetary compensation of an amount of Rs. 3,00,000/- (Rupees Three Lakhs Only) to the NoK of the deceased Binu (Mekku Binu). The proof of payment is still awaited.

4. Death of Bhaskar S/O Shri Virender Singh Gosai and Sachin S/o Om Praksh in the custody of police of PS, Fakurpur, Distt. Yamunanagar, Haryana

(Case No. 618/7/20/2012)

- i. In the present case, the Commission has received a complaint from Shri Virender Singh Gosai, R/o House No.1185, Bank Colony, Yamunanagar, Haryana alleging that his son Bhaskar and Sachin son of Om Praksh were picked up from their homes by the police and later on their dead bodies were found at the railway track. Taking cognizance in the matter, the Commission called for an action taken report from the Director General of Police, State of Haryana. In response, a report was submitted by the Superintendent of Police (SP) Yamuna Nagar stating therein that Bhaskar and Sachin were in police custody and they were allegedly sent for medical treatment to the hospital.
- ii. The Commission had observed from the report that Sub-Inspector (SI) Joginder Singh and the in-charge of the Police Station, Fakurpur had not made any entry about the formal arrest in the police record. They were illegally detained by the police and thereafter they



were found dead at the railway track. The report of the SP was also silent about the fact that when they were in the police custody, how they could reach the railway track where their dead bodies were found.

- iii. From the infirmities in the report, the Commission had arrived to the conclusion that , in such circumstances, Bhaskar and Sachin were both murdered in police custody and their human rights were violated by the police of Police Station Fakurpur, Yamuna Nagar, Haryana.
- iv. The Commission had then directed its registry to issue a notice under Section 18(a)(i) of PHRA 1993 to the Chief Secretary, Government of Haryana, to show cause as to why the Commission should not recommend monetary compensation to the NoK of the deceased Bhaskar and Sachin for violation of their human rights by the police of Yamuna Nagar, Haryana.
- v. Subsequently, Director General of Police, Haryana had vide letter dated 8/3/2018 forwarded the report of SP, Yamuna Nagar dated 19.2.2018 stating therein that the complainant had filed a WP No.12315-12 before the Hon'ble High Court of Haryana in the matter and the Court had appointed an SIT to enquire into the matter and the enquiry is going on.
- vi. SP, Yamnua Nagar was apprehensive of the intervention of the Commission in view of fact that the matter was sub-judice. The Commission perused the objection raised by the SP, Yamuna Nagar and held that this Commission was only concerned with the violation of human rights by public authority. Even if a matter was sub-judice, it doesn't stop the jurisdiction of the Commission for payment of monetary relief under Section 18(a)(i) of PHRA, 1993 for violation of human rights by public servants. The Commission has been established for looking into the commission or omission on the part of the public servants and if they are involved in violation of human rights to take it to the logical conclusion and these proceedings are proceedings of a Civil Court. Therefore, the proceedings of the Commission are separate and distinct from the proceeding in the criminal offences before the criminal Court. Hence the Commission recommended the Chief Secretary, Government of Haryana to pay a monetary compensation of Rs.1,00,000/- (Rupees One Lakh only) each to the NoK of the two deceased Baskar and Sachin and file the proof of payment within six weeks. That direction of the Commission was complied with by the State by submission of a compliance report.

5. Death of a 17 year old child, Kiran Hasavavraj Wagh in the custody of Child Home, Ahmednagar, Maharashtra

(Case No. 1943/13/1/2017DH)

- i. The commission received an intimation from the District Magistrate (DM), Ahmednagar about the death of a 17 year old child, Kiran Hasavavraj Wagh, while he was in the custody of Child Home, Ahmednagar, Maharashtra.



- ii. The Commission examined all the relevant reports relating to the death of the deceased, as furnished by the State authorities. The magisterial enquiry report prepared by the Chief Magistrate, Juvenile Court concluded that due to negligence of the Caretaker and the Superintendent of the said home, the deceased, who had successively failed in his earlier three attempts managed to commit suicide on his 4th attempt. According to the enquiring Magistrate, had the Caretaker been alert on duty, the incident could have been averted.
- iii. The Commission carefully considered the materials on record and took note of the facts and circumstances of the case. Prima facie, there appeared to be negligence on the part of the Caretaker and Superintendent of the Child Home, in not being vigilant, as a result of which the unfortunate incident occurred. The Commission was in complete agreement with the finding of the enquiring Magistrate. The negligence shown to the deceased by the concerned officials amounted to violation of his human rights. The Chief Secretary, Government of Maharashtra was directed to show cause as to why a compensation of Rs. 2,50,000/- (Rupees Two Lakh Fifty Thousand Only) should not be recommended to be paid to the NoK of the deceased, within six weeks.
- iv. In response to the same, a report was where it was stated that no official of the Bal Griha could be said to be negligent as the deceased got up in the midnight and committed suicide by hanging herself to a tree.
- v. The Commission took note of the contents of the replies and found that there is nothing on record to differ with the findings of the Enquiring Magistrate. In the above circumstances, the Commission recommended to the State of Maharashtra to pay a compensation of Rs. 2,50,000/- (Rupees Two Lakh Fifty Thousand Only) to the NoK of the deceased, within six weeks. The Chief Secretary, Government of Maharashtra has been directed to submit compliance along with proof of payment, within a period of six weeks.

6. An inmate of the District Jail, Jhansi, Uttar Pradesh, namely Prem Prakash Singh (Munna Bajrangi), killed by one Sunil Kumar Rathi, in Baghpat Jail, where the deceased was kept to present him before a court

(Case No. 33323/24/40/2017)

- i. In the present case, the Commission received a complaint dated 13.10.2017 from Smt. Seema Prem Singh in which she stated that her husband Prem Prakash Singh (Munna Bajrangi) is detained in District Jail, Jhansi, Uttar Pradesh in connection with a case of murder which is pending in Tis Hazari Courts, Delhi. She apprehended that during the journey, he may have been murdered in a fake encounter. Taking cognizance in the matter, the Commission called for a report from the Inspector General of Prisons, Government of Uttar Pradesh.
- ii. The matter was considered by the Commission from time to time and the report received in the matter was considered by the Commission. It was stated in a report dated



4.4.2019 submitted by the Senior Superintendent of Police, Jhansi, that the allegations of killing the husband of the complainant during journey in a fake encounter were not substantiated during the enquiry conducted in the matter. It was further stated that her husband had been killed by Sunil Kumar Rathi within the District Jail, Bhagpat. A case had been registered in the District Bhagpat. Further the report received in the matter from the Superintendent of Police, Bhagpat, revealed that a case crime number 377/2018 was registered against accused person Sunil Kumar Rathi in connection with the murder of complainant's husband Shri Prem Prakash Singh (Munna Bajrangi). After completion of investigation, charge sheet No. 392/2018 had been submitted in the Court. Further another dated 15.4.2019 was received in the matter. It was reported therewith that Shri Prem Prakash Singh (Munna Bajrangi) was murdered while he was detained in district jail, Bhagpat. A criminal case No. 377/2018 was registered regarding the murder and another case No. 378/2018 was registered under the provisions of Arms Act because he was killed by a pistol. After completion of investigation, charge sheets had been submitted in the Court.

- iii. Upon consideration of the material on records, the Commission opined that the husband of the complainant was killed within the premises of District Jail, Bhagpat. That shows carelessness on the part of the jail authorities. It is the duty of the State to provide adequate security for the persons who are in their custody. As such it is a prima-facie case of violation of human rights of the deceased prisoner Shri Prem Prakash Singh (Munna Bajrangi) and the State Government is vicariously liable to compensate the NoK of the deceased person.
- iv. The Commission on 14.05.2019, directed to issue notice under Section 18(a) of the Protection of Human Rights Act, 1993, to the Government of Uttar Pradesh, through its Chief Secretary to show cause as to why Commission should not recommend monetary relief for the next of kin of the deceased person Shri Prem Prakash Singh (Munna Bajrangi). The Chief Secretary and Director General of Police, Government of Uttar Pradesh were directed to submit their reports regarding the action taken against the jail officers/officials due to whose negligence the incident occurred."
- v. No response to the Show Cause Notice was received. The Commission opined that prima-facie a case of violation of human rights of the deceased Shri Prem Prakash Singh (Munna Bajrangi) is made out and the State Government is vicariously liable to pay monetary compensation to his NoK. Keeping in view the facts and circumstances of the case, the Commission, therefore, on 08.08.2019 recommended to the Government of Uttar Pradesh, through its Chief Secretary, to pay compensation of Rs. 5,00,000/- (Rupees Five Lakhs) to the NoK of the deceased. The Chief Secretary, Government of Uttar Pradesh has been directed to submit compliance report along with proof of payment within six weeks.
- vi. The compliance report along with proof of payment is yet to be received.



b) Unlawful Arrest, Illegal detention and Torture

7. Custodial torture by police (Investigation Division)

(Case No. 969/22/13/2017)

- i. The Commission received a complaint from Shri S. Sundaravelu of District Thiruvallur (Tamil Nadu) alleging picking up by the police and his custodial torture. It was alleged that the police personnel of Kannagi Nagar Police Station beat him brutally and broke both his legs. It was also alleged that the police officials asked him to drink urine and to eat human excreta. According to the complainant after coming out of jail he had to spend Rs. One Lakh for his treatment.
- ii. The State Authorities through various reports reiterated a single and identical version that Shri Sundaravelu was indeed arrested in connection with Case FIR No.102/2017 under Section 294(b) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment (TNPWH) Act. It was denied that he was illegally detained and tortured while in police custody. A copy of the State Report which substantially denied the allegations in the complaint was sent to the complainant for his comments, who reiterated his allegations and stated that he has evidence in his possession about his custody to prove his allegations as and when called for. The Commission got the matter examined and analyzed through its Investigation Division. The Investigation Division of the Commission also conducted a spot inquiry in order to verify the facts and allegations in the complaint and to find out the truth in the matter.
- iii. The spot inquiry by the Investigation Team found holes in the story put forth by the State Police. It was found that General Diary (GD) entries regarding the movement of Police to arrest Shri Sundaravelu, his arrest and accidental fall, his movement to the hospital or to the jail were not made. At the time of his arrest, no injury was found on the body of the complainant. However, after the arrest when he was taken to the doctor at Chrompet Hospital for examination i.e. the day of arrest, the doctor found swelling on both the knees and advised orthopedic examination. But the police did not take him for any such examination. Shri Sundaravelu was produced before the concerned Magistrate, who allegedly ignored the complainant's version of custodial torture and remanded him to police custody. When the police took him to the Central Jail, Puzhal, the Jail Authorities refused to accept Shri Sundaravelu as he was having injuries and directed to re-examine him in the Royapettah Government Hospital. The medical treatment at Royapettah Hospital reveals fracture on both the knees of Shri Sundaravelu. He was then again taken to the Central Jail, Puzhal where he was treated and was released on bail. The Jail Doctor stated before the NHRC Investigation team that the victim, Shri Sundaravelu was diagnosed with fracture and this type of fracture might be due to torture during police interrogation. The X-ray produced by Shri Sundaravelu also confirms fracture on the knee.



- iv. From the above, it is crystal clear that when the complainant, Shri Sundaravelu was arrested, he was not having any injury, but after about four hours when he was produced before the doctor at Chrompet Hospital, he was having pain and swelling over both the knees, which were later confirmed to be fracture at Royapettah Hospital on the same day. Thus, there is no iota of doubt about Shri Sundaravelu's torture by the police in custody to the extent that they caused fracture on both his legs.
- v. During the spot enquiry, the Commission's Investigation Team also came to know that there are 91 other under-trial prisoners in Puzhal Central Jail with fractures on different parts of the body such as forehead, forearm, knees etc. at the time of their admission in the jail. The Investigation Team has procured the Health Screening Reports of these 91 under-trial prisoners at the time of their entry into prison. These Health Screening Reports reinforce the reasonable suspicion that the kind of torture causing fracture on the limbs of the prisoners is rampant, which is extremely worrisome to say the least.
- vi. The Commission accepted all the recommendation of the Investigation Division and:
 - » directs issuance of notice under Section 18 of the Protection of Human Rights Act to Government of Tamil Nadu through its Chief Secretary to show cause as to why the Commission should not recommend payment of compensation of Rs. 3 Lakhs to be paid to the complainant/victim Shri Sundaravelu for the custodial torture that he was subjected to in violation of his human rights.
 - » recommends that Director General of Police, Tamil Nadu ensures that criminal case is registered against the police officials, who are alleged to have caused above custodial torture and to take necessary action as per law.
 - » directs the Director General of Police, Tamil Nadu to procure the initial Health Screening Reports of the prisoners in other Central Jails in the State of Tamil Nadu, which indicate "fracture" along with the list of such prisoners.

8. Smt. Aparna Marandi, her four year old son Alok Chandra, a relative Satish, aged 16 years, and her two friends Baby Turi and Sushila Ekka illegally detained and mentally tortured by the Police from Hatia Railway Station, Ranchi, Jharkhand

(Case No: 1598/34/16/2012)

- i. The complainant Smt. Tania Devaiah, a human rights activist, alleged that Smt. Aparna Marandi, her four year old son Alok Chandra, a relative Satish, aged 16 years, and her two friends Baby Turi and Sushila Ekka were picked up by the Police from Hatia Railway Station, near Ranchi, Jharkhand. They were illegally detained and mentally tortured. Baby Turi, Sushila Ekka and Satish were released the same day, but Smt. Aparna Marandi and her son were detained illegally for more than 24 hours without being produced before the Magistrate.
- ii. The Commission, after perusal of a report in the matter obtained from the State authorities, observed that, though only Aparna Marandi was allegedly involved in a case vide FIR No.



52/12 of Police Station Kathikund, District, Dumka, but other victims were not connected to the case in any way whatsoever. Accordingly, the Commission issued a notice to the Principal Secretary, Department of Home, Government of Jharkhand, through its Chief Secretary, requiring him to show cause as to why the Commission should not recommend payment of Rs. 10,000/- (Rupees Ten Thousand Only) each to the victims Baby Turi, Sushila Ekka and Satish, as compensation for violation of their human rights.

- iii. In response, a report was received in the Commission whereby the Joint Secretary, Government of Jharkhand reported that the recommended amount has been sanctioned by the State authorities. and the same has been placed at the disposal of Deputy Commissioner Dumka, for disbursement to the victims as per the recommendation of the commission and to submit compliance at the earliest. Upon consideration of the report, the Commission directed Deputy Commissioner, Dumka, to disburse the relief to the victims, strictly as recommended by the Commission, at the earliest.

9. The complainant's son picked up from his house and tortured by the Police, PS Bangarmau, District Unnao, Uttar Pradesh for extortion of money by police

(Case No: 29000/24/71/2015)

- i. The complainant, Shri Raj Bahadur Katiyar, alleged that his son was picked up from his house by the Police, Police Station Bangarmau, District Unnao, Uttar Pradesh and was tortured in police custody. It was further alleged that the Station Officer (SO), Police Station Bangarmau, extorted Rs. 2,00,000/- (Rupees Two Lakhs Only) from the Complainant's father for release of his son. The Complainant sought the intervention of the Commission for release of his son and action against the erring Police personnel.
- ii. Having considered the reports obtained from the Uttar Pradesh Police, the Commission observed that human rights of the victim were violated by the police concerned and issued a notice to the Government of Uttar Pradesh, through its Chief Secretary, requiring it to show cause within six weeks as to why the Commission should not recommend payment of Rs. 50,000/- (Rupees Fifty Thousand Only) as compensation to the victim for his illegal detention in Police custody.
- iii. In response it was reported by the SP, Unnao, that the victim was paid the recommended compensation and the amount of Rs 50,000/- (Rupees Fifty Thousand Only) had been transferred to his Bank account and proof of payment was also submitted with the report. It was also reported that the SP Unnao has been asked to recover the said amount from the erring police officials.

c) Police High-handedness

10. A serving Delhi Police official robbed her husband and shot him inflicting fatal injuries, and also shot another person who had tried to nab her.

(Case No. 7057/30/4/2011)



- i. A complaint alleging that a serving Delhi Police official, not only robbed gold ornaments of her husband but also shot at him inflicting fatal injuries. In an attempt to escape from the spot of crime, the accused had also shot at another person, who tried to nab her. That person reportedly succumbed to injuries during his treatment at the hospital.
- ii. On perusal of the complaint, the Commission called for an action taken report from the concerned authorities. Accordingly, the DCP, North District, Delhi Police submitted a report. It was stated in the report that the accused police official was posted as head constable in the 7th Battalion of Delhi Armed Forces. She had been arrested and FIR no. 128/11 dated 25-9-2011 was registered against her u/s 394/397/302/307 IPC and 25/27 of Arms Act. She had also been dismissed from service.
- iii. The Commission observed that the State was vicariously liable for the violation of the right to life of the deceased, hence for compensation to the NoK of deceased victims. A show cause notice was accordingly issued by the Commission to the Chief Secretary, Government of NCT of Delhi under Section 18 of PHRA, 1993 for payment of Rs. Two Lakhs to each of the deceased victims. On failure to comply with the directions of the Commission, coercive action was taken by the Commission by issuing summons under Section 13 of PHRA, 1993 against the Chief Secretary of Government of NCT of Delhi for personal appearance before the Commission.
- iv. In response it was reported that the Government of NCT of Delhi, in coordination with Delhi Police, had released the compensation of Rs. 2,00,000/- (Rupees Two Lakhs Only) in favour of both the deceased victims. The proof of payment was also produced with the report. On perusal of the compliance report, the Commission closed the case.

11. False Implication of the family members of Smt. Nagu Bai of Village Naharpura, PS Rawti, District Ratlam, Madhya Pradesh, belonging to Bheel community, who had complained to the police against Mohan, an accused of outraging modesty of her niece, but Mohan committed suicide by consuming poison,

(Case No. 1019/12/35/2013)

- i. In this case, Smt. Nagu Bai wife of Shri Thanwar and other residents of Village Naharpura, Police Station Rawti, District Ratlam, Madhya Pradesh, who belonged to Bheel community, had given a complaint to the Commission alleging that on 21.1.2013, Mohan, son of Jeevna, tried to outrage the modesty of Shanti Bai daughter of Gobardhan (niece of the complainant). This incident was reported at Police Station Rawti. The next day, her nephews and their wives were called at the police station. Meanwhile, Mohan and his wife had a heated discussion over the issue of outraging the modesty of Shanti Bai and thereafter, the wife of Mohan consumed poison. Soon after, Mohan also consumed poison. They were shifted to hospital where Mohan died and his wife survived. The Station House Officer (SHO) detained the family members of the complainant. When the complainants Ganesh and Kanhiyalal contacted the SHO, Rawti, he demanded Rs. 4 Lakhs for their



release. The complainant somehow managed and paid Rs. 2.50 Lakhs to the SHO. But the SHO involved the family members of the complainants in a false criminal case because he was not paid the additional Rs. 50,000/- demanded by him. The SHO used to come to the house of the complainants from 23.01.2013 to 26.01.2013 and abused, threatened and beat Naggaji. Due to fear he committed suicide. The SHO Shri Ramesh Bajiya also tortured other family members of the complainants and also grabbed Rs. 2.50 Lakhs from the complainants.

- ii. The Commission took cognizance in the matter and called for a report from the authorities concerned. In response the SP, Ratlam, Madhya Pradesh informed the Commission that the matter was inquired into by the Additional SP, Selana, Rajasthan, who reported that in connection with the incident of outraging the modesty of Shanti Bai, a case at crime No. 36 dated 21.1.2013 was registered at Police Station Rawti under Section 354 IPC. During this period, when the accused Mohan consumed poisonous substance and committed suicide, a case at crime No. 2 dated 21.1.2013 was registered under Section 174 Cr.P.C. A case was also registered against Thapu Bai, Jumma Bai, Govardhan and Kanti Lal for abetment of suicide. Another case crime No. 29/2013 was also registered against them under Section 306/34 IPC. It is also worth submitting that Nagga, son of Puna, also committed suicide by sprinkling kerosene oil on his body and a case at crime No. 4 dated 10.2.2013 was registered under Section 174 Cr.P.C. It was stated in the report that the police had taken appropriate action against the accused persons and submitted charge-sheet in a case of outraging the modesty of Shanti Bai and also of abetment of suicide. The allegations about extortion of bribes, as leveled by the complainants, could not be substantiated.
- iii. The Commission observed certain contradictions in the report and directed to call for comments of the complainant on the report.
- iv. Accordingly, comments were obtained. Smt. Nagu Bai, wife of Shri Thanwar in her comments submitted that the inquiry officer had shielded Ramesh Bajiya, the then SHO, Police Station Rawti. According to her, she was not satisfied with the action taken by the police and she submitted that she wants to appear before the Commission along with the affidavits of the witnesses.
- v. On perusal of the material available on the records of the case, and in view of allegations by Smt. Nagu Bai and 3 others against Ramesh Bajiya, the then SHO, Police Station Rawti, the Commission directed to get an inquiry in the matter by State Vigilance Establishment of Government Madhya Pradesh and Director General of Police, Madhya Pradesh was directed to order an inquiry into the conduct of Shri Ramesh Bajiya the then SHO, Police Station Rawti, Ratlam, Madhya Pradesh and Assistant Sub Inspector (ASI) Prem Kumar.
- vi. Pursuant to the directions of the Commission, Additional Inspector General of Police AIGP (Complaints) in the office of Director General of Police, Madhya Pradesh, Bhopal submitted a report dated 13.10.2017. The report revealed that a departmental enquiry



was ordered against Inspector R.C. Bajiya and ASI Prem Kumar on 2.4.2016 posted at Police Station Rawti. An Enquiry Officer had been appointed in the case on 30.4.2016. However, the accused had moved before the Hon'ble High Court, Jabalpur Bench, Indore. The Hon'ble High Court had stayed the proceeding of domestic enquiry on 20.12.2016. The Department had moved an application before the Hon'ble High Court to vacate the stay.

- vii. Subsequently, it was reported that Crime No. 86/16 under Section 306/201/120B/193/196 and under Section 7/13(1)(D) Prevention of Corruption Act, 1988, Police Station Rawti, had been registered against the then I/C SHO, Rawti, Sub-Inspector (SI) Ramesh Bajiya and ASI Prem Kumar, on the complaint of the SP, Ratlam. Investigation in the case had been completed. Charge Sheet was yet to be filed for want of sanction for filing charge sheet from the Government.
- viii. The Commission perused the records of the case and observed that the allegations of the complainants that the then SHO, Rawti, SI Ramesh Bajiya and ASI Prem Kumar of Police Station Rawti was responsible for death of Nagga Baa had been, prima facie, established on enquiry. The torture and the illegal gratification was also prima facie found to be correct on enquiry. The charges under Station 306/201/120B/193/196 IPC and under Station 7/13(1)(D) Anti Corruption Act had been drawn against the accused public servants and charge sheet would be filed after receiving sanction against these public servants. From these facts and circumstances it was established that the public servant namely the then SHO, Rawti, SI Ramesh Bajiya and ASI Prem Kumar of Police Station, Rawti were prima facie guilty of the dereliction of their duties, taking illegal gratification, falsely implicating the innocent person and abetting Nagga Baa to commit suicide. Therefore, these public servants had violated human rights of Nagga Baa, Dhapu Bai, Jhuma Bai, Govardhan and Kanti Lal (for false implication) and others.
- ix. The Commission directed to issue notice to the Chief Secretary, Government of Madhya Pradesh calling upon him to show cause as to why monetary compensation of Rs. 5,00,000/- (Rupees Five lakhs Only) should not be recommended under Section 18 (a)(i) of the Protection of Human Rights Act, 1993 to the NoK of Nagga Baa, Dhapu Bai, Jhuma Bai, Govardhan and Kanti Lal for violation of their human rights.
- x. The Commission subsequently received a report dated 13.06.2019 from the Under Secretary, Government of Madhya Pradesh wherein it was stated that the compensation amount of Rs. 5,00,000/- (Rupees Five Lakhs Only) had been disbursed in the instant case.

12. A woman raped by the in-charge of Police Post Bundeli, of District Mahasamund, Chhattisgarh, when she had gone to the Police to lodge a complaint against her husband

(Case No. 514/33/12/2016-AR)

- i. In the instant case, Dr. Lenin Raghuvanshi from Varanasi, Uttar Pradesh referred to the Commission a news about alleged rape of a woman (aged about 25 years) by the Police



officer, in the Police Station in District Mahasamund Chhattisgarh. According to the news report, the victim had gone to the police station to lodge a report against her own husband. The clerk at the Police Station took her complaint and informed the in-charge of the Police Station who directed him not to allow the victim to leave the station. At about 9 in the evening, the chowki in-charge along with one other person came at the Police Station and took her to a room, on the pretext that they will enquire about the matter thoroughly. She was subsequently raped by the police official.

- ii. Taking cognizance in the matter, the Commission directed the Director General of Police, Government of Chhattisgarh to submit an action taken report. In response Inspector General of Police (IGP) Headquarter, Raipur, submitted that on the complaint of the victim, crime no. 93/2016 under Section 376B/34 IPC was registered. After investigation, accused Akesh Kumar Sinha, son of Nattar Kumar Sinha, resident of Police Station Bundali Chowki, Police Station Tenukona and ASI Gajanath Sahu, son of Ram Ghulam Sahu, were arrested and charge sheet had been submitted under Section 376(2)a(1) and 376B IPC on 17.10.2016 and now the matter is sub judice before the court.
- iii. In view of the rape by that very police official, to whom the complainant had approached for lodging complaint, the Commission observed that the incident was sad, shocking and disturbing in a society governed by rule of law. Human rights of the hapless and helpless victim had thus been violated by the public servant and the State was vicariously liable to compensate the victim. In these circumstances, notice under Section 18(a)(i) of PHRA, 1993 was served upon the Chief Secretary, Government of Chhattisgarh, to file response as why the Commission should not recommend monetary compensation of an amount of Rs. 2,00,000/- (Rupees Two Lakhs Only) to be paid to the victim for violation of her human rights by public servants. The said direction of the Commission was complied with by the State Government by making direct ECS payment into an account of the victim.

13. Gang rape of Smt. Kamala Devi village Panchayat Head, Khandia, District Rampur UP, by the SHO and his four subordinate officers, who had been conniving with the opponents of the victim accused in the matter of misappropriation of funds in local junior high school and physical assault and attempt on the life of the victim

(Case No. 31045/24/62/2015-WC)

- i. The Commission received a complaint from Smt. Kamala Devi, village Panchayat Head, Khandia, District Rampur Uttar Pradesh alleging misappropriation of funds in local junior high school and non-registration of the case by the police, physical assault and attempt on her life by the offenders, inaction by the local police and gang rape on her 09.07.2015 by the SHO and his four subordinate officers who connived with the offenders.
- ii. A report dated 01.03.2019 obtained by the Commission from the Deputy Secretary to Government of Uttar Pradesh established that the accused police personnel were found



negligent in performing official duties and departmental action has been initiated against them in addition to the filing of criminal cases in the matter.

- iii. The Commission vide proceedings dated 05.11.2019 recommended the Chief Secretary, State of Uttar Pradesh to pay compensation of Rs. 3,00,000/- (Rupees Three Lakhs Only) to the complainant for violation of her human rights, and submit a report along with proof of payment, to the Commission within six weeks, which is awaited.

14. A woman aged 59 years pulled by her hair, manhandled and roughly treated by a lady constable of P.S. Safdarjung Enclave, New Delhi and dragged out from the flat of her advocate, where she had gone to discuss her case, in full public view.

(Case No.151/30/2/2018)

- i. In the present case the Commission received a complaint from Ms. Deepa Arya, aged 59 years, in which she has alleged that on 18.12.2017, while she was waiting at the residence of her advocate for the order of Hon'ble High Court in a petition filed against the order of M.M. Saket Court cancelling her bail in case crime No. 400/16. The Investigating Officer of the case S.I. Naresh Kumar of Police Station Safdarjung Enclave along with her cousin Goel came there and broke open the door of the residence of the lawyer and then the washroom where she was hiding. The complainant further alleged that the woman constable who was accompanying them pulled her by her hair. She was manhandled and roughly treated by her. She was also threatened that she will be taken in the naked state. The police personnel dragged her out from the flat of advocate and in full public view shoved her in a private vehicle. She sustained great pain and injuries on her body. She was mentally and emotionally traumatized and abused in the most foul and filthy language.
- ii. It was also mentioned by the complainant that while she was being taken into the private car the concerned S.I. stopped it and put S.M. Goel beside her next to him in front and made him sit in the car. She was uncomfortably squeezed between the lady constable and the Junior Police Officer as cattle, totally inappropriate to her modesty and position of being an old lady advocate.
- iii. The Commission took cognizance of the matter and called for a report from the Commissioner of Police, Delhi. A detailed report was received mentioning therewith that on 18.12.2017 (the day of incident) SI Naresh and Chitha Munshi of Police Station Safdarjung Enclave directed ASI Mahender to accompany with the complainant party of case FIR No. 400/2016 in a private care to search Ms. Deepa Arya (the complainant). No Daily Diary entries of departure and arrival of ASI Mahender were found lodged in the Daily Diary register of Police Station S.J. Enclave. The ASI, along with the complainant's party, reached outside the house of Advocate Shri R.K. Saini in the private car, which belonged to the complainant party.
- iv. The report further revealed that on that day SI Naresh had made his departure to Saket Court in case No. 480/2017 Police Station S.J. Enclave only but in the court he moved an



application for obtaining Non Bailable Warrants (NBWs) of Ms. Deepa Arya in case FIR No. 400/2016 without any forwarding remarks in the application by SHO or any other Inspector of the Police Station. On that day a petition was filed on behalf of the complainant against the orders of Learned Trial Court cancelling her bail. After hearing the matter, the Hon'ble Court ordered not to take coercive action against the complainant (Ms. Deepa Arya). SI Ajay, Inspector Sanjay Rawat and Ld. Assistant Prosecution Officer (APO.) Shri Mukesh communicated telephonically to SI Naresh about the court orders between 03:53 P.M. to 4.03 P.M. At 03:48 p.m. Advocate Shri Avadh Kaushik had also communicated through SMS to SI Naresh Kumar about the Court's orders and requested him to call or speak to Advocate Saini but the SI refused. The SI failed to obey the directions of ACP/Safdarjung Enclave and SHO/Safdarjung Enclave and acted at his own will.

- v. It was also mentioned in the report that SI Naresh Kumar broke open the doors and apprehended Ms. Deepa Arya between 4:30 P.M. to 4:45 P.M. with the help of woman constable Sanju of Police Station S.J. Enclave despite the knowledge of court's order of not to take any coercive action against Ms. Deepa Arya. The SI also did not prepare any documents pertaining to her arrest/apprehension. For the above lapses of SI Naresh Kumar has been transferred to District Lines/South District and a regular departmental enquiry for imposing major penalty has been initiated against him. Show Cause Notice for Censure to ASI Mahender, No. 840/SD and Woman Constable (W/Ct.) Sanju No. 3086/SD have been issued for gross negligence in duty. Explanation of SHO Inspector Sanjay Rawat has been called for lack of supervision on his part.
- vi. The Commission perused and considered the report and other papers placed on record and vide its proceedings dated 03.05.2019 and opined that the allegations levelled by the complainant stand substantiated. The Commission found that, prima-facie, it was a case of violation of human rights of the victim and the public authority is vicariously liable to pay monetary compensation to the complainant for her illegal arrest, humiliation, mental and emotional trauma and also the injuries sustained by her.
- vii. The Commission directed to issue notice under Section 18 (a)(i) of the Protection of Human Rights Act, 1993, to the Government of India through Secretary, Ministry of Home Affairs to show cause as to why the Commission should not recommend monetary relief to the victim/complainant. The Commissioner of Police, Delhi was also directed to submit his report regarding current status/outcome of departmental enquiry being conducted against the concerned police officers.
- viii. No reply to the Show Cause Notice and Report regarding action taken was submitted by the concerned authorities.
- ix. In the above circumstances, the Commission is of the opinion that, prima-facie, it is a case of violation of human rights of the victim, and the Government of India is vicariously liable to pay monetary compensation to her.



- x. The Commission on 08.08.2019, recommended to the Government of India, through the Secretary, Ministry of Home Affairs, to pay compensation of Rs. 3,00,000/- (Rupees Three Lakhs) to the victim Ms. Deepa Arya, the complainant. The Secretary, Ministry of Home Affairs, Government of India is directed to submit the compliance report along with proof of payment within six weeks.
- xi. The compliance report along with proof of payment is yet to be received.

d) Police Firing and Encounter

15. Death of one Prempal in a fake encounter in District Bhiwani, Haryana

(Case No. 147/7/2005-2006-AD)

- i. The Commission received a complaint dated 23.11.2004 from Smt. Rajni Devi of District Bhiwani, Haryana, alleging that her husband Shri Prempal had been killed by the police in a fake encounter. She alleged that her husband was running a kirana shop and had gone to Bhiwani on 26.7.2004 for purchase of merchandise. He did not return home. On 28.7.2004 she learnt that her husband had been killed by the police in a fake encounter. According to her, he was not involved in any criminal case and there was no case pending against him in any police station.
- ii. The police story of the incident is that on 27.7.2004, SP, Rohtak received information that 5 to 6 accused persons fired at the police party and got one Ramdhan (Leela) released from police custody and few accused persons are going from Lahli to Patwapur. The police party chased them and three accused entered into a sugarcane field. They were encircled and asked to surrender. The accused persons paid no heed to police warning and started firing upon them. In self defence, the police party retaliated and in the exchange of fire, three accused persons died. The husband of the complainant was one amongst the three deceased persons.
- iii. In the similar incident, Case No.50381/24/2006-2007 was registered in the Commission on the basis of an intimation from SSP, Gorakhpur about the encounter death of Ramdhan (Leela) on 06.3.2007 and vide its proceedings dated 17.10.2012, the Commission found that deceased Ramdhan (Leela) was killed by the police in an extra judicial manner had recommended payment of Rs. 5,00,000/- (Rupees Five Lakhs Only) as monetary compensation to his NoK, which the State Government had complied with.
- iv. While considering the matter on 03.01.2019, the Commission observed and directed as under:

"The instant case is also identical with Ramdhan [Leela] case and no forensic tests were carried out by the police to ascertain whether the weapon used by the deceased Prem Pal was in working condition and his fingerprints were taken to match with those on the weapon recovered from the possession of the deceased, etc., which lend doubt about the veracity of the police story. Further, DGP, Haryana and SSP, Gorakhpur have also failed to furnish certain reports/information sought



by the Commission vide its proceedings dated 29.8.2018, which are very vital for reaching any conclusion.

In view of the above discussion and also the fact that despite directing the concerned authorities have failed to furnish certain reports/documents for arriving at a reasonable conclusion of the encounter in question, the Commission can draw adverse presumption that there is every reason to believe that deceased Prem Pal was eliminated by the police in a fake encounter in gross violation of his human rights.

Hence, the Commission directs issuance of a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Govt. of Haryana requiring it to show cause why the Commission should not recommend a sum of Rs. Five Lakhs to be paid to the NoK of deceased Prem Pal. Chief Secretary, Govt. of Haryana shall submit [a] reply to the show cause notice within six weeks."

- v. Pursuant to the directions of the Commission, SP, Rohtak vide communication dated 30.03.19 submitted that the matter was further investigated by SP, Rohtak. It was informed that all three accused Bijender, Vikram and Prempal got released the accused Ramdhan (Leela) and entered into sugarcane fields and started firing upon the police party despite being warned. All the three accused were killed in retaliatory firing by the police party. The magisterial enquiry was conducted by the then Sub-Divisional Police Officer (SDPO), Rohtak who opined death of Prempal during police encounter. During enquiry it was also found that in the Commission's Show Cause Notice dated 10.01.2019, the case of Ramdhan (Leela) and Prempal to be the same. A country made pistol along with empty cartridges were found from the possession of deceased Prempal. It was further informed that deceased Prempal was a dreaded criminal and seven serious cases of loot, attempt to murder were registered against him. The report concluded that allegations leveled by the complainant Smt. Rajni Devi that her husband died in a fake encounter was found not to be true and there was no justification to provide monetary relief to the NoK of the deceased Prempal.
- vi. Upon consideration of reply to the Show Cause Notice, the Commission vide proceedings dated 02.05.2019 did not find any merit in the reply given by SP, Rohtak to the show cause notice for the reasons already indicated by the Commission in its proceedings dated 03.01.2019. The Commission further held that though Ramdhan died in a separate encounter, in the present case three persons were killed and there was no single injury reported to the policemen.
- vii. In these circumstances, the Commission confirmed the show cause notice and recommended to the Government of Haryana to pay a sum of Rs. 5,00,000 (Rupees Five Lakhs Only) as monetary compensation to the NoK of the deceased Prempal.
- viii. Pursuant to the directions of the Commission, the Deputy Inspector General/Law & Order, Office of the Director General Police, Haryana vide communication dated 28.11.2019 has intimated that monetary compensation of Rs. 5,00,000 (Rupees Five Lakhs Only) has been paid to wife of the deceased Prempal.



- ix. Upon compliance of its recommendation, the Commission vide its proceedings dated 23/01/2020 closed the case.

16. Death of three extremists namely Kashi Kol, Prasiddh and Santosh Yadav in the encounter with police in a jungle near Matyaon Village of Rohtas, Bihar.

(Case No. 3088/4/28/2012-ED)

- i. The Commission received a communication from the Superintendent of Police, Rohtas, Bihar regarding the encounter death of three extremists namely Kashi Kol, Prasiddh and Santosh Yadav when police forces fired in self defence on 02.01.2012 in a jungle near Matyaon Village. A copy of First Investigation Report (FIR) in the matter along with a supervisory note, copy of post mortem report of each of the deceased and inquest reports were also received with the communication and it was further stated therewith that the matter could not be intimated earlier inadvertently. A crime case No.01/2012 was registered at Police Station Chutiya relating to the incident.
- ii. Taking cognizance of the matter, the Commission directed the District Collector, Rohtas, Bihar and Superintendent of Police, Rohtas, Bihar to submit legible copies of the inquest reports and post mortem reports along with magisterial enquiry report and final independent investigation report in the matter within eight weeks.
- iii. On perusal of the report received in response to the Commission's directions, it was noted that Sub-Divisional Officer (SDO), Dehri examined the relevant records and recorded the statements of witnesses during the enquiry. On analysis of the statements of witnesses and other evidence, the Magistrate found no foul play in the encounter between the police party and the extremists. He concluded that the police team had resorted to fire in exercise of the right of self defence as a result the three deceased were killed in a genuine encounter.
- iv. A perusal of the post mortem reports of the three deceased indicated that the cause of death was due to shock and hemorrhage due to firearm injuries. However, in the post mortem report of deceased Kashi Kol, blackening all around $\frac{1}{4}$ diameter margin inverted left side of neck under was observed and two blackening were observed on the entry wounds of the deceased Santosh Yadav. SP, Rohtas was, therefore, asked to get the opinion of a board of doctors about the blackening on the entry wounds observed in the post mortem report of the above deceased persons.
- v. SP, Rohtas vide communication dated 29.07.2019 forwarded a report dated 27.03.2018 of Medical Officer, Sasaram, wherein, he had given his findings on the blackening found on the body of the deceased persons. The same was already received and considered by the Commission.
- vi. The Commission has thoroughly examined the material on records. In the post mortem report of one of the deceased Santosh Yadav, blackening was observed in two bullet



entry wounds and as per the opinion of Dr. V.K.Tiwari, the then Medical Officer, Sadar Hospital, Sasaram, it was caused by a firearm and the distance from where the firearm was fired would be 06 to 12 feet. This indicated that the deceased was shot by the police from a close range. Secondly, no opinion of ballistic experts was sought in respect of the weapons recovered from the possession of the slain persons, rather it was examined by a Sergeant Major. The police also failed to take fingerprints and hand swab to match with those of the deceased persons to confirm that they had handled the seized weapons. There was also a contradiction with regard to examination of seized weapons from a State Forensic Laboratory (FSL). Initially, it was stated that on the orders of the Court, the seized weapons were not examined by FSL and later it was informed that there was no such Court order. The Commission also issued summons to District Magistrate/SP, Rohtas for their personal appearance before it on 22.08.2019 to submit an explanation as to the blackening observed over the firearm entry wounds of the deceased and the copy of Court order in which it had denied permission for further examination of seized arms and ammunition from FSL, the above said officers failed to appear before the Commission to answer the query raised by it.

- vii. In view of the above contradiction, absence of scientific evidence like fingerprints, hand wash swab, ballistic reports suggest that no standard procedure of the investigation has been adopted by the Investigation Officer to justify the encounter as genuine. Further the failure of the District Magistrate and SP, Rohtas to appear before the Commission, made it inference that the deceased were killed by the police in an extra judicial manner. Therefore, the Commission vide its proceedings dated 22.08.2019 issued a show cause notice under Section 18 of the Protection of Human Rights to the Government of Bihar to show cause as to why monetary relief of Rs. 5,00,000/- (Rupees Five Lakhs) each should not be recommended to be paid to the NoK of the three deceased persons namely, Kashi Kol, Santosh Yadav and Prasidh.
- viii. Accordingly, notice dated 16.09.2019 was issued to the Chief Secretary, Government of Bihar calling upon him to submit a reply to the show cause notice on or before 01.11.2019; but no response was received.
- ix. Under these circumstances, the Commission presumed that the Government of Bihar had nothing to urge in the matter and accordingly vide its proceedings dated 19.02.202, the Show Cause Notice was confirmed and the Commission recommended to the Government of Bihar to pay an amount of Rs. 5,00,000/- (Rupees Five Lakhs Only) each as monetary relief to NoK of the three deceased viz. Kashi Kol, Santosh Yadav and Prasiddh. The Chief Secretary, Government of Bihar was required to submit a compliance report along with proof of payment within four weeks positively.
- x. Pursuant to the directions of the Commission, Special Secretary to the Government of Bihar, vide communication dated 20.02.2020 has submitted that grant of any compensation to



the NoK of deceased persons is not justified and requested the Commission to reconsider the matter.

- xi. The matter is still under consideration of the Commission.

e) Encounter and Firing by Paramilitary Forces

17. Three innocent persons killed by a Jawan of State Reserve Police Force, by his service firearm in PS Daund, District, Pune Maharashtra.

(Case No: 387/13/23/2018)

- i. The Complainant, a human rights activist, has brought to the notice of the Commission that, a Jawan of State Reserve Police Force, shot dead three innocent persons by his service firearm in Police Station Daund, District, Pune Maharashtra seeking intervention by the Commission for action against the culprit and compensation to the NoK of the deceased persons.
- ii. Pursuant to the directions of the Commission, the Additional Director General of Police, State Reserve Police Force, Mumbai, sent his report, wherein he confirmed the incident. It was stated that the concerned Inspector was suspended after inquiry and later dismissed from the services.
- iii. Therefore, the Commission found that it was a clear case of violation of human rights of the deceased and accordingly issued a notice, to the Government of Maharashtra, through its Chief Secretary, requiring it to show cause, within six weeks, as to why the Commission should not recommend payment of Rs. 2,00,000/- (Rupees Two Lakhs Only) each as compensation to the NoK of the three deceased persons.
- iv. In response Under Secretary, Home department, Government of Maharashtra reported that the recommendations made by the Commission has been accepted and a compensation of Rs. 2,00,000/- (Rupees Two Lakhs Only) has been sanctioned for payment to the NoK of each of the deceased victims. The Commandant Bharat Reserve Batalian, Kolhapur has been instructed to disburse the said amount and to submit proof of payment to the Government.
- v. The Commission noted the contents of the report and asked the Chief Secretary, Government of Maharashtra to ensure payment of the compensation to the NoK of the deceased at the earliest and to submit the receipt of the proof of payment for perusal of the Commission.

f) Rights of prisoners

18. Sonu, an inmate of Central Jail, Agra, attacked with stones by another inmate of the Jail.

(Case No. 30053/24/1/2013)

- i. In this case, one Smt. Savitri, wife of Saveer, resident of Village Phaphrana, Police Station Modinagar, District Ghaziabad, Uttar Pradesh informed the Commission that his son Sonu



was undergoing sentence at the Central Jail, Agra. On 4.6.2013, at 1:30 P.M., while his son was sleeping, one life convict Amarjeet (Joga), came to his barrack and attacked him with stones. Consequently, Sonu suffered grievous injuries. The Superintendent of the Jail, had lodged a report at Police Station Jagdishpura, Agra against Amarjeet which was registered as FIR No. 304/2013 under Section 323/325 IPC. Sonu was shifted to MS Medical College, Agra from where he was shifted to Gandhi Memorial Hospital, Lucknow. The complainant was apprehensive about the life of his son.

- ii. The Commission called for an action taken report in the matter from the authority concerned. Pursuant to the directions of the Commission, Additional Inspector General (Administration), Prison Administration and Correctional Services, Uttar Pradesh, Lucknow on 17.1.2014 had informed the Commission that the matter was enquired into by the Deputy Inspector General, Prison Agra. In his Enquiry Report, it is concluded that Amarjeet (Joga) had taken some money from the convict prisoner Sonu, son of Saveer, as a loan but the same was not returned. On 4.6.2013 they had a hot discussion and Amarjeet (Joga) had inflicted injuries to convict prisoner Sonu with stone. Consequently Sonu sustained head injury and injury over the face and he was shifted to prison hospital. The same day he was shifted to District Hospital, Agra, from where he was again shifted to Medical College, Agra. On the recommendation of the doctors, Sonu was shifted to Medical College, Lucknow. The doctor found a fracture over the face of Sonu. He had undergone an operation in Medical College, Lucknow and was sent back to Central Jail, Agra. Enquiry officer recorded the statement of Sonu who had informed him that proper treatment had been given to him by the administration. His release order had also been received in the jail on 26.12.2013.
- iii. On perusal of the material available on records, the Commission observed that it was clear that the Senior Superintendent of Jail, in his report dated 7.9.2013 had concluded that Head Warder Cheda Lal and Warder Abhey Ram had been found guilty of dereliction of duty and they had been departmentally punished. It was also clear that convict prisoner Sonu had sustained grievous injuries while in the custody of the Central Jail Agra. This indicates that the Jail administration had failed to protect the body of Sonu which is a clear case of violation of his human rights. Thus, victim Sonu was entitled for monetary relief.
- iv. Accordingly, the Commission directed the Chief Secretary, Government of Uttar Pradesh to show cause as to why the victim Sonu should not be recommended monetary compensation of Rs. 50,000/- (Rupees Fifty Thousand) from the State Government of Uttar Pradesh as per provisions of Section 18(a)(1) of Protection of Human Rights Act, 1993. The said direction was complied with by the State Government.

19. The complainant and his two associates, who were remanded to judicial custody at District Prison, Mirzapur, UP, slapped, abused by caste names and threatened by the Jail warden.



(Case No. 17823/24/55/2017)

- i. The complainant Kirti Kamal had alleged that he and his two associates were remanded to judicial custody and taken to District Prison, Mirzapur on 16.05.2017. At the time of their search, three police personnel took away the money found in the pockets of his two associates. In the evening when the complainant enquired about the money he was slapped, abused by caste names and threatened.
- ii. The reports received from the authorities, pursuant to the Commission's directions in the matter, revealed that the allegations have been found true against Durgesh Kumar Tiwari, Jail Warder, and he was penalized by non-payment of increment of current year without affecting the future increments. The Commission after perusal of records vide its proceedings dated 25.11.2019 recommended an interim compensation of Rs. 50,000/- (Rupees Fifty Thousand Only) each to be paid to the complainants Kirti, Sanjay and Kamal Kishore Singh for the violation of their Human Rights. The Chief Secretary, Government of Uttar Pradesh has been directed to submit a compliance report along with the proof of payment within 8 weeks. The compliance report is awaited.

g) Electrocuting Cases

20. Fifty Five school children suffered burn injuries as a high-tension wire fell on the government primary school in Utraula Tehsil of Balrampur district in Uttar Pradesh.

(Case No. 19262/24/11/2019)

- i. The Commission came across a news item published in the 'Tribune' in its 16.07.2019, edition, under caption "55 kids hurt as high-tension wire snaps", stating that 55 school children have suffered burn injuries as a high-tension wire fell on the government primary school where they were studying. The incident occurred in Utraula Tehsil of the District Balrampur in Uttar Pradesh. It was mentioned in the news report that there were at least 100 children in the school when the wire snapped and fell on the school building, sending an electric current through the building.
- ii. The District Magistrate, Balrampur reportedly terminated the services of a contractual lineman and also placed a skilled coolie under suspension. A departmental inquiry was also proposed against the Junior Engineer concerned. The news report further reveals that the Chief Minister, Uttar Pradesh has asked the Project Director of the Madhyanchal Vidyut Vitran Nigam Limited to ascertain the cause of the accident and submit a report within 24 hours.
- iii. While taking suo motu cognizance of the matter on 16.07.2019, the Commission observed that so far as the State of Uttar Pradesh is concerned, this is not the single incident which has come to its notice and the Commission has recommended ex-gratia relief to the victims in a number of cases and has been insisting the state government and



the authorities concerned to take effective steps for proper maintenance of the power supply infrastructure so that precious human lives are not lost in fatal accidents.

- iv. The Commission issued notices to the Chief Secretary, Government of Uttar Pradesh and the Chairman, Madhyanchal Vidyut Vitran Nigam Limited, Uttar Pradesh, calling for a detailed report on the matter within four weeks. The Commission further directed that the status of the medical treatment being provided to the injured young students along with steps taken by the authorities to prevent such incidents in future be also informed.
- v. In response, the Chief Engineer, Level-1, Madhyanchal Vidyut Vitran Nigam Limited, Uttar Pradesh submitted that in the unfortunate incident 52 students were affected due to fall of 11 KV electric wire, out of which 14 students got burn injuries and rest of them were discharged after giving first aid. It was further informed that an amount of Rs. 6,21,950/- (Rupees Six Lakh Twenty One Thousand Nine Hundred and Fifty) had been paid to the 14 students who sustained burn injuries in the incident. The report further informed that a Junior Engineer, a Assistant Engineer and a Skilled worker were suspended for their negligence and disciplinary proceedings had been initiated against the Executive Engineer and SDO.
- vi. While considering the matter on 11.11.2019, the Commission found that the compensation paid to the 14 students who received burn injuries in the incident was grossly inadequate and noted that the Chief Secretary, Government of Uttar Pradesh should increase the compensation amount already paid to the 14 students for the pain and suffering faced by them after the incident and submit a report about enhancement of the compensation amount within six weeks. However, no response was received from the State Government.
- vii. The Commission again considered the matter on 02.03.2020 and directed that an additional amount of Rs. 50,000/- (Rupees Fifty Thousand Only) be paid to each of the 14 students for the pain and suffering faced by them after the incident. The Chief Secretary, Government of Uttar Pradesh has been directed to pay monetary compensation to the injured 14 children within four weeks and submit compliance report along with proof of payment within two weeks thereafter. Compliance report along with proof of payment is still awaited.

21. Seven passengers travelling in a bus in Shivihaar, Bihar were electrocuted due to a live wire hanging from an electricity pole.

(Case No. 2318/4/35/2016)

- i. In the present case, the Commission has received a complaint from Shri R.H. Bansal, a human rights activist alleging that seven passengers travelling in a bus in Shivihaar, Bihar were electrocuted due to a live wire hanging from an electricity pole. Three of these passengers were alleged to be in a critical condition and under treatment. The complainant alleged that this incident occurred due to the negligence of the Electricity Department



and seeks the intervention by the Commission in the matter for registration of FIR and grant of compensation to the victims.

- ii. The Commission took cognizance in the matter and directed the District Magistrate, Shivihar, Bihar, to submit a report in the matter. Accordingly, a report was submitted by the Superintendent of Police, Shivihar. It was mentioned in the report that a case crime no. 59/16 was registered in the matter. During investigation, it was revealed that the accident had occurred due to low hanging wire and overloading of the bus. The passengers who were sitting on the roof of the bus came in contact with the live wire and sustained injuries. The allegations were found substantiated against the driver and conductor of the bus and the lineman of the electricity department. During investigation, it was also revealed that the driver of the bus was also doing the work of the conductor and was charging the money from the passengers. It was mentioned in the report that after completion of investigation a charge sheet no. 173/18 has been submitted against Shri Rajiv Kumar Tiwari, driver of the bus and the lineman Shri Alok Kumar Gupta.
- iii. The Commission observed that in the above circumstances, it was clear that the incident occurred due to negligence of the line man of the electricity department and the driver of the concerned bus. Hence, prima facie, a case of violation of human rights of the injured passengers is made out and the State is vicariously liable to pay monetary compensation to them. The Commission directed to issue a notice under Section 18 (a) (i) of the Protection of Human Rights Act, 1993, to the Government of Bihar, through its Chief Secretary, to show cause as to why the Commission should not recommend monetary relief for the victims. No reply to the Show Cause Notice was submitted by the State Government. It was presumed that the State Government had nothing to say in the matter.
- iv. Keeping in view the facts and circumstances of the case, the Commission recommended to the Government of Bihar, through its Chief Secretary, to pay compensation of Rs. 25000/- (Rupees Twenty Five Thousand Only) each to the victims. The Chief Secretary, Government of Bihar has been directed to submit compliance report along with proof of payment.

22. Death of the victim, Jhas Ketan Budek, aged 62 years, r/o Village- Tetelapali , District- Bargarh, Odisha due to electrocution by a low hanging 11 KV live electricity

(Case No. 171/18/17/2015)

- i. In the instant case, Dr. Subhash Mohopatra, Executive Director, Global Human Rights Communications submitted a complaint alleging that the victim, Jhas Ketan Budek, aged 62 years, resident of Village Tetelapali, District Bargarh, Odisha was electrocuted by a low hanging 11 KV live electricity wire and died on the spot. Despite registration of the complaint at the local police station, neither any action was taken nor any compensation was paid to the NoK of the deceased.
- ii. On perusal of the complaint, the Commission issued a notice to the Superintendent of Police, District- Bargarh, Odisha and Secretary, Department of Energy, Government



of Odisha. Upon consideration of the reports submitted by concerned authorities, the Commission observed that the victim came in contact with 11 KV live line and got electric shock while he was passing through the ridge in the paddy field near the village Tentelpali, due to low visibility because of fog. He was shifted to the Hospital, where he was declared dead by the doctor. The accident could have been avoided by proper ground clearance and maintaining of the line in a periodic manner. The conductor was in hanged condition, at a height of around 6 feet from ground, which was a clear negligence on the part of the Electricity Department/its officials. In view of that, it was held by the Commission that the human rights of the deceased, namely Jhas Ketan Budek, were violated and the NoK of the deceased were liable to be compensated by the State on account of its vicarious liability for the action/inaction of its employees.

- iii. The Commission, therefore, issued, notice to the Chief Secretary, Government of Odisha, calling upon him to show cause as to why monetary compensation of Rs. 2,00,000/- (Rupees Two Lakhs Only) should not be recommended under Section 18(a)(i) of Protection of Human Rights Act, 1993, to be paid to the NoK of the deceased namely Jhas Ketan Budek for violation of his human rights. The said direction of the Commission was complied with by the State by submitting a report of the Additional Secretary to the Government of Odisha, Department of Energy along with report of Company Secretary, Wesco Utility, Sambalpur dated 29.5.2019 wherein the proof of payment was forwarded to the Commission. Hence, the case is closed.

h) Other Cases

23. Death of a Class V student in a Govt. Sr. Secondary School, Charuri, Nurpur, Himachal Pradesh.

(Case No. 72/8/4/2019)

- i. The Commission took suo motu cognizance of a new report published in the 'Tribune', dated 22.05.19, under the caption "Class V students death in Nurpur triggers protest". As per the news report, the victim was reportedly playing in the school ground, before prayer, when he was attacked by a fellow student, with a stick. The boy fell unconscious and his head, nose and mouth started bleeding. It is further stated that the school management failed to provide him timely treatment due to which he succumbed to the injuries. The Commission sought reports in the matter from the Chief Secretary and Director General Police, Himachal Pradesh.
- ii. Pursuant to the directions of the Commission, the Superintendent of Police in the office of the Director General of Police, Himachal Pradesh sent a report. It was reported that the matter was got enquired by the Inspector General of Police/ North Region (IGP/NR), Dharamshala, District Kangra, Himachal Pradesh As per report, case FIR No. 107/19 dated 21.05.19 u/s 304/201/34 IPC was registered in the matter on the complaint of Aniket Diwal at Police Station Nurpur. During investigation, it was found that on 15.05.19 at about 8:45



A.M. a boy named Ketan, aged 11 years of Government Senior Secondary School, Charuri, was initially said to have fallen on ground while playing in school premises. The injured boy was taken by school staff to Civil Hospital, Nurpur and his mother was informed about the incident. The first aid was provided by the doctor of Civil Hospital, Nurpur and wherefrom the patient was shifted to Government Medical College, Tanda on the same day. Further necessary treatment was given at Tanda Medical College and was referred to higher institution for further management. The victim succumbed to injuries on the way and was declared dead at Tanda Medical Hospital on 15.05.19. The postmortem of the deceased was conducted on 16.05.19. The report further revealed that during preliminary investigation, statements of school staff, mother of the deceased and eight other students were recorded under Section 161 Cr.P.C. Statements of the School peon and two locals were also recorded. In the course of investigation, it was found that the deceased was a class 6th student while the child in conflict with the law was a class 10th student. Nothing came up in the investigation that the child in conflict with the law had knowledge that the deceased belonged to SC/ST. FSL examination was done by team on 22.05.19. During the course of investigation Section 201 IPC was added.

- iii. The Commission, on consideration of aforesaid report, found that prima facie due to negligence of authorities at a Government run School, a precious young human life was lost. The Commission observed that the right to life of the victim was grossly violated and accordingly issued a notice under Section 18 of the PHRA, 1993 to the Chief Secretary, Govt. of Himachal Pradesh to show cause as to why a sum of Rs. 3,00,000/- (Rupees Three Lakhs Only) should not be recommended to be paid as monetary compensation to NoK of the deceased Ketan.
- iv. In response to the show cause notice, Additional Secretary to the Government of Himachal Pradesh vide letter dated 21.09.19 informed that a sum of Rs. 4,00,000/- (Rupees Four Lakhs Only), as immediate gratuitous relief, had already been paid to the mother of the deceased Ketan on 28.05.2019.
- v. Upon perusal of the report, the Commission expressed the view that no further intervention of the Commission is required in the matter and while taking reports on record, closed the case.

24. Death of 21 tourists, when the boat carrying them capsized near Pavitra Sangamam Ghat in Vijayawada due to negligence on the part of Govt. authorities

(Case No. 1095/1/10/2017)

- i. The Commission received a complaint from Shri Bezawada Abhisagar alleging that the tourist boat carrying about 38 persons capsized in a river as the boat was not in good condition and no life jackets were provided to the tourist which is negligence on the part of Government authorities. Due to this, at least 21 persons died and many others were missing.



- ii. Pursuant to the Commission's directions, the Chief Secretary, Government of Andhra Pradesh reported that on the basis of preliminary departmental enquiry, 3 officers were found responsible for dereliction of duty including General Manager, Transport and Water Fleet, Divisional Manager Vijayawada and Assistant Manager; they were suspended and 4 other persons working on outsourcing basis were removed. Cr. Case FIR No. 604/17 under Sections 304(ii) IPC was registered on 12.11.2017 at Police Station Ibrahimpatnam, Police Station Vijayawada against 10 accused persons. Chargesheet has also been filed in the Court. It has been mentioned that the Government will take sufficient steps to streamline the boat operations.
- iii. Accordingly, the Commission observed that despite issuance of notice and reminder, no reply to show cause notice had been submitted by the Secretary, Government of Andhra Pradesh which means that the Chief Secretary has nothing to submit in the matter. Therefore, the Commission recommended the Government of Andhra Pradesh to make payment of monetary compensation of Rs. 3,00,000/- (Rupees Three Lakhs Only) to the NoK of each deceased person and Rs. 50,000/- (Rupees Fifty Thousand Only) each to the persons who fell into the river. The Chief Secretary, Government of Andhra Pradesh has been asked to file the compliance report along with the proof of payment within 6 weeks.

25. Illegal arrest and detention of Smt. Bharati Pradhan with her one year old daughter by the Forest range Officer, Sundergarh Forest Range, Odisha

(Case No. 1909/18/14/2017)

- i. In the present case the Commission received a complaint from Shri Sushil Kumar Meher regarding illegal arrest and detention of Smt. Bharati Pradhan with her one year old daughter. The Commission took cognizance of the case and called for a report in the matter. In response, a report was submitted by the Special Secretary, Forest & Environment Department, Government of Odisha in which it was stated that the matter was enquired into by the District Forest Officer (DFO), Sundergarh Division. But his enquiry report does not reveal any violation of human rights of the victim woman and the child. Smt. Bharati Pradhan was neither arrested nor kept in lock-up with male accused persons as alleged by the complainant. She was apprehended from the spot with the help of lady forest guards. Shri Sillip Kumar Digal, Ex-Range Officer, Sundergarh has not done anything illegal for which action is warranted against him. He has done his duty sincerely and in good faith.
- ii. The Commission perused and considered the report as well as other papers placed on records, and directed the Director General of Police, Odisha to get an enquiry conducted into the allegations made in the complaint and the comments of the complainant by an independent agency like Crime Branch of Crime Investigation Department (CBCID). In response, it was reported by the Superintendent of Police, CBCID that an enquiry in the matter was made by the DSP, CBCID, Cuttack. It was established in his enquiry that Shri Dillip Kumar Digal, the then Forest range Officer, Sundergarh Forest Range had illegally



detained Smt. Bharati Pradhan and her child on 23.2.2017 in the Range Office Hazat with three other male accused persons and thereby he has not acted in a legal manner, being a public servant.”

- iii. The Commission opined that the report has been submitted by an independent agency like CBCID. Hence, there is nothing on record to disbelieve this report. The Commission held that, prima facie, the case is a violation of human rights of Smt. Bharati Pradhan and her child and the State Government is vicariously liable to pay monetary compensation to her. Accordingly, the Commission directed to issue notice under Section 18(a) of the Protection of Human Rights Act, 1993, to the Government of Odisha, through its Chief Secretary to show cause as to why Commission should not recommend monetary relief to Smt. Bharati Pradhan and her child.
- iv. Since the compliance report along with proof of payment was received, the Commission closed the case.

26. Death of a middle aged person by falling in the open drain at Delhi-Dehradun Highway in the centre of the Dehradun near ISBT, Uttarakhand

(Case No. 1095/35/5/2016)

- i. The Commission received a complaint from Shri Anurag Sangal alleging that a middle aged shop owner named Kunwar Singh, son of Kesh Singh, died after falling in the open drain near his shop, next to the Delhi-Dehradun Highway in the centre of the Dehradun, near ISBT where a flyover was under construction by the National Highway Authority of India (NHAI) for over three years. On perusal of the complaint, the Commission directed Chairman, NHAI, Chief Engineer (PWD), Government of Uttarakhand and Principal Secretary, Public Works Department (PWD), Government of Uttarakhand to submit a report in the matter.
- ii. In response representatives of the State Government appeared before the Commission and made an oral presentation of the case and submitted that there was no negligence on the part of the authorities concerned which led to the death of the deceased and contended that there was no justification for granting monetary compensation to the next of kin of the deceased. But, the Commission rejected their objection for granting monetary compensation to the NoK of the deceased on ground that the fact remains that due to the negligence of the concerned authority precious life of a person was lost. So, the State cannot escape the charge of negligence in the case. The Commission recommended to the Government of Uttarakhand to pay an amount of Rs. 3,00,000/- (Rupees Three Lakhs Only) as monetary compensation to the NoK of the deceased Kunwar Singh.
- iii. Pursuant to the directions of the Commission, Executive Engineer, National Highway Division, PWD, Roorkee, submitted proof of payment of Rs. 3,00,000/- (Rupees Three lakhs) to Shri Rajesh Chauhan, son of Kunwar Singh Chauhan.



- iv. The Commission after perusal of the record observed that the State of Uttarakhand had not made payment of compensation to all the NoK of the deceased Kunwar Singh Chauhan as per provisions of Section 8 of Hindu Succession Act, 1956 i.e. firstly, upon the heirs, being the relatives specified in class I of the Schedule. The receipt provided by the Chief Engineer, National Highway and Bridges (Garhwal Division), PWD, Delhi clearly shows that Smt. Sushila (mother of Rajesh Chauhan) and Ms. Preeti Chauhan (sister of Rajesh Chauhan) were also NoK of the deceased Kunwar Singh Chauhan and they were heirs specified in class I of the Schedule. Therefore, they should have also got their share of the compensation recommended by the Commission. The Chief Secretary, Government of Uttarakhand was then directed to make payment of the compensation awarded to each of the NoK of the deceased Kunwar Singh Chauhan, who were the heirs, being the relatives specified in class I of the Schedule and submit the compliance report along with proof of payment.
- v. In response, it was reported that an amount of Rs. 3,00,000/- (Rupees Three Lakhs Only) had been paid to Shri Rajesh Chauhan, NoK of the deceased and the other relatives. An affidavit conveying the no objection by the heirs to the payment was also enclosed with the report. The report was taken on the records and the case was closed.



CHAPTER 5

Reaching Out

- 5.1 The National Human Rights Commission (NHRC) has overtime, developed a robust set of monitoring mechanisms to oversee civil and political rights as well as matters concerning social and economic justice. While some of these mechanisms have been developed based on the mandate accorded to the Commission by the Protection of Human Rights Act (PHRA), 1993, others have been developed along the lines of the instruments and special procedures adopted by the United Nations for human rights protection, monitoring and promotion. Some of the key mechanisms devised by the Commission include the Full Commission and Statutory Full Commission Meetings, Camp Sitzings and Open Hearings, engagement of Special Rapporteurs, and the establishment of Core and Expert Groups on a range of human rights issues.

A. Appointments

- 5.2 Justice Shri Prafulla Chandra Pant has assumed the charge as Member of the NHRC w.e.f. 22nd April 2019.



Justice Shri PC Pant assumed charge as Member, NHRC in the presence of Honorable Chairperson, Hon'ble Member Smt. Jyotika Kalra, Secretary General and other senior officials of the Commission.

- 5.3 Dr. Dnyaneshwar Manohar Mulay has assumed the charge as Member of NHRC w.e.f. 25th April 2019.



Dr. DM Mulay assumed charge as Member, NHRC in the presence of Honorable Chairperson, Hon'ble Member Smt. Jyotika Kalra, Hon'ble Member Justice Shri PC Pant, Secretary General and other senior officials at the Commission.

B. Commission's Meeting with State Human Rights Commissions

- 5.4 The NHRC was constituted in 1993, in accordance with the PHRA, 1993. The PHRA, in Section 21, provides for the constitution of the State Human Rights Commissions (SHRCs) in the States. The existence and functioning of a Human Rights Commission in the States will go a long way in the protection of human rights in the remote areas of the country. The Commission has been urging the State Governments, where no State Commission has been constituted, to initiate action to constitute a SHRC to fulfill its responsibilities to the people in accordance with the PHRA, 1993 and the 'Paris Principles'.
- 5.5 The Commission has organized a NHRC-SHRCs meeting for Chairpersons, Members, and Secretaries of all the SHRCs on 20th February 2020 at New Delhi. The meeting was inaugurated by Justice Shri H.L. Dattu, Hon'ble Chairperson, NHRC. It was attended by Members, Secretary General, and Senior Officers, NHRC and Chairpersons, Members and Senior Officers of the most of the SHRCs.
- 5.6 The objective of this meeting was to share the experiences and explore human rights issues of mutual interest. Issues like setting up of Human Rights Courts, Rights of Women, Surrogacy Regulation Bill, Rights of Persons with Disability, Right to Food, Rights of Refugees, Bonded, Migrant and Child Labour, Health including Mental Health and Corona Virus issues, activities of NHRC, transfer of cases and uniformity of compensation, Implementation of HRNet Portal, Utilization of Common Service Centres (CSCs) in the states, video conferencing etc., Police and Prison Reforms, Criminal Justice System, Torture & Terrorism, Non-Governmental Organizations (NGOs) and Human Rights Defenders & Right to Education, Human Trafficking, Rights of internally displaced persons, LGBTI, Right of Children, Panchayati Raj Institutions and Local

Governing Bodies, Rights of Refugees, Business, Environment and Human Rights discussed at length during the brain storming eleven sessions. The major recommendations emanating out of the meeting on 20th February 2020, have been circulated to the Chairpersons of all the SHRCs for information and necessary action.



The Commission released Rights Awareness Booklets on Domestic Violence and Sexual Violence on the occasion of the NHRC-SHRCs meeting



Shri Jaideep Govind, Secretary General, NHRC and other senior officials of the Commission at the NHRC-SHRCs meeting with Chairpersons, Members, and Secretaries of all the SHRCs on 20th February 2020 held at IHC, New Delhi



C. Statutory Full Commission Meeting

- 5.7 Together with the Chairperson and Members of the NHRC, the Chairpersons of these bodies constitute its Statutory Full Commission (SFC), which meets regularly. In addition, the NHRC, India invites the Chairperson of the National Commission for the Protection of Child Rights (NCPCR) as a 'Special Invitee' to all its Statutory Full Commission Meetings since the said institution has a significant bearing on all issues concerning the rights of children.
- 5.8 The Statutory Full Commission meetings are convened regularly to discuss the issues of common interest and participate in the conference/seminars of the Commission. The last meeting of the Statutory Full Commission was held on 30th January 2020 at India International Centre, New Delhi. The objective of the meeting was to have discussions between the Chairpersons, Members and newly added deemed Members of the NHRC for discharge of functions specified in clauses (b) to (j) of the Section 12 of the PHRA and also to focus on Rights of India's most marginalized sections of the society who are in vulnerable situations and also to discuss the mechanism of Interlinking of Complaint Management System (CMIS) of NHRC with the Deemed Member Commissions. The meeting of the SFC was chaired by Justice Shri H.L. Dattu, Chairperson, NHRC and attended by Justice Shri P.C. Pant, Member; Smt. Jyotika Kalra, Member, Dr. D.M. Mulay, Member, NHRC; Shri Jaideep Govind, Secretary General, Shri Surajit Dey, Registrar (Law), NHRC; Shri Anita Sinha, Joint Secretary (P&T), NHRC; Shri Bhagwan Lal Sahni, Chairperson, National Commission for Backward Classes, Dr. Lokesh Kumar Prajapati, Vice-Chairperson, Dr. Sudha Yadav, Member, Shri Ajoy Kumar, Secretary, National Commission for Backward Classes; Shri Syed Ghayorul Hasan Rizvi, Chairperson, National Commission for Minorities, Shri George Kurian, Vice-Chairperson, Shri Manjit Singh Rai, Member, Shri Atif Rasheed, Member, Shri Sunil Jeevraj Singhi, Member, Ms. Sulekha Kumbhare, Member, National Commission for Minorities; Ms. Shyamala S. Kundar, Member, Smt. Soso Shaiza, Member, National Commission for Women, Shri Keshapagula Ramulu, Member, Shri Pritam Singh, Secretary, National Commission for Scheduled Castes; Ms. Pragna Parande, Member, Ms. Rupali Banerjee Singh, Member Secretary, National Commission for Protection of Child Rights; Smt. Shakuntala D. Gamlin, Secretary and Chief Commissioner, Department of Empowerment of Persons with Disabilities and Shri K. Touthang, Joint Secretary, National Commission for Scheduled Tribes.



Discussions among the Chairperson, Members and Deemed Members of the NHRC in progress during the Statutory Full Commission meeting.



Statutory Full Commission held on 30th January 2020 at India International Centre, New Delhi

- 5.9 A range of issues was discussed at the meeting, i.e. (i) Integration of online human rights violation complaint registration portal; (ii) more sensitisation programmes for officers dealing the issues of differently abled persons (iii) Increasing problem of Child Labour; (iv) Eradication of sexual harassment of women at work places; (v) issues related to employment of marginalised section of the society; and (vi) Bringing a synergy effect in the working of all the Commissions. The major recommendations emanating out of the meeting have been circulated to all stakeholders for information and necessary action.



D. Setting up of Human Rights Courts

- 5.10 The Section 30 and 31 of PHRA stipulates the setting up of Human Rights Courts by notifying or designating Sessions Courts as Human Rights Courts in consultation with the High Courts for speedy disposal of Human Rights cases.
- 5.11 The Commission has taken up the matter by writing DO letters under signature of Secretary General, NHRC to Chief Secretaries/Administrators and Registrar General, High Courts of all the States/ Union Territories (UTs) for setting up of Human Rights Courts in accordance with the PHR Act.
- 5.12 In pursuance of the Commission's consistent efforts on the issue, so far 23 states and 06 UTs have set up/ notified Human Rights courts in their respective states/districts.
- 5.13 The Commission has forwarded its suggestions in detail with regard to offences which could be tried by the Human Rights Courts. The matter is still under consideration of the Ministry of Home Affairs. The matter regarding the nature of offences to be transferred for trial by Human Rights Courts and what would be the procedure are to be formulated by the States in consultation with the respective High Courts.

E. Special Rapporteurs and Special Monitors of the Commission

- 5.14 The Special Rapporteurs of the Commission are human rights experts who are specifically appointed with the directive to report and advise on human rights concerns from a thematic or state-specific perspective. The system of Special Rapporteurs is a central element of the NHRC machinery and covers all human rights: civil, political, economic, social and cultural. In addition, they cover sensitive issues like child labour, bonded labour, disability concerns etc.; and spread awareness among the people about the provisions contained in the PHRA from the point of view of seeking redressal from the NHRC in case of violation of their rights or that of others. Special Rapporteurs are senior officers who, prior to their retirement, have served as Secretaries to the Government of India or Director General of Police or have done exemplary service in a human rights related field. A copy of the Special Rapporteurs scheme is posted on the website of the NHRC—https://nhrc.nic.in/sites/default/files/engagement_Spl_rapp_27112018.pdf

Table 5.1: Zonal Special Rapporteurs

S.No.	Zone/area covered as per new scheme	Name of Special Rapporteur	Tenure
1.	<u>SOUTH ZONE</u> Tamil Nadu, Poducherry, Kerala, Lakshadweep, Andhra Pradesh, Telangana & Karnataka	VACANT	



S.No.	Zone/area covered as per new scheme	Name of Special Rapporteur	Tenure
2.	<u>WEST ZONE</u> Maharashtra, Goa, Gujarat, Dadra & Nagar Haveli and Daman & Diu	Dr. Sadhana Rout, sadhanarout@gmail.com	11.03.2020 to 10.03.2021
3.	<u>CENTRAL ZONE</u> Madhya Pradesh, Chattisgarh, Rajasthan, Bihar & Jharkhand.	Dr. Vinod Aggarwal, IAS (Retd.) (Jharkhand Cadre) arsv50@gmail.com	30.03.2017 to 29.09.2020
4.	<u>EAST ZONE</u> West Bengal, Odisha and Andaman & Nicobar Islands	VACANT	
5.	<u>NORTH EAST ZONE</u> Nagaland, Manipur, Mizoram, Tripura, Assam, Meghalaya, Sikkim and Arunachal Pradesh	Shri Umesh Kumar, umeshkumar84@rediffmail.com	07.06.2019 to 06.06.2020
6.	<u>NORTH ZONE</u> Punjab, Haryana, Chandigarh, Delhi, Himachal Pradesh, Jammu & Kashmir, Uttarakhand & Uttar Pradesh.	Dr. Ish Kumar, ishkumarhyd@hotmail.com drish1958@gmail.com	31.05.2019 to 30.05.2020

Table 5.2: Special Monitors engaged in the Commission

S.No.	Name and Subject	E-mail & Mobile/phone	Tenure
1.	Ms. Razia Ismail Rights of Children	iacrindia@gmail.com, wecantrust@gmail.com	11.07.2019 to 10.07.2020
2.	Shri Ajeet Singh Trafficking	director@guriaindia.org	11.07.2019 to 10.07.2020
3.	Shri Rajive Raturi Rights of Persons with Disabilities and Senior Citizens	rajiveraturi@gmail.com	11.07.2019 to 10.07.2020
4.	Shri Ambuj Sharma Health and Environment issues including Mental Health, Water, Sanitation	ambujsharma@hotmail.com	11.07.2019 to 10.07.2020



S.No.	Name and Subject	E-mail & Mobile/phone	Tenure
5.	Ms. Maja Daruwala Police and Prison Reform	maja.daruwala@gmail.com	01.09.2019 to 31.08.2020
6.	Prof. Indu Agnihotri Rights of Women	iagnihotri53@gmail.com	05.11.2019 to 04.11.2020
7.	Dr. Jayashree Gupta Consumer Affairs and Food	jayashreehrg@gmail.com	23.03.2020 to 22.03.2021

F. Core and Expert Groups

5.15 Core and Expert Groups consist of eminent persons or subject experts or representatives of Government or technical institutions or NGOs in a given field required by the Commission, be it health, mental health, disability, bonded labour, etc. These Groups render expert advice to the Commission as per their expertise. Some of the important Core and Expert Groups that functioned in the NHRC during the year, 2019-2020 were:

- i. Core Advisory Group on Health and Mental Health
- ii. Core Group on Disability and Elderly Persons
- iii. Core Group on NGOs and Human Rights Defenders
- iv. Core Group on Right to Food
- v. Core group on Business, Environment and Human Rights
- vi. Core Advisory Group on Bonded Labour and Migrant Workers
- vii. Core Group on Women
- viii. Core Group on Children
- ix. Core Group on LGBTQ
- x. Initiation of Core Group on Criminal Justice System

5.16 Meetings of the Core and Expert Groups are called by the NHRC periodically at regular intervals or as and when deemed necessary, in the Commission. The details of some of the Core and Expert Group meetings held in the Commission during the period under review are given in subsequent chapters of the Annual Report where these issues have been taken up.





CHAPTER 6

Right to Health and Mental Health

- 6.1 Every human being is entitled to enjoyment of the highest attainable standard of health conducive to living a life of dignity. Health does not mean mere absence of disease but physical, mental, psychological and emotional well-being of an individual. This right is indispensable for the exercise of other human rights. It is the duty of the State to promote, protect and preserve the health of all individuals. The Constitution of India upholds 'right to health' as a Fundamental Right under Article 21.
- 6.2 The mental health which forms an integral part of health, is the area where the country is facing a serious predicament. According to the World Health Organization (WHO), mental health is "a state of well-being in which the individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community". Enumerating the burden of those suffering from mental health problems like neurological disorders and substance abuse, the National Mental Health Survey (NMHS), 2015-16, points out to the huge burden of mental health problems where nearly 150 million Indians need mental health care services while less than 30 million are seeking care.
- 6.3 It is important to consider that promotion of mental health has both human rights and economic aspects attached to it. It has long been the case that individuals with mental health conditions are amongst the most abused and discriminated against in the country and deserve to be treated with dignity. Further, neglecting mental health could impact economic development through loss of production and consumption opportunities at both the individual and societal level. Acknowledging this, Sustainable Development Agenda, which was adopted at the United Nations General Assembly in September, 2015 within the health goal, has included two targets directly related to mental health and substance abuse as it requests the countries: "By 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being" and "Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol" respectively. Therefore, it has been a globally recognized fact that health is a crucial prerequisite for sustainable human development, but there can be no health without mental health.
- 6.4 Since the time the National Human Rights Commission (NHRC) came into existence in October 1993, the Commission has consistently taken the view that the right to life with dignity, enshrined in the Constitution, must result into the strengthening of measures to ensure that all people, and particularly those belonging to the economically disadvantaged sections of the society,



have access to better, affordable, accessible and more comprehensive healthcare facilities. The given Chapter throws light upon the work in the domain of ensuring right to health and mental health undertaken by the Commission during the year 2019-20.

A. Mental Health: National Level Review Meeting on Mental Health

- 6.5 The Commission had organized a National Level Review Meeting on Mental Health on 7th August 2019 at India International Centre, New Delhi. The meeting was organized with the objective of reviewing the status of mental healthcare service delivery in India with special reference to implementation of Mental Healthcare Act, 2017 by the States. The meeting was inaugurated by Justice Shri H.L. Dattu, Hon'ble Chairperson, NHRC and attended by the senior officials of Ministry of Health and Family Welfare namely, Ms. Preeti Sudan, Secretary, Shri Sanjeeva Kumar, Additional Secretary and Chairperson, Central Mental Health Authority, Shri Luv Aggarwal, Joint Secretary, and representatives of Ministry of AYUSH, State Human Rights Commissions, Medical Council of India, Indian Nursing Council, Directors of Mental Health Institutions, experts in the field of mental health and representatives of civil society organizations and Non- Governmental Organizations (NGOs) working in the field of mental health.
- 6.6 The programme was divided into various Technical Sessions. In the Technical Session-I, the Status of Mental Healthcare in India was discussed and in the Technical Session-II, the discussion was on the Status of Implementation of Mental Healthcare Act, 2017. This session was chaired by Secretary, Ministry of Health & Family Welfare and various State representatives made their power point presentations about their best practices and bottlenecks i.e., the kind of issues they are facing in delivery of mental healthcare services and in implementation of mental healthcare Act, 2017. In the Technical Session-III, there were two panel discussions, one was on Access to Mental Healthcare - integration of mental health services into general healthcare services and the second was on strengthening of manpower in the area of mental healthcare services. The daylong meeting was concluded with remarks from Justice Shi P.C. Pant, Member, NHRC. The meeting successfully carried out intensive deliberations on the issues faced by the States and the best practices which other States can also replicate. Many questions were put forth by various civil society organizations and NGOs which were answered by the Ministry Officials and the panelists.
- 6.7 Shri Sanjeeva Kumar, Additional Secretary and Chairperson, Central Mental Health Authority, Ministry of Health and Family Welfare informed that only 19 States have implemented the Mental Healthcare Act so far. He said 10.6 percent of the adult population in the country suffers from mental health issues. Justice Dattu emphasized that there is a requirement of 13500 psychiatrists but only 3827 are available. Against the requirement of 20250 clinical psychologists only 898 are available. Similarly, there is an acute shortage of paramedical staff also. However, Shri Luv Aggarwal, Joint Secretary, Ministry of Health and Family Welfare assured that the Government of India is making investment under the National Mental Health Programme to bridge this huge gap. Government has recently established a Digital Academy with the help of The National



Institute of Mental Health and Neuro-Sciences (NIMHANS), Central Institute of Psychiatry (CIP), Ranchi and Lokopriya Gopinath Bordoloi Regional Institute of Mental Health (LGBRIMH), Tezpur to provide online training courses to medical and paramedical professionals in the country. The Academy is working on the Hub and Spoke Model wherein NIMHANS will provide technical and academic assistance to the two Institutes as well as to other Institutes joining the Academy in future.

- 6.8 Shri Luv Aggarwal, Joint Secretary, Ministry of Health and Family Welfare also enumerated some of the progressive features of the Act such as advance directive, nominated representative, and special clauses for women and children related to admission, treatment, sanitation and personal hygiene, restriction on use of Electro-convulsive Therapy and Psychosurgery. Decriminalization of suicide is another significant facet of the Act, which will ensure proper management of severe stress as a precursor for suicide attempts.
- 6.9 Many key recommendations emanated from the daylong intensive deliberations of the meeting, such as, there is a huge treatment gap i.e., 70-75% for severe mental disorders (NMHS, 2016). It is suggested that mental health programmes must be developed along a developmental continuum moving from a unitary adult-centric approach to an approach which caters to different needs of children, women, elderly, homeless mentally ill etc. In order to achieve this, inter-sectoral participation beyond the health sector (social welfare, education, labor, etc.) focusing on rehabilitation, re-integration of the victims in society is required. Further, AYUSH services need to be integrated in the conventional medical services and thus leading to formation of an inter-sectoral working group which would encourage the flow of knowledge and experience among different domain experts in treating patients effectively. It was strongly emphasized by the Secretary, Ministry of Health and Family Welfare, that mental health issues may be taken up in the Gram Sabha meetings in order to understand mental health issues at this level. This would further help in generating awareness and reducing the stigma associated with mental health.
- 6.10 After intensive deliberations, the following key recommendations/suggestions emanated from the review meeting:
- i. **Inter-Sectoral participation:** There is a huge treatment gap i.e., 70-75.5% for severe mental disorders (NMHS, 2016). It is suggested that mental health programmes must be developed along a developmental continuum moving from a unitary adult-centric approach to an approach which caters to different needs of children, women, elderly, homeless mentally ill etc. In order to achieve this, Inter-Sectoral participation beyond the health sector (Social Welfare, Education, Labor) focusing on rehabilitation, re-integration of the victims in society is required.
 - ii. **Integration of AYUSH services in the conventional medical services:** Considering that there are various diploma courses available on Mental Health, the AYUSH doctors should also be given the opportunity and eligibility status to pursue such courses/specializations.



This would help in increasing the manpower required for addressing mental health issues. Further, AYUSH services need to be integrated in the conventional medical services and thus leading to formation of an inter-sectoral working group which would encourage the flow of knowledge and experience among different domain experts in treating patients effectively.

- iii. **Promoting research in preventive medicine:** It is suggested that there is a need to promote research in preventive medicine which would play a huge role in preventing mental health disorders in the first place. In this regard, interventions from the domain of Ayurveda, Siddha, Unani and Homeopathy must be encouraged and advocated.
- iv. **Community based care for providing affordable healthcare services:** Burden of mental illness contributes significantly to the treatment gap in India. The costs of long term treatment, including consultation and medication costs, travelling costs to treatment centres and stay in hospital all contribute substantially to the economic burden of mental illness. It is suggested that community based care could be promoted in order to provide substantial benefits to the patients and families by providing affordable healthcare services, thereby reducing the economic burden of mental illness.
- v. **Taking up mental health issues at Gram Sabha level:** It is suggested that mental health issues may be taken up in the Gram Sabha meetings in order to understand mental health issues at this level. This would further help in generating awareness and reducing stigma associated with mental health diseases.
- vi. **Advocacy and sensitization programmes:** Advocacy and sensitization programmes must be organised for community workers, panchayats, faith healers, teachers, police, ASHAs and Anganwadi Workers who are key resource people at village level and act as community gatekeepers.
- vii. **Incorporation of mental health in training curriculum:** Incorporation of mental health in training curriculum of Police Training Centres and District Institute for Education and Training (DIETs) under Education Department can organise training of school teachers as Nodal teachers for Mental Health.
- viii. **Continuous mentoring and supervision of trained professionals in the mental health domain:** The professionals including law enforcement officials, mental health professionals and other health professionals should be mentored, and supervised at regular intervals. In order to do so social capital needs to be tapped effectively.
- ix. **Optimum usage of digital technology in delivering mental health services:** Digital technology should be leveraged in far flung areas and in a context where access to qualified psychiatrists is difficult.
- x. **Addressing the Shortage of manpower in the domain of Mental Health:** To address the shortage of qualified mental health professionals it was thought necessary to



have dedicated manpower development schemes in addition to continuing with the community care approach adopted under the District Mental Health Programme. These schemes must aim at increasing the PG training capacity in the mental health specialties of psychiatry, clinical psychology, psychiatric social work and psychiatric nursing. Also, States having shortage of trained professionals can invite professionals from other States. Further, proper mechanisms are required in certain States to place trained mental health nurses in mental health programmes. States can also invite manpower from other States.

- xi. **Efficient utilization of available human resources:** Already, there is an acute shortage of mental health staff be it psychiatrists, clinical psychologists or psychiatric nurses. Moreover, the already available human resource is not being utilized efficiently. It is recommended that a proper monitoring mechanism is required so that the available human resource is utilized efficiently.
- xii. **Requirement of a Standardized protocol for Drug De-addiction Centers:** In order to address the issue of illegal drug de-addiction centers, it is required that a standardized protocol is developed for the same.
- xiii. **Strengthening efforts towards Suicide Prevention:** States need to develop programmes to improve the efficacy of general healthcare services in relation to individuals with suicidal ideation, suicidal behaviour, and substance abuse/dependence by enhancing skills of the concerned professionals for early identification and risk assessment for suicide.
- xiv. **Development of Norms for Quality and Service Provision:** As stated in the Mental Healthcare Act, 2017 development of Norms for Quality and Service provision for different types of Mental Health Establishments are required to be initiated at the earliest.

6.11 The above recommendations have been sent to all the State Governments/Union Territories (UTs), participating Union Ministries, State Human Rights Commissions (SHRC), Government bodies viz., Medical Council of India, Indian Nursing Council and all the other participants and stakeholders of the meeting for their consideration and necessary action.

6.12 In this connection, information from States/UTs regarding the implementation of some of the important provisions enlisted under the Mental Healthcare Act, 2017 was collected through a questionnaire addressed to all the States/UTs. A total of twenty four responses were received, out of which, only twelve States/UTs have constituted the State Mental Health Authority. Moreover, Special Rapporteur, NHRC, had visited Rajasthan on 21st June 2019, Maharashtra on 10th July 2019, Bihar on 24th July 2019, Goa on 28th August 2019, Madhya Pradesh on 25th Sept 2019 and Chhattisgarh on 27th Sept 2019 in order to review the implementation status of Mental Healthcare Act, 2017 by these States. In this regard, the respective State Governments were strongly recommended to adhere to the provisions laid out in the Mental Healthcare Act, 2017 at the earliest be it formation of State Mental health Authority, Mental Health Review Boards, development of quality and service norms, addressing the manpower shortage concerns and appropriate training of the professionals.



- 6.13 Dr. Vinod Aggarwal, Special Rapporteur, NHRC for Central Zone (with additional charge of West Zone) met Secretary General on 11th June 2019 and discussed the visit priorities/pending issues. In this meeting, Dr. Vinod Aggarwal submitted that the Ranchi Institute of Neuro-Psychiatry and Allied Sciences is inadequately staffed due to non-availability of recruitment rules. Another suggestion of the Special Rapporteur was that the Development Commissioner should be asked to be present in the Hospital at least thrice in a week to monitor the working of the hospital. Subsequently, the Commission wrote a letter to Chief Secretary, Government of Jharkhand to expeditiously notify the recruitment rules, recruit adequate staff and consider the suggestion of Special Rapporteur, NHRC regarding the role of Development Commissioner.
- 6.14 Dr. Pratima Murthy, Member of Core Group on Health and Mental Health had drawn the attention of the Commission on the issue of shifting of mental health patients to old age and beggar's home by Maharashtra Government which was published in the Indian Express dated 21st December, 2019. Taking cognizance of the issue, the matter was taken up with the Chief Secretary, Government of Maharashtra and he was requested for sending a report to the Commission and simultaneously, Special Monitor, NHRC (Health and Mental Health) was deputed for checking the ground realities in the matter.

B. Visits to Mental Health Institutions

- 6.15 Smt. Jyotika Kalra, Member, NHRC visited the Institute of Human Behaviour and Allied Sciences (IHBAS), Delhi to review the functioning of the institution on 11th April 2019. In this regard the Commission recommended the State Government of National Capital Territory that IHBAS should take up the necessary steps for recruitment & promotional avenues for the staff so as to ensure staff expansion for new/specialized areas in Mental Health, for human rights needs (e.g. Counselors, Clinical Psychologists), for Disability Certification, for manpower needs (e.g. legal consultants) and for Assistance to Judicial and Quasi-judicial agencies. It was also recommended that the rehabilitation program should be evolved for patients who are either falsely victimized or not taken back into their families for other reasons.
- 6.16 Smt. Jyotika Kalra, Hon'ble Member, NHRC visited Uttar Pradesh's State Government Mental Health Hospital in Bareilly on 28th May 2019 for an on the spot review to evaluate the functioning of the institution. At State Government Mental Health Hospital, Bareilly it was observed that there is shortage of staff, therefore, the Commission recommended the State Government of Uttar Pradesh that sanctioned posts need to be filled on immediate basis and if required, more such posts like clinical psychologist, psychiatric social worker, and psychiatric nurses to be sanctioned by the State to run the Mental Healthcare Hospital properly. It was also noted that patients are admitted from neighboring States but there are no clear guidelines by the State Authority regarding this. As per the Government policy, the hospital was not allowed to admit patients from any other State. Thus, it was recommended that the State Government must issue clear guidelines in order to accommodate patients coming from neighboring States, and appropriate technology must be used to trace and track the patient's identity and his/her



native place. Further, it was also emphasized by the Commission that long stay patients are mostly the ones who are abandoned by their families, therefore, they need to be trained in some skills in order to earn and live independently after recovery. This helps as an effective way of rehabilitation of the inmate after discharge.

- 6.17 The Registrar (Law), NHRC visited Ranchi Institute of Neuro-Psychiatry and Allied Sciences (RINPAS), Jharkhand on 8th June 2019 for an on the spot review to evaluate the functioning of the institution. In this regard, the Commission recommended the State Government of Jharkhand that there is a need for more trained staff to understand the specific problems of some of the inmates and to act as a caregiver and endeavours must be made for eradicating the stigma associated with the illness. In the case of homeless persons, RINPAS should take more affirmative steps regularly with the help of NGOs and social workers, in order to trace the inmates' families and send them to their respective homes, who have been recovered from mental illness.
- 6.18 Special Rapporteur for Central Zone, Dr. Vinod Aggarwal, visited Rajasthan from 21st to 24th June 2019, to review the implementation status of Mental Healthcare Act, 2017 by the State and also to review the functioning of the Mental Health Hospital, Jaipur and Mental Health Hospital, Jodhpur. The visits were made with the intent to review the functioning of these institutions. The Commission recommended the State Government of Rajasthan that it is more than 2 years since the Mental Healthcare Act, 2017 was enacted and the State Governments were expected to establish the State Mental Health Authority (SMHA) within nine months but Rajasthan Government has not fully formed the SMHA. The Chief Executive Officer is not full time and an Officer has been given additional charge. It is required to fill these positions at the earliest. Subsequently, the constitution of Mental Health Review Boards should be initiated and digital registers of mental health establishments must be maintained. The Commission has also recommended that all the district hospitals need to have an in-patient treatment department with a minimum 10 beds and treatment of mental disease must be initiated from the district nodal officer. Further, it is required to establish a proper referral system and link between Medical College's Psychiatry department, mental health hospitals and district nodal officers. This initiative would be quite relieving for patients coming for follow ups travelling several kilometers. Adequate training programs must be conducted from time to time in order to train mental health professionals. It was also observed that no rehabilitation home has been set up by the State Government to shift long stay patients from Jaipur Mental Hospital. About 25% of beds are occupied by the long stay patients in this hospital. Therefore, it was recommended that the Rehabilitation homes for long stay patients, as per the guidelines of the Supreme Court, must be built in the vicinity for at least 75 persons at the earliest. This would help to reduce the load on mental hospitals and needy patients would get admissions with much more ease.
- 6.19 Special Rapporteur, NHRC, Dr. Vinod Aggarwal, visited Maharashtra on 10th July 2019 to review the implementation status of Mental Healthcare Act, 2017 by the State and also to review the functioning of Regional Mental health Hospital, Yerwada, Pune on 13th July 2019. The



Commission submitted to the Government of Maharashtra that it would be desirable that a patient once treated at the mental healthcare hospital, should be handled at the district hospital under the guidance of the district nodal officer. The SMHA must pass orders for referrals at the earliest, for ease of the treatment and useful link of district psychiatric centers. Regarding the Regional Mental Hospital, Yerwada, it was brought to the attention of the Government that the hospital management, patients and the relatives were not aware of the National Trust Act, 1999 and about the provision of legal guardianship under this act. People met the Special Rapporteur, NHRC with problems of guardianship for which solutions are available under both these acts but the hospital administration was unaware about them.

- 6.20 Special Rapporteur, NHRC, Dr. Vinod Aggarwal, visited Goa in order to review the implementation status of Mental Healthcare Act, 2017 by the State as on 28th August 2019 and also to review the functioning of the Institute of Psychiatry & Human Behaviour, Bambolim, Goa on 29th August. As per Section 69 of the Mental Healthcare Act, 2017, the SMHA has to maintain a register of mental health establishments, registered by SMHA in digital format to be called as Register of Mental Health Establishments but the register is maintained in the format prescribed under Mental Health Act, 1987 only. It was recommended that the digital register of the mental health establishments should be revised as per the requirement of the Act of 2017. Regarding the Institute of Psychiatry & Human Behaviour, Bambolim, it was brought to the attention of the Government of UT of Goa that there are 15 % posts lying vacant in the hospital. The hospital lacks faculty in clinical psychology, psychiatric social work and psychiatric nursing to a great extent. There is only one faculty against 6 positions in the institute. The medical records are not computerized and time taken to retrieve the patient's record is long. It suggests that when a follow up patient comes it takes him around 2-3 hours to reach the doctor. The registration is also manual and that is one of the major shortcomings of the hospital. Further, the Commission recommended the Government of UT of Goa that, as per the directions of the Hon'ble Supreme Court in the case of G. K. Bansal vs. State of U.P in writ petition (civil) No. 412/2016, the guidelines be made for Long Stay Patients, and the Department of Empowerment of Persons with Disabilities, Government of India to formulate guidelines for setting up of Rehabilitation homes and then State governments should set up such homes as per the Guidelines.
- 6.21 Shri Ambuj Sharma, Special Monitor (Health and Mental Health), NHRC had visited Central Institute of Psychiatry (CIP), Ranchi on 1st and 2nd October, 2019, in order to review the functioning of the Institute. Regarding a 24 hour emergency service, it was recommended to the Government of Jharkhand that some sort of tie-up can be made with both Government and private hospitals to avail CIP's general as well as Emergency services for patients with mental illness and also to get optimum utilization of facilities available at CIP, particularly covering poorest of the poor who normally cannot either afford nor access such treatment in their remote areas. Further, in order to extend the public outreach, it was suggested that, specialized clinics running in CIP campus may also be located in off-site areas like Jails, Prisons, Remand/Destitute/Widow Homes etc., and effective use of digital/online services to be made, to make an even higher widespread impact in the area of its operation.



C. Meeting of Core Advisory Group on Health and Mental Health

- 6.22 The meeting of the Core Group on Health and Mental Health was held on 26th November 2019 in the Commission under the chairmanship of Justice Shri P. C. Pant, Member, NHRC. The meeting was attended by Core Group Members, representatives of the Ministry of Health and Family Welfare and Ministry of Social Justice and Empowerment and representatives of Government Institutions viz., National Institute of Health and Family Welfare, National Institute of Social Defence, National Health Authority, National Health Systems Resource Centre, AIIMS, National AIDS Control Organisation (NACO), and special invitees from international organizations like UNAIDS.
- 6.23 Emphasizing on the need for concerted efforts of both Centre and the State to deal with the issue of substance abuse in India (agenda-1), prevention of HIV/AIDS (agenda-2) through awareness generation and planning a way forward for the Charter of Patients' Rights (agenda-3), the issues were extensively deliberated upon by the august gathering.
- 6.24 After due deliberations, the following recommendations emanated from the meeting:
- i. Ministry of Social Justice and Empowerment to send a detailed report to NHRC regarding the current status and functioning of all the de-addiction centers in India.
 - ii. **Substance abuse treatment services in Juvenile Homes:** State Human Rights Commission should proactively collaborate with the Juvenile Justice Committees and Juvenile Justice Boards to develop and monitor treatment services for substance abuse cases in juvenile homes.
 - iii. **Expansion of training facilities for health professionals in identification and treatment of substance use disorders:** The NIMHANS Digital Academy which has already been training medical officers and other health professionals in States like Bihar, Gujarat, Chhattisgarh, Odisha etc. should be replicated by all the States. This will help and catalyze the human resources and improve substance use treatment facilities.
 - iv. **Targeted substance abuse treatment programmes in the marginalized and vulnerable geographies:** Considering the social determinants such as poverty, homelessness, populations residing in the slums and tribal areas, there is a need for targeted interventions in order to address the area specific issues leading to higher prevalence substance abuse.
 - v. Ministry of Health and Family Welfare to send a status report of budget utilization and implementation of Rashtriya Kishor Swasthya Karyakram (National Adolescent Health Programme) towards prevention of substance misuse.
 - vi. **Functional de-addiction centers at university level:** Youth specific programmes and de-addiction facilities need to be made accessible for students at all times.
 - vii. **Research on orphaned children living with HIV:** Undertake research examining the issues of orphaned children living with HIV and deliberating on the way forward.



- viii. To publicize the Charter, the Commission may upload the Charter of Patients' Rights on NHRC website
- ix. The Ministry of Health and Family Welfare should publicize the DOs and DON'Ts by putting it up on their website and spreading awareness through audio-visual-print mediums for wider publicity and effective implementation of the Charter of Patients' Rights
- x. Ministry of Health and Family Welfare to ensure that the display of Charter of Patients' Rights in all government hospitals is made mandatory.
- xi. **Awareness mechanism for sensitizing healthcare providers about Charter of Patients' Rights:** Ministry of Health and Family Welfare to ensure inclusion of Charter of Patients' Rights in the training programmes for health professionals.
- xii. **Inclusion of all the patients' rights in Ministry's DOs and DON'Ts as delineated in the NHRC's Charter of Patients' Rights:** Ministry of Health and Family Welfare should ensure that rights envisaged in the Charter of Patients' Rights are not excluded in the Ministry's DOs and DON'Ts. For instance, right to emergency medical care, right to choose source for obtaining medicines or tests, right to proper referral and transfer free from perverse commercial influences, right to protection for patients involved in clinical trials are excluded in the DOs and DON'Ts

6.25 The above recommendations were sent to the respective stakeholders for their consideration and suitable action.



Deliberations during the meeting of the Core Group on Health and Mental Health held on 26th November 2019 at NHRC



D. The Charter of Patients' Rights

- 6.26 The NHRC's Core Advisory Group on Health had developed a Charter of Patient Rights. It was sent to the Ministry of Health and Family Welfare and to all the State Governments for their suggestions/comments. The same was sent to the Ministry of Health and Family Welfare for its adoption and implementation. In response, a letter was received from the Secretary, Ministry of Health & Family Welfare addressed to all States/UT's with a copy to NHRC. In this letter the Ministry has mentioned that there has been reluctance and resistance on part of some States in adoption of regulatory legislations like the Clinical Establishment Act, 2010. It is also stated in the letter that the Government has been receiving a large number of complaints regarding malpractices, lack of transparency in diagnosis and treatment, implants from select vendors, billing of exorbitant charges, deficiency in services etc. The Ministry has acknowledged that NHRC had taken clues from such complaints and references, and after consultation with some stakeholders prepared a draft 'Charter of Patients' Rights'. However, after discussion in the 11th Meeting of National Council for Clinical Establishments, an apex statutory body consisting of representatives of all major stakeholders, the Ministry has converted the entire draft Charter prepared by the Commission into a set of DO's & DON'Ts for patients and clinical establishments alike, proposing to ensure smooth and cordial environment in the clinical establishments.
- 6.27 Furthering the NHRC's initiative of formulating the Charter of Patients' Rights, the way forward was discussed in the Meeting of NHRC Core Group on Health and Mental Health held on 26th November 2019. In this meeting it was decided that there is a need to publicize the Charter since the majority of health establishments and patients are still not aware of it. Concerns on implementation of the Clinical Establishments Act, 2010 were also raised. The Additional Deputy Director General, Ministry of Health and Family Welfare apprised that the Act directs States to implement the provisions in a phased manner. Addressing the concerns of abuse in certain treatment procedures raised by the Core Group members, the Deputy Chief Executive Officer, National Health Authority (NHA), informed that the NHA is under process of formulating Standard Treatment Protocols wherein such abuses will be kept in check.
- 6.28 The Charter of Patients' Rights was uploaded on the Commission's website for sensitization and easy accessibility to the public at: <<https://nhrc.nic.in/document/charter-patient-rights>>
- 6.29 Considering the need to monitor the implementation of patient rights, the Commission's Special Monitor (Health and Mental Health) visited Bengaluru, Lucknow, and Patna during December, 2019 - January, 2020, for conducting meetings with the Senior State Government Officials, representatives of civil society etc to monitor the implementation aspects of the Patients' Rights Charter.

E. Silicosis

- 6.30 In view of the non-responsive and insensitive attitude displayed by most of the States to the life threatening problem of Silicosis, the Commission filed an Interim Application in Supreme Court on 18 May 2017, in Case No., 110 of 2006 in People's Rights and Social Research Centre (PRASAR)



vs. Union of India and Others seeking issuance of directions by the Hon'ble Supreme Court to all the States/UTs on various facets of the problem of Silicosis. Along with the Interim Application, NHRC has submitted recommendations on Prevention, Remedy, Rehabilitation and Grant of Monetary Compensation aspect of Silicosis. The matter is on-going in the Supreme Court.

F. Ayushman Bharat Scheme

- 6.31 India's flagship public health insurance/assurance scheme 'Ayushman Bharat Pradhan Mantri Jan Arogya Yojana' provides cashless cover of up to Rupees 5,00,000 to each eligible family per annum for listed secondary and tertiary care conditions. In order to review the implementation status of this scheme, Special Rapporteur, NHRC, Dr. Vinod Aggarwal, visited Maharashtra on 27th November, 2019 and specifically in the district of Aurangabad on 30th November 2019. It was informed that the system of providing services under this scheme does not cater to the schedules of the surgeons/doctors concerned. Further, it was also informed that there are no triggers in the software for catering to the problems of fraud or mistakes for cases of double claim for same surgery or same treatment of the same patient by the same hospital or by a different hospital. It was reported that there is no system to keep a tab on whether the admission in the hospital set up is more than the number of beds and if there is also a system to keep a tab whether the hospital is reporting repeatedly such types of instances. It was also reported that there is a need for a medical audit about the number of surgeries performed, whether the patient has become alright or still suffering from various complications or not. It was informed that the concept of mortality audit is being introduced but surgical morbidity or complication audit not even planned. In this regard, the Commission recommended that the State Government needs to strengthen the scheme at the district level, cater to the discrepancies in the system and special attention is required to be paid to the worst performing districts in the State.

G. Illustrative Cases in the year 2019-20

1. Death of a one-and-a-half year old girl due to burn injuries in Bundelkhand Medical College in District Sagar, Madhya Pradesh after she was denied a ventilator

(Case No. 316/12/37/2019)

- i. The Commission came across a distressing news published in the 'Times of India' dated 11.02.19 captioned "Doctor tells parents to 'get ventilator', baby dies in MP". As per news report a One-and-a-half year old girl died of burn injuries in Bundelkhand Medical College in District Sagar, Madhya Pradesh after she was denied a ventilator. The parents of the baby alleged that they were told that the hospital does not have a ventilator and were insisted by the doctor that a ventilator costing Rs. One Crore should be arranged by them somehow. As mentioned in another news report on the same subject published in the 'Indian Express', the Dean of the Medical College has stated that a ventilator was available in the Intensive Care Unit (ICU) where the patient could have been shifted.
- ii. The Commission on 11.02.2019 took suo motu cognizance of the news report and observed that the ventilator was available but the doctor on duty did not make any efforts



to shift the injured baby to the ICU or any other ward to save her life, therefore this is a case of violation of human rights. Accordingly, the Commission called for a report on the matter from the Chief Secretary, Government of Madhya Pradesh regarding action taken against the responsible doctor/staff along with the measures taken to ensure that such incidents do not recur in future.

- iii. In response, the Under Secretary, Medical Education Department, Government of Madhya Pradesh reported that the Dean, Medical College, Sagar had constituted a four member Enquiry Committee under the Chairmanship of Shri Virender Singh Rawat, Additional Commissioner, Sagar for enquiry into the matter. During enquiry, Dr. Akhilesh Ratkar, Assistant Professor stated before the Enquiry Committee that the relatives of the patient were standing in vehement manner encroaching the whole ward. The information was given to the Senior Medical Officer as well as the Police Station, while the treatment was going on. Dr. Pushpraj Singh, Junior Resident, Surgery Department, Medical College, Sagar stated before the Enquiry Committee that the relatives of the patient crowded around the patient causing disturbances in the treatment. The Committee in its report concluded that there was no negligence in treatment of the patient. There was no shortage of ventilators in the Medical College and it was not required in the burn ward. The course of treatment by the Doctor was in order and the management was advised to work carefully in future. It was also reported that the Dean Medical College, Sagar suspended Dr. Jyoti Rout, Junior Resident. However, the order of suspension of Dr. Jyoti Rout, Junior Resident was revoked as there was no negligence in the treatment and she was directed to behave with patients and relatives as a public servant in future. The cause of the death of the deceased child was opined "due to asphyxia as a result of aspiration of gastric content into windpipe" as per Postmortem Report.
- iv. Upon perusal of the report, the Commission observed that it had been prima facie established that there was negligence on the part of Doctor on duty of Bundelkhand Medical College, District Sagar, Madhya Pradesh, who behaved in a negligent, improper and unethical manner unbecoming of a public servant. The Commission, therefore, issued a notice under Section 18 of the Protection of Human Rights Act (PHRA), 1993 to the Chief Secretary, Government of Madhya Pradesh to show-cause as to why a monetary compensation of Rs. Three Lakh be not recommended to be paid to next-of-kin (NoK) of the deceased Ansika Ahirwar.
- v. Despite reminder, no reply to the Show Cause Notice was received from the Chief Secretary, Government of Madhya Pradesh. Under these circumstances, the Commission presumed that the Government of Madhya Pradesh had nothing to urge in the matter and while confirming the show cause notice, recommended to the Government of Madhya Pradesh to pay an amount of Rs. 3,00,000/- (Rupees Three Lakhs Only) as monetary compensation to NoK of the deceased Ansika Ahirwar. The Chief Secretary, Government of Madhya Pradesh was asked to submit a compliance report along with proof of payment within six weeks



positively. However, Dean, Medical College, Bundelkhand informed the Commission that in compliance of the recommendation of the Commission, an amount of Rs. 3,00,000/- (Rupees Three Lakhs Only) has been paid to the mother of the deceased Ansika Ahirwar.

2. Alleged death of a woman due to medical negligence, non-registration of case and inaction by Bijapur District and State authorities in Chhattisgarh

(Case No. 128/33/17/2018)

- i. The Commission received a complaint from Shri R. H. Bansal, a human right activist, alleging death of a woman due to medical negligence, and non-registration of case and inaction by Bijapur District and State authorities in the matter. It was stated in the complaint that a wrong tubectomy surgery was conducted on the victim at District Headquarter Hospital, Bijapur. A few hours after the operation, the victim was discharged. Subsequently, the victim died due to severe bleeding.
- ii. On perusal of the complaint, the Commission issued a notice to the Secretary, Department of Health & Family Welfare, Government of Chhattisgarh and Superintendent of Police (SP), Bijapur, Chhattisgarh, calling for a report in the matter. In response a report was received from the Chief Medical Officer (CMO), Bijapur, Chhattisgarh. It was reported therewith that the victim lady used to remain ailing most of the time. This fact was never informed to the doctors before the tubectomy. However, it was reported that the cause of death of the deceased was not tubectomy. Nevertheless, the victim was reportedly paid a compensation of Rs. 2 lakhs under Family Planning Indemnity Scheme (FPIS).
- iii. Upon consideration of the report, the Commission observed that the allegations made in the complaint were denied by the CMO, Bijapur and several documents were furnished in support of his contentions. Since the matter involved serious medical assessment, the Commission was of the view that the matter be examined by the expert on the panel of the Commission for its opinion. Therefore, the case record was placed before the expert on the panel of the Commission for its opinion. The expert after examining the entire material on record held as follows:

"In this case the level of Haemoglobin of the patient was less than 7 gm% which should have alerted the operating team to delay the procedure and underlying disease causing anaemia should have been evaluated/identified. In the present case the cause of death was 'massive intestinal Haemorrhage from colonic diverticulum leading to haemorrhagic shock and death'. The patient should have been investigated for her underlying disease, i.e. diverticulitis which is usually identifiable on radiological investigation. The operation tubectomy should have been delay[ed]. This is in contravention of NRHM [(National Rural Health Mission)] guidelines.

However, in view of the cause of death, i.e., bleeding from diverticulum disease after a gap of about one week from the date of operation; the possibility of spontaneous independent bleed[ing] cannot be ruled out and is not specifically in direct consequence to operative



procedure. In view of above, it is recommended that the team which is providing permanent contraceptive procedures need to undergo training in N.R.H.M. guidelines."

- iv. The Commission carefully considered the materials on record and took note of the facts and circumstances of the case. The Commission observed and directed as under:

"From the materials on record, it could be seen that the deceased died due to post complication of tubectomy surgery and the Department of Health & Family Welfare, Government of Chhattisgarh had also accepted negligence on the part of treating doctors. Ever since there was a scheme for extending a benefit of Rs. 2 lakhs to the next of the kin of the deceased under Family Planning Indemnity Scheme, and the said benefit was extended to the NoK of the deceased because there was a consent form filled up at the time enrolment for sterilization. Nevertheless it was a clear case of violation of human rights of the deceased, In the circumstances, the Chief Secretary, Govt. of Chhattisgarh be directed to show cause u/s 18 (a) (i) of PHR Act, 1993 as to why a compensation of Rs.3,00,000/- (Rupees Three Lakhs) should not be recommended to be paid to the next of the kin of the deceased within six weeks positively.

The Principal Secretary, Health & Family Welfare, Government of Chhattisgarh be directed to revamp the "Quality Assurance Committee" as mentioned in Annexure I of the Manual for Family Planning Indemnity Scheme issued by the Ministry of Health & Family Welfare, Government of India as to ensure whether pre-operative measures were followed or not and to initiate action against the Doctor(s) who were the part of tubectomy surgery of Smt. Laxmi Kanti."

- v. Accordingly, a notice was issued to the Chief Secretary, Government of Chhattisgarh calling upon him to submit a reply to the show cause notice on or before 27.06.19. The Principal Secretary, Department of Health & Family Welfare, Government of Chhattisgarh was also asked to submit an additional report by 24.06.19. However, no response was received so far from the Government of Chhattisgarh.
- vi. Under these circumstances, while considering the matter, the Commission presumed that the Government of Chhattisgarh had nothing to urge in the matter and accordingly confirmed its Show Cause Notice. The Commission recommended to the Government of Chhattisgarh to pay an amount of Rs. 3,00,000/- (Rupees Three Lakhs Only) as monetary compensation to the NoK of the deceased Laxmi Kanti. Chief Secretary, Government of Chhattisgarh shall submit compliance report along with proof of payment within four weeks positively.
- vii. The Principal Secretary, Health & Family Welfare, Government of Chhattisgarh was also reminded to revamp the "Quality Assurance Committee" as mentioned in Annexure I of the Manual for Family Planning Indemnity Scheme issued by the Ministry of Health & Family Welfare, Government of India to ensure whether pre-operative measures were followed or not to initiate action against the Doctor(s) who were the part of tubectomy surgery of Smt. Laxmi Kanti. He is directed to submit a report within four weeks positively.



- viii. Response is awaited from both the Chief Secretary and the Principal Secretary, Health & Family Welfare, Government of Chhattisgarh.

3. Seven senior citizens lost sight in one eye weeks after they underwent a cataract operation at a free camp in Mandya district of Karnataka

(Case No. 835/10/14/2015)

- i. The Commission came across a news item reported in 'The Times of India' dated 6.7.2015 under the caption, "7 lose sight after cataract operations". According to the report seven senior citizens have lost sight in one eye weeks after they underwent a cataract operation at a free camp in Karnataka's Mandya district. The surgery was reportedly carried out at Bhagwan Mahaveer Darshan Eye Hospital in Mysuru on April 1, 2015. The camp was held under the National Swasthya Bima policy. Reportedly, after a few days of the surgery, the patients began to feel severe itchiness and swelling around the affected eye and gradually lost vision.
- ii. The Commission took suo motu cognizance in the matter and issued a notice to the Chief Secretary, Government of Karnataka calling for a detailed report. In response, Principal Secretary to Government, Health & Family Department, Government of Karnataka forwarded an inquiry report submitted by Joint Director (Ophthalmology), Directorate of Health & Family Welfare Services, Bengaluru. The report clearly indicated that the cause of postoperative infection was due to usage of sub standard medicine, i.e. Ringar Lactate Solution and Bhagwan Mahaveer Darshan Eye Hospital had been strictly instructed to use only standard quality medicines for surgeries besides advising other precautionary measures.
- iii. The Commission also received a letter dated from Advocate Shri V.N. Raghupathy, on behalf of the State of Karnataka, in the matter. The report indicated that the Joint Enquiry Committee which was constituted to enquire into the circumstances leading to the incident concluded that the cause of infection could be of multiple reasons like common entry point of Operation Theatre, deficiency in pre and post-operative care in patient camps, failure to retain the samples of contaminated ringer lactate, etc.
- iv. Upon consideration of the response from the State Government, the Commission opined that seven patients lost their eye vision partially or completely due to the negligence of the hospital which conducted the cataract operations upon them and the compensation amount to the tune of Rs. 1,00,000/- (Rupees One Lakh Only) each paid to them was grossly inadequate. Hence, the Commission directed to issue a notice under Section 18 of the Protection of Human Rights Act, 1993 to the Government of Karnataka through its Chief Secretary to show cause within eight weeks as to why an additional amount of Rs. Three Lakhs each as monetary compensation should not be recommended to be paid to those seven people.



- v. In response to the Show Cause Notice, the Principal Secretary, Health & Family Welfare Department, Government of Karnataka submitted that the matter was examined by the Commissioner, Health & Family Welfare Services, Karnataka and in view of the above incident, the Memorandum of Understanding (MOU) in respect of the Bhagwan Mahaveer Darshan Eye Hospital, Mysore was cancelled and the payment of Rs. 9,94,000/- due to the hospital by the Health & Family Welfare Department was also withheld permanently. It was further informed that as per the guidelines of National Programme for Control of Blindness and Visual Impairment (NPCB & VI), the said hospital had to look after the post-operative care and maintenance of the eye of the patients. Hence, further proposed payment of additional amount of Rs. Three Lakh monetary compensation to the patients was due by the Hospital.
- vi. The Deputy Commissioner, Mysuru District informed that there is no provision under Karnataka Private Medical Establishment (KPME) Act for payment of monetary compensation to the said seven patients, who lost their eye vision partially or completely due to the negligence of the said hospital. Copies of seven affidavits dated 07.07.15 from the victims who lost their eyesight along with a reply dated 05.04.18 from Bhagwan Mahaveer Darshan Eye Hospital disclosed that they had received compensation amount of Rs. One Lakh from the Hospital Trust and they would not ask for enhanced compensation or an additional amount from the hospital. It was further reported that a notice under Section 15(5) of the Act for violating Section 9(1) of the KPME Act, 2007 had, however, been issued against the hospital. However, the report was silent about revoking registration/ license of the said hospital.
- vii. Shri Bipin Kalappa, Advocate on behalf of Bhagwan Mahaveer Darshan Eye Hospital, Mysuru submitted point-wise details relating to the said incident and prayed to drop the proceedings against the hospital and not to rely on reports generated by persons who never visited the hospital.
- viii. While considering reply to the show cause notice, the Commission directed the Principal Secretary, Health & Family Welfare Department, Government of Karnataka to send a compliance report along with proof of payment of Rs. 3,00,000/- (Rupees Three Lakhs Only) as monetary compensation paid to those seven people within four weeks. The Deputy Commissioner, Mysuru was also directed to send a specific report within four weeks as to what action was taken against Bhagwan Mahaveer Darshan Eye Hospital, Mysuru under the provision of KPME Act for revoking their registration/license. In response, the Deputy Commissioner, Mysuru submitted a detailed report. It was informed that there is no provision under KPME Act for payment of monetary compensation to the said seven patients. It was further informed that recommendation would be submitted to the Government of Karnataka for issuing necessary orders/directions for payment of additional amount of Rs. 3,00,000/- (Rupees Three Lakhs Only) as monetary compensation, if permissible under the Chief Minister's Relief Fund or under any special assistance. The



report further mentioned various measures initiated by the District Administration about the said incident. A notice under Section 15(5) of the Act for violating Section 9(1) of the KPME Act, 2007 was issued against the hospital. However, the report was silent about revoking registration/license of the hospital. The Commissioner, Health & Family Welfare Services, Bengaluru also informed that cheques had already been handed over to all nine (7+2) patients on 29.08.2019 who had lost their sight due to negligence of Bhagwan Mahaveer Darshan Eye Hospital, Mysuru.

- ix. The Deputy Commissioner and Chairman, Karnataka Private Medical Institutions Registration Authority, Mysuru District informed that the KPME authority had issued a show cause notice on 03.08.19 to Bhagwan Mahaveer Darshan Eye Hospital, Mysuru. The Hospital authority had stated that there was no medical negligence on their part. Further, in the enquiry conducted by the State Medical Authorities, it was also observed that there was no medical negligence on the part of the said Hospital, but there was medical complication. It was informed that no action was taken by KPME authority to suspend or cancel the Registration or licence of the hospital though the permission given for conducting free Eye Camps were withdrawn and further no camps were conducted till now. It was also informed that strict action would be issued not to conduct such free camps until and unless all necessary precautions and safety measures are taken.
- x. Upon consideration of the reports, the Commission closed the matter as the State Government has acted upon the recommendation of the Commission and compensation has been paid to the victims.

4. The kidney of the victim allegedly removed and transplanted the same to a patient by adopting deceitful tactics and using fake documents, in connivance with the officials of Directorate of Medical Education and Training (DMET), Odisha and staff of the Apollo Hospital, Bhubaneswar

(Case No. 1171/18/28/2016)

- i. The complainant Shri Akhand, from Civil Society Forum on Human Rights, Bargarh, Odisha had alleged that the accused persons mentioned in the complaint, in connivance with the officials of DMET, Odisha and staff of the Apollo Hospital, Bhubaneswar, got the kidney of the victim Shri Anil Swamy removed and transplanted the same to a patient by adopting deceitful tactics and using fake documents.
- ii. Taking cognizance in this matter, the Commission called for a report from the Secretary, Department of Health & Family Welfare, Government of Odisha. In response, the Commissioner-cum-Secretary, Department of Health & Family Welfare, Government of Odisha, refuted involvement of officers of the DMET, Odisha in this matter and further reported that on the basis of written report of Shri Anil Kumar Swamy, a case had been registered at Bargarh Town Police Station Case No. 03/2016 under Sections 419/420/468/471/120-B/506/326 IPC read with (r/w) Sections 18/19/20 of the Transplantation of Human Organs



and Tissues Act, 1994, which was handed over to the Crime Investigation Division- Crime Branch (CID-CB), Cuttack, Odisha for further investigation. It is also reported that after completion of investigation, a complaint has been filed in the Court by the Sub Divisional Judicial Magistrate (SDJM), Bargarh, along with all connected documents vide 2(c) CC No. 46/2017 on 29.12.2017 as per the provisions of the Transplantation of Human Organs and Tissues Act, 1994.

- iii. On perusal of the report, the Commission, observed that the Authorization Committee, which had decided to issue No Objection Certificate (NOC) to Shri Raghaba Ram Dora, the recipient, for kidney transplantation, is a statutory body under the Transplantation of Human Organs and Tissues Act, 1994, and the State Government is authorized under Section 4(b) of the said Act to constitute an Authorization Committee. Further, under Section 9(5) of the said Act, there is a provision that the Authorization Committee shall, after holding an inquiry and after satisfying itself that the applicants have complied with all the requirements of this Act and the rules made thereunder, grants approval for the removal and transplantation of the human organs. In this case, the Authorization Committee constituted by the State Government of Odisha has approved/granted NOC for transplantation of kidney from Shri Jayaram Dora (donor) to Shri Raghaba Ram Dora (recipient) without verifying or conducting proper enquiry, due to which kidney of Shri Anil Kumar Swamy, in place of the donor Shri Jayaram Dora, was removed and transplanted into the body of Shri Raghaba Ram Dora. The Commission also apprehended connivance of Apollo Hospital for obtaining the NOC for transplantation of kidney of Shri Jayaram Dora, whereas the kidney of Shri Anil Kumar Swamy was taken out and transplanted into the body of Shri Raghaba Ram Dora.
- iv. Accordingly, a notice under Section 18(a)(i) of the Protection of Human Rights Act, 1993 was issued to the Government of Odisha through its Chief Secretary requiring it to show-cause as to why the Commission should not recommend Rs. 2,00,000/- (Rupees Two Lakhs Only) as compensation to be paid to the victim Shri Anil Kumar Swamy, son of late Shri Gograj Swamy, resident of District Bargarh, Odisha, for violation of his human rights. The Chief Secretary, Government of Odisha was also asked to take this matter before the Appropriate Authority for taking action under Section 16 of the Transplantation of Human Organs and Tissues Act, 1994, with regard to suspension/cancelation of registration of Apollo Hospital, Bhubaneswar, Odisha, as it has breached the provisions of the said Act.
- v. The Commission, vide its further proceedings observed that the findings given by the Commission have not been refuted in the reply to show cause notice, and asked the Chief Secretary, Government of Odisha to pay Rs. 2,00,000/- (Rupees Two Lakhs Only) to the victim Shri Anil Kumar Swamy and submit proof of payment within 6 weeks.
- vi. The Chief Secretary, Government of Odisha has also been directed to submit an action taken report under Section 16 of the Transplantation of Human Organs & Tissues Act, 1994



- with regard to suspension/cancellation of registration of the Apollo Hospital Bhubaneswar, Odisha within 6 weeks.
- vii. In response, the Commission received representation of the hospital dated 12.9.2019 which revealed that donor was Shri Jayaram Dora, brother of the Shri Raghobram Dora (recipient) whereas Shri Anil Swamy was not donor, who lodged case No. 3 dated 2.1.2016 under Section 419/420/468/471/120B/506/326 IPC and Section 18,19 and 20 of Transplant of Human Organs Act, 1994. As per investigation, Shri Anil Kumar Swamy was misrepresented as Shri Jairam Dora. It is quite unimaginative that the doctors of the Hospital after taking photographs of the donor removed the kidney of another person and may not be involved in a large racket.
- viii. The Commission upon consideration of the said representation directed the Government of Odisha to take action against the hospital and to submit a report. The further reports received in this matter are under consideration of the Commission.





CHAPTER 7

Right to Food and Nutrition

- 7.1 India is the world's second most populous country and third largest economy, in purchasing power parity. Despite the recent strong economic growth in the country, access to adequate nutritious food for about a fourth of the population is still a concern. In addition, despite improvements in the nutritional status of children, still too many are malnourished, and a significant number of pregnant and lactating women suffer from iron deficiency anaemia. Nobel laureate Prof. Amartya Sen has strongly emphasized the need to strengthen people's entitlements in order to ensure food security to them in his famous work "Poverty and Famines". He advocated human development alone to be the real economic development. Despite rapid economic growth and gains in reducing its poverty rate, India is saddled with among the highest levels of hunger and malnutrition in the world. Not only does India have high levels of hunger and malnutrition but it has also reduced hunger only marginally over the past two decades. The National Family Health Survey 4 (2015-16), reflects upon this problem as more than half of the women (53 percent) between (15-49) years are anaemic in the country and 22 percent have Body Mass Index (BMI) below normal. Among children younger than 5 years, 35.7 percent have low weight for age and 21 percent have low weight for height.
- 7.2 India is an active member of the United Nations and is a State Party to the International Covenant on Economic, Social and Cultural Rights. The United Nations Sustainable Development Goals (SDGs) for transforming the world by 2030 have also been endorsed by the Government of India. These 17 goals offer a vision of a more prosperous, peaceful and sustainable world in which no one is left behind. They seek to build on the 2000 Millennium Development Goals. This all the more casts an obligation on the Government to respect, protect and fulfill the right to food of every citizen of India. The Government of India is implementing food, livelihood and social security programmes, such as the Integrated Child Development Services (ICDS) Scheme, Mid-day Meal Scheme (MDMS), Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), National Social Assistance Programme (NSAP) and Public Distribution System (PDS), supporting vulnerable people so that they can have access to basic needs, especially food.
- 7.3 The Government of India has undertaken many reforms in the country's existing social security programmes in order to improve delivery on nutrition and food security targets. They have launched ambitious schemes such as the **National Food Security Act, the National Nutrition Strategy and the National Nutrition Mission**, which have the aim of promoting convergent approaches that reflect the multidimensional nature of food and nutrition insecurity, and



addressing inequalities related to gender, age, disability, income, caste and region. In such a positive policy environment, the Government's efforts to address malnutrition and food insecurity have the potential to accelerate progress towards reaching their targets under Goal 2 of the SDGs. The Government of India has put in place a massive food and safety programme by enacting the National Food Security Act, 2013 which seeks to ensure food and nutritional security of the people. The National Food Security Act, 2013 seeks to deliver food security to the targeted beneficiaries. It combines and expands the scope of some existing food-based welfare schemes like Targeted Public Distribution System (TPDS), Supplementary Nutrition Programme (SNP) of ICDS and MDMS and a conditional cash transfer scheme called the Maternity Benefit Programme [erstwhile Indira Gandhi Matritva Sahyog Yojana, (IGMSY)].

- 7.4 As per SDG 2 of the United Nations there is an aim to end hunger. After decades of steady decline, the number of people who suffer from hunger – as measured by the prevalence of undernourishment– began to slowly increase again in 2015. Today, more than 820 million people regularly go to bed hungry, of which about 135 million suffer from acute hunger largely due to man-made conflicts, climate change and economic downturns. Towards ensuring effective and efficient implementation of SDG targets, a robust system for review and monitoring of the progress towards achieving targets under SDG using a variety of food and nutrition security indicators is required. In order to address these risks, the Food and Agriculture Organization urges countries to: meet the immediate food needs of their vulnerable populations; boost social protection programmes; keep global food trade going; keep the domestic supply chain gears moving, and; support smallholder farmers' ability to increase food production.
- 7.5 With a five-fold increase in food grain production from 50 million tonnes in 1950-51 to about 250 million tonnes in 2014-15, India has moved away from dependence on food aid to become a net food exporter. In 2016, the Government launched a number of programmes to double farmers' incomes by 2022. These seek to remove bottlenecks for greater agricultural productivity, especially in rain-fed areas. They include: **the National Food Security Mission, Rashtriya Krishi Vikas Yojana (RKVY), the Integrated Schemes on Oilseeds, Pulses, Palm oil and Maize (ISOPOM), Pradhan Mantri Fasal Bima, the e-marketplace**, as well as a massive irrigation and soil and water harvesting programme to increase the country's gross irrigated area from 90 million hectares to 103 million hectares by 2017.
- 7.6 The Government has also taken significant steps to combat under- and malnutrition over the past two decades, such as through the introduction of **mid-day meals at schools, anganwadi systems** to provide rations to pregnant and lactating mothers, and subsidised grain for those living below the poverty line through a public distribution system. The **National Food Security Act, 2013**, aims to ensure food and nutrition security for the most vulnerable through its associated schemes and programmes, making access to food a legal right.
- 7.7 National Human Rights Commission (NHRC) is committed in its crusade to ensure nutritious food to citizens of India. The NHRC has constituted its Core Advisory Group on Right to Food and Nutrition which demonstrate issues, challenges and solutions to this field. The Core Advisory Group, on a routine basis, identifies the plight of food and nutrition in our country.



It also analyses the steps taken by the government. Moreover, the Commission is a very keen observer of legislation related to food security and eradication of Hunger.

- 7.8 The NHRC has been emphasizing on the proper implementation of the National Food Security Act, 2013 and also the flagship schemes namely, the ICDS (Scheme) and the MDMS. It has also been requesting its Special Rapporteurs to provide feedback on the status of implementation of these schemes as well as the food security legislation in the States.

A. Open House Discussion on 'Right to Food and Nutrition'

- 7.9 The Open House Discussion held on 12.04.2019 was chaired by Hon'ble Justice Shri H.L. Dattu, Chairperson, NHRC and was attended by Ms. Jyotika Kalra, Member, NHRC and other officials of the commission. The Department of Food and Public Distribution, Ministry of Consumer Affairs and Public Distribution, Ministry of Women and Child Development, Food Supplies and Consumer Affairs, Government of National Capital Territory (GNCT) Delhi and Department of Social Welfare, GNCT of Delhi were also represented in the Open House Discussion. Several Non-Governmental Organizations, Civil Society Organisations working at the grassroot level were also among the participants. Subject experts, Dr. N.C. Saxena, Former secretary to Government of India, Planning Commission and Prof. K.B. Saxena, Council for Social Development also attended the programme.

- 7.10 The Open House Discussion focused on the issues of the inclusion and exclusion errors in the identification of beneficiaries under TDPS shortfall in storage capacity with Food Corporation of India against the central pool stock, large leakages of food grains during transportation to and from ration shops into the open market, measures to eliminate malnutrition, anaemia, stunting, wasting, ensuring equitable access to nutritious food by all among others. It also focused on identification of gaps at the policy and implementation level of the National Food Security Act, 2013 and to formulate recommendations for bridging those gaps. The following recommendations emerged from the discussion:

- i. **Distribution of millets through the PDS-** PDS being the single largest mechanism to reach the most vulnerable population, there should be a mechanism in place for distribution of millets under the PDS to address the issue of nutritional security.
- ii. **ICDS to shift its focus on children under three-** The ICDS programme targets children mostly after the age of three, when malnutrition has already set in. It does not focus on the critical age group of children under three years. It was suggested that the ICDS should focus on the children under the age of three so that the health and nutrition interventions could be most effective.
- iii. **Ensuring food security to the extremely vulnerable population especially the tribals-** Ration should be ensured to the extreme vulnerable group especially the tribals/adivasis and the receipt of ration by such groups must be available in the public domain in order to ensure transparency in the PDS system.
- iv. **Providing culturally appropriate food to the poor under the PDS-** There is a need that culturally appropriate food which will satisfy the nutritional and dietary needs of individuals may be provided under the PDS.



- v. **Maternity Entitlements under National Food Security Act, 2013**- Maternity entitlements under National Food Security Act must be provided to all pregnant and lactating women without any conditionality.

B. Illustrative Cases in the year 2019-20

1. Alleged starvation death of a labour, namely Shri Baidyanath Das, at Dhanbad, Jharkhand, as he was not provided with the Ration Card under the Public Distribution System.

(Case No. 1356/34/4/2017)

- i. The complainant Shri Onkar Vishwakarma, a Human Rights activist, alleged starvation death of a labour, namely Shri Baidyanath Das, at Dhanbad, Jharkhand, as he was not provided with the Ration Card under the Public Distribution System and there was no food in his house.
- ii. The Commission while considering the report from the the State authorities, pursuant to the Commission's directions, observed that the victim died on 21.10.2017 whereas the Ration Card of the deceased's wife was made available on 25.10.2017 i.e. after the death of the victim while earlier the victim's family was using the Ration Card of the victim's elder brother and they were receiving Ration for their survival but after the death of victim's brother, the said Ration was stopped and the family of 7 members were left helpless. The victim's son applied 6 months ago for a new Ration Card but the same could not be made available to them. Thereafter, the family again applied online on 22.09.2017 to get a ration card and also submitted a written application on 18.10.2017 but the authorities did not pay heed. The victim was suffering from fever for the past 1 month and he was deprived of the ration/food provided by the Government and also no proper pre-medical care was available to the victim. The report could not mention any specific disease of the victim due to which he died otherwise.
- iii. Therefore, the Commission vide its proceedings dated 09.03.2020 asked the Chief Secretary, Government of Jharkhand, Ranchi to make payment of Rs. 1,00,000/- (Rupees One Lakh Only) as monetary compensation to the next-of-kin of the deceased for the violation of their Human Rights due to negligence on part of public servants. The compliance report along with the proof of payment is awaited.

2. Six children of Tadi Sahi village under Chandanpur Police Station area, District Puri fell ill at the Anganwadi Centre after taking stale sprouted green gram given to them as supplementary nutrition food.

(Case No. 192/18/12/2014)

- i. In the instant case, the complainant Sudhanshu Kumar Nanda had alleged that six children of Tadi Sahi village under Chandanpur Police Station area District Puri fell ill at the Anganwadi Centre after taking stale sprouted green gram given to them as supplementary nutrition food. The complainant had given a request for punitive action against the erring



- officials of the Women & Child Development Department and compensation to the victims.
- ii. On perusal of the complaint, the Commission issued a notice to the Superintendent of Police, Puri Odisha and the Secretary, Department of Social Welfare, Government of Odisha calling for a report in the matter. In response, Superintendent of Police, Puri, Odisha reported that on 19.12.2013, seven children out of thirteen of Tiadi Sahi Anganwadi Centre were given food. Next day six of them suffered from diarrhea. They were admitted at DHH, Puri for treatment. It was noticed during the enquiry that Smt. Gitanjali Mishra, Anganwadi Worker (AWW) was on leave on that day and the helper Susama Tripathy served the food. The paediatric specialist of DHH, Puri stated that the six children suffered from food poisoning. Further the Collector & District Magistrate, Puri informed that according to the weekly menu, sprouted Moong Gram by one local Women's Self Help Group (WSHG) namely "Masania Mahavir" was not served on its scheduled day i.e. Monday on 16.12.2013 due to closure of the centre on health ground of the concerned AWW, and was stored in a freezer for Thursday i.e. on 20.12.2013. Accordingly, on 20.12.2013 the AWW being absent on health ground, the sprouted Moong Gram along with sugar and coconut was served at 10:00 AM to six children present at the centre by the Anganwadi Helper (AWH) followed by a hot cooked meal at 12:00 PM. As per the report of the treating physician, those six children affected with severe gastroenteritis/indigestion were treated with antibiotics, intravenous fluids, Oral Rehydration Salts (ORS) and other supportive treatment, and were attended by the relatives of the AWW and the AWH. The children were recovered and discharged from the hospital. The report concludes that the AWW and AWH had been warned to be extra cautious and avoid serving stale food of any kind to children and also to maintain at least 3 hours gap between two consecutive feeding schedules.
 - iii. The Commission, after considering the state reports, observed that the children had suffered from Diarrhea and vomiting after consuming sub-standard food in Anganwadi Centres in village Tadi Sahi. So, the lives of the six children were put in danger by serving them stale food in the Anganwadi operated by the State, for which the State Government must bear responsibility. A show cause notice under Section 18 of the Protection of Human Rights Act, 1993 was issued to the Chief Secretary, Government of Odisha to show cause, within six weeks, as to why appropriate compensation to be paid to all the victims should not be recommended.
 - iv. The Commission subsequently recommended an amount of Rs. 10,000/- (Rupees Ten Thousand Only) be paid to the guardians of child Madhu Smita Bhoi and Rs. 2,000/- (Rupees Two Thousand Only) each be given to the guardians of child Santoshini Sethi, Subhashree Sethi, Kanha Bhoi, Tiki Suchitra Barik, and Saumya Rajan Mohaparta, by the State Government of Odisha which has been complied with by the State Government.





CHAPTER 8

Right to Education

- 8.1 Education is a process of learning and gaining knowledge and it can be acquired by inculcating skills, values and beliefs in different aspects of an individual's life. According to international human rights law, primary education shall be compulsory and free of charge for the children. In fact, international law makers have propagated that secondary and higher education should also be made progressively free of charge. Free primary education is fundamental in guaranteeing that everyone has access to education. However, in many developing countries, families often cannot afford to send their children to school, leaving millions of children of school-age deprived of education. Despite international obligations, some states keep on imposing fees to access primary education. In addition, there are often indirect costs associated with education, such as for school books, uniform or travel, that prevents children from low-income families from accessing school.
- 8.2 In India, the Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE) is an Act of the Parliament of India enacted on 4th August, 2009, which describes the modalities of the importance of free and compulsory education for children between 6 and 14 years in India under Article 21-A of the Indian Constitution. India became one of the 135 countries to make education a fundamental right of every child when the Act came into force on 1st April, 2010. The Act makes education a fundamental right of every child between the ages of 6 and 14 years and specifies minimum norms in elementary schools. It requires all private schools to reserve 25% of seats to children from disadvantaged backgrounds (to be reimbursed by the state as part of the public-private partnership plan). Children are admitted into private schools based on economic status of caste based reservations. It also prohibits all unrecognized schools from practice, and makes provisions for no donation or capitation fees and no interview of the child or parent for admission. The Act also states that no child shall be held back, expelled, or required to pass a board examination until the completion of elementary education. There is also a provision for special training of school drop-outs to bring them up to par with students of the same age.
- 8.3 The cornerstone of Right to Education (RTE) is the provision of free and compulsory primary education, though the aim is also to provide increasing access to learning opportunities at secondary, technical and higher levels. It was envisaged that under the RTE Act, teaching and learning processes would be stress-free. A programme for curricular reform was also envisaged to provide for a child friendly learning system, which is at once relevant and empowering. In



this regard, Indian government has taken several major steps and initiatives for increasing the literacy rate in India. The comparison of data provided by the National Literacy Mission in 2001 and 2011 clearly shows that the literacy rate of the country has increased tremendously. For the year of 2011, the literacy rate was 74.04 percent which was only 64.84 percent in 2001.

- 8.4 Further, it has been quoted in many assessment reports that RTE Act is still a mirage in a number of places in India. There are prominent regional disparities across India in the execution of the Act. In regard with enrollment of the children, the enrollment rate has improved but learning outcomes have not shown much progress. The percentage of girls' total enrollment in upper primary has increased from 48 percent in Financial Year (FY) (2009-10) to 49 percent in FY (2013-14). Also, the gender parity index (the number of females divided by the number of males enrolled in a given level) has increased from 0.93 in FY (2009-10) to 0.95 in FY 2013-14. The enrollment numbers of Children with Special Needs (CWSN) has increased to nearly twice of the number in FY (2009-10) and the annual dropout rate has considerably dropped from 9 percent in FY (2009-10) to below 5 percent in FY (2013-14). The Net Enrolment Rate (NER) in primary education has increased from 84.5 percent in FY (2005-06) to 88.08 percent in FY (2013-14)
- 8.5 The quality indicators reveal that most of the states have adopted the curriculum mandate under the RTE Act. In government schools, 80 percent of the teachers have the prescribed professional qualification to teach. However, average attendance of students and teachers in primary as well as upper primary schools still is an area of concern. The teacher indicator indicates the increase in the number of teachers working in government and aided schools. There has been a drop in the number of schools that do not fulfill the Pupil Teacher Ratio (PTR) as laid down by the Act. The PTR ratio, as mentioned in the RTE Act, is meant to ensure that schools maintain smaller classrooms which will enable personal attention to each student by the teacher which would serve as the basis of the Continuous and Comprehensive Evaluation policy. There have been significant improvements in the schools when we compare the social infrastructure indicators in FY (2013-14) to FY (2009-10). However, playground, boundary wall and kitchen sheds are still not present in many schools. There has been a significant increase in the percentage of schools that are equipped with toilets for girl students, from 59 percent in FY (2009-10) to 85 percent in FY (2013-14), but there's still a long way to go to achieve full compliance.
- 8.6 As stated above, despite significant gains in increasing access to literacy rate and schooling, there are still major glitches in the implementation of the RTE by States, especially with regard to basic infrastructure requirements, such as proper classrooms, toilets and boundary walls for schools, availability of drinking water, having trained teachers in place, filling up of vacant posts of teachers and pupil-teacher ratio. There are still habitations that do not have a school within three kilometers. RTE is illusory for many children from tribal and minority communities and conflict zones. Furthermore, all States do not have the Commissions for Protection of Child Rights needed to monitor the implementation of the RTE. Much of the narrative around the RTE continues to focus on the 25% reservation of seats for children from disadvantaged backgrounds in private schools.



- 8.7 It is important to recognize that as a large majority of students in India study in Government schools or Government aided schools, it is fundamental to improve the implementation of the RTE in terms of infrastructure, teacher quality and targeted learning for children from disadvantaged groups so as to build up a more equitable system. Even now, a significant number of children drop out before completing five years of primary school and a large percentage before finishing upper primary school. These drop-out trends raise troubling questions about equity for there is a huge difference between urban and rural education and the education received by the rich and the poor. Therefore, beside investment of huge financial and human resources, a lot of work on the ground level is required to access this right meaningfully and in full measure.

A. Illustrative Cases in the year 2019-20

1. Death of a child in school hostel (Investigation Division)

(Case No. 321/36/10/2017)

- i. The Commission received a complaint from Shri Mulkala Pally Krishna alleging that his son namely Mulukalapally Charan, a student of 5th class of Telangana Social Welfare Residential School (TSWRS) and living in boys hostel was killed by the senior students during ragging and inaction by the State authorities. The police report revealed that the deceased boy was a patient of epilepsy and his cause of death was injuries sustained by him during an epilepsy attack.
- ii. Pursuant to the directions of the Commission, a spot enquiry was conducted by a team of Investigation Division. During enquiry, no material or substantive evidence came forth to prove or disprove that the deceased was suffering from epilepsy/fits. At the same time, no motive for murder/torture of the deceased or substantial evidence proving prevalence of ragging practice in the school could be established. However, it was found that the admission of the child in the school was through illicit manner and was not done on merits. Despite running a residential school, no Standard Operating Procedure was made by the School authorities to maintain regular health checkups of children and no timely health/medical screening were carried out. Despite the child having a history of epilepsy (as claimed by school authorities), no medical/health records were maintained. The doctor employed by school authorities was not a regular MBBS degree holder but a BAMS practitioner. The ailing child (reportedly under seizure attack) was sent in an auto to the hospital. That showed the apathy of School authorities and that they had no facilities to respond to an emergency in such cases. More so, had the health certificate of the deceased child been obtained at the time of his admission, following a due procedure by school administration, it could have been sensitized for the health issue of the deceased and his life could have been saved. Therefore, the School authorities were found responsible for negligence and laxity in handling a situation and circumstances that led to the untimely and unfortunate death of a small child. The administration of TSWRS had already initiated departmental action against the then School Principal for her neglecting attitude towards



handling of school management. As the welfare state is also vicariously responsible for the lackadaisical act of its State employees which led to the death of the deceased, the Investigation Division recommended the compensation to the child's family, on which the Hon'ble Commission has issued Rs. 2,00,000/- (Rupees Two Lakhs Only) compensation to next-of-kin (NoK) of the deceased under the provision of Section 18 of the Protection of Human Rights Act (PHRA) 1993.

2. An 8th class student of Navodaya Vidyalaya Deoti, District Daryapur, Saran (Bihar) was not allowed to enter in school because he had come late by two days after summer vacation despite producing a medical certificate.

(Case No. 2358/4/32/2017)

- i. In this case, Rohit Raj, a student of 8th class of Jawahar Navodaya Vidyalaya (JNV) Deoti, District Daryapur, Saran (Bihar) complained to the Commission, that, despite the medical certificate having been submitted by him, the Principal of the School did not allow him to enter the school, after summer vacation, because he had been late by two days due to illness. Consequently he was deprived of his right to education. He has prayed to the Commission for action against the guilty officials and restoration of his right to education.
- ii. On perusal of the complaint, the Commission called for a report from the authorities concerned. Pursuance thereto, the Assistant Commissioner (Estt.-III) Navodaya Vidyalaya Samiti (NVS), Ministry of Human Resource Development, Government of India forwarded a report submitted by the Deputy Commissioner, Navodaya Vidyalaya Samiti, Patna, accompanied by an enquiry report of the Assistant Commissioner-Cum-Cluster-I/C, Patna region. The report revealed that the allegation made by the complainant could not be substantiated. The Commission, therefore preferred to have comments of the complainant in the matter.
- iii. The complainant/student explained specific instances when he was made to do manual work in the school premises instead of attending the classes. As further harassment by the Principal and the teachers, he was suspended for 15 days for not completing the manual work up to their satisfaction. Further he was not allowed to join the school for being late after summer vacation. It was stated by the complainant that false allegations of theft/not attending in PTE etc. were made against him and he was asked to submit an undertaking through an affidavit, duly attested by the First Class Magistrate, at the instance of a teacher namely Shri Kaushal.
- iv. An Enquiry Report received in the response of Commission's directions, revealed that admittedly, the school administration had insisted on an affidavit duly attested by First Class Magistrate, to maintain discipline. The said report also revealed that after the incident, while the father of the student wants admission to a nearby JNV such as Siwan, Gopalganj and Vaishali, but the school administration ignoring the request insisted for JNV, Gaya-II. Upon consideration of the report, the Commission further directed the



Navodaya Vidyalaya Samiti to submit an action taken report in view of the comments of the complainant.

- v. Accordingly, another report was received by the Commission from the Assistant Commissioner, Navodaya Vidyalaya Samiti, Ministry of Human Resource Development, Government of India stating therein that the complainant reported late by 5 days on the opening of the school after summer vacation and he was insisted for some undertaking, on which the father of the student became enraged and started shouting that it is the responsibility of the school and he will not submit any undertaking, and left the school along with his son. It is submitted in the report that thereafter he started writing to different authorities against Shri Manoj Kumar, House Master and Principal of the school. The report further stated that the student was given a second chance to continue study at JNV, Gaya-II but the father refused to receive the letter. On 14.12.2017 the father of the student was informed to appear before the Enquiry Officer at NVS Regional Office Patna but he refused to meet the Enquiry Officer. The Enquiry Officer also stated to have visited the native village of the student and an inquiry was conducted. The inquiry officer tried to counsel both of them but the father refused to send his son either to JNV Saran or attached JNV Gaya-II and insisted on taking action against Principal, Shri Manoj Kumar, Junior Head Master and Shri Kaushal Kumar, Senior Teacher. As the student was not willing to continue studies, a Transfer Certificate was issued in April, 2018. It is concluded in the report that the student never approached NVS Regional Office Patna or NVS Headquarter for lodging a complaint in writing or in person. It is concluded that the student was never denied continued studies in the school and the complaint is for ulterior motive.
- vi. The perusal of the report clearly revealed that the contents of the same was not different from the earlier report of the Deputy Commissioner rather the entire school administration and other senior officers had thrown their weight only to protect the erring school teachers/principal, diluting the main issue i.e. to restore and protect the fundamental right of the student to continue with his education.
- vii. Observing that education is the special manifestation of a man and is a treasure which can be preserved without the fear of loss. The right to education is implicit under Article 21 of the Constitution of India. However the parliament in their wisdom included a new provision in the form of article 21A in part III of the Constitution which provides that the state shall provide free and compulsory education to all children of the age of 6 to 14 years (constitution 86th amendment, 2002). This was followed by a Central Act namely Right of Children to Free and Compulsory Education Act, 2009. Section 16 of the said Act prohibits holding back and expulsion of a child from school. Section 17 prohibits physical punishment and mental harassment to a child failing which the guilty official/teacher is liable for disciplinary action. Section 31 of the said Act prescribes protection and monitoring of the child's right to education by the National Commission for Protection of Child Rights constituted under the Protection of Child Rights Act, 2005. Any person



having any grievance relating to the right of a child may file a written complaint to the local authority having jurisdiction which shall be addressed within a period of 3 months after hearing the parties concerned (Section 32). Provision has been made to set up a child helpline to register complaints regarding violation of rights of the child under the Act by the National Commission for Protection of Child Rights and the Commission held that the Commissioner NVS has utterly disregarded and failed to apply his mind to the issues involved in the complaint. At the first instance, the complainant along with other student was forced to do manual work in the school premises, suspended for 15 days on account of unsatisfactory manual work, not allowing the student to join the school on the negligible issue of delay of a few days, that too when the delay was explained on account of injury sustained by the student accompanied by medical record, insisting a student to make an undertaking as per their whims and over and above the same to be duly attested by a First Class Magistrate, are some of classic examples of arbitrariness on the part of the School administration including Principal and other teachers of the school. Even thereafter when the complainant persist for admission to other school of his choice, the adamant attitude of the administration by insisting admission to a school not convenient to the student are nothing but clear violation of fundamental rights guaranteed under Article 21A of the Constitution of India and also violation of the Right of Children to Free and Compulsory Education Act, 2009 particularly infringing Section 16 and 17 of the said Act, in as much as there is clear prohibition of holding and expelling any child from the school till completion of elementary education and prohibition against physical punishment or mental harassment.

viii. The Commission therefore issues the following direction to the Commissioner NVS:

- » Whether there is any mandate issued by the Navodaya Vidyalaya Samiti, Ministry of Human Resource Development, Government of India seeking undertaking from a student in the form of duly attested affidavit by a First Class Magistrate in the case of a student joining late in the school for any other reason?
- » Whether any proceeding has been directed against the Principal and other teachers of the school for violating Section 16 of the Right of Children to Free and Compulsory Education Act, 2009 on account of holding the student namely Rohit Raj and prohibiting him to attend the school until execution of affidavit attested by First Class Magistrate, when the student appeared to join after summer vacation in 2017, which tantamount a expelling from school and mental harassment punishable under section 17 of the aforestated Act?
- » Whether the administration of NVS has been accorded absolute discretion under any rule, regulation or policy document to allot school to a student as per their own whims even if it is inconvenient for the student?

ix. A notice was issued to the Commissioner, Navodaya Vidyalaya Samiti, Ministry of Human



Resource Development, Government of India, B-15, Noida, Uttar Pradesh to submit compliance of the aforesaid directions, positively within 2 weeks of the receipt of the notice.

- x. Meanwhile, the Assistant Registrar (Law), NHRC was directed to contact the student at the telephone number given in the complaint dated 28.7.2017 and counsel him to continue his education and also explore the possibility of names/particulars of the school in which the student is comfortable and feels convenient to continue his education.
- xi. In pursuance to that direction, the Assistant Registrar (Law) submitted a report. It was conveyed by the victim Rohit Raj, that after a gap of one year on account of the incident in issue, he was studying in 10th class in "Harijee Aphar High School" district Saran, Bihar which is affiliated to Bihar School Examination Board. The present school is at a distance of about 5 km from his residence. Apprehending further harassment by the School administration, he was unwilling to rejoin Navodaya Vidyalaya, Dariyapur Saran, Bihar, however, he was willing to join Navodaya Vidyalaya, Opposite A. N. College, Boring Road, Patna, Bihar 800013 or Navodaya Vidyalaya, Village Karmalihata, Post Tarwan, District Siwan, Bihar 841226 as these schools are affiliated to CBSE.
- xii. In view of the aforesaid report, the Commission directed its registry to forward the copy of the proceedings dated 16.12.2019 to the Commissioner, Navodaya Vidyalaya Samiti, Ministry of Human Resource Development, Government of India, B-15, Noida, Uttar Pradesh for exploring the feasibility of accommodating the complainant in 11th standard in either of above said branches of Navodaya Vidyalaya Samiti and to submit the report on this aspect within 2 weeks of the receipt of the proceedings. The reports are still awaited from concerned authorities.
- xiii. The case is under consideration of the Commission.





CHAPTER 9

Rights of Bonded, Migrant and Child Labour and other Labour related issues

- 9.1 The Supreme Court, vide its order dated 11.11.97 in Writ Petition (Civil) No. 3922/1985 People's Union for Civil Liberties Vs. State of Tamil Nadu and Others and report in 1997 (7) SCALE (SP) 17, entrusted the National Human Rights Commission (NHRC) with the responsibility of monitoring and overseeing the implementation of its directions as well as provisions of the Bonded Labour System (Abolition) Act (BLSAA), 1976 in all States/Union Territories (UTs).
- 9.2 The Commission has consistently held that the prevalence of bonded labour system is one of the worst violations of human rights in general and Right to Life as enshrined in Article-21 of the Constitution. The understanding of the right to life in the said Article is not an animal like existence but a human life with dignity. It has been well settled that the right to life under Article-21 includes all those faculties and means by which life becomes meaningful; it goes beyond the realm of a bare physical and biological existence.
- 9.3 Forced/bonded labour is viewed as a crime against humanity by the Commission. It is one of the worst forms of cruelty, indignity and deprivation. This is anathema to civilized human conscience. It is a denial of the inalienable human rights of every human being and every citizen. It is a blot on civil society and a jolt to the conscience of the Nation State.
- 9.4 The Commission has successfully organized three National Seminars and conducted 50 Workshops till the time of drafting of this report on matters related to bonded labour in various parts of the Country. The Commission aims for a proactive approach towards elimination of bonded labour by sensitizing concerned state authorities and spreading awareness among citizens of India. So far, these workshops have played a pivotal role in sensitizing the concerned authorities in matters related to bonded labour and the Commission is committed to continue its endeavours on the subject.
- 9.5 The Commission also receives a spate of complaints from time to time regarding issues such as: exploitation and harassment of persons who have been victims of bonded labour system (adults, adolescents and children included); indecent behaviour with women accompanying the inter-state migrant workmen working and living under bonded and slave like conditions; outraging the modesty of such women; non-payment of wages or payment of wages lower than notified minimum wages or market wages (where such minimum wages have not been notified). Taking cognizance of such complaints, the Commission redresses them after thorough investigations and field visits.



- 9.6 The Commission, through its Members and Special Rapporteurs, records and assesses the performance of major bonded labour prone States/UTs with regard to pace and progress of implementation of BLSAA-1976 and Centrally Sponsored Scheme (CSS). Such reviews have been repeated in some States considering their performance. The State Governments have been taken to confidence both before and in course of the review, and the reviews have been fully participative in as much as prior to the review; the response of the State Governments has been elicited to a set of specific questions posed through a detailed questionnaire circulated sufficiently in advance.

A. National Seminar on Elimination of Bonded Labour System

- 9.7 With an aim to review the action of States/UTs on the implementation of bonded labour rehabilitation scheme and to establish conceptual clarity about strategy of identification, release and rehabilitation of bonded labourers, the Commission held a National Seminar on Elimination of Bonded Labour System on 8th November, 2019 at New Delhi.
- 9.8 The seminar was inaugurated by Justice Shri H.L. Dattu, Hon'ble Chairperson, NHRC and Justice Shri P.C. Pant, Hon'ble Member NHRC. Shri Santosh Kumar Gangwar, Hon'ble Minister of State for Labour and Employment (Independent Charge), Government of India, was the Chief Guest.



Shri Santosh Kumar Gangwar, Hon'ble Minister of State for Labour and Employment (Independent Charge) in discussion with Justice Shri P.C. Pant, Hon'ble Member, NHRC and Shri Jaideep Govind, Secretary General, NHRC during the National Seminar on elimination of Bonded Labour System held on 8th November 2019

- 9.9 The objective of the seminar was to raise awareness amongst all the stakeholders and strengthen commitment towards eradicating the Bonded Labour System. The Seminar further aimed to review the action of States on the implementation of bonded labour rehabilitation scheme while establishing conceptual clarity about strategy of identification, release and rehabilitation



of bonded labourers. The seminar was attended by representatives from concerned Ministries of the Central Government and State Government, senior officials of NHRC, National Commissions, State Human Rights Commissions (SHRC), Secretaries/Principal Secretaries from the Union Ministries/State Departments of Labour, Rural Development, Women & Child, Schedule Caste (SC)/Schedule Tribe (ST), concerned senior officer of all the States/UTs and Non Governmental Organizations (NGOs)/academicians.

9.10 Based on the discussions of the National Seminar on Elimination of Bonded Labour System, the following recommendations have been compiled and sent to the concerned Central and State Ministries and Other Civil Society Organizations:

- i. Guidelines circulated by the Ministry of Labour and Employment (MoLE), Government of India on Identification, Release and Rehabilitation of Bonded Labourers strictly be followed and there should be uniformity in identification, release and rehabilitation of bonded labourers in all cases and in all districts by State authorities.
- ii. Circulars/Guidelines regarding the claim of funds need to be followed by State authorities in order to avoid delay in release of funds due to incomplete documentation.
- iii. Guidelines may be issued from State headquarter to all the district authorities that utilization certificate of grants provided for the rehabilitation of bonded labourers under CSS should be sent to the MoLE, Government of India within a stipulated time without fail so that delay in sanction of further grant is avoided.
- iv. Timely disposal of all cases should be ensured for which NHRC has already directed concerned authorities. Strict Compliance to NHRC directions within the stipulated time may be ensured.
- v. Functioning of the Vigilance Committees (VCs):
 - » The Chief Secretary/District Magistrates (DM) of all States must take necessary actions to constitute a VC which must function as per u/s 13-14 and ensure effective role of VC members.
 - » The Chief Secretary/DM must also ensure that the composition of the Vigilance committee must have parity between the official and non-official members.
- vi. Low rate of prosecutions:
 - » As per the BLSAA-1976, the employer, who keeps the labourer(s) in bondage is required to be prosecuted; but in actual practice, only a small number of employers are prosecuted and this number also varies highly from district to district. The process of conviction needs to be sped up for the bonded labourers to get their initial help.
 - » The feasibility of de-linkage of 'full rehabilitation' from 'conviction' may be evaluated by the MoLE.
- vii. Revisiting Standard Operating Procedure (SOP) with emphasis on welfare: The Bonded Labour SOP makes elaborate provisions for 'First Information Report, Prosecution,



Summary Trial, Trial Proceedings, Evidence, Judgment and Sentence' and only after that a section on 'Benefits to Labourer' is given in passing. The entire thrust of the SOP is criminalisation and not welfare. Therefore, the SOP should be revisited with emphasis on welfare of the bonded labourers and importance of coordinating with district authorities, labour officers and police officials for protection, release and rehabilitation of the bonded labour victims.

- viii. Identification and monitoring of bonded labourers: A monitoring mechanism may be designed at the Central level by the MoLE to ensure that the time gap between identification and rehabilitation of bonded labourers is not more than two months. For this, the cases of incidence of the bonded labour should be reported to the MoLE as soon as bonded labourers are identified in the states, and MoLE should monitor rehabilitation by seeking bi-annual reports rather than annual reports with specific information on the reasons for delays in rehabilitation, if any. Simultaneously, the Central grant for rehabilitation under CSS should be released timely.
- ix. Timely disbursement of Release Certificates: Release Certificates to the victims of bonded labour to be provided along with financial assistance immediately after rescue. The bonded labour needs to be educated and should be made aware of their legal rights and entitlements under various laws and welfare schemes. The appropriate authorities, while issuing the release certificates to victims, should also provide the list of entitled schemes.
- x. Survey of Release Rehabilitation And Reintegration of Bonded Labourers:
 - » Conducting Periodic Surveys: The mandate for conducting periodic Surveys once in three years by all States and UTs through the District and sub divisional Vigilance Committees on Bonded Labour must be scrupulously followed. The results of the surveys should be computerized and sent to the NHRC. They should also be made available on the websites of the respective districts, States and the NHRC.
 - » The submission of six-monthly reports to NHRC on Identification, Release and rehabilitation of Bonded Labour should be ensured by all States/UTs.
- xi. Status report on the implementation of the CSS scheme: The States may send a status report on the implementation of the CSS scheme to MoLE within a stipulated time. Subsequently, MoLE should upload the consolidated status report on their website.
- xii. Skill Training Programmes and Minimum Wages: There is a need to enhance or upgrade the existing skills of the rescued bonded and migrant labourers, which will be helpful in their social and economic empowerment. For the abolition of bonded labour culture, along with the enhancement of existing skills, there is a need for providing other skills such as financial literacy, communications skills and marketing and digital literacy to socially and economically empower them under the State skill development programme. The government must ensure that the rescued labourers receive minimum wages and Minimum Support Price.



- xiii. Funds for inter-state rescue: MoLE and State Governments to dedicate funds for inter-state rescues and rehabilitation of bonded labourers.
- xiv. Rehabilitation:
- » It was observed that all the rehabilitated bonded labourers do not have ration cards or Below Poverty Line (BPL) cards. There should be a directive to the states that BPL card and ration card, to access public distribution, should be issued within a month of the release as a rule and should be part of the rehabilitation package.
 - » It is recommended to provide the Non-Cash Assistance component under CSS-2016 scheme. A strong linkage should be established with the rehabilitated bonded labourers and various developmental agencies, which are implementing different poverty alleviation schemes/programmes like MGNREGA, IYA, SGSY, SGRY etc. so that the rehabilitated bonded labourers become economically independent in order to avoid relapse into bondage for any of their family members in future.
 - » There should be planned efforts to build capacity of the released bonded labourers in the activities chosen by them and linkage should be developed with various developmental activities at sub-division and district level so that they may access the benefits from various poverty alleviation programmes.
- xv. Sensitization and awareness:
- » Massive awareness campaigns should be organised in all the districts of the state, especially in rural areas, about the evils of bonded labour system. Such awareness campaigns should be organised at regular intervals, to encourage identification of released bonded labourers.
 - » Orientation/sensitisation workshops in consultation with the MoLE, Government of India should be organised at sub-division level to discuss the issues relating to identification, release and rehabilitation of bonded labourers with the officials concerned with these issues at ground level and NGOs working for the cause of bonded labourers.
 - » For mass level awareness and sensitisation, coordination and convergence with Ministry of Panchayati Raj (MoPR) is important since it allocates resources to all the states including Fifth and Sixth Schedule states for capacity building and sensitisation of all the functionaries and elected representatives of Panchayati Raj Institutions (PRIs) and other departmental officials as well. Inclusion of the issue of bonded and migrant labour along with technical support in conducting training on the issue would help inclusion of the issue in the training calendar of all state training institutes on rural development and development planning processes of PRIs, more specifically Gram Panchayats.



- xvi. Creation of Corpus Fund:
 - » The State Governments and UTs should create and maintain a corpus fund for providing immediate finance for rehabilitation at all district levels which will be utilised directly for the aid of the released bonded labourers.
 - » State may ensure the maintenance of corpus fund by timely requesting for additional funds from the Central Government with proper documentation to avoid delay in release of immediate cash assistance
- xvii. Filling up vacancies in the State Labour Departments: The Commission has come across that on account of large vacancies in the State Labour Department, the inspections are not being carried out. The State Government shall ensure to fill up all the posts of labour inspectors in the department lying vacant for better enforcement of labour laws.
- xviii. Creation of database and online portal for bonded labourers: Database should be created for identifying bonded labourers. The database would ensure coordination amongst the States. In fact, the database will facilitate information flow among all the States amongst each other. With the rise of cases of bonded labour, the data base will integrate knowledge and information in addressing the menace of bonded labour. The database can be prepared with the assistance of a professional research organization.
- xix. Preventive Measures towards eradication of bonded labour system: The feasibility may be explored to establish a free and open marketplace for wage labourers viz. construction, dam, mall, mining, brick kiln, garment, and other agricultural workers. This will lead to automatic increase in wage rates and prevent labourers from falling in the trap of bonded labour system.

B. Regional Workshops on Elimination of Bonded Labour System

- 9.11 A Regional Workshop on Elimination of Bonded Labour System was held on 5th June, 2019 in Chandigarh with the other participating States of Punjab, Haryana, Himachal Pradesh and Jammu & Kashmir. Another Regional Workshop on Elimination of Bonded Labour System was held in Aizawl, Mizoram on 2nd August, 2019. These workshops helped in establishing conceptual and definitional clarity, and also clarity about strategy and methodology of identification, release and rehabilitation of bonded labourers. The workshops also facilitated exchange of ideas and experiences amongst the participants on the issues related to bonded labour, childlabour, migration and human trafficking. The Commission's engagement with the issue of bonded labour suggests that modern forms of bonded labour like employment in mines, road constructions, constructions of malls/multi-storey buildings and agriculture forms may increase in the times to come. Hence, there is a need to take proactive measures to sensitize all the stakeholders and awareness about this menace prevailing in our society.



Regional Workshop on Elimination of Bonded Labour System held on 5th June, 2019 in Chandigarh



Regional Workshop on Elimination of Bonded Labour System held in Aizawl, Mizoram on 2nd August, 2019



C. Core Group Meeting on Bonded, Child and Migrant Labour



Core Group on Bonded and Migrant Labour held on 7th June, 2019

- 9.12 The Commission convened an Open House Discussion: Meeting of Core Group on Bonded and Migrant Labour on 7th June, 2019 at 11:00 am under the Chairmanship of Hon'ble Member, Justice Shri P.C. Pant.
- 9.13 The objective of the Core Group/Open House Discussion was to: discuss and identify the gaps and challenges in the implementation of BLSAA, 1976; raise awareness amongst the concerned stakeholders to eliminate bonded and child labour, including addressing issues of inter-state migrant workers; and exchange ideas and experiences amongst the participants.
- 9.14 The recommendations that emanated from the discussion are as follows:-
- i. Revisiting SOP with emphasis on welfare: It was recommended that the Bonded Labour SOP should be revisited with emphasis on the importance of coordinating with district, labour and police officials for protection, release and rehabilitation of the bonded labour victims. Moreover, it was stressed that the objective of BLSAA is inquiring, making a survey, freeing, promoting welfare, protecting the economic interests and providing for the economic and social rehabilitation of freed bonded labourers. Whereas the SOP makes elaborate provisions for 'First Information Report, Prosecution, Summary Trial, Trial Proceedings, Evidence, Judgment and Sentence' and only after that a section on 'Benefits to Labourer' is given in passing. The entire thrust of the SOP is criminalisation and not welfare. The BLSAA states that the object of the Act is to prevent "the economic and physical exploitation of the weaker sections of the people." The Supreme Court judgment of 2012 too has observed that the BLSAA is welfare legislation.
 - ii. National Policy/Law on bonded labour, including trafficking: It was suggested that Trafficking of persons (Prevention, Protection & Rehabilitation) Bill, 2016 should be reintroduced with changes to incorporate all forms of forced/bonded labour, including child and migrant bonded labour along with trafficking, with comprehensive measures for rescue/release, repatriation, rehabilitation/reintegration of all victims (children,



- adolescents & adults) along with stringent measures for prevention as also for dealing with offenders of the law. Moreover, all the existing laws on forced/bonded labour, child/adolescent labour, migrant & trafficked labour could be subsumed in the proposed law. Simultaneously, a comprehensive national policy on prevention/elimination of trafficking for forced/bonded labour and a programme of action should be put in place with measures taken to improve the track record of enforcement.
- iii. **Timely disbursal of Release Certificates:** Release Certificates to victims of bonded labour to be provided along with financial assistance, immediately after rescue. The bonded labour needs to be educated and be aware of their legal rights and entitlements under various laws and welfare schemes. The appropriate authorities, while issuing the release certificates to victims, should also provide the list of entitled schemes.
 - iv. **Status report on the implementation of the CSS scheme:** It was suggested that a letter may be sent from NHRC to the States for a status report on the implementation of the CSS scheme.
 - v. **Multi-stakeholder consultation:** NHRC and MoLE to hold national level multi-stakeholder consultation with representation from State level bureaucrats, civil society organizations, survivor representatives & corporate social responsibility heads from each State and UTs to share the best practice models on addressing bonded labour. As an outcome of the engagement, it may issue the compiled best practices as solution models for combating bonded labour.
 - vi. **Sharing of data:** MoLE to share a state-wise break-up of data on rescue, rehabilitation (cash assistance and non-cash rehabilitation) and prosecution since the revised scheme of 2016 to 2019.
 - vii. **Role of NGOs and Civil Society:** NGOs and other Civil Society members associated with bonded labour should ensure their association till complete rehabilitation and not only up to the issue of release certificate. Their feedback information is important for policy makers as well as enforcement machinery.
 - viii. **Appointment of Nodal Officers:** Nodal Officers should be notified by State Governments who would act as one-point contact and would also address various concerns/complaints connected with bonded labour system.
 - ix. **Effective functioning of Vigilance Committees (VC):** There should be effective functioning of VCs at the State, District and Taluka levels to identify, rescue, release, rehabilitate and reintegrate bonded and child labourers into society. Moreover, good practices in terms of the role of VCs and the impact of survivors being a part of VCs needs to be highlighted.
 - x. **Skill training programmes and minimum wages:** There is a need to enhance or upgrade the existing skills of the rescued bonded and migrant labourers, which will be helpful in their social and economic empowerment. For the abolition of bonded labour culture, along



with the enhancement of existing skills, we must also provide other skills such as financial literacy, communications skills, marketing and digital literacy to socially and economically empower them under the State skill development programme. The Government must ensure that the workers in the unorganized sectors receive minimum wages and Minimum Support Price.

- xi. Conducting periodic surveys: The mandate for conducting periodic surveys, once in three years by all States and UTs, through the District and Sub Divisional Vigilance Committees on Bonded Labour must be scrupulously followed. The results of the surveys should be computerized and sent to the NHRC. They should also be made available on the websites of the Districts, States and the NHRC.
- xii. Providing counselling to the distressed bonded and child labourers: Adequate measures should be taken to ensure that the traumatized and psychologically shattered bonded and child labourers overcome and join the mainstream of life with the help of the professionals.
- xiii. Prevention, identification and rehabilitation of child bonded labour: It is important that in the identification processes of bonded and migrant labourers, due attention is given to the need for identification of children who work alone and those with their bonded and/or migrant families. With regard to the prevention and rehabilitation, it has been recommended to strengthen inter-departmental coordination and convergence (of Village Child Protection Committees (VCPCs), Panchayats, Special Juvenile Police Units (SJPU), Police, education departments, health and nutrition departments etc.) so that benefits under various social security, welfare and rehabilitation schemes can be reached out to children and their families. For example, convergence with Integrated Child Protection Scheme (ICPS) would enable monetary benefits to children meant for children in difficult situations and their families so that education, healthcare and holistic development of children does not come to standstill. Similarly, ensuring adequate adult employment to poor families with minimum wages and their skill development would prevent their exploitation from bondage and thereby of their children too.
- xiv. Maintaining data of migrant workers: Government agencies must act as a resource pool for migrants residing in different areas, maintaining a register of migrant workers. Lack of reliable data is a hindrance to finding the right solution for the grievances of migrants. Pro-migrant development strategies must be adopted to provide migrant families sustainable livelihood opportunities, adequate wages, social security, proper housing facilities, safe drinking water, sanitation, education, and health facilities.
- xv. Implementation of 'The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act' (1979) and revisions in the Act: Ensure implementation of 'The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act' (1979) and make some revisions in the Act to ensure that – i) All migrants and not just migrants crossing state boundaries are registered with clear guidelines for interstate

- cooperation. ii) It must monitor unregistered contractors and establishments. iii) Ensure access of migrants to social protection, and their right to live in the city with special focus to the vulnerabilities of children and women migrants. iv) Provisions are made for crèches, education centres for children or mobile medical units for the labourers around work sites. v) Important provisions of the Act such as minimum wages, displacement allowance, medical facilities, and protective clothing remain strictly enforced at all times and places.
- xvi. Funds for inter-state rescues: MoLE and State Governments to dedicate funds for inter-state rescues like the Chattisgarh Contingency Fund.
- xvii. Coordination and convergence with Ministry of Panchayati Raj and Rural Development (MoPR): For mass level awareness and sensitisation, coordination and convergence with MoPR is important since it allocates resources to all the states including Fifth and Sixth Schedule states for capacity building and sensitisation of all the functionaries and elected representatives of PRIs and other departmental officials as well. Inclusion of the issue of bonded and migrant labour along with technical support in conducting training on the issue would help inclusion of the issue in the training calendar of all state training institutes on rural development and development planning processes of PRIs, more specifically Gram Panchayats.

D. Regional Conference on “Human Rights of Domestic Workers: Issues and Challenges”



NHRC conference on Domestic Workers held in Pune on 30.08.2019

- 9.15 The Commission organized a Regional Conference on “Human Rights of Domestic Workers: Issues and Challenges” in collaboration with ILS Law College, Pune on 30th August 2019 in Pune. Through this Conference, the Commission aimed to mainstream the issues of domestic workers and their right to decent work. The Conference was held under the chairmanship of Dr. D.M. Mulay, Hon’ble Member. It was also attended by Shri Jaideep Govind, Secretary General, NHRC, Ms. Soso Shaiza, Hon’ble Member, National Commission for Women, and Ms. Vaijayanti Joshi, Principal, ILS Law College, Pune. The Regional Conference covered nine States from the Western



and Southern Regions of India which are Maharashtra, Gujarat, Goa, Rajasthan, Andhra Pradesh, Telangana, Karnataka, Kerala and Tamil Nadu. It was attended by representatives from the Union Ministry of Labour and Employment and representatives from SHRC, Labour Departments of the State Governments, Domestic Workers' Unions, Academicians, CSOs and domestic workers from the said regions. Faculty members and students of ILS Law College, Pune were also in attendance.

9.16 The key recommendations that emanated from the meeting are as follows –

- i. A clear definition of 'domestic work' is required
- ii. There is no specific data which shows how many domestic workers are there in India and therefore, inclusion of 'Domestic Work' as a category may be considered in the forthcoming Census of 2021
- iii. Registration should be made mandatory for both the domestic workers as well as recruiting agencies
- iv. The work condition of the domestic workers needs to be regularised through a contract.
- v. Avenues for domestic workers to acquire new skills need to be generated.
- vi. The Domestic Workers' Welfare Boards should be functional and well-funded
- vii. Domestic Workers need to be included in the Labour Codes
- viii. A national legislation on domestic workers is to be adopted which should be in line with International Labour Organization (ILO) Convention No. 189 on domestic work. The legislative framework must regulate working conditions, inter-state migration, placement agencies, formation of associations/trade unions, right to collective bargaining, etc.
- ix. Replicate existing mechanisms to extend the social security to domestic workers and their families which have proven to be successful in some states in India.

E. Half Yearly Reports on Bonded Labour

- 9.17 NHRC has been overseeing the implementation of the Bonded Labour System (Abolition) Act, 1976 in different parts of the country in pursuance of the directions of the Supreme Court dated 11th November 1997 in Writ Petition (Civil No 3922/1985). The Apex Court in its judgment on Writ Petition dated 15th October 2012 had given further directions to all States/UTs with regard to monitoring and survey of bonded labour.
- 9.18 As per the judgment of the Supreme Court dated 5th May 2014, all the States/UTs are required to submit half yearly feedback on identification, release and rehabilitation of bonded labourers in the prescribed form. Accordingly, the Commission vide its letter dated 9th November, 2011 had directed all the States/UTs to submit the Half Yearly Reports.
- 9.19 During the period under review, seven States/UTs viz. Arunachal Pradesh, Gujarat, Haryana, Madhya Pradesh, Tripura, Uttarakhand and Tamil Nadu have submitted the requisite information to the Commission. Half Yearly Reports from the rest of the States/UTs are awaited.



F. Human Rights at Sea

9.20 As the Indian Government and National Human Rights Commission are driving forward towards the agenda of 'Human Rights at Sea', there arises a need to acknowledge and address the gaps leading to the violation of Human Rights of Indian Seafarers as the instances of their human rights abuses are increasing rapidly. To initiate with the agenda a meeting on 'Human Rights of India Seafarers' was held in the Commission on July 9, 2019 to discuss the issues related to Indian Seafarers. The meeting was chaired by Dr.D.M.Mulay, Hon'ble Member, NHRC. NHRC Officials along with officials from the Ministry of External Affairs and Ministry of Shipping attended the meeting. Captain Sanjay Prashar, the then Vice-President of Forum for Integrated National Security, in his presentation addressed that abandoned seafarers have often not been paid for months and in addition to that they are deserted in foreign countries with lack of resources. During the meeting 7 types of grievances of Indian seafarers were highlighted namely:

- i. Non Payment of Wages
- ii. Cases of Abandonment
- iii. Non compliance of MLC 2006 onboard
- iv. Death/Missing/ Accident
- v. Case of Indiscipline
- vi. Case of Marine Casualty/Medical Attention/Repatriation/Payment of Compensation
- vii. Absconding at Foreign Ports

9.21 Working Group on Human Rights of Indian Seafarers: As a result of the meeting held on July 9, 2019 a Working Group on Human Rights of Indian Seafarers was constituted under the chairmanship of Registrar (Law), NHRC, for the purpose of developing the Standard of Operating Procedures (SOPs) in respect of various issues concerning Indian Seafarers and work towards bringing synergy among the Ministry of External Affairs, Ministry of Shipping, State Governments and Law Enforcement State agencies and several NGOs working in the same area. The first Working Group meeting was held on November 22, 2019 in the Commission under the chairmanship of Shri Surajit Dey, Registrar (Law), NHRC. NHRC Officials along with officials from the Ministry of External Affairs, Ministry of Shipping, International Maritime Foundation and Forum for Integrated National Security were among the participants. In the meeting, academician Dr. Rewa Singh, Researcher and Assistant Professor (Social Anthropologist), Maharishi University, gave a presentation about the harsh conditions faced by Seafarers during the period of their human rights abuses and presented some facts about her study on Human Rights at Sea. After due deliberation on the issues it was recommended that an action driven agenda should be pursued by all the stakeholders and the communication between NHRIs globally on the issue is of vital importance. It was also concluded that the Role of NHRC in taking a lead on the particular subject is indispensable as no research or analytical study has been conducted by DG Shipping or Shipping Industry on the Human Rights of Indian Seafarers for the last few years.



Meeting on Human Rights of Indian Seafarers chaired by Hon'ble Member Dr. D.M. Mulay on 09.07.2019

G. Research Initiatives

9.22 The Commission has been engaged in administering various socially impactful and relevant researches pertaining to bonded labour, child labour, criminal justice system, rights of minorities etc. In this regard, the Division calls for research proposals from credible candidates/institutions and scrutinizes them. This is a continuous process carried out every year by the Division and the shortlisted studies are finally considered by the Commission. Following are the ongoing research topics:

9.23 The Intersections of Migration, Bonded Labour and Trafficking in the State of Odisha

- i. Research study by: Dr. Sashimi Nayak, National Institute of Social Science, Bhubaneswar.
- ii. Objectives of the study:
 - » How are factors determining migration changing in response to major social transformations taking place at the global and local levels?
 - » Why do people migrate across state borders?
 - » What is the magnitude of migration based on caste, gender, age and sector of employment?
 - » What factors help shape their post migration behaviour and pattern of settlement?
 - » How should rehabilitation policies and their underlying assumptions need to change in response to contemporary trends?
- iii. Duration of the study: 12 months from the date of the release of the first instalment by NHRC.

9.24 Prevalence of Girl Child Labour in the Indian Textile Industry- A study on the Textile and Garment Clusters in Tamil Nadu and Gujarat



- i. Research study by: Dr. M. Karthik, Assistant Professor, Institute of Public Enterprises, New Delhi.
- ii. Objectives of the study:
 - » To find out the employment practices of labour in the Textile & Garment sector in Tamil Nadu and Gujarat.
 - » To identify employment and work conditions of girl child labour in the Textile & Garment industry and Gujarat and Tamil Nadu.
 - » To find out whether employees are being influenced by any third party like sub-brokers, company's representatives in employing girl child labour under exploitative employment schemes.
- iii. Duration of the study: 12 months from the date of release of the first instalment by NHRC.

9.25 Mainstreaming Child Labour in Schools: Issues, Challenges and Alternatives

- i. Research study by Dr. Ajay Kumar Singh, Professor, TISS.
- ii. Objectives of the study:
 - » To investigate the issues and challenges of pathways of mainstreaming child labors in education.
 - » To explore field level alternative solutions for improving the mainstreaming process.
- iii. Locale: Three states namely, Bihar, Maharashtra and Telangana. One district from each state namely Gaya, Thane and Hyderabad.
- iv. Duration of the study: 12 months from the date of release of the first instalment.
- v. The Commission has approved the Project with a total budget of Rs. 12, 70,500/- (Rupees Twelve Lakh Seventy Thousand and Five Hundred only).

9.26 Unheard Voices of silent growing majority: An assessment of social security and health risks among women migrant workers of Rajasthan

- i. Research study by Dr. Shaizy Ahmed (Principal Investigator), Assistant Professor, Department of Social Work, Central University of Rajasthan.
- ii. Objectives of the study:
 - » To highlight the various trends of inward migration in the selected districts of Rajasthan and to examine the social security benefits and risks of migrant women engaged in the unorganized sector.
 - » To assess the occupational provisions and health related hazards of migrant women engaged in the unorganized sector.
 - » To facilitate evidence based policy making by applying statistical factor analysis, mining and other techniques to data related to the rights of women migrant workers.



- » The study will assess the effectiveness of the available government schemes and the awareness of migrant women workers.
- iii. Duration of the study: 12 months from the date of release of the first instalment by NHRC.
- iv. Budget of the study: Rs. 7,26,000/- (Rupees Seven lakh twenty-six thousand only)

9.27 Identifying Human Rights Issues and Problems and Developing Policy Framework for Providing Social Security and Health Care to Migrant Workers

- i. Research study by: Dr. R. Kasilingam (Principal Investigator), Professor, Department of Management Studies, Pondicherry University.
- ii. Objective of the study
 - » To study the socio-economic background of the migrant labourers.
 - » To study the responsible factors for inter-state migration of labourers and to examine the information transmission process in migration and the job search.
 - » To study the employment pattern, wage rates, working conditions and living conditions of the migrant labourers.
 - » To study the inherent problems, issues and human rights violations faced by the migrant laborers in an unorganized sector in India.
 - » To investigate the process of settlement of migrants in the city and their getting established in the urban occupations.
 - » To examine the nature of the relationship between employer and migrant labourers.
 - » To analyze legal framework with reference to the migrant workers and to ascertain as to what extent the migrant workers are getting the benefits of Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and Unorganized Workers Social Security Act, 2008.
 - » To study ways and means for overcoming the problems of migrant workers and to recommend suggestions for the effective and better implementation of laws providing protection and social security measures to migrant workers.
- iii. Locale: The study would be conducted in the states of Kerala, Tamil Nadu and Karnataka.
- iv. Duration of the study: 6 months from the date of release of the first instalment by NHRC.
- v. Budget of the study: Rs. 7,15,000/- (Rupees Seven Lakh Fifteen Thousand only).

9.28 Domestic Workers in South India and North East: A Situational Analysis from Dignity and Rights Perspective

- i. Research study by: Dr. Lekha D. Bhat, Assistant Professor, Department of Epidemiology and Public Health (EPH), Central University of Tamil Nadu (CUTN), Thiruvār, Tamil Nadu.



- ii. Objectives of the study:
 - » To study the demographic profile, migration pattern and the reason(s) for migration of young women/girl domestic workers.
 - » To understand the articulation of the concept of dignity of work/ rights by young women/ girl domestic workers in their occupational roles and locate it in the broader social context of caste, gender and class.
 - » To understand how women strive for dignity and human rights through their engagement/ involvement with cooperative movements like SEWA.
 - » To explore the working conditions including social security measures available for the young women/ girl domestic workers and the role played by cooperative movements in improving working conditions/ living conditions of these women.
 - » To record the narrates on sexual harassment at workplace experiences and solutions sought after.
 - » To assess the quality of life (changes) back in the villages/ native places.
 - » To record subjective feelings of health and occupation related health problems of the young women/ girl domestic workers.

9.29 Vulnerability, legal protection and work conditions of Domestic Workers

- i. Research study by: Dr. Himani Gupta (Principal Investigator), Associate Professor, Jagannath International Management School (JIMS)
- ii. Objectives of the study:
 - » To study the working conditions of domestic workers and to classify the type of problems/insecurities faced by them.
 - » To study their problems from the perspective of gender parity and child protection.
 - » To study the factors responsible for their inability to seek protection available under the existing law, with special reference to selected slums of South Delhi.
 - » To find out the lacunae in the existing system of implementation of justice in regard to the welfare and protection of the domestic helps.
 - » To come out with actionable recommendations for the welfare of these workers at the policy and implementation levels.

H. Special Rapporteur Visits

- 9.30 Dr. Vinod Aggarwal, Special Rapporteur, NHRC visited Nawada District to assess the situation of bonded labour and child labour situation in Pakribarwan Block, District Nawada, Bihar on 25th July, 2019. He drafted a general report about the condition, status of release, rehabilitation and reintegration of the bonded labourers rescued in that area. Among many observations made



by the Special Rapporteur, one most important point was that the State Government has failed to allot the immediate cash assistance of Rs. 20,000 to most of the identified bonded and child labourers in the Nawada District and no charge sheets has been filed against the people who were employing bonded labour in the district. To these issues, it has been suggested by Dr. Aggarwal to initiate timely arrest, proper filling of the charges and a possible involvement of the local police in the bonded labour case. Proper implementation of the CSS was also suggested. He further stated that emphasis should be given in providing both cash and non-cash assistance to the bonded labourers.

I. Illustrative Cases in the year 2019-20

1. Death of mining labourers (Investigation Division)

(Case No. 649/36/0/2017)

- i. The Commission received a complaint regarding the death of seven labourers/workers and injury to one during mining work in the tunnel of Kaleshwaram Lift Irrigation Project (KLIP), District Rajanna Sircilla, Telangana due to blasting. These workers belonged to Jharkhand, Chhattisgarh, Odisha and Telangana. It was also alleged that no safety measure was taken by the concerned authority and these workers were not registered under Interstate Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979.
- ii. The State authorities reported that a case was registered against the Assistant Manager of the company and investigation was being done. However, the report was silent about compensation paid to the deceased and the injured workers.
- iii. Accordingly, the Hon'ble Commission directed the Investigation Division for spot enquiry to find out the cause of the accident and also to investigate whether any monetary compensation was paid to the deceased and the injured workers.
- iv. Pursuant to the directions of the Hon'ble Commission, a team of Investigation Division visited District Rajanna Sircilla, Telangana. During the spot enquiry, the team interacted with the injured workers, family members of the deceased persons, officials and workers of Hindustan Construction Corporation (HCC), Prathima Infrastructure Limited (PIL), officials from Labour Department, Irrigation Department, Geologist and police authorities. Copies of relevant documents were also collected. The spot of the incident, where seven workers had died was also visited by the NHRC team. The NHRC team came across various violations of the labour laws and other safety norms. Only two of the deceased workers were enrolled under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, as beneficiaries and five deceased and one injured worker were not enrolled. The Commission noted that the next-of-kin (NoK) of the deceased labourers have been paid varying amounts as monetary relief. This is mainly on account of the fact that five of the deceased labourers were not registered under the Building and Other Construction Workers' Act. This was also the case with the injured worker. Being a welfare



state, it was also the duty of the Labour Department to ensure that the provisions of the law were implemented and to ensure that benefits of the Labour Welfare Schemes were reaching the intended workers. This cannot be a ground for denial of monetary benefits to the NoK of the deceased workers or the injured workers.

- v. The Commission therefore directed the State to ensure that NoK of the deceased workers are paid monetary relief of Rs. 6,30,000/- (Rupees Six Lakhs and Thirty Thousand Only) each, same as those registered under the Act. Further, the Commission also directed to submit a copy of the Expert Committee Report constituted by the Government of Telangana, to issue suitable directions to all concerned departments to regularly inspect the site of KLIP and ensure that workers are registered under the Inter-State Migrant Workmen Act, 1979 and Building and Other Construction Workers Act, 1996, and are getting the benefits under the labour laws. The Director General of Police, Telangana was also directed to look into the negligence angle on the part of the HCC officials and officials of Irrigation & CAD Department, Telangana and expedite investigation.

a) Bonded Labour

2. Labour held as bonded labourers at Bhatta Marka S. B, situated at Village Khaira, Thana Daraha, District Ludhiana, Punjab

(Case No. 1131/19/10/2011-BL)

- i. The Commission received a complaint from Shri Manoj son of Shri Ram Pal, dated 17.10.2011 alleging that he along with other persons named in the complaint, belonging to a Scheduled Caste, are being held as bonded labourers at Bhatta Marka S. B, owned by Shri Satpal Mittal, situated at Village Khaira, Thana Daraha, District Ludhiana, Punjab. It was further alleged that the brick kiln owner promised them to pay Rs. 450/- per thousand bricks and to provide basic amenities like drinking water, medicine, education for their minor children etc., but later he refused to pay their wages and the workers were being abused, beaten and threatened with dire consequences if they asked to leave the brick kiln. The complainant prayed for their release from the confinement of the accused brick kiln owner, payment of their due wages and legal action against the brick kiln owner.
- ii. In response to the Commission's directions, a report was received from the Additional District Magistrate, Ludhiana that the release certificates in favour of 13 labourers have been issued by the Sub-Divisional Magistrate (SDM), Samrala, District Ludhiana and the District Magistrate (DM), Muzaffarnagar, Uttar Pradesh has been requested to take further action for their rehabilitation.
- iii. Further, the DM, Muzaffarnagar informed the Commission that out of 13 bonded labourers, only 11 bonded labourers belong to the district Muzaffarnagar and the Rehabilitation package of Rs. 20,000/- (Rupees Twenty Thousand Only) has been already been paid to the 10 bonded labourers through e-payment whereas regarding payment of Rehabilitation



Package to the one left out bonded labourer namely Shri Ankit son of Shri Mohar Singh, the same will be paid to him on receipt of budget. Regarding the remaining 2 bonded labourers, their Rehabilitation has to be done by DM, Shamli.

- iv. The DM, Shamli vide letter dated 07.11.2015 informed the Commission that the rehabilitation package of Rs. 20,000/- (Rupees Twenty Thousand Only) was paid to the two bonded labourers Shri Baburam and his wife Smt. Bimlesh vide e-payment dated 29.10.2015. The DM, Muzaffar Nagar further reported that the Rehabilitation Package to the one left out bonded labourer namely Shri Ankit son of Shri Mohar Singh, as budget from Labour Commissioner, Kanpur UP was still awaited.
- v. As the further report was not received from the DM, Muzaffar Nagar, the Commission directed the Chief Secretary, Government of Uttar Pradesh to submit a report as to why the rehabilitation package of Rs. 20,000/- (Rupees Twenty Thousand Only) was not sanctioned for such a long duration. In response, the DM Muzaffar Nagar informed that a rehabilitation amount of Rs. 20,000/- (Rupees Twenty Thousand Only) has been transferred in the bank account of Shri Ankit. A copy of the bank transaction was also enclosed with the report. Therefore, the Commission vide proceedings dated 22.01.2020 closed the case file.

b) Exploitation of labour and hazardous employment

3. Two children who were employed for illegal mining crushed to death under the soil at Devatada, Gopalgarh, Jodhpur, Rajasthan

(Case No. 296/20/19/2019)

- i. The Commission received a complaint from Shri Rajhans Bansal, Director of an NGO alleging that two children died due to illegal mining when they were crushed under the soil at Devatada, Gopalgarh, Jodhpur, Rajasthan. Illegal mining was going on with the help of officials of the Mining Department and the Police.
- ii. Pursuant to the directions of the Commission, Director, Department of Mines and Geology, Udaipur, Rajasthan submitted his report. The Commission considered the report and observed that the officials of the Revenue Department and Mines Department were found negligent in discharging their duty. It is a serious case of human rights violation where two children died due to negligence of officials. State is vicariously liable for negligence of their officials. The Commission deeming it an appropriate case has therefore issued a show-cause notice to the Chief Secretary, Govt. of Rajasthan under Section 18(a)(i) of Protection of Human Rights Act (PHRA) 1993 as to why a compensation of Rs. 5,00,000/- (Five Lakhs Only) each be not paid to the NoK of the deceased children. The Commission has also recommended Departmental proceedings against erring officials of the Revenue Department and the Mines Department.

4. Eight laborers who were employed at the site of construction work at a tunnel for linking the river at Pune, died due to falling of crane on them



(Case No. 2345/13/23/2017)

- i. In this case, the complainant Shri R.H. Bansal had alleged that during an on-going construction work at a tunnel for linking the river at Pune, 8 laborers died because of falling of a crane on them due to serious safety lapses at the construction site on the part of the concerned authorities.
- ii. Pursuant to the directions of the Commission, reports received from Superintendent of Police (SP) Pune, Maharashtra revealed that the unfortunate incident had occurred on 20.11.2017 at Village Akole, District Pune during which 8 laborers had fallen into 70 meter deep tunnel along with their tools due to negligence of 4 officials including Crane Operator and safety officers, who were responsible for machine maintenance. Accordingly, a case CR No. 135/2017 under Section 304(2)/34 IPC dated 22.11.2017 was registered against them and all 4 accused were arrested and a charge sheet against them was also filed in the court on 10.06.2018. The machines involved were forwarded to Director, Engineering College for inspection by the technical committee.
- iii. The Commission observed that 8 laborers had fallen into 70 meter tunnels along with their tools due to negligence of 4 officials including Crane Operator as well as the safety officers responsible for machine maintenance. As per opinion of Engineering College, the incident has occurred because of negligence only. Thus, the Commission recommended, under Section 18 of PHRA, to the Chief Secretary Government of Maharashtra for payment of a compensation of Rs. 3,00,000/- (Rupees Three Lakhs Only) each to NoK of 8 deceased laborers along with departmental action taken against erring officials. In response, the Secretary Water Resources Department, Mumbai informed the Commission that the contractor was found responsible and an Ex-Gratia amount of Rs. 3,00,000/- (Rupees Three Lakhs Only) each has been paid to NoK of deceased 7 laborers and Rs. 10,00,000/- (Rupees Ten Lakhs Only) to the remaining deceased labour. In addition, an amount of Rs. 68,40,000/- (Rupees Sixty Eight Lakhs and Forty Eight Thousand Only) has been deposited to the Commissioner for Employees Compensation, Pune by the Contractor for payment towards workmen compensation for 8 deceased laborers. As per technical enquiry report, the accident occurred due to electronic failure of remote control and electric failure of limit switch simultaneously. Now, all the safety gadgets have been provided to all the laborers and regular drill practice are being done to avoid such fatal incidents. While considering the report, the Commission closed the case.



Few glimps of National Seminar on Elimination of Bonded Labour System held on 8th November, 2019 at New Delhi.





CHAPTER 10

Rights of Scheduled Castes/Scheduled Tribes/ Other Backward Classes/ Other Minorities and Issues of Manual Scavenging

- 10.1 The Scheduled Castes (SCs), Scheduled Tribes (STs), along with the backward classes, minorities and marginalized are some of the most disadvantaged groups in India. Their vulnerability and marginalization often puts them in a situation of disadvantage while accessing education, gaining employment and other life opportunities. And as a result of the social disadvantage, people from these categories are often found to be victims of bonded labour, trafficking and manual scavenging.
- 10.2 The National Human Rights Commission (NHRC) of India considers the systematic exclusion of certain communities a grave violation of human rights. It committed to work towards promotion and protection of the rights of SCs, STs and other vulnerable groups and address the inhuman and degrading practice of manual scavenging. Following is the Commission's engagement with the rights of SC, ST, Other Backward Classes (OBCs) and other minorities, and the issues of manual scavenging in the year 2019-20.
- A. Rights of Scheduled Castes, Scheduled Tribes, Other Backward Class, and Other Minorities**
- 10.3 NHRC has been proactive in monitoring the adherence of the States towards implementation of Protection of Civil Rights (PCR) Act, 1955 & Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- 10.4 Since the Commission's inception in 1993, it has actively engaged in affirmative actions towards development of SC, ST and OBC communities. The Commission, in order to eliminate perpetual inequalities, has also strongly recommended punitive measures against discriminatory practices. In furtherance to it, the Commission also receives inputs from the Chairpersons of National Commission for Scheduled Castes and Scheduled Tribes, who are also the sitting Ex-officio members in the NHRC for the discharge of functions specified in clause (b) to (j) of Section 12 of the Protection of Human Rights Act (PHRA) 1993.
- 10.5 Following are some of the legislations and initiatives by Government of India which focused on socio-economic empowerment of the SCs and STs. In addition, ombudsman function is discharged by the respective Commissions meant for SCs, STs both at the national and state level.
- i. The PCRs Act, 1955



- ii. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and its amendment in 2015
 - iii. The Provision of the Panchayats (Extension to the Scheduled Areas) Act (PESA), 1996
 - iv. Minor Forest Produce Act 2005
 - v. The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA), 2006
 - vi. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013
 - vii. Scheduled Caste Sub-Plan and the Tribal Sub-Plan Strategy
- 10.6 The Investigation Division of the Commission has been entrusted with the responsibility to carry out investigations of cases filed under SC/ST Act. In this regard, the matters relating to the compensation as per the SC/ST Act, role of police and analyzing various rules and notifications issued by the Government for relief and rehabilitation of the victims of discrimination is regularly undertaken by the Commission.
- 10.7 The Commission also takes suo motu cognizance of cases of human rights violations committed on SC/ST or any other vulnerable sections of the society. The workshops and seminars conducted by the Commission aims at sensitizing all the pillars of Indian Criminal Justice System towards protecting the rights of vulnerable people. The issues of SC/STs are given special priority during visits to districts.

B. Open House Discussion on Securing Tribal Rights through FRA & PESA in the Light of Forest Related Acts: Issues, Challenges and Way Forward

- 10.8 The Commission convened an Open House Discussion on “Securing Tribal Rights through FRA and PESA in the light of forest related acts: Issues, Challenges and Way Forward” on 6th January, 2020 at under the Chairmanship of Hon’ble Member, Dr. D.M. Mulay. The objective of the Open House Discussion was to discuss and identify the gaps and challenges in the implementation of PESA Act, 1996. The deliberations of the meeting were on the following agendas:
- i. Human Rights of the Tribal Communities are at stake
 - ii. Land Alienation to non-tribal
 - iii. Failure to ensure Forest Rights
 - iv. Effects of the Development policies on Tribal Communities
 - v. Violation of PESA Act in India
- 10.9 The following recommendations emanated from the Open House Discussion:
- i. Compliance and harmonization of state laws with PESA provisions need to be completed at the earliest.
 - ii. The relevant Central laws (e.g. Land Acquisition, Mines, Forest) and State laws (e.g.

- Panchayati Raj, Money Lending, Forest, Mining, Excise) still need to be amended in conformity with PESA.
- iii. Effective coordination is required between the Central Government, State Government and NGOs.
 - iv. Role of governance and implementation mechanism to reach out to the needs so as to provide required service for the livelihood and survival
 - v. Allocation of resources is required to safeguard the needs of livelihood of tribes.
 - vi. Discourse and narratives are required to be transcribed from the perspective of the tribal population and an authentic documentation and research on the same may be done.
 - vii. Economic partnership by getting the benefits of government schemes without discouragement of tribal rights.
 - viii. The need of convergence at all levels viz: Gram Sabha, State and District level.
 - ix. Collaboration between the government and tribal people.
 - x. Powers should be clearly defined so that the autonomy of the Gram Sabha does not get affected by the powers of the Gram Panchayat.
 - xi. Actual implementation of Gram Panchayat Development Plan needs to be monitored from time to time along with temporal follow up of the same.
 - xii. Research studies and projects focused on SC, ST population shall be initiated and promoted.



Open House Discussion on “Securing Tribal Rights through FRA and PESA in the light of forest related acts: Issues, Challenges and Way Forward” on 6th January, 2020

C. Issues of Manual Scavenging

- 10.10 The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 defines ‘manual scavenger’ as “a person engaged in or employed for manually carrying human



excreta". The employment of manual scavengers is prohibited and considered as a criminal offence.

- 10.11 The recently enacted Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 gives a detailed definition of 'manual scavenger' in Section 2 (g) as "a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a railway track or in such other spaces or premises, as the Central Government of a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed..."
- 10.12 The practice of manual scavenging is illegal in India. Various laws, mentioned in the succeeding paragraphs, have outlawed the practice for the last 60 years:
- i. PCR Act (1955) made it an offense to compel any person to practice manual scavenging.
 - ii. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act (1993) punished the employment of manual scavengers or the construction of dry latrines with imprisonment for up to one year and/or a fine of 2000 rupees.
 - iii. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 which superseded the 1993 Act, outlaws all forms of manual scavenging (beyond just dry latrines), prescribing penalties for those who perpetuate the practice and protecting those who engage in it. In a nutshell the said Act seeks to ensure:
 - » Prohibition of the employment of manual scavengers, the manual cleaning of sewers and septic tanks without protective equipment, and the construction of insanitary latrines.
 - » Rehabilitation of manual scavengers and provide alternative employment.
 - » Fixing responsibility of each local authority, cantonment board and railway authority for surveying insanitary latrines within its jurisdiction, construct a number of sanitary community latrines.
 - » Implementation of the provisions of the Act by the District Magistrate and the local authority.
 - » Strict penalties for employing manual scavengers or failing to demolish insanitary latrines with imprisonment of one year and/or a fine of Rs 50,000 for the first offence. Subsequent offences will be punished with imprisonment up to two years and/or a fine of Rs one lakh.
- 10.13 NHRC has been deeply concerned about the inhuman and degrading practice of employment of person for manual handling or manual cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain, pits, railway



track, private homes and toilets maintained by Municipal Corporations etc. The Commission has a statutory responsibility to review the safeguards provided under the Indian Constitution and other enforced laws for the protection of human rights of manual scavengers and make recommendations for the effective implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Commission also has a responsibility to review the factors that inhibit the enjoyment of human rights and recommend appropriate remedial measures as per Section 12 of the PHRA, 1993.

- 10.14 The Commission has been taking up the issue of manual scavenging at the highest levels in the Government. The Chairperson, NHRC wrote to the concerned Ministers and Chief Ministers of States way back in October 1996 urging that steps be taken for replacing dry latrines, wherever they existed, with flush latrines, and stressing the fact that for implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Chief Ministers of all States were addressed again in January, 1997 by the Chairperson, NHRC advising them to take appropriate steps for adoption and strict implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 in the States. In August, 2001, the Chairperson again wrote both to the Chief Ministers of States and the Central Government proposing that both jointly work to ensure that by 2nd October, 2002 there would be no dry latrines left in the country.
- 10.15 The Commission has held a number of meetings with the representatives of the Central and State Governments and other stakeholders on 25th February 2006, 18th March 2007, 28th August 2008, and 11th March 2011. The recommendations that emerged from the deliberation were sent to the concerned Ministries and State for compliance.
- 10.16 The Commission also organized a one-day National Conference on Manual Scavenging and Sanitation on 21st February, 2014 at Vigyan Bhawan Annexe to address the rising ever prevalent issue of Manual Scavenging. The recommendations from the National Seminar have been circulated to all the States and concerned Ministries for necessary actions.

D. Open House Discussion on Manual Scavenging and Human Rights: Issues and Challenges

- 10.17 NHRC organized an Open House Discussion on Manual Scavenging and Human Rights: Issues and Challenges on 24th May, 2019 under the Chairmanship of Justice Shri H.L. Dattu, Hon'ble Chairperson, NHRC. The objective of the Open House Discussion was to deliberate on the following issues:-
- i. Identification of gaps/constraints in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act and implementation of rehabilitation schemes for people involved in manual scavenging, in order to facilitate eradication of the practice.
 - ii. Discuss the status of compliance of recommendations pursuant to the National Conference organized by NHRC on 21st February, 2014 regarding eradication of Manual Scavenging and review the steps taken by Central and State authorities and other organizations thereupon.



- iii. Discuss strategies to ensure the complete and expeditious implementation of Government Schemes with regards to the eradication of Manual Scavenging.
- iv. Discuss the role of the civil society in spreading awareness and sensitize the society at large, of the harmful effects of manual scavenging.

10.18 The recommendations that emanated from the Open House Discussion are as follows:

- i. A Standard Operating Procedure should be prepared on how to rehabilitate the rescued manual scavenger and ensure strict compliance of legal provisions to eradicate the menace of manual scavenging.
- ii. This absence of access to justice and lack of accountability reflects the discriminatory culture that permits manual scavenging and unsafe and unsanitary sewer work. Therefore, there should be liability for those who employ sewer workers in violation of the health and safety provisions in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act and suggest measures against them.
- iii. There should be concrete provision of prioritizing women manual scavengers in various schemes such as Mahatma Gandhi Employment Guarantee Act (MGNREGA) Scheme, National Rural Livelihoods Mission (NRLM), housing, skill development etc.
- iv. There should be robust synergy between different Union Ministries such as the Ministry of Railways, to address the issue of caste-based dehumanizing practice of manual scavenging.
- v. Conduct a nation-wide survey and an audit on the incidents of deaths while cleaning sewage/drainage to know the causes and suggestions for remedial measures.
- vi. Review and the subsequent release of data on the people who got scholarship/loans under the rehabilitation schemes for manual scavenging.
- vii. The Ministry should direct the local authorities to organize a massive informative drive to educate the sewage cleaners of the process of mechanized hazardous cleaning with clear understanding of the medical facilities entitled to the sewage workers.
- viii. The Ministry should direct the local authorities to provide proper training to the individuals who are engaged in the practice of hazardous cleaning and should also be assisted with proper protective gear kit.
- ix. The Ministry should also make arrangements for an all inclusive safety gear kit that needs to be distributed among the municipalities for further distribution among the sewage workers for undertaking safe hazardous cleaning.
- x. Organize sensitization programmes for the eradication of manual scavenging and the subsequent rehabilitation programmes.
- xi. It is advised to increase the amount of scholarship for the children of manual scavengers up to Rs. 5000 per month. It is also advised that the Ministry should provide scholarship to the children of the manual scavengers till their graduation.



- xii. The Union Ministry of Social Justice and Empowerment should collaborate more with the Civil Society Organizations (CSOs) and Non-Governmental Organizations to bridge the data gap on manual scavengers to get a better understanding of the extent and prevalence of the practice.
- xiii. Multi stakeholder data consultations including Ministries, CSOs and the United Nations agencies can be organised under the auspices of the NHRC to facilitate constructive evidence gathering on manual scavenging.
- xiv. The Ministry should encourage further technological advancement to address the issue of manual scavenging where manholes can be cleaned without human intervention.

10.19 Status of the Manual Scavenging and Sewerage Water Workers in the Hyderabad Karnataka Region – Policy and Practice

- i. The Commission approved a research proposal titled '**Status of the Manual Scavenging and Sewerage Water Workers in the Hyderabad Karnataka Region– Policy and Practice**' by Dr. Mohan Das K., Associate Professor, Department of Studies in Political Science, Vijayanagara Sri Krishnadevaraya University, Ballari, Karnataka on 11.10.2018. The duration to complete the research project is six months with a financial assistance of Rs. 4,00,000/-.
- ii. Scope of the study: To observe the various forms of the manual scavenging practices, the socio-economic conditions of the manual scavengers and the discrimination and exploitation in the society. The study will look into the laws, the Government machinery and organization working for abolition of manual scavenging in a human rights perspective. The study would help the research institutes, academicians, the social action groups, the government departments to understand the existing manual scavenging practices and its dimensions and to take effective measures for total eradication of the practice.
- iii. Objective of the Study:
 - » To know the socio-economic status of manual scavengers in Hyderabad and Karnataka regions from a human rights perspective.
 - » To understand the various laws and policy legislations to eradicate inhuman practice.
 - » To assess the nature and magnitude of the problem of manual scavengers in the study area.
 - » To assess the family livelihood condition including financial and non-financial part of manual scavengers.
 - » To trace the impact of socio-economic conditions of manual scavengers at work.
 - » To attain the expected social relations and health hazards.
 - » To access their social status and professional recognition.
 - » To suggest policy measures for removal of social disorder of scavengers in the Hyderabad and Karnataka Regions.



E. Special Rapporteur Visits

- 10.20 Dr. Vinod Aggarwal, Special Rapporteur, NHRC, visited Aurangabad district of Maharashtra on 29th November, 2019 to study the implementation of the MGNREGA scheme. He has submitted a general report regarding the realization of rural development schemes and how it has benefitted the agricultural labourers belonging to SC and ST communities. Based on his observations, he made some key recommendations such as: disbursing more active job cards since the district has a high population; increasing the number of families receiving 100 days of full employment; conducting audits and checking the status of the schemes that are more than 2 years old among others. It was noted that the increase in administrative expenditure to 21.94% during the year 2016-17 needed explanation from the District Administration. The Special Rapporteur suggested that the target for disbursing job cards should be around 10-12 million man days in the district, and district authorities must set a target of 50,000 families who must complete 100 days employment.
- 10.21 Dr Vinod Aggarwal, Special Rapporteur, NHRC, visited the state of Jharkhand on 9th January, 2020 to study the implementation of the MGNREGA scheme. He has submitted a general report regarding the realization of rural development schemes and how it has benefitted the agricultural labourers belonging to SC and ST communities. He noted that the minimum wage distribution under MGNREGA needs to be enhanced to attract a larger population to work under the MGNREGA scheme. Some of his key recommendations were, timely assessment of the schemes undertaken, maintaining a record of work distribution among the ST population and increasing the proportion of Aadhaar linked and verified job cards. It is prescribed that 60% expenditure should be due on Natural Resource Management (NRM). However, in reports of the last 3-5 financial years some disparity is found. Therefore, the Special Rapporteur suggested that regular audits may be conducted in the district to evaluate the schemes.
- 10.22 Dr. Vinod Aggarwal, Special Rapporteur, NHRC, visited the districts of Koderma, Khunti, Lohardaga and Ranchi of Jharkhand in January, 2020 to evaluate the implementation of MGNREGA scheme and examine the extent of the realization of rural development schemes and how it has benefitted the agricultural labourers belonging to SC and ST communities. He examined the key aspects of programme implementation such as, achievement of man-days targets, payment of wages, pendency of schemes and inclusiveness and equality in work generation. A special focus was laid on providing adequate employment to SC, ST and landless households. Some of the key recommendations communicated to the district authorities were increasing the number of active jobs cards and linking them to Aadhaar, reducing the pendency of schemes and including key rural infrastructure projects under them after consulting the local communities. The district authorities were also asked to review the administrative and natural resource management expenditures and the delayed payment of wages. Geo-tagging of the projects was also emphasized.
- 10.23 Dr. Vinod Aggarwal, Special Rapporteur, NHRC, visited the state of Maharashtra and its districts Nashik and Thane in February 2020 to study the implementation of MGNREGA scheme. He



examined the functioning, expenditure, work creation and number of beneficiaries, among other aspects, to evaluate the effectiveness of the Scheme. Some of the key observations were that SC and ST households were receiving less than their fair share in the number of man-days generated and the district authorities were asked to correct the discrepancy. It was recommended that the number of families receiving 100 days of full employment be increased and schemes more than 3 years old be either completed or foreclosed on an early date or in the current financial year. An important recommendation was minimizing the wage difference between MGNREGA wages and minimum wages (rural) in the state.

- 10.24 Dr. Vinod Aggarwal, Special Rapporteur, NHRC, visited Patna district of Bihar on 27th July, 2019 to study the implementation of the MGNREGA scheme. He has submitted a general report regarding the realization of rural development schemes and how it benefited the agricultural labourers and labourers belonging to SC and ST communities. He observed that the employment rate is very low. Owing to the big population of Patna, a target of 42.56 lakh man days is very low. Further, the verification of job cards is yet to be completed in the district. Also, Aadhaar seeding for the labourers is also incomplete. Therefore, he suggested that the district administration should take up the initiative of disbursing more active job cards among the weaker section of society in the Patna district. He also recommended that the District Administrator may conduct an assessment of the number of families who have received 100 days employment benefits. The job verification may be completed. He further suggested that regular payment of wages should be ensured to the staff and the labourers. Also, explanation may be solicited from the District Administration regarding the high administrative expenditure (21.94%) during the year 2016.

F. Publications

- 10.25 **Booklet on “Constitutional and Civil Rights to Protect Schedule Caste and Scheduled Tribes from Atrocities and the law against Witch hunting”:** The Commission has entrusted Multiple Action Research Group (MARG), a Delhi based organization, with the task of creating booklets on various human rights issues for awareness. Among them, one of the booklets was on the “Constitutional and Civil Rights to Protect Schedule Caste and Scheduled Tribes from Atrocities and the law against Witch hunting”. This booklet provided a detailed definition of SCs and STs, and how the Indian Constitution safeguards the rights of the minorities of the society. It also highlights the social menace of witch hunting, i.e., branding of victims, especially women, as witches, and then subjecting them to numerous forms of torture like beating, burning, parading them naked through the streets, forcing to eat human excrement and rape. This booklet also explains the Constitutional entitlements, laws and rights, women have against the atrocities in the name of witch hunting.

G. Illustrative Cases in the year 2019-20

1. **A person belonging to SC community, namely Sri Nivas, resident of Bengaluru, Karnataka, dispossessed of his land, falsely implicated, the females of his family abused by caste name, his crops burnt down, and his place of worship destroyed**



(Case No. 811/10/1/2016)

- i. The complainant, Sri Nivas alleged that he was dispossessed from the lands, falsely implicated, the females of his family were abused by caste name, his crops were burnt down, and his place of worship was destroyed by some named miscreants.
- ii. In response to the Commission's directions, the Superintendent of Police (SP), Bangalore (Rural) reported that Police Sub Inspector (PSI) Narendra Babu erred in opening of Rowdy Sheets and not conducting proper investigation. It was also reported that PSI Murali also erred in conducting the investigation and submitting false information to the higher officers. As per the report, disciplinary action was taken against PSI Narendra Babu and PSI Murali.
- iii. After considering the material on record, the Commission observed that prima-facie the human rights of the victim were violated by the police officials, namely, PSI Narendra Babu and PSI Murali and disciplinary action was also taken against the guilty police officials. The Commission directed the Chief Secretary, Government of Karnataka to show cause as to why monetary relief of Rs. 50,000/- be not recommended to be paid to the victim for violation of his human rights. No response was received.
- iv. The Commission, therefore, recommended to the State of Karnataka to pay compensation of Rs. 50,000/- (Rupees Fifty Thousand Only) to the victim and submit compliance report along with proof of payment.

2. Tribals in police custody made to drink urine in Alipur district of Madhya Pradesh

(Case No. 1572/12/53/2019)

- i. The Commission came across an extremely disgraceful news report, published under the caption "Tribals made to drink urine in custody, four MP policemen suspended." in 'The Indian Express' on 13.08.2019. As per the news report, four policemen including the in-charge posted at Nanpur police station in Alirajpur district of Madhya Pradesh have been placed under suspension and departmental enquiry has been initiated against them. The allegations against them were that they assaulted five young men in police custody and made them drink urine, when they asked for water. The victims, belonging to the tribal community, were admitted to the district hospital with injury marks on their bodies and they accused the police station staff of torturing and assaulting them. It was further mentioned in the news report that they had a dispute with one person who allegedly harassed the sister of one of them.
- ii. Upon carefully examining the contents of the news report, the Commission vide proceedings dated 13.08.2019 took suo motu cognizance of the news report and called for a detailed report in the matter including status of any relief provided to the victims, by the state authorities from the Chief Secretary and the Director General of Police, Madhya Pradesh.



- iii. Pursuant to the directions of the Commission, a report dated 03.10.2019 was received from the Additional Secretary, General Administration Department (GAD), Madhya Pradesh, along with a report dated 18.09.2019 of the Deputy Secretary (Home), Government of Madhya Pradesh. It was reported that considering the gravity of allegations made against the police, departmental action had been initiated against the concerned erring police officials. It was stated that though it was substantiated that the victims were subjected to physical assault in the custody of the police, the allegation of forcing them to drink urine could not be substantiated.
- iv. While carefully considering the facts and circumstances of the case and taking note of the materials on record, including the contents of the report, the Commission observed that the allegations made in the press report seem to be partially substantiated and the negligence shown to the victims amounted to violation of the human rights of the victims. In these circumstances, the Commission issued notice under Section 18 (a) (i) of the PHRA, 1993 to the Chief Secretary, Government of Madhya Pradesh to show cause as to why a monetary compensation of Rs. 1,00,000/- (Rupees One Lakh Only) should not be recommended to be paid to each of the victims, within six week. Reply to the show cause notice has not yet been received from the State Government.

3. Death of a pregnant tribal woman due to ignorance and shoddy medical infrastructure in Visakhapatnam district of Andhra Pradesh

(Case No. 847/1/21/2019)

- i. The Commission took suo motu cognizance of a news report, published by the 'Times of India' on 26.08.2019, under the caption "Death of pregnant tribal exposes ignorance, shoddy medical infra". It has been reported that lack of knowledge about women's menstrual health had been causing havoc among tribal women in the Visakhapatnam area. The crisis is being further exacerbated by the shortage of radiologists in that area. The lives of pregnant tribal women living in the tribal pockets of the district had been at constant risk. As per report, a woman resident of Jamadangi hamlet of Pedabayalu mandal in the district of Visakhapatnam lost her child in her womb due to excessive bleeding.
- ii. While taking suo motu cognizance, the Commission observed that the poor tribal woman became a victim of lack of medical care facilities and gross negligence and apathy from the side of administration as it is the responsibility of the State to secure adequate healthcare of the pregnant tribal women so that they would not suffer the way the victim had suffered due to lack of medical facilities including ultrasound, radiologist, doctors, etc. The Commission called for a detailed report in the matter from the Chief Secretary, Government of Andhra Pradesh. The Commission also directed the State Government to specify what steps are being taken to enhance healthcare facilities in the tribal areas including counseling for pregnant women and initiation of holding Medical Camps in the vulnerable areas within the State about awareness of various health related issues including neonatal and prenatal care and protection of the pregnant women.



- iii. Pursuant to the directions of the Commission, Director of Health and Family Welfare, Government of Andhra Pradesh sent a detailed report giving details of the case. It was submitted that on 18.08.2019 an untrained dai (midwife) from Pedabayalu area had conducted the delivery of the victim Smt. Killo Laxmi, wife of Chinna Rao, aged about 28 years but she delivered a dead female child. For placental expulsion the untrained dai (midwife) gave local herbs (extracts of tree bark) orally to the mother and left the village on 18.08.19; but on the same day the mother died. It was informed that the cause of death was primary Postpartum Haemorrhage (PH) due to retained Placenta (opinion given by MI Lifeline). The pregnant woman was given all the services by the Auxiliary Nurse Midwife (ANM) and Medical Officer and birth planning was done at Primary Health Centre (PHC), Gomangi. In spite of advice by the ANM the patient had delivery at home by an untrained dai (midwife). A number of other measures taken for the pregnant women in tribal areas and the interventions for strengthening of tribal health services were also mentioned in the report.
- iv. Upon consideration of the above report, the Commission observed that the poor tribal woman became victim of lack of medical care facilities and gross negligence and apathy from the side of the administration and directed to issue a notice under Section 18 of the Protection of Human Rights Act, 1993 to the Chief Secretary, Government of Andhra Pradesh to show cause as to why a sum of Rs. 5,00,000/- (Rupees Five Lakhs Only) as monetary compensation should not be recommended by the Commission to be paid to next-of-kin (NoK) of the deceased Smt. Killo Laxmi. The Chief Secretary was required to submit a response to the Show-Cause Notice within six weeks. Reply to the show cause notice has not yet been received from the State Government.

4. Entire family of the victim belonging to SC community, who was repeatedly sexually assaulted, committed suicide by consuming poison due to the indignity, stigma and insult, at Uklana, Hisar, Haryana

(Case No. 2981/7/6/2013)

- i. A complaint was received from Shri Rajhans Bansal, a human rights activist, regarding an unfortunate incident of death of entire family (except a lone survivor) by consumption of poison due to the indignity, stigma and insult perceived by poor Shri Mahender, father of the victim who was subjected to a sexual assault by a miscreant. Ironically, the miscreant was acquitted by the trial court due to the inability of the prosecution to produce the victim girl in the court at the time of trial despite several opportunities given to them by the court.
- ii. On perusal of the complaint, the Commission directed the Director General of Police (DGP), Haryana to get an enquiry into the matter by the Crime Branch/Crime Investigation Division (CB/CID) under his personal supervision and take disciplinary action against the erring police official responsible in the matter.



- iii. In response, a report was received from the DGP, Haryana. It was reported that the matter had already been enquired into by the CB/CID. Necessary instructions were issued to the Deputy Superintendent Police (DSP), Barwala in FIR No. 2212/2013 under Section 346/363 IPC to rescue the victim girl with all sincerity. It was also reported that departmental action was initiated against the erring police personnel.
- iv. The Commission carefully considered the contents of the report and observed that after recording the statement of the victim under Section 164 Cr.P.C. on 23.5.2012 the victim was again found missing from her house. Missing of the victim, soon after registration of a rape case, was very serious incident which should have been taken note by the Police with abundant precaution. The police only made a Daily Dairy Entry vide No. 13/2012 and the same was endorsed to Police Station Uklana, Hisar. No sincere efforts seem to have been made by the Police to rescue her. Finally Police registered a case on 22.2.2013 vide FIR No. 54/2013 under Section 346 IPC PS Uklana Hisar by converting the DD Entry to First Information report (FIR) by then much time had elapsed and the whereabouts of the victim remained a mystery for which the prosecution failed to produce the victim at the time of trial. During this period the parents of the victim turned hostile due to circumstances beyond anybody's comprehension.
- v. The Commission observed that the loss of a family due to Police negligence is lamentable and amounted to a violation of human rights and recommended a sum of Rs.1,00,000/- as compensation to be paid to the NoK of the victim. In response the Superintendent of Police, Hisar, Haryana reported that there has been no one left in the family of the deceased victim to receive the compensation of Rs. 1,00,000/- (Rupees One Lakh Only). It was further stated that the sole survivor of the family i.e. daughter of the victim was missing since 09.06.2012 and FIR No. 54/2013 dated 22.02.2013, under Section 364 IPC was registered at Police Station. Uklana on the statement of Shri Mahender Singh.
- vi. The amount recommended for compensation therefore may be kept in a fixed deposit of a nationalized bank till the time the sole surviving member of the family being daughter of the victim be traced and once her whereabouts to be located or identified the amount of compensation of Rs. 1,00,000/- (Rupees One Lakh Only) with the accrued interest may be given.





CHAPTER 11

Rights of Women, Children and LGBTQI

- 11.1 Discrimination and violations of the rights of women and children continue to occur at a tragically high rate despite the constitutional provisions in India for their protection, survival, development, participation and empowerment. The condition of persons belonging to the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex (LGBTQI) community has also been of equal vulnerability, if not more. Taking into account this susceptibility, NHRC-India has been committed to the protection of rights of all the three groups, namely women, children and LGBTQI and gives great importance to these thematic areas in its work and functioning.
- 11.2 Moreover, India is also a party to major international conventions concerning rights of women and children that were framed to ensure equality in the field of civil, political, economic, social and cultural rights as well as address issues of the violation of rights of the said groups. The main international agreement on women's rights is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 with 189 UN member states as its signatories. CEDAW encompasses a global consensus on the changes that need to take place to realize women's rights. Likewise, the key international agreement on children's rights is the Convention on the Rights of the Child (CRC), 1989. The CEDAW was ratified by the Government of India in 1993, whereas the CRC was ratified in 1992. Having ratified the CRC and the CEDAW, its provisions are reflected in numerous policies, laws, schemes and programmes that are being implemented for children and women by the Government of India.
- 11.3 Despite these laws and provisions, the intergenerational cycle of multiple deprivation and violence faced by members of these groups have been adverse. It is, therefore, crucial to work in the direction of providing a protective and safe environment for women, children, as well as persons from the LGBTQI community particularly those rendered marginalized by their geographical, social and religious identities.
- 11.4 To facilitate focussed efforts and adequate coverage of key areas/issues, the Commission's Core Group on Trafficking, Women and Children was split into two separate Core Groups, one on Women and the other on Children. Later, a Core Group on LGBTQI was also created. An important issue closely related especially to the subjects of women and children is that of trafficking, which is an organised crime. The problem of trafficking of women and children is a matter of growing global concern. A victim of human trafficking is a victim of continuous and multiple crimes at all stages of trafficking. In the Indian legal system, the recognised term is 'human trafficking' or 'trafficking in human being' which is prohibited under Article 23(1) of the Constitution of

India. The paragraphs given below highlight some of the important activities undertaken by the Policy Research, Projects and Programmes Division, in short, Research Division of NHRC, on rights of women, children, LGBTQI and trafficking.

I. RIGHTS OF WOMEN

A. Conference on 'Integrating Women's Development with Nation's Development: Role of Stakeholders'

- 11.5 The National Human Rights Commission along with National Academy of Legal Studies and Research (NALSAR) University of Law, Hyderabad held a one-day conference at NALSAR University of Law, Hyderabad on 'Integrating Women's Development with Nation's Development: Role of Stakeholders' on 17th January, 2020. The inaugural session of the conference was presided by Smt. Jyotika Kalra, Hon'ble Member, NHRC and attended by Shri. Jaideep Govind, Secretary General, NHRC and Prof. Faizan Mustafa, Vice Chancellor, NALSAR. Other guests of honour included Mr. G. Chandraiah, Chairperson of the State Human Rights Commission (Telangana) and Mr. Jagadeeshwar, Principal Secretary to the Telangana State Government, Department of Women and Child Development. The conference saw participation from practitioners, academics, industry experts and students from various fields of study and work. The conference was divided in four broad sessions– two reserved for panel discussions and two for paper presentations. Each of the session examined a different angle to the overarching topic. The broad themes for the two panel discussion sessions were: Sociological Dimensions and Women's 21st Century Stories. Each of the panel discussions was further divided into sub-themes, to lend the themes for the paper presentations.



Secretary-General, NHRC addressing the gathering at NALSAR, Hyderabad during a conference on the rights of women

11.6 The objectives of the conference were:

- i. To raise awareness among various stakeholders of the various issues specific to women's development.



- ii. Start a dialogue among stakeholders at various levels – students, academics, practitioners – of the ways in which women's development will positively impact the development of the country.
- iii. To attempt to identify various areas that need the attention of society and law-making bodies, which will bring about the results aforementioned.

11.7 Recommendations and observations that emanated from the conference are as follows:

- i. To conduct research to study the impact of economically independent/ working women on relation between mother and children, relation between father and children, elderly in families, relatives, financial/social status of family, relations between husband and wife etc.
- ii. Proposal of universal basic income should be made. In order to alleviate the issue of gender inequality across the country, the universal basic income is crucial to address the issue of not paying women for the unquantifiable tasks that they regularly perform. Wage disparity in the unorganised sector should be tackled by strict implementation of related laws and breaking social stereotypes surrounding women.
- iii. Proper and prompt redressal of violations of rights of women should be done, especially at workplaces. In cases of human rights violations, making the victim as the centre of the criminal justice system (instead of merely focusing on the perpetrators) might be a more effective way of helping women, especially the ones who fall a prey to the cruelties of migrations gone wrong.
- iv. Suitable infrastructure in schools and at workplaces should be set up for maintenance of hygiene and sanitation. This will also discourage dropout of girl students from schools.
- v. Women's education and entrepreneurship should be encouraged. This is the single most important tool for bringing about change.
- vi. Self- help groups should be encouraged. In relation to the role of women, self-help groups could act as a tool for women's development and help in building confidence in them.
- vii. Encouraging men to share the responsibility of household as the women are sharing the outside responsibilities, by awareness programs.

B. Meeting of the Core Group on Women

- 11.8 A meeting of the Core Group on Women was held on 25th October, 2019 at Manav Adhikar Bhawan, New Delhi to discuss the issues relating to declining sex ratio in India and to deliberate on work-life balance of working women. The meeting also provided a platform for the Core Group Members to review the existing Government policies, laws, rules, orders, etc, relating to women from the perspective of human rights and make suggestions/recommendations for changes or for their better implementation in light of the relevant provisions of the Protection of the Human Rights Act, 1993. The meeting was chaired by Smt. Jyotika Kalra, Hon'ble Member,



NHRC and co-chaired by Shri Jaideep Govind, Secretary General, NHRC. The meeting was attended by Core Group members, special invitees including domain experts, members of civil society organisations, members of legal fraternity and government representatives from Ministry of Women and Child Development, Ministry of Health and family Welfare and Ministry of Social Justice and Empowerment and officials of NHRC.

11.9 Recommendations which emanated from the meeting:

- i. Special focus on development of various skills in women to bring confidence and make them financially independent.
- ii. Since there is a lack of economic opportunities present for women in both urban and rural areas, there should be emphasis on job reservation for women, so that they are able to take care of their ageing parents.
- iii. State government must ensure that schools are not forced to shut down in rural areas due to financial burden.
- iv. Legislature related to women safety must be brought out in public domain widely so as to educate and inform people about women safety and also the punishments for violation of these laws must be swift and timely.
- v. Strict implementation of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994(PCPNDT) and Dowry Prohibition Act.
- vi. Best practices from the state where sex ratio is higher than the national average must be analysed.
- vii. Publications by the government departments must be overseen by experts so that there are no illustrations of sex determination in stereotypical depiction of a family that consists of one male child and one female child.
- viii. Terminologies related to women issues need to be changed as they create biases and prejudices, along with awareness & involvement of faith-based organisations for elimination of backward and oppressive ideas related to gender roles.

C. Research Projects

11.10 Status and Functioning of Local Complaints Committees under the Sexual Harassment of Women at Workplace (Prevention, Protection and Redressal) Act, 2013 and awareness levels among women in the work force

- i. A research project titled "Status and Functioning of Local Complaints Committees under the Sexual Harassment of Women at Workplace (Prevention, Protection and Redressal) Act, 2013 and awareness levels among women in the work force" has been completed and its final report approved by the Commission. It was initiated in the year 2018 by NHRC in collaboration with Social Action Forum for Manav Adhikar (SAFMA).



- ii. The main objectives of the study were:
 - » To study the role and functioning of the Local Complaints Committees (LCCs) and to make recommendations on viable alternatives.
 - » Method of nominating members adopted by the District Officer.
 - » Whether the composition of LCCs is in accordance with the Act.
 - » Procedure followed by LCCs and Nodal Officers on receiving complaints and the action taken by them.
 - » Whether the procedure adopted is simple enough to be comprehended by poor, uneducated and rural women.
 - » Whether District Officer has taken measures under Section 20 for creation of awareness on sexual harassment and the rights of women.
- iii. The research was conducted in Delhi, Haryana and Odisha.
- iv. Some of the major recommendations that emanated from the study are:
 - » The Chairperson and all members of the LCC should be given a standardized training to ensure that they are aware of what behaviours constitute sexual harassment, including the difference between bullying and misogynist behaviour; and instructions in procedures of handling a complaint.
 - » The Sarpanch should be made Nodal officer to collect complaints as he is a trusted and elected head of a village.
 - » Separate budget should be allocated for awareness and gender sensitisation workshops on the POSH Act, in which acceptable behaviour and the consequences of overstepping the limit, is clearly defined.
 - » There should be an increase in involvement of NGOs at community level, and Resident Welfare Associations.
 - » Need to promote the facility of counselling and develop linkages to make the law robust, on the lines of the Protection of Women from Domestic Violence Act, 2005, which provides for counselling under Sections 9 and 14.
 - » Creation of a syllabus for training. This syllabus should be vetted by an independent expert body, including experts in law, human rights, and education. The report is available on the website of NHRC.

11.11 Reintegration and Rehabilitation of Acid Attack Victims

- i. A new research project that was sanctioned by NHRC in the year 2019-20, titled "Reintegration and Rehabilitation of Acid Attack Victims," in collaboration with National Law School of India University, Bangalore with Dr. Sarasu Esther Thomas, Professor of Law



as the Principal Investigator of the research project. The main objectives of the study are:

- » To study the legal and policy framework relating to acid attack victims in India.
- » To examine how this works on the ground.
- » To look at personal experiences and stories of the victims.
- » To identify gaps in this framework using examples from other countries or good practices in India
- » Suggesting ways and means in which rehabilitation and reintegration of acid attack victims can be done in a meaningful way (including disability quota.)

D. In-house Gender Sensitisation Programme organised at NHRC

11.12 An in-house Gender Sensitisation Programme was organised for the employees of NHRC on 1st and 2nd May, 2019 under the chairpersonship of Smt. Jyotika Kalra, Hon'ble Member, NHRC. The programme was conducted by Smt. Jayashree Velankar, Director, Jagori, New Delhi, and was attended by Shri Jaideep Govind, Secretary General, NHRC and Shri Dilip Kumar, Joint Secretary (T&R) along with officers and staff of NHRC. The objective of the programme was to sensitize the participants on gender issues, to help them to be aware of gender biases, to help them resolve interpersonal conflicts arising from gender issues and to enable them to act assertively and respond to challenges in the workplace. The programme was broadly divided into the following themes:

- i. Gender and Sex: A Social Construct
- ii. Patriarchy: Affected by Caste, Class, Age and Religion
- iii. Reproductive Labour: Unpaid Domestic Work
- iv. Human Rights and Women's Rights

E. Publications Undertaken

11.13 NHRC and Multiple Action Research Group (MARG) have collaborated to publish a series of booklets on various human rights issues. The Commission has undertaken the publication of a series of 27 booklets. The booklets have been structured to deal with appropriate attitudes towards the issue (respect for right), explanation of rights (knowledge of law) and tips on how to use the law (knowledge and skills to secure rights). These include booklets on women's rights like the ones on Sexual Violence, Domestic Violence, Maternity Benefits, Sexual Harassment at Workplace and Equal Remuneration, and Reproductive Rights (Pregnancy, Surrogacy, PCPNDT, Miscarriage), which are currently under publication.

11.14 NHRC has also collaborated with National Law School India University, Bangalore to prepare massive open online courses (MOOCs) on various aspects of human rights. The module which focuses on women's rights is titled "Women's Rights as Human Rights". When finalized, it will be available on SWAYAM portal.



F. Visit by Special Monitor

- 11.15 Dr. Indu Agnihotri, appointed as the Special Monitor on the subject of Women in NHRC in 2019, has worked as the Director of Centre for Women's Development Studies and is a widely published author. Her areas of expertise are Gender and History, and Women's Movement in India.
- 11.16 Dr. Agnihotri visited One Stop Centres in Telangana State from 20.01.2020 - 23.01.2020 in the capacity of NHRC's Special Monitor to assess and review the status of the centres. Major suggestions/recommendations made by the special monitor in the report are:
- i. The funds allocated for the expenditures incurred by the Sakhi Centers should be released on time as it is released approximately twice a year. Some of the staff members had not been paid salaries since the month of October 2019 as pointed out in the report. There should be an increase in the funds allocated for the Centers each year as well.
 - ii. The funds and compensations allocated for victims/survivors staying in Sakhi Center and Swadhar Greh Centers should be transparent and examined by the concerned authority.
 - iii. There are long periods during which no Judge has been appointed to the courts where cases involving shelter home inmates are to be pursued. Special Monitor suggests in the report that Judges in Metropolitan Magistrate (MM) Courts should be appointed on an urgent basis. The MM is also assigned cases under the SC/ST Act; along with Domestic Violence cases thus there is also a need to see cases on priority basis to allow for timely resolution.
 - iv. It was reported that lawyers dealing with cases of violence against women need to be sensitized and legal support for women needs to be strengthened. There is also a need to review the functioning of the Courts to ensure speedy justice and make them women-friendly.
 - v. There is a need for an on-call medical support team and a designated pool of doctors for each Centre. Doctors are reluctant to visit the OSCs as they feel they will be called for evidence collection to the courts and in follow-up procedures as observed by the special monitor.
 - vi. The age certificate required in cases under POCSO is an issue, since the dental test usually takes up to one week. The OSC staff suggests that data should be gathered on aspects related to time span and nature of cases, to provide a basis for review/ re-examination of the 21-day cycle prescribed time.
 - vii. The Special Monitor suggests a mandatory provision for on-call psychiatric assistance, going beyond psycho-social counselling for victims of sexual assault. The need for district level rehabilitation/ de-addiction centres was expressed in both Ranga Reddy and Mahabubnagar Districts.



- viii. The staff in the Sakhi Centres in Telangana has been trained under a joint collaboration with TISS, Hyderabad. There is a need to upgrade their training on a regular basis. Staff also expressed the need for more regular work contracts and provision for leave/ increments, etc.
- ix. There are a number of vacant posts with regard to the Government personnel involved; these have not been filled over a long period of time (for both administrative and financial reasons.) These should be filled up. The support agency and field staff suggest that at the police level there should be an ASI cadre level person designated for each district OSC.
- x. Telangana has not appointed a State Commission for Women which should be addressed on an urgent basis. It is also not clear whether there is a woman member in the SHRC.
- xi. In the cases involving children, since the CWC members do not sit everyday they are not available for signing the certificate required for producing the child causing delays in issue of certificate, whereas the law mandates that the child should be produced within 24 hours. It is recommended that CWC members should be available on call.
- xii. In POCSO cases, the medical examination is in one place, the legal aspect is handled in another place and the victims are taken to different places. The medical examination often takes 3-4 days as per reports from the Sakhi Centres. This needs to be urgently addressed. There are four Helplines in operation: 100 (police); 181 (women); 112 (national Helpline) 1098 for (Child Helpline) which also needs to be efficient and effective.
- xiii. The computer system in the OSC Centres does not have provision for up-dating, so when the survivor/victim returns after a time-gap, resulting in a different kind of continuity issue with regard to the specific case.
- xiv. In Swadhar Greh Centers, registration of the cases in the computer system requires Aadhar id/ number, phone numbers and photo id. Similarly, the dashboard entry requires a phone number but destitutes/ orphans and others do not always have a phone number. A photo id is also required in the Centres at the time of entry/ admission but victims/ survivors do not always have a photo available at hand, especially since many come at night. There is a need for other alternatives.

II. RIGHTS OF CHILDREN

G. Western Region Review Conference on Juvenile Justice (Care and Protection) Act, 2015, Protection of Children from Sexual Offences Act, 2012 and Victim Compensation Schemes

11.17 The Commission on 17th December 2019 organized a day-long Western Region Review Conference on Juvenile Justice (Care and Protection) Act, 2015, Protection of Children from Sexual Offences Act, 2012, and Victim Compensation Schemes at the YMCA International House, Mumbai, Maharashtra in collaboration with Tata Institute of Social Sciences (TISS). The objectives of the conference were:

- i. To report on implementation of the above statutes in states and UTs of the Western Region.
- ii. To examine the extent to which intervention is able to reach out to varying levels of vulnerabilities amongst children.
- iii. To deliberate on challenges in implementation of the same.
- iv. To exchange good practices in different contexts.
- v. To conceive strategies for strengthening implementation of socio-legal statutes and policies.



Conference on JJ Act, POCSO Act and Victim Compensation underway at YMCA International, Mumbai.

- 11.18 At the conference, Smt. Jyotika Kalra, Member, NHRC, emphasised on the need to address early-on deviance and addictions among children in order to prevent crimes amongst them and the need to strengthen the existing Child Care Institutions (CCIs) while exploring alternative care options within the JJ Act. She drew attention to addressing the root of crimes amongst children through education, health, and allied services, the need for social reintegration of the victims to prevent re-victimization, and the need to focus on restorative justice in contrast to retributive justice.
- 11.19 Mr Jaideep Govind, Secretary-General, NHRC, emphasised on the need for more public discourse on the situation of children and their vulnerabilities. He emphasised on the need to create increased awareness and improving access to the Victim Compensation Scheme. The need to strengthen, empower, and motivate families, schools, and communities as important stakeholders was also recognised by Mr. Govind, as these networks have the scope of providing an inclusive environment for preparing a road-map for the self-development of children. Highlighting the role of NHRC, he invited the participants for deliberating and sharing their suggestions that the NHRC can take forward as policy and practise recommendations.
- 11.20 The participants at the Conference included officials from SHRCs and Departments of Women and Child Development, Police, State Legal Services Authorities, State Commissions for



Protection of Child Rights, Juvenile Justice Board, Child Welfare Committees, Non-Governmental Organizations, etc. of the states of Goa, Gujarat, Maharashtra and Rajasthan and the union territories of Daman & Diu and Dadra & Nagar Haveli. Officers and Junior Research Consultants were a part of the NHRC delegation at the conference.

- 11.21 Prof. Shalini Bharat, Director, TISS shared the long association of TISS with child protection through field action projects, teaching, research, and faculty being commissioned by the judiciary to intervene in the matters related to juvenile justice.
- 11.22 Some of the suggestions that came up during the day-long deliberations among various stakeholders to remove difficulties in the way of implementation of these laws were as follows: Increase sensitization and awareness and develop collaborative interface between different departments for effective implementation of JJ Act and POCSO Act; take suo-moto cognizance of cases requiring victim compensation; police need to collaborate with childcare line and SLISA; fill up vacant positions with specialised staff in the concerned departments.

11.23 Major recommendations that emerged from the day-long consultation are identified at two levels:

- i. Policy and Approach: Suggestions at the policy level included developing preventive measures and addressing early deviance and addiction among children; de-criminalising and de-stigmatising CCL, CnCP and other victims of crime through the restorative justice approach; including children of prisoners in legislations and schemes; discussing and de-criminalising the issue of consensual sex amongst minors in the age group of 16 to 18 years; reviewing mandatory reporting for school counsellors and researchers under POCSO; and a need for NHRC to review the legislations and examine their aptness as per international instruments as also its impact on children.
- ii. Implementation Practices
 - » JJ Act, 2015: Recommendations made included increased sensitization and awareness building among officials providing services and among the general public; improving inter-departmental coordination and the condition of existing Child Care Institutions to make them more child-friendly; including vocational training and de-addiction services within these facilities. Recommendations were also made to constitute Juvenile Justice Boards as per the JJ Act, provide legal services to CCLs when their cases are transferred to the Children's Court and streamlining the process of handling CCLs within the system. A need to fill vacant positions was also identified as an immediate reform measure.
 - » POCSO Act, 2012: A need for increased sensitization and awareness about sexuality and the law among stakeholders; and introducing sex education and awareness of sexual offenses in schools was identified as preventive measures. Steps to be taken for better handling of cases under the POCSO Act were suggested which included



better collaboration between state services, police, and NGOs; and orientation for all stakeholders to move from paper to practice.

- » Victim Compensation Scheme: A need for interventions beyond financial provisions for the reintegration of victims was identified as a major need. Other suggestions included a need for suo moto cognizance of cases by the DLSAs, increasing the scope of VCS to include abuses of other forms such as trafficked victims, and collaboration between government departments, police, and NGOs for victim rehabilitation.

H. Meeting of the Core Group on Children

11.24 A meeting of the Core Group on Children was held on 10th January 2020 at the Manav Adhikar Bhawan, chaired by Smt. Jyotika Kalra, Hon'ble Member, NHRC, co-chaired by Sri Jaideep Govind, Secretary General, NHRC and attended by the core group members, special invitees, representatives from the Ministry of Women and Child Development and other officials of NHRC.



Meeting of the Core Group on Children held at Manav Adhikar Bhawan, New Delhi.

- 11.25 Smt. Jyotika Kalra highlighted the issue of under-utilization of government run Child Care Institutions (CCI) in contrast to the overcrowding in private run CCIs; she expressed the need for the States concerned to take the required action.
- 11.26 The core group then shared their comments and recommendations including limitations/gaps on the following two agenda items: Malnutrition among the Children in India and Quality Education among Children in India.
- 11.27 The major recommendations that emanated from the meeting were:
- i. The Scheme for Adolescent Girls (SAG) should be reviewed to add that nutritional provisions are also assured between the age of 9 and 11 years.
 - ii. Mid-Day Meal scheme to include breakfast and meals on holiday that will serve the purpose of MDM Scheme.



- iii. Data collection should be done by means of survey, mapping of population for tribal, scheduled castes, other backward classes and rural and remote areas on periodic basis for identifying the left-out potential beneficiaries.
- iv. The per-child budget under ICPS should be periodically increased over Rs 2000 per child so that the needs of children are met appropriately considering inflation.
- v. Awareness should be generated among parents about the nutritional needs of their children pertaining to the various stages of their development. This should be done through simple and easy to grasp methods such as advertisements on television, radio and in schools so that even illiterate parents are able to comprehend it.
- vi. Requisite documents such as family income certificate, identity proof, etc. should not be insisted upon for children in institutional care and they be covered under various schemes by providing nutrition and education even when they do not possess the concerned documents.
- vii. Timely inspection and follow up action and sensitisation of child welfare committees should be carried out as per government guidelines.
- viii. The Right to Education Act, 2009 needs to be reviewed. Further, the proposed National Education Policy, 2019 also needs to be revised with respect to children without parental care and children in CCI and also to include convergence of all departments concerned.
- ix. School curriculum revision is required to include relevant material. Quality education should focus on building foundational skills and developing knowledge, skills and competencies.
- x. Close monitoring and implementation of schemes so that the benefits reach the people for whom it is devised.

I. Research Project

- 11.28 The Commission has approved a research project titled “Role of Child Care Institution (CCI) and Rehabilitation of Children in CCIs” to carry out on its behalf, to the National Institute of Public Cooperation & Child Development (NIPCCD), Delhi with Dr K. C. George, Joint Director, NIPCCD, as the Principal Investigator. Broadly, the main objectives of the study are to assess the status of role performed by the CCIs in rehabilitation of children, to evaluate the status of services available in compliance with the Juvenile Justice Act in CCIs, to examine the services provided to children in CCIs, to file suggestions for improvement, and to suggest measures for policy/ amendments (if any) for betterment of child care services.

J. Report of the Sub-Committee on the United Nations Convention on Rights of the Child (UNCRC)

- 11.29 The Commission had constituted a ten-member committee for the purpose of studying the UN treaties and other international instruments on human rights in order to make recommendations



for their effective implementation through domestic legislations, programmes and policies. Subsequently, the ten-member committee constituted a sub-committee on the United Nations Convention on the Rights of the Child (UNCRC) under the chairmanship of Smt. Jyotika Kalra, Honourable Member, NHRC consisting of subject-experts and research consultants from the Commission.

- 11.30 The Sub-committee through its deliberation during the course of 10 meetings starting from December 2017 has brought out a comparative study between the UNCRC and Indian legislations, judgements, and schemes. The resultant comparative analysis has been divided into six sub-headings: Child in Family Environment; Children deprived of family environment/ Alternative Care; Child Labour; Education, Social Security, Religious and Economic Rights; Kidnapping, Trafficking and Violence against Children; and Non Discrimination.
- 11.31 The report gives the comparison in tabular form wherein the first column contains articles of UNCRC in bullet points and the second column mentions corresponding legal provisions, judgements and schemes of the Government, (for reference the details of the provisions have been footnoted). After comparing both the columns, the gaps have been identified and numbered, and each gap has its corresponding recommendation with the justification for the same given in brackets. The report has been finalized and is under print.

K. Publications Undertaken

- 11.32 Some of the MARG booklets are related to the subject of children such as Child Labour and Child Marriage, The Juvenile Justice Act, and Protection of Children from Sexual Offences (POCSO) and were released by Justice H.L. Dattu, Chairperson on the 12th April, 2019.
- 11.33 The Commission is developing a Massive Open Online Course (MOOC) on Human Rights in collaboration with the National Law School of India University, Bengaluru under which one of the chapters also deals with the 'Rights of the Child.' The content is being finalized and will be available on the SWAYAM portal as soon as ready.

L. Visits by Special Rapporteurs

- 11.34 Dr. Ish Kumar, Special Rapporteur, North Zone, NHRC visited Place of Safety, Special Home for Boys, and Observation Home for Boys in New Delhi on 24th June 2019. Based on the visit, a report consisting of major observations and suggestions was sent to the Secretary of the Department of Women and Child Development of Delhi, to be forwarded to the concerned departments for compliance and an action taken report was demanded. Briefly, the recommendations from the Special Rapporteur's visit are as follows:
- i. The practice of mixing children who are convicted, under trial, and repeated offenders respectively must be reviewed as the three homes are essentially meant to separate the different categories of children in conflict with law. Therefore, necessary action for proper segregation must be taken.



- ii. Cases in which children were falsely implicated must be reviewed and necessary action must be taken.
- iii. Children aged 16-18 years being tried at the regular courts for heinous crime reported that dates of hearing were fixed after long gaps, ranging from 3-4 months. Concerned authorities must take up the said matter with the Court or the Legal Services Authority.
- iv. Provision for an online appointment system for the homes must be taken up. Proposal for video conferencing pending with the Government of Delhi for sanction should be expedited. The Real Time Monitoring Software (RTMS) used for computerizing records of inmates was not functional, this needs to be fixed in order to finish the computerization process.
- v. Legal awareness camps must be organized on a regular basis. Counselling of parents and juvenile offenders must be done at the initial stage itself to prevent repeated offence.
- vi. Classes for children of I-VIII standards are not being conducted separately which needs to be looked into. Teachers need to also be appointed for the same.
- vii. There is a shortage of staff including Welfare Officers and Probationary Officers; these need to be filled up.

11.35 Dr. Ish Kumar, Special Rapporteur, North Zone, NHRC visited Nari Niketan, Place of Safety for Girls, Observation Home for Girls, and Children Home for Girls III at Jail Road, Delhi on 26th June 2019. Based on the visit, a report consisting of major observations and suggestions was sent to the Secretary of the Department of Women and Child Development of Delhi, to be forwarded to the concerned departments for compliance and an action taken report was demanded. Briefly, the recommendations from the Special Rapporteur's visit are as follows:

- i. The children must be explained their legal rights and it must also be displayed at these institutions. Attempts to expedite the dates of their hearing and ensuring their proper representation must be taken up.
- ii. A physiotherapist is of requirement and, therefore, must be appointed.
- iii. The sanctioned strength of Welfare Officers is 3. However, none are present. Necessary action must be taken in this regard.
- iv. The proposal for a video conferencing facility is pending with the government, it should be expedited.
- v. Mixing up of children especially those in need of care and protection and those in conflict with law, such as a case observed in one of the homes done for convenience sake, is against the rule. Action must be taken in this regard and the child must be transferred to the concerned home.
- vi. More CCTVs should be installed to cover the activity room, kitchen, dining place, office, entrance, etc. The three CCTVs in the campus that are not working should be fixed.



- vii. The Superintendent suggested relaxing the educational qualifications for employment so that some of the inmates could be rehabilitated for various jobs in the home itself; this should be looked into by the department and necessary action be taken.
- viii. Industrious activities need to be started so as to provide both employment as well as stipend to the children.
- ix. Success stories of girls who have done well in life after moving out of these homes should be documented. They can also be invited to talk to the inmates as it can be inspiring for them.

11.36 Dr. Ish Kumar, Special Rapporteur, North Zone, NHRC visited ICDS Anganwadi Centres in Nizamuddin, Delhi on 28th June 2019. Based on the visit, a report consisting of major observations and suggestions was sent to the Secretary of the Department of Women and Child Development of Delhi, to be forwarded to the concerned departments for compliance and an action taken report was demanded. Briefly, the recommendations from the Special Rapporteur's visit are as follows:

- i. Bigger spaces that are well-lit, better ventilated and hygienically maintained must be rented to run these centres as the constraints of space mean that various activities that were meant to be in age-wise groups are now being done together.
- ii. These centres may be better accommodated in government buildings such as schools, 'baraat ghars,' community centres, etc. The newly initiated concept of 'Hub' should be further expanded. The amount fixed for renting a space should also be flexible to suit the locations in which the centre is being run.
- iii. Large number of vacancies and lack of promotions has meant that for 10897 anganwadi centres, there are only 450 supervisors and 96 CDPOs. This has resulted in irregularities in supervision due to shortage of staff. This needs to be fixed.
- iv. The menu for supplementary nutritious food can be updated to include items like fruits and juices.
- v. Children attending the Anganwadi Centre for pre-school non-formal education could be lowered to 2.5 years as the number of children in the centres are decreasing with 4-year olds being allowed to be admitted to schools by the government.
- vi. AWWs and AWHs should not be used for miscellaneous works as the quality of the services at the AWC then suffers. Their retirement should be based on performance and not on age alone; those doing good work should be rewarded annually.
- vii. More furniture, books, play items and preschool material can be provided; Uniforms, carry bags, water bottles and lunch boxes can be provided to the children free of cost.

11.37 Dr. Vinod Aggarwal, Special Rapporteur, NHRC visited Children Homes and Observation Homes in Goa, namely Apna Ghar in Mercedes Tiswadi, Children Home for Girls at Rebecca Enclave, and

Boys Child Care Home at Daniel Enclave from, 29th to 31st August 2019 to assess and review the status of such homes. Based on the visit, a report consisting the major observations and suggestions was sent to the Secretary of the Department of Women and Child Development of Goa, to be forwarded to the concerned departments for compliance and an action taken report was demanded. Briefly, the recommendations from the Special Rapporteur's visit are as follows:

- i. There should be an assessment by way of screening of all children in Goa, i.e. whether any child is in need of help, care and protection.
- ii. Minimum requirement of staff should be assessed according to the number of residents. The same staff should not be allowed to work in two homes at the same time.
- iii. Government run CCI's should be run more professionally and closed down to reduce cost if there are not enough children for the past few years. It should be the endeavour of the government to keep at least 80% of the total seats filled up or alternatively reduce the sanctioned post of the staff.
- iv. Village Child Protection Committee in rural areas and Ward Child Protection Committee for urban areas need to be constituted as it hasn't been done yet.
- v. The DCPU, even if as a small unit of 3-4 personnel, should be constituted which should be in touch with the JJ Board and the District, Village and Ward CWCs of both the districts of Goa.
- vi. Corporate sector should be involved as a stakeholder in child protection schemes and NGOs may see that each home has a trained counsellor.

III. RIGHTS OF LGBTQI

M. Conference on 'Human Rights and LGBTQI: Challenges and Way Forward'



Smt. Jyotika Kalra, Hon'ble Member, NHRC chairing one of the sessions during the conference on Human Rights of LGBTQI at NLSIU, Bengaluru



11.38 A conference on the subject of LGBTQI, titled 'Human Rights and LGBTQI: Challenges and Way Forward' was organized by National Human Rights Commission, New Delhi on 26th February, 2020 at Bengaluru, in collaboration with National Law School of India University, Bengaluru. The conference was attended by representatives from Ministry of Social Justice and Empowerment and Department of Social Justice, Departments of Women and Child Development, Police and State Human Rights Commissions (SHRCs) of the southern states of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Telangana along with domain experts, academia, and LGBTQI organisations, civil society and law students. The conference was organised to discuss and understand the human rights violations and challenges faced by the community and to seek recommendations for implementation of relevant directives for protection of the rights of LGBTQI community and for reviewing the initiatives and efforts made by the state governments for the protection and promotion of human rights of LGBTQI community. The major gaps and recommendations emanating from the Conference are as follows:

i. Gap: Lack of awareness regarding LGBTQI issues and rights

Recommendations:

- » Popularise the directions given in the *NALSA and Navtej Singh Johar* judgments using media as stated in the judgment to reduce stigma in the society and Disseminate information about the rights of the LGBTQI community using media.
- » Educate and teach people to empathise with transgender people facing discrimination regularly. Universities need to follow latest UGC policy 2016 that includes gender identity and sexual orientation.
- » At the workplaces, serious attempts should be made to encourage inclusivity and participation of the LGBTQI community. If possible, ensure their representation at positions of decision-making. Protection of LGBTQI community from sexual harassment at workplace should also be ensured.
- » Spread awareness that Protection of Women from Domestic Violence Act, 2005 is applicable to biological females who identify themselves as transmen.
- » Create LGBTQI friendly public spaces in the society and create a support platform wherever a transgender person with disability is working. Juvenile Justice Boards must have separate residential facilities for gender non- conforming children.

ii. Gap: Lack of acceptance of self perceived gender identity of transgender persons

Recommendation:

- » The Transgender Protection Act Section 4 (2) recognises self determination of identity of a transgender person. The draft rules published on the website of Ministry of Social Justice and Empowerment, Rule 4 states that an affidavit by the transgender person with the report of a psychologist will have to be submitted to the District Magistrate for the consideration



of certificate of identity. These provisions be followed in letter and spirit without any undue harassment & humiliation to the transgender persons.

- iii. **Gap:** Application for issuing the Certificate of identity has to be by their parents

Recommendation:

- » Families often disown transgender children and hence, self identification of children with the help of civil society organizations and other individuals who fulfil the role of their guardian, should be allowed to move the application.

- iv. **Gap:** Unavailability of safe residences and spaces for transgender children

Recommendation:

- » State and Central governments should make institutional homes for safe residence and ensure education, skill development, employability, etc.

- v. **Gap:** Transgender persons not getting the benefits of reservation

Recommendations:

- » Introduce horizontal reservations within caste, tribe and other categories of reservation for transgender persons in furtherance of the NALSA judgment. Question of false cases should not be impediment in giving reservation.
- » Relax qualifying marks and age in addition to reservations.

- vi. **Gap:** Challenges in access to healthcare system

Recommendations:

- » Most insurance companies consider surgeries and therapies that a transgender person has to go through as cosmetic surgeries. Awareness needs to be created that they are lifesaving surgeries for them and need to be covered.
- » Introduce “one-stop medical centre” exclusively for LGBTQI community where all the medical facilities can be provided especially in relation to hormone replacement surgery and sex re-assignment surgery to avoid victimization in the fragmented medical system. Provide counselling sessions for LGBTQI people before sex reassignment surgeries.
- » Train medical practitioners for medical examination of transgender persons. Sensitize medical community with respect to sex, gender and sexuality and help them understand the importance of self-identity through Indian Medical Association.
- » More specialized doctors are required for sex-reassignment surgeries and related procedures in India.

- vii. **Gap:** Lack of suitable redressal mechanisms

Recommendation:



- » Constitute a commission exclusively for sexual minorities/transgender with majority numbers of members from the community and with a transgender person as the Chairperson.

viii. **Gap:** Lack of participation of the community

Recommendation:

- » Consult and involve the community while framing any law, policy or schemes pertaining to them.

ix. **Gap:** Issues of LGBTQI persons with disability not addressed

Recommendations:

- » Transgender persons with disability should be recognized differently from other transgender persons and there should be specific welfare measures for them. This intersectionality should be kept in mind while framing policies and programmes for the LGBTQIs.



Justice Shri H.L. Dattu, Hon'ble Chairman, NHRC interacting with LGBTQI community members at the conference on Human Rights of LGBTQI at NLSIU, Bengaluru

N. Meeting of the Core Group on LGBTI

11.39 The second meeting of the Core Group on LGBTI was held in the Commission on 13th November, 2019 at Manav Adhikar Bhawan to discuss the issues pertaining to the human rights violations of LGBTI persons, the challenges faced by them and to have views & suggestions on identification, inclusion and mainstreaming of the LGBTI community and assessment of the Transgender Persons (Protection of Rights) Bill, 2019, now an Act. The Expert Committee and domain experts discussed on the issue related to transgender persons. The deliberations in this meeting were focussed on gaps and recommendations in the clauses, policies, laws concerning the LGBTI community and to suggest the concerned 'authorities' along with required interventions at the policy levels for the protection of their basic human rights, the rights to freedom of expression of an identity, their sexual orientation in the public spaces, etc. This meeting was chaired by

Hon'ble Member, Smt. Jyotika Kalra, and co-chaired by Shri Jaideep Govind, Secretary General, NHRC. The meeting was attended by Core Group members, special invitees, representatives from the Ministry of Social Justice and Empowerment and other officials of NHRC.



Deliberations taking place during the meeting of Core Group on LGBTI at NHRC

11.40 The major Gaps (G) and Recommendations (R) emanated from the above said meeting are:

- i. **G:** Lack of awareness in education institutions
R: The projects for awareness and sensitization camps to be organized at the school level and educational institutions for non-discrimination and equal treatment of the LGBTI community regardless of dresses, uniforms, appearances.
- ii. **G:** Lack of training programmes on conduct towards LGBTI community in Police Stations and Jails
R: The training of police and jail authorities through small groups of trained LGBTQI people on sensitization of police and jail authorities. The directives on Section 377 (Navtej Singh Johar Judgement) should be provided to all the forces (police, military, army, etc).
- iii. **G:** Lack of skill development and employment in reservation
R: For the inclusion of the LGBTI people, the projects for personality and skill development especially for the transgender should be introduced by groups of transgender community itself rather than NGOs. Also, reservations for transgender community in employment should be provided both in private and government sector.
- iv. **G:** There are no provisions of separate shelter homes for LGBTI community
R: Separate shelter Homes should be opened up for lesbian women, Gay and other genders respectively. Also lesbian women should be allowed in women shelter homes in metropolitan cities.



- v. **G:** Identification of all existing laws and lack of stricter Punishment for sexual assault of the Transgender
R: The scrutiny of all existing laws should be done to amend the discriminating provisions against transgender community. Also, stricter and prompt actions against the sexual assault of the Transgender should be taken.
- vi. **G:** Lack of acceptance of the Transgender in rental accommodations across cities/states
R: There are problems in acceptance of Transgender people in rental accommodations. Hence, it is strongly recommended that with an inclusive approach some suitable provisions for accommodations may be provided.

O. Research Projects

11.41 At present, the Commission has two research projects on the subject of transgender. The First is titled 'Transgender Inclusivity: A Reality Check' (Kolkata) by the Principal Investigator, Dr. Rajni Singh, Associate Professor, Department of Humanities & Social Sciences, IIT (ISM) Dhanbad, Jharkhand. The second one is 'An Empirical Study on Social Issues and legal Challenges of Transgender: With Special Reference to South Indian States' (Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Telangana) by the Principal Investigator, Dr. M.L. Kalicharan, Director, School of Legal Studies, REVA University, Karnataka. The draft research reports of both the projects are received and are under consideration by the Commission.

P. Publications Undertaken

11.42 During the year, a MARG Booklet as mentioned earlier, titled 'Rights of the people suffering from Human Immunodeficiency Virus (HIV)/Acquired Immunodeficiency Syndrome (AIDS) and the rights of Lesbian, Gay, Bisexual and Transgender (LGBT) persons was finalised and is under publication.

11.43 Apart from this, a MOOC chapter on LGBTQI is also under finalization.

IV. HUMAN TRAFFICKING

Q. Research Projects

11.44 A Research project titled 'Trafficking of Women and Children - Challenges and Remedies' by the Principal investigator Dr. Awadhesh Kumar Singh, Principal Consultant was sanctioned to Bharatiya Institute of Research & Development (BIRD), Indirapuram, Ghaziabad in 2019. The main objectives of the study are as follows:

- i. To identify the root causes and *modus operandi* of trafficking of women and children in India and to study the magnitude, causes, nature and dimensions of trafficking of women and children in India;
- ii. To understand the relationship between the government interventions and the issues of trafficking of women and children in India and understand the trends and patterns of



trafficking, and the structural and functional mechanism that reproduces and reinforces the processes that perpetuate the phenomenon;

- iii. To examine the enforcement of legislation pertaining to prevention and combating of trafficking of women and children

R. Publications Undertaken

11.45 The MARG Booklet which is especially based on the subject of Trafficking is titled 'Kidnapping, Abduction and Trafficking (ITPA and IPC/Wrongful Confinement)'. It has been finalised and is under publication.

S. Visit Report

11.46 Shri Ajeet Singh, Special Monitor, NHRC on thematic area of trafficking visited Manipur from 6th to 9th August, 2019 to investigate International Human trafficking racket busted there in February 2019. The groundings of this visit were based on evidence where the states of Manipur, Assam, Meghalaya, Nagaland, Mizoram and Arunachal Pradesh became the "source" states in the North East from where children/women are still being trafficked. In one of the biggest human trafficking busts in the Northeast in February 2019, Manipur police rescued 179 Nepali citizens (147 women & 32 men) from various locations in Manipur. They were planning to cross the border from where most of them were scheduled to fly to countries like Iraq, Kuwait, Dubai and few to other countries like Oman, Kazakhstan and Lebanon. Some perpetrators were also arrested from the sites, while the kingpins at large were yet to be questioned. The recommendations from his visits are as follows:

- i. A departmental/magisterial enquiry should be set up against all the responsible officials who failed to respond to this entire trafficking case as per the provisions of law.
- ii. The ongoing process to develop an SOP on human trafficking in the state of Manipur should be expedited and Corpus Emergency Fund for dealing with human trafficking cases must be created at the earliest. The Manipur State authorities should be vigilant and involved more in exposing the whole organized criminal nexus that can act as a deterrent to this heinous crime in the future.
- iii. The Combined training on dealing with trafficking offences, investigation of trafficking cases, implementation of victim assistance programs, ITP Act and other relevant Acts concerned with human trafficking should be organized for the police, Department of Social Welfare and other stakeholders in trafficking prone areas.
- iv. The shelter homes and Department of Social Welfare of Imphal, Moreh and Manipur should conduct more individual counselling sessions since group counselling is not enough to bring the victims out of trauma and assist further in the investigations.
- v. A departmental/magisterial enquiry should be set up against all the responsible officials who failed to respond to this entire trafficking case as per the provisions of law, SOP on Investigation of Crimes of Trafficking for Forced Labour and SOP on Investigating Crimes



of Trafficking for Commercial Sexual Exploitation (both by UNODC and Govt. of India).

- vi. With concerns to Inter-state and Inter-country trafficking and, in Special Monitor's view, the cases should be transferred to SIT/NIA/CBI or Trafficking Police Officer (appointed under Section 13(4) of Immoral Trafficking Prevention (ITP) Act, 1956) for a fair and more result-oriented investigation.
- vii. Actions are recommended for the seizure of the properties of the accused (including Hotels) should be immediately initiated both at Imphal and Delhi under Money Laundering Act, section 18 of the ITP Act and other relevant local and central Acts.
- viii. The money collected by the accused agents from the victims should be recovered by the police and paid back to the victims.
- ix. Each district should have 1 Anti Human Trafficking Unit - AHTU (Manipur currently has a total of only 5 AHTUs. Male victims over 18 years should have a shelter home at Manipur State and at national level.
- x. Government should take note of the fact and take precautionary measures as in future, strict supervision at Moreh border might end up in rise of trafficking from Mizoram, Nagaland, Arunachal Pradesh borders with Myanmar.
- xi. The State should consider adopting a multi- sectoral approach for establishing and coordinating an inter-institutional cooperation-coordination mechanism or a network of government authorities at the national and regional levels, involving CSOs, in order to address trafficking issues.

V. ILLUSTRATIVE CASES IN THE YEAR 2019-20

1. Rape in a shelter home (Investigation Division)

(Case No. 4316/30/4/2019-WC)

- i. The Commission received a complaint alleging that a 19 year mentally retarded woman, lodged in Asha Kiran, Home, Rohini, New Delhi was found pregnant and her pregnancy report was found positive during examination in Baba Saheb Ambedkar Hospital, Delhi. After that her pregnancy was aborted through medicine and a fresh pregnancy test was conducted which was found negative. After that, both pregnancy reports i.e. positive and negative reports got removed from the file of the victim deliberately whereas one of the prescriptions still had endorsement about negative pregnancy. The complainant had apprehension that the said victim was raped inside the home. He also alleged that other women inmates may also be victims of rape in the Asha Kiran Home. He had requested a high level enquiry by a team of the Commission and registration of First Investigation Report (FIR) against the guilty persons in this matter.
- ii. Considering the complaint, a team of Investigation Division was deputed to conduct the enquiry in discrete manner. Considering the nature of complaint and allegation of sexual



harassment/rape/abortion of mentally retarded inmate(s), Psychologist, Psychiatrist and Gynecologist of Government institutions were also associated with the team.

- iii. During the spot enquiry, the Clinical Psychologist and Psychiatric of Institute of Human Behaviour and Allied Sciences (IHBAS) in the presence of a lady officer of the NHRC interacted and interviewed the alleged victim on three different days and submitted their detailed report. Considering the observations of the Medical Experts, prima facie, sexual assault as alleged by the complainant was substantiated. On the basis of indications of the victim, the accused was also identified, who is also an inmate of the Asha Kiran Home. Based on the report of the Medical Expert, the NHRC team in its interim report recommended legal action against the accused.
- iv. Considering the recommendation of the NHRC team, the Commission has directed the Secretary, Department of Social Welfare, Government of NCT of Delhi to register an FIR against the accused and investigation of the case be carried out expeditiously. Accordingly, an FIR has been registered in this matter.

2. Biased and shoddy investigation in case of sexual assault (Investigation Division)

(Case No. 150/20/5/2015-WC)

- i. The Commission received a complaint from Centre For Dalit Right, an NGO which alleged that a poor woman who was living with her family at Village Sabora, District Bharatpur, Rajasthan was sexually assaulted for months by the accused Gajender Singh, who made her video on his mobile while she was taking bath. When the prosecutrix told her ordeal to the father of the accused, namely Shri Daan Singh, village Sarpanch, a Panchayat was conveyed and her crops were destroyed as punishment for the accusation. The prosecutrix, along with her family, were forced to leave the village. A complaint was filed in the Police Station Kumher, Bharatpur, but no action was taken by the Police. The complainant requested action against the culprits along with compensation to the prosecutrix.
- ii. The report of Superintendent of Police (SP), Bharatpur revealed that a FIR No. 485/14 dated 20.10.2014 under Section 292/376/503/120B IPC, in Police Station Kumher was registered in the alleged incident after the direction of the local court of ACJM under Section 156(3) Cr.P.C. During investigation, the case was found false and the Final Report was filed in the Court.
- iii. The comments of the complainant were sought which revealed that the victim along with her husband are presently lodged in jail for the murder of the accused. The accused was murdered by the victim after they did not get protection and justice from the police.
- iv. Pursuant to the directions of the Hon'ble Commission, a team of Investigation Division went to District Bharatpur to conduct the spot enquiry. During spot enquiry, it was found that the Police did not taken timely action in the complaint of the victim/prosecutrix in regard to blackmailing and rape. Under compulsion, the victims had to approach the court



and a case FIR was registered in Police Station Kumher. However, during investigation, no appropriate legal action was taken and an FR was filed by the Investigating Officer (IO) i.e. almost in two months. The FR was not accepted by the supervisory officer as the then Inspector General of Police (IGP), Bharatpur provided three IMEI numbers of mobile phones with inbuilt cameras. IO was also directed to recover these mobile phones which were suspected to be used in the crime in making the film of the prosecutrix. Case Dairies reveals that neither accused was summoned and questioned by the IO(s) nor joined the investigation. The accused was never found in his house by the IO(s) during their visits. In his place, his father joined the investigation. But despite alleged "warnings" by the IO, mobile phones in question were never produced on one pretext or another. Surprisingly, till the second last case diary, the IO was issuing warning to the father of the deceased but all of sudden, he preferred filing FR as false in the court which was also accepted by the then SP, Bharatpur. No punitive action was taken under Section 201 IPC. No notice under Section 91 Cr.P.C was issued to accused persons. No action was taken by the IO against the accused when he was always found absent from his house and not joined the investigation. It is also a fact on record that in 2001, a rape case was registered against father of the accused which was also turned in FR and no action was initiated against him. All these facts clearly established the influence of the father of the accused in the area and over the police. Hence, prima facie, justice was not delivered and human rights of the victim/prosecutrix were violated.

- v. The Commission after considering the enquiry report has observed that there is an admitted lapse on the part of the police officials. The State is vicariously liable for their act. The Commission considers this case to be a fit case for award of compensation, therefore, it issued notice under Section 18a(i) of PHR Act, 1993 to the Chief Secretary, Government of Rajasthan directing him to show cause, within four weeks, as to why the Commission should not recommend payment of compensation of Rs. 3,00,000/- (Rupees Three Lakhs Only) to the victim, whose human rights have been infringed due dereliction in duty by the police personnel.

3. Two young girls attacked with concentrated acid by two masked men dressed in black, causing serious injury to them while they were returning home from a temple, in Darrang, Mangaldai, Assam

(Case No. 72/3/3/2014-WC)

- i. In this case, the complainant, Dr. Sumantran Ray, a human rights activist, complained that on 06.11.2013 at around 10:30 P.M., two young girls, namely Nirupama Kalita, aged 18 years and Karishma Kalita, aged 12 years, were attacked with concentrated acid by two masked men dressed in black, causing serious injuries to all including their mother and grandmother when they were returning home from a temple. They were immediately admitted to Asamarik Medical College Hospital, Mangaldai. Later, they were shifted to Guwahati Medical College Hospital. The victim Nirupama had suffered severe injuries on



the face, ears and chest. She had undergone four plastic surgeries and related treatment. It was also alleged that the family had spent about Rs. 3,00,000/- (Rupees Three Lakhs) and were in need of more financial resources to continue better treatment outside the State. Although a case No. 357/13 under Section 341/326A/34 IPC was registered against the suspected persons, they were released on bail. The suspects were moving scot free, posing continuous threats to the safety and security of the victim and her family members. It was alleged that none of the survivors received any legal help nor compensated adequately as per order of the Hon'ble Supreme Court.

- ii. The Commission took cognizance in the matter and called for a report from the State authorities. Pursuant to the directions of the Commission, the Superintendent of Police, Darrang, Mangaldai, Assam, reported that on the complaint of Shri Tilak Chand Kalita, resident of Village Kamargaon, FIR No. 357/2013 under Section 341/326A/34 IPC was registered at Police Station Sipajhar. During investigation, statements of witnesses were recorded under Section 161 Cr.PC. The Investigating Officer examined the victims at Guwahati Medical College Hospital. During examination, victim Nirupama Kalita identified Milon Saharia as one of the culprits. On the basis of evidence collected, accused Milon Saharia was arrested and forwarded to the Court. But he did not disclose the name of the associate and source of acid, though he was thoroughly interrogated. During the course of investigation, it was revealed that the victim Nirupama Kalita had love affairs with Kishore Deka, Lachit Kalita, Milon Saharia and Hement Kalita and it was suspected that the incident occurred due to conflict amongst the lovers. The Investigating Officer also arrested accused Jyoti Prasad Kalita on 14.11.2013, who was suspected to be involved in the incident and Hiranya Saharia on 02.02.2014, who cooperated with accused Milon Saharia. Accordingly, they were also forwarded to judicial custody on 15.11.2013 and 10.02.2014, respectively. The case was later on handed over to the Crime Investigation Division (CID) Headquarters vide memo dated 13.03.2014.
- iii. As the report was silent on the aspect of monetary compensation to the victim, the District Magistrate, Darrang, Mangaldai, Assam, was directed to pay Rs. 3,00,000/- (Rupees Three Lakhs Only) each to the victims in Cr. No.357/2013 of Sipajhar Police Station and asked to send a compliance report, within six weeks, alongwith proof of payment. Pursuant to the directions of the Commission, Shri Ghanshyam Dass, IAS, District Magistrate, Darrang, Mangaldai, Assam appeared before the Commission along with 2 reports dated 20.4.2019 and 22.4.2019. He had also submitted proof of payment of monetary compensation of Rs. 3,00,000/- (Rupees Three Lakhs Only) each, paid to two victims, namely, Nirupama Kalita and Karisma Kalita. He stated that the third victim Rukmini Kalia could not be paid the monetary relief due to some confusion as to the payment of the monetary relief. However, it was conveyed that he had submitted a fresh demand of Rs. 3,00,000/- (Rupees Three Lakhs Only) to the State Government for the purpose on 20.4.2019 and that would be paid to the third victim within two months. Subsequently, on receipt of the compliance report, the case was closed.



4. Modesty of a woman outraged by Incharge of Sorada sub-jail, Behrampur, Odisha while she was waiting to meet her husband who had been lodged in the jail

(Case No. 130/18/5/2015)

- i. In the instant case, the Complainant alleged inaction/non registration of FIR by Police on her complaint against the In-charge of Sorada sub-jail, Behrampur, Odisha, who had outraged her modesty. She had reportedly visited the Jail to meet her husband who was lodged in the said jail. While she was waiting outside the Main Gate of the Jail to meet her husband, an officer of the Jail came there and began to enquire about her personal information. Meanwhile, he allegedly outraged her modesty by touching her breasts. She protested and left the spot. The said officer allegedly also threatened her of false implication of her husband if she disclosed the incident to anyone. However, despite her complaint to the police, no action was taken against the accused by the police.
- ii. Pursuant to the directions of the Commission, an enquiry was conducted by Senior Superintendent, Circle Jail, Berhampur who held the In charge Jailor, Sorada Sub Jail to be prima facie guilty of misbehavior to the complainant. Besides, the enquiry officer had also observed that the said Incharge Sub Jailor had an antecedent of previous ill treatment towards jail inmates. It was reported that in view of the findings of the enquiry officer, departmental proceedings bearing No. 01/2015 had been initiated against the erring In-charge of Sorada Sub Jail.
- iii. Upon consideration of the report, the Commission observed that, prima facie, the allegations made by the complainant were correct and as the conduct of the Incharge of Sorada Sub Jail, who was a public servant and charged with a duty to ensure extreme discipline, had caused a gross violation of the human rights of the victim. As the State is vicariously liable for the conduct of its public servants, show cause notice was served upon the Chief Secretary, Government of Odisha for payment of monetary compensation of Rs. 25,000/- (Rupees Twenty Five Thousand Only) to the complainant which was complied with by the State Government.

5. Alleged Sexual Harassment of Women an Assistant Manager at Work Place by the Regional Head & DGM of Vijay Bank, Kolkata

(Case No. 1012/6/9/2011)

- i. The Complainant, an Assistant Manager in Vijay Bank, through an online complaint had alleged her sexual harassment by the Regional Head & Deputy General Manager (DGM) of Vijay Bank, Kolkata. It was stated by her that the accused official had been threatening to spoil her matrimonial life, if she did not compromise with him. He had even sent messages to her husband with this ulterior motive. She had complained in the matter to the bank authorities, but no action was taken against the accused official.
- ii. Taking cognizance of her complaint, the Commission called upon the General Manager (Personal) of Vijaya Bank for an action taken report in the matter. In response, it was



reported that the complaint was referred to the Internal Complaint Committee (ICC) of the Bank for conducting enquiry in the matter and pending that enquiry, the said official was transferred to Regional Office in Delhi.

- iii. A further report received in the matter revealed that on receipt of the enquiry report of ICC, disciplinary proceedings of major penalty had been initiated against the accused official. In view of the facts of the case, the Commission issued a notice under Section 18 of PHRA, 1993 to show cause as to why a sum of Rs. 2,00,000/- (Rupees Two Lakhs) should not be paid to the Complainant under provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 on account of violation of her human rights. That direction was complied with by the Bank Authorities by submitting proof of payment of a sum of Rs. 2,00,000/- to the Complainant in August, 2019. On account of the receipt of compliance report, the case is closed.

6. Sexual Harassment of a woman Constable of UP Police by a Sub-Inspector at Work Place in Hathras, UP

(Case no.42203/24/37/2016-WC)

- i. In the instant case, the complainant had stated that a Sub-Inspector of Uttar Pradesh Police had molested and harassed a woman Constable which amounts to disrespect to the woman. The police had not been taking any action as the accused was a Police Inspector. Hence, the complainant had sought intervention of the Commission.
- ii. The Commission took cognizance in the matter and directed the concerned authorities to submit an action taken report in the matter. In response, the SP, Human Rights, Uttar Pradesh, forwarded a report submitted by Assistant Superintendent of Police (ASP), Hathras, along with the report of CO, City Hathras. The report revealed that the delinquent Inspector Rajbir Singh had been suspended as the allegations against him were found to be true. From the preliminary inquiry and the discreet inquiry, the delinquent, Inspector Rajbir Singh, was found guilty and he had been suspended; but his appeal against his suspension order is pending.
- iii. The Commission, in view of said report, observed that the allegations against the delinquent Inspector Rajbir Singh were found true in the inquiry conducted by the State authority. Consequently, he was suspended, but the report was silent on the issue of why a FIR under the relevant provision of penal laws was not registered against the delinquent Inspector Rajbir Singh. So SP, Hathras was directed to file a report as to why the FIR had not been registered against the delinquent Inspector Rajbir Singh under the relevant penal provision of laws.
- iv. Further, as the delinquent Inspector Rajbir Singh had been found guilty in the inquiry and also from the discreet inquiry, and had been suspended, prima-facie, human rights of the victim woman Constable had been violated and she was liable to be compensated for the violation of her human rights. The State is vicariously liable for the action and inaction of



its employees for the violation of the human rights of the victim.

- v. Therefore, the Commission directed its Registry to issue a show cause notice to the Chief Secretary, Government of Uttar Pradesh, calling upon him to show cause as to why monetary compensation of Rs. 50,000/- (Rupees Fifty Thousand Only) should not be recommended under Section 18(a)(i) of Protection of Human Rights Act, 1993, to be paid to the victim woman Constable for violation of her human rights, within eight weeks.
- vi. The said direction was complied with by the State authority.

7. Karina Begum, student of 7th Standard, aged about 12 years, made to sweep the classroom, and locked in the classroom, Sonepur, Odisha, by her teacher

(Case no. 4822/18/0/2014-CL)

- i. The complainant Dr. Subash Mohapatra, Executive Director, Global Human Rights Communications, Kandual Vihar, Post Office Sarakantara, Bhubaneswar, Odisha, informed the Commission that on 25.11.2014 Karina Begum, a student of 7th Standard, aged about 12 years was illegally confined by her teacher in her classroom at about 3:30 P.M. She was instructed to sweep the classroom by her teacher. While she was engaged in sweeping, her teacher locked the door of the class room and went back to her house. Karina Begum's mother searched for her and found her in a locked room; and thereafter rescued her from the school building. He sought intervention by the Commission in the matter for the protection of human rights of the victim girl.
- ii. Taking cognizance in the matter the Commission called for an action taken report from the concerned authority. Pursuant to the directions of the Commission, Additional Secretary to the Government of Odisha, Department of School and Mass Education reported that an enquiry in the matter was conducted by the Block Education Officer, Sonepur, which revealed that Karina Begum student of 7th Standard was locked inside the classroom after the school was over. As per the report of the Headmaster, the students used to clean their classroom at their own sweet will and on that day it was the turn of Karina Begum. A student, namely, Mahendra Naik locked all the classrooms of the school and handed over the key to Smt. Sangita Rath In-charge Headmistress of the school. At about 4:15 P.M., mother of Karina Begum came to school and called her. On hearing the voice of her daughter from the locked classroom, she got the classroom lock broken and rescued her daughter Karina. Karina was shifted to District Hospital, Subarnapur for check-up. One bottle of saline was given to her by the doctor and after an hour she was discharged.
- iii. Commissioner-cum-Secretary, School & Mass Education Department, Government of Odisha further submitted a report where it was stated that this incident occurred due to the lack of supervision by the Headmistress of the School, who was solely responsible to supervise and ensure safety and security of the students. The In-charge Headmistress had been placed under suspension by the Block Education Officer, Sonepur.



- iv. Upon consideration of the reports received, the Commission observed that it was a clear case of violation of human rights of the victim, Kareena Begum. Accordingly, the Commission issued a notice, under Section 18(a)(1) of the Protection of Human Rights Act 1983, to the Chief Secretary Government of Odisha, to show cause as to why an amount of Rs. 10,000/- (Rupees Ten Thousand Only) should not be recommended to be paid to the victim Kareena by the State Government Odisha. Response from the Chief Secretary, Government of Odisha, is awaited. The matter is under consideration of the Commission.

8. Non-registration of FIR on receipt of a complaint of Dowry Death by the police of PS Bindki, Fatehpur, UP

(Case No. 30738/24/27/2013-WC)

- i. In this case, Shri Hira Lal son of Shripal resident of Ghazipur, District Fatehpur, Uttar Pradesh on 16.6.2013 informed the Commission that his daughter Soni Devi was murdered by Lavlesh, Chotku (Vijay), sister-in-law Geeta, mother-in-law and Ganga Devi. Consequently a case at crime No. 111/13 under Section 498A/304B IPC and under Section 3/4 Dowry Prohibition Act was registered at Police Station Bindki but police had not yet arrested the accused persons. He sought intervention by the Commission for action against the accused persons.
- ii. The Commission took cognizance and called for an action taken report in the matter from the concerned authority. In response, Superintendent of Police, Fatehpur, forwarded a the report in the matter submitted by the CO, Bindki, Fatehpur, who after enquiry, had concluded that the complainant Hira Lal Yadav filed an application before the Court under Section 156(3) Cr.P.C. and as per the order of the Court, a case No. 181/13 under Section 498A/304 B IPC and under Section 3/4 Dowry Prohibition Act had been registered against Lavlesh and two others at Police Station Bindki. The statement of the victim Soni Devi was recorded by the Investigating Officer before her death in which she stated that all of a sudden she was caught by fire and sustained burn injury. After investigation, the final report has been submitted. Other allegations made by the complainant could not be substantiated.
- iii. The Commission, upon perusal of the report, directed the Superintendent of Police, Fatehpur to submit report on the following points:
 - » Has the complainant been examined during enquiry? If not, the enquiry needs to be rubbished completely.
 - » Why did a situation arise where the complainant had to go to the Court to get his complaint registered? Superintendent of Police be asked to explain as to why no action was taken on the complaint of the complainant, when it was received originally.
- iv. Further it was observed that during the enquiry that the complainant reiterated the allegations that his daughter had been killed due to non-payment of sufficient dowry. On the other hand, the ASP, Fatehpur, Arvind Mishra, stated that the dying declaration of



the daughter of the complainant, Smt. Soni Devi was recorded by Shri Braj Kishore, ACM-4, Kanpur City in which she stated that while cooking, her saree had accidentally caught fire and as a result, she had suffered the burn injuries. She did not blame anyone in her statement given before the magistrate.

- v. However, the Commission, in order to satisfy itself of the merits of the matter, also directed the ASP, Fatehpur, to produce a copy of the dying declaration of Smt. Soni Devi recorded by the ACM-4, Kanpur City along with a copy of the post mortem report of Smt. Soni Devi. It was also directed that he would conduct an enquiry and explain the reasons for non-registration of a criminal case regarding the death of Smt. Soni Devi in time.
- vi. In response, the Superintendent of Police, Fatehpur, Uttar Pradesh, informed that after recording the statement of Hira Lal (complainant) and the then Station House Officer (SHO) Shri Gopal Saran Gupta, it was found that the SHO had not registered the complaint of Hira Lal and thus he was guilty of inaction. Thus, on the basis of the recommendations made by the enquiry officer, preliminary enquiry had been initiated against the then SHO Shri Gopal Saran Gupta. Further, SP, Fatehpur submitted another report along with the certified copy of the statement of Smt. Soni Devi recorded by the Magistrate under Section 164 Cr.P.C.
- vii. Further it was reported by the SP, Fatehpur that in view of the statement of the deceased, Smt. Soni, recorded under Section 164 Cr.P.C, whereby She had categorically stated that she caught fire accidentally while cooking food and no one was responsible for the burn injuries and since the accused SHO, Shri Gopal Saran Gupta, had retired from services, it was not found appropriate to initiate any departmental action against the accused SHO.
- viii. The Commission, while considering the said reports, observed that the human rights of the deceased were violated by the police by not promptly registering the case on the application of her father Shri Hira Lal, despite the fact that a cognizable offence had been committed. The Commission accordingly issued a notice under Section 18 of the Protection of Human Rights Act, 1993, to the Chief Secretary, Government of Uttar Pradesh to show cause as to why the Commission should not recommend monetary compensation of Rs. 50,000/- (Rupees Fifty Thousand Only) to the complainant for the violation of human rights of the deceased. The recommended monetary compensation was since paid by the State Government in compliance with the Commission's directions, and the case has been closed.





CHAPTER 12

Rights of Elderly Persons

- 12.1 Global demographic trends indicate that with the passage of time, each country tends to witness population ageing, a phenomenon wherein the proportion and population of elderly increases significantly. While India, as compared to other developing countries, is considered to be a younger nation, the countervailing force of population ageing has already started changing the country's population structure.
- 12.2 As per the Population Census of 2011, there are nearly 103.8 million elderly persons (aged 60 years or above) in India, including 52.7 million females and 51.1 million males. Evidence shows that the share and size of elderly population has been on the rise and this trend has been attributed to factors such as increasing longevity, improved health care facilities, economic well-being etc. For instance, the proportion of elderly in the total population has increased from 5.6% in 1961 to 8.56% in 2011. With the increasing elderly population, the old age dependency ratio, i.e. the number of persons in the age group 60+ years per 100 persons in the age group of 15-59 years, has also increased. As per the report of the Ministry of Statistics and Programme Implementation, 'Elderly in India (2016)', the old age dependency ratio as of 2011 was 14.2% in India. Furthermore, the population projections expect the proportion of elderly in India to rise to 143 million amounting to 10.7% of the total population by 2021.
- 12.3 Population ageing and the increasing old age dependency ratio, has profound social, economic, political implications and makes the lives of elderly vulnerable. While some elderly continue to lead active lives as part of their overall personality, family and community, many others face homelessness, lack of adequate care and isolation. Most of them are victims of multiple forms of discrimination, prominent among these being – poverty, violence, abuse, insecurity, poor health and well-being, lower earning capacity, limited availability of old-age pensions, threats and limited control over assets and property, and unequal participation in private and public decision-making. The challenge is to ensure their well-being and that they are able to lead secure, healthy and comfortable lives.
- 12.4 The well-being of elderly persons is mandated in the Constitution of India under Article 41, which states that "The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to public assistance in cases of old age". Pursuant to this, the Government of India started the Integrated Programme for Older Persons (IPOP) in



1992 [later renamed as Integrated Programme for Senior Citizens (IPSc) and revised in 2018] and enacted the Maintenance and Welfare of Parents and Senior Citizens Act in 2007 for the protection of human rights of the elderly.

- 12.5 While the constitutional, legislative and policy framework protects the rights of elderly persons and provides for their needs, there has been an increase in the rate of human rights violations, especially crimes against them. Lack of awareness among elderly persons towards their rights and entitlements often makes them vulnerable to serious forms of discrimination.
- 12.6 Acknowledging the vulnerability and the discrimination faced by the elderly, the National Human Rights Commission (NHRC) is committed to protect the rights of elderly persons. It regularly investigates cases of violation of rights of elderly, reviews existing legislative framework and implementation of schemes, undertakes meetings with various stakeholders on issues concerning them and entrusts research projects, to make recommendations towards protection of rights of the elderly. Further, the Commission regularly publishes booklets, manuals and journals etc. to create awareness about the rights of the elderly.

A. Meeting of Core Group on Disability and Elderly Persons

- 12.7 The Commission organized a meeting of the Core Group on Disability and Elderly Persons on 7th January 2020 under the chairmanship of Dr. D. M. Mulay, Member, NHRC. The meeting was attended by senior officers from NHRC Shri Jaideep Govind, Secretary General, Shri Surajit Dey, Registrar (Law), Smt. Anita Sinha, Joint Secretary, Core Group Members, NHRC Special Monitor (Persons with Disabilities and Senior Citizens), representatives from the five union ministries/ departments, government institutions, and special invitees from United Nations institutions, Non Governmental Organizations, academia etc.
- 12.8 The deliberations of the meeting were on two agenda items i.e. inclusive education and elderly abuse. The meeting provided a platform to review the existing government policies, laws, rules, orders, etc. relating to elderly abuse and accordingly make suggestions/recommendations towards its prevention and protection.
- 12.9 The major recommendations related to elderly persons that emanated from the meeting are as under:
 - i. Research on stress and strains of caregivers of elderly: As most research studies indicate the majority of abusers of elderly to be the caregivers themselves, a situational analysis of the stress and strains of caregivers should be undertaken to understand their overwhelming proportion in elderly abuse.
 - ii. Awareness generation about Maintenance and Welfare of Parents and Senior Citizens (MWPSC) Act, 2007: Ministry of Social Justice and Empowerment should spread awareness about MWPSC Act, 2007 through audio, visual and print mediums. The Ministry should also train law enforcement officers and the District Legal Service Authority in creating awareness about the said Act

- iii. Providing legal aids/services to residents of old age homes: The Kerala Model, wherein officers from the legal service authority visit old age homes periodically may be replicated in other old age homes across the country.
- iv. Ministry of Social Justice and Empowerment to send a report to NHRC regarding the status of the compliance to the provision of establishing one old age home in each district as per the Maintenance and Welfare of Parents and Senior Citizens Act, 2007

12.10 The recommendations from the meeting have been sent to the concerned Ministries for initiating necessary action.



Deliberations during the meeting of the Core Group on Disability and Elderly Persons on 7th January 2020

B. Research Study: Sense of Security and Human Rights of Older Persons

- 12.11 The Commission entrusted a study titled “Sense of Security and Human Rights of Older Persons” to the Agewell Foundation, New Delhi. The research study was undertaken in Delhi and National Capital Region (NCR) with the objectives of: assessing the impact of emerging socio-economic scenario on the sense of emotional, physical, medical, legal and financial security among older persons and their related human rights; assessing the status of older persons' awareness about human rights in the target area; and spreading awareness about human rights among old people on the basis of this study.
- 12.12 The research was based on a quantitative methodology wherein a survey questionnaire was administered over a sample of 1500 older persons (786 older men and 732 women), who were selected by random sampling. The data collected from the sample was then used to meet the objectives of the research.
- 12.13 The final report of the said research study, which can be accessed from the Commission's website, made several recommendations towards protection of rights of elderly persons. The same have been sent to the Government of National Capital Territory of Delhi for necessary action. Some of the major recommendations that emanated from the study are as under:
- i. Setting up a 24 hour dedicated helpline for older persons in distress.



- ii. Mass awareness drives about the rights of the older persons may be undertaken through various social media such as schools, Resident Welfare Associations, media and other institutional stakeholders.
- iii. To sensitize children towards old age and their needs, lessons and chapters about old age issues must be included in the curriculum of primary and secondary education.
- iv. Legal cases of people above 60 years must be attended to on priority basis by making special arrangements such as setting up special fast track courts, appointing retired advocates and judges as volunteers etc.
- v. Establishing interaction/recreation centers for elderly persons on large scales with provisions of basic/general facilities like general medical unit, utility bill collection service, family counseling unit etc.
- vi. Setting up of age care centers at block level to look after abandoned old people.
- vii. Corporate participation may be sought through Corporate Social Responsibility in solution centric initiatives for elderly.

C. Special Rapporteur and Special Monitor Visits

- 12.14 **Shri Surajit Dey, Registrar (Law), NHRC** visited Navadiganta Old Age Home and All Bengal Women's Union (ABWU)- a non-profit organization housing elderly women above 70 years in June 2019. The Registrar noted that both the institutions take good care of the residents and have on-call doctors, counsellor, therapist, etc. The institutions' administrations maintain the hygiene of the place by employing Multi Tasking Staff who clean the rooms and the premises regularly. However, the Registrar reported that both the institutions have been facing serious funding problems ever since the grants under the IPOP Scheme have been discontinued. The said discontinuation of the grants has been hindering the functioning of the institutions. In this regard, the Commission recommended the State Government of West Bengal to ensure that the arrear grant under the IPOP Scheme (to Navadiganta from 2014-15 onwards and to ABWU from 2017-18 onwards) may be released towards efficient functioning of the institutions.
- 12.15 **Dr. Vinod Aggarwal, Special Rapporteur, Central Zone**, visited old age homes in Goa in August 2019. During his visit to the institutions, the Special Rapporteur noted that no Tribunals and District Committees have been established in the State as per the MWPSA Act of 2007. Further, his report stated that the police stations did not maintain the list of senior citizens in the area of its jurisdiction. Pursuant to the observations of the Special Rapporteur, the Commission recommended the State Government of Goa to initiate necessary action towards establishment of the institutions mandated by the MWPSA Act, 2007 and sensitize people in the administration and law enforcement about the rights of elderly persons and their duties as per the existing legislations.
- 12.16 **Shri Rajive Raturi, Special Monitor (Rights of Persons with Disabilities and Elderly Persons)** visited old age homes in Odisha in September 2019. The purpose of the visit was



to monitor and evaluate programmes of the institutions visited. In one of the old age homes, the Special Rapporteur observed that elderly men and women were not provided separate accommodations and lived in a single room. In this regard, the Commission has recommended the State Government to immediately look into the matter and make provisions for separate accommodations for elderly men and women. Further, the Special Monitor observed that the institutions served a standard menu to all its residents without taking individual dietary needs into consideration. Taking cognizance of this issue, the Commission recommended the State Government of Odisha to ensure provision of the services of dieticians in old age homes to cater to the varied dietary requirements of the elderly residents.

12.17 Shri Rajive Raturi, Special Monitor (Rights of Persons with Disabilities and Elderly Persons)

visited various institutions for children with intellectual impairment and also for elderly persons in the state of Haryana on 27th to 29th November 2019. The institutions visited were Chaubey Vikas Sangh (Old Age Home), Meham, Amarjyoti Foundation Old Age Home, Julana, State Institute of Rehabilitation Training and Research (SIRTAR), Rohtak, Ankur, Jind, Arpan Institute for Mentally Handicapped Children (AIMHC), Rohtak, Shravan Home for Mentally Retarded, Rohtak and Jan Seva Sansthan Ashram, Jind. Further, Special Monitor had meetings with the Government Officials of the District Welfare Office at Rohtak and Jind. The observations and recommendations that emerged from the visit and from the meetings with Government Officials are mentioned below:

- i. The State Government is recommended to address the financial disparity between government-funded institutions and Homes run by NGOs as evident from the cases of SITAR and Arpan. It is suggested that the State could consider Central Government grants as a benchmark while funding as the disparity is evident between those funded by State and Central Government.
- ii. The State Government must address the problems of non-availability of basic facilities like medical, nutrition, etc and issues of those who are not receiving any financial support from the State Government.
- iii. The State needs to monitor those institutes having abandoned persons, including those with disabilities, and draw concrete financial support with accountability of these Institutes.
- iv. It is recommended that District Legal Aid Authorities should visit old age homes regularly and provide legal aid to those in need
- v. The State needs to have a robust network of DSWO's and Investigators in each district to monitor these institutions and report to the Government regularly. The State needs to monitor and evaluate programmes on education, health, nutrition, safety and security, sanitation and hygiene and take remedial action to improve the situation of all residential facilities for persons with intellectual disabilities as per Supreme Court directions.



- vi. The State needs to follow the directions of the Supreme Court for ensuring transport accessibility, in particular private transport, as no actions seem to have been taken so far.
- vii. The State needs to initiate actions to make public documents accessible as no action has been taken on this yet.
- viii. The State needs to speed up the process of constituting the Advisory Board and notify the appointment of non-official members.
- ix. Special Courts need to be notified. Public Prosecutors need to be appointed. Expert Committees for job identification needs to be notified.
- x. Certification of disabilities at the district level needs to be streamlined.
- xi. Grievance Redressal Officers in all public establishments need to be appointed and notified. Equal Opportunity Policy needs to be notified in all establishments.
- xii. The State needs to implement Section 7, Section 15, Section 24, Section 38 of the RPD Act 2016.

D. Illustrative Cases in the year 2019-20

1. Non-payment of his pensionary benefits of an employee of Survey of India, Ministry of Science & Technology, Government of India, New Delhi

(Case No 2911/30/7/2018)

- i. In the present case, the Commission received a complaint from Shri M. L. Chopra who alleged non-payment of his pensionary benefits. Taking cognizance of the matter, the Commission called for a report from the Secretary, Ministry of Science & Technology, Government of India, New Delhi. Accordingly, the Ministry of Science and Technology, Government of India forwarded an enquiry report submitted by the Joint Secretary, Administration, Department of Science and Technology (DST).
- ii. The Commission perused and considered the report as well as papers placed on record. It was seen that an enquiry was conducted against the complainant relating to booking of Leave Travel Concession (LTC) tickets from un-authorized agents, tampering of tickets and passing of bills relating to such inadmissible tickets by the then Pay and Account Officer (P&AO). It was admitted that the enquiry took around 4 years. The reason for the delay given in the report is that the delay took place due to fulfilling the procedural requirements especially since, in case of the pensioner, the final order can be issued only after consultation with Union Public Service Commission (UPSC). It was further stated that while issuing the order the quantum of punishment of withholding of 15% of the monthly pension otherwise admissible to CO for a period of one year as advised by the UPSC was reduced to 10% of the monthly pension with the approval of the Minister (Science & Technology) considering loss and suffering already endured by the CO due to withholding of retirement benefits for more than 4 years.



- iii. It was admitted in the report that the retirement benefits of the complainant were withheld for 4 years due to non-completion of the enquiry. In the opinion of the Commission, there was definitely an undue delay in completion of the enquiry against the accused particularly when it is admitted that the complainant had retired. In the report also, it is admitted that the complainant had endured loss and suffering due to withholding benefits for more than 4 years. That showed apathy on the part of the concerned officials/officers of the Department.
- iv. In the opinion of the Commission, it was a clear case of violation of the human rights of the victim and the State was considered liable to pay monetary compensation to the victim.
- v. The Commission, therefore, issued a notice under Section 18 (a) (i) of the Protection of Human Rights Act, 1993, to the Secretary, Ministry of Science and Technology, Government of India, to show cause as to why the Commission should not recommend monetary relief to the victim. He was further directed to issue necessary directions and guidelines for expeditious completion of the enquiries pending against the persons who have either retired or are on the verge of retirement. All the concerned need sensitization programs regarding the plight of the retired persons.
- vi. Pursuant to the directions of the Commission, a reply was submitted by the Joint Secretary, Ministry of Science & Technology, Department of Science & Technology, Government of India in which it was stated that the nature of the departmental enquiry is such that much time is consumed in fulfilling the procedural requirements, more so in case of pensioners where UPSC needs to be consulted before issuing the final order. In the present case the delay also occurred due to absence of the original disciplinary authority i.e. Surveyor General of India. It was further stated that the complainant was receiving all his retirement dues except gratuity which was withheld under the provisions of Rule 69(1)(c) of the Central Civil Services (CCS) Pension Rules, 1972. The perusal of the detailed reply showed that nowhere it is denied that for 4 years the complainant was not paid his dues. The report stated that there was a procedural problem and absence of the Surveyor General of India also confirmed the responsibility of the State for the delay in payment of dues to the complainant.
- vii. In the opinion of the Commission, if a particular authority is not appointed within the time, the complainant should not be penalized for that. In the opinion of the Commission a clear case of violation of human rights of the victim was made out and the Government of India was found vicariously liable to pay monetary compensation to the victim.
- viii. Keeping in view the facts and circumstances of the case, the Commission on 15.05.2019, recommended to the Government of India, through the Secretary, Ministry of Science & Technology, Government of India to pay compensation of Rs. 1,00,000/- (Rupees One Lakh Only) to the victim. The Secretary, Ministry of Science & Technology, Government of India



has been directed to submit a compliance report along with proof of the payment within six weeks.

ix. The report is awaited.

2. Stopping the family pension of a widow of an employee of Railway Board, for 20 years without any enquiry.

(Case No. 2808/12/21/2104)

- i. In the instant case, the complainant, Smt. Ashfaque Bano had alleged that her family pension had been stopped 20 years ago without any enquiry conducted by the Railways authorities and Central Bank of India, hence she had not been paid family pension for the last 20 years. On perusal of the complaint, the Commission directed the concerned authorities to submit a report in the matter.
- ii. In response, the Joint Director (Estt.), Railway Board submitted a report that the family pension of Smt. Ashfaque Bano was not paid to her, due to dispute between pensioner and the pension disbursing bank, i.e. Central Bank of India. It was further stated that the Railways had not given any instruction to the bank to stop the family pension. However, the complainant had now been given family pension as sanctioned by the concerned railway authorities, after the matter was investigated by the railway authorities and arrears of family pension amounting to Rs. 4,97,764/- (Rupees Four Lakhs Ninety Seven Thousand Seven Hundred and Sixty Four Only) had also been paid to the applicant and the bank authorities had been instructed to pay the family pension to the complainant regularly from December, 2011 onward. Now, no action was pending on the part of the railways.
- iii. The Commission perused the record and the report of the Railway Board and observed that the family pension of the complainant was stopped in the year 1991 and it was reinstated from December, 2011 i.e. after 20 years that too after an enquiry conducted into the incident by the Railways authorities in the year 2010. The Assistant Personnel Officer (APO), Western Railways, Vadodara conducted an enquiry on 7.10.2010, the enquiry officer checked authenticity of the document i.e. the Nikahnama issued in the year 1991 and during the enquiry it was found to be fake on the basis of facts such as:
 - » The signature of the applicant on the Nikahnama were forged;
 - » The original document was not in the office of the Qazee who is custodian of the original Nikahnama issued by him;
 - » The document i.e. Nikahnama acted upon by the Central Bank of India and Railway authorities was unsigned and had no seal of the authority who issued the Nikahnama i.e. the Qazee.
- iv. The Commission was pained to note that these basic evidences could have been looked into by the authorities of Central Bank of India and Railways 20 years earlier also, but



they did not do anything but stopped the family pension of a widow, which was the only source of livelihood for her and put her life at stake and forced her to live in an undignified life. The Commission also observed from the documents that the Railway authorities had denied of issuing any instruction as to stoppage of family pension to the Bank, however, a letter from the Senior Divisional Account Officer (SDAO), Western Railways, Vadodara dated 7.11.1996 written to the Advocate of the complainant had categorically stated that the SDAO Office had intimated the bank to stop the family pension of the complainant. Similarly, a letter of Division Railway Manager (Estt.), Vadodara dated 16.03.2001 written to the complainant, Smt. Ashfaque Bano stated that she was no more eligible for family pension because she had married again to Shri Nishad Ahmed son of Shri Manzoor Ahmed. The marriage was solemnized by Qazee Syed Khurshid Ratlam.

- v. Further the Senior Divisional Manager, Finance vide a reply to an Right to Information (RTI) application dated nil had stated that the bank had never asked for the copy of the enquiry report during the last 20 years. The Commission further observed that without conducting any enquiry into the complaint for stopping family pension of any person and also without ascertaining the veracity of the complaint the bank has jeopardized the life of the pensioner, that too for a period of 20 years.
- vi. The Commission held that the stopping of family pension without conducting an enquiry on complaint based on a document, the authenticity of which was not verified by the bank and/or by the Railways Authorities was a violation of right to life and right to live with dignity. This was clearly proved by the fact that the enquiry conducted into the incident, after 20 years, found the document forged on simple grounds i.e. it had forged signature of the complainant, it had no signature and seal of the issuing authority and no such original document was found in the records of the issuing authority i.e., the Qazee. Therefore, the human rights of the complainant had been violated by the Railways and the Bank. The Chairman, Railway Board, Ministry of Rail Bhawan, New Delhi was asked to make payment of interest on delayed payment of Family Pension @12% p.a.
- vii. The Commission also directed its Registry to issue a notice to the Chairman, Railway Board, New Delhi and the Chairman-cum-Managing Director, Central Bank of India, Mumbai, calling upon them to show cause as to why a monetary compensation of Rs. 2,00,000/- (Rupees Two Lakhs Only) should not be recommended u/s 18(a)(i) of Protection of Human Rights Act, 1993 to be paid to the victim Ashfaque Bano in the ratio 50:50 i.e., Rs. 1,00,000/- (Rupees One Lakh Only) by the Chairman, Railway Board, New Delhi and Rs. 1,00,000/- (Rupees One Lakh Only) by the Chairman-cum-Managing Director, Central Bank of India.
- viii. Pursuant to the directions of the Commission, the Joint Director Estt. (Rep), Railway Board, New Delhi, submitted that the compensation of (Rs. 1,00,000/- 50% of Rs. 2,00,000/-) has been paid to Smt. Ashfaque Bano through NEFT on 15.04.2019 and an amount of Rs. 2,69,370/- (Rupees Two Lakhs Sixty Nine Thousand Three Hundred and Seventy Only)



towards the payment of interest, @ 12%, on delayed payment of the family pension from November, 1991 to November, 2010 had also been paid to the victim on 08.07.2019. On compliance of the Commission's recommendations, the case has been closed.

3. An elderly woman resident of Yamuna Vihar, Delhi harassed and exploited by her own son and daughter-in-law

(Case No. 5743/30/5/2019)

- i. The complainant, an elderly woman, Smt. Kesar Devi, wife of late Shri Om Prakash, resident of Yamuna Vihar, Delhi in her complaint to the Commission alleged that she was being harassed and exploited by her son and daughter-in-law, with a motive to drive her away from the house.
- ii. The Commission took cognizance in the matter and called for an action taken report in the matter from the concerned authorities. In response, the Deputy Commissioner of Police (DCP), North-East has submitted a report, It is stated in the report that matter has now been settled between the victim and her accused son and his wife. And the complainant has no grievance in the matter
- iii. The matter is under consideration of the Commission.





CHAPTER 13

Rights of Persons with Disabilities

- 13.1 Globally, more than a billion people, i.e. 15% of the world population, are estimated to be living with some form of disability or the other. In India, as per the Census of 2011, there are 26.8 million persons with disabilities who constitute 2.21 per cent of the country's total population.
- 13.2 It is well known that persons with disabilities, across the world, tend to experience poorer health outcomes, lower education achievements, less economic participation and higher rates of poverty than people without disabilities. This is partly due to the inaccessible physical environment, health, education, employment, transport and information. Furthermore, the intersectionality between disability and other factors such as gender, age, sexuality, class, caste often exacerbates the disadvantage and marginalization.
- 13.3 It must also be noted that the society's perception of persons with disabilities also impacts the extent of their marginalization. Earlier, when disability was seen as an outcome of the individual's past sins or a medical anomaly needing cure, persons with disabilities were often subjected to pity and charity. However, it is now well recognized that given equality of opportunity and appropriate education and training, persons with disabilities have the potential of being productive individuals in the society. Disability is now internationally accepted as a 'development and human rights issue' rather than a medical issue begetting charity.
- 13.4 Ever since this significant change in the understanding of disability, there have been several positive developments, both at the international and national levels, to uphold the human rights of persons with disabilities. One of them is the adoption of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in December 2006, which has led to a very robust, progressive, and forward-looking human rights regime in the context of persons with disabilities. Subsequently, with India ratifying the said Convention in October 2007, the Rights of Persons with Disabilities (RPD) Act (2016) was enacted replacing the erstwhile Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The RPD Act is considered to be a very progressive legislation with a whole range of provisions for the protection and promotion of rights of persons with disabilities.
- 13.5 The Commission is also of the firm view that persons with disabilities should enjoy all human rights on equal basis with others. Towards this end, it has adopted a multi-pronged approach wherein it regularly investigates cases of violation of human rights, reviews existing legislative



framework and implementation of schemes, undertakes meetings with various stakeholders on issues concerning them and entrusts research projects, to make recommendations towards protection of their rights. Further, the Commission regularly publishes booklets, manuals and journals etc. to create awareness about disability rights. During the year 2019-20, the Commission undertook the following activities with regard to rights of persons with disabilities.

A. Meeting of NHRC Core Group on Disability and Elderly Persons

- 13.6 The Commission organized a meeting of the Core Group on Disability and Elderly Persons on 7th January 2020 under the chairmanship of Dr. D. M. Mulay, Member, NHRC. The meeting was attended by senior officers from NHRC Shri Jaideep Govind, Secretary General, Shri Surajit Dey, Registrar (Law), Smt. Anita Sinha, Joint Secretary, Core Group Members, NHRC Special Monitor (Rights of Disabled and Senior Citizens), representatives from the five union ministries/ departments, government institutions, and special invitees from United Nations institutions, Non Governmental Organizations, academia etc.
- 13.7 The deliberations of the meeting were on two agenda items i.e. inclusive education and elderly abuse. The meeting provided a platform to review the existing government policies, laws, rules, orders, etc. relating to inclusive education and accordingly make suggestions/recommendations towards promotion of the same for an inclusive society.
- 13.8 The major recommendations related to persons with disabilities which emanated from the meeting are as under:
 - i. Ministry of Human Resource Development to send a detailed status report to NHRC regarding the survey of school going children for identifying children with disabilities as mandated by Section 17(a) of the RPD Act 2016.
 - ii. Replacement of the term 'school going children' with 'school aged children': The Department of Empowerment of Persons with Disabilities may consider changing the criteria of survey as per Section 17(a) of RPD Act from 'school going children' to school aged children' for greater outreach in identification of children with disabilities.
 - iii. Holistic inclusion of children with disabilities in the Draft National Education Policy: Concerns of children with disabilities should not be limited to Chapter VI of the Draft Policy and should be adequately represented across chapters.
 - iv. Harmonization of the Draft National Education Policy with RPD Act, 2016: All aspects of the policy need to be harmonized with the RPD Act 2016. For instance, the section on recruitment of teacher and teacher requirement planning needs to be harmonized with Section 17 of RPD Act which mandates the government to employ teachers trained in braille, sign language and teaching children with intellectual disabilities. The section on ensuring adequate physical infrastructure, facilities and learning resources should also ensure that such infrastructures are accessible as per the Harmonized Guidelines formulated by the Government as per Section 40 of the RPD Act.



- v. Institutionalization of the topic of 'disability' in teacher training courses: The concerned Ministry may consider institutionalization of the topic of 'disability' in courses such as Bachelor of Education (B.Ed) and Master of Education (M.Ed) so as to train teachers in inclusive education from the beginning. Further, a compulsory paper on inclusive education, in consultation with the Rehabilitation Council of India, must be included in all teacher training programmes of the National Council for Teacher Education.
- vi. Menstrual Hygiene Management Training for girls with disabilities: The concerned Ministry must formulate a Menstrual Hygiene Management Training Programme catering to the specific needs of girls with disabilities to curtail their potential drop out from school.
- vii. Standard Operating Procedure (SOP) for disability certification: A SOP must be formulated for disability certification procedure to eliminate variance in the process and it should be applicable for all disability certificate issuing institutions in the country.

13.9 The concerned Union Ministries have been sent these recommendations for further necessary actions.

B. Sub-committee on UN Convention of the Rights of Persons with Disability

13.10 The Commission had constituted a Committee to review the extent of conformity of Indian laws with International Conventions ratified by the Government of India under the Chairmanship of Hon'ble Chairperson, NHRC. The Committee in its meeting held in November 2017 decided to constitute a sub-committee on the UN Convention on Rights of Persons with Disabilities (UNCRPD) under the chairmanship of the Hon'ble Member, NHRC. The main aim of this Sub-committee was to identify legislative gaps in the Rights of Persons with Disabilities (RPD) Act, 2016 with respect to UNCRPD and accordingly make recommendations for greater harmonization of the same. The sub-committee consisted of senior officers of NHRC and domain experts, Shri P.K. Pincha and Shri Rajiv Raturi, whose expertise was used to identify gaps and draw recommendations.

13.11 Over six meetings of the sub-committee, a draft report of the gaps identified in the RPD Act with respect to UNCRPD was prepared. In order to discuss and finalize the draft document, a peer review meeting was held in May 2019 under the chairmanship of Dr. D. M. Mulay, Hon'ble Member, NHRC. The meeting was attended by senior NHRC officers, representatives from the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India, Commissioner for Persons with Disabilities, Govt. of NCT of Delhi and civil society. Representatives from the civil society included Dr. Satendra Singh, Associate Professor, University College of Medical Sciences, Shri Arman Ali, Executive Director, National Centre for Promotion of Employment of Disabled People, and Shri Nipun Malhotra, CEO and Co-founder, Nipman Foundation.

13.12 The said report has been approved by the Commission and is currently undergoing the process of printing and publication.



C. Special Rapporteur and Special Monitor Visits

- 13.13 Dr. Ish Kumar, Special Rapporteur, North Zone visited Asha Kiran Home (an institution for persons with intellectual disabilities) in Delhi in June 2019. During his visit, he observed that the toilets of the institution were in bad condition and on inquiry was informed by the administration that the funding for upgradation of the toilet is yet to be received from the Government. In this regard, the Commission has recommended the State Government to expedite the release of funds to the institution. Further, the Special Rapporteur observed a declining trend in the restoration of the residents to their families through the year wise data. To facilitate the restoration process, the Commission recommended to the State Government to utilize the Khoya Paya portal of the Ministry of Women and Children, Government of India and Talash Portal of National Crime Records Bureau (MHA) in the institution.
- 13.14 Shri Rajive Raturi, Special Monitor (Rights of Persons with Disabilities and Elderly Persons) visited several residential institutions for the persons with disabilities and undertook meetings with the government officials of the State of West Bengal in August 2019. During his visit to one of the institutions, the Special Monitor noted inadequate grant of funds by the Government. He also observed inadequate toilet and laundry facilities leading to unhygienic conditions in some institutions. Thus, the Commission recommended the State of West Bengal to ensure provision of toilets and laundry facilities in such institutions. As therapeutic services are an important part of rehabilitation of persons with disabilities, the Special Monitor in his visit observed a lack of therapeutic facilities in all the institutions visited. In this regard, the Commission has recommended the State Government to ensure that need based therapeutic services are made available in these institutions and monitored regularly.
- 13.15 Shri Rajive Raturi, Special Monitor (Rights of Persons with Disabilities and Elderly Persons) visited several institutions for the persons with disabilities and undertook meetings with the government officials in the State of Odisha in September 2019. The Special Monitor reported inadequate toilets and lack of therapeutic services in some of the institutions. In this regard, the Commission has recommended to the State Government of Odisha to ensure that the institutions are provided with the required funding for increasing the number of toilets in their institution and provided with regular therapeutic professionals. In one of the residential institutions for children with disabilities, the Special Monitor observed that the residents who were not toilet trained were not provided with mattresses to sleep on due to soiling. The Commission recommended the State Government to direct the said institutions to make use of oil clothes instead of not providing the residents with mattresses.
- 13.16 Shri Rajive Raturi, Special Monitor (Rights of Persons with Disabilities and Elderly Persons) visited various institutions for children with intellectual impairment and elderly persons and also had meetings with department officials in Madhya Pradesh from 26th-27th December 2019. The institutions visited in Bhopal were Asha Niketan Higher Secondary School for the Deaf, Bhopal, Shashikiya Mansik Roop Sey Avikshit Balak Balika Avasiys Vidyalaya, Bhopal, Miriam School,



Bhopal, Shalom Special School for Mentally Handicapped, Bhopal, Shaskiya Drishti Evam Shravan, Badhita Ucchatar Vidyalaya, Bhopal, SOS Children Village and Bhopaland Asra Vridh Ashram, Bhopal. The observations and recommendations that emerged from the visit report and from the meetings held with Government Officials in Madhya Pradesh are mentioned below:

- i. The State needs to follow directions of Supreme Court judgment in Reena Banerjee vs NCT of Delhi in CIVIL APPEAL NO.11938/2016 (Arising out of S.L.P. (Civil) No.39321/2012) dated 8th December, 2016.
- ii. The State needs to monitor, evaluate and suggest remedial measures in residential institutions for children with blindness, deafness and intellectual disability.
- iii. Programmes related to health, hygiene, nutrition, safety and security, education, therapeutic interventions etc. are to be monitored and remedial measures introduced.
- iv. The State could consider implementing the model adopted by the State Institute for Research Training and Rehabilitation (SIRTAR) set up by the Government of Haryana in Rohtak. Alternatively, the SOS model for care and rehabilitation of children and adults with intellectual disabilities in Bhopal too could be looked at by the state.
- v. State should consider regularizing two leprosy colonies in Jhabua and Indore to ensure right to shelter of residents in line with the operative part of judgment made by the Supreme Court in Reena Banerjee vs NCT of Delhi.
- vi. The State Commissioner Disabilities needs to implement Section 79(7) on the constitution of the Advisory Committee comprising not more than five members drawn from the experts in the disability sector; Grievance Redressal Officers (GROs) in all Departments need to be notified and Equal opportunity policies by all establishments should be notified with State Commissioner for Persons with Disabilities.
- vii. Targets under the Accessible India campaign as directed in Rajive Raturi vs UOI matter by the Supreme Court of India have not been met in most areas. Building accessibility, transport accessibility, accessible documentation and training of sign language interpreters etc. need to be prioritized by the State and budgetary provisions need to be made for implementing the same.
- viii. Under the Rights of Persons with Disabilities Act of 2016, the State needs to make the following changes:
 - » Designate Special Court and appoint Public Prosecutors;
 - » 5% reservation in allotment of land and other developmental schemes to be notified under Section 37 of the Act;
 - » Notification for Executive Magistrates and informing them of their role in protecting persons with disabilities against ill treatment, violence and abuse to be issued under Section 7 of the Act;



- » Quantum of assistance in the poverty alleviation schemes to be increased by 25% for people with disabilities to be notified under Section 24 of the Act ;
 - » Assessment Board for certifying High Support to be constituted under Section 38 of the Act;
 - » Authorities to be notified for mobilizing the community to provide support to exercise legal capacity under Section 15 of the Act.
- ix. The Department of Women and Child needs to monitor Child in Need of Care and Protection homes under the Juvenile Justice (JJ) Act that have children with disabilities sent there by Child Welfare Committees (CWCs) and introduce special rehabilitation measures for such children by providing special educators and therapeutic rehabilitation services to enable these children face the world once they leave these homes on completion of 18 years of age.
 - x. The State could consider using the disability pension and special pension of Rs. 1200/- (Rupees One Thousand Two Hundred Only) for intellectual and multiple disabilities to provide additional facilities to the child within the institution instead of depositing the amount in the child's bank account.
 - xi. Seva Dham in Ujjain needs to be monitored and evaluated as this institution houses a huge number of adults with intellectual disability amongst other disabilities and is being run by an Ashram without any regular support from the Government.
 - xii. Caregivers were found lacking in residential institutions. Government run home for the intellectually impaired (Shashikiya Mansik Roop Sey Avikshit Balak Balika Avasiys Vidyalaya) had no caregivers in boys hostel and only part time staff was made available in the hostel.
 - xiii. There was a general lack of healthcare facilities in institutions. They need to empanel specialized doctors and regular gynecological and dental checkups need to be carried out.
 - xiv. Institutions need to have diet plans drawn up by dieticians and nutritionists especially for those children who require special diets. No institution had nutritionists visiting.
 - xv. Emphasis needs to be given towards imparting vocational training to children.
 - xvi. Asha Niketan School for the Deaf needs to make its premises accessible.
- 13.17 Shri Rajive Raturi, Special Monitor (Rights of Persons with Disabilities and Elderly Persons) visited organizations registered under National Trust in Delhi to understand the Samarth and Gharonda schemes of the National Trust on 19th-20th December 2019. The visits were undertaken in Ashiana Gharonda Home and Manovikas Charitable Society in Delhi along with a meeting with the officials of the National Trust. The recommendations that emerged from the visit report and the meeting with the officials are as follows:



- i. The Special Monitor recommended the need to monitor, evaluate and implement remedial measures for improvement in all residential facilities run under the National Trust in line with directions of Supreme Court in Reena Banerjee vs NCT of Delhi.
- ii. There is a need to accelerate the process of amending the National Trust Act to harmonize it with the Rights of Persons with Disabilities Act, 2016.
- iii. It is recommended to consider increasing the corpus of the National Trust substantially.
- iv. There is a need for making States and Union Territories (UT) responsible and accountable for implementing National Trust programmes and schemes at the State and District level as disability is a State subject.
- v. The Special Monitor recommended the need to reinstate improved schemes and programmes which have been reduced/discontinued over the years.
- vi. Establish institutions under the Gharonda and Samarth programmes in line with target populations of disabilities under the National Trust Act in each State and UT.
- vii. Exercise powers conferred on the National Trust as a statutory body to lease out State Government buildings for setting up permanent Gharonda homes in all States and UTs of the country.

13.18 Shri Rajive Raturi, Special Monitor (Rights of Persons with Disabilities and Elderly Persons) visited various institutions related to persons with disabilities in Rajasthan from 5th-8th February 2020. The institutions visited were Government Mentally Retarded Women & Children Rehabilitation Home, Shree Nirmal Vivek School for Intellectually Disabled, Seth Anandilal Poddar Deaf Senior Secondary School, Prayas Vocational Training Centre and Special School, Nari Chetana Samiti, Rajasthan Netraheen Kalyan Sangh and Rajkiya Shishu Graha. The observations and recommendations that emerged from the visit report of the Special Monitor and from his meetings with government officials in Rajasthan are mentioned below:

- i. The Rajkiya Shishu Graha does not appear to be equipped to handle bed-ridden children with disabilities and neither are there any interventions within the institute for children with any form of disability. As the years of 0 to 6 are crucial in the development of children, early identification and interventions are extremely important. Such homes, across the state, need to be linked to Rashtriya Bal Swasthya Karyakram (RBSK) scheme of the Government of India. Shishu Graha can also connect with institutions like 'Disha' and 'Umang' for support in early intervention as this is important.
- ii. The Government Mentally Retarded Women & Children Rehabilitation Home carries out its own restoration process for children in which the CWC is not involved. In the last five years very few children have been restored; the CWC must play a key role in restoration. The caregivers in the institution have not been trained; the institution must consider training them. The caregiver to resident ratio is also low, both in the male and female section; the institute needs to take action in this regard. Lack of CCTV in the hostel also



needs reconsideration as all hostels for the intellectually disabled also need to have cameras to monitor safety and security within hostels. Hostels should have CCTV cameras installed and female wardens should monitor footage for girls' hostels and male wardens should monitor footage for boys' hostels. Tonsuring of residents upon entry needs to be avoided. Institution has the largest pieces of equipment in Rajasthan and it needs to have permanent physiotherapy staff; at present there is no financial provision for permanent therapists. Institutions should have permanent therapists. While there is a special diet for children, adult residents too would have special diet requirements and this should be looked into; nutritionists and dieticians need to be consulted at regular intervals. Apart from special educators, music, yoga and dance teachers should also be appointed in the school. Some kind of incentive could also be given to the residents for the vocational work they do.

- iii. As government schools do not have special educators and Prayas is already carrying out training in 12 government schools, it can do similar training for teachers in all government schools. The education department should consider Prayas Vocational Institutions to train other teachers in government schools across all districts for inclusive education and also finance such training as the RPD Act 2016 now requires all educational institutions to provide inclusive education. Further, the Prayas Centre has not received any grant in the last one year; there has been no state government support for this centre, this also needs to be looked into.
- iv. At the Seth Anandilal Poddar Deaf Senior Secondary School, while there is a speech therapy room, there are no speech therapists hired. The teachers are imparting speech therapy currently. Speech therapists must be employed as permanent staff of the school as it is a big institution with over 800 children with hearing impairment.
- v. Not all residents of Rajasthan Netraheen Kalyan Sangh receive disability pension. Further, the ratio of caregivers to residents also appears to be low. These issues need to be attended to at the earliest. More vocational training courses need to be introduced at the institution and the children should receive the payment for the vocational work they carry out. The salaries of the special also need to be increased. The Special Monitor notes the government grade three teachers receive Rs.50-60 thousand as salary compared to whom the special educators receive way less.
- vi. Grab bars should be provided in the bathrooms and toilets of Nari Chetana Samiti. The building is also very inaccessible for residents who use walking aids as they are housed on first and second floors; the building should be renovated to include lifts and ramps. The caregiver to resident ratio should also be improved at this institution. There should also be a common prayer room for the residents. The government must consider revising rent payable to old age homes for rent city-wise as accessibility of old age homes is important.
- vii. No disaggregated data on the number of women with disabilities availing benefits under maternal health scheme are available with the Women and Child Development



Department. The Government is obligated to ensure achievement of Goal 3 of the Sustainable Development Goals (SDGs) and disaggregated data is important to maintain if achievement of SDG 3 is to be evaluated in the context of women with disabilities. Therefore, the government should maintain the required data.

- viii. Whilst restoration of intellectually disabled remains a challenge, the CWCs are better equipped for restoration with their links with the police department. The special monitor recommends that they should then play a proactive role in restoration of such persons. CWC's need to take this responsibility across all districts of the state.
- ix. In light of the Supreme Court directions in *Rajiv Raturi vs. UOI* judgment dated December 2016, the State needs to generate budgetary provisions for ensuring accessibility in government buildings and initiate the process of providing accessibility as there is already a delay in meeting this target. The State also needs to submit a plan for making transport accessible by retrofitting old buses unlike other states which have already started the retrofitting process and given a time plan to complete the same. The state needs to look into this aspect in compliance of the Supreme Court judgement. Lastly, the state needs to initiate the process of making documents in public domain accessible.
- x. Concerning *Pankaj Sinha vs. UOI*, the State needs to follow directions of the Supreme Court and consider formulation of a scheme which should provide a minimum assistance on a monthly basis to persons with leprosy. The government should also provide micro-cellular rubber (MCR) footwear free of cost. The government must formulate a community based rehabilitation scheme which shall cater to all basic facilities and needs of the leprosy affected persons and their families, and organise seminars at all levels which serve as platforms to hear the views and experiences directly from the leprosy cured persons and their families, as well as doctors, social workers, experts, NGOs and government officials.
- xi. In implementation of Rights of Persons with Disabilities Act 2016, the state needs to do the following: set up the Advisory Board; appoint State Commissioner for Disabilities; issue notification to Executive Magistrates informing them of their role in protecting persons with disabilities against ill treatment, violence and abuse (Section 7); notify Assessment Board for certifying High Support (Section 38); constitute the Advisory Committee comprising of not more than five members drawn from the experts in the disability sector (Section 79 Subsection 7); notify equal opportunity policies with State Commissioner Disabilities; increase quantum of assistance in the poverty alleviation schemes by 25% for people with disabilities (Section 24); notify authorities for mobilizing community for providing support to exercise legal capacity (Section 15).



CHAPTER 14

Business, Environment and Human Rights

- 14.1 The United Nations Human Rights Council endorsed the “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework” in 2011. This framework consists of the state duty to protect against human rights abuses; the corporate responsibility to respect human rights; and greater access by victims to effective remedies. The major contribution of the Guiding Principles has been to clearly set out the duties of States to protect human rights and provide access to a remedy when they are breached, and the responsibility of all businesses, regardless of their size, sector, location, ownership and structure, to respect human rights.
- 14.2 As part of the corporate responsibility to respect human rights, companies have joined together, in some cases with governments, international organizations and/or Non-Governmental Organizations (NGOs), in voluntary initiatives to address some human rights issues. An increasing number of companies are taking positive steps to promote human rights.
- 14.3 The Commission is of the view that National Human Rights Institutions (NHRIs) can contribute to the promotion and protection of human rights within the corporate sector through, among other things, monitoring and reporting on human rights abuses in the business sector, facilitating legal and administrative reforms, and building capacity of government institutions and private sector enterprises to enable them to protect and respect human rights respectively. In the context of UN Guiding Principles (UNGPs), the National Human Rights Commission (NHRC) is uniquely positioned in the country to act as a convener for the associated initiatives. Since, the Commission is a symbol of India’s concern for the promotion and protection of human rights, this would enable it to engage effectively in the field of business and human rights.
- 14.4 The Commission is committed in taking forward the agenda of business and human rights.

A. Core Group Meeting on Business, Environment and Human Rights

- 14.5 The meeting of the Core Group on Business, Environment and Human Rights was held on 12 February 2020 at 11 a.m. in NHRC. The meeting was chaired by Justice Shri H.L.Dattu, Hon’ble Chairperson. NHRC officers, namely, Shri Jaideep Govind Secretary General, Shri Prabhat Singh, Director General (Investigation), Shri Surajit Dey, Registrar (Law), Shri R.K.Khandelwal, Joint Secretary (A&R), Ms. Anita Sinha, Joint Secretary (P&T), and Dr. M.D.S. Tyagi, Joint Director (Research) were present in the meeting along with other Core Group members.



14.6 The objectives of the meeting were to discuss the research project findings of two research study entrusted by NHRC to Indian Institute of Management (IIM) Bengaluru and Partners in Change, Delhi on “Assessment and Evaluation of Business and Human Rights Reporting by Corporate India” and “Study to understand functioning of companies’ response systems vis-à-vis key Human Rights violations” respectively. Further, the discussion continued to the National Baseline Assessment for the National Action Plan for Business and Human Rights (NAP-BHR) and assessing the need for a framework in Companies for handling Human Rights violations properly.

14.7 After an intensive discussion, the following recommendations emanated:

- i. The governance structure should create awareness in the corporate sector, as business does not understand Human Rights at all and there is a deeper unconsciousness within the workers and companies of different sectors. The industry needs more awareness and capacity building around business and human rights.
- ii. The governance structure should ensure operational grievance redressal mechanism at local level, where companies have a very important role to play.
- iii. The governance structure should ensure that all individuals and groups, whose human rights are impacted, have access to effective grievance redressal mechanisms. There is also a need to make reporting of human rights violations mandatory.
- iv. There is a need to analyse the role of NHRIs in the development process of NAP-BHR.
- v. There is a distinction between Corporate Social Responsibility (CSR) based approach and Human Rights based approach. CSR is about sustainable development goals whereas Human Rights in business are about how companies do their business responsibly.
- vi. With regard to Pillar I, the Government of India should act as a massive facilitator and not only as a regulator.
- vii. The governance structure should have suggestive guidelines for Ombudspersons and Grievance redressal in the private sector. The suggestive guidelines would help bring in standardized systems for the remedy aspect of UNGP and NAP.

B. Research Studies entrusted by the Commission on the subject Business and Human Rights

14.8 The Commission had entrusted a research study on “Corporate Duty to Respect Human Rights in India An Empirical Study on the State of Human Rights Practices by Business firms in India” to IIT Bombay. The Principal Investigator of the project was Prof. Dinesh Sharma.

- i. The main objectives of the study were:
 - » Empirically study the perception of existing practices of business firms held by stakeholders—management, employees and suppliers.



- » Study the gaps between “what firms say”, “what is” and “what should be”.
- » Analyse if the practices and gaps differ based on firms’ ownership status.
- ii. The major recommendations that emanated from the project are given below.
 - » Asking firms to do due diligence in the supply chain. (company should screen and monitor all major suppliers, contractors, sub suppliers, joint-venture partners, and other major business associates for commitment on human rights/social issues).
 - » To convince private enterprise to ensure fair representation (and recruitment) from weaker sections - Dalits/Scheduled Tribes/Scheduled Caste in the firms. This will ensure the respect for “weaker” sections of the society.
 - » To see if the company has mechanisms for hearing, processing, and settling the grievances of the local community (wherein they operate).

14.9 The Commission had entrusted a research study on “Assessment and Evaluation of business and Human Rights Reporting by Corporate India”

- i. The Commission approved a research proposal titled ‘Assessment and Evaluation of business and Human Rights Reporting by Corporate India’ to IIM Bengaluru. The Principal Investigator of the project is Prof. Vasanthi Srinivasan, Organisational Behaviour and Human Resource Management, IIM-Bangalore on 23 October 2018.
- ii. The duration of the project was 12 months with a budget of ₹6,00,000/- (Rupees Six lakhs only).
- iii. The main objective of the study is to carry out a comprehensive assessment of Labour/ Employee rights commitment through\Corporate Responsibility Reporting (CRR) that analyses the dimensions of employee rights that are relevant and meaningful for reporting.
- iv. Focus Group: Specific industries like IT services, Pharmaceutical and Logistics Companies.
- v. Anticipated Project Outcome
 - » The primary output of this research study:
 - Status of reporting on Labour/Employee Rights in the sample sectors.
 - Framework identifying the dimensions/variables that are relevant, that could potentially create impact on business and the reporting trends on the same.
 - » The secondary output of this research study: Publication of academic paper based on the learnings.

14.10 The Commission had entrusted a research study on “Study to understand functioning of companies’ response systems vis-à-vis key Human Rights violations”

- i. The Commission approved a research proposal titled ‘Study to understand functioning of companies’ response systems vis-à-vis key Human Rights violations’ to Partners in Change,



Delhi. The Principal Investigator of the project is Shri Pradeep Narayanan, Director, Partners in Change on 24 October 2018.

- ii. The duration of the project was 6 months with a budget of ₹3,50,000/- (Rupees Three lakh Fifty thousand only).
- iii. The main objective of the study is to create case studies with research-based evidence generation, which can be used by the state, non-state actors and corporate for mobilizing efforts to institutionalize systems to address issues faced within and outside the workspace by the companies.
- iv. Focus Group: Five companies from selected from a varied range of industries
- v. Anticipated Project Outcome
 - » The study would create five robust case studies mapping company policies & actions along with primary stakeholder voices.
 - » Study will be a good resource for furthering the debates around issues of Business & Human Rights.
 - » Companies as well as the Government Institutions can use these for creating robust systems for handling & addressing human rights issues.

C. Illustrative cases for the year 2019-20

1. **Death of three labourers of Village Chitrodiya, District Dahod, Gujarat due to Silicosis/ Silico Tuberculosis as a Public Health Hazards/Environmental Pollution caused in stone quarries.**

(Case No. 334/6/9/2010)

- i. This case pertains to death of 3 persons, namely, Shri Shaileshbhai Chokhabhai Damor, Shri Kasubhai Gobarabhai Damor and Shri Zokhabhai Surtanbhai Damor due to Silicosis/ Silico Tuberculosis in Village Chitrodiya, District Dahod, Gujarat and non-payment of monetary relief to the next-of-kin (NoK) of the deceased persons.
- ii. The Commission took cognizance in the matter on 21.4.2010 and directed District Collector, Dahod, Gujarat to submit a report including whether the NoK of the three deceased had been paid any monetary relief or not. Pursuant to the directions of the Commission, District Magistrate, Dahod, Gujarat, submitted that a total of 21 labourers died of Silicosis/Silico Tuberculosis. Nine persons were found to be suffering from Silicosis, had been provided treatment by the National Institute of Occupational Health, Ahmedabad.
- iii. While observing that it was a clear case of violation of human rights of the 21 workers, who had died of Silicosis in the District Dahod, Gujarat, the Commission issued a notice to the Chief Secretary, Government of Gujarat, calling upon him to show-cause as to why the NoK of the 21 deceased be not recommended monetary compensation of Rs. 4,00,000/-



(Rupees Four Lakhs Only) under Section 18 of the Protection of Human Rights Act, 1993, to be paid by the Government of Gujarat. Out of Rs. 4,00,000/- (Rupees Four Lakhs Only), Rs. 2,00,000/- (Rupees Two Lakhs Only) was proposed to be given to the NoK of the deceased in cash and rest of the amount of Rs. 2,00,000/- (Rupees Two Lakhs Only) be kept in their Fixed Deposit Account, which would be available to the NoK of the deceased in the shape of monthly interest. Subsequently, the Commission made recommendations for payment of monetary compensation to all 21 deceased persons.

- iv. Pursuant to the directions of the Commission, Deputy Secretary, Labour and Employment Department, Government of Gujarat, Gandhinagar submitted a compliance report dated 16.4.2019 which is under consideration of the Commission.

2. Death of a number of people due to lung disease caused by the pollution by the Pyrophyllite Grinding Unit factory and other illegal limestone mines in Madarangajodi village in Keonjhar district in Odisha

(Case No. 4572/18/7/2014)

- i. The Commission received a complaint from Smt. Sangita Swain, Secretary, Human Rights Watch alleging death of labour in illegal limestone mines. She further alleged that the deceased Daburi Khuntia, along with 50 persons, died of lung disease in Madarangajodi village which was consequently nicknamed as widow village. She submitted that the people were depending upon the illegal limestone mines for labour work where environment and pollution department closed the said illegal mines
- ii. In compliance of the Orders of the Commission, the Collector and District Magistrate, Keonjhar, Odisha submitted a report stating so many persons had been affected from lung diseases due to running of Pyrophyllite Grinding Unit factory located inside the limestone mines in Village Madarangajodi, Police Station Sadar, District Keonjhar. The said factory was closed down since, 2007 and dismantled during December, 2008.
- iii. The Regional Officer, State Pollution Control Board (SPCB), Odisha, reported that most of the workers died while working in the pyrophyllite grinding unit factory situated inside the mines of M/s Banwarilal Newatia. It was reported that the Assistant. Labour Commissioner was directed to initiate a case against M/s Banwarilal Newatia under Workmen Compensation Act for adequate compensation to the kin of the victim.
- iv. Upon examining the above reports, the Commission directed the District Magistrate, Keonjhar, Odisha, to submit details of the compensation paid to the NoK of the deceased workers along with proof of payment at the earliest. The Labour Commissioner was also directed to submit the action taken report against the said unit at the earliest.
- v. District Magistrate Keonjhar, submitted a report stating therewith that Commissioner of Employees Compensation cum Assistant Labour Commissioner, Keonjhar had intimated that the NoK of the deceased worker had been contacted in person for filing the claim



application under Section 22 of the Employees Compensation Act, 1923 read with Rule 23 of the Workmen Compensation Rule, 1960 and on the basis of claim application, notices had been issued to the employer M/s Banwarilal Mewatia to deposit compensation as per Employees Compensation Act, 1923. All the cases were under adjudication and steps had been taken for expeditious disposal and payments.

- vi. Joint Labour Commissioner, Odisha, vide communication dated 02.06.2016 had intimated that claim cases of 29 deceased persons had been processed, about remaining 22 deceased persons, necessary steps were being taken for collection of claim application and for filing of cases.
- vii. The Commission perused the records and observed that the team of Regional Officer, SPCB, Keonjhar, Chief District Medical Officer (CDMO), Keonjhar and Sub-Collector and Sub-Divisional Magistrate (SDM), Keonjhar in their joint report dated 29.1.2015 has stated that 15 persons namely Tukulu Munda, Ranjeet Khuntia, Jhadeswar Khuntia, Dhaneswar Barik, Bhadri Khuntia, Keshab Khuntia, Ganga Mahakud, Chatrubhuj Behera, Ugrasen Barik, Gajendra Behera, Chandramani Barik, Chandra Khuntia, Duryodhan Barik, Basu Patra and Sunaia Munda, who were working in Pyrophyllite Grinding Unit Factory situated in Mines of M/s Banwari Lal Newatia, are now dead, and 8 persons namely Natha Munda, Jadav Dehury, Jadav Dehury, Sridan Munda, Makru Patra, Sana Munda, Diglu Munda and Saiba Munda, who were working in the Pyrophyllite and Quartzite Mines of M/s Banwarilal Newatia at Madarangajodi, are also now dead, were suspected cases of Pneumoconiosis.
- viii. The Commission, therefore, called upon the Secretary, Government of Odisha, to show cause as to why a monetary compensation of Rs. 4,00,000/- (Rupees Four Lakhs Only) [Out of Rs. 4,00,000/- (Rupees Four Lakhs Only), Rs. 2,00,000/- (Rupees Two Lakhs) be given to the next of kin of the deceased in cash and rest of the amount of Rs. 2,00,000/- (Rupees Two Lakhs) be kept in their Fixed Deposit Account, whose interest will be paid to the NoK of the deceased regularly] should not be recommended under Section 18(a)(i) of the Protection of Human Rights Act, 1993 to be paid to the NoK of the 15 workers working in the Grinding Factory located inside the lease of Madarangajodi Pyrophyllite and Quartzite Mines of M/s Banwarilal Newatia and 8 person Persons working in the Pyrophyllite and Quartzine Mines of M/s Banwarilal Newatia at Madarangajodi.
- ix. The Chief Secretary, Government of Odisha, was also asked to formulate a scheme for rehabilitation of the persons who are suffering from Silicosis on the line of the scheme adopted by the State of Haryana (a copy thereof was enclosed) and submit the scheme adopted by the State of Odisha within eight weeks.
- x. Chief Secretary, Government of Odisha, was further asked to conduct a detailed survey in the State of Odisha, to find out cases of Silicosis in the industries/areas where it was most prevalent and submit the report within eight weeks.
- xi. Pursuant to the directions of the Commission, Joint Secretary, Government of Odisha, Home



Department endorsed a copy of the communication dated 23.07.2019 addressed to the Principal Secretary to the Government of Odisha, Labour and Employees' State Insurance Department requesting him to submit reply to the Show Cause Notice immediately to the Commission. However, no further communication was received thereafter from the Government of Odisha

- xii. Under these circumstances, the Commission while considering the matter on 27.01.2020 presumed that there was nothing to oppose the Show Cause Notice dated 05.02.18 by the Government of Odisha and accordingly, confirmed the Show Cause Notice issued to the Chief Secretary, Government of Odisha and recommended to the Government of Odisha to pay a monetary compensation of Rs. 4,00,000/- (Rupees Four Lakhs Only) [Out of Rs. 4,00,000/- (Rupees Four Lakhs Only), Rs. 2,00,000/- (Rupees Two Lakhs) be given to the next of kin of the deceased in cash and rest of the amount of Rs. 2,00,000/- (Rupees Two Lakhs) be kept in their Fixed Deposit Account, whose interest will be paid to the NoK of the deceased regularly]. The Chief Secretary, Government of Odisha is required to submit compliance report along with proof of payment within a period of six weeks positively.
- xiii. Chief Secretary, Government of Odisha, was again reminded to formulate a scheme for rehabilitation of the persons who are suffering from Silicosis on the line of the scheme adopted by the State of Haryana (a copy thereof is enclosed) and submit the scheme adopted by the State of Odisha within six weeks positively.
- xiv. Chief Secretary, Government of Odisha, was reminded to conduct a detailed survey in the State of Odisha, to find out cases of Silicosis in the industries/areas where it is most prevalent and submit the report within six weeks positively.
- xv. Response from the State Government is awaited.





CHAPTER 15

Human Rights Education, Training and Awareness

15.1 The National Human Rights Commission (NHRC) of India has the mandate to protect and promote human rights. Section 12(h) of the Protection of Human Rights Act, 1993 (PHRA) also envisages that NHRC shall spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means. NHRC has been involved in spreading human rights awareness among functionaries of government, especially police, besides students, NGOs and members of the general public.

A. Research Project

15.2 The Commission had entrusted a research study titled **“Paving the Way Forward- Challenges for Protection, Dissemination and Promotion of Human Rights Education through Law Schools: A Study of North India”** to Himachal Pradesh National Law University (HPNLU), Shimla. The Principal Investigator of the project was Dr. (Prof.) Subash Chander Raina, Vice Chancellor, HPNLU. Following were the objective of the study:

- i. Assessing the status of Human Rights Education (HRE) in Law Schools/Universities in India.
- ii. Role and Methods adopted by such institutions in disseminating HRE in society.
- iii. Results achieved by such methods or the extent to which such methods have been useful for spreading HRE.
- iv. Follow up programs in vogue for retaining and enhancing HRE by such institutions.
- v. Suggest measures which can be used by Law Schools/Universities to enhance HRE in India.

15.3 The key observations were that at the philosophical and theoretical levels, individuals and institutions alike grant the issue of Human Rights due consideration. It is an issue that is talked about in extremely serious terms. Appropriate space in syllabi and extra-curricular activities seems to be granted to HRE. However, record keeping with regard to the specific details of HRE related events could be improved. Moreover, the syllabi could be re-developed and a structured curriculum should be made in such a way that it gives a clear signal to the teachers as well as the students that the element of Human Rights is quite central to the legal courses. In the absence of such clarity, Human Rights merely becomes an appendage to a course and therefore its psychological impact gets dampened.



15.4 Based on the findings discussed above, the study has the following recommendations to make:

- i. A Common Action Plan (CAP) to be drafted by all concerned agencies for a successful follow up of HRE related activities.
- ii. More courses with a component of Human Rights must be introduced at institutional levels. Elements of human rights should be clearly identified which can be incorporated in the different main/core law exam papers in different years of study.
- iii. Course content must be designed as per industry requirements so that practitioners could be absorbed appropriately.
- iv. NHRC of State Agencies must provide financial support to NGOs to disseminate HRE.
- v. Community contact programs at panchayat level must be introduced and followed up more rigorously.
- vi. Universities/Colleges/Institutions must play a more active role in dissemination of HRE. The human rights books available in the library may be electronically uploaded and shared with other National Law Universities/law universities/colleges for widespread knowledge sharing. Also, as part of the outreach on human rights, the report suggests a model break up of select institutions which must necessarily be visited by the law students as part of their course.
- vii. The dissertation of M.Phil./Ph.D. students may be uploaded on the institution's website, if otherwise not barred procedurally.
- viii. There must be either half yearly or yearly reporting of all HRE activities being conducted at various levels to a zonal center such as the state human rights commissions.
- ix. Proper records must be maintained and a feedback/review system must be instituted at the institutional levels.
- x. More projects like this at larger scale must be commissioned across the country specially in Jammu & Kashmir and North East States, which happen to be zones of conflict.
- xi. Establishment of Human Rights Cells across big corporate houses and human rights must be systematically included in Corporate Social Responsibility (CSR) regulations. Under the CSR by the corporations, human rights education may be suggested to be incorporated as an eligibility criterion for jobs.
- xii. There has to be a formal arrangement that law schools must make whereby a distinction between HRE related activities is made from other aspects of legal training.
- xiii. Complete, compulsory courses on Human Rights instead of optional ones have to be designed and introduced in departments where they do not exist already.
- xiv. It has to be reiterated that tie-ups have to be devised at various levels: a) Between local institutions and community- with panchayats, Municipal corporations etc. for data as well



as for follow ups. b) There has to be a constant monitoring of these programmes and tie-ups by a nodal agency.

- xv. A significant investment has to be made in the publication of more periodicals, and work needs to be done on increasing the presence of HRE related issues on the internet. A special website dedicated to such a cause should be a great step.
- xvi. Private universities need to have a Human Rights Cell with proper reporting to an agency such as University Grants Commission (UGC) or NHRC. An Human Rights Cell may be recommended to be set up in all National Law Universities/Universities with Law and Political Science Departments in order to give due importance and focus to this discipline.
- xvii. In the National Law Universities and the 26 State Human Rights Commissions (SHRCs), a joint Memorandum of Understanding for cooperation on human rights related issues for holding of workshops, conducting joint research and other extension activities is recommended.

15.5 Based on the findings of the present research study, the report may like to suggest further course of action and road ahead including a Phase-II research project on clearly focused areas identified in the present study.

B. Training Programmes Organised by the NHRC

15.6 During the period under review, the NHRC undertook various activities to promote human rights education, training and awareness in the country. The Training Division of NHRC is spreading human rights literacy through training programmes on human rights issues through collaboration with Administrative Training Institutes, Police Training Institutes, SHRCs, Central and State Universities and Colleges and through credible Non-Governmental Organizations. Apart from these, a one month Internship Programme twice in a year, i.e. Summer & Winter is organized by the NHRC within its premises for the university/college students of different States of the Country where a stipend of Rs. 8,000 is paid to the student intern and they are provided with lunch and refreshment throughout the day. The Short-term Internship Programme of fifteen to thirty days for the students interested in the field of Human Rights is available throughout the year.

15.7 As part of its mandate, during the year 2019-20, the Commission had approved 140 training programmes of 140 Institutes relating to various aspects of human rights. Out of these, NHRC has released funds to 79 Institutions for organizing the training programmes on Human Rights. 78 training programmes were successfully organized /conducted by various Institutions/ Universities/ Colleges/ Police Training Institutes /Administrative Training Institutes / NGOs all over India for human rights awareness and attended by more than 7700 participants.

i. Summer and Winter Internship Programmes

- » The NHRC has been regularly conducting internship programmes of one month duration each year. During the year 2019-20, the Summer Internship Programme was



held from **15.05.2019 to 14.06.2019** in which **47 interns** from diverse universities/ colleges of States and Union Territories of India participated.

- » The Winter Internship Programme was held from **17.12.2019 to 15.01.2020** comprising a total of **62 interns** from different universities/colleges of States and Union Territories of India.
- » The mandate of Government of India's policy of reservation is applied while selecting the students which is done by a Selection Committee.
- » The Commission invites very senior Government of India Officers of the rank of Secretary, Chief of Army Staff, Chiefs of Central Armed Police Forces, Special Rapporteurs, representatives of eminent NGOs, Gandhians etc. to address and interact with the students interns of all the internship programmes.
- » From the point of view of giving hands on experience to the participants of the internship programmes, the students were taken for field visits to Central Jail, District Jail, Police Stations, NGOs and Shelter Homes and office of the Scheduled Castes & Scheduled Tribe Commission. The interns were also attached with various Division of the Commission and given project assignments on different aspects of human rights situation in the country on which they worked and submitted reports.
- » The interns are made to read one book on any aspect of human rights on which they write an original book review. This helps them ingrain the conceptual clarity of the subject. Cash prize to the best 3 interns of Summer and Winter Internship Programme is given based on punctuality, participation, visit reports, project report and book review report.



Summer Internship programme held from 15.05.2019 to 14.06.2019

- ii. **Short Term Internship Programmes:** In addition to the Summer and Winter Internship programmes, NHRC also conducts short-term internship programmes for a period of

15 days. This programme is open throughout the year for students pursuing various disciplines including Law. During the short term internship/attachment, students are exposed to the functioning of the various Divisions of the Commission and they are made to work for short stints in each Division. These students are also placed in the Facilitation Centre (MADAD) of the Commission, where they get hands-on experience of interacting with victims of human rights violations. During the year 2019-20, NHRC organized 9 Short Term Internship Programme and 305 students from different universities/colleges/institutes completed the short term internship/attachment with the NHRC. However on account of COVID 19 Pandemic, the short term internship programme for the month of March 2020 could not be held.



Dr. Shobhana Radhakrishnan, Renowned Gandhian, delivering lecture in Short term internship programme (17.02.2020)

- iii. **One Day/Half Day Visits at NHRC- Interaction with Visiting Students from various Universities/Colleges of India:** In view of the mandate entrusted to the NHRC, it is approached regularly by various colleges, universities, educational institutions for allowing their students to visit the Commission so as to get direct information about its organizational structure, functioning and the manner in which complaints are dealt with. The Commission on its part views these participants as emissaries of human rights who, on acquiring knowledge, would zealously spread it to people in their vicinity and their contact circle. During the period 2019-20, more than 1100 students/volunteers of various universities/colleges/ institutes/NGOs visited the Commission. They also visited the Facilitation Centre (MADAD) and the Computer Cell of the NHRC to have hands-on experience about the complaint management system of the Commission.



Students during an Interactive Session by Dr. Ish Kumar, Special Rapporteur, NHRC

- iv. Training Programme for Sub-Inspectors & Inspectors of Delhi Police: A batch of 25 Police Personnel of Delhi Police from Specialized Training Centre, Rajendra Nagar, New Delhi attended a training programme at the NHRC on 12.03.2020. During the programme, the Personnel were apprised about the structure and functioning of the Commission. They were also addressed by the Director General (Investigation).
- v. Sensitization Programme on Human Rights: A One-Day Sensitization Programme was attended by 13 Probationary Officers of Prisons & Correctional Administration Cell, Bihar. The objective was to sensitize the senior level personnel of prisons about human rights, so that they in turn could sensitize the lower staff of prison about the importance of human rights.
- vi. Other activities– Moot Court Competition: A national level Moot Court Competition was also organised by the Commission in collaboration with the Gujarat National Law University, Gandhinagar from 26th to 29th September, 2019 at Gandhinagar, Gujarat.





CHAPTER 16

Human Right Defenders

- 16.1 One of the last notes left behind by Mahatma Gandhi in 1948, expressing his deepest social thought- “I will give you a talisman. Whenever you are in doubt, or when the self becomes too much with you, apply the following test. Recall the face of the poorest and the weakest man [woman] whom you may have seen, and ask yourself, if the step you contemplate is going to be of any use to him [her]. Will he [she] gain anything by it? Will it restore him [her] to a control over his [her] own life and destiny? In other words, will it lead to swaraj [freedom] for the hungry and spiritually starving millions? Then you will find your doubts and your self melt away.”
- 16.2 If anyone will have a serious thought over this talisman of our Bapu, then it is sure that it will inculcate in him to do something for those who are being deprived of their rights for one or other reason. Probably, the Human Rights Defenders (HRDs) work on this talisman only.
- 16.3 On the issue as to who are HRDs, it is worth mentioning here that as even internationally there is no specific definition of who is or can be a human rights defender. The Declaration on Human Rights Defenders, adopted by the General Assembly in its resolution 53/144 dated 8.3.1999 namely “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” refers to “individuals, groups and associations... contributing to... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals” (fourth preambular paragraph).
- 16.4 In this context, an article by the Office of the High Commissioner for Human Rights (OHCHR) as to who is a defender is worth reading wherein it is stated that broadly, human rights defenders can be any person or group of persons working to promote human rights. Defenders can be of any gender, of varying ages and from all sorts of professional or other backgrounds. In particular, human rights defenders are not only found within Non-Governmental Organizations (NGOs) and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector.
- 16.5 Recognizing the role of HRDs, the Declaration on Human Rights Defenders has casted duty on the Member States that States must:
- Recognize the value and important contribution of human rights defenders to peace, sustainable development and human rights;
 - Respect human rights defenders on a non-discriminatory basis, protect them against any



arbitrary action as a consequence of the legitimate exercise of the rights referred to in the Declaration, and ensure access to effective remedies in the case of violations and prompt and impartial investigations of alleged violations;

- iii. Reinforce their work by creating an enabling environment, through legislative, administrative and other steps, promoting public understanding of human rights, creating independent national institutions for the promotion and protection of human rights and promoting the teaching of human rights.

- 16.6 In compliance with the above declaration as well as section 12(j) of the Protection of Human Rights Act, 1993 which has imposed a function on the Commission to encourage the efforts of NGOs and institutions working in the field of human rights, the National Human Rights Commission (NHRC) of India had made recommendations on Human Rights Defenders on 12th October, 2009 which inter alia includes a need to set up a Focal Point for Human Rights Defenders, at NHRC, so that human rights defenders can reach out to it for support. In view of that recommendation, a designated officer from the Law Division of NHRC was appointed as Focal Point for HRDs with specific mobile number (09999393570) and email address- hrd-nhrc@nic.in. Presently, this position is being held by an officer of the level of Assistant Registrar(law) Shri Debindra Kundra.
- 16.7 During the year 2019-20, noticeably, a number of calls were received, even at the odd hours of midnight, by the Focal Point from the Human Rights Defenders under distress seeking urgent help. He immediately took their issues with the concerned authorities telephonically and impressed upon the authorities to ensure safety and security of Human Rights Defenders and to provide protection to them if the circumstances warrant so. Noticeably, the initiatives taken by Focal Point for HRDs during the period of lockdown declared by the Central Government, in view of the pandemic situation prevailing in the country, due to COVID-19, were duly recognized. The gist of the cases/situation wherein Focal Point intervened are at Appendix-A.
- 16.8 The importance of Focal Point for HRDs can be realized from one of the recommendation which has been recently made in NHRC- State Human Rights Commission (SHRC) Annual meet in February, 2020 wherein it is proposed that "All SHRCs shall create a Focal Point to be contacted at the time of distress so that grievance can be addressed quickly to give a proper course for Human Rights for HRDs and NGOs".
- 16.9 Further, ever since NHRC came into existence, endeavor on part of it is to work closely with a number of organizations and individuals, both governmental and non-governmental, to improve the human rights situation in the country along with rendering support and protection to HRDs and with objective of promoting the development of protective mechanisms for HRDs across the country, Commission had reconstituted a Core Group of NGOs as "Core Group of NGOs and Human Right Defenders" on 23.9.2016 with 13 members.
- 16.10 In furtherance of its objective of having close interactions with Civil Societies Groups/HRDs, in the year 2019-20, a meeting of the Core Group on NGOs and HRDs was held on 13.6.2019



at NHRC which was attended by 19 prominent HRDs/NGO working in the field of Human Rights. Some of the recommendations/suggestions emanated after detailed discussion with the participants were a need for revamping the procedure for speedy redressal of complaints given by HRDs, giving more powers and authority to Focal Point of NHRC to take independent action, appointment of more than one officer as the Focal Point so as to make him accessible round the clock and to assigned only such duties pertaining to being a Focal Point for HRDs, issues concerning Special Rapporteur of the United Nation, regarding procedure of transfer of complaints to SHRC, protection of Human Rights Defenders, tagging of complaints on similar incident, to develop jurisprudence on HRDs and also to frame specific laws for the protection of HRDs, steps to prevent fraudulent use of name and logo of NHRC by certain institutions, transparency by uploading all reports including that of Investigation unit of NHRC on portal of NHRC for general/open public view, Legal Aid to HRDs and provisions of credibility certificates to NGOs/HRDs.

16.11 The Commission has played an important role in handling and disposing of complaints pertaining to the Human Rights Defenders which were received by the Commission. During the period 01.04.2019- 31.03.2020, the Commission received 105 complaints pertaining to Human Rights Defenders. Out of the same, the Commission disposed of 22 complaints on merits. Further, till 31.3.2020, 83 cases pertaining to HRDs are under consideration by the Commission. In its resolve to promote and protect the human rights of the HRDs many initiatives have been taken by the Commission. The creation of Focal Point for HRDs, inclusion of a Chapter on HRDs in the Annual Report and publications like "NHRC and Human Rights Defenders: The Growing Synergy" are just a few of the many initiatives of the Commission. The Commission also associates the Human Rights Defenders with its Camp Sitzings and Open Hearing.

16.12 The brief of some important cases dealt with by the Commission with the intervention of Focal Point during the period are as under:

i. **Police Action in Jamia Millia Islamia University Campus on 16.12.2019**

- » Focal Point on HRDs, on 16.12.2019 received a number of telephonic calls on the designated mobile number of the Focal Point for HRDs, 20:00 hrs onwards, from persons claiming to be HRDs and others, for intervention of the Commission on issue of police action in the campus of Jamia Millia Islamia University and subsequent arrest of the students. Initially, the Focal Point had advised them to file an online complaint on the NHRC portal for perusal of the Commission. Accordingly, complaint bearing no. 14926/IN/2019 was lodged by the HRDs on the subject.
- » 23:00 hrs onwards, HRDs had again made repeated requests for intervention by coordinating with police authorities for an access of the HRDs' advocates to students who had been taken into police custody. It was claimed that HRDs' advocates, who were standing outside Kalkaji and New Friends Colony Police Stations, were not being allowed an entry into these police stations. Simultaneously, they had sent the Focal



Point an email on HRD-nhrc@nic.in. The matter was taken up with Deputy Commissioner of Police (DCP) (South East) Shri Chinmoya Biswal for allowing access of advocates to such students and submission of the report within a day. The Focal Point was assured that the same would be facilitated. The email from HRDs was forwarded to DCP (South East) and DCP (South) of Delhi Police for taking cognizance of the complaint.



NHRC Investigation team at Jamia Millia Islamia University Delhi

ii. Detention of members of HRDA and CHRI by Delhi Police from outside Uttar Pradesh Bhawan, Delhi on 23.12.2019

- » Reference: A Whatsapp message was received, at around 13:15 hrs on 23.12.2019, by the Registrar (Law), NHRC on his mobile number wherein it was alleged that ten members of Human Rights Defenders Alert- India (HRDA) including that of Commonwealth Human Rights Initiative (CHRI), who had just arrived at Uttar Pradesh Bhawan, Delhi for peaceful protest, were detained by Delhi Police from outside that Bhawan and taken to Mandir Marg Police Station. These members had sought an immediate action/intervention by NHRC by coordinating with the Station House Officer (SHO), Mandir Marg Police Station. They had also sought a visit by an official of NHRC for their immediate release from the police station.
- » Action: The matter was promptly taken up by the Focal Point, with help of Ms. Manzil Saini, Senior Superintendent Police (Investigation), NHRC, with the DCP (New Delhi Zone), Delhi Police who was having jurisdiction over Mandir Marg Police Station. It was conveyed by the DCP (New Delhi Zone) that no First Information Report (FIR) would be registered against the detained members of HRDA and CHRI and after procedural



formalities, which are required in cases of protest without permission of police/other departments, all such persons would be allowed to leave the police station.

iii. **Alleged case of bonded labour in Misfah, Oman in January 2020**

- » Focal Point received a call from Shri Gautam claiming to be resident of Uttam Nagar, Delhi who made a request for help on issue that he along with four other persons (two from Delhi and other two from Kerala) have been held as bonded labour at Misfah, Oman, by Oman based M/s Aruwad Aluminium Company, Muscat. He was literally weeping and said that he has not received payment for the last seven months and for the last four days he and other persons have not even eaten food as they are penniless now. As per his version, he had gone to Oman on a valid Visa on 17.19.2017, however, his visa has expired now. They had submitted an appeal to the Prime Minister's Office (PMO) for help which was forwarded to the Indian Embassy in Oman but no action has been taken by the Indian Embassy officials. On this telephonic request, a case was registered and an action taken report has been sought from the Secretary, Ministry of Foreign Affairs and the matter is pending before the Commission.

iv. **Apprehension of Secretary, MASUM of getting arrested in one of the meetings of the NGO in February 2020**

- » A Telephonic call was received from Shri Kirity Roy, Secretary, NGO- MASUM, Kolkata on 8.2.2020 stating that "MASUM is going to hold village level awareness programs on 8.2.2020, at village Paraspur under Jalangi Police Station at 1:00 PM and on 10.2.2020 at Char Saheb nagar under Raninagar Police Station, District Murshidabad, West Bengal". He was apprehending that police and administration will obstruct them and he may be arrested. He requested for necessary help on that issue.
- » Action: On receipt of that information, Focal Point contacted Deputy Inspector General, District Murshidabad and Shri Ajit Yadav, Superintendent of Police (SP), District Murshidabad who assured that until there is no situation involving law and order, the police will not intervene in any meeting, leave aside arresting Shri Kirity Roy who is a well known figure in West Bengal. Shri Kirity Roy was accordingly informed with a request to ensure maintenance of law and order in their meetings.

v. **Health condition of Shri Akhil Gogoi who was in Guwahati Central Jail, Assam on 4.3.2020**

- » Acting on a complaint made by Shri Babloo Loitongbam, Human Rights Alert, Manipur, dated 04th March, 2020 on the health condition of HRD Akhil Gogoi in Guwahati Central Jail, the Focal Point contacted Inspector General (IG) Prison, Assam, regarding the issue of deteriorating health condition of Shri Akhil Gogoi who is currently lodged in the Guwahati Central Jail, Assam.
- » IG, Prison informed the Focal Point that the Prison Authority is taking due care of the



health of Shri Gogoi. The Authority has constituted a medical board which is regularly monitoring his health condition. On the issue of denial of access to his wife and legal counsel, he has stated that there is no bar or restriction on his wife or a legal counsel and they can meet him. As per his version, Shri Gogoi himself has refused to meet them.

vi. **Complaint regarding discrimination against people/students from North East (NE) during lock down in some metropolitan cities on 29.3.2020**

- » Response on part of NHRC: Matter of discrimination of NE people taken up with Nodal Officer (Police) of Maharashtra, Delhi, Gujarat and Karnataka who assured positive action in the matter. The Nodal Officer, Maharashtra assured that the local officers and staff are in constant touch with the Mumbaikars who are originally from the north east and all possible help will be provided whenever needed.
- » Commissioner of Police, Karnataka informed that in a case of discrimination against NE students in Mysore Mall was registered against the Mall Manager and its employees.

vii. **Issue of video clipping of incident at Bareilly, Uttar Pradesh wherein migrant workers were washed by the district administration using chemicals to disinfect them on 31.3.2020**

- » Response: The matter was immediately taken up by Focal Point with District Magistrate (DM) Bareilly and Senior Superintendent of Police (SSP) Bareilly. Additional District Magistrate (ADM), City Bareilly informed that the DM has directed the Municipal Commissioner to conduct an enquiry as to who were involved in that incident. ADM has assured to forward that enquiry report for perusal of Commission. SSP Bareilly has also stated so.





CHAPTER 17

International Cooperation

17.1 National Human Rights Institutions (NHRIs) that comply with the principles relating to the status of national institutions, commonly known as the Paris Principles, are playing a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level. Through the Universal Periodic Review (UPR), treaty monitoring bodies, and other international human rights mechanisms, every State is being encouraged to establish an effective and independent NHRI that complies with the Paris Principles, as well as strengthen it where already existing. NHRIs encourage cooperation with a range of actors, among which the United Nations, and in particular, the Office of the United Nations High Commissioner for Human Rights (OHCHR) besides the Global Alliance of National Human Rights Institutions (GANHRI) and the Asia Pacific Forum of National Human Rights Institutions (APF) are of significance.

17.2 During the period under review, the National Human Rights Commission (NHRC) of India, which is a member of the GANHRI and a founder Member of the APF, participated in a number of meetings, seminars, workshops and interactions with foreign delegates in the Commission.

A. Cooperation with the Asia Pacific Forum of National Human Rights Institutions (APF)

17.3 APF is the leading regional human rights organization in the Asia Pacific region which was established in 1996. It is a member-based organization that supports the establishment and strengthens independent NHRIs in the region. It's goal is to protect and promote human rights of people of the Asia Pacific region through a network of member institutions. At the time of drafting of the Annual Report, APF had 15 full members and 7 associate members. These members represent a diverse range of countries across the said region. NHRC India is one of its founding members. Any NHRI in the Asia Pacific can apply to become a member of the APF. Decisions regarding membership are made by the APF's governing body named the Forum Council.

17.4 APF membership is of two types, i.e. full membership and associate membership. Full membership of the APF is equivalent to the GANHRI accreditation of "A status" and associate membership of the APF is equivalent to the GANHRI accreditation of "B status". The NHRIs which are considered fully compliant with the Paris Principles are accredited with 'A status', and the partially compliant are accredited with 'B' status. 'A' status NHRIs are allowed to participate in the



work and discussions of the United Nations Human Rights Council and its subsidiary bodies. The Forum which grants membership, adopts the accreditation decisions of the International Coordinating Committee of National Human Rights Institutions to determine APF membership status.

- 17.5 Annual General Meeting of 24th APF: Shri Jaideep Govind, Secretary General, NHRC attended the 24th Asia Pacific Forum of NHRIs from 3rd - 4th September, 2019 and the Biennial Conference, "Combating Hate and Discrimination: Dignity for All" on 5th September, 2019 at Seoul, South Korea.

B. Cooperation with the Global Alliances of National Human Rights Institutions (GANHRI)

- 17.6 The GANHRI is a representative body of NHRIs established for the purpose of creating and strengthening NHRIs which are in conformity with the Paris Principles. It performs this role through encouraging international co-ordination of joint activities and co-operation among these NHRIs, organizing international conferences, liaison with the United Nations and other international organizations and, where requested, assisting governments to establish a National Institution. It works to create and strengthen National Institutions and to ensure they conform to the Paris Principles. In all its activities and in its Presidency, committees, working groups, etc., the GANHRI ensures gender equality. NHRC India is a GANHRI member with 'A' status accreditation which was earlier accredited in 1999 and subsequently re-accredited in 2006 and 2011.
- 17.7 The Sub-Committee on Accreditation (SCA) of the GANHRI again awarded 'A' status accreditation to NHRC India in 2017 as an acknowledgement of the important work that the Commission has carried out for the protection, promotion and awareness of human rights within the country.
- 17.8 In the session deliberating the 'Merida Declaration', adopted in October, 2015, the NHRC India Delegation led by Justice Shri H.L. Dattu, Chairperson, NHRC delivered a statement on the 'Role of NHRIs in implementing Sustainable Development Goals in compliance with the Merida Declaration'.
- 17.9 India has been unanimously elected as Bureau Member of GANHRI for Asia Pacific Region. India can effectively contribute towards protection and promotion of human rights in the entire region. India's contribution in the field of human rights is not only traditional and historical but imbibes in the Indian Constitution with focus on human dignity, gender, governance, security and sustainable development..
- 17.10 Annual Meetings of GANHRI: NHRC India delegation consisting of Justice Shri H.L. Dattu, Chairperson, NHRC, Justice Shri P.C. Ghose, Member, NHRC and Shri Jaideep Govind, Secretary General, NHRC attended the GANHRI Bureau & Annual Meeting, APF and UPR event of Commonwealth Forum of National Human Rights Institutions (CFNHRI) from 4th -7th March, 2019.
- 17.11 GANHRI Bureau Meeting: Smt. Jyotika Kalra, Member, NHRC and Shri Jaideep Govind, Secretary



General, NHRC attended the GANHRI Bureau Meeting and International Conference on Migration organised by NHRI of Colombia from 19th to 22nd November, 2019 at Medellin, Colombia.

C. NHRC Participation in Other International Meetings & Programmes

- 17.12 Smt. Manzil Saini, Senior Superintendent of Police (Investigation), NHRC and Shri Om Prakash Vyas, Assistant Registrar, NHRC underwent the 2nd component- online learning course for six weeks from August to September, 2019 and 2nd - 3rd April, 2019 at Bangkok, Thailand.
- 17.13 Justice Shri H.L. Dattu, Chairperson, NHRC and Shri Jaideep Govind, Secretary General, NHRC attended the 10th Session of UN General Assembly's Open-ended Working Group on Ageing from 15th to 19th April, 2019 at New York.
- 17.14 Shri Surajit Dey, Registrar (Law), NHRC attended the International Conference on National Regional and International Mechanisms to combat Impunity and ensure Accountability under International Law from 14th to 15th April, 2019 at Doha, Qatar.
- 17.15 Shri Prabhat Singh, Director General (Investigation), NHRC attended the 2019- Partnership of UN Open-ended Working Group on Ageing from 27th to 31st May, 2019 at Seoul, South Korea.
- 17.16 Shri K.K. Srivastava, Assistant Registrar, NHRC attended the South Asia Regional Workshop on Equality, Non-Discrimination and the Justiciability of Economic, Social and Cultural Rights, with the aim of discussing the legal challenges in realization of human rights in India from 28th to 30th June, 2019 at Kathmandu, Nepal.
- 17.17 Shri Khaleel Ahmad, Deputy Registrar (Law), NHRC attended the 12th Session of Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) from 15th to 19th July, 2019 at Geneva, Switzerland.
- 17.18 Shri Indrajeet Kumar, Assistant Registrar, NHRC attended the Communications Network Workshop, hosted by NHRC of Mongolia from 28th to 30th August, 2019 at Ulaanbaatar, Mongolia.
- 17.19 Shri Sanjay Kumar, Under Secretary, NHRC and Shri Nishith, Section Officer, NHRC attended the 22nd Session of the Committee on the Rights of Persons with Disabilities on 2nd and 3rd September, 2019 at Geneva, Switzerland.
- 17.20 Shri D.M. Tripathy, Under Secretary, NHRC and Shri Mukesh, Assistant Registrar, NHRC attended the 31st Session of the Committee for the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) from 2nd to 4th September, 2019 at Geneva, Switzerland.
- 17.21 Smt. Manzil Saini, Senior Superintendent of Police (Investigation), NHRC and Shri Om Prakash Vyas, Assistant Registrar, NHRC attended the face-to-face training workshop of blended learning project on strengthening the capacity of National Human Rights Institutions (NHRIs) in South and South-East Asia to integrate Human Rights in Humanitarian Action from 1st to 3rd October, 2019 at Bangkok, Thailand
- 17.22 Shri C.S. Mawri, Assistant Registrar, NHRC attended the 2nd Intersessional Seminar on Human



Rights Council (HRC) Resolution “38/18” on 8th October, 2019 and the Global consultation on the role of NHRIs in facilitating access to remedy for business-related human rights abuses on 10th and 11th October, 2019 at Geneva, Switzerland

- 17.23 Shri Danny Sharma, Assistant Registrar, NHRC and Shri L. Haridhas, Section Officer, NHRC attended the International Conference on Protection of Rights of the Migrants Workers organized by NHRC, Nepal from 12th to 14th November, 2019 at Kathmandu, Nepal.

D. Interaction with Foreign Delegates in the Commission

- 17.24 The representative of United Nations Population Fund (UNFPA) India, Ms. Argentina Matavel Piccin, accompanied by Ms. Shobhana Boyle, National Programme Officer (Gender & Child Marriage), visited the Commission on 20th January, 2020 for an interaction with the Secretary General.
- 17.25 Ms. Ratna Vishwanathan, Head Strategic Partnerships, United Nations Development Programme (UNDP), New Delhi, along with Mr. Sean Lees, Regional Specialist on Business and Human Rights, Bangkok Regional Hub of UNDP, visited the Commission on 3rd February, 2020 to acquaint the Commission with UNDP’s work in India on the issue of business and human rights.
- 17.26 The Constitutional Committee of the Swedish Parliament, consisting of ten Members of Parliament and the Chair of the Committee, Ms. Karin Enstrom, former Defence Minister of Sweden, visited the Commission on 26th February, 2020 for an interaction and orientation of the work of NHRC, India.





CHAPTER 18

Administration and Logistics Support

A. Staff

- 18.1 As on 31st March 2020, 295 employees were in position against the total sanctioned strength of 356 consisting of various ranks. Over the years, the National Human Rights Commission (NHRC) has taken recourse through various methods with regard to selection of personnel for developing and building a cadre of its own. These methods include direct recruitment, re-employment, deputation, contractual appointments and outsourcing.

B. Documentation Centre (E-Library)

- 18.2 The Library of the Commission was established in 1994 for research and reference purposes. It has been upgraded to NHRC Documentation Centre (E-Library) which is well equipped with computer and Internet services. Database of books, documents and articles is available on the internet for the wider use of readers. These readers include Research Scholars of Universities and other readers working in the field of human rights.
- 18.3 Quality information is the backbone and an essential aspect of any documentation centre. The Documentation Centre keeps important information from different sources and documents to make it available to the Chairperson, Members, officers, staff of the Commission, interns, research scholars and others who are working in the field of Human Rights by providing value-added information services. The database at the centre is continuously updated with documents and information that include books, Journals on Human Rights, Government reports, information received from United Nations, Non-Governmental Organizations (NGOs), National Human Rights Institutions (NHRIs), research papers, unpublished reports, films, Compact Disks (CDs), video cassettes, etc. The compiled information and newspaper clippings are readily available in the Library.
- 18.4 In addition to its primary role of collecting, and preserving information on major topics of human rights, it also actively disseminates up-to-date information to users through electronic books, newsletter, and email services. The Documentation Centre also compiles the Weekly News Digest, which is an initiative to provide data and information on various human rights violations in India. The collected documents and information are updated and uploaded in the website regularly and people from all over the world are able to use this documented information. The



information on various subjects is also made available through e-mail on request. The Library has a record of a digital database of print books on human rights as well as a small collection of fiction and reference books. The Library is computerized, and has evolved into a fully automated library environment with the support of E-Granthalaya (Library software) developed by National Informatics Centre (NIC), New Delhi. The online catalogue of the Library provides an excellent starting point for anyone researching violations of human rights in various sections of the society. Constant efforts are made to update the collection of Library books and documents so that the users can obtain the most recent books, documents, reports, etc.

- 18.5 The Library has about 37,540 books and back volumes of journals. It also has a collection of 559 CD/Digital Video Disk (DVD)/Cassettes. It subscribes to 20 Journals (Indian and Foreign), 30 magazines and 11 National Newspapers. It has an extensive collection of books and documents covering a wide spectrum of human rights and related subjects. During the period under review 1077 new books, Acts and documents pertaining to Human Rights and related subjects were added to the Library.
- 18.6 The Library is also equipped with 2 Online databases i.e. Supreme Court Cases (SCC) Online and Manupatra Online along with Software Package (E-Granthalaya) developed by NIC. Library is modernized with state of the art computers, printers, Close Circuit Television (CCTV) Cameras. An online Open Public Access Cataloguing (OPAC) has been specially developed for quickly ascertaining the availability and location of any book or document available in the library.
- 18.7 NHRC library is an Institutional Member of British Council Library and Developing Library Networking (DELNET), New Delhi, which promotes resource sharing amongst the libraries. Library also maintains close liaison with other Libraries through Inter-Library Loan facilities for accessing and borrowing books, documents and journals.

C. Promotion of Official Language

- 18.8 **National Seminars:** In its efforts towards creating human rights awareness among the masses, the Commission has been organizing National Seminars in Hindi on Human Rights related themes in different parts of the Country. In this regard, following are some of the Seminars organized. (i) National Seminar was organized in collaboration with Visva-Bharati University, Santiniketan, West Bengal on 19-20th August, 2019 on the theme "Poverty, Corruption and Human Rights". (ii) National Seminar was organized in collaboration with Goa University, Goa on 7th February, 2020 on the theme 'Concept of Development, Marginalized Group Human Rights' (iii) National Seminar was organized in collaboration with Sri Venkateswara University, Tirupati (Andhra Pradesh) on 18th February, 2020 on the theme "Social Reforms and Challenges of Human Rights". Hon'ble Members, Secretary General and other Senior Officers of the Commission also participated in these Seminars. Distinguished personalities including representatives from Delhi, Goa, Tirupati, State Human Rights Commission (SHRCs), various NGOs and Media also participated in these Seminars.



Dr. D.M. Mulay, Hon'ble Member, NHRC lighting the lamp at the National Seminar on 'Concept of Development, Marginalized Group Human Rights' organized in collaboration with Goa University on 7th February, 2020

- 18.9 **Mahatma Gandhi Biennial Hindi Writing Award Scheme on Human Rights:** The main objective of the Scheme is to encourage original writing in Hindi on various subjects of Human Rights. With respect to the Award Scheme of 2016-17, the final results were declared and the winners were awarded on 14th November, 2019.
- 18.10 **Translation of awarded books:** The Commission has proposed to publish the awarded books under the aforementioned scheme and get them translated in Bengali, Marathi, Malayalam, Tamil and Telugu in the first phase to enable the intellectuals of the respective areas to take advantage of it. National Book Trust (NBT) has accepted the proposal of NHRC to cooperate in this work. An Memorandum of Understanding (MoU) has been signed with NBT in this regard.
- 18.11 **Publication of Annual Hindi Journal:** Since the dimension of human rights literature is very limited in our country in Hindi language, NHRC started to publish the Hindi Journal in the year 2004 in order to create human rights awareness through creative writing. NHRC published its 16th Volume and released it on Human Rights Day i.e. on 10th December, 2019.
- 18.12 **Hindi Fortnight at NHRC:** To promote the use of official language in its day-to-day working, the Annual Hindi Fortnight, was held from 14th to 28th September, 2019. The officers and staff of the Commission actively participated in the events organized on the occasion. Quiz programme, translation competition and Hindi essay, typing and Sulekh competition etc. were held during the fortnight. Cash prizes and certificates were given to the winners of these competitions.



D. Information and Communication Technology Activities

- 18.13 **e-Office:** The Commission has started the usage of eOffice software. Training of the officers and staff is in progress. The use of e-Office will increase productivity in terms of reduction in the number of printouts taken, movement of file done online, reduction in the requirement of messengers for sending/requisition of files, which will consequently reduce burden on the exchequer. Chances of errors due to multiple soft copies of documents in computers will also be minimised as work will be done on one soft file processed electronically in the e-Office software. The Commission has conducted the training of the officers and staff of NHRC regarding the usage of e-Office software. The training sessions were conducted on 8th and 9th January 2020 and 16th and 17th January 2020 by the e-Office Implementation Team of NIC. The usage of the said software was started from 27th January 2020. Diarisation of receipts, creation of new files and migration of files are under progress.
- 18.14 **eStore:** NHRC has decided to computerize its stores for maintaining records of the items procured, indented and issued. While eStore will help the indentors in tracking the status of indents, Store Managers can get the status of stocks, information regarding repetitive indents of same items, alerts for timely procurement and other useful reports for smooth working of the Commission.
- 18.15 **HRCNet Portal:** NHRC has added following provisions in the HRCNet Portal for effective handling of complaints:
- i. Auto-attachment of soft copies of reports received from Government Authorities with the related case files. This has increased productivity in the Law Division by processing, reducing steps and quick availability of information.
 - ii. Maintenance of records of letters sent to the Central Government Authorities and State Government Authorities separately.
 - iii. Usage of vernacular language for entry of Commissions cases proceedings and printing of letters.
 - iv. Uttar Pradesh (UP) SHRC has been trained in entry of the Commission's proceedings in the software and printing of pre-formatted letters. Provision for sending of the letters in Hindi language has also been provided to the UP SHRC. These two changes will enable to track the status of cases through the portal (<https://hrcnet.nic.in>) and get information about the Commission's proceedings in Hindi language.
 - v. Kerala SHRC Officers and Staff have been trained on HRCNet Portal through video-conferencing for implementing the modules of HRCNet fully. Local NIC officers were also involved in the training for hand holding.
 - vi. Provisions for downloading pending cases list in Excel format and uploading of reports on any pending case has been made in the Government Authority Module. This module is helping the Commission in getting reports online without delay due to post.



- vii. Cases allocation through computer: Commission has started allocation of cases in which reports are to be called to Chairperson/Members using computer.
 - viii. Provision for sending of the letters in Hindi language has been provided to the SHRC of Chhattisgarh. This change will enable the SHRC to enter their proceedings on the human rights cases and to send letters to the Complainants in Hindi Language.
 - ix. NHRC-SHRCs Meeting: Benefits of joining the HRCNet Portal, especially in checking duplicity of cases, were explained in the NHRC-SHRCs meeting held on 20th February 2020. All SHRCs who are yet to join HRCNet Portal were urged to join for minimizing duplicity and efficient handling of complaints.
 - x. The Madhya Pradesh SHRC has been on-boarded HRCNet Portal for receiving the complaints online.
 - xi. Working on HRCNet from home: Necessary changes were made in the HRCNet portal so that Officers and Staff of the Commission can use the software for diarisation/scrutiny of complaints and registration of cases on the complaints from their homes.
 - xii. Presentation of portal to National Commission for Scheduled Tribes (NCST): Officers from NHRC made a presentation on working of HRCNet Portal before Secretary, NCST.
 - xiii. Updation of reports in HRCNet: NHRC has designed and developed a module for attaching the reports and updating details of cases in a simplified manner.
- 18.16 **Workshop on HRCNet Portal:** NHRC has conducted 6 regional workshops for implementation/rollout of HRCNet and CMS software in SHRCs. The workshops were held at Bangalore, New Delhi (3), Mumbai, and Kolkata.
- 18.17 **Migration of NHRC Software Applications to NIC Cloud:** The Commission has migrated its in-house developed software i.e. Real Time Management Information System (RTMIS), Parliament Questions Management Information System (PQMIS), NHRC Today and e-Meeting Planner to NIC Cloud.
- 18.18 **Public Financial Management System (PFMS):** Besides using the software for managing salary, the Commission has also implemented the PFMS for processing Pension and Provident Fund of employees and Expenditure, Advances and Transfer (EAT) Module
- 18.19 **Work on Disaster Recovery by NIC:** NIC is working to make the software and database of the NHRC and SHRCs safe and secure by implementing disaster recovery mechanisms on cloud.
- 18.20 **Newsletter Module for Media & Communication Unit:** The Commission has computerised the contact list which is used for sending newsletters.
- 18.21 **Standardisation Testing and Quality Certification (STQC) of NHRC Website:** STQC has provided its cycle 1 report for the NHRC Website. Required updates are being carried out by the Content Management Framework (CMF) Team of NIC.



18.22 Review of Information and Communication Technology (ICT) Infrastructure: To improve the productivity of the officers and staff of the NHRC, a Committee has reviewed ICT infrastructure of the Commission and recommended the procurement of required items.

E. Administrative, Financial and Manpower Constraints

18.23 The NHRC is Paris Principles compliant which states “the National Human Rights Institutions shall have an infrastructure which is suited for the smooth conduct of its activities, in particular adequate funding and staff. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence from the perspective of human rights”.

18.24 The role of the Commission is expanding day by day and currently it is handling more than one lakh complaints a year reflecting the growing trust reposed by the citizens of India. This necessitates devolution of powers to the Chairperson, NHRC in administrative as well as financial matters.

18.25 The Commission receives grants-in-aid every year from the Government of India, Ministry of Home Affairs. In terms of Chapter VII Section 32 (2) of the Protection of Human Rights Act (PHRA), 1993, “the Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to sub-section (1)”. With this financial independence, the Commission functions efficiently to fulfill its mandate. On financial autonomy accounts virtually no predicament was faced by the Commission during the period. However, the Commission wishes to have financial autonomy to purchase vehicles as the same has not been delegated.

18.26 Presently, the Commission has sanctioned strength of 356 officers and staff, out of which 295 is the present strength. Despite several attempts by publishing various posts in leading English Newspaper, Employment News, in the Website of NHRC and wide circulation of the posts to various Ministries, the Commission could not get suitable officers for many posts. Since its inception, the Commission has never had the full sanctioned strength as compared to the available strength. As a result, due to voluminous complaints, it is compelled to engage retired Government officers as Consultants on contract basis.

18.27 It is pertinent to mention that the amendment/revision in the Recruitment Rules was initially sent to the Ministry of Home Affairs in 2012; however, due to various reasons the same could not be finalized. The Recruitment Rules of the Commission have again been approved by the Full Commission and sent to the Ministry of Home Affairs in the month of May, 2017 for notification, which are under consideration with the Ministry.

18.28 The Commission struggles to cope up with the expectations of the victims of human rights violations throughout the country and is unable to fulfill its mandate of protecting and promoting human rights. The Commission requires creation of various posts for effectively and efficiently discharging its mandate. Shortage of experienced investigating officers who are



required to be provided by the Government as per Section 11(b) of the PHRA, 1993 affected to some extent for conducting spot enquiries on custodial deaths, torture, illegal detention etc. for which sufficient number of experienced staff are required. The Law Division, which is the backbone of the Commission, also faces a lot of problems in performing its pivotal role in handling/disposing of the large number of complaints due to shortage of manpower.

18.29 The Hon'ble Supreme Court of India, vide its order dated 14.07.2017, passed in the matter of Writ Petition (Crl.) No. 129/2012 alongwith Writ Petition (C) No. 445/2012 (Extra Judicial Execution Victim & Anr. Vs. Union of India & Ors.) expressed its concern over shortage of manpower in the NHRC and directed the Union of India to take note of the concerns of the NHRC and remedy them at the earliest with a positive outlook. In this regard, a proposal for creation of following 77 additional posts is under consideration with Ministry of Home Affairs:

Table 18.1: Additional posts proposed to be created

Sl.No.	Name of the post proposed to be created	Number
1.	Senior Superintendent of Police	01
2.	Deputy Secretary	01
3.	Additional Superintendent of Police	04
4.	Assistant Registrar (Law)	02
5.	System Analyst	01
6.	Deputy Superintendent of Police	03
7.	Section Officer	03
8.	Assistant	06
9.	Personal Assistant	02
10.	Inspector	12
11.	Programmer Assistant	01
12.	Deputy Documentation Officer	01
13.	Stenographer Gr. D	06
14.	Data Entry Operator	34
Total		77



18.30 Out of the above 77 posts, the Ministry of Home Affairs has sanctioned 25 posts vide its order dated 10th October 2019 as per the following details:

Table 18.2: Posts sanctioned by Ministry of Home Affairs

Sl.No.	Name of the post proposed to be created	Number
1.	Deputy Secretary	01
2.	Section Officer	02
3.	Personal Assistant	02
4.	Assistant	04
5.	Stenographer Gr. D	02
6.	Deputy Documentation Officer	01
7.	System Analyst	01
8.	Programmer Assistant	01
9.	Assistant Registrar (Law)	02
10.	Sr. Supdt. of Police	01
11.	Deputy Superintendent of Police	02
12.	Inspector	06
Total		25





CHAPTER 19

Non-acceptance of NHRC Recommendations by State Governments

- 19.1 The National Human Rights Commission (NHRC) in exercise of its powers under Section 18(a) (i)(ii) of the Protection of Human Rights Act, 1993 makes recommendations for payment of compensation or damages to the complainant or the victim of the Members of the family and/ or to initiate proceedings for prosecution and such other suitable action as the Commission may deem fit against the concerned public servant.
- 19.2 During the year 2019-2020, recommendations made by the Commission for grant of monetary relief were challenged in a few cases before the courts. Details of such cases have been tabulated below:

Table 19.1: Recommendations made by the National Human Rights Commission challenged before Courts during 2019-2020

S. No.	Details of petition	Details of High Court	Nature of recommendation challenged
1.	WP(Civil)5074/2015 Union of India through Asstt. Security Commissioner Vs NHRC	Jharkhand High Court	Recommendation dated 18.5.2015 for payment of Rs. 5,00,000/- (Rupees 5 Lakhs Only) for death of Sanjay Kumar in custody of RPF.
2.	WP(Civil)/85/2020 Apollo Hospital Enterprise Ltd. Vs State of Orissa & Others.	Orissa High Court	Order dated 25.11.2019 challenged wherein recommendation was made to the State Government for action against the hospital.
3.	CMWP 8878 of 2019 Indian Oil Corporation & Others Vs NHRC & Others	Allahabad High Court	Recommendation dated 29.10.2018 of the Commission for payment of Rs. 2,00,000/- (Rupees Lakhs Only) to the next-of-kin (NoK) of Indirawati R/o Mahoba due to burn injuries from fire leaking due to the cooking cylinder on 5.7.2016.



S. No.	Details of petition	Details of High Court	Nature of recommendation challenged
4.	WP(C)5797 of 2019, Executive Engineer Southco Utility & Others Vs NHRC	Orissa High Court	Recommendation dated 12.10.2018 for payment of Rs. 3,00,000/- (Rupees Three Lakhs Only) for NoK of deceased Haravati Bhatra who died due to electrocution on 4.12.2014.
5.	WP(C)11345 of 2019 (P) Kerala Public Service Commission Vs NHRC	Kerala High Court, Ernakulam	Recommendation dated 28.1.2019 for payment of Rs. 1,000/- (Rupees One Thousand) each to 290 Different Abled candidates.
6.	CWP 12112 of 2019 (O&M) District Food and Civil Supplier and Consumer Affair Controller Vs NHRC	Punjab and Haryana High Court	Recommendation dated 20.6.2018 and 5.3.2019 for payment of Rs. 2,00,000/- (Rupees Two Lakhs) each to beneficiaries of Village Kalotha (Fatehabad) deprived of distribution of Public Distribution System Ration.





CHAPTER 20

Summary of Principal Recommendations and Observations

A. Recommendations emanated during the NHRC- SHRC Meeting held on 20th February, 2020

- i. Setting up of Human Rights Courts:
 - » The format and procedure followed by the Human Rights Courts should be clearly defined.
 - » The definition of Human Rights offences should be clearly identified along with respective punishments and length of the complaints in Human Rights may be shortened and streamlined without delay
- ii. Issues related to Rights of Women, Surrogacy Regulation Bill:
 - » The Surrogacy (Regulation) Act, 2019: There is a need for an inbuilt mechanism under the legally binding agreement for medical care, insurance and other necessities for the surrogate mother. Model Surrogacy agreement should be made part of the Act.
 - » The definition of 'intended couple in the Act should also include their right to become parents as soon as the child is born.
 - » The clause that only close relatives may be allowed to be surrogate, needs to be amended. This restriction may be removed, as more people can be involved in the process.
 - » Economic rights of Surrogate mother/women need to be defined.
 - » Avenues must be created for a gainful employment of women such that economic inequalities do not hinder the holistic development of women.
- iii. Rights of Persons with Disabilities, Right to Food, Rights of Refugees:
 - » Identity cards or certificates should be given to children in orphanage to avoid any problem that leads to admitting them in schools as well as obtaining passports and the effect of the same in their rights.
 - » The mid-day meal scheme was only applicable during school period which creates a burden on poor families during vacation time. Hence food should be provided to children even during vacation.



- » It is suggested that registered orphanage owners or management committees may certify names of parents and address which has to be accepted for the purpose of passport as official.
- iv. Bonded, Migrant and Child Labour, Health including Mental Health, Corona Virus Issues:
 - » Issues related to the accommodation, rehabilitation and compensation of rescued bonded labour should be taken care of and monitored by SHRCs.
 - » There should be strict compliance of registration of migrant labour in source State and destination State with the Labour Department. NHRC has recommended this in a National Conference to the Secretaries and State Authorities.
 - » Under Mental Health, there are various rights of mentally ill patients which need to be dealt, like timely reporting, handling them with dignity and compassion etc.
 - » In health, although Aayushman Bharat has attempted to provide assured medical treatment to all but the focus should be to provide unadulterated food, clean air and water eradicate health problems at their inception.
 - » The compensation for rescued bonded labour cannot be prefixed since every case is unique and needs to be dealt exclusively. However, a set of criteria should be decided by the Registrar (Law) to provide compensation in the matter of rescued bonded labour.
- v. Implementation of HRCNet Portal, Utilization of Common Service Centers (CSCs) in the States and Video Conferencing:
 - » States other than Andhra Pradesh, Himachal Pradesh, Gujarat, Jharkhand, Madhya Pradesh, Tamil Nadu and Telangana are recommended to join the HRCNet Portal. Uploading of complaints, at present, is being carried out by a few States only and more States are recommended to become a part of this endeavor so that duplicity is avoided.
 - » Manpower should be increased for design, development, implementation and support of the HRCNet Portal.
 - » Migration of legacy data in HRCNet Portal should be undertaken by NHRC and SHRCs. Training to be conducted for officials of SHRCs by NHRC, if requested.
- vi. Police & Prison Reforms, Criminal Justice system, Torture & Terrorism:
 - » Orientation programmes for police and prison personnel to enhance their sensitivity for human rights cause may be conducted by each State.
 - » Issues of overcrowding and higher number of under trial prisoners shall be resolved.
 - » Pendency of human rights violation cases shall be reduced.
 - » A 3-tier training module shall be followed to enhance the productivity of SHRCs at the State and District level.



vii. NGOs & Human Rights Defenders and Right to Education:

- » There is a need to have a code of conduct for Human Rights Defenders and guidelines made for them should define their role, method of appointment and if they will be paid any remuneration or not.
- » A mechanism needs to be created to regulate the community of Human Rights activists so that human rights can be promoted and protected.
- » All SHRCs shall create a focal point to be contacted at the time of distress so that grievance can be addressed quickly to give a proper course for Human Rights of Human Rights Defenders and NGOs.

viii. Human Trafficking, Rights of internally displaced persons, LGBTI, Rights of Children:

- » There should be awareness programmes for tribal people in Kerala as cases of Human Rights violations are increasing day by day. The Kerala SHRC requested NHRC to provide them with financial assistance for the same.
- » The Hindu Succession Act and Indian Succession Act provide, both men and women, with access to property rights. These Acts however do not include under its ambit 'transgender', especially 'Hijras'. Hence amendments in these Acts are required.
- » There has been a rise in human trafficking cases in India. The traffickers should be punished and penalized by the Police authorities. The rescued, on the other hand, should be protected and given vocational training.
- » The infrastructure facility and training of Anganwadi centers are unsatisfactory and needs major improvement.

ix. Panchayati Raj Institutions (PRI) and Local Governing Bodies, Rights of Refugees, Common Area of Interest between NHRC-SHRCs :

- » A 3 tier system of Human Rights Institutions should be introduced to deal with human rights issues at District level and emphasis should be laid on the importance of NHRC-SHRC-PRI-ULB (Urban Local Bodies) convergence for better output.
- » A separate Human Rights Budget should be introduced in every scheme for effective implementation of Human Rights Initiatives.
- » Joint research projects between NHRC and SHRCs should be encouraged and workshops should be organized at block level to create awareness.

x. Business, Environment and Human Rights:

- » All States must bring in effective policies, legislation and regulations to prevent and protect the rights of communities that may be affected by development projects.
- » Developing a National Action Plan (NAP) on business and human rights is part of the State responsibility to implement the United Nations Guiding Principles (UNGPs).



- » The National Green Tribunal, Indian Courts, Labour Courts, Commissions and Non-Judicial Institutions may be requested to monitor the implementation of the aforementioned guidelines and human rights.
- » The issue of Sterile problem in industries of Tamil Nadu where people are suffering from several diseases due to toxic smoke emission needs to be catered to by the Union Ministry. The Government may be requested to regulate the pollutant of petrochemical fields.

B. Recommendations from the National Seminar on Elimination of Bonded Labour System held on 8th November, 2019

- i. Guidelines circulated by the Ministry of Labour and Employment (MoLE), Government of India on Identification, Release and Rehabilitation of Bonded Labourers strictly be followed and there should be uniformity in identification, release and rehabilitation of bonded labourers in all cases and in all districts by State authorities.
- ii. Circulars/Guidelines regarding the claim of funds need to be followed by State authorities in order to avoid delay in release of funds due to incomplete documentation.
- iii. Guidelines may be issued from State headquarter to all the district authorities that utilization certificate of grants provided for the rehabilitation of bonded labourers under CSS should be sent to the MoLE, Government of India within a stipulated time without fail so that delay in sanction of further grant is avoided.
- iv. Functioning of the Vigilance Committees (VCs):
 - » The Chief Secretary/District Magistrates (DM) of all States must take necessary actions to constitute a VC which must function as per u/s 13-14 and ensure effective role of VC members.
 - » The Chief Secretary/DM must also ensure that the composition of the Vigilance committee must have parity between the official and non-official members.
- v. Low rate of prosecutions:
 - » As per the BLSAA-1976, the employer, who keeps the labourer(s) in bondage is required to be prosecuted; but in actual practice, only a small number of employers are prosecuted and this number also varies highly from district to district. The process of conviction needs to be sped up for the bonded labourers to get their initial help.
 - » The feasibility of de-linkage of 'full rehabilitation' from 'conviction' may be evaluated by the MoLE.
- vi. Revisiting Standard Operating Procedure (SOP) with emphasis on welfare: The Bonded Labour SOP makes elaborate provisions for 'First Information Report, Prosecution, Summary Trial, Trial Proceedings, Evidence, Judgment and Sentence' and only after that a section on 'Benefits to Labourer' is given in passing. The entire thrust of the SOP is



criminalisation and not welfare. Therefore, the SOP should be revisited with emphasis on welfare of the bonded labourers and importance of coordinating with district authorities, labour officers and police officials for protection, release and rehabilitation of the bonded labour victims.

- vii. Identification and monitoring of bonded labourers: A monitoring mechanism may be designed at the Central level by the MoLE to ensure that the time gap between identification and rehabilitation of bonded labourers is not more than two months. For this, the cases of incidence of the bonded labour should be reported to the MoLE as soon as bonded labourers are identified in the states, and MoLE should monitor rehabilitation by seeking bi-annual reports rather than annual reports with specific information on the reasons for delays in rehabilitation, if any. Simultaneously, the Central grant for rehabilitation under CSS should be released timely.
- viii. Timely disbursement of Release Certificates: Release Certificates to the victims of bonded labour to be provided along with financial assistance immediately after rescue. The bonded labour needs to be educated and should be made aware of their legal rights and entitlements under various laws and welfare schemes. The appropriate authorities, while issuing the release certificates to victims, should also provide the list of entitled schemes.
- ix. Survey of Release Rehabilitation And Reintegration of Bonded Labourers:
 - » Conducting Periodic Surveys: The mandate for conducting periodic Surveys once in three years by all States and UTs through the District and sub divisional Vigilance Committees on Bonded Labour must be scrupulously followed. The results of the surveys should be computerized and sent to the NHRC. They should also be made available on the websites of the respective districts, States and the NHRC.
 - » The submission of six-monthly reports to NHRC on Identification, Release and rehabilitation of Bonded Labour should be ensured by all States/UTs.
- x. Status report on the implementation of the CSS scheme: The States may send a status report on the implementation of the CSS scheme to MoLE within a stipulated time. Subsequently, MoLE should upload the consolidated status report on their website.
- xi. Skill Training Programmes and Minimum Wages: There is a need to enhance or upgrade the existing skills of the rescued bonded and migrant labourers, which will be helpful in their social and economic empowerment. For the abolition of bonded labour culture, along with the enhancement of existing skills, there is a need for providing other skills such as financial literacy, communications skills and marketing and digital literacy to socially and economically empower them under the State skill development programme. The government must ensure that the rescued labourers receive minimum wages and Minimum Support Price.
- xii. Funds for inter-state rescue: MoLE and State Governments to dedicate funds for inter-state rescues and rehabilitation of bonded labourers.



xiii. Rehabilitation:

- » It was observed that all the rehabilitated bonded labourers do not have ration cards or Below Poverty Line (BPL) cards. There should be a directive to the states that BPL card and ration card, to access public distribution, should be issued within a month of the release as a rule and should be part of the rehabilitation package.
- » It is recommended to provide the Non-Cash Assistance component under CSS-2016 scheme. A strong linkage should be established with the rehabilitated bonded labourers and various developmental agencies, which are implementing different poverty alleviation schemes/programmes like MGNREGA, IYA, SGSY, SGRY etc. so that the rehabilitated bonded labourers become economically independent in order to avoid relapse into bondage for any of their family members in future.
- » There should be planned efforts to build capacity of the released bonded labourers in the activities chosen by them and linkage should be developed with various developmental activities at sub-division and district level so that they may access the benefits from various poverty alleviation programmes.

xiv. Creation of Corpus Fund:

The State Governments and UTs should create and maintain a corpus fund for providing immediate finance for rehabilitation at all district levels which will be utilised directly for the aid of the released bonded labourers.

State may ensure the maintenance of corpus fund by timely requesting for additional funds from the Central Government with proper documentation to avoid delay in release of immediate cash assistance

- xv. Filling up vacancies in the State Labour Departments: The Commission has come across that on account of large vacancies in the State Labour Department, the inspections are not being carried out. The State Government shall ensure to fill up all the posts of labour inspectors in the department lying vacant for better enforcement of labour laws.
- xvi. Creation of database and online portal for bonded labourers: Database should be created for identifying bonded labourers. The database would ensure coordination amongst the States. In fact, the database will facilitate information flow among all the States amongst each other. With the rise of cases of bonded labour, the data base will integrate knowledge and information in addressing the menace of bonded labour. The database can be prepared with the assistance of a professional research organization.
- xvii. Preventive Measures towards eradication of bonded labour system: The feasibility may be explored to establish a free and open marketplace for wage labourers viz. construction, dam, mall, mining, brick kiln, garment, and other agricultural workers. This will lead to automatic increase in wage rates and prevent labourers from falling in the trap of bonded labour system



C. Key recommendations/suggestions that emanated from National Level Review Meeting on Mental Health held on 7th August 2019

- i. Inter-Sectoral participation: There is a huge treatment gap i.e., 70-75.5% for severe mental disorders (NMHS, 2016). It is suggested that mental health programmes must be developed along a developmental continuum moving from a unitary adult-centric approach to an approach which caters to different needs of children, women, elderly, homeless mentally ill etc. In order to achieve this, Inter-Sectoral participation beyond the health sector (Social Welfare, Education, Labor) focusing on rehabilitation, re-integration of the victims in society is required.
- ii. Integration of AYUSH services in the conventional medical services: Considering that there are various diploma courses available on Mental Health, the AYUSH doctors should also be given the opportunity and eligibility status to pursue such courses/specializations. This would help in increasing the manpower required for addressing mental health issues. Further, AYUSH services need to be integrated in the conventional medical services and thus leading to formation of an inter-sectoral working group which would encourage the flow of knowledge and experience among different domain experts in treating patients effectively.
- iii. Promoting research in preventive medicine: It is suggested that there is a need to promote research in preventive medicine which would play a huge role in preventing mental health disorders in the first place. In this regard, interventions from the domain of Ayurveda, Siddha, Unani and Homeopathy must be encouraged and advocated.
- iv. Community based care for providing affordable healthcare services: Burden of mental illness contributes significantly to the treatment gap in India. The costs of long term treatment, including consultation and medication costs, travelling costs to treatment centres and stay in hospital all contribute substantially to the economic burden of mental illness. It is suggested that community based care could be promoted in order to provide substantial benefits to the patients and families by providing affordable healthcare services, thereby reducing the economic burden of mental illness.
- v. Taking up mental health issues at Gram Sabha level: It is suggested that mental health issues may be taken up in the Gram Sabha meetings in order to understand mental health issues at this level. This would further help in generating awareness and reducing stigma associated with mental health diseases.
- vi. Advocacy and sensitization programmes: Advocacy and sensitization programmes must be organised for community workers, panchayats, faith healers, teachers, police, ASHAs and Anganwadi Workers who are key resource people at village level and act as community gatekeepers.
- vii. Incorporation of mental health in training curriculum: Incorporation of mental health



in training curriculum of Police Training Centres and District Institute for Education and Training (DIETs) under Education Department can organise training of school teachers as Nodal teachers for Mental Health.

- viii. Continuous mentoring and supervision of trained professionals in the mental health domain: The professionals including law enforcement officials, mental health professionals and other health professionals should be mentored, and supervised at regular intervals. In order to do so social capital needs to be tapped effectively.
- ix. Optimum usage of digital technology in delivering mental health services: Digital technology should be leveraged in far flung areas and in a context where access to qualified psychiatrists is difficult.
- x. Addressing the Shortage of manpower in the domain of Mental Health: To address the shortage of qualified mental health professionals it was thought necessary to have dedicated manpower development schemes in addition to continuing with the community care approach adopted under the District Mental Health Programme. These schemes must aim at increasing the PG training capacity in the mental health specialties of psychiatry, clinical psychology, psychiatric social work and psychiatric nursing. Also, States having shortage of trained professionals can invite professionals from other States. Further, proper mechanisms are required in certain States to place trained mental health nurses in mental health programmes. States can also invite manpower from other States.
- xi. Efficient utilization of available human resources: Already, there is an acute shortage of mental health staff be it psychiatrists, clinical psychologists or psychiatric nurses. Moreover, the already available human resource is not being utilized efficiently. It is recommended that a proper monitoring mechanism is required so that the available human resource is utilized efficiently.
- xii. Requirement of a Standardized protocol for Drug De-addiction Centers: In order to address the issue of illegal drug de-addiction centers, it is required that a standardized protocol is developed for the same.
- xiii. Strengthening efforts towards Suicide Prevention: States need to develop programmes to improve the efficacy of general healthcare services in relation to individuals with suicidal ideation, suicidal behavior, and substance abuse/dependence by enhancing skills of the concerned professionals for early identification and risk assessment for suicide.
- xiv. Development of Norms for Quality and Service Provision: As stated in the Mental Healthcare Act, 2017 development of Norms for Quality and Service provision for different types of Mental Health Establishments are required to be initiated at the earliest.

D. Recommendations from Core Group Meeting on Business, Environment and Human Rights held on 12th February 2020

- i. The governance structure should create awareness in the corporate sector, as business



does not understand Human Rights at all and there is a deeper unconsciousness within the workers and companies of different sectors. The industry needs more awareness and capacity building around business and human rights.

- ii. The governance structure should ensure operational grievance redressal mechanism at local level, where companies have a very important role to play.
- iii. The governance structure should ensure that all individuals and groups, whose human rights are impacted, have access to effective grievance redressal mechanisms. There is also a need to make reporting of human rights violations mandatory.
- iv. There is a need to analyse the role of NHRIs in the development process of NAP-BHR.
- v. There is a distinction between (Corporate Social Responsibility (CSR) based approach and Human Rights based approach. CSR is about sustainable development goals whereas Human Rights in business are about how companies do their business responsibly.
- vi. With regard to Pillar I, the Government of India should act as a massive facilitator and not only as a regulator.
- vii. The governance structure should have suggestive guidelines for Ombudspersons and Grievance redressal in the private sector. The suggestive guidelines would help bring in standardized systems for the remedy aspect of UNGP and NAP.

E. Recommendations from Core Group Meeting on Disability and Elderly Persons held on 7th January 2020

- i. Research on stress and strains of caregivers of elderly: As most research studies indicate the majority of abusers of elderly to be the caregivers themselves, a situational analysis of the stress and strains of caregivers should be undertaken to understand their overwhelming proportion in elderly abuse.
- ii. Awareness generation about Maintenance and Welfare of Parents and Senior Citizens (MWPSA) Act, 2007: Ministry of Social Justice and Empowerment should spread awareness about MWPSA Act, 2007 through audio, visual and print mediums. The Ministry should also train law enforcement officers and the District Legal Service Authority in creating awareness about the said Act
- iii. Providing legal aids/services to residents of old age homes: The Kerala Model, wherein officers from the legal service authority visit old age homes periodically may be replicated in other old age homes across the country.
- iv. Ministry of Social Justice and Empowerment to send a report to NHRC regarding the status of the compliance to the provision of establishing one old age home in each district as per the Maintenance and Welfare of Parents and Senior Citizens Act, 2007
- v. Ministry of Human Resource Development to send a detailed status report to NHRC regarding the survey of school going children for identifying children with disabilities as mandated by Section 17(a) of the RPW Act 2016.



- vi. Replacement of the term 'school going children' with 'school aged children': The Department of Empowerment of Persons with Disabilities may consider changing the criteria of survey as per Section 17(a) of RPD Act from 'school going children' to school aged children' for greater outreach in identification of children with disabilities.
- vii. Holistic inclusion of children with disabilities in the Draft National Education Policy: Concerns of children with disabilities should not be limited to Chapter VI of the Draft Policy and should be adequately represented across chapters.
- viii. Harmonization of the Draft National Education Policy with RPD Act, 2016: All aspects of the policy need to be harmonized with the RPD Act 2016. For instance, the section on recruitment of teacher and teacher requirement planning needs to be harmonized with Section 17 of RPD Act which mandates the government to employ teachers trained in braille, sign language and teaching children with intellectual disabilities. The section on ensuring adequate physical infrastructure, facilities and learning resources should also ensure that such infrastructures are accessible as per the Harmonized Guidelines formulated by the Government as per Section 40 of the RPD Act.
- ix. Institutionalization of the topic of 'disability' in teacher training courses: The concerned Ministry may consider institutionalization of the topic of 'disability' in courses such as Bachelor of Education (B.Ed) and Master of Education (M.Ed) so as to train teachers in inclusive education from the beginning. Further, a compulsory paper on inclusive education, in consultation with the Rehabilitation Council of India, must be included in all teacher training programmes of the National Council for Teacher Education.
- x. Menstrual Hygiene Management Training for girls with disabilities: The concerned Ministry must formulate a Menstrual Hygiene Management Training Programme catering to the specific needs of girls with disabilities to curtail their potential drop out from school.
- xi. Standard Operating Procedure (SOP) for disability certification: A SOP must be formulated for disability certification procedure to eliminate variance in the process and it should be applicable for all disability certificate issuing institutions in the country.





ANNEXURES

**Annexure – 1****Statement Showing State-Wise No. of Cases Registered From 01/04/2019 To 31/03/2020**

Name of the State/UT	Complaints	Suo motu Cognizance	Intimation Received about Custodial Deaths and Rapes			Intimations Received about Encounter Deaths	Total
			Police Custodial Deaths/Rapes	Judicial Custodial Deaths/Rapes	Defence/Paramilitary Custodial Deaths/Rapes		
All India	1039	2	0	0	0	0	1041
Andhra Pradesh	1833	2	4	26	0	1	1866
Arunachal Pradesh	43	0	0	2	0	3	48
Assam	295	1	2	32	0	10	340
Bihar	3098	4	5	106	0	5	3218
Goa	53	0	0	2	0	0	55
Gujarat	1228	2	12	53	0	0	1295
Haryana	2656	9	3	74	0	1	2743
Himachal Pradesh	223	1	4	7	0	0	235
Jammu & Kashmir	153	0	0	5	0	2	160
Karnataka	730	1	4	4	0	2	741
Kerala	609	0	2	27	0	2	640
Madhya Pradesh	2542	3	14	143	0	3	2705
Maharashtra	1777	2	3	91	0	3	1876
Manipur	18	0	2	1	0	1	22
Meghalaya	18	0	1	4	0	0	23
Mizoram	8	0	1	0	0	0	9
Nagaland	7	0	0	5	0	0	12
Odisha	4081	1	6	59	0	3	4150
Punjab	916	1	6	93	0	1	1017
Rajasthan	2336	4	6	79	0	2	2427
Sikkim	6	0	0	0	0	0	6
Tamil Nadu	6461	2	12	57	0	3	6535
Tripura	41	1	1	6	0	0	49
Uttar Pradesh	32254	9	3	400	0	27	32693
West Bengal	1810	1	7	115	0	6	1939
Andaman & Nicobar	26	0	1	0	0	1	28
Chandigarh	84	0	0	2	0	0	86
Dadra & Nagar Haveli	8	0	0	0	0	0	8
Daman & Diu	12	0	0	0	0	0	12
Delhi	5772	12	9	48	0	2	5843
Lakshadweep	8	0	0	0	0	0	8
Puducherry	90	0	0	1	0	0	91
Chhattisgarh	448	0	3	56	0	39	546
Jharkhand	1299	2	2	43	0	6	1352
Uttarakhand	1170	1	1	24	0	0	1196
Telangana	1467	3	0	21	0	4	1495
Ladakh	3	0	0	0	0	0	3
Foreign Countries	115	0	0	0	0	0	115
TOTAL	74737	64	114	1586	0	127	76628



Annexure – 2

Statement Showing State-Wise Disposal of Cases During 2019-2020

Name of the State/UT	Dismissed in Limine	Disposed with Directions	Transferred to SHRCs	Concluded after receipts of Reports			Total
				Complaints/ Suo motu Cases	Custodial Deaths/ Rapes	Intimation Received about Encounter cases	
All India	789	129	0	11	0	0	929
Andhra Pradesh	851	725	24	129	61	3	1793
Arunachal Pradesh	6	28	0	15	10	7	66
Assam	56	165	22	58	54	104	459
Bihar	683	1636	370	520	175	6	3390
Goa	19	23	7	7	0	0	56
Gujarat	278	696	126	167	65	0	1332
Haryana	513	1524	233	565	69	0	2904
Himachal Pradesh	67	127	6	33	18	0	251
Jammu & Kashmir	48	65	10	28	1	0	152
Karnataka	262	302	75	93	8	2	742
Kerala	202	246	44	122	81	0	695
Madhya Pradesh	667	1231	420	301	185	3	2807
Maharashtra	571	810	199	228	86	12	1906
Manipur	2	8	0	41	0	6	57
Meghalaya	5	7	1	9	8	9	39
Mizoram	2	6	0	6	6	0	20
Nagaland	2	3	0	7	3	0	15
Odisha	1129	1918	553	483	52	10	4145
Punjab	203	442	115	176	98	1	1035
Rajasthan	484	1229	268	531	123	0	2635
Sikkim	1	5	0	4	2	0	12
Tamil Nadu	2848	1529	400	344	61	0	5182
Tripura	16	14	1	21	8	0	60
Uttar Pradesh	4999	20196	3274	3824	532	26	32851
West Bengal	465	738	314	308	156	13	1994
Andaman & Nicobar	7	16	0	6	1	0	30
Chandigarh	29	46	0	15	3	0	93
Dadra & Nagar Haveli	1	7	0	2	1	0	11
Daman & Diu	5	4	0	1	0	0	10
Delhi	1472	3570	0	924	38	2	6006
Lakshadweep	0	6	0	1	0	0	7
Puducherry	29	49	0	23	1	0	102
Chhattisgarh	130	183	47	138	98	26	622
Jharkhand	301	697	125	304	110	19	1556
Uttarakhand	256	664	125	127	18	2	1192
Telangana	428	817	42	131	42	4	1464
Ladakh	1	2	0	1	0	0	4
Foreign Countries	34	60	0	7	0	0	101
Total	17861	39923	6801	9711	2174	255	76725

**Annexure – 3****Statement Showing Number of Cases Pending As on 31/03/2020 (Data As per CMS as on 08/06/2020)**

Name of the State/UT	Cases Awaiting Preliminary Consideration				Pendency of Cases where Reports have either been received or awaited from the Authorities				Grand Total
	Complaints/ Suo motu Cases	Custodial Deaths/ Rapes Cases	Encounter Deaths	Total	Complaints/ Suo motu Cases	Custodial Deaths/ Rapes Cases	Encounter Deaths	Total	
All India	136	0	0	136	17	0	0	17	153
Andhra Pradesh	168	3	0	171	195	87	9	291	462
Arunachal Pradesh	1	0	0	1	28	17	14	59	60
Assam	12	1	0	13	101	58	92	251	264
Bihar	153	1	0	154	799	269	23	1091	1245
Goa	2	0	0	2	6	3	0	9	11
Gujarat	78	5	0	83	231	57	2	290	373
Haryana	79	1	0	80	641	175	19	835	915
Himachal Pradesh	3	1	0	4	46	17	1	64	68
Jammu & Kashmir	16	0	0	16	57	6	2	65	81
Karnataka	52	0	1	53	122	7	2	131	184
Kerala	45	1	0	46	82	52	3	137	183
Madhya Pradesh	86	4	0	90	434	74	12	520	610
Maharashtra	131	5	0	136	262	239	22	523	659
Manipur	1	0	0	1	40	9	20	69	70
Meghalaya	2	0	0	2	13	5	27	45	47
Mizoram	0	0	0	0	6	5	0	11	11
Nagaland	1	0	0	1	12	7	1	20	21
Odisha	202	1	0	203	665	106	20	791	994
Punjab	81	3	1	85	271	130	2	403	488
Rajasthan	89	1	0	90	583	165	5	753	843
Sikkim	0	0	0	0	4	1	0	5	5
Tamil Nadu	1441	2	0	1443	346	107	4	457	1900
Tripura	3	0	0	3	23	13	0	36	39
Uttar Pradesh	625	10	0	635	5627	947	82	6656	7291
West Bengal	172	4	0	176	324	247	21	592	768
Andaman & Nicobar	1	0	0	1	7	3	1	11	12
Chandigarh	7	0	0	7	21	6	0	27	34
Dadra & Nagar Haveli	0	0	0	0	1	0	0	1	1
Daman & Diu	0	0	0	0	7	1	0	8	8
Delhi	251	3	0	254	1090	144	9	1243	1497
Lakshadweep	2	0	0	2	3	0	0	3	5
Puducherry	7	0	0	7	13	2	0	15	22
Chhattisgarh	13	2	1	16	142	94	240	476	492
Jharkhand	43	0	1	44	398	114	52	564	608
Uttarakhand	41	0	0	41	165	31	0	196	237
Telangana	119	0	0	119	173	45	5	223	342
Ladakh	0	0	0	0	1	0	0	1	1
Foreign Countries	12	0	0	12	21	0	0	21	33
TOTAL	4075	48	4	4127	12977	3243	690	16910	21037



Annexure – 4

Total Number of Cases Where NHRC Recommended Monetary Relief During 2019-2020

(Data as per CMS as on 12/06/2020)

Name of State/UTs	No. of cases in which recommendation made	Amount recommended for victims/ next-of-kins	No. of cases in which recommendations have been complied with	Amount paid	No. of cases pending for compliance	Amount recommended in the cases pending compliance
All India	0	0	0	0	0	0
Andhra Pradesh	6	1560000	2	410000	4	1150000
Arunachal Pradesh	2	700000	1	400000	1	300000
Assam	15	7500000	4	2200000	11	5300000
Bihar	34	8550000	6	1625000	28	6925000
Goa	0	0	0	0	0	0
Gujarat	3	900000	0	0	3	900000
Haryana	11	2850000	4	1100000	7	1750000
Himachal Pradesh	0	0	0	0	0	0
Jammu & Kashmir	0	0	0	0	0	0
Karnataka	5	2400000	2	2200000	3	200000
Kerala	1	300000	0	0	1	300000
Madhya Pradesh	13	3175000	3	900000	10	2275000
Maharashtra	15	5425000	6	3450000	9	1975000
Manipur	3	1300000	0	0	3	1300000
Meghalaya	1	200000	0	0	1	200000
Mizoram	1	100000	1	100000	0	0
Nagaland	0	0	0	0	0	0
Orissa	60	13990000	17	3675000	43	10315000
Punjab	15	4050000	4	500000	11	3550000
Rajasthan	21	6810000	3	350000	18	6460000
Sikkim	0	0	0	0	0	0
Tamil Nadu	11	3000000	4	1200000	7	1800000
Tripura	0	0	0	0	0	0
Uttar Pradesh	125	26840002	24	4580002	101	22260000
West Bengal	9	2100000	3	500000	6	1600000
Andaman & Nicobar	2	500000	1	200000	1	300000
Chandigarh	0	0	0	0	0	0
Dadra & Nagar Haveli	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0
Delhi	31	5470000	8	1300000	23	4170000
Lakshadweep	0	0	0	0	0	0
Pondacherry	1	500000	0	0	1	500000
Chhattisgarh	14	15650000	8	13050000	6	2600000
Jharkhand	23	5650000	8	2630000	15	3020000
Uttarakhand	6	1900000	2	900000	4	1000000
Telangana	9	1785000	2	360000	7	1425000
Ladakh	0	0	0	0	0	0
Foreign Countries	0	0	0	0	0	0
Total	437	123205002	113	41630002	324	81575000

**Annexure – 5****Details of Cases Pending Compliance Of NHRC's Recommendations During 2019-2020****(Data as per CMS as on 12/06/2020)**

Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
1	ANDAMAN & NICOBAR	10/26/0/2015-PCD	807	CUSTODIAL DEATH (Police)	300000	17-10-2019
2	ASSAM	158/3/6/2012-ED	812	DEATH IN POLICE ENCOUNTER	1000000	19-02-2020
3	ASSAM	202/3/24/07-08	812	DEATH IN POLICE ENCOUNTER	1000000	02-05-2019
4	ASSAM	238/3/16/2016-ED	812	DEATH IN POLICE ENCOUNTER	500000	25-07-2019
5	BIHAR	1622/4/27/2017	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	300000	23-12-2019
6	BIHAR	3436/4/18/2015-PCD	807	CUSTODIAL DEATH (Police)	300000	16-01-2020
7	BIHAR	677/4/6/2017-PCD	807	CUSTODIAL DEATH (Police)	300000	05-03-2020
8	CHHATTISGARH	198/33/4/2014-PCD	807	CUSTODIAL DEATH (Police)	300000	05-02-2020
9	CHHATTISGARH	851/33/18/2015-PCD	807	CUSTODIAL DEATH (Police)	300000	05-02-2020
10	GUJARAT	1840/6/30/2018	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	500000	17-02-2020
11	HARYANA	1385/7/5/2017-WC	1307	GANG RAPE	500000	23-12-2019
12	KERALA	750/11/12/2015-pcd	807	CUSTODIAL DEATH (Police)	300000	25-04-2019
13	MADHYA PRADESH	261/12/35/2019	106	SEXUAL HARASSMENT/ UNNATURAL OFFENCE	300000	23-12-2019
14	MADHYA PRADESH	316/12/37/2019	100	CHILDREN	300000	06-01-2020
15	MAHARASHTRA	2445/13/30/2018-WC	1316	ATTEMPT TO RAPE	200000	23-12-2019
16	MAHARASHTRA	391/13/30/2011-PCD	807	CUSTODIAL DEATH (Police)	500000	19-02-2020
17	MAHARASHTRA	870/13/5/2013-PCD	807	CUSTODIAL DEATH (Police)	200000	20-11-2019
18	MANIPUR	137/14/10/2012-AD	1616	ALLEGED CUSTODIAL DEATH	500000	28-02-2020
19	MANIPUR	92/14/14/2012-ED	812	DEATH IN POLICE ENCOUNTER	500000	28-02-2020
20	ODISHA	4572/18/7/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	400000	27-01-2020
21	PUNJAB	959/19/10/2016-PCD	807	CUSTODIAL DEATH (Police)	500000	18-07-2019
22	UTTAR PRADESH	11113/24/57/2018	815	FALSE IMPLICATIONS	200000	23-12-2019
23	UTTAR PRADESH	18118/24/4/2012	811	DEATH IN POLICE FIRING	600000	18-07-2019
24	UTTAR PRADESH	22968/24/69/2016-PCD	807	CUSTODIAL DEATH (Police)	500000	05-12-2019
25	UTTAR PRADESH	30571/24/77/2018	1113	PROVOCATION BY LOCAL ADMINISTRATION/POLICE	100000	24-02-2020



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
26	UTTAR PRADESH	4684/24/20/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	200000	23-12-2019
27	UTTAR PRADESH	7270/24/18/2018-WC	1309	INDIGNITY OF WOMEN	50000	23-12-2019
28	UTTARAKHAND	718/35/12/2019-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	23-12-2019
29	BIHAR	2318/4/35/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	75000	31-01-2020
30	BIHAR	2473/4/20/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	19-06-2019
31	BIHAR	3464/4/9/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	18-10-2019
32	BIHAR	4258/4/22/2014-jcd	301	CUSTODIAL DEATH (Judicial)	500000	17-07-2019
33	DELHI	151/30/2/2018	804	ABUSE OF POWER	300000	08-08-2019
34	DELHI	1688/30/9/2016-JCD	301	CUSTODIAL DEATH (Judicial)	200000	29-01-2020
35	DELHI	NULL	301	CUSTODIAL DEATH (Judicial)	NULL	19-02-2020
36	DELHI	2911/30/7/2018	1202	NON-PAYMENT OF PENSION/COMPENSATION	100000	15-05-2019
37	DELHI	3341/30/3/2016	200	HEALTH	200000	19-06-2019
38	HARYANA	38/7/11/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	18-10-2019
39	JHARKHAND	1014/34/6/2016-JCD	301	CUSTODIAL DEATH (Judicial)	200000	29-05-2019
40	JHARKHAND	1521/34/5/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	14-11-2019
41	JHARKHAND	1575/34/5/2018-JCD	301	CUSTODIAL DEATH (Judicial)	200000	24-01-2020
42	PUNJAB	1430/19/18/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	15-10-2019
43	PUNJAB	291/19/6/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300000	17-05-2019
44	RAJASTHAN	2085/20/34/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	26-09-2019
45	TAMIL NADU	508/22/15/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300000	24-01-2020
46	UTTAR PRADESH	10203/24/26/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300000	01-08-2019
47	UTTAR PRADESH	14923/24/18/2018	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	200000	29-01-2020
48	UTTAR PRADESH	15203/24/25/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300000	26-09-2019
49	UTTAR PRADESH	15464/24/14/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	30-09-2019
50	UTTAR PRADESH	17426/24/35/2018	305	HARASSMENT OF PRISONERS	500000	14-11-2019
51	UTTAR PRADESH	17619/24/26/2017-JCD	301	CUSTODIAL DEATH (Judicial)	100000	01-08-2019
52	UTTAR PRADESH	19153/24/7/2018-jcd	301	CUSTODIAL DEATH (Judicial)	500000	19-02-2020
53	UTTAR PRADESH	22194/24/51/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300000	15-05-2019
54	UTTAR PRADESH	22482/24/48/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300000	26-09-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
55	UTTAR PRADESH	28163/24/9/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	14-11-2019
56	UTTAR PRADESH	30546/24/64/2016-jcd	301	CUSTODIAL DEATH (Judicial)	500000	04-09-2019
57	UTTAR PRADESH	33323/24/40/2017	305	HARASSMENT OF PRISONERS	500000	08-08-2019
58	UTTAR PRADESH	34978/24/52/2018-jcd	301	CUSTODIAL DEATH (Judicial)	500000	20-03-2020
59	UTTAR PRADESH	39558/24/7/2016-PCD	807	CUSTODIAL DEATH (Police)	300000	16-05-2019
60	UTTAR PRADESH	39566/24/51/2016-jcd	301	CUSTODIAL DEATH (Judicial)	300000	29-05-2019
61	UTTAR PRADESH	41679/24/43/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300000	15-05-2019
62	UTTAR PRADESH	6119/24/32/2016	816	ILLEGAL ARREST	300000	01-08-2019
63	WEST BENGAL	699/25/13/2012-pf	1704	ABUSE OF POWER	200000	07-05-2019
64	BIHAR	1374/4/26/2016-jcd	301	CUSTODIAL DEATH (Judicial)	200000	07-01-2020
65	BIHAR	2250/4/26/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	500000	24-12-2019
66	BIHAR	3539/4/24/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	200000	27-09-2019
67	BIHAR	602/4/36/2015-jcd	301	CUSTODIAL DEATH (Judicial)	200000	21-10-2019
68	BIHAR	853/4/22/2016	804	ABUSE OF POWER	100000	13-12-2019
69	CHHATTISGARH	243/33/10/2015-jcd	301	CUSTODIAL DEATH (Judicial)	200000	11-02-2020
70	DELHI	3665/30/0/2017-jcd	301	CUSTODIAL DEATH (Judicial)	200000	22-10-2019
71	DELHI	5221/30/0/2017-jcd	301	CUSTODIAL DEATH (Judicial)	300000	17-03-2020
72	GUJARAT	2431/6/1/08-09-jcd	301	CUSTODIAL DEATH (Judicial)	300000	14-02-2020
73	HARYANA	1331/7/10/2017	816	ILLEGAL ARREST	50000	12-12-2019
74	JHARKHAND	963/34/16/2015	104	EXPLOITATION OF CHILDREN	50000	19-12-2019
75	KARNATAKA	811/10/1/2016	1901	ATROCITIES ON SC	50000	07-01-2020
76	MADHYA PRADESH	1269/12/35/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	05-02-2020
77	MADHYA PRADESH	1459/12/21/2013-jcd	301	CUSTODIAL DEATH (Judicial)	200000	22-11-2019
78	MAHARASHTRA	1943/13/1/2017-dh	110	CUSTODIAL DEATH IN JUVENILE HOME	250000	18-02-2020
79	MAHARASHTRA	2310/13/14/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300000	17-02-2020
80	ODISHA	2373/18/17/2018	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	200000	05-02-2020
81	ODISHA	3483/18/10/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	100000	06-01-2020



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
82	ODISHA	4595/18/32/2018	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	200000	16-12-2019
83	ODISHA	5713/18/32/2016	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	17-12-2019
84	PUNJAB	740/19/9/2016-JCD	301	CUSTODIAL DEATH (Judicial)	200000	11-12-2019
85	RAJASTHAN	1463/20/2/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	200000	10-12-2019
86	RAJASTHAN	2734/20/22/2018	821	VICTIMISATION	100000	06-03-2020
87	RAJASTHAN	910/20/9/2018	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	50000	28-02-2020
88	UTTAR PRADESH	13852/24/9/2016-JCD	301	CUSTODIAL DEATH (Judicial)	200000	07-01-2020
89	UTTAR PRADESH	218/24/48/2017-jcd	301	CUSTODIAL DEATH (Judicial)	200000	15-01-2020
90	UTTAR PRADESH	30313/24/35/2017	821	VICTIMISATION	50000	27-01-2020
91	UTTAR PRADESH	37161/24/63/2017-jcd	301	CUSTODIAL DEATH (Judicial)	300000	13-01-2020
92	UTTAR PRADESH	43572/24/43/2016-jcd	301	CUSTODIAL DEATH (Judicial)	200000	06-11-2019
93	UTTAR PRADESH	45954/24/62/2015	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	200000	27-12-2019
94	UTTAR PRADESH	46089/24/47/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	19-12-2019
95	UTTAR PRADESH	5163/24/43/2019	804	ABUSE OF POWER	100000	06-02-2020
96	UTTAR PRADESH	6106/24/18/2018-wc	1309	INDIGNITY OF WOMEN	25000	25-09-2019
97	UTTAR PRADESH	6115/24/53/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	100000	17-02-2020
98	UTTAR PRADESH	7167/24/56/2015-jcd	301	CUSTODIAL DEATH (Judicial)	200000	24-12-2019
99	WEST BENGAL	1607/25/13/2014-jcd	301	CUSTODIAL DEATH (Judicial)	300000	17-12-2019
100	ANDHRA PRADESH	108/1/21/2016-jcd	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
101	ASSAM	41/3/14/2014-ED	812	DEATH IN POLICE ENCOUNTER	300000	20-01-2020
102	ASSAM	74/3/3/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300000	08-05-2019
103	BIHAR	120/4/26/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
104	BIHAR	18/4/4/2015-jcd	301	CUSTODIAL DEATH (Judicial)	300000	27-01-2020
105	BIHAR	231/4/24/2015-JCD	301	CUSTODIAL DEATH (Judicial)	200000	20-01-2020
106	BIHAR	3450/4/30/2014-jcd	301	CUSTODIAL DEATH (Judicial)	300000	24-01-2020
107	BIHAR	4/4/29/2016-jcd	301	CUSTODIAL DEATH (Judicial)	300000	27-01-2020
108	BIHAR	4497/4/7/2014-jcd	301	CUSTODIAL DEATH (Judicial)	200000	20-01-2020
109	CHHATTISGARH	625/33/12/2014-jcd	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
110	CHHATTISGARH	825/33/1/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
111	DELHI	211/30/9/2014-jcd	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
112	DELHI	3135/30/6/2018	814	FAILURE IN TAKING LAWFUL ACTION	20000	17-10-2019
113	DELHI	3451/30/2/2017	1202	NON-PAYMENT OF PENSION/COMPENSATION	25000	18-06-2019
114	DELHI	5702/30/8/2016	814	FAILURE IN TAKING LAWFUL ACTION	100000	21-01-2020
115	DELHI	8194/30/5/2014	814	FAILURE IN TAKING LAWFUL ACTION	100000	20-01-2020
116	HARYANA	4676/7/2/2016-jcd	301	CUSTODIAL DEATH (Judicial)	300000	27-01-2020
117	JHARKHAND	1329/34/17/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
118	MAHARASHTRA	1081/13/30/2018	804	ABUSE OF POWER	200000	13-03-2020
119	MAHARASHTRA	282/13/16/2016	814	FAILURE IN TAKING LAWFUL ACTION	25000	20-01-2020
120	MANIPUR	41/14/14/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
121	ODISHA	3516/18/30/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	250000	20-11-2019
122	PUNJAB	1418/19/1/2013-JCD	301	CUSTODIAL DEATH (Judicial)	600000	26-11-2019
123	PUNJAB	6/19/9/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300000	11-04-2019
124	RAJASTHAN	1066/20/2/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	12-02-2020
125	RAJASTHAN	1600/20/14/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	20-11-2019
126	RAJASTHAN	546/20/5/2015	814	FAILURE IN TAKING LAWFUL ACTION	160000	20-01-2020
127	RAJASTHAN	640/20/8/2018-WC	1311	RAPE	50000	24-04-2019
128	TELANGANA	1168/1/18/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300000	25-09-2019
129	TELANGANA	465/36/1/2016-JCD	301	CUSTODIAL DEATH (Judicial)	100000	14-05-2019
130	UTTAR PRADESH	11376/24/48/2013	809	CUSTODIAL TORTURE	25000	02-12-2019
131	UTTAR PRADESH	18123/24/3/2015	802	ABDUCTION/KIDNAPPING	25000	21-05-2019
132	UTTAR PRADESH	19274/24/19/2018	814	FAILURE IN TAKING LAWFUL ACTION	50000	20-02-2020
133	UTTAR PRADESH	19958/24/7/2015-dh	108	DEATH OF CHILD STAYING WITH FEMALE PRISONER IN JUDICIAL CUSTODY	100000	20-01-2020
134	UTTAR PRADESH	22941/24/22/2015	817	UNLAWFUL DETENTION	50000	01-10-2019
135	UTTAR PRADESH	24714/24/40/2016-jcd	301	CUSTODIAL DEATH (Judicial)	300000	24-01-2020
136	UTTAR PRADESH	25343/24/40/2018-wc	1304	DOWERY DEATH OR THEIR ATTEMPT	100000	20-01-2020
137	UTTAR PRADESH	26229/24/37/2018-wc	1311	RAPE	300000	09-03-2020
138	UTTAR PRADESH	27864/24/31/2015	816	ILLEGAL ARREST	75000	22-04-2019
139	UTTAR PRADESH	3078/24/51/2016-jcd	301	CUSTODIAL DEATH (Judicial)	300000	20-11-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
140	UTTAR PRADESH	31334/24/10/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	20-01-2020
141	UTTAR PRADESH	31938/24/30/2014-JCD	301	CUSTODIAL DEATH (Judicial)	300000	16-05-2019
142	UTTAR PRADESH	32632/24/79/2014-jcd	301	CUSTODIAL DEATH (Judicial)	100000	20-01-2020
143	UTTAR PRADESH	35082/24/12/2015-jcd	301	CUSTODIAL DEATH (Judicial)	200000	20-01-2020
144	UTTAR PRADESH	36479/24/1/2014-JCD	301	CUSTODIAL DEATH (Judicial)	100000	22-04-2019
145	UTTAR PRADESH	43784/24/56/2013	804	ABUSE OF POWER	25000	25-10-2019
146	UTTAR PRADESH	44795/24/61/2015-jcd	301	CUSTODIAL DEATH (Judicial)	200000	06-11-2019
147	UTTAR PRADESH	6598/24/62/2016-jcd	301	CUSTODIAL DEATH (Judicial)	300000	13-11-2019
148	WEST BENGAL	565/25/22/2015-JCD	301	CUSTODIAL DEATH (Judicial)	500000	20-01-2020
149	WEST BENGAL	84/25/3/2017-jcd	301	CUSTODIAL DEATH (Judicial)	200000	20-01-2020
150	ANDHRA PRADESH	872/1/10/2016	602	EXPLOITATION OF LABOUR	200000	01-10-2019
151	ASSAM	303/3/24/2013	815	FALSE IMPLICATIONS	400000	14-08-2019
152	DELHI	1359/30/1/2017-wc	1313	SEXUAL HARASSMENT AT WORKPLACE (GOVT. OFFICES)	25000	03-09-2019
153	DELHI	3867/30/0/2017	809	CUSTODIAL TORTURE	150000	01-08-2019
154	DELHI	6059/30/3/2016	814	FAILURE IN TAKING LAWFUL ACTION	200000	23-08-2019
155	JHARKHAND	1289/34/4/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	70000	27-06-2019
156	MADHYA PRADESH	1044/12/21/2012	202	PUBLIC HEALTH HAZARDS	75000	16-05-2019
157	MADHYA PRADESH	381/12/5/2018	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	03-05-2019
158	MADHYA PRADESH	878/12/28/2015	604	HAZARDOUS EMPLOYMENTS	400000	10-06-2019
159	ODISHA	2931/18/24/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	150000	04-09-2019
160	ODISHA	3112/18/29/2014	1904	VICTIMISATION OF SC	40000	03-06-2019
161	ODISHA	3260/18/5/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	100000	22-05-2019
162	ODISHA	3322/18/28/2014	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	200000	28-06-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
163	ODISHA	3749/18/8/2013	814	FAILURE IN TAKING LAWFUL ACTION	100000	16-05-2019
164	ODISHA	4015/18/32/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	100000	16-08-2019
165	ODISHA	4142/18/1/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	200000	01-10-2019
166	ODISHA	4469/18/1/2014	104	EXPLOITATION OF CHILDREN	25000	03-05-2019
167	PUNJAB	785/19/1/2016-PCD	807	CUSTODIAL DEATH (Police)	500000	19-09-2019
168	RAJASTHAN	1319/20/11/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	2000000	05-08-2019
169	RAJASTHAN	1598/20/2/2016	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	25-07-2019
170	RAJASTHAN	2229/20/11/2011	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	1100000	08-05-2019
171	RAJASTHAN	235/20/7/2016-jcd	301	CUSTODIAL DEATH (Judicial)	150000	17-09-2019
172	RAJASTHAN	3037/20/29/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	400000	13-06-2019
173	RAJASTHAN	599/20/29/2018	804	ABUSE OF POWER	300000	28-06-2019
174	TELANGANA	81/36/2/2018	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	25000	28-06-2019
175	UTTAR PRADESH	15581/24/72/2014-JCD	301	CUSTODIAL DEATH (Judicial)	500000	14-08-2019
176	UTTAR PRADESH	18802/24/71/2017-jcd	301	CUSTODIAL DEATH (Judicial)	200000	07-10-2019
177	UTTAR PRADESH	19125/24/31/2015	804	ABUSE OF POWER	10000	03-05-2019
178	UTTAR PRADESH	258/24/55/2015-wc	1301	ABDUCTION, RAPE AND MURDER	200000	16-05-2019
179	UTTAR PRADESH	3454/24/36/2010-ad	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500000	24-04-2019
180	UTTAR PRADESH	36571/24/59/2016	704	VICTIMISATION	100000	22-08-2019
181	UTTAR PRADESH	45951/24/70/2013	312	DENIAL OF MEDICAL FACILITIES	200000	27-06-2019
182	UTTARAKHAND	1747/35/6/2016-jcd	301	CUSTODIAL DEATH (Judicial)	100000	10-10-2019
183	ANDHRA PRADESH	1095/1/10/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	350000	16-03-2020
184	ANDHRA PRADESH	685/1/3/2018	814	FAILURE IN TAKING LAWFUL ACTION	300000	18-09-2019
185	ARUNACHAL PRADESH	13/2/14/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	23-08-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
186	ASSAM	132/3/0/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	26-11-2019
187	ASSAM	138/3/9/2018-AR	823	ALLEGED CUSTODIAL RAPE IN POLICE CUSTODY	300000	18-12-2019
188	ASSAM	166/3/9/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	18-02-2020
189	ASSAM	221/3/1/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	600000	28-05-2019
190	ASSAM	237/3/11/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
191	BIHAR	1219/4/12/2018	800	POLICE	200000	18-04-2019
192	BIHAR	1618/4/5/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	200000	11-11-2019
193	BIHAR	1646/4/32/2017	801	ARBITRARY USE OF POWER	300000	04-07-2019
194	BIHAR	217/4/7/2018-JCD	301	CUSTODIAL DEATH (Judicial)	200000	21-01-2020
195	BIHAR	2354/4/37/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	28-10-2019
196	BIHAR	3269/4/4/2017	804	ABUSE OF POWER	100000	21-01-2020
197	BIHAR	3287/4/11/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	06-12-2019
198	BIHAR	4122/4/23/2016	814	FAILURE IN TAKING LAWFUL ACTION	50000	13-03-2020
199	BIHAR	4124/4/37/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300000	11-03-2020
200	BIHAR	93/4/18/2017	814	FAILURE IN TAKING LAWFUL ACTION	100000	29-07-2019
201	CHHATTISGARH	172/33/5/2018	805	ATTEMPTED MURDER	1200000	17-09-2019
202	DELHI	2464/30/6/2017	804	ABUSE OF POWER	100000	16-05-2019
203	DELHI	2511/30/9/2010-JCD	301	CUSTODIAL DEATH (Judicial)	500000	12-07-2019
204	DELHI	292/30/0/2018	602	EXPLOITATION OF LABOUR	300000	13-03-2020
205	DELHI	4537/30/7/2017-WC	1307	GANG RAPE	100000	25-04-2019
206	DELHI	5/30/0/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	05-08-2019
207	DELHI	523/30/2/2019	804	ABUSE OF POWER	300000	10-10-2019
208	DELHI	5553/30/10/2016	809	CUSTODIAL TORTURE	50000	15-04-2019
209	DELHI	777/30/0/2019-WC	1315	MURDER	300000	16-08-2019
210	GUJARAT	100/6/18/2017-PF	1704	ABUSE OF POWER	100000	20-01-2020
211	HARYANA	1722/7/3/2018	106	SEXUAL HARASSMENT/ UNNATURAL OFFENCE	200000	11-09-2019
212	HARYANA	6379/7/6/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300000	04-04-2019
213	HARYANA	777/7/5/2019	832	NON REGISTRATION OF FIR	100000	03-02-2020
214	JHARKHAND	1050/34/6/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	26-11-2019
215	JHARKHAND	1066/34/7/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	19-03-2020
216	JHARKHAND	1356/34/4/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	100000	09-03-2020
217	JHARKHAND	1559/34/5/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	14-11-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
218	JHARKHAND	208/34/8/2019	207	MEDICAL NEGLIGENCE	100000	16-10-2019
219	JHARKHAND	482/34/16/2017-JCD	301	CUSTODIAL DEATH (Judicial)	100000	27-06-2019
220	JHARKHAND	623/34/4/2017-JCD	301	CUSTODIAL DEATH (Judicial)	100000	04-02-2020
221	JHARKHAND	627/34/6/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	25-02-2020
222	JHARKHAND	979/34/16/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300000	11-12-2019
223	KARNATAKA	178/10/22/2018	814	FAILURE IN TAKING LAWFUL ACTION	100000	02-04-2019
224	KARNATAKA	733/10/1/2016	1901	ATROCITIES ON SC	50000	03-04-2019
225	MADHYA PRADESH	1371/12/30/2017-JCD	301	CUSTODIAL DEATH (Judicial)	500000	24-01-2020
226	MADHYA PRADESH	1496/12/56/2013	814	FAILURE IN TAKING LAWFUL ACTION	50000	24-09-2019
227	MADHYA PRADESH	342/12/8/2019-WC	803	RAPE OUTSIDE POLICE STATION	50000	16-03-2020
228	MAHARASHTRA	1159/13/21/2016	809	CUSTODIAL TORTURE	100000	25-11-2019
229	MAHARASHTRA	1680/13/15/2015	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	200000	19-02-2020
230	MEGHALAYA	12/15/2/2018	1901	ATROCITIES ON SC	200000	30-09-2019
231	ODISHA	1019/18/2/2018	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	200000	07-11-2019
232	ODISHA	1171/18/28/2016	200	HEALTH	200000	08-08-2019
233	ODISHA	1272/18/16/2019	825	ATROCITIES ON OLD/AGED BY POLICE	300000	14-01-2020
234	ODISHA	1328/18/10/2018	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	800000	30-04-2019
235	ODISHA	13619/18/1/2015	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	300000	04-02-2020
236	ODISHA	14010/18/5/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	150000	05-07-2019
237	ODISHA	15540/18/3/2015	100	CHILDREN	300000	20-09-2019
238	ODISHA	1680/18/10/2018	100	CHILDREN	100000	20-09-2019
239	ODISHA	1971/18/30/2018	1500	MISCELLANEOUS	300000	06-01-2020
240	ODISHA	2214/18/33/2018	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	16-05-2019
241	ODISHA	2387/18/12/2016	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	300000	19-06-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
242	ODISHA	2388/18/16/2016	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	300000	08-04-2019
243	ODISHA	2911/18/16/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	18-06-2019
244	ODISHA	3040/18/13/2017-JCD	301	CUSTODIAL DEATH (Judicial)	500000	27-02-2020
245	ODISHA	3099/18/13/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	06-06-2019
246	ODISHA	3102/18/7/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	200000	20-09-2019
247	ODISHA	3187/18/6/2018	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	27-12-2019
248	ODISHA	4170/18/9/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	09-03-2020
249	ODISHA	4228/18/24/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	30-07-2019
250	ODISHA	4230/18/28/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	100000	16-03-2020
251	ODISHA	4257/18/1/2016	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	400000	17-02-2020
252	ODISHA	4470/18/28/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	50000	17-03-2020
253	ODISHA	4576/18/24/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	18-09-2019
254	ODISHA	4664/18/1/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	18-12-2019
255	ODISHA	5065/18/12/2017	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	01-07-2019
256	ODISHA	5272/18/10/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	21-01-2020
257	ODISHA	5276/18/10/2017	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	50000	09-01-2020
258	ODISHA	5277/18/6/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	14-01-2020
259	ODISHA	8486/18/7/2016	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	27-01-2020
260	PUDUCHERRY	110/32/0/2018-jcd	301	CUSTODIAL DEATH (Judicial)	500000	06-01-2020
261	PUNJAB	1151/19/15/2016	811	DEATH IN POLICE FIRING	300000	16-03-2020



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
262	PUNJAB	2289/19/15/2013	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	200000	18-06-2019
263	PUNJAB	384/19/1/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	23-10-2019
264	PUNJAB	912/19/18/2017-WC	1312	SEXUAL HARASSMENT (GENERAL)	50000	27-01-2020
265	RAJASTHAN	1187/20/2/2017	804	ABUSE OF POWER	200000	02-05-2019
266	RAJASTHAN	175/20/5/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	150000	27-02-2020
267	RAJASTHAN	176/20/10/2019	100	CHILDREN	300000	14-01-2020
268	RAJASTHAN	1963/20/1/2018	104	EXPLOITATION OF CHILDREN	300000	14-01-2020
269	TAMIL NADU	1621/22/31/2017	814	FAILURE IN TAKING LAWFUL ACTION	200000	29-07-2019
270	TAMIL NADU	1791/22/36/2016	1202	NON-PAYMENT OF PENSION/COMPENSATION	100000	17-10-2019
271	TAMIL NADU	2116/22/14/2016	104	EXPLOITATION OF CHILDREN	500000	12-09-2019
272	TAMIL NADU	2240/22/9/2018-WC	1306	EXPLOITATION OF WOMEN	100000	17-10-2019
273	TAMIL NADU	845/22/13/2018	806	ATROCITIES ON SC/ST (BY POLICE)	300000	11-03-2020
274	TAMIL NADU	969/22/13/2017	814	FAILURE IN TAKING LAWFUL ACTION	300000	12-02-2020
275	TELANGANA	321/36/10/2017	814	FAILURE IN TAKING LAWFUL ACTION	200000	23-01-2020
276	TELANGANA	945/36/0/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300000	19-12-2019
277	TELANGANA	945/36/0/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300000	19-06-2019
278	TELANGANA	993/36/0/2016-JCD	301	CUSTODIAL DEATH (Judicial)	200000	01-07-2019
279	UTTAR PRADESH	10592/24/4/2016	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	100000	26-06-2019
280	UTTAR PRADESH	11771/24/34/2016-jcd	301	CUSTODIAL DEATH (Judicial)	600000	17-02-2020
281	UTTAR PRADESH	12184/24/47/2017-WC	1301	ABDUCTION, RAPE AND MURDER	100000	06-06-2019
282	UTTAR PRADESH	16151/24/3/2017-wc	1301	ABDUCTION, RAPE AND MURDER	100000	20-01-2020
283	UTTAR PRADESH	1705/24/54/2018-jcd	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
284	UTTAR PRADESH	17823/24/55/2017	806	ATROCITIES ON SC/ST (BY POLICE)	150000	25-11-2019
285	UTTAR PRADESH	18807/24/43/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	10-06-2019
286	UTTAR PRADESH	18892/24/7/2016	814	FAILURE IN TAKING LAWFUL ACTION	100000	01-07-2019
287	UTTAR PRADESH	20303/24/76/2016-wc	1301	ABDUCTION, RAPE AND MURDER	100000	27-01-2020



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
288	UTTAR PRADESH	20946/24/75/2018-wc	1304	DOWRY DEATH OR THEIR ATTEMPT	300000	09-08-2019
289	UTTAR PRADESH	21892/24/51/2017-jcd	301	CUSTODIAL DEATH (Judicial)	300000	08-07-2019
290	UTTAR PRADESH	25066/24/27/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	100000	02-01-2020
291	UTTAR PRADESH	25774/24/18/2016	814	FAILURE IN TAKING LAWFUL ACTION	100000	01-07-2019
292	UTTAR PRADESH	25806/24/48/2015-jcd	301	CUSTODIAL DEATH (Judicial)	300000	09-01-2020
293	UTTAR PRADESH	26074/24/14/2013-WC	1307	GANG RAPE	100000	04-07-2019
294	UTTAR PRADESH	26535/24/72/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	23-03-2020
295	UTTAR PRADESH	26630/24/30/2018-jcd	301	CUSTODIAL DEATH (Judicial)	300000	23-01-2020
296	UTTAR PRADESH	26847/24/62/2016-wc	1307	GANG RAPE	100000	09-10-2019
297	UTTAR PRADESH	28056/24/76/2018	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	775000	13-08-2019
298	UTTAR PRADESH	28691/24/57/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	23-01-2020
299	UTTAR PRADESH	29311/24/31/2017-jcd	301	CUSTODIAL DEATH (Judicial)	200000	01-05-2019
300	UTTAR PRADESH	31045/24/62/2015-wc	803	RAPE OUTSIDE POLICE STATION	300000	05-11-2019
301	UTTAR PRADESH	32212/24/35/2018-wc	1304	DOWRY DEATH OR THEIR ATTEMPT	100000	25-02-2020
302	UTTAR PRADESH	33638/24/63/2017-jcd	301	CUSTODIAL DEATH (Judicial)	300000	23-01-2020
303	UTTAR PRADESH	33889/24/79/2016	814	FAILURE IN TAKING LAWFUL ACTION	50000	08-04-2019
304	UTTAR PRADESH	34432/24/48/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	18-06-2019
305	UTTAR PRADESH	34457/24/78/2017-jcd	301	CUSTODIAL DEATH (Judicial)	300000	24-02-2020
306	UTTAR PRADESH	39090/24/56/2017-jcd	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
307	UTTAR PRADESH	39635/24/21/2012	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	50000	09-03-2020
308	UTTAR PRADESH	40318/24/52/2015	814	FAILURE IN TAKING LAWFUL ACTION	200000	26-06-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
309	UTTAR PRADESH	40528/24/76/2015	503	TROUBLE BY ANTI-SOCIAL ELEMENTS	100000	20-02-2020
310	UTTAR PRADESH	43035/24/35/2015	1202	NON-PAYMENT OF PENSION/COMPENSATION	100000	11-12-2019
311	UTTAR PRADESH	432/24/75/2017	814	FAILURE IN TAKING LAWFUL ACTION	200000	23-03-2020
312	UTTAR PRADESH	43596/24/60/2016	814	FAILURE IN TAKING LAWFUL ACTION	50000	02-05-2019
313	UTTAR PRADESH	44053/24/78/2012	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	07-10-2019
314	UTTAR PRADESH	44352/24/13/2013	814	FAILURE IN TAKING LAWFUL ACTION	200000	13-03-2020
315	UTTAR PRADESH	4470/24/47/2016	814	FAILURE IN TAKING LAWFUL ACTION	50000	18-03-2020
316	UTTAR PRADESH	45401/24/19/2013	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	300000	08-01-2020
317	UTTAR PRADESH	4560/24/46/2016	814	FAILURE IN TAKING LAWFUL ACTION	100000	09-08-2019
318	UTTAR PRADESH	48321/24/57/2015	814	FAILURE IN TAKING LAWFUL ACTION	50000	03-01-2020
319	UTTAR PRADESH	8290/24/6/2018-jcd	301	CUSTODIAL DEATH (Judicial)	300000	03-02-2020
320	UTTAR PRADESH	8313/24/46/2018-jcd	301	CUSTODIAL DEATH (Judicial)	300000	03-02-2020
321	UTTARAKHAND	1235/35/5/2017	814	FAILURE IN TAKING LAWFUL ACTION	100000	03-06-2019
322	UTTARAKHAND	1292/35/6/2018-jcd	301	CUSTODIAL DEATH (Judicial)	300000	11-02-2020
323	WEST BENGAL	1089/25/13/2016-pf	1704	ABUSE OF POWER	300000	27-02-2020
324	WEST BENGAL	1521/25/23/2018	1205	NON PAYMENT OF SALARY/ WAGES	100000	23-03-2020



Annexure – 5A

Total Number of Cases Where Nhrc Recommended Disciplinary Action And Prosecution During 2019-2020
(Data as per CMS as on 12/06/2020)

NAME OF STATE/UT	DISCIPLINARY ACTION	PROSECUTION
All India	0	0
Andhra Pradesh	0	0
Arunachal Pradesh	0	0
Assam	0	0
Bihar	0	0
Goa	0	0
Gujarat	0	0
Haryana	0	0
Himachal Pradesh	0	0
Jammu & Kashmir	0	0
Karnataka	0	0
Kerala	0	0
Madhya Pradesh	0	0
Maharashtra	0	0
Manipur	0	0
Meghalaya	0	0
Mizoram	0	0
Nagaland	0	0
Orissa	0	0
Punjab	1	0
Rajasthan	0	0
Sikkim	0	0
Tamil Nadu	0	0
Tripura	0	0
Uttar Pradesh	1	0
West Bengal	0	0
Andaman & Nicobar	0	0
Chandigarh	0	0
Dadra & Nagar Haveli	0	0
Daman & Diu	0	0
Delhi	0	0
Lakshadweep	0	0
Pondacherry	0	0
Chhattisgarh	0	0
Jharkhand	0	0
Uttarakhand	0	0
Telangana	0	0
Ladakh	0	0
Foreign Countries	0	0
Total	2	0

**Annexure – 6**

The Cases Pending Compliance of The Commission's Recommendations Made During 2018-2019
(Data as per CMS as on 31.03.2019)

Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next-of-kins	Date of Recommendation
1	ANDHRA PRADESH	1209/1/6/2013-jcd	301	CUSTODIAL DEATH (Judicial)	5,00,000	26-11-2018
2	ANDHRA PRADESH	1292/1/6/2013-jcd	301	CUSTODIAL DEATH (Judicial)	2,00,000	27-02-2019
3	ANDHRA PRADESH	1359/1/15/2015-jcd	301	CUSTODIAL DEATH (Judicial)	1,00,000	14-11-2018
4	ANDHRA PRADESH	388/1/21/2012-wc	1903	RAPE OF SC/ST/OBC	1,00,000	04-04-2018
5	ASSAM	222/3/24/2015-JCD	301	CUSTODIAL DEATH (Judicial)	5,00,000	04-02-2019
6	ASSAM	284/3/24/2012-JCD	301	CUSTODIAL DEATH (Judicial)	2,00,000	20-08-2018
7	ASSAM	359/3/15/2013-PCD	807	CUSTODIAL DEATH (Police)	5,00,000	28-06-2018
8	ASSAM	416/3/6/2012-ED	812	DEATH IN POLICE ENCOUNTER	5,00,000	04-04-2018
9	ASSAM	441/3/15/2014-pcd	807	CUSTODIAL DEATH (Police)	3,00,000	18-02-2019
10	ASSAM	524/3/21/2014-ed	812	DEATH IN POLICE ENCOUNTER	5,00,000	30-05-2018
11	BIHAR	3143/4/23/2012	814	FAILURE IN TAKING LAWFUL ACTION	3,00,000	02-07-2018
12	BIHAR	3824/4/23/2015-jcd	301	CUSTODIAL DEATH (Judicial)	1,00,000	15-06-2018
13	BIHAR	4116/4/24/2016-JCD	301	CUSTODIAL DEATH (Judicial)	5,00,000	18-12-2018
14	BIHAR	490/4/30/2016	1202	NON-PAYMENT OF PENSION/COMPENSATION	25,000	27-02-2019
15	BIHAR	630/4/27/2014	814	FAILURE IN TAKING LAWFUL ACTION	25,000	18-01-2019
16	BIHAR	969/4/18/2017-wc	1311	RAPE	50,000	04-05-2018
17	CHHATTISGARH	261/33/3/09-10	809	CUSTODIAL TORTURE	10,000	27-07-2018
18	CHHATTISGARH	54/33/5/2017	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	1,00,000	28-01-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next-of-kins	Date of Recommendation
19	CHHATTISGARH	863/33/8/2014-JCD	301	CUSTODIAL DEATH (Judicial)	3,00,000	08-10-2018
20	CHHATTISGARH	891/33/8/2013-WC	1311	RAPE	1,00,000	30-10-2018
21	DELHI	1246/30/6/2018	804	ABUSE OF POWER	1,00,000	11-12-2018
22	DELHI	1337/30/0/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	25,000	28-02-2019
23	DELHI	147/30/7/2013	1501	DISAPPEARANCE	1,00,000	03-12-2018
24	DELHI	212/30/6/2017	804	ABUSE OF POWER	10,000	28-02-2019
25	DELHI	2222/30/5/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	25,000	11-02-2019
26	DELHI	3048/30/6/2017	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	3,00,000	26-09-2018
27	DELHI	3153/30/9/2015-JCD	301	CUSTODIAL DEATH (Judicial)	3,00,000	01-03-2019
28	DELHI	3400/30/5/2013-PCD	807	CUSTODIAL DEATH (Police)	3,00,000	18-02-2019
29	DELHI	3848/30/8/2016-WC	1313	SEXUAL HARASSMENT AT WORKPLACE (GOVT. OFFICES)	1,00,000	11-12-2018
30	DELHI	584/30/6/2018	819	POLICE MOTIVATED INCIDENTS	2,00,000	08-08-2018
31	DELHI	6929/30/5/2013	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	5,25,000	31-10-2018
32	DELHI	7387/30/8/2015	804	ABUSE OF POWER	25,000	11-05-2018
33	DELHI	826/30/9/2018	804	ABUSE OF POWER	6,00,000	19-03-2019
34	GUJARAT	1115/6/23/2015-PCD	807	CUSTODIAL DEATH (Police)	5,00,000	21-02-2019
35	GUJARAT	260/6/18/2011	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	1,24,00,000	27-04-2018
36	HARYANA	11036/7/3/2014	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	1,00,000	12-12-2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next-of-kins	Date of Recommendation
37	HARYANA	1330/7/12/2015	100	CHILDREN	2,00,000	21-02-2019
38	HARYANA	5771/7/17/2013-PCD	807	CUSTODIAL DEATH (Police)	2,00,000	22-01-2019
39	HARYANA	8161/7/3/2013	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	2,00,000	06-12-2018
40	HARYANA	8872/7/6/2014	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	2,00,000	19-12-2018
41	HARYANA	9336/7/5/2014	1901	ATROCITIES ON SC/ST/OBC	30,000	03-10-2018
42	HARYANA	9389/7/4/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	8,92,00,000	20-06-2018
43	HIMACHAL PRADESH	15/8/3/2016-JCD	301	CUSTODIAL DEATH (Judicial)	2,00,000	26-12-2018
44	HIMACHAL PRADESH	87/8/9/2016	801	ARBITRARY USE OF POWER	10,000	03-01-2019
45	JHARKHAND	1015/34/14/2016-JCD	301	CUSTODIAL DEATH (Judicial)	3,00,000	11-12-2018
46	JHARKHAND	1430/34/6/2013	802	ABDUCTION/KIDNAPPING	3,00,000	18-02-2019
47	JHARKHAND	1453/34/12/2016-JCD	301	CUSTODIAL DEATH (Judicial)	1,00,000	01-11-2018
48	JHARKHAND	1471/34/8/2014-Ed	812	DEATH IN POLICE ENCOUNTER	15,00,000	16-05-2018
49	JHARKHAND	393/34/10/2013-ed	812	DEATH IN POLICE ENCOUNTER	5,00,000	13-02-2019
50	JHARKHAND	784/34/15/2014-PCD	807	CUSTODIAL DEATH (Police)	3,00,000	08-08-2018
51	JHARKHAND	830/34/12/2016	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	1,00,000	25-09-2018
52	JHARKHAND	993/34/10/2016-JCD	301	CUSTODIAL DEATH (Judicial)	3,00,000	01-01-2019
53	KERALA	120/11/11/2015-JCD	301	CUSTODIAL DEATH (Judicial)	3,00,000	23-10-2018
54	KERALA	389/11/8/2013-jcd	301	CUSTODIAL DEATH (Judicial)	3,00,000	30-10-2018
55	MADHYA PRADESH	1232/12/35/2014	804	ABUSE OF POWER	2,00,000	27-01-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next-of-kins	Date of Recommendation
56	MADHYA PRADESH	1252/12/4/2016	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	1,00,000	17-07-2018
57	MADHYA PRADESH	1640/12/38/2013-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	3,00,000	11-12-2018
58	MADHYA PRADESH	1695/12/4/2017-PCD	807	CUSTODIAL DEATH (Police)	1,00,000	18-02-2019
59	MADHYA PRADESH	1738/12/38/2014	1904	VICTIMISATION	2,00,000	27-01-2019
60	MADHYA PRADESH	1902/12/46/2017	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	2,00,000	29-05-2018
61	MADHYA PRADESH	2471/12/56/2015-WC	1301	ABDUCTION, RAPE AND MURDER	25,000	02-07-2018
62	MADHYA PRADESH	2565/12/38/2016	814	FAILURE IN TAKING LAWFUL ACTION	1,00,000	23-04-2018
63	MADHYA PRADESH	3048/12/18/2014-ed	812	DEATH IN POLICE ENCOUNTER	5,00,000	18-02-2019
64	MAHARASHTRA	309/13/16/2016	804	ABUSE OF POWER	1,00,000	17-04-2018
65	MAHARASHTRA	600/13/20/2016	801	ARBITRARY USE OF POWER	3,25,000	29-03-2019
66	MAHARASHTRA	771/13/16/2017	604	HAZARDOUS EMPLOYMENTS	9,75,000	12-02-2019
67	MAHARASHTRA	934/13/16/2015-pcd	807	CUSTODIAL DEATH (Police)	2,00,000	28-01-2019
68	MIZORAM	2/16/7/2017-pcd	807	CUSTODIAL DEATH (Police)	1,00,000	04-09-2018
69	ODISHA	1344/18/10/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	3,00,000	12-10-2018
70	ODISHA	1647/18/26/2016	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	2,00,000	21-08-2018
71	ODISHA	2104/18/32/2015-WC	1311	RAPE	50,000	18-09-2018
72	ODISHA	2661/18/10/2017	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	1,00,000	11-03-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next-of-kins	Date of Recommendation
73	ODISHA	2982/18/9/2017	104	EXPLOITATION OF CHILDREN	3,00,000	15-12-2018
74	ODISHA	3434/18/5/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	3,00,000	03-05-2018
75	ODISHA	3510/18/3/2016	104	EXPLOITATION OF CHILDREN	3,00,000	28-03-2019
76	ODISHA	4550/18/7/2017-WC	1903	RAPE OF SC/ST/OBC	18,00,000	27-01-2019
77	ODISHA	4600/18/19/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	3,00,000	14-11-2018
78	ODISHA	5915/18/10/2016	205	LACK OF PROPER MEDICAL FACILITIES IN THE STATE	2,00,000	06-12-2018
79	PUDUCHERRY	27/32/0/2012-WC	1309	INDIGNITY OF WOMEN	1,00,000	20-09-2018
80	PUNJAB	1673/19/1/2013-JCD	301	CUSTODIAL DEATH (Judicial)	3,00,000	24-10-2018
81	PUNJAB	539/19/10/2016-JCD	301	CUSTODIAL DEATH (Judicial)	1,00,000	22-01-2019
82	PUNJAB	61/19/1/2016-JCD	301	CUSTODIAL DEATH (Judicial)	2,00,000	10-12-2018
83	PUNJAB	729/19/22/2015	814	FAILURE IN TAKING LAWFUL ACTION	3,00,000	29-10-2018
84	PUNJAB	791/19/0/2014-JCD	301	CUSTODIAL DEATH (Judicial)	1,00,000	16-04-2018
85	RAJASTHAN	2122/20/7/2016-jcd	301	CUSTODIAL DEATH (Judicial)	1,00,000	07-01-2019
86	RAJASTHAN	990/20/2/2016	817	UNLAWFUL DETENTION	20,000	12-07-2018
87	TAMIL NADU	1008/22/13/2014-ad	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	1,00,000	18-02-2019
88	TAMIL NADU	1295/22/5/2014	602	EXPLOITATION OF LABOUR	3,00,000	12-07-2018
89	TAMIL NADU	1605/22/13/2012	806	ATROCITIES ON SC/ST (BY POLICE)	50,000	21-12-2018
90	TELANGANA	1102/1/16/2013-jcd	301	CUSTODIAL DEATH (Judicial)	25,000	30-01-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next-of-kins	Date of Recommendation
91	TELANGANA	324/36/7/2015-ad	309	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	25,00,000	28-06-2018
92	TELANGANA	409/36/0/2017	804	ABUSE OF POWER	4,00,000	05-11-2018
93	UTTAR PRADESH	10011/24/71/2015	1901	ATROCITIES ON SC/ST/OBC	50,000	14-09-2018
94	UTTAR PRADESH	10395/24/41/2017-wc	1304	DOWRY DEATH OR THEIR ATTEMPT	1,00,000	12-10-2018
95	UTTAR PRADESH	10587/24/57/2017-wc	1309	INDIGNITY OF WOMEN	17,50,000	08-08-2018
96	UTTAR PRADESH	10920/24/72/2015	1901	ATROCITIES ON SC/ST/OBC	25,000	01-06-2018
97	UTTAR PRADESH	1101/24/4/2014-JCD	301	CUSTODIAL DEATH (Judicial)	3,00,000	13-11-2018
98	UTTAR PRADESH	12991/24/63/2014	109	DISAPPEARANCE / MISSING	50,000	14-03-2019
99	UTTAR PRADESH	13540/24/48/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	2,00,000	14-03-2019
100	UTTAR PRADESH	13600/24/19/2015	809	CUSTODIAL TORTURE	2,00,000	31-12-2018
101	UTTAR PRADESH	14080/24/48/2010	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	2,00,000	25-09-2018
102	UTTAR PRADESH	15520/24/72/2014	804	ABUSE OF POWER	6,00,000	02-11-2018
103	UTTAR PRADESH	15579/24/43/2014-ED	812	DEATH IN POLICE ENCOUNTER	5,00,000	30-01-2019
104	UTTAR PRADESH	16121/24/61/2013	1202	NON-PAYMENT OF PENSION/COMPENSATION	20,000	26-03-2019
105	UTTAR PRADESH	16665/24/44/2017-jcd	301	CUSTODIAL DEATH (Judicial)	2,00,000	05-11-2018
106	UTTAR PRADESH	17074/24/14/2014	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	2,00,000	12-12-2018
107	UTTAR PRADESH	17893/24/48/2015	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	2,00,000	19-03-2019
108	UTTAR PRADESH	18034/24/22/2013-jcd	301	CUSTODIAL DEATH (Judicial)	3,00,000	28-06-2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next-of-kins	Date of Recommendation
109	UTTAR PRADESH	18225/24/1/2016-WC	1309	INDIGNITY OF WOMEN	50,000	26-09-2018
110	UTTAR PRADESH	18379/24/4/2013	305	HARASSMENT OF PRISONERS	2,00,000	05-02-2019
111	UTTAR PRADESH	18516/24/66/2013-WC	1304	DOWRY DEATH OR THEIR ATTEMPT	2,00,000	23-10-2018
112	UTTAR PRADESH	18905/24/14/2016-JCD	301	CUSTODIAL DEATH (Judicial)	2,00,000	05-02-2019
113	UTTAR PRADESH	20380/24/34/2016-WC	1311	RAPE	10,000	17-07-2018
114	UTTAR PRADESH	20415/24/18/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	5,00,000	01-03-2019
115	UTTAR PRADESH	2072/24/34/2014	200	HEALTH	1,00,000	23-10-2018
116	UTTAR PRADESH	2150/24/57/2017-JCD	301	CUSTODIAL DEATH (Judicial)	2,00,000	01-03-2019
117	UTTAR PRADESH	21985/24/47/2016	814	FAILURE IN TAKING LAWFUL ACTION	50,000	15-12-2018
118	UTTAR PRADESH	22490/24/27/2015	1501	DISAPPEARANCE	25,000	23-07-2018
119	UTTAR PRADESH	23538/24/16/2015-WC	1301	ABDUCTION, RAPE AND MURDER	25,000	16-08-2018
120	UTTAR PRADESH	24012/24/8/2017	816	ILLEGAL ARREST	2,00,000	13-11-2018
121	UTTAR PRADESH	25392/24/22/2014-WC	1903	RAPE OF SC/ST/OBC	25,000	28-01-2019
122	UTTAR PRADESH	25410/24/33/2016-wc	1304	DOWRY DEATH OR THEIR ATTEMPT	3,00,000	26-11-2018
123	UTTAR PRADESH	27215/24/8/2015	814	FAILURE IN TAKING LAWFUL ACTION	50,000	05-11-2018
124	UTTAR PRADESH	28312/24/15/2017	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	3,00,000	11-12-2018
125	UTTAR PRADESH	30273/24/37/2015	1202	NON-PAYMENT OF PENSION/COMPENSATION	50,000	09-08-2018
126	UTTAR PRADESH	30373/24/32/2011	202	PUBLIC HEALTH HAZARDS	1,00,000	27-03-2019
127	UTTAR PRADESH	30746/24/10/2013	109	DISAPPEARANCE / MISSING	25,000	14-03-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next-of-kins	Date of Recommendation
128	UTTAR PRADESH	31449/24/6/2017	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	2,00,000	29-07-2018
129	UTTAR PRADESH	32935/24/16/2016	814	FAILURE IN TAKING LAWFUL ACTION	50,000	09-10-2018
130	UTTAR PRADESH	33143/24/52/2014	809	CUSTODIAL TORTURE	25,000	05-12-2018
131	UTTAR PRADESH	33404/24/3/2012-jcd	301	CUSTODIAL DEATH (Judicial)	3,00,000	15-02-2019
132	UTTAR PRADESH	34070/24/4/2013-wc	1307	GANG RAPE	1,00,000	08-10-2018
133	UTTAR PRADESH	35109/24/52/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	2,00,000	29-10-2018
134	UTTAR PRADESH	35244/24/11/2014-AR	823	ALLEGED CUSTODIAL RAPE IN POLICE CUSTODY	9,50,000	05-02-2019
135	UTTAR PRADESH	3530/24/78/2015	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	50,000	12-02-2019
136	UTTAR PRADESH	35303/24/34/2013-WC	1304	DOWRY DEATH OR THEIR ATTEMPT	25,000	28-08-2018
137	UTTAR PRADESH	35435/24/8/2017-wc	1307	GANG RAPE	5,00,000	27-02-2019
138	UTTAR PRADESH	35620/24/12/2016-wc	1301	ABDUCTION, RAPE AND MURDER	5,00,000	14-11-2018
139	UTTAR PRADESH	35675/24/52/2015	816	ILLEGAL ARREST	10,000	28-01-2019
140	UTTAR PRADESH	35677/24/12/2013-jcd	301	CUSTODIAL DEATH (Judicial)	2,00,000	23-07-2018
141	UTTAR PRADESH	35679/24/57/2015	816	ILLEGAL ARREST	10,000	23-07-2018
142	UTTAR PRADESH	35781/24/30/2014	815	FALSE IMPLICATIONS	25,000	04-01-2019
143	UTTAR PRADESH	36224/24/56/2013	1501	DISAPPEARANCE	25,000	07-12-2018
144	UTTAR PRADESH	17074/24/14/2014	813	ALLEGED FAKE ENCOUNTERS	5,00,000	12-04-2018
145	UTTAR PRADESH	3733/24/30/2017	817	UNLAWFUL DETENTION	1,00,000	01-03-2019
146	UTTAR PRADESH	37607/24/72/2013	1202	NON-PAYMENT OF PENSION/COMPENSATION	2,00,000	29-05-2018



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next-of-kins	Date of Recommendation
147	UTTAR PRADESH	39420/24/1/2016-jcd	301	CUSTODIAL DEATH (Judicial)	2,00,000	26-11-2018
148	UTTAR PRADESH	40341/24/31/2015-JCD	301	CUSTODIAL DEATH (Judicial)	2,00,000	13-02-2019
149	UTTAR PRADESH	40415/24/9/2015	814	FAILURE IN TAKING LAWFUL ACTION	1,00,000	13-06-2018
150	UTTAR PRADESH	4106/24/12/2017	305	HARASSMENT OF PRISONERS	2,00,000	14-03-2019
151	UTTAR PRADESH	43800/24/52/2012-WC	1301	ABDUCTION, RAPE AND MURDER	50,000	20-09-2018
152	UTTAR PRADESH	43825/24/40/2016	814	FAILURE IN TAKING LAWFUL ACTION	50,000	20-09-2018
153	UTTAR PRADESH	4386/24/4/2015	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	2,00,000	27-01-2019
154	UTTAR PRADESH	44325/24/28/2013-wc	1307	GANG RAPE	4,00,000	27-01-2019
155	UTTAR PRADESH	45218/24/51/2013	804	ABUSE OF POWER	1,00,000	14-09-2018
156	UTTAR PRADESH	4658/24/64/2018	804	ABUSE OF POWER	50,000	27-11-2018
157	UTTAR PRADESH	47117/24/47/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	25,000	09-10-2018
158	UTTAR PRADESH	4792/24/64/2015-BL	601	BONDED LABOUR	2,25,000	29-03-2019
159	UTTAR PRADESH	49853/24/57/2014-JCD	301	CUSTODIAL DEATH (Judicial)	3,00,000	12-11-2018
160	UTTAR PRADESH	5699/24/53/2014	815	FALSE IMPLICATIONS	25,000	03-01-2019
161	UTTAR PRADESH	7053/24/31/2015-BL	601	BONDED LABOUR	1,00,000	29-03-2019
162	UTTAR PRADESH	7941/24/52/2017	1807	IRREGULARITIES	1,00,000	12-11-2018
163	UTTAR PRADESH	8227/24/31/2014	814	FAILURE IN TAKING LAWFUL ACTION	20,000	28-06-2018
164	UTTAR PRADESH	8666/24/7/2017	1901	ATROCITIES ON SC/ST/OBC	50,000	29-10-2018
165	UTTAR PRADESH	8838/24/30/2013-BL	601	BONDED LABOUR	80,000	27-07-2018
166	UTTAR PRADESH	8988/24/61/2014-WC	1307	GANG RAPE	25,000	19-02-2019
167	UTTAR PRADESH	9491/24/74/2015-WC	1301	ABDUCTION, RAPE AND MURDER	25,000	10-01-2019



Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next-of-kins	Date of Recommendation
168	UTTAR PRADESH	9497/24/48/2014-jcd	301	CUSTODIAL DEATH (Judicial)	3,00,000	09-10-2018
169	WEST BENGAL	1006/25/6/2016	1901	ATROCITIES ON SC/ST/OBC	50,000	25-09-2018
170	WEST BENGAL	1337/25/15/2015	1500	MISCELLANEOUS	50,000	27-01-2019
171	WEST BENGAL	1353/25/6/2015-pf	1704	ABUSE OF POWER	4,00,000	07-01-2019
172	WEST BENGAL	1417/25/15/2016-PF	1704	ABUSE OF POWER	25,000	14-02-2019
173	WEST BENGAL	1424/25/13/2014	804	ABUSE OF POWER	2,00,000	28-01-2019
174	WEST BENGAL	1628/25/13/2016-pf	1704	ABUSE OF POWER	50,000	11-09-2018
175	WEST BENGAL	666/25/7/2016-JCD	301	CUSTODIAL DEATH (Judicial)	3,00,000	31-01-2019
176	WEST BENGAL	669/25/22/2017-dh	310	DEATH IN HOMES	2,00,000	18-02-2019

**Annexure – 7****Details of Cases Pending Compliance of NHRC's Recommendations During 2012-2017 and in previous years.**

(Data as per CMS as per action date 31.03.2020)

Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
1	ANDHRA PRADESH	232/1/10/2014-WC	1307	GANG RAPE	100,000	30/01/2015
2	ANDHRA PRADESH	5/1/3/2015	804	ABUSE OF POWER	20000	01/04/2016
3	ASSAM	212/3/1/2011-ed	812	DEATH IN POLICE ENCOUNTER	100000	13/11/2017
4	ASSAM	239/3/9/2013-PCD	807	CUSTODIAL DEATH (Police)	100000	20/12/2017
5	BIHAR	1817/4/32/2011	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVERNMENT OFFICIALS	1400000	19/11/2012
6	BIHAR	1818/4/1/2011	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVERNMENT OFFICIALS	400000	30/08/2012
*7	BIHAR	1951/4/7/2012-JCD	301	CUSTODIAL DEATH (Judicial)	100000	30/10/2015
8	BIHAR	87/4/26/2014-WC	1307	GANG RAPE	200000	07/04/2017
9	DELHI	252/30/8/2014	2006	VICTIMISATION (FOREIGNER'S/ NRI)	300,000	29/09/2014
10	DELHI	6429/30/1/2012	204	IRREGULARITIES IN GOVT. HOSPITALS/PHC	300,000	20/10/2014
11	DELHI	2634/30/9/2013	809	CUSTODIAL TORTURE	100000	29/01/2018
12	DELHI	6641/30/9/2014-JCD	301	CUSTODIAL DEATH (Judicial)	500000	11/12/2017
13	DELHI	8194/30/5/2014	814	FAILURE IN TAKING LAWFUL ACTION	100000	30/01/2018
14	JHARKHAND	1155/34/11/2013	804	ABUSE OF POWER	50000	11/06/2015
15	JHARKHAND	984/34/15/08-09	804	ABUSE OF POWER	500000	06/05/2015
16	JHARKHAND	1013/34/6/07-08	202	PUBLIC HEALTH HAZARDS	11600000	01/03/2018
17	JHARKHAND	8/34/17/2016	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS	100000	12/09/2017



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
18	JHARKHAND	898/34/16/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300000	17/07/2017
19	KARNATAKA	122/10/2/2013-pcd	807	CUSTODIAL DEATH (Police)	100000	01/06/2017
20	KARNATAKA	418/10/1/2013	1505	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT. OFFICIALS	1000000	15/11/2017
21	KERALA	508/11/2/2016-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	100000	27/03/2017
22	MADHYA PRADESH	1650/12/29/2013	100	CHILDREN	150000	15/12/2017
23	MADHYA PRADESH	2194/12/20/2013-wc	1311	RAPE	400000	19/12/2017
24	MADHYA PRADESH	730/12/18/2012	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	50000	07/12/2017
25	MADHYA PRADESH	884/12/22/2012	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	1800000	09/11/2017
26	MAHARASHTRA	390/13/22/2011-PCD	807	CUSTODIAL DEATH (Police)	500000	02/03/2017
27	MAHARASHTRA	324/13/16/2016-ED	812	DEATH IN POLICE ENCOUNTER	500000	25/10/2017
28	MANIPUR	137/14/10/2012-AD	1616	ALLEGED CUSTODIAL DEATH	500000	14/03/2018
29	MANIPUR	40/14/6/2016-AD	309	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	100000	12/02/2018
30	ODISHA	3098/18/10/2014	814	FAILURE IN TAKING LAWFUL ACTION	50000	30/12/2016
31	ODISHA	4060/18/2/2014	204	IRREGULARITIES IN GOVT. HOSPITALS/PRIMARY HEALTH CENTRES	20000	07/10/2016
32	ODISHA	11016/18/8/2015-PF	1704	ABUSE OF POWER	100000	01/03/2018
33	ODISHA	1241/18/0/2014-WC	1306	EXPLOITATION OF WOMEN	50000	25/10/2017
34	RAJASTHAN	1533/20/7/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300000	27/06/2016
35	RAJASTHAN	2033/20/19/2015-WC	1903	RAPE OF SC/ST/OBC	50000	10/11/2016
36	RAJASTHAN	1004/20/14/2015-JCD	301	CUSTODIAL DEATH (Judicial)	100000	06/12/2017



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
37	RAJASTHAN	2122/20/2/2014	814	FAILURE IN TAKING LAWFUL ACTION	150000	11/09/2017
38	RAJASTHAN	2655/20/14/2015	804	ABUSE OF POWER	15000	29/09/2017
39	TELANGANA	1186/1/18/2014-JCD	301	CUSTODIAL DEATH (Judicial)	100000	20/03/2018
40	UTTAR PRADESH	31257/24/3/2013	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300,000	20/01/2015
41	UTTAR PRADESH	33505/24/26/2012-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	06/06/2014
42	UTTAR PRADESH	10703/24/71/2014	804	ABUSE OF POWER	100000	22/03/2017
43	UTTAR PRADESH	12021/24/46/2013	814	FAILURE IN TAKING LAWFUL ACTION	25000	23/05/2016
44	UTTAR PRADESH	14505/24/62/2014	1202	NON-PAYMENT OF PENSION/ COMPENSATION	100000	14/03/2017
45	UTTAR PRADESH	34791/24/43/2013	106	SEXUAL HARASSMENT	100000	21/06/2016
46	UTTAR PRADESH	2655/24/34/2012-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	300000	31/03/2014
47	UTTAR PRADESH	41459/24/1/2010	814	FAILURE IN TAKING LAWFUL ACTION	100000	28/03/2013
48	UTTAR PRADESH	12023/24/46/2013	814	FAILURE IN TAKING LAWFUL ACTION	25000	26/10/2015
49	UTTAR PRADESH	34021/24/72/2013	814	FAILURE IN TAKING LAWFUL ACTION	300000	26/05/2015
50	UTTAR PRADESH	10048/24/48/2015-WC	1311	RAPE	150000	08/03/2018
51	UTTAR PRADESH	11117/24/66/2013	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	19/06/2017
52	UTTAR PRADESH	1310/24/43/2014-JCD	301	CUSTODIAL DEATH (Judicial)	200000	22/01/2018
53	UTTAR PRADESH	18245/24/14/2014	814	FAILURE IN TAKING LAWFUL ACTION	25000	31/01/2018
54	UTTAR PRADESH	22443/24/1/2013	809	CUSTODIAL TORTURE	800000	03/01/2018
55	UTTAR PRADESH	24851/24/26/2014	804	ABUSE OF POWER	25000	22/08/2017
56	UTTAR PRADESH	25018/24/3/2014-WC	1301	ABDUCTION, RAPE AND MURDER	25000	20/03/2018



Sr No	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins	Date of Recommendation
57	UTTAR PRADESH	27236/24/18/2013-wc	1301	ABDUCTION, RAPE AND MURDER	50000	11/09/2017
58	UTTAR PRADESH	27623/24/1/2012	817	UNLAWFUL DETENTION	75000	13/09/2017
59	UTTAR PRADESH	43290/24/56/2011-WC	1307	GANG RAPE	100000	05/12/2017
60	UTTAR PRADESH	43970/24/73/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300000	29/11/2017
61	UTTAR PRADESH	5306/24/55/2016-WC	1307	GANG RAPE	25000	21/08/2017
62	UTTAR PRADESH	53823/24/72/2011	817	UNLAWFUL DETENTION	100000	24/08/2017
63	UTTAR PRADESH	7402/24/14/2013-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	100000	12/02/2018
64	WEST BENGAL	730/25/22/2013-JCD	301	CUSTODIAL DEATH (Judicial)	300000	11/12/2017



Annexure – 8

Details of Spot Enquiries Carried Out by The Investigation Division From April 2019 to March 2020

Sr. No	Case No.	Name of Complainant	Gist of the complaint
1	1034/4/34/2017-WC	Anita Devi, w/o Ram Singhashan Mahato Bihar	Dowry death, complainant alleged no action by police after regd. of the case
2	2970/30/9/2017	Sandeep Vij Delhi	Complainant alleges that he was brutally assaulted by unknown people. Despite intimation and PCR Call, neither FIR was registered nor any action taken by the police even after 11 months.
3	5925/30/0/2018	Director, IHBAS Delhi Sh. Tarun Vijay, Ex MP	The violation of human rights of a cured mental patient. The provisions of Mental Healthcare Act, 2017, Maintenance and Welfare of the Parents and Senior Citizens Act are violated.
4	473/35/11/2019	Ashish Chachar, State President Uttarakhand Valmiki Ambedkar Mahasabha, Uttarakhand	Murder case of a dalit boy due to caste discrimination. Inaction by the local police.
5	8440/24/68/2017	Smt. Soni Bewa Tiwari, Sitapur, Uttar Pradesh	Due to grave negligence of the Electricity Deptt. one man lost his life while cutting a tree due to electrocution. No FIR by police or action by the relevant department.
6	34021/24/72/2013	Rajesh Chaubey Village Faridpur, Thana Sarnath, Varanasi, UP	Complaint regarding non action of police officials against the culprits for assaulting person and rather recorded the wrong FIR contrary to the complaint. Person died while undergoing treatment for the injuries sustained during the assault. No post-mortem was done and no appropriate action has been taken by the police in the matter.
7	1131/25/13/2016	Suo-Motu Cognizance based on the news item appeared in "HINDUSTAN TIMES" of West Bengal Edition	The pathetic condition of the inmates and very poor hygiene and sanitation condition of a State run Mental Hospital at Berhampore in West Bengal.
8	4026/30/2/2018	Ashish Aggarwal ASJ Tis Hazari Court, Delhi	Violation of Human Rights of prisoners at Mandoli Jail, Delhi
9	817/33/0/2015/ED 850/33/0/2015/AFE 842/33/0/2015/AFE	SP, Sukma, Chhattisgarh	Alleged Death in Police Encounter
10	16413/24/48/2019	Sophiya Keishing Manipur	The Lucknow, UP Police illegally picked up the complainant's brother from Delhi and took him to Lucknow, UP.
11	22715/24/52/2019-AD	R.H. Bansal Indirapuram, Ghaziabad	A 32 years old victim Rahul Banal was beaten to death by police officials of Mathura on 13.08.2019.



Sr. No	Case No.	Name of Complainant	Gist of the complaint
12	34115/24/6/2017	Sinhasan Viswakarma, Azamgarh, UP	The complainant has been arrested by the police on fake identity. He has languished in jail for more than four years.
13	6899/24/4/2019	Naresh Paras, Coordinator, WESTOP Allahabad, Uttar Pradesh	A 12 yrs old female child was denied shelter in the Govt. Child Home, Prayagraj. She succumbed to her ailment under the custody of Child Line
14	27074/24/49/2019	Manoj Tibrewal Maharajganj, UP	Atrocities by Land and Revenue Department and District Administration, Maharajganj, UP
15	1875/7/3/2019	Khemchand Faridabad, Haryana	Abuse of Power by land mafia, the police and the Revenue officials of District Faridabad, Haryana
16	2759/30/10/2019	Jitender Sharma Delhi	Illegal arrest of complainant by the Delhi Police conniving with the notorious criminal.
17	1685/25/22/2019	Jahanara Khatun West Bengal	The local police and the workers of a political party ransacked her house and molested. Her complaint was not registered by the police.
18	2569/4/30/2019	Dhana Kumar Samastipur, Bihar	Alleged custodial torture of Sh. Diwakara Kumar by the Samastipur police, Bihar
19	1085/30/5/2020	Suo-Moto Delhi	Riots between the protestors and supporters of CAA claimed several lives, injuries and loss of properties due to arson in North-East District of Delhi.
20	5181/7/18/2016	Mahaveer Sirsa, Haryana	Missing of girl and inaction by police
21	1912/7/3/2017	Dr. V. A. Ramesh Nathan, South Patel Nagar, Delhi	It is alleged the victim, who is a prime witness to the murder of two dalit children has been harassed and assaulted by the errant police officials of local police & CBI and was forced to withdraw himself as a witness from the case
22	6716/30/5/2014	Prahlad Shah, Sonia Vihar, Delhi	Inaction by the State Government/Central Govt. officials for installation of electricity connection since 2014.
23	837/12/10/2017	Rekha Devi Dist. Chhatarpur, Madhya Pradesh	She alleged murder of her husband by opponents but no action has been taken by the police.
24	8754/24/12/2019-PCR	Ram Dulari Dist. Banda, Uttar Pradesh	Custodial Rape committed by the police
25	4138/30/8/2014	Radha Kant Tripathi, Delhi	Inaction by the State Government/Central Govt. Officials in regard to multiple civic problem in INA Market, Delhi
26	2030/30/9/2019	Ajay Maken, Former Union Cabinet Minister, Govt of India	Abuse of power by the Govt. in removing encroachment in Mayapuri, Delhi



Sr. No	Case No.	Name of Complainant	Gist of the complaint
27	2349/30/5/2019	Deep Chand S/o Sarvesh C/o Ward No. 1, Mandoli, Jail No. 15 Delhi	Alleged torture by jail officials
28	15143/24/16/2019-BL	Ramu S/o Shyam Lal Banwasi Jaunpur, Bhadohi Uttar Pradesh	Victims were forced to do bonded labour in a brick kiln
29	1271/12/43/2016	Ajay Lal, Coordinator, Maternal Health Campaign Sheopur, Madhya Pradesh.	Malfunctioning of medical professionals resulted in loss of eyesight of many patients.
30	22206/24/30/2019	A.S. Bhadana Gautam Budh Nagar, UP	Complainant and his son were brutally attacked by society persons and police did not take any action. Police also harassed female members of the complainant.
31	33632/24/69/2018-WC	Chandahas Singh Varanasi, UP	Alleged dowry death of complainant's daughter, and accused are absconding. Complainant seeks safety of his grandchildren.
32	4316/30/4/2019-WC	Raj Hans Bansal Delhi	Alleged rape of a mentally retarded woman in Asha Kiran Home Delhi and matter was hushed up by the Home officials.
33	12105/24/1/2019	Naseeban w/o Ayub Agra, UP	Demand of illegal gratification from complainant's husband (inmate) by jail officials. While the same was refused he was badly hit resulted in serious injuries on the body of Ayub
34	25777/24/43/2019	Santosh Narayan s/o Bachan Lal	Falsely implicated in a murder case and police tortured in the custody
35	27177/24/30/2019	Moolchand Sharma Noida, UP	Alleged death of complainant's son due to action of Traffic Police during checking.
36	1989/20/8/2019-BL	Hanif Ur Rehman Bundi, Rajasthan	Alleged forced bonded labour at stone quarry at District Bundi and exploited by the employer and his men
37	1000/22/34/2019	K. Nagappan Thanjavur, Tamil Nadu	Illegal detention and tortured in a police station.
38	1686/25/22/2019	Sheikh Shariful West Medinipur, West Bengal	Police personnel of PS Keshpur threatened to kill the complainant, caused humiliation and lodged false cases against the family members.
39	47732/24/51/2015	Rajiv Kumar Mainpuri, U.P.	Accused person shot his mother and she got injured. Police failed to take any action despite complaint.
40	5630/30/0/2019	Mangla R/o Adchini, New Delhi	Illegal detention of 34 students of Jamia Millia Islamia in Kalkaji PS, South East Delhi. Other complainants also alleged police brutality inside the campus of JMI.



Sr. No	Case No.	Name of Complainant	Gist of the complaint
41	1274/36/2/2019-ED	Suo moto (Telangana encounter)	Alleged fake encounter of four accused of rape and murder case in Hyderabad
42	1018/24/3/2020	On the Direction of Allahabad High Court	Alleged police brutality upon students of Aligarh Muslim University who were protesting the introduction of Citizenship Amendment Act, 2019.
43	5/30/0/2018-JCD L/F2047/30/0/2018-AD	Supdt., Central Prison No.5, Tihar	To ascertain the correct name of deceased (inmate) and other particulars.
44	6505/7/3/2015	Rajendra Prasad Mishra, Faridabad, Haryana	Atrocities/tortured by the police and inaction of the police on his complaints.
45	1461/7/3/2019	Neha Arora Faridabad, Haryana	The complainant states that she is not able to stay in her own house officials not providing her protection. The complainant further alleges that police had exceeded authority by not taking permission of Court thereby conducting further investigation in Gurgaon
46	2983/30/8/2019	Gourav Priyadarshan South Delhi	Complainant's sister Ayushi Singh, suffering from severe abdominal pain and urinal blockage. AIIMS Hospital, New Delhi, Emergency department On-duty doctors forced them to go to Safdarjung Hospital. Due to negligence and callousness of the On-duty doctors, the patient collapsed within an hour.
47	4026/30/2/2018	Ashish Aggarwal East Delhi	Complaint pertains to the allegation observations and judicious comments by jail visiting Judge as ASJ-3(Central) at Mandoli Jail Prisoners
48	235/7/3/2018	Shiv Kumar (R.H. Bansal) Faridabad, Haryana	Complaint alleges that victim was illegally arrested by the alleged police official. Official harassed him and imposed false charges on him, the reason behind this was that alleged police officer Ayubkhan was demanding wife of victim from him, and he refused to do that Issue become terrible when victim took poison and then admitted to the hospital
49	11132/24/31/2019	Rajhans Bansal Ghaziabad	The complainant alleges that some anti-social elements attacked the victims family and abused them in his absence and when he reported the matter to police, FIR was not registered and no action taken.
50	9176/24/37/2019-wc	Mohan Lal Hathas, UP	Daughter kidnapped, not recovered by police
51	7/26/0/2015	VA Shiyad, a social worker and Secretary General of Andaman Nicobar State Olympic Association	Falsely implicated and illegally arrested



Sr. No	Case No.	Name of Complainant	Gist of the complaint
52	1745/20/14/2019	Students of the Gokhale Hostel, Maharaja College, Jaipur	Non availability of basic facilities like water, food and threatening by hostel authorities
53	2023/7/3/2019	Shri Divender , Faridabad	Alleged manhandling and inaction by the police of Faridabad, Haryana.
54	35186/24/25/2017-pcd	DM and SP, Farrukhabad	Death of Vishal Pathak, aged 17 yrs. at PS Kotwali, Farrukhabad, UP.
55	1988/20/8/2019-BL	Hanif Ur Rehman District Bundi Rajasthan	Child labour and bonded labour, District Bundi Rajasthan
56	999/1/0/2019	Jaydev Galla Leader TDP, Hyderabad	False implication by police Hyderabad
57	16415/24/62/2018-WC	Jauhara w/o Asgar Ali, Rampur, UP	Allegation of rape of Jauhara w/o Asgar Ali, r/o Rora Kalan, PS Milak, Rampur, UP
58	20250/24/52/2019	Shyam Veer Singh Mathura, Uttar Pradesh,	False implication in false corruption case
59	29648/24/43/2018-wc	Raja Bata, Kanpur Uttar Pradesh	Gang rape of his daughter Kumari Shabnum
60	16415/24/62/2018-WC	Jauhara w/o Asgar Ali Rampur, UP	Exploitation of the complainant and her daughter, inaction by the police
61	33001/24/3/2019	Ram Kumar Sharma Aligarh, Uttar Pradesh	Illegally detained & assaulted the complainant & his friend
62	1724/24/30/2017-bl	SH. Jaleel, Salahe Khatoon	Regarding bonded labour, Greater Noida Gautam Budh Nagar, Uttar Pradesh
63	86/36/2/2019-BL	Dilip Kumar Das Hyderabad, Telangana	8 persons including 2 minor girls have been treated as bonded laborers by the brick kiln owner situated at Dandeikel village.
64	2357/13/16/2016	Priyanka Laskare Maharashtra, Mumbai	Missing brother at ONGC Mumbai.
65	6894/24/1/2019	Rajendra Singh Agra, UP	Complaint alleged that his 17 yrs old daughter was abducted by one Lal Babuon 23.11.2018.
66	640/7/6/2019	Rakesh Seth Hissar, Haryana	False implication in case crime no 510/2018 and 511/2018 at PS Civil Lines, Hissar
67	342/12/8/2019-WC	Jyoti Sharma, Bhopal, MP	Sexually exploited by errant police official in the name of help
68	2504/13/8/2016	People Of Malkapur Aurangabad, Maharashtra	Regarding foul language used against the community and also molested many women of the Muslim localities by State Reserve Police Force Jawans.
69	1139/7/5/2018	Rajpal Singh Gurugram, Haryana	Abduction of his son Mohit by unknown police personnel.



Sr. No	Case No.	Name of Complainant	Gist of the complaint
70	645/7/17/2019	Narendra Singh Rohtak, Haryana	Compelling to sell his house by Dr. Pawan Sharma who is running Apex Plus Superspecialty Hospital on residential plots in front and adjacent to his house.
71	969/22/13/2017	S. Sundarvelu Chennai, Tamil Nadu	False implication by the police personnel.

Besides the above, the Investigation Division also carried out visits to ensure proper implementation of flagship programmes across India along with members of Law Division and also visited Homes along with Hon'ble Members.



Abbreviations

AAY	:	Antyodaya Anna Yojana
ACJM	:	Additional Chief Judicial Magistrate
Art.	:	Article
Arts.	:	Articles
ATR	:	Action Taken Report
ASI	:	Assistant Sub-Inspector
BPL	:	Below Poverty Line
CFNHRI	:	Commonwealth Forum of National Human Rights Institutions
COP 21	:	21st Conference of the Parties
CPCB	:	Central Pollution Control Board
Cr.P.C.	:	Criminal Procedure Code
CRPF	:	Central Reserve Police Force
DD	:	Daily Diary
DGP	:	Director General of Police
DM	:	District Magistrate
FIR	:	First Information Report
FSL	:	Forensic Science Laboratory
GANHRI	:	Global Alliance of National Human Rights Institutions
GD	:	General Diary
GPF	:	Gratuity Provident Fund
GRP	:	Government Railway Protection
HC	:	Head Constable



Abbreviations

HQs./Hqrs.	:	Headquarters
ICC	:	International Coordinating Committee on Promotion and Protection of Human Rights
IO	:	Investigating Officer
I&PRO	:	Information & Public Relations Officer
IPC	:	Indian Penal Code
JCL	:	Juveniles in conflict with law
JJA	:	Juvenile Justice (Care & Protection of Children) Act, 2000
LFs	:	Linked Files
MER	:	Magisterial Enquiry Report
MGNREGA	:	Mahatma Gandhi National Rural Employment Guarantee Act.
M/o	:	Ministry of
NCR	:	National Capital Region
NCRB	:	National Crime Records Bureau
NCT	:	National Capital Territory
OBC	:	Other Backward Classes
PC & PNDTA	:	Pre-conception & Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
PD	:	Physical Drill
PDS	:	Public Distribution System
PHR Act/PHRA	:	Protection of Human Rights Act, 1993
P.S./PS	:	Police Station



Abbreviations

r/o	:	resident of
r/w	:	read with
RTE	:	Right to Education
s/o	:	son of
SC	:	Scheduled Castes
SDM	:	Sub-Divisional Magistrate
SHO	:	Station House Officer
SMS	:	Short Message Service
SOPs	:	Standard Operating Procedures
SP	:	Superintendent of Police
SSP	:	Senior Superintendent of Police
ST	:	Scheduled Tribes
STF	:	Special Task Force
UP	:	Uttar Pradesh
u/s	:	under Section
w/o	:	wife of

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