



Annual Report 2020-21

**National Human Rights Commission
India**

ANNUAL REPORT 2020-2021



NATIONAL HUMAN RIGHTS COMMISSION

Foreword

Justice Arun Mishra
Hon'ble Chairperson



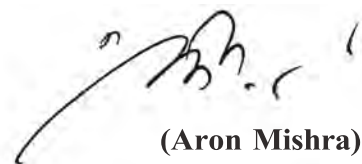
The National Human Rights Commission of India is pleased to present its Twenty Eighth Annual Report for the period from 1st April 2020 to 31st March 2021. The Commission was established as a statutory autonomous body under the Protection of Human Rights Act (PHRA), 1993 with the mandate to bring greater accountability and strengthen human rights in conformity with the Paris Principles, adopted for the promotion and protection of human rights. The PHRA, 1993 was amended from time to time i.e. in 2006 and 2019 to maintain the diversity, inclusivity and plurality in the composition of NHRC. A number of times, the Commission has been accredited with 'A' status by the Global Alliance of National Human Rights Institutions.

2. In its long journey of almost three decades, the Commission has consistently and diligently committed to itself for the promotion and protection of human rights, i.e. the right to life, liberty, equality and dignity of the individual guaranteed by the Constitution of India and as embodied in the international covenants and enforceable by the Courts in India.
3. Safeguarding and promoting human rights entails a multi-dimensional approach. The NHRC is so uniquely positioned between Government, Civil Societies and other stakeholders. The role of NHRC is of paramount significance for protection, preservation and promotion of human rights more so during the challenging and difficult times of COVID-19 Pandemic. In the recent times, during lockdown despite its own constraints and with reduced staff strength due to pandemic protocols, the Commission virtually continued all its activities through digital mode. The Commission released a series of advisories to the Governments to ensure protection of the basic human rights of one and all, especially during the uncertain times of the pandemic.
4. In this era of pandemic when social distancing became a compulsion, use of e-office/digital mode of functioning became the new norm. The Commission is already equipped with adequate IT



infrastructure and had its footprint in social media to keep pace with the advancement of the emerging technologies. The various meetings, conferences, seminars, debates, workshops, training to interns, which were hitherto being held physically were shifted to virtual mode.

5. The important activities and initiatives being undertaken by the Commission have been described at great length. Further, a new chapter has been added in this year's Report regarding the initiatives taken by the Commission to minimize the adverse impact of COVID-19 pandemic on lives and livelihoods having implications on human rights. Several chapters dealing with the issues of women transgenders, custodial violence, food and nutrition, safety of workers involved in hazardous work of cleaning septic tanks etc. and summaries of principal cases handled during the period are also included in the report.
6. I take this opportunity to express my gratitude for the support provided by various NGOs/ HRDs/ Civil Societies/Ministries/Departments of the Government of India, cooperation of the State Governments/Union Territories, my colleagues, officials, members experts of our Core Groups, and staff of the Commission. The collective efforts and commitment has made it possible to ensure improved outcomes even during the pandemic. It is my ardent hope that this Annual Report will not only serve the readers with information about the important initiatives undertaken by the Commission, but also encourage meaningful participation of all stakeholders.



(Aron Mishra)



NATIONAL HUMAN RIGHTS COMMISSION



From the Desk of Secretary General



Bimbadhar Pradhan, IAS

It is my great privilege to present the National Human Rights Commission's Annual Report for the year 2020-2021. The Report outlines a snapshot view of the activities and initiatives taken by the Commission towards promotion and protection of human rights of one and all.

2. NHRC was established in 1993 to promote, protect and defend human rights of each human being. The Commission, inter-alia, has been working relentlessly on various facets of human rights ranging from extrajudicial killings, prison reforms, protection of vulnerable and marginalized sections, among others. Further, the Commission's endeavor has always been to flag contemporary issues which need timely attention and intervention of the Government.
3. This year's Annual Report contains 21 Chapters, which elaborate the Commission's initiatives to address human rights issues during the pandemic. It also highlights the achievements over the previous year. It gives requisite insights into individual complaints, research studies and deliberations on incidents of contemporary relevance. The report also mentions major events organized through virtual mode during the Pandemic. The report also covers India's cooperation at the International level.
4. It is needless to mention that the Annual Report is a product of coordinated efforts of all the Divisions of the Commission. Further, I must commend the hard work of the NHRC Editorial Team comprising of Shri R. K. Khandelwal, Additional Secretary, Smt. Anita Sinha, Joint Secretary, Shri Harish Chandra Chaudhary, Joint Secretary, Smt. Manzil Saini, DIG, Shri Sudesh Kumar, Senior Research Officer, and Junior Research Consultants Ms. Lakshmi Kumari, Ms. Tania Chatterjee, Ms. Aakanksha Sharma and Ms. Saaniya Srivastava for compiling the Annual Report 2020-21.



5. The Commission sincerely hopes that the Annual Report of 2020-21 would be a useful guidance resource booklet for those aspiring to acquire a comprehensive understanding of our country's human rights situation and the Commission's milestones laid during the year.

(Bimbadhar Pradhan)



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Introduction

- 1.1** This report covers the period from 1st April, 2020 to 31st March, 2021. It is the twenty-eighth Annual Report of the Commission. This report presents comprehensive details of the initiatives/activities undertaken by the Commission to ensure better protection and promotion of human rights.
- 1.2** The twenty-seventh Annual Report of the Commission, covering the period from 1st April, 2019 to 31st March, 2020, 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 subsequent amendment in September, 2006 and July, 2019.
- 1.3** During the period under review Justice Sh. H.L. Dattu former Chief Justice of India was holding the office of Chairperson in the Commission and demitted the office on 02.12.2020. Justice Sh. P. C. Pant, Former Judge, Supreme Court of India, Dr. D. M. Mulay, Former Secretary, Indian Foreign Services and Smt. Jyotika Kalra, Advocate-on-Record, Supreme Court of India continued to serve as Members of the Commission.
- 1.4** Shri Jaideep Govind, who held the office of Secretary General, superannuated on 30.09.2020. Shri Bimbardhar Pradhan, IAS (BH: 1987) assumed charge as Secretary General of NHRC on 12.10.2020 and continued to serve as CEO of the Commission. Shri Prabhat Singh, IPS (AGMUT: 1985), DG(Investigation) continued to serve till the date of superannuation i.e. 30.04.2020. Shri R.K. Khandelwal, IAS (BH: 1989), Joint Secretary (Administration & Research) was subsequently promoted in-situ to Additional Secretary with effect from 26.03.2021 and continued working in the capacity of Additional Secretary in the Commission. Smt. Anita Sinha, IRS (1990) continued to serve as Joint Secretary (Programme & Training) in the Commission.
- 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), Shri Vijay Sampla, Chairperson of the National Commission for Scheduled Castes, Shri Harsh Chouhan, Chairperson of the National Commission for Scheduled Tribes, and Shri Ateef Rashid, Vice 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** During the year 2020-21, 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 action on the basis of complaints covering wide range of issues such as alleged human rights violation due to negligence by a 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 SC/ST etc. 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 directions to State Governments to furnish proof of payments.
- 1.7** The Annual Report for the year 2020-2021 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.
- 1.8** The outbreak of COVID-19 in India has caused an unprecedented humanitarian crisis. The National Human Rights Commission in consultation with representatives from the civil society organisations, independent domain experts and the representatives from the concerned Ministries/ departments, issued 12 human rights advisories on various thematic areas to all concerned Union Ministries and Chief Secretaries/ Administrators of all the States and UTs to realize the rights of the people especially the marginalized/ vulnerable sections of the population.
- 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, webinars, consultations and other available means. In view of the pandemic, all the activities took place in virtual mode, via Cisco Webex Application. Meeting of NHRC-SHRC concluded on 19th March, 2021.
- 1.10** These issues have been detailed out in different chapters of this Annual Report for the year 2020-2021.

CHAPTER 2

Highlights

- 2.1** The National Human Rights Commission (NHRC) of India is a sentinel of India's concern for the protection and promotion of human rights. Highlights of the activities undertaken by the Commission during the period under review are:
- 2.2 Observance of Human Rights Day:** Human Rights Day function is celebrated by the Commission on 10th of Decemeber every year to commemorate the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly by organizing a special function. Given the austerity measures, this year, the National Human Rights Commission celebrated the 'Human Rights Day' function on 10th December, 2020 through virtual mode. Shri Nityanand Rai, Hon'ble Minister of State, Ministry of Home Affairs graced the occasion as the chief guest.



Image 2.1: Celebration of Human Rights Day 2020 in progress at the Commission

- 2.3 NHRC Foundation Day Celebration:** The Commission was unable to organize Foundation Day Function on 12th October, 2020 due to the spread of COVID-19 pandemic and travel restrictions prevailing across the country. However, Chairperson's message on Foundation Day, 2020 was uploaded on the Commission's website.



2.4 Flag Hoisting Ceremony on the occasion of Independence and Republic Day:

Flag Hoisting ceremonies were organised on the occasion of Independence Day on 15th August 2020 and Republic Day on 26th January, 2021 respectively at Manav Adhikar Bhawan.

A. International Events

- 2.5** National Human Rights Institutions (NHRIs) that comply with the Paris Principles play 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 and independent NHRI to comply with the Paris Principles as well as strengthen it where it already exists. 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.
- 2.6** During the period under review, the National Human Rights Commission of India, being a member of the GANHRI and a founder member of the APF, participated in various webinar meetings/seminars and interaction with foreign delegates in the Commission.
- 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 National Human Rights Institutions which are in conformity with the Paris Principles. It performs this role by encouraging international coordination of joint activities and cooperation 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. 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 re-accredited in 2006 and 2011.
- 2.8** The Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) awarded 'P.' status accreditation to the National Human Rights Commission of India in 2017 as an acknowledgement of the important work that the Commission carried out for the protection of human rights and promotion of human rights awareness within the country.
- 2.9** NHRC India was a member of the GANHRI Bureau in 2003 and from 2007 to 2011. The General Meeting elected India as a Bureau Member of GANHRI from Asia Pacific Region (APF). NHRC India again became a member of the GANHRI Bureau with the election of Justice Shri H. L. Dattu, the former Chairperson of the Commission from 2016. NHRC participated in the GANHRI 2020 Annual Meeting virtually held from 30.11.2020 to 04.12.2020, with two live streamed events on 03rd and 04th December, 2020. The sessions were on: (i) Knowledge exchange of good practices: Implementation of NHRI mandate and functions in the COVID-19 context, on 03rd December, 2020 and (ii) Annual Conference: Climate Change: The role of National Human Rights Institutions, on 04th December, 2020.



Justice Shri P.C. Pant, Hon'ble Member, Shri Bimbadhar Pradhan, Secretary General and Shri Surajit Dey, Registrar (Law) attended the virtual meeting.

B. National Seminars and Conferences

2.10 The National Human Rights Commission organized a virtual conference on 'Online- Child Sexual Abuse Material (CSAM)' on 21st July 2020 via Google Meet. The Conference was chaired by Smt. Jyotika Kalra, Hon'ble Member, NHRC. Over 100 participants, including representatives from Ministry of Electronics and Information Technology & Ministry of Education Government of India, representatives from international agencies, civil society organizations, mental health institutions, parent associations, state police departments, national and state commission(s) for protection of child rights, academia, and freelance cyber experts attended the Conference apart from the NHRC team.



Image 2.2: Officers of the Commission attending the Virtual Conference on 'Online Child Sexual Abuse Material'

2.11 The Commission organized a virtual conference on the 'Impact of Covid-19 on the Rights of Persons with Disabilities' on 1st September, 2020 chaired by Dr. D.M. Mulay, Hon'ble Member, NHRC, and it was attended by the senior officers of NHRC, Core Group Members, NHRC Special Monitor (Persons with Disabilities and Senior Citizens), Representatives from the Department of Empowerment of Persons with Disabilities, National Trust, Skill Council of Persons with Disability and special invitees from civil society organizations who shared their

views and experiences. In the conference a review of the initiatives taken by the Government of India for protection of rights of persons with disabilities during the pandemic was conducted to discuss the 'draft advisory on Rights of Persons with Disabilities for Central and State Governments'.

- 2.12** A Southern Regional Conference was organized on Issues and Challenges of Manual Scavenging and Human Rights on 18th December, 2020 through virtual mode, under the Chairmanship of Justice Shri P.C. Pant, Hon'ble Member of NHRC.



Image 2.3: The regional workshop on 'Issues and challenges of manual scavenging and human rights' in progress

- 2.13** The National Human Rights Commission of India organized a stakeholder discussion on the topic 'Rise in Organized Crimes: A threat to Human Rights and Internal Security' on 22nd of March 2021. It was organized by the Commission to bring awareness and learning among the stakeholders to combat all forms of organized crime and criminal activities. The discussion was chaired by Hon'ble Member, NHRC Justice Shri PC Pant and the meeting was attended by Secretary General NHRC, Registrar (Law), Joint Secretary (A&R), SSP and other officers. The Speakers included Senior Officers from Central Bureau of Investigation (CBI), Enforcement Directorate (ED), Narcotics Control Bureau (NCB), Kerala and Maharashtra Police.



Image 2.4: Senior Officers of the Commission and other Government institutions attending the stakeholder discussion on 'Rise in Organized Crimes: A threat to Human Rights and Internal Security'

C. Strategic Plan and Annual Action Plan

2.14 The NHRC India has evolved a comprehensive institutional mechanism of an Annual Action Plan (2021-22) and a three-year Strategic Plan for 2021-2024 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 focus areas of the Plans 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, LGBTQI 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 spreading awareness and working with all the stakeholders for improvement in laws & schemes to promote and protect human rights. These plans are reviewed regularly.

D. Human Rights Advisories in context of COVID-19

2.15 The world witnessed an unprecedented crisis due to the COVID-19 pandemic and India was no exception. COVID-19 pandemic caused tide of fear, hatred, inequalities, poverty and injustice to



individuals, communities and the societies. Taking the grave situation and impact of COVID- 19 into account, the Commission issued the following 12 human rights advisories to all the concerned Union Ministries and all the States and UTs:

1. Human Rights Advisory on Right to Food Security and Nutrition in the context of COVID-19
11. Human Rights Advisory on Right to Health in context of COVID-19 pandemic
- m. Human Rights Advisory on Rights of Persons with Disabilities in context of COVID- 19
- 1v. Human Rights Advisory for Protection of the Rights of Children in the context of COVID-19
- v. Advisory on human rights of informal workers during COVID-19
- v1. Advisory on Impact of COVID-19 Pandemic: Business & Human Rights and Future Response
- v11. Advisory on Human Rights of Prisoners and Police Personnel during COVID-19
- v111. Human Rights Advisory on the Rights of Women in the context of COVID-19
- 1x. Human Rights Advisory on Right to Mental Health in context of Covid-19 pandemic
- x. Human Rights Advisory on the Rights of LGBTQI+ Community in context of Covid- 19
- x1. NHRC Advisory on Rights of Elderly Persons in context of the COVID-19 pandemic
- xn. Advisory on Combating Human Trafficking in Context of the COVID-19 Pandemic

E. Some other major activities

- 2.16** The Commission had organized the NHRC-SHRCs meeting for Chairpersons, Members, and Secretaries of all the SHRCs on 19th March, 2021 through virtual mode. The meeting was inaugurated by Justice Shri P.C. Pant, Hon'ble Member, NHRC and attended by Members, Secretary General, and Senior Officers, NHRC and Chairpersons, Members and Senior Officers of the most of the SHRCs through web mode. The objective of this meeting was to share the experiences and explore human rights issues of mutual interest. Issues like COVID-19 management including Implementation of Advisories issued by the Commission and migrants issues, Capacity assessment of SHRCs - Issues and challenges, Common Area of Interest between NHRC-SHRCs, Implementation of HRCNet Portal, Utilization of Common Service Centers (CSCs) in the States, Disaster Management and Climate change- Impact, perspectives and future strategies, Violation of human rights and management of complaints, with a special emphasis on police atrocities, were discussed during the brainstorming sessions.



Image 2.5: Senior Officers of the Commission attending NHRC-SHRCs meeting on 19th March, 2021

F. Information and Communication Technology achievements for the period

- 2.17 HRCNet Portal (<https://hrcnet.nic.in>):** NHRC has made revolutionary changes in the software by making all the processes regarding management of complaint/cases online right from filing of complaints to its disposal, which provides easy tracking mechanism.
- 2.18 E-office:** The Commission has also successfully implemented e-Office (<https://nhrc.eoffice.gov.in>) for all active files of all its Divisions/Sections. Facility of web VPN has been provided to Chairperson/Members, Officers and Staff of the Commission for using eOffice from home/anywhere. This helped in ensuring smooth functioning of office from home during severe pandemic period.
- 2.19 Video-Conferencing and webinars:** Computer Cell organized 250+ webinars in this financial year using various web platforms for online training, meetings, webinars, interviews, competitions etc. on various issues. It arranged the webcast for celebrating Human Rights Day Function of 2020 in virtual mode. Internship applications were received and processed in a transparent manner using NHRC portal and internship was conducted virtually using web platform very successfully.
- 2.20 Website updation:** The Commission's website was updated regularly as per the contents provided by concerned Division/Sections. Contents included, notifications of vacancies, newsletters, news



clippings, minutes of meeting, contact information, directory of officers, videos, monthly statistics, publications, training related documents, photo gallery, press releases etc.

- 2.21 Software for translators:** A Software was designed, developed and implemented for maintaining records of communications sent for translation from vernacular languages to English language. The software has provision for electronic transmission of communication to translators and uploading of translated text by them. This software increased the efficiency of the concerned in terms of time taken, requirement of manpower and bill processing.
- 2.22 e-HRMS:** Implementation of e-HRMS software has been started in the Commission. Data Entry from Service Books and Personal Files is in progress.
- 2.23 SPARROW:** SPARROW for IAS, IPS and IRS officers working in NHRC is already in use. SPARROW for rest of employees and officers was implemented successfully and the Establishment Section initiated process of generating Annual Performance Appraisal Report (APARs) using SPARROW software for the year under assessment.
- 2.24 Network and security operations:** Both Leased Line (PGCIL & Railtel) have been upgraded from 34 Mbps to 100 Mbps which improved the software performance in the Commission.
- 2.25 Barcode in library:** Each and every book and other items are assigned a unique 12- digit barcodes which helped in systematic management of books. This process of barcode is being implemented in the NHRC Library.
- 2.26 NHRC Dashboard:** A new dashboard was designed, developed and rolled-out to keep the important information in public domain.
- 2.27 Real Time MIS:** Several MIS reports were designed, developed and implemented for the senior officers of the Commission for better monitoring of the case registration and disposal.

G. Dissemination of information and outreach mechanisms

- 2.28 Outreach mechanism- Press Releases, Press Conferences, Interviews, Newsletter:** During the period, pr April 2020 to 3pr March 2021, 84 press releases were prepared and issued by the Media & Communication Wing about the various interventions and activities of the Commission. New features were introduced in the monthly Newsletter of the Commission during the year. The Newsletters in English were edited, designed, printed and circulated by the Media & Communication Wing and translated, printed and circulated in **Hindi** by the Official Language Section. There were 5000 soft copy recipients and more than 2,000 hard copy recipients of the NHRC Newsletter. The list of hard copy recipients has been rationalized and made more inclusive to include, among others, education institutions, police and administrative institutions, libraries, international organizations and embassies.



Image 2.6: One of the NHRC Newsletter during the period under review

- 2.29 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, reported in the media, was prepared for the feedback of the Commission, a copy of which is also sent to the library. 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.
- 2.30 Exploring alternative communication platforms:** The Commission, through its Media & Communication Wing, continued its dialogue with the National Services Scheme (NSS), Nehru Yuva Kendra Sangathan (NYKS), National Cadet Core (NCC), Indian Red Cross to motivate them to organize human rights workshops through their wide work network of youth volunteers and officers. Besides this, Doordarshan, Rajya Sabha TV and Lok Sabha TV were approached for screening NHRC award winning short films on human rights through their pan India networks.
- 2.31 Twitter:** The NHRC, India Twitter handle got the blue tick indicating its verified status in April, 2021. 633 tweets were made from 1st April, 2020 to 31st March, 2021 and the total followers reached to around 19,000.



Image 2.7: NHRC India's Twitter page (Image taken on 16.6.2021)

H. NHRC's Short Film Awards



Image 2.8: Preparations for the 2021 Short Film Awards

2.32 The Commission organized the Sixth Short Film Award Scheme. This year, the Commission enhanced its prize money; three prizes of rupees two lakh, one lakh & fifty thousand and one lakh respectively with certificates and four certificates of 'Special Mention'. The Commission received a tremendous response with 93 entries from various parts of the country. The films for



the awards were selected by a Jury headed by NHRC Member, Dr. D.M. Mulay, and comprising senior officers of the Commission, Shri Bimbadhar Pradhan, Secretary General and Smt. Anita Sinha, JS(P&T) and Shri Arun Chadha, National award winning filmmaker. Shri Jaimini Kumar Srivastava, Deputy Director (Media & Communication) was the Convener of the event. In view of the COVID-19 guidelines, the NHRC Members, Justice Shri P. C. Pant, Smt. Jyotika Kalra and Dr. D. M. Mulay presented the awards to the winners through an online function on 8th February, 2021 in the presence of NHRC Secretary General, Shri Bimbadhar Pradhan and other senior officers. The following films received awards:

1. First prize: *'Thalsar Bangsar'* by Ravindra Manik Jadav
11. Second prize: Jointly given to *'Womb of Melghat'* by Nitin Vasantryao Ganorkar and *'Annam'* by Thomas Jacob.
111. Third prize: Jointly given to *'And thus man gets crushed again and again'* by Jaya Rose and *'Sappar'* by Vinod Garud.
- 1v. 'Special Mention' awarded to three films:
 - *'Dumroo'* by Rashid Usman Nimbalkar
 - *'Saraswati'* by Revar Gauravsinh
 - *'The Women on that street'* by Gautami Purushottam Berde

I. Documentation Centre CE-Library)

2.33 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. An online Open Public Access Cataloguing (OPAC) has been specially developed for quickly ascertaining the availability and location of any book/document available in the library. NHRC library is an institutional member of Developing Library Networking (DELNET), New Delhi, which promotes resource sharing amongst the libraries. The barcode process of library books is in an advanced stage. It will be completed very soon as a part of the Library Upgradation System initiative.

J. Number and nature of complaints

2.34 The Commission, since its inception in 1993, has been ceaselessly endeavouring for better protection and promotion of human rights. It has been successful in creating wide awareness about human rights as well as National Human Rights Commission. This success is reflected in the increase in the number of complaints. The Commission received 6987 complaints in the year 1994-1995, which increased to 1,17,808 cases registered in the year 2015-2016. For this big achievement the Commission is thankful to print and electronic media, the human rights activist, and NGOs working for protection of human rights, which have been playing vital role in the field, the large number of complaints received in the Commission is also an indicator of the faith deposited in the Commission by the people. The promotion and protection of human rights is



undoubtedly a challenging task. Its dimensions have ever been changing with change in the circumstances and prevailing conditions of the society. The year 2020-2021 has brought a new challenge for whole of the world with the outbreak of pandemic of COVID. The pandemic has put altogether different challenges to be faced by the humanity, creating all together different situations of Lockdown, migration of labour etc. At one hand these situations caused the high amplitude of violation human rights, on other hand caused constraints in the functioning of the Commission, as well as copartners eg. - Media and the human rights activists. For a considerable time the office of the Commission remained closed due to the lockdown. Some of the officials of the Commission or their family members suffered from infection with Corona Virus. A few of them have been lost in the struggle for breath. Even under these difficult situations, the Commission continued its efforts for protection of human rights. Though people were getting it difficult to send the complaints by post, or to present complaints on the Counter of the Commission, however the Commission had already extended the facility of online registration of complaints, on its website, therefore a number of complaints were lodged online or sent to the Commission through e-mail. Since the complaints handling by the Commission have also been completely computerized, the officials of the Commission could perform their work from home. Of course, the Commission could not organize its Camp Sitzings, Open Hearings, and these conditions have bearings on the performance of the Commission, despite the Commission and its officials having ceaselessly worked, in more energetic way with undaunted spirit to address the woes of the people whose human rights were violated in the changed circumstances of pandemic.

- 2.35** During the year 2020-2021, the Commission registered 74,968 complaints and disposed of 79,307 cases. The situation caused by the COVID 19 pandemic, the lockdown and the restrictions on movement did not hamper the functioning of the Commission. The Commission initiated steps for providing a platform to the complainants to submit online complaints through HRC Net portal, of which Complaint Management and Information System (CMIS) is a part, and also encouraged the State Human Rights Commissions to come on board hrc.net portal which enabled the complainants to submit online complaints to many of the State Human Rights Commissions.
- 2.36** The year 2020-2021 witnessed COVID 19 pandemic across the country. It necessitated various measures including guidance to people to maintain social distances, use of mask, lockdowns restricting movement of people, closure of offices and business etc. There were media reports on denial of medical care, exorbitant medical bills, and preparedness for testing, care and treatment for COVID 19 etc. At its end, the Commission made efforts to increase its reach to the people. The use of hrc.net portal extended the facility to the complainants to make a complaint online from anywhere in the country and also utilizing services of the Common Service Centres ensuring immediate submission of complaints and a safeguard against postal delays or loss in transit. The online processing of the complaints facilitated quick examination of the grievances for their redressal, online communication of the directions passed by the Commission and online receipt of the reports from the authorities.
- 2.37** The use of hrc.net portal also 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.



2.38 During the pandemic, the Commission took suo-motu cognizance of various incidents of grave violation of human rights, and in particular, the following:-

- Suffering of migrant labourers forced to move to their native places during the lock down. The Commission issued appropriate directions in each such case.
- 57 girls living in a state run children shelter home in Kanpur District of Uttar Pradesh were found COVID 19 positive. Five of them were found to be pregnant and one girl, HIV positive. The Commission sought a detailed report from the Chief Secretary, Government of Uttar Pradesh, including health status of the girls, medical treatment and counseling provided to them.
- Death of 23 persons and injury to 30 others due to fall of a roof of a shelter in a crematorium in Ghaziabad's Ukhlasri village. Most of the victims had taken shelter under the roof due to rain. A criminal case was registered and ex-gratia relief paid to the next of kin of the deceased. The Commission called for a detailed report on the relief and rehabilitation of the injured, besides the present status of investigation of the criminal case.
- Killing of a minor dalit rape victim by the relatives of the accused in the area of Jhangirabad police station in Bulandshahr, Uttar Pradesh. The girl died in Safdarjung Hospital in Delhi on 17.11.2020 due to bum injuries. The Commission called for a report on the security provided to the family members of the victim, progress in the criminal case registered, and the relief provided to the family in accordance with the provisions of SC/ST (POA) Act, 1989 and the SC/ST(POA) Rules, 1995.

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

Table 2.1: Nature and number of complaints

Children	538
Women	4219
Scheduled Caste/Scheduled Tribes	942
Differently abled	834
Project affected persons	77
Communal violence	124
Health	793
Business and Human Rights	110
Violations in Educational Institutions	1192
Pollution Issues	358
Rights of Labour	1010



Violation of High Seas	24
Panchyati Raj Institutions	263
Denial of retiral benefits	812
Atrocities by police on disabled	29
Denial of treatment during pandemic	67
Death due to electrocution	550

2.40 While the Commission, in exercise of its powers u/s 18 of **PHR** Act, the Commission recommended for payment of monetary relief to the victim or the family of the deceased victim (NOK), its initiative and proactive action also resulted in relief to the victims and their families in the following manner:

- Ex gratia relief payment by the concerned State Government/ Authority
- Relief in accordance with the Schedule to SC/ST (POA) Act 1989 and Rules of 1995 for SC/ST victims of atrocities
- Release and Rehabilitation of Bonded Labourers - Implementation of guidelines laid down by the Ministry of Labour and Employment, Government of India.
- Payment of Rs. Ten Lacs to the families of deceased labourers who died during the course of manual scavenging - implementation of the directives by the Supreme Court.
- Release of retiral benefits for retired public servants.
- Provision of MNEREGA Job card, Indira Awas Yojna House and other benefits to the BPL category, landless poor and SC/STs beneficiaries
- Payment under Victim Compensation Scheme.
- Payment to Acid Attack Victims
- Rehabilitation of persons affected by Mega Projects.

2.41 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: Number of complaints closed after due redressal

Rights of Children	1495
Right to Health	1853
Bonded Labour	1132
Pollution	460
Release of retiral benefits to public servants	1409
Rights of Women	5926
Rights of SC/ST	1434
Police inaction/atrocities	16214



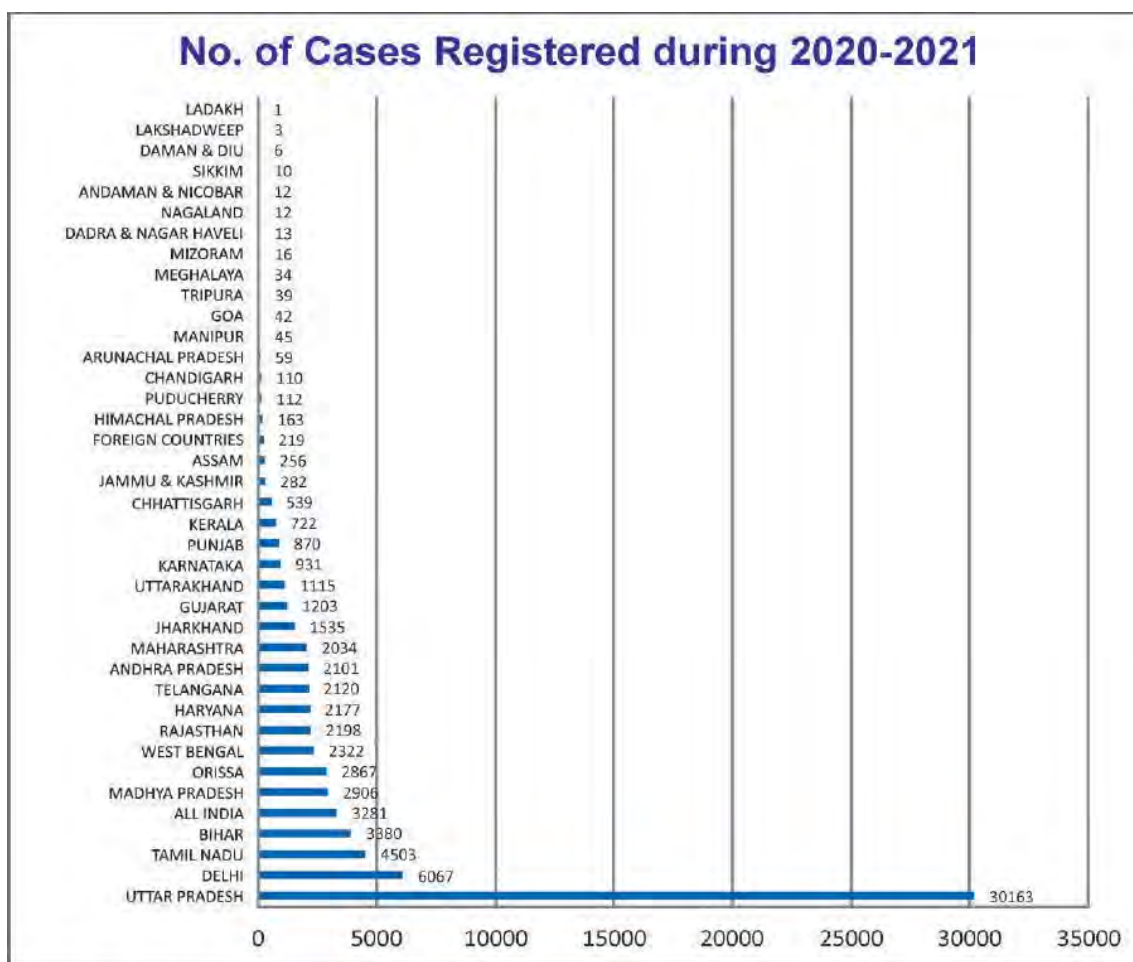
2.42 The Commission utilized the interactive platform in the form of Video Conference of Senior officers of NHRC with the senior officers and Nodal officers of the various State Governments. Apart from facilitating coordination between the respective nodal officers, the Video Conferences with the States facilitated interaction, exchange of views, promoted understanding and monitoring of pendencies on account of non receipt of reports from the State Authorities. Officials of State government were encouraged to use hrc.net portal for submission of reports online as well as encourage the local population for extensive use of online complaint facility through Common Service Centre in the various districts of the State. 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.

K. Human rights violation cases

2.43 Out of these 74,968 cases registered by the Commission during 2020-2021, (**Annexure-1**) 30,164 cases pertained to the State of U.P., 6067 to State of NCT of Delhi, 4504 cases to Tamil Nadu, 3,880 cases to Bihar and 3277 cases to all over India or to more than one State. The State wise break up of the number of cases registered is given in the chart below:

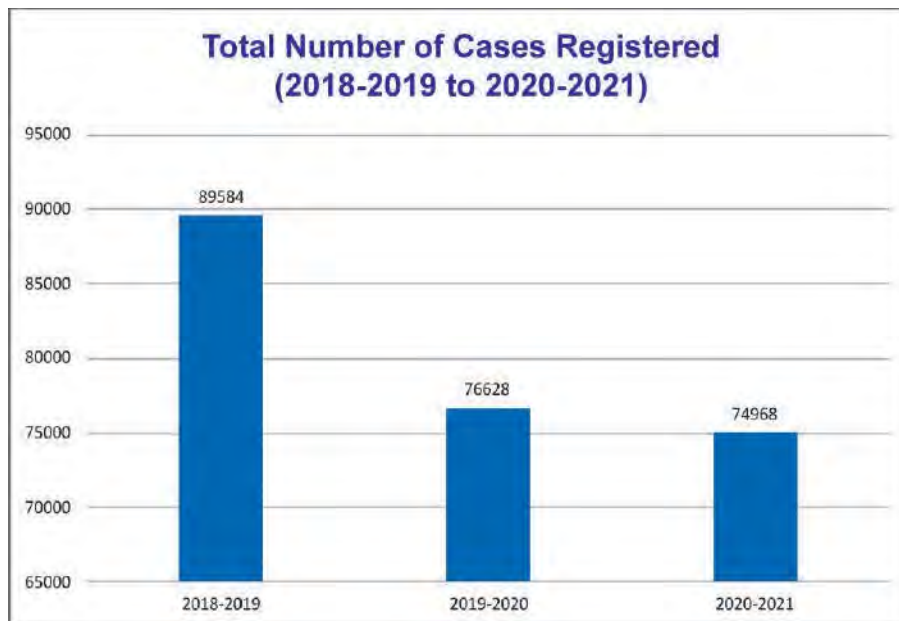
Illustration 2.1: State/UT wise number of cases registered in NHRC during 2020-21

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



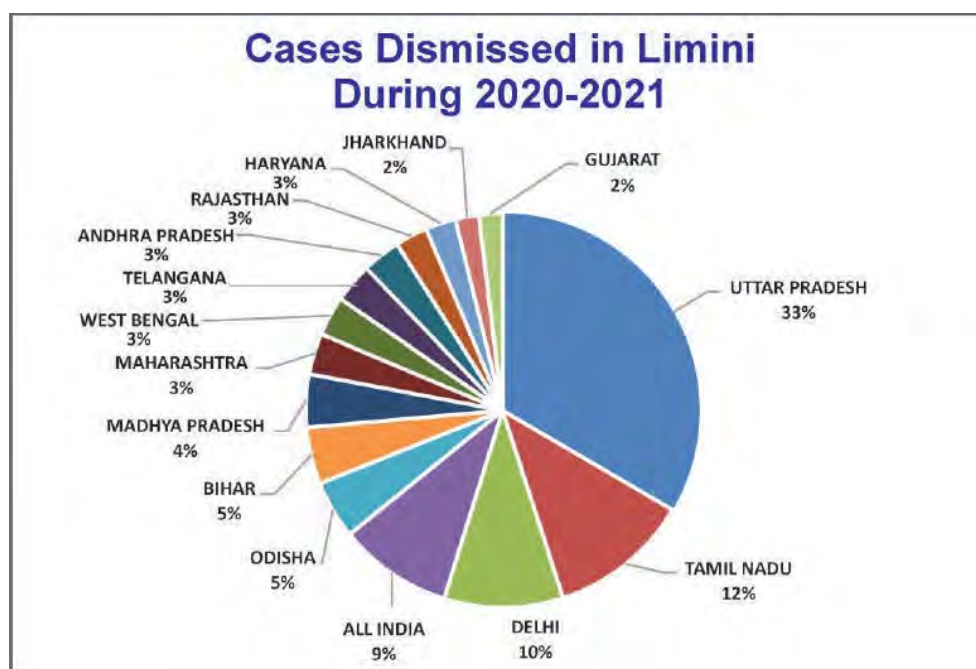
2.44 The Graph below gives a comparative analysis of total number of cases registered in the NHRC from 2018-2019 to 2020-2021

Illustration 2.2: Comparative analysis of total number of cases registered in the NHRC from 2018-2019 to 2020-2021



2.45 It disposed of 81328 cases which included cases of previous years as well. Of the total number of cases disposed of by the Commission during the year under review, **36,180** were dismissed '*in limine*'. The State wise break up of these cases is furnished in the chart below:

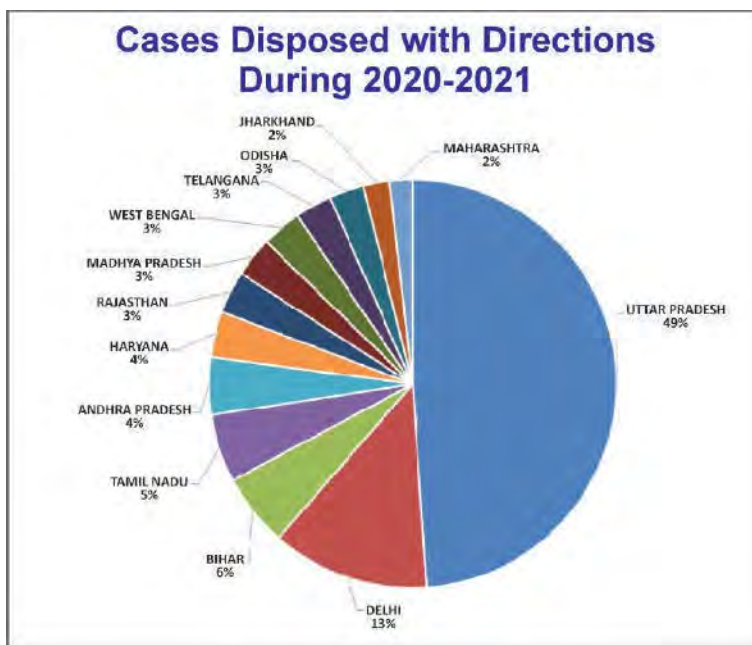
Illustration 2.3: State-wise break up of cases dismissed '*in limine*' in 2020-21





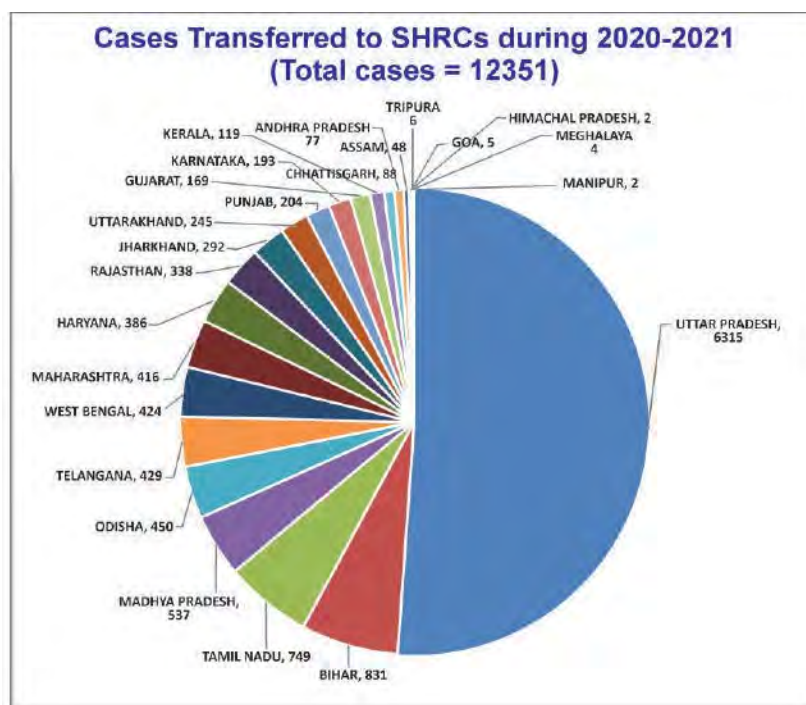
2.46 The Commission disposed off **21,431 cases** with directions to the appropriate authorities for remedial measures during 2020-2021. The State-wise break up of these cases is furnished in the chart below:

Illustration 2.4: State - wise break up of cases disposed with directions in 2020-21



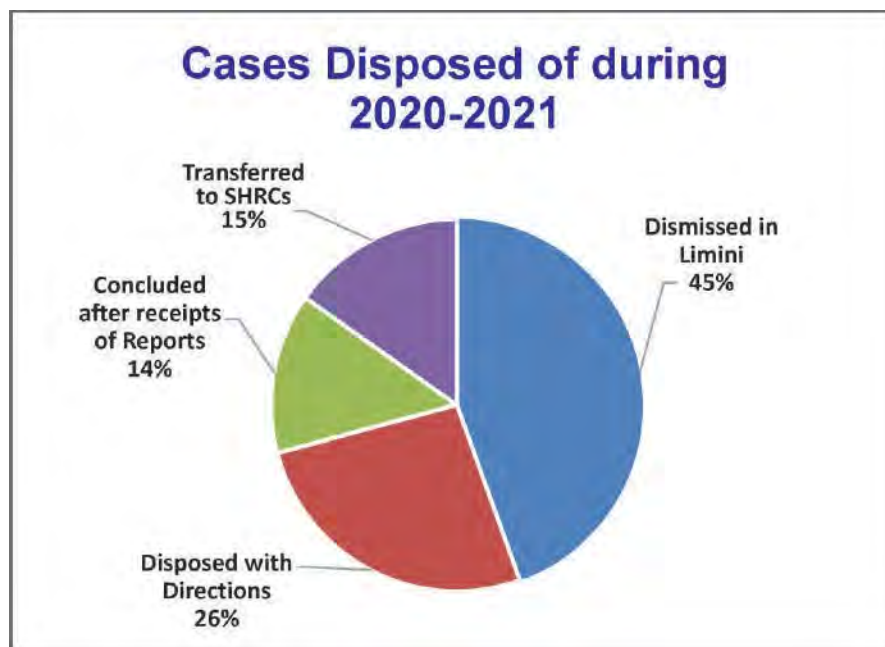
2.47 12,351 cases were transferred to the State Human Rights Commissions for disposal in accordance with the provisions of the **PHRA**. For details of State/Union Territory-wise cases disposed of by the **NHRC** during 2020-2021, please see **Annexure-2**. This also reflected in the chart below:

Illustration 2.5: Cases transferred to State Human Rights Commissions



2.48 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 State Human Rights Commissions, closure of the case upon consideration of the reports received in pursuance to the Commissions, is indicated in the chart below:

Illustration 2.6: Disposal of cases and its break-up according to different ways of disposal in the year 2020-21



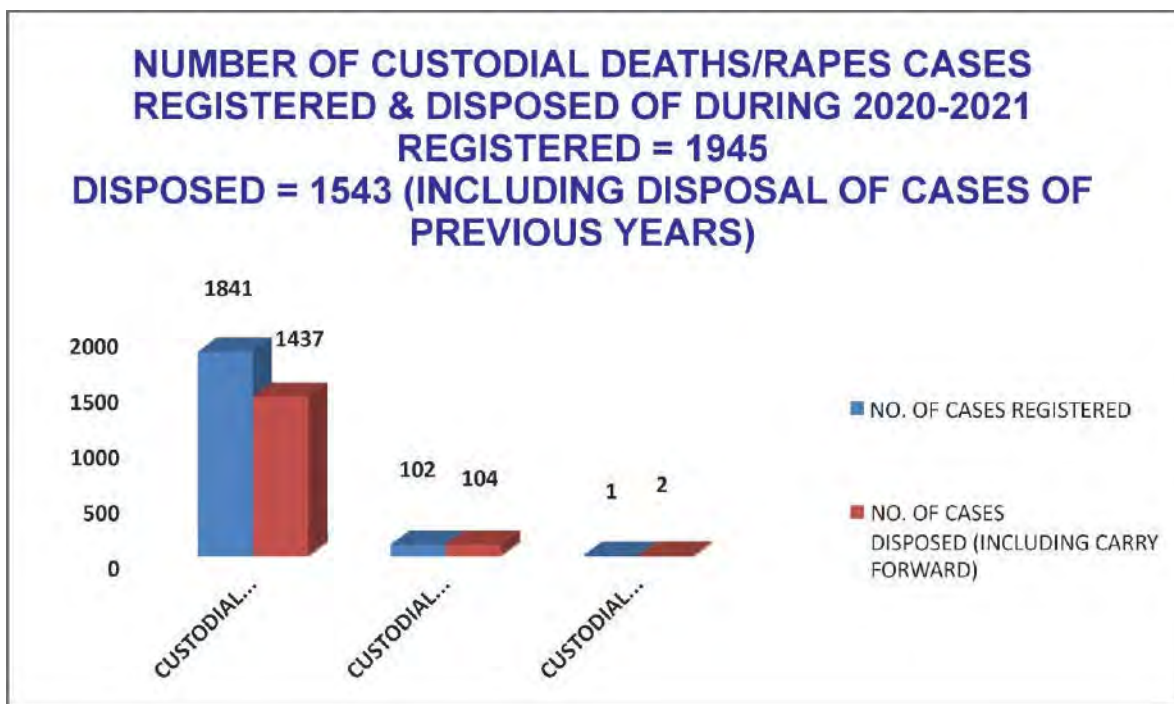
2.49 At the end of the reporting period, i.e. on 31 March 2021, the total number of cases pending with the Commission was 12,298. These covered 266 cases awaiting preliminary consideration and 12,032 cases pending either for want of reports from the authorities concerned or the reports received being pending for consideration by the Commission (**Annexure-3**).

2.50 Civil and Political rights

2.50.1 The NHRC received 1,841 intimations concerning death in judicial custody and 102 intimations of death in police custody during the year 2020-2021 and 1 intimation of death in para-military/defence forces custody was also reported during the review period. It disposed of 1543 cases of custodial death. Out of these 1543 cases, 1437 cases relate to death in judicial custody, 104 cases of death in police custody and 2 cases of death in the custody of para-military forces. These figures contain cases of previous years as well. See the Graph below for all details.



Illustration 2.7: Number of custodial deaths/rape cases registered and disposed off during the year 2020-21



2.51 Recommendations of NHRC for monetary relief and its compliance

1. During the period 1 April 2020 to 31 March 2021, the Commission recommended Rs. 14,17,17,972 as payment of monetary relief/compensation to the victims/next of kin of the deceased in 459 cases. Out of the 459 cases in which monetary relief was recommended, compliance reports were received only in 133 cases, wherein a total amount of Rs. 3,29,27,219 was paid to the victims/next of kin of the deceased. The State/ Union Territory-wise details of these cases are at **Annexure-4**.
11. As on 31.03.2021, compliance reports were awaited in 326 cases wherein monetary relief amounting to Rs.10,97,95,000 was recommended during the year (details of the cases at **Annexure- 5**). Apart from the recommendations for monetary relief, the Commission also recommended disciplinary/ departmental action against the errant public servants in 1 case (details of the cases at Annexure-6). The Commission, once again, recommended 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/next of their kin.
111. As is evident from the given Annexure 4, during 2020-2021, out of total of 326 77 cases were found to be pending with the Government of Uttar Pradesh, 42 cases with the Government of Bihar, and 19 cases each with the Government of NCT of Delhi, the Government of Haryana, and the Government of Odisha, 18 cases with the Government of Jharkhand, 16 cases with the Government of Assam, 14 with the Government of Madhya



Pradesh, 12 cases with the Government of Rajasthan, 11 cases with the Government of West Bengal, 10 cases each with the Government of Andhra Pradesh, the Government of Chhatisgarh, and the Government of Punjab, 8 cases with the Government of Maharashtra, 7 cases Government of Tamil Nadu 6 cases with the Government of Gujarat, 5 cases with the Government of Kerala, 3 case each with the Government of Arunachal Pradesh, Government of Nagaland and Government of Uttarakhand, 2 cases each with the Government Of UT Chandigarh, Government of Karnataka, and the Government of Jammu & Kashmir, and 1 case each with Government of Himachal Pradesh, The Government of UT Lakshdweep, The Government of UT Daman & Diu, the Government of Mizoram the Government of Meghalaya, the Government of Sikkim, Government of Telengana, the Government of Tripura.

- 1v. With regard to compliance reports relating to cases pertaining to previous years, compliance was awaited in 67 (53+14) cases, for details see **Annexures - 7 & 8.**
- v. **Annexure-7** gives details of cases pending compliance for the year 2019-2020 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 14 cases, most of which relate to civil and political rights. Other States, which had yet to forward their compliance reports in this respect were - Odisha 6 cases, Jharkhand and Bihar 5 cases each, Tamil Nadu 4 cases, NCT of Delhi and Assam, each 3 cases, Maharashtra, Madhya Pradesh and Rajasthan each 2 cases, Chhatisgarh, Punjab, Gujarat, Puducherry, Telangana, Uttarakhand and West Bengal each 1 case. These cases involved allegation of malfunctioning in primary health centers 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 the Annual Reports of NHRC for previous years. The Commission once again called 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 scheduled castes, scheduled tribes and other backward classes.
- v1. **Annexure-8** gives details of 14 cases pending compliance on the recommendations made by the Commission for the period 2013-2014 to 2018-2019 for payment of monetary relief.
- v11. Further the State authorities refused to comply with the directions by the Commission for payments of monetary relief to the victims of human rights violation in the following cases:

1. Illegal detention of Human Right Defender Mr. V Gouthaman along with five students in Tamil Nadu, (Case No.61/22/13/2014)

This case relates to illegal detention of Human Right Defender Mr. V Gouthaman along with five students named ParavaiDasan, Raymond, Gautham, Vasanthan and Jothilingam and one person named Tamil Inniyan, abused and physically tortured by the police. On the basis of the inquiry conducted by the Investigative team of the Commission, which revealed that the victims were arrested from their



respective homes/residences by the police at night without complying the guidelines of the Hon'ble Supreme Court and the procedure prescribed under Cr.P.C. the Commission observed that the Human Rights of the arrestees were violated for which the State is vicariously liable. The Commission, therefore, recommended to the Government of Tamil Nadu through its Chief Secretary, to make the payment of the monetary relief of Rs. 50,000/- each to the six victims and to send a compliance report along with proof of payment for perusal of the Commission.

In response the Dy Secretary, Government of Tamil Nadu submitted that the State Government disagreed to the proposal of NHRC to pay monetary relief to 6 persons involved in this case and the question of paying compensation to them does not arise. In view of non acceptance of the Commission's recommendations for the payment of the monetary relief in the matter, the Commission closed the case with directions that the matter be included in the Annual Report of the Commission u/s 20 of the PHR Act, 1993 and the victim be advised to explore legal remedy in the matter.

2. The complainant's sons & daughter in law, beaten up by the police officials of PS Rani Bagh, Delhi (Case No. 2177/30/6/2018)

This matter relates to a complaint alleging that the complainant's sons & daughter in law were beaten up by the police officials of PS Rani Bagh, Delhi. Pursuant to the Commission's directions, the Addl. Commissioner of Police Vigilance, Delhi reported that charge sheet was filed against the errant police officials. The Commission observed that apparently the allegations leveled in the complaint are substantiated and the human rights of the victims had been violated, consequent to that a charge sheet is filed against the errant police officials. The Commission, therefore, recommended to the State to pay Rs. 50,000/- to each victim as monetary compensation and to submit compliance report along with details of departmental action taken against these guilty police officials.

In response it is reported that PS Rani Bagh was under the jurisdiction of North-West District in the year 2018. All police officials involved in the case were placed under suspension by the DCP, North-West District. As regards the monetary compensation of Rs. 50,000/- to each of the three victims, no such order regarding payment of compensation to victim of Case FIR No. 124/18 PS Rani Bagh has been received from PHQ, till date. While considering the records of the case, the Commission closed the case with directions that The inquiry report together with the comments of the concerned authority be included in the Annual Report of the Commission u/s 20 of the PHRA and the victim's family members be also advised to explore legal remedies in the matter.

3. Death of an under trial prisoner, who was imprisoned in Sub-Jail, Ghatshila, Jharkhand, due non availability of timely medical care.(Case No. 1387/34/6/2016-JCD)

This is a case regarding death of an under trial prisoner who was imprisoned in in Sub-Jail, Ghatshila, Jharkhand. The victim was reportedly admitted in the hospital and died during treatment. The Commission obtained the requisite reports in the matter including Postmortem and inquest reports and also obtained the opinion of the forensic expert on the panel of the Commission, thereon. As per the opinion furnished by the forensic expert, the patient was found suffering from pulmonary tuberculosis. The postmortem report corroborates with the clinical findings and the cause of death is due to T.B. However, keeping in view that the patient died within 20 days of admission due to complication of



pulmonary tuberculosis and absence of any medical record before prior to his admission in the hospital, suggesting non-treatment diagnosis/ non-regular care, the Commission was of the prima facie view that the deceased died due to inadequate treatment. Hence, the Commission issued a notice to the Chief Secretary, Government of Jharkhand to show cause as to why monetary compensation of Rs.3,75,000/- may not be recommended to be paid to the next of kin of the deceased under trial prisoner.

In response the Joint Secretary, to the Government of Jharkhand conveyed that the state government is not agreeable to the recommendation of monetary compensation of the commission as there had been no negligence on the part of the State in the treatment of the UTP. The Commission was not satisfied with the response hence recommended the aforesaid monetary compensation. The Government of Jharkhand did not respond to the recommendations, the Commission closed the case with observation that it did not appreciate the conduct of the State authorities.

4. Illegal detention of the victims by the police of PS Hapur, Uttar Pradesh despite stay orders on their arrest by Allahabad High Court.(Case No. 42837/24/77/2016)

This case relates to illegal arrest/ detention of the victims by C.O. Hapur, despite orders by Allahabad High Court. The report received pursuant to directions of the Commission, revealed that a case was registered against the victims. The investigation was carried out by Inspector Puttan Lal Verma. They were found involved in the crime, and a charge sheet was filed in the court against them without any plausible reason. However, they were unnecessary called and harassed in the PS, Hapur by the said Inspector which may be due to some ulterior motives. It was found that the Inspector had been acting against law and misusing his capacity of public servant. A departmental enquiry against him was under consideration.

On perusal of the report, the Commission issued a Notice u/s 18 of Protection of Human Rights Act, 1993 to the Chief Secretary, Government of Uttar Pradesh, to show cause, as to why Commission should not recommended monetary relief of Rs. 50,000/- to each of the victims for their illegal detention by the said Inspector.

In response, Joint Secretary to the Government of U.P. stated that the victims were found involved in criminal case u/s 420/467/468/471/506 IPC and a charge sheet against them had also been filed in the court; hence they cannot be entitled for any compensation. Further, disciplinary enquiry was also being initiated against the guilty Inspector.

Upon consideration of the response, the Commission recommended to the Government of

U.P to pay the monetary relief of Rs. 50,000/- to each of the victims. In addition, the DGP, U.P, Lucknow was also asked to submit a report about the outcome of disciplinary proceeding initiated against the guilty police officials. The Commission also conveyed the response received from the Government of UP to the victims for their comments but they did not respond. The Commission, therefore, closed the case with observations that presumably the victims had nothing to urge in the matter, hence no further intervention by the Commission was called for.



L. Commission meetings to deal with cases of human rights violations

2.52 During the year under review, the Full Commission took up 198 cases of human rights violations in its 13 sittings. In addition, the two Division Benches considered 595 cases in 33 sittings.

2.53 NHRC Open Hearings on Atrocities against Scheduled Castes: During the period under review, due to COVID Pandemic no Open Hearing and no Camp Sitting could be held. The Commission considered 207 cases in 14 sittings of Full Commission and 822 cases were considered in the 62 sittings of the Divisional Bench.

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

Table 2.3 : Last 5 years' perspective on certain important parameters

Death in police encounter (inc. Code 812)	179	169	164	112	82
Custodial death (judicial) (intimation) (inc. Code 301)	1668	1616	1636	1584	1840
Custodial death (police) (intimation)(inc. Code 807)	151	145	148	112	101
Child labour (inc. Code 101)	66	50	76	66	64
Bonded labour (inc. Code 601)	3345	240	355	404	361
Inaction by the State Government/ central Government officials (inc. Code 505)	16258	13578	10929	8268	3092
Gang rape (inc. Code 1307)	572	455	422	375	217
Rape (inc. Code 1311)	707	535	701	648	478
Children (inc. Code 100-112)	1657	1211	1340	1019	538
Health (inc. Code 200-205)	2535	1832	1377	887	793
Jail (inc. Code 300-318)	2670	2447	2669	2167	2336
Police (inc. Code 800-823)	35533	27845	27491	16286	13023
Pollution/ecology/environment (inc. Code 900-904)	457	446	471	458	358



Women (inc. Code 1300-1314)	8105	7413	7843	6791	4219
Defence forces (inc. Code 1600-1617)	128	72	98	94	66
Para-military forces (inc. Code 1700-1717)	160	152	132	135	157
Sc/st/obc (inc. Code 1900-1904)	3454	3207	2660	2403	942

M. Statistics of cases dealt by Investigation Division

2.55 The following table indicates the statistics of cases dealt by Investigation Division from April, 2020 to March, 2021

Table 2.4: Statistics of the cases dealt by Investigation Division from April 2020 to March 2021

Received (including carry forward cases)	2021	400	1624	4045
Processed	1845	211	1316	3372

2.56 The following paragraphs enumerate the the total cases processed by the Investigation Division from April, 2020 to March, 2021

Illustration 2.8: Total cases processed by the Investigation Division from April 2020 to March 2021

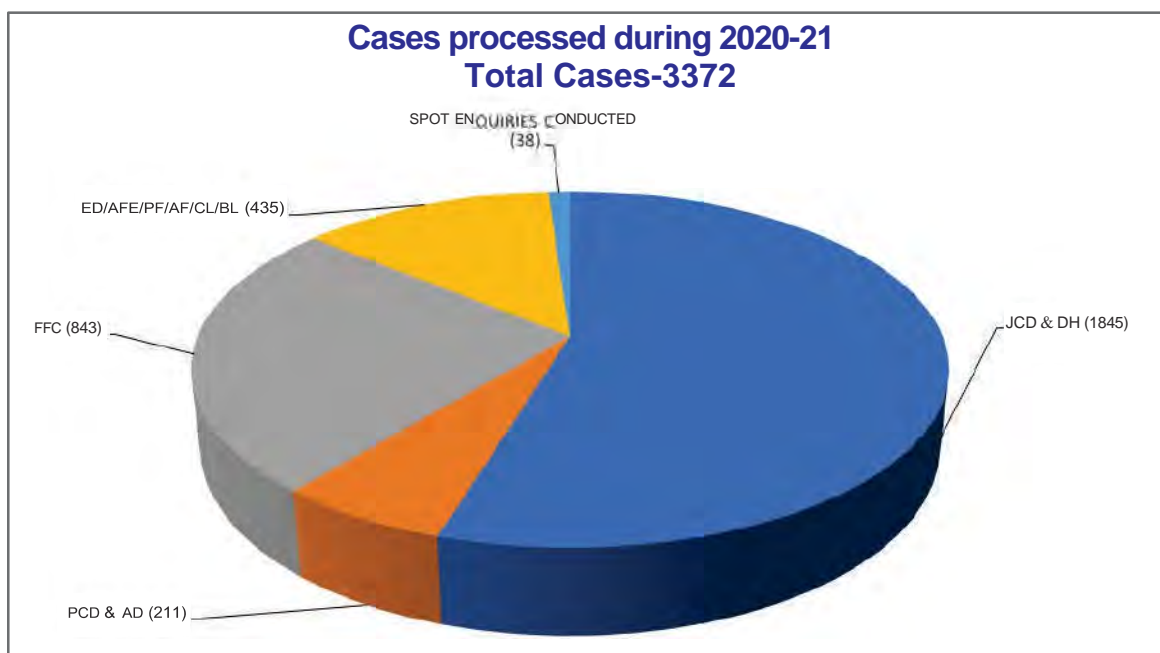




Table 2.5: Month-wise details of cases processed by the Investigation Division during 2020-21

Apr-20	55	0	43	0	0	98
May-20	97	1	68	0	0	166
Jun-20	73	4	100	0	1	178
Jul-20	138	12	123	0	2	275
Aug-20	130	20	63	40	2	255
Sep-20	184	33	80	46	5	348
Oct-20	172	26	62	58	6	324
Nov-20	102	32	102	39	3	278
Dec-20	176	15	58	65	6	320
Jan-21	254	22	56	57	3	392
Feb-21	239	28	42	78	5	392
Mar-21	225	18	46	52	5	346
TOTAL	1845	211	843	435	38	3372

2.57 In compliance with the Commission directions, 38 spot enquiries have also been conducted by the Investigation Division. Details of the spot enquiries carried out by the Investigation Division from April, 2020 to March, 2021 are mentioned at **Annexure 9**.



Image 2.9: Officers from NHRC's Investigation Division carrying out Spot Enquiry in a case of negligence of civic body



Image 2.10: Spot Enquiry in a case of harassment of COVID-19 patients in private hospitals

Organization and Functions

- 3.1** NHRC India was set up by an act of Parliament on 12th October 1993 as amended in September, 2006 and July, 2019, called as the Protection of Human Rights Act, 1993 (PHRA). This act is aimed at giving '*better protection against abuse of power committed by organs of State 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 include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), 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. Many of the rights as referred to in the ICCPR and the ICESCR were available to Indian citizens when India became independent. These rights are primarily reflected in Part III and Part IV of the Constitution under the broad heading of Fundamental Rights and Directive Principles of State Policy.
- 3.3** Unquestionably, the greatest strength of the PHRA is to provide the Commission with 'independence, functional autonomy and broad mandate', which are essential to the composition and proper functioning of a 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 it came into existence, has shown 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.

A. Constitution of the Commission

- 3.5** 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.



3.6 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:

1. Chairperson of the National Commission for Scheduled Castes
11. Chairperson of the National Commission for Scheduled Tribes
- m. Chairperson of the National Commission for Minorities
- 1v. Chairperson of the National Commission for Women
- v. Chairperson of the National Commission for Protection of Child Rights.
- v1. Chairperson of the National Commission for Backward Classes
- v11. Chief Commissioner for Persons with Disabilities

3.7 The Chairperson and the Members of the NHRC are appointed by the President of India, on 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.

3.8 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.

3.9 Powers Relating to Inquiries: The NHRC has been entrusted with the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, especially with respect to 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. It is armed with power of taking the *suo motu* cognizance of serious matters based on newspaper and media reports.

3.10 Extensive Range of Functions: The Commission has a wide mandate. Its functions, as laid down in Section 12 of the PHRA, include:

1. Inquire, *sua 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.i) violation of human rights or abetment thereof; or (i.ii) negligence in the prevention of such violation, by a public servant.
11. Intervene in any proceeding involving any allegation of violation of human rights pending before a court, with the approval of such court.



111. 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.
- 1v. 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.
- v. Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- vi. Study treaties and other international instruments on human rights and make recommendations for their effective implementation.

B. Specialized Divisions and Staff

3.11 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.

3.12 Law Division: 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. It 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, and 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. During the year 2020-2021, the Commission registered 74,968 complaints and disposed off 79307 cases. Out of the total cases registered, 41 cases were registered on *suo motu* cognizance, 103 cases were registered on deaths in police custody, 1841 cases were related to deaths in judicial custody, 1 case of death in the custody of paramilitary forces, 87 cases of deaths in encounters, as reported by the authorities concerned, and 72895 cases on receipts of complaints alleging human rights violations. The allegations made in these complaints covered a wide range of issues such as alleged human rights violation due to negligence by a 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 SC/ST etc.

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

1. **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 sends 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. During the period from April, 2020 to March, 2021, the Commission ordered to conduct spot enquiries in 50 numbers of cases. Total 38 spot enquiries were conducted by the Investigation Division during the period (inclusive of 5 enquiries of previous year).
11. **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 forensic experts & doctors on the panel of **NHRC**. During the period from April, 2020 to March, 2021, 1845 cases of Judicial Custodial Deaths and 211 cases of Police Custodial Deaths were processed/disposed of by the Investigation Division.
- m. **Deaths in the 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 mandatorily to be reported to the Commission within 48 hours followed by detailed report, postmortem reports, status of investigation by an independent agency, ballistics report, magisterial enquiry reports, etc. The Investigation Division is entrusted with the work of analysis of such incidents and brings out the fallacies/anomalies, in such cases before the Commission. During the period, more than 425 cases of encounter deaths were processed/ disposed of by the Investigation Division.



- iv. **Fact Finding Cases:** 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:** From the year 2007, the Investigation Division has taken the initiative of making a Rapid Action Cell (RAC) 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 01.4.2020 to 31.3.2021, the Investigation Division has dealt with 101 such Rapid Action Cases (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 (CAPP), 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. This year (2020-21), the Railway Protection Force (RPF) had organized the Central Armed Police Force Debate Competition through Webinar. The Semi-final round of the competition was organized at Kolkata and final round was organized on 16.9.2020 at Northern Railways Conference Hall, Baroda House, New Delhi. The trophies, certificates and cash prizes were given to the winners of the final round. The Central Industrial Security Force (CISF) was the winner of the Rolling Trophy of the CAPP Debate Competition, 2020.
- 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 National Human Rights Commission to increase the level of human rights awareness among the police officials by providing necessary financial assistance to State/UTs police



forces for conducting debate competitions for State Police Force personnel. The Investigation Division of NHRC had organized a virtual All India Police Forces Debate Competition 2020. The trophies, certificates and cash prizes were given to the winners. The topic of the debate was "Protection of human rights of citizens is not only the professional duty but also the moral obligation of the Police".

- vm. **Training:** The officers of the Investigation Division deliver lectures in training institutes and other forums, wherever they are invited to sensitize the various stakeholders and 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.
- 1x. **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 Investigation Officers 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 of specific allegations or the general condition of prisoners or inmates with regard to their human rights.

3.14 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 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 promoting awareness about the safeguards available for the protection of human rights. The work of the Division is handled by Additional Secretary 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.

3.15 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 (Programme & Training), who is supported by a Senior Research Officer (Training), an Assistant, Junior Research Consultants and other secretarial staff. The Coordination Section, under the Training Division, deals with all 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.

- 3.16 Administration Division:** The Administration Division deals with the general administration, establishment, accounts, coordination, IT section, library, media and communication, official language and publication of the Commission. The Division is headed by Additional Secretary who is assisted by Deputy Secretary, Under Secretaries, Section Officers, Assistants and other secretarial staff. However, the work of IT section, coordination and publication is currently being handled by Joint Secretary (Planning and Training). Besides, the 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.

During the period under review, face lift of the building was upgraded with the creation/execution of the following tasks:-

1. **Creation of seminar hall** -A Seminar Hall having a capacity of 145 persons was completed by renovating Room No. 207 and 208 at Manav Adhikar Bhawan at a cost of Rs.2.32 crores through CPWD. The Seminar Hall is State of the Art and is having all the facilities and gadgets for holding virtual as well as physical meetings/seminars.
11. **Renovation inside Manav Adhikar Bhawan-** The washrooms of Manav Adhikar Bhawan at Ground Floor, Second Floor and Sixth Floor were renovated and renovation work at other remaining floor is under progress. The Room No. 209 was renovated/modified for the newly created post of an additional Member. A new room was also created for the Joint Secretary. A permanent platform for hoisting the National Flag was also constructed in front of the Manav Adhikar Bhawan
111. **Creation of a recreation room for lady staff members and installation of automatic sanitary napkin vending machine** - A separate recreation room with all basic facilities was created for the lady staff members of the Commission. An automatic Sanitary Napkin vending machine was also got installed in the recreation room.
- 1v. **Installation of water dispensers-** Water dispensers with the facilities of hot and cold water were installed in each floor of the premises of the Commission.

Governance Ecosystem: Administration and Logistic Support

A. Staff

4.1 As on 31st March 2021, 289 employees were in position against the total sanctioned strength of 358 consisting of various ranks. Over the years, 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 and contractual appointments.

B. Information and Communication Technology

4.2 HRCNet Portal (<https://hrcnet.nic.in>): NHRC has made revolutionary changes in the software by making all the processes online and creating e-file of the complaints/cases. In the new online system, complaints are either filed online by complainants or uploaded in the form of scanned PDFs by the officials of the Commission. Every process such as scrutiny, case registration, draft proceeding, approval/updation/rejection of the proceedings, sending communication to authorities through email with relevant attachment is done online now. However, HRCNet Portal is to be re-developed to make it robust, meet the performance requirements and achieve a complete paperless e-file system. Madhya Pradesh and Tamil Nadu SHRCs have also been on-boarded on the HRCNet Portal for online lodging/tracking of complaints and efficient processing of the complaints.

4.3 Video-Conferencing and webinars: Computer Cell had organised 250+ webinars (full day/ half day) in this financial year using web platforms (WebEx, Vidyo, Google Meet, Microsoft Teams, BlueJeans) and Video Conferencing (VCs) for online training, meetings, webinars, interviews, competitions etc. The Commission conducted various VCs with Government Officials on issues of bonded labour, women, children and silicosis. As an outcome, thousands of reports were submitted online by the Government Authorities enabling the Commission to progress/ dispose the cases on fast track mode.

4.4 eOffice (<https://nhrc.eoffice.gov.in>): The Commission successfully implemented e- Office for all active files of all its Divisions/Sections.

4.5 WebVPN: Facility of web VPN was provided to Chairperson/Members, Officers and Staff of the Commission for using eOffice from home/anywhere.

4.6 Scanning facility: All Divisions and Sections were provided with paper scanners and encouraged to use the digital platform as far as possible.

4.7 Software for online submission of application for internship: NHRC conducted Short Term Internship programmes through virtual mode during the pandemic. Interns and speakers were



connected to these programmes using web platforms such as Google Meet/Cisco WebEx. The process of submission of applications for aforesaid internship programmes was also made online for transparent, efficient and quick processing.

- 4.8 Webcast:** Computer Cell organized a webcast for celebrating Human Rights Day Function of 2020 in virtual mode.
- 4.9 Website updation:** The Commission's website was updated regularly as per the contents provided by concerned Division/Sections. Contents include notifications of vacancies, newsletters, news clippings, minutes of meeting, contact information, directory of officers, videos, monthly statistics, publications, training related documents, photo gallery, press releases etc.
- 4.10 Software for translators:** A Software was designed, developed and implemented for maintaining records of communications sent for translation from vernacular languages to English language. The software has provision for electronic transmission of communication to translators and uploading of translated text by them. This software increased the efficiency of the concerned in terms of time taken, requirement of manpower and bill processing.
- 4.11 e-HRMS:** Implementation of e-HRMS software has been started in the Commission. Data Entry from Service Books and Personal Files is in progress.
- 4.12 SPARROW:** SPARROW for IAS, IPS and IRS officers working in NHRC is in use. Implementation of SPARROW for the rest of the Officers and Staff was also been completed in the Commission. The Establishment Section initiated the process of generating Annual Performance Appraisal Report (APARs) using SPARROW software for the year assessment 2020-21.
- 4.13 Network and security operations:** Both Leased Line (PGCIL & Railtel) were upgraded from 34Mbps to 100Mbps. This has improved the software performance in the Commission.
- 4.14 New Conference Hall of NHRC:** Facilities such as Large Format Displays, Smart Podium, Network Connectivity, Video Conferencing, Webinars etc. were added in the new Conference Hall of NHRC. Activities done were: survey for requirements, Network Diagram, specifications for network devices, marking LAN ports for connectivity, switch configuration and testing of VC connectivity with existing VC setup.
- 4.15 Barcode in library:** Barcodes were used in libraries to label books, magazines, CD & DVDs. Each and every book and other items were assigned a unique 12- digit barcodes. It contained all information about the product. It helped in systematic management of books.
- 4.16 NHRC Dashboard:** A new dashboard was designed, developed and rolled-out. This dashboard will be used to display key progress initiatives of the Commission on the public domain.
- 4.17 Real Time MIS:** Several MIS reports were designed, developed and implemented for the senior officers of the Commission for better monitoring of the case registration and disposal.



C. Documentation Centre (E-Library)

- 4.18** 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 ie. 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 an institutional member of 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.
- 4.19** The barcode process of library books is in an advanced stage. It will be completed very soon as a part of the Library Upgradation System initiative.

D. Promotion of Official Language

- 4.20 Promotion of Official Language:** In its efforts to promote official language in the NHRC, Official Language Section has been set up within the Commission. Its prime role is that of translation, including translation of monthly Newsletter of the NHRC, Annual Report, Budget Report and important Publications of the Commission etc.
- 4.21 Hindi Fortnight at NHRC:** To promote the use of official language in its day-to-day work, the Annual Hindi Fortnight, was held from 14th to 28th September, 2020. The officers and staff of the Commission actively participated in the events organized on the occasion. Quiz programme, General Hindi, Hindi Essay Writing, Hindi Typing and Hindi Sulekh competition etc. were held during the fortnight. Cash prizes and certificates were given to the winners of these competitions.
- 4.22 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 Hindi Journal from the year 2004 in order to create human rights awareness through creative writing. NHRC published its 17th Volume and released it in February, 2021.
- 4.23 MARG Booklets:** The Commission published 26 booklets on various Human Rights issues in collaboration with Multiple Action Research Group (MARG), a Delhi based organization. Hindi translation of ibid booklets was done by MARG and correction and vetting has been carried out by Hindi Section of the Commission.
- 4.24 Vernacular Language Translation:** Commission accepts complaints etc. in all Indian Regional Languages. Hindi Section is monitoring the translation of Vernacular Languages. During the period under review, more than 2000 complaints were translated by approved panel of translators.



E. Dissemination of Information and Outreach mechanisms (outside and in-house)

- 4.25** The NHRC, through the Media and Communication Wing, disseminates information about the NHRC activities through various means. These include press releases, media briefings, press conferences, interviews of Chairperson and Members. Deputy Director (M&C) also provides feedback to the Commission about human rights issues reported in the media and thus, it is a major source of news clippings for suo motu cognizance taken by the Commission.
- 4.26 Outreach mechanism- Press Releases, Press Conferences, Interviews, Newsletter:** During the period, pt April 2020 to 3pt March 2021, 84 press releases were prepared and issued by the Media & Communication Wing about the various interventions and activities of the Commission. Due to COVID-19 pandemic related restrictions, only three interview programmes of Chairperson, Members and officers in print and electronic media were organized. Several 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 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, new features were introduced in the monthly Newsletter of the Commission during the year. The Newsletters in English were edited, designed, printed and circulated by the Media & Communication Wing and translated, printed and circulated in Hindi by the Official Language Section. 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 made available for the visitors in the reception area of the Manav Adhikar Bhawan. The number of soft copy recipients was about 5,000. More than 2,000 Newsletters in hard copy were sent by post. The list of hard copy recipients has been rationalized and made more inclusive to include, among others, education institutions, police and administrative institutions, libraries, international organizations and embassies.
- 4.27 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, reported in the media, was prepared for the feedback of the Commission, a copy of which is also sent to the library. 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 in-house functionaries and the visitors to the Commission.



4.28 NHRC's Short Film Awards: The Commission decided to continue with its sixth year of the Short Film Award Scheme- 2020. 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. The awarded films are uploaded on the NHRC website to encourage people to screen and see these for human rights awareness. This year, the Commission enhanced its prize money. The award carries three prizes of rupees two lakh, one lakh & fifty thousand and one lakh respectively with a certificate and four certificates of 'Special Mention'. The Commission received a tremendous response with 93 entries from various parts of the country. The films for the awards were selected by a Jury headed by NHRC Member, Dr. D.M. Mulay, comprising senior officers of the Commission, Shri Bimbadhar Pradhan, Secretary General and Smt. Anita Sinha, JS(P&T) and Shri Arun Chadha National award winning filmmaker. Shri Jaimini Kumar Srivastava, Deputy Director (Media & Communication) was the Convener. In view of the COVID-19 guidelines, the NHRC Members, Justice Shri P. C. Pant, Smt. Jyotika Kalra and Dr. D. M. Mulay presented the awards to the winners through an online function on 08th February, 2021 in the presence of NHRC Secretary General, Shri Bimbadhar Pradhan and other senior officers.

1. *'Thalsar Bangsar'* by Ravindra Manik Jadav was given the first prize of Rs. 2,00,000/- (Rupees two lakh only). It is in Kokani with subtitles in English. The film seeks to raise the concerns and the conflict between practicing the folk traditions and the challenges of the contemporary times for a sustainable source of livelihood through education.
11. The Second prize of Rs. 1,50,000/- (Rupees one lakh and fifty thousand only) jointly went to *'Womb of Melghat'* by Nitin Vasantrao Ganorkar and *'Annam'* by Thomas Jacob. *'Womb of Melghat'* raises the issue of violation of the Human Rights of Tribals displaced from the Melghat Tiger Reserves of Maharashtra. It is in Korku and **Hindi** with subtitles **in** English. *'Annam'* focuses on the Right to food and clean environment. It is in Malayalam and with subtitles **in** English.
- m. The Third prize of Rs. 1,00,000/- (Rupees one lakh only) also went jointly to *'And thus man gets crushed again and again'* by Jaya Rose and *'Sappar'* by Vinod Garud. *'And thus man gets crushed again and again'* focuses on the Business activities leading to Environmental hazards and violation of Right to life and livelihood. It is in Malayalam with subtitles **in** English. *'Sappar'* film raises concerns with the reference to Right to Healthcare and non-availability of proper health care facilities and related insensitivity in rural and semi urban areas through the struggle of a child to save the life of his ailing elderly grandmother. The film is in Marathi with subtitles in English.
- 1v. Besides these three cash awards, the Commission decided to give a certificate of 'Special Mention' to three films. These are:
 - *'Dumroo'* by Rashid Usman Nimbalkar is a take on Right to Education and the realities on the ground. The film is in Marathi with subtitles in English.



- '*Saraswati*' by Revar Gauravsinh is in the backdrop of Right to Education. It depicts challenges in the implementation of system of online classes, which as a concept may be fine but doesn't serve much purpose for the students in rural areas who do not have facilities to connect with these classes and promotes youth initiatives to reach such children and help them in the process of learning. The film is in Hindi with subtitles in English.
 - 'The Women on that street' by Gautami Purushottam Berde raises concerns of the plight and human rights of Sex Workers and their children which worsened during the COVID-19 Pandemic. The film is in English.
- v. The DVD of the 7 films along with brochures was released on the Human Rights Day function of the Commission. The films were also uploaded on the NHRC website with a YouTube link supporting wider awareness of various aspects of human rights.

4.29 Some other major activities:

1. **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 2020-21, it continued to maintain dialogue with the National Services Scheme (NSS), Nehru Yuva Kendra Sangathan (NYKS), National Cadet Core (NCC), Indian Red Cross to persuade them to organize human rights workshops through their wide work network of youth volunteers and officers. Organized online webinars with the senior functionaries of NSS, NYKS and Red Cross in August and September in this regard and also gave orientation to their regional officials and field functionaries for human rights awareness workshops. Provided support and resource persons to NYKS and NSS to address their human rights awareness workshops in November, December, 2020 and January, 2021 respectively. NSS is also organizing 10 awareness workshops through their regional directorate in Delhi for which the Commission had released Rs 4.10 lakh during the year. Besides this, Doordarshan, Rajya Sabha TV and Lok Sabha TV were approached for screening NHRC award winning short films on human rights through their pan India networks.
11. **NHRC Twitter handle launched:** NHRC's Draft Social Media Policy and Standard Operating Procedure drafted in 2015 was revisited in 2019 and the Commission accordingly gave a green signal to open its Twitter Handle (https://twitter.com/India_NHRC) on 25th February, 2020. Despite a moratorium by the twitter team, the NHRC, India Twitter handle got the blue tick indicating its official status verified in April, 2021. 633 tweets were made from 1st April, 2020 to 31st March, 2021 and the total followers reached to around 19,000.



Image 4.1: NHRC India's Twitter page (Image taken on 16.6.2021)

F. Publications

4.30 Under section 12 (h) of the Protection of Human Rights Act, 1993, the National Human Rights Commission has published literature containing informative material for a cross-section of stakeholders, including students, researchers, scholars, human rights activists, academicians, trainers, policymakers, and the public at large, across the country. To mitigate this mandate, the Publications Unit has published the following:

- Revised Guidelines for Police Personnel on Various Human Rights Issues
- Following books have been published:
 - a) Rule of Law
 - b) Accessing Remedies in Law
 - c) Fundamental Rights and Directive Principles
 - d) The Right to Information (RTI)
 - e) The Right to education (RTE)
 - f) The Criminal Justice System
 - g) Child Labour and Child Marriage
 - h) International Human Rights Covenants and Conventions
 - i) Domestic Violence
 - j) Sexual Violence
 - k) POCSO
 - l) The Juvenile Justice (Care and Protection of Children) Act
 - m) Right to Sanitation



- n) Right to water
- o) Right to Food and Right to Shelter
- p) The Bonded Labour System (Abolition) Act, 1976 and the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013
- q) Rights of Senior Citizens
- r) Responsibilities of the Police towards the Vulnerable Sections of Society
- s) Rights of People Suffering from Human Immunodeficiency Virus (HIV)/Acquired Immunodeficiency Syndrome (AIDS) and the Rights of Lesbian, Gay, Bisexual and Transgender (LGBT) Persons
- t) Right of Prisoners
- u) Constitutional and Civil Rights to Protect Scheduled Castes and Scheduled Tribes from Atrocities and the Law against Witch Hunting

4.31 The Annual Report 2018-2019 (Hindi & English) and 2019-20 (Hindi & English), the English Journal Vol. 19, 2020 was published during the stated year. The United Nations Convention on the Rights of the Child & Indian Legislations, Judgements & Schemes has been published and disseminated.

4.32 The revised Important Instructions/Guidelines of NHRC and Manual on Human Rights for Police Officers have also been printed to create awareness among stakeholders.

4.33 The Publications Unit has been disseminating NHRC Publications for creating awareness about Human Rights to various stakeholders, academia and public in general.

4.34 Release of NHRC English Journal

- i) The Commission in discharging its statutory obligation under Section 12 (h) of the Protection of Human Rights Act, 1993, has been spreading human rights awareness through a variety of forms/formats including the NHRC English Journal which has been published every year since 2002.
- ii) The Commission released the 19th edition of the NHRC English Journal on the occasion of Human Rights Day, i.e., 10th December, 2020. The articles published in the Journal were on various human rights issues including Criminal Justice System, Business and Human Rights, Rights of Persons with Disability and Sexual and Gender Based Violence, etc.

G. Administrative, Financial & Manpower Constraints

4.35 The posts of two members of the Commission were vacant from 7th June, 2010 and 1st March, 2016 respectively. Besides, the post of Director General (Investigation) was lying vacant since 1st May, 2020. The posts of two SSP were also vacant during the last financial year. The above mentioned posts are required to be filled by the Government of India. The vacancy of such important positions hampers the functioning of the Commission.



- 4.36** Presently, the Commission has sanctioned strength of 358 officers and staff, out of which 289 are in position. There were 162 temporary posts included with the total sanctioned strength of 358, out of which 134 temporary posts have been converted into permanent during this financial year and remaining 28 posts are yet to be converted into permanent. In spite of 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 the huge number of complaints it receives, the Commission is compelled to engage persons as Consultants on contract basis.
- 4.37** It is pertinent to mention that the Recruitment Rules of the Commission for 44 posts have been notified vide Gazette Notification dated 27th July 2020.

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. Commission's meeting with State Human Rights Commissions

- 5.2** The PHRA, in Section 21, provides for 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 State Human Rights Commission to fulfill its responsibilities to the people in accordance with the Protection of Human Rights Act, 1993 and the '*Paris Principles*'.
- 5.3** The Commission organized the NHRC-SHRCs meeting for Chairpersons, Members, and Secretaries of all the SHRCs on 19th March, 2021 **through web mode**. The meeting was inaugurated by Justice Shri P.C. Pant, Hon'ble Member, NHRC and attended by Members, Secretary General, and Sr. Officers, NHRC and Chairpersons, Members and Senior Officers of the most of the SHRCs through web mode.
- 5.4** The objective of this meeting was to share the experiences and explore human rights issues of mutual interest. Issues like Covid-19 management including Implementation of Advisories issued by the Commission and migrants issues, Capacity assessment of SHRCs - Issues and challenges, Common Area of Interest between NHRC-SHRCs, Implementation of HRCNet Portal, Utilization of Common Service Centers (CSCs) in the States, Disaster Management and Climate change - Impact, perspectives and future strategies, Violation of human rights and management of complaints, with a special emphasis on police atrocities, were discussed at during the brain storming III sessions.
- 5.5** The major recommendations emanating out of the meeting on 19.03.2021, has been circulated to all the SHRCs and concerned stakeholders for information and necessary action.



B. Statutory Full Commission Meeting

- 5.6** The Statutory Full Commission (SFC) of NHRC consists of the Chairperson and Members, including the deemed members. The Statutory Full Commission meetings are convened regularly to discuss the issues of common interest and participate in the conference/seminars of the Commission.
- 5.7** This year the Statutory Full Commission was held on 10th March 2021 at Manav Adhikar Bhawan, NHRC, New Delhi through web mode. The objective of the meeting was to facilitate discussions between the Chairpersons, Members and deemed Members of the NHRC to discharge of functions specified in clauses (b) to (j) of the Section 12 of the PHRA Act and also to discuss the issues of the rights of poor and vulnerable sections of the society with the Deemed Member Commissions. The meeting of the SFC was chaired by Justice Shri P.C. Pant, Member, National Human Rights Commission and attended by Smt. Jyotika Kalra, Member Dr. D.M. Mulay, Member, Shri Bimbadhar Pradhan, Secretary General, Shri Surajit Dey, Registrar (Law), Shri Anita Sinha, Joint Secretary (P&T), and Chairpersons, Members and Senior Officers of all Deemed Members of the Commission.
- 5.8** A range of issues were discussed in the meeting which included: (i) implementation of Advisories issued by the Commission on various thematic issues; (ii) way forward with regard to Strategic Plan/Annual Action Plan of the Commission; and (iii) other specific issues by the Deemed Members.
- 5.9** The major recommendations emanating out of the meeting have been sent to deemed members for information and necessary action.



Image 5.1: Justice Shri PC Pant, Hon'ble Member, NHRC addressing during the Statutory Full Commission Meeting held on 10th March 2021



C. Setting up of Human Rights Courts

- 5.10** The Section 30 and 31 of PHR Act stipulates for 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/UTs for setting up of Human Rights Courts in accordance with the PHR Act.
- 5.12** In pursuance of the Commissions 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 by 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.

D. Special Rapporteur & Special Monitor of the Commission

- 5.14** The Special Rapporteurs/ Special Monitors 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 Rapporteur/ Special Monitor is a central element of the NHRC machinery and covers all human rights i.e. 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 Protection of Human Rights Act, 1993 from the point of view of seeking redressal from the NHRC in case of violation of their rights or that of others. The Special Rapporteurs/ Special Monitors in position during the period under review are listed below.

Table 5.1: Zonal Special Rapporteurs of the Commission

1.	SOUTH ZONE Tamil Nadu, Puducherry, Kerala, Lakshadweep, Andhra Pradesh, Telangana and Karnataka	Shri Devendra Kumar, Retired Director (Finance)	02.04.2020 to 01.04.2021
2.	WEST ZONE Maharashtra, Goa, Gujarat, Dadra & Nagar Haveli and Daman & Diu	Dr. Sadhana Rout Press Registrar (Retired) Registrar of Newspapers of India, Indian Information Service	11.03.2020 to 10.03.2021



3.	CENTRAL ZONE Madhya Pradesh, Chhattisgarh, Rajasthan, Bihar and Jharkhand	Additional charge with Dr. Vinod Aggarwal, Special Rapporteur for East Zone	
4.	EAST ZONE West Bengal, Odisha and Andaman & Nicobar Islands	Dr. Vinod Aggarwal, IAS (Retired) Jharkhand Cadre	16.07.2020 to 15.07.2021
5.	NORTH EAST ZONE Nagaland, Manipur, Mizoram, Tripura, Assam, Meghalaya, Sikkim and Arunachal Pradesh	Shri Umesh Kumar IPS (Retired)	16.07.2020 to 15.07.2021
6.	NORTH ZONE Punjab, Haryana, Chandigarh, Delhi, Himachal Pradesh, Jammu & Kashmir, Uttarakhand and Uttar Pradesh	Shri Ranjan Dwivedi IPS (Retired)	01.06.2020 to 31.05.2021

Table 5.2: Special Monitors of the Commission

1.	Shri Ajeet Singh	Trafficking	11.07.2019 to 10.07.2021
2.	Shri Rajive Raturi	Rights of Persons with Disabilities and Senior Citizens	11.07.2019 to 10.07.2021
3.	Shri Ambuj Sharma	Health and Environment issues including Mental Health, Water, Sanitation	11.07.2019 to 10.07.2021
4.	Prof. Indu Agnihotri	Rights of Women	05.11.2019 to 04.11.2020
5.	Dr.(Ms) Jayashree Gupta	Consumer Affairs and Food	23.03.2020 to 22.03.2021
6.	Shri Raiz Ahmad	Human Rights of Minorities	20.07.2020 to 19.07.2021
7	Ms. Karuna Bishnoi	Human Rights of Children	25.08.2020 to 24.08.2021



E. Core Groups

5.15 Core 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. Some of the important Core Groups that functioned in the NHRC during the year, 2020-2021 were:

1. Core Group on Health and Mental Health
2. Core Group on Disability and Elderly Persons
3. Core Group on NGOs and Human Rights Defenders
4. Core Group on Right to Food
5. Core Group on Business and Human Rights
6. Core Group on Bonded Labour
7. Core Group on Women
8. Core Group on Children
9. Core Group on LGBTQ issues
10. Core Group on Criminal Justice System

5.16 Meetings of the Core Groups are organized periodically at regular intervals or as and when deemed necessary. The details of some of the Core Group meetings held in the Commission during the period under review are given in subsequent chapters of the Annual Report.

Safeguarding Human Rights during COVID-19 Pandemic

- 6.1** The World Health Organization (WHO) declared the novel coronavirus a pandemic on 11th March, 2020. The ramifications of the pandemic have been beyond the public health situation. It has altered the already complicated economic and geopolitical conditions of countries, across the world. The COVID-19 pandemic is undeniably a global public health and humanitarian crisis.
- 6.2** When there was no vaccine, the medical strategy of 'test, trace, contain' was adopted by Governments across the world to tackle the spread of the virus. While some Governments tested extensively, carried out contact tracing, limited travel and large gatherings, encouraged physical distancing, and quarantined citizens, others implemented full lockdowns with strict protocols in place to prevent infections. Similar to the latter strategy, the Government of India (GoI), in light of the increasing number of COVID-19 cases, proactively implemented a nationwide lockdown since 25th March, 2020 in the Indian subcontinent.
- 6.3** The pandemic raised concerns regarding preparedness against COVID-19 in terms of availability of medical facilities and strategies to provide protection, care and support to the frontline workers. In addition, there were concerns regarding access to healthcare and justice, stigma and discrimination of specific racial and religious groups, insecurity of migrant laborers and people from the informal sector, among others. Simultaneously, the spread of misinformation/ fake information driven by fear and stigma impeded successful curbing and reporting of COVID-19 cases.
- 6.4** The pandemic was indeed an unprecedented crisis which made the system struggle and respond effectively. The support from the NGOs and civil society has played an important role in managing the pandemic and helping the vulnerable sections of the society. It has created a need for greater inter-ministerial coordination and partnerships between Government and the Civil Society. The pandemic calls for broadening our imagination of the tools we should deploy and the institutions and mechanisms we must build to make communities resilient.
- 6.5** The Government of India rolled out the first phase of COVID-19 vaccination drive on 16th January, 2021. India has also sent vaccines to 84 countries in the world.
- 6.6** Throughout the pandemic, the Commission strongly believed that a human rights perspective to interventions would contribute constructively to the crisis response. A human rights perspective enables strengthening values which contribute to building partnerships, enabling participation, protection, safety, dignity, decency, fairness, upholding freedom, equality, respect, wellbeing, community, and responsibility. It would facilitate development and implementation of an effective, equitable, balanced, sustainable medium and long-term response to COVID-19.

6.7 NHRC, in consultation with the Special Rapporteurs, Special Monitors, civil society, domain experts and others has undertaken several initiatives on various issues to facilitate human rights based response to the ongoing crisis. The succeeding paragraphs will provide a detailed enumeration of the activities specific to the COVID-19 pandemic undertaken during the Financial Year of 2020-21.

A. Containing the spread of COVID-19 at NHRC

6.8 Preventive measures taken to contain the spread of corona virus cases at NHRC- Special drives were carried for sanitizing the NHRC office premises on regular intervals, Sanitizers & masks were issued to the officers and staff, installed Automatic Hand Sanitizer machines at each floor. Infrared Thermal Scanners were provided to CISF staff for checking temperature of each and every person entering into the premises so as to contain the spread of Covid-19 cases in the Commission. The Commission arranged visit of ICMR doctors/scientist and they interacted & sensitised officers and staff about the precautions to be taken to control the spread of Covid-19 cases. Three "Covid Antigen testing camps" were held for officers and staff at Manav Adhikar Bhawan by the Health Department of South West District of NCT of Delhi. Posters and pamphlets were also placed/affixed at various places of MAB to spread awareness of Covid-19. Committees were constituted to provide assistance to the Corona affected staff and their families on requirement basis.



Image 6.1: Sanitization of the Manav Adhikar Bhawan in progress

B. Financial initiatives

6.9 As a noble gesture to augment the resources available to the Government of India to deal with the difficult situation posed by the COVID-19 pandemic during 2020-21, an appeal was made to the employees of Commission to voluntarily contribute minimum one day salary to the Prime Minister's



Citizen Assistance and Relief in Emergency Situations Fund (PM- CARES Fund). Accordingly, an amount of Rs.6,55,391/- (Rupees Six Lakh Fifty Five Thousand Three Hundred and Ninety One Only) was collected and deposited to the PM- CARES Fund.

C. Human Rights Advisories in context of the COVID-19 pandemic

6.10 In view of the unprecedented situation across the country and deep concern about the rights of the vulnerable and marginalised sections of the society affected by the COVID-19 pandemic and the resultant lockdowns, the National Human Rights Commission constituted 12 'Committees of Experts on Impact of COVID-19 Pandemic on Human Rights and Future Response' in July 2020. The Committees, included representatives from the civil society organizations, independent domain experts, and the representatives from the concerned ministries/ departments, and was tasked to assess the impact of the pandemic on realization of the rights of the people, especially the marginalised/ vulnerable sections of the population which have been disproportionately impacted, and recommend measures to uphold human rights.

6.11 On the basis of several meetings and impact assessments of the Committees of Experts, the Commission issued 12 advisories in the following thematic areas in the context of COVID-19:

1. Right to food and nutrition
11. Right to health
- m. Rights of persons with disabilities
- 1v. Rights of children
- v. Rights of informal workers
- v1. Business and human rights
- v11. Rights of prisoners and police personnel
- v111. Rights of Women
- 1x. Right to Mental Health
- x. Protection of the Rights of LGBTQI+ Community
- x1. Rights of Elderly Persons
- xn. Combating Human Trafficking

6.12 These 12 Advisories were issued to all the concerned Union Ministries and Chief Secretaries/ Administrators of all the States and UTs. The Commission has sought an action taken report from the concerned Ministries, States/ UTs on the implementations of the recommendations made in the advisory. The succeeding paragraphs will provide the details of these Advisories.

C.1 Human Rights Advisory on Right to Food Security and Nutrition in the context of Covid-19

6.13 After due consideration of the impact assessment and recommendations made by the Committee of Experts, the Advisory on Right to Food Security and Nutrition in the context of Covid-19, duly approved by the Full Commission was issued on 28th September, 2020.



6.14 The major recommendations of the advisory are as under:

1. The Public Distribution System (PDS) currently covers only about 60% of the population even though it is required to cover 67% as per the National Food Security Act (NFSA) 2013. Coverage must be expanded immediately to be compliant with the NFSA norms.
11. Recognise ICDS as an essential service and reopen anganwadi centres immediately to provide crucial growth monitoring, immunisation, cooked meal, and nutritional counselling services, with adequate safety protocols to prevent COVID-19 infection for anganwadi workers, women and children.
111. Urgently restart growth monitoring and immunisation services, tracking of malnourished and SAM (Severe Acute Malnutrition) children, provide additional nutrition and energy dense food for severely malnourished children, supplementary nutrition/mid-day meals for children, pregnant and lactating mothers and adolescent girls.
- 1v. Restart **MDMS** to provide a sufficient quantity of dry rations or hot cooked meals including those children who have migrated to villages with their parents even if they aren't students of that school. Special attention should be given to children with disabilities.
- v. All services to children are provided by the frontline workers. Their safety and personal protection against COVID-19 risks, timely payments, additional hazard pay, adequate and ongoing training, supervision and support through the system, and protection of their rights should be ensured, to realise children's rights.
- v1. State Labour Welfare Boards must use the Building Cess Fund for health, nutrition and care for children of all construction workers.
- v11. In view of the current situation due to the COVID-19 pandemic and resultant lockdowns, it needs to be ensured that the children of those construction workers who are not registered with the state labour welfare board are also included for providing access to health and nutritional care.

6.15 The Advisory can be accessed through the link given below:

[<https://nhrc.nic.in/sites/default/files/NHRC%20Advisory%20on%20Food.pdf>](https://nhrc.nic.in/sites/default/files/NHRC%20Advisory%20on%20Food.pdf)

C.2 Human Rights Advisory on Right to Health in the context of Covid-19 pandemic

6.16 After due consideration of the impact assessment and recommendations made by the Committee of Experts, the "Human Rights Advisory on Right to Health in context of COVID- 19 pandemic" duly approved by the Full Commission was issued on 28th September, 2020.

6.17 The major provisions included in the advisory are as under:

1. Access to healthcare
11. Observance of Patients' Rights Charter
111. Right to information
- 1v. Records and reports



- v. Emergency medical care
- vi. Confidentiality, human dignity and privacy
- vii. Non-discrimination
- viii. Safety and quality care, according to standards
- ix. Clinical trials and experimental treatments
- x. Patient education
- xi. Being heard and seeking redressal
- xii. Provisioning of essential healthcare services
- xiii. Provision for Healthcare workers

6.18 The Advisory can be accessed through the link:

<https://nhrc.nic.in/sites/default/files/NHRC%20Advisory%20on%20Right%20to%20Health%20in%20context%20of%20covid-19.pdf>

C.3 Human Rights Advisory on Rights of Persons with Disabilities in context of COVID-19

6.19 The Commission organized a virtual conference on the 'Impact of COVID-19 on the Rights of Persons with Disabilities' on 1st September, 2020 to review the initiatives of Government of India taken for protection of rights of persons with disabilities during the pandemic and to discuss the 'draft advisory on Rights of Persons with Disabilities for Central and State Governments'.

6.20 After incorporating the views/suggestions that emanated from the conference, the "Human Rights Advisory on Rights of Persons with Disabilities in context of COVID-19" was issued to the concerned Union Ministries and all States/ UTs on 28th September, 2020.

6.21 The main recommendations contained in the advisory are as under:

- 1. States and UTs to ensure compliance to Section 8.3 of the Rights of Persons with Disabilities Act, 2016 and maintain record of details of persons with disabilities in the district in consultation with Disabled People's Organizations (DPOs) and take suitable measures to inform such persons of any situations of risk so as to enhance disaster preparedness.
- 11. The listing should be done for all the 21 categories of disabilities specified under the RPwD Act, 2016 and the same should be shared with all relevant Departments of the State involved with delivery of health services, distribution of relief and economic packages, Social Welfare Department, Department of Women and Children etc.
- m. States and UTs should comply with 'Comprehensive Disability Inclusive Guidelines for Protection and Safety of Persons with Disabilities during COVID-19' issued by Dept. of Empowerment of Persons with Disabilities, Government of India.
- 1v. Communication needs of deaf and deafblind persons to be kept in mind in all COVID-19 related communications.



- v. COVID-19 helplines should be equipped to address their queries. Caregivers and rehabilitation professionals should also be included as an emergency service and passes should be issued to them, as required.
- vi. Interdepartmental task force should be created for proper coordination and implementation of all rehabilitation measures and aid packages for PwDs.
- vii. A section/part of all tertiary care hospitals should be made available for rehabilitation services to PwDs e.g. - thalassemia, haemophilia patients, etc.
- viii. Doorstep delivery for immediate medical attention/treatment may be made available for persons with severe/ multiple disabilities. NGOs with mobile clinics can be used for delivery of supportive medicines.
- ix. Include a two stage disability certification and UDID mechanism to ensure continued issuance of the certificate
- x. As per Section 24 of the RPwD Act, the quantum of assistance should be 25% higher for people with disabilities. The provision for reasonable accommodations may be included in the schemes.
- xi. As per Section 37 of the Act, 5% reservation should be provided to PwDs in all poverty alleviation and developmental schemes (with priority given to women with disabilities).
- xii. The Government of India and the State Governments should ensure that online assessments of aids and appliances needed by persons with disabilities are made and the same are made available without hindrance.
- xiii. States and UTs to ensure that all District Disability Rehabilitation Centres (DDRCs) are manned with rehabilitation professionals to provide institution and community based rehabilitation to needy persons with disabilities.
- xiv. Government technology initiatives that are being promoted like Bhim App, Aarogya Setu etc. should be disabled friendly, accessible and inclusive to ensure independent living and full participation.
- xv. States and UTs to ensure that all helplines related to women and children need to take on board the issues of persons with disabilities, especially women and children, and engage counselors trained in disability related issues to deal with such calls.
- xvi. States and UTs should pay the disability pensions timely and the same may be suitably enhanced keeping in view their survival needs.
- xvii. States and UTs may formulate and announce the unemployment and caregiving allowance as mandated by Section 24(3) (h) & (i) of the RPwD Act.
- xviii. Rations should be made available to PwDs against disability certificates. If they don't have a disability certificate or ration card, the local administration should help them in getting ration. The benefit should be provided to all families having persons with disabilities as family members.



- xix. The educational institutions providing online education should be accessible for people with disabilities. Laptops/smartphones with accessibility features to needy students with disabilities may be provided free of cost or at a subsidized cost.
- xx. The online/video conferencing platforms should be accessible for PwDs.
- xx1. Training should be provided to educators on how to deliver study curriculum online to children with disabilities as well as to the parents who are themselves persons with disabilities.

6.22 The Advisory can be accessed through the link

<https://nhrc.nic.in/sites/default/files/NHRC%20Advisory%20on%20Disability.pdf>

C.4 Human Rights Advisory for Protection of the Rights of Children in the context of COVID-19

6.23 After due consideration of the impact assessment and recommendations made by the Committee of Experts, the "Advisory on Protection of the Rights of Children in the context of COVID-19", duly approved by the Full Commission was issued on 29th September, 2020.

6.24 The major recommendations of the advisory are as under:

- 1. In accordance with the Guidance Note on Delivery of Essential Health Services during COVID-19 dated 13.04.2020, issued by MOHFW, ensure that routine immunization and other essential child health services are not disrupted and are available at the Primary Health Centre (PHC)/ Community Health Centre (CHC) /Mohalla clinics, at the quarantine centres, and in Anganwadi Centres (AWCs).
- 11. Create a cadre of para-mental health workers at district level, trained in giving emotional first aid, and identify severity that can be reported to specialists. Make mental health services available and accessible to all children by exploring the creation of panel of counsellors from NGOs.
- m. Keeping in mind the vulnerability of and risk faced by street connected children, arrange protective gears and ensure access to health care facilities including testing and quarantine facilities as per the norms and protocols being prescribed.
- 1v. Provide mid-day meals to children who usually reside in social welfare hostels, tribal welfare hostels, etc, but are now at home due to closure of residential schools.
- v. Explore safe and staggered re-opening of schools in view of the COVID-19 protocols. Till the schools are reopened, children may be taught in small groups; the use of various mass-media to teach children may be explored.
- v1. Revise out of school children data to identify children who may have dropped out, joined the informal labour force, or are out of school on returning to their States as a result of reverse migration.
- vu. Ensure that online classes are inclusive for and accessible to children with disability
- v111. Take measures to ensure adequate supplies and protective gear for maintaining sanitation, ensuring health and safety of children in the child care institution.



- 1x. Develop mechanisms involving child protection committees and village vigilance committees, to ensure convergence of entitlements specific to COVID-19 and ensuring children's protection by tracking violations such as child trafficking for labour or sexual exploitation and child marriage. Activating and monitoring of Village Level Child Protection Committees (VLCPC) must be ensured, as also the DCPU.

6.25 The Advisory can be accessed through the link

[<https://nhrc.nic.in/document/nhrc-advisory-children>](https://nhrc.nic.in/document/nhrc-advisory-children)

C.5 Advisory on Human Rights of Informal Workers during COVID-19

6.26 After due consideration of the impact assessment and recommendations made by the Committee of Experts, the "Advisory on Human Rights of Informal Workers during COVID- 19", duly approved by the Full Commission was issued on 5th October, 2020.

6.27 The advisory makes recommendations on four main thematic areas:

1. Providing support to workers, enhancing employment and upholding workers' rights;
11. Protection from violence and curbing fundamental rights;
111. Countering discrimination and exclusion;
- 1v. Ensuring rights and protection of (especially) vulnerable workers.

6.28 The Advisory can be accessed through the link:

[<https://nhrc.nic.in/sites/default/files/Advisory% 20on% 20Informal% 20Workers O.pdf>](https://nhrc.nic.in/sites/default/files/Advisory%20on%20Informal%20Workers%20O.pdf)

C.6 Advisory on Impact of Covid-19 Pandemic: Business & Human Rights and Future Response

6.29 After due consideration of the impact assessment and recommendations made by the Committee of Experts, the "Advisory on Impact of Covid-19 Pandemic: Business & Human Rights and Future Response", duly approved by the Full Commission was issued on 5th October 2020.

6.30 The key highlights of the advisory are given below:

1. It is aimed at serving as an orientation for business heads/leaders/enterprises/MSMEs etc. to help them integrate the human rights & human rights approach into their decision making process and communications, **in** the backdrop of COVID-19 crisis management;
11. Responsible business practices for informal workers;
111. Governments & Financiers can increasingly urge companies to use (emergency) funds to support stakeholders not shareholders;
- 1v. Roles of the Governments (Union/States & Local) **in** supporting stakeholders of businesses;
- v. Due diligence framework for business to cope up with COVID-19 induced business shocks;



- v1. Preventive measures against human trafficking & child labour; &
- v11. Role(s) fixation for: business heads/employers; mitigation strategy for employees/workers; to cope up with various infrastructural risks & workplace issues (physical & virtual spaces)

6.31 The Advisory can be accessed through the link

<https://nhrc.nic.in/sites/default/files/Advisory%20on%20Business%20and%20Human%20Rights%200.pdf>

C.7 Advisory on Human Rights of Prisoners and Police Personnel during COVID-19

6.32 After due consideration of the impact assessment and recommendations made by the Committee of Experts, the 'Advisory on Human Rights of Prisoners and Police Personnel during COVID-19', duly approved by the Full Commission has been issued on the 5th of October, 2020.

6.33 The major recommendations of the advisory are as under:

Police:

Role of Police Heads

- 1. To nominate an officer in the rank of Inspector General of Police State, who will be the nodal officer to address the issues faced by the police force, who are the first responders.
- 11. Ensure there is a single spokesperson for the police to serve as a source of authoritative information for the public.
- m. SOPs must lay down the standards of overall cleanliness and sanitisation in reception areas, interview rooms, waiting areas, toilets and lock ups so as to ensure the ability to keep physical distance while being available for safe public dealing and continuing every day police work.

Role of City Police Commissioner/ Superintendent of Police

- 1. The dissemination of information to reach the remotest areas and ensure the effective functioning of helplines and online platforms given their increased usage in the foreseeable future.
- 11. Coordinate to ensure police personnel have special emergency wards reserved in hospitals.
- m. Ensure all police stations have functioning CCTV cameras in police stations that cover all spaces at all time.
- 1v. The police officers should be provided with the necessary safety equipments based on the nature and place of duty.

Station House Officers/ Unit heads, their role and functions

- 1. Enquiring or checking the records of cases registered during the Covid pandemic to ensure registration of cases and timely reporting to the district magistrate.



11. Arrests in minor cases, bailable cases to be avoided. Arrests and remand to be undertaken only in serious cases. In non-bailable offence, the accused be produced before the court at the earliest if he or she is no longer required for investigation.
111. If police personnel become ill whilst on duty, he/she need not carry on working. Inform senior officer and occupational health department immediately.

Policing and Mental Health issues

1. Need for appointment of in-house team of mental health professionals (psychiatrists and psychologists) in the police department at district levels to work on the mental health issues of police personnel during the pandemic.

Prisons:

Role of Prison Administration

1. Ensuring essential healthcare facilities in every prison. According to Chapter VII of the Model Prisons Manual 2016, medical administration is one of the most important concerns of prison management.
11. Creating collaborations and protocols with local and specialist hospitals so that inmates and staff can quickly be provided appropriate testing and treatment.
111. As the Chief Secretary of the State/UT and the head of the prison department are part of the High-Powered Committees (HPC), set up under the directions of the Supreme Court of India, they can consider (if not already considered) expanding the categories of release of prisoners.
- 1v. All inmates should be provided with soaps, sanitisers and face masks and their regular usage must be mandated.

Proper infrastructure facilities

1. Ensuring the availability of thermal scanners and non-contact thermometers for prompt and early detection of the contagion, especially at entry and exit locations and times.
11. Where ever possible, quarantine centres/isolation facilities may be created within prisons where sufficient medical infrastructure and staff is available.
111. Awareness classes regarding COVID, its spread and precautions must be conducted regularly apart from displaying sign boards.

Health of Prisoners

1. Allow inmates access to medical records (it is their right) and ensure family members are informed about their condition and treatment.
11. Review dietary provisions to include foods that enhance immunity and build resistance. In addition, provide for adaptations in diet needed in the case of prisoners with underlying conditions, pregnant women, elderly, disabled and other vulnerable groups as per the provisions of the Model Prison Manual 2016.



- 6.34 The Advisory can be accessed through the link given below: <https://nhrc.nic.in/sites/default/files/Advisory%20on%20the%20Rights%20of%20Prisoners%20and%20Police%20Personnel%200.pdf>

C.8 Human Rights Advisory on the Rights of Women in the context of COVID-19

- 6.35 After due consideration of the impact assessment and recommendations made by the Committee of Experts, the "Human Rights Advisory on Rights of Women in the context of COVID-19", duly approved by the Full Commission was issued on 7th October, 2020 and its corrigendum on 10th November, 2020 under various themes, for immediate follow up, to facilitate deeper dialogue, respect and recognition for human rights, expand opportunities, and strengthen implementation of key essential services for women and girls in our country.

- 6.36 The advisory focuses upon various themes and categories of women like:

- l. Gender-based violence
11. Sexual and reproductive health
- m. Women at work
- 1v. Sex-workers
- v. Women belonging to SC/ST and minority communities
- v1. Adolescent girls
- vu. Women in prisons

- 6.37 The Advisory can be accessed through the link

<<https://nhrc.nic.in/sites/default/files/Advisory%20on%20Rights%20of%20Women.pdf>>

C.9 Human Rights Advisory on Right to Mental Health in context of COVID-19 pandemic

- 6.38 As per the Policy Brief on COVID-19 and the need for Action on Mental Health issued by the United Nations, the COVID-19 as the pandemic has disrupted services around the world. Many people are distressed due to the immediate health impacts of the virus and the consequences of physical isolation, dying, and losing family members. Millions of people are facing economic turmoil having lost or being at risk of losing their income and livelihoods. The key factors affecting services are: infection and risk of infection in long stay facilities, including care homes and psychiatric institutions, mental health staff being infected with the virus, frequent misinformation and rumours about the virus and the closing of mental health facilities to convert them into care facilities for people with COVID-19.

- 6.39 After due consideration of the impact assessment and recommendations made by the Committee of Experts, the "Human Rights Advisory on Right to Mental Health in context of Covid-19", duly approved by the Full Commission was issued on 8th October, 2020.



6.40 The major themes included in the advisory are:

1. Right to Information
11. Right to Access Mental Health Care
111. COVID-19 treatment facilities
- 1v. Right to Protection from cruel, inhuman and degrading treatment
- v. Right to confidentiality
- v1. Promotion of Mental Health and Preventive Programmes
- v11. Right to Make Complaints about Deficiencies in Provision of Services
- v111. Filling of vacancies
- 1x. Extending Outreach of Mental Health Support
- x. Police Personnel
- x1. Post covid management
- xn. Promoting research

6.41 The Advisory can be accessed through the link

<https://nhrc.nic.in/sites/default/files/Human%20Rights%20Advisory%20on%20Right%20on%20Mental%20Health.pdf>

C.10 Human Rights Advisory on the Rights of LGBTQI+ Community in context of COVID-19

6.42 After due consideration of the impact assessment and recommendations made by the Committee of Experts, the "Advisory on the rights of LGBTQI+ Community in context of COVID-19", duly approved by the Full Commission was issued on 16th October 2020.

6.43 The Advisory consisted of recommendations pertaining to:

1. Access to healthcare services
11. Social security
111. Relief and welfare schemes
- 1v. Protection from domestic violence and abuse
- v. Financial support and protection in prisons, etc.

6.44 The Advisory can be accessed through the link

[https://nhrc.nic.in/sites/default/files/Advisory for the Protection of the Rights of LGBTQI+ Community.pdf](https://nhrc.nic.in/sites/default/files/Advisory%20for%20the%20Protection%20of%20the%20Rights%20of%20LGBTQI%20Community.pdf)

C.11 NHRC Advisory on Rights of Elderly Persons in context of the COVID-19 pandemic

6.45 After due consideration of the impact assessment and recommendations made by the Committee of Experts, the "Advisory on the rights of elderly persons in the context of COVID-19", duly approved by the Full Commission was issued on 5th November, 2020.



6.46 Some of the major recommendations made in the advisory are given as under:

1. Doorstep delivery for immediate medical attention to be provided to the elderly persons having severe mobility issues.
11. Ensure treatment of non-COVID ailments for the elderly persons by operationalizing section/ part of hospitals and speciality clinics with adequate capacity.
- m. Ensure compliance to Section 18 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and designate the District Social Welfare Officer or an officer not below the rank of District Social Welfare Officer be identified as a Maintenance Officer.
- 1v. Ensure compliance to Section 20 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and adequately provide for medical support for senior citizens.
- v. Counsellors handling mental health helplines to help the elderly with gerontological issues should be trained to adequately deal with calls relating to depression, anxiety, etc.
- v1. Ensure timely payment of the pensions to the eligible elderly persons.
- vu. The existing financial security schemes for elderly persons may be reviewed and the same may be suitably enhanced keeping in view their survival needs.
- v111. Elderly Persons who are employed or self-employed may be encouraged to work from home so as to prevent the spread of the virus.
- 1x. Doorstep delivery arrangements may be made for food and other essentials to the elderly persons, especially those who either live alone or are persons with disabilities.
- x. Ensure that helplines are equipped to address the issues of elderly abuse and take quick and adequate measures against the perpetrators.
- x1. Ensure that elderly persons have access to authentic and important information on COVID-19 in view of their lack of familiarity with technology and apps.
- xn. Promote and coordinate the development of community support networks by involving volunteers from NGOs/CSOs who may be encouraged to provide support to the elderly.
- xm. Government should ensure availability of aids and appliances needed by elderly persons without hindrance.
- xiv. Government should ensure availability of repairs and maintenance services of assistive equipment for elderly persons in the district.
- xv. Adequate readjustments at old age homes and day care institutions may be made so as to promote social distancing to prevent the spread of the virus.
- xvi. Older persons isolated by family must be identified and accommodated in shelter homes wherein basic arrangement for their safety and protection is ensured.



- xvn. Necessary action should be taken to follow protocol to periodically review general physical and mental health of elderly prisoners, particularly those that have co- morbidities.
- xviii. Elderly prisoners should be identified with their individual health histories and should be provided with assistance if found unwell.
- xix. Provisions should be made for setting up of help desks for elderly persons at railway stations, bus stations and at airports.
- xx. Availability of assistance such as wheelchairs, helpers, etc. for those who require individual attention before, during or after their journey should be made available at railway stations, bus stations as well as at the airports.

6.47 The Advisory can be accessed through the link

[<https://nhrc.nic.in/sites/default/files/NHRC%20Advisory%20on%20Elderly%20Persons.pdf>](https://nhrc.nic.in/sites/default/files/NHRC%20Advisory%20on%20Elderly%20Persons.pdf)

C.12 Advisory on Combating Human Trafficking in Context of the COVID-19 Pandemic

6.48 After due consideration of the impact assessment and recommendations made by the Committee of Experts, the "Advisory on Combating Human Trafficking in Context of the COVID-19", duly approved by the Full Commission was issued on 5th November, 2020 to help the Central Ministries and State Government(s) in combating the menace of human trafficking during the pandemic.

6.49 The Advisory consisted of recommendations pertaining to:

- 1. Anti-human trafficking units
- 11. Law enforcement agencies
- 111. District Legal Service Authority
- 1v. How to prevent human trafficking, etc.

6.50 The Advisory can be accessed through the link:

[<https://nhrc.nic.in/sites/default/files/NHRC%20Advisory%20on%20Human%20Trafficking.pdf>](https://nhrc.nic.in/sites/default/files/NHRC%20Advisory%20on%20Human%20Trafficking.pdf)

D. Follow-up Actions on the NHRC Advisories

6.51 A meeting for the follow-up on the two advisories issued by the National Human Rights Commission, namely, 'Human Rights Advisory on Rights of Women in the context of COVID-19' and 'Human Rights Advisory for Protection of the Rights of Children in the context of COVID-19' was held on 12th February, 2021, from 3:30 PM to 5:00 PM under the chairpersonship of Shri Bimbadhar Pradhan, Secretary General, NHRC.



Image 6.2: A follow-up meeting on the NHRC Advisory on Women & Children respective, chaired by Shri Bimbadhar Pradhan, SC, NHRC, in progress.

- 6.52** Nodal departments from 13 States/UTs from the southern and western regions of the country, namely, Gujarat, Karnataka, Kerala, Maharashtra, Rajasthan, Tamil Nadu, Telangana, and Andhra Pradesh, participated in the meeting.
- 6.53** The status of the implementation of the Advisories by the respective States/UTs was reviewed by Shri Pradhan in this virtual interaction. The participating officers apprised the Commission about the steps taken by them to implement the recommendations made **in** the NHRC advisory. All participating States/UTs were also asked to send an action taken report (ATR) in writing to the Commission at the earliest.

E. Guidelines on rescue, release and rehabilitation of bonded labourers during COVID- 19

- 6.54** The Commission in response to the request of the Hon'ble Supreme Court of India vide its Writ Petition (Civil) No.503 of 2020 has issued guidelines to all States/ UTs for Identification, Release and Rehabilitation of Bonded Labourers during COVID-19 situation on 9th December 2020. The guidelines are intended to cover the aspects of rescue, repatriation and rehabilitation of the bonded labourers during the pandemic situation.



F. Illustrative cases in the year 2020-21

1. Seven Covid critical patients admitted in the Radha Krishan Hospital Kurukshetra in serious condition asked to shift to the LNJP Hospital from where they were already referred to the Radha Krishan Hospital, due to unavailability of the adequate medical facilities

(Case No. 2257/7/11/2020)

1. The Commission received a complaint from Shri Goutam Uppal alleging that his elderly mother, a heart patient since birth and undergoing medication for several years, was found to be COVID-19 positive on 21.12.2020 and her oxygen level reached below 80%. As there were no adequate medical facilities in the Government LNJP Hospital, Kurukshetra; after intervention of the Punjab and Haryana High Court, the Government designated a private hospital i.e. Radha Krishan Hospital Kurukshetra for COVID-19 patients. Accordingly, his critically ill mother was referred to Radha Krishan Hospital Kurukshetra on the same day, where due to medical treatment her condition became stable. However, on 29.12.2020, all the seven COVID critical patients admitted in the Radha Krishan Hospital Kurukshetra in serious condition were asked to shift to the LNJP Hospital from where they were already sent due to unavailability of the adequate medical facilities. When the wards of these patients prayed to not shift the patients from the Radha Krishan Hospital in such critical condition, it was told that after declaring the Radha Krishan Hospital as COVID-19 hospital, not a single penny was paid by the Government, against the claim of Rs. 3.3 Crores as bills of the treatment of the COVID-19 patients, and the hospital administration became unable to provide further medical treatment to the COVID-19 patients. The complainant alleged that due to lapse on the part of the public servants, the hospital dues could not be paid by the State Government, and life of the serious COVID-19 patients was at stake without their faults as it was decided by the Radha Krishan Hospital that they will close their hospital w.e.f. 01.01.2021 if the COVID-19 patients are not taken back from their hospital.
11. The Commission vide proceedings dated 01.01.2021 observed that the allegations were very serious as the life of the COVID-19 patients was allegedly been put at stake due to nonpayment of the dues of the private hospital which was assigned the task of providing free medical treatment to the COVID-19 patients. Accordingly, the Commission directed to depute a team of the officers of the Commission to conduct on the spot investigation on the allegations made in the complaint and also ensure over telephone from the concerned authorities that no critical patients should be discharged at the mid of his/her medical treatment from the designated private hospital due to nonpayment of its dues by the Government.
111. In addition, the Chief Secretary, Government of Haryana was directed to look into the matter of providing medical treatment to the seriously ill COVID-19 patients in the State and to ensure that no patient be deprived from treatment on any flimsy ground.
- 1iv. After initiating an immediate action, the matter is being investigated by the Investigation Division of the Commission.



2. Fifty-seven minor girls tested positive for the novel coronavirus at a state-run children's shelter home in Kanpur district of Uttar Pradesh

(Case No.10769/24/43/2020)

1. The Commission came across a grave incident of violation of human rights where fifty-seven minor girls tested positive for the novel coronavirus at a state-run children's shelter home **in** Kanpur district of Uttar Pradesh, with five of them found to be pregnant and one **HIV** positive. Since the information was confirmed, the Uttar Pradesh administration had gone into a frenzy, even as officials said the pregnancies began before the lockdown. The shelter home was sealed, and its staff quarantined. This was reported by "The Print" on 22.06.2020.
11. It was mentioned **in** the media report that the Kanpur District Magistrate said that there were seven pregnant girls living in the home, and five of them tested positive for COVID-19. He said that these girls were already pregnant when they were brought to the shelter home on the recommendation of the Child Welfare committees in different districts, and investigation under the Protection of Children from Sexual Offences Act was going on in all these cases.
- m. The Senior Superintendent of Police, Kanpur reportedly stated that two of the girls had come from Agra and Kannauj in December 2019. The SSP said all the girls found COVID positive were being treated at the Kanpur Medical College.
- 1v. As per report, the girls at the shelter home had been exhibiting COVID-19 symptoms for a few days, and the local administration informed the state health department about it. When they were tested, it was found that two of the girls were pregnant, while one was HIV positive.
- v. The Commission carefully examined the contents of the media report. It was observed that the girls were exhibiting symptoms of COVID-19 for some time but there was a delay in taking them to the hospital for tests. Total 57 girls were tested positive for the COVID-19 which was quite a large number. Not only this, some of the girls were found to be pregnant and positive for HIV and hepatitis which indicates their poor and vulnerable condition in state custody.
- v1. The Commission took suo-motu cognizance of the matter on 22.06.2020 and issued notice to the Chief Secretary, Government of Uttar Pradesh calling for a detailed report in the matter including health status of all the girls, their medical treatment and counselling provided to the girls by the authorities. The State Government was expected to order an inquiry into the matter from an independent agency. The State Government was also expected to review the health status of the female inmates lodged in shelter homes, across the state and issue suitable directives that such incidents do not recur in future.
- v11. The Commission also directed to issue a notice to the Director General of Police, Uttar Pradesh calling for a report regarding registration of FIR in this matter and status of investigation.



vn1. Pursuant to the directions of the Commission, the Superintendent of Police (Human Rights), Office of Director General of Police, Uttar Pradesh, Lucknow, forwarded a report of Superintendent of Police (Traffic), Kanpur City dated 01.02.2021 wherein, it was submitted that a case no. 135/20 u/s 188/228A/505 IPC and 74 JJA and 23 POCSO were registered and after inquiry, the final report in the matter was filed on 12.01.2021.

1x. The matter is under consideration of the Commission.

3. Insurance companies reluctant to cover COVID warriors (Case No.651/90/0/2020)

1. The Commission came across a news item published in the "Times of India" under the caption "Insurance cos reluctant to cover COVID warriors". The news report stated that the Healthcare workers, who were considered to be at most risk to contract the coronavirus infection, were facing refusals or demands for high premiums to buy group mediclaim policies. As COVID-19 cases continue to rise and the Government offers little clarity on insurance cover for private healthcare professionals doing non- COVID work, there is a scramble to find the right policy.
11. It was further stated that while most doctors have a medical cover, the struggle has mainly been about ensuring protection for their staffers. Several nursing home owners in the city were scouting for a group cover, but with little success. The companies have refused to extend even the fixed benefit covers. Here the beneficiary is paid a lump sum on testing positive. The sum assured can vary from Rs. 20,000/- to Rs. 2,00,000/-, and annual premium is relatively low.
111. As per news report, the Indian Medical Association (IMA) said that a company which earlier agreed to extend a fixed benefit cover of up to Rs. 2,00,000/- (Rupees two lakh only) to its members, pulled out of the deal after COVID-19 cases began to rise in the State.
- 1v. The IMA had reportedly stated that the company has returned the premium paid by around 150 doctors who had already signed the documents.
- v. As per the report, Dr. Sudhir Naik, in charge of the medico-legal cell of the Association of Medical Consultants (AMC) stated that no insurance company wanted to cover the COVID warriors. While the authorities were forced to keep clinics open, the staffers were apprehensive about working. The medical fraternity was reportedly pinning its hopes on the standard COVID-19 policy which the Insurance Regulatory and Development Authority of India (IRDAI) had asked all the insurance providers to design by 15th June.
- v1. As mentioned in the news report, there was also confusion whether the Rs. 50 lakh health cover provided by the Central Government for healthcare workers included private doctors, staff and also those doing non-COVID work.
- v11. The contents of the news report were carefully perused by the Commission. Amid the spread of COVID-19, several unique difficulties were being faced by different sections of



the society, across the country. There were many media reports already in the knowledge of the Commission regarding scarcity of beds in hospitals, non-availability of doctors and medical staff etc. In this period of pandemic, what the country needed most was proper health facilities and infrastructure. Denial of insurance claims by the companies to the COVID Warriors could definitely bring down their morale and its result will adversely affect the general public in the end.

v111. The Commission considered this was a case of violation of human rights and found its intervention necessary in the matter as the sufferers were poor citizens who were already under trauma of the Corona virus due to lack of medical facilities.

ix. The Commission, took suo-motu cognizance of the matter on 12.06.2020 and issued of notices to the (i) the Chairman, Insurance Regulatory and Development Authority, Hyderabad, Telangana and (ii) the Secretary, Ministry of Finance, Department of Financial Services, Insurance Division, Government of India, New Delhi calling for a detailed report in the matter.

x. Pursuant to the directions of the Commission, the General Manager (Health), Insurance Regulatory and Development Authority of India, Hyderabad, vide letter 08.07.2020 had submitted a report which *inter-alia* mentioned as under:

a. *It is submitted that this authority has been continuously taking necessary steps to impress on the insurers to make available adequate health insurance cover to the public during this distressing time of the pandemic. Some of the measures are listed below:*

i. *Instruction was issued on 4th March, 2020 to all insurers for handling COVID Claims expeditiously. Any denial of case would have to be reviewed by the claims review committee.*

u. *Keeping in view of the spread of COVID-19 pandemic, the authority has advised all general and health insurers to design COVID-19, specific insurance products, in response to which, some insurance companies are offering COVID-19 specific insurance plans.*

m. *The authority has instructed all insurers through its communication dated 25.06.2020 to put in place special efforts to increase protection level in the society by enhancement of coverage of as many individuals as possible under health insurance and the insurers should offer coverage to all citizens of India irrespective of their occupation subject to underwriting policy. Insurers have also been specifically requested that for policies covering COVID-19 cases, there should not be any premium loading in case of doctors and healthcare workers.*

iv. *The authority had also mandated all general and health insurance companies to offer corona Kavach, a Covid specific indemnity based health insurance policy. The Guideline on this COVID specific Standard Health Policy issued on 26th June, 2020, stipulated that the insurers should offer 5% discount in premium to doctors, nurses and other healthcare workers.*



- b. *In view of the above, doctors, nurses and other health workers have the option to approach any general insurers offering health insurance or the Stand alone Health Insurer to avail of a health insurance policy of their choice. In addition to company specific products, standard comprehensive health insurance product "Arogya Sanjeevni" and standard COVID-19 specific health insurance product "Corona Kavach" are also available with all general and health insurers.*
 - c. *After receipt of the notice from the Hon' ble Commission, specific information on providing health insurance coverage to the doctors and other healthcare workers since the onset of the pandemic was sought from general and health insurers. From the information received, it is observed that more than one lakh doctors and other healthcare workers were provided health insurance coverage by various general and health insurers since 01" March, 2020.*
- x1. The matter is under consideration of the Commission.

Civil and Political Rights and Safeguarding Criminal Justice System

- 7.1** 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.
- 7.2** 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.
- 7.3** 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.



- 7.4** The then Special Monitor (Police & Prison Reforms) of the Commission submitted a brief report on the conditions of few jails wherein there was a need for intervention of the Commission to protect the rights of prisoners for essential health services during Covid-19. Under the directions of the Secretary General, NHRC the Research Division sent letters to the DG/IG of Prisons of each State/UTs to apprise the Commission of the condition of prisoners and prison staff during the Covid-19 pandemic. The prison heads were requested to share their medical infrastructure setup and best practices being used to tackle the current situation. Few States have positively responded to the Commission on the measures taken by the jail authorities to prevent the spread of Covid-19 inside prisons.
- 7.5** In order to assess the impact of the pandemic on realization of the rights of the prisoners and police personnel, the Commission constituted a 'Committee of Experts on Impact of COVID-19 Pandemic on Human Rights and Future Response' under the chairmanship of Shri Jaideep Govind, then Secretary General, NHRC which included the representatives from the police and prison departments, concerned ministries, independent domain experts and civil society organizations. On the basis of an impact assessment done by the Committee of Experts and recommendations made by it, the Commission issued the Advisory on "Human Rights of Prisoners and Police Personnel during COVID-19" on the 6th October, 2020 to the concerned Union Ministries, States/UTs for its implementation. Details of the said Advisory can be found in Chapter 6 of this Report
- 7.6** The principal purpose of criminal justice administration is to preserve and defend the rule of law i.e., social control of law, maintenance of order, speedy trial, penalization of offenders, rehabilitation of offenders through the judicial system, and solace to victims of crimes. The current criminal justice system needs reformations in delivering speedy and prompt justice to people and guaranteeing the certainty of penalization to perpetrators of crime. The necessity is therefore to offer a reformed look at the various aspects of the criminal justice system in the field of justice for people and regarding the increasing challenges of criminal justice reform.
- 7.7** In this regard, the Commission felt the need for criminal justice system reforms and constituted a Core Advisory Group on 'Criminal Justice System Reforms' on 26th March, 2021. The members of the core group are domain experts having decades of experience working in judiciary, police, prisons and legal aid institutions. The members are selected from across the country. The primary goal is to advise the Commission on issues related to improvements in the existing Criminal Justice System in the light of relevant provisions of the Protection of Human Rights Act, 1993 and to study and review the reports of various Committees constituted by the Government of India and recommendations made thereof on the Criminal Justice System of India and make suggestions for their better implementation among other tasks.

A. Terrorism and Militancy

- 7.8** 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 more challenging.

- 7.9** 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.
- 7.10** 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.
- 7.11** 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 our Constitution.
- 7.12** 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 humane, rational and secular.



Image 7.1: Senior Officers of the Commission and other Government Institutions attending the stakeholder discussion on 'Rise in Organized Crimes: A threat to Human Rights and Internal Security'



7.13 The National Human Rights Commission of India organized a stakeholder discussion on the topic '*Rise in Organized Crimes: A threat to Human Rights and Internal Security*' on 22nd of March 2021. The event is 'a first of its kind' organized by the Commission to bring awareness and learning among the stakeholders to combat all forms of organized crime and criminal activities. The event was organized physically in the Commission and virtually through Cisco Webex. The discussion was chaired by Hon'ble Member, NHRC Justice Shri PC Pant, and the meeting was attended by Secretary General NHRC, Registrar (Law), Joint Secretary (A&R), SSP and other officers.

7.14 The Speakers included Senior Officers from Central Bureau of Investigation (CBI), Enforcement Directorate (ED), Narcotics Control Bureau (NCB), Kerala and Maharashtra Police, who presented on the following:

1. Trends and patterns of Online and Cyber Crime and challenges in cyber-crime investigations.
11. Drug Trafficking in India and transnational: Ill effects of drug abuse, their source, transit and destination points.
111. Prevalence of Human Trafficking
- 1v. Economic Crimes, Bank frauds, Money Laundering
- v. Transnational Organised Crime, Role of CBI

7.15 The participants were from National Institute of Criminology and Forensic Sciences (NICFS), National Forensic Science University (NFSU), National Commission for Protection of Child Rights (NCPCR), Delhi Police, North Eastern Police Academy (NEPA) among others.

7.16 The discussion primarily focused on the need for:

1. Specialized training of investigating officers and judicial officers through refresher courses and training institutes, so that the stakeholders may keep pace with the current trends of crime.
11. Modernizing investigation and admissible evidence recording procedures in tune with global trends.
111. Since organised crime is multi-state and multi-national, there is a need for coordination between agencies and departments



Image 7.2: Senior Officers of the Commission participating in the stakeholder discussion on 'Rise in Organized Crimes: A threat to Human Rights and Internal Security'



Image 7.3: Senior Officers of the Commission and other government institutions deliberating the agenda of stakeholder discussion on 'Rise in Organized Crimes: A threat to Human Rights and Internal Security'



B. Webinar on Forensic Science

- 7.17** For the first time, a webinar on Forensic Science was organized and conducted by the Investigation Division of the Commission on 11th August, 2020 including all major stakeholders i.e. Ministry of Home Affairs, Central Forensic Science Laboratories, State Forensic Science Laboratories, National Universities of Forensic Science, State Police Academies and others. The objective of this webinar was to sensitize all about the Issues and Challenges related to Forensic Science. Three technical sessions were taken by Dr. S.K. Jain (Director DFSS), Dr. I. Haque (Dy. Director CFSL Chandigarh) and Prof. Adarsh Kumar (AIIMS, Delhi). The programme was inaugurated by Hon'ble Member Justice P.C. Pant and Secretary General Jaideep Govind. Ms P.S. Srivastava (Joint Secretary, MHA) presented an overall view of the Forensic Science scenario in India. The topics of discussion- were Forensic Ballistics', DNA profiling and medico-legal investigations on custodial deaths in India. Apart from this, other pressing problems of the Forensic field like acute shortage of qualified staff in the Forensic labs, lack of state-of-the-art infrastructure at forensic labs and long pendency of cases lying in the labs etc. were also discussed and the various States shared their best practices also.

C. Programmes with Police Personnel

- 17.18 All India Police Forces Debate Competition 2020:** Under the guidance of the Secretary General, NHRC, the Investigation Division of NHRC had organized an All India Police Forces Debate Competition 2020 through Webinar. The event was organized online for the first time due to covid restrictions. Total 46 participants (24 Hindi language + 22 English language) from different States/UTs were selected after State/UT level competitions. These 46 participants participated in the final round of the competition held at New Delhi on 25 & 26h November, 2020. Hon'ble Member (NHRC) Dr. Dnyaneshwar Manohar Mulay graced the final round of the competition as Chief Guest & Chief of Jury. Hon'ble Member (NHRC) Smt. Jyotika Kalra, Shri Prabhat Singh, IPS (Retd.), Former DG, NHRC & Prof. Indu Agnihotri, Core Group Member, NHRC & Director, Centre for Women Development Studies, New Delhi were the Jury Members and selected 7 winners. The Trophies, Certificates and Cash Prizes were given to the Winners. Shri Bimbadhar Pradhan, Secretary General, NHRC and other senior officers of the NHRC also attended the final round of the competition.
- 7.19 Central Armed Police Forces Debate Competition, 2020:** To promote Human Rights awareness and spread Human Rights sensitization among the personnel of the Central Armed Police Forces, the NHRC has been regularly organizing a debate competition on Human Rights issues every year. This year (2020-21), the Railway Protection Force (RPF) had organized the Central Armed Police Force Debate Competition through Webinar. The Semi-final round of the competition was organized at Kolkata on 04-05 September, 2020 and final round was organized on 16.9.2020 at Northern Railways Conference Hall, Baroda House, New Delhi. During the Semi-final round, total 32 teams (64 participants: 32 for English language & 32 for Hindi language) from different CAPFs participated and out of these, 16 participants were selected for the final round. Shri



Naparajit Mukherjee, IPS(Retd.), Member, WB Human Rights Commission, Shri S. Rama Krishnan IPS (Retd.) and Shri S.S. Gehlot, AGM, Eastern Railways, Kolkata were the Jury members of the semi-final of the competition. Hon'ble Member Dr. Dnyaneshwar Manohar Mulay graced the Final round of the CAPF Debate Competition as Chief Guest. Hon'ble Member Smt. Jyotika Kalra was the Chief Jury and Shri Prabhat Singh, IPS (Retd.), Former DG, NHRC & Shri Nitin Malik, Registrar, Dr. B.R. Ambedkar University, Delhi were the Jury Members and selected 8 winners. Shri Jaideep Govind, Secretary General, NHRC and other senior officers of the NHRC also attended the final round of the competition. The Trophies, Certificates and Cash Prizes were given to the Winners of the final round. The CISF was the Winner of the Rolling Trophy of the CAPF Debate Competition, 2020.

D. National Debate Competition on 'Media trial vitiates the human rights of the individual'

- 7.20** A National Debate Competition was convened through Cisco Webex on 27.11.2020, in which 19 students from 11 National Law Universities participated. The topic of the Debate was "Media trial vitiates the human rights of the individual". Ms. Ankita Sharma, of Himachal Pradesh National Law University, Shimla won the First Prize (Rs.10, 000/-), Ms. Surbhi Soni, of National Law School India University, Bengaluru secured the second Prize (prize Money Rs.8,000/-) and Ms. Shreya Shankar of National Law Institute University, Bhopal got the third Prize (prize Money Rs.6,000/-). Each of the participants was also awarded a certificate of appreciation.

E. Legal Aid Scheme

- 7.21** 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 under-trial population in prison is increasing at a higher rate. The 25th edition of the Prison Statistics in India report released in 2019 by NCRB stated that 69.05 percent of those behind bars were under-trials, while 30.11 percent were convicts and 0.67 percent were detainees. 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.
- 7.22** In the light of the issue, NHRC conducted a meeting on 24th January, 2019 with Delhi State Legal Services Authority (DSLISA), and National Law University, Delhi (NLU) where it was decided that the students of NLU, Delhi may assist the counsel deployed by DSLISA 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:
- 7.23** 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.



7.24 Duration of the Pilot project: 12 Months (inclusive of 2 days training and 6 days prison visit respectively by students every month).

7.25 Outcomes Expected of the Pilot Project:

1. Facilitation of legal aid to jail inmates to curb the issue of delayed justice.
11. Once found successful, the project will be implemented all over the country.
111. Training and awareness of the students with regard to rights of jail inmates.
- 1v. The pilot project will promote awareness towards human rights.
- v. Development of sensitivity towards human rights amongst students.

7.26 Subsequently, a follow up meeting was held on 15th March, 2019 in the Commission wherein it was decided that the Tihar Jail Administration will work on compiling the cases which require legal aid. In the last two meetings held on 3rd January, 2020 and 10th February, 2020 with the representatives of NHRC, NLU, Delhi, IG Prisons and DSLSA, the draft proposal for the project has been finalized.

7.27 The draft of the Memorandum of Understanding (MoU) was prepared by the Commission defining the role and function of each stakeholder including NLU, Delhi, DG (Prison) Tihar and DSLSA. The stakeholders were requested to examine the draft MoU and offer their comments or disagreement with any of the clauses of the MoU before a proposal is sent to FA (MHA) for its concurrence.

7.28 In this regard, NHRC conducted a meeting on 26th March .2021 in Manav Adhikar Bhawan with NLU, Delhi, DSLSA and DG (Prison) Tihar to discuss the progress of the draft MoU and scheme of the pilot project on providing legal aid to the prisoners. The meeting was chaired by Hon'ble Member Smt. Jyotika Kalra. It was decided in the meeting to amend and modify relevant clauses of the MoU and to form a Committee with all the stakeholders to formulate the scheme of the pilot project.

F. Research projects

F.1 Ongoing research projects

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

1. 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/-.
11. The area/coverage of study: Four major Gujarat Jails: Sabarmati Central Jail, Vadodara Central jail, Rajkot Central jail & Lahore Central Jail (Surat).

- m. 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.

7.30 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

1. 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.
11. Objectives of the Study:
 - To examine the trend and patterns of deaths in prison and police custody and its impact on 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.
- m. Locale: Maharashtra, Uttar Pradesh and Delhi.

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

1. 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.
11. Objectives of the Study:
 - To understand and highlight 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.

111. Locale: Jharkhand, West Bengal and Bihar

F.2 Completed research projects

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

1. 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/-.
11. 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.
111. Aim: To explore the theme of social integration of released prisoners from central prisons of Kerala and Tamil Nadu.
- 1v. 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.

G. Prison visits by Special Rapporteurs and Special Monitors of the Commission

- 7.33** Dr. Ish Kumar IPS (Retd.), the then Special Rapporteur with NHRC visited Faridabad Jail, Faridabad, Haryana on 25th September, 2019 to understand the living conditions of the prisoners and also the problems faced by the jail staff and submitted his report. Based on his observations, he made some key recommendations such as: reducing the number of inmates either by speeding



up the trials, opening more of the open jails or constructing additional jails to avoid overcrowding in the jail, preventing any untoward incidents including escapes of prisoners, rioting, smuggling of contrabands etc., improving prisoners diet and their entitlements, increasing wages paid to convicts in the jail and providing free legal aid to prisoners. He also suggested to the concerned authorities to increase recruitment at warder level and in jail hospital and also construct a de-addiction centre and provide more jammers, x-ray scanners for baggage, CCTVs, DFMD etc.

- 7.34** Dr. Ish Kumar IPS (Retd.), the then Special Rapporteur with NHRC visited Model Jail Chandigarh in the State of Punjab on 11th February, 2020 to understand the living conditions of the prisoners and also the problems faced by the jail staff and submitted his report. He recommended the Prison administration to create extra Barracks for the convicts and adopt initiatives such as Tihar Jail Factory for providing employment opportunities and increasing the wages of the prison inmates. He also suggested the concerned authorities revise the wages paid to convicts in the jail, to ensure follow up of the prisoners for rehabilitation after they are released from the jail and encourage activities in jail like tailoring centres, creche, sanitary pad manufacturing units etc.

H. Illustrative cases in the year 2020-21

a) Custodial deaths

1. Custodial deaths in jail and poor maintenance of records (Investigation Division) (Case No. 5/30/0/2018-JCD)

1. The Commission received intimation from Superintendent of Prison, Central Jail No. 5, Tihar, New Delhi, regarding death of an inmate Sani Ram s/o Ganeshi Ram on 23.12.2017.
11. In compliance with the Commission's directions, the Investigation Division conducted an investigation and submitted that deceased Sani Ram was admitted to the jail on 4.1.2017 and was provided medical treatment for rash in groin and bleeding gums on 18.9.2017. Further, on 15.12.2017 he complained of pain in rib cage and gave a history of physical assault of one month. On 23.12.2017, deceased was brought to the jail hospital in unconscious condition with alleged history of committing suicide and declared brought dead. The cause of death was "asphyxia consequent upon ante mortem hanging". The Magisterial Enquiry Report conducted by Magistrate concluded that deceased committed suicide and possibility of homicide was completely ruled out. The CCTV footage of the barrack found it a clear case of suicide.
111. The Commission carefully went through the records containing the death summary, medical history and magisterial inquiry report of under trial prisoner (UTP) Sani Ram since deceased, who was under the custody of the State. The cumulative appreciation of the entire record shows that a thin blanket was used in hanging, as claimed by jail authorities, whereas, medical summary suggested that a red colour piece of cloth was used in hanging. According to the death summary and medical observation of the first attending doctor, three scratch marks were found over abdomen, old scratch marks were present over left forearm, injury marks were shown on left jaw line. The reports are silent as to under what circumstances the UTP sustained aforesaid injuries. The inmate was admitted to the jail on 4.1.2017 and the incident occurred on 23.12.2017. As per record, the suicide attempt was made by UTP



Sani Ram between 5:30 to 6:40 AM. However, the prisoner was first attended by a doctor at about 7.17 AM. In such an emergency, the first few minutes are very crucial to save life and in this case due to paucity of doctors, this time was wasted, and therefore, the undertrial prisoner died. In addition to that, it also appears that proper gadgets are not available in the jail to detect any foreign element which is brought to the jail and because of that corporal punishment is given to the inmates occasionally. Thus, it is clear that the jail authorities had not taken due care for the safety and security of the prisoner of which the State is duty-bound. Consequently, the State failed to save the life of a young prisoner. Therefore, the State was liable to compensate the next of kin of the deceased Sani Ram. Accordingly, a notice u/s 18 of the PHR Act, 1993 was issued to the Government of NCT Delhi, through Chief Secretary, to show cause as to why the Commission should not recommend suitable monetary compensation of Rs. 3,00,000/- (Rupees three lakh only) to the next of kin of the deceased Sani Ram s/o Ganeshi Ram.

- 1v. Meanwhile, the mother of the deceased had given a letter to the Commission wherein it is mentioned that the name of her son is Amar Nath and father's name is Bhola Rawat however, the police officials have mentioned the name of her son as Sani Ram s/o Ganeshi Ram. The mother of the deceased further mentioned that she had already given the identity of her son to the police officials; however, still it was not corrected. She requested the Commission to give order for rectification of the name of her son on police/jail records and enhance the compensation. She has also enclosed the Aadhar identity card of her son as Amar Nath s/o Bhola Rawat.
- v. After consideration, the Commission directed the investigation Division to ascertain the correct name of the deceased and his father's name. In compliance, the Investigation Division conducted a spot enquiry and found that the deceased's real name is Amarnath instead of Sani Ram@ Lambu and date of birth is 16.03.1998. As per school record his father and mother's name is Bhola Rawat and Sunita Devi respectively.
- v1. On perusal of available records, the Commission directed that the real name of the deceased victim i.e. Amarnath S/o Bhola Rawat should be considered for further proceedings and confirmed its recommendation for the monetary compensation of Rs. 3,00,000/- (Rupees three lakh only) to be paid to the next of kin of the deceased for the violation of the human rights of the deceased and directed the Chief Secretary, Government of NCT of Delhi to submit the compliance report along with the proof of payment.

2. Custodial death of an Under Trial Prisoner, in Sub-Jail Nuzvid, Krishna District,

Andhra Pradesh

(Case No. 1209/1/6/2013-JCD)

1. The Commission received an intimation, from the Superintendent of the Sub-Jail, Nuzvid, Krishna District, Andhra Pradesh, of the death of an under trial prisoner in the custody of the Jail, due to fall in the bathroom.
11. The Commission obtained the relevant reports like Inquest report, enquiry report, post mortem report etc. from the authorities concerned. On perusal of the reports, the Commission



sought an opinion of a forensic expert on the panel of the Commission to ascertain whether the injuries mentioned in the Post-Mortem Report could be caused due to fall in the bathroom.

111. The forensic expert opined that the deceased person fell in the bathroom on the night of 26.10.2013 as reported by the Superintendent of the Sub-Jail, whereas the treatment records of Government General Hospital indicated that the deceased had a fall in the bathroom in the morning of 28.10.2013. So it appears that the deceased was not provided any treatment from 26.10.2013 to 28.10.2013 and was brought to the hospital with a false history of fall on 28.10.2013 morning whereas the deceased had a fall on 26.10.2013. Further, instead of admitting him in the Neuro ward, the deceased was admitted in the Psychiatric ward. Regarding the manner of injury sustained by the deceased, he was of considered opinion that the injuries mentioned in the Post-Mortem Report were not possible by a simple fall in the bathroom i.e., the deceased prisoner was subjected to torture while in prison.
- 1v. Upon considering the submissions by the forensic expert, the Commission observed that the death of victim UTP was caused due to physical injuries inflicted while in jail and subsequent negligence in the treatment. Further, he was admitted in the wrong ward deprived of timely treatment. This was a clear case of violation of human rights on the part of the public authorities, which had resulted in the death of the prisoner. With these observations, the Commission recommended a monetary compensation of Rs. 5,00,000/- (Rupees five lakh only) to the next of kin of the deceased prisoner for violation of his human rights. On receipt of the compliance report in the matter from the State Government, the Commission closed the case.

3. A convict prisoner, committed suicide in the custody of Central Prison, Kadapa,

Andhra Pradesh

(Case No. 209/1/4/2016-JCD)

1. This case relates to the suicidal death of a convict prisoner, in the judicial custody of Central Prison, Kadapa, Andhra Pradesh. Pursuant to the Commission's directions in the matter, the State authorities submitted reports which revealed that the deceased was in custody since 28.01.2009. The initial health screening report of Central Jail revealed that he was a patient of epilepsy. He was provided treatment in the Psychiatry and Neurology Departments and was under regular medication. Perusal of the inquest proceedings further revealed ligature marks on the front side of the deceased and post mortem examination was recommended. Examination of the post mortem reveals ligature marks over the neck on the body of the deceased and the Medical Board had opined that the death was due to hanging.
11. The Magisterial Enquiry in this matter concluded that the prisoners were permitted to go out from their barracks and at the relevant time, jail authorities did not kept close watch over their movements and as a result he resorted to commit suicide. The Commission after considering the reports, including the magisterial enquiry report, which indicted the prison personnel observed that the deceased has committed suicide due to negligence on the part of the prison authorities. Further, the victim was being treated for his psychiatry and



neurology ailments which require higher degree of vigilance. According to the Magisterial Enquiry Report, had there been proper vigil on the part of the prison personnel, the incident of suicide could have been averted. The untimely death of the deceased (48 years) resulted on account of negligence on the part of prison personnel violating Human Rights of the deceased. The State was, therefore, vicariously liable to compensate for this untimely death. The Commission recommended a monetary compensation of Rs. 4, 00,000/- (Rupees four lakh only) to the next of kin of the deceased person, for violating his Human Rights.

m. The compliance report is awaited and the matter is under consideration of the Commission.

4. Death of a convicted prisoner Panna Lal in Central Jail, Ajmer, Rajasthan (Case Number 1055/20/1/2018-JCD)

1. The Commission received intimation from the Superintendent of Central Jail, Ajmer, Rajasthan regarding the death of a convicted prisoner Panna Lal s/o Hira Lal (aged 45 years) in the custody of Central Jail, Ajmer while he was under treatment at JLN Hospital, Ajmer. He was lodged in Jail on 17.10.2011.
11. While considering the material on records, this Commission observed that the death of the deceased Panna Lal was caused due to attack by a fellow inmate who had a history of mental illness. It observed that the Jail Authority did not keep the inmate, who had a past history of mental illness, in a separate cell, and consequently he killed the victim Panna Lal. Thus, prison authorities failed to protect the life of the victim that was lost in vain. The Commission, therefore, recommended to the Government of Rajasthan to pay a sum of Rs. 5, 00,000 (Rupees five lakh only) as monetary compensation to the next of kin of the victim.

5. Death of an UTP, Akiaso Bellai, while in judicial custody by hanging himself in the toilet of Hayuling judicial custody, lock-up from the ventilator rod of the toilet, in Anjaw District, Hawaii, Arunachal Pradesh

(Case No. 36/2/15/2018-JCD)

1. The Commission took cognizance of intimation from the Deputy Commissioner, Anjaw District, Hawaii, Arunachal Pradesh, regarding custodial death of a prisoner, Akiaso Bellai S/o Rayam Bellai. On perusal of the reports in the matter, received pursuant to the Commission's directions, the Commission observed that the magisterial enquiry concluded that the cause of death appeared to be mechanical asphyxiation as a result of hanging. It was also concluded in the report that the deceased could commit suicide due to lack of proper vigil and care by the jail authorities.
11. In view of the facts and circumstances of the case, the Commission observed that In it is admitted in the reports that the deceased UTP Akiaso Bellai was successful in commission of suicide within the jail premises, due to lack of proper vigil and care by the officials of the jail. It is the duty of the State to take care of the persons who are in their custody.
- m. The Commission, therefore, recommended to the Government of Arunachal Pradesh through its Chief Secretary, to pay compensation of Rs. 2 lakhs to the next of kin of the deceased. Pursuant to the directions of the Commission, the Deputy Commissioner (Home), Govt. of



Arunachal, Itanagar submitted the compliance report along with the photocopy of the identification certification, cheque and receipt & photograph in respect of the payment made to Shri Forenso Bellai, NoK of the late Akiaso Bellai. In view of the compliance report the Commission closed the case.

6. Death of Under Trial Prisoner (UTP) Ram Nath Prajapati, in Judicial Custody in District Jail, Jhansi, U.P.

(Case No. 4785/24/40/2017-JCD)

1. The Commission received an intimation regarding the death of a UTP Ram Nath Prajapati, son of late Shri Ram Bharose Prajapati, in the custody of District Jail, Jhansi, UP, while undergoing treatment in the Medical College, Jhansi, Uttar Pradesh.
11. Responding to the directions of this Commission, the State authority submitted requisite reports which were analyzed by the Investigation Division of this Commission. The initial health screening report at the time of admission to the jail report reveals that the prisoner had normal health. The inquest proceedings revealed no external injury on the body of the deceased. The post mortem examination report however revealed eight ante-mortem injuries relating to stitched wound and peeling of skin at right and left buttocks and right thigh. The viscera examination report reveals that no chemical poison has been detected in the visceral exhibits of the deceased. The Magisterial Enquiry into the matter was conducted by the Addl. Chief Judicial Magistrate, Court No. 01, Jhansi who concluded that the prisoner died unnaturally due to head injury during torture by the Police.
111. The Commission after perusal of all the reports placed on records and after consideration of the recommendations made by the Investigation Division issued a notice, under Section 18(a)(i) of the PHR Act, 1993 to the Chief Secretary, Government of Uttar Pradesh, to show cause, as to why monetary compensation should not be recommended to be paid to the next-of-kin of the deceased UTP Ram Nath Prajapati, son of late Shri Ram Bharose Prajapati, who died in the custody of District Jail, Jhansi, UP, Further, a notice was issued to the DGP, Uttar Pradesh, calling upon him to submit, the details of legal and departmental action taken against the delinquent police personnel.
- 1v. In response the Director-General Jail, UP submitted reported that an enquiry in the matter was conducted by Sr. Supdt., District Jail, Jhansi, which revealed that the deceased prisoner Ram Nath Prajapati was not subjected to any violation, beating, or cruelty by any jail officials or prisoner. It is further reported that the deceased prisoner was operated upon by Associate Professor, Dr. Kuldeep Chandel of Medical College, Jhansi, and also as per the statement of the son of the complainant the deceased prisoner was given proper treatment in the Jail Hospital as well as in the Medical College, where he was subsequently sent for treatment. It was pleaded in the report, that as per findings of the enquiry, the dependents of deceased prisoner Ram Nath Prajapati were not entitled to any compensation or interim relief in this case.
- v. While considering the said response, as well as the records of the case, the Commission observed that the ACJM Court No. 1, Jhansi in his report specifically mentioned that the



deceased prisoner Ram Nath Prajapati was inflicted injuries by Police and as a result of a head injury he suffered a subdural hematoma which caused his death. It was concluded by him that the death of the deceased prisoner Ram Nath Prajapati was unnatural on account of injuries on his head. The post mortem report of the deceased also indicated that there had been 8 ante-mortem injuries on the body of the deceased prisoner. The Commission, therefore, u/s 18a(i) of PHR Act, recommended to the Chief Secretary, Government of UP to pay a compensation of Rs. 2,00,000/- (Two lakhs only) to the NOK of the deceased victim. The Commission further directed the DGP, Govt. of UP to fix responsibility on the erring officials who were responsible for the death of the deceased under trial prisoner and to submit a compliance report. The compliance reports in the matter are awaited.

7. Death of an Under Trial Prisoner Ravindra Gambhir Koli, in the custody of District Jail, Jalgaon, Maharashtra

(Case No.1294/13/12/2018-JCD)

1. On receipt of an intimation of above custodial death, the Commission directed the authorities concerned to file an action taken report in the matter to the Commission.
11. In response, the requisite reports were received in the Commission. On perusal of the reports, the Commission observed that the Under Trial Prisoner died in custody due to medical negligence. Admittedly, he was not suffering from any ailment at the time of his entry to the jail. There was no explanation whatsoever on record with regard to external and internal ante-mortem injuries having duration of 4-10 days, found on the body of the deceased and, therefore, prima facie, it appeared that the deceased was assaulted by the police during his custody and proper health screening was not carried out on entry in the jail or the inmate was physically assaulted while being lodged in the jail. The District Magistrate submitted the reports finding medical negligence; hence, the death was due to negligence on the part of prison personnel thereby violating the human rights of the prisoner. The Commission observed that for negligence, the State was vicariously liable to compensate for the death of the UTP and therefore, recommended a monetary compensation of Rs. 4,50,000/- (Rupees four lakh fifty thousand only) to the next of kin of the deceased prisoner. The Commission was informed that a compensation amount of Rs.4,50,000/- (Rupees four lakh fifty thousand only) was paid to the wife of the deceased. In view of the same, the case was closed.

8. Custodial death of Nitin Balu Sathe, aged 28 years in police lock up of Police Station Kotwali, Ahmednagar, Maharashtra on 28.05.15

(Case No.1324/13/1/2015-PCD)

1. The Commission received intimation from the Superintendent of Police (SP), Ahmednagar, Maharashtra, regarding custodial death of Nitin Balu Sathe, aged 28 years in police lock up of Kotwali Police Station, Ahmednagar, Maharashtra on 28.05.15. He was apprehended by the police on 27.05.15 suspecting him to be a robber. He tried to run away from the Police Station and dashed his head to an iron post box. The deceased was sent to Civil Hospital for first aid and later on died while undergoing treatment.



11. The Commission took cognizance of the intimation on 04.06.2015 and directed the Deputy Inspector General (Investigation) of the Commission to collect facts and requisite reports.
111. Pursuant to the directions of the Commission, the Magisterial Enquiry Report, post-mortem report and other reports were obtained by the Investigation Division. The post-mortem report revealed 29 injuries all over the body of the deceased. The cause of death was stated to be "head injury in the form of subdural and subarachnoid hemorrhage with multiple injuries over body". The manner of causation of injuries was mentioned by the doctors as either-accidental or homicidal in nature.
- 1v. The circumstances leading to the death of deceased Nitin Balu Sathe was also enquired by Sub-Divisional Magistrate (SDM), Ahmednagar. The Enquiry Magistrate examined the wife, mother and brother of the deceased along with the doctor who conducted the post-mortem as well as the police officials. He concluded that the death of accused Nitin Balu Sathe was un-natural and due to injuries caused to him. Police officers and staff were found negligent in their duties.
- v. A report from the Deputy Superintendent of Police, CID (Crime), Nagar revealed that Police registered a case vide No. 187/15 u/s 302/330/331/348/193/203/34 IPC r/w 3(2)(5) of SC/ST Act against six police personnel. The police also arrested four accused police personnel and filed a charge-sheet against them.
- v1. The Commission considered the report and other papers on record. The analysis of the report submitted by the Investigation Division indicated that the deceased was apprehended on mere suspicion and nothing was recovered from him by the police. There was no specific allegation or previous history of crime against him.
- v11. The Commission issued a notice u/s 18 of the **PHR** Act, 1993 to the Government of Maharashtra through its Chief Secretary requiring it to show cause why an amount of Rs. 5,00,000/- (Rupees five lakh only) as monetary compensation should not be recommended to be paid to next of kin of the deceased Nitin Balu Sathe
- v111. Pursuant to the directions of the Commission, the Under Secretary, Home Department, Government of Maharashtra, forwarded a copy of the report received from Superintendent of Police, State CID, Nashik, Maharashtra. It was submitted that the compensation was paid to the next of kin of the deceased Nitin Balu Sathe. A charge sheet was filed in the Court against accused police personnel found guilty in the matter. With regard to departmental action against six police personnel, Superintendent of Police, Ahmadnagar (MS), vide communication dated 16.04.2019 submitted that charge sheets were filed against four accused persons in the Court and Judicial Magistrate (1st Class) of Ahmadnagar and the departmental action was not taken against these four accused as the case was pending in the Court. It was further submitted that one of the accused had expired in Arvada Jail, Pune and the State Government was denied sanction for prosecution of one of the accused.
- 1x. Since the State Government had no objection to the payment of compensation to the next of the kin of the deceased, the Commission made a recommendation to the Government of



Maharashtra through its Chief Secretary to pay an amount of Rs. 5,00,000/- (Rupees five lakh only) as monetary compensation to the next of kin of the deceased Nitin Balu Sathe. With these directions, the case was closed.

b) Deaths in encounter

9. Death of Sumit Gujjar by the police in an encounter in Greater NOIDA, Gautam Budh Nagar, Uttar Pradesh

(Case No.30160/24/30/2017-AD)

1. The Commission came across a news item published in "The Times of India" dated 5.10.2017, under the caption "Protests over staged killing of Noida gangster". According to the news report, Sumit Gujjar was shot dead by the police in an encounter in Greater NOIDA, Gautam Budh Nagar, Uttar Pradesh on 3.10.2017. This incident was also reported in many newspapers. The family members of the deceased, however, alleged that he was killed in a fake encounter. They stated that he was picked up by the police on 30.9.2017 from a market and later shot dead.
11. The Commission also received complaints from father and brother of the deceased alleging that Sumit Gujjar was killed by the police in a fake encounter, beside intimation about death during an encounter.
- m. The Commission sought requisite reports from the authorities concerned.
- 1v. Pursuant to the directions of the Commission, SSP, Gautam Budh Nagar vide report dated 06.11.2017 submitted that on the basis of a specific information, on 03.10.2017, a joint police team of Police Station Kasana, Police Station Bistrakh and Police Station Sector 58 NOIDA, waylaid suspected criminals near the round-about of ATS under Police Station Kasana and noticing the police party, the miscreants opened fire towards the police party. The police retaliated and in the exchange of fire, one miscreant named Sumit Gujjar was shot dead. However, his three companions managed to escape. In the encounter, three police personnel were also hit by bullets fired by the miscreants on their bullet proof jackets. A case crime No.861/2017 Police Station Kasana, Gautam Budh Nagar was registered after the incident.
- v. The Commission, while considering the gravity of the incident, directed a team of Investigation Division to conduct a spot enquiry and submit its report to the Commission.
- v1. The Commission while examining the spot investigation report submitted by the team of Investigation Division of this Commission and other reports on record found a number of glaring contradictions in the police theory and lack of scientific investigation in the alleged encounter of Sumit Gujjar and came to the conclusion that the deceased was killed by the police in an extra judicial manner. Therefore, through detailed proceedings dated 28th November, 2019, the Commission directed issuance of a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Government of Uttar Pradesh through its Chief Secretary to show cause within eight weeks as to why a sum of Rs. 5,00,000/- (Rupees five lakh



only) as monetary compensation shall not be recommended to be paid to the next of kin of the deceased Sumit Gujjar.

- v11. In response to the show cause notice, the Deputy Secretary, Government of Uttar Pradesh vide communication dated 11.6.2020 had forwarded a report dated 27.4.2020 received from SP (HR), Uttar Pradesh, wherein it was submitted that on the basis of investigation by Commissioner, Gautam Budh Nagar, there was no justification to award monetary compensation to the next of kin of the deceased as there was reliable evidence that the deceased sustained injuries in a genuine encounter and he died while undergoing treatment in the hospital.
- v111. The Commission considered the reply to the show cause notice submitted by the State Government of Uttar Pradesh. The State Government failed to justify the lapses pointed out by the Commission in its show cause notice 28.11.2020. The Commission was of the firm view that considering the lapses and absence of scientific investigation, there was a grave doubt about the genuineness of the encounter and facts of the case disclose violation of human rights of the deceased. Hence, the Commission recommended to the Government of Uttar Pradesh to pay an amount of Rs. 5,00,000/- (Rupees five lakh only) as monetary compensation to the next of kin of the deceased Sumit Gujjar.
- 1x. The Secretary (Home), Government of Uttar Pradesh was also directed to get the case CR No.861/2017 Police Station Kasana, Gautam Budh Nagar, Uttar Pradesh thoroughly investigated by an independent agency and report the progress of investigation to the Commission within six weeks.
- x. In response, vide communication dated 05.02.2021 a copy of the sanction along with proof of payment of Rs. 5,00,000/- (Rupees five lakh only) to the mother and father of the deceased in the presence of witnesses was received. Separately, the Superintendent of Police, CB-CID, Meerut endorsed a copy of the communication 16.02.2021 in which it was mentioned that in the criminal cases No. 861/2017 and No. 862/2017 final reports were recommended to be filled by the CB-CID in the court. Since compliance report and proof of payment were received the reports were taken on record and the case was closed on 15.03.2021.

10. Death of one Ningthoujam Bimal Singh, in an encounter with police on 29.8.2012 within the jurisdiction of Police Station Porompat, Imphal East District Manipur

(Case No.92/14/14/2012-ED)

- 1. The Commission received an intimation dated 30.08.2012 from the SP, Imphal East District, Manipur pertaining to death of one Ningthoujam Bimal Singh, a hardcore cadre of KCP (Maoist) organization in police firing on 29.08.12 under the jurisdiction of Police Station Porompat, Imphal East District, Manipur. Further as per intimation it was stated that on 29.08.12 at 6.00 PM information was received regarding the presence of some armed militants in and around Laphupokpi and Nongmaiching foothill. A team of CDO/Imphal East and other officers rushed to the spot and conducted checking. On seeing the police party near western foothill the unknown youths opened fire on the police and in retaliation



a bullet ridden body of a youth was found. Two youths managed to escape. One pistol near the dead body and a substance suspected to be explosive materials wrapped with clothes was found lying at the hill stop. The Commission took cognizance of the intimation on 12.09.2012 and directed its Director General (Investigation) to collect facts and requisite reports.

11. The various reports were received and analysed by the Investigation Division of the Commission. The Commission having carefully gone through material placed on record and findings of the Investigation Division of the Commission observed that inference can be drawn that in this case police failed to justify their action as self defence. To claim exemption under general exception of IPC, the burden of proof as per Section 105 of Indian Evidence Act was on the person to show existence of circumstances that justify the exercise of right to private defence. Here, the police failed to do so. Hence, considering the absence of scientific investigation, particularly ballistic examinations of arms, fingerprints and hand wash of the deceased and lack of criminal history etc., the preponderance of probability tilts in favour of doubtful and fake encounters.
- m. In view of the aforesaid reasons, vide proceedings dated 21.02.2019 a notice u/s 18 of the PHR Act, 1993 was issued to the Government of Manipur through its Chief Secretary requiring it to show cause why an amount of Rs. 5,00,000/- (Rupees five lakh only) as suitable compensation shall not be recommended to be paid to the NoK of the deceased, Ningthoujam Bimal Singh.
- iv. In response to the show cause notice, the Deputy Secretary (Home), Government of Manipur vide letter dated 22.5.2019 submitted a detailed reply. The State Government had justified the alleged encounter and requested the Commission to review its recommendation for payment of monetary relief to the next of kin of the deceased and to withdraw its show cause notice. The para-wise comments furnished by the Government of Manipur on the show cause notice dated 15.3.2019 were carefully considered by the Commission. The reasons for issuing a show cause notice were elaborated in the proceedings dated 21.2.2019 and the State Government failed to justify the lapses pointed out by the Commission in its show cause notice. The Commission was of the firm view that considering the lapses and absence of scientific investigation, there was a grave doubt about the genuineness of the encounter and facts of the case disclose violation of human rights of the deceased. Hence, the Commission vide its proceedings dated 27.08.2020 made a recommendation to the Government of Manipur to pay an amount of Rs. 5,00,000/- (Rupees five lakh only) as monetary compensation to the next of kin of the deceased Ningthoujam Bimal Singh. With this direction the case was closed.

c) Unlawful arrest, illegal detention and torture

11. Illegal detention and torture of a minor boy Satyam (15 years old) at Police Station Mohammadpur, Ghazipur, Uttar Pradesh

(Case No. 3096/24/32/2019)

1. The substance of the complaint dated 27.12.2018 by complainant K.N. Legal, Advocate from New Delhi, is that a minor boy Satyam (15 years) was illegally taken to the Police



Station Mohammadpur and was allegedly detained there and subjected to torture and humiliation in a false case. Due to the Police torture and humiliation in the Police Station the victim committed suicide by jumping in front of a running train. Alleging gross violation of the human rights of the victim by the Police officials of the said Police Station, the complainant sought the intervention of the Commission for necessary action against the erring police official.

11. In response to the direction of the Commission, a report was received from the SP Ghazipur. It was reported that based on the written report of the Mother of the victim a case vide Mohammadpur Police Station Crime No 143/2018 was registered but after investigation, the Investigating Officer (IO) found no credible evidence against the alleged miscreants so he submitted a final report in the Court vide no B-13/2019 on 22.02.2019.
111. Upon perusal of the report, the Commission directed the Principal Secretary, Home, Government of Uttar Pradesh and DGP Crime, Uttar Pradesh to ensure impartial enquiry and required action against the concerned police officials and submit the compliance report.
- 1v. In response it was reported by the Deputy Secretary, Government of Uttar Pradesh that the matter was investigated by the CBCID agency and during investigation, the allegations made against Inspector Akhilesh Kumar Tiwari and Sub-Inspector Rajendra Prasad were found true. The FIR under section 166A/342 of IPC was registered against them. Inspector Akhilesh Kumar Tiwari died. Based on evidence, the chargesheet has been prepared against Sub-Inspector Rajendra Prasad.
- v. Upon consideration of the facts and circumstances as brought out on the records of the case the Commission issued notice u/s 18 (a)(i) of the **PHR** Act 1993, to the Government of Uttar Pradesh through Chief Secretary, directing him to show cause as to why the Commission should not recommend payment of compensation of Rs. 1,00,000/- (Rupees one lakh only) to the family members of the deceased victim.
- v1. Since no response to the show cause notice was received, the Commission presumed that the Government of Uttar Pradesh has nothing to urge in the matter, the Commission, therefore, recommended to the State of Uttar Pradesh to pay compensation of Rs. 1,00,000/- (Rupees one lakh only) to the next of kin of the deceased. The Chief Secretary, Government of Uttar Pradesh was directed to submit a compliance report. With these directions the case was closed.

12. Illegal detention of a minor girl by the police of Katghar, Moradabad, Uttar Pradesh (Case No. 12391/24/56/2017)

1. The complainant, Mr. Rajhans Bansal, a Human Right Activist brought to the notice of the Commission that a 15-year-old minor girl r/o Govind Nagar, Police Station Katghar, Moradabad, Uttar Pradesh, was allured by Raj Kumar aged 30 years. On the complaint by the victim's mother, the police of Police Station Katghar recovered the girl. She was kept under illegal detention by the police, on the pretext of investigation and medical examination



for 06 days in the police station. After the intervention of the media, the girl was released by the police.

11. On perusal of the reports received from the authorities concern, the Commission issued a notice to the Chief Secretary, Government of Uttar Pradesh directing him to show cause as to why the Commission should not recommend payment of compensation of Rs. 3,00,000/- (Rupees three lakh only) to the victim girl, whose human rights were infringed due to lackadaisical behavior of police personnel, who confined her at police station Katghar for about 4 days.
- m. In response to the show cause notice, the SSP, District Moradabad vide his letter dated 21.4.2020 submitted that departmental action has already been taken against erring police officials and he has been punished, therefore, no justification remains for grant of compensation of Rs. 3,00,000/- (Rupees three lakh only) to the victim.
- 1v. The Commission further carefully examined the record and observed that there is admission in reply that the departmental action was taken against erring officials and punished. Hence, the State was vicariously liable. The Commission in exercise of its power u/s 18 of **PHR** Act, 1993 therefore recommended the Government of UP through its Chief Secretary to pay a compensation of Rs. 3,00,000/- (Rupees three lakh only) to the victim girl for violation of her human rights. The compliance report along with proof of payment was awaited; meanwhile the Commission further considered the matter and closed the case with the direction to submit the compliance report along with proof of payment for the records of the Commission.

13. Sunil Kumar illegally detained and brutally beaten up in the Police Station Anand Parbat, New Delhi

(Case No.1287/30/1/2019)

1. In this case, the Commission received a complaint from Shri Sunil Kumar Pandey, a resident of New Delhi, alleging misuse of authority by the Delhi Police personnel. On a complaint made by the wife of the complainant, the police officials from Police Station Anand Parbat, New Delhi had allegedly taken the complainant into illegal custody and thereafter he was brutally beaten up. The complainant's father thereafter took him for the medical treatment. The complainant requested the Commission to intervene into the matter.
11. Taking cognizance of the complaint the Commission called for a report in the matter from the Commissioner of Police, Delhi. In response, the Additional Commissioner of Police, Vigilance, Delhi. Reported that the victim was slapped by the police officials, the complainant's father also made the same version, and stated that he does not want any further action to be taken on the complaint. Nonetheless, the Commission issued show cause notice to the concerned police official in this regard.
- m. The Commission firmly believes that, slapping a person inside the Police Station is a grave misuse of power given to the Police and more than dereliction of duty. Thus, by slapping,



not only an offence was committed under Section-323,504 and 506 of IPC, but a violation of the fundamental right of citizens of this country. The Commission, therefore, directed the Government of NCT of Delhi through its Chief Secretary to pay compensation of Rs. 2,00,000/- (Rupees two lakh only to victim Sunil Kumar Pandey. The Commission closed the case as no further action is needed at the end of the Commission.

d) Police high-handedness

**14. Malpractices and shoddy investigation by police (Investigation Division)
(Case No. 1357/7/12/2020-wc)**

1. The complainant alleged that his wife Sonu Devi went missing on 22.01.2020 and one of his friends Lokesh also disappeared on the same day. He filed a complaint on the next day in the Nangal Choudhary Police Station, and a case crime No. 21/20 u/s 346 IPC was registered. However, the police did not take interest to trace the woman despite his regular follow up and, later on, her dead body was found on 31.01.2020 in mysterious circumstances. It showed that she was raped and murdered as sperm and human skin was found in the body. The complainant also stated that the post-mortem report and the investigation of this kidnapping, rape and murder case were managed and influenced by the local MLA in favor of the accused persons. He has requested that the facts narrated by him in the complaint may be verified from a team of the Commission, and investigation of the matter be handed over to CBI as the Haryana police was under influence of the MLA.
11. Vide proceedings dated 26.08.2020, the Commission held that the allegations made by the complainant are very serious. Despite reporting the matter of the kidnapping and illegal confinement of his wife, the police did not act, causing the death of the lady. The complainant had strong apprehension that the doctors, Forensic Science Laboratory officials and the police were working under political pressure. In these circumstances, the matter was referred to the Investigation Division of the Commission to have the allegations made by the complainant enquired and investigated by a team of the Commission and to submit their report along with the supporting evidence within six weeks.
111. In response DG Investigation vide findings dated 29.10.2020 informed the Commission that as per the available documents and spot enquiry, the police did not act professionally and did not interrogate the alleged accused Lokesh on registration of FIR. CCTV cameras were installed in the village but the police failed to collect the same. The alleged - accused named Lokesh was interrogated firstly on 05.03.2020 though the dead body of victim was recovered on 31.01.2020. The statement of crucial witnesses and suspects has not been recorded. The police, on its own, altered the charges from 302/376D/365 IPC to 306 IPC despite the fact that the victim's nail has some skin which was sent for DNA testing and reports were still awaited. Further, the charges of 306 IPC had not been leveled against the rightful suspect. Hence the negligent act of the police led to dilution of scientific evidence and delays in taking timely action complicated the case and raise suspicion in the mind of the complainant



- 1v. Vide proceedings dated 05.11.2020, the Commission directed as under:

"The Commission has considered the material placed on record. It is apparent from the records, the negligent act of the police led to dilution of scientific evidence and delays in taking timely action complicates the case and raises suspicion in the mind of the complaint. Therefore DGP Haryana is directed to take action against police officials namely W/ASI Rakesh of PS Nangal Choudhary (1st IO), the then Inspector/CIA Anil Kumar Narnaul and SI Rakkaran, the present IO of the case for the shady investigation with preconceived notion. Further the investigation of the case will be immediately transferred to the Crime Branch/CID of the State under close supervision of a senior ADG level officer and to submit the report within four weeks."

- v. In response, the Superintendent of Police/Law & Order, for DGP, Haryana, vide communication dated 22.12.2020 submitted the enquiry report of status of FIR No. 21 dated 23.01.2020 u/s 346/365/376/D/306 IPC, Police Station Nangal Chaudhary, District Mahendergarh. It was submitted in the report that matter was being investigated by the State Crime Branch as per direction of the Commission and statements of all concerned are being recorded and vide letter dated 18.11.2020 Director, FSL, Kamal has been requested to send the report at the soonest possible. On 07.12.2020 all accused persons were interrogated and the matter was under investigation.
- v1. In another response, the Superintendent of Police/Law & Order for DGP, Haryana vide communication dated 15.12.2020 submitted the action taken report against the erring police officials and submitted that matter was enquired from IGP, South Range, Rewari. The interim report received from IGP, South Range, Rewari was enclosed with the report. It was submitted that show cause notice has been issued to the concerned officials by the Superintendent of Police, Mahendergarh vide letter dated 25.11.2020 to the Inspector Anil Kumar, SI Rajkaran and ASI Rakesh.
- vu. The Commission considered the report. The case was transferred to the State Crime Branch which is under investigation. Further, show cause notice has been issued to the concerned officials by the Superintendent of Police, Mahendergarh vide letter dated 25.11.2020 to the Inspector Anil Kumar, SI Rajkaran and ASI Rakesh as all erring police officials were prima facie responsible for not investigating the matter as per law. The Commission was of the view the erring officials did not act professionally and did not interrogate the alleged primary accused on registration of FIR which is apparent from the enquiry report of Superintendent of Police, Mahendergarh. CCTV cameras were installed in the village but the police failed to collect the same. The alleged accused were interrogated firstly on 05.03.2020 though the dead body of the victim was recovered on 31.01.2020. The statement of crucial witnesses and suspects has not been recorded. This negligent act of the police led to dilution of scientific evidence and delays in taking timely action against the accused persons involved in the crime which violated human rights of the deceased victim for which the State Government was vicariously liable. Therefore, the Commission issued Show Cause notice u/s 18 of the PHR Act, 1993 to the



Government of Haryana through its Chief Secretary, as to why the Commission should not recommend a compensation of Rs. 3,00,000/- (Rupees three lakh only) to the next of kin of the deceased victim Smt. Sonu Devi within 6 weeks.

15. Crossing jurisdictional powers by police (Investigation Division)

(Case No. 6/21/3/2017)

1. The Commission received intimation from the Senior Superintendent of Police, South Sikkim intimating that a person died due to firing by the West Bengal Police Personnel on 01.09.2017.
11. On the directions of the Commission, Investigation Division of the Commission after considering the material found that a team of CID Siliguri (West Bengal) had come to Namchi (Sikkim) with a requisition that they wanted police assistance during raid in their jurisdiction to apprehend Bimal Gurung, Prakash Gurung, D K Pradhan and others. On being asked about the relevant documents, they failed to provide necessary documents. In the meanwhile, a separate team of West Bengal police had conducted raids and arrested the persons from Namchi without prior permission and assistance of local police. On being enquired from officers of CID Siliguri they expressed their ignorance about such raids in and around Namchi. On the same day, District Hospital, Namchi informed Namchi Police Station regarding bringing of one unconscious person to the hospital with gunshot wounds by Lalit Pondyal r/o Lingsey Kalimpong, West Bengal. On examination, he was declared to be brought dead. Later the deceased was identified as Dawa Bhutia. On being enquired from the eye witness Lalit Pondyal, it came to know that a police team of West Bengal Police lead by SP Kalimpong had shot at the deceased Dawa Bhutia. These happenings were entered into the GD of Namchi Police Station and a case vide FIR no. 46/2017 u/s 302/34 IPC against SP Kalimpong and others has been registered at Namchi police station.
111. On analysis of material on the record, the Investigation Division reached the conclusion that the deceased was killed by the police of West Bengal by entering the jurisdiction of Police Station Namchi, Sikkim (other state) that too without observing legal procedure. It has been claimed by the West Bengal police that the deceased was fued upon while exercising the right of self-defense West Bengal Police, Personnel, but have failed to establish the same. The enquiry magistrate has also recommended a suitable compensation to the next of kin of the deceased.
- 1v. The Commission has considered all the material placed on record and held that it was a blatant case of police highhandedness and misuse of power that caused the death of a civilian. The West Bengal police and CID teams entered the jurisdiction of another state Sikkim without carrying any documents and without intimation to the local Magistrate/Police of Namchi district of Sikkim. The team was headed by SP Kalimpong himself along with other subordinates and several vehicles. In a bid to conduct raids and catch some wanted criminals, they killed an innocent civilian and violated his human rights. In these circumstances, the Commission issued a notice u/s 18 of the PHR Act, 1993 to the Government of West Bengal through its Chief Secretary requiring it to show cause why an



amount of Rs. 3,00,000/- (Rupees three lakh only) as compensation shall not be recommended to be paid to the next of kin of the deceased. The Chief Secretary, Government of West Bengal was further directed to take strict punitive action against the errant officials who carried out the raids in another state without following the relevant provisions of law. The compliance report is still awaited from the Chief Secretary, Government of West Bengal.

16. Police as mute spectator (Investigation Division)

(Case No. 19/17/8/2017)

1. This was a case of blatant violation of human rights by the self claimed protectors of the moral fabric of the society and under the garb of customary law defying the rule of law and human rights of the individuals.
11. A complaint was received from the Human Rights Defender and Activist from North East alleging that under the banner of Vigilante Organization & Shadow of customary law, people in Nagaland took law in their own hands. A tribal man and a tribal woman of village Sangtam District Tuensang, Nagaland were tried for adultery. They were stripped off their clothes, handcuffed, tonsured, spat upon, physically assaulted and paraded naked in the village by a bunch of disorderly mobs.
- m. The police did not take any action against the offenders and no case was registered. This was a gross violation of human rights of the two individuals and despite being a cognizable offence of physical harm, sexual assault & molestation & insult, the police failed to initiate legal action. After analysis of the case, the Investigation Division recommended issuance of Show Cause Notice to the Chief Secretary, Government of Nagaland for grant of suitable compensation to the culprits under appropriate sections of law and also departmental action against the errant police personnel for their failure to act. The Commission, however, recommended the State of Nagaland to pay compensation of Rs. 50,000/- (Rupees fifty thousand only) each to both the victims since their human rights have been violated by the State authorities.

17. Wrong identity by police: Gross human rights violation (Investigation Division)

(Case No. 34115/24/6/2017)

1. Shri Singhasan Vishwakarma s/o Jhapsu Vishwakarma Village Maniyarpur, Police Station Kaptanganj, Azamgarh, Uttar Pradesh in his complaint has alleged that Kotwali Police, Azamgarh could not arrest the accused named Julum Sharma in a Case No. 347/2000 u/s 147/148/149 506/302 IPC and instead arrested him on the fake name as **Julum** Sharma and he underwent imprisonment for 04 years and 05 months without any fault.
11. The Commission ordered a spot enquiry as this was an important case in which allegations of mistaken identity were involved. Pursuant to the directions of the Commission, Inspector. Kulwant Singh and Inspector Manoj Dahiya of investigation division enquired into the matter and found that a case vide FIR No. 347/2000 u/s 147/148/149/302/506/34 IPC, Police Station Kotwali, Azamgarh (Uttar Pradesh) was registered against 05 accused persons,



out of which 04 accused persons were arrested though later acquitted by the Court during trial. The fifth wanted person in the case was Julum Sharma against whom NBW was issued after 13 years of registration of FIR. The Azamgarh police arrested the complainant of NHRC (Singhasan Vishwakarma) under the alibi and gross error of judgement as Julum Sharma and sent him to jail in the murder case. The complainant Singhasan Vishwakarma (alias Julum Sharma as per police records) had to undergo 04 years of imprisonment without any fault.

111. Thorough enquiry was done and police was given considerable opportunity to provide basis and evidences in support of their arresting Singhasan Vishwakarma as Julum Sharma and that how could they establish that Julum Sharma and Singhasan Vishwakarma are the same person and how they established his identity on records. Despite giving sufficient opportunity, the police failed to provide any documents and a satisfactory reply.
- 1v. On the other hand, complainant Singhasan Vishwakarma provided sufficient and adequate documents proving his identity as bonafide Singhasan Vishwakarma and nothing to do with Julum Sharma.
- v. Based on spot enquiry, the NHRC team substantiated that the complainant Singhasan Vishwakarma was arrested by the police without proper verification of the accused Julum Sharma who was to be actually arrested in the murder case.
- vi. Considering the spot enquiry report submitted by the NHRC team the Commission passed the order to issue show cause notice to the Chief Secretary, Government of Uttar Pradesh for compensation of Rs. 3,00,000/- (Rupees three lakh only) for gross violation of human rights to the complainant. The Commission also recommended that the development be brought to the notice of Chief Secretary of Uttar Pradesh as well as Chief Justice of Allahabad High Court.

18. Inaction/non registration of FIR due to insensitivity and lackadaisical attitude of the police of Dhanbad, Jharkhand in the case of gang rape and torture, burning the body parts of the victim, for about a month

(Case No. 1285/34/4/2019-WC)

1. This case relates to a complaint alleging gang rape and torture including burning the body parts of the victim, for about a month by the accused persons named in the complaint. It was further alleged that despite a report about the missing girl victim having been lodged with police, no action was taken by police to trace the girl. When the victim, somehow, escaped from the accused persons, the in-charge Woman Police Station, Dhanbad, Jharkhand, made a request for medical examination of the victim as well as recording of her statement under Section 164 Cr.P.C. But no FIR was registered in the matter as the victim girl had reportedly taken back her complaint.
11. Keeping in view the gravity of alleged human rights violations of the helpless victim, the Commission deputed a team of its Investigation Division for on the spot enquiry in the



matter. The Commission considered the material placed on record including the Spot Inquiry Report and findings by the Investigation Division, the Commission observed that there had been violation of human rights of the victim by not registering FIR, inducement by police to compromise, the insensitivity, apathy and in action by the police in the matter. The Commission also issued a notice u/s 18 of the PHR Act, 1993 to the Government of Jharkhand, through its Chief Secretary, as to why Commission should not recommend a compensation of Rs. 2,00,000/- (Two Lakhs Only) to the victim girl. The Chief Secretary, Government of Jharkhand was also directed to depute a senior executive officer who build up confidence in the victim and her family for the registration of the case and take strictest action against the perpetrator/offenders and to grant monetary relief to the victim under Scheduled Castes and Tribes (Prevention of Atrocities) Act.

- m. In addition, the Director General of Police, Jharkhand was also directed to take legal action against the then Sr. Superintendent of Police, Dhanbad, and the then DSP (L&W), Dhanbad for their insensitivity and lackadaisical attitude, and registration of FIR as well disciplinary action against SIM Gudiya and the then SHO, Mahila Thana, Dhanbad under the provisions of 166A IPC and Scheduled Castes and Tribes (Prevention of Atrocities) Act (if applicable) who failed to follow the mandate of law envisaged under 154 Cr.P.C and law laid down by the apex Court, and departmental action against the then SHO Surendra Kumar Singh, PS Bank More, Dhanbad and ASI Amod Kumar, IO of missing report who failed to adopt the appropriate lawful lay down procedure mentioned in the matter. The response is awaited and the matter is under consideration of the Commission.

19. Shri Singhasan Vishwakarma arrested by the police of Azamgarh District, Uttar Pradesh, due to mistaken identity, and was languishing in jail for four and half years

(Case No. 34115/24/6/2017)

1. This case relates to -Shri Singhasan Vishwakarma having been in jail for the last four years and five months, due to mistaken identity as Julum Sharma, an accused in case no 347/2000 u/s 147/148/149/506/302 IPC.
11. The enquiries in the matter by the Investigation Division of the Commission revealed that a FIR 347/2000 u/s 147/148/149/302/506/34 IPC was registered against 5 accused persons, including - Julum Sharma. He is unknown accused to complainant apart from other 4 accused persons, who were already acquitted by the court in the year 2002. However, the victim Singhasan Vishwakarma was arrested vide NBW in the case after 13 years of registration of FIR by the police, posing him as Julum Sharma, but the IO/SHO of PS Kotwali Azamgarh, have nothing to justify the identification of Singhasan Vishwakarma as Julum Sharma.
- m. The Commission observed that it is simply horrible and devastating on the part of the errant police officials to arrest the victim due to mistaken identity, further failure in verification of his true identity leading to which he has spent 4 ½ year in jail without any reason/offence.



- 1v. The Commission, therefore, recommended the Chief Secretary, Government of UP to make payment of compensation of Rs. 3 Lakh to the victim complainant Singhasan Vishwakarma who has been kept behind the bars for 4 ½ years over the mistaken identity of Julum Sharma. The DGP UP has also been to submit a report on the departmental action taken against the delinquent police personnel in the matter. A copy of the proceedings has also been sent to the Chief Justice of the High Court of Allahabad through the Registrar for the information and appropriate action.

20. Police inaction in registration of FIR in the matter of rape of a woman in Kushinagar, Uttar Pradesh (Inaction by Police in taking lawful action)

(Case No. 23157/24/45/2017-WC)

1. This case relates to inaction by the police in the matter of alleged rape of Smt. Rimpu Devi by her brother-in-law, Avdhesh, in the absence of her husband. When her husband came back, a complaint in the matter was lodged with the police, but no action was taken by the police, consequently she was constrained to approach the Commission.
11. In response to the notice issued by the Commission, the Superintendent of Police, Kushinagar, Uttar Pradesh submitted to the Commission a report enclosing therewith the medical examination report of the victim Rinku Devi, her statement u/s 164 Cr.P.C. and the Daily Dairy Report of the Investigation Officer.
111. Upon perusal of the reports, the Commission observed that there was an admitted lapse on the part of the police officials, due to which the FIR was not registered promptly and the victim was constrained to approach the Commission. Holding the State vicariously liable for their actions, the Commission issued a notice u/s 18(a)(i) of the Protection of Human Rights Act, 1993 to the State of Uttar Pradesh, through its Chief Secretary, to show cause as to why the Commission may not recommend a sum of Rs. 2,00,000/- (Rupees two lakh only) as compensation, to be paid to the victim for violation of her human rights due to dereliction of duty by the police personnel.
- 1v. In response, it was submitted that keeping in view seriousness of the matter and negligence on the part of the concerned police officials, Shri Anil Prakash Pandey was found responsible and therefore, the Uttar Pradesh State had no objection to the payment of Rs. 2,00,000/- (Rupees two lakh only) by way of compensation as recommended by the Commission.
- v. While considering the matter further, the Commission in view of no objection given by the concerned authority, recommended to Government of Uttar Pradesh through its Chief Secretary to pay a compensation of Rs. 2, 00,000/- (Rupees two lakh only) to the victim in this case u/s 18 of the Protection of Human Rights Act, 1993 and to submit compliance report along with proof of payment. The compliance report is still awaited and the matter is under consideration of the Commission.



21. Migrant workers who had gathered at a railway station to return to their native village lathi charged in Mumbai

(Case No.466/13/16/2020)

1. The Commission received a complaint from Akhand-Journalist/Human Rights Defender alleging misuse of authority on the part of the police officials. As per the complaint, the victims were migrant workers who were rendered jobless after the nationwide lockdown imposed by the Government of India. It was alleged that the said migrant workers had gathered at a railway station to return to their native village however they all were lathi charged. Aggrieved by the atrocities meted out to said migrant workers, the complainant has sought for the intervention of the Commission to take requisite action in this regard.
11. In response to notice issued by the Commission, a report dated 26.09.2020 was submitted by Deputy Commissioner of Police, Mumbai stating therein that the Government of India had imposed nationwide lockdown on 25.03.2020, banning any/all public gatherings. On 14.04.2020 the police officials of Bandra Police Station received information regarding a large gathering at the railway station. The police officials found 600 workers at the railway station and learnt that they all had lost their jobs owing to the lockdown. The police officials made efforts to explain to them that such gathering was not allowed by the Government and also the fact that arrangements had been made by the Government for their commute. It was stated that instead of listening to the police officials, the migrant workers started turning violent. Senior officials also reached the spot wherein efforts were again made to pacify them and make them understand the situation. However, left with no other alternative, the police officials used minimal force to lathi charge and dispersed the crowd. Great care was taken and no complaint of any injury came to Bandra Police Station, FIR No. 290/20, 291/20 and 292/20 had been registered and the same are pending investigation. Between the period April, 2020 to June, 2020 18,000 workers had been sent to their native places. The report negated the allegations levelled in the complaint.
- m. The Commission perused and considered the report, and in view of the facts and circumstances brought out in the report, the case was closed.

22. Harassment of a retired Crime Branch Crime Investigation Department officer of Uttar Pradesh Police, by police officers who were found guilty in the enquiry reports submitted by him as CB-CID Enquiry officer

(Case No. 6716/24/54/2021)

1. The Commission received a complaint from a retired CB-CID officer, who had conducted investigation on the behest of the Commission in case No. 27373/24/8/2013 (M-5), alleging that he was being continuously harassed by the Police officials who were found guilty during the CB-CID inquiry/investigation conducted by him.
11. In fact, the Commission had received a complaint dated 04.07.2013 alleging that Farukh s/o Rahmu Faquir was apprehended in the night on 22.02.2013 by the villagers of Nekpur



- village along with a stolen buffalo, and he was handed over by the villagers to the police of Rawali Police Post, district Ghaziabad, and then the thief was handed over to police of the Police Station Choudi Nagar, district Baghpat. But the police of Police Station Choudi Nagar, district Baghpat falsely implicated three youths namely Farman s/o Mumtyaz, Shakir s/o Farukh and Shahid s/o Sayeed showing that they were involved in an encounter with the police at 5:00 PM on 23.02.2013 along with Farukh s/o Rahmu Faquir (the person who was handed over by the villagers to the police). In this case, the Commission vide proceedings dated 21.08.2013 had asked the Director General of Police, Uttar Pradesh, Lucknow to have the matter of false implication enquired into by the CB-CID and to submit a report to the Commission within eight weeks.
111. In response, the Under Secretary, Home, Government of Uttar Pradesh, had submitted a copy of the CB-CID report which revealed that during investigation conducted by the CB-CID, charges against the accused Farukh s/o Rahmu, u/s 307 IPC & 25 Arms Act were found true but the remaining persons namely Shakir s/o Farukh, Shahid s/o Yasin and Farman s/o Rafiq were not found involved in the crime u/s 307 IPC. The report further revealed that the Sub-Inspector Umesh Chand Kaushik of SIS Branch, Baghpat had prepared charge-sheet against Shakir s/o Farukh, Shahid s/o Yasin and Farman s/o Rafiq with an intention to harm them, though they were innocent; therefore, recommendation was made to register a case u/s 167 and 218 IPC against him. As the Circle Officer, SIS, Baghpat Shri Amit Rai deliberately processed the matter ignoring the facts, and Dr. Dharmveer, Additional Superintendent of Police, Baghpat, had submitted a false report ignoring the facts of the case; therefore, recommendations were made to take departmental action under Rule 10 (1) of the Uttar Pradesh Government Servants (Discipline and Appeal) Rules, 1999 against both the police officers for their negligence and dereliction to duty. Accordingly, a Crime Case No.97/2014 u/s 167, 218 IPC was registered by Shri Gaje Singh, the then Inspector, CB-CID, Section Meerut (complainant in present case No. 6716/24/54/2021) on 06.04.2014 in Police Station, Chandi Nagar, against Shri Umesh Chand Kaushik, the then Sub-Inspector of SIS Branch, Baghpat.
 - iv. Thereafter, the Commission received application dated 07.11.2014 and 10.11.2014 submitted by Shri Gaje Singh, Inspector, CB-CID, Section Meerut stating that he along with the senior officers of the CB-CID, who had participated in the investigation of the matter registered in Police Station, Chandi Nagar pursuing the orders of the State Government on the recommendation of the National Human Rights Commission, was falsely implicated by the then Sub-Inspector of SIS Branch, Baghpat Shri Umesh Chand Kaushik, who was found guilty during the CB-CID investigation, and a case No.216/14 under Sections 166, 166A, 218, 219, 477A IPC was registered against Shri Gaje Singh, Inspector, CB-CID, Shri Pankaj Kumar, Superintendent of Police, CB-CID, Shri Rafiq Ahmed, the then Circle Officer, Barout and Constable Shri Ram Dutt.
 - v. As the allegations made by the officials of the CB-CID, Uttar Pradesh were appalling, the matter was brought into knowledge of the then Chairperson of this Commission, who vide



- D.O. letter dated 25.11.2014 requested the Chief Justice, High Court of Judicature at Allahabad to look into the matter and examine the correctness of order passed by the Chief Judicial Magistrate, Baghpat, if deemed fit and proper, with reference to the FIR No. case No.216/14 under Sections 166, 166A, 218,219, 477AIPC against the CB-CID officials. In addition, the Principal Secretary, Home, Government of Uttar Pradesh was asked to look into the matter of implication of the CB-CID officials and others by the delinquent Sub Inspector Umesh Chand Kaushik, and to ensure that they were not being harassed as they acted on the orders of the Government on the recommendation of the Commission.
- v1. Meanwhile, Shri Gaje Singh, the then Inspector, CB-CID, Uttar Pradesh retired from the service in May, 2015 and settled in his native district Meerut, where one of the delinquent officer Shri Amit Rai, the then Circle Officer (CO), SIS, Baghpat, obtained posting in September, 2020 as Circle Officer Brahampur, in the area of native place of Shri Gaje Singh. After his posting, Shri Amit Rai, CO started vengeful false implications and torturing of his near and dear ones, and concocted many false cases against them. Shri Gaje Singh was forced to reach on a compromise and to be hostile in the Court in case Crime No. 97/2014 u/s 167,218 IPC registered by him being the then Inspector, CB-CID, Section Meerut on 06.04.2014 in Police Station, Chandi Nagar, against Shri Umesh Chand Kaushik, the then Sub-Inspector of SIS Branch, Baghpat.
- v11. Shri Gaje Singh, an elderly person suffering from ailments, appeared in the office of the Commission on 03.03.2021 stating that he has life threat for himself and his family members, and requested personal security for himself and his family members. He also requested that the criminal cases registered against his family members be investigated by the CB-CID.
- v111. The Commission observed that *'this is a matter of great concern if the officials of the specialized agencies like CBI, CBCID etc. are being harassed, especially after their retirement, by the accused police officials or criminals against whom they had conducted inquiry/ investigation, and they have still to depose before the court as prosecution witnesses in those cases. The Government is duty bound to protect and promote such honest officials.'* Accordingly, the Commission directed that a copy of the complaint, along with the enclosures, be transmitted to the Additional Chief Secretary, Department of Home, Government of Uttar Pradesh, Lucknow, through online mode, to have the case FIR No. 783/2019 and 0733/2020 u/s 216 IPC PS Partapur, Meerut investigated by the CB-CID; and to submit an action taken report to the Commission within six weeks. In addition, the Government was directed to ensure safety, security and integrity of the complainant Shri Gaje Singh and his family members, and also ensure that he was not being harassed or pressurized by the police officials, including Shri Amit Rai, Circle Officer, Brahampur, against whom he had conducted inquiry/investigation.
- 1x. A copy of the proceedings was also sent to the Chief Secretary, Government of Uttar Pradesh, Lucknow, for their information and necessary action in the case.



e) **Electrocution cases**

23. Hare Krishna Nag, aged 23 years, electrocuted to death while erecting one iron angle at the gate of Sinapali High School, District Naupada, Odisha, when the angle touched the 11 KV live electric wire routed over the school

(Case No. 3516/18/30/2014)

1. Shri Jayanta Kumar Das, a human right activist, while referring to news report, brought to the notice of the Commission that Hare Krishna Nag, aged 23 years, while working in Sinapali High School, got electrocuted, in the process of erecting one iron angle, came in contact of the 11 KV live electric wire routed over the school. He was immediately taken to the hospital, where the doctors declared him dead. As per the complaint, the family of the deceased was provided only Rs. 50,000/- (Rupees fifty thousand only) as compensation by the headmaster of the said school and the School Committee had deputed his wife as a cook under the Mid-Day Meal Programme. The complainant alleged that due to lack of care and negligence on the part of the Energy Department of Odisha, the said accident occurred and requested intervention of the Commission.
11. On perusal of the material on record, the Commission observed that due to the negligence of the School Master the said incident happened. But a meagre compensation of Rs. 50,000/- (Rupees fifty thousand only) was paid to the wife of the deceased by the School Administration. Since, the School Master is a public servant, therefore, show-cause notice under section 18(a)(i) of PHR Act, 1993 was issued to the Chief Secretary, Government of Odisha to pay the compensation of Rs. 2,50,000/- (Rupees two lakh fifty thousand only) to the wife of the deceased victim for the lapse on the part of the school administration, for not informing or taking statutory permission from the Western Electricity Supply Company of Odisha(WESCO) prior to initiating construction activity near the 11 KV supply line.
111. In response, a report was submitted by the Accounts Officer (SE), Directorate of Secondary Education, Bhubaneshwar, Odisha, which revealed that an amount of Rs. 2, 50,000/- (Rupees two lakh fifty thousand only) was released in favour of D.E.O Nuapada for payment of decretal dues to Smt. Belmati Nag i.e. wife of the deceased Harekrushna Nag, Village Gbantiguda, Police Station Sinapalli, District Nuapada. On perusal of the report, the Commission closed the case with directions to the Chief Secretary, Government of Odisha to submit proof of payment of compensation of Rs. 2,50,000/- (Rupees two lakh fifty thousand only) to the wife of the deceased victim.

24. Death of one person Jugal Kishore, due to electrocution when he came in contact with a broken electric wire in the area of Gunnaur Police Station of Udaybhan Village, District Sambhal of Uttar Pradesh

(Case No. 18667/24/75/2018)

1. The Commission received a complaint from Shri Rajhans Bansal, Director of Centre for Human Rights, alleging death of one person Jugal Kishore, due to negligence of electricity



department officials, who was electrocuted when he came **in** contact with a broken electric wire in the area of Gunnaur Police Station of Udaybhan Village.

11. In response to the notice issued by the Commission, the Superintendent of Police, Sambhal, Uttar Pradesh forwarded a report in the matter, submitted by the Circle Officer, Gannaur, District Sambhal, Uttar Pradesh, which revealed that a FIR No. 156/2018, U/Sec. 338/304A/427 IPC was registered at Police Station Gannaur, in the matter. During the investigation, the statement of the lineman Mahavir along with the Executive Engineer was recorded whereby they stated that while driving a tractor, the deceased came in contact with the wire, due to which the victim had died. As no substantive evidence was found, Final Report No. 50/2018 was submitted before the Hon'ble Court.
- m. Further pursuant to the Commission's directions, a letter was filed by the Executive Engineer, Paschimanchal Electricity Distribution Nigam Ltd., Electricity Distribution Block, Babrala. It was stated in the letter that the post-mortem of the deceased was conducted and the injured person was treated. The statements of the concerned witnesses were also recorded. A request was made to the authorities to grant compensation to the next of kin of the deceased.
- 1v. While considering the material on records of the case, the Commission observed that it was a fit case for award of compensation for the violation of human rights of the deceased therefore, issued notice u/s 18(a)(i) of PHR Act, 1993 to the Chief Secretary, Government of Uttar Pradesh directing him to show cause as to why the Commission should not recommend payment of compensation of Rs. 2,00,000/- (Rupees two lakh only) to the victim, whose human rights have been infringed due lackadaisical behavior of public servants of Electricity Department.
- v. In response, the Chief Secretary, Government of Uttar Pradesh, reported to the Commission that compensation of Rs. 2,00,000/- (Rupees two lakh only) vide Cheque No. 754128 dated 06.02.2020 has been paid to Smt. Maya wife of Sh. Jugal Kishore. In view of the compliance of its directions the Commission closed the case.

25. Death of one Arun Kumar @ Ishu of Bhagwanpur, in District Fatehpur of Uttar Pradesh, on being electrocuted due to negligence of UPPCL officers/officials

(Case No. 9906/24/27/2019)

1. The complainant, Shri **R.H. Bansal**, a human right activist brought to the notice of the Commission that one Arnn Kumar @ Ishu of Bhagwanpur, in District Fatehpur of Uttar Pradesh died by electrocution due to negligence of UPPCL officers/officials. Taking cognizance in the matter, the Commission called for reports from the Chairman, Uttar Pradesh Power Corporation Limited, Lucknow and the Principal Secretary, Department of Energy, Government of Uttar Pradesh, Lucknow and Superintendent of Police, Fatepur, Uttar Pradesh.



11. In response, Director (Personnel & Admn.), UP Power Corporation Ltd., Lucknow submitted a report which reveals that a sum of Rs. 5, 00,000/- (Rupees fifty thousand only) was paid to the next of kin of the deceased. The Commission directed the Chairman, Uttar Pradesh Power Corporation Limited, Lucknow, Uttar Pradesh to submit proof of payment of compensation to the victim, for official records of the Commission and with these directions the case was closed.

26. Death of Master Sonu Gautam, a VIII class student of Jawahar Navodaya Vidyalaya (JNV) Basti, Uttar Pradesh due to electrocution while cleaning the floor of the school)

(Case No. 33064/24/15/2016)

1. The Commission received intimation from the District Magistrate, Basti, Uttar Pradesh regarding death of a VIII class student due to electrocution. The accident happened when the students were preparing to celebrate Janmashtami by cleaning the floor of **M.P.** Hall of school by bucket full of water
11. In response to the Commission's directions in the matter, the Principal Secretary, Government of Uttar Pradesh reported that the death of the boy was caused by non-application of safety measures in electric wiring for the main board of Vidyalaya and due to non-observance of Rule 29 & 30 (1) of Indian Electricity Regulations, 1956 for which sole responsibility lied on then Managers/Principal etc. of the JNV, Basti. The report advised that adequate monetary compensation be awarded by Vidyalaya Management to the family of the deceased boy.
111. The Under Secretary, Government of India, Ministry of Human Resource Development, Department of School Education & Literacy, Government of India also submitted a report, which concluded that the School Management was responsible for the death of the boy, who was careless and negligent in taking precautionary and safety measures.
- 1V. Upon perusal of the reports, the Commission observed that under the facts and circumstances and on the basis various reports, the Commission finally arrived at a conclusion that death of the victim boy had occurred due to the irresponsible and negligent acts of School Management/Principal/staff of JNV, Basti for and was vicariously liable to compensate monetarily to the family of the deceased boy for the violation of human rights. Therefore, the Commission recommended compensation of Rs.5,00,000/- (Rupees fifty thousand only) to the parents of the deceased for violation of his human rights.
- v. In pursuance to said direction, Assistant Commissioner (SA), Navodaya Vidyalaya Samiti, Ministry of Education, Government of India, New Delhi submitted a compliance report as per the directions of the Commission by making payment of recommended monetary compensation of Rs.5,00,000/- (Rupees fifty thousand only) and with this observation the instant case was closed.



f) **Other cases**

27. Indian sailors stranded in Chinese waters get desperate in captivity where there had been sub-zero temperature and no doctors/health care

(Case No.1/99/4/2021)

1. The Commission took suo motu cognizance of a news report published in "The Times of India" dated 30th December, 2020 under the caption "Sub-zero temps, no doctors: Indian sailors stranded in Chinese waters get desperate in 'captivity'". According to the news report, MV Anastasia, a cargo ship, has been stranded at Coafeidian port in China for over 146 days. One crew member of MV Anastasia made relentless requests to the Captain of the ship and his company to permit him to go to his family members but to no avail. After one month's failed attempts, the victim tried to slash his wrist. The said cargo ship has been stranded in Chinese waters along with another carrier, MV Jag Anand, which has been stuck off at Jingtang port since June, 2020 and carrying 23 Indian sailors on board. The news report also stated that the arrival of these ships coincided with an escalating altercation between China and Australia. China stated that it was because of 'epidemic prevention' measures, but the ships from Russia, Canada and Europe were allowed to off load and leave. Even the crew members of both the cargo ships did not set foot on land for months. It was reported that their food had sufficed but the water was contaminated leading to skin infections to many of the crew members on board. Proper medical facilities were also not available to the crew members and it was informed by the chartering agent of the cargo ships that the doctor visited only when someone was dying. The news report also mentioned the appeal of crew members to release them on humanitarian grounds.
11. The Commission while cognizance of the news report, on 01.1.2021 directed issuance of notices to the Secretary (CPV), Ministry of External Affairs, Government of India and to the Director General, Shipping, Ministry of Ports, Shipping and Waterways, Government of India, calling for reports in the matter, including action taken for release/discharge of the seafarers of MV Anastasia and MV Jag Anand, stranded **in** Chinese waters. The Commission also asked the Ministry of External Affairs to take up the issue with the authorities, through Indian Embassy in People's Republic of China, so as to ensure immediate relief and security of the stranded Indian seafarers with promptitude.
- m. Pursuant to the directions of the Commission, Director (CPV), Ministry of External Affairs, New Delhi, initially, vide communication dated 8.1.2021 submitted a report received from the Embassy of India in Beijing, wherein, it has was stated that the Ambassador had written to the Vice Foreign Minister of China on 04.1.2021 urging him to expedite the approval in view of the humanitarian crisis taking place at the ship and to mitigate the distress that the crew are undergoing at present. The shipping company was also asked by the Embassy to keep all logistics ready in this regard so that the crew change process was activated as soon as the permission of the Chinese side was received.



- 1v. The Commission received a further communication dated 13.1.2021 from the Director (CPV), Ministry of External Affairs, New Delhi submitting that the issue of crew change in respect of MV Jag Anand had been resolved with the Great Eastern Company, Mumbai deciding to carry it out at Chiba in Japan on 14.1.2021 as per their emailed information to the Embassy on 09.1.2021. The Embassy had accordingly informed the Chinese authorities that the Shipping Company of MV Jag Anand would not avail the crew change at Tianjin Port in China. As regards Cargo Vessel, **MV Anastasia**, the Embassy of India in Beijing was yet to receive the procedure for crew change at Anchorage Point from the Chinese side, which they had conveyed on 12.1.2021 stating that local departments were working very hard to draft it and there would be an update soon. The shipping line was updated stating that the Embassy has been closely following it up with the Chinese side and all the logistics needed to be ready so that the action could be initiated right after receiving the SOP of crew change.
- v. The requisite report from Director General, Shipping, Ministry of Ports, Shipping and Waterways, Government of India, as sought for, vide its letter dated 01.1.2021 is still awaited.
- vi. The matter is under consideration of the Commission.

28. A tribal namely Bairam Singh, killed by the Forest Guard in the forest near village Jawar under Balwada Police Station in Khargaon District of Madhya Pradesh

(Case No.253/12/26/2013)

1. The Commission received a complaint from Paritosh Chakma of an NGO regarding extra-judicial killing of a tribal identified as Balram Singh by the Forest Guard in the forest near village Jawar under Balwada Police Station in Khargaon District of Madhya Pradesh in the intervening night of 18.01.13. He prayed for intervention of the Commission in the matter.
11. The Commission vide its proceedings dated 06.02.2013 took cognizance of the complaint and issued notices to (1) District Magistrate, Khargaon, Madhya Pradesh; and (2) Superintendent of Police, District Khargaon, Madhya Pradesh to send the requisite reports in the matter.
111. Pursuant to the directions of the Commission, the Investigation Division of the Commission obtained the relevant reports from the concerned authorities and analysed the same. It was revealed that the magisterial enquiry had cast doubt about the killing of deceased Balram by Forest Guards. Contrary to this, at the end of the enquiry, the Enquiry Officer had concluded that the deceased had died due to injury caused by gunshot pellets fired by the forest guards in self-defence. However, imminent danger or threat to the lives of the forest guards was not discussed except recovery of an axe that too without handle had been seized by the Forest Department. Contrary to the claim about the presence of 20-25 miscreants with bicycles and woods, three bicycles were seized from the spot which corroborated the victim's claim. It was stated that after the firing, miscreants ran away. The terrain near the place of occurrence was stated to be tough and its accessibility was difficult,



therefore it was not feasible to run away with bicycles. Police investigation which was more in detail and based on various material and scientific evidence, indicted forest guards and prosecution sanction was awaited from the Madhya Pradesh Government. An amount Rs. 1,00,000/- (Rupees one lakh only) was also handed over to next of kin of the deceased after the incident by the DM, Khargaon which also supported the complaint. Thus, prima facie, the 25 year old deceased Bairam s/o Rai Singh Bheel died due to unwarranted firing of forest guards on 18.01.13.

- 1v. The Commission carefully considered the reports and material placed on record. The District Administration/Police authorities failed to adhere to guidelines of the Commission by not intimating about the death of Bairam on 18.01.13. The amount of Rs. 1,00,000/- (Rupees one lakh only) paid to the next of kin of the deceased was also found grossly inadequate.
- v. Under such circumstances, vide proceedings dated 08.08.2018, a notice u/s 18 of the Protection of Human Rights Act, 1993 was issued to the Government of Madhya Pradesh through its Chief Secretary requiring it to show cause why an amount of Rs 4,00,000/- (Rupees four lakh only) as monetary compensation, in addition to Rs. 1,00,000/- (Rupees one lakh only), not be recommended to be paid to next of kin of the deceased Bairam Singh.
- v1. The Chief Secretary/DGP, Government of Madhya Pradesh were also directed to take the following steps within the said period:
 - *Necessary sanction for prosecution in case FIR No. 09/13 dated 19.01.13 u/s 304/ 34 /PC registered at Balwada Police Station, District Khargaon.*
 - *Appropriate action against the erring police officials in not intimating about the death of Bairam.*
 - *Issue circulars to all the Police officers/ Heads of the District to strictly enforce and follow the guidelines of the Commission dated 12.05.10.*
- v11. In response to the above, the Additional Chief Conservator of Forest (Conservation), Madhya Pradesh vide communication dated 14.12.2018 submitted that the matter was enquired by Chief Forest Conservator, Khandwa, Madhya Pradesh and as per his enquiry report, the death of Bairam did not take place on the spot and later on, his dead body was placed at the place of occurrence. The State Government had, therefore, expressed its unwillingness to pay the additional compensation of Rs 4,00,000/- (Rupees four lakh only) recommended by the Commission. The Commission made a recommendation on 14.02.2019 to the Government of Madhya Pradesh for payment of an additional amount of Rs 4,00,000/- (Rupees four lakh only) to the next of kin of the deceased and to submit a compliance report.
- v111. A communication dated 28.02.2020 submitted by the Deputy Secretary, Home Department, Madhya Pradesh stated that the deceased did not die in police action, but during firing by the Forest Guard, therefore, the compensation was to be paid by the Forest Department and not by the police.



- 1x. The Commission on 27.08.2020 considered the above communication and found no merit in it. Hence, the Commission reiterated its recommendation for payment of additional amount of Rs 4,00,000/- (Rupees four lakh only) to the next of kin of the deceased and directed the Chief Secretary, Government of Madhya Pradesh to submit compliance report along with proof of payment.
- x. The Under Secretary, Home Department, Government of Madhya Pradesh vide communication dated 17.11.20 submitted the compliance report and proof of payment of Rs 4,00,000/- (Rupees four lakh only) to Smt. Radhabai, wife of the deceased. In the light of the receipt of the compliance report, the case was closed.

Right to Health and Mental Health

- 8.1** Every human being is entitled to enjoyment of the highest attainable standard of health conducive to living a life of dignity. As defined by the **WHO**, health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. 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.
- 8.2** 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 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.
- 8.3** 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 Goals, which was adopted at the United Nations General Assembly in September, 2015 within the health agenda, 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.
- 8.4** 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 2020-21.



A. Human Rights Advisory on Right to Health in context of COVID-19 pandemic

8.5 The Commission had issued "Human Rights Advisory on Right to Health in context of Covid-19 pandemic" on 28th September 2020 to the concerned Union Ministries, States/UTs for its implementation. Details of the said Advisory can be found in Chapter 6 of this Report.

B. Human Rights Advisory on Right to Mental Health in context of COVID-19 pandemic

8.6 The Commission had issued "Human Rights Advisory on Right to Mental Health in context of Covid-19 pandemic" on 8th October 2020 to the concerned Union Ministries, States/UTs for its implementation. Details of the said Advisory can be found in Chapter 6 of this Report.

C. Open House Discussion on "Patients' Rights and Social Accountability of Private Hospitals"



Image 8.I Senior Officials of NHRC attending the Open House Discussion on Patients' Rights and Social Accountability of Private Hospitals

8.7 The Commission organized an Open House Discussion on "Patients' Rights and Social Accountability of Private Hospitals" to discuss the current issues regarding the Rights of patients and social accountability of private hospitals and derive certain action points which could be further implemented. The discussion was held on 5th November 2020 under the chairmanship of Justice Shri PC Pant, Hon'ble Member, via Cisco Webex.



8.8 The agenda for the meeting were:

- l. Right to regulated rates for all
11. Right to transparency in rates in private hospitals
- m. Medical negligence and denial of treatment
- 1v. Unnecessary and expensive practices in private hospitals
- v. Awareness of patients' rights

8.9 In the said discussion, Justice Shri P.C Pant, Hon'ble Member, NHRC, emphasized on the need for a balance, stating that it is important to look at the small private set-up or establishments in the remote areas or small cities also along with the big institutions in big cities and that the recommendations and the actionable points must benefit all kinds of clinical establishments. Taking into account all kinds of establishments, he said that we must also not overlook the challenges that may arise while maintaining the balance between the ideal patients' rights and practical difficulties at the ground level. Shri Bimbadhar Pradhan, Secretary General, NHRC briefly spoke about the importance of the subject and the need for discussion on the same. He mentioned instances of denial of treatment by some medical professionals and establishments, especially during the COVID-19 pandemic. Talking about the 'Patients' Rights Charter' prepared by the NHRC, which outlines 17 rights of the patients, he pointed out the roles and responsibilities of the patients and their caregivers which must also be adhered to by all stakeholders. He also emphasized that it is a two-way process, where both the medical professional and the patient have equal role and responsibility in operationalizing it.

8.10 After due deliberations, the following action points emanated to be recommended to the concerned authorities:

- l. Action Taken Report on Human Rights Advisories: M/o Health and Family Welfare and all the State Governments/ UTs may be asked to send an ATR on the status of implementation of the Human Rights Advisory on Right to Health and Human Rights Advisory on Right to Mental Health, issued by NHRC on 28th September 2020 and 8th October, 2020 respectively. A review meeting by NHRC may be organised in this regard.
11. Clinical Establishment Act:
 - *Mio* Health and Family Welfare need to ensure effective implementation of the Act in the 11 States/UTs which have so far adopted the said Act.
 - *Mio* Health and Family Welfare may impress upon the remaining State Governments/ UTs to adopt and operationalise the Clinical Establishment Act.
- m. Patients' Rights Charter:
 - Considering the Patients' Rights charter prepared by the NHRC, the Secretary *Mio* Health and Family Welfare had written a DO Letter dated 2nd June 2019, to all Chief Secretaries, requesting for adoption and implementation of the Patients' Rights Charter. An ATR on the status of implementation of the same needs to be furnished to NHRC and a review meeting may be organised in this regard.
 - National Health Authority may ensure observance of patients' rights charter in all

hospitals under Pradhan Mantri Jan Arogya Yojana (**PMJAY**), including the private hospitals covered under **PMJAY** and other similar schemes.

1v. Publicising Patients' Rights:

- The Patients' Rights Charter and the Do's and Don'ts of Patients' Rights recommended by the National Council for Clinical Establishment must be publicised via mass media for wider publicity and effective implementation.
- Display of Patients' Rights Charter in all the Government and Private sector hospitals/clinics/nursing homes must be made mandatory.
- Renewal of License in case of private hospitals may be issued subject to the compliance of the Patients' Rights Charter.

v. Training and Curriculum: The Patients' Rights Charter may be included **in** the training programmes and curriculum of various courses for all health professions in order to sensitize all healthcare providers, including Doctors, paramedical staff and other hospital staff.

v1. Grievance Redressal Mechanism:

- A robust grievance redressal mechanism should be put in place to ensure that the patients' charter is implemented in letter and spirit.
- A timeline may be set for a follow-up mechanism to ensure implementation of the charter. The follow-up may be done every 3 months.
- Use of IT: a patient feedback app may be developed to explore patient experience in respect of the rights mentioned in the patients' rights charter.

v11. Transparency of Rates: It should be made mandatory for all hospitals to display the Rate Card on their website, with clear cut rates leaving no scope for hidden costs.

vn1. Self-Declaration: The need for self declaration may be suggested to all hospitals to maintain a record of patient grievances and mention the same in their Annual Reports.

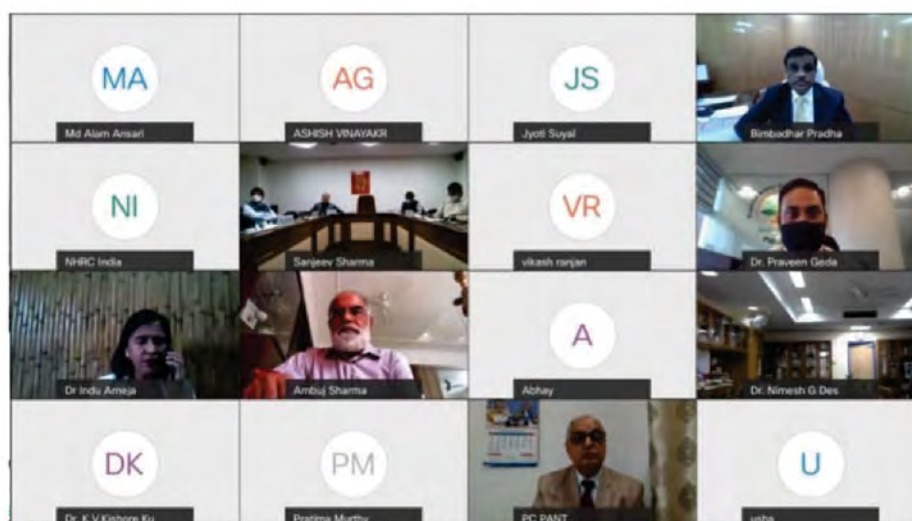


Image 8.2 Participants of the Open House Discussion on Patients' Rights and Social Accountability of Private Hospitals connected virtually to the meeting



D. Illustrative cases in the year 2020-21

1. Death of a pregnant tribal woman resident of Jamadangi hamlet of Pedabayalu mandal in the district of Visakhapatnam due to ignorance and shoddy medical infrastructure

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

1. The Commission came across a distressing news report published in English Daily 'Times of India' dated 26.08.19 under the caption "Death of pregnant tribal exposes ignorance, shoddy medical infra". As per the report, lack of knowledge about women's menstrual health was causing havoc among tribal women in the Visakhapatnam agency and the lives of pregnant tribal women living in the tribal pockets of the district were at constant risk. The report further stated that a woman resident of Jamadangi hamlet of Pedabayalu mandal in the district of Visakhapatnam lost her child in her womb due to excessive bleeding.
11. Pursuant to the directions of the Commission, Director of Health and Family Welfare, Government of Andhra Pradesh submitted a detailed report dated 20.12.19, stating that the deceased pregnant woman was given all the services by the Auxiliary Nurse and Midwife (ANM) and Medical Officer and in spite of advice by the ANM, the patient had delivery at home by 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.
- m. The Commission on consideration of the aforesaid report was of the view that the poor tribal woman became victim of lack of medical care facilities and gross negligence as it was 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, therefore, vide its proceedings dated 17.2.2020, directed issuance of a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Chief Secretary, Government of Andhra Pradesh to show cause why a sum of Rs. 5,00,000/- (Rupees five lakh only) as monetary compensation should not be recommended by the Commission to be paid to next of kin of the deceased Killo Laxmi.
- 1v. Pursuant to the aforesaid show cause notice, Secretary to Government, Tribal Welfare (GCC) Department, Government of Andhra Pradesh vide communication dated 23.12.2020 submitted that as per the report submitted by the ADM&HO (T), ITDA, Paderu dated 22.8.2019 and report submitted by the DM&HO, Visakhapatnam on 26.8.2019, deceased Smt. Killo Lakshmi, w/o Chinna Rao was 37 weeks pregnant and her expected date of delivery was on 14.9.2019. On 17.8.2019, since 5 P.M., she started experiencing labour pains and a local Asha worker attended and tried for delivery as she was the dai for that village also. As she could not perform delivery, another untrained dai from Pedabayalu area was brought on 18.8.2019 and at 03.00 A.M., the deceased delivered a still born female baby and her placenta was not delivered and retained. The dai, therefore, gave some local herbs orally to the mother and left the village in the early hours. After that, severe vaginal bleeding took place and the mother expired at 12 noon on the same day. The cause of death was primary PPH due to retained placenta. The above information was said to be collected



from two medical officers concerned ANM, PHC staff nurse and villagers. It was further submitted that Injari village of Pedabayalu mandal was located in a highly remote area at a distance of 14 km from R&B road. The work providing BT road from R&B road at 28 kms to Injari was sanctioned under Pradhan Mantri Gram Sadak Yojana (PM GSY) 2012-13, however, due to severe threat from the Maoists, the contractor was not able to start the work. Further, NRIDA under the Ministry of Rural Development, Government of India was instructed to close the works which were sanctioned long back and not grounded due to Left Wing Extremism (LWE) problems.

- v. The Commission was also in receipt of a response from the Principal Secretary to Government of Andhra Pradesh, Health, Medical & Family Welfare (B2) Department vide letter dated 23.11.2020. This report also mentioned the same details submitted by the Secretary, Tribal Welfare Department, Government of Andhra Pradesh with regard to the death of deceased Smt. Killo Lakshmi. Besides the above, it was further submitted that the Government through the Health, Medical & Family Welfare Department launched numerous initiatives under the Maternal Health Programme with an objective to encourage pregnant women for institutional delivery in government/private institutions which contributes to the reduction of maternal mortality and infant mortality.
- v1. The Commission considered the aforesaid report and response to the show cause notice issued to the State of Andhra Pradesh and vide proceedings dated 22.02.2021 and observed that if all the schemes and measures in the report were prevalent at that time, why such an unfortunate incident had happened in the year 2019 which came to the notice of the Commission through a media report. Therefore, it reflected that the schemes that were mentioned in the report were not being properly implemented and monitored by the officers concerned. Therefore, there cannot be any plausible and justifiable cause to refrain from recommending monetary compensation for which a show cause notice was already issued to the Chief Secretary to the Government of Andhra Pradesh and, moreover, it was absolutely clear that tribal community had no means to get any remedial measures from anywhere and thus the Commission was of the view that once such an unfortunate death of a pregnant woman at her carrying stage at home had happened, preponderance of probability showed that the State was vicariously liable to pay compensation as it failed to protect and preserve the right to health of the tribal community.
- v11. In view of the above, the Commission confirmed its show cause notice and recommended to the Government of Andhra Pradesh to pay a sum of Rs. 5,00,000/- (Rupees five lakh only) as monetary compensation to the next of kin of the deceased Killo Lakshmi. The Compliance report and proof of payment is awaited.

2. Due to non availability of an ambulance a pregnant woman of Village Challenguda, District Nabarangpur, Odisha delivered a baby girl in the Auto Rickshaw, who slipped from the auto rickshaw and died

(Case No. 5915/18/10/2016)

- 1. The complainant brought to the notice of the Commission a news item published in Odia News Paper 'Sambad' dated 30.08.2016, that due to non arrival of the Ambulance a pregnant



lady delivered a baby girl in the auto rickshaw **in** which she was going to hospital. The new-born baby slipped from the auto rickshaw and died. The Commission took an action and directed the concerned authority to submit the action taken report.

11. Pursuant to the directions of the Commission, the Commissioner-cum-Secretary, Department of Health & Family Welfare, Government of Odisha, reported that ambulance operating Agency reported that the delay in contacting the caller after creation of job was caused due to large number of pending jobs in dispatch queue at that point of time. The Agency further stated that since calls were to be dispatched on first cum first basis, by the time the said job was picked for dispatch, no nearby ambulance was available. Though the dispatcher tried to inform the caller, the call was disconnected. Finally, the dispatcher was able to contact the caller at about 12.10 p.m. but by that time the caller had made his own arrangements to transfer the patient. The report confirmed that there had been a delay of 1.20 hours in making the call to the ASHA worker, due to human error on the part of the call centre. It was also stated in the report that the emergency management being a complex subject with integration of various resources and operating **in** a fairly compromised scenario, most conditions being not ideal, such lapses do occur at times despite best efforts of the Government and Service providers.
- m. On critically examining the case, the Commission observed that it is clear that had the ambulance been provided well in time, the life of the new born baby could have been saved. In this way, the human rights of the newborn baby and her mother were violated and she was liable to be compensated for violation of her human rights as well as the violation of human rights of her new born baby, who ultimately died. The State was vicariously liable for the action and inaction of its employees. Therefore, the Commission recommended a payment of compensation of Rs. 2,00,000/- (Rupees two lakh only) to the victim for violation of her human rights.
- 1v. Pursuant to the directions, the Additional Secretary to Government of Odisha, Home Department informed the Commission that the payment of compensation of Rs. 2,00,000/- (Rupees two lakh only) as recommended by the Commission has already been paid to the victim. The case was closed by the Commission.

3. A pregnant woman delivered a baby on the way to District Hospital Betul, Madhya Pradesh as she was not provided with a stretcher, causing the death of the baby

(Case No. 381/12/5/2018)

1. In the instant case, the complainant stated that in District Betul, Madhya Pradesh, a pregnant woman was brought to District Hospital. The victim was not provided a stretcher by the hospital, therefore, she proceeded on her foot and she delivered a baby on the way, resultantly, the new born baby died. Hence, the complainant sought intervention of the Commission. Taking cognizance in the matter, the Commission directed the concerned authorities to submit an action taken report in the matter.



11. In response, the Additional Secretary, General Administration, Government of Madhya Pradesh, reported that an inquiry was conducted in the matter and the Asha Worker was suspended and the Sweeper was removed from the services.
111. Upon perusal of the report, the Commission observed that the human rights of the victim mother and her newly born baby, were violated because the new born baby died due to the negligence of the aforesaid officials as they did not provide the victim/pregnant woman a stretcher, she had to move on foot, she delivered a baby while going on foot and ultimately, the new born baby died. Therefore, the State was vicariously liable for the violation of action or inaction on the part of its employees. The Commission recommended a compensation of Rs. 1,00,000/- (Rupees one lakh only) to be paid to the victim by the State Authority. A compliance report was received in the matter, hence the Commission closed the case.

4. Death of 12 children staying in a government run home in Jamdoli in Rajasthan due to consumption of contaminated drinking water

(Case No.996/20/14/2016)

1. The Commission came across a news item reported by the NDTV news channel about the death of 12 children staying in a government run home in Jamdoli in Rajasthan due to consumption of contaminated drinking water. Taking *suo-motu* cognizance of the news report, the Commission issued notices to the Chief Secretary, Director General of Police (DGP), Rajasthan and Director General of Health Services, Government of Rajasthan for a detailed report in the matter.
11. Pursuant to the directions of the Commission, a report dated 13.5.2016 was submitted by Director and Special Secretary, Government of Rajasthan, Directorate of Specially- Abled Persons mentioning that in the unfortunate incident, 37 children fell ill, 16 got admitted for treatment, 12 children had died and one child was sent back after treatment. Details of steps taken for improvement of the condition of the government run home in Jamdoli were also mentioned. A report separately submitted by Deputy Commissioner of Police (DCP)- East, Jaipur also mentioned that a case u/s 176 Cr.PC was registered in respect of the twelve deaths, and post-mortem was also conducted. Two enquiry committees were constituted to be headed by Shri Sudarshan Sethi and Dr. Ashok Panagariya.
111. The Commission, on consideration of various reports submitted by the concerned authorities of Rajasthan, directed the Investigation Division of the Commission to get the opinion of the medical expert on the panel of the Commission on the post mortem and other medical reports of the deceased children. In response to the directions of the Commission, the medical records and post mortem reports of all the 12 deceased were examined by Dr. Arvind Kumar, Professor, Forensic Medicine, Lady Hardinge Medical College, New Delhi, who opined that out of the 12 victims, the cause of death of 7 children are on the record. According to the Autopsy Surgeon, the death was due to scrub typhus, septicemia consequent to bed sore, gastroenteritis, epilepsy and other complications. He further opined that at the

- time of outbreak of the communicable disease i.e. insect born/gastroenteritis/bed sore associated with septicaemia, there were vacancies in key positions such as, Superintendent, medical officer, clinical psychologist, 15 nurses, occupational therapist and the possibility of provision of lack of proper hygienic/medical care and monitoring cannot be ruled out.
- 1v. The Commission after carefully considering the opinion of the medical expert including the findings and observations and other relevant material on record, vide its proceedings dated 14.12.2020 observed that all the children were under the care and custody of the State and it was responsibility of the State to take appropriate measures for ensuring proper hygienic/medical care and proper monitoring to the inmates. Therefore, a notice u/s 18 of the Protection of Human Rights Act, 1993 was issued to the Government of Rajasthan through its Chief Secretary, to show cause within four weeks as to why an amount of Rs. 2,00,000/- (Rupees two lakh only) each as monetary compensation be not recommended to be paid to the next of kin of the 12 deceased children. The District Magistrate, Jaipur, Rajasthan was also directed to submit an action taken report on all the recommendations made by the two Committees headed by Shri Sudarshan Sethi, Principal Secretary, Administration and Dr. Ashok Pangariya.
 - v. In response to the directions of the Commission, the Commissioner and Secretary, Directorate of Specially Abled Persons, Government of Rajasthan vide letter dated 12.2.2021 submitted that out of 12 children died in the Mentally Retarded Women & Child Welfare Rehabilitation Centre, Jamdoli, Jaipur in April, 2015, 04 were of profound, 06 severe and 02 moderate in nature. Immunity power of those children was less than normal. As per their medical history, they were sent to Sawai Mansingh Hospital, J.K. Lone Hospital, Jaipur, Psychiatry & Satellite Hospitals from time to time for treatment. Further, in compliance to the recommendations/directions of the two Committees constituted in the instant case, proper attention was being made on maintenance and special achievements of additional resources, health and hygiene, cleanliness, training, entertainment, sports, participation of NGOs/Social Organisations, etc. As regards filling up of vacant posts, it was submitted that most of the posts of medical officers and nursing staff had been filled. One psychiatrist was looking after the work of both the wings and the number of care takers had been increased to 135 apart from increasing the number of special teachers. According to the reply, out of 12 deceased students, family details of 03 were unknown. It was further submitted that according to the parents and relatives of the children, the arrangements and care by the centre towards their children were found to be satisfactory. In view of the above, a request was made to drop the show cause notice issued by the Commission.
 - v1. As per the revised recommendations for health assessment, every child needs to be assessed medically, monitored regularly for medical/nutritional or functional disability problems. In this case, there was no record to substantiate whether such arrangements were put in place or not. Thus, it appeared, prima facie, that all the deaths occurred in the Mentally Retarded Women & Child Welfare Rehabilitation Centre, Jamdoli where due to lack of



proper hygienic/medical care and proper monitoring as there were vacancies in key positions lying vacant at the time of communicable disease outbreak. Now, after the intervention of the Commission most of the posts of medical officer and nursing staff were filled up. Further, all the children were under the care and custody of the State and it was the responsibility of the State to take appropriate measures for ensuring proper hygienic/medical care and proper monitoring of the inmates. For this lapse on the part of the concerned authorities, 12 children of the institution lost their lives, for which the State was vicariously liable to pay compensation to the bereaved families of the deceased children.

- v11. In view of above, the Commission recommended its proceedings dated 09.03.2021 to the Government of Rajasthan, through its Chief Secretary, to pay a sum of Rs. 2,00,000/- (Rupees two lakh only) each as monetary compensation to the next of kin of all the deceased students except in the case of three children whose family details were not known. The compliance report and proof of payment is awaited.

5. A child, Master Abbay Mishra, resident of Pardavan, Mau Chitrakoot, Uttar Pradesh who was taken for treatment to the district hospital died for want of proper treatment

(Case No.25878/24/20/2017)

1. Shri Vivek Kumar Singh, a human right worker, while enclosing a press clipping, brought to the notice of the Commission that Manju Devi, resident of Pardavan, Mau Chitrakoot, Uttar Pradesh took her son, Master Abhay Mishra (2 ½ years old), for treatment to the district hospital, but the child was not given proper treatment and died. The family of the victim was also not provided with an ambulance, as such they had to carry the dead body of the child in the lap. Taking cognizance in the matter, the Commission called for a report from the concerned authority.
11. In response a report was submitted by the Secretary to the Government of Uttar Pradesh, which revealed that the matter was enquired into by a Committee of three doctors. It was concluded by the Committee that the staff nurse Shalu Diwedi had not performed her duties honestly. Had she performed her duties properly, the unfortunate incident would have not happened. On perusal of the report, the Commission issued a notice u/s 18 (a) of the Protection of Human Rights Act to the Government of Uttar Pradesh, through its Chief Secretary, to show cause as why the Commission may not recommend the monetary relief to be paid to the mother of the deceased victim whose human rights had been violated. Since no reply to the Show Cause Notice was received, the Commission presumed that the State Government had nothing to say in the matter. The Commission observed that a case of violation of human rights of the deceased child, Master Abhay Mishra was meted and the State Government is vicariously liable to pay monetary compensation to the next of kin of deceased. The Commission, therefore, recommended to the Government of Uttar Pradesh through its Chief Secretary, to pay compensation of Rs. 2,00,000/- (Rupees two lakh only) to the next of kin of the deceased.
111. Pursuant to the directions of the Commission, the Joint Secretary, Uttar Pradesh administration to Director General, Medical & Health Services, Uttar Pradesh, Lucknow



informed the Commission that the sanction of an amount of Rs. 2,00,000/- (Rupees two lakh only) to be paid to the next of kin of the deceased had been granted under the relevant heads. The Commission perused and considered the above-mentioned documents placed on the records of the case and closed it with the observation that it was expected that the State Government should expedite the payment of compensation to the next of kin of the deceased child, Master Abhay Mishra.

6. Death of 154 persons, 94 in Golaghat and 60 in Jorhat districts of Assam due to consumption of illicit liquor

(Case No. 51/3/7/2019)

1. The Commission on 25.02.2019 took *suo-motu* cognizance of a newspaper report about the death of 154 persons, 94 in Golaghat and 60 in Jorhat districts of Assam due to consumption of illicit liquor on 24.2.2019. Initially, the Commission was informed by the Government of Assam that an ex gratia payment of Rs. 2,00,000/- (Rupees two lakh only) each had been paid to the next of kin of the 94 persons, who died due to consumption of illicit liquor in the unfortunate incident. Therefore, Secretary, Political (A) Department, Government of Assam was directed to update the Commission about the ex-gratia payment made to the next of kin of the remaining 60 deceased persons, status of investigation of the criminal cases registered at Jorhat and, if there was any orphaned child as a result of the tragedy, steps taken thereof by the government for their care and protection.
11. The Secretary, Ministry of Home Affairs, Government of India, New Delhi was also asked to issue necessary directions to the Directors General of Police of all the States and UTs calling upon them to look into the matter personally and issue relevant guidelines to enhance police patrolling and vigil in the affected areas of their States and take strict legal action against the culprits. It further stated that, if necessary, special teams at the district level be constituted to clamp down on the perpetrators of law, in an effective manner.
- m. Pursuant to the directions of the Commission, Under Secretary to Government of India, Ministry of Home Affairs (CS Division), forwarded a copy of communication dated 11.11.2019 addressed to the Principal Secretary (Home) of all States/UT Administrations requesting them to issue necessary directions for enhancing police patrolling and vigil in the affected areas in order to take strict legal action against all such culprits. The said communication also emphasized to evolve an effective mechanism for curbing the unlawful network of spurious liquor manufacturers and distributors and if necessary constituting special teams at the district level to clamp down perpetrators of law in an effective manner.
- 1v. The Secretary to the Government of Assam, Home and Political Department, Dispur vide communication dated 4.1.2020 forwarded a report dated 25.11.2019 of the District Magistrate, Jorhat, Assam. According to the said report, out of the remaining 60 cases, the administration disbursed the ex gratia payment of Rs. 2,00,000/- (Rupees two lakh only) each to the next of kin of the remaining 58 deceased and process is on for disbursement of compensation amount to the remaining two cases. As regards care and protection of the



children of the deceased persons, it was submitted that they were living with their mother and were facilitated with various sponsorship programmes of the government.

- v. The Commission on 18.01.2021 considered the reports received from the Ministry of Home Affairs, Government of India and the State Government of Assam and noted that after the fateful incident, the State Government made ex-gratia payment of Rs. 2,00,000/- (Rupees two lakh only) to each of the next of kin of the 152 persons, who died due to consumption of illicit liquor in Golaghat and Jorhat districts of Assam on 24.2.2019, their children were facilitated with various sponsorship programmes of the government, besides constituting a Special Investigation Team (SIT) to inquire into the incident. The SIT, during the course of investigation, arrested more than 100 persons, who were involved in the manufacturing and distribution of illicit liquor and after investigation, filed charge sheets in the court. The team of SIT had also seized large quantities of illicit liquor during raids. The Ministry of Home Affairs, Government of India had also directed the Principal Secretary (Home) of all the States/UT Administrations to issue necessary guidelines and to evolve effective mechanisms for curbing unlawful networks of spurious liquor manufacturers. In view of the above, the Commission observed that no further intervention was required by the Commission and the case, therefore, was closed.

Right to Food and Nutrition

- 9.1** India constantly grapples with the issues of hunger and malnutrition. The foregoing year brought numerous challenges in almost every field especially for the marginalized and vulnerable sections of the society. The report of the Phase-I of the National Family Health Survey-5 (NFHS, 2019-20), released in December 2020, shows facts related to nutrition which were not comforting. The indicators of child nutrition have stagnated between 2015-16 and 2019-2020. Of the 22 States/UTs, 13 showed a rise in stunting, including some of the populous States like Maharashtra, West Bengal, Gujarat, and Kerala, to name a few. Stunting was highest in Meghalaya (46.5%), and Bihar (42.9%); higher than as reported in the Comprehensive National Nutrition Survey, 2016-2018. Sikkim was the lowest at 22.3%, a significant decline (7.3% point drop) since 2015-16. Wasting has either risen or remained stagnant in most of the States/UTs. The increase was in a range of 0.1 to 8.2 percentage points for 13 States/UTs. The prevalence of anaemia among women in the age group of 15-49 years also has a similar trend. Out of the 22 States/UTs covered in Phase 1 of NFHS-5, 16 show an increase in anaemia among women.
- 9.2** 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 2015 Millennium Development Goals (MDGs). This all the more casts an obligation on the Government to respect, protect and fulfil 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), to support vulnerable sections of the population so that they can have access to the basic needs, especially food.
- 9.3** The Government of India has undertaken many reforms in the country's existing social security programmes to improve the delivery of 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)].

- 9.4 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 82 crore people regularly go to bed hungry, of which about 13.5 crore 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. 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 small farmers' ability to increase food production.
- 9.5 The whole world is affected by the COVID-19 pandemic and the sector of food security and nutrition is not an exception. Various studies show that higher retail prices, combined with reduced incomes during pandemic lead more and more households to cut down on the quantity and quality of their food consumption. The role of a non-profit organization has significantly risen as the authorities alone cannot triumph over this challenge. And this was proven with the fact that in October 2020, the Norwegian Nobel Committee awarded the Nobel Peace Prize for 2020 to the World Food Programme (WFP) for its efforts to combat hunger, for its contribution to bettering conditions for peace in conflict-affected areas and for acting as a driving force in efforts to prevent the use of hunger as a weapon of war and conflict. However, the situation is still critical and requires more support and collaboration to counter this problem. The United Nations said that acute hunger is likely to soar in more than 20 countries in the next few months. Some families in the pockets of Yemen and South Sudan are already gripped with starvation, according to a report on hunger hotspots published by the Food and Agriculture Organisation and World Food Programme.
- 9.6 The Government has also taken significant steps to combat 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.
- 9.7 The role of already initiated food and nutritional security schemes of the Government has risen drastically. But, even they were affected badly by the pandemic and lockdown. A contention evolved between physical distancing norms and ensuring ration, meals and immunisation to the eligible beneficiaries. However, a pragmatic way was ensured by the authorities to provide these services while maintaining social distancing norms. Even then, the perfect functioning of these schemes was not possible to ensure. The welfare generated by ICDS and Mid-day Meal scheme especially deteriorated during this period of pandemic and it was difficult to run anganwadi and mid-day meals in



the schools. The Supreme Court, however, ordered in March 2020 the authorities to ensure delivery of rations to the beneficiaries of ICDS and MDMS while maintaining COVID-19 precaution norms. Many States adhered to the orders and ensured their best but the aberrations were always there.

- 9.8** There is no denying the fact that the government has made all possible efforts to counter hunger and undernourishment. With the onset of lockdown, the Atma Nirbhar Bharat (ANB) Package was announced to revive the downtrodden economy. In the ANB package, additional PDS rations of 5 kg (wheat or rice) and 1 kg dal/chana per person per month were provided to NFSA cardholders from April to November 2020 under the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY). This scheme also extended to 8 crore migrant workers who are not covered under NFSA or State PDS scheme cards. The sad part is that this scheme lasted only till November 2020. The Union Government informed that States have no longer demanded ration under this scheme. Lately, in February 2020, while announcing the Union Budget 2021-22 the Government has merged the supplementary nutrition programme and the Poshan Abhiyan to launch **Mission Poshan 2.0** to strengthen nutritional content, delivery, outreach, and outcome. The Finance Minister Smt. Nirmala Sitharaman said, "We shall adopt an intensified strategy to improve nutritional outcomes across 112 aspirational districts."
- 9.9** The National Human Rights Commission (NHRC) is committed in its crusade to protect the right to nutritious food for citizens of India. Its Core Advisory Group on Right to Food and Nutrition demonstrates issues, challenges and solutions to this field after analyzing the steps taken by the government. Moreover, the Commission is a very keen observer of the legislations related to food security and eradication of hunger. This year, after having consultations with the stakeholders for the impact assessment of the situation in the context of COVID-19, an advisory on food security and nutrition was issued by the Commission to the concerned Union Ministry and all the States/UTs for its implementation.
- 9.10** NHRC has been emphasizing for proper implementation of the National Food Security Act, 2013 and also the flagship schemes, namely, PDS, ICDS and MDMS. It gets the picture of the ground reality through its Special Rapporteurs and Special Monitors who undertake field visits and provide feedback on the status of implementation of these schemes as well as the food security legislation in the States.

A. Meeting of the Core Group on Right to Food and Nutrition

- 9.11** A virtual meeting of the NHRC Core Group on Right to Food and Nutrition was held on 25.08.2020 in the Commission under the chairmanship of Dr. D.M. Mulay, Hon'ble Member, NHRC. The meeting was attended by the senior officials of the Ministry of Women and Child Development, Department of Food and Public Distribution, Department of School Education and Literacy, Indian Council of Medical Research (ICMR), eminent personalities from civil society working in the area of Food & Nutrition. The deliberations of the meeting revolved around two agenda items, i.e, (i) food and nutritional security of children, pregnant women and lactating mothers and (ii) discussion on the draft advisory "Right to Food and Nutrition in the context of Covid-19". After detailed deliberations in the meeting, the Advisory on Right to Food Security and Nutrition in the context of COVID-19 was issued to the concerned Union Ministries and States/UTs on 28th September 2020 for implementation.



Image 9.1: Senior Officers of NHRC participating in the Core Group on Right to Food and Nutrition

B. Human Rights Advisory on Right to Food Security and Nutrition in the context of COVID-19

9.12 The Commission had issued an Advisory titled 'Right to Food Security and Nutrition in the context of COVID-19' on 28th September 2020 to the concerned Union Ministries, States/UTs for its implementation. Details of the said Advisory can be found in Chapter 6 of this Report.

C. Field Visits by the Special Rapporteurs and Special Monitors of the Commission

9.13 Dr. Jayashree Gupta, Special Monitor for issues related to Consumer Affairs and Food, NHRC visited Dehradun from 23rd November 2020 to 27th November 2020. She visited the District Consumer Forum of Dehradun, State Consumer Commission of Uttarakhand State and held detailed discussions with officers, staff members and Consumer Organisations of the State. She also visited PDS and ICDS centres in Dehradun District and held detailed discussions with officials and some beneficiaries of these schemes. The visit rounded off with a meeting with the District Collector of Dehradun and Chief Secretary of the State of Uttarakhand. It was observed that the District Consumer Forum of Dehradun, State Consumer Commission of Uttarakhand State has huge pendency and vacant positions. The financial jurisdiction as per the amended Act is yet to be implemented. **The condition of food and**



nutrition is fine in the State. Fair Price Shops under PDS are responsive to the needs of beneficiaries and are working properly. Some areas have connectivity issues due to poor network/wifi. It has been recommended to implement 'Consumer Protection (Administrative Control over the State Commission and the District Commission) Regulations, 2020' and fill the required vacancy for smooth functioning of the Forum/Commission.

9.14 Dr. Jayashree Gupta, Special Monitor for issues related to Consumer Affairs and Food, NHRC visited Ahmedabad from 8th March 2021 to 12th March 2021. She visited the District Consumer Commissions and State Consumer Commission of Gujarat State and held detailed discussions with officers, staff members and Consumer Organisations of the State to get first-hand knowledge regarding the functioning of consumer protection machinery and programmes related to food and nutrition in the State. She also visited PDS Centre in Ahmedabad District and held detailed discussions with officials as also some beneficiaries of these schemes. Overall status of food and nutrition in the State was reviewed, particularly concerning initiatives taken by the State Government to deal with problems of malnutrition, as reflected in NFHS reports. Concerns relating to fake/spurious/counterfeit drugs and vaccines in the State were also discussed with concerned officers. The visit was rounded off with a meeting with the District Collector of Ahmedabad District and Secretary, Food, Civil Supplies and Consumer Affairs of the State of Gujarat. The visit report has been submitted to the Commission for approval and further directions, if any.

D. Research projects

9.15 The Commission sponsored a Research Project titled "**Food and Nutritional Security among Scheduled Castes and Scheduled Tribes: Evidences from three Indian States**" to the Central University of Himachal Pradesh. Dr Amit Kumar Basantaray, Assistant Professor is Principal Investigator and Dr Indervir Singh, Assistant Professor is Co- Investigator of the research project. The objectives of the Research Project are:

1. To measure the extent of food and nutritional insecurity
2. To document the differences in food and nutritional insecurity status of SC & ST households and general category households
3. To find out the determinants of food insecurity
4. To analyse the factors determining nutritional insecurity
5. To examine the problems and challenges with the current programmes in place to check food and nutritional insecurity
6. To provide policy suggestions to eradicate food and nutritional insecurity

9.16 The study will be based on a primary survey that would be conducted in three States namely Odisha, Rajasthan, and Himachal Pradesh. The total duration of the research project, including submission of the final report is 12 months.

Right to Education

- 10.1** The Right to Education is recognized as a human right by the United Nations and is enshrined in Article 26 of the Universal Declaration of Human Rights and Article 14 of the International Covenant on Economic, Social and Cultural Rights. The right to education is one of the key principles underpinning the Education 2030 Agenda which is based on Goal 4 of the Sustainable Development Goals which aims to "ensure inclusive and equitable quality education and promote lifelong learning opportunities for all" by 2030.
- 10.2** 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 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. 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.
- 10.3** 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. 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. Therefore, besides 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.
- 10.4** The National Human Rights Commission is concerned with the issues related to status of education of children in India. The Commission under 12(g) of the PHRA, 1993, is mandated to undertake and promote research in the field of human rights. In this regard, the Commission had entrusted a study on "Human Rights Education in Schools in India: A Comparative Study of Syllabus prescribed by State Education Boards" in collaboration with Rajiv Gandhi National University of Law, Punjab. The research study was completed and approved by the Commission on 27th December, 2018 and then uploaded on the Commission's website. One of the recommendations of the report was for the Union/State Governments to include contents on human rights in the curriculum of the schools in India.
- 10.5** In this regard the Commission has issued letters to the Chief Secretaries of all Union and State Governments requesting them to include contents on human rights at primary, secondary and



senior secondary levels. Some of the States have shown their interest and agreed to look into the matter from the next revision of the syllabus and also forwarded contents on Human Right issues for perusal of the Commission while the responses of other States/UTs are yet to be received.

A. Newly sanctioned research project

10.6 Impact of COVID-19 pandemic on the Rights of Education of Children of Migrant Workers in Delhi

1. This newly sanctioned research study is by Prof. Zubair Meenai, Jamia Millia Islamia, New Delhi
11. Objectives of the study:
 - To study the impact of the pandemic and school closure on the education of migrant children.
 - To examine the mechanisms used by the school to address the educational needs of migrant children during COVID 19 in the light of RTE
 - To understand the measures taken by the migrant children to continue their education
 - To understand the challenges faced by migrant children in accessing and continuing their education during COVID-19 and aftermath situation
 - To assess the viability of virtual education in fulfilling the educational needs of the child and overall personality development
 - To assess the response of the governments at various levels to address the challenges faced by migrant children in the light of COVID 19.
- m. Duration of the study: 10 months from the date of release of the first instalment.
- 1v. The Commission has approved the Project with a total budget of Rs. 09,15,000/- (Rupees nine lakh fifteen thousand only).

B. Illustrative cases in the year 2020-21

1. Violation of students' human rights in Jamia Millia Islamia, University of Delhi (Investigation Division)

(Case No. 5630/30/0/2019)

On receipt of several complaints regarding detention of students of Jamia Millia Islamia University by Delhi Police and denial of basic rights to them during the anti-CAA protests in December, 2019, a team of Investigation Division carried out a spot visit on the incident of alleged human rights violations. During enquiry, statements of alleged victims, students, university staff, witnesses, police personnel, the CCTV footages, hospital records and other relevant evidence were collected. After thorough enquiry the Investigating team found the incident to be of law and



order issue that involved violence, unlawful gathering of mobs, anarchy and arson. In order to contain the situation, the police carried out action as per the law, however in a few incidents, police high-handedness was also observed. Accordingly, on the recommendations of the Investigation team the Commission recommended suitable compensation to the injured students on humanitarian grounds, proposed action against the members of police and paramilitary forces who handled the situation unprofessionally and also emphasized upon the training modules for the police forces while handling the law-and- order situation. The Commission also recommended that investigation of all the cases be carried out on merits by the Special Investigation Team (SIT) of Crime Branch, Delhi Police, steps to be taken by Delhi Police to control false news on social media and to prepare a Standard Operating Procedure to deal with such incidents in future.

2. Clash between Police and Students of Aligarh Muslim University, Uttar Pradesh (Investigation Division)

(Case No. 1018/24/3/2020)

During the anti-CAA protest violations which were reported in the campus of Aligarh Muslim University, Aligarh, Uttar Pradesh in December, 2020. The Hon'ble High Court of Allahabad, in a Writ Petition, entrusted the enquiry to NHRC regarding the allegations of human rights violations during the incident. Accordingly, an Investigating Team of NHRC carried out a thorough enquiry in January, 2020 and found that the incident was prima facie a law and order situation that involved violence and subsequent coercive action by the Aligarh Police and armed forces. The Investigating Team found that no student was found missing, there was no illegal detention and that the action of the police in controlling the situation was justified. However, compensation was recommended to the students who received grievous injuries during the incident and action was recommended against the policemen for handling the situation in an insensitive and unprofessional manner. The enquiry report was submitted to the Hon'ble High Court of Allahabad which was accepted, in toto.

3. A student of V class of Jyotiba Senior Secondary School, Rangbari, Kota, Rajasthan, brutally beaten by his teacher with bamboo, who subsequently died under panic

(Case No. 3142/20/21/2017)

1. The complainant alleged that her son died because of the panic attack caused by brutal beating by the teacher in the school. Despite complaints to the principal and police, no action was allegedly taken against the accused teacher.
11. Pursuant to the Commission's directions, the SP, Kota, Rajasthan reported that a case was registered in the matter as per the directions of the court vide case no 51/18 u/s 506/304/120B IPC. Further, the Principal Secretary Department of School Education, Rajasthan informed the Commission that as per the report submitted by an Enquiry Committee in the matter, the cause of death of student Mohan Soni was not due to beatings.
111. The matter was also enquired into by the Investigation Division of the Commission. It was reported that the complainant Smt. Naukala Soni had approached both the school authorities



and police, however her case was not registered despite alleging a cognizable offence i.e. death of his son due to beating by a school teacher & subsequently succumbing to symptoms developed. The child died on 03.12.2017 whereas the case was registered on 25.01.2018 after the lapse of 52 days, that too after the intervention of Additional Chief Judicial Magistrate (ACJM) Court, Kota, which is a violation of human rights.

- 1v. The Commission while considering the matter observed that the FIR was registered after a lapse of 52 days of the incident and that also on the directions of the Court, it showed the negligence of police which caused violation of human rights of the victim. The Commission, therefore, directed the Chief Secretary Government of Rajasthan to pay compensation of Rs. 2,00,000/- (Rupees two lakh only) to the next of kin of the deceased boy and to send proof of payment to the Commission. Response is awaited, the matter is under consideration of the Commission.

Rights of Bonded, Migrant, Child and Other Labour Related Issues

- 11.1** The Supreme Court, vide its order dated 11.11.97 in Writ Petition (Civil) No. 3922/1985 *Peoples 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).
- 11.2** 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 Indian Constitution. 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.
- 11.3** 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. 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.
- 11.4** 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.
- 11.5** 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.
- 11.6** 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), 2016. 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. Meeting of the Core Group on Bonded Labour

- 11.7 The Commission organized a meeting of the Core Group on Bonded Labour on 14th August, 2020 at 11:00 A.M. under the Chairmanship of Hon'ble Member, Justice Shri P.C. Pant.

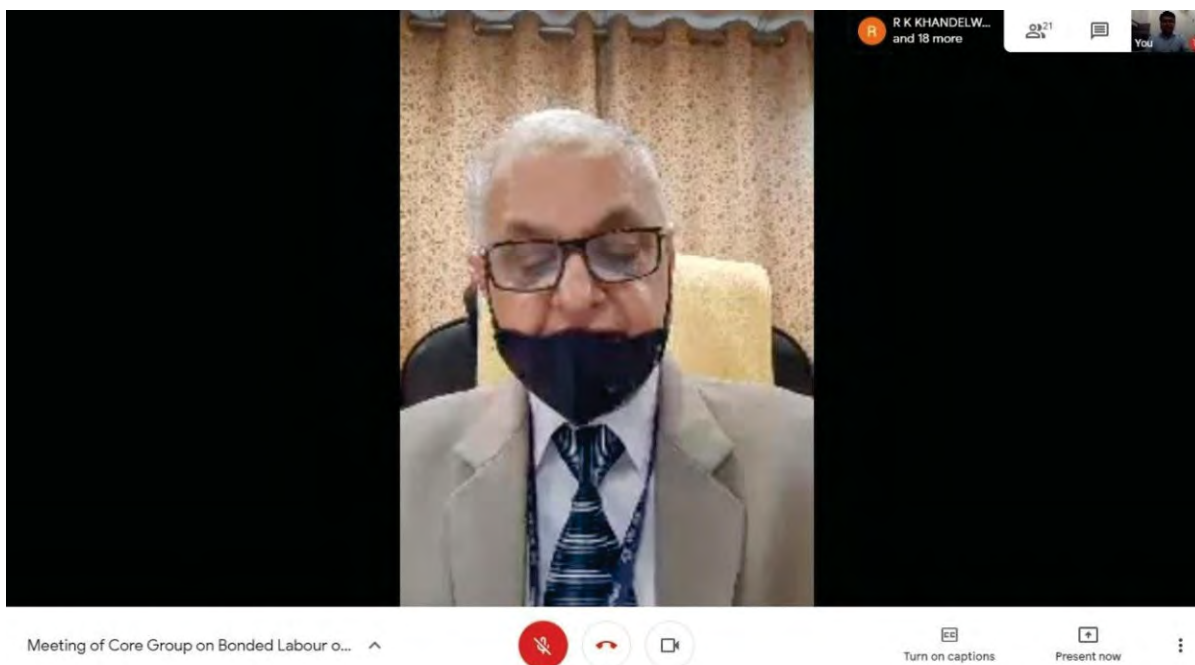


Image 11.1: Justice Shri P.C. Pant, Member, NHRC, delivering inaugural address

- 11.8 Following were the agenda items of the meeting:

1. Clarification regarding interpretation of the Bonded Labour System (Abolition) Act, 1976
11. Discussions on the implementation of Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016
- m. Clarifications on Central Standard Operating Procedure (SOP) for Identification and Rescue of Bonded Labourer and Prosecution of Offender, circulated by Ministry of Labour and Employment, Government of India on August 17, 2017
- 1v. Observations on State Standard Operating Procedures on Bonded Labour brought out by the State Government of Karnataka on 10 February, 2020: Issues of concerns raised by Shri Kiran Kamal Prasad, Member of the Core Group
- v. Rights of migrant workers in the context of COVID-19 pandemic



11.9 After elaborate discussions on the aforementioned agenda items, the following recommendations emanated:

1. Redefinition of bonded labour: With the changing context, the nature of bonded labour has also changed. Thus, the Ministry of Labour and Employment, in collaboration with the V.V. Giri National Labour Institute, may assess and study the scope of such changes in the nature of bonded labour and then take necessary action towards amendment.
11. Capacity building of implementing authorities: The Ministry of Labour and Employment, in collaboration with the V.V. Giri National Labour Institute, to undertake sensitization and capacity building programmes for the State Authorities responsible for discharging duties under Bonded Labour System (Abolition) Act (BLSAA), 1976, about the various provisions under the legislation, Central Sector Scheme for Rehabilitation of Bonded Labourer (CSS), 2016, Central Standard Operating Procedure for Identification and Rescue of Bonded Labourer and Prosecution of Offender, 2017 and other orders.
111. Awareness generation regarding provisions: Awareness generation initiatives need to be undertaken by bringing out simple leaflets highlighting main provisions and procedures for getting benefits under the Bonded Labour System (Abolition) Act (BLSAA), 1976, and the Scheme. The same can be brought in local languages and be distributed extensively.
- 1v. Directions for creation/filling corpus funds and speedy disposal of Summary Trails: The Ministry may direct States to create/fill up corpus funds under Central Sector Scheme for Rehabilitation of Bonded Labourer (CSS), 2016, and speedily dispose of the Summary Trails. Past experiences show that such intimations persuade the State authorities to dispense their duties expeditiously.
- v. Simplification of reimbursement procedure for getting corpus fund under Central Sector Scheme for Rehabilitation of Bonded Labourer (CSS), 2016: As States have been facing issues in sending proposals in the correct shape, the Ministry of Labour and Employment may consider simplifying the process and perform for submission of fund proposal.
- v1. Convergence among Ministries and their schemes for rehabilitation of released bonded labourers: In view of the pandemic, where the vulnerabilities have increased manifold, the Ministry of Labour and Employment may assess the scope of convergence between various benefits of development programmes and poverty alleviation schemes for the rehabilitation of bonded labourers and thereafter prepare necessary directions indicating the areas of convergence.
- v11. Sharing of data: The Ministry of Labour and Employment to share a state-wise break-up of data on rehabilitation (cash assistance and non-cash rehabilitation) and prosecution since the revised scheme of 2016 to 2020.
- v111. Dissemination of the Central SOP: The Central Standard Operating Procedure for Identification and Rescue of Bonded Labourer and Prosecution of Offender, 2017, needs to



- be disseminated widely. The Ministry of Labour and Employment may ensure that it directs the State Government to circulate it among all the concerned State Authorities and also direct them to translate it into local languages.
- ix. Unannounced inspection for identification of bonded labour: There is a need for unannounced/surprise inspection by State authorities so that employers do not have the scope to cover the existence of bonded labour.
 - x. Ensuring inclusion of a member from the civil society or a social worker in the rescue team: Point 2.2(i) of the Central Standard Operating Procedure for Identification and Rescue of Bonded Labourer and Prosecution of Offender, 2017, states that the Rescue team should include a representative from a civil society organization or a social worker. The State must be directed to ensure that this guideline is adhered to at all times.
 - xi. Revisiting the Central SOP: The Central Standard Operating Procedure for Identification and Rescue of Bonded Labourer and Prosecution of Offender, 2017, may be revisited with emphasis on the protection, release and rehabilitation of the bonded labour victims. There should be guidelines for the reporting process during the period of 3 months, within which a summary trial is to be completed. Further, it must also clarify where the labourer is to be accommodated during the trial period.
 - xii. COVID-19 insurance for workers in industries: The Ministry of Labour and Employment may explore the possibility of issuing directives to employers to provide COVID-19 health insurance to remove fears of COVID-19 among workers and encourage migrant workers to return to the cities for work.
 - xiii. Encourage States to implement One Nation One Ration Card plan: The concerned Ministry may write to States encouraging them to fast track the implementation of Integrated Management of Public Distribution System (IM-PDS) Scheme. Implementation of this Scheme will ensure food security of migrant workers, especially during the time of this pandemic.
 - xiv. Maintaining database of migrant workers: The concerned Ministry must promote and pursue States to maintain migrant worker's register at the Panchayat level which will act as a data pool in case of trafficking of migrant labourers. This data will also facilitate authorities to provide migrant families with sustainable livelihood opportunities, adequate wages, social security, proper housing facilities, safe drinking water, sanitation, education, and health facilities. This is also in line with Ministry of Home Affairs' advisory issued on 6 July, 2020 (No. 24013/4/2020-ATC).
 - xv. Charter of rights of workers: A charter of the rights of the working population should be prepared to serve as guiding principle in ensuring the right to their livelihood, food, security and above all dignity of labour.



Image 11.2: Participants deliberating on the agenda items of the meeting

B. Advisory on Human Rights of Informal Workers during COVID-19

11.10 The Commission issued the Advisory titled 'Human Rights of Informal Workers during COVID-19' on 5th October, 2020 to the Ministry of Labour and Employment and all States/UTs for implementation and submission of action taken report accordingly. Details of the said Advisory can be found in Chapter 6 of this Report.

C. Half Yearly Reports on Bonded Labour

11.11 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.

11.12 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.

11.13 During the period under review, the following States/UTs viz. Arunachal Pradesh, Chattisgarh, Gujarat, Haryana, Maharashtra, Odisha, Rajasthan, Chandigarh and Dadra & Nagar Haveli and Daman & Diu have submitted the requisite information to the Commission. Half Yearly Reports from the rest of the States/UTs are awaited.



D. Research projects

D.1 Ongoing research projects

11.14 The Commission has been engaged in administering various socially impactful and relevant researches. 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 details of the ongoing research studies in the Commission:

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

1. Research study by: Dr. Sashimi Nayak, Professor, National Institute of Social Work and Social Science, Bhubaneshwar.
11. Objectives of the study:
 - To determine the pattern and prevalence of migration (both inter and intra state migration) and the percentage of those who migrate that have been bonded and/or trafficked within the last 3 years, including characteristics and causal factors for those most vulnerable to trafficking and bonded labour.
 - To understand the nature of migration and trafficking from Odisha, particularly factors/circumstances affecting safety and security of migrant workers, in migrant patterns, routes, and modes of those migrating.
 - To understand the effectiveness of the Odisha Government's current mechanisms, including laws, policies, procedures and welfare schemes, particularly how these are experienced by those most vulnerable to trafficking and bonded labour.
 - To establish a methodology that can be replicated in other States of India.
- m. Locale: Six select districts of Odisha.
- 1v. Duration of the study: 12 months from the date of the release of the first instalment by NHRC.
- v. Total Budget: The Commission has approved the Project with a total budget of Rs. 4,77,000/- (Rupees Four Lakh Seventy-seven Thousand only)

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

1. Research study by: Dr. M. Karthik, Assistant Professor, Institute of Public Enterprises, New Delhi.
11. 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.
111. Locale: The study will cover 2 districts each in two States namely, Coimbatore and Tirupur in Tamil Nadu and Surat and Ahmedabad in Gujarat
 - 1v. Duration of the study: 12 months from the date of release of the first instalment by NHRC.
 - v. Total Budget: The Commission has approved the Project with a total budget of Rs. 14,58,300/- (Rupees Fourteen Lakh Fifty-eight Thousand and Three Hundred only)

11.17 Mainstreaming Child Labourers in Schools: Issues, Challenges and Alternatives

1. Research study by Dr. Ajay Kumar Singh, Professor, Tata Institute of Social Sciences, Mumbai.
11. 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.
 - Locale: Three States namely, Bihar, Maharashtra and Telangana. One district from each state namely Gaya, Thane and Hyderabad.
111. Duration of the study: 12 months from the date of release of the first instalment.
- 1v. The Commission has approved the Project with a total budget of Rs. 12, 70,500/- (Rupees Twelve Lakh Seventy Thousand and Five Hundred only).

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

1. Research study by Dr. Shaizy, Assistant Professor, Central University of Rajasthan.
11. 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.
- m. Locale: Four districts of Rajasthan namely, Rajasthan, Jaipur, Ajmer and Jodhpur
- lv. Duration of the study: 12 months from the date of release of the first instalment by NHRC.
- v. Budget of the study: Rs. 7,26,000/- (Rupees Seven Lakh Twenty-six Thousand only)

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

1. Research study by: Dr. R. Kasilingam, Professor, Pondicherry University.
11. 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 the 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.
- m. Locale: Three States namely, Kerala, Tamil Nadu and Karnataka.
- lv. 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).



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

1. Research study by: Dr. Lekha D. Bhat, Assistant Professor, Central University of Tamil Nadu (CUTN), Tamil Nadu.
11. 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.
111. Locale: Three States namely, Kerala, Tamil Nadu and Mizoram
- 1v. Duration of the study: 12 months from the date of release of the first instalment by NHRC.
- v. Budget of the study: Rs. 11,99,000/- (Rupees Eleven Lakh Ninety-nine Thousand only).

D.2 Completed research projects

11.21 A Study on Social Security and Health Rights of Migrant Workers in India: The Commission had entrusted this research study to Kerala Development Society, Delhi. The said research study was approved by the Full Commission on 1st March 2021. The study, through its 7 objectives, aimed to examine the discriminations and impediments faced by migrant workers in accessing social security and health rights; analyze laws and policies at the Central and State level with respect to social security and health rights of inter-state migrant workers; document the enabling factors and best practices in providing social security and health rights to inter-state migrant workers; and recommend States for strengthening social security and health rights. The study used a mixed methodology to meet the above mentioned objectives. The data was collected from 2 districts each of the following four States i.e. Delhi, Gujarat, Haryana and Maharashtra.



The total sample size was 4400. Some of the major recommendations that emanated for various stakeholders are as under:

1. Creation of National Migrant Information System
11. Setting up an Inter-State Migration Council to coordinate between Central and State Government
- m. Awareness generation about schemes and facilities among interstate migrant workers.
- 1v. A 24x7 National and State level grievance redressal helpline
- v. Creation of quota for migrant workers under MGNREGA
- v1. Enhance access to the National Social Assistance Programme for migrant workers.
- v11. Fast track the implementation of 'One Nation One Ration Card'
- v111. Compulsory Registration of Migrant Workers with the labour departments in the States
- 1x. Organization of health camps for workers and encourage employers to provide comprehensive on-site health care services
- x. Ensure that workplace safety system, workplace safety training and access to appropriate safety devices
- x1. Ensure enrolment of migrant children in schools under the RTE Act, 2009.
- xn. Skill mapping and certification of migrant workers
- xm. Training institutions in host State or home State could provide skill training to the migrant workers.
- xiv. Provide remote voting rights to migrant workers for constituencies in their native States.

11.22 Vulnerability, legal protection and work conditions of Domestic Workers: The Commission had entrusted this research study to Jagannath International Management School (JIMS), New Delhi. The said research study was approved by the Full Commission on 23rd March 2021. The study through its 5 objectives aimed to examine: the working conditions of the domestic workers and to classify the type of problems/insecurities faced by them; problems from the perspective of gender parity and child protection; the factors responsible for their inability to seek protection available under the existing-law, with special reference to all 5 slums of Vasant Kunj, South West, Delhi; the lacunae in the existing system of implementation of justice with regards to the welfare and protection of domestic helps and to make actionable recommendations for the welfare of these workers at the policy and implementation levels. The study used a mixed methodology to meet the above mentioned objectives. The sample size of the study was 2000 domestic workers from twelve districts of South Delhi. Some of the major recommendations of the research study are as under:



1. Creation of a database for domestic workers and their children at the local and regional levels for their easy identification and providing benefits of social welfare schemes and enlist the support of corporate houses through their CSR funds.
11. Organizing adult education programmes for them to enhance their literacy levels.
111. Organizing skill based training to enhance their skills.
- 1v. Organizing financial and legal awareness programmes.
- v. Providing soft credit for launching low investment entrepreneurial ventures.
- vi. Create a Public Private Partnership (PPP) model to support domestic workers, where the Government may provide them training and NGOs/Private Agencies may help them in providing employment opportunities.

E. Publications undertaken

11.23 NHRC-MARG Booklets: 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. 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). One such booklet is 'The Bonded Labour System (Abolition) Act, 1976 and The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013' which has been finalized and under publication.

11.24 Updation of 2011 booklet 'Know Your Rights: Child Labour': The Commission had published 'Know Your Rights', a series of booklets, with an intent to facilitate understanding of the basic human rights and the international and national machinery available to help realize those rights. 'Know Your Rights: Child Labour' was one of the booklets of the series published in 2011. During the period under review, the Commission decided to update the booklet with latest developments and is currently under consideration of the Commission.

F. Field visits by Special Rapporteur and Special Monitor of the Commission

11.25 Dr. Vinod Aggarwal, Special Rapporteur, NHRC, visited Bharatpur, Dausa and Jaipur districts in the State of Rajasthan from 17th to 20th March, 2020 to study the implementation of MGNREGA. He has submitted a general report regarding the implementation 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 and linking them to Aadhaar, since the district has a high population; increasing the number of families receiving 100 days of full employment, increasing minimum wage distribution to attract a larger population to work under the MGNREGA scheme and reducing the pendency of schemes. The Special Rapporteur suggested that regular audits may be conducted in the district to evaluate the schemes. Geo- tagging of the projects was also emphasized.



- 11.26** Dr. Vinod Aggarwal, Special Rapporteur, NHRC, visited Baloda Bazar district of Chhattisgarh on 26th September, 2019 to study the implementation of MGNREGA. He has submitted a general report regarding the implementation 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 and linking them to Aadhaar, since the district has a high population; increasing the number of families receiving 100 days of full employment, increasing minimum wage distribution to attract a larger population to work under the MGNREGA scheme and reducing the pendency of schemes. The Special Rapporteur recommended the district authorities were to review the administrative and natural resource management expenditures and the delayed payment of wages and suggested that regular audits may be conducted in the district to evaluate the schemes. Geo-tagging of the projects was also emphasized.
- 11.27** Dr. Vinod Aggarwal, Special Rapporteur, NHRC, visited Ahmedabad and Vadodara districts of Gujarat from 23rd to 25th October, 2019 to study the implementation of MGNREGA. He has submitted a general report regarding the implementation 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 and linking them to Aadhaar, since the district has a high population; increasing the number of families receiving 100 days of full employment, increasing minimum wage distribution to attract a larger population to work under the MGNREGA scheme and reducing the pendency of schemes. The Special Rapporteur suggested the concerned authorities to ensure timely payment of wages to the workers and to review the administrative and natural resource management expenditures.
- 11.28** Special Rapporteur Dr. Vinod Aggarwal, visited the States of Madhya Pradesh, Odisha and Rajasthan to review the implementation of MGNREGA schemes amid the pandemic. He developed a proforma to review the preparation made by States in the wake of exodus of migrants after the outbreak of pandemic. Following are the details of his visit:
1. Madhya Pradesh from 21st July 2020 to 26th July 2020
 11. Odisha from 24th August 2020 to 28th August 2020
 - m. Rajasthan from 22nd September 2020 to 27th September 2020

G. Intervention before the Supreme Court in the matter relating to the sufferings and plight of migrant labourers

- 11.29** The Supreme Court of India had taken *suo-motu* Writ Petition (Civil) No. 6 of 2020 regarding problems and miseries of migrant labourers. The Commission filed an intervention application No 51637 of 2020 requesting for short term and long term measures for consideration of the issues involved. The Intervention was allowed. The Commission has emphasized upon compulsory registration of all workers, immediate relief in the form of food, shelter, transportation medical care and cash relief to the workers, besides examination of the existing laws from the point of view of social security provisions and their implementation, medical care, insurance, pension etc.



H. Illustrative cases in the year 2020-21

a) Bonded labour

1. Mamana Chouhan, a minor girl held as a bonded labourer at a brick kiln near Hyderabad, in Telangana

(Case No. 639/36/2/2020-BL)

1. The Commission received a complaint from Activist Dilip Kumar Das alleging that the victim, Mamana Chouhan, a minor girl, was held as a bonded labourer at a brick kiln near Hyderabad. After the victim's mother had fallen ill and taken advance from the brick kiln owner to go to her native place, the brick kiln owner kept the minor girl in bondage.
11. In response to the Commission's directions, a report was received from the Assistant Labour Commissioner, Rangareddy, Hyderabad. It was reported that the Assistant Labour Officer and the Liaison Officer visited the brick kiln on 07.08.2020. The brick kiln was closed. The statement of the employer was taken. He stated that Anandi Chouhan and her daughter Sagarika Panigrahi, aged 19 years, had come to the brick kiln in December 2019. There was no person named Mamana Chouhan as mentioned in the complaint. Anandi Chouhan went to Odisha in February 2020 after borrowing Rs. 32,000/- (Rupees thirty thousand only) from the employer for treatment. She passed away on 04.05.2020. Her daughter could not go because of the lockdown. After issue of movement pass, she went to Odisha on 29.05.2020. She was paid Rs. 2,000/- (Rupees two thousand only) as return journey allowance as per the provisions of Inter-State Migrant Workers Act.
111. The Commission further observed and directed as under:

"The Commission has considered the report. The complainant has alleged that after the victim's mother fell ill and took advance from the brick kiln owner to go to her native place, the brick kiln owner kept the minor girl as bondage. The report does not state as to why the 19 year old daughter of Anandi Chauhan did not accompany her back to Odisha knowing the fact that she was unwell. The Commission finds it difficult to believe that a daughter would leave her sick mother alone and stay back at the brick kiln. The authorities have also not taken the statement of the victim girl, who perhaps is in Odisha, to ascertain whether the statement of the employer is correct or not. Therefore, the District Magistrate, Hyderabad and the District Magistrate, Nabarangpur, Odisha are directed to enquire into the matter afresh and submit a detailed report to the Commission within six weeks."
- 1v. In response, a report dated 04.02.2021 was received from the Collector & District Magistrate, Narbangpur, Odisha. It is reported that the statement of the alleged victim Sagarika Panigrahi was recorded.
- v. The Commission considered the materials on record and observed that it was evident from the report that Sagarika Panigrahi could not return to her village despite the death of her mother as her employer did not allow her movement. She had been forced to work till

settlement of advance received by them. She returned only with the help of the Local Public Representatives, District Administration and State Labour machinery in the month of June 2020. The victim Sagarika Panigrahi, therefore, appeared to have been forced to do the work till the settlement of the advance amount. The Collector & District Magistrate, Hyderabad District, therefore, was directed to take immediate action in the matter as per the Bonded Labour System(Abolition) Act, 1976 and issue the Release Certificate to the victim Sagarika Panigrahi. It was also directed that District Magistrate, Nabarangpur, Odisha, in coordination with the Collector & District Magistrate, Hyderabad should ensure rehabilitation of the victim in terms of the Central Sector Scheme for Rehabilitation of Bonded Labourer- 2016 and shall also ensure that the victim is provided necessary assistance by the District Administration for her rehabilitation and the benefits of the social welfare scheme be extended to her, as per eligibility.

- v1. Directions were also given to the Chief Secretary, Government of Telangana to get enquired as to why the Assistant Commissioner of Labour, Rangareddy at Hyderabad did not associate the complainant before sending the report dated 24.08.2020 to the Commission because the version of the District Administration, Nabarangpur, Odisha and the statement of the victim, as received from the Collector & District Magistrate, Nabarangpur, Odisha, was entirely different from the submission in the report.
- vu. With the above directions, the Commission closed the case.

2. Gulfasa and her associates forced to work as bonded labour by the owner of a brick kiln Mis DBF Brick kiln, at village Chiroudi, Loni, District Ghaziabad, Uttar Pradesh

(Case No.31638/24/31/2019-BL)

- 1. Complainant Mrs. Sama village Garhi Daulatpur, Kairana, District Shamli, UP informed the Commission vide complaint dated 11.11.2019 that a victim, Gulfasa, and her associates were engaged by the owner of a brick kiln M/s DBF Brick kiln, at village Chiroudi, Loni, District Ghaziabad, Uttar Pradesh for preparing of bricks at his brick kiln. Initially, he paid her Rs. 16,000/- (Rupees sixteen thousand only) as an advance with an agreed wage rate of Rs.510/- per thousand bricks. Besides, the owner had promised them to provide all other facilities including, medical and educational facilities for their children. Accordingly, they started work there. After some time, she found that no such facilities were there. Despite that, the labourers worked very hard and earned Rs. 54,000/- (Rupees fifty four thousand only) as their wages. When they asked the owner to pay them their wages, the owner started misbehaving, subjected them to wrongful confinement and forced them to work. Therefore, the complainant had sought the intervention of the Commission for necessary action for their rescue and recovery of their unpaid wages of Rs. 38,000/- (Rupees thirty eight thousand only) and their rehabilitation.
- 11. In response to notice, a report dated 27.01.2020 has been received from the District Magistrate (DM) (1/c), Ghaziabad along with a report dated 14.01.2020. The report stated that, during an enquiry it was found that the complainant, her associates and their family



members were absent at the brick kiln. However, the owner of the unit, in his statement, stated that the complainant and her family had come to the brick kiln and worked there from 23.10.2019 to 11.11.2019 and during that period the labourers did not do any work and they returned to their village. However, the enquiry officer stated that the owner had not maintained the required statutory records.

111. The Commission carefully considered the facts and circumstances of the case and took note of the contents of the report furnished by the DM, Ghaziabad. At the outset, it may be indicated that the enquiry report was solely based on the statements of the owner himself, against whom the allegations were made. No documentary evidence could be verified by the enquiry officer to ascertain the truth about the statements by the owner. Admittedly, the owner of the unit failed to maintain the required statutory records. Hence, an adverse inference was to be drawn against the owner and the release certificates were to be issued in favour of the complainant and her associates, who had gone to the brick kiln for the work. The DM, Ghaziabad was directed to take further action in the matter in accordance with law. With this direction, the case was closed.

3. Rehabilitation of 25 bonded labourers by the DM Sambhal, Uttar Pradesh (9 labourers) and DM Badaun (16 labourers).

(Case No. 12603/24/31/2015-BL)

1. This case was regarding rehabilitation of 25 bonded labourers by the DMs of Sambhal (9) and Badaun (16). The victims were issued release certificates by the DM, Ghaziabad on 06.03.2017. But, due to inaction of the concerned DMs, the Commission vide proceedings dated 15.11.2019 issued Conditional Summons to the concerned DMs through the Chief Secretary, Government of Uttar Pradesh, with a direction to ensure submission of the required compliance. In response to the same, replies were received from the concerned DMs who intimated that the DM, Ghaziabad had earlier issued the released certificates, in the old format that was not in accordance with the provisions of the New Central Scheme for the rehabilitation of the bonded labourers. Therefore, the process of rehabilitation of the released labourers could not proceed as expected. A report dated 03.01.2020 was also received from the DM, Ghaziabad, wherein it was intimated that, the summary trial of the released labourers by the Sub-Divisional Magistrate (SDM), Sadar, Ghaziabad, was in progress and necessary steps were being taken to conclude the same. The DMs of Sambhal and Badaun were to be intimated about the status of the same.
11. Vide proceedings dated 22.05.2020, the Commission carefully considered the facts and circumstances of the case and took note of the contents of the reports of the DM Ghaziabad. At the outset, it may be indicated that the released labourers were issued the release certificates on 06.03.2017. Even after three years of issuance of the release certificates, the labourers awaited rehabilitation. The delay caused in the process defeats the very purpose of rehabilitation. The apparent negligence and inaction of the concerned public servant was not appreciated and viewed seriously by the Commission. In these circumstances, the Labour Commissioner, Government of Uttar Pradesh was directed to expedite and ensure



rehabilitation of the poor released bonded labourers within eight weeks positively. With this direction, the case was closed by the Commission.

4. Eight labourers including two female children died due to collapse of the construction site of basement in a building at Bharatpur, Rajasthan due to negligence on the part of the contractor who failed to take adequate safety measures

(Case No. 175/20/5/2014)

1. The Commission had received a complaint from Shri R.H. Bansal dated 31.01.2014 stating that during construction of a basement in a building at Bharatpur, Rajasthan on 25.07.2013, 8 labourers including two female children died due to collapse of the construction site. The complainant alleged that the accident happened due to negligence on the part of the contractor who failed to take adequate safety measures.
11. In this case, pursuant to the directions of the Commission, Investigation Division of the Commission, after conducting a detailed enquiry, had submitted a report in which the **NHRC** team observed that despite intervention and specific directions of the Commission for filing case under the Workmen's Compensation Act, 1923, the authorities of Government of Rajasthan as well as the Government of Madhya Pradesh have attempted to suppress the matter, and the authorities swung into action after deputation of the team by the Commission, and filed six claim cases No. COC-B-08/19 WCF to COC-B-13/19WCF under Workmen's Compensation Act, 1923 at Labour Court, Sagar, Madhya Pradesh on 21.02.2019.
- m. Therefore, the Commission directed to issue notice u/s 18 of the PHR Act, 1993 to the Chief Secretary, Government of Rajasthan, Jaipur to show cause as to why adequate interim relief was not to be recommended to be paid to the next of kin of the 8 deceased persons and to the three seriously injured persons for violation of their human rights due to inordinate delay on the part of the concerned public servants in providing compensation under Workmen's Compensation Act, 1923. In addition, the DM, Damoh, and the DM, Sagar, Madhya Pradesh were asked to process monetary relief of Rs. one lakh from the Chief Minister Relief Fund to Shri Kailash, next of kin of the deceased Smt. Parvathi and to Sh. Sunder, next of kin of the deceased Smt. Bonthi. The Principal Secretary, Department of Labour, Government of Madhya Pradesh, Bhopal was asked to ensure legitimate compensation under Workmen's Compensation Act, 1923 to the next of kin of the six deceased labourers and to the remaining three labourers who have received grievous injuries during their course of employment on 25.07.2013 in Bharatpur, Rajasthan. The Principal Secretary, Department of Labour, Government of Madhya Pradesh as well as Government of Rajasthan were asked to initiate disciplinary proceedings against the negligent officials of the labour department of Madhya Pradesh, who were responsible for not filing a case under the payment of compensation under Workmen's Compensation Act, 1923.
- 1v. After considering the reply of the concerned authorities, the Commission recommended the Government of Rajasthan to grant an interim relief of Rs. 1,00,000/- (Rupees one lakh only) to each of the next of kin of the six deceased persons and Rs. 25,000/- (Rupees



twenty five thousand only) to the next of kin of two deceased minor children and Rs. 25,000/- (Rupees twenty five thousand only) to the three seriously injured persons, and to submit a compliance report along with proof of payment to the Commission, within 8 weeks.

- v. In response, the District Magistrate, Damoh vide communication dated 23.11.2020 submitted that Bhartatpur administration granted Rs. 50,000/- (Rupees fifty thousand only) to all victims and Rs. 1,00,000/- (Rupees one lakh only) has been granted to all victims labourers except Kamlesh Rekwar. It was submitted that sanction has been granted in favour of Kamlesh Rekwar and proof of payment will be submitted as and when received. The Additional District Magistrate, City, Bharatput vide communication dated 10.12.2020 submitted that total Rs. 7,25,000/- (Rupees seven and lakh twenty five thousand only) was transferred to the beneficiaries on their accounts.
- v1. The Commission closed the case with direction to the District Magistrate, Damoh, Madhya Pradesh to make payment of Rs. 1,00,000/- (Rupees one lakh only) to the remaining beneficiary, Shri Kamlesh Rekwar, within four weeks.

b) Hazardous employment

5. 637 persons suffered from silicosis, in 24-Parganas District of West Bengal, due to lack of health and safety measures applicable to the mines and other establishments, in mines and stone quarries where they were employed

(Case No.1131/25/25/2019)

1. Shri Barnab Chakraborty of South 24-Parganas District, West Bengal made a complaint dated 22.6.2019 to the Commission wherein he highlighted the plight of 637 persons in 24-Parganas District who were suffering from silicosis, out of which 47 had already died. The complainant, later on, on the directions of the Commission, vide his letter dated 20.08.2019 submitted the medical reports of 231 people who were medically examined mostly by doctors of Government Hospitals and Medical Colleges. He also submitted that more than 70 persons were diagnosed to have silicosis related complications (silicosis, silico-tuberculosis, pneumoconiosis, fibrosis, opacities in the lung field, Koch's lesion). A statement mentioning that although 39 labourers had died of silicosis related complications, families of only ten of them were given a compensation of Rs. 4,00,000/- (Rupees four lakh only) each, was also submitted for consideration.
11. The Commission while considering the matter, in its proceedings dated 17.2.2020 observed that the labourers working **in** mines and stone quarries were exposed to dust and they were vulnerable to silicosis. As a welfare State, it was their responsibility to protect the life of its citizens. Right to life and right to health as enshrined into the provisions of Article 21 of the Constitution of India. The enforcement agencies of the Governments had miserably failed **in** enforcing the health and safety measures applicable to the mines and other establishments, as a result of which the people were suffering from diseases like Silicosis. Therefore, a



notice u/s 18 of the Protection of Human Rights Act, 1993 was issued to the Government of West Bengal, through its Chief Secretary, to show cause within six weeks as to why a sum of Rs. 4,00,000/- (Rupees four lakh only) each as monetary compensation should not be recommended by the Commission to be paid to the next of kin of deceased persons and Rs. 2,00,000/- (Rupees two lakhs only) each to the persons, who fall ill due to Silicosis.

- m. Pursuant to the aforesaid show cause notice, the Additional Secretary, Home & **Hill** Affairs Department, Government of West Bengal on two occasions, vide letter dated 28.7.2020 and 29.9.2020 requested the Commission to extend the time limit to submit its response. However, the response to the show cause notice was not received.
- lv. **In** view of the above, vide proceedings dated 15.02.2021 the show cause notice was made absolute and recommendation(s) was made by the Commission to the State of West Bengal, through its Chief Secretary, to make payment of Rs. 3,00,00/- (Rupees three lakh only) to the next of kin of each of the twenty nine deceased and Rs. 1,00,000/- (Rupees one lakh only) to each surviving silicosis patients. The compliance report along with proof of payment is awaited.

6. Three minors among 7 persons died in a candle factory fire in Ghaziabad district of Uttar Pradesh

(Case No.11575/24/31/2020)

- 1. The Commission came across a news item published in the "Indian Express" on 06.07.2020, stating that 3 minors among 7 persons died **in** a candle factory fire **in** Ghaziabad district of Uttar Pradesh, on 05.07.2020.
- 11. As mentioned in the news report, the factory was operating illegally without adequate paperwork, at an under construction house. It was stated that by the time police, fire officials and the local residents rescued the persons trapped in the building, 7 people were charred to death. The injured were admitted to the Subharti Medical College at Meerut.
- m. The SP (Rural), Ghaziabad informed that the FIR was reportedly registered against the factory owner and it was stated that the guilty will be arrested soon. The eyewitnesses reportedly stated that there were approximately 40 people working in the small building and there was a loud explosion followed by screams when the local people rushed to the spot. It was also stated by the local residents that the police team had once come to raid the particular place but they were perhaps paid off by the factory owner. A police officer posted in Modi Nagar Police Station was placed under suspension as mentioned in the news report. Some workers at the factory could escape by breaking a wall of the factory, who were working **in** the other part of the building.
- lv. The Commission examined the contents of the news report and observed that once a police team had conducted a raid at the alleged illegal factory but no action was taken by them. The factory was operational for a period of one and a half years hence, it was difficult to believe that the local authorities were not aware of the said illegal unit under their jurisdiction. The incident indicated the sheer negligent attitude of the civil as well as police authorities



due to which several people lost their lives and many were seriously injured. This was a case of blatant violation of human rights.

- v. The Commission, took suo-motu cognizance of the matter on 06.07.2020 and directed issuance of notice to the Chief Secretary and the Director General of Police (DGP), Uttar Pradesh calling for a detailed report in the matter including the action taken against the factory owner and the delinquent officers/officials, status of the medical treatment provided to the injured and relief/rehabilitation provided to the aggrieved, by the State.
- v1. Pursuant to the direction of the Commission, the Superintendent of Police, (Human Rights), Office of the DGP, Lucknow, vide letter 16.10.2020 submitted that after inquiry done by the SP (Rural), Ghaziabad, departmental proceedings were initiated against the responsible officials. Also, the District Magistrate, Ghaziabad, had endorsed a letter dated 01.03.2021, addressed to the Special Secretary, Office of Chief Minister, Uttar Pradesh, to the Commission, wherein, it was mentioned that as per the announcement by the State Government Rs. 4,00,000/- (Rupees four lakh only) to next of kin of each 9 deceased out of 10 was given. While, Rs. 4,00,000/- (Rupees four lakh only) to the remaining next of kin of one deceased and Rs. 50,000/- (Rupees fifty thousand each) to each of 12 injured was pending due to lack of funds.
- v11. The matter is under consideration of the Commission.

7. **Fifty seven past workers of quartz crushing units, workers suffered from silicosis and Silico Tuberculosis (Silicosis death)**

(Case No.260/6/18/2011)

- 1. The Commission received a complaint dated 14.03.2011 from Shri Jagdish Patel, Peoples Training & Research Centre, Vadodara, Gujarat, stating that a study carried out by National Institute of Occupational Health (**NIOH**), Ahmedabad, found that out of 134 past workers of quartz crushing units, 57 workers were suffering from silicosis and Silico Tuberculosis (TB). The complainant urged the Commission to order **NIOH** to provide the list of 57 workers whom they found suffering from silicosis or Silico TB to enable it to take necessary action **in** the matter.
- 11. The Commission took cognizance and directed Director, National Institute of Occupational Health, Ahmedabad to submit details of the study as well as list of persons who were found suffering from silicosis/silico TB.
- 111. The comments of the complainant on the above report received from the Director NIOH, Ahmedabad were called for. The complainant vide email dated 28.11.2011 informed that out of 57 workers, 22 had died and 02 were found to be sick. However, in the case of 23, they are alright and 10 workers could not be traced. He requested the Commission to issue necessary directions to the authorities concerned to provide appropriate monetary compensation to the families of the deceased persons and free medical treatment and rehabilitation to all the workers who were suffering from silicosis and silico TB.



- 1v. Pursuant to the directions of the Commission, Additional District Magistrate, Vadodara vide communication dated 28.6.2012 submitted that the State Government has neither provided any medical treatment to the affected workers nor compensation or rehabilitation package given to the next of kin of the deceased, who died of silicosis and silico TB. Thereafter, on receipt of the details of the victims along with their medical and employment record from the complainant, the Commission vide proceedings dated 17.7.2014 directed issuance of a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Chief Secretary, Government of Gujarat to show cause as to why it should not recommend interim relief to the next of kin of the deceased.
- v. In response to the show cause notice, Deputy Secretary, Labour & Employment Department, Government of Gujarat vide letters dated 6.3.2019 and 13.2.2020 submitted that out of the 31 deceased workers, compensation to the tune of Rs. 4,00,000/- (Rupees four lakh only) (Rupees two lakhs as account payee and Rupees two lakh as Fixed Deposit) has been paid to each of the next of kin of the 29 deceased. However, in the remaining two cases, the compensation amount could not be disbursed due to legal heir issues.
- v1. The Commission vide its proceedings dated 23.12.2020 observed that since the State Government has disbursed appropriate monetary compensation to the next of kin of 29 deceased workers, it should disburse the compensation to the remaining two cases as and when the legal heir issues are resolved. With this direction, the case was closed.

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

- 12.1** 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. As a result of the social disadvantage, people from these categories are often found to be victims of bonded labour, trafficking and manual scavenging.
- 12.2** The National Human Rights Commission (NHRC) of India considers the systematic exclusion of certain communities a grave violation of human rights. It is 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 2020-21.

A. Rights of Scheduled Castes, Scheduled Tribes, Other Backward Class, and Other Minorities

- 12.3** 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. The Commission 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 and Backward Classes.
- 12.4** The Investigation Division of the Commission has been entrusted with the responsibility to carry out investigation 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.
- 12.5** The Commission also takes suo motu cognizance of cases of human rights violation 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. Issues of Manual Scavenging

12.6 The 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 or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression "manual scavenging" shall be construed accordingly".

12.7 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:

1. PCR Act (1955) made it an offense to compel any person to practice manual scavenging.
11. 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.

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.

12.8 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..

12.9 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 need 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.

12.10 The Commission has organized conferences and several meetings with the representatives of the Central and State Governments and other stakeholders to deliberate on the issues of manual scavenging. The recommendations that emerged in the meetings were sent to the concerned Ministries and States for compliance.

C. Regional Workshop on Issues and Challenges of Manual Scavenging and Human Rights



Image 12.1: The regional workshop on 'Issues and challenges of manual scavenging and human rights' in progress

12.11 NHRC organised a Regional Conference in Southern States on Issues and Challenges of Manual Scavenging and Human Rights on 18th December, 2020 under the Chairmanship of Justice Shri P.C. Pant, Hon'ble Member of NHRC. The objectives of the Regional Workshop were to deliberate on the following issues:

1. Identification of gaps/constraints in the implementation of the Manual Scavenging and Rehabilitation Act.
11. Identification of the challenges faced by the manual scavengers
- m. Role of the civil society and technology in eradicating the menace of manual scavenging



Image 12.2: One of the panellist of the regional workshop presenting technological innovation on mechanized way of sewer cleaning

12.12 The recommendations that emanated from the Regional workshop are as follows:

1. Categorize Manual Scavenging.
11. Broaden the definition of Manual Scavenging.
- m. Think about formulating a new Act for Hazardous Cleaning or include some provision in the already existing Act.
- 1v. Define what comes under the term 'protective gear' and make it mandatory while using equipment like sucking and jetting machines.
- v. Accountability must be fixed in the cases of wrong reporting about the number of Manual Scavengers in any region.
- vi. Ensure to remove the role of a middle man by making provisions like DBT or by collaborating with NGOs.
- vu. Rehabilitation process may be linked to schemes under which they can immediately start earning like MGNREGA.



- vn1. The amount of compensation paid as one time cash assistance for their rehabilitation may be enhanced to 1 Lakh. Nodal authority/ department that will bear the expense of such compensation may also be clearly specified.
- ix. Strict Action against local authorities who employ people to work as manual scavengers.
- x. An App and a toll-free number for registration of complaints.
- x1. A penal section may be put in Law to prevent the discrimination and harassment faced by the children of the Manual Scavengers and women Manual Scavengers
- xn. Officers in the Supervisory level or In charge of the area should submit a declaration to the respective civic body to the effect that the required safety gears are being provided before any person enters the sewer/septic tank.
- xm. Monitoring Mechanism and a vigilance committee with a proper SOP must be established, under Section 24 of the PEMSRA, 2013. Ensuring participation from civil society/ community participation in the vigilance committee formed under section 24 of PEMSRA, 2013.
- xiv. While many Manual Scavengers have been rehabilitated, it is also important to revisit to see how they and their families are doing.
- xv. Safai Karamchari Association may be involved while conducting surveys for identification purposes.
- xvi. Special emphasis must be given to colonies where Manual Scavengers tend to live.
- xvii. Local bodies must ensure proper disposal of plastic to avoid clogging.
- xviii. The National Safai Karamcharis Finance and Development Corporation (NSKFDC) may promulgate/undertake training programs. The training expenditure and payment of stipend to the trainees to be borne by NSKFDC.
- xix. There is a need of Women centric rehabilitation programs
- xx. NSKFDC may provide financial assistance to help start up working in the domain of sanitation and companies, in turn, be asked to provide training to Manual Scavengers on how to operate those technologies.
- xx1. Need to have police investigation officers with special training under SC/ST Atrocities Act, 1989, PEMSRA Act, 2013 and Supreme Court 2014 judgement.
- xxii. The National Crime Research Bureau (NCRB) to monitor the sewer deaths and data reflected in its report.
- xxiii. The Ministry of Finance of Government of India may designate a particular Nationalised Bank for each State to take-up the responsibility of extending loans to the Manual Scavengers and their dependents up to Rs.10 lakhs to take up business activity.



- xxiv. Either individual or group insurances must be provided to Manual Scavengers and the premium shall be paid by the concerned Local Bodies.
- xxv. NHRC is required to continuously monitor the practice of manual scavenging by conducting review meetings at least once in six months.
- xxvi. A Special Rapporteur can be deputed to check the presence of Manual Scavenging in any region.

D. Research projects

D.1 Ongoing research projects

12.13 Status of the Manual Scavenging and Sewerage Water Workers in the Hyderabad Karnataka Region - Policy and Practice

1. 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/-.
11. 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.

D.2 Newly sanctioned research project

12.14 Forest Rights Act, 2006 -Assessment of Ground Reality

1. Research study by: Dr. Gadadhara Mohapatra, Senior Assistant Professor, Indian Institute of Public Administration, New Delhi



11. Objectives of the study:

- To assess the impact of the Recognition of Forest Rights (RoFR) Act, 2006 on the Scheduled Tribes and other traditional forest dwellers in the study area.
 - To assess the gender perspectives of social and economic empowerment in the context of Forest Right Act, 2006.
 - To ascertain the measurable outcomes of the act (livelihood/economic impacts of the FRA on the community w.r.t. tribal women)
 - To explore the success stories on implementation of RoFR Act, 2006
111. Duration of the study: 12 months from the date of the release of the first instalment by NHRC.
- 1v. The Commission has approved the Project with a total budget of Rs.10, 56, 000/- (Rupees Ten Lakh Fifty- Six Thousand only).

E. Illustrative cases in the year 2020-21

1. Enquiry into case of Delhi riots in 2020 (Investigation Division)

(Case No. 1085/30/5/2020)

A *suo-motu* cognizance was taken by the Commission on the incident of widespread riots in North-East district of Delhi and a spot enquiry was ordered immediately to ascertain whether the role of police was fair, impartial and judicious in dealing with the situation irrespective of the religion of the people of that area. After conducting the spot enquiry by the Investigation Division, the Commission accepted the report and recommended compensation and rehabilitation of victims of the riots (both dead and injured). It further directed the Commissioner of Delhi Police to carry out the investigation of the criminal cases expeditiously and, on merits, proposed to carry out the special drive to trace and seize illegal weapons proliferating in the North-East part of Delhi. The other recommendations included strengthening of the intelligence gathering and professional handling of the law and order situation by Delhi Police and Paramilitary Forces and restrictions on social media to prevent such incidents in future.

2. Case of illegal manual scavenging in Varanasi, Uttar Pradesh (Investigation Division)

(Case No. 47213/24/72/2015)

The Commission received a complaint from Varanasi district of Uttar Pradesh regarding manual scavenging in sewers without safety gadgets and proper equipment, thereby causing serious health problems and exploitation by the Water Corporation of Varanasi. Accordingly, a spot visit was carried out by the Investigating team of NHRC during which it was found that Water Corporation of Varanasi was engaging contractors who in-turn were engaging poor, illiterate workers in hazardous sewer cleaning without use of safety equipment. The claim of the Water Corporation regarding a fully mechanized way of sewer cleaning was not true. The contractual



labourers were made to get down in the sewer without safety gadgets and forced to work beyond normal working hours and with poor wages which was clearly a violation of Manual Scavengers and Rehabilitation Act as well as Labour Laws. Accordingly, the Commission made recommendations to the Chief Secretary, Government of Uttar Pradesh to submit the status of implementation of Manual Scavengers and Rehabilitation Act, 2013 in the district of Varanasi along with necessary evidence and documents.

3. Gang rape of a woman belonging to SC at Police Station Sameja, Bikaner, Rajasthan

(Case No. 2514/20/26/2015-WC)

1. One human rights defender namely P.L. Mimroth has brought to the notice of the Commission that a dalit woman who was gang raped, got pregnant and, subsequently died during delivery but police did not take any action.
11. In response to the notice, the Inspector General of Police, Bikaner Range, Rajasthan reported that FIR No. 51/2015 Police Station Sameja u/s 376G, 323 IPC & Section 3(i) (xii), 3(2)(v) SC/ST Act dated 23.03.2015 was registered in the matter. On completion of investigation, charge sheets were filed against the two accused. Investigating officer filed a closure report against the third accused.
- m. Further, Additional District Magistrate (ADM), Sriganganagar reported that as per SC/ST Act Rs. 1,80,000/- (Rupees one lakh eighty thousand only) was to be paid to the family of the deceased in two instalments, one on filing of charge-sheet and second after conviction of accused. Accordingly, an amount of Rs. 90,000/- (Rupees ninety thousand only) was paid to the parents of the deceased after filing the charge- sheet. Two accused were convicted by the court u/s 342/376(d) IPC, not u/s 3(i)(xii), 3(2)(V) SC/ST Act, therefore now it was not possible to pay other financial assistance as per SC/ST Act. A report of Superintendent of Police (SP), Sriganganagar was also received which revealed that after investigation by CID/CB in the matter, the charges against the third accused were also found u/s 342,323,376(2)(h)(n), 376(d) IPC and 3(1)(xii), 3(2)(5) SC/ST Act were found true. Financial help would be provided to the family of the deceased by the State Government as per rules after filing a charge-sheet in the Court against third accused Chet Ram. The accused Chet Ram filed CRLMP 3976/2018 in Hon'ble High Court Jodhpur which is subjudice.
- 1v. SP, CID (Human Rights), Rajasthan, Jaipur also submitted his report dated 20.12.2019 that department has imposed penalty of censure on the Investigating Officer (IO) of this case, Atar Singh Punia under Rule 17 Rajasthan Civil Services (Classification, Control and Appeal) Rules for his irregularities. Chargesheet has been issued against another 1.0, Onad Singh under rule 17 CCA. The Crime Branch did not propose departmental action against third IO Rampratap and due to his retirement no disciplinary action was taken against him. Action is not possible against retired IPS, the then SP, Sriganganagar as per Rule 6 of All India Service (Death-Cum-Retirement Benefits) Rules, 1958 because no departmental action can be instituted for such an incident which is 4 years prior to such institution.



- v. The Commission vide its proceedings issued notice u/s 18 of PHR Act, 1993 to Chief Secretary, Government of Rajasthan to show cause as to why Commission should not recommend payment of compensation of Rs. 2,00,000/- (Rupees two lakh only) as interim relief to the next-of-kin of the deceased. Further the SP, Sriganganagar, Rajasthan is also directed to submit the status report of the case within six weeks.
- v1. In response to the further directions of the Commission, a report dated 06.08.2020 has been submitted by the Additional Secretary, Government of Rajasthan along with a report dated 06.03.20 by the Joint Secretary. It is reported that after the trial, the accused were punished for offence under Section 342 and 376 D with a rigorous imprisonment of twenty years and with a fine of Rs. 20,000/- (Rupees twenty thousand only). The report also revealed that, by its judgment, the Court recorded its finding that further compensation to the family is not justified. It was also reported that even though the family has already been compensated and paid with 50 % of the approved amount of Rs. 1,80,000/- (Rupees one lakh eighty thousand only) under SC/ST Act, 1989, they are not eligible for the remaining balance amount. The report further concluded that it was not appropriate to give further financial assistance to the family of the victim in view of the judgment made by the Hon'ble Court. Report dated 20.08.2020 has also been placed on record by the Superintendent of Police, Sriganganagar wherein it was reiterated the similar facts reported earlier.
- v11. The Commission carefully considered and perused the reports placed. The in-depth probe which was already conducted in the matter by the Inspector General of Police, Crime, Rajasthan has clearly brought out the acts of commissions/omissions on the part of District Magistrate, Sriganganagar, Superintendent of Police, Sriganganagar and 3 Deputy SPs who were investigating officers in this case. The allegations of inaction on the part of the police and the District Administration therefore, have been found true. Departmental proceedings have been initiated against the indicted police officers who did not act in accordance with the law. The officers of Police and District Administration, as indicted, had failed in ensuring justice to the victim and her family. This resulted in violation of human rights of the deceased gang rape victim and her family. Further, the reports on record revealed that the accused was also convicted. Therefore, in the report dated 06.08.2020, there were no cogent reasons to discard the findings of this Commission on its proceedings dated 10.04.2019. Facts and documents on records spoke for itself. In view of the above, reply to show cause is rejected. In view of the above facts and circumstances, the Chief Secretary, Government of Rajasthan was directed to grant a compensation of Rs. 2,00,000/- (Rupees two lakh only) to the victim and furnish the proof of payment. However, a compliance report is still awaited.

4. Forty-five students of a residential school in Keonjhar district of Odisha, who belonged to SC, subjected to sexual abuse by the Headmaster and cook of the school

(Case No. 4550/18/7/2017-WC)

1. Dr. Subash Mohapatra, a human rights activist, complained to the Commission that 45 students belonging to SC and ST communities were sexually abused in the school for



months by Headmaster and Cook in a residential primary school in Keonjhar District of Odisha. It was further alleged that the perpetrators used to watch the minor tribal girl students taking baths. They used to sexually abuse the children in groups.

11. Taking cognizance in the matter, the Commission called for the action taken report from the concerned authorities. In response, the Joint Secretary to the Government of Odisha, School and Mass Education, reported that the matter was inquired into by different officials i.e. District Education Officer, Keonjhar, Superintendent of Police, Keonjhar, and Child Welfare Committee, Keonjhar. On the basis of the findings the Cook-cum-Attendant and the lady Shikshya Sahayak (SS) of the school were disengaged from their services, the CRCC was placed under suspension, the 1/C Headmaster of the school was dismissed from the service.
- m. On perusal of the report, the Commission observed that since, the girl and boy students belonging to SC and ST community were subjected to sexual torture in the school for months together by the Headmaster and Cook, the human rights of the students were violated and they are liable to be compensated for the violation of their human rights. The State was vicariously liable for the action and inaction of its employees. The Commission recommended monetary compensation of Rs.2,00,000/- (Rupees two lakh only) to each student victim for violation of their human rights. Further, a report was received in the Commission from the SP, Keonjhar which revealed that the chargesheet had been submitted in the Court against the accused Headmaster and Cook of the School and a compensation of Rs. 2,00,000/- (Rupees two lakh only) each had been paid to the nine students victims by way of depositing the amount in their bank accounts.
- 1v. In view of the compliance of the Commission's recommendation in the matter by the State, the case was closed.

5. N. Jaya Kumar aged 41 years, an auto driver, belonging to Scheduled Caste, brutally beaten up by the police of Police Station Woraiyur, Trichy, Tamil Nadu

(Case No. 1767/22/36/2019)

1. A complaint alleging that one N. Jaya Kumar aged 41 years, an auto driver, belonging to Scheduled Caste, brutally beaten up by the police of PS Woraiyur, Trichy of Tamil Nadu was taken up by the Commission, in the Open Hearing at Chennai on 12.9.2019 in the presence of Shri K. K. Senthil Kumar, DSP, Musiri Sub Division, Trichy District, K.M. Maniraj, Inspector of Police, Woraiyur PS, Trichy District, it was stated that, the complainant was driving a two-wheeler in a drunken state and on being interrupted, he fell down from the vehicle and suffered injuries. It was further stated that a criminal Case No.289/19 u/s 294(b)/353/506 IPC was registered against complainant.
11. The Commission considered the facts and circumstances and without going on merits of allegations leading to registration of cross cases, it observed that there was negligence on the part of police in not giving immediate medical assistance to the injured complainant.



111. The Show Cause Notice under section 18 of the PHRA Act was issued by proceedings dated 12.9.2019 directing Chief Secretary, Govt. of Tamil Nadu to show cause as to why a recommendation should not be made for payment of compensation of Rs. 50,000/- to the complainant. The Commission observed that this amount of compensation shall be in addition to compensation, if any, complainant is entitled under the SC/ST (PoA) Act, 1989.
- 1v. Despite reminders no response was received from the Chief Secretary, Govt. of Tamil Nadu, therefore the Commission presumed that State of Tamil Nadu has nothing to controvert to the findings and Show Cause Notice of Commission. The Commission recommended to the Govt. of Tamil Nadu through Chief Secretary to pay a compensation of Rs. 50,000/- to the complainant and to ensure that the amount is disbursed. The compliance Report is awaited. The matter is under consideration of the Commission.

6. An eight-year-old tribal boy murdered by slitting his throat Case at B.C. Boys Hostel, Challapalli, Andhra Pradesh

(Case No. 928/1/10/2019)

1. The complainant had alleged that on 05.08.2019, one eight-year-old tribal boy had died in B.C. Boys Hostel (BCBH), Challapalli when his throat was slit by a 15-year-old boy.
11. The Commission received a report dated 19.02.2020 from the Director, Backward Classes Welfare Department, Government of Andhra Pradesh. It was reported that, FIR No. 205/2019 under Section 302 of IPC was registered at P.S Challapalli in the said matter. It was further submitted that the District Collector suspended the Hostel Welfare Officer (FAC) of Government B.C Boys Hostel, Challapalli until the conclusion of disciplinary proceedings. Further the watchmen (outsourced) of **BCBH**, Challapalli was also terminated from the hostel. Investigation was pending.
111. Upon perusal of the reports, the Commission observed that the Hostel Authorities were negligent in their duties and accordingly a show cause notice under section 18(a)(i) of the **PHR** Act was issued to the Chief Secretary, Government of Andhra Pradesh directing to show cause within four weeks as to why Commission should not recommend a compensation of Rs. 2,00,000/- (Rupees two lakh only) to the next of kin of the deceased.
- 1v. Since no response to the notice was received from the Government of Andhra Pradesh, the Commission presumed that the Government of Andhra Pradesh had nothing to controvert to the findings of the Commission. Keeping in view the fact that the District Collector, Krishna had issued suspension orders against the Hostel Welfare Officer and services of the outsource Watchman have been terminated is sufficient to bolster the recommendations of the Commission. Accordingly, the Commission made a recommendation to the Government of Andhra Pradesh, through Chief Secretary, to pay a compensation of Rs. 2,00,000/- (Rupees two lakh only) to the next of kin of the deceased victim and Chief



Secretary, Government of Andhra Pradesh shall ensure the disbursement of amount in a period of six weeks and inform compliance to Commission.

- v. The compliance report is awaited and the is under consideration of the Commission.

7. Arbitrary, illegal arrest of Jiten Lobar, belonging to ST community, who was mercilessly beaten up in the police custody

(Case No. 1703/25/22/2019)

1. Five Members of Parliament from the State of West Bengal, namely, Shri Soumitra Khan, Shri Nisith Pramanik, Shri Jyotirmoy Singh Mahato, Dr. Sukanta Majumdar and Dr. Jayanta Kumar Roy complained to the Commission that Jiten Lohar was arbitrarily arrested and assaulted by the police inspector namely Sujan Roy, posted at Goaltore Police Station, in Jogardanga, District-Paschim Medinipur, West Bengal. He belonged to the ST community and was allegedly illegally arrested and mercilessly beaten up in police custody.
11. In response to the Commission's directions, the Additional Director General and Inspector General of Police, Western Zone, West Bengal, submitted that allegations of use of excessive force during arrest of victims could not be sustained.
- m. On perusal of the records of the case, the Commission observed that despite the Commission having called for point-wise information, the response received from the police was silent on the points (i) a report in the matter, (ii) health status of the victim, (iii) action taken against the delinquent officer, (iv) Sections of IPC and SC/ST Act under which the FIR was registered in the matter as the person belong to ST and status of the said FIR, (v) copy of the FIR and MLC done in this case, (vi) whether any compensation has been paid to the victim.
- 1v. Furthermore, in the present complaint, it was found that no FIR has been lodged against the delinquent officers, who had manhandled the victim and used excessive force, for the so called arrest. Interestingly, though the Inspection and Arrest Memo is enclosed, no copy of the MLC was annexed. The photo of the victim shows the swollen buttocks with bruises all over however, no comments/remarks/observations/clarifications were given about those marks/injury. The Medical Examination of the victim should have been conducted at the time of the arrest, but nothing of that sort happened.
- v. Though an explanation was furnished that to secure his arrest, the police party had to apply some force and due to tussle during the course of his arrest he received injury on his buttocks. Even if the said Report is taken as true and correct, the way the arrest was made, of the victim, by use of force, there cannot be any injury marks in the buttocks, as admitted, in the report itself. There is no possibility of having any injury in the buttocks, even if the force was used to arrest the Victim. Moreover, though report says in para No. 03 in page No. 01, that, Medical Examination was carried out at Kewakole Rural Hospital, Goaltore, under Goaltore Police Station, West Medinipur District, West Bengal and copy of the Medical Report enclosed, no such copy or report was found. It is very unbecoming on the part of the officer to wrongly or incorrectly make claims, qua the Report submitted to the Commission.



The very reason for not enclosing/annexing the Medical Report, creates doubt that excessive force was used upon the victim, which cannot be justified by the law of the land.

- v1. It is established that the human rights of the victim have been violated by the cruel and inhuman abuse of the power by the Police personnel. The Commission had taken the serious note of the grave, gross and gigantic violation of human rights of the victim and directed the Government of West Bengal, through its Chief Secretary, to pay compensation of Rs. 2,00,000/- (Rupees two lakh only) to the victim. On receipt of the compliance report, the Commission closed the case.

8. Five young men, belonging to tribal community were made to drink urine in police custody of Police Station Nanpur in Alirajpur District of Madhya Pradesh

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

1. The Commission came across a shocking news report published in "The Indian Express" in its 13.08.2019 edition under the caption "Tribals made to drink urine in custody, four MP policemen suspended." According to the news report, four policemen including the in-charge posted at Nanpur police station in Alirajpur District of Madhya Pradesh were placed under suspension and a departmental enquiry was initiated against them. The allegations against them were that they assaulted five young men, belonging to the tribal community, in police custody and made them drink urine, when they asked for water. The victims were admitted in the District Hospital with injury marks on their bodies and alleged that they were subjected to torture and assault at the police station.
11. Pursuant to the directions of the Commission, a report was received from the Additional Secretary, General Administration Department (GAD), Madhya Pradesh, along with a report submitted by the Deputy Secretary (Home), Government of Madhya Pradesh. According to the report, considering the gravity of allegations made against the police, departmental action was initiated against the erring police officials. It was also 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. The departmental proceedings initiated against the delinquent police officials were reported to be in progress. It was further submitted that no compensation was paid to the victims.
111. The Commission after careful consideration of the facts and circumstances of the case, took note of the inhumane act shown to the victims by the police officials which amounted to gross violation of their human rights and therefore, a notice u/s 18 of the Protection of the Human Rights Act, 1993 was issued 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) may not be recommended to be paid to each of the victims.
- 1v. In response to the show cause notice, the Under Secretary, Home Department, Government of Madhya Pradesh submitted that departmental action against eight erring police officials were initiated. However, one of the delinquent police official, Sub-Inspector) SI Dinesh

Changoud filed a Writ Petition in the Hon'ble High Court, Indore Bench and the Court had stayed the departmental proceedings till further orders. Therefore, in view of the orders of the Hon'ble High Court, the disciplinary proceedings initiated against all the erring police personnel were stopped and awaiting further orders of the High Court. It was further submitted that as per the orders of Assistant Commissioner, Tribal Welfare Department, District Alirajpur, an amount of Rs.50,000/- (Rupees fifty thousand only) as monetary compensation was paid to each of the five victims. In view of the above, a request was made to the Commission to close the matter as compensation had already been paid to the victim by the State Government.

- v. The Commission, on perusal of the said response observed that so far as the departmental proceedings initiated against the erring police officials was concerned, parties to the Writ Petition shall abide by the decision of the High Court since one amongst eight aggrieved police officials had already challenged the State action of disciplinary proceedings before the High Court and the matter was pending where stay was granted. The Commission also took note of the fact that even though the State Government had paid Rs.50,000/- (Rupees fifty thousand only) each to the five victims, the Commission confirmed its show cause notice issued to the Government of Madhya Pradesh and recommended it to pay Rs. 1,00,000/- (Rupees one lakh only) each to the five victims for violation of their human rights by the police. The Chief Secretary, Government of Madhya Pradesh was directed to pay the balance amount of Rs.50,000/- (Rupees fifty thousand only) to each of the five victims and submit the compliance report along with proof of payment within four weeks to the Commission. With this direction, the case was closed 12.01.2021.

9. The complainant whose family had shifted from Assam Khrishi Kendra to Risa Colony, Meghalaya, was discriminated for being minority community people and forced to live in slums with contaminated water

(Case No. 19/15/0/2018)

1. The complainant alleged that his family shifted from Assam Khrishi Kendra to Risa Colony, Meghalaya without their consent. But, after their relocation, they, being minority community people, were being discriminated against and forced to live in slums, getting contaminated water, and living under threat of epidemic disease.
11. Pursuant to the directions of the Commission, a report dated 09.07.2020, was received from the Superintendent of Police, East Khasi Hill, Shillong, stating that the complainant is a private labour contractor and residing in Dhobi Compound, along with 9 other families. He claims to have his own plot in Dhobi compound, where he had built some houses, and was also constructing one new building. However, the said construction was stopped due to objections raised by some members of Risa Colony locality. The complainant failed to produce any ownership documents of the land and claimed that they were living here since 1951. Due to heated arguments among them, police had been called, and both the parties were asked to maintain peace in the area.



111. The complainant vide email dated 05.11.2020 and 06.11.2020 submitted that his ancestor came along Britishers and served independently as Dhobi in this part of land for decades and the same land belonged to them, as they came before formation of any Government and they were oldest in locality.
- 1v. Further, a report dated 08.12.2020, received from the Deputy Commissioner (Revenue), East Khasi Hills District, Shillong, revealed that during the enquiry none of the parties could produce any documentary evidence of ownership of the land known as "Assam Kristi Kendra" or "Dhobi Compound". Based on the declaration of the parties, it was recommended that:
 - The first two families of Late Shri Devi Ram be allocated an equal portion of the 604.47 sq.m of the "Dhobi Compound" at Risa Colony, measuring 302.23 sq.m.
 - A portion measuring 604.47 sq.m be carved out of the plot now occupied by "Assam Kristi Kendra", and the same be allotted to the other two families of Late Shri Devi Ram, in equal portions measuring 302.23 sq.m.
 - "Assam Kristi Kendra" may be allotted and settled in the remaining 3117.96 sq.m.
 - The allotment may be made on payment of premium at 10% premium of the value of the land.
- v. A copy of report dated 08.12.2020, from the Deputy Commissioner (Revenue), East Khasi Hills District, Shillong, along with enclosures was sent to the complainant for comments. In response, the complainant vide email dated 04.03.2021 submitted that the State Government is compelling the victims to suffer in slum like condition to stay in a broken house. The complainant has requested that the victim's family may relocate from the present location to some other location in a safe place.
- v1. The Commission considered the material placed on record, and observed that the Deputy Commissioner (Revenue), East Khasi Hills District, Shillong, proposed to allot land to first two families of Late Shri Devi Ram, at the "Dhobi Compound" at Risa Colony, measuring 302.23 sq.m each and remaining two families at "Assam Kristi Kendra" in equal portion measuring 302.23 sq.m at payment of premium at 10% premium of the value of the land. However, the complainant vide email dated 04.03.2021 refused the said proposal as it will create more dispute. The complainant requested for relocation from the present location to some other location. On such a request being made, the Commission has no room to doubt that the Deputy Commissioner (Revenue), East Khasi Hills District, Shillong shall sympathetically consider the issues faced by the complainant and his family, explore the possibility, if there is any provision of law, act, order notification under which victim's family can relocate from present location to some other location in safe place.' Thus, the Commission has directed the Deputy Commissioner (Revenue), East Khasi Hills District, Shillong to submit an action taken report in light of the above direction of the Commission within four weeks.

Rights of Women, Children and LGBTQI+

- 13.1** 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, Queer, Transgender, 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.
- 13.2** Moreover, India is party to major international conventions concerning rights of women and children. The most important 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. 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.
- 13.3** 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.
- 13.4** To facilitate focused 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 organized crime. 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 Commission, especially 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. Constitution of the Sub-Committee on the Convention on Elimination of all forms of Discrimination against Women (CEDAW)

13.5 The Convention on Elimination of all forms of Discrimination against Women (CEDAW) is an international treaty adopted in 1979 by the United Nations General Assembly. India had ratified CEDAW on 9th July, 1993 and by accepting the Convention, has committed itself to undertake a series of measures to end discrimination against women in all forms, including:

1. To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
11. To establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- m. To ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

13.6 In this backdrop, the National Human Rights Commission (NHRC) constituted a Sub- Committee on Convention on Elimination of all forms of Discrimination against Women (CEDAW) under the chairpersonship of Smt. Jyotika Kalra, Hon'ble Member, NHRC. The objective of this Sub-Committee is to examine whether the domestic laws, policy frameworks and schemes meet the requirements of the articles of the CEDAW, and, thereafter, make recommendations to fill the gaps identified, if any. The sub-committee consists of experts from the field who meet regularly to discuss upon the document being prepared; up until March 31, 2021, eight meetings of the Sub-Committee have been held to work on this document. The various Articles of CEDAW that have been discussed so far include, Article 9 & 16 pertaining to Marriage and Family; Article 10 & 11 pertaining to Education and Employment; Article 6 pertaining to Trafficking and Sexual Exploitation; Article 7 pertaining to Political and Public Life; Article 12 which pertains to Health; and Article 14 pertaining to Rural Women.



Image 13.1: A meeting of the Commission's Sub-Committee on Convention on Elimination of all forms of Discrimination against Women (CEDAW) in progress

B. Human Rights Advisory on the Rights of Women in the context of COVID-19

13.7 The Commission had issued 'Human Rights Advisory on Rights of Women in the context of COVID-19' on 7th October, 2020 to the concerned Union Ministries, States/UTs for its implementation. Details of the said Advisory can be found in Chapter 6 of this Report.

C. Meeting of the Core Group on Women

13.8 A meeting of the Core Group on Women was held on 17th November, 2020, to discuss the issues related to reduction of female participation in the labour force and the problem of work-life balance faced by women. The meeting was chaired by Smt. Jyotika Kalra, Hon'ble Member, NHRC, and co-chaired by Secretary General, NHRC. The meeting was attended by core group members; special invitees; representatives from the Ministry of Women and Child Development, the Ministry of Skill Development and Entrepreneurship, the **ILO**; other experts from the area and senior officials of **NHRC**.



Image 13.2: Smt. Anita Sinha, Joint Secretary, NHRC along with other officials of the Commission attending the meeting of Core Group on women held on 17th January, 2020



13.9 Major recommendations which emanated from the meeting include:

1. Paid maternity leave of 26 weeks is a matter of right of employees in both public and private sector as provided by the Maternity Benefit (Amendment) Act, 2017 and the same should be strictly implemented.
11. Paternity leave should be given to allow men to share responsibilities of raising a child and managing a household.
111. Gender stereotyping of roles, especially the role of women inside the house and the role of men outside the house, should be stopped through education and awareness generation.
- 1v. Conduct workshops for men to understand that household chores are not just women's responsibility.
- v. Besides allied agriculture activities like livestock rearing and poultry farming, quality and skilled work beyond agricultural work should be generated for rural women.
- v1. Support should be provided to rural women by Central and State Governments to help them understand the changes and mechanisation in the agricultural sector such as how to take small loans use certain machinery, etc.
- v11. Urban Employment Guarantee Scheme with reservations for women on the lines of the MGNREGA should be introduced.
- v111. Enhancement of skills of women is required especially in Information and Technology.
- 1x. Higher number of Working Women's Hostels with better facilities is required all over the country so that women working and staying away from families have a safe place to reside.
- x. Workplace safety from violence and harassment need to be ensured. This includes ensuring accessibility for women with disabilities.
- x1. Safe and better coverage of public transportation so that more women can join the workforce, even if their workplace is not very close by.
- xn. Community-based approach as used in some countries like Nepal to take care of children and elderly was suggested. Few women can come together and take shifts while the mothers/daughters/daughter-in-laws are at work.
- xm. Census data and National Sample Survey Office (NSSO) data should define work and use better survey tools so that women's work, especially in the unorganised sector is better identified and counted. Home-based workers are rarely counted in any economic survey. Unpaid work should also be surveyed so that their contribution is recognised.
- xiv. Ensure that there is no gender based wage-gap. Discrimination and inequality are rampant

and well-drafted laws are required ensuring that such practices are eradicated from the labour market.

13.10 All the recommendations have been sent to the concerned ministries/ departments for taking necessary action upon them.

D. Meeting on One-Stop Centres

13.11 A meeting to review the status of implementation and functioning of the Scheme of One Stop Centre was held on 29th December, 2020, under the chairpersonship of Smt. Jyotika Kalra, Hon 'ble Member, NHRC. The virtual meeting was attended by representatives from the Ministry of Women and Child Development (MWCD), Delhi. Prof. Raj Kachroo made a presentation on the Scheme of One Stop Centre (OSC), highlighting key issues and lacunae in its implementation and also suggested recommendations for improving the functioning of OSCs.

13.12 It was agreed in the meeting that the Scheme of OSC was extremely important, unique and beneficial for women. The policy has been drafted very well and if the implementation and monitoring of the scheme improves, it can prove to be more effective. Prof. Raj Kachroo highlighted the need for evaluation and analysis of the operational OSCs, which he suggested could be undertaken by the use of appropriate technology by NHRC.



Image 13.3: Smt. Jyotika Kalra, Hon'ble Member, NHRC, presiding over the meeting to review the status of implementation and functioning of the Scheme of One Stop Centre on 29th December, 2020.

13.13 Some recommendations that emanated from the meeting are as given below:

1. Elimination of secondary victimisation is required and the role of 'Sakhi' is essential in that as it is the OSCs that ensure that no woman who is a victim of violence goes through any medical or legal procedure alone.



11. Training and sensitization of police officials, medical, and legal professionals is needed. The victims of violence should also be trained in aspects such as how to give a statement under Section 164 of the Code of Criminal Procedure, 1973, so that mistakes and delays are avoided.
111. An element of financial independence through skill training or other schemes should be attached to OSCs as most women who approach OSCs are victims of domestic violence and are afraid of taking a legal approach against their husband because they themselves lack financial stability.
- 1v. In Delhi, the Sampark Scheme should be taken as an example of how OSCs should function. Under the scheme, every time an FIR is filed under POCSO, S. 376 of the Indian Penal Code (Rape), or regarding missing children, the district legal services authority is immediately informed so that they can help the victim. The mechanism of OSCs also needs to work in the same manner.
- v. Task force, as given under the scheme on OSCs needs to be formed for monitoring at all levels at the earliest. Telangana has formed its state level task force and is monitoring the implementation of the scheme.

E. Standard Operating Procedure (SOP) on Collection & Processing of scientific/forensic evidences in case of Sexual Assault on Women

- 13.14** Every year, the Commission receives hundreds of cases of crime against women in which many errors and faults are observed at various stages such as delayed FIRs, poor investigations, unprofessional & unscientific evidence collection etc. Sexual Violence is the most heinous of all such crimes, having a devastating physical and psychological impact on the victims/survivors. Adding to it, is the extremely poor conviction rate in such cases because of several reasons - one being the poor forensic medical evidence collection, documentation as well as maintenance of chain of custody of evidence etc.
- 13.15** With this observation, the Commission under the initiative of Hon'ble Member Smt. Jyotika Kalra, constituted a team of doctors, forensic experts and investigators and after many rounds of deliberations, issued a Standard Operating Procedure on the collection and processing of scientific and forensic evidences in cases of sexual assault on women. The objective of the SOP is to give a uniform guideline to all the States/UTs police and other stakeholders enabling them to have a better understanding of the procedures and carry out quality investigations so as to help secure justice to the victims and their families and facilitate conviction of the offenders in such cases.
- 13.16** The comprehensive SOP highlights upon the victim care and confidentiality of the process (Section 228A IPC; Sec 23, 24(5), 33(7) POCSO Act; Supreme Court Judgement Nipun Saxena Vs Union of India 2018), promptness of medical examination, collection of biological evidence within 72



hours, use of Sexual Assault Evidence Collection (SAEC) Kits at forensic labs and police stations and proper photography & videography of the evidences collected from the body. The SOP also focuses upon the importance of blood and urine samples of the victim, genital and anal evidences as these leads can help in collection of strong biological evidences (DNA matching etc. with the suspect) and strengthen the case for prosecution during the trial. The SOP also lays stress upon the safe handling, proper preservation, labelling and maintenance of chain of custody of all the collected evidence during the investigation. It is envisaged that this Standard Operating Procedure when implemented in letter & spirit, will surely help to improve our system of medico-legal investigation by way of better collection and analysis of various evidences in cases of sexual assault on women.

F. Research Projects

F.1 Ongoing Research Projects

13.17 Reintegration and Rehabilitation of Acid Attack Victims:

1. A research project, titled 'Reintegration and Rehabilitation of Acid Attack Victims,' was sanctioned by **NHRC** in the year 2019-20 to the National Law School of India University, Bangalore, with Dr. Sarasu Esther Thomas, Professor of Law, as the Principal Investigator of the research project. The 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).
11. The study is being conducted in Kamataka, Madhya Pradesh, Uttar Pradesh, and West Bengal.

13.18 Sexual Harassment faced by Daily-wage and Low-wage Female Workers at Workplace:

1. NHRC has sanctioned the research project titled 'Sexual Harassment faced by daily- wage female workers at workplace' to the Indian Institute of Management, Ahmedabad, with Dr. Vaibhavi Kulkarni as Principal Investigator. The main objectives of the research study are:
 - To understand factors leading to sexual harassment.



- To understand the formal and informal redressal mechanisms undertaken by the contract worker and their employer to address the sexual harassment issues.
 - To understand the economic consequences of such harassment on the workers.
 - To propose interventions at the organizational and societal level to address the issues at hand.
11. The study was conducted in Ahmedabad and Mumbai. The draft report has been received and is under consideration of the Commission.

13.19 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: A Study to assess its impact, implementation issues and concerns in Government Departments/ Semi-Government/ PSUs/ Private Sectors in Delhi:

1. The research project titled 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: A Study to assess its impact, implementation issues and concerns in Government Departments/Semi- Government/PSUs/Private Sectors in Delhi' has been sanctioned by NHRC to the National Law University, Delhi, with Dr. Ritu Gupta as the Principal Investigator. The main objectives of the study were:
 - To understand the perception of sexual harassment at workplace across various sectors as mentioned in the scope of the project.
 - To know the measures adopted and the preventive steps taken by employers to address grievances of their female employees in such cases.
 - To assess the constitution and working of Internal Complaints Committees (ICCs, now ICs) in various institutions across different sectors and if not, whether any action is taken against them.
 - To identify difficulties, if any, faced in the effective implementation of the Act.
 - To know whether the provisions provided in the Act are sufficient to address the problem of sexual harassment at workplace.
 - To determine how victim friendly the existing legal framework is, and whether there is any scope to make the provisions stricter for the offender.
 - To suggest an operative procedure in sync with the 2013 Act that is comprehensible for everyone.
11. The study was conducted in Delhi NCR. The draft report has been received and is under consideration of the Commission.



F.2 Completed Projects

13.20 Interrogating Violence against women from the other side: An Exploratory Study into the world of Perpetrators:

1. National Human Rights Commission (NHRC) sanctioned a research study titled 'Interrogating Violence against women from the other side: An Exploratory Study into the world of Perpetrators' to the Center for Women's Development Studies (CWDS) with Dr. Renu Addlakha as Principal Investigator of the research study. The rationale of this project was to gain insights into the perceptions of male perpetrators and their reasons for committing violence against women and girls in the society. The main objectives of the study were:
 - Analysis of existing literature on perpetrators of crimes against women from an interdisciplinary perspective with a particular focus on India. Since there is no systematic documentation on studies of perpetrators of crimes against women (apart from limited information in National Crime Research Bureau (NCRB) data), an attempt was to be made to combine an analysis of the NCRB data with other available sources of information on the topic;
 - Profiling a sample of perpetrators of crimes against women and developing the sample of informants through institutional records;
 - Conducting Narrative interviews with selected incarcerated offenders (juveniles and adults) under-trials and convicted offenders in the Observation Home for Boys and the Special Home for Boys and Tihar Jail in Delhi on their version of the situation;
 - **In** order to capture the multiple dimensions of particular acts of violence for which perpetrators are being punished, tracking of specific cases was to be attempted to gauge the perspectives of specific victims;
 - Through interviews with different stakeholders **in** the criminal justice system such as prison officials, lawyers and judges, an understanding of the existing and changing contours of crimes against women, perpetrators and victims in India was to be developed;
 - Attempt to arrive at some inferences on the intersections of gender violence, crime and social transformation with particular reference to urban India not only from an academic perspective but in terms of some recommendations to reintegrate perpetrators to a more gender-sensitive understanding with a hope to reducing recidivism in the long run.



11. The research site was Delhi. Since informants were incarcerated persons, the research sites were the Observation Home for Boys, *Sewa Kutir* the special Home for Boys in *Majnu Ka Tilla* and the Tihar Jail under the jurisdiction of the Delhi Government. Narrative interview methods were used to interview 50 juvenile offenders in the former two locations and 20 convicted adults in Tihar Jail. This sample incorporated both under-trials and convicted offenders.
111. The major recommendations emanated from the research study are:
 - Looking at the perpetrator from a human rights perspective demands moving beyond punishment and imprisonment as modalities for bringing down the crime rate.
 - There is a need to engage creatively with the individuals, interpersonal and group processes that would mould behavior particularly in the context of law enforcement.
 - Many activists are of the view that there is a need for a child-centric approach to juvenile offenders and a reformist approach to adult offenders, while highlighting the adverse consequences of incarceration.
 - One way of resocializing perpetrators into the changing gender norms of society is through conducting gender sensitization workshops with outside experts as part of the reform programme in penal institutions.
 - Improving socio-economic conditions of migrant workers will help reduce crime.
 - Improving the conditions of Juvenile Homes as there is no constructive activity in juvenile homes, the counselors are poorly trained, the staff isn't very sensitized and their working conditions and terms are poor further de-incentivizing them from contributing positively to the institution.
- 1v. The research project has been completed and the full report is available on the NHRC website.

F.3 Newly Sanctioned Projects

13.21 Each year, the Commission invites Expression of Interest (EOI) from the reputed research institutions, universities, recognized NGOs devoted to the espousal of the cause of human rights, for undertaking research projects on various thrust areas/ themes. This year, concerning the thematic area of Rights of Women, the Commission invited research proposals under the thrust areas of 'Causes of reduction of women participation in the labour force.' The research proposals received on above mentioned thrust areas were scrutinized and one research proposal was shortlisted for sanction with the help of subject expert(s).



13.22 The research project titled 'Women's Falling Participation in Labour Force in India: A Ground Level Investigation into Factors and Obstacles in Bihar, Madhya Pradesh and Telangana' was sanctioned by the Commission on March 23, 2021, to BITS Pilani, Hyderabad, with Dr. Rishi Kumar, Assistant Professor, Department of Economics and Finance, as the Principal Investigator and Dr. Sudatta Banerjee, Assistant Professor and Head of the Department, and Dr. Archana Srivastava, Assistant Professor, Dr. Swati Alok, Assistant Professor, as Co- Principal Investigators of the project.

1. The objectives of the study are as follows:

- To understand the factors which are responsible for holding them back from joining the labour force in the country.
- To understand the factors which lead to women dropping from the workforce by including the women who worked previously but dropped out of the force later.
- To compare and contrast the employment related aspects for women in urban and rural areas.

11. The project has been sanctioned for duration of 12 months. The locale of the research study are the states of Bihar, Madhya Pradesh and Telangana, where two rural and two urban districts each have been selected for the field survey.

G. Publications Undertaken

13.23 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.

II. RIGHTS OF CHILDREN

H. In-house Meeting on the issue of Missing Children

13.24 A in-house meeting on the issue of 'Missing Children' chaired by Smt. Jyotika Kalra, Hon'ble Member, NHRC was held in the Commission on 9th June, 2020. The objective of the meeting was to discuss the issue of missing children and brainstorm effective measures to address the menace.



Image 13.4: The in-house meeting on the issue of Missing Children, chaired by Smt. Jyotika Katra, in progress.

13.25 The major actionable points that emerged from the meeting are as follows:

1. A particular State, perhaps Delhi or Uttar Pradesh, may be selected to get the following details through selected NGOs, including: the status of work on missing children by the NGOs, the number of FIR filed in the state with respect to missing children, number of children who were traced back, the procedure of tracing children adopted by the police and the reason for the children to have gone missing may be investigation as a pilot project. Based on the study and analysis of this empirical data, the Commission may make recommendations on the gaps identified, thereof. The Commission may also review all the complaints it has received concerning missing children on priority basis and assess the procedure adopted by the police to solve the case.
11. Empirical data on missing children should be collected district-wise and a database should be formed at the central-level which should be seeded with Aadhaar data. Information regarding return or restoration of children should also be regularly updated in this database. Wide publicity of missing children should be made by both police and local NGOs in order to speed up the process of recovery. An SOP may be created to deal with the issue of missing children.

111. Police and NGOs should be encouraged to be more technologically equipped while tracing and tracking the missing children with facial recognition software, etc. Software for facial recognition must be updated with improvement in technology.
- 1v. Existing tracking and redressal mechanisms such as the National Tracking System for Missing Children, Anti-Trafficking Units, and the CHILDLINE Helpline (1098) may be assessed for their effectiveness. It is also recommended to promote research in this field to get a clear idea on how many children have been missing, how many FIRs have been lodged, how many children were recovered, what procedures or modalities were used to recover the children and so on. A meeting of the Core Group on Children may be called upon to brainstorm further steps to address the issue; a conference on the same may also be subsequently organized.
- v. A better synchronized and integrated approach is needed between various NGOs, civil society groups, police, state administration and different ministries to deal with the issue of missing children.

I. Virtual Conference on 'Online Child Sexual Abuse Material'

13.26 The National Human Rights Commission organized a virtual conference on 'Online- Child Sexual Abuse Material (CSAM)' on 21st July, 2020. The Conference was chaired by Smt. Jyotika Kalra,



Image 13.5: Officers of the Commission attending the Virtual Conference on 'Online Child Sexual Abuse Material'.



Hon'ble Member, NHRC. Over 100 participants including representatives from government ministries such as the MeitY & MHRD, representatives from international agencies, civil society organizations, mental health institutions, parent associations, state police departments, national and state commission(s) for protection of child rights, academia, and freelance cyber experts attended the Conference apart from the NHRC team.

13.27 Major recommendations that emanated from the Conference include:

1. Establishment of smart cyber centres in each State/UT to upgrade and channelize the efforts against CSAM and other online crimes.
11. Increased and effective training of the police and other enforcement agencies on how to handle cases regarding CSAM including sensitization to work with children.
111. Formation of a central repository to maintain record of repeated offenders and of those intermediaries who do not report CSAM.
- 1v. Sex education and lessons on online safety to be included in the school curriculum.
- v. The existing mechanism for reporting and redressal should be made fool-proof. For this, the IT Act, 2000 should be strengthened to deal with intermediaries more effectively and the loophole in the Cybercrime portal pertaining to revealing the identity of the victim should be weeded out.
- v1. A dedicated task force to be set up to deal with CSAM in synchronization with cyber units of various state police and having the mandate to investigate beyond territorial limits.
- v11. More research should be encouraged through various mental health institutes, NGOs working on children's issues and varied commissions like NCPCR, NHRC, etc.
- vn1. Training and sensitization of parents and teachers as first hand responders to the menace of CSAM and adopting a zero-tolerance policy in schools with regard to sexual abuse.
- 1x. Ensuring presence and services of a counsellor in each school to deal with not only CSAM but also other related issues.
- x. Formation of a dedicated child care fund at the state level for the rehabilitation of the victim of CSAM/CSA.
- x1. Reporting mechanism can be upgraded by establishing a separate desk in police station dealing only with the cases of CSAM and Child Sexual Abuse.
- xn. Creating awareness about the National Cyber Crime Reporting Portal.

J. Human Rights Advisory for Protection of the Rights of Children in the context of COVID-19

13.28 The Commission had issued the 'Advisory on Protection of the Rights of Children in the context of COVID-19' on 29th September, 2020 to the concerned Union Ministries, States/UTs for its implementation. Details of the said Advisory can be found in Chapter 6 of this Report.

K. Meeting of the Core Group on Children

13.29 A meeting of the Core Group on Children was held on 21st January, 2021, on the agenda of Missing Children, under the chairpersonship of Smt. Jyotika Kalra, Hon'ble Member, NHRC. Participants of the Core Group Meeting include representatives from Ministry of Women & Child Development, Ministry of Home Affairs, UNICEF, National Commission for Protection of Child Rights (NCPCR), Delhi Commission for Protection of Child Rights (DCPCR), NGOs, Delhi Police, National Police Academy (Hyderabad), CHILDLINE, apart from independent child rights activists & lawyers, and the NHRC Special Monitor on Children.



Image 13.6: The meeting of the NHRC Core Group on Children, chaired by Smt. Jyotika Kalra, in progress.



13.30 Major recommendations emanating from the meeting include:

1. Management Information System (MIS)
 - Establish a single and integrated MIS that is coherent and reviewed periodically by different stakeholders so as to reduce overlapping information.
 - Train different stakeholders on the use of the MIS and the effective use of technology to trace Missing Children.
 - Take steps to ensure data privacy and establish regulatory mechanisms for private apps.
 - The data available on the portals should be regularly updated including the photographs, FRS, Aadhar information, etc. Unwanted and redundant particulars should be immediately removed.
11. Investigation
 - Develop an early warning or alerting system through automated call, text, etc. such as the Amber Alert in the US.
 - Aadhar information may be used by the police for address verification and repatriation of victims.
 - The police may be incentivized for proactively investigating the issue of missing children; Delhi Police's 'Asadharan Karya Puraskar' may be replicated in other states.
 - ZIPNET (Zonal Integrated Police Network) may be used for better coordination and tracing of missing children.
 - Operation Smile, run by the MHA from 2015-17, needs to be revived.
111. Pertaining to various SOPs: Formulate a single comprehensive SOP, ensuring uniformity by doing away with other overlapping SOPs and outline the role of each stakeholder in this SOP, especially DCPU; that can also be easily read and understood by all stakeholders.
- 1v. Implementation of Juvenile Justice (JJ) Act:
 - Ensure effective implementation of Rule 92 of Model JJ Rules, i.e., mandatory reporting to DLSA by police after an FIR is registered, and the monitoring of its implementation.



- Ensure presence of CWPO and SJPU as mandated under the JJ Act.
 - Define the specific functions of SJPU under the JJ Act.
 - Strengthen the capacity of the police and the child protection system to understand their role in preventing, monitoring, and investigating this issue and to, thereby, effectively implement all orders and policies.
 - Conduct periodic multi-stakeholder review meetings to strengthen coordination starting from district level.
- v. Implementation of Integrated Child Protection Scheme (ICPS):
- Establish village, block and district child protection committees in line with the mandate of the ICPS and provide them with adequate resources required to function effectively.
 - While reviewing the ICPS, allocate a budget to appoint adequate human resources, especially CWPOs.
- v1. Implementation of Anti Human Trafficking Unit (AHTU)
- Ensuring the presence of one AHTU in each district, along with its monitoring.
 - Strengthening of AHTUs and District Missing Person Squad with adequate human resources, skill training, access to modern technology, financial resources, etc.
 - Ensuring the availability and accessibility of the address and contact number of all AHTUs on the MHA website.
 - Ensure provision to transfer a missing child case to AHTU if the child is untraceable for a long period of time.
- v11. Awareness Generation, Knowledge and Skill Enhancement
- Conduct capacity and awareness building for all stakeholders, especially the police.
 - Spear-head campaign targeting children, parents, guardians, communities, and schools for child safety.
- v111. Research:
- A national level research may be undertaken by MWCD on child abuse and exploitation.



- For NHRC's pilot study, a working group needs to be formed to decide on different aspects of the study and come up with a detailed term of reference for the study.
- Research should be conducted on the complaints filed on missing children in NHRC with special focus on quality of investigation, classification of data, reliance on apps by the investigating agency, adequate use of available material for tracing the children, etc.
- On the basis of research, a model procedure for investigation for missing children can be evolved, incorporating all the good practices and doing away with the redundant practices.

IX. Field Visits by Special Monitor/ Rapporteurs of the NHRC: The Special Monitor and Rapporteurs of the Commission may visit the vulnerable states and districts to study the situation at the ground level and suggest actionable recommendations on which the NHRC can write to the government(s) to formulate concrete policy with regard to this Issue.

L. Publications Undertaken: The UNCRC and Indian Legislations, Judgments and Schemes - A Comparative Study by NHRC

- 13.31** 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.
- 13.32** The sub-committee 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.
- 13.33** The publication, titled 'UNCRC and Indian Legislations, Judgements, & Schemes-A Comparative Study by NHRC', was released by Hon'ble Member, Smt. Jyotika Kalra, during the Virtual Conference on 'Online- Child Sexual Abuse Material (CSAM)' on 21st July, 2020.



Image 13.7: Release of the publication 'UNCRC and Indian Legislations, Judgements, & Schemes - A Comparative Study by NHRC'.

M. Submissions

13.34 Submission on UNCRC Periodic Country Report to MWCD: The Ministry of Women and Child Development had sent questionnaires to different Ministries to obtain their responses on the Concluding Observations of the previous UNCRC Periodic Country Report. Accordingly, the Commission's inputs were also submitted in May and November, 2020.

13.35 Submission on Child Rights and SDG's in the context of COVID-19 Pandemic to the OHCHR: Following a request of the Human Rights Council, the UN Human Rights Office will submit a report on children's rights to the 2021 global review of the High Level Political Forum on Sustainable Development. The report will address the situation for children in relation to the review theme: "Sustainable and resilient recovery from the COVID-19 pandemic that promotes the economic, social, and environmental dimensions of sustainable development: Building an inclusive and effective path for the achievement of the 2030 Agenda in the context of the decade of action and delivery for sustainable development." Accordingly, the National Human Rights Commission's inputs for the UN Human Rights Office Report on Child Rights & SDGs:



Sustainable and Resilient Recovery from the COVID-19 Pandemic were prepared and submitted to the United Nations Office of the High Commissioner for Human Rights (OHCHR) in November, 2020.

N. Research Projects

N.1 Ongoing Projects

13.36 The Commission had approved a research project titled "Role of Child Care Institution (CCI) and Rehabilitation of Children in CCIs" 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. The draft report has been received and is under consideration of the Commission.

N.2 Newly Sanctioned Projects

13.37 Concerning the thematic area of Rights of Children, the Commission invited research proposals this year under the thrust area of 'Pedophilia, Child Pornography and Cyber Safety of Children.' The eleven research proposals received on above mentioned thrust areas were scrutinized and one research proposal was shortlisted for sanction with the help of the NHRC Special Monitor on Children.

13.38 The research project titled 'Study on the extent of cyber exploitation and safety of children in Kerala' was sanctioned by the Commission on March 23, 2021, to Bharata Mata College, Kochi, with Dr. Elsa Mary Jacob, Assistant Professor, as the Principal Investigator of the project.

1. The objectives of the research study are as follows:

- To find out the type and extent of online use, abuse and exploitation faced by children and adolescents in Kerala.
- To study the existing internet safety measures and its application for the safety of children.
- To study the perception of parents and significant others about online abuse and online safety of children and adolescents in Kerala.
- To study the subjective experiences of child/ adolescent victims of online exploitation and its impact on their life.

- To come up with recommendations on strategies to prevent cyber abuse and promote cyber safety among children and adolescents.
11. The project has been sanctioned for duration of 12 months. The locale of the research study is the state of Kerala, which will be divided into three regions for the purpose of the study, i.e., South, Central, and North; from which two district each will be selected, i.e., Thiruvananthapuram & Pathanamthitta, Emakulam & Idukki, and Kozhikode & Wayanad, respectively.

III. RIGHTS OF LGBTQI+

0. Meeting of the Core Group on LGBTQI+ Issues



Image 13.8: Smt. Jyotika Katra, Hon'ble Member, NHRC, chairing the meeting of the NHRC Core Group on LGBTQI Issues.

13.39 A meeting of the Core Group on LGBTQI Issues was held on 11th November, 2020, under the chairpersonship of Smt. Jyotika Kalra, Hon'ble Member, NHRC. The virtual meeting was attended by core group members, special invitees, representatives from the Ministry of Social Justice and Empowerment, and the staff and officials of NHRC.



13.40 The agenda of the Core Group Meeting were as follows:

1. Unequal protection in the matter of sexual offences for LGBTQI Community.
11. Issue of forced gender and sexuality conversion.
111. Right to self-perceived gender identity.
- 1v. Invisibility of the issues and concerns particular to the Intersex Community.

13.41 Major recommendations which emanated from the discussion during the meeting are as follows:

1. Spreading awareness regarding LGBTQI+ rights
 - Popularise the direction given in *NALSA* and *Navtej Singh Johar* judgements using media to reduce stigma in the society and disseminate information about the rights of the LGBTQI community.
 - The law enforcement agencies need to be sensitized towards people belonging to LGBTQI community.
 - Proper advocacy and sensitization programmes should be organised in Ministries, both at Central and State level; National and State Human Rights Commission to have better understanding of the issues which this community faces.
11. Capacity Building and Increasing Inclusivity
 - Capacity building and skill training programmes should be conducted for the transgender community and greater employment opportunities should be generated for them.
 - Attempts need to be made at the workplace to encourage inclusivity and participation of the LGBTQI community.
111. Laws and Welfare Schemes
 - The Transgender Persons (Protection of Rights) Act, 2019 must protect the rights of the transgender persons from atrocities from outside and within the community. In this regard, the Act must not resort to merely extend the application of the existing penal provision but define the atrocities meted out against them with specific and equal punishments as enumerated in Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
 - The Transgender Persons (Protection of Rights) Rules, 2020 must give detailed enumeration of the welfare scheme which the transgender persons can avail.



- Strict and mandatory laws against forced sex reassignment surgery and conversion therapy should be formulated.
 - Introduce horizontal reservations within caste, tribe and other categories of reservation for transgender persons in furtherance of the NALSA judgement.
- 1v. Healthcare Systems and Facilities
- Indian Medical Association should train medical practitioners for medical examination of transgender persons. Sensitize the medical community regarding sex, gender, sexuality and self identity.
 - An advisory may be issued to all medical students and the Indian Association of Clinical Psychologists to train them about the medical and health issues and requirements of people from this community and to discourage medical intervention attempted due to gender incongruence.
- v. Shelter Homes and Housing
- Separate shelter homes and access to food should be ensured for all the estranged individuals from this community.
 - Introduce one-stop grievance redressal centres with representation from this community exclusively for the LGBTQI+ community on similar lines as One - Stop Centre for women to address the issue of sexual violence and abuse.
 - Housing discrimination faced by transgender people and same-sex couples can affect where they live and the resources available to them. Therefore, fair and equal housing rights for LGBTQI community should be provided.
- v1. Representation from Inter-sex Community: The issues of intersex community should be dealt separately from the Transgender community. The Core Group on LGBTQI should have representation from the intersex community so that their issue may have equal representation.

P. Human Rights Advisory on the Rights of LGBTQI+ Community in context of Covid- 19

13.42 The Commission had issued the 'Human rights Advisory on the Rights of LGBTQI+ Community in context of Covid-19' on 16th October, 2020 to the concerned Union Ministries, States/ UTs for its implementation. Details of the said Advisory can be found in Chapter 6 of this Report.



Q. Research Projects

Q.1 Ongoing Projects

13.43 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.

Q.2 Newly Sanctioned Projects

13.44 Concerning the thematic area of Rights of LGBTIQI, the Commission invited research proposals under the thrust areas of 'Issues faced by LGBTI at workplace.' Research proposals received on above mentioned thrust areas were scrutinized and one research proposal was shortlisted for sanction with the help of subject expert(s).

13.45 Research project titled 'Substance Abuse and Mental Health Issue among the LGBT Community in India: A Study of Inter-Relationship between Mental Health Disorders and Stress, Coping, Perceived Social Support, Occupation and Religiosity' was sanctioned by the Commission on March 23, 2021, to AIIMS, Bhubaneswar, with Dr. Susanta Kumar Padhy, Additional Professor and Head of Department, as the Principal Investigator of the project.

1. The objectives of the research study are as follows:
 - To understand the mental health issues of LGBT community of India.
 - To assess the suicidal risk in the LGBT community of India.
 - To assess the workplace related issues faced by LGBT.
 - To screen for substance abuse and mental health disorders in the LGBT community
 - To assess the inter-relationship between factors like stress, coping, perceived social support, occupation and religiosity and mental health disorders of persons from LGBT community in India.
11. The project has been sanctioned for a duration of 12 months. For the purpose of this study, one city from four zones each has been selected; i.e., Lucknow from the Northern Zone, Puducherry from the Southern Zone, Bhubaneswar from the Eastern Zone and Mumbai from the Western Zone. A sample of 250 persons from the LGBT community will be selected from each city, such that the total sample size will be 1000.



R. Publications Undertaken

13.46 During the year, a MARG Booklet, 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.

S. Meeting of National Council for Transgender Persons

13.47 The first meeting of National Council for Transgender Person was held on October 15, 2020, under the Chairmanship of Hon'ble Minister (SJ&E). The Commission was represented in the meeting by the Joint Secretary who is also an ex-officio member of the Council. Among multiple suggestions, it was recommended in the meeting that there should be penalty of provisions for violence against transgender community. Further, MHA may issue advisory to the State Government Police administration on the matters to deal with atrocities against transgender persons.

IV. HUMAN TRAFFICKING

T. Meeting to discuss the Investigation Report of Shri Ajeet Singh, Special Monitor, on the Trafficking Racket Busted in Manipur

13.48 The National Human Rights Commission organised a meeting on 17th July, 2020, to identify the administrative gaps and to deliberate upon the police responsibilities while discussing Shri Ajeet Singh's investigation report in reference of his visit to Manipur from 6th- 10th August, 2019, on the international trafficking racket busted in Manipur in February in 2019. The meeting was chaired by Hon'ble Member, Smt. Jyotika Kalra, and was attended by the representatives of the Ministry of Home Affairs, GOI, Ministry of External Affairs, GOI, senior officials of NHRC, and representatives of CSOs.

13.49 Major recommendations emanated from this meeting are as follows: -

1. The SOP on Human Trafficking formulated by NHRC should be made available to all stakeholders in Central & State Government, Police Personnel, NIA and several NGOs working on the ground dealing with trafficking issues. It should also be uploaded on the **NHRC** website.
11. Statement of victims under Section 164 Code of Criminal Procedure needs to be recorded. However, there has been a lapse of 3 days in aggregating the statements of the victims. In cases like this where more than 100 trafficking victims have been rescued the magistrate should employ more people with the task of recording statements and should have given the earliest date.
- m. Since the Manipur Police has not been able to make much progress in the case of human



trafficking, the Government of Manipur may be suggested to hand over the investigation of the case to NIA/CBI.

- iv. The Government of India came up with a very comprehensive 'The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018' which was passed by Lok Sabha, which, however, lapsed in Rajya Sabha. The GOI may be recommended to get the Bill passed by the Parliament as it has the capacity to take care of all the administrative gaps identified during the trafficking bust.
- v. As the Government of Manipur have not yet prepared an SOP for addressing issue related to human trafficking, they may adhere to the SOP on Human Trafficking formulated by Assam government for substantial inputs.
- vi. The cases related to Manipur human trafficking have been tried by the metropolitan magistrate as per trial under Immoral Trafficking Act, 1956. On the contrary section, 370 IPC followed by 371 IPC prescribes that such trial may be conducted by the Session Judge. There is a difference in trial under Immoral Trafficking (Prevention) Act, 1956 and Human Trafficking Prevention under Section 370 of IPC which the Indian Legislature needs to resolve. It is recommended that the provision of Section 370 IPC should be followed under these circumstances as it substantially addresses the issue of violation of rights of trafficking victims on the pretext of sexual exploitation, bonded labour, etc.
- vii. It is also recommended that Special Courts may be constituted to conduct trial of cases relating to human trafficking. There are several Acts such as the JJ Act and POCSO Act and 1956 Immoral Trafficking (Prevention) Act, 1956, which attribute for creation of the Special Courts by the State Government to deal with cases of human trafficking for speedy justice.
- viii. Border Security Force on both sides of the international border must be sensitized about the role they should play in the prevention of cross-border human trafficking.
- ix. Shri Ajeet Singh's visit report may be supplemented with the reports on the Manipur trafficking bust formulated by the Impulse NGO Network to get a complete picture of the issues and gaps identified.
- x. The Manipur State Government should formulate the SOP for trafficking in such a manner which must ensure that the no legal process should become a hindrance in speedy repatriation.
- xi. The NGOs which were involved in the repatriation and rescue of the victims should be reimbursed by the Government of Manipur.
- xii. It is observed that the rescued male victims of trafficking did not have any place to stay.



Therefore, it is recommended that shelter homes for the male victims may be constituted vis-a-vis the female victims.

xm. In case of inter-country trafficking, necessary arrangements need to be made to record the statements of the victims through video conferencing in the home country.

xiv. Shri Ajeet Singh's Report on Manipur trafficking bust may be registered as a complaint before the Commission.

U. Advisory on Combating Human Trafficking in Context of the Covid-19 Pandemic

13.50 The Commission had issued the Advisory on 'Combating Human Trafficking in Context of the Covid-19 Pandemic' on 8th December, 2020 to the concerned Union Ministries, States/UTs for its implementation. Details of the said Advisory can be found in Chapter 6 of this Report.

V. Research Projects

V.1 Ongoing Projects

13.51 A research project titled 'Trafficking of Women and Children - Challenges and Remedies' with Dr. Awadhesh Kumar Singh as the Principal investigator was sanctioned to Bharatiya Institute of Research & Development (**BIRD**), Ghaziabad, in 2019.

1. The objectives of the study are as follows:

- To identify the root causes and modus operandi of trafficking of women and children in India.
- To study the magnitude, causes, nature and dimensions of trafficking of women and children in India.
- 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.
- To examine the enforcement of legislation pertaining to prevention and combating of trafficking of women and children.

V.2 Completed Projects

13.52 The Commission has completed a research project titled, 'Rehabilitation of Victims of Human Trafficking: A Study of Effectiveness, Efficiency and Sustainability of Victim Compensation Schemes'. This research was conducted by the Principal Investigator Dr. Anil Kumar Das, Human Development Society, New Delhi. The objectives of the study were to examine the extent of



effectiveness, efficiency and sustainability of Victim Compensation Scheme (VCS) and suggest measures for strengthening the Schemes as a tool for rehabilitation of victims of human trafficking. The study has been conducted in Rajasthan, Uttar Pradesh and West Bengal.

13.53 The study recommends the following measures to enhance effectiveness, efficiency and sustainability of VCS and to ensure solace for victims of human trafficking who are known for their disempowered and marginalized socio-economic status. Each recommendation has been made in light of the gap or problem that it intends to address. The agencies that should implement each recommendation have also been noted below:

Table 13.1: Gaps, recommendations for effectiveness, efficiency and sustainability of Victim Compensation Scheme (VCS) and the concerned implementing agency/ies

The key stakeholders of VCS lack the right approach or orientation, which has contributed to abysmally low reach of the Scheme and resultant lack of effectiveness and efficiency.	Change in approaches: There is an urgent need for the SLSA, DLSA, police, lawyers and judges to completely change their approaches towards VCS as an instrument for rehabilitation of victims. These stakeholders should introspect and find out as to why the Scheme has so badly failed to reach the victims of human trafficking.	SLSA, DLSA, State police, district courts, High Courts (lawyers and judges)
Lack of awareness among the victims about the VCS	Dissemination of information: There is a strong need to make the victims aware of the VCS by disseminating details of the Scheme including procedures for availing the benefit. The concerned agencies should issue necessary instructions in this regard to their officials and explore application of various means, including social media, for information dissemination. It is important to ensure that the potential beneficiaries are not deprived of their entitlement.	SLSA, DLSA, police, lawyers, judges, CSOs, NGOs (The lead role should be played by SLSA and DLSA in view of their mandated role awarding compensation to victims and their dependents.)
Victims possess low level of education and awareness, and have	Guidance for rehabilitation: Proper guidance may be provided to the victims for meaningful utilization of compensation	Department of Social Welfare of the States, NGOs, CSOs and



inadequate access to skills training, employment opportunities and means for rehabilitation	money with focus on prioritization of needs and creation of impactful and sustainable assets. There is also a need to facilitate training of victims or their relatives on vocational and technical skills that will enhance their employment potential and provide them opportunities for self employment. They should also be linked to financial and non-financial organisations in order to meet their needs for seed money, machinery, market and other support services.	vocational training institutions
Meagre amount as interim compensation which hardly contributes to the process of rehabilitation	Quantum of compensation: Besides adhering to the prescriptions of VCS of the State for final payment of compensation, the amount of interim compensation should be such that it should contribute to the process of rehabilitation of the victims.	SLSA and DLSA
Procedural efficiency:		
1. Delay in inquiry following receipt of recommendation of court or application by victim or his/her dependents for compensation.	1. As mandated under sub-section 5 of Section 357A of CrPC, SLSA and DLSA should ensure award of compensation by completing the inquiry within two months of receipt of recommendation of court or application for the purpose under sub-section 4 of Section 357A.	1. SLSA and DLSA
2. Cumbersome process for submission and processing of application for compensation.	2. Procedures for submission of application and its processing should be simple and hassle free in order to enable less educated, illiterate, poor and unaware victims to comply with the same without much difficulty.	2. SLSA and DLSA



3. Delay in sharing of information by police with DLSA	3. Police should share with DLSA information about the crime and victim immediately after registration of FIR.	3. Police
Access to data and information, and systemic responsiveness:		
1. Non-availability of disaggregated data on VCS for different crime categories	1. There is an urgent need for SLSAs to prepare and make public disaggregated State data on VCS with focus on different crime categories highlighting number of applications received from victims and courts for compensation, number of victims compensated, amount spent for compensation and such other particulars.	1. SLSA
2. Inadequate responsiveness on the part of Legal Services Authorities to genuine needs of public	2. There is a need for SLSAs and DLSAs to be responsive to genuine needs of the public and all those who approach them for different services. Inability or complete silence of SLSAs to share data on VCS and highly inadequate reach of compensation are manifestations of inadequate systemic responsiveness. Responsive SLSA and DLSAs will be hugely beneficial for people who depend on their services and those who are engaged in creating an enabling environment for the disempowered people in general and victims of human trafficking in particular.	2. SLSA and DLSA
Absence of independent mechanism for monitoring utilization of funds under VCS	Independent mechanism for monitoring of utilization of funds: The NHRC may consider setting up a monitoring mechanism in coordination with the State	NHRC and State Human Rights Commissions



	Human Rights Commissions for the purpose of obtaining and analyzing data on utilization of funds under VCS by the States and the Union Territories, and for sending periodic binding and non-binding advisories with a view to making the Schemes effective, efficient, impactful and sustainable.	

W. Publications undertaken

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

V. MISCELLANEOUS

X. Research projects

13.53 A research project titled 'Locating National Human Rights Commission within the Human Rights Discourse at the Grassroots in Rural India' was sponsored by NHRC to the Department of Social Work, Delhi University, with Dr. Seema Sharma as the P.I. The study sought to understand the meaning of human rights, and identifies the level of awareness about human rights and human rights institutions at the grassroot level.

1. The objectives of the study were as follows:

- To understand the meaning of human rights from the perspective of the people at the grassroots.
- To understand the nature of human rights violations with respect to the research area.
- To delineate formal and informal systems of grievance redressal employed by people at the grassroots level in case of human rights violations.
- To identify the level of awareness about NHRC amongst people at the grassroots.
- To locate the role of National and State Human Rights Commissions in addressing the violations of human rights and the context within which such violations occur from the perspective of the people at grass roots.



- To propose interventions and mechanisms for raising awareness regarding the role of the National Human Rights Commission at the grassroots level.
11. Through this study, NHRC aimed to know the awareness level about its existence and functions at the grassroots in rural areas. Five villages of three different states in India, namely Uttar Pradesh, Rajasthan and Haryana were chosen for the study.
 111. Few major recommendations emanated from this research project are as follows:
 - A representative of NHRC can be appointed at the panchayat level or at the level of cluster of panchayats, who can document the cases of human rights violations happening at the ground level, and can monitor the progress and convergence of line departments at district level on the issue of human rights. These documentations can further help **NHRC** as well as **SHRC** to come up with concrete steps to curb these instances in future. This representative can be trained on these aspects or can even be from an NGO working in the area.
 - Toll-free numbers of NHRC should be advertised at the village level, through meetings of Gram Sabha, local panchayat, SHGs etc.
 - Cadres like Swachh Bharat Prerak have been established at the grassroots level to spread awareness about cleanliness and nutrition respectively.
 - It has also been found in the study that the awareness level amongst women is comparatively less than the men of the studied households. Therefore, a 'comprehensive gender sensitization program under the broader theme of human rights' should be designed specifically for women at the grassroots level. These programs can be implemented by Aanganwadis, Gram Panchayats and appointed cadres of human rights.
 - Seminars, Workshops, Training Programs, Human Rights Fair should be organized at every possible level from schools, gram panchayat offices to anganwadi centers to educate and make people aware about **NHRC** and about human rights.
 - The information about NHRC, its roles and functions, the mechanism to approach NHRC in case of human rights violations, developing an understanding of human rights, fundamental rights and constitution has to be integrated within the Education system right from the school itself. For this, NHRC can collaborate with NCERTs, SCERTs, University Grant Commission, and Ministry of Education.
 - Topics related to Constitution, Human Rights and National Human Rights Commission should be mandatorily made part of the curriculum in the school. It should be done structurally in consultation with the educators and social scientists.



- It is important to stress the role of teachers in the whole process. Teachers must understand the need and should be well oriented and trained to teach the subject matter. Changing curriculum will be futile if teachers are not equipped enough to use these ways in a better manner. Also, efforts should be made to make human rights and the role of NHRC a part of teachers training program such as with District Institute for Education and Training, Bachelor of Education program as also the orientation programmes for the University teachers.
- National Cadet Corps (NCC) and National Service Scheme (NSS) can be used in an effective manner in spreading awareness about human rights and National Human Rights Commission.
- NHRC can also plan and execute different Social Media Campaigns on the rights, functioning, objectives of National Human Rights Commission, cases undertaken and justice delivery mechanism. This will not only be helpful in spreading awareness but also be helpful in developing trust on the National Human Rights Commission.
- There needs to be a robust collaboration between the NHRC and civil society. NHRC can give such groups effective channels to make their claims. The NHRC requires independent inputs from civil society in order to be effective and accessible.
- The police at the lower rung of hierarchy and thus likely to be more in contact with the people had low level of awareness about human rights and NHRC. Sensitization of all police personnel is required for efficient protection and promotion of human rights. This can be done through workshops and training programs.
- In the cases of the investigation of complaints sent to NHRC, the role of police should be minimized. Especially in the cases where a complaint is against the police authorities, the police should not have any role to play because this leads to manipulation and dilution of the complaints and cases and hampers the justice system. Rather, NHRC along with SHRCs must look into the possibility of setting up a few independent and autonomous committees to investigate the complaints.
- The NHRC has the authority to make interventions in court proceedings relating to violation of human rights with the approval of the court. It needs to do it more vigorously so as to develop a strong image of being the protector of the poor, marginalised and vulnerable groups. This will also spread awareness about NHRC and its role since the beneficiaries of the NHRC intervention would spread positive words about its functions and roles as also its interventions.



VI. ILLUSTRATIVE CASES IN THE YEAR 2020-21

1. A girl gang raped and tortured and her body parts burnt for about a month under the Woman Police Station Dhanbad, Jharkhand

(Case No.1285/34/4/2019-WC)

1. This case relates to a complaint alleging gang rape and torture, including burning the body parts of the victim, for about a month by the accused persons named in the complaint. It was further alleged that despite a report about the missing girl having been lodged with police, no action was taken by police to trace the girl. When the victim, somehow, escaped from the accused persons, the In-charge of Woman Police Station, Dhanbad, Jharkhand, reported the matter and a request was made for medical examination of the victim as well as recording of her statement under Section 164 Cr.P.C. But no FIR was registered by the Station In-charge of the Women Police Station, as the victim girl had taken back her complaint.
11. Keeping **in** view the gravity of alleged human rights of the helpless victim, the Commission deputed a team of its Investigation Division for on the spot enquiry in the matter. The Commission considered the material placed on record including Spot Inquiry Report and findings by the Investigation Division of the Commission and issued Show Cause notice u/s 18 of the **PHR** Act, 1993 to the Government of Jharkhand, through its Chief Secretary, as to why Commission should not recommend a compensation of Rs. 2,00,000/- (Rupees two lakhs only) to the victim girl. The Chief Secretary, Government of Jharkhand was also directed to depute a senior executive officer who build up confidence in the victim and her family for the registration of the case and take strictest action against the perpetrator/offenders and monetary relief under Scheduled Castes and Tribes (Prevention of Atrocities) Act, for the violation of human rights of the victim for non registration of FIR, inducement by police to compromise, the insensitivity, apathy and **in** action of the police in the matter.
111. In addition, the Director General of Police, Jharkhand was also directed to take legal action against the then Senior Superintendent of Police, Dhanbad, and the then Deputy Superintendent of Police (L&W), Dhanbad for their insensitivity and lackadaisical attitude, and registration of FIR as well disciplinary action against Sub- Inspector (SI) M Gudiya and the then Station House Officer (SHO), Mahila Thana, Dhanbad under the provisions of 166A IPC and Scheduled Castes and Tribes (Prevention of Atrocities) Act (if applicable) who failed to follow the mandate of law envisaged under 154 Cr.P.C and law laid down by the apex Court, and departmental action against the then SHO Surendra Kumar Singh, Police Station Bank More, Dhanbad and Assistant Sub- Inspector (ASI) Amod Kumar, Investigating Officer (IO) of missing report who failed to adopt the appropriate lawful lay down procedure mentioned in the matter.



2. Kidnapping and trafficking of a woman from Sahibganj, Jharkhand to Delhi (Case No. 648/34/17/2016-WC)

1. The complainant Smt. Sushma approached the Commission alleging non-registration of FIR by police in the matter of kidnapping and trafficking of her daughter Yashodha Kumari. Taking cognizance in the matter, the Commission called upon its Investigation Division to collect the facts in the matter telephonically. The Commission directed Superintendent of Police (SP), Sahibganj, Jharkhand and Commissioner of Police, Delhi to get the matter immediately enquired into and to submit an Action Taken Report to the Commission. Accordingly, the SHO of Police Station Jirwawadi, District Sahebganj, Jharkhand, was contacted on telephone by the Investigation Division and probably thereafter, case FIR No. 71 of 2016 under Section 366 & 363 of IPC was registered on 20th May 2016. Due to pressure from the police, prosecutrix was released by the accused persons. Police approached her and in her statement she confirmed the facts, unfolded by her mother in the complaint. After investigation, a charge-sheet was filed against the accused persons.
11. The Commission after considering all the reports placed on record and observed that Police appears to have registered the case after a long gap of more than 11 months. Delay in registration of the case results in violation of human rights of the complainant/victim. Accordingly, the Deputy Commissioner, Sahibganj, Jharkhand, was asked to inform whether any compensation was provided to the victim, to which no response has been made. Accordingly, the Commission issued a notice, under section 18(a)(i) of the PHR Act, 1993, calling upon the Chief Secretary, Government of Jharkhand, to show cause as to why a compensation of Rs. 3,00,000/- (Rupees three lakhs only) not be provided to the victim.
- m. The Commission examined the response received as well as material on record. Since no reply to show cause notice was received from the Chief Secretary, Government of Jharkhand, therefore, the Commission observed that Government is not opposing recommendation of compensation of Rs.2,00,000/- (Rupees two lakhs only) to the victim in this case. Since, in this case, there is an apparent long delay of eleven months in registration of FIR, therefore it amounts to violation to human rights. The Commission, therefore, recommended to the State of Jharkhand through its Chief Secretary to pay compensation of Rs.1,00,000/- (Rupees one lakh only) u/s 18(a)(i) of the Protection of Human Rights Act, 1993, to the victim and to submit compliance report along with proof of payment. However, a compliance report is still awaited in this regard.

3. An 18-year-old survivor from the Muzaffarpur girls' shelter where many inmates were abused for years, was allegedly gang-raped in a moving car (Case 2465/4/9/2019-WC)

1. An 18-year-old survivor from the Muzaffarpur girls' shelter where many inmates were abused for years, was allegedly gang-raped in a moving car, less than 14 months after



being rehabilitated and reunited with her family on the orders of a local Court. The girl lodged a complaint with Bettiah town police station in Bihar's West Champaran district, saying she was abducted in a car on her way to a relative's house. She said the vehicle hit Bettiah-Pakhnaha Road and didn't stop once as four men took turns raping her. This gruesome incident was reported by the "Times of India" in its 16.09.2019, edition, under the caption "Abuse survivor from Bihar home now gang- raped in car." Based on the aforesaid news report, the Commission took *suo-motu* cognizance of the incident and sought a detailed report in the matter from the Chief Secretary and Director General of Police, Bihar.

11. Pursuant to the directions of the Commission, the reports as sought for were received. The Commission on consideration of a report received from Director, Social Welfare, Directorate of Social Welfare, Government of Bihar, vide its proceedings dated 27.1.2020 directed issuance of a notice u/s 18 of the Protection of Human Rights Act, 1993 to the Government of Bihar through its Chief Secretary to show cause as to why a sum of Rs. Five Lakhs should not be recommended to the victim for the trauma and agony suffered by her on account of the sexual assault on her.
111. In response to the show cause notice, Special Secretary, Home Department (Special Branch) vide letter dated 29.12.2020 submitted that the District Legal Services Authority, West Champaran, Bettiah had issued an order for payment of compensation to the tune of Rs. 3,00,000/- (Rupees three lakh only) to be paid to the victim. However, the proof of payment of disbursing the compensation amount to the victim was not sent to the Commission.
- 1v. The Commission considered the aforesaid communication received from Special Secretary, Home Department (Special Branch), Government of Bihar vide proceedings dated 22.02.2021. It was observed that the safety and security of women and children in the country is the utmost priority and this responsibility rests with the State. The Commission again invited the attention of the State Governments/UTs for taking effective steps for the safety and protection of women in their respective States against crime. If the police machinery was vigilant and alert in their duty, this unfortunate incident could have been avoided. No doubt, the incident brought immense suffering trauma, great mental pain and agony to the victim and no amount of monetary compensation was sufficient to mitigate the trauma and agony suffered by the victim on account of the sexual assault on her. The Commission was, therefore, of the view that the amount of Rs. 3,00,000/- (Rupees three lakh only) ordered to be paid to the victim by the State Legal Services Authority was grossly inadequate to the trauma, mental pain and agony caused to the victim. Hence, the Commission confirmed its show cause notice and recommended to the Chief Secretary, Government of Bihar to pay an additional amount of Rs. 2,00,000/- (Rupees two lakh only) to the victim and submit the compliance report along with proof of payment of Rs. 5,00,000/- (Rupees five lakh only) paid to the victim. The Compliance report is still awaited.



4. Rape of two girls by Police personnel of GRP Panipat, Haryana

(Case No. 2056/7/15/2019-WC)

1. The Commission received a complaint from an Activist R H Bansal alleging rape of two girls by police officials of SI and ASI posted at GRP Panipat. The FIR in the said matter was registered in Mahila Thana Bhiwani. The complainant has requested for high-level enquiry and punitive action against the culprit and compensation to the victims.
11. In response to the directions of the Commission, a report was received from the Superintendent of Police, Bhiwani. It was reported that Case Crime No. 124/19 u/s 365/328/354-A(1)/354-D(2)/342/376(D)/506/120B IPC and Section 6 of POCSO Act, 2012 was registered in Women Police Station, Bhiwani on the complaint of Sarita, d/o Subhash Chander, r/o Dhani Bhakran, Police Station Siwani, District Bhiwani against accused Anoop Gil, Aryan Lamba, Ravinder, Manjit, Deepak Panchal, Ankush and two unknown RPF officials of Railway Station, Panipat. The two **GRP** police officials were identified as Dharm Singh and Hari Kishan. Both were arrested and dismissed from service. Charge sheet was filed in the court in the case.
- m. On perusal of the report, the Commission issued notice u/s 18a (i) of the PHR Act, 1993 to the Chief Secretary, Government of Haryana to show cause within four weeks as to why the Commission should not recommend payment of compensation of Rs. 1,00,000/- (Rupees one lakh only) to each of the two minor victims whose human rights have been violated by the GRP officials. In response to the direction of the Commission, a report was received from the SP, Bhiwani. It was reported that, on 13.01.2020, the Hon'ble Court recorded the statement of one of the victims where she failed to identify the said accused persons and she was declared hostile. It was further submitted as per the information received from DLSA, no compensation was provided to the victim till that date. The Commission, therefore, may pass such an order as deemed fit in the interest of justice.
- 1v. Upon consideration of the said response, the Commission observed that the State was liable for the act of its employees. The Commission, therefore, recommended payment of Rs. 1,00,000/- (Rupees one lakh only) as compensation to each of the two victims directing the Chief Secretary, Government of Haryana to send compliance reports along with the proof of payment to the Commission for record. With the aforesaid directions, the case has been closed.

5. A student of SGT Medical College Budhera, Gurugram was sexually harassed by the controller of the examination at the Medical College

(Case No. 96/7/17/2018-WC)

1. The Commission received a complaint dated 2.1.2018 from Ms. Yamini from Gurgaon, Haryana stating that she was a student of SGT Medical College Budhera, Gurugram. She



was allegedly subjected to sexual harassment by the controller of the examination. She reported the matter to the authorities, but no action was taken against the erring public servant as per law. Thus the complainant sought the intervention of the Commission for necessary action.

11. Pursuant to the directions of this Commission, a report was received from the Inspector General (IG) of Police, Rohtak Range, Rohtak. It was intimated that on the written report of the complainant, an FIR No. 18 dated 23.1.2018 u/s 354D IPC at Rajendra Park Police Station Gurugram was registered and the investigation was taken up by a women police officer. The statement of the victim was recorded u/s 164 Cr.P.C. and the accused was arrested on 16.2.2018 and produced before the Court but the Court released him on bail. Similarly, a report was also received from Pandit Bhagwat Dayal Sharma University of Health Sciences, Rohtak. It was further intimated that the allegations made by the complainant were enquired into by an Internal Complaints Committee of sexual harassment of women at the workplace and the report was sent to the complainant vide communication dated 6.6.2018 for her comments and the concerned authorities were awaiting a reply from the complainant.
111. Subsequently, the Commission carefully considered the materials on record and took note of the facts and circumstances of the case. This Commission found the allegations made by the complainant had a grain of truth in it. The conduct of the concerned public servant towards the complainant amounted to a gross violation of her human rights. Accordingly, notice u/s 18(a)(1) of the Protection of Human Rights Act, 1993, was issued to the Chief Secretary, Government of Haryana to show cause as to why compensation of Rs. 1,00,000/- (Rupees one lakh only) should not be recommended to be paid to the complainant. In response of the same, a letter dated 01.07.2020 was received from the Superintendent, Home for Additional Chief Secretary to Government of Haryana wherein the Registrar, Pandit Bhagwat Dayal Sharma of Health Sciences, Rohtak, Haryana has been directed to take appropriate action and apprise the Commission. The Commission has also received a letter dated 16/21.07.2020 from Registrar, Pandit Bhagwat Dayal Sharma of Health Science, Rohtak, Haryana, wherein it is submitted that the report from Haryana State Women Commission is awaited and final decision by the Hon'ble Court in **FIR** against the then Chief Executive Officer (COE) is also to be taken, therefore, a request for reconsideration of the direction till the final decision is taken by the Court was made.
- 1v. The Commission examined the record and observed, prima facie, that the victim was sexually harassed by the accused, who happened to be COE of the University. In Case FIR No. 18 dated 23.01.2018 in Gurugram Police Station, a charge-sheet was also submitted against him, therefore, recommended the Chief Secretary, Government of Haryana to provide interim relief by way of compensation, Rs.1,00,000/- (Rupees one lakh only) to victim complainant and submit a compliance report along with proof of payment of Rs.1,00,000/- (Rupees one lakh only) to the victim complainant within six weeks. However, the compliance report is still awaited.

Rights of Elderly Persons

- 14.1** Global demographic trends indicate that each country tends to witness population ageing over time. It is a phenomenon wherein the proportion and population of elderly increases significantly. India, despite being a relatively younger nation, has already started facing significant impact of population ageing.
- 14.2** As per the Population Census of 2011, there are nearly 10.38 crore elderly persons (aged 60 years or above) in India, including 5.27 crore females and 5.11 crore males. Evidence shows that the share and size of elderly population was on the rise and this trend was 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 this increase, 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 14.3 crores amounting to 10.7% of the total population by 2021.
- 14.3** 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 people continue living their lives as regular, 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.
- 14.4** 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 (IPSrC) 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.
- 14.5** 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.

- 14.6** Acknowledging the issues 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 the 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. NHRC Advisory on Rights of Elderly Persons in context of the COVID-19 pandemic

- 14.7** The Commission had issued an Advisory on 'Rights of Elderly Persons in context of the COVID-19', on 5th November, 2020 to the concerned Union Ministries, States/UTs for its implementation. Details of the said Advisory can be found in Chapter 6 of this Report.

B. Meeting of the Core Group on Disability and Elderly Persons



Image 14.1: Deliberations during the meeting of the Core Group on Disability and Elderly Persons on 12th January, 2021



- 14.8** The Commission organized a meeting of the Core Group on Disability and Elderly Persons on 12th January, 2021 under the chairmanship of Dr. D. M. Mulay, Member, NHRC. The meeting was attended by the Core Group members, representatives from the five Union Ministries/ Departments, Government institutions, and special invitees from United Nations institutions, Non Governmental Organizations, academia, etc.
- 14.9** The deliberations of the meeting were held on three agenda items, i.e., inclusive public spaces, the National Trust Act, 1999 and elderly abuse during the time of Covid-19 pandemic. The meeting provided a platform to review the situations related to elderly abuse during the time of Covid-19 pandemic and accordingly make suggestions/recommendations for prevention/ remediation.
- 14.10** The major recommendations related to elderly persons that emanated from the meeting are as under:
1. Senior Citizens Associations which are in most parts of the country need to be linked together to strengthen support for the elderly and create a strong database.
 2. One stop centres for elderly to be created for immediate support especially for the elderly population living in rural areas.
 3. Evaluation of preparedness of old age facilities should be made, including minimum standards of care such as training of staff and mandatory registration of old age persons.
 4. A National Commission for helping and directly dealing with issues of senior citizens should be constituted which should function to review and assess implementation of provisions made for senior citizens. Also, a 24X7 Helpline at the national level shall be created to provide immediate assistance to elderly persons to ask for help and necessary support.
 5. State action plan to be prepared by each and every State to ensure rights of senior citizens. Also, State to create a portal to provide information to senior citizens regarding their rights and receive and forward complaints to the tribunal for further course of action.
 6. **NHRC** to prepare a guideline which should include the involvement of various stakeholders, guidelines for mobilization of CSR fund, treatment and opportunities for senior citizens.
 7. The pension paid to elderly persons retired from Non- Government Organizations is Rs.1000/- only which is insufficient for a person to fulfill his basic needs. Therefore, revision in this pension scheme needs to be made.
- 14.11** The recommendations of the Core Group have been sent to the concerned Ministries/ States/UTs for taking necessary action on the same.



C. Illustrative cases in the year 2020-21

1. Non-payment of terminal payment to the retired employees of the East Delhi Municipal Corporation for paucity of funds

(Case No. 3451/30/2/2017)

1. This case relates to a complaint received from Shri Vinod Kumar Khorana, a retired employee of Health Department, East Delhi Municipal Corporation (EDMC), alleging that his pension, gratuity and commutation money was not released.
11. In response to the Commission's directions, the Chief Medical Officer, (Med.) Health Department, East Delhi Municipal Corporation reported that the commutation of pension of Rs.13,37,261/- and the payment of Death-cum-Retirement Gratuity (DCRG) of Rs.11,44,440/- had been passed, but the payment could not be released as East Delhi Municipal Corporation is facing financial crisis.
111. On perusal of the record of the case, the Commission observed that admittedly, complainant's bills pertaining to commutation of pension and the DCRG were not paid by East Delhi Municipal Corporation, even after lapse of one year from the date of approval of the bill, due to non-availability of funds. Prima facie, there was violation of human rights by the officials of East Delhi Municipal Corporation by not paying the legitimate dues of the complainant after his retirement. Taking a serious note of such human right violations, the Commission issued notice to the Chief Secretary, Government of NCT of Delhi to show cause as to why interim relief of monetary compensation of Rs. 25,000/- (Rupees twenty five thousand only) shall not be granted to the complainant as per Section 18a (i) of the Protection of Human Rights Act, 1993.
- 1iv. Further, the Chief Secretary, Government of NCT of Delhi, the Director, Local Bodies, Government of NCT of Delhi and the Commissioner, East Delhi Municipal Corporation were also directed to make the payment of all legitimate dues of the complainant within two weeks along with due interest to submit Action Taken Report along with proof of payment to the Commission.
- v. The Commission further considered the matter and perused that the reports received from the State Authorities revealed that not only the petitioner but large numbers of employees (about 1885) were not paid their terminal benefits. The employees had also not been paid their salaries after March 2018 and the terminal benefits were also not paid to the retired officials due to the deep financial crisis. The Commission had directed the State Authorities to submit the complete report in the matter.
- vi1. Pursuant to the directions of the Commission, the Deputy Controller of Accounts, HQ, East Delhi Municipal Corporation reported that due to paucity of funds there is a delay in payment of salary, arrears and terminal benefits. An amount of approximately Rs. 1700



crore liability of employees lying with EDMC for which the Government of NCT Delhi has been repeatedly requested for release of funds.

- v11. Further, the Government of NCT of Delhi reported that the financial release of Government of NCT of Delhi to the Urban Local Bodies is subject to a legal mechanism of the decisions on the recommendations of Delhi Finance Commission. The Government is not obligated to pay beyond the decisions of the Delhi Finance Commission. The Government is not obligated to resolve the individual staff grievances and the Commissioner, EDMC has executive powers to resolve the grievances of the complainant. Sufficient funds are being provided by the Government to EDMC and it is the responsibility of EDMC to sort out the salary and pension issues of the employees working in the EDMC.
- v111. On perusal of the records, the Commission observed that both the aforesaid reports are contradictory to each other. The municipal authorities have stated that the funds have not been released by the Government, while on the other hand the Government mentioned that sufficient funds have been provided to the Municipal Authorities. Apparently, the grievances of the complainant could not be redressed by the State Authorities in the present matter. Complainant has been facing hardships and harassment due to the delay in releasing his legitimate due amounts and despite the lapse of considerable time period his payments have not been made. Due to acts of commission and omission on the part of the public servants, the human rights of the complainant have been violated. The Commission took a serious note of such human rights violations caused by the State agencies in the present matter and directed the Chief Secretary, Government of NCT of Delhi to make payment of interim relief of monetary compensation of Rs. 25,000/- (Rupees twenty five thousand only) to the complainant as per Section 18 of the Protection of Human Rights Act, 1993. Compliance report along with proof of payment to be furnished to the Commission. Also, the Commissioner, East Delhi Municipal Corporation was directed to make the payment of all the legitimate dues amount of the complainant alongwith the applicable interest amounts, till date. The report along with proof of payment be furnished to the Commission.

Rights of Persons with Disabilities

- 15.1** 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 2.68 crore persons with disabilities who constitute 2.21 percent of the country's total population. This data, however, was in correspondence with the Persons with Disabilities Act (PwD), 1995 when only 7 categories of disabilities were recognized under the Act. Since then, India has shifted its understanding of disability from a medical model to a rights - based model by enacting the Rights of Persons with Disabilities Act (RPwD), 2016. The new Act now recognizes 21 categories of disabilities.
- 15.2** 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.
- 15.3** It must also be noted that the society's perception of persons with disabilities also impacts the extent of their marginalization. While earlier, persons with disabilities were subjected to charity and pity, 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.
- 15.4** There have been several positive developments through change in the understanding of disability, 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 (RPwD) Act (2016) was enacted replacing the erstwhile Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 for the better protection and promotion of the rights of persons with disabilities.
- 15.5** The Commission also believes in the fact that persons with disabilities should enjoy all human rights on an 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 the

protection of their rights. Further, the Commission regularly publishes booklets, manuals, journals etc. to create awareness about disability rights. During the year 2020-21, the Commission undertook the following activities with regard to rights of persons with disabilities.

A. Virtual conference on "Impact of Covid-19 on the Rights of Persons with Disabilities"

- 15.6** The Commission organized a virtual conference on the 'Impact of Covid-19 on the Rights of Persons with Disabilities' on 1st September, 2020 chaired by Dr. Dnyaneshwar Manohar Mulay, Member, NHRC, and was attended by the senior officers of NHRC, Core Group Members, NHRC Special Monitor (Persons with Disabilities and Senior Citizens), Representatives from the Department of Empowerment of Persons with Disabilities, National Trnstr, Skill Council of Persons with Disability and special invitees from civil society organizations who shared their views and experiences. The conference was organized to review the initiatives of the Government of India taken for protection of rights of persons with disabilities during the pandemic and discuss the 'Draft advisory on Rights of Persons with Disabilities for Central and State Governments'.



Image 15.1: Deliberations during the Virtual conference on "Impact of Covid-19 on the Rights of Persons with Disabilities" on 1st September 2020

- 15.7** After incorporating the views/suggestions that emanated from the conference, the "Human Rights Advisory on Rights of Persons with Disabilities in the context of COVID- 19" was issued to the concerned Union Ministries and all States/ UTs on 28th September, 2020. Details of the said Advisory can be found in Chapter 6 of the Annual Report.

B. Meeting of the Core Group on Disability and Elderly Persons

- 15.8** The Commission organized a meeting of the Core Group on Disability and Elderly Persons on 12th January, 2021 under the chairmanship of Dr. D. M. Mulay, Member, NHRC. The meeting was attended by senior officers from NHRC, 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.

15.9 The deliberations of the meeting were on three agenda items i.e. inclusive public spaces, the National Trust Act, 1999, and the issue of elderly abuse during the time of COVID-19 pandemic. The meeting provided a platform to review the existing government policies, laws, rules, orders, etc. relating to inclusive public spaces as well as the National Trust Act, 1999 and accordingly make suggestions/recommendations towards promotion of the same for an inclusive society.

15.10 The major recommendations related to persons with disabilities which emanated from the meeting are as under:

i. Inclusive Public Spaces

- In order to succeed in developing an accessible physical environment, transport, information and communication ecosystem, there is a need to conduct regular accessibility audits and assessments of the public infrastructure of all the States/UTs.
- Periodical inspection of the buildings on being disabled-friendly as per the norms of Universal Design.
- There is a general budgeting in each Ministry, each department to have a separate budget dedicated to cater the needs of persons with disabilities.
- An adequate mechanism needs to be developed in the context of providing disability certificates online.
- Considering the unsatisfactory achievement of targets in the domain of transport accessibility, special attention is required to make the infrastructure of Airports, Railways and road transport more universal.
- Progress should be made in training people for Sign language Interpretation. Also, Rehabilitation Council of India to take an initiative of training persons for providing services of a caregiver to persons with disabilities and elderly persons.
- Hospitals to fulfill the post of clinical psychologists in order to assess the nature of disability and differentiating between various kinds of disabilities and intellectual impairment.
- For awareness programs, an online module should be prepared and disseminated as it can do better as it reaches directly at the home of persons with disabilities.
- Use of simplified mechanisms while filling examination forms, employment opportunities, necessary identity and official documents. All the public websites, especially official websites of government services should be updated and made accessible (if they are not).
- For already available services for Persons with Disabilities they have to run from pillar to pillar, this should be reduced.



- Recommendation: Hon'ble Member put forth that the Commission should conduct Statewise auditing to see the level of implementation of the Rights of Persons with Disabilities Act, 2016. Since the RPwD Act mandates that all public buildings should be made accessible by 2022, States should be asked to submit status reports on accessibility and make sure that public spaces and buildings are made accessible.

ii. Proposal for Repealing of the National Trust Act, 1999

- The National Trust Act, 1999 has been a big support for the most vulnerable amongst the disability sector, which are persons with autism, cerebral palsy, intellectual disabilities and multiple disabilities.
- The representative of the National Trust informed during the meeting that a strong letter of recommendation to the Hon'ble Prime Minister has been sent by the Ministry of Social Justice and Empowerment with facts and figures to support the work of the National Trust. Further, he informed that the budget of the Trust has been doubled this year and no further action on the merging or winding up of the National Trust Act has been taken and, hence, the National Trust will continue to function in its entirety. Even if the Act is repealed, it will be modified to cater to the present requirements of the persons with disabilities.
- Major Recommendation: Strengthening of the National Trust is of immediate necessity. Key posts in the National Trust have been vacant for a very long time. There is a need of National Trust to look into the matters pertaining to the issues of guardianship of Persons with Disabilities and follow up needs to be done to look at the implementation of the legal and welfare schemes under the National Trust.

15.11 The concerned Union Ministries have been sent the recommendations for taking necessary action.

C. Newly sanctioned research project

15.12 "Inclusive Education of Persons with Disabilities in Punjab: Prospects and Challenges" was sponsored to the Punjabi University, Patiala (Punjab) with Dr. KiranKumari, Assistant Professor, as the Principal Investigator.

1. The objectives of the research project are:
 - To assess the status of implementation of provisions under the RPwD Act, 2016 relating to inclusive education.
 - To explore the academic challenges faced by the students with disabilities.
 - To identify the infrastructural and attitudinal barriers faced by the students with disabilities.
 - To study the challenges faced by the parents, teachers and management.
 - To examine the functional and dysfunctional aspects of inclusive education programs as perceived by the students, parents, teachers and management of the schools.



- To suggest remedial measures so as to enhance the efficacy of inclusive education policies and strategies.

11. The locale of the research study is the State of Punjab covering 3 districts.

111. The total duration of the research project including submission of the project report is 9 months.

1v. The research aims at providing an assessment of the implementation status of inclusive education and will act as a stepping stone to achieve the goals of the National Education Policy-2020.

D. Illustrative cases in the year 2020-21

1. Denial of medical attendant and allowances to an ex-serviceman who suffered from Spino Cerebral Ataxia causing 70% disability

(Case No. 5231/30/3/2016)

1. An ex-serviceman officer complained to the Commission that despite he was found unfit for military duties, as he had been suffering from Spino Cerebral Ataxia, a disability of 70%, and the Medical Board recommended a medical attendant to him, neither a medical attendant nor any allowance **in lieu** thereof was sanctioned to him.

11. In response to the Commission's directions, the Ministry of Defence reported that constant Attendant Allowance was granted if the degree of disablement was 100%. As the degree of disablement in the present case was 70%, hence, the officer was not eligible for constant Attendant Allowance.

111. Upon perusal of the report, the Commission directed that the case of the disabled officer be considered keeping in view of the clear recommendations of the Army Medical Board sympathetically, and also the deteriorating condition of the Army Officer, and submit the report accordingly.

1v. In response Major AAG MP 5(B) for AG, submitted that the file containing all relevant documents in respect of IC-38782L Major General Sarbjeet Singh (Retd.), for grant of medical attendant allowance has been processed to AG/PS-4 (Imp-I) for examination by the competent authority. Further outcome in the matter could not be received. The Commission issued conditional summons to the Secretary, Ministry of Defence, to appear in person before the Commission on 22.04.2021, at 11 AM along with the requisite reports, if the report is not received in the Commission a week prior to the scheduled date.

2. Disabled children buried up to the neck in compost pits in Kalaburagi, District Taj-Sultanpur, Karnataka under the belief that exposure to sharp rays during a solar eclipse will cure them of their deformities

(Case No. 427/10/11/2020)

1. The Commission came across a news item published in the Times of India under the caption "Eclipse Shocker: Disabled children buried up to neck in hope of cure" stating that children



with special needs were buried neck-deep in compost pits in Kalaburagi under the belief that exposure to sharp rays during a solar eclipse will cure them of their deformities. It is further mentioned that following a tip-off, the district child protection task force had rescued the children and reunited them with their families after a medical examination. The incidents were reported from three villages in the District Taj- Sultanpur on the outskirts of Kalaburagi town and Ainolli and Gadi-Lingadalli villages in Chincholi Taluk in Karnataka.

11. It was further reported that the poor children remained buried in the pits for the full duration of the solar eclipse in the rerun of a similar incident reported a decade ago. The Child Welfare Committee had reportedly intervened in the matter and its Chairman had stated that the rescued children were handed over to their parents after a counselling session. The news report also revealed that Dr. S. Kamareddy, an orthopaedic surgeon from Kalaburagi town, had offered to perform the rectification surgeries on children, without any cost.
- m. In view of the plight and violation of rights of the innocent specially abled children, the Commission found it appropriate to take up the matter with the authorities concerned. The ritual was weird, unethical and cruel towards poor kids, who were being treated with indignity in the name of faith. Today, when medical science is progressing and very complicated surgeries are being conducted in the country itself, young children with deformities require medical care and treatment and not such kind of inhuman practice which not only subjects them to humiliation but also develops a kind of inferiority complex. A child who would suffer such a trauma will find it definitely very hard to overcome its adverse impact. It will be a nightmare for him/her throughout the life. Such rituals tantamount to the violation of human rights of the children. There was a need to sensitize the authorities as well as the parents of such children not to victimize the young ones in the name of blind faith.
- lv. The Commission, therefore, took *suo-motu* cognizance of the matter and issued notice to the Government of Karnataka calling for a detailed report in the matter. The Commission also directed to send the information on that apart from Kalaburagi, whether this inhuman practice is prevalent in other districts of the State, if so, what action is being taken by the authorities.
- v. Pursuant to the directions of the Commission, the Under Secretary, Ministry of Home Affairs, Government of India, had submitted that the above children were released after due process to their parents by giving caution not to practice and the blind belief of burying children in compost pits during eclipse.
- vi. The Government Authorities had conducted awareness programmes at these villages including Gram Panchayat members, Self-Help Group (SHG) Members and mothers.
- vii. The Deputy Commissioner, Kalaburagi issued an order dated 19.06.2020 exercising the power under Cr.PC Act 1973, Section 133, prohibiting the burying of children with deformities neck deep in compost pits.
- viii. The matter is under consideration of the Commission.

Business, Environment and Human Rights

16.1 The United Nations Human Rights Council (UNHRC) endorsed the "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework" through its resolution 17/4 of 16 June 2011. These principles were proposed by UN Special Representative on business & human rights Professor John Gerard Ruggie. In the same resolution, the UNHRC established the UN Working Group on Business and Human Rights (UNWG-BHR). This framework consists of State duty to protect against human rights abuses; the corporate responsibility to respect human rights; and greater access to remedy for victims of business-related abuse. 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.

16.2 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 UNGP-BHR, the National Human Rights Commission of India (NHRC) is uniquely positioned in the country to act as a convener for the associated initiatives.

16.3 The Commission is committed to take forward the agenda of business and human rights. Its commitment in the BHR domain can be traced in the following paragraphs.

A. Re-constitution of Core Advisory Group on Business and Human Rights

16.4 The Commission has re-constituted its Core Advisory Group on Business and Human Rights on 16.02.2021. For the very first time, there has been addition of some new Ex-officio Members in the Core Advisory Group. These include, Representative from Union Ministry of Micro, Small and Medium Enterprises, Quality Council of India (QCI), representative from United Nations Development Programme, India and Asia Pacific Representative of the UN Working Group on Business and Human Rights.

B. Advisory on "Impact of Covid-19 Pandemic: Business & Human Rights and Future Response"

16.5 The Commission had issued an Advisory titled "Impact of Covid-19 Pandemic: Business & Human Rights and Future Response" on 5th October 2021 to the concerned Ministries, States



and Union Territories to protect human rights of all in the business supply chains. Details of the said Advisory can be found in Chapter 6 of this Report.

C. Research projects

C.1 Ongoing research projects

16.6 The Commission had entrusted a research study/project on **"Assessment and Evaluation of business and Human Rights Reporting by Corporate India"**, to Indian Institute of Management, Bangalore. The Principle Investigator (PI) of the project is Prof. Vasanthi Srinivasan (Organisation Behaviour & Human Resource Management). The research project was sanctioned in January 2019 with a total budget estimate of Rs 6,00,000/- (Rupees six lakh only) and time duration of 12 months.

1. The main objectives of the study are as follows:

- Comprehensively assess commitment of corporate on labour/employee rights through Corporate Responsibility Reporting (of 100 NSE listed companies) that analyses the dimensions of employee rights that are relevant and meaningful for reporting;
- Understand the salient rights in the value chain of selected sectors (Pharmaceutical, IT Services, Logistic and Construction);
- Evaluate NHRC's self-assessment tool with other responsibility frameworks; and
- Provide recommendation for policy and practice with respect to business and human rights

16.7 The Commission had entrusted a research study on **"Study to understand functioning of companies' response systems vis-a-vis key Human Rights violations"** to Partners in Change, New Delhi. The Principal Investigator of the project is Shri Pradeep Narayanan, Director, Partners in Change. The research project was sanctioned in October 2018 with a total budget estimate of Rs. 3.50 Lakhs.

1. The main objectives of the study are as follows.

- To gain an understanding of the functioning of company based Grievances Redressal Mechanism (GRM), as a way of enhancing access to remedy in cases of business related adverse human rights impacts and the challenges and issues that emerge.
- 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.
- To trace and analyse the due-diligence mechanism established at the company level to detect, assess, respond to and address violations that may occur in the course of operations.



- To understand the role of the State and other non-State mechanisms in addressing the violation, and analyse evidence of complicity, if any.

16.8 The Commission had entrusted a research study titled "**A Study on Socially Responsible Supply Chains for Protection of Human Rights**", to the Institute of Public Enterprises (IPE), Osmania University Campus, Hyderabad. The Principle Investigator of the Project is Dr. Anand Akundy, Senior Faculty Member, IPE, Hyderabad. The research project was sanctioned in October 2019 with a total budget estimate of Rs. 13.30 lakhs.

1. The main research objectives of the study were as follows:
 - To develop social responsibility among various supply chain partners in order to protect human rights across the supply chain functions.
 - To examine how the social supply chain's performance can be progressively implemented by the companies.
 - To identify the challenges that can be faced in achieved social responsibility along the supply chain functions

C.2 Completed research project

16.9 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 Indian Institute of Technology, Bombay. The Principal Investigator of the project was Prof. Dinesh Sharma (Marketing Domain).

1. The main objectives of the study were as follows:
 - 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.
11. The major recommendations that emanated from the project are given below.
 - Asking firms to practice due diligence in the supply chain. (Companies 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- 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).



D. Illustrative cases in the year 2020-21

1. Alleged inaction by the authorities to check the Industrial Pollution in Nacharam, Mallapuram and Boduppall in Telangana

(Case No. 1286/36/2/2019)

1. The complainant Md. Humaun Ahmed Khan had alleged inaction by the Telangana Pollution Control Board and Greater Hyderabad Municipal Corporation against the industries in Nacharam, Mallapuram and Boduppall which have been causing bad smell and pollution in the area.
11. In response to the Commission's directions, the Environment Engineer, Telangana State Pollution Control Board, reported that in the area of Nacharam, Mallapuram and Boduppall, there were 87 industries under Red category, 83 in Orange category and 22 under Green category. Out of 87 Red categories, only 15 chemical industries had been identified that may cause severe pollution. However, necessary directions were given to all the industries, time to time, for checking the hazardous waste and not to cause any kind of air/water pollution. The TSPC Board also inspected these industries periodically and took necessary action, if any violation were found.
- m. The Commission sought the comments, if any, from the complainant but he did not respond. The report was taken on the records and the case was closed.

2. Hapless widow beneficiaries of the victims of the tragic incident of leakage of carbide gas from the unit of Union Carbides at Bhopal, Madhya Pradesh, deprived of pension

(Case No. 1556/12/8/2020)

1. The complainant Ms. Hamida Bi, an office-bearer of Bhopal Gas Peedith Udyog Sanghathan (BGPMUS), Bhopal has stated that the Union Cabinet on 24.06.2010 had approved recommendation of the Group of Ministers to provide pension to 5000 widows of gas victims. Initially, it was paid Rs. 500/- per month to each of the widows, but this was increased to Rs. 1000/- per month by the Central Government, for which an amount of Rs. 30 crores were allocated, as can be referred from the Annual Report 2013-14. As such, the total amount Rs. 25.43 crore was disbursed as pension to 4995 beneficiaries till the year 2019-20, and an amount Rs. 4.57 crore is still lying with the Central Government. However, now the hapless widow beneficiaries are being deprived of the pension. In addition, a Curative Petition No. 345-347 of 2010 was filed by the Union of India for enhancing the settlement sum by an additional amount of Rs. 7,728/- crores is still pending before the Supreme Court of India for the last ten years. Thus, the widows of thousands of gas victims are forced to live in abysmal conditions, because of the inordinate delay in payment of additional compensation.
11. Pursuant to the directions of the Commission, the Deputy Secretary, Ministry of Chemicals and Fertilizers, Department of Chemicals and Petrochemicals, Government of India has



reported that with regard to the pension to the widows of the victims of Bhopal Gas Tragedy, a plan of action with total outlay of Rs. 982.75 crore was submitted by the State Government of Madhya Pradesh including the proposal for earmarking Rs. 30 crores for payment of pension at the rate of Rs. 1,000/- per month for 5,000 widows for 5 years, which formed part of Social Rehabilitation Programme. The new action plan with financial implication of Rs. 272.75 Crores was approved by the Government of India in June 2010 to be funded by the Central Government to the extent of 75% which included payment of pension to the widows. Subsequently, the Department of Expenditure, Ministry of Finance, Government of India released an amount of Rs. 204.56 Crore (75%) in July towards 75% share of the Central Government with the remaining 25% to be funded by the State Government of Madhya Pradesh. In the year 2016, the Government of Madhya Pradesh sent a proposal for continuation of pension plan to widows of Bhopal gas victims under Social Rehabilitation Programme for a further period of 5 years. In so far as the issue of curative petition is concerned, it is informed that based on the decision of the Union Cabinet, said petition was filed by Union of India Vs. (i) Union Carbide Corporation (UCC), USA (ii) Dow Chemical Company, USA (iii) McLeod Russel India Ltd; and (iv) Eveready Industries India Ltd. in the Hon'ble Supreme Court of India in 2010. It is further submitted that the case was listed for hearing in January 2020 wherein the Court directed to list the case on 11.02.2020, but the case has not been listed so far.

111. As the requisite report has not been submitted by the Chief Secretary, Government of Madhya Pradesh, the Commission vide proceedings dated 31.03.2021 has issued a final reminder to the Chief Secretary, Government of Madhya Pradesh, through online mode, to submit the requisite report within four weeks, failing which the Commission shall be constrained to invoke coercive process under 13 of the Protection of Human Rights Act, 1993.

3. Noise and chemical pollution caused by the power loom factory and hydraulic Power Press Industries at Prakash Nagar, Ayyappa Swamy Temple, in Bangalore, Karnataka

(Case No. 5191101112018)

1. A complaint was received from the complainants Shri Gangadhar Kand others alleging that his house along with other houses are surrounded by power loom factory and hydraulic Power Press Industries, which are creating lots of noise and chemical pollution. Despite complaints, no action has been taken by the police & other concerned authorities in the matter.
11. In response to the communications of the Commission, the Member Secretary, Karnataka State Pollution Control Board, Bengaluru vide communication dated submitted that MIS Ashwini Industries, MIS RS silks and sarees and MIS SS Fabcom India Pvt. Ltd. have closed their operation and shifted to new location and power loom companies have taken control measures and reduced the noise pollution.
111. The complainant also submitted a written letter stating that his complaint has been resolved completely. Therefore, the Commission considered all the material placed on record and closed the case as the grievances raised by the complainant were resolved.



4. Groundwater contaminated by the bottling plant of the Coca Cola Company, at Plachimada, of Meenakshipuram in Kerala

(Case No. 644/11/10/2019)

1. The Commission received a complaint from Dr. S. Faizi alleging that the Coca Cola Company had established a bottling plant at Plachimada which contaminated the groundwater and affected the people, mostly from Scheduled Castes. In this connection, an Cr. No. 308/2016, U/s 3(1)(x) SC/ST Act, was registered at PS Meenakshipuram, on 09.06.2016. Thereafter, a High Powered Committee was established, which recommended for payment of compensation to the tune of Rs.216 Crores, but the same has yet not been paid.
11. In this regard, the Commission obtained a report dated 15.07.2020 from the Chief of Police, Palakkad, wherein it was stated that during the investigation of the case Cr. No. 308/2016, U/s 3(1)(x) SC/ST Act, water samples were collected from the wells in the area, and sent to the Pollution Board for chemical analysis. From the report of the water analysis, it was observed that all components of water were within admissible level, except for Chromium, which was at 0.01 mg/ltr in the Pachayat common well, 0.07 mg/ltr and in some other wells, against the acceptable level of 0.05 mg/ltr Chromium in water. Other than Chromium, even Coliform was found to be above the acceptable level. The Pollution Control Board engineers informed that difference of the Chromium from well to well could also be due to the Geological feature of the area, and it was not possible to categorically state that the water was polluted due to the Company's operation, as there was no substantive proof for the same. With regards to the point of disbursement of compensation, it was stated that the Kerala Government set up a High Powered Committee, to look into the matter. In its report the Committee recommended setting up of a Tribunal for deciding on the question of the compensation. The Kerala Government passed a Bill named Plachimada Victim Compensation Tribunal, and the same was forwarded to the Hon'ble President of India, for approbation. The Bill was under consideration and was awaiting the approval of the Hon'ble President of India. Hence it was stated that no compensation has been disbursed to any victims.
- m. The Commission considered the material placed on record, and directed that the report dated 15.07.2020, received from the Chief of Police, Palakkad, along with enclosures, be forwarded to the complainant, for his comments, if any, within four weeks, which is awaited.

5. An Apex Plus Superspeciality Hospital was being run on residential plots in front and adjacent to the house of the complainant in connivance of the Public Authorities, at Model Town, Rohtak, Haryana

(Case No. 645/7/17/2019)

1. This relates to a complaint from Shri Narender Singh of Rohtak, Haryana, alleging that an Apex Plus Superspeciality Hospital was being run on residential plots in front and adjacent to his house by the accused Dr. Pawan Sharma in connivance of Commissioner, Municipal Corporation, Rohtak; the Station House Officer (SHO), Model Town; and the DC, Rohtak.



11. Taking cognizance in the matter, the Commission called upon its Investigation Division to depute a team for at the spot enquiry.
111. This Commission observed that a prima facie case of violation of human rights was meted out due to the act of commission and omission on the part of authority, human rights of the victim has been violated. Thus, the Commission issued a show cause notice to the Chief Secretary, Government of Haryana as to why monetary compensation of Rs.1,00,000/- (Rupees one lakh only) should not be recommended to be paid to the Complainant for violation of his human rights. But, no requisite response was received from the authorities concerned.
- 1v. In response a copy of letter addressed to the DC, Rohtak and Commissioner, Municipal Corporation, Rohtak, seeking therewith the compliance report to the show cause notice issued by the Commission, was received from the Government of Haryana. While considering the matter further the Commission observed as follows:

"In view of the matter one more opportunity is granted to Chief Secretary, Government of Haryana to submit reply to show cause notice as to why compensation of Rs. 1 lakh be not recommended to be paid to the Complainant in this case within six weeks, failing which it shall be presumed that the State of Haryana has no opposition to recommendation of Rs. 1 lakh as compensation to the Complainant in this case."
- v. However, a reply to the show cause was still awaited.
- v1. The Commission has considered the matter in detail. Since no reply to the show cause despite of sufficient time and opportunity was received in the Commission, it was, therefore, presumed that the Government of Haryana has no objection, The Commission recommended to the Government of Haryana to pay Rs.1,00,000/- (Rupees one lakh only) as compensation to the Complainant, with the observations that that the acts of commission and omission in the matter on the part of authorities concerned amounts to violation of human rights of the Complainant. The compliance report is still awaited, the matter is under consideration of the Commission.

6. Eight persons died and over 5000 fell sick due to leakage of styrene gas in Vizag District of the State of Andhra Pradesh

(Case No.1023/1/21/2020)

1. The Commission took *suo-motu* cognizance of news reports published in the number of dailies about a tragic incident that took place on 7.5.2020 in Vizag District of the State of Andhra Pradesh wherein due to leakage of styrene gas, eight persons died and over 5000 fell sick. As reported by the "Times of India", the incident occurred at a chemical plant in the early morning of 07.05.2020 around 3:00 AM at LG Polymers Industry which manufactures polystyrene and its co-polymers at RR Venkatapuram near Naiduthota area of the district. The leakage of the gas reportedly affected people within a radius of about 3 kilometers. The report also mentioned about many people lying on roads complaining difficulty in breathing and rashes on their bodies.

11. Pursuant to the directions of the Commission, the Director General of Police, Andhra Pradesh, vide letter dated 6.8.2019 submitted a detailed report emphasizing the following aspects:
- **Evacuation:** After the incident, the Administration evacuated nearly 20,000 people from 17,000 houses of RRV Puram, Nandamuri Nagar, Kamparapalem, Padmanabha Nagar, SC/BC Colony, Meghadripeta Colony and kept them at 23 rehabilitation centres maintained by GVMC as well as Simhachalam Devasthanam authorities.
 - **Relief:** As per the assurance given by the Chief Minister of Andhra Pradesh to the victims of the incident for payment of compensation/ex-gratia, sanction order dated 8.5.2020 was issued. Special enumeration teams were constituted to conduct door to door verification for listing all the victims. Similarly, another Committee was formed to validate the claims of the hospitalized persons under various categories. After completion of process of finalization of eligible victims, the ex-gratia amount was paid to the persons affected as per the following details:

Table 16.1: Details of the ex-gratia amount paid in (Case No.1023/1/21/2020)

1	Ex-gratia to the kin of the deceased	Rs. 1 Crore	Each 12	Rs. 12 Crores
2	People on ventilator	Rs. 10 Lakhs	1	Rs. 10 Lakhs
3	Hospitalised for 2-3 days	Rs. 1 Lakh	Each 485	Rs. 485 Lakhs
4	People undergone primary treatment	Rs. 25,000/-	Each 99	Rs. 24,75,000/-
5	Affected villagers	Rs. 10,000/-	Each 19893	Rs. 19,89,30,000/-
6	Died Animals		25 Animals (8 Owners)	Rs. 8,75,000/-

- m. The cognizance of the incident was also taken by National Green Tribunal, Principal Bench, New Delhi and vide its order dated 8.5.2020 it directed the LG Polymers India Pvt. Ltd. to deposit an initial amount of Rs. 50 Crores with the District Magistrate, Visakhapatnam, which would abide by further orders of the Tribunal. In compliance with the above orders, LG Polymers India Pvt. Ltd. deposited an amount of Rs.50 crores with the Collector and District Magistrate, Visakhapatnam.
- 1v. It was also reported that three more persons named, Pala Venkayamma, Yelamanchili Kanaka Raju and Kadali Satyanarayana later on died while undergoing treatment.
- v. With regard to the status investigation of the case registered by the police, it was submitted that 437 witnesses were examined including the statement of 16 officials, security and



technical persons who were working in LG Polymers Company. During further course of investigation, based on the evidences, witnesses and other documentary/expert opinions, 12 accused were arrested and produced before the AMM Court, Visakhapatnam. The Court granted 15 days remand to judicial custody for all the 12 accused persons. The passports of Chief Executive Officer and Directors/Senior Employees of L.G. Polymers, R.R. Venkatapuram was also reported to be kept by the police in its custody. The material objects seized at the scene of offence were also sent to the Director, FSL, Mangalagiri, Andhra Pradesh for chemical analysis and opinion.

- v1. Further, Deputy Chief Inspector of Industries, District Fire Officer, Visakhapatnam, Deputy Chief Controller, Explosives Department and Director, Pollution Control Board were directed to inform the technical aspects of leakage of the Styrene vapor from M6 Tank at L.G. Polymers. The final reports from the Director of Factories, Deputy Chief Controller Explosives Department, Director, Pollution Control Board were awaited.
- v11. The Director General of Corporate Affairs, New Delhi, vide letter dated 26.5.2020 submitted the following:
 - *Mis LG Polymers India(P) Limited was incorporated on 10th December 1996 and has its registered office at RRV Venkatapuram, Visakhapatnam. The Company is involved in the business of manufacturing of chemical and chemical products, pharmaceuticals, medicinal chemical and mechanical products.*
 - *The company received clearance from the Andhra Pradesh Pollution Control Board dated 19th January 2017 which is valid upto 31st December 2021 and Andhra Pradesh Pollution Control Board order dated 20th June 2018 for expansion which is valid till 30th April 2023.*
 - *As far as safety measures, it is governed by the Factories Act, 1948 and other allied statutes which are Central Acts and administered by concerned State Governments.*
 - *Companies which are dealing with manufacturing jobs are required to take permission from the Pollution Control Board of the concerned State which falls under the exclusive jurisdiction of the Ministry of Environment, Forest and Climate Change.*
- viii. The Commission vide proceedings dated 25.01.2021 considered the various reports received from the concerned authorities. It was an unfortunate incident in which 12 people lost their lives due to gas leak, however, the State Government compensated the bereaved families by paying ex-gratia to the tune of Rs. one crore each to the next of kin of the deceased, adequate monetary compensation to more than 2000 victims who fell sick and hospitalized besides taking legal action against the accused persons. The State Government also deposited an amount of Rs. 50 crores with the Collector and District Magistrate, Visakhapatnam as per the orders of NGT, New Delhi for the restoration of environment and payment of interim compensation to victims of the gas leak, in the light of action taken, no further intervention by the Commission was called for and therefore, the case was closed.

Human Rights Education, Training and Awareness

- 17.1** The National Human Rights Commission (NHRC) is mandated to protect and promote human rights. Section 12 (h) 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 the general public.
- 17.2** During the period under review, the Commission undertook various activities to promote human rights education, training and awareness in the country. The Training Division of NHRC spreads human rights literacy through training programmes on human rights issues through collaboration with Administrative Training Institutes (ATI), Police Training Institutions (PTI), Judicial Training Institutes, University and Colleges approved by University Grants Commission/ All India Council for Technical Education (AICTE) and National Assessment and Accreditation Council (NAAC) accredited and NGOs registered on Darpan Portal of NITI Aayog. Apart from these, a one month Internship Programme twice a year, i.e. Summer & Winter, is organized by the Commission within its premises for the university/college students of different States of the country and also the Short-term Internship Programme of fifteen days throughout the year for the students interested in the field of human rights.

A. Training Programmes Organised by the NHRC

- 17.3** As part of its mandate, during the year 2020-21, the Commission had approved 20 (17 Offline and 3 Online) training programmes of 20 Institutes relating to various aspects of human rights. Out of these, NHRC has released funds to 8 Institutions for organizing the training programmes on human rights. 8 training programmes were successfully organized/conducted by various Institutions, Universities, Colleges, PTI, ATI, NGOs all over India for human rights awareness and was attended by more than 791 participants.

B. Internship Programme

- 17.4** This year, the Summer and Winter Internship Programmes- 2020 could not be organised in the Commission due to the COVID-19 pandemic and in accordance with MHA guidelines. However, NHRC conducted the first ever online internship programme during the month of July 2020 from 16th to 30th July, 2020 and 86 student interns successfully completed the internship with NHRC. Thereafter, in the months of August, September, October, December, 2020 and February,



2021 the Commission organised Online Short Term Internship Programmes in which 99, 110, 89, 129 and 128 student interns participated respectively and successfully completed their Online Short Term Internship with NHRC.

- 17.5** The Commission invited Justices of the High Court, Chairpersons of State Human Rights Commission, very senior officers of the Government of India of the rank of Secretary/Additional Secretaries, top rank officers of Indian Army/Air Force/Indian Navy, Chiefs of CAPF, Special Rapporteurs, Special Monitors, representatives of eminent NGOs, academicians, medical doctors, renowned Gandhians etc. to address and interact with the student interns, online through Google Meet/Webex platform in all the Online Short Term Internship Programmes.
- 17.6** The matrix of the internship programme is designed in a manner which encompasses practical activities too. The student interns are made to read a book related to human rights issues and thereafter make a written and verbal submission, which is evaluated by eminent external jury members and a cash prize is given to the winners. The student interns are assigned a group research project on human rights subject of relevant contemporary importance. The presentation is made before senior NHRC officers and the best ones are awarded cash prizes of Rs. 15,000/- ' Rs. 10,000/- & Rs. 5000/-. Some of the research projects this year had the following subjects:
1. Climate Change in India: Background effects relevance and way forward in Environmental Right
 11. Manual Scavenging: The Big Picture and Way Forward
 111. Transgender Rights as an equal gender Rights in India: Issues and way forward
 - 1v. Geriatric mental health in India: International Perspectives and Way Forward
 - v. Sports in India: Human Rights issues and Way Forward
 - v1. National Education Policy 2020: Its impact on Indian socio-economic and political Scenario and Way Forward
 - vii. India's poor ranking in Global Health Index: Reasons and prospects for improvement in terms of Sustainable Development Goals
 - viii. Artificial Intelligence: Advantages and Disadvantages from the Perspective of Human Rights in India
 - 1x. Telemedicine in India: Access to medical health care
 - x. Judicial Pendency in India: Factors and Way Forward
- 17.7** A declamation contest was held on the day of valediction, again judged by senior NHRC officials where 10 interns participated with the top three winning cash prizes.
- 17.8** In addition to above, every student intern after successfully completing the internship, gets a stipend of Rs. 2000/- to cover miscellaneous expenses like internet, pen drive etc.
- 17.9** From the point of view of giving hands-on experience to the participants of the internship

programmes, the students were taken for virtual field visits to Tihar Jail, Police Stations and NGOs. The film on the police station has been commissioned by NHRC which includes bytes by DIG (Investigation).

C. Gender Sensitization Programme

17.10 Gender Sensitization Programme: Apart from above, in terms of Annual Action Plan 2020-21, online Gender Sensitization programme for in-house officers and staff was organised thrice in the Commission on 4th June 2020, 4th September 2020, 14th December 2020 and 25th March 2021, which was attended by 54, 74, 55 and 100 participants respectively.



Image 17.1 Smt. Jyotika Katra, Hon'ble Member, NHRC addressing in one of the Gender Sensitization Programmes

D. Sensitization Programme on Human Rights

17.11 A one-day sensitization programme was organized on the Webex platform for RPF Probationers and other officers of Jagjiwan Ram Railway Protection Force Academy, Lucknow. The objective was to sensitize the officers towards protection of human rights.

E. Other activities

17.12 Moot Court Competition: A national level Moot Court Competition was organized by the Commission in collaboration with the Dr. Ambedkar Government Law College, Puducherry on 12-14 March 2021 at Puducherry. The inaugural function on 12th March 2021 was chaired by Hon'ble Member, NHRC Dr. D.M. Mulay. Cash prizes worth Rs. 65,000/- was awarded to the winning participants.

17.13 Massive Open Online Course on Swayam Portal: NHRC initiated a Massive Open Online Course in collaboration with National Law School of India University, Bangalore. It is a 20-



hour video and 20 hour teaching/learning course available in 4 quadrants for undergraduate students from law background for a period of 12 weeks having 4 credits. It is being offered through an online learning platform named as SWAYAM by NCERT, a batch of which has started on 15 January 2021 onwards with 1546 students enrolled. The said course is gaining popularity by the day.

17.14 E-Pathshala: With a mandate to spread human rights awareness among school children, content in the form of booklets prepared by NHRC in collaboration with MARG (Multiple Action Research Group) has been forwarded to- learning platform of NCERT which are:

1. NROER: where the booklets have been already uploaded.
11. E- Pathshala: 8 booklets have been uploaded on the e learning platform of DIKSHA.

17.15 The activities of the Division suffered a huge setback on account of the spread of COVID-19. A month long Winter and Summer Internship Programme of the year 2020-21 could not be organized by the Commission. Similarly, in accordance with the Government Guidelines, the Division was unable to host the students for one and/or half a day for the in- house training programmes. Collaborative training programmes were also adversely affected.

Human Rights Defenders

- 18.1** India is commemorating the 125th birth anniversary of Netaji Subhas Chandra Bose, India's most loved and iconic freedom fighter. In one of his speeches he said "*Give me blood and I promise you freedom*" (delivered in Burma to the members of his Indian National Army in 1944). It shows the importance of freedom of a person i.e freedom to live, freedom of speech, freedom of association, freedom of peaceful demonstration and freedom to live with dignity in liberty which also applies to Human Rights Defenders (HRDs).
- 18.2** On the issue as to who are HRDs, it is worth mentioning here that 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)
- 18.3** In this context, an article by the Office of the High Commissioner for Human Rights (OHCHR) as to who is a human rights 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 varied 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.
- 18.4** Recognizing the role of HRDs, the Declaration on Human Rights Defenders has casted duty on the Member States that States must:
1. Recognize the value and important contribution of human rights defenders to peace, sustainable development and human rights;
 11. 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;
 111. 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.



- 18.5** In compliance with the above declaration as well as section 12(i) 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 (09868013903) (ii) Telephone No. 24663299 and email address- hrd-nhrc@nic.in. Presently, this position is being held by an officer of the level of Assistant Registrar (Law) Shri C.S. Mawri.
- 18.6** The Focal Point for HRDs has been given importance in the National-International Forum. The Launch Event of the Regional Action Plan on Human Rights Defenders of Asia Pacific Forum was held on 17.03.2021. During the launch event, it was suggested that the Focal Point for HRDs should be one of the Commissioners' or Members' of the NHRI so that due protection could be given to the endangered HRDs, especially in the far flung and remote areas. The NHRC-SHRC Annual Meet was held on 17.03.2021, which also emphasised the need for a Focal Point for HRDs in each of the SHRCs in the Country.
- 18.7** 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.
- 18.8** In furtherance of its objective of having close interactions with Civil Societies Groups/HRDs, in the year 2020-21, a meeting of the Core Group on NGOs and HRDs was held on 13.6.2020 at NHRC which was attended by 9 prominent Human Rights Defenders/NGOs.

A. Illustrative cases in the year 2020-21

1. Harassment and hacking of whatsapp of Shri R.H. Bansal, Human Rights Defender by cyber hacking gangs in connivance of the police officials

(Case No. 11900/24/31/2020)

1. Shri **R.H.** Bansal, a Human Rights Defender, complained to the Commission that his whatsapp has been hacked and important data and contacts stolen by a cyber hacking gangs who had been spying on him through whatsapp, harassing him, and planning his murder, in connivance of the police officials.
11. Keeping in view the seriousness of the allegations, the Commission called upon its Investigation Division to collect facts in the matter and to submit a report. Upon considering the report submitted by the Investigation Division, the Commission directed the Director



General of Police, Uttar Pradesh to get the matter investigated through CB-CID and to submit an action taken report in the matter. The Director General of Police, Uttar Pradesh was also directed by the Commission to (i) ensure the protection of the life and property of the complainant Sh. R.H. Bansal and his family members by providing police protection, (ii) ensure that no punitive measures are taken against Sh. R.H. Bansal and his family members by the Local Police pending CB-CID enquiry in the matter and (iii) to direct local police to refrain from harassing him in garb of any investigation in respect of registered FIRs, if any, pending CB-CID enquiry, and to submit an action taken report.

- m. While considering the matter further, the Commission observed that the response from the Director General of Police, Uttar Pradesh was awaited whereas the complainant Shri Bansal has been repeatedly approaching the Commission apprehending threats to him as well as his spouse's life
- iv. The Commission, therefore, directed the Director General of Police, Uttar Pradesh that the Commission be apprised of the steps taken for the protection of the complainant and his family and to ensure that no punitive measures are taken against Shri **R.H.** Bansal and his family to refrain from harassing him.
- v. In response, the Superintendent of Police (Traffic) and Nodal Officer of Human Rights (HR), Ghaziabad, Uttar Pradesh reported that the wife of the complainant did not participate in the enquiry, they don't have any faith in the District Police and the behavior of the police towards the family is very rude, so the Superintendent of Police (SP), Nodal Officer of **HR** has submitted a request to get the matter investigated from officer of any other District. The report has been taken on record.
- vi. Despite reminders, no response was received from the Director General of Police, Uttar Pradesh, Lucknow.
- vii. The Commission took a serious view of the non-responsive attitude invoking the provisions u/s 13 of the Protection of Human Rights Act, 1993, issued Conditional Summons to the Director General of Police, Uttar Pradesh, to appear in person before the Commission along with the requisite action taken report which shall dispensed with on receipt of the requisite report before the due date.
- viii. In response, SP(HR) from the office of Director General of Police, Uttar Pradesh vide a communication dated 11.01.2021 forwarded a report of SSP, Ghaziabad dated 28.12.2020 and SP, Ghaziabad dated 24.12.2020 giving compliance on three directions given by the Commission and has stated that State Government has directed Meerut Division of CB-CID to conduct enquiry into the matter; the police officials of the concerned Police Station and district Ghaziabad have been directed not to take any action against the HRD and his family members and CO, City-3 In-charge of Indrapuram Police Station has been directed to provide police protection to the family of the HRD complainant.

IX. The report is under consideration of the Commission.



2. Arrest of Ms. Safoora Zargar, a 14 weeks pregnant female HRD, for protesting against the Citizenship Amendment Act

(Case No. 1672/30/0/2020)

1. On the allegations of arrest of a woman human rights defender Ms. Safoora Zargar for her alleged involvement in organizing protests at Seelampur Jaffrabad Metro Station against the Citizenship Amendment Act (CAA). The female prisoner was taken to Tihar Jail instead of Mandoli Jail without informing her lawyer or her husband. No medical facilities were provided to her in the Jail and she was kept in isolation.
11. The Commission took cognizance in the matter on 30.04.2020 and directed Director General (Prisons), Government of NCT of Delhi to submit a report within four weeks and also to ensure that under trial prisoner, a pregnant woman, should not be subjected to any kind of harassment in judicial custody.
111. The complainant, in the meanwhile further submitted that it appeared that the Presenting Officer and other concerned staff of the Law Division of the Commission have refrained from applying their mind in this case as the serious allegations of procedural non-compliance, illegality and intimidation by police were ignored. Further Ms. Safoora Zargar's condition (being a pregnant lady) was not considered with urgency. She has further requested that the Commission may send its Member or the Prison Monitor to undertake a visit to determine the conditions of the victim inside the jail.
- 1v. The Commission carefully examined the content of the submissions made by the complainant and found it highly deplorable. It further expressed that the matter was taken up immediately even in the pandemic and lockdown situation, when the Commission worked only with a skeleton staff and made it clear that it has been taking up issues of alleged violation of human rights through its Special Monitors, Special Rapporteurs and also *suo-motu* cognizance on incidents brought to its notice as and when required.
- v. The Commission further made it clear that Section 12(a) of the **PHR** Act, 1993 empowers it to take cognizance on the violation of human rights of the individual due to the negligence on the part of public servants or any excess was indulged while discharging public duty, it is axiomatic that in a cognizable offence, police officer is empowered to arrest any individual without warrant of course subject to follow the due process of law at the time of arrest. Therefore, the alleged procedural non-compliance, illegality and intimidation by the police at the time of arrest of Ms. Safoora Zargar are subject matter of judicial review by the Court of competent jurisdiction under whose order the detainee is in custody. The Commission being a human rights body is limited to the extent where alternative remedy is not available or in the matter where the statutory body fails to discharge its statutory functions infringing the right to liberty and dignity of an individual. Therefore, the Commission had taken due care and diligence directing Director General Prisons, Government of NCT of Delhi, while taking cognizance of the case and it had directed inter alia that the pregnant female prisoner should not be subjected to any kind of harassment and was very sensitive towards the



communications received from human rights defenders, hence it is also obligatory on the part of them to avoid unwarranted comments regarding functioning of the Commission with regard to drawing up proceedings. The Commission has already asked for an Action Taken Report and the registry has been directed to put up the matter as and when the report is received.

- v1. Pursuant to the directions of the Commission, a report was received from Government of NCT of Delhi, stating that the allegations levelled in the complaint were devoid of any merit. The report further stated that FIR No. 48/20 and 59/20 were registered against Ms. Safoora Zargar under IPC, Arms Act and Unlawful Activities Act. She was admitted in Central Jail No. 6 on 15.04.2020 and transferred to Ward No. 8, with two intimates of her choice. The victim was medically examined. Her lawyer had requested a meeting with her, but it was not allowed due to COVID-19 pandemic. She was checked up by doctors, including a Gynecologist and a special diet was provided to her. The report was sent to the complainant for comments, but no comments were received. In view of the report of the authorities and also no comments submitted by the complainant, the case was closed.

3. Shri Vijay Dixit, a human right activist, resident of Bikaner, Rajasthan, falsely implicated, the accused persons barged into his house, ransacked, and misbehaved with family members (Case No. 987/20/7/2020)

1. Shri Vijay Dixit vide a complaint dated 25.05.2020 alleged that he had filed a complaint against the Principal and Regulator of the Medical College, Bikaner, Rajasthan for theft of electricity and corruption. However, no action was taken by the police. Due to inaction on part of police the accused persons misbehaved with the complainant, his wife and daughter. He was implicated in a false case. An FIR was registered and he was charge-sheeted. On the date of incident some of the accused persons barged into the complainant's house and ransacked it. The complainant provided CCTV footage to the police, but it was in vain.
11. The Commission took cognizance in the matter on 07.07.2020 and directed to issue notice to the SP, Bikaner, Rajasthan calling for a report within four weeks.
- m. Pursuant to the directions of the Commission, SP, Bikaner, Rajasthan submitted a report dated 21.08.2020. The report reveals that the statements of the complainant, his wife and daughter were taken u/s 161/164 Cr.P.C. by the police and before the Magistrate. The pen drive consisting of the CCTV footage was admitted along with Section 65B certificate. The car used by the accused to reach the house of the complainant on the date of incident was traced. Statement of the owner was recorded and the initial investigation indicated the offence u/s 354A/509 IPC r/w POCSO Act committed by one accused Abhijeet. However, offence u/s 458/427/120B IPC could not be found to have been committed. A Charge Sheet was filed and the accused was sent to judicial custody. However, offences u/s 3458/427/120B IPC were found to be committed by another accused person who have also been sent to judicial custody. The involvement of the Principal and Regulator of the Medical College, Bikaner is doubtful. However, one more accused was at large.



- 1v. The Commission perused the report on 29.01.2021 and observed that the Charge Sheet has been filed in this case. However, the Commission directed SP, Bikaner, Rajasthan to complete the investigation at the earliest and send a copy for the record of the Commission thereafter.

4. Dr. Roy Laifungbam@Bobbie, a human rights activist, illegally confined at the Police Station beyond 24 hours, in Imphal, Manipur

(Case No. 8/14/4/2020)

1. The complainant alleged that the human right defender was picked up by the local police of Imphal Police Station on 03.04.2020 at around 5.30 PM from his residence. No Memo of Arrest was given and no Inspection Memo was prepared at the place of arrest. The arrest was made u/s 188 of IPC, purely a bailable offence, for posting some message in his Facebook page but no bail was granted to him and he was released from the police custody only after 24 hours.
11. The Commission took cognizance in the matter on 28.04.2020 and directed to transmit a copy of the complaint to the Director General of Police (DGP), Manipur, calling for a report within four weeks. The DGP, Manipur was asked to clearly specify the reasons for not granting bail to HRD when he was arrested under the bailable offences in the light of the provisions u/s 436 of Cr.P.C.
111. Pursuant to the directions of the Commission, Additional DGP (HR), Manipur, Imphal vide a report dated 03.09.2020 forwarded a report of SP, Imphal, Manipur dated 02.09.2020. The report reveals that following an offensive Facebook post on 03.04.2020, which attracted legal action under non-bailable sections of IPC and the Disaster Management Act, an armed police team of Imphal Police Station was deputed in a vehicle on the same day to call the alleged victim for verification and enquiry whether he actually and intentionally posted the said facebook post statement by using a dubious facebook account. He was informed to come to the Police Station and he reached the Police Station at 6.00 P.M. along with his male relative in his car which was being secured by the police team during the COVID-19 pandemic and lock down. He was interrogated from 8.30 PM to 9.30 PM and he admitted of having posted facebook post using the misnomer 'Laifungbam Khongnangthaba Roy' intentionally to discredit the efforts of the Chief Minister and to incite the general public so that Government focuses on public welfare instead of political gain. He was served food around 10.30 P.M. and was asked to go home. But due to COVID-19 pandemic and the lockdown, he requested to stay in the Police Station. The next day he was taken to hospital for his health check up due to COVID-19. He was neither kept in the lock-up nor arrested in any FIR. His Counsel came around 3.00 P.M. and after clearing the misunderstanding between the parties, the case was dropped.
- 1v. The Commission perused the report and observed that the allegations of the complainant were not substantiated during investigation by the police. The Commission, therefore, considered it appropriate to call for comments of the complainant. The complainant has requested for eight weeks' time to submit the comments.



5. Illegal arrest and abduction of 83-year-old Jesuit Priest and Adivasi Rights Activist Father Stan Swamy in Ranchi by NIA officials

(Case No.1036/34/16/2020)

1. The complainant alleged that the victim was illegally arrested and abducted by National Investigation Agency (NIA) officials from Ranchi in the Bhima-Koregaon Case. The victim was allegedly suffering from Parkinson's disease, hence should not have been taken for custodial interrogation that too during the COVID-19 pandemic.
11. The Commission took cognizance in the matter on 09.10.2020 and directed the Investigation Division of the Commission to telephonically enquire into the allegations and submit a brief report within a week.
- m. The Investigation Division of the Commission submitted a note stating that the allegations levelled were denied by the NIA and Agency reported that Father Stan Swamy was arrested as per procedure laid down in the law; no human rights of the individual were violated; and to ascertain as to whether the arrest was required, further interrogation of Father Stan Swamy could have been done other than informal custody and whether his health conditions permitted travel to Mumbai could only be explained by the NIA. Therefore, a report was sought from the DG, NIA, New Delhi.
- 1v. Pursuant to the directions of the Commission, Inspector General (Inv-I), NIA **HQ**, New Delhi submitted a report dated 26.10.2020. The report states that 1.0. followed due procedure of law during arrest of the alleged victim. He was one of the accused persons (Accused No.16) in Special Case No. 414 of 2020 and RC- 01/2020/NIA/MUM pending before the Special Judge under NIA Act, 2008 at Mumbai.
- v. The Commission directed the Investigation Division to analyse the reports and it found that the alleged victim Father Stan Swamy was a member of the CPI (Maoist), a proscribed organization under Unlawful Activities Prevention (UAP) Act and was actively involved in its activities. He was part of the criminal conspiracy and therefore a charge sheet was filed u/s120(b)/121/121(a)/34 IPC r/w Section 13/16/18/20/38/39 UAP Act. He was arrested on the basis of the evidence and offences which were cognizable in nature and which fell within the schedule offences of NIA Act. He was produced before the Magistrate within 24 hours of arrest and a supplementary charge sheet was filed against him on the same day and was lodged in the jail thereafter. The bail application of the accused/victim was dismissed by the Special Court. Further, the applicant failed to prove that the medical treatment provided to the victim was not sufficient. In fact, he was lodged in a separate cell in the hospital section due to his old age. The report concluded that the complainant could not seek any protection or cover in the name of infringement of human rights, when his act itself was against the security of the State and law and the doctors who examined him declared him physically and mentally fit.



- v1. The Commission considered all the material placed on record. Since the accused was under judicial custody, he should have approached the Trial Court for seeking any further relief on the ground of his frail and fragile health. Since the matter was subjudice, the case was closed by the Commission.

6. Murder of Shri Aditya Das, motivational speaker and human rights defender in Bhubaneswar, Odisha, despite complaints about threat to his life

(Case No. 2014/18/28/2020)

1. The complainant alleged that Aditya Das, motivational speaker and human rights defender died in mysterious circumstances in Bhubaneswar, Odisha on 07.07.2020. The police did not take action in the matter.
11. The Commission took cognizance in the matter on 27.07.2020 and called for an Action Taken Report from the Commissioner of Police, Khurda, Odisha.
111. The Commission perused the record on 29.10.2020 and observed that despite reminders dated 30.07.2020 and 10.08.2020, no report was forthcoming. A final reminder was also issued.
- iv. Pursuant to the directions of the Commission, Commissioner of Police, Bhubaneswar, Odisha vide a communication dated 10.11.2020 intimated that the Crime Branch, Odisha, Cuttack had already taken charge of investigation in the matter.
- v. Additional DGP, CID Crime Branch, Odisha, Cuttack vide communication dated 26.08.2020 submitted a report of SP, CID-CB, Odisha, Cuttack dated 25.08.2020. The report reveals that the postmortem report revealed that the deceased died due to 'shock and the injuries on the body'. The suicide note was given to the handwriting expert for opinion which was still pending; CCTV footage in and around the place of incident were seized; Senior Superintendent, Railway Station, Bhubaneswar, Odisha intimated that no report of falling of any person from train was reported on that date; the call details of the concerned persons were obtained; the statement of the informant were recorded; the spot of incident was revisited by CID-CB team and the documents in respect of Facebook account of the deceased have been sought from the Facebook HQ. The report concluded that State CID-CB were investigating the case, keeping in view all possible angles in the case. The report is under consideration of the Commission.

7. Shri Isrevel Moses, a human rights defender and journalist of Tamilian TV, brutally hacked to death district Kancheepuram of Tamil Nadu

(Case No. 7454/22/2/2020)

1. The HRD highlighted issues relating to illegal encroachment of government land and sale and abuse of drugs in the area. He informed the local police about these illegal activities in the neighbourhood and also informed about the death threat received by him. He was brutally



hacked to death by the members of a drug gang on 08.11.2020. The complainant further alleged that due to inaction on the part of the police, the whistleblower journalist lost his life.

11. The Commission took cognizance in the matter on 09.12.2020 and directed DGP, Tamil Nadu to get the matter enquired by the senior police officer of his choice from the district other than district Kancheepuram and submit Action Taken Report within six weeks. DGP, Tamil Nadu was also asked to ensure safety and security of the family members of the deceased journalist.

8. Shri Ishraful Hoque, a human right activist who had been exposing corruption in the West Garo Hills, Meghalaya, falsely implicated to prevent him from exposing the corruption (Case No. 14/15/0/2020)

1. Mr. Ishraful Hoque is a HRD actively involved in fighting for the rights of underprivileged citizens and against corruption, illegal activities in the region. He had been raising voice for the poor and unprivileged, weaker and needy section of the society. Hence he was being targeted by registering false cases on false complaints. Now he was hiding to prevent arrest by the police.
11. The Commission took cognizance in the matter on 08.10.2020 and directed the Investigation Division of the Commission to collect facts over telephone within two days.
- m. Pursuant to the directions of the Commission, Investigation Division contacted In-charge of Tura Woman Police Station on her mobile who informed that a case of sexual harassment has been registered against Ishraful Hoque vide FIR No. 41/2020 u/s 5/6 Protection of Children from Sexual Offences (POCSO) Act dated 21.09.2020. He surrendered on 07.10.2020 and has been sent to judicial custody. She requested for written communication to give further information in the matter.
- 1v. The Commission considered the report on 19.10.2020 and directed SP, District West Garo Hills, Meghalaya to submit a detailed enquiry report along with supporting documents within four weeks. So far, no report has been received by the Commission.

International Cooperation

- 19.1** National Human Rights Institutions (NHRIs) that is fully complied with the principles relating to the status of national institutions, commonly known as the Paris Principles, play 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 encouraged to establish effective, independent NHRIs that comply with the Paris Principles as well as strengthen it where it already exists. 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.

A. Mid-term Report on status of implementation of UPR-111 recommendations

- 19.2** The Universal Periodic Review (UPR), a unique mechanism of the United Nations Human Rights Council (UNHRC) is a process to examine and assess the human rights situation in every UN Member State through peer review. It has assumed an important role in advancement and monitoring of human rights. The review of India under the third UPR cycle was held on 4th May, 2017 and subsequently, the outcome of the Government of India's report was adopted on 21st September, 2017. A total of 250 recommendations were made by the UPR Working Group in respect of India, out of which 152 recommendations were accepted and 98 were noted by the Government of India.
- 19.3** In order to follow up on the implementation of the 152 recommendations that were accepted, written inputs on the action taken were sought by NHRC from 18 Ministries in January, 2020. As the recommendations of UPR-III span across several Ministries, it was decided that the meetings would be undertaken in groups of 3-4 Ministries under close supervision of the former Hon'ble Chairperson/ respective Member of the Commission. Five meetings spanning across 18 Ministries were undertaken on 4th, 11th, 17th and 18th February 2020 by the Commission to review the implementation of the recommendations. Subsequently, the Commission held a meeting with Civil Society Organization (CSOs) on 4th March, 2020 wherein 12 participants from across 10 civil society organizations attended the meeting to share their views on the implementation of recommendations of UPR-111.
- 19.4** After receiving approval of the Full Commission on 28th April 2020, the National Human Rights Commission, NHRC, India, on 13th May, 2020, submitted the Mid-term Report on the status of the implementation of the recommendations of 3rd cycle of the Universal Periodic Review of Human Rights situation in the country to the UPR Working Group of the United Nations Human



Rights Council. A copy of the report was also sent to the 18 concerned Union Ministries of the Government of India.

B. Cooperation with the Asia Pacific Forum of National Human Rights Institutions

- 19.5** The Asia Pacific Forum of National Human Rights Institutions (APF) is the leading regional human rights organization in the Asia Pacific region established in 1996. It is a member-based organization that supports the establishment and strengthening of independent National Human Rights Institutions in the region. Its 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 writing of the Annual Report, APF had 15 full members and 7 associate members. These members represent diverse countries across the region. The National Human Rights Commission of India is one of its founding members.

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

- 19.6** 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 National Human Rights Institutions 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 they conform to the Paris Principles. NHRC, India is a GANHRI member with 'J' status accreditation for the fourth consecutive term of five years that are 1999, 2006, 2011 and 2017.

D. NHRC participation in other international meetings and seminars

This year, due to the COVID-19 pandemic, all the international meetings, seminars, conferences and training programs held in virtual mode. The Commission has strongly made its presence felt at various international events that are as follows:

- 19.7** Shri Surajit Dey, Registrar (Law), Shri R.K. Khandelwal, Joint Secretary (Administration & Research), Smt. Manzil Saini, Deputy Inspector General, Dr. M.D.S. Tyagi, Joint Director (Research), Shri Sanjay Kumar, Under Secretary (Establishment), and Md. Alam Ansari, Research Officer attended the 'UN Virtual Forum on Responsible Business and Human Rights Asia Pacific from 9-11th June 2020.
- 19.8** Smt. Anita Sinha, Joint Secretary (Planning & Training), Shri D.M. Tripathy, Under Secretary (Coordination), Shri M.D.S. Tyagi, Joint Director (Research), Ms. Radhika Kaul Batra, Chief of Staff, UN Resident Coordinator's Office (UNRCO), Shri Digvijay Singh, Social Protection Specialist, UNDP and Ms. Rubeeta Naik, Social Inclusion Specialist, UNRCO attended the



Virtual Meeting on NHRC-UN Collaboration held on 14th July, 2020 and Proposal for UN-India and NHRC collaboration on 15th July, 2020.

- 19.9** Ms. Seemi Azam, Research Officer attended the virtual meeting on "Racism in Commonwealth hosted by Commonwealth Secretariat" held on 31st July, 2020.
- 19.10** Ms. Manzil Saini, DIG and Md. Alam Ansari, Research Officer participated in the Reference group on Monitoring, Evaluation, Accountability and Learning (MEAL)- Resource to NHRIs on 6th August 2020.
- 19.11** Shri R.K. Khandelwal, Joint Secretary (A&R), Ms. Anita Sinha, Joint Secretary (P&T), Smt. Manzil Saini, Deputy Inspector General, Shri M.D.S. Tyagi, Joint Director (Research) and Shri D.M. Tripathy, Under Secretary (Coord) participated in the online programme on "Youth 2020: Working with and for Young people", organised by Prof. Akmal Saidov, Director of National Center for Human Rights of the Republic of Uzbekistan, on 12-13th August, 2020 in Samarkand.
- 19.12** Shri R.K. Khandelwal, Joint Secretary (A&R) and Shri M.D.S. Tyagi, Joint Director (Research) attended the meeting on Persons with Disability and COVID-19 hosted by Committee on Rights of Persons with Disabilities in collaboration with GANHRI on 19th August, 2020.
- 19.13** Shri Sudesh Kumar, Senior Research Officer attended the Briefing of the stakeholders on the Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration held online on 26th August, 2020, 28th October, 2020 & 19th November, 2020.
- 19.14** Shri Jaideep Govind, the then Secretary General, Shri Surajit Dey, Registrar (Law), Shri R.K. Khandelwal, Joint Secretary (A&R), Smt. Anita Sinha, Joint Secretary (P&T) and Smt. Manzil Saini, Deputy Inspector General attended the 25th virtual APF Annual General Meeting (AGM) held on 9 September 2020. The Agenda items were: APF performance report, Audited Accounts, Election of APF Governance Committee, Election of one APF representative to the GANHRI Bureau and an Alternate and Location of the 26th APF AGM and Biennial Conference were discussed during the meeting.
- 19.15** Shri Surajit Dey, Registrar (Law), Shri C.S. Mawri, Assistant Registrar (Law) and Shri Dushyant Singh, Deputy Superintendent of Police attended the 2020 Conference on Combating Hatred and Discrimination. The Conference was hosted by the NHRC of Korea, the European Union and the APF and the theme of the conference was "Implementing Strategy and Plan of Action to address Hate and Discrimination".
- 19.16** Smt. Anita Sinha, Joint Secretary (P&T) and Shri M.D.S. Tyagi, Joint Director (Research) attended the Regional Webinar on 'How NHRIs work with 2030 Agenda' on 28- 29th September, 2020.
- 19.17** Shri Bimbadhar Pradhan, Secretary General, Shri Surajit Dey, Registrar(Law), Shri R.K. Khandelwal, Joint Secretary (A&R), Ms. Anita Sinha, Joint Secretary (P&T) and Shri M.D.S. Tyagi, Joint Director (Research) attended the virtual meeting of GANHRI Working Group on Business & Human Rights on 15th October, 2020. The issues discussed were: (i) Intervention of Treaty Meeting, (ii) Submission in collaborations with the UN Working Group and (iii) United Nations Business & Human Rights Forum.



- 19.18** NHRC participation in GANHRI's Extraordinary General Assembly (EGA) held from 19th to 26th October, 2020 to elect the new Chairperson and ratify the appointed Bureau members.
- 19.19** Justice Shri P.C. Pant, Hon'ble Member, Shri Bimbadhar Pradhan, Secretary General and Shri Surajit Dey, Registrar (Law) attended the GANHRI 2020 Annual Meeting online from 30th November, 2020 through 4th December, 2020, with two live streamed events on 3 and 4th December, 2020. The sessions included: (i) Knowledge exchange of good practices: Implementation of NHRI mandate and functions in the COVID-19 context, on 3rd December, 2020 and (ii) Annual Conference: Climate Change: The role of National Human Rights Institutions, on 4th December, 2020.
- 19.20** Shri Srinivas Kammath, Deputy Registrar (Law) attended the webinar for NHRIs on "UN Participation Guidelines, co-organized by OHCHR and the European Centre for Not- For-Profit Law Stitching (ENCL) on 2nd December 2020.
- 19.21** Shri Bimbadhar Pradhan, Secretary General and Smt. Anita Sinha, Joint Secretary (P&T) participated in the 3rd Intersessional meeting for dialogue and cooperation on Human Rights and 2030 Agenda for Sustainable Development held virtually on 14th January 2021. The theme for the meeting was "Building Back Better: Integrating Human Rights in Sustainable and Resilient Recovery from the COVID-19 pandemic".
- 19.22** Dr. Seemi Azam, Research Officer attended the "Virtual consultation on Welfare measures for Transgender Community" organised by Dr. Chiranjeev Bhattachariya, UN Programme Manager, UNDP, India which was held on 29 January 2021.
- 19.23** Shri Srinivas Kammath, Deputy Registrar (Law) participated in the Tracking and celebrating human rights education online event, organised by Director, APF of NHRIs, on 11 February, 2021.
- 19.24** Justice P.C. Pant delivered a pre recorded video statement to 46th session of Human Rights Council that took place from 22 February to 24 March 2021, virtually, under the agenda item of "Promotion and protection of all human rights, civil, political, economic, social and cultural rights" including right to development.
- 19.25** Justice Shri P.C. Pant, Hon'ble Member, Shri Bimbadhar Pradhan, Secretary General and Smt. Anita Sinha, Joint Secretary (J&T) participated in the Commonwealth Forum of National Human Rights Institutions (CFNHRI) Annual Meeting held virtually on 18th March 2021.
- 19.26** Shri D.M. Tripathy, Under Secretary (Coordination) attended the Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration held from 2-4th March, 2021 through Zoom (Online).
- 19.27** Shri Bimbhadar Pradhan, Secretary General attended the UNDP Business & Human Rights Programme- Project Partner Meeting held online on 1st March 2021 as a panellist.



19.28 Shri Bimbadhar Pradhan, Secretary General, NHRC participated as a panellist along with NHRC Team comprising Shri Srinivasa Kammath, Deputy Registrar (Law) and others in the Pre Forum Sessions: Safe Space: National Human Rights Institutions (2021 UN South Asia Forum on Business and Human Rights) on 16th March 2021.



Image/9.1: Shri Bimbadhar Pradhan, Secretary General, NHRC at the 2021 UN South Asia Forum on Business and Human Rights

19.29 Shri R.K. Khandelwal, Joint Secretary (A&R) participated in the GANHRI Working Group on BHR on NHRI's role in implementing the UNGO+10. on 18th March 2021 (virtual).



Image 19.2: Shri R.K. Khandelwal, Additional Secretary, NHRC, alongwith representatives from other NHR's in the GANHR! Working Group on BHR on NHR!'s role in implementing the UNGO+J0

19.30 Shri M.D.S. Tyagi, Joint Director (Research) attended the general discussion on the right of persons with disabilities to work and employment on 22nd& 24th March, 2021.

19.31 Shri Indrajeet Kumar, Assistant Registrar (Law) and Dr. Seemi Azam, Research Officer attended the Third Session of the Expert Mechanism on the Right to Development on 30th March 2021 and 1st April, 2021.

E. Interaction with foreign delegates in the Commission

19.32 The Commission held interactions with Mr. Graham Mayer, Minister Counsellor for Political Affairs and Mr. John Fazia, Political Officer, U.S. Embassy, New Delhi on 8th October 2021, and the meeting was held with Member (Dr. Dnyaneshwar Manohar Mulay, Hon'ble Member), NHRC to understand the functioning of the Commission.

Non-acceptance of NHRC recommendations by State Governments

- 20.1** The National Human Rights Commission 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 against the concerned public servant.
- 20.2** During the year 2020-2021, 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 20.1: Recommendations made by the National Human Rights Commission challenged before Courts in the year 2020-21

1. W.P. (Crl) 625 of 2020 before Delhi High Court Randhir Singh V/s NHRC & Others	Police Atrocities	Recommendation and monetary relief of Rs. 50,000/- (Rupees five lakh only) to Shri Rajesh Bahadur Singh of Delhi and recovery from Police officer petitioner challenged
2. W.P. No. 5709 of 2019 before High Court of Mumbai Bench at Aurangabad Chairman Railway Board V/s UOI & Ors.	Death in custody	Recommendation for additional compensation of Rs. 2,00,000/- (Rupees two lakh only) for death of Durga Prasad Manik Kanchiwaram at RPF post puma in District Prabhani, Maharashtra
3. W.P. 28091/2019 before Madhya Pradesh High Court at Jabalpur M.P.P.K.V.Co. Ltd. V/s NHRC	Electrocution Case	Recommendation for payment of Rs. 2,00,000/- (Rupees two lakh only) each to NoK of Kam Singh and Kamed Singh challenged
4. W.P.(Crl) 172 of 2021 State of Uttarakhand V/s NHRC before High Court of Uttarakhand at Nainital	Death of Jitender Das (SC) due to attack by upper Caste	Recommendation for payment of Rs. 2,00,000/- (Rupees two lakh only) in addition to the amount of relief of Rs.8.25 lakhs to family under SC/ST Act was challenged



5. WPST 3161/2020 Mohd. Leniy Anthony V/s NHRC before High Court of Bombay	Abuse of Power by Police	Recommendation for payment of Rs. 1,00,000/- (Rupees one lakh only) and action against police officials made on 7.9.2020 challenged by the officer
6. WP(A) 6962 of 2020 Raj Kumar Singh V/s State of UP & Ors before Allahabad High Court	Abuse of power by Police	Recommendation made on 27.1.2020 for payment of Rs. 50,000/- (Rupees fifty thousand only) to the victim Bijender Singh and recovery from the police officer challenged
7. WP(CrI) 504 of 2021 Naresh Kumar V/s NHRC & Ors Before Delhi High Court	Abuse of power by Police	Compensation amount of Rs. 3,00,000/- (Rupees three lakh only) paid to the victim Deepa Arya. Recovery of the amount challenged by the police officer.

Summary of Principal Recommendations and Observations

A. Virtual Conference on 'Online Child Sexual Abuse Material' organized on 21st July, 2020

1. Establishment of smart cyber centres in each State/UT to upgrade and channelize the efforts against CSAM and other online crimes.
11. Increased and effective training of the police and other enforcement agencies on how to handle cases regarding CSAM including sensitization to work with children.
111. Formation of a central repository to maintain record of repeated offenders and of those intermediaries who do not report CSAM.
- iv. Sex education and lessons on online safety to be included in the school curriculum.
- v. The existing mechanism for reporting and redressal should be made fool-proof. For this, the IT Act, 2000 should be strengthened to deal with intermediaries more effectively and the loophole in the Cybercrime portal pertaining to revealing the identity of the victim should be weeded out.
- vi. A dedicated task force to be set up to deal with CSAM in synchronization with cyber units of various state police and having the mandate to investigate beyond territorial limits.
- vii. More research should be encouraged through various mental health institutes, NGOs working on children's issues and varied commissions like NCPCR, NHRC, etc.
- viii. Training and sensitization of parents and teachers as first hand responders to the menace of CSAM and adopting a zero-tolerance policy in schools with regard to sexual abuse.
- ix. Ensuring presence and services of a counsellor in each school to deal with not only CSAM but also other related issues.
- x. Formation of a dedicated child care fund at the state level for the rehabilitation of the victim of CSAM/CSA.
- xi. Reporting mechanism can be upgraded by establishing a separate desk in police station dealing only with the cases of CSAM and Child Sexual Abuse.
- xii. Creating awareness about the National Cyber Crime Reporting Portal.



B. Meeting of the Core Group on Bonded Labour organized on 14th August, 2020

1. Redefinition of bonded labour: With the changing context, the nature of bonded labour has also changed. Thus, the Ministry of Labour and Employment, in collaboration with the V.V. Giri National Labour Institute, may assess and study the scope of such changes in the nature of bonded labour and then take necessary action towards amendment.
11. Capacity building of implementing authorities: The Ministry of Labour and Employment, in collaboration with the V.V. Giri National Labour Institute, to undertake sensitization and capacity building programmes for the State Authorities responsible for discharging duties under Bonded Labour System (Abolition) Act (BLSAA), 1976, about the various provisions under the legislation, Central Sector Scheme for Rehabilitation of Bonded Labourer (CSS), 2016, Central Standard Operating Procedure for Identification and Rescue of Bonded Labourer and Prosecution of Offender, 2017 and other orders.
- m. Awareness generation regarding provisions: Awareness generation initiatives need to be undertaken by bringing out simple leaflets highlighting main provisions and procedures for getting benefits under the Bonded Labour System (Abolition) Act (BLSAA), 1976, and the Scheme. The same can be brought in local languages and be distributed extensively.
- 1v. Directions for creation/filling corpus funds and speedy disposal of Summary Trails: The Ministry may direct States to create/fill up corpus funds under Central Sector Scheme for Rehabilitation of Bonded Labourer (CSS), 2016, and speedily dispose of the Summary Trails. Past experiences show that such intimations persuade the State authorities to dispense their duties expeditiously.
- v. Simplification of reimbursement procedure for getting corpus fund under Central Sector Scheme for Rehabilitation of Bonded Labourer (CSS), 2016: As States have been facing issues in sending proposals in the correct shape, the Ministry of Labour and Employment may consider simplifying the process and perform for submission of fund proposal.
- v1. Convergence among Ministries and their schemes for rehabilitation of released bonded labourers: In view of the pandemic, where the vulnerabilities have increased manifold, the Ministry of Labour and Employment may assess the scope of convergence between various benefits of development programmes and poverty alleviation schemes for the rehabilitation of bonded labourers and thereafter prepare necessary directions indicating the areas of convergence.
- vii. Sharing of data: The Ministry of Labour and Employment to share a state-wise break- up of data on rehabilitation (cash assistance and non-cash rehabilitation) and prosecution since the revised scheme of 2016 to 2020.
- viii. Dissemination of the Central SOP: The Central Standard Operating Procedure for Identification and Rescue of Bonded Labourer and Prosecution of Offender, 2017, needs to be disseminated widely. The Ministry of Labour and Employment may ensure that it directs the State Government to circulate it among all the concerned State Authorities and also direct them to translate it into local languages.



- 1x. Unannounced inspection for identification of bonded labour: There is a need for unannounced/ surprise inspection by State authorities so that employers do not have the scope to cover the existence of bonded labour.
- x. Ensuring inclusion of a member from the civil society or a social worker in the rescue team: Point 2.2(i) of the Central Standard Operating Procedure for Identification and Rescue of Bonded Labourer and Prosecution of Offender, 2017, states that the Rescue team should include a representative from a civil society organization or a social worker. The State must be directed to ensure that this guideline is adhered to at all times.
- x1. Revisiting the Central SOP: The Central Standard Operating Procedure for Identification and Rescue of Bonded Labourer and Prosecution of Offender, 2017, may be revisited with emphasis on the protection, release and rehabilitation of the bonded labour victims. There should be guidelines for the reporting process during the period of 3 months, within which a summary trial is to be completed. Further, it must also clarify where the labourer is to be accommodated during the trial period.
- xii. COVID-19 insurance for workers in industries: The Ministry of Labour and Employment may explore the possibility of issuing directives to employers to provide COVID-19 health insurance to remove fears of COVID-19 among workers and encourage migrant workers to return to the cities for work.
- xiii. Encourage States to implement One Nation One Ration Card plan: The concerned Ministry may write to States encouraging them to fast track the implementation of Integrated Management of Public Distribution System (IM-PDS) Scheme. Implementation of this Scheme will ensure food security of migrant workers, especially during the time of this pandemic.
- xiv. Maintaining database of migrant workers: The concerned Ministry must promote and pursue States to maintain migrant worker's register at the Panchayat level which will act as a data pool in case of trafficking of migrant labourers. This data will also facilitate authorities to provide migrant families with sustainable livelihood opportunities, adequate wages, social security, proper housing facilities, safe drinking water, sanitation, education, and health facilities. This is also in line with Ministry of Home Affairs' advisory issued on 6 July, 2020 (No. 24013/4/2020-ATC).
- xv. Charter of rights of workers: A charter of the rights of the working population should be prepared to serve as guiding principle in ensuring the right to their livelihood, food, security and above all dignity of labour.

C. Open House Discussion on "Patients' Rights and Social Accountability of Private Hospitals" organized on 8th October, 2020

1. Action Taken Report on Human Rights Advisories: M/o Health and Family Welfare and all the State Governments/ UTs may be asked to send an ATR on the status of implementation of the Human Rights Advisory on Right to Health and Human Rights Advisory on Right to



Mental Health, issued by NHRC on 28th September 2020 and 8th October, 2020 respectively. A review meeting by NHRC may be organised in this regard.

11. Clinical Establishment Act:

- *Mio* Health and Family Welfare need to ensure effective implementation of the Act in the 11 States/UTs which have so far adopted the said Act.
- *Mio* Health and Family Welfare may impress upon the remaining State Governments/UTs to adopt and operationalise the Clinical Establishment Act.

111. Patients' Rights Charter:

- Considering the Patients' Rights charter prepared by the NHRC, the Secretary *Mio* Health and Family Welfare had written a DO Letter dated 2nd June 2019, to all Chief Secretaries, requesting for adoption and implementation of the Patients' Rights Charter. An ATR on the status of implementation of the same needs to be furnished to NHRC and a review meeting may be organised in this regard.
- National Health Authority may ensure observance of patients' rights charter in all hospitals under Pradhan Mantri Jan Arogya Yojana (PMJAY), including the private hospitals covered under PMJAY and other similar schemes.

1v. Publicising Patients' Rights:

- The Patients' Rights Charter and the Do's and Don'ts of Patients' Rights recommended by the National Council for Clinical Establishment must be publicised via mass media for wider publicity and effective implementation.
- Display of Patients' Rights Charter in all the Government and Private sector hospitals/clinics/nursing homes must be made mandatory.
- Renewal of License in case of private hospitals may be issued subject to the compliance of the Patients' Rights Charter.

v. Training and Curriculum: The Patients' Rights Charter may be included in the training programmes and curriculum of various courses for all health professions in order to sensitize all healthcare providers, including Doctors, paramedical staff and other hospital staff.

v1. Grievance Redressal Mechanism:

- A robust grievance redressal mechanism should be put in place to ensure that the patients' charter is implemented in letter and spirit.
- A timeline may be set for a follow-up mechanism to ensure implementation of the charter. The follow-up may be done every 3 months.
- Use of IT: a patient feedback app may be developed to explore patient experience in respect of the rights mentioned in the patients' rights charter.



- vii. Transparency of Rates: It should be made mandatory for all hospitals to display the Rate Card on their website, with clear cut rates leaving no scope for hidden costs.
- viii. Self-Declaration: The need for self declaration may be suggested to all hospitals to maintain a record of patient grievances and mention the same in their Annual Reports.

D. Meeting of the Core Group on LGBTQI organized on 11th November, 2020

1. Spreading awareness regarding LGBTQI+ rights
 - Popularise the direction given in *NALSA* and *Navtej Singh Johar* judgements using media to reduce stigma in the society and disseminate information about the rights of the LGBTQI community.
 - The law enforcement agencies need to be sensitized towards people belonging to LGBTQI community.
 - Proper advocacy and sensitization programmes should be organised in Ministries, both at Central and State level; National and State Human Rights Commission to have better understanding of the issues which this community faces.
11. Capacity Building and Increasing Inclusivity
 - Capacity building and skill training programmes should be conducted for the transgender community and greater employment opportunities should be generated for them.
 - Attempts need to be made at the workplace to encourage inclusivity and participation of the LGBTQI community.
111. Laws and Welfare Schemes
 - The Transgender Persons (Protection of Rights) Act, 2019 must protect the rights of the transgender persons from atrocities from outside and within the community. In this regard, the Act must not resort to merely extend the application of the existing penal provision but define the atrocities meted out against them with specific and equal punishments as enumerated in Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
 - The Transgender Persons (Protection of Rights) Rules, 2020 must give detailed enumeration of the welfare scheme which the transgender persons can avail.
 - Strict and mandatory laws against forced sex reassignment surgery and conversion therapy should be formulated.
 - Introduce horizontal reservations within caste, tribe and other categories of reservation for transgender persons in furtherance of the *NALSA* judgement.
- 1v. Healthcare Systems and Facilities
 - Indian Medical Association should train medical practitioners for medical examination



of transgender persons. Sensitize the medical community regarding sex, gender, sexuality and self identity.

- An advisory may be issued to all medical students and the Indian Association of Clinical Psychologists to train them about the medical and health issues and requirements of people from this community and to discourage medical intervention attempted due to gender incongruence.

v. Shelter Homes and Housing

- Separate shelter homes and access to food should be ensured for all the estranged individuals from this community.
- Introduce one-stop grievance redressal centres with representation from this community exclusively for the LGBTQI+ community on similar lines as One - Stop Centre for women to address the issue of sexual violence and abuse.
- Housing discrimination faced by transgender people and same-sex couples can affect where they live and the resources available to them. Therefore, fair and equal housing rights for LGBTQI community should be provided.

v1. Representation from Inter-sex Community: The issues of intersex community should be dealt separately from the Transgender community. The Core Group on LGBTQI should have representation from the intersex community so that their issue may have equal representation.

E. Regional Workshop in Southern India on "Issues and Challenges of Manual Scavenging and Human Rights" organized on 18th December, 2020

1. Categorize Manual Scavenging.
11. Broaden the definition of Manual Scavenging.
- m. Think about formulating a new Act for Hazardous Cleaning or include some provision in the already existing Act.
- 1v. Define what comes under the term 'protective gear' and make it mandatory while using equipment like sucking and jetting machines.
- v. Accountability must be fixed **in** the cases of wrong reporting about the number of Manual Scavengers **in** any region.
- v1. Ensure to remove the role of a middle man by making provisions like DBT or by collaborating with NGOs.
- v11. Rehabilitation process may be linked to schemes under which they can immediately start earning like MGNREGA.
- v111. The amount of compensation paid as one time cash assistance for their rehabilitation may



be enhanced to 1 Lakh. Nodal authority/ department that will bear the expense of such compensation may also be clearly specified.

- ix. Strict Action against local authorities who employ people to work as manual scavengers.
- x. An App and a toll-free number for registration of complaints.
- xi. A penal section may be put in Law to prevent the discrimination and harassment faced by the children of the Manual Scavengers and women Manual Scavengers
- xii. Officers in the Supervisory level or In charge of the area should submit a declaration to the respective civic body to the effect that the required safety gears are being provided before any person enters the sewer/septic tank.
- xiii. Monitoring Mechanism and a vigilance committee with a proper SOP must be established, under Section 24 of the PEMSRA, 2013. Ensuring participation from civil society/ community participation in the vigilance committee formed under section 24 of PEMSRA, 2013.
- xiv. While many Manual Scavengers have been rehabilitated, it is also important to revisit to see how they and their families are doing.
- xv. Safai Karamchari Association may be involved while conducting surveys for identification purposes.
- xvi. Special emphasis must be given to colonies where Manual Scavengers tend to live.
- xvii. Local bodies must ensure proper disposal of plastic to avoid clogging.
- xviii. The National Safai Karamcharis Finance and Development Corporation (NSKFDC) may promulgate/undertake training programs. The training expenditure and payment of stipend to the trainees to be borne by NSKFDC.
- xix. There is a need of Women centric rehabilitation programs
- xx. NSKFDC may provide financial assistance to help start up working in the domain of sanitation and companies, in turn, be asked to provide training to Manual Scavengers on how to operate those technologies.
- xxi. Need to have police investigation officers with special training under SC/ST Atrocities Act, 1989, PEMSRA Act, 2013 and Supreme Court 2014 judgement.
- xxii. The National Crime Research Bureau (NCRB) to monitor the sewer deaths and data reflected in its report.
- xxiii. The Ministry of Finance of Government of India may designate a particular Nationalised Bank for each State to take-up the responsibility of extending loans to the Manual Scavengers and their dependents up to Rs.10 lakhs to take up business activity.
- xxiv. Either individual or group insurances must be provided to Manual Scavengers and the premium shall be paid by the concerned Local Bodies.



xxv. NHRC is required to continuously monitor the practice of manual scavenging by conducting review meetings at least once in six months.

xxvi. A Special Rapporteur can be deputed to check the presence of Manual Scavenging in any region.

F. Meeting of the Core Group on Disability and Elderly Persons organized on 12th January, 2021

i. Elderly Persons

- Senior Citizens Associations are in most parts of the country. Therefore, a linkage needs to be created among all Senior Citizens Associations of the country to strengthen support for the elderly and create a strong database.
- One stop centres for elderly to be created for immediate support especially for the elderly population living in rural areas.
- Evaluation of preparedness of old age facilities should be made, including minimum standards of care such as training of staff and mandatory registration of old age persons.
- A National Commission for helping and directly dealing with issues of senior citizens should be constituted which should function to review and assess implementation of provisions made for senior citizens.
- State action plan to be prepared by each and every State to ensure rights of senior citizens.
- A 24X7 Helpline at the national level shall be created to provide immediate assistance to elderly persons to ask for help and necessary support.
- State to create a portal to provide information to senior citizens regarding their rights and receive and forward complaints to the tribunal for further course of action.
- NHRC to prepare a guideline which should include the involvement of various stakeholders, guidelines for mobilization of CSR fund, treatment and opportunities for senior citizens.
- The pension paid to elderly persons retired from Non- Government Organizations is Rs.1000/- only which is insufficient for a person to fulfill his basic needs. Therefore, revision in the pension scheme for persons retired from Non-Government Organizations needs to be made.

ii. Inclusive Public Spaces

- In order to achieve the target to develop an accessible physical environment, transport, information and communication ecosystem, there is a need to conduct regular accessibility audits and assessments of the public infrastructure of all the States/UTs.



- Periodical inspection of buildings as per the norms of Universal Design by making the buildings and institutions disabled friendly.
- There is a general budgeting in each Ministry, each department to have a separate budget dedicated to cater the needs of persons with disabilities.
- An adequate mechanism needs to be developed in the context of providing disability certificates online.
- Considering the unsatisfactory achievement of targets in the domain of transport accessibility, special attention is required to make the infrastructure of Airports, Railways and road transport more universal.
- Progress should be made in training people for Sign language Interpretation.
- Hospitals to fulfill the post of clinical psychologists in order to assess the nature of disability and differentiating between various kinds of disabilities and intellectual impairment.
- Rehabilitation Council of India to take an initiative of training persons for providing services of a caregiver to persons with disabilities and elderly persons.
- For awareness programs, an online module should be prepared and disseminated as it can do better as it reaches directly at the home of persons with disabilities.
- Use of simplified mechanisms while filling examination forms, employment opportunities, necessary identity and official documents.
- For already available services for Persons with Disabilities they have to run from pillar to pillar, this should be reduced.
- All the public websites, especially official websites of government services should be updated and made accessible (if they are not).
- Recommendation: Hon'ble Member put forth that the Commission should conduct Statewise auditing to see the level of implementation of the Rights of Persons with Disabilities Act, 2016. Since the RPwD Act mandates that all public buildings should be made accessible by 2022, States should be asked to submit status reports on accessibility and make sure that public spaces and buildings are made accessible.

iii. **Proposal for Repealing of the National Trust Act, 1999**

- The National Trust Act, 1999 has been a big support for the most vulnerable amongst the disability sector, which are persons with autism, cerebral palsy, intellectual disabilities and multiple disabilities.
- The representative of the National Trust informed during the meeting that a strong letter of recommendation to the Hon'ble Prime Minister has been sent by the Ministry of Social Justice and Empowerment with facts and figures to support the work of the

National Trust. Further, he informed that the budget of the Trust has been doubled this year, and no further action on the merging or winding up of the National Trust Act has been taken and, hence, the National Trust will continue to function in its entirety. Even if the Act is repealed, it will be modified to cater to the present requirements of the persons with disabilities.

- Major Recommendation: Strengthening of the National Trust is of immediate necessity. Key posts in the National Trust have been vacant for a very long time. There is a need of National Trust to look into the matters pertaining to the issues of guardianship of Persons with Disabilities and follow up needs to be done to look at the implementation of the legal and welfare schemes under the National Trust.

G. Meeting of the Core Group on Women organized on 17th January, 2021

1. Paid maternity leave of 26 weeks is a matter of right of employees in both public and private sector as provided by the Maternity Benefit (Amendment) Act, 2017 and the same should be strictly implemented.
11. Paternity leave should be given to allow men to share responsibilities of raising a child and managing a household.
- m. Gender stereotyping of roles should be stopped through education, especially the role of women inside the house and the role of men outside the house.
- 1v. Conduct workshops for men to understand that household chores are not just women's responsibility.
- v. Besides allied agriculture activities like livestock rearing and poultry farming, quality and skilled work beyond agricultural work should be generated for rural women.
- v1. Support should be provided to rural women by Central and State Governments to help them understand the changes and mechanisation in the agricultural sector like how to take small loans or uses certain machinery, etc.
- v11. Urban Employment Guarantee Scheme with reservations for women on the lines of the MGNREGA is introduced.
- viii. Enhancement of skills of women is required especially in Information and Technology.
- 1x. Higher number of Working Women's Hostels with better facilities is required all over the country so that women working and staying away from families have a safe place to reside.
- x. Workplace safety from violence and harassment need to be ensured. This includes ensuring accessibility for women with disabilities.
- x1. Safe and better coverage of public transportation so that more women can join the workforce, even if their workplace is not very close by.



- xn. Community-based approach as used in some countries like Nepal to take care of children and elderly was suggested. Few women can come together and take shifts while the mothers/daughters/daughter-in-laws are at work.
- xiii. Census data and National Sample Survey Office (NSSO) data should define work and use better survey tools so that women's work, especially in the unorganised sector is better identified and counted. Home-based workers are rarely counted in any economic survey. Unpaid work should also be surveyed so that their contribution is recognised.
- xiv. Ensure that there is no gender based wage-gap. Discrimination and inequality are rampant and well-drafted laws are required ensuring that such practices are eradicated from the labour market.

H. Meeting of the Core Group on Children organized on 21st January, 2021

1. Management Information System (MIS)
 - Establish a single and integrated MIS that is coherent and reviewed periodically by different stakeholders so as to reduce overlapping information.
 - Train different stakeholders on the use of the MIS and the effective use of technology to trace Missing Children.
 - Take steps to ensure data privacy and establish regulatory mechanisms for private apps.
 - The data available on the portals should be regularly updated including the photographs, FRS, Aadhar information, etc. Unwanted and redundant particulars should be immediately removed.
11. Investigation
 - Develop an early warning or alerting system through automated call, text, etc. such as the Amber Alert in the US.
 - Aadhar information may be used by the police for address verification and repatriation of victims.
 - The police may be incentivized for proactively investigating the issue of missing children; Delhi Police's 'Asadharan Karya Puraskar' may be replicated in other states.
 - ZIPNET (Zonal Integrated Police Network) may be used for better coordination and tracing of missing children.
 - Operation Smile, run by the MHA from 2015-17, needs to be revived.
111. Pertaining to various SOPs: Formulate a single comprehensive SOP, ensuring uniformity by doing away with other overlapping SOPs and outline the role of each stakeholder in this SOP, especially DCPU; that can also be easily read and understood by all stakeholders.



Implementation of Juvenile Justice (JJ) Act:

- Ensure effective implementation of Rule 92 of Model JJ Rules, i.e., mandatory reporting to DLSA by police after an FIR is registered, and the monitoring of its implementation.
- Ensure presence of CWPO and SJPU as mandated under the JJ Act.
- Define the specific functions of SJPU under the JJ Act.
- Strengthen the capacity of the police and the child protection system to understand their role in preventing, monitoring, and investigating this issue and to, thereby, effectively implement all orders and policies.
- Conduct periodic multi-stakeholder review meetings to strengthen coordination starting from district level.

1v. Implementation of Integrated Child Protection Scheme (ICPS):

- Establish village, block and district child protection committees in line with the mandate of the ICPS and provide them with adequate resources required to function effectively.
- While reviewing the ICPS, allocate a budget to appoint adequate human resources, especially CWPOs.

v. Implementation of Anti Human Trafficking Unit (AHTU)

- Ensuring the presence of one AHTU in each district, along with its monitoring.
- Strengthening of AHTUs and District Missing Person Squad with adequate human resources, skill training, access to modern technology, financial resources, etc.
- Ensuring the availability and accessibility of the address and contact number of all AHTUs on the MHA website.
- Ensure provision to transfer a missing child case to AHTU if the child is untraceable for a long period of time.

vi. Awareness Generation, Knowledge and Skill Enhancement

- Conduct capacity and awareness building for all stakeholders, especially the police.
- Spear-head campaign targeting children, parents, guardians, communities, and schools for child safety.

vii. Research:

- A national level research may be undertaken by MWCD on child abuse and exploitation.
- For NHRC's pilot study, a working group needs to be formed to decide on different aspects of the study and come up with a detailed term of reference for the study.



- Research should be conducted on the complaints filed on missing children in **NHRC** with special focus on quality of investigation, classification of data, reliance on apps by the investigating agency, adequate use of available material for tracing the children, etc.
- On the basis of research, a model procedure for investigation for missing children can be evolved, incorporating all the good practices and doing away with the redundant practices.

viii. Field Visits by Special Monitor/ Rapporteurs of the **NHRC**: The Special Monitor and Rapporteurs of the Commission may visit the vulnerable States and districts to study the situation at the ground level and suggest actionable recommendations on which the **NHRC** can write to the government(s) to formulate concrete policy with regard to this issue.

I. NHRC-SHRC meeting held on 19th March, 2021

1. Establish a focal point to receive complaints of any Human Rights violations faced by the Human Rights Defenders.
11. Fill the necessary vacant positions in the SHRCs and provide adequate resources, finances and financial autonomy to the SHRCs to function smoothly. (Justice Mathur Committee Report may be referred in the context of providing adequate resources, finances and financial autonomy).
111. To include human rights education in the curriculum of the schools
- 1v. Central Government may be asked for amendment in PHR Act, to make NHRC and SHRCs recommendations binding on the Government (In the light of judgment in WP (C) No. 41971 of the Full Court of Madras High Court dated 5.2.2021)
- v. All those SHRC who are not on board of HRCnet Portal may adopt the system as soon as possible to ensure speedy expedition of the complaints and a legacy data may be part of HRCNet portal.
- vi. SHRCs should transfer physical complaints to the online system so that those complaints can be also processed promptly.
- vii. At least one woman member should be appointed in the State Human Right Commission for which matter may be taken up for amendment in the PHR Act with Central Government.
- viii. Take up the matter pertaining to setting up & functioning of Human Rights Courts with MHA on following :-
 - What kind of cases/ offences can be tried by Human Rights Courts
 - Punishment for such cases/offences and procedure to be followed by Human Rights Courts

Annexures



Annexure-1

Statement Showing State-Wise No. Of Cases Registered From 01/04/2020 to 31/03/2021

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/ Para-Military Custodial Deaths/ Rapes		
ALL INDIA	3274	2	1	0	0	0	3277
ANDAMAN & NICOBAR	12	0	0	0	0	0	12
ANDHRA PRADESH	2049	1	3	47	0	1	2101
ARUNACHAL PRADESH	52	0	1	2	0	4	59
ASSAM	232	0	1	18	0	5	256
BIHAR	3716	2	3	156	0	3	3880
CHANDIGARH	108	0	0	2	0	0	110
CHHATTISGARH	448	0	3	64	0	24	539
DADRA & NAGAR HAVELI	13	0	0	0	0	0	13
DAMAN & DIU	6	0	0	0	0	0	6
DELHI	6020	1	5	41	0	0	6067
FOREIGN COUNTRIES	218	1	0	0	0	0	219
GOA	41	0	0	1	0	0	42
GUJARAT	1103	1	17	82	0	0	1203
HARYANA	2122	2	3	47	0	3	2177
HIMACHAL PRADESH	155	0	0	8	0	0	163
JAMMU & KASHMIR	267	1	2	7	0	5	282
JHARKHAND	1475	1	5	49	0	5	1535
KARNATAKA	922	1	5	3	0	0	931
KERALA	687	0	1	34	0	0	722
LADAKH	1	0	0	0	0	0	1
LAKSHADWEEP	3	0	0	0	0	0	3
MADHYA PRADESH	2734	3	8	155	0	6	2906
MAHARASHTRA	1887	3	13	130	0	1	2034
MANIPUR	44	0	0	1	0	0	45
MEGHALAYA	27	0	2	5	0	0	34
MIZORAM	13	0	0	3	0	0	16
NAGALAND	9	0	0	2	0	1	12
ODISHA	2772	0	4	89	0	3	2868
PUDUCHERRY	112	0	0	0	0	0	112
PUNJAB	797	0	2	70	0	1	870
RAJASTHAN	2124	0	3	71	0	0	2198
SIKKIM	6	0	0	4	0	0	10
TAMIL NADU	4438	0	2	61	0	3	4504
TELANGANA	2092	0	1	22	0	5	2120
TRIPURA	38	0	0	1	0	0	39
UTTAR PRADESH	29674	22	9	443	0	16	30164
UTTARAKHAND	1068	0	1	46	0	0	1115
WEST BENGAL	2136	0	8	177	1	1	2323
TOTAL	72895	41	103	1841	1	87	74968



Annexure – 2

Statement Showing State-Wise Disposal of Cases during 2020-2021

Name of the State/UT	Dismissed in Limini	Disposed with Directions	Transfer red to SHRCs	Concluded after receipts of Reports			Total
				Complaints	Custodial	Intimation	
				Suo-Motu Cases	Deaths/ Rapes	Received about Encounter cases	
ALL INDIA	3132	233	0	17	0	0	3382
ANDAMAN & NICOBAR	5	4	0	4	1	0	14
ANDHRAPRADESH	1060	881	77	168	49	5	2240
ARUNACHAL PRADESH	12	25	0	14	10	5	66
ASSAM	92	64	48	58	27	58	347
BIHAR	1560	1124	831	451	114	6	4086
CHANDIGARH	66	38	0	19	1	0	124
CHHATTISGARH	222	123	88	80	57	106	676
DADRA & NAGARHAVELI	9	3	0	2	0	0	14
DAMAN & DIU	2	4	0	4	0	0	10
DELHI	3279	2442	0	740	51	2	6514
FOREIGN COUNTRIES	147	79	0	14	0	0	240
GOA	20	14	5	7	0	0	46
GUJARAT	645	259	169	163	40	1	1277
HARYANA	840	706	386	480	71	12	2495
HIMACHAL PRADESH	72	46	24	35	7	1	185
JAMMU & KASHMIR	98	131	0	30	2	0	261
JHARKHAND	646	408	292	257	52	12	1667
KARNATAKA	541	186	193	84	3	0	1007
KERALA	435	142	119	55	31	0	782
LADAKH	0	1	0	1	0	0	2
LAKSHADWEEP	2	3	0	1	0	0	6
MADHYA PRADESH	1458	617	537	305	126	4	3047
MAHARASHTRA	1130	348	416	167	103	8	2172
MANIPUR	15	12	2	25	1	8	63
MEGHALAYA	16	5	4	10	3	20	58
MIZORAM	5	7	0	2	2	0	16
NAGALAND	5	4	0	4	0	0	13
ODISHA	1607	536	450	381	36	4	3014
PUDUCHERRY	59	47	0	12	0	0	118
PUNJAB	367	238	204	178	87	0	1074
RAJASTHAN	886	654	338	467	81	2	2428
SIKKIM	3	2	0	2	0	0	7
TAMILNADU	3882	1053	749	220	39	0	5943
TELANGANA	1085	569	429	137	25	1	2246
TRIPURA	8	11	6	15	6	0	46
UTTAR PRADESH	11194	9517	6315	4584	370	35	3201
UTTARAKHAND	488	278	245	129	21	0	1161
WEST BENGAL	1087	617	424	199	127	12	2466
TOTAL	36180	21431	12351	9521	1543	302	81328



Annexure – 3

Statement Showing Number of Cases Pending As On 31/03/2021
(Data as per CMS as on 29/05/2021)

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	Enco- unter Deaths	Total	Complai nts/ Suo- Motu Cases	Custodi Deaths/ Rapes Cases	Enco- unter deaths	Total	
ALL INDIA	4	0	0	4	38	0	0	38	42
ANDAMAN& NICOBAR	1	0	0	1	4	2	1	7	8
ANDHRA PRADESH	6	0	0	6	178	80	4	262	268
ARUNACHAL PRADESH	0	0	1	1	24	7	12	43	44
ASSAM	1	0	1	2	66	46	27	139	141
BIHAR	12	1	1	14	585	251	16	852	866
CHANDIG ARH	0	0	0	0	9	7	0	16	16
CHHATTISGARH	1	0	0	1	93	77	151	321	322
DADRA & NAGAR HAVELI	0	0	0	0	0	0	0	0	0
DAMAN & DIU	0	0	0	0	0	1	0	1	1
DELHI	16	0	0	16	748	134	6	888	904
FOREIGN COUNTRIES	0	0	0	0	10	0	0	10	10
GOA	0	0	0	0	2	4	0	6	6
GUJARAT	6	3	0	9	136	103	1	240	249
HARYANA	7	3	0	10	298	139	10	447	457
HIMACHAL PRADESH	0	0	0	0	23	19	0	42	42
JAMMU & KASHMIR	1	0	1	2	64	13	6	83	85
JHARKHAND	8	3	0	11	253	107	43	403	414
KARNATA KA	5	0	0	5	79	7	2	88	93
KERALA	2	1	0	3	57	45	3	105	108
LADAKH	0	0	0	0	0	0	0	0	0
LAKSHAD WEEP	0	0	0	0	2	0	0	2	2
MADHYA PRADESH	4	3	0	7	324	71	9	404	411
MAHARASHTRA	11	4	0	15	190	249	15	454	469
MANIPUR	0	0	0	0	24	8	10	42	42
MEGHALA YA	0	0	0	0	5	8	5	18	18
MIZORAM	0	0	0	0	3	5	0	8	8
NAGALAN D	0	0	0	0	8	8	2	18	18
ODISHA	11	2	0	13	524	155	18	697	710
PUDUCHERRY	2	0	0	2	12	1	0	13	15
PUNJAB	6	3	0	9	108	94	4	206	215
RAJASTHA N	11	3	0	14	347	145	3	495	509
SIKKIM	0	0	0	0	3	5	0	8	8
TAMILNADU	5	0	1	6	281	123	6	410	416
TELANGANA	13	0	1	14	115	39	8	162	176
TRIPURA	0	0	0	0	19	7	0	26	26
UTTARPRADESH	80	5	0	85	3360	993	60	4413	4498
UTTARAK HAND	0	0	0	0	132	44	0	176	176
WESTBENGAL	14	2	0	16	214	267	8	489	505
TOTAL	227	33	6	266	8338	3264	430	12032	12298



Annexure - 4

Total Number of Cases Where NHRC Recommended Monetary Relief during 2020-2021

ALL INDIA	0	0	0	0	0	0
ANDAMAN & NICOBAR	0	0	0	0	0	0
ANDHRA PRADESH	11	2600000	1	100000	10	2500000
ARUNACHAL PRADESH	5	1150000	2	400000	3	750000
ASSAM	19	8650000	3	1550000	16	7100000
BIHAR	48	13900000	6	1500000	42	12400000
CHANDIGARH	3	800000	1	200000	2	600000
CHHATTISGARH	17	6100000	7	2000000	10	4100000
DADRA & NAGAR HAVELI	0	0	0	0	0	0
DAMAN & DIU	2	400000	1	100000	1	300000
DELHI	28	5970000	9	1270000	19	4700000
FOREIGN COUNTRIES	0	0	0	0	0	0
GOA	0	0	0	0	0	0
GUJARAT	7	1500000	1	200000	6	1300000
HARYANA	26	7402972	7	2077972	19	5325000
HIMACHAL PRADESH	2	450000	1	250000	1	200000
JAMMU & KASHMIR	2	3700000	0	0	2	3700000
JHARKHAND	23	5700000	5	975000	18	4725000
KARNATAKA	2	350000	0	0	2	350000
KERALA	7	2250000	2	800000	5	1450000
LADAKH	0	0	0	0	0	0
LAKSHADWEEP	1	50000	0	0	1	50000
MADHYA PRADESH	19	6200000	5	1300000	14	4900000
MAHARASHTRA	11	5050000	3	700000	8	4350000
MANIPUR	0	0	0	0	0	0
MEGHALAYA	2	800000	1	300000	1	500000
MIZORAM	1	500000	0	0	1	500000
NAGALAND	3	950000	0	0	3	950000
ODISHA	24	6100000	5	1400000	19	4700000
PUDUCHERRY	0	0	0	0	0	0
PUNJAB	13	3300000	3	600000	10	2700000
RAJASTHAN	18	5775000	6	1075000	12	4700000
SIKKIM	1	300000	0	0	1	300000
TAMILNADU	9	1950000	2	500000	7	1450000
TELANGANA	3	1300000	2	800000	1	500000
TRIPURA	1	300000	0	0	1	300000
UTTAR PRADESH	128	30270000	51	11325000	77	18945000
UTTARAKHAND	4	800000	1	200000	3	600000
WEST BENGAL	19	17150000	8	2300000	11	14850000
TOTAL	459	141717972	133	31922972	326	109795000



Annexure - 5

Details of Cases Pending Compliance of NHRC's Recommendations during 2020-2021

1	ANDHRA PRADESH	847/1/21/2019	205	LACK OF PROPER MEDICAL FACILITIES IN THE STATE	500000	22-02-2021
2	ANDHRA PRADESH	1004/1/20/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	11-03-2021
3	ANDHRA PRADESH	1126/1/17/2017- JCD	301	CUSTODIAL DEATH (Judicial)	100000	01-03-2021
4	ANDHRA PRADESH	217/1/4/2016- JCD	301	CUSTODIAL DEATH (Judicial)	200000	23-02-2021
5	ANDHRA PRADESH	276/1/24/2014- JCD	301	CUSTODIAL DEATH (Judicial)	300000	16-10-2020
6	ANDHRA PRADESH	939/1/5/2017- JCD	301	CUSTODIAL DEATH (Judicial)	200000	28-05-2020
7	ANDHRA PRADESH	943/1/5/2014- PCD	807	CUSTODIAL DEATH (Police)	300000	11-01-2021
8	ANDHRA PRADESH	608/1/3/2017	809	CUSTODIAL TORTURE	100000	30-12-2020
9	ANDHRA PRADESH	1066/1/17/2016	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	09-09-2020
10	ANDHRA PRADESH	928/1/10/2019	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	200000	04-03-2021
11	ARUNACHAL PRADESH	20/2/7/2014-JCD	301	CUSTODIAL DEATH (Judicial)	200000	15-01-2021
12	ARUNACHAL PRADESH	56/2/18/2018-PCD	807	CUSTODIAL DEATH (Police)	500000	16-09-2020



13	ARUNACHAL PRADESH	66/2/17/2018	1604	ABUSE OF POWER	50000	26-05-2020
14	ASSAM	152/3/14/2016- JCD	301	CUSTODIAL DEATH (Judicial)	200000	06-11-2020
15	ASSAM	199/3/20/2018- JCD	301	CUSTODIAL DEATH (Judicial)	300000	26-02-2021
16	ASSAM	295/3/8/2019-JCD	301	CUSTODIAL DEATH (Judicial)	300000	05-03-2021
17	ASSAM	83/3/24/2017-JCD	301	CUSTODIAL DEATH (Judicial)	200000	18-09-2020
18	ASSAM	115/3/0/2018-PCD	807	CUSTODIAL DEATH (Police)	300000	18-05-2020
19	ASSAM	405/3/6/2015-PCD	807	CUSTODIAL DEATH (Police)	500000	17-02-2021
20	ASSAM	42/3/9/2015-PCD	807	CUSTODIAL DEATH (Police)	300000	05-01-2021
21	ASSAM	490/3/14/2014-PCD	807	CUSTODIAL DEATH (Police)	500000	05-01-2021
22	ASSAM	113/3/3/2014-ED	812	DEATH IN POLICE ENCOUNTER	500000	20-08-2020
23	ASSAM	161/3/3/2014-ED	812	DEATH IN POLICE ENCOUNTER	300000	09-03-2021
24	ASSAM	369/3/13/2015-ED	812	DEATH IN POLICE ENCOUNTER	600000	15-03-2021
25	ASSAM	41/3/14/2014-ED	812	DEATH IN POLICE ENCOUNTER	600000	20-01-2021
26	ASSAM	579/3/8/2014-ED	812	DEATH IN POLICE ENCOUNTER	200000	29-07-2020
27	ASSAM	70/3/4/2013-ED	812	DEATH IN POLICE ENCOUNTER	1500000	14-01-2021
28	ASSAM	134/3/22/2018	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	700000	21-07-2020



29	ASSAM	89/3/26/2019	1519	MOBLYNCHING	100000	09-09-2020
30	BIHAR	3028/4/27/2018- DH	110	CUSTODIAL DEATH IN JUVENILE HOME	300000	02-03-2021
31	BIHAR	844/4/37/2019	117	NEO NATAL DEATH	100000	05-05-2020
32	BIHAR	3915/4/10/2018	206	LACK OF INFRASTRUCTURE SUPPORT IN HOSPITALS/PRIMARY HEALTH CENTRES	100000	18-02-2021
33	BIHAR	1353/4/9/2017- JCD	301	CUSTODIAL DEATH (Judicial)	350000	30-03-2021
34	BIHAR	1357/4/35/2017- JCD	301	CUSTODIAL DEATH (Judicial)	400000	15-05-2020
35	BIHAR	1381/4/26/2019- JCD	301	CUSTODIAL DEATH (Judicial)	500000	07-10-2020
36	BIHAR	1556/4/1/2016- JCD	301	CUSTODIAL DEATH (Judicial)	200000	12-06-2020
37	BIHAR	1581/4/27/2015- JCD	301	CUSTODIAL DEATH (Judicial)	100000	23-02-2021
38	BIHAR	1612/4/30/2018- JCD	301	CUSTODIAL DEATH (Judicial)	300000	03-03-2021
39	BIHAR	1688/4/23/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	11-09-2020
40	BIHAR	1766/4/6/2018- JCD	301	CUSTODIAL DEATH (Judicial)	200000	27-02-2021
41	BIHAR	1791/4/8/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	29-12-2020
42	BIHAR	2054/4/18/2015- JCD	301	CUSTODIAL DEATH (Judicial)	300000	24-02-2021
43	BIHAR	21/4/27/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	03-02-2021
44	BIHAR	2120/4/32/2017- JCD	301	CUSTODIAL DEATH (Judicial)	500000	13-07-2020
45	BIHAR	2398/4/8/2018- JCD	301	CUSTODIAL DEATH (Judicial)	200000	11-03-2021



46	BIHAR	291/4/26/2018- JCD	301	CUSTODIAL DEATH (Judicial)	250000	15-01-2021
47	BIHAR	3073/4/27/2018- JCD	301	CUSTODIAL DEATH (Judicial)	300000	01-03-2021
48	BIHAR	3201/4/23/2018- JCD	301	CUSTODIAL DEATH (Judicial)	300000	02-03-2021
49	BIHAR	4055/4/26/2013- JCD	301	CUSTODIAL DEATH (Judicial)	300000	28-05-2020
50	BIHAR	551/4/26/2017- JCD	301	CUSTODIAL DEATH (Judicial)	500000	11-03-2021
51	BIHAR	151/4/38/2018- JCD	309	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	200000	22-02-2021
52	BIHAR	2153/4/28/2017- AD	309	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	300000	06-08-2020
53	BIHAR	1473/4/19/2016-PCD	807	CUSTODIAL DEATH (Police)	500000	16-09-2020
54	BIHAR	2867/4/8/2015-PCD	807	CUSTODIAL DEATH (Police)	500000	14-01-2021
55	BIHAR	3712/4/11/2015-PCD	807	CUSTODIAL DEATH (Police)	200000	14-07-2020
56	BIHAR	651/4/22/2015-PCD	807	CUSTODIAL DEATH (Police)	500000	14-01-2021
57	BIHAR	951/4/26/2017-PCD	807	CUSTODIAL DEATH (Police)	300000	22-09-2020
58	BIHAR	390/4/10/2013	811	DEATH IN POLICE FIRING	100000	20-01-2021
59	BIHAR	4157/4/25/2012	811	DEATH IN POLICE FIRING	450000	31-07-2020
60	BIHAR	465/4/23/2014-ED	812	DEATH IN POLICE ENCOUNTER	500000	11-01-2021
61	BIHAR	2213/4/6/2013	814	FAILURE IN TAKING LAWFUL ACTION	300000	14-01-2021
62	BIHAR	58/4/26/2018	814	FAILURE IN TAKING LAWFUL ACTION	200000	17-07-2020



63	BIHAR	2544/4/16/2017	815	FALSE IMPLICATIONS	200000	11-03-2021
64	BIHAR	2465/4/9/2019-WC	1307	GANG RAPE	500000	22-02-2021
65	BIHAR	2544/4/6/2018-WC	1309	INDIGNITY OF WOMEN	200000	10-11-2020
66	BIHAR	1497/4/15/2019-WC	1311	RAPE	100000	20-01-2021
67	BIHAR	165/4/12/2018	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	400000	10-02-2021
68	BIHAR	1827/4/0/2019	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	200000	27-07-2020
69	BIHAR	3895/4/11/2016	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	05-02-2021
70	BIHAR	788/4/32/2018	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	24-02-2021
71	BIHAR	789/4/17/2018	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	50000	21-09-2020
72	CHANDIGARH	12/27/0/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	08-03-2021
73	CHANDIGARH	87/27/0/2018	809	CUSTODIAL TORTURE	300000	23-02-2021
74	CHHATTISGARH	582/33/11/2018	117	NEO NATAL DEATH	100000	03-03-2021
75	CHHATTISGARH	260/33/16/2016- JCD	301	CUSTODIAL DEATH (Judicial)	200000	22-02-2021
76	CHHATTISGARH	742/33/10/2016-PCD	807	CUSTODIAL DEATH (Police)	500000	15-03-2021
77	CHHATTISGARH	1/33/1/2016-ED	812	DEATH IN POLICE ENCOUNTER	200000	18-03-2021



78	CHHATTISGARH	259/33/17/2013- ED	812	DEATH IN POLICE ENCOUNTER	1000000	17-12-2020
79	CHHATTISGARH	587/33/3/2015-ED	812	DEATH IN POLICE ENCOUNTER	500000	27-07-2020
80	CHHATTISGARH	629/33/20/2016- ED	812	DEATH IN POLICE ENCOUNTER	500000	17-12-2020
81	CHHATTISGARH	736/33/17/2016- ED	812	DEATH IN POLICE ENCOUNTER	400000	17-12-2020
82	CHHATTISGARH	406/33/17/2012- AFE	813	ALLEGED FAKE ENCOUNTERS	300000	09-07-2020
83	CHHATTISGARH	433/33/18/2013- AFE	813	ALLEGED FAKE ENCOUNTERS	400000	03-02-2021
84	DAMAN & DIU	9/29/1/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	26-02-2021
85	DELHI	3061/30/4/2017- DH	110	CUSTODIAL DEATH IN JUVENILE HOME	200000	17-11-2020
86	DELHI	4251/30/5/2019	123	CHILD RAPE	300000	11-02-2021
87	DELHI	2186/30/0/2018- JCD	301	CUSTODIAL DEATH (Judicial)	300000	15-10-2020
88	DELHI	2991/30/0/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	18-05-2020
89	DELHI	3677/30/9/2014- JCD	301	CUSTODIAL DEATH (Judicial)	200000	09-03-2021
90	DELHI	7234/30/0/2015	801	ARBITRARY USE OF POWER	300000	18-02-2021
91	DELHI	2030/30/9/2019	804	ABUSE OF POWER	50000	05-06-2020
92	DELHI	514/30/3/2018	804	ABUSE OF POWER	100000	30-07-2020
93	DELHI	1827/30/2/2015-PCD	807	CUSTODIAL DEATH (Police)	300000	18-12-2020
94	DELHI	3870/30/10/2017-PCD	807	CUSTODIAL DEATH (Police)	300000	22-07-2020
95	DELHI	1287/30/1/2019	809	CUSTODIAL TORTURE	200000	28-10-2020
96	DELHI	4461/30/6/2019	809	CUSTODIAL TORTURE	600000	14-12-2020



97	DELHI	3167/30/7/2015	814	FAILURE IN TAKING LAWFUL ACTION	200000	04-11-2020
98	DELHI	6953/30/2/2015	814	FAILURE IN TAKING LAWFUL ACTION	50000	17-07-2020
99	DELHI	784/30/8/2017	814	FAILURE IN TAKING LAWFUL ACTION	200000	22-03-2021
100	DELHI	13/30/0/2017-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	300000	09-03-2021
101	DELHI	5677/30/5/2015- AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	200000	17-12-2020
102	DELHI	839/30/1/2019-WC	1315	MURDER	300000	27-08-2020
103	DELHI	2914/30/0/2017	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	01-06-2020
104	GUJARAT	1362/6/21/2018	205	LACK OF PROPER MEDICAL FACILITIES IN THE STATE	200000	06-10-2020
105	GUJARAT	597/6/2/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	26-11-2020
106	GUJARAT	47/6/9/2018-PCD	807	CUSTODIAL DEATH (Police)	300000	17-12-2020
107	GUJARAT	53/6/3/2014-PCD	807	CUSTODIAL DEATH (Police)	200000	25-01-2021
108	GUJARAT	971/6/1/2019	809	CUSTODIAL TORTURE	100000	01-12-2020
109	GUJARAT	1465/6/2/2015-AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	200000	05-01-2021
110	HARYANA	1029/7/22/2017	106	SEXUAL HARASSMENT/ UNNATURAL	300000	11-03-2021
111	HARYANA	1049/7/7/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	04-05-2020
112	HARYANA	1857/7/6/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	11-03-2021



113	HARYANA	2157/7/9/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	08-03-2021
114	HARYANA	2650/7/10/2018- JCD	301	CUSTODIAL DEATH (Judicial)	300000	01-03-2021
115	HARYANA	2918/7/3/2018- JCD	301	CUSTODIAL DEATH (Judicial)	475000	11-01-2021
116	HARYANA	5244/7/5/2016- JCD	301	CUSTODIAL DEATH (Judicial)	300000	15-10-2020
117	HARYANA	5373/7/17/2016- JCD	301	CUSTODIAL DEATH (Judicial)	300000	08-06-2020
118	HARYANA	81/7/11/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	24-08-2020
119	HARYANA	1193/7/19/2019	809	CUSTODIAL TORTURE	200000	11-05-2020
120	HARYANA	6059/7/21/2012- AFE	813	ALLEGED FAKE ENCOUNTERS	200000	20-08-2020
121	HARYANA	1945/7/19/2018	814	FAILURE IN TAKING LAWFUL ACTION	300000	25-01-2021
122	HARYANA	367/7/3/2017	814	FAILURE IN TAKING LAWFUL ACTION	50000	06-01-2021
123	HARYANA	11770/7/3/2014	815	FALSE IMPLICATIONS	300000	03-11-2020
124	HARYANA	2914/7/17/2011- AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	400000	26-02-2021
125	HARYANA	2056/7/15/2019-WC	1307	GANG RAPE	200000	05-10-2020
126	HARYANA	1584/7/15/2019-WC	1311	RAPE	500000	25-01-2021
127	HARYANA	96/7/17/2018-WC	1312	SEXUAL HARASSEMENT (GENERAL)	100000	15-09-2020
128	HARYANA	2108/7/16/2017	1508	ATROCITIES BY CUSTOM/EXCISE/ ENFORCEMENT/ FOREST/INCOME- TAXDeptt., etc.OF CENTRAL/STATEGovts.	200000	08-03-2021
129	HIMACHAL PRADESH	173/8/9/2018-JCD	301	CUSTODIAL DEATH (Judicial)	200000	26-02-2021



130	JAMMU & KASHMIR	80/9/14/2020	117	NEO NATAL DEATH	3600000	18-01-2021
131	JAMMU & KASHMIR	232/9/7/2016	814	FAILURE IN TAKING LAWFUL ACTION	100000	04-09-2020
132	JHARKHAND	678/34/18/2018- DH	108	DEATH OF CHILD STAYING WITH FEMALE PRISONER INJUDICIAL CUSTODY	100000	28-09-2020
133	JHARKHAND	1524/34/17/2017	203	MALFUNCTION ING OF MEDICAL PROFESSIONALS	300000	01-10-2020
134	JHARKHAND	120/34/16/2018- JCD	301	CUSTODIAL DEATH (Judicial)	200000	23-02-2021
135	JHARKHAND	1301/34/4/2015	801	ARBITRARYUSE OF POWER	500000	11-02-2021
136	JHARKHAND	358/34/12/2017	804	ABUSE OFPOWER	300000	07-09-2020
137	JHARKHAND	1164/34/17/2017-PCD	807	CUSTODIAL DEATH (Police)	300000	07-10-2020
138	JHARKHAND	6/34/6/2016-PCD	807	CUSTODIAL DEATH (Police)	500000	30-06-2020
139	JHARKHAND	1481/34/20/2017	809	CUSTODIAL TORTURE OFFENCE	100000	22-02-2021
140	JHARKHAND	1232/34/23/2016	811	DEATH IN POLICE FIRING	500000	18-11-2020
141	JHARKHAND	1757/34/5/2014-ED	812	DEATH IN POLICE ENCOUNTER	300000	27-07-2020
142	JHARKHAND	980/34/16/2013-ED	812	DEATH IN POLICE ENCOUNTER	300000	05-01-2021
143	JHARKHAND	1347/34/4/2017	814	FAILURE IN TAKING LAWFUL ACTION	200000	21-09-2020
144	JHARKHAND	877/34/23/2017- AD	822	ALLEGED CUSTODIAL DEATHS INPOLICE CUSTODY	300000	18-03-2021
145	JHARKHAND	1294/34/8/2018- WC	1313	SEXUAL HARASSMENT AT WORK PLACE (GOVT. OFFICES)	150000	17-03-2021



146	JHARKHAN D	293/34/3/2018	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	200000	17-08-2020
147	JHARKHAN D	413/34/18/2015	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	400000	10-02-2021
148	JHARKHAN D	605/34/4/2017	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	25000	22-05-2020
149	JHARKHAND	1295/34/23/2017	1901	ATROCITIES ON SC	50000	27-04-2020
150	KARNATAK A	651/10/28/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	08-03-2021
151	KARNATAKA	165/10/1/2017	809	CUSTODIAL TORTURE	50000	14-08-2020
152	KERALA	525/11/12/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	27-08-2020
153	KERALA	543/11/8/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	01-03-2021
154	KERALA	605/11/12/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	11-09-2020
155	KERALA	441/11/13/2019	1510	DEATH IN LOCK UP OF REVENUE AUTHORITIES	300000	28-09-2020
156	KERALA	514/11/3/2017	1901	ATROCITIES ON SC	250000	18-03-2021
157	LAKSHADWEEP	7/31/0/2016	804	ABUSE OF POWER	50000	26-11-2020
158	MADHYA PRADESH	1806/12/29/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	03-02-2021
159	MADHYA PRADESH	1806/12/8/2018	804	ABUSE OF POWER	100000	01-12-2020
160	MADHYA PRADESH	1572/12/53/2019	806	ATROCITIES ON SC/ST (BY POLICE)	250000	12-01-2021
161	MADHYA PRADESH	1236/12/20/2017-PCD	807	CUSTODIAL DEATH (Police)	300000	16-09-2020
162	MADHYA PRADESH	3069/12/28/2014	809	CUSTODIAL TORTURE	300000	21-12-2020



163	MADHYA PRADESH	1296/12/18/2013- ED	812	DEATH IN POLICE ENCOUNTER	1500000	31-07-2020
164	MADHYA PRADESH	158/12/17/2016	814	FAILURE IN TAKING LAWFUL ACTION	200000	04-01-2021
165	MADHYA PRADESH	2298/12/28/2015	814	FAILURE IN TAKING LAWFUL ACTION	200000	18-02-2021
166	MADHYA PRADESH	243/12/35/2014	814	FAILURE IN TAKING LAWFUL ACTION	450000	07-09-2020
167	MADHYA PRADESH	837/12/10/2017	814	FAILURE IN TAKING LAWFUL ACTION	300000	14-07-2020
168	MADHYA PRADESH	1779/12/7/2018- WC	1304	DOWERY DEATH OR THEIR ATTEMPT	200000	30-12-2020
169	MADHYA PRADESH	491/12/38/2017- WC	1304	DOWERY DEATH OR THEIR ATTEMPT	200000	01-12-2020
170	MADHYA PRADESH	1249/12/44/2016	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	19-02-2021
171	MADHYA PRADESH	763/12/8/2018	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	08-03-2021
172	MAHARASHTRA	1096/13/14/2019- JCD	301	CUSTODIAL DEATH (Judicial)	200000	05-03-2021
173	MAHARASHTRA	1704/13/17/2016- JCD	301	CUSTODIAL DEATH (Judicial)	300000	02-03-2021
174	MAHARASHTRA	497/13/30/2014- JCD	301	CUSTODIAL DEATH (Judicial)	450000	18-08-2020
175	MAHARASHTRA	618/13/28/2018- JCD	301	CUSTODIAL DEATH (Judicial)	200000	09-07-2020
176	MAHARASHTRA	1324/13/1/2015-PCD	807	CUSTODIAL DEATH (Police)	500000	25-06-2020
177	MAHARASHTRA	810/13/23/2017-PCD	807	CUSTODIAL DEATH (Police)	300000	20-08-2020
178	MAHARASHTRA	393/13/34/2014- AFE	813	ALLEGED FAKE ENCOUNTERS	2100000	03-02-2021



179	MAHARASHTRA	2083/13/16/2017	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	31-03-2021
180	MEGHALAY A	43/15/5/2012-ED	812	DEATH IN POLICE ENCOUNTER	500000	27-08-2020
181	MIZORAM	12/16/8/2018-PCD	807	CUSTODIAL DEATH (Police)	500000	20-01-2021
182	NAGALAND	26/17/1/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	01-03-2021
183	NAGALAND	5/17/1/2016-PCD	807	CUSTODIAL DEATH (Police)	350000	18-03-2021
184	NAGALAND	12/17/5/2018	811	DEATH IN POLICE FIRING	300000	03-03-2021
185	ODISHA	2721/18/32/2019	104	EXPLOITATION OF CHILDREN	300000	04-01-2021
186	ODISHA	2725/18/32/2019	104	EXPLOITATION OF CHILDREN	200000	19-01-2021
187	ODISHA	4082/18/7/2017	203	MALFUNCTION ING OF MEDICAL PROFESSIONALS	200000	09-09-2020
188	ODISHA	4237/18/9/2014	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	01-06-2020
189	ODISHA	4335/18/13/2016	203	MALFUNCTION ING OF MEDICAL PROFESSIONALS	200000	08-02-2021
190	ODISHA	4722/18/2/2017	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	100000	22-07-2020
191	ODISHA	4591/18/13/2016	204	IRREGULARITI ES IN GOVT.HOSPITALS/ PRIMARYHEALTH CENTRES	100000	24-08-2020
192	ODISHA	4768/18/7/2018	207	MEDICAL NEGLIGENCE	50000	14-08-2020
193	ODISHA	4921/18/11/2018- JCD	301	CUSTODIAL DEATH (Judicial)	300000	02-03-2021



194	ODISHA	5006/18/12/2014- JCD	301	CUSTODIAL DEATH (Judicial)	300000	20-05-2020
195	ODISHA	1868/18/31/2018-PCD	807	CUSTODIAL DEATH (Police)	300000	16-09-2020
196	ODISHA	2549/18/17/2019	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	200000	16-03-2021
197	ODISHA	2968/18/32/2014	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	400000	06-07-2020
198	ODISHA	4719/18/12/2018	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	11-02-2021
199	ODISHA	4072/18/5/2017	1508	ATROCITIES BY CUSTOM/EXCISE/ ENFORCEMENT/ FOREST/INCOME- TAX Deptt., etc. OF CENTRAL/STATE Govts.	300000	09-07-2020
200	ODISHA	198/18/31/2019	1514	DEATH DUE TO ELECTROCUTION	200000	16-12-2020
201	ODISHA	199/18/33/2019	1514	DEATH DUE TO ELECTROCUTION	300000	07-08-2020
202	ODISHA	3542/18/30/2019	1514	DEATH DUE TO ELECTROCUTION	350000	22-03-2021
203	ODISHA	965/18/24/2019	1514	DEATH DUE TO ELECTROCUTION	300000	17-08-2020
204	PUNJAB	1066/19/1/2015-JCD	301	CUSTODIAL DEATH (Judicial)	200000	19-08-2020
205	PUNJAB	284/19/3/2018-JCD	301	CUSTODIAL DEATH (Judicial)	450000	30-08-2020
206	PUNJAB	291/19/10/2017-JCD	301	CUSTODIAL DEATH (Judicial)	350000	12-05-2020
207	PUNJAB	338/19/9/2019-JCD	301	CUSTODIAL DEATH (Judicial)	300000	29-06-2020



208	PUNJAB	483/19/19/2018- JCD	301	CUSTODIAL DEATH (Judicial)	300000	22-05-2020
209	PUNJAB	913/19/10/2017- JCD	301	CUSTODIAL DEATH (Judicial)	350000	06-11-2020
210	PUNJAB	922/19/7/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	19-02-2021
211	PUNJAB	11/19/10/2019	804	ABUSE OF POWER	300000	03-12-2020
212	PUNJAB	881/19/19/2018	817	UNLAWFUL DETENTION	50000	08-03-2021
213	PUNJAB	134/19/10/2017	1117	RAPE	100000	17-08-2020
214	RAJASTHAN	296/20/19/2019	104	EXPLOITATION OF CHILDREN	300000	27-10-2020
215	RAJASTHAN	3142/20/21/2017	104	EXPLOITATION OF CHILDREN	200000	06-01-2021
216	RAJASTHAN	996/20/14/2016	202	PUBLIC HEALTH HAZARDS	1800000	09-03-2021
217	RAJASTHAN	78/20/15/2019	207	MEDICAL NEGLIGENCE	200000	18-01-2021
218	RAJASTHAN	1055/20/1/2018- JCD	301	CUSTODIAL DEATH (Judicial)	500000	20-08-2020
219	RAJASTHAN	1314/20/1/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	28-09-2020
220	RAJASTHAN	2831/20/7/2016- JCD	301	CUSTODIAL DEATH (Judicial)	400000	12-03-2021
221	RAJASTHAN	3014/20/29/2017- JCD	301	CUSTODIAL DEATH (Judicial)	200000	19-02-2021
222	RAJASTHAN	3263/20/19/2018- JCD	301	CUSTODIAL DEATH (Judicial)	300000	04-01-2021
223	RAJASTHAN	1793/20/2/2017	809	CUSTODIAL TORTURE	100000	11-03-2021
224	RAJASTHAN	2177/20/9/2018	809	CUSTODIAL TORTURE	200000	08-03-2021
225	RAJASTHAN	2514/20/26/2015-WC	1903	RAPE OF SC	200000	23-09-2020
226	SIKKIM	6/21/3/2017	811	DEATH IN POLICE FIRING	300000	26-02-2021
227	TAMIL NADU	1505/22/15/2016- JCD	301	CUSTODIAL DEATH (Judicial)	100000	26-11-2020



228	TAMIL NADU	1774/22/13/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	04-03-2021
229	TAMIL NADU	37/22/5/2018-JCD	301	CUSTODIAL DEATH (Judicial)	200000	24-02-2021
230	TAMIL NADU	1767/22/36/2019	806	ATROCITIES ON SC/ST (BYPOLICE)	50000	04-03-2021
231	TAMILNADU	1216/22/48/2017-PCD	807	CUSTODIAL DEATH (Police)	500000	22-09-2020
232	TAMIL NADU	1008/22/13/2014- AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	200000	23-12-2020
233	TAMIL NADU	386/22/30/2018	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	100000	12-05-2020
234	TELANGANA	1412/1/7/2014-AF	1601	ARBITRARYUSE OF POWER	500000	15-03-2021
235	TRIPURA	39/23/0/2017-PCD	807	CUSTODIAL DEATH (Police)	300000	18-03-2021
236	UTTAR PRADESH	45738/24/31/2014	100	CHILDREN	200000	15-05-2020
237	UTTAR PRADESH	19155/24/40/2019	106	SEXUAL HARASSMENT/ UNNATURAL OFFENCE	100000	20-01-2021
238	UTTAR PRADESH	20977/24/52/2019-WC	106	SEXUAL HARASSMENT/ UNNATURAL OFFENCE	100000	27-01-2021
239	UTTAR PRADESH	32610/24/43/2016	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	21-09-2020
240	UTTAR PRADESH	4075/24/48/2016	203	MALFUNCTION ING OF MEDICAL PROFESSIONALS	500000	30-09-2020
241	UTTAR PRADESH	8513/24/48/2018	203	MALFUNCTION ING OF MEDICAL PROFESSIONALS	100000	08-02-2021
242	UTTAR PRADESH	40366/24/48/2016	204	IRREGULARITI ES IN GOVT. HOSPITALS/ PRIMARY HEALTH CENTRES	500000	15-08-2020



243	UTTIAR PRADESH	1056/24/43/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	24-02-2021
244	UTTIAR PRADESH	12449/24/55/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	09-02-2021
245	UTTIAR PRADESH	13363/24/52/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	07-10-2020
246	UTTIAR PRADESH	13853/24/27/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300000	15-02-2021
247	UTTIAR PRADESH	14751/24/18/2019-JCD	301	CUSTODIAL DEATH (Judicial)	300000	15-03-2021
248	UTTIAR PRADESH	15819/24/33/2018-JCD	301	CUSTODIAL DEATH (Judicial)	200000	19-03-2021
249	UTTIAR PRADESH	22740/24/36/2017-JCD	301	CUSTODIAL DEATH (Judicial)	350000	28-12-2020
250	UTTIAR PRADESH	24369/24/1/2018-JCD	301	CUSTODIAL DEATH (Judicial)	200000	26-02-2021
251	UTTIAR PRADESH	35188/24/63/2017-JCD	301	CUSTODIAL DEATH (Judicial)	375000	30-03-2021
252	UTTIAR PRADESH	4013/24/71/2019-JCD	301	CUSTODIAL DEATH (Judicial)	300000	16-03-2021
253	UTTIAR PRADESH	41818/24/31/2016-JCD	301	CUSTODIAL DEATH (Judicial)	200000	12-06-2020
254	UTTIAR PRADESH	4785/24/40/2017-JCD	301	CUSTODIAL DEATH (Judicial)	200000	26-06-2020
255	UTTIAR PRADESH	6851/24/22/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300000	11-08-2020
256	UTTIAR PRADESH	9146/24/12/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	01-02-2021
257	UTTIAR PRADESH	27443/24/39/2015-AD	309	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	300000	12-06-2020
258	UTTIAR PRADESH	29912/24/48/2017-AD	309	ALLEGED CUSTODIAL DEATHS IN JUDICIAL CUSTODY	300000	19-10-2020
259	UTTIAR PRADESH	12853/24/5/2017	502	NUISANCE BY LOCAL RUFFIANS	100000	18-02-2021



260	UTIAR PRADESH	16693/24/64/2014-WC	803	RAPE OUTSIDE POLICE STATION	270000	15-05-2020
261	UTIAR PRADESH	19520/24/22/2019-WC	803	RAPE OUTSIDE POLICE STATION	200000	01-01-2021
262	UTIAR PRADESH	21849/24/37/2019-WC	803	RAPE OUTSIDE POLICE STATION	300000	09-02-2021
263	UTIAR PRADESH	10862/24/14/2019	804	ABUSE OFPOWER	200000	12-03-2021
264	UTIAR PRADESH	19778/24/20/2020	804	ABUSE OFPOWER	50000	03-03-2021
265	UTIAR PRADESH	36265/24/18/2016	804	ABUSE OFPOWER	100000	19-02-2021
266	UTIAR PRADESH	39842/24/25/2015	805	ATTEMPTED MURDER	100000	08-05-2020
267	UTIAR PRADESH	16072/24/76/2019	809	CUSTODIAL TORTURE	300000	22-02-2021
268	UTIAR PRADESH	27789/24/8/2016	809	CUSTODIAL TORTURE	100000	19-02-2021
269	UTIAR PRADESH	21509/24/45/2013	814	FAILURE IN TAKING LAWFUL ACTION	50000	09-09-2020
270	UTIAR PRADESH	25543/24/34/2015	814	FAILURE IN TAKING LAWFUL ACTION	100000	15-09-2020
271	UTIAR PRADESH	25870/24/14/2019	814	FAILURE IN TAKING LAWFUL ACTION	300000	15-02-2021
272	UTIAR PRADESH	38429/24/31/2016	814	FAILURE IN TAKING LAWFUL ACTION	200000	30-06-2020
273	UTIAR PRADESH	40306/24/35/2013	814	FAILURE IN TAKING LAWFUL ACTION	300000	04-02-2021
274	UTIAR PRADESH	40753/24/20/2015	814	FAILURE IN TAKING LAWFUL ACTION	50000	08-06-2020
275	UTIAR PRADESH	49596/24/34/2015	814	FAILURE IN TAKING LAWFUL ACTION	100000	28-08-2020
276	UTIAR PRADESH	8807/24/19/2012	814	FAILURE IN TAKING LAWFUL ACTION	300000	25-06-2020
277	UTIAR PRADESH	34115/24/6/2017	815	FALSEIMPLICATIONS	300000	08-03-2021
278	UTIAR PRADESH	13/24/1/2015	816	ILLEGALARREST	100000	04-09-2020
279	UTIAR PRADESH	37864/24/43/2014	816	ILLEGALARREST	25000	08-10-2020
280	UTIAR PRADESH	12391/24/56/2017	817	UNLAWFUL DETENTION	300000	10-07-2020



281	UTTAR PRADESH	16413/24/48/2019	817	UNLAWFUL DETENTION	50000	25-03-2021
282	UTTAR PRADESH	26805/24/72/2016	817	UNLAWFUL DETENTION	300000	27-08-2020
283	UTTAR PRADESH	38138/24/50/2015	817	UNLAWFUL DETENTION	400000	01-10-2020
284	UTTAR PRADESH	7949/24/41/2016	817	UNLAWFUL DETENTION	300000	23-10-2020
285	UTTAR PRADESH	31103/24/75/2015	819	POLICE MOTIVATED INCIDENTS	300000	20-08-2020
286	UTTAR PRADESH	1480/24/51/2013- AD	822	ALLEGED CUSTODIAL DEATHS INPOLICE CUSTODY	300000	31-07-2020
287	UTTAR PRADESH	18325/24/31/2012- AD	822	ALLEGED CUSTODIAL DEATHS INPOLICE CUSTODY	400000	09-02-2021
288	UTTAR PRADESH	22715/24/52/2019- AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	300000	07-09-2020
289	UTTAR PRADESH	37452/24/52/2015- AD	822	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	300000	25-06-2020
290	UTTAR PRADESH	14703/24/19/2017- WC	1301	ABDUCTION, RAPE AND MURDER	300000	26-05-2020
291	UTTAR PRADESH	17332/24/56/2014- WC	1301	ABDUCTION, RAPE AND MURDER	25000	01-09-2020
292	UTTAR PRADESH	36756/24/46/2016- WC	1301	ABDUCTION, RAPE AND MURDER	450000	22-05-2020
293	UTTAR PRADESH	8013/24/61/2015- WC	1301	ABDUCTION, RAPE AND MURDER	200000	20-08-2020
294	UTTAR PRADESH	30564/24/50/2018- WC	1304	DOWERY DEATH OR THEIR ATTEMPT	100000	06-01-2021
295	UTTAR PRADESH	38718/24/36/2017- WC	1304	DOWERY DEATH OR THEIR ATTEMPT	100000	11-03-2021
296	UTTAR PRADESH	6580/24/42/2018-WC	1307	GANG RAPE	300000	07-09-2020
297	UTTAR PRADESH	6668/24/31/2014-WC	1307	GANG RAPE	500000	19-08-2020
298	UTTAR PRADESH	18807/24/55/2015-WC	1309	INDIGNITY OF WOMEN	150000	07-12-2020
299	UTTAR PRADESH	32139/24/23/2017-WC	1309	INDIGNITY OF WOMEN	300000	13-10-2020



300	UTTIAR PRADESH	34513/24/69/2017-WC	1309	INDIGNITY OF WOMEN	150000	30-03-2021
301	UTTIAR PRADESH	23157/24/45/2017-WC	1311	RAPE	200000	04-01-2021
302	UTTIAR PRADESH	12617/24/25/2019	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	18-01-2021
303	UTTIAR PRADESH	13052/24/27/2016	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	200000	01-02-2021
304	UTTIAR PRADESH	20396/24/28/2019	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	200000	12-03-2021
305	UTTIAR PRADESH	20449/24/6/2016	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	100000	21-09-2020
306	UTTIAR PRADESH	30105/24/75/2018	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	22-02-2021
307	UTTIAR PRADESH	37130/24/33/2017	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	800000	16-03-2021
308	UTTIAR PRADESH	44865/24/48/2014	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	350000	06-08-2020
309	UTTIAR PRADESH	27074/24/49/2019	1508	ATROCITIES BY CUSTOM/EXCISE/ ENFORCEMENT/ FOREST/INCOME-TAX Deptt., etc. OF CENTRAL/ STATE Govts.	500000	06-07-2020
310	UTTIAR PRADESH	28274/24/54/2017	1900	SC/ST	200000	30-03-2021
311	UTTIAR PRADESH	48868/24/6/2015	1901	ATROCITIES ON SC	200000	26-05-2020



312	UTTIAR PRADESH	2506/24/3/2018-WC	1903	RAPE OF SC	200000	20-08-2020
313	UTTIARAKH AND	734/35/7/2017- JCD	301	CUSTODIAL DEATH (Judicial)	300000	26-08-2020
314	UTTIARAKH AND	542/35/3/2018	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	100000	11-02-2021
315	UTTIARAKHAND	473/35/11/2019	1901	ATROCITIESON SC	200000	19-05-2020
316	WEST BENGAL	1009/25/17/2019-JCD	301	CUSTODIAL DEATH (Judicial)	200000	15-03-2021
317	WEST BENGAL	1156/25/8/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	08-03-2021
318	WEST BENGAL	680/25/19/2019-JCD	301	CUSTODIAL DEATH (Judicial)	200000	11-03-2021
319	WEST BENGAL	843/25/19/2018-JCD	301	CUSTODIAL DEATH (Judicial)	250000	26-02-2021
320	WEST BENGAL	1131/25/25/2019	604	HAZARDOUS EMPLOYMENTS	11800000	15-02-2021
321	WESTBENGAL	1114/25/23/2015-PCD	807	CUSTODIAL DEATH (Police)	300000	22-09-2020
322	WESTBENGAL	365/25/13/2019-PCD	807	CUSTODIAL DEATH (Police)	300000	17-07-2020
323	WESTBENGAL	67/25/19/2014-PCD	807	CUSTODIAL DEATH (Police)	300000	22-05-2020
324	WEST BENGAL	1555/25/6/2014- ED	812	DEATH IN POLICE ENCOUNTER	500000	03-02-2021
325	WESTBENGAL	1217/25/15/2014-WC	1309	INDIGNITY OF WOMEN	200000	28-08-2020
326	WEST BENGAL	1344/25/14/2015- AD	1716	ALLEGED CUSTODIAL DEATH	500000	14-01-2021



Annexure - 6

**Total Number of Cases Where NHRC Recommended Disciplinary Action and
Prosecution during 2020-2021**

NAME OF STATE/UT	DISCIPLINARY ACTION	PROSECUTION
ALL INDIA	0	0
ANDAMAN & NICOBAR	0	0
ANDHRA PRADESH	0	0
ARUNACHAL PRADESH	0	0
ASSAM	0	0
BIHAR	0	0
CHANDIGARH	0	0
CHHATTISGARH	0	0
DADRA & NAGAR HAVELI	0	0
DAMAN & DIU	0	0
DELHI	0	0
FOREIGN COUNTRIES	0	0
GOA	0	0
GUJARAT	0	0
HARYANA	0	0
HIMACHAL PRADESH	0	0
JAMMU & KASHMIR	0	0
JHARKHAND	0	0
KARNATAKA	0	0
KERALA	0	0
LADAKH	0	0
LAKSHADWEEP	0	0
MADHYA PRADESH	0	0
MAHARASHTRA	0	0
MANIPUR	0	0
MEGHALAYA	0	0
MIZORAM	0	0
NAGALAND	0	0
ODISHA	0	0
PUDUCHERRY	0	0
PUNJAB	1	0
RAJASTHAN	0	0
SIKKIM	0	0
TAMIL NADU	0	0
TELANGANA	0	0
TRIPURA	0	0
UTTAR PRADESH	0	0
UTTARAKHAND	0	0
WEST BENGAL	0	0
TOTAL	1	0



Annexure - 7

Details of Cases Pending Compliance of NHRC's Recommendations during 2019-2020

(Data As Per CMS as on 12/04/2021)

1	ASSAM	132/3/0/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	26-11-2019
2	ASSAM	166/3/9/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	18-02-2020
3	ASSAM	237/3/11/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
4	BIHAR	1219/4/12/2018	800	POLICE	200000	18-04-2019
5	BIHAR	1618/4/5/2017	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	200000	11-11-2019
6	BIHAR	2354/4/37/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	28-10-2019
7	BIHAR	3269/4/4/2017	804	ABUSE OF POWER	100000	21-01-2020
8	BIHAR	4122/4/23/2016	814	FAILURE IN TAKING LAWFUL ACTION	50000	13-03-2020
9	CHHATTISGARH	172/33/5/2018	805	ATTEMPTED MURDER	1200000	17-09-2019
10	DELHI	1359/30/1/2017-WC	1313	SEXUAL HARASSMENT AT WORK PLACE (GOVT.OFFICES)	25000	03-09-2019
11	DELHI	523/30/2/2019	804	ABUSE OF POWER	300000	10-10-2019
12	DELHI	777/30/0/2019-WC	1315	MURDER	300000	16-08-2019
13	GUJARAT	100/6/18/2017-PF	1704	ABUSE OF POWER	100000	20-01-2020
14	JHARKHAND	1066/34/7/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	19-03-2020
15	JHARKHAND	1559/34/5/2018- JCD	301	CUSTODIAL DEATH (Judicial)	300000	14-11-2019
16	JHARKHAND	208/34/8/2019	207	MEDICAL NEGLIGENCE	100000	16-10-2019
17	JHARKHAND	623/34/4/2017-JCD	301	CUSTODIAL DEATH (Judicial)	100000	04-02-2020
18	JHARKHAND	627/34/6/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	25-02-2020
19	MADHYA PRADESH	261/12/35/2019	106	SEXUAL HARASSMENT/ UNNATURAL OFFENCE	300000	23-12-2019



20	MADHYA PRADESH	342/12/8/2019-WC	803	RAPE OUTSIDE POLICE STATION	50000	16-03-2020
21	MAHARASHTRA	1159/13/21/2016	809	CUSTODIAL TORTURE	100000	25-11-2019
22	MAHARASHTRA	1680/13/15/2015	204	IRREGULARITIES IN GOVT. HOSPITALS/ PRIMARY HEALTH CENTRES	200000	19-02-2020
23	ODISHA	4595/18/32/2018	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	200000	16-12-2019
24	ODISHA	1272/18/16/2019	825	ATROCITIES ON OLD/ AGED BY POLICE	300000	14-01-2020
25	ODISHA	2388/18/16/2016	204	IRREGULARITIES IN GOVT. HOSPITALS/ PRIMARY HEALTH CENTRES	300000	08-04-2019
26	ODISHA	4170/18/9/2016	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	09-03-2020
27	ODISHA	4257/18/1/2016	204	IRREGULARITIES IN GOVT. HOSPITALS/ PRIMARY HEALTH CENTRES	400000	17-02-2020
28	ODISHA	5065/18/12/2017	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	01-07-2019
29	PUDUCHERRY	110/32/0/2018-JCD	301	CUSTODIAL DEATH (Judicial)	500000	06-01-2020
30	PUNJAB	384/19/1/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	23-10-2019
31	RAJASTHAN	910/20/9/2018	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	50000	28-02-2020
32	RAJASTHAN	1963/20/1/2018	104	EXPLOITATION OF CHILDREN	300000	14-01-2020
33	TAMIL NADU	1621/22/31/2017	814	FAILURE IN TAKING LAWFUL ACTION	200000	29-07-2019
34	TAMIL NADU	2116/22/14/2016	104	EXPLOITATION OF CHILDREN	500000	12-09-2019



35	TAMJL NADU	845/22/13/2018	806	ATROCITIES ON SC/ST (BYPOLICE)	300000	11-03-2020
36	TAMJL NADU	969/22/13/2017	814	FAILURE IN TAKING LAWFUL ACTION	300000	12-02-2020
37	TELANGAN A	945/36/0/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300000	19-06-2019
38	UTTAR PRADESH	7270/24/18/2018-WC	1309	INDIGNITY OF WOMEN	50000	23-12-2019
39	UTTAR PRADESH	11771/24/34/2016-JCD	301	CUSTODIAL DEATH (Judicial)	600000	17-02-2020
40	UTTAR PRADESH	16151/24/3/2017-WC	1301	ABDUCTION, RAPE AND MURDER	100000	20-01-2020
41	UTTAR PRADESH	1705/24/54/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
42	UTTAR PRADESH	17823/24/55/2017	806	ATROCITIES ON SC/ST (BYPOLICE)	150000	25-11-2019
43	UTTAR PRADESH	18807/24/43/2016	1505	IN ACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	300000	10-06-2019
44	UTTAR PRADESH	20303/24/76/2016-WC	1301	ABDUCTION, RAPE AND MURDER	100000	27-01-2020
45	UTTAR PRADESH	21892/24/51/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	08-07-2019
46	UTTAR PRADESH	29311/24/31/2017-JCD	301	CUSTODIAL DEATH (Judicial)	200000	01-05-2019
47	UTTAR PRADESH	32212/24/35/2018-WC	1304	DOWRY DEATH OR THEIR ATTEMPT	100000	25-02-2020
48	UTTAR PRADESH	34432/24/48/2015	203	MALFUNCTIONING OF MEDICAL PROFESSIONALS	300000	18-06-2019
49	UTTAR PRADESH	34457/24/78/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	24-02-2020
50	UTTAR PRADESH	39090/24/56/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
51	UTTAR PRADESH	8290/24/6/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	03-02-2020
52	UTTARAKH AND	1292/35/6/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	11-02-2020
53	WEST BENGAL	1089/25/13/2016-PF	1704	ABUSE OF POWER	300000	27-02-2020



Annexure - 8

Details of Cases Pending Compliance of NHRC's recommendations during 2013-2014 to 2018-2019

(Data as per CMS as on 12/04/2021)

1	ASSAM	239/3/9/2013-PCD	807	CUSTODIALDEATH (Police)	100000	20-12-2017
2	DELHI	252/30/8/2014	2006	VICTIMISATION (FOREIGNER'S/N RI)	300000	29-09-2014
3	JHARKHAND	898/34/16/2013-JCD	301	CUSTODIALDEATH (Judicial)	300000	17-07-2017
4	MADHYA PRADESH	1738/12/38/2014	1904	VICTIMISATION	200000	27-01-2019
5	MAHARASHTRA	771/13/16/2017	604	HAZARDPIS EMPLOYMENTS	975000	12-02-2019
6	UTTIAR PRADESH	10587/24/57/2017- WC	1309	INDIGNITY OF WOMEN	1750000	08-08-2018
7	UTTIAR PRADESH	18225/24/1/2016-WC	1309	INDIGNITY OF WOMEN	50000	26-09-2018
8	UTTIAR PRADESH	35109/24/52/2016	1505	INACTION BY THE STATE GOVERNMENT/ CENTRAL GOVT. OFFICIALS	200000	29-10-2018
9	UTTIAR PRADESH	4658/24/64/2018	804	ABUSE OFPOWER	50000	27-11-2018
10	UTTIAR PRADESH	7941/24/52/2017	1807	IRREGULARITIES	100000	12-11-2018
11	UTTIAR PRADESH	8666/24/7/2017	1901	ATROCITIES ONSC/ ST/OBC	50000	29-10-2018
12	WESTBENGAL	1006/25/6/2016	1901	ATROCITIES ONSC/ ST/OBC	50000	25-09-2018
13	WESTBENGAL	1417/25/15/2016-PF	1704	ABUSE OFPOWER	25000	14-02-2019
14	WESTBENGAL	669/25/22/2017-DH	310	DEATH INHOMES	200000	18-02-2019



Annexure 9

Spot Enquiries carried out by the Investigation Division from April, 2020 to March, 2021

S No	Case No	Complainant Details	Gist Of Complaint
1	20305/24/9/2018	Smt. Rekha Devi w/o Shri Baitha Baharaich, Uttar Pradesh	Murder case of complainant's husband. Inaction by the local police
2	2553/18/4/2019	Shri Radhakant Tripathy, Delhi	A minor boy was found dead in Gurukul Ashram Dhenkanal District. The School is running illegally.
3	11912/24/20/2020	Shri Hanif UR Rehman Nizamuddin, Delhi	Alleged illegal child labour trafficking, sexual exploitation of minor girls by owners and supervisor of stone quarries in Chitrakoot District, Uttar Pradesh
4	1239/7/5/2020	Shri Ravi Kumar, Gurugram, Haryana	Local administration illegally demolished 600 slums at Shyamjha Basti Sikanderpur Goshi, Gurugram, Haryana
5	47213/24/72/2015	Shri Anil Kumar Morya, Varanasi, Uttar Pradesh	Exploitation of contract labourers of water corporation (Jal Kal Vibhag) Varanasi regarding cleaning of sewer without safety gadget and proper equipments.
6	2636/30/0/2020	Shri Shamshad s/o Yasin r/o Gonda, Delhi	The complainant alleged that he was shot by mob and apprehension about the fair investigation by police.
7	3172/30/5/2020	Shri Nasim Khan, New Usmanpur, Delhi	False implication of the complainant. The police officials sexually harassed his wife and minor daughter.
8	1205/20/34/2020	Shri Devi Lal, District Pratapgarh, Rajasthan	Police inaction on complainant's daughter kidnapping and murder.
9	1357/7/12/2020-wc	Shri Ved Pal, District Mahendergarh, Haryana	The complainant alleged that his wife went missing and her dead body found. The local police didn't take any action.
10	14541/24/16/2020	Shri Sagar Gupta, District Bhadoi, Uttar Pradesh	The opponents and police abducted complainant's elder brother and demanded Rs. 5,00,000/- for his release and police personnel threatened to implicate his brother in false case of death of 8 police personnel.



S No	Case No	Complainant Details	Gist Of Complaint
11	3715/30/0/2020	Smt. Rubi w/o Rajveer r/o Jain Colony, Barawala, New Delhi	The accused advocate black mailed the complainant. The accused connived with the police and implicated her in a case of theft. She and her husband was beaten by the police personnel to accept the offence.
12	3461/30/0/2020	Tasannum Naaz r/o Bhopal, Madhya Pradesh	The complainant alleged that his husband and her family members allegedly beaten by drunken police official. The police official opened fire on them, when they recorded the incident through mobile.
13	1373/12/8/2020	Shri Dharmender Singh r/o Bhopal, Madhya Pradesh	The complainant alleged that there is a large sex racket in Madhya Pradesh. His wife and her sister kept him hostage by feeding drugs to him. He also alleged danger to his life.
14	1188/13/10/2020	Dr. Vinay P Sahasrabude and other Member of Parliament (Rajya Sabha) Delhi	The Member of Parliaments (Rajya Sabha) alleged about beating of activists of student organization Akhil Bhartiya Adhikar Prishad by police in presence of State Minister.
15	4156/30/0/2020	Shri Krishan, Delhi	The son of complainant assaulted by his friend and admitted in AIIMS Trauma Centre. Later on, when they contacted the police to investigate the matter, the police personnel harassed his family members and a sum of Rs. 20,000/- were taken as bribe.
16	1625/7/20/2020-wc	Ms. Pinky Devi w/o Ved Prakash, Yamuna Nagar, Haryana	The victim was abducted and raped by accused person and complaint was made with Superintendent of Police (SP). Yamuna Nagar, Haryana. Thereafter, the Investigating Officer (IO) and Station House Officer (SHO) of concerned Police Station tortured the victim to change the statement.
17	1017/34/12/2020	Dr. Birendra Kumar, Kodarma, Jharkhand	The complainant alleged police atrocities committed by SHO and other police personnel. They brutally beat and kicked him leading to grievous injuries due to protest of wrong parking of car. They kept him under illegal confinement, again assaulted in custody and implicated in false case.



S No	Case No	Complainant Details	Gist Of Complaint
18	1604/7/19/2020-AR	Smt. Kavita w/o Raj Kumar, Sonipat, Haryana	The minor daughter of the complainant was raped by 10-12 police personnel of police station of Baroda, Sonipat, Haryana in the lock-up. The matter was reported to SHO, SP and court, but no lawful action was taken due to influence of higher authorities.
19	4486/30/3/2020	Shri Ravi Kant, Meerut, Uttar Pradesh	A person referred to Safdarjang Hospital and during admission process the duty doctor refused to provide treatment as he belonged to the State of Uttar Pradesh.
20	21078/24/23/2020	Shri Fateh Singh, District Jail Etawah, Uttar Pradesh	The complainant, an inmate in Etawah Jail, Uttar Pradesh, alleged that the jail authorities of Firozabad and Etawah conspired to torture him. All restrictions were imposed on him. The official abused and physically tortured him for being a member of lower caste. The complainant feared for his life.
21	4851/30/9/2020	Roshni Giri, Nagli Vihar Extension, Delhi	The complainant (a gang rape and acid attack victim) alleged that accused came to her house, threatened her and her family to take back the case and attempted to kidnap her. The matter was reported to police, despite assurance by Deputy Commissioner of Police (DCP), the police officials trespassed her house along with the accused persons, removed her clothes and took away an amount of Rs. 2,00,000/- received as monetary relief. They also assaulted and beat the victim and her father brutally and kidnapped the father of the complainant.
22	1787/7/20/2020	Smt. Poonam Devi, District Yamuna Nagar, Haryana	The complainant alleged that after death of her husband, the opponents were harassing her and also attempted to sexually abuse her minor daughter. It was further mentioned that an FIR under Protection of Children from Sexual Offences (POCSO) Act has been registered but the police is not taking any action



S.No.	Case No.	Complainant Details	Gist Of Complaint
			against the guilty who are extending threats to her. A cross case was registered against the complainant and her family and they arrested and sent to jail.
23	23067124/38/2020	Shri Neeraj Sharma, District Jalaun, Uttar Pradesh	The complainant alleged the irregularities in District Jail Jalau, Uttar Pradesh, committed by the Jail Superintendent, jail staff and inmates.
24	40558/24/1/2015	Shri Jai Raj Singh, District Agra, Uttar Pradesh	The complainant alleged that a scuffle took place between complainant's family members and opponents who came with guns, sticks and axe to his house and abused them, fired to kill them. Opponents kidnapped his brother and his brother is missing since then. The matter was reported to the police, but police has not taken any step to trace his brother.
25	742/19/10/2020	Shri Ravi Jindal, Advocate, Ludhiana, Punjab	In online complaint, the complainant alleged that two advocates were illegally detained by SHO and police official of police station Haibowal, Ludhiana, and implicated in a false case.
26	44649/24/52/2016-afe	Shri Prem Singh, District Agra, Uttar Pradesh	The complainant alleged an encounter death of his son Ramu (22 years) by Agra Police on 08.12.2016.
27	1258/34/1/2020-wc	Shri Anup Kumar, Bokaro, Jharkhand	The accused, an officer of Central Coalfield Limited, called the victim in the pretext of a job. The accused raped the victim and recorded the offence. The accused black mailed the victim and continued to rape the victim. The matter was reported to police, but no action has been taken by the police since last 6 months as the accused is a senior officer.
28	24184/24/43/2020	Shri Soghar Singh, District Etawah, Uttar Pradesh	The complainant (a senior journalist) belonging to SC Community alleged that Anti-social elements had written malicious comments against the President and the Prime Minister of the country for which



S No	Case No	Complainant Details	Gist Of Complaint
			he had filed case against them. The accused got connived, brutally beaten and tortured by police in police custody and thousands of rupees was taken from him.
29	2357/1/22/2020	Ms. Chirkka Aooaryamma Vizianagar, Andhra Pradesh	The complainant alleged her son Chakka was abducted by influential person and forcefully married to his daughter. The matter was reported to police, but the police did not take their complaint and beat her and her family. The police handed over her son to opponents and since then her son was missing.
30	5529/30/6/2020	Ms. Sadhana d/o Mahendra Mishra r/o Kiradi Suleman Nagar, Delhi	The complainant alleged that the accused entered her house and tried to rape her in 2018. Regarding which an FIR was filed, but no action was taken by the police. Due to the FIR, the accused had beaten up parents of the complainant. The accused was continuously harassed and stalked by the complainant. Despite approaching the police several times, but the police had not taken any action.
31	2255/7/11/2020	Shri Gauttam Uppal, Kurukshetra, Haryana	The complainant alleged mishandling of the COVID-19 affected patients by LNJP Hospital Kurukshetra. Mother of the complainant was admitted in Radhey Krishna Hospital, a private hospital, on the recommendations of LNJP hospital. On 29.12.2020 LNJP official came to re-admit the COVID-19 patients in LNJP Hospital who they earlier refused.
32	2023/7/3/2019	Shri Devender s/o Sh. Hadutt, Faridabad, Haryana	The complainant alleged that his father was brutally beaten by a person; and local police had taken no action due to some vested interest. The police implicated him in false cases. The NHRC conducted spot enquiry in the matter and the case was closed. The complainant again approached the NHRC, and on considering the plea, the Commission decided to re-open the case.



S No	Case No	Complainant Details	Gist Of Complaint
			and re-examine the issues of the complainant and undertook re-inquiry through a different enquiry team.
33	640/24/78/2020	Shri Rajiv Yadav, Dashrath lodged in Kasganj Jail, Uttar Pradesh	The complainant alleged about the mismanagement and corruption in the jail (Kasganj) and prayed strict action against the jail official for their misdeeds
34	28/7/3/2021	Shri Jagbir Singh, r/o Faridabad, Haryana	The complainant alleged that opponent numbering in 10-15 attacked his 70 year old father and his 17 year old son with lathi, iron rod, axe, bricks and stone causing serious head injuries to his young son and multiple fracture including head injuries to his old father. The opponents also attacked women of his family and damaged his house and later tried to kill the complainant. The matter reported to local police, but no appropriate action is taken by them.
35	2649/30/5/2020	Shri Raj Hans Bansal, Delhi	The complainant alleged that the victim, a young student, died due to falling in the drain/gutter due to the negligence of concerned department.
36	1285/34/4/2019-WC	Shri Ranjit Singh Parmar, Dhanbad, Jharkhand	The complainant, member of a NGO, alleged that victim girl was gang raped and torture, including burning of her body parts. No action taken by the Women Police Station, Dhanbad, Jharkhand
37	41060/24/30/2016	Shri Akhilesh Thakur, NOIDA, Uttar Pradesh	The complainant alleged false implication of himself, his son and other family members and harassment by the police.
38	4377/24/22/2019-BL	Shri Ramji Lal, District Etah, Uttar Pradesh	The complainant alleged that he and other labourers, who belong to SC/ST community and were employed in a brick kiln, were being treated as bonded labourers; no wages and other basic facility have been provided to them. They were beaten, exploited and kept in bondage in the brick kiln by the owners.



List of Abbreviations

AAY	Antyodaya Anna Yojana
ACJM	Additional Chief Judicial Magistrate
AHTU	Anti Human Trafficking Unit
AICTE	All India Council for Technical Education
ADM&HO	Additional District Medical & Health Officer
AMC	Association of Medical Consultants
ANB	Atma Nirbhar Bharat
ANM	Auxiliary Nurse and Midwife
APF	Asia Pacific Forum of National Human Rights Institutions
Art.	Article
Arts.	Articles
ASI	Assistant Sub-Inspector
ATI	Administrative Training Institutes
ATR	Action Taken Report
BLSAA	Bonded Labour System (Abolition) Act
BPL	Below Poverty Line
BPR&D	Bureau of Police Research and Development,
CAA	Citizenship Amendment Act
CAPF	Central Armed Police Forces
CB-CID/CID-CB	Crime-Branch Crime Investigation Department
CBI	Central Bureau of Investigation
CCI	Child Care Institution
CCTV	Close Circuit Television Cameras



List of Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFNHRI	Commonwealth Forum of National Human Rights Institution
CISF	Central Industrial Security Force
CMO	Chief Medical Officer
CPCB	Central Pollution Control Board
CPI	Consumer Price Index
CO	Circle Officer
Cr.P.C.	Criminal Procedure Code
CRC	Convention on the Rights of the Child
CRCC	Commission on Rehabilitation Counselor Certification
CRPF	Central Reserve Police Force
CSAM	Child Sexual Abuse Material
CSR	Corporate Social Responsibility
CSS	Centrally Sponsored Scheme
CUTN	Central University of Tamil Nadu
DBT	Direct Benefit Transfer
DC	District Collector
DCP	Deputy Commissioner of Police
DCRG	Death-cum-Retirement Gratuity
DD	Daily Diary
DDRC	District Disability Rehabilitation Centres
DELNET	Developing Library Networking
D.E.O	District Education Officer



List of Abbreviations

DGP	Director General of Police
DM	District Magistrate
DPOs	Disabled People's Peoples Organizations
DSLISA	Delhi State Legal Service Authority
DSP	Deputy Superintendent of Police
ED	Enforcement Directorate
EDMC	East Delhi Municipal Corporation
FAC	First Amended Complaint
FIR	First Information Report
FSL	Forensic Science Laboratory
FY	Financial Year
GANHRI	Global Alliance of National Human Rights Institutions
GD	General Diary
GeM	Government e-Marketplace
Gol	Government of India
GPF	Gratuity Provident Fund
GRP	Government Railway Protection
HC	Head Constable
HIV	Human Immunodeficiency Virus
HQs./Hqrs.	Headquarters
HR	Human Rights
HRD	Human Rights Defender
I&PRO	Information & Public Relations Officer



List of Abbreviations

ICC	International Coordinating Committee on Promotion and Protection of Human Rights
ICDS	Integrated Child Development Scheme
ICMR	Indian Council of Medical Research
ICPS	Integrated Child Protection Scheme
IG	Inspector General
ITDA	Integrated Tribal Development Agency
IM-PDS	Integrated Management of Public Distribution System
IMA	Indian Medical Association
IO	Investigating Officer
IPC	Indian Penal Code
IPOP	Integrated Programme for Older Persons
IPSrC	Integrated Programme for Senior Citizens
IRDAI	Insurance Regulatory and Development Authority of India
IVF	In Vitro Fertilization
JCL	Juveniles in conflict with law
JIMS	Jagannath International Management School
<i>JJ Act/JJA</i>	Juvenile Justice Act
LFs	Linked Files
LGBTQI+	Lesbian, gay, bisexual, transgender, queer and intersex
<i>Mio</i>	Ministry of
MARG	Multiple Action Research Group
MDGs	Millennium Development Goals
MDMS	Mid-day Meal Scheme



List of Abbreviations

MER	Magisterial Enquiry Report
MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Act, 2005
MGNREGS	Mahatma Gandhi National Rural Employment Guarantee Scheme
MHA	Ministry of Home Affairs
MIS	Management Information System
MLC	Medico Legal Cases
MSME	Micro, Small & Medium Enterprises
MWCD	Ministry of Women and Child Development
NAAC	National Assessment and Accreditation Council
NCB	Narcotics Control Bureau
NCC	National Cadet Corps
NCERT	National Council of Educational Research and Training
NCR	National Capital Region
NCRB	National Crime Records Bureau
NCT	National Capital Territory
NEP	National Education Policy
NFHS	National Family Health Survey
NFSA	National Food Security Act
NGO	Non- Governmental Organization
NHRC	National Human Right Commission
NHRI	National Human Rights Institution
NRIDA	National Rural Infrastructure Development Agency
NIA	National Investigation Agency



List of Abbreviations

NIOH	National Institute of Occupational Health
NIPCCD	National Institute of Public Cooperation & Child Development
NLU	National Law University
NMHS	National Mental Health Survey
NoK	Next of Kin
NSAP	National Social Assistance Programme
NSKFDC	National Safai Karamcharis Finance & Development Corporation.
NSSO	National Sample Survey Office
NYKS	Nehru Yuva Kendra Sangathan
OBC	Other Backward Classes
OHCHR	Office of the High Commissioner for Human Rights
OPAC	Open Public Access Cataloguing
OSC	One Stop Centre
P.S./PS	Police Station
PC & PNDTAct	Pre-conception & Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
PCR	Protection of Civil Rights Act
PD	Physical Drill
PDS	Public Distribution System
PEMSRA	The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013
PESA	Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996
PHRA/PHR Act	Protection of Human Rights Act, 1993
PM-CARES Fund	Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund



List of Abbreviations

PMGKAY	Pradhan Mantri Garib Kalyan Anna Yojana
PMGSY	Pradhan Mantri Gram Sadak Yojana
PMJAY	Pradhan Mantri Jan Arogya Yojana
POCSO Act	Protection of Children from Sexual Offences Act
PPP	Public Private Partnership
PPH	Post partum Hameorrhage
PTI	Police Training Institutes
PTR	Pupil Teacher Ratio
PwD	Persons with Disabilities
<i>r/o</i>	resident of
<i>r/w</i>	read with
RAC	Rapid Action Cell
RoFR	Recognition of Forest Rights (RoFR) Act, 2006
RPF	Railway Protection Force
RPwD	Rights of Persons with Disabilities Act, 2016
RTE	Right to Education
<i>s/o</i>	son of
SAM	Severe Acute Malnutrition
SC	Scheduled Caste
SDGs	Sustainable Development Goals
SDM	Sub-Divisional Magistrate
SEWA	Self-Employed Women's Association
SHG	Self - Help Group



List of Abbreviations

SHO	Station House Officer
SHRC	State Human Rights Commission
SIT	Special Investigation Team
SMS	Short Message Service
SNP	Nutrition Programme
SOP	Standard Operating Procedure
SP	Superintendent of Police
SS	Shikshya Sahayak
SSP	Senior Superintendent of Police
ST	Scheduled Tribes
STF	Special Task Force
TB	Tuberculosis
TPDS	Targeted Public Distribution System Supplementary
u/s	under Section
UAP	Unlicensed Assistive Personnel
UDID	Unique Disability ID
UDISE	Unified District Information System for Education
UGC	University Grants Commission
UNCRC	United Nations Convention on the Rights of the Child
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNGP-BHR	Guiding Principles on Business and Human Rights
UNHRC	United Nations Human Rights Council
UNWG-BHR	UN Working Group on Business and Human Rights



List of Abbreviations

UPR	Universal Periodic Review
UTs	Union Territories
UTP	Under Trial Prisoner
VC	Video Conferencing
VCS	Victim Compensation Scheme
WESCO	Western Electricity Supply Company of Odisha
w/o	wife of
WFP	World Food Programme
WHO	World Health Organization
ZIPNET	Zonal Integrated Police Network

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National Human Rights Commission, India

**Manav Adhikar Bhawan, C-Block
GPO Complex, INA, New Delhi-110023
www.nhrc.in**