

Annual Report

2022-23



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भवन्तु सुखिनः



National Human Rights Commission
India

Annual Report

2022-23



National Human Rights Commission
India

Table of Contents

	Foreword	vii
	Preface	ix
	Abbreviations	xi
Chapter 1	Introduction	1
Chapter 2	Year at a Glance	3
	2.1 Interventions to Safeguard Human Rights	3
	2.2 Meeting of the Core Groups	3
	2.3 Policy Advisory	3
	2.4 Conferences/ Seminars/ Open House Discussions	4
	2.5 Research on Human Rights	4
	2.6 Promotion of Human Rights Literacy	4
	2.7 Engagements with NGOs and CSOs	5
	2.8 Engagements with Human Rights Defenders	5
	2.9 Foundation Day	6
	2.10 Human Rights Day	6
	2.11 RTIs	6
Chapter 3	Organisation and Functions	7
	3.1 Constitution of the Commission	7
	3.2 Strategic Plan and Annual Action Plan	8
	3.3 Statutory Full Commission Meeting	8
	3.4 Camp Sitzings	8
	3.5 Cases of Human Rights Violations	8
	3.6 Visits by Chairperson and Members	9
	3.7 Complaints Addressed	9
	3.8 Preventing Custodial Violence	9
	3.9 Recommendations of NHRC for Monetary Relief and its Compliance	10
	3.10 Research Activities	10
	3.11 Media & Communication	10
	3.12 Training	10
	3.13 Core Groups	10
	3.14 Special Rapporteurs and Special Monitors	11
Chapter 4	Governance and Resource Allocation	12
	4.1 Divisions and Manpower	12
	4.2 Promotion of Official Language	14
	4.3 Budget & Expenditure	14

Chapter 5 E- Governance	16
5.1 Human Rights Commission Network (HRCNet) Portal	16
5.2 e-Office	16
5.3 ICT infrastructure	16
5.4 SPARROW software	16
5.5 e-HRMS software	16
5.6 Documentation Centre (E-Library)	16
5.7 Procurement	17
Chapter 6 Advocacy and Outreach.	18
6.1 Seminars and Conferences	18
6.2 Engagement with State Human Rights Commissions	18
6.3 Dissemination of Information and Outreach	18
6.4 Publication	20
6.5 Training and Internship Programmes	20
Chapter 7 Thematic Areas.	22
7.1 Safeguarding Criminal Justice System	22
7.2 Right to Health and Mental Health	38
7.3 Rights of Women	44
7.4 Rights of Children	46
7.5 Rights of LGBTQI+	47
7.6 Rights of Elderly Persons	48
7.7 Rights of Persons with Disabilities (PwD)	49
7.8 Environment, Climate change and Human Rights	53
7.9 Right to Food and Nutrition	56
7.10 Right to Education	57
7.11 Rights of Bonded, Child and Other Forms of Labour	60
7.12 Rights of Scheduled Castes/ Scheduled Tribes/ Other Backward Classes/ Other Minorities and Issues of Manual Scavenging	61
7.13 Sports and Human Rights	66
7.14 Human Rights of Indian Seafarers	67
7.15 Culture and Human Rights	67
7.16 Business and Human Rights	67
7.17 Human Trafficking	68
7.18 Human Rights Defenders	70
Chapter 8 International Cooperation.	72
Chapter 9 Non-Acceptance of NHRC Recommendations	75

Annexes

Annex I	State-wise number of cases registered	81
Annex II	State-wise number of cases disposed	83
Annex III	Spot enquiries carried out by the Commission	85
Annex IV	Ongoing research studies	89
Annex V	Sitting details during 2022-23	93
Annex VI	Month-wise details of cases processed by the Commission during 2022-23	94
Annex VII	Details of the visits by Chairperson and Members of NHRC	95
Annex VIII	Number of cases pending	97
Annex IX	Details of Cases where the Commission recommended monetary relief	99
Annex X	Details of cases with pending compliance of NHRC recommendations	101
Annex XI	Special Rapporteurs and Special Monitors	110
Annex XII	List of visits of student/ trainees organised by NHRC	112

List of Tables

Table I	Breakup of budget expenditure and balance amount	15
Table II	Recommendations made by the NHRC which are challenged before Hon'ble Courts or the compliance thereof refused by the authorities in the year 2022-23	75

Foreword



Justice Mr. Arun Mishra
Hon'ble Chairperson, NHRC

1. The National Human Rights Commission (NHRC), India is pleased to present its Thirtieth Annual Report for the period from 1st April 2022 to 31st March 2023.
2. Under the Protection of Human Rights Act (PHRA) 1993, the National Human Rights Commission was established as an independent statutory body with a mandate to preserve and protect human rights. As we reflect on the NHRC's journey since its inception, we are reminded of its critical role in promoting and safeguarding human rights throughout the country. Over the years, the Commission has worked tirelessly and carried out multifarious activities, from establishing a bridge between the State's obligations and individuals' rights, to staunchly promoting and defending human rights. The Commission has played a vital role in upholding human rights, investigating complaints of human rights abuses, monitoring the implementation of human rights laws, and suggesting recommendations to ensure the protection of human rights.
3. In these three decades, the Commission has underscored the importance of upholding the fundamental rights of individuals, including the right to life, liberty, equality, and dignity. This emphasis extends especially to marginalized social groups, aligning with the guarantees laid out in the Indian Constitution and the principles enshrined in international covenants. These rights are not merely aspirational but are legally enforceable by the courts in India, serving as essential pillars of equality and justice within the nation's legal framework.
4. India, home to 1.43 billion people and rich civilizational ethos reflects a deeply ingrained culture that embodies the ideals of equality, liberty, justice, and fraternity. Compassion and empathy for all beings are fundamental to life and the Indian culture carries a rich historical legacy of democratic principles that predates Western influences. The NHRC has strived to meticulously protect and promote human rights across India, provide solace to the aggrieved and vulnerable, and address significant issues pertaining to human rights.
5. In addition to its complaint redressal mechanism, the Commission works in tandem with key stakeholders, such as the judiciary, police personnel, media, representatives, NGOs and civil societies, academicians and researchers. The Commission considers it vital to promote the education and awareness of human rights among the youth and the masses and in this regard, also conducts training programmes for students and police personnel on the importance of safeguarding human rights of all.

6. To act as a bulwark against human rights violation, the Commission has also identified certain focus areas including rights of women, children, refugees, LGBTQI community, prisoners, persons with mental illnesses, disabilities, elder or senior citizens, environment and human rights, business and human rights, etc. to name a few. Through extensive core group discussions and research on these themes, the Commission has identified emerging challenges to human rights and has sought suggestions for redressal from experts.
7. This Annual Report provides an overview of the initiatives undertaken by the Commission in its journey to strengthen and safeguard human rights. It details the advisories issued, core group meetings held and provides summaries of the wide array of cases handled.
8. I take this opportunity to thank various Ministries and Departments of the Government of India and their parastatal organizations, as well as other Commissions and statutory members of the NHRC. I commend the exemplary cooperation of the State Governments/ Union Territories, Civil Society Organizations, NGOs, Human Rights Defenders, my colleagues, officials and staff of the Commission. The collective efforts and commitment have made it possible to ensure improved outcomes, especially in the years following the COVID-19 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 both the governments at different levels and civil societies in our collective endeavour to protect and promote human rights of every individual.



[Justice Arun Mishra]

Preface



Bharat Lal
Secretary General &
Chief Executive Officer, NHRC

I bring to you the National Human Rights Commission's Annual Report for the year 2022–23 with great pleasure and an overwhelming sense of responsibility. As we look back at the previous year, we are reminded of the Commission's unwavering dedication to the protection and promotion of human rights for all.

The NHRC was established in 1993 to promote, protect and defend the human rights of all human beings. Since then, it has been working on issues of bonded and child labour, health, mental health, extrajudicial killings, prison conditions, and the protection of vulnerable groups, including women, children, persons with disabilities, senior citizens, and LGBTQI, among others. Furthermore, the Commission's goal has always been to initiate discourses on matters that require the attention of the society in general and governments in particular.

In the wake of Covid–19 pandemic and climate change affecting lives and livelihoods on such an unprecedented scale, especially poor and vulnerable sections of society, NHRC India have not faltered in its commitment to protect every person's fundamental rights. The vital significance of human rights has been reiterated and further strengthened by the tenacity of communities, the bravery of people, and the teamwork needed to achieve justice and equality.

The National Human Rights Commission has led the charge in addressing several concerns all year long. We have strived to be a beacon of justice and hope for people in need, from standing up for the rights of marginalized populations to looking into situations of violations of human rights. Our work has not been without challenges, but it is through these challenges that we find our strength. To encourage a culture of reverence for human rights, we have had discussions with government authorities, civil society organizations, Human Rights Defenders, and other stakeholders. In addition, we have committed countless hours to bringing attention to human rights concerns so that people feel empowered to defend their own rights and the rights of others.

The Annual Report of 2022-2023 consists of 09 Chapters, which elaborate on the Commission's initiatives for the year. The report also focuses on the NHRC's accomplishments throughout the previous financial year and how it addressed human rights concerns during that period. It will provide readers with insights into individual complaints, research studies, and discussions on recent developments. In addition to highlighting the major events that the Commission organized, the report also covers NHRC India's engagement with the Global Alliance of National Human Rights Institutions, the Asia Pacific Forum of National Human Rights Institutions, and the Human Rights Council.

It goes without saying that the Annual Report is the result of the collective efforts of the entire Commission. However, an Annual Report Team 2022-23 headed by Smt. Anita Sinha, Joint Secretary and consisting of Shri Sudesh Kumar, Senior Research Officer and Junior Research Consultant, Ms Aakanksha Sharma worked tirelessly to bring out this document. I would like to sincerely commend their hard work in the preparation of this report.

We are mindful of the journey that remains ahead of us, and it is an honour to embark on the long and arduous path towards the realization of universal human rights. Following the tenets of justice, equality, and respect for all, we are steadfast in our dedication to our mission. The stories shared, the data presented, and the insights offered in this report underscore the importance of continued vigilance, advocacy, and action in the face of evolving challenges, including technological advancements, socio-economic inequalities, and injustices.

Finally, I invite you to explore our annual report, which offers a thorough rundown of our endeavours, successes, and challenges, and a valuable resource. Let's keep working for a society in which everyone enjoys the dignity and respect that they so well deserve.



[Bharat Lal]

List of Abbreviations

S. No.	Abbreviation	Full-form
1.	AAY	Antyodaya Anna Yojana
2.	ACJM	Additional Chief Judicial Magistrate
3.	AHTU	Anti Human Trafficking Unit
4.	AICTE	All India Council for Technical Education
5.	ADM&HO	Additional District Medical & Health Officer
6.	AMC	Association of Medical Consultants
7.	ANB	Atma Nirbhar Bharat
8.	ANM	Auxiliary Nurse and Midwife
9.	APF	Asia Pacific Forum of National Human Rights Institutions
10.	Art.	Article
11.	Arts.	Articles
12.	ASI	Assistant Sub-Inspector
13.	ATI	Administrative Training Institutes
14.	ATR	Action Taken Report
15.	BLSAA	Bonded Labour System (Abolition) Act
16.	BPL	Below Poverty Line
17.	BPR&D	Bureau of Police Research and Development
18.	CAA	Citizenship Amendment Act
19.	CAPF	Central Armed Police Forces
20.	CB-CID/CID-CB	Crime-Branch Crime Investigation Department
21.	CBI	Central Bureau of Investigation
22.	CCI	Child Care Institution
23.	CCTV	Close Circuit Television Cameras
24.	CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
25.	CFNHRI	Commonwealth Forum of National Human Rights Institution
26.	CISF	Central Industrial Security Force

S. No.	Abbreviation	Full-form
27.	CMO	Chief Medical Officer
28.	CPCB	Central Pollution Control Board
29.	CPI	Consumer Price Index
30.	CO	Circle Officer
31.	Cr.P.C.	Criminal Procedure Code
32.	CRC	Convention on the Rights of the Child
33.	CRCC	Commission on Rehabilitation Counselor Certification
34.	CRPF	Central Reserve Police Force
35.	CSAM	Child Sexual Abuse Material
36.	CSR	Corporate Social Responsibility
37.	CSS	Centrally Sponsored Scheme
38.	CUTN	Central University of Tamil Nadu
39.	DBT	Direct Benefit Transfer
40.	DC	District Collector
41.	DCP	Deputy Commissioner of Police
42.	DCRG	Death-cum-Retirement Gratuity
43.	DD	Daily Diary
44.	DDRC	District Disability Rehabilitation Centres
45.	DELNET	Developing Library Networking
46.	DEO	District Education Officer
47.	DGP	Director General of Police
48.	DM	District Magistrate
49.	DPOs	Disabled People's Organisations
50.	DSLSA	Delhi State Legal Service Authority
51.	DSP	Deputy Superintendent of Police
52.	ED	Enforcement Directorate
53.	EDMC	East Delhi Municipal Corporation
54.	FAC	First Amended Complaint

S. No.	Abbreviation	Full-form
55.	FIR	First Information Report
56.	FSL	Forensic Science Laboratory
57.	FY	Financial Year
58.	GANHRI	Global Alliance of National Human Rights Institutions
59.	GD	General Diary
60.	GeM	Government e-Marketplace
61.	Gol	Government of India
62.	GPF	Gratuity Provident Fund
63.	GRP	Government Railway Protection
64.	HC	Head Constable
65.	HIV	Human Immunodeficiency Virus
66.	HQs./Hqrs.	Headquarters
67.	HR	Human Rights
68.	HRD	Human Rights Defender
69.	I&PRO	Information and Public Relations Officer
70.	ICC	International Coordinating Committee on Promotion and Protection of Human Rights
71.	ICDS	Integrated Child Development Scheme
72.	ICMR	Indian Council of Medical Research
73.	ICPS	Integrated Child Protection Scheme
74.	IG	Inspector General
75.	ITDA	Integrated Tribal Development Agency
76.	IM-PDS	Integrated Management of Public Distribution System
77.	IMA	Indian Medical Association
78.	IO	Investigating Officer
79.	IPC	Indian Penal Code
80.	IPOP	Integrated Programme for Older Persons
81.	IPSrC	Integrated Programme for Senior Citizens
82.	IRDAI	Insurance Regulatory and Development Authority of India

S. No.	Abbreviation	Full-form
83.	IVF	In Vitro Fertilization
84.	JCL	Juveniles in Conflict with Law
85.	JIMS	Jagannath International Management School
86.	JJ Act/JJA	Juvenile Justice Act
87.	LFs	Linked Files
88.	LGBTQI+	Lesbian, gay, bisexual, transgender, queer and intersex
89.	M/o	Ministry of
90.	MARG	Multiple Action Research Group
91.	MDGs	Millennium Development Goals
92.	MDMS	Mid-day Meal Scheme
93.	MER	Magisterial Enquiry Report
94.	MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Act, 2005
95.	MGNREGS	Mahatma Gandhi National Rural Employment Guarantee Scheme
96.	MHA	Ministry of Home Affairs
97.	MHIs	Mental Health Institutions
98.	MIS	Management Information System
99.	MLC	Medico Legal Cases
100.	MSME	Micro, Small and Medium Enterprises
101.	MWCD	Ministry of Women and Child Development
102.	NAAC	National Assessment and Accreditation Council
103.	NCB	Narcotics Control Bureau
104.	NCC	National Cadet Corps
105.	NCERT	National Council of Educational Research and Training
106.	NCR	National Capital Region
107.	NCRB	National Crime Records Bureau
108.	NCT	National Capital Territory
109.	NEP	National Education Policy
110.	NFHS	National Family Health Survey

S. No.	Abbreviation	Full-form
111.	NFSA	National Food Security Act
112.	NGO	Non- Governmental Organisation
113.	NHRC	National Human Right Commission
114.	NHRI	National Human Rights Institution
115.	NRIDA	National Rural Infrastructure Development Agency
116.	NIA	National Investigation Agency
117.	NIOH	National Institute of Occupational Health
118.	NIPCCD	National Institute of Public Cooperation and Child Development
119.	NLU	National Law University
120.	NMHS	National Mental Health Survey
121.	NoK	Next of Kin
122.	NSAP	National Social Assistance Programme
123.	NSKFDC	National Safai Karamcharis Finance and Development Corporation
124.	NSSO	National Sample Survey Office
125.	NYKS	Nehru Yuva Kendra Sangathan
126.	OBC	Other Backward Classes
127.	OHCHR	Office of the High Commissioner for Human Rights
128.	OPAC	Open Public Access Cataloguing
129.	OSC	One Stop Centre
130.	P.S./PS	Police Station
131.	PC & PNDT Act	Pre-conception and Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse)
132.	PCR	Protection of Civil Rights Act
133.	PD	Physical Drill
134.	PDS	Public Distribution System
135.	PEMSRA	The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013
136.	PESA	Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996
137.	PHRA/PHR Act	Protection of Human Rights Act, 1993
138.	PM-CARES Fund	Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund

S. No.	Abbreviation	Full-form
139.	PMGKAY	Pradhan Mantri Garib Kalyan Anna Yojana
140.	PMGSY	Pradhan Mantri Gram Sadak Yojana
141.	PMJAY	Pradhan Mantri Jan Arogya Yojana
142.	POCSO Act	Protection of Children from Sexual Offences Act
143.	PPP	Public Private Partnership
144.	PPH	Post Partum Hemorrhage
145.	PTI	Police Training Institutes
146.	PTR	Pupil Teacher Ratio
147.	PwD	Persons with Disabilities
148.	r/o	resident of
149.	r/w	read with
150.	RAC	Rapid Action Cell
151.	RoFR	Recognition of Forest Rights (RoFR) Act, 2006
152.	RPF	Railway Protection Force
153.	RPwD	Rights of Persons with Disabilities Act, 2016
154.	RTE	Right to Education
155.	s/o	son of
156.	SAM	Severe Acute Malnutrition
157.	SC	Scheduled Caste
158.	SDGs	Sustainable Development Goals
159.	SDM	Sub-Divisional Magistrate
160.	SEWA	Self-Employed Women's Association
161.	SHG	Self-Help Group
162.	SIT	Special Investigation Team
163.	SMS	Short Message Service
164.	SNP	Nutrition Programme
165.	SOP	Standard Operating Procedure
166.	SP	Superintendent of Police

S. No.	Abbreviation	Full-form
167.	SS	Shiksha Sahayak
168.	SSP	Senior Superintendent of Police
169.	ST	Scheduled Tribes
170.	STF	Special Task Force
171.	TB	Tuberculosis
172.	TPDS	Targeted Public Distribution System Supplementary
173.	u/s	under Section
174.	UAP	Unlicensed Assistive Personnel
175.	UDID	Unique Disability ID
176.	UDISE	Unified District Information System for Education
177.	UGC	University Grants Commission
178.	UNCRC	United Nations Convention on the Rights of the Child
179.	UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
180.	UNGP-BHR	Guiding Principles on Business and Human Rights
181.	UNHRC	United Nations Human Rights Council
182.	UNWG-BHR	UN Working Group on Business and Human Rights
183.	UPR	Universal Periodic Review
184.	UTs	Union Territories
185.	UTP	Under Trial Prisoner
186.	VC	Video Conferencing
187.	VCS	Victim Compensation Scheme
188.	WESCO	Western Electricity Supply Company of Odisha
189.	w/o	wife of
190.	WFP	World Food Programme
191.	WHO	World Health Organization
192.	ZIPNET	Zonal Integrated Police Network

Chapter 1

Introduction

- 1.1** The NHRC India was established by an Act of Parliament on 12 October, 1993, as amended in September 2006 and July 2019, known as the Protection of Human Rights Act, 1993 (PHRA). This Act is aimed at giving 'better protection and promotion of human rights'. It is an institution which acts as a complement to the judiciary and is engaged in — the protection and promotion of constitutionally enumerated fundamental human rights of all people in the country.
- 1.2** 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 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.
- 1.3** 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 National Human Rights Institutions (NHRIs) conforming with the Paris Principles. NHRC-India is an embodiment of India's concern for the promotion and protection of human rights.
- 1.4** 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.
- 1.5** This report covers the period from 01 April 2022 to 31 March 2023. It is the thirtieth 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.
- 1.6** During the period of report, Justice Shri Arun Mishra continued to serve as the Chairperson in the Commission. Smt. Jyotika Kalra has been Member in the Commission and demitted the office on 04 April 2022; Justice Shri M. M. Kumar was the Member in the Commission and demitted the office on 04 January 2023; Dr. D. M. Mulay and Shri Rajiv Jain continued to serve as Members of the Commission.
- 1.7** Shri Devendra Kumar Singh assumed charge as Secretary General of NHRC on 02 May 2022. Shri Santosh Mehra, Director General (Investigation) demitted the office on 12 July 2022 on transfer to his parent cadre and Shri Manoj Yadava assumed charge as Director General (Investigation) of NHRC on 12 July 2022. Smt. Anita Sinha continued to serve as Joint Secretary in the Commission. Shri Devendra Kumar Nim assumed charge as Joint Secretary on 15 February 2023.
- 1.8** 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, Dr Kamlesh Kumar Pandey, Chief Commissioner for 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 Iqbal Singh Lalpura, Chairperson of the National Commission for Minori-

ties were the deemed Members of the NHRC for the discharge of functions specified in clauses (b) to (j) of Section 12 of the PHRA, 1993.

- 1.9** During the year 2022-23, 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 a wide range of issues, such as alleged human rights violation due to negligence by public servants in the prevention of such violations, alleged custodial deaths, torture, fake encounters, police high-handedness, violations committed by security forces, conditions relating to prisons, atrocities committed on women and children and other vulnerable sections, communal violence, bonded and child labour, non-payment of retirement benefits, negligence by public authorities and atrocities on minorities, 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 for conducting 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.

- 1.10** The Commission also explored areas of cooperation and coordination between NHRC and State Human Rights Commissions (SHRCs) for protecting and promoting human rights. The Commission organised a meeting with all the SHRCs and Statutory Full Commission's (SFC) Members as special invitees on 12 October 2022 to discuss important issues related to various thematic areas of human rights and also to explore the probable areas of collaboration between NHRC and SHRCs for effective protection and promotion of human rights.

- 1.11** The Annual Report for the year 2022-23 deals with the issues pertaining to civil and political rights including deaths in police/judicial custody, illegal detention, 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, and rescue, release and rehabilitation of bonded and child labours.

The above-mentioned issues have been detailed out in different chapters of this Report.

Chapter 2

Year at a Glance

The National Human Rights Commission (NHRC) of India is a sentinel of India's concern for the protection and promotion of human rights. Following are the important activities undertaken by the Commission during the period of report:

2.1 Interventions to Safeguard Human Rights

2.1.1 During the year 2022-23, 1, 04, 128 cases were registered in the Commission. The Commission disposed of 1,09,909 cases, which included 9,313 cases transferred by the Commission to the State Human Rights Commissions u/s 13(6) of the PHRA, 1993. Of the total number of cases disposed of by the Commission, 64,622 were dismissed 'in limine'. The Commission closed 12,260 of the total 1, 09, 909 complaints that were disposed of in the said period. State wise details of registration and disposal of cases are given in Annex I & II.

2.1.2 The Commission recommended more than Rs. 1448 Lakh as payment of monetary relief/ compensation to the victims/ next of kin (NoK) of the deceased in 301 cases.

2.1.3 The Commission took *suo motu* cognizance in a total of 81 cases.

2.1.4 During the year, the Full Commission took up 410 cases of human rights violations in 12 sittings. In addition, the two Division Benches considered 1,192 cases in 14 sittings.

2.1.5 The Commission is mandated to intervene in any matters of violation of human rights, be it court proceedings, jail administration or any other institution discharging the functions of reformation or protection. To ensure this, the Commission organises camp sittings by the Members of the Commission headed by Hon'ble Chairperson and spot enquiries by the specialised teams of investigation officers empanelled by the Commission.

2.1.6 During the period, two camp sittings and 46 spot enquiries were organised by the Commission. The

same has been detailed under Chapter-3. A list of all the spot enquiries undertaken by the Commission is also enclosed as Annex III.

2.1.7 2,391 cases of Judicial Custodial Deaths and 363 cases of Police Custodial Deaths were processed/ disposed of by the Commission. More than 259 cases of encounter deaths were processed/ disposed of by the Investigation Division.

2.1.8 Fifteen Cases were dealt by the Rapid Action Cell, where immediate intervention by the Commission was able to prevent Human Rights violations.

2.2 Meeting of the Core Groups

2.2.1 Core Groups of experts have been constituted by the Commission on certain key areas that require special attention. The Commission organises meetings of the Core Group to discuss relevant issues pertaining to each thematic area. There are 12 Core Groups on various themes, like Core Group on Health and Mental Health, Core Group on Right to Food and Nutrition, core Group on Women, etc.

2.2.2 During the period, three meetings of the core groups were held, including meeting of the Core Group on Older Persons, on 28 February, 2023; and two meetings of the Core Group on the Rights of Persons with Disabilities on 13 April, 2022 and 26 July, 2022. A detailed account of the same can be found under the thematic areas covered in Chapter 7.

2.3 Policy Advisory

2.3.1 The Commission is mandated to issue Policy Advisories in order to ensure compliance of the safeguards provided under the Constitution of India, other laws and international standards for protection of human rights. The Commission released a total of three advisories during the period, namely, 'Advisory to Prevent, Minimise and Mitigate Impacts of Environmental Pollution and Degradation on Human Rights', on 09 May 2022; 'Advisory to Prevent Human Rights of

Truck Drivers', on 27 June 2022; and 'Advisory to Prevent, Minimise and Mitigate Ocular Trauma', on 11 October 2022. A detailed account of the same can be found under the thematic areas covered in Chapter 7.

2.4 Conferences/ Seminars/ Open House Discussions

2.4.1 Despite the outbreak of COVID-19, six conferences and webinars were organised by the Commission throughout the year, including, Two-day National Conference on Human Rights in Indian Culture and Philosophy, held on 30 June – 01 July 2022; Open House discussion on the problems of migrant workers, held on 03 August 2022; Open House discussion on Sports and Human Rights, held on 01 November 2022; Discussion on Child Sexual Abuse Material (CSAM), held on 04 November 2022; Meeting regarding the status of installation of CCTV cameras at Police Stations, held on 24 November 2022; Open House discussion on the Rights of Indian Seafarers, held on 22 February 2023; Two-day National Conference on Child Sexual Abuse Material (CSAM), held on 02-03 March 2023;; and Conference on “Gender and Sexuality: Stigma, Discrimination and

Exclusions” in collaboration with Tata Institute of Social Sciences, Mumbai, held on 11 March 2023.

2.5 Research on Human Rights

2.5.1 The Commission is also mandated to undertake and promote research in the field of Human Rights for which it sanctions and supervises research projects under various thematic areas to researchers from various institutions of repute. During the period, there were 46 ongoing projects within the Commission. The details of the research studies have been detailed under Annex IV.

2.6 Promotion of Human Rights Literacy

2.6.1 One of the major functions of the Commission is to 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. All the major activities undertaken by the Commission to spread human rights literacy have been elaborated under Chapter – 7. To promote literacy, the



Image 2.1: From the dais -29th Foundation Day Function



Image 2.2: Hon'ble President of India, Mrs. Droupadi Murmu lighting the lamp on Human Rights Day

Commission also organises visits by students from various universities, internship programmes and funds, moot court competitions. The same has been detailed under Chapter – 6. The officers of the Commission deliver lectures in training institutes and other forums, to sensitise the various stakeholders and spread human rights literacy and promote awareness of the safeguards available for the protection of human rights. The officers also deliver lectures to students attached to short-term and long-term internship programmes of NHRC.

2.7 Engagements with Non Government Organisations (NGOs) and Civil Society Organisations (CSOs)

2.7.1 The Commission encourages the efforts of NGOs and institutions working in the field of human rights by collaborating with the ones registered on Darpan Portal of NITI Aayog, in spreading Human Rights

literacy, releasing funds for the same, and availing their expertise on various burning issues. Chapter – 6 elaborates on the training programmes support to NGOs and CSOs under the Human Rights literacy programmes.

2.8 Engagements with Human Rights Defenders

2.8.1 Human Rights Defenders (HRDs) are engaged by the Commission, who, individually or with others, act to promote or protect human rights. HRDs have actively contributed to addressing human rights concerns, such as arbitrary arrest and detention, discrimination, forced evictions, access to health care, etc. They also aim to protect basic human rights, such as the rights to life, food and water, health, adequate housing, education, freedom of movement and against discrimination. They also ensure that the rights of vulnerable categories, such as women, children,

refugees, internally displaced persons as well as minorities, national, linguistic or sexual, are protected.

- 2.8.2** The Commission received 99 complaints concerning alleged harassment of Human Rights Defenders. Three Cases pertaining to HRDs were finally closed with direction by the Commission during the year 2022-23. Five cases pertaining to the Human Rights Defenders were disposed of with direction.

2.9 Foundation Day

- 2.9.1** The Commission celebrated its 30th Foundation Day on 12 October 2022 at Bhim Auditorium, Dr. Ambedkar International Centre, New Delhi. His Excellency Mr. Jagdeep Dhankhar, Vice President of India, was the Chief Guest of the occasion. Apart from the NHRC Chairperson, Members, senior officials, the event was also attended by Chairpersons, Members and senior officials of SHRCs and deemed members of the NHRC, representatives from the State Governments, NHRC Special Rapporteurs and Special Monitors, retired judges of the Supreme Court, Delhi High Court, CSOs and NGOs.

2.10 Human Rights Day

- 2.10.1** The Commission celebrated the Human Rights Day on 10 December 2022 at Vigyan Bhavan, New Delhi. Her Excellency Smt. Droupadi Murmu, Hon'ble President of India, graced the occasion as the Chief Guest. Human Rights Day is celebrated by the Commission every year to commemorate the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly.

2.11 RTIs

- 2.11.1** During the year 2022-23, the Commission received 2264 RTI applications, and disposed all within 30 days. 64 RTI applications were transferred to other Ministries/ departments/ organisations.
- 2.11.2** A total of 235 appeals were received and disposed of within a month by the Appellate Authority. 19 notices were received from C. I. C., and hearings were attended by C.P.I.O/ Appellate Authority for all of them. Moreover, there were 19 hearings in respect of which compliance report was submitted to C. I. C.

Chapter 3

Organisation and Functions

3.1 Constitution of the Commission

3.1.1 Section 3 of the PHRA, (amended in 2019) provides for the constitution of a Commission consisting of a Chairperson who has been a Chief Justice of India or a Judge of the Supreme Court; One Member who is, or has been, a Judge of the Supreme Court; One Member who is, or has been, the Chief Justice of a High Court; 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.

3.1.2 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 Chairperson of the National Commission for Scheduled Castes; Chairperson of the National Commission for Scheduled Tribes; Chairperson of the National Commission for Minorities; National Commission for Women; National Commission for Protection of Child Rights; National Commission for Backward Classes; and Chief Commissioner for Persons with Disabilities.

3.1.3 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 the 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.

3.1.4 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.

3.1.5 The NHRC has been entrusted with the powers of a civil court trying a suit under the Code of Civil Proce-

dures, 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 the power of taking *suo motu* cognizance of serious matters based on newspaper and media reports.

3.1.6 The Commission's functions, as laid down in Section 12 of the PHRA, include:

- Inquire, *suo motu* or on a petition presented to it by a victim or any person on his behalf or on a direction or order of any court, into complaint of (i.i) violation of human rights or abetment thereof; or (i.ii) negligence in the prevention of such violation by a public servant.
- Intervene in any proceeding involving any allegation of violation of human rights pending before a court, with the approval of such court.
- 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 the purpose of treatment, reformation or protection, for the study of living conditions of inmates thereof and make recommendations thereon to the Government.

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

3.2 Strategic Plan and Annual Action Plan

3.2.1 The NHRC India has evolved comprehensive institutional mechanisms of an Annual Action Plan (2022-23) and a three-year Strategic Plan for 2021-24 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 Societies, and to make the existing mechanisms even more robust within its mandate. Some of the in focus areas include bonded and child labour issues, protecting the rights of people from marginalised sections of society, prison reforms, women and child rights, rights of disabled, elderly, LGBTI rights, environment protection, health care and mental health, human rights education, good governance, business and human rights, amongst others. The Commission also encourages spreading awareness and work with various stakeholders for improvement in laws and schemes to promote and protect human rights. The Commission review these plans regularly.

3.3 Statutory Full Commission

3.3.1 The Statutory Full Commission (SFC) of NHRC consists of the Chairperson and Members, including the deemed members. The SFC meetings are convened regularly to discuss the issues of common interest and the SFC also participates in the conference/ seminars of the Commission. The basic aim of the SFC Meeting is to broadly identify the important human rights concerns on which all Commissions can collaborate, share good practices, as well as identify means for further strengthening the various functions of these Commissions, including investigation, research, and human rights awareness, with a view to further strengthen human rights protection within the country.

3.3.2 The Statutory Full Commission meeting was held virtually in the National Human Rights Commission on 06 September 2022. The meeting was chaired by Justice Shri Arun Mishra, Hon'ble Chairperson, NHRC and attended by Justice Shri M. M. Kumar, Member, NHRC; Shri Rajiv Jain, Member, NHRC; Shri Devendra Kumar Singh, Secretary General, NHRC; Ms. Rupali, Member Secretary, National Commission for Protection of Child Rights; Shri Asholi Chalai, Joint Secretary, National Commission for Women; Shri Gyaneshwar Kumar Singh, Joint Secretary, National Commission for Scheduled Castes; Shri Kishor Baburao Surwade, DDG, Office of Chief Commissioner for Persons with Disabilities (Divyangjan); and other Senior Officers of the Commission.

3.3.3 Some of the actionable points emanated from the SFC meeting include: (i) collaboration of NHRC and Deemed Commissions on the issue of mental health and sharing of data and case details, if any; (ii) organise sensitisation programme on pressing Human Rights issues; (iii) develop/ sensitise programme on the issue of untouchability, child marriages and issues related to school children lacking concentration and other related issues; (iv) share best practices and explore the common areas of collaborative measures; (v) organise sensitisation programme for women about their rights; and (vi) organise various programmes on the issues of workers involved in hazardous works to overcome their problems. These recommendations were sent to the Chief Secretaries of all States/ UTs for necessary action.

3.4 Camp Sitzings

3.4.1 Camp sittings were held in Mumbai, Maharashtra in January 2023 where 324 cases were taken into consideration. The sitting details of the Commission are provided in Annex V.

3.5 Cases of Human Rights Violations

3.5.1 The total number of cases dealt by the Commission during the period of report was 3308; Cases of Judicial Custodial Deaths were 2391; Police Custodial Deaths were 363; and Fact Finding Cases were 554. Month wise detail of cases processed by the Commission is listed in Annex VI.

3.5.2 During the month of July 2022, the Commission visited Central Jail, Gwalior, Madhya Pradesh, and Govern-

ment Protective Home; and Institution of Mental Health and Hospital, Agra, Uttar Pradesh, to access the living conditions, treatment, reformation or protection of the inmates.

3.5.3 On the directions of the Commission, a spot fact finding enquiry was conducted in December 2022, under the supervision of Shri Rajiv Jain, Member. In hooch tragedy affected districts of State of Bihar to access the status of treatment given to affected persons and other essential urgent facilities provided to them. On consideration of spot fact finding enquiry, the Commission directed the Chief Secretary, Govt. of Bihar to submit an Action Taken Report on inadequate health preparedness, suppression of facts, absence of relief/compensation, etc.

3.6 Visits by Chairperson and Members

3.6.1 Total of 21 visits were made by the Chairperson and Members of the Commission, at various places across the country, including Central Jail, Chapra, Bihar; LBS National Academy of Administration, Mussoorie; Indian Institute of Tourism and Travel Management (IITTM), Govindpuri, Gwalior; Maharashtra National Law University, Nagpur; North Eastern Hill University, Meghalaya; amongst others. Details of the visits can be seen at Annex VII.

3.7 Complaints addressed

3.7.1 The Commission's decisions/ orders/ directions, guidelines, advisories, recommendations have enabled the Commission to reduce the pendency of the complaints and there has also been a decrease in the number of complaints received by the Commission.

- 1,04,128 cases were registered, and 1,09,909 cases were disposed of during the year 2022-23, which included 9,313 cases, transferred to the State Human Rights Commission u/s 13(6) of the PHRA, 1993, for disposal in accordance with the provisions of the Act. It also included cases registered in previous years, which were pending for disposal. Of the total number of cases disposed of by the Commission, 6,46,22 were dismissed 'in limine'. The Commission disposed of **23,910** cases with directions to the appropriate authorities for remedial measures during 2022-23.

- 28,099 cases were registered, and 29,578 cases were disposed of during the quarter 01 April 2022-30 June 2022.
- 37,133 cases were registered, and 41,353 cases were disposed of during the quarter 01 July 2022-30 September.
- 20,386 cases were registered, and 25,631 cases were disposed of during the quarter 01 October 2022-30 December 2022.
- 18,510 cases were registered, and 22,070 cases were disposed of during the quarter 01 January 2022-30 March 2022.

3.7.2 Out of the 1, 04, 128 cases registered by the Commission during 2022-23 (Annex-I), 37,415 cases were from the State of Uttar Pradesh; 6,876 cases from NCT of Delhi; 6,187 cases from Bihar; and 5,168 cases from West Bengal and 5,479 cases all over India or more than one state.

3.7.3 The disposal of a number of these cases results in relief to the victims in the forms of grant of monetary relief, disciplinary action or prosecution against the delinquent public servant, release of bonded labourers, registration of First Information Reports (FIRs), payment of pensions, etc.

3.7.4 As on 31 March 2023, the total number of cases pending with the Commission was 12,237, which includes 905 cases awaiting preliminary consideration and 11,332 cases pending for reports from the authorities concerned or reports received pending for consideration by the Commission (Annex VIII).

3.8 Preventing Custodial Violence

3.8.1 The NHRC received 2, 356 intimations concerning death in judicial custody, and 168 intimations of death in police custody and one intimation of death in paramilitary/ defence forces custody during the report period. It disposed of 2,393 cases of custodial death. Out of these 2,393 cases, 2,252 cases relate to death in judicial custody, 138 cases of deaths/ rapes in police custody and one case of death in the custody of paramilitary forces. These figures include cases of previous years as well.

3.9 Recommendations of NHRC for Monetary Relief and its Compliance

3.9.1 During the period, the Commission recommended more than Rs. 1448 Lakh as payment of monetary relief/ compensation to the victims/ NoK of the deceased in 301 cases. Out of these 301, compliance reports were received in 134 cases, wherein a total amount of more than Rs. 626 Lakh was paid to the victims/ NoK of the deceased. The State/Union Territory-wise details of these cases are in Annex IX.

3.9.2 As on 31 March 2023 compliance reports related to the Commission's recommendation for grant of compensation/ monetary relief were awaited in 167 cases. Details of the cases can be seen at Annex X.

3.10 Research Activities

3.10.1 The Commission, in an attempt to ensure that Human Rights are upheld and enjoyed by all, irrespective of their backgrounds or categories, has recognised certain focus areas and apportion issues that warrant immediate attention in its Strategic Plan. Once any thematic area is identified as a priority area, the research division organises conferences, seminars, open house discussions, meetings or workshops to issue recommendations or advisories on pressing issues of human rights violations pertaining to that thematic area. Such activities undertaken for each thematic area have been elucidated in Chapter – 7 of this report. Besides these, the Commission also undertakes and promotes research on human rights, which have been enlisted under Annex III. Additionally, the division reviews policies, laws, treaties and other international instruments in force for the protection and promotion of human rights and offers inputs to the Central, State and UT authorities.

3.11 Media & Communication

3.11.1 The Media desk is engaged in dissemination of information pertaining to the activities undertaken by the Commission through various means such as twitter handle, press releases, newsletters, media briefings, press conferences, interviews of Chairperson and Members, etc. The desk also monitors news clippings on the basis of which NHRC intervenes or takes suo motu cognizance. The activities

undertaken by the division have been detailed under Chapter 6.

3.12 Training

3.12.1 The training division is engaged in spreading human rights awareness and literacy among different sections of society. It provides trainings and sensitises various government officials and functionaries of the State and its agencies, non-government officials, representatives of civil society organisations and students on different human rights issues. The activities undertaken by the division have been detailed under Chapter 6.

3.13 Core Groups

3.13.1 Core Groups consist of eminent persons or subject matter experts or representatives of Government or technical institutions or NGOs in a given field, such as health, mental health, disability, or bonded labour, and so on. These groups render expert advice to the Commission. Meetings of the Core Groups are organised periodically at regular intervals or as and when deemed necessary. There were 12 Core Groups during the year 2022-23, including

- i.) Core Group on Health and Mental Health
- ii.) Core Group on Older Persons
- iii.) Core Group on Disabilities
- iv.) Core Group on NGOs and Human Rights Defenders
- v.) Core Advisory Group on Environment Climate Change and Human Rights
- vi.) Core Group on Right to Food
- vii.) Core Group on Business and Human Rights
- viii.) Core Group on Bonded Labour
- ix.) Core Group on Women
- x.) Core Group on Children
- xi.) Core Group on LGBTI issues
- xii.) Core Group on Criminal Justice System Reforms

3.14 Special Rapporteurs and Special Monitors

3.14.1 The Special Rapporteurs and Special Monitors of the Commission are human rights experts who are specifically appointed with the directive to report and advice on human rights concerns from a thematic or state-specific perspective. The system of Special Rapporteur and Special Monitor is a central element of the NHRC machinery and covers all

human rights: civil, political, economic, social and cultural. In addition, they cover sensitive issues like child labour, bonded labour, disability concerns, etc. and spread awareness among the people about the provisions contained in the PHRA from the point of view of seeking redressal from the NHRC in case of violation of their rights or that of others. The Special Rapporteurs and Special Monitors in position is placed at Annex XI.

Chapter 4

Governance and Resource Allocation

4.1 Divisions and manpower

As on 31 March 2023, 264 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, deputation, contractual appointments and outsourcing.

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
- v.) Administration Division

4.1.1 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. The Law Division facilitates discharge of one of the important functions by the Commission under Section 12(a) of the Protection of Human Rights Act, 1993, viz., inquiring into complaints of alleged violations of human rights. It has been serving as the Registry of the Commission. It receives, scrutinises and registers complaints from the victims or others on behalf of the victims or intimations from the authorities about custodial deaths, custodial rapes, deaths in encounters or action by police/ paramilitary forces or defence forces, and 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 organises Camp Sitzings, and 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 provides comments and advice on draft legislations referred to the Commission, questionnaires received from OHCHR, and other

international organisations, and also facilitates the Commission to make interventions in the Court proceedings, or respond to the cases filed in the Commission in the matters of human rights violations. It also facilitates the Commission in taking suo motu cognizance. Around one lakh cases are annually registered and disposed of 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 servants, release of bonded labourers, registration of First Information Reports (FIRs), payment of pensions, etc.

The Commission's awareness creation activities about human rights and easy access to the Commission facilitated through the online system of filing complaints including through the Common Service Centres. The use of hrc.net portal extended the facility to the people to make a complaint from anywhere in the country through the Common Service Centres, ensuring immediate submission of complaints and safeguard against postal delays or loss in transit. The use of hrc.net portal benefitted the complainants by way of acknowledgement of receipt through SMS or e-mail message, alert on directions passed by the Commission on the complaint and access to information pertaining to the status/action on the complaint. The portal of which Complaint Management and Information System (CMIS) is a part, facilitates storage and retrieval of data, submission of reports online by the authorities and serves as an important tool in speedy decision-making and redressal of grievances. The 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.

4.1.2 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 investiga-

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

- i.) The Investigation Division conducts spot enquiries and recommends suitable action in cases revealing human rights violations. The Commission orders a Spot Enquiry in a range of cases concerning serious violation of human rights by public authorities—from illegal detention, extrajudicial killings, etc. by the police to 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 the 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.
- ii.) 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 Division, on receiving such intimations, analyses 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 opinion from forensic experts and doctors on the panel of NHRC is also sought.
- iii.) 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, post-mortem reports, status of investigation by an independent agency, ballistics report, magisterial enquiry reports, etc. Analysis of such incidents is done and the fallacies/ anomalies in such cases are presented before the Commission.
- iv.) The Division also calls upon different authorities to submit reports in "Fact Finding" Cases as directed by the Commission. The Division critically analyses 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.) From the year 2007, the Division has taken the initiative of making a Rapid Action Cell (RAC) functional in the Commission. Under RAC cases, the Division deals with cases which are of very urgent nature, e.g., the allegation may be regarding a child marriage likely to be performed the very next day, or the complainant fears that a relative or friend picked up by the police maybe killed in a false encounter. In all such cases, urgent follow-up is taken. 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.
- vi.) 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 Officers 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.
- vii.) The officers also deliver lectures in training institutes and other forums to sensitise various stakeholders and spread human rights literacy and promote awareness of the safeguards available for the protection of human rights. The officers also deliver lectures to interns and students undertaking short term and long term internship programmes at NHRC.

4.1.3 Policy Research, Projects and Programmes Division (PRP&P): The Division undertakes and promotes research on human rights and organises 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 imple-

mentation of NHRC recommendations by the Central, State/ 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 two Joint Secretaries, Joint Director (Research), Senior Research Officer (SRO), Research Officers (ROs), Section Officers (SOs), Senior Research Assistant, Junior Research Consultants (JRCs) and other secretarial staff.

4.1.4 Training Division: This Division is responsible for spreading human rights literacy among various sections of society. As such, it trains and sensitises various government officials and functionaries of the State and its agencies, non- government officials, representatives of civil society organisations 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, who is supported by a Senior Research Officer (Training), an Assistant, Junior Research Consultants and other secretarial staff.

4.1.5 Administration Division: Throughout the year, the Administration Division has played a pivotal role in facilitating various administrative functions crucial to the effective operation of the Commission. The Division continues to be a key driver of various essential administrative functions pertaining to establishment, personnel management, accounts, and procurement of goods for official use. The Division is headed by a Joint Secretary, who is supported by a Deputy Secretary, SOs, Assistants, and others secretarial staff.

4.1.6 As on 31 March 2023, the total strength in the Investigation Division was 54; Law Division was 134; Training and Research Division was 42; Administration Division was 107. This makes the total actual strength of commission as 337, against the total sanctioned strength of 358.

4.2 Promotion of Official Language

4.2.1 National Seminars: In its efforts towards creating human rights awareness among the masses, the

Commission has been organising National Seminars in Hindi on Human Rights related themes in different parts of the Country. In 2022-23, the Commission organized 'National Seminar on 'Manav Adhikaron ki Amrit Uplabddhiyan' in collaboration with Maharashtra National Law University, Nagpur on 8-9 September 2022; and 'National Seminar on 'Varied perspectives of human rights in literature and society' in collaboration with North Eastern Hill University (NEHU), Shillong, Meghalaya from 31 March -1 April 2023.

4.2.2 Publication of Annual Hindi Journal: NHRC started to publish Hindi Journal since 2004 in order to create human rights awareness through creative writing. NHRC published its 19th Volume and released it on Human Rights Day, i.e., 10 December 2022.

4.2.3 MARG Booklets: The Commission published various booklets on Human Rights issues in collaboration with Multiple Action Research Group (MARG), a Delhi based organisation. Vetting of the Hindi translation of ibid booklets carried out by the Commission.

4.2.3 Vernacular Language Translation: The Commission accepts complaints in all Indian regional languages. The Hindi Section monitors the translation of vernacular languages. More than 16,000 complaints were translated in the year by the approved panel of translators.

4.2.4 Hindi Fortnight: To promote the use of official language in its day-to-day work, the Annual Hindi Fortnight was held from 14 - 28 September 2022. The officers and staff of the Commission actively participated in the events organised on the occasion, such as, Quiz competition, General Hindi, Hindi Essay Writing, Hindi Typing and Hindi Sulekh competition, etc. Cash prizes and certificates were given to the winners of these competitions.

4.3 Budget & Expenditure

The Budget allocation of NHRC for the year 2022- 23 was Rs. 5,870.75 lakh (including unspent balance of Rs. 488.18 lakh of previous year). Out of which, the Commission incurred expenses amounting to Rs. 5,385.29 lakh, leaving a balance of Rs. 485.46 lakh.

Table I: Breakup of budget expenditure and balance amount (in lakh)

	Head of Accounts	Allocation 2022-23	Expenditure	Balance
A	Pay and Allowances	4450.15	4071.25	378.90
B1	Adm. and Other Exp.	1105.10	1055.35	49.75
B2	Research and Training	176.00	167.03	8.97
C	Capital Expenditure	135.50	87.66	47.84
D	Loan and Advances	4.00	4.00	0.00
	Total	5,870.75	5385.29	485.46

Chapter 5

E-governance

5.1 Human Rights Commission Network (HRCNet) Portal

5.1.1 The NHRC has developed Human Rights Commissions Network (HRCNet) portal (<https://www.hrcnet.nic.in>) with the technical assistance of National Informatics Centre (NIC). This portal can be used by all Human Rights Commissions in the country for online complaints lodging/ tracking system and handling of complaints received offline, i.e., by hand, post etc. HRCNet has been enabling the NHRC in efficient handling of complaints for many years. This software is useful in processing complaints at every stage, such as complaints diarisation, cases registration; entry of commission's proceedings, etc. This software also assists the Commission in handling the complaints efficiently and in a timely manner.

5.1.2 Salient features of HRCNet Portal

- It provides an online system for lodging complaints and tracking complaint status, with no financial cost of software for SHRCs.
- SHRCs can start using this portal with a few Computers with internet facility, printers and scanners. There is no requirement of procuring/ maintaining local servers by the SHRCs.
- It has the added advantage of SMS and email integration to inform stage-wise case/ complaint status to complainant, deployed on NIC Cloud.
- The Software has the provision for duplicity checking of complaints in NHRC and SHRCs databases automatically on same incident, online transfer of complaints by NHRC to SHRCs, integration of complaint registration through Common Service Centres (CSCs) and online provision for sending orders of Human Rights Commissions to Central/ State government authorities and online submission of reports by authorities.

5.2 e-Office (<https://nhrc.eoffice.gov.in>): E-Office has been upgraded to version 7.2.1 in the Commission, with Digital Signature Certificate (DSC)/ eSign for signing the eFile electronically and Web VPN for accessing the software anytime from anywhere.

5.3 Information and communication technology (ICT) infrastructure: The Commission has started work for getting additional Virtual Machines (VMs) on NIC Cloud for migration of NHRC Software for improving the efficiency, ensuring high-availability and configuring disaster recovery mechanism.

5.4 SPARROW software: NHRC has implemented the SPARROW software for all Officers and Staff of the Commission.

5.5 e-HRMS software: Implementation of e-HRMS software was started in the Commission.

5.6 Documentation Centre (E-Library): The Library of the Commission has been upgraded to NHRC Documentation Centre (E-Library), which is well equipped with computer and Internet services. A database of books/ documents and articles is available on the Internet for wider use by readers. The library is also equipped with two online databases i.e. SCC Online and Manupatra online along with Software Package (E-Granthalaya) developed by the NIC. The library is modernised with state-of-the-art computers, printers, CCTVs (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 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.

5.7 Procurement: The Commission manages the procurement of goods for official use, following the Government e-Marketplace (GeM) and complying with the General Financial Rules. The use of e- store software to facilitate the issuance of procured items to Commission users, ensuring a streamlined and

organised distribution process is done. By leveraging GeM and distribution software, the Commission maintains transparency and adherence to government regulations while enhancing efficiency in procurement and item distribution.

Chapter 6

Advocacy and Outreach

6.1 Seminars and Conferences: Various conferences and webinars were organised by the Commission throughout the year. Details for all the meetings have been described in Chapter 7 under various thematic areas,

6.2 Engagement with State Human Rights Commissions

6.2.1 The PHRA, in Section 21, provides for the constitution of State Human Rights Commissions (SHRCs). 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 fulfil its responsibilities to the people in accordance with the PHRA, and the 'Paris Principles'. The Commission holds regular interactions with the SHRCs to explore and further strengthen the areas of cooperation and partnership. The Commission has taken up with the concerned State Government, the issues for evolving a basic structure, human resources and financial requirement of SHRCs to enable them to discharge their functions assigned under the PHRA, and to streamline complaint disposal by the SHRCs. In response, the Government of India has requested to send the details of complaints registered, disposed of and pending, division-wise existing manpower, financial allocation, details of shortage being experienced and justification for providing additional amount etc. by each SHRC. The details, as received from the SHRCs, were sent to the Government of India.

6.2.2 The Commission organised the NHRC-SHRCs Meeting on 12 October 2022 to discuss important issues related to various thematic areas of human rights and also to explore the probable areas of collaboration between NHRC and SHRCs for effective protection and promotion of human rights. The meeting was inaugurated by Justice Shri Arun Mishra, Hon'ble Chairperson, NHRC and attended by Members, Secretary General, Senior Officers of NHRC and Chairpersons/ Members/ Secretaries of all SHRCs. The major recommendations emanating out of the

meeting were circulated to all SHRCs for information and necessary action.

6.3 Dissemination of Information and Outreach

6.3.1 The NHRC, through its Media and Communication wing, disseminates information about the NHRC activities via various means, including, press releases, media briefings, press conferences, newsletters, and interviews of Chairperson and Members. The wing also provides feedback to the Commission about human rights issues reported in the media for taking *suo motu* cognizance.

6.3.2 More than 115 press releases were prepared and issued about various interventions and activities of the Commission. Several news clippings were brought to the notice of the Commission for consideration of *suo motu* cognizance. 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. Besides this, efforts were made to explore various alternative media platforms to expand the outreach through people's participation.

6.3.3 The Newsletters of NHRC is published in both English & Hindi, and were circulated among all the important functionaries of the government(s), academic institutions, media persons, individuals, etc. for spreading awareness about the importance of human rights and NHRC interventions and recommendations. The list of hard copy recipients was made more inclusive to include, among others, National Commissions and ex-officio Members of NHRC, SHRCs, education institutions, judicial, police and administrative institutions, libraries, international organisations and embassies. About 7,428 Newsletters in hard copy have been sent by post every month since May 2022. The Newsletters were also uploaded on the NHRC website and about 5,000 soft copies were emailed. The copies of the Newsletters

were also made available for the visitors in the reception area of the Manav Adhikar Bhawan.

6.3.4 Recording of 15 interviews of Chairperson and Members of NHRC in connection with Human Rights Day 2022 and awareness about human rights on Doordarshan (DD), Sansad TV and All India Radio (AIR) was done. Justice Shri Arun Mishra, Chairperson gave nine interviews in various news channels and radio, including APN News channel, Sansad TV, Doordarshan, All India Radio (AIR) & Times Now. Justice Shri M. M. Kumar, Dr. Dnyaneshwar M. Mulay and Shri Rajiv Jain also gave interviews at various platforms, including DD Punjabi, DD Urdu, DD Sahyadri, AIR, etc.

6.3.5 The commission also prepared 'Weekly News Digest on Human Rights issues', and a monthly compendium of media reports on NHRC and analysis. Besides uploading 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' regularly for awareness and information of in-house functionaries and visitors to the Commission.

6.3.6 The Commission continued with its eighth year of Short Film Award Scheme- 2022. The Scheme aims to encourage and acknowledge cinematic and creative efforts towards the promotion and protection of human rights. The awarded films are uploaded on NHRC website to encourage people to screen and watch for human rights awareness. The Commission, in addition to three cash prizes of Rs. 2 lakh, 1.5 lakh and 1 lakh to short films that won the First, Second and Third prizes, respectively, also gave Rs. 50,000 cash prize each to three films that were awarded the 'Certificate of Special Mention'. The Commission received a tremendous response with 137 entries in Hindi, English and different Indian languages with subtitles in English from various parts of the country. 123 entries out of them were found eligible to compete for the awards.

- The short film, 'Chirbhog' by Shri Nilesh Ambedkar was given the first prize of Rs. 2 lakhs. The film highlights the continuance of caste and vocation-based discrimination in society through the story of a boy and his humiliation and struggles till the point he decides to stand up and expose the contradictions in theory and practice to ensure the rights of

liberty, equality, dignity, and education. The film is in Marathi with subtitles in English.

- The Second prize of Rs. 1.5 lakh was given to 'Enabled' by Mrs. Bhawani Doley Tahu. The film, through the story of a specially abled child, emphasises the need to change mindsets about Divyangjan and discrimination in their upbringing by parents undermining their rights to life, liberty, equality, and dignity. The film is in Assamese language with subtitles in English.
- The Third prize of Rs. 1 lakh was given to 'Atcham Thavir' by Shri T. Kumar. The film, through the story of a girl student, pitches in for building awareness among students about any inappropriate touch and sexual harassment in school and the need for the teachers as well as the school administration to be vigilant about it to ensure their right to dignity and education are not violated. It is in Tamil with subtitles in English.

The films selected for the 'Certificate of Special Mention' and a cash award of Rs. 50,000/- each are as follows:

- 'Lost of progress' by Shri Rajdutt Revankar depicts how the overarching expectations of parents from their children to make them all-rounders is creating unwarranted pressure and robbing them of natural growth. It is in Hindi with subtitles in English.
- 'Don't Burn Leaves' by Er. Abdul Rashid Bhat is a documentary highlighting the problem of air pollution due to the burning of dry leaves and the scientific method to dispose of these without affecting the environment. It is in English.
- 'U-Turn' by Shri Haril Shukla depicts the double standard of society in dealing with the problems of domestic violence against women. It is in Hindi with subtitles in English.

6.3.7 More than 750 tweets on NHRC Twitter handle were issued from 1 April 2022 to 31 March 2023 and the total number of followers reached around 48,000 on 31 March 2023 with an average increase of 1,500 organic followers in a month.

6.3.8 The Commission continued to explore alternative media platforms for building awareness about the

importance of promotion and protection of Human Rights. As part of this endeavour, in the year 2022-23, it continued to maintain dialogue with the Nehru Yuva Kendra Sangathan (NYKS) to encourage them to organise human rights workshops through their wide network of youth volunteers and officers.

6.4 Publications: Under Section 12(h) of the PHRA, the 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. The following publications have been printed and disseminated for creating awareness about human rights to various stakeholders, including academia and the public in general:

- Hindi Journal, Manav Adhikar: Nai Dishayen, Vol. 19, Year 2022.
- English Journal, Manav Adhikar: Vol. 21, Year 2022
- Protection of Human Rights Act, 1993 (New) (English)
- Protection of Human Rights Act, 1993 (New) (Hindi)
- Annual Report: 2021-2022 (English)
- Annual Report: 2021-2022 (Hindi)
- SOP on Collection and Scientific/Forensic Evidence in case of sexual assault on women
- Universal Declaration of Human Rights (English).
- NHRC Monthly Newsletter

6.5 Training and Internship Programmes

6.5.1 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 and winter, is organised by the Commission within its premises for the university/college students of

different states of the country and short-term Internship Programme of fifteen days throughout the year for students interested in the field of human rights. During the year 2022-23, the Commission released funds to various organisations and institutions for conducting 52 collaborative training programmes relating to various aspects of human rights, which were successfully organised/ conducted by various institutions, universities, colleges, PTI, ATI, NGOs all over India for human rights awareness and were attended by approximately 5500 participants.

6.5.2 Due to the COVID-19 pandemic, the Summer Internship Programme - 2022-23 could not be organised in the Commission in accordance with COVID-19 guidelines. However, the Winter Internship Programme (WIP) 2022 - 23 was held in physical mode from 20 December 2022 to 09 January 2023, which was attended by 54 students from various backgrounds. The NHRC also conducted five (5) Online Short-Term Internship Programmes for a duration of 15 days each in the months of April, June, August, October 2022 and March 2023 in which 71, 80, 66, 69 and 71 student interns participated respectively, and, in total, 357 students successfully completed their Online Short-term Internship with the Commission. The Commission invited officers from different United Nations organisations, Chairpersons and Members of SHRCs, senior officers of the Government of India, officers of Indian Army/ Air Force/ Indian Navy, Chiefs of CAPF, Special Rapporteurs, Special Monitors, representatives of eminent NGOs, academicians, medical doctors, etc. to address and interact with the student interns online through BHARAT VC platforms in the Online Short-term Internship Programme.

6.5.3 During 2022-23, group research projects were done on topics like climate change, business and human rights; human rights of refugees and asylum seekers; SDG-2-Food Security and Nutrition in India, amongst others by the interns, which were evaluated by the Commission. The internship also involved activities like book review competition, group research project on relevant human rights subject, which was evaluated and rewarded with cash prizes of Rs. 15,000/-, Rs. 10,000/- and Rs. 5000/- respectively for 1st, 2nd & 3rd positions. A declamation contest was also held on the day of valediction, where 10 interns participate and the top three winners were rewarded with books. In addition, every student intern, after successfully

completing the internship, got a stipend of Rs. 2000/- to cover miscellaneous expenses like internet, pen drive, etc. From the point of view of giving hands-on experience to the participants of the internship programmes, the students were also taken for virtual field visits to Tihar Jail, Police Stations, and NGOs.

6.5.4 The Commission has been organising Moot Court Competition since 2013 in collaboration with various Law universities/ colleges across India, for which it provides financial assistance. In 2022-23, six institutions, namely, Himachal Pradesh National Law University (HPNLU), Shimla (28-30 October 2022); Xavier Law School, XIM University, Bhubaneswar, Odisha (16-18, December 2022); Dharmashastra National Law University, Jabalpur (10-12 February 2023); Rajiv Gandhi National University of Law, Punjab (24-26 February 2023); Tamil Nadu National Law University Tamil Nadu (03-05, March 2023); and National University of Study and Research in Law (NUSRL), Ranchi (24-25 March 2023) conducted Moot Court Competitions in collaboration with NHRC.

6.5.5 Gender Sensitisation Training Programme for in-house officers and staff was organised twice in the Commission on 30 September 2022 and 29 December 2022.

6.5.6 A batch of 11 Undergraduate/ Postgraduate students were attached with the Commission from 5 - 19 August 2022. The students were exposed to the functioning of the Commission by way of attachment with different divisions, viz. Law, Investigation, Coordination,

Research, Media and Communication and training for a number of days in each.

6.5.7 The Commission organised 26 Half Day/ One Day visits for students and officers of different schools, universities and institutions. List of visits of student/ trainees organised by NHRC during 2022-23 can be seen at Annex XII.

6.5.8 The NHRC, in collaboration with Central Industrial Security Force (CISF), conducted the 27th Central Armed Police Forces Debate Competition on 23 November 2022. Justice Shri Arun Mishra, Chairperson, along with the Members and others senior officers of the Commission were present for the occasion. In the final event, total 16 participants (8 for Hindi and 8 for English) took part in the debate competition. Trophies, certificates and cash prizes were given to the winners in each category and the Rolling Trophy was won by the CISF.

6.5.9 To promote human rights awareness and sensitise the State/ UT police personnel, the Commission provided financial assistance to the authorities to conduct debate competitions. In compliance, 18 States/ UTs, namely, Uttarakhand, Chhattisgarh, Kerala, Jharkhand, Maharashtra, Telangana, Gujarat, Manipur, Meghalaya, Odisha, Haryana, Assam, Punjab, Mizoram, Arunachal Pradesh, Andhra Pradesh, Delhi and Andaman and Nicobar Islands successfully conducted the debate competition on human rights issues during 2022-23.



Image 6.1: 27th Central Armed Police Forces Debate Competition, 2022



Image 6.2: 27th Central Armed Police Forces Debate Competition, 2022

Chapter 7

Thematic Areas

7.1 Safeguarding Criminal Justice System

7.1.1 The Commission is deeply concerned about the deplorable state of prisons and other detention facilities, which are plagued by numerous issues, such as 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 insufficient opportunities for prisoners to communicate with their families.

7.1.2 Custodial brutality and torture are law enforcement overreach by public personnel. Rape, molestation, torture, and fictitious encounters in police custody, according to the Commission, are evidence of a systemic failure to defend the human rights of one of the most vulnerable and voiceless groups of victims. As a result, it is sincerely dedicated to ensuring that such criminal practices cease, and human dignity is protected in all circumstances.

7.1.3 The Commission expressed concern that all State/ UT police organisations are still not fully compliant with the Supreme Court directions for the installation of CCTV cameras having audio recording and night vision at every police station with 18 month storage of the recordings. On 22 November 2022, a meeting was held discuss the measures to be taken to ensure the proper working of the CCTVs at police stations with data backup. The meeting was organised by the Commission as a follow up to the inspections of 32 police stations in Delhi, Gurugram, Faridabad, Jhajjar, and Sonapat districts of Haryana, Gautam Budh Nagar and Ghaziabad districts of Uttar Pradesh in the backdrop of a case of suicide by an undertrial prisoner in Tihar jail, which prompted the Commission to have a first-hand assessment of the condition of CCTV cameras in police stations in Delhi-NCR by randomly visiting them.

7.1.4 The Member of NHRC along with senior officers visited Beur Central Jail and Chapra District Jail, Bihar, in May 2022 to have an assessment of the conditions and

functioning. Recommendations have been sent to the concerned DG (Prisons) for implementation. The Special Rapporteurs (SRs) of the Commission also visited various Central and District Prisons in Delhi, Bihar, Madhya Pradesh, Assam, Ranchi, Jamshedpur, Ludhiana, Jalandhar, etc., for inspection. A total of 11 visits were made by the SRs, including Tihar Jail, Delhi, Transgender Jail, Jharpara; Central Jail, Hazaribagh; Central Jail, Shimla; amongst others.

7.1.5 A meeting of the Core Group on Criminal Justice System Reforms was held on 10 March 2023. Some of the recommendations emanated from the meeting were:

- Unfilled vacancies in the prison settings (specially Prison Welfare Officer, Probation Officers, Psychologists) to be filled on priority;
- Sufficient facilities for legal phone calls in the prison should be increased;
- The problem of addiction among prisoners should be seen as a health issue rather than a security issue;
- Proper psychological facilities for emotional well-being of the prisoners should be made;
- Provisions to provide Psychological First Aid to be made in the prisons;
- BPRD Compendium of NGOs working in prisons to be updated to pave way forward for aftercare services;
- Facilities for up-skilling, vocational guidance and means for financial independence to be explored;
- A nodal point may be set up to oversee the compliance by states in setting up the Board of Visitors (BOV);
- A net portal may also be created where the prison departments will upload the BOV inspection visit reports for further deliberations and action, and

- Training of staff posted in prison that makes entries of information in the e-prison portal.

7.1.6 Illustrative Cases

1.) Custodial death of an under-trial prisoner by hanging in District Jail, Darbhanga, Bihar.

(Case No. 2050/4/10/2019-JCD)

This matter relates to an intimation dated 18 July 2019, received by the Commission from the Superintendent of District Jail, Darbhanga, Bihar, regarding the custodial death of an undertrial prisoner on 18 July 2019. In response to the Commission's directions, the requisite reports in the matter were received from the authorities concerned. It was observed that the deceased was admitted to the jail on 24 January 2019 and had died by suicide at around 01:30 am in barrack No. 5 using a cotton towel. The health screening report and medical treatment record revealed that the undertrial prisoner (UTP) was suffering from anxiety and insomnia and was receiving treatment for the same. The inquest report and postmortem report did not indicate any external injury on the deceased, except for a ligature mark on his neck. The postmortem report concluded that the cause of death was asphyxia due to hanging.

A magisterial inquiry was conducted by a Principal Magistrate, Juvenile Justice Board, Darbhanga. During the inquiry, the magistrate inquired the jail authorities, jail doctors, autopsy doctor, inmates of the jail, and the relatives of the deceased. Despite the allegations of foul play and medical negligence made by the deceased's relatives, the judicial magistrate concluded that the UTP had expressed his uneasiness to the jail authorities about staying in isolation. However, no action was taken, which ultimately led him to ending his life. The inquiry further revealed that the lack of light, non-functioning CCTV cameras, and delay in opening the cell by the jail authorities curtailed the opportunity to save the UTP's life. The inquiry concluded that the person died due to asphyxia resulting from hanging.

Based on the available records, the Commission, through its proceedings dated 25 March 2021, acted under Section 18 (a) (i) of the PHRA issued a Show Cause Notice to the Chief Secretary, Bihar, to justify why a recommendation should not be made to pay compensation of rupees two lakh to the NoK of the deceased. Pursuant to the Commission's direction, the Inspector General, Home Department (Prisons), in a communication dated 22 February 2022, informed that an amount of Rs. 2,00,000/- (Rupees Two Lakh only) has been paid to the NoK of the deceased. Additionally, departmental

action was also initiated against the delinquent public servants involved in the matter. In view of the above developments, the case was closed on 09 May 2022.

2.) Custodial death of an under-trial prisoner by hanging (suicide) at Balurghat Central Correctional Home, South Dinajpur, West Bengal.

(Case No. 1226/25/18/2020-JCD)

The matter pertains to the suicidal death of an UTP, on 18 August 2020 due to hanging while he was in judicial custody at Balurghat Central Correctional Home, South Dinajpur, West Bengal. The Commission, vide its proceedings dated 29 March 2022, observed that when a person is under the custody of the jail, the responsibility for their safety and security lies with the State. In case of any negligence or failure to provide the same by the jail authorities, the State becomes vicariously liable to pay compensation.

Pursuant to the directions of the Commission, the Additional Secretary, Department of Correctional Administration, Govt. of West Bengal, vide letter dated 06 May 2022, replied that there was no lapse on the part of the Correctional Home Authority or any foul play in the custodial death of UTP. It was further submitted that the suicide took place in a toilet of a closed dormitory ward at 5:10 hrs., and due to privacy/ dignity of the inmate, it is not possible for any inmate or any duty warder to monitor the activity of a person inside a toilet.

The Commission considered the submission of the State Government, but was not inclined to accept the same because although the suicide was committed inside a toilet, there seemed to be a failure on the part of the jail authorities to analyse the common risk factors and create a general profile that could be used to identify situations that present the highest risk. The key to identifying potentially suicidal behaviour in prison inmates is through inquiry during intake screening/assessment and other high-risk periods of incarceration. Based on the initial screening assessment, a suicide profile can be developed to target high-risk groups and situations. The Commission is of the view that such an exercise has not been done in the instant case.

The Commission further stated that while considering a matter concerning the payment of compensation to NoK of deceased prisoners in jails of Haryana, it had decided that the compensation policy framed by the Haryana Government (Jail Department) appeared to be appropriate compensation to be awarded in such cases by the State Government. The Haryana Government had on its own decided to

pay Rs. 7,50,000/- (Rupees Seven Lakh and Fifty Thousand only) when the death of an inmate happens due to a quarrel among prisoners, due to torture/ beating by prison staff, due to negligence in duty by prison officers/officials, and due to negligence by medical officers/paramedical staff. In cases of suicide by an inmate, Rs. 5,00,000/- (Rupees Five Lakh only) would be paid. Based on the above, the Commission confirmed its recommendation for the payment of Rs. 3,75,000/- (Rupees Three Lakh Seventy-five Thousand only) to the NoK of the deceased. In pursuant to the direction of the Commission, the Inspector General of Correctional Services, West Bengal, vide a communication dated 20 September 2022, submitted a compliance report along with proof of payment of Rs. 3,75,000/- (Rupees Three Lakh Seventy-five Thousand only) to the NoK of the deceased. The Commission considered the report and the instant case was closed on 03 October 2022.

3.) Custodial death of an under-trial prisoner due to injuries inflicted by another inmate in District Jail, Bhojpur (Arah), Bihar.

(Case No. 3766/4/6/2014-JCD)

The Commission received an intimation dated 07 October 2014, regarding the death of an UTP while he was in the custody of District Jail Bhojpur (Arah), Bihar, on 02 October 2014. The Commission took cognizance of the matter and called upon the authorities concerned to submit the requisite reports. Pursuant to the same, a detailed enquiry report was submitted by the Superintendent of Central Jail Buxar, which revealed that the deceased, who was incarcerated in District Jail Arah, Bhojpur, visited the jail dispensary's OPD for medication on 02 October 2014. Another inmate assaulted him by striking him on the head with the handle of a hand pump. The deceased was immediately transported to the hospital, but unfortunately, he succumbed to his injuries at PMCH, Patna on the same day. A criminal case was registered at City Police Station, Arah in connection with this incident. The inquest report indicated that the deceased suffered a head injury. The post-mortem report confirmed that the cause of death was a head injury caused by a hard and blunt object, along with its complications. These injuries were determined to be antemortem in nature.

The magisterial inquiry into this matter was conducted by Additional Chief Judicial Magistrate, Arah. During the inquiry, the Magistrate examined relevant records and witnesses, including the deceased's wife, who confirmed the presence of an injury mark on her husband's head. The inquiry magistrate concluded that the death of the deceased was a result of the head injury. The Commission opined that

based on the available facts, it was evident that the deceased was assaulted by a fellow inmate within the jail premises (specifically, in the OPD of the jail dispensary), resulting in a fatal head injury caused by the handle of a hand pump. The Commission observed that the deceased lost his life while in the custody of the State of Bihar. Had the jail staff strictly monitored the activities of the inmates and exercised heightened vigilance, the life of the deceased could have been preserved. Under these circumstances, the Commission issued a show cause notice to the Chief Secretary, Government of Bihar, as to why a compensation of rupees five lakh should not be recommended to be paid to the NoK of the deceased.

In response, the Commission received a reply from the I. G. Prisons, Bihar, stating that the case was registered and pending before the District and Sessions Judge, Bhojpur, Arah. The Bihar Human Rights Commission had also concluded the case. It was mentioned that an inquiry was conducted by the Jail Superintendent, Buxar, to determine how the accused obtained the handle of a borewell, and a response from the In-charge Deputy Superintendent was awaited. A high- power Committee comprising three individuals was established to conduct the inquiry, and based on the Committee's recommendation, responsibility was attributed to the negligent officers and officials. Consequently, there was no necessity to award compensation to the NoK of the deceased.

Considering the above, the Commission affirmed that it is the utmost duty of the State to ensure the safety and security of its citizens, including prisoners. In the present case, it was the responsibility of the jail authorities to safeguard the well-being of the inmates, a duty they failed to fulfill. Consequently, the State was held vicariously liable for the omissions committed by its employees, and as a result, the Commission upheld its recommendation for monetary compensation. In accordance with the aforementioned, the Commission received a compliance report along with evidence of payment. As there is no further intervention required by the Commission, the case was closed on 19 July 2022.

4.) Custodial death of a female under-trial prisoner from Phenyl Consumption in Jeypore, District-Koraput, Odisha.

(Case No. 1454/18/8/2020-JCD)

The Commission received an intimation dated 18 May 2020 concerning the death of a female UTP, aged 38 years. The incident occurred on 09 May 2020 when she ingested phenyl

while under the custody of Sub Jail Jeypore, District-Koraput, Odisha.

After analysis, the Commission ascertained that on 09 May 2020, the female prisoner fell suddenly ill after consuming phenyl in the washroom. She was promptly transferred to Saheed Laxman Naik, Medical College Hospital, Koraput, where she was pronounced dead on the same day at approximately 09:40 am. The matter was subject to a magisterial inquiry conducted by the Sub-Divisional Judicial Magistrate, Jeypore, who scrutinised all pertinent records and testimonies, including those of jail officials, co-inmates, treating doctors, autopsy surgeons, and the deceased's daughter. Jail officials indicated that UTP's demise resulted from ingestion of phenyl. The prisoner had obtained the phenyl from the female staff guards' restroom, which was located approximately 10 feet away from the existing female ward. The female warden was deemed responsible for negligence as her oversight enabled the UTP to obtain and consume the phenyl. Autopsy surgeons mentioned their inability to determine the exact cause of death in the absence of a chemical analysis report. Nevertheless, based on their expertise, examination of the stomach, and the smell of stomach contents, they posited that the probable cause of death might have been the ingestion of a phenolic poisonous substance. The deceased's daughter did not suspect foul play in her mother's demise. Following a review of the records and testimonies, the enquiry magistrate concluded that the female warden was responsible for the alleged incident due to negligence in the performance of her duties, resulting in the unnatural death of the deceased.

After a thorough analysis of the relevant reports, the Commission established that the deceased was indisputably under the custody of the State. Despite the suspension of the negligent female warder by the jail administration, the fact remains that the State authority had failed to safeguard the lives and security of the prisoners within the jail, thereby leading to the unnatural death of a young inmate. Consequently, the State was held vicariously responsible for the negligence exhibited by the jail employees.

The Commission issued a show cause notice under Section 18 of the PHRA to the Chief Secretary, Government of Odisha, requesting an explanation as to why the Commission should not recommend a monetary compensation of Rs. 3,75,000/- (Rupees Three Lakh Sev- enty-five Thousand only) to the NoK of the deceased. In response, the Commission received a report from the DIG Prisons (HQ), State of Odisha, reiterating the suspension of the female warden and the initiation of departmental proceedings against her. No

further explanations were provided. The Commission had already established the negligence of the erring female jail warden, thereby making the State vicariously liable. Therefore, the recommendation for monetary compensation was confirmed. Following the Commission's instructions, a report was submitted by the OSD cum Special Secretary to the Government, Home Department, Government of Odisha, stating that a sum of Rs. 3,75,000/- was disbursed to the NoK of the deceased female. Consequently, the case was closed on 02 May 2022.

5.) **Custodial death of an under-trial prisoner suffering from psychosis in Yerawada Central Prison, Pune, Maharashtra.**

(Case No. 848/13/23/2018-JCD)

This case pertains to the intimation received on 01 May 2018 from the Police Inspector, Yerawada Police Station, Pune, Maharashtra, regarding the death of an UTP, aged 30 years, on 25 April 2018 in the custody of the Superintendent of Yerawada Central Prison, Pune, Maharashtra.

The Commission examined the required reports. According to the Medical Treatment Records and detailed report received from the Prison Superintendent, it was revealed that the deceased received treatment for acute stress reaction with psychosis. On 25 April 2018 at 08:15 AM, the UTP climbed a banyan tree and jumped from there. He later died while undergoing treatment at the hospital. The inquest and post-mortem reports indicated several injuries, including contusions, fractures, hard plate fracture, and a stitched wound on the deceased's body. Based on the post- mortem and Forensic Science Laboratory (FSL) reports, the cause of death was determined to be "Death due to multiple injuries". A judicial magistrate conducted an inquiry, and the family members/ relatives associated with the inquiry did not raise any doubts about the death. The inquiry magistrate concluded that the UTP jumped from a tree in the jail, sustained injuries, and died during treatment.

After analysing the records, the Commission observed that the UTP was a patient diagnosed with psychosis and died by suicide by jumping from a tree. The Commission noted that ensuring the safety and security of inmates is the responsibility of the State, and in this case, the State failed to protect the life of the UTP in its custody. The instant case clearly showed the failure of the jail officials in fulfilling this duty. Therefore, a Show Cause Notice was issued under Section 18(a)(i) of the PHRA to the Chief Secretary, Government of Maharashtra, as to why a compensation of Rs. 7.5 lakh (Rupees Seven Lakh Fifty Thousand only) should not be

recommended to the NoK of the deceased prisoner, who lost his life while in custody. In compliance with the Commission's order, a letter dated 13 June 2022 was received from the Deputy Secretary, Home Department, Government of Maharashtra, stating that the deceased prisoner was suffering from acute stress psychosis illness. He received immediate medical assistance and was promptly referred to Sasoon General Hospital, Pune, Maharashtra, for further medical treatment. The report further emphasised that there was no negligence on the part of the prison authority and requested a reconsideration of the compensation amount.

After reviewing the requisite reports, the Commission concluded that it is the cardinal duty of the State to ensure the safety and protection of life of a prisoner in custody, and the jail authorities failed to fulfill this duty, resulting in gross violation of deceased's human rights. Therefore, the Commission reiterated its recommendation and confirmed the monetary compensation. Accordingly, the Deputy Secretary, Home Department, Government of Maharashtra, confirmed that the payment had been disbursed to the mother of the deceased. Since the Commission's recommendation was complied with, the case was closed on 11 January 2023.

6.) Custodial death of an under-trial prisoner in mysterious circumstances in Adarsh Central Jail, Beur, Patna, Bihar.

(Case No. 2220/4/26/2017-JCD)

This matter pertains to an intimation received on 04 August 2017, by the Commission regarding the custodial death of an UTP, aged 22 years, while in the judicial custody of Adarsh Central Jail, Beur, Patna, Bihar, on 3 August 2016.

It was observed that the deceased died under mysterious circumstances inside the jail toilet. The cause of death, as determined in the post-mortem examination (PME) report, was asphyxia resulting from ligature compression of the neck consistent with strangulation, both external and internal air passages being blocked before death. The report also indicated that the findings of the PME and the inquest report suggested a homicidal cause of death. The enquiry magistrate concluded that the death of the deceased was not due to suicide but rather resulted from strangulation. Considering the specific findings of the enquiry magistrate, which established the cause of death as strangulation, the Commission held the view that the State, which bears the responsibility to ensure the safety and security of inmates under its custody, failed to fulfill this duty in the present case.

Therefore, the State was vicariously liable to provide compensation to the NoK of the deceased prisoner for the violation of his human rights.

Based on these observations, the Commission issued a show cause notice under Section 18 of the PHRA to the Chief Secretary, Government of Bihar, as to why the Commission should not recommend a monetary compensation of Rs. 5,00,000/- (Rupees Five Lakh only) to the NoK of the deceased. The Commission also directed the Director General of Prisons, Bihar, to conduct an enquiry into the matter, take appropriate action against the responsible officials, and submit an action taken report. Furthermore, the Commission issued instructions to the District Magistrate, Patna, and the Superintendent of Police, Patna, Bihar, to promptly submit an action taken report based on the findings of the medico-legal examination report and initiate a comprehensive investigation by registering a criminal case under Section 302 of the Indian Penal Code. The District Magistrate, Patna, was specifically directed to provide a detailed report on the actions taken against the Executive Magistrate who conducted the Magisterial Enquiry, as it was discovered that she did not adhere to the guidelines set forth by the NHRC.

Following the directives of the Commission, a letter dated 19 July 2022 was received from the Assistant Inspector General (Prison), Bihar, affirming that appropriate departmental action had been taken against the warden. However, the Commission noted that the initiation of departmental action against the delinquent jail official does not absolve the State of its vicarious liability to provide compensation to the NoK of the deceased prisoner, who was murdered within the confines of the jail. The Hon'ble Supreme Court, in the Nilabati Behera case, explicitly emphasised that convicts, prisoners, or under-trials are entitled to the protection of their fundamental rights under Article 21 of the Constitution, and the police and prison authorities bear the corresponding responsibility to ensure that individuals in custody are not deprived of their Right to Life. It further observed that the State has an unwavering duty of care to ensure that the guarantee of Article 21 is upheld for all individuals and must accept responsibility by providing compensation to the grieving family members of an individual who has been unlawfully deprived of his life. This duty of care is absolute and allows for no exceptions. Consequently, the Commission reaffirmed its recommendation and directed the Chief Secretary, Government of Bihar, to provide monetary compensation of Rs. 5,00,000/- (Rupees Five Lakh only) to the NoK of the deceased.

Accordingly, a letter dated 12 December 2022 from the District Magistrate, Patna, was received, along with proof of payment. Hence, the case was closed on 27 January 2023.

7.) Illegal Arrest and Detention, by the police of PS Cyber Crime, Lucknow, U.P., on the premises of HDFC Bank in Safdarjung Enclave, New Delhi.

(Case No: 16413/24/48/2019)

The Commission received a complaint on 20 June 2019 from the Director of the Commonwealth Human Rights Initiative (CHRI), alleging the illegal arrest and detention of her brother by the police of PS Cyber Crime, Lucknow, U.P., at the premises of HDFC Bank in Safdarjung Enclave, New Delhi.

Upon receiving this complaint, the Commission took action by referring the matter to the SP, Cyber Crime, Lucknow, through the Focal Point for Human Rights Defender. A team from the Commission conducted a spot inquiry into the incident and subsequently submitted their report for review. According to the report's findings, the person had been apprehended by the police team of P.S. Cyber Cell, Lucknow, with the assistance of STF Unit, Noida, from the premises of OBC Bank Branch located in Safdarjung Enclave, New Delhi, on 13 June 2019 at 13:54 hours. He was then transported to Lucknow without complying with any legal formalities as stipulated by the law. The official record indicated that his arrest was documented by the police at the Charbagh Railway Station tempo stand in Lucknow, Uttar Pradesh, on 14 June 2019 at 23:50 hours. This arrest was made in connection with a bank fraud case.

Following his arrest, the victim was subsequently presented before the Special Chief Judicial Magistrate Court Custom in Lucknow on the following day and was subsequently sent to the district jail located in Lucknow. The enquiry conducted by the Commission yielded conclusive evidence of unlawful detention by the police. It was determined that he had been in police custody for more than 48 hours. However, the enquiry could not substantiate the allegation of police assault due to a lack of supporting evidence. Upon thorough review of the enquiry report, the Commission concluded that the police in Uttar Pradesh had violated human rights. This violation stemmed from his unlawful detention, which was a direct contravention of the rule of law.

In response to this finding, the Commission directed the issuance of a notice under Section 18 of the PHRA, to the Government of Uttar Pradesh through its Chief Secretary. This notice sought an explanation as to why a sum of Rs.

50,000/- (Rupees Fifty Thousand only) should not be recommended for payment to the victim as compensation for the violation of his human rights. Additionally, the Director General of Police, Uttar Pradesh, was instructed to initiate appropriate departmental action against the police officials responsible for the illegal detention. Despite the issuance of the Show Cause Notice, the Commission had not received a reply at the time. Given the absence of a response to the Show Cause Notice, the Commission confirmed its recommendation of monetary compensation. In response to this recommendation, the Superintendent of Police (Human Rights), U.P., conveyed through a letter dated 06 June 2022, that a sum of Rs. 50,000/- had been sanctioned for payment to the victim as compensation, in compliance with the Commission's directive. Consequently, the case was closed on 07 September 2023.

8.) Illegal arrest and assault on four individuals by an Inspector in Anjaw, Arunachal Pradesh.

(Case No: 35/2/15/2019)

The Commission received a complaint from the complainant on 02 August 2019, alleging the arrest of her husband and three others by the police, following an assault and in jury in custody on 15 July 2019, in Anjaw, Arunachal Pradesh.

In response to the Commission's directives, the DIG Eastern Range Namsai, AP, submitted that the person, along with his three accomplices, was caught red-handed by Sushee Infra & Mining Pvt. Ltd. while stealing the generator of the aforementioned company. All of them were taken to PS on 15 July 2019 at 23:30 hrs. On 17 July 2019, a complaint was received from the wife of the accused against an Inspector of PS Hayuliang for assault. It was revealed that the case was under investigation and a disciplinary action had also been initiated against the delinquent official/ Inspector. However, the allegation leveled in the complaint could not be substantiated, due to a lack of evidence. The departmental enquiry initiated against the Inspector was still pending and could not be completed because of COVID-19. The D. I. G. Eastern Range, via a report dated 24 November 2020, informed that the Departmental Enquiry against the Inspector had been completed. Inspector had two charges leveled against him: 1. Beating of the accused along with his three accomplices while in police custody, and 2. Not following the proper procedure of getting a medical check-up done of the victims before taking them into custody. The first charge could not be proved due to a lack of evidence. However, the second charge was proved against the Inspector. The Disciplinary Authority, hence, awarded a punishment of stoppage of one increment to the Inspector.

Vide proceedings dated 28 January 2021, the Commission observed that the conduct of police officials had violated human rights of the victims, for which the State Government was vicariously liable. Under these circumstances, a Show Cause Notice u/s 18 of the PHRA was issued to the Government of Arunachal Pradesh, through its Chief Secretary, requiring it to show cause why an amount of Rs. 1,00,000/- (Rupees One Lakh Only) each, as suitable compensation, not be recommended, to be paid to the victims. However, the Commission did not receive any response to its show cause notice. The Commission inferred that the concerned authority had nothing to urge in the matter. Therefore, the Commission confirmed its recommendation. In response, the Commission received a copy of communication from the Joint Secretary (Home), Govt. of Arunachal Pradesh, Itanagar, informing therein that Rs. 1, 00, 000/- has been disbursed to all four victims. In view of the above, the case was closed on 03 June 2022.

9.) Custodial torture case of six tribal women by the Police in Palghar, Maharashtra
(Case No: 2849/13/37/2021)

The complainant, the Indigenous Lawyers Association of India (ILAI), sought the intervention of the Commission on 24 November 2021, asserting that there was custodial torture of six (6) tribal women at Vasai Police Station in Palghar district, Maharashtra. According to the victims, they were working as labourers in Vasai to earn their livelihood. The Commission took cognizance of the matter and called upon the authorities concerned to submit the requisite reports

It was revealed that on 19 November 2021, six (6) tribal women were all picked up by the police from the weekly market at Papadi- Koliwad in Vasai (West) on suspicion of being thieves while they were shopping. The police took the victims to the Vasai police station, where they were all brutally beaten up by three police personnel to confess to a crime they had not committed. One of the accused police personnel was identified as an Assistant Police Inspector (API). In pursuant to the same, a report dated 20 December 2021 was received from the Office of DCP, Circle-II, Vasai, District Palghar, Maharashtra, which suggested that the API had been suspended from service for assaulting six tribal women, and officials of all local organisations and the victim women had expressed satisfaction over the suspension of API for beating them.

The Commission considered the report and observed it as a grave case of compensation to the victims. Therefore, a notice u/s 18a(i) of PHRA was issued to the Chief Secretary,

Government of Maharashtra, directing him to show cause as to why the Commission should not recommend payment of compensation of Rs. 5,000/- (Rs. Five Thousand Only) to each victim for the violation of their human rights by the public servant.

In response to the directions of the Commission, the reply to the show cause notice stated that the compensation to the victim may have an effect on the morale of the police personnel. Therefore, it was requested to withdraw the show cause notice issued. The Commission considered the reply to the show cause notice and materials on record, reaching the conclusion that the report received did not put forward any substantial matter to controvert the findings and recommendations of the Commission. Therefore, the monetary compensation recommended by the Commission was confirmed. The Chief Secretary, Government of Maharashtra, Mumbai, was directed to pay the compensation amount as per the directions of the Commission and submit its compliance report along with the proof of payment to the Commission. With these directions, the case was closed on 14 November 2022.

10.) Police misconduct: Illegal detention and torture in Tirupati, Chittoor, Andhra Pradesh
(Case No: 608/1/3/2017)

The Commission received a complaint on 28 June 2017, alleging that the complainant in this case had been picked up by the police, dragged, and illegally detained for 18 hours in the East Police Station, Tirupati, Chittoor, Andhra Pradesh. It was also alleged that he was tortured and abused.

Pursuant to the directions of the Commission, SP, Tirupati, Urban Police, submitted a report which revealed that the complainant was suspected to be involved in a bagsnatching case and was found wandering at the place of the incident in suspicious circumstances at odd hours on a motorcycle. Since the description of the thief also matched with the complainant, he was taken into custody for interrogation but was allowed to go after establishing his identity. The complainant had the support of political leaders and got the news item published in the local newspapers. It was stated that based on the newspaper report, a departmental inquiry was ordered, and based on the Inquiry Report, minor V.R. was awarded to one Inspector, one Sub Inspector, and one Head Constable.

The Commission, while considering the matter on account of the punishment meted out to the police officials, took the view that *prime facie*, human rights of the complainant had

been violated and directed the issuance of the notice u/s 18 of PHRA to the Chief Secretary to the Government of Andhra Pradesh to show cause as to why a compensation of Rs. 1,00,000/- (Rupees One Lakh only) should not be recommended to be paid. The Superintendent of Police, Urban Police District Tirupati, responded by stating that the police action was justified under Section 42 of Cr.PC and that there was no ill motive or violation of human rights. The police personnel were punished for the delay in establishing the identity of the complainant/ victim and requested the dropping of the show cause notice. Meanwhile, the Chief Secretary of Andhra Pradesh submitted a response to the show cause notice which stated that the complainant/ victim was taken into custody for an inquiry, but his rights were not violated. The complainant was not detained for more than 24 hours. According to the complainant, he was detained for only 18 hours, and there was no evidence of torture, harassment, or injuries found on his body. It was asserted that the police action was within the framework of Section 42 of Cr.PC, and the police had not violated any human rights of the complainant while performing their duties. However, due to the delay in establishing the identity of the complainant, the concerned staff responsible for it was already punished. He requested to drop further action on the show cause notice and to close the case as there was no justification or basis to award any type of compensation to the complainant.

Upon careful examination of the entire material on record, the Commission observed that while the police have every right, as a part of their duty to investigate crimes, to detain a person suspected of a crime and question them, this has to be done in accordance with the law and after following the laid-down procedure. Freedom and liberty of citizens cannot be curtailed by the police at their discretion without following due procedure. In this case, it was admitted that the police had taken departmental action, and one Inspector had already been awarded the punishment of censure. The Commission, therefore, was constrained to reject the submissions made by the Chief Secretary in response to the show cause notice, as they were devoid of merit. The human rights of the complainant/ victim were clearly violated, for which the State was vicariously liable to compensate him. The show cause notice was, therefore, confirmed, and the State of Andhra Pradesh through its Chief Secretary was recommended to pay a sum of Rs. 1, 00, 000/- (Rupees One Lakh only) as compensation to the complainant/victim Stalin within a period of six weeks.

Pursuant to the direction of the Commission, the Director General of Police, Andhra Pradesh submitted that the compensation of Rupees One Lakh had been paid to the

complainant. Details of payment and proof of payment were enclosed with the report. In view of these facts, no further intervention of the Commission was required. Hence, the case was closed on 02 August 2022.

11.) Two youths thrashed by Police Officer in Southwest Delhi, Delhi, over injured pig incident

(Case No: 4831/30/7/2019)

The Commission took *suo motu* cognizance of a news report published in *The Times of India* dated 23 October 2019, under the caption "Youths thrashed by a cop for dialing hundred to rescue a pig." According to the news report, two Tibetan youths were allegedly thrashed by a cop of Mahipalpur Police Station after they called up the police control room about a pig lying injured on the road near Labour Chowk, Southwest Delhi, Delhi.

In response to the Commission's directions, ACP (Complaint), Vigilance, Delhi, through a letter dated 18 May 2020, forwarded a copy of the report from the Additional Deputy Commissioner of Police, Southwest District, Delhi. The report revealed that on 21 December 2019 information was received at P.S. Vasant Kunj South about the hospitalisation of two injured persons, at Safdarjung Hospital, New Delhi. The police visited the hospital, collected the Medico-Legal Case (MLC) reports of both injured individuals, and interviewed them. According to their statements, on the relevant day at 02:00 a.m., while going for dinner, they spotted an injured pig on the road. They called the Animal Care Centre for assistance, which instructed them to file a complaint with the police through the emergency number 100. Delhi Police Constable arrived at the scene. The representative of the Animal Care Centre was also present, and a video recording showed the Constable harassing the victims. The Constable got angry and demanded the victim to delete the video he had recorded, and proceeded to physically assault both victims with a stick, causing injuries. An enquiry led by the ACP, Vasant Kunj substantiated the statements. Consequently, a departmental enquiry was initiated against the Constable. The victims' MLC reports indicated simple blunt injuries, leading to the registration of an offense under Section 323 IPC dated 03 December 2019. The Commission reviewed the facts, circumstances, and the available material. It was observed that the erring Delhi Police Constable was guilty of causing voluntary hurt to the two victims. It was also observed by the Commission that the police is expected to uphold law and order, and when an officer resorts to brutality, it creates fear in society and is unacceptable. The State was held to be vicariously liable for such actions, and in the Commission's opinion, the victims

deserved monetary compensation for the violation of their human rights. Consequently, the Commission issued a notice under Section 18 of the PHRA to the Secretary, Ministry of Home Affairs, Government of India, asking them to explain within four weeks why a sum of Rs. 50,000/- (Rupees Fifty Thousand only) should not be recommended to be paid to each of the two victims. Following the issuance of the show cause notice, Deputy Commissioner of Police, Vigilance, Delhi, through a letter dated 28 September 2021, forwarded a copy of the report from Addl. DCP, Southwest District, New Delhi, dated 15 September 2021. The report corroborated the contents of the news report published in *The Times of India* on 23 October 2019. The report also confirmed that an offense under Section 323 IPC was made out based on the MLCs of the victims. The Constable responsible for the incident, had been transferred and disciplined through departmental proceedings.

The Commission considered the reply to the show cause notice and reiterated that monetary compensation is recommended for human rights violations. In this case, Constable's actions warranted disciplinary measures, but mere punishment wouldn't provide solace to the victims. Therefore, the Commission rejected the request for review and recommended that the Commissioner of Police, Delhi, pay an amount of Rs. 50,000/- each to the two victims, and provide a compliance report along with proof of payment within six weeks. Following the Commission's recommendations, ACP/ Coplt., for Dy. Commissioner of Police, Vigilance, Delhi, in a letter dated 16 December 2022, informed that an amount of Rs. 1,00,000/- (Rupees One Lakh only) had been disbursed to the two victims (Rs. 50,000/- each), by crediting the amounts to their respective bank accounts. Compliance reports along with proof of payment were enclosed. As the Government accepted the Commission's recommendations and provided proof of payment, the case was closed on 23 January 2023.

12.) Police Station rape: woman assaulted by Officer in Badaun, Uttar Pradesh

(Case No: 19166/24/7/2020-AR)

The Commission received a complaint on 01 September 2023, alleging rape by a Police Officer on 01 September 2023 within the police station. The complainant alleged that she had been subjected to sexual and mental abuse by him on multiple occasions. She had reported the matter to the police, but appropriate action had not been taken.

In response to the directions of the Commission, a report dated 26 October 2020, was received from the Superinten-

dent of Police, Shahjahanpur, Uttar Pradesh. It was reported that after an enquiry, the accused Sub-Inspector was found guilty of misusing his official position. Upon the complainant's complaint, an FIR was registered against him. The investigation was transferred to the Crime Branch, Badaun. Disciplinary proceedings had also been initiated against the accused.

In this case, a show cause notice was issued under Section 18a(I) of the PHRA to the Government of Uttar Pradesh, through its Chief Secretary, regarding why the Commission should not recommend payment of compensation of Rs. 1,00,000/- (Rupees One Lakh only) to the victim for the violation of the Right to Dignity of the complainant by the police. A letter dated 07 July 2021, was received from the Superintendent of Police (Human Rights), Uttar Pradesh, along with the report from the Superintendent of Police, Shahjahanpur, Uttar Pradesh. It was reported that the accused Sub-Inspector was found guilty in the departmental proceedings, and he had been penalised with a posting at the lowest pay scale. Currently, the cases against him were pending under CBCID investigation. Therefore, it would be legally appropriate to provide financial assistance to the complainant, after the final decision was made based on the investigation report submitted by CBCID.

The Commission considered the report and found that no substantial evidence had been submitted in the report to contradict the findings of the Commission regarding the violation of the Right to Dignity of the complainant by the police.

In light of the submitted report, the Commission recommended to the Chief Secretary, Government of Uttar Pradesh, to pay compensation of Rs. 1,00,000 (Rupees One Lakh only) to the victim whose Right to Dignity had been violated by the police. Upon issuing the show cause notice to the Chief Secretary, Government of Uttar Pradesh, a letter dated 18 October 2022, was received from the Additional Superintendent of Police (Rural), Nodal Officer, Human Rights Cell, Badaun, U.P. wherein it was stated that the victim had been paid compensation of rupees one lakh. Hence, the case was hereby closed on 14 November 2023.

13.) Dowry death of Class XII student found hanging in Amroha, Uttar Pradesh

(Case No: 14751/24/75/2021)

The Commission received an intimation on 22 April 2021, reporting the untimely demise of the complainant's sister, allegedly due to dowry-related issues, on 11 April 2021, in

Amroha, Uttar Pradesh. In response to the Commission's directives, requisite reports were received from the relevant authorities. The victim had entered into matrimony with Babloo in the year 2000. Together, they were blessed with two sons and a daughter. The allegations pertained to dowry death, and it was claimed that the police had not registered a case. The report submitted by the Superintendent of Police in Amroha, Uttar Pradesh, provided insights into the circumstances of this case. Initially, the In-charge of Police Station Rajabpur was apprised of the alleged demise. He directed the complainant, who is the maternal uncle of the deceased, to visit the police station and submit a written report. However, as no such written report was tendered to the police, the family proceeded with the last rites of the deceased without conducting a postmortem examination. The deceased was a twelfth-grade student, and was discovered hanging within her residence, yet no immediate action was undertaken by the authorities. The reports furnished by the police conveyed that the local police were promptly informed of the suspicious circumstances surrounding the death. However, it appeared that the local authorities insisted on the submission of a formal written complaint. This insistence impeded the swift response to the pressing nature of the suspicious circumstances, thereby contravening the fundamental right to a thorough investigation into potentially suspicious conditions culminating in the death of a young woman.

The Commission had noted, based on the report submitted by the Superintendent of Police, Amroha that no action had been taken by the police due to the absence of a written complaint. This revelation underscored the indifference to duty displayed by the relevant police officials. In accordance with the provisions set forth in Section 18(a)(i) of the PHRA a Show Cause Notice was dispatched to the Government of Uttar Pradesh through its Chief Secretary, as to why the Commission should not advocate for the disbursement of compensation amounting to Rs. 5,00,000/- (Rupees Five Lakh only) to the NoK of the deceased. In response to the Commission's directives, a report dated 10 December 2021, was received from the Under Secretary of the Government of Uttar Pradesh. This report revealed that a case had been registered in Amroha under Section 306 of the Indian Penal Code, which was pending at the time. Therefore, it was considered appropriate to propose the provision of monetary assistance, amounting to Rs. 5,00,000/-, to the NoK of the deceased once the investigation was concluded, and the charges against the accused individuals were proven.

The Commission diligently reviewed the aforementioned report. However, it found the report lacking in substantive

content to counter the Commission's findings regarding alleged negligence displayed by public servants. The demeanor exhibited by the local police appeared remarkably apathetic, thus corroborating the allegations of negligence. Consequently, this case underscored an apparent violation of human rights. Consequently, the Commission confirmed its previous recommendations of monetary compensation. In response to the Commission's directives, a report by the Superintendent of Police in Amroha, Uttar Pradesh, affirmed that the authorisation for a compensation had been granted. Regrettably, the disbursement of the said amount had been deferred pending the conclusive determination of the NoK of the deceased. It revealed that once the awaited report from the District Magistrate in Amroha was received, the compensation would be disbursed, and the entire compensation amount would be recovered from the police personnel implicated in this matter. In view of the above, the case was concluded on 03 February 2023.

14.) Encounter death of three individuals in Sukma District, Chhattisgarh

(Case No: 355/33/20/2019-ED)

The Commission received a communication from the Superintendent of Police, Sukma, Chhattisgarh, regarding the encounter death of three individuals, on 14 September 2019, within the jurisdiction of the Chintagufa Police Station in Sukma District, Chhattisgarh. Taking cognizance of the matter, the Commission directed the authorities concerned to submit requisite reports in the instant matter. The police's narrative of the incident reported that they received intelligence regarding the presence of 120- 150 Naxalites along the Dornapal- Jagargunda Road, within the jurisdiction of P.S. Chintagufa, Sukma District. In response, a team from the District Reserve Guard (DRG) was dispatched for a search operation on 14 September 2019. Around 05:30 hours, as the search team reached Gadgadmeta, they encountered gunfire from a group of Naxalites. In an act of self- defense, the police team retaliated, resulting in the demise of three male Naxalites. Amidst the exchange of fire, the police discovered one Insas rifle with a magazine, three loaded guns, eleven arrows, an improvised explosive device (IED) weighing approximately 20-25 kg, along with other incriminating articles, in the possession of the deceased individuals.

The post-mortem reports unveiled multiple gunshot wounds on the bodies of the deceased, with no indications of tattooing, charring, or blackening around the entry wounds. The cause of death was attributed to multiple gunshot wounds, hypovolemic shock caused by external bleeding,

and neurogenic shock due to brain injuries. The ballistic report validated that the confiscated Insas rifle and one of the loaded guns were operational and had been discharged before submission for examination. However, two of the loaded guns were non-operational, having been fired before their laboratory submission. Firing residue was detected on the hand swab samples of one of the deceased individuals.

An enquiry, led by the Sub Divisional Magistrate of Konta, encompassed statements from family members of the deceased, independent witnesses, and police personnel involved in the encounter. After thorough evaluation of these statements and other evidence, the Enquiry Magistrate did not discern any evidence of misconduct in the encounter.

Within the context of the magisterial inquiry report, a resident of Kottaguda, aged 48 and his son provided testimony before the Magistrate. He revealed that he sustained a bullet injury in his back during the crossfire between the police and the Naxalites while gathering firewood in the forest. Subsequently, the police party transported him to Sukma for medical treatment. In the Commission's assessment, he was not involved in any criminal activities and was inadvertently caught in the crossfire between the police and the Naxalites. Given these circumstances, it was deemed fitting that he be granted monetary compensation from the State Government. Notably, the police report omitted mention of whether any compensation had been extended to him.

Consequently, under Section 18 of the PHRA a notice was dispatched to the Government of Chhattisgarh through its Chief Secretary, requiring their response within eight weeks regarding the recommendation for an amount of Rs. 1,00,000/- (Rupees One Lakh only) to be disbursed to him. Regrettably, no response was forthcoming from the Government. The Commission inferred that the State Government had no objections to granting monetary compensation to him, who sustained injury during the crossfire between the police and the Naxalites. Accordingly, the show cause notice was affirmed, and the Commission advised the Government of Chhattisgarh, through its Chief Secretary, to disburse the compensation amount to him. Additionally, the Government was directed to furnish a compliance report accompanied by evidence of payment. Consequently, in view of these directives, the Commission closed the case on 14 December 2022.

15.) **Four civilians grievously injured during Police Firing in Durg, Chhattisgarh**

(Case No: 172/33/5/2018)

Commission received intimation on 17 March 2018, alleging that four individuals had been injured due to firing by a police officer from his licensed revolver in Durg, Chhattisgarh. In response to the Commission's directions, the required reports on the matter were received from the authorities concerned. A communication dated 09 January 2019 from the Superintendent of Police, Distt. Balod, Chhattisgarh, forwarding the report of SHO, PS Daundilohara, Balod, revealed that on the date of the incident, i.e., 12 March 2018, at night, the CAF, with the motive to kill, had injured four individuals. Subsequently, he died by suicide. A case was registered U/s 460/ 307 IPC read with 25(27) Arms Act. However, as the accused had died, the case was closed. An application had been made under the Sambhalpur Compensation Scheme 2011 to pay the compensation amount to the injured, and the same was sub-judice before the Court.

The Commission considered the report and found the public servant guilty of committing the crime U/s 307 IPC. He had committed this crime using his service revolver. The victims had suffered immensely. Although the report did not provide details of the victims' injuries, an inference could be drawn that the injuries had been deliberately concealed. In any case, the victims had endured mental and physical pain and agony, and they must have incurred significant medical expenses. This was not only a case of dereliction of duty but also a case of a criminal act by a public servant. As such, the State was vicariously liable. A show cause notice was issued to the Chief Secretary, Government of Chhattisgarh, asking why compensation of Rs. 3,00,000/- (Rupees Three Lakh only) each should not be paid to the injured individuals, u/s 18 of the PHRA.

Pursuant to the Commission's directions, the Under Secretary, Government of Chhattisgarh, Home (Police) Department, communicated on 26 June 2019 that in compliance with the Commission's directions, an amount of Rs. 12,00,000/- for four victims had been sanctioned. The District Magistrate, Balod, Chhattisgarh, was instructed to make payment to the victims and provide proof of payment. In response, a letter was received from the DM, Balod, along with the report of SP, Balod, and the Under Secretary to the Government of Chhattisgarh, Home (Police) Department.

The report revealed that they had paid Rs. 3,00,000/- each as compensation to the injured individuals. The proof of payment had been submitted. Consequently, as there was nothing remaining to proceed further in the matter, the case was closed on 06 May 2022.

16.) Brick Kiln worker killed by BSF firing in Malda, West Bengal

(Case No: 80/25/11/2018-PF)

On 23 December 2017, the Commission received an intimation alleging that on December 17 December 2017, personnel from the 36th Battalion of the Border Security Force (BSF) fired shots at night, resulting in the death of a brick kiln worker at the border area of Baishnab Nagar Police Station in Malda, West Bengal.

The Commission duly took cognizance of this matter and requested a report from the concerned authorities. In response, the Superintendent of Police (SP) in Malda submitted a report that enclosed the inquiry report conducted by Deputy Superintendent of Police (Dy. SP) HQ Malda. The inquiry report revealed that on 18 December 2017, a specific case was initiated against BSF personnel from the 36th Battalion stationed at Sovapur in connection with the death. This case was based on a written complaint lodged in the Police Station, Baishnab Nagar, District Malda. It was further reported that the duty register of BSF personnel for 17 December 2017, along with details of arms and ammunition used that day, had been seized. The Postmortem Report confirmed that the victim died from gunshot injuries, and it was deemed to be a homicidal act. The investigation identified the personnel from the 36th Battalion of the BSF as responsible for causing the death.

After careful consideration of the report, the Commission observed that a case had been registered against a BSF Constable, and the matter was sub-judice. The Commission emphasised the principle that the Right to Life includes the right to live with human dignity. It stressed the State's duty not only to prosecute those who violate fundamental rights but also to compensate the victims or their families for the wrongful acts of its agents. Consequently, the Commission issued a show cause notice under Section 18 of the PHR of Home Affairs, Government of India, proposing a compensation of Rs. 3,00,000/- (Rupees Three Lakh only) to the NoK of the deceased within six weeks.

Upon further consideration, it became evident that an innocent person had been mistakenly killed in firing by BSF personnel, leading to a violation of the human rights of the

victim. Consequently, the State bore the liability to provide compensation to the NoK of the deceased, who had lost an innocent family member due to the wrongful act of State officials. The plea from the BSF to review the decision of awarding compensation to the NoK of the deceased until the outcome of the trial by the Security Force Court was not acceptable to the Commission. Therefore, the Commission confirmed its show cause notice and directed the Secretary of the Ministry of Home Affairs, Government of India, New Delhi, to pay a compensation of Rs. 3,00,000/- to the NoK of the deceased and submit proof of payment within eight weeks.

In response, the Under Secretary of HR Wings/ IS-II Division, Ministry of Home Affairs, Government of India, New Delhi, forwarded a report from DIG (OPS) BSF dated 29 June 2021. The report indicated that the Chief Judicial Magistrate (CJM) Court in Malda had transferred the case to the BSF for trial by the BSF Security Force Court. The concerned field formation had been directed to complete the disciplinary proceedings within 30 days by recording statements of civil witnesses through video conferencing. The case was under progress, and it was further mentioned that the case for compensation to the NoK of the deceased should not be decided until the final outcome of the legal proceedings. The Commission considered this report and reiterated that it could not wait until the final outcome of the legal proceedings. The concerned authority had the option to either accept the show cause notice for the recommendation of compensation or deny it. Therefore, the Commission directed the Secretary of the Ministry of Home Affairs, Government of India, to submit a response in light of the above observations within four weeks. Following the Commission's directions, a letter was received from the Deputy Inspector General (Operation) Border, Directorate General Border Security Force, Home Ministry, Government of India, requesting a four-week extension to submit a compliance report.

The Commission carefully considered the material on record. In the present matter, a charge sheet dated 30 September 2018 under Section 304 of the Indian Penal Code (IPC) was filed against the Constable of the BSF before the Learned Chief Judicial Magistrate (CJM) in Malda. On 19 November 2020, the Commission issued a show cause notice under Section 18 of the PHRA to the Secretary of the Ministry of Home Affairs, Government of India, for payment of Rs. 3,00,000/-. However, it was informed to the Commission that the Ld. CJM, Malda, had transferred the case to the BSF for trial by the BSF Security Force Court, and that the case for compensation to the NoK of the deceased should not be decided until the final outcome of the legal proceedings. In

view of these facts, no further intervention by the Commission was required. The complainant was advised to raise grievances before the appropriate court of law. Consequently, the case was closed on 27 October 2022.

17.) Death of a Minor Girl in Nowrangpur, Odisha, due to electrocution upon contact with a low-hanging high-voltage Wire.

(Case No: 2161/18/10/2019)

The Commission received intimation on 11 June 2019, alleging that an 11-year-old girl died due to electrocution at the Deen Dayal Upadhyaya Residential School in Majhiguda village on the outskirts of Nowrangpur town, Nowrangpur district, Odisha.

In response to the Commission's directions, the requisite reports in the matter were received from the authorities concerned. The Special Secretary, Department of Energy, Government of Odisha, submitted a report dated 23 February 2021, stating that the electric cable/ wire in question had been unauthorisedly extended from a nearby electric pole and was snapped due to unknown reasons. The snapped cable remained in a hanging condition through the barbed wire fencing near the compound wall without touching the ground. When the victim was dancing nearby, she accidentally came in contact with the snapped charged cable and was exposed to the electric shock, resulting in the fatal electrocution accident. She was taken to the hospital, but doctors declared her brought dead. The SOUTHCO staff visited the site after 2-3 days and removed the unauthorised cable/ wire extension. It was revealed that the accident occurred due to the unauthorised extension of the cable and the carelessness of the school management. The report also highlighted the negligence of the SOUTHCO Utility in supervising and checking such unauthorised activities and theft, which led to the accident. It was mentioned that an amount of Rs. 2,000/- had been paid to the victim's grandfather by the local Sarpanch, but no compensation was given by the SOUTHCO officials.

Based on the above, the Commission recommended an amount of Rs. 5,00,000 (Rupees Five Lakh Only) as interim relief to be paid to the NoK of the deceased. The Chief Secretary, Government of Odisha, was directed to submit the compliance report, along with proof of payment. The Superintendent of Police, Nabarangpur, Odisha, was also called upon to submit a further report with the status/outcome of the criminal case registered in the matter. In response, the Special Secretary, Department of Energy, Government of Odisha, submitted a report dated 13 August

2021, stating that the accident occurred inside the DDU Ashram School Campus, Majhiguda, Nabarangpur. Before the day of the accident, it was raining, and the ground condition was wet. There was an unauthorised line taken from the LT pole, which was snapped and came in contact with the fencing provided on the boundary wall. On the very day of the accident, a marriage party was crossing on the backside of the school. When the deceased and her friends came to see the marriage party (inside the school campus), the victim could not keep balance and tried to get support from the fencing wire provided on the boundary, which was in a charged condition, and as a result, she was electrocuted. Hence, it was stated that the officers were neither responsible nor answerable for the alleged electrocution accident. The Superintendent of Police, Nabarangpur, Odisha, in a communication dated 08 September 2021, submitted a report stating that a case at P.S. Nabarangpur was registered in connection with the incident. The statutory inquiry report of the Chief Electrical Inspector found the public servants responsible for the incident. It was also found that the SOUTHCO Utility, the Electricity Company, was not vigilant, and there was a lack of supervision. The accident could have been averted had the authorities concerned acted with due diligence. This resulted in a violation of human rights of the deceased innocent girl on account of negligence by the public servants. It was stated that the response to the show cause notice was not based on merits, and hence the State was vicariously liable to compensate for this unfortunate and untimely death of the minor girl. Therefore, the Commission confirmed its recommendation of monetary compensation to be paid to the next of kin of the deceased.

In response, the Special Secretary, Department of Energy, Government of Odisha, submitted a compliance report along with proof of payment, stating that an amount of rupees five lakh had been paid to the father of the deceased. As the recommendation of the Commission had been complied with, the case was closed on 26 July 2022.

18.) Tragic death of Fisherman electrocuted in Brahmani River, Odisha

(Case No: 2304/18/20/2021)

On 24 November 2021, the Commission took cognizance of a complaint filed from District Khurda, Odisha, based on a news report published in a newspaper on 05 October 2021. The report highlighted that a fisherman died due to electrocution from a low-hanging electricity line while fishing in the Brahmani River in Odisha.

Pursuant to the directions issued by the Commission, the Commission received an enquiry report dated 18 February 2022 from the Deputy Secretary to the Government of Odisha, Energy Department, on 15 March 2022. The report revealed that the fatal electrical accident occurred in the licensed area of TPWODL, Sambalpur, a Distribution Licensee under the OERC, Bhubaneswar. According to the report, the deceased victim may have come in contact with the 11 KV line and fallen unconscious into the Brahmani River, leading to drowning. It was further noted that the pole supporting the electricity line was submerged due to increased flood levels, which violated safety regulations. Upon perusal of the enquiry reports and accompanying documents, it became evident that the fatal electrocution accident occurred due to negligence on the part of TPWODL/ Distribution Licensee for failing to ensure proper ground clearance of the 11 KV electricity line. The victim's family received a meagre compensation of Rs. 10,000 from the Tehsildar, and no compensation was paid by TPWODL/ Distribution Licensee to the NoK of the deceased. This established a violation of human rights, and the State was held vicariously liable.

On 26 July 2022, the Commission issued a show cause notice to the Chief Secretary, Government of Odisha, as to why the Commission should not recommend compensation of Rs. 5,00,000/- (Rupees Five Lakh only) to be paid to the NoK of the deceased. Additionally, the District Magistrate, Deogarh, was directed to personally ensure that the family received benefits under various social welfare schemes of the State and Central Governments. In response, the Special Secretary to the Government of Odisha, Energy Department, submitted a reply dated 05 August 2022, stating that the fatal accident occurred due to the victim's negligence and claiming that TPWODL officers and staff were not responsible. Thus, it was requested to dismiss the case. However, the Commission rejected this stance and upheld TPWODL's liability for the accident. Furthermore, pursuant to the Commission's directions, a reply was received from the Collector and District Magistrate, Deogarh, on 15 September 2022, stating that the family of the deceased victim received benefits under various social welfare schemes of the State and Central Government. After considering the replies and perusing the case details, the Commission reaffirmed its decision to award monetary compensation of Rs. 5,00,000/- (Rupees Five Lakh only) to be paid to the NoK of the deceased. A compliance report was received, confirming that the compensation amount was paid to the deceased's NoK on 16 December 2022. Consequently, the Commission closed the case on 18 January 2023.

19.) **Death of 12-year-old child in Bengaluru, Karnataka, due to electrocution**

(Case No: 1114/10/31/2022)

The Commission received a report of the death of a 12-year-old child, due to electrocution after coming in contact with a live dangling electricity wire. The incident occurred on 16 July 2022 within the jurisdiction of Yeshwantpur PS, Bengaluru North district.

Pursuant to the direction of the Commission, the General Manager (Q, S & S) of BESCO, Karnataka, submitted a detailed report on 09 February 2023. The report highlighted that the accident was a result of heavy rain and strong winds, causing a branch from a tree at the BMTC depot compound to strike the electric lines. This resulted in a short circuit, leading to the accidental snapping of the conductor, which tragically fell on the child while he was in a narrow lane beneath the electric lines. The report confirmed that there was no negligence on the part of the Distribution Company staff. BESCO had promptly compensated the NoK of the deceased child victim with an amount of Rs. 5,00,000/-, and proof of payment was enclosed with the report. Upon thorough consideration of the submitted material, it was established that the accident was indeed caused by natural circumstances, and BESCO had taken prompt responsibility by providing monetary relief of Rs. 5,00,000/- to the bereaved family. In light of the satisfactory resolution and compensation, the Commission deemed no further intervention necessary, and thus, the case was officially closed on 16 December 2022.

20.) **Death by electrocution of school students during Independence Day Ceremony at Kenpur Government School, Mahisagar, Gujarat**

(Case No: 873/1/21/2019)

The Commission received an intimation on 20 August 2019, alleging the tragic death of two school students at Kenpur Government School, Mahisagar, Gujarat, during an Independence Day ceremony. The students succumbed to electrocution due to the school management's failure to implement necessary precautionary measures.

In response to the Commission's directives, the Superintendent of Police, Dist. Mahisagar, Gujarat, submitted its report on 20 April 2021. The investigation findings attributed the students' deaths to the nature of their adolescence. It was noted that there were no complaints from their parents or relatives against the school. The conclusive fact revealed that the students lost their lives due to electric shock from an

electric wire passing through the school's terrace while they were involved in lifting an iron pole for the flag hosting ceremony preparation. Importantly, the students were not instructed to bring the pole, but they voluntarily rushed to the terrace, and the tragic incident occurred due to their impulsive nature during adolescence. Vide proceedings dated 02 November 2021, the Commission observed that the enquiry report of Superintendent of Police, Mahisagar, indicated the registration of a case under Section 174 of the Cr.P.C. However, no foul play or negligence was discovered in the matter.

However, the Commission was dissatisfied with the investigation report's findings. Upon careful perusal, it was observed that both boys went to the terrace accompanied by the school's peon, thereby being under his supervision and under the school's custody. The school management should have foreseen the presence of a live electric wire passing through the terrace, which posed a grave danger to anyone, not just children. By allowing the children to access the school's roof under such circumstances, the school acted negligently and should be held accountable for their negligence. The incident constituted a gross violation of the human rights of the deceased, both aged 15 years. Consequently, the Commission issued a show cause notice under Section 18 of the PHRA, to the Government of Gujarat through its Chief Secretary, as to why compensation of Rs. 3,00,000/- each (Rupees Three Lakh only) should not be recommended to the next of kin of both deceased individuals. In response to the Commission's directive, it was submitted that the families of the deceased victims were compensated a total of Rs. 5,00,000/-. The Department of Agriculture of the State Government provided rupees two lakh each through the "Janta Akasmat Bima Yojana" scheme, while the electricity company MGVL contributed an additional Rs. 50,000/- to each affected family. Hence, a total sum of Rs. 2.50 Lakh was disbursed to each affected family. The report further confirmed that a thorough enquiry was conducted, and appropriate actions were taken against the negligent parties. In view of the above, the Commission closed the case on 22 August 2022.

**21.) Death of contractual lineman due to electro-cution owing to violation of safety norms and Labour Laws by Power Corporation Officials in Ludhiana, Punjab
(Case No: 592/19/10/2019)**

The Commission received an intimation on 24 June 2019, concerning the tragic death of a contractual lineman, who died due to electrocution. The complaint alleges a serious violation of safety norms and labour laws, attributing the

incident to the serious negligence of Power Corporation JE and others.

In response to the Commission's directions, the requisite reports on the matter were received from the authorities concerned. The action-taken report revealed that the deceased was engaged by JE without authorisation from the competent authority of PSPCL. The PSPCL disputed the negligence attributed to it, stating that the deceased was engaged without their permission, and no written demand for compensation was submitted by the family. However, the Commission disagreed with the PSPCL's contention and held the Corporation liable for negligence. It was observed that the accused JE was an employee of PSPCL and had engaged the deceased for work on an 11kv Feeder belonging to PSPCL. The PSPCL's knowledge about the deceased's engagement strengthened the case of negligence against them. The PSPCL also claimed that there was a mutual agreement between the NoK of the deceased and accused JE not to initiate any legal action. However, the Commission deemed this agreement void under the Indian Contract Act, 1872. It was evident from the records that departmental action had been initiated against the accused JE, further confirming negligence.

Consequently, the Commission issued a show cause notice to the Government of Punjab, as to why the Commission should not recommend a compensation of Rs. 5,00,000/- (Rupees Five Lakh only) to the NoK of the deceased. In response, PSPCL acknowledged negligence on the part of the concerned JE and initiated a departmental enquiry against him. Upon considering the response, the Commission found PSPCL vicariously liable for the death due to negligence. The pending trial under Section 304 IPC did not absolve PSPCL from compensating the NoK of the deceased. The Commission confirmed its show cause notice and directed the Chief Secretary, Government of Punjab, to release compensation of Rs. 5,00,000 to the NoK of the deceased. In pursuance to the above, PSPCL complied with the recommendation and paid the compensation to the wife of the deceased. As the recommendation had been complied with, the case was closed on 20 March 2023.

**22.) Unlawful detention of woman for three years due to mistaken identity by Police in Kokrajhar, Assam
(Case No: 137/3/11/2019)**

The Commission received a complaint on 29 June 2019, alleging that the victim was unlawfully detained by the border branch of the Assam Police in 2016 due to mistaken identity. She was declared a foreigner by the Foreigners

Tribunal and detained at Kokrajhar Detention Centre in Assam.

The Commission took cognizance of this matter and relevant reports were received from the authorities concerned. A report from Superintendent of Police revealed that she had been erroneously detained by the border branch of the Assam Police on 18 November 2016, due to a case of mistaken identity. Despite possessing all the necessary documents and records, the authorities in the border branch failed to acknowledge her claims or review the documents and records presented by her brother. The Commission observed that the admission of illegal detention by state authorities established a blatant violation of the victim's human rights and her unjustified curtailment of freedom for three years.

The Commission noted that the State bears the responsibility to compensate the victim for the damages she endured. Thus, the Commission issued a Show Cause notice under Section 18 of the PHRA to the Government of Assam through its Chief Secretary, inquiring why the Commission should not recommend a compensation of Rs. 2,00,000/- (Rupees Two Lakh Only) for the victim.

In response, the Under Secretary, Political (A) Department, Dispur, Government of Assam, forwarded a detailed report which revealed that a total of 13 police officials, including Inspector, were found guilty. Disciplinary action was initiated against five of the implicated officials, and the Superintendent of Police, was instructed to initiate departmental proceedings against the remaining individuals.

Upon reviewing the report, it was noted that disciplinary action had been initiated against the erring police officials. However, the report did not address the Show Cause notice under Section 18 of the PHRA, indicating that the concerned authority had no objections to the notice issued by the Commission. Consequently, the Show Cause notice and recommendation were confirmed.

Following subsequent directives, the Commission received a communication from the Under Secretary to the Government of Assam, Political (A) Department, confirming the payment of Rs. 2,00,000/- as compensation to the victim. Given these developments, no further intervention by the Commission was deemed necessary. Consequently, the case was closed on 16 November 2022.

23.) Allegations of prisoner non-release at Central Prison, Bareilly, Uttar Pradesh.

(Case No: 6969/24/14/2020)

The Commission received a complaint on 06 March 2020 from a resident of Lucknow, Uttar Pradesh. The complaint highlighted a concerning situation at the Central Prison in Bareilly, Uttar Pradesh. He pointed out that 95 convicted prisoners eligible for release were still incarcerated, leading to overcrowding in the jails and causing frustration among the prisoners.

The Commission took cognizance of the matter, recognising that such cases represented a serious violation of human rights. Consequently, it called upon the relevant authorities to provide the necessary reports. In response, the Additional Chief Secretary of Prison Administration and Correctional Services, Government of Uttar Pradesh, and the Deputy Inspector General of Prison Administration and Correctional Services, Government of Uttar Pradesh, submitted their respective reports.

Upon reviewing these reports, it became evident that the government had established a Committee to consider the premature release of convict prisoners, and actions were being taken based on the Committee's recommendations. According to the provided information, a proposal for the premature release of 308 convict prisoners was made by Central Jail, Bareilly, on Republic Day, 2019, in accordance with the Government Order (GO) dated 01 August 2018. Between 26 January 2019 and 19 June 2019, a total of 271 inmates were released. Additionally, 18 inmates were released following court orders or the disposal of mercy petitions, while release orders for 18 inmates were pending. Unfortunately, one inmate passed away due to illness.

According to the reports, a proposal for the premature release of 145 convict prisoners, including the aforementioned 18, from Central Jail, Bareilly, was made for Republic Day, 2020. Out of these, 57 had already been released, and one had passed away. Subsequently, the revised Government Order now stipulated that convict prisoners would be released prematurely on seven occasions throughout the year. The Commission also noted that the State Government had issued Government orders for the premature release of convicts from various jails, and a Committee was in place to assess proposals from different correctional facilities. In light of the petitioner's allegations, the report contained specific

figures related to Central Jail, Bareilly, which contradicted the petitioner's claims. Therefore, a copy of the report was forwarded to the petitioner, with a request for comments within a period of four weeks. However, no response was received from the petitioner. In view of the above, the case was closed on 13 April 2022.

7.2 Health and Mental Health

7.2.1 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. 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 realises 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."

7.2.2 Since the time the NHRC came into existence in 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.

7.2.3 The NHRC which has long monitored the country's mental health care institutions decided to hold specific sessions to raise mental health awareness in the workplace. The Commission believed that since the COVID-19 pandemic, mental health concerns have received increased attention, which may be addressed more effectively by raising awareness and providing prompt counseling, and psychological therapy. Justice Shri M. M. Kumar, Member, NHRC, opened the first of a planned series of such sessions on 'Workshop on Mental Health Awareness' on 01 June 2022, in the presence of the Secretary General and other senior officers. Ms. Mimansa, Clinical Psychologist, Fortis Healthcare Gurugram, conducted the session. Attendees included NHRC officials as well as

individuals working in nearby offices, such as the Central Vigilance Commission, Aayush Ministry, and National Consumer Disputes Redressal Commission.

7.2.4 The Hon'ble Supreme Court by an Order dated 11 November 1997 in Writ Petition (C) Nos. 339 of 1986, in the matter of Rakesh Chandra Narayan and Others vs State of Bihar & Ors. inter-alia directed as below:

"We have today made an order in Upendra Baxi (Dr.) v. State of U.P. requesting the National Human Rights Commission to be involved in the supervision of the functioning of the Agra Protective Home in the manner indicated in the order. We are of the opinion that the same kind of order needs to be made in this matter, also relating to Agra, Ranchi and Gwalior asylums. Accordingly, we request the National Human Rights Commission to perform this exercise in the same manner. The general directions given in our order made in Dr. Upendra Baxi would also be equally applicable in the present case. A copy of this order together with a copy of the order in Dr. Upendra Baxi, and other relevant orders and papers of this matter indicated by Shri Muralidhar, be sent by the Registry to the National Human Rights Commission."

As may be seen, the Hon'ble Supreme Court, in the said order directed the District Judge of Agra to continue to monitor the affairs of the Agra Mental Asylum and give the necessary directions from time to time, as may be required for this purpose and send periodic reports to the NHRC with a copy of the Registry of the Hon'ble Supreme Court. The Hon'ble Supreme court passed another order in 2004, stating that this exercise would also be extended to Gwalior and Ranchi mental institutions and all other general directions mentioned in the order of Agra Protective Home, would be equally applicable to these two States.

7.2.5 Upon analysing the visit reports submitted to the Commission by the District Judges of Gwalior, Agra and Ranchi, the alarming state of all the four mental health institutions (MHIs), namely, Gwalior Mansik Arogyashala (GMA), Gwalior; Institute of Mental Health and Hospital (IMHH), Agra; Ranchi Institute of Neuro-Psychiatry and Allied Sciences (RINPAS), and Central Institute of Psychiatry (CIP), Ranchi, came to light. The NHRC then took immediate action and scheduled visits to all four MHIs to have first-hand knowledge of the condition and functioning of the institutes and also to conduct workshops in each

institute to discuss the key challenges and issues and formulate a plan for their efficient functioning. The visit of the NHRC delegation to these four institutes accentuated the challenges, and status of mental health institutions in the country. Thus, the Commission promptly directed its Special Rapporteurs to visit forty-three government mental health institutes, pan India, to inspect and submit a report to the Commission.

7.2.6 To have first-hand knowledge of the present condition and to formulate a long-term plan for the efficient working, NHRC Delegation headed by hon'ble Chairperson, along with the Members, Secretary General and Joint Secretary visited GMA on 12 July 2022. The visit was followed by a workshop to formulate a plan for efficient working of the institute. The delegation visited the IMHH, Agra on 27 July 2022. The visit was followed by a workshop on 28 July 2022, with a purpose to sensitise all the stakeholders about various challenges relating to mental health. The delegation visited RINPAS and CIP on 17 August 2022, followed by a workshop on 18 August 2022.

7.2.7 The Commission issued an Advisory to prevent, minimise and mitigate ocular trauma on 11 October 2022 to the concerned Union Ministries, States/UTs for its implementation. The Advisory has focused on five keys areas for action by the Centre, States and UT Administrations, which include Creation of a Database on Ocular Trauma, Prevention and Minimization of Ocular Trauma, Treatment of Ocular Trauma, Development of Integrated ophthalmic trauma units and Rehabilitation of Victims of Ocular Trauma. The detailed advisory may be accessed on the website of the Commission i.e. www.nhrc.nic.in.

7.2.8 Illustrative Cases

1.) Death of a newly born due to negligence of the medical staff and doctors at Arokiya Hospital in Salem, Tamil Nadu

(Case No. 686/22/31/2019)

The Commission received a complaint on 19 March 2019, alleging medical negligence during her stay at Arokiya Hospital in Salem, Tamil Nadu. She had been admitted to the hospital on 22 January 2019, for the delivery of her child, with an expected delivery date of 7 February 2019. However, the Doctor, insisted on her admission on 22 January 2019. The victim gave birth to a baby boy weighing 2.800 kg on 24

January 2019, at 3:14 PM. The infant remained in the labour ward with her for approximately six hours before displaying distressing symptoms such as continuous crying and breathing difficulties through the mouth. Subsequently, the baby was transferred to the Neonatal Intensive Care Unit (NICU) and tragically passed away.

The Commission took cognizance of the matter and called upon the authorities concerned to submit the requisite reports. In response, the Joint Director of Health Services in Salem, Tamil Nadu, in a communication dated 19 July 2019, forwarded an inquiry report confirming that the infant's death resulted from medical negligence. A copy of this report was shared with the victim for her comments, but she did not respond. Consequently, on 8 January 2020, the Commission closed the file. However, the Commission revisited the matter, considering the allegations made in the complaint dated 18 March 2019, and the Medical Board's report submitted by the Joint Director of Health Services in Salem on 19 July 2019. The report revealed gross negligence and lapses by the doctors and paramedical staff at Arokiya Hospital in Salem. This negligence not only led to the unnatural death of the infant but also jeopardised her life. The Medical Board's report was also forwarded to higher authorities, including the National Health Mission and Medical Rural Health Services in Chennai. It remained unclear whether punitive action had been taken against Arokiya Hospital, Salem, and the culpable doctors and paramedical staff. Therefore, the Commission issued a notice under Section 18(a)(i) of the PHRA, to the Government of Tamil Nadu, through its Chief Secretary, as to why a compensation of Rs. 3, 00, 000/- (Rupees Three Lakh only) should not be recommended for payment to the victim for the violation of her human rights. Additionally, the Principal Secretary of the Department of Health and Family Welfare, Government of Tamil Nadu, was asked with submitting a detailed action report concerning the hospital and paramedical staff. In accordance with the Commission's directives, a compliance report was received, along with acknowledgment of the payment of the compensatory amount of Rs. 3,00,000/ for the loss of her child. After the compensation was disbursed to the victim, the Commission closed the case on 12 May 2022.

2.) Death Resulting from Medical Negligence during Caesarean Operation in District Keonjhar, Odisha

(Case No. 4082/18/7/2017)

On 21 August 2017, the Commission received an intimation from a resident of District Keonjhar, Odisha. He alleged the death of his wife due to medical negligence, who gave birth

to twins on 10 July 2017 at DHH, Keonjhar. Subsequently, she was transferred to Cuttack Medical Hospital, where the attending doctor recommended shifting her to a private nursing home to access an ICU facility. Consequently, she was admitted on 11 July 2017 but tragically passed away during the night. The complainant asserted that medical negligence occurred during the caesarean operation.

In response to the Commission's directions, the requisite reports on the matter were received from the authorities concerned. Based on the reports received from the State authorities and upon thorough review of the facts and circumstances, the Commission noted that there was no negligence in the treatment of the victim. However, it was acknowledged that due to the unavailability of a ventilator, the patient was referred to SCB Medical College, Cuttack, in an ambulance without advanced life support systems. Moreover, as there was no vacancy in the ICU at SCB Medical College, Cuttack, the patient was further referred to the private nursing home, where she ultimately succumbed. The Commission deemed this case to be an instance of gross negligence and took subsequent actions. A show-cause notice under Section 18 of the PHRA was issued to the Government of Odisha through its Chief Secretary, inquiring why the Commission should not recommend compensation of Rs. 2,00,000/- (Rupees Two Lakh only) to the NoK of the deceased victim. However, the Government of Odisha challenged this decision before the Hon'ble High Court of Odisha. The Hon'ble High Court upheld the Commission's recommendation at the admission stage of the petition only. In an order dated 04 February 2022, the High Court directed the Government of Odisha to release the recommended compensation amount to the complainant. Pursuant to the Commission's directives, the Additional Secretary of Health and Family Welfare Department, through a communication dated 03 November 2022, confirmed the disbursement of the compensation amount of Rs. 2, 00, 000/- to the NoK of the deceased. Accordingly, the matter was closed on 20 December 2022.

3.) **Death caused by greed and negligence of Government Doctor at Pitambar Hospital, Dafi, Varanasi, Uttar Pradesh**

(Case No. 28273/24/72/2019)

The Commission received an intimation dated 28 September 2019 about the death of the complainant's son who was admitted to the District Hospital, Mirzapur, for an appendix operation on 12 September 2019. However, based on the advice of a doctor from District Hospital, his son was discharged and subsequently taken to Pitambari Nursing Home,

a private hospital run by the same government doctor. Tragically, on 15 September 2019, his son underwent the operation but did not survive. The complainant contended that his son's kidney had been removed due to negligence and greed, leading to his untimely death.

The Commission took cognizance of the matter and requested the relevant authorities to provide the necessary reports. An inquiry committee was subsequently formed, and their investigation revealed several critical findings. Firstly, it was determined that the government doctors responsible for the treatment had violated the Uttar Pradesh Government Servant (Disciplinary and Appeal) Rules, 1999. Additionally, it came to light that the erring doctor had exerted pressure on patients to receive treatment at his private hospital. Furthermore, it was uncovered that the complainant's son had indeed received treatment at the private hospital operated by the erring government doctor. Tragically, the son passed away during the course of this treatment. As a result of these findings, the State government was held vicariously liable for the actions of the erring government doctor.

In response, a show-cause notice was issued under Section 18 of the PHRA, to the Government of Uttar Pradesh through its Chief Secretary as to why the Commission should not recommend compensation of Rs. 1, 00, 000/- (One Lakh only) to the complainant, who was the father of the victim. The Chief Secretary of the Government of Uttar Pradesh was instructed to provide an updated departmental inquiry report regarding actions taken against the erring doctor. However, in a report dated 17 October 2021, the Additional Deputy Commissioner of Police, Circle Nodal Officer, Commissionerate Varanasi, stated that the complainant had not initially lodged a complaint against the doctor. Consequently, no local police investigation was conducted. The matter was reported as pending before the Director (Admin) Medical & Health Services, Lucknow, UP, making further police action unnecessary.

The Commission duly considered this report. Since no report had been submitted by the Chief Secretary of the Government of Uttar Pradesh, signifying a lack of response or action on their part, the Commission reaffirmed its recommendation for the payment of Rs. 1,00,000/- (One Lakh only) as compensation to the complainant. In compliance with the Commission's directives, it was conveyed by the Special Secretary, Health, Government of U.P. that the NoK of the deceased had received Rs. 1,00,000/- as monetary compensation. Disciplinary action against the delinquent public servant was initiated, and the Inquiry Committee, headed by



Image 7.1: NHRC team during the inspection of Gwalior Mansik Arogyashala on 12 July 2022

the Director (Admin), Medical and Health Services, Lucknow, U.P., found the allegations against the doctor to be true under Rule 7 of the Uttar Pradesh Government Servant (Disciplinary and Appeal) Rules, 1999. The committee subsequently forwarded its recommendations to the UP/ PSC, Prayagraj, for approval, which were pending. With no further grounds for intervention identified, the Commission officially closed the case on 11 January 2023.

4.) **Mental health concerns in Noida siblings' case** (Case No: 26068/24/30/2022)

The Commission received a complaint on 25 August 2022, from a resident of Sector-23, Noida, Gautam Budh Nagar (UP), raising concerns about the plight of a brother and sister who had been declared mentally unstable and violent by doctors and the Chief Medical Officer (CMO) in Noida. It was alleged that the City Magistrate had ordered their transfer to a mental hospital on 24 February 2022, based on the CMO's report. Despite this order, the complainant and the Resident Welfare Association (RWA) claimed that the authorities had failed to take the necessary action. They expressed concerns about the safety of the residents, as the siblings posed a risk to themselves and others in the society. However, they also believed that the siblings, as citizens of the country, deserved appropriate treatment for their mental illness.

Upon taking cognizance of the matter, the Commission directed its Registry to issue notices to the District Magistrate, Gautam Budh Nagar, the Commissioner of Police, Gautam Budh Nagar, and the CMO, Gautam Budh Nagar. They were instructed to submit an action-taken report



Image 7.2: NHRC team during the inspection of Institute of Mental Health and Hospital, Agra on 27 July 2022

within one week. Failing to do so, these authorities were scheduled to appear before the Commission in its office. Following the Commission's directive, the District Magistrate, Gautam Budh Nagar, submitted a report dated 02 September 2022, mentioning that a team of mental health experts had examined the siblings at their residence on 27 August 2022, based on the recommendation of the CMO, Gautam Budh Nagar. The experts determined that both siblings were suffering from serious mental ailments and recommended their transfer to the Mental Hospital in Agra, Uttar Pradesh. The Commission also received an action taken report from the Commissioner of Police, Gautam Budh Nagar, 02 September 2022, which forwarded a report from ACP-II, Gautam Budh Nagar. The report confirmed that both the brother and sister had been shifted to Mental Hospital, Agra, along with a team of doctors, a ward-boy, and a staff nurse, using a government ambulance, as indicated in GD Entry on 02 September 2022.

The Commission carefully considered these reports and noted that the authorities had acted in a coordinated and prompt manner by relocating the siblings to Mental Hospital, Agra. The Commission reviewed the records and observed that the complainant, who had been given an opportunity to provide comments on the police report, had not submitted any comments within the prescribed time frame. Consequently, the Commission presumed that the complainant had no further concerns to raise in the matter. Under these circumstances, the reports were accepted, and the case was officially closed on 04 October 2022.

5.) A lady Doctor died by suicide after registration of FIR against her by Police of Dausa, Rajasthan, for alleged medical negligence leading to death of her patient.

(Case No. 1150/20/11/2022)

The Commission took cognizance of death by suicide of a lady Doctor in a private Hospital in Dausa Rajasthan, after an FIR u/s 302 IPC, was registered against her, for alleged medical negligence leading to death of her patient. She was a mother of two minor children. The registration of FIR was in violation of guidelines issued by the Hon'ble Supreme Court of India, which provide that a doctor cannot be charged with criminal negligence without proper examination by an expert committee.

The reports received, pursuant to the Commission's directions in the matter, revealed that PS Lalsot FIR No. 155/2022 u/s 302 IPC was registered against the deceased. However, a Medical Board, constituted by the Chief Medical and Health Officer to enquire in the matter, did not find any negligence on her part in discharge of her duties towards the patient. She was allegedly harassed by some persons, who were instrumental in registration of FIR against her, due to which she had died by suicide. On a complaint from her husband, PS Lalsot FIR No. 157/ 2022 u/s 384/ 388/ 306 IPC, was registered, which ended in Charge Sheet dated 29 May 2022 u/s 147/ 149/ 306/ 384/ 388 IPC against all the named accused.

On perusal of the report, the Commission observed that it was amply clear that the accused Police officials had been negligent in registering the FIR against the deceased doctor, and did not comply with the directions dated 05 August 2005, of a three judge Bench of the Hon'ble Supreme Court in the Jacob Mathew v. State of Punjab (2005) 6 SCC 1. This judgment has also been upheld on 12 November 2013, by a five judge Constitution Bench in the Lalita Kumari vs. Govt. of U.P. (2014) 2 SCC 1. The Court held that Police should not register an FIR against a Doctor for alleged medical negligence, without prior examination, by an Expert Committee. This negligent act by the Police caused agony and mortal apprehension to her, who resultantly died by suicide. The Commission, therefore, issued notice to the Chief Secretary, Govt. of Rajasthan, to show Cause as to why the Commission should not recommend u/s 18(c) of the PHRA, payment of Rs. 5 lakh as compensation to the NoK of the deceased victim.

The State of Rajasthan initially opposed the grant of compensation on the ground that, the case was registered

against the deceased doctor to maintain law & order and no negligence was committed by the Police Officers. However, as per the report, two Police officers had been suspended and departmental action initiated against them for registration of the FIR against her. The Commission did not find the submissions made by the state sustainable and confirmed its recommendation for grant of compensation. In compliance of the Commission's recommendations, the competent authority sanctioned the compensation amount of Rs. 5,00,000/- to NoK of the deceased doctor. The Commission also directed the DGP, Rajasthan, to organize a workshop to sensitize its officials and to frame Guidelines, as per directions of the Hon'ble Supreme Court in the Jacob Mathew Case Judgment, to deal with alleged criminal negligence by doctors, so as to prevent recurrence of such unfortunate incidents. The Commission also decided to seek report on compliance of Jacob Mathew Case Judgment from other states/ UTs.

6.) Silicosis compensation dispute in Gujarat, India.

(Case No: 1067/6/3/2020)

On 28 July 2020, the Commission received a complaint filed on behalf of a victim. The complaint alleged that her husband had succumbed to silicosis in 2012. She had received only Rs. 1,00,000 from the Gujarat Rural Workers Welfare Board on 01 May 2016. However, the remaining amount of Rs. 3,00,000, as recommended by the National Human Rights Commission in Case No. 511/6/3/2010, had not been provided to her.

Upon taking cognizance of the matter, the Commission directed its Registry to forward the complaint to the Chief Secretary of the Government of Gujarat. This directive was issued with the intention of prompting appropriate action within eight weeks. The directive also emphasised the importance of involving the complainant/ victim and keeping them informed of the actions taken.

In response to the Commission's directives, the Under Secretary of the Skill Development and Employment Department, Government of Gujarat, based in Gandhinagar, sent a letter mentioning a security scheme related to financial assistance for the legal heirs in cases of silicosis-related deaths of self-employed professionals in the Akiks business. This scheme, as per Government Resolution No. lws-142011/715751-M3, dated 04 January 2014, and subsequent amendments, authorised a payment of Rs. 1 lakh. It was stated that this amount had already been disbursed to the legal heir of the deceased.

However, the Commission noted that the report did not address the outstanding payment of Rs. 3,00,000, as previously recommended. In the earlier case, the Commission had advised an additional sum of Rs. 3,00,000 (Three Lakh only) for the NoK of each of the 61 confirmed silicosis-related deaths. Out of this amount, Rs. 1,00,000 was to be provided in cash, and the remaining Rs. 2,00,000 was to be deposited in a Fixed Deposit account in the name of the NoK of the deceased individual, with the interest intended to support their dignified living. As a result, the Commission instructed the Chief Secretary of the Government of Gujarat to submit an additional report to address the outstanding balance of Rs. 3,00,000 that had not been paid to the NoK of the deceased silicosis victim. Failure to comply with this directive would lead the Commission to consider invoking provisions under Section 13 of the PHRA.

In response to the Commission's further inquiry, the Deputy Secretary to the Government of Gujarat, Labour Skill Development and Employment Department, sent a letter mentioning that an FD of Rs. 2 lakh had been established in her name. In light of the State Government's acceptance of the Commission's recommendation, the case was officially closed on 31 October 2022.

7.) Silicosis compensation case in Jodhpur, Rajasthan: Commission's decision

(Case No: 1186/20/19/2020)

On 28 July 2020, the Commission received a complaint concerning the tragic deaths of individuals due to Silicosis. The complainants alleged that the next of kin of the deceased had not received any financial assistance from the State Government. Upon taking cognizance of the matter, the Commission reviewed a report from the District Magistrate of Disaster Management and Assistance in Jodhpur, Rajasthan. The report stated that while the victim had been registered for Silicosis, Silicosis Certificates had not been issued to the victims or their dependents due to an immediate arrangement issue. As a result, payment under the existing policy was not possible, given the current online payment process. Currently, payments were being made at the departmental level through a centralised process for Silicosis victims and their dependents.

The Commission noted that the excuse for not issuing Silicosis certificates was primarily an administrative lapse. Consequently, the Commission directed the Chief Secretary of the Government of Rajasthan and the District Magistrate of Jodhpur to provide a sum of Rs. 5 lakh to the next of kin of the deceased within four weeks. Failure to comply would

result in both of them having to appear in person before the Commission.

In response to this directive, the Additional Chief Vigilance Commissioner of the Home Department of the Government of Rajasthan submitted a report indicating that financial approval for an ex-gratia payment of Rs. 5,00,000 in favour of the deceased's next of kin had been issued to the District Collector of Jodhpur. The process of making the payment to the next of kin was underway and was expected to be completed within 15 days. The report was accompanied by a copy of the sanction order.

Taking this into account, the Commission closed the matter on 20 July 2022, and directed the District Collector of Jodhpur, Rajasthan, to disburse the sanctioned Rs. 5 lakh to the next of kin of the deceased, at the earliest. In the event of non-payment, the District Collector was instructed to submit a compliance report along with proof of payment to the Commission within four weeks.

After the case was closed, the Commission received a letter from the District Collector of Disaster Management and Assistance in Jodhpur, Rajasthan, requesting a review of the earlier recommendation due to concerns about setting a precedent. The Commission, however, declined the request, stating that the sanction for the Rs. 5 lakh compensation had already been issued in line with NHRC's recommendation, and the State Government couldn't change its stance at this point. The Commission emphasised that the victim's death was due to Silicosis, and the state machinery's failure to provide necessary documentation resulted in a lack of evidence for the victims and their families. The Commission believed that when there was documentary evidence of Silicosis, the state should proactively provide compensation to the victims' families, given its failure to protect the workers' right to health. Referring to a 2010 Supreme Court case (*People's Rights and Social Responsibility Centre (PRASAR) and Ors. vs. Union of India and Anr.*), the Commission stressed the need to protect workers affected by Silicosis and improve working conditions in silica dust-prone industries. The Ministry of Health and Ministry of Labour were entrusted with assisting NHRC in identifying confirmed Silicosis cases and recommending medical relief and compensation for Silicosis-related deaths. The Commission reiterated its recommendation for the payment of Rs. 5,00,000 to the next of kin of the deceased, following the Supreme Court's directives, with proof of payment to be submitted to the Commission within four weeks. Hence, the case was closed.

7.3 Rights of Women

7.3.1 NHRC, taking note of the greater challenges faced by women, has been committed to protecting and promoting their rights from its inception, giving due importance to this thematic area in its work and functioning. India is party to several major international conventions pertaining to the rights of women, the most important of which is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979. CEDAW has 189 UN member states as its signatories and was ratified by the Government of India in 1993. Consequently, the provisions of the convention are reflected in the policies, laws, schemes, and programmes for women being run by the Government of India. It is disheartening to note that despite the existence of conventions, laws, and initiatives by the Government of India as well as state governments, there still remains a long way to go when it comes to the rights of women in India. Recognising the critical need to have targeted and suitable coverage of all the major issues pertaining to the rights of women, the Commission has a Core Group on Women.

7.3.2 A meeting of the Core Group on Women was conducted on 5 September 2022 on 'Women's Health, Survival and Nutritional Status: Challenges and Way Forward'. The session was chaired by Justice Shri Arun Mishra, Chairperson, NHRC, and senior officers of the Commission; members of the Core Group on Women, as well as representatives from the Ministry of Health and Family Welfare, Ministry of Women and Child Development, Ministry of Tribal Affairs, Ministry of Rural Development, and Ministry of Panchayati Raj participated in the meeting. The objectives of the meeting included identifying issues/challenges in access to health services and health care system and the way forward to improve health, survival, and nutritional status of women and girls in India. After due deliberations, following recommendations emerged:

- There is a need for convergence of initiatives taken by the Ministry of Health and Family Welfare with other ministries for better implementation.
- A sensitisation training programme for healthcare personnel is needed to improve women's health and nutritional status in various castes and religious communities.

- A coordinated multi-sectoral approach is needed in order to ensure women's health and nutritional requirements.
- Proper implementation of the Prohibition of Child Marriage Act, 2006, may be ensured as it affects the health of a large number of girls and their offspring.
- For improvement of the health infrastructure, the availability of CSR funds may also be considered by the government.

7.3.3 The Commission organised a one day conference on "Gender and Sexuality: Stigma Discrimination and Exclusions" in collaboration with Tata Institute of Social Sciences (TISS), Mumbai on 11 March 2023. This conference was the first from of a series of three conferences to be organized by the Advanced Center for Women's Studies, TISS. The main objective of the conference was to understand the implications of stigma and discrimination on sexual and reproductive health and to find out strategies to avoid exclusionary practices in terms of caste, class, disability, gender, gender orientation, marital status and age in public health system. The key topics included, stereotypes and greater violence faced by persons marginalised on the grounds of gender and sexuality, including especially those living with disabilities. Other topics that were addressed included the discrimination and violence faced by queer women, transpersons, and women from Dalit, Bahujan, and Adivasi communities, concluding with the way forward to ensure that the human rights of these communities may be protected and promoted.

7.3.4 Illustrative Case

1.) Dowry death of a lady by her husband and in laws in Etah, UP and leaving her dead body outside the house, Case No. 23231/24/22/2020-WC

The Commission received the complaint that the victim was killed by her husband and in laws for want of dowry. It was further submitted that on 29 August 2020, he had received a call from her daughter requesting him to save her from her in-law otherwise they would kill her. On the next day, they got a call informing that his daughter was murdered. It was also stated that after the murder, her body was left outside the locked house with her two years old daughter and the

accused fled from the spot. A case crime No. 149/ 2020 u/s 498A/ 304B IPC, 3/4 DP Act was registered at PS Rijor, but the accused persons were freely moving and threatening to make a compromise in the matter. He requested proper investigation of the case and stern action against the accused persons.

Pursuant to the direction of the Commission, it was informed by the ASP/ Nodal Officer, Etah, enclosing the enquiry report of Circle Officer, that on complaint, an FIR was registered against the husband and in-laws. The accused persons were arrested and sent to jail. A charge sheet was filed in the matter. In further directives of the Commission, the DM, Etah informed that the District Steering Committee, Etah, sanctioned a compensation of Rs. 3, 00, 000/- to the child of deceased victim under Clause 2 of "Rani Laxmi Bai Mahila Samman Kosh Rules, 2015" and order of District Steering Committee, Etah, was forwarded to the Vihit Pradikari, Rani Laxmi Bai Mahila Samman Kosh Scheme, Lucknow, for payment to the beneficiaries.

Keeping the above developments in view, the Commission closed the case informing the applicant as well with direction to the Special Secretary/ Vihit Pradikari, Rani Laxmi Bai Mahila Samman Kosh Scheme, Women and Child Development Dept., Govt. of UP, to release the sanctioned amount of Rs. 3,00,000/- to the children of deceased victim within prescribed time limit. The commission considered the reports and accordingly closed the case on 29 November 2022.

2.) **Sexual harassment and murder of ST girls by teachers and staff in Ashram schools of Maharashtra,**

Case No: 308/13/8/2017

This matter pertains to alleged death of over 500 scheduled tribe girls under suspicious circumstance in the State-run Ashram schools over the past decade in various districts of Maharashtra State. The matter was published in the newspaper DNA Mumbai edition dated 14 January 2017. It was also reported that the tribal girls were also found to be victims of sexual abuse at school.

Pursuant to the directions of the Commission, Chief Secretary, Govt. of Maharashtra, vide letter dated 09 February 2017 forwarded a detailed report of Deputy Secretary, Tribal Development Department, Govt. of Maharashtra, wherein the various measures taken by the government in the matter were submitted. As regards the

case of the tribal girl, who was found to be a victim of sexual abuse, it was informed that the victim was from a privately run institution. As directed, a District Level Committee of lady officers including police inspected all the Ashram schools and interacted with the girl students and submitted a detailed report. In cases where there were complaints of sexual harassments, serious action was taken against the accused. All Ashram schools were instructed to install CCTV cameras, emergency bells, appointment of Lady Superintendent, construction of compound walls, deployment of security guards, provision of sanitary napkins to the teenage girls, monitoring of health care/menstruation cycle by female wardens, routine periodic checkup of urine test of tribal girl students and to impart hygiene training to female students. Further, vide communication dated 15 February 2019, Deputy Secretary, Tribal Development, Govt. of Maharashtra submitted that out of 502 Ashram schools, CCTV cameras have been installed in 285 schools and a pilot study is underway to connect 30 government Ashram schools in Nasik District through a central CCTV surveillance system. As regards construction of compound walls, it was submitted that, out of 502 schools, compound walls have been constructed in 363 schools. Advertisement for filling up of vacant posts was also published and the recruitment process was undergoing and it was assured that all the vacant posts would be filled by February 2019. The Commission, thereafter, considering the aforesaid report, vide its proceedings dated 17 June 2019, sought a further status report from Secretary, Tribal Development Department, Govt. of Maharashtra.

In response to the above directions, Deputy Secretary, Tribal Development Department, Govt. of Maharashtra vide communication dated 05 December 2019 submitted that, out of 497 Ashram schools, CCTV cameras had been installed in 285 schools. A pilot project was also reported to begin in 26 tribal establishments in Nashik PO. This included four Ashram schools, 21 hostels and one Eklavya Model Residential school. Compound walls were also constructed in 417 Ashram schools, out of 497. As regards filling up various vacancies in the Ashram schools, it was informed that joining order for 1,036 teachers' posts, out of 1,392 had been issued and 961 out of them joined service. It was also submitted that powers had also been given to Project Officers to employ security guards on outsourcing basis with a view to strengthen safety and security of the children in the Ashram schools. The Commission considered the aforesaid reports and the instant case was closed on 26 April 2022.

3.) Kidnapping, gang rape and murder of a minor girl in Sahibganj, Jharkhand

(Case No:1285/34/17/2020)

The Commission received a complaint of kidnapping, gang rape and murder of a minor girl. Violent sexual assault was committed on the person of the deceased before death. A case was registered but the accused was not arrested till then and there was no progress in the case.

On calling the report from SP Sahibganj, it was communicated that a case under POCSO Act was registered against five accused persons. They were arrested and jailed. A team of doctors was constituted, which opined the cause of death as asphyxia as a result of strangulation by ligature. However, the viscera was pre- served and the above-mentioned sample was called for further information. Violent sexual assault was committed on the person of the deceased before death. During investigation, all allegations were found true against accused persons. Later on, in another report dated 25 February 2022, the said SP, along with the report of SDPO dated 07 February 2022, confirmed that a charge sheet under POCSO Act was filed in the court. The accused are in judicial custody. A recommendation for compensation to the NoK of the victim was forwarded. The report of DC, Sahib Ganj, Jharkhand, confirmed that the payment of monetary compensation of Rs. 10,00,000/- was paid to NoK/ father of the victim. The Commission closed the case on 12 July 2022.

4.) Tragic acid attack in Mathura, Uttar Pradesh: one dead, two injured

(Case No: 32558/24/52/2016)

The Commission received an intimation on 22 August 2016, alleging that the accused persons had thrown acid on the victims, two sisters, and their mother on 14 July 2016. The victims had sustained grievous injuries, and despite the complaint, the police had not taken any action against the accused persons. Moreover, the accused persons had further threatened the complainant with the same consequence.

In response to the Commission's directives, reports were received from the relevant authorities. The report received from the SP (Crime/Nodal Officer HR), District Mathura, stated that a case was registered against the accused person. The remaining accused had surrendered before the court, and the charge sheet against them had also been filed in court. The Commission, after considering the material placed on record, had directed the SP (Crime/Nodal Officer HR), District Mathura, to consider the guidelines of the

Supreme Court regarding compensation in acid attack cases provided in Laxmi's case (2015) 5 SCC 77 and to assist the NoK of the deceased in obtaining compensation from the District Legal Services Authority under Section 357A of the Cr.PC within four weeks.

In response, the SSP (Crime/Nodal Officer HR), District Mathura, had informed the Commission that a compensation of Rs. 10 lakh had already been paid to the parents of the deceased, and a sum of Rs. 3 lakh had also been sanctioned. However, no compensation could be granted to one sister due to only two per cent acid attack.

The Commission had considered the material placed on record and had noted that, according to the Supreme Court's directions, the minimum compensation for a victim of acid attack was Rs. 3 lakh. The term used was "acid attack victim", and there was no mention of the quantum of the acid attack. Hence, even with only two per cent injury, she was entitled to compensation.

Pursuant to further directions from the Commission, SSP Mathura, Uttar Pradesh, had submitted the report of CO City, Mathura, along with enclosures, which had revealed that the NoK of the deceased had been paid Rs. 10 lakh in compensation. Further compensation of Rs. 3,00,000/- had been sanctioned by the Department of Women and Child Welfare in favour of the injured. With these directions, the case was closed on 30 September 2022.

7.4 Rights of Children

7.4.1 Discrimination and violation of the rights of children continue to occur despite the constitutional provisions in India for their protection, survival, development, participation, and empowerment. The NHRC has been committed to the protection of rights of children and gives great importance to this thematic area in its work and functioning.

7.4.2 The Commission organised a two-day National Conference on Child Sexual Abuse Material (CSAM) on 2-3 March 2023. The main objective of the Conference was to derive recommendations/ actionable points for policy makers, intermediaries including content hosts, law enforcements agencies, etc. after having due deliberations among the stakeholders. The Conference was attended by the representatives of the Government, state police and cyber cell units, international bodies including the United Nations India, United Nations Children's Fund (UNICEF), United

Nations Office on Drugs and Crime (UNODC), Office of the United Nations High Commissioner for Human Rights (OHCHR), etc., intermediaries including the Internet Service Providers (ISPs), domain experts and members of the civil society. The Inaugural Session of the Conference was addressed by the Chief Guest Shri Kiren Rijiju, Union Minister of Law and Justice, while the Valedictory Session was addressed by Shri Rajeev Chandrasekhar, Hon'ble Minister of State for Electronics and IT and Skill Development and Entrepreneurship, Government of India. The Conference consisted of panel discussions and thematic presentations by speakers during five technical sessions, viz., CSAM: Understanding the Nature, Extent and Emerging Issues; Legal Provisions Relating to CSAM: Addressing Gaps; Role of Technology and Intermediaries in Prevention, Detection, and Investigation of CSAM; International Trends in Fighting CSAM; and Role of Enforcement Agencies and Cyber Forensics in Detection, Investigation and Monitoring of CSAM: Challenges and Solutions. Based on the deliberations of the Conference, an Advisory for Protection of the Rights of Children in the context of Production, Distribution and Consumption of Child Sexual Abuse Material (CSAM) was being drafted.

7.4.3 Illustrative Case

1.) Primary school children of Vagji Faliya, Jhabua, MP, falling sick after having mid-day meal

Case No: 913/12/23/2020

The complainant alleges that 29 primary school children fell sick after having mid-day meal in the school. Among those 29 children, a few are in very critical condition. The complainant further alleged that this incident occurred due to negligence of the concerned authorities.

The Commission considered the material placed on record and from the perusal of same it was apparent that the 29 school children and five Anganwadi children got sick after having meal and were administered treatment. From the action taken/ suspension against the Primary Education Teacher, strengthens the fact that there was a negligence while preparing and serving the mid-day meal which led to 34 children falling in critical condition and one girl was referred to another resourceful healthcare facility for better treatment. Although no loss of life happened in the matter, there was violation of human rights of all 34 children who suffered and, consequently, all were entitled to compensation for their physical pain and suffering and mental agony

and anguish. Therefore, the Commission directed its Registry to issue Show Cause Notice u/s 18 of the PHRA to the Govt. of Madhya Pradesh through its Chief Secretary, as to why the Commission should not recommend a compensation of Rs. 10,000/- (Rupees Ten Thousand only) each to 33 children (As listed in inquiry report dated 30 November 2019 of Chief Executive Officer, District Panchayat, Jhabua). The child with critical condition would be entitled to compensation of Rs. 50,000/- (Rupees Fifty Thousand only) as her condition was deteriorated and referred to another hospital for better treatment where she remained hospitalised for a longer period.

In response it was informed that departmental action was taken against erring teacher and a new management was placed to take care of mid-day meal and it was also confirmed by the authorities of Madhya Pradesh that the grant of compensation recommended by the Commission was paid to all the 34 victim children. The Commission closed the case on 14 November 2022.

7.5 Rights of LGBTQI+

7.5.1 The Transgender community is one of the most marginalised communities in the country because they do not fit into the general categories of gender, i.e., 'male' or 'female'. Consequently, they face several problems ranging from social exclusion to discrimination, lack of education, facilities, unemployment, lack of medical facilities, and so on. The Transgender Persons (Protection of Rights) Act, 2019 was enacted by the Parliament of India in the Seventieth Year of the Republic of India to provide for protection of rights of transgender persons and their welfare and for matters connected therewith and incidental thereto. Section 16 (e) of the Act provides for one representative, not below the rank of Joint Secretary, from the National Human Rights Commission as the ex officio member of the Council

7.5.2 The Ministry of Social Justice and Empowerment organised a National Consultation to frame a policy for employment of Transgender Persons on 28 September 2022, which was chaired by Dr. Virender Kumar, Hon'ble Minister of Ministry of Social Justice and Empowerment. Being the ex officio member of the National Council of Transgender Council, Smt. Anita Sinha, Joint Secretary, NHRC, attended the said meeting and shared her inputs on the matter on behalf of the Commission.

7.5.3 The NHRC organised a Core Group meeting on LGBTI issues on 24 March 2023 in hybrid mode. The meeting was chaired by Justice Shri Arun Mishra, Chairperson, NHRC. The agenda of the meeting was on the Issues and Challenges in the Employment of Transgender Persons

7.6 Rights of Elderly Persons

7.6.1 Acknowledging the issues faced by the elderly, the 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 the rights of the elderly. Further, the Commission regularly publishes booklets, manuals and journals, etc., to create awareness about the rights of the elderly.

7.6.2 The National Human Rights Commission constituted a Core Group on Older Persons on 01 April 2022. Earlier, the issues of older persons were dealt with by the Core Group on Disabilities. Now, considering the need of the hour and to put more focus on each of the human rights concerns, the said core group was bifurcated and two separate Core Groups, i. e., Core Group on Disabilities and Core Group on Older Persons were constituted.

7.6.3 The NHRC organised a meeting of Core Group on Older Persons, on 28 February 2023, focusing on their Right to Health and Access to Health Services and Economic Security, chaired by, Dr. D. M. Mulay, Member, NHRC. Some of the recommendations emanated from the meeting include:

- The pension amount given under the Indira Gandhi National Old Age Pension Scheme @ Rs. 200/- per month to persons above 60 years and @ Rs. 500/- per month for senior citizens of 80 years and above, belonging to a household below the poverty line, needs upward revision and in order to maintain their living standard with dignity, it should be revised and enhanced to Rs. 3,000/- per month.
- Awareness Programmes may be conducted in all the States/ UTs to promote awareness about human rights of older persons and digital literacy of older persons.

- The National Medical Commission should make it mandatory for all the Medical Colleges in the country to have a department of Geriatric Medicine.
- The National Medical Commission should introduce guidelines for senior citizens allowing them easy and equal access to healthcare.
- A platform should be created to promote social participation among the elderly for their welfare and promote positive aging.
- A mechanism for assessment of the standard of care provided to the older persons in the institutional care may be created and made operational.
- There should be a set of guidelines or an advisory to have a separate ward/prison for the older persons as they require specialised care being a vulnerable population.

7.6.4 Illustrative Case

1.) Denial of care to the elderly and domestic violence with the victim in Delhi (Case No. 3962/30/0/2020)

Complainant alleged denial of proper care to her mother by her son. Complainant is the daughter who said that her brother left their elderly mother in her care and did not take any responsibility of her needs. The Complainant said that they approached the Police in the matter but they did not take any action. The complainant also alleged that her mother was a victim of domestic violence by her son.

The Commission vide proceedings dated 28 September 2020 directed to transmit a copy of the complaint to the District Magistrate, Southwest Delhi to look into the matter according to the law and practice in vogue, including Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

The registry is directed to issue conditional summon to the District Magistrate, Southwest Delhi, u/s 13 of the PHRA, to appear before the Commission on 19 April 2022 along with the requisite report. However, if the District Magistrate, Southwest Delhi failed to comply with the order of the Commission without lawful excuse, the District Magistrate, Southwest Delhi might be subjected to the consequences of non-attendance laid down in Rule 10 and Rule 12 of Order XVI of Civil Procedure Code, 1908 and the Commission may be constrained to initiate criminal proceedings under

Sections 175/176 of Indian Penal Code, 1860, and such other action as it deemed proper under the Law.

The Commission observed that the issue raised by the complainant has been duly attended and the case was registered under Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and is presently subjudice before the Tribunal. The Commission closed the matter on 26 July 2022.

7.7 Rights of Persons with Disabilities (PwD)

7.7.1 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 recognises 21 categories of disabilities.

7.7.2 The Commission 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 2022-23, the Commission undertook the following activities with regard to the rights of persons with disabilities.

7.7.3 The NHRC organised a meeting of the Core Group on Rights of Persons with Disabilities on 13 April 2022 in hybrid mode under the chairpersonship of Dr. D. M. Mulay, Member. The meeting was attended by the Core Group Members, representatives from Ministry of Social Justice and Empowerment and Department of Empowerment of Persons with Disabilities, domain experts/special invitees from various institutions and CSOs along with the Senior Officials of the Commission. The agenda of the meeting was to discuss on “Compliance by the Government Institutions/ Organisations in providing access to the Persons with Disabilities as per the provisions of the Rights of Persons with Disabilities Act, 2016”. In order to see the compliance of the statutory provisions related to accessibility in the NHRC Building (Manav Adhikar

Bhawan), an inspection visit was also conducted by the Chair, along with the Members of the Core Group and NHRC Officials. Some of the recommendations emanated from the meeting, include:

- All government departments to formulate and publish an Action Plan in compliance with Section 45 (2) of the RPD Act, specifying the steps (short term, mid-term, long term) to be taken to ensure compliance to RPD Act.
- All Ministries/Departments to set up Access Coordination Committee headed by a senior officer to follow up the Action Plan, conduct training and sensitisation programmes within the organisation and get Access Audits of their buildings, websites, services and infrastructure conducted, as required.
- States should align their Development Control Rules and General Building Requirements with the National Building Code 2016/ Harmonised Guidelines for Accessibility immediately. All Urban Local Bodies be directed to appoint Responsible and Trained Officers/ or create mechanism for self-check and self-declaration countersigned by a registered Architect, who will testify that the building plan adheres to access requirement both at the drawing stage and at the completion stage.
- All buses deployed for urban transport services must be low floor and have accessibility features. The states must use their purchasing power to ensure that market players provide accessible transport solutions at a lower cost. Except on dedicated BRT routes where corresponding boarding platforms exist and access to such platforms is ensured, high floor buses should be phased out from public operations in urban local transport.
- The agencies/establishments need to be facilitated by a Special Cell created in NIC on an urgent basis to make all websites accessible to persons with disabilities and make all websites accessible complying with Web Content Accessibility Guidelines (WCAG). Similarly, private establishments also need to be directed and their licenses to operate be linked to their following the access mandate.
- District Disability Committees may be created with trained and sensitised officers and persons with disabilities.

- All states need to be directed to submit the details of special courts and special prosecutors in all the states/districts and the details of the cases resolved by these courts. These courts need to be physically accessible and should have the facility of filing cases and conduct hearings, etc. in a hybrid mode.
- Accessibility and reasonable accommodation to be provided in custodial centres like prisons, beggar's homes, mental hospitals, etc. and Prison Manuals need to be updated to incorporate provisions of the RPD Act therein.
- The NHRC Toll-free number for making complaints should also be made accessible for better outreach of the PwDs.

7.7.4 The NHRC, organised another meeting of the Core Group on Disabilities on 26 July 2022. The agenda of the meeting was to discuss the draft National Policy for Persons with Disabilities. The meeting was chaired by Dr. D. M. Mulay, Member, NHRC. A brief presentation of the draft National Policy for Persons with Disabilities and a presentation that included general observations on the draft National Policy for Persons with Disabilities were made in the meeting. The draft National Policy for Persons with Disabilities was deliberated upon and several gaps and suggestions, among others, emerged from the discussions. The Commission decided to make recommendations on the said policy and came up with relevant documents. Post this meeting, the Commission submitted its comments on the "Draft National Policy for Persons with Disabilities (Divyangjan)" to the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment on 31 August 2022. Some of the major comments/observations of the Commission for making necessary amendments in the Policy are given as under:

- The Policy may contain a Chapter on 'Access to Justice to the Persons with Disabilities (PwDs)' containing *inter alia* appropriate measures to be taken to ensure compliance to Section-12 of the Rights of Persons with Disabilities Act, 2016 (RPD Act 2017) and Article 13 of United Nations Convention on Rights of Persons with Disabilities (UNCRPD).
- Terms such as 'handicapped' and 'differently abled' have long been replaced by the more honorific term

'specially abled'. Many of the institutional and organisations established for welfare of the PwDs, such as National Handicapped Finance and Development Corporation and State Handicapped Development Corporations, etc.; however still contain term 'Handicapped' in their name/title. The Policy may, therefore, provide for renaming of all such institutions/organisations by substituting the terms "Handicapped" and "differently-abled" by the term "Specially abled".

- Women, children and elderly specially-abled persons living in rural and tribal areas are more vulnerable. The Policy may provide that benefits of various welfare schemes shall be extended to such vulnerable PwDs on priority.
- Disability Certification: After the term "*UDID to be linked to all service delivery schemes and programmes*" appearing in ninth bullet in para 4.5, the term "*Issue of a fresh certification for availing benefit under any scheme shall not be insisted*" may be inserted.
- The Chapter on Education may provide for disability wise disaggregation of dropout rates maintained by *Rashtriya Sarv Shiksha Abhiyan* (RSSA) and Unified District Information System for Education (UDISE). The Chapter may provide for physical infrastructural modifications to provide girls with disabilities accessible toilets and other menstrual health management facilities in schools to ensure reduction in dropouts of specially abled girls.
- Chapter on Health may provide for extension of health insurance cover to PwDs at the rate of premium and other terms and conditions similar to the one applicable to persons free from disabilities. The Chapter may also provide that no specially abled person shall be denied insurance cover on account of their disability.
- In order to increase the availability and reach of rehabilitation professionals, such as occupational therapists, physiotherapists, speech therapists, special educators, multipurpose rehabilitation workers and psychologists, especially in rural areas, the Chapter may provide for measures, including promotion of courses with adequate number of seats in these professions in the country.

- The Chapter on Skill Development and Employment may provide for ensuring availability of disabled friendly and accessible accommodation to PwDs at workspaces and to ensure non-discriminatory promotions of PwDs within organisations to ensure growth of PwDs in the organisational hierarchy. The Chapter may provide for a monitoring mechanism to ensure that private establishments are in compliance with the provisions of the RPD Act, such as appointment of a liaison officer, provision of reasonable accommodations as also implementation of the equal opportunity policy.

7.7.5 Illustrative Cases

1.) An old lady had a paralysis attack and was being harassed by her two sons and daughters-in-law (Case No. 245/22/53/2020)

On 29 January 2020, the Commission took cognizance of the Complaint made by a resident of District Vellore, Tamil Nadu, alleging that she recently had a paralysis attack and was being harassed by her two sons and daughters-in-law. The Complainant stated that they harmed her and pushed her out of the house and she was out with no food and water. The Commission directed the DG (I) to collect facts telephonically, examine them and submit a report on the matter.

A report dated 03 February 2020 was submitted to the Commission, wherein it was stated that as per the police report, the victim was alright and was being looked after by her relatives. It was requested that reports be called from the District Collector/ DM, Vellore and the Superintendent of Police, Vellore. On 18 February 2020, the Commission after perusing and considering the report, called for reports in the matter within six weeks from the Collector/ DM, Vellore and the Superintendent of Police, Vellore, Tamil Nadu.

Since no report was received by the Commission within the stipulated time period, the Commission sent a reminder on 15 July 2021 to the District Collector/ DM, Vellore and the Superintendent of Police, Vellore, Tamil Nadu, for submission of the reports within six weeks. Thereafter, since no report was received by the Commission within the stipulated time period, the Commission sent a final reminder on 20 May 2022 to the District Collector/ DM, Vellore and the Superintendent of Police, Vellore, Tamil Nadu, for submission of the reports within four weeks.

Pursuant to the directions issued by the Commission, the Commission received the enquiry report dated 02 June 2022

from the Superintendent of Police, Vellore, Tamil Nadu, on 14 June 2022, wherein it is *inter alia* stated that the enquiry was conducted on 07 May 2020 and the Complainant and her two sons appeared for the enquiry wherein the Complainant narrated that her sons were taking care of her and all her needs; however, her daughters are after her property and one of her daughter is forwarding these types of complaints to various places in the name of the Complainant and spoiling her name. It is stated that the Complainant stated that she did not have knowledge of English and someone is forwarding false complaints in her name, and she requested not to take any action on the basis of these false complaints. It is further stated that the Complainant produced a written letter stating that her two sons were taking care and she was in safe care and protection of her two sons.

The Commission perused and considered the enquiry report and the documents enclosed with it and it was stated that the Complainant was being taken care of properly by her sons and she did not file the present complaint. No further intervention of the Commission was therefore required. The case is closed.

2.) Disability pension for mentally retarded girl (Case No. 23079/24/14/2020)

The complainant, an ex-serviceman of Army, submitted that his daughter is 87% mentally retarded and requires disability pension for her maintenance. However, despite a resolution passed by the Gram Panchayat of village Chhitauniya and a certificate issued by the Panchayat, the Tehsil officials of Bahedi refused to issue a zero-income certificate in her favour, which is an essential requirement for the disability pension. He has requested to issue a zero/no income certificate and grant a disability pension to the disabled girl.

Vide proceedings dated 10 November 2020, the Commission took cognizance in the matter and directed to transmit a copy of the complaint to the DM, Bareilly, Uttar Pradesh, through online mode, calling for an action taken report in the matter within four weeks.

After the issuance of conditional summon to DM, Bareilly, Uttar Pradesh, vide proceedings dated 14 June 2022, a report dated 18 August 2022 was submitted by DM, Bareilly. The report reveals that, as per the direction given under Government of Uttar Pradesh Order No. 669/1-1-9-2-14-11(2)/2011 dated 24 July 2014, zero income certificate or independent income certificate cannot be issued to those dependent family members, who come in the category of unmarried adult children residing with the family. In this case

complainant's daughter, 21 yrs, who is 87% disabled, is unmarried adult child and is totally dependent on his father (complainant) and resides with him; hence, as per government's order she cannot be issued zero income certificate. It is also mentioned in the report that this fact had already been intimated by the district authorities to the complainant on 09 February 2021 by the area Lekhpal.

The report is taken on record. The perusal of the record depicts that the complainant is an ex-army pensioner, so could not fit under the BPL category. Further, his unmarried daughter who is 21 yrs. of age, who is 87% disabled, is a dependent family member of the complainant residing with him. It was said in the report submitted by the DM that under Government of Uttar Pradesh Order No. 669 / 1 - 1 - 9 - 2 - 14 - 11 (2) / 2011 dated 24 July 2014, zero income certificate or independent income certificate cannot be issued to those dependent family members, who come in the category of unmarried adult children residing with the family. Thus, the refusal of the district officials to issue zero income certificate to the daughter of the complainant was in accordance with the prevalent state government's rules. The complainant had personally been appraised by the area Lekhpal regarding the regulatory provisions of state laws, yet he approached the Commission with the same cause of action. The Commission finds no further reason to intervene, and the case is closed.

3.) Vulnerability of the disabled and a higher mortality rate due to COVID- 19 (2106/90/0/2021)

The Commission received a complaint from a resident of Jaipur, Rajasthan on 21 May 2021, alleging that persons with disabilities are facing trouble in the second wave of the Corona virus. It was alleged that persons with disabilities are more vulnerable to get infected by the virus, as they are unable to follow measures such as social distancing, they might face even more severe symptoms and have a higher mortality rate due to COVID-19 compared to other persons. For the 18-44 age group, walk-in vaccinations were not allowed. The complainant further stated that booking a vaccine appointment via the government website or app was often also a glitchy experience, therefore, it makes it very difficult for disabled persons to book a slot online for a vaccine.

The Commission took cognizance of the complaint on 26 June 2021 and directed the Secretary, Ministry of Health and Family Welfare, Government of India, and the Secretary, Ministry of Social Justice and Empowerment, Government of India, calling for a report in the matter within four weeks.

The Commission vide its proceeding dated 11 November 2021 issued summons to the Secretary, Ministry of Social Justice and Empowerment, Government of India, for their personal appearance on 27 December 2021 along with the requisite report. In case the requisite report is received on or before 22 December 2021, personal appearance of the above officers shall stand dispensed with.

The Commission received report dated 08 December 2021 from Deputy Director, Immunisation Division, Ministry of Health and Family Welfare, Government of India. It was stated in the report that the National COVID-19 vaccination programme is the largest vaccination programme of its kind in the world and the Government of India had always been conscious about the issue of facilitating the vaccination of elderly and differently abled persons and the strategy of near to home COVID vaccination centres was formulated to cater to special needs of elderly and differently abled persons in May 2021.

Vide its proceeding dated 29 March 2022, the Commission considered the matter, observed and directed thus "The registry is directed to transmit the copy of the report dated: 08 December 2021 received from Deputy Director, Immunisation Division, Ministry of Health and Family Welfare, Government of India to the complainant, seeking his comments/reply qua same within four weeks positively. In case no reply was received, the matter will be decided as per the merit of the case and documents received".

In pursuance of the same, the Commission did not receive comments from complainant. It is to be presumed that the complainant has nothing more to urge in the matter. As per report on 03 November 2021, the Government of India launched the "Har Ghar Dastak Abhiyan" campaign to ensure 100% coverage of eligible beneficiaries with first dose and vaccination of due beneficiaries with second dose of the COVID-19 vaccines. Due Hence, the report is taken on record and the case was closed.

4.) Torture of victim by paramilitary force personnel on alleged charges of his nexus with NSCN Militants in District Tinsukia, Assam (Case No. 235/3/17/2021- PF)

The Commission received a Complaint dated 26 July 2021 from one President, Indigenous Lawyers Association of India, alleging torture of a 45 year old specially abled tribal person by personnel of the Rajputana Rifles of the Indian Army in custody at Jagun under Ledo Police Station in Tinsukia district of Assam on 25 July 2021 on alleged charges

of his nexus with NSCN Militants. A prayer has been made for intervention by the Commission in the matter. In response to the directions of the Commission, the complainant vide letter dated 03 February 2022 submitted that the wife of victim had lodged a complaint at Ledo PS as soon as her husband went missing. The victim was subjected to torture, cruel, inhuman and degrading treatment by some perpetrators.

Assam Police registered a criminal case and sufficient evidence found about commission of an offence against a specially abled person belonging to ST Community. Margherita PS Case No. 300/2021 u/s 365/325 IPC r/w Sec. 92(b) of the Rights of Persons with Disabilities Act, 2016 and Sec. 3(2) (v) of SC/ST Act, 1989 has been registered. The matter was under investigation.

The Commission directed the State Government of Assam to provide interim compensation of rupees five lakh to the victim and take any other measures which the Commission deemed fit and proper. The matter was also taken up during camp sitting of the Commission at Guwahati, Assam on 16 December 2021, wherein SP, Tinsukia, Assam, submitted a report dated 13 December 2021. The victim who was also present denied his association with NSCN militants. A copy of the report dated 13 December 2021 of SP, Tinsukia, Assam, was directed to be sent to the victim, Rangan Hakun and the complainant for their comments, if any. The complainant, vide letter dated 03 February 2022, submitted the comments.

The Superintendent of Police, Tinsukia, Assam, vide communication dated 18 November 2022 had submitted that after completion of investigation Case No. 300/2021 u/s 365/325 IPC r/w Sec. 92(b) P. S. Margherita, was returned in F.R. as insufficient evidence vide F.R. No. 127/22 dated 13 September 2022. Considering the aforesaid report of SP, Tinsukia, Assam, that after investigation of Case No. 300/2021 P.S. Margherita in the instant case, Final Report No.127/22 dated 13 September 2022 had been filed before the competent court as insufficient evidence, any further intervention of the Commission was not required in the matter and for raising any question, the complainant was at liberty to do so before the court of competent jurisdiction. The Commission closed the matter on 23 January 2023.

7.8 Environment, Climate change and Human Rights

7.8.1 Climate change is one of the greatest threats to the human rights of our generation, posing a severe risk to the fundamental rights to life, health, food, and an adequate standard of living of individuals and communities world- wide. It is notable to mention that India has made significant progress in the latest Climate Change Performance Index (CCPI) in 2023, India's remarkable performance is attributed to its ambitious renewable energy policies and commitments, such as the pledge to achieve net zero emissions by 2070 and the target to meet 50% of its energy needs with renewable sources by 2030. The NHRC, also, has always played a pivotal role in upholding human rights and ensuring the right to a healthy environment within the country.

7.8.2 The NHRC issued an Advisory to the Centre and the State Governments to 'prevent, minimise and mitigate impacts of Environmental Pollution and Degradation on Human Rights'. The Advisory focuses on five key areas for action by the Centre and State Governments. These include, Punishment of polluters and violators of environmental laws; Prevention and minimisation of vehicular pollution; Processing of proposals seeking clearances/ approvals mandated by various environmental laws in an informed, transparent and non-partisan manner; Measures required for development, promotion, propagation and replication of cost effective innovative measures to prevent, minimise and mitigate environmental pollution and degradation and strengthening and capacity building of local bodies. The detailed advisory may be accessed on the website of the Commission, i.e., www.nhrc.nic.in.

7.8.3 Environmentalist, Shri Sundaram Verma has introduced a water-saving method known as "Dryland Agroforestry," which enables the growth of a tree using just one liter of water throughout its entire lifespan. This innovative approach has the potential to significantly contribute to reforesting arid and barren landscapes, a substantial portion of the country. In recognition of its potential, Justice Shri Arun Mishra,

Chairperson, NHRC, recommended to actively promote and disseminate this technique. In pursuit of this goal, the Commission distributed a comprehensive presentation detailing the method to all states, urging them to undertake pilot projects covering a minimum of 20 hectares during the monsoon season.

7.8.4 Illustrative Cases

1.) Embankment Collapse in Hindolakhali Claims Three Lives

(Case No: 677/35/11/2020)

The Commission received a complaint on 07 August 2020, from a resident of Dehradun, Uttarakhand. The complaint was related to a tragic incident that occurred on 31 July 2020. An embankment at the construction site of the all-weather road project in Hindolakhali on the Rishikesh-Gangotri highway collapsed onto a house, resulting in the loss of three lives. The homeowner sustained injuries, and the victims included his 8-year-old son, his 25-year-old daughter, and his 18-year-old niece. He had raised concerns about the embankment's danger to local authorities and the construction company, but no protective measures were taken.

The Commission took cognizance of the matter on 25 August 2020. In response, they promptly directed the Chairman of the National Highway Authority of India, located in New Delhi, and the District Magistrate of Tehri-Garhwal, Uttarakhand, to submit a comprehensive report within four weeks.

On 21 September 2020, the Commission received a report from the Assistant Executive Engineer of the Ministry of Road Transport and Highways, New Delhi. The report highlighted various accidents on the Rishikesh-Dharsau section of NH-94, primarily due to landslides and heavy rainfall. It pointed out the fragile geology and topography of Uttarakhand, which made the region prone to natural disasters such as landslides, rockfalls, slope failures, land subsidence, flash floods, cloud bursts, and avalanches. To address these concerns, consultancy firms had identified landslide-prone locations, which were subsequently targeted for treatment under the Chardham Programme. It was further revealed that during the execution of the Chardham Programme, new landslides had developed along the National Highways. In response to this, the Ministry of Road Transport and Highways constituted a Committee consisting of senior officers from various agencies, including the Ministry itself, the State PWD Uttarakhand, the Border Road Organisation, the National Highways Infrastructures

Development Corporation Limited, and the Geological Survey of India. This Committee was tasked with formulating a strategy for mitigating landslides in Uttarakhand. Furthermore, given the fragile Himalayan geology, the Geological Survey of India was engaged to conduct landslide susceptibility mapping of the National Highways being developed under the Chardham Programme, including the Rishikesh-Dharsu section of NH-94.

The report emphasised that such disasters were not limited to the National Highways but were a statewide issue due to tectonic activity, lithological variations, structural factors, ecological conditions, topography, and changing landscapes. It was also noted that affected families in accidents resulting from natural disasters, such as heavy torrential rainfall and landslides, received compensation from the Uttarakhand State Disaster Management Authority. Moreover, the EPC Contractors involved in the Chardham Programme had obtained insurance coverage for the entire project section to address damages caused by such disasters. These insurance claims were intended to provide relief to the affected families.

In a proceeding dated 20 September 2021, the Commission considered the matter and directed the Registry to share a copy of the report received from the Assistant Executive Engineer, Ministry of Road Transport and Highways, New Delhi, with the complainant, requesting his comments and replies within four weeks. If no response was received from the complainant within the stipulated timeframe, the case would be determined based on its merits and available documents.

Subsequently, the Commission did not receive any comments from the complainant. It was assumed that the complainant had no further input on the matter. Given the comprehensive report that emphasised the widespread nature of such disasters in Uttarakhand and the compensation mechanisms in place, the Commission closed the case on 17 October 2022.

2.) Pollution generated by a paper mill which is not adhering to the pollution norms in district Saharanpur, Uttar Pradesh

(Case No. 27652/24/64/2022)

The complaint was received which states that one Star Paper Mill situated at Tapri Nagal Road was polluting the area and created havoc for the residents in the district of Saharanpur. It was alleged that the sail mill did not follow the pollution norms and regulations, it was also using dilapidated

machinery and building, which was dangerous and caused health side-effects on the workers. The Commission took cognizance in the matter and called for reports from the authorities from the said district.

The Commission, in the report received, observed that the show cause notice was issued against the M/s Star Papers Mills and proceedings u/s 33A of Water (Prevention and Control of Pollution) Act, 1974, was recommended regarding environmental compensation. In the reports submitted by the UPPCB, it was revealed that the quantity of colour, charter of water and pollution prevention in pulp and paper industries were all found in much more than permissible limits. The Commission considered the reports. The complainant alleged that Star Paper Mill, Tapri Nagar Road, Saharanpur, engaged in pollution, affecting the lives of residents of the area.

The Commission noticed that the report submitted by the authorities revealed that environmental compensation of Rs. 30,000/- per day was recommended from 03 August 2022 against Ms. Star Paper Mills Ltd. Saharanpur till the remedial action was taken by the Mill. The subsequent inspections conducted on 24 August 2022, 17 September 2022, 09 November 2022 and 19 November 2022 revealed that the quantity of colour, water, air, pulp and papers were found within the permissible limits. There was no substantial increase in the pollution noted when the Mill was started after ten days of closure. The report dated 06 October 2022 of CMO, Saharanpur of Chief Medical Officer, Saharanpur, revealed that there was no co-relation between harmful pollutants released by the mill and disease of nearby residents. The Commission closed the matter on 01 June 2023.

3.) Lack of clean drinking water facilities in district Sonebhadra, Uttar Pradesh (Case No. 3521/24/55/2022)

The instant complaint from an NGO - Bhartiya Vikas Sansthan - is regarding allegation that tribal areas and villages of Districts-Sonebhadra and Mirzapur, Uttar Pradesh are being deprived of clean drinking water facility despite independence having been attained 75 years ago. It is further stated that the residents of these areas are being forced to consume unsafe water from rivers as despite taking up the matter with District administration, no action has been taken by the officials so far to resolve their grievance. Hence, seeking intervention of the Commission in the matter.

The Commission vide its proceedings dated 07 February 2022 had directed the District Magistrate, Mirzapur, Uttar Pradesh and the District Magistrate, Sonebhadra, Uttar Pradesh, for submission of requisite action taken report in the instant case. The Secretary, Uttar Pradesh State Human Rights Commission was called upon to intimate the Commission about the date of cognizance, if any, taken at their end in the instant matter.

A report was submitted by Uttar Pradesh Jal Board (Rural), Mirzapur, Uttar Pradesh, and the District Magistrate, Mirzapur, Uttar Pradesh vide letter dated 30 March 2022. It is reported that potable water is being provided in the villages of District Mirzapur, Uttar Pradesh. The work for providing potable water to the other villages is in progress under the Jal Jeevan Mission scheme of the Government of India. However, the requisite report was not submitted by the District Magistrate, Sonebhadra, Uttar Pradesh, despite direction of the Commission and even after lapse of considerable time and opportunities. The report dated 28 March 2022 of the Executive Engineer, Uttar Pradesh Jal Board (Rural), Mirzapur, Uttar Pradesh, was transmitted to the complainant for comment. The requisite report was to be submitted within four weeks, failing which the Commission would be constrained to issue coercive process U/sec. 13 PHRA.

The Commission observed that the District Magistrate, Sonebhadra, Uttar Pradesh, failed to submit an action taken report despite direction of the Commission and even after lapse of considerable time and opportunities. The Commission directed its Registry to issue summons to the District Magistrate Sonebhadra (UP), u/s 13 of the Protection of Human Rights Act, 1993 to appear.

A report was received from DM, Sonebhadra, Uttar Pradesh, mentioning details qua the provisions made for drinking water, and denying the allegations. The commission thereby closed the matter on 20 December 2022.

4.) Oil spill caused by Oil India Limited, Bhagjan village, Tinsukia District, Assam and measures taken after the blow out (Case No. 93/3/17/2020)

The Commission received a complaint dated 12 June 2020 from the complainant Youth Forum for Protection of Human Rights wherein they requested urgent intervention on impact of oil spill caused by Oil India Limited, Bhagjan village, Tinsukia District, Assam, which was causing serious threat to human, animals, bio-diversity, flora and fauna, etc.

The Commission vide proceedings dated 07 July 2020 called for a report from the concerned authority. A reminder was issued to the concerned authorities for submission of the report. Pursuant to the directions of the Commission, a report was received from the Joint Secretary, Department of Industries and Commerce, Government of Assam.

As per the report, Oil India Limited is a Navratna Company under the Ministry of Petroleum and Natural Gas, Government of India. The report also contained details regarding the Bhagjan Oil Field back-ground, brief on the blow out incident, measures taken after the blow out, containment measures, plan for capping the well, clearing site of all equipment and debris from the well plinth, deluge water supply, relief and rehabilitation, assessment of damage, caring for environment, post incident efforts, regular monitoring of air quality, water quality, noise level and presence of gas, etc. The Commission directed to transmit the copy of the report to the complainant for his/her comments within six weeks.

5.) **Challenges in Hirakud Dam Project Rehabilitation in Odisha.**

(Case No: 1846/18/13/2017)

The Commission received a complaint on 06 March 2017, regarding the rehabilitation of 26,561 families displaced due to the construction of the Hirakud Dam Project in Odisha. These families had not received the appropriate compensation, and the complaint revealed the hardships faced by the displaced victims.

The Commission took cognizance of the complaint and requested reports from the relevant authorities. Following the Commission's directive, the Under Secretary of the Water Resources Department, Government of Chhattisgarh, submitted a compliance report detailing the work carried out in the four affected districts: Sarguja, Raigad, Jashpur, and Surajpur. This report included information about the availability of banking services, mobile towers, drinking water facilities, and road infrastructure in the affected areas.

In response to further directives from the Commission, the Additional Secretary of the Revenue and Disaster Management Department, Government of Odisha, submitted a comprehensive reply addressing various aspects, including the allocation of homestead land to claimants, the challenge of relinquishing acquired land, ex-gratia compensation payments, DC Patta holders, demarcation requests, and steps taken to prevent pollution of the reservoir water.

The Commission reviewed the reports from the governments of Chhattisgarh and Odisha and noted that substantial construction work had been carried out in the affected districts, covering various aspects, such as roads, mobile towers, banking services, and drinking water facilities. It was also observed that the Government of Odisha had taken steps for the welfare and resettlement of displaced families. However, the Water Resources Department did not provide a reply regarding the pollution of the reservoir water and the survey of unsurveyed villages. Therefore, the Commission requested an action taken report from the authorities on efforts to protect the reservoir water from industrial effluent discharge and an updated report on the survey and settlement process of unsurveyed villages.

After receiving the compliance report dated 2 June 2022, the complainant was provided with a copy and invited to submit comments within four weeks. Subsequently, the complainant responded, requesting the appointment of a Special Rapporteur due to perceived inadequacies in the earlier report. In response, the Commission forwarded the complainant's comments to the Principal Secretary of the Revenue and Disaster Management Department, Government of Odisha, with instructions to take appropriate actions within the legal framework. The complainant was advised to seek legal recourse if their grievances were not resolved by the relevant authorities. Subsequently, the case was closed.

7.9 Right to Food and Nutrition

7.9.1 The NHRC is committed in its crusade to protect the right to nutritious food for citizens of India. Its Core Advisory Group on the Right to Food and Nutrition addresses issues, challenges and solutions in this field after analysing the steps taken by the government. Moreover, the Commission keenly observes the legislation related to food security and the eradication of hunger. NHRC has been emphasizing proper implementation of the National Food Security Act, 2013 and 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.

7.9.2 Illustrative Case

1.) Disruption of Mid-day Meal Scheme During COVID-19 Pandemic in Bihar

(Case No: 1708/4/5/2020-CL)

The Commission took *suo-motu* cognizance of a news report published in *The Indian Express* on 06 June 2020, under the caption “School shut, no mid-day meal, children in Bihar village back to work selling scrap”. The Commission sought responses from the Secretary of the Department of School Education and Literacy, Ministry of Human Resource Development, Government of India, New Delhi, and the Chief Secretary of the Government of Bihar. The submitted reports highlighted that due to nationwide lockdown and suspension of various services, both Central and State governments extended the closure of schools until at least 31 July 2020. The closure of schools led to a halt in the mid-day meal scheme, forcing impoverished children, who previously relied on these meals, to engage in menial work to secure sustenance. In the Bhagalpur District of Bihar, the report indicated that children, previously beneficiaries of mid-day meals comprising roti, rice, vegetables, dal, soya, and eggs, were now facing starvation and were compelled to undertake unsuitable labour. The residents of these areas, belonging to below-poverty-line segments, resorted to garbage collection, begging, or labouring for contractors to gather waste, and their children were left malnourished and deprived.

In accordance to the Commission's directives, the Ministry of Education, Department of School Education and Literacy, Government of India, provided reports from various States/UTs regarding the implementation of the Mid-day Meal Scheme during lockdown. While some States/UTs distributed food, dry ration, and cooking cost to eligible children, others transferred cash to their bank accounts.

The Under Secretary of the Department of School Education and Literacy, Ministry of Education, Government of India, in a letter dated 12 April 2021, affirmed that the Mid-day Meal Scheme, a centrally sponsored initiative covering students from Class I to VIII in government, government-aided, and Special Training Centres, continued to receive central assistance. The responsibility for providing cooked and nutritious meals to children rested primarily with the State Governments and UTs. Additionally, the Department of School Education and Literacy, Ministry of Human Resource

Development, Government of India, forwarded reports from various States/UTs concerning the implementation of the Mid-Day Meal Schemes in their respective regions. The Commission carefully reviewed the details presented and underscored the paramount importance of ensuring prompt and efficient distribution of mid-day meals to underprivileged children by State Governments. This assurance was essential to safeguard children's right of access to vital healthcare services, without deprivation. In light of these considerations, the Commission deemed the matter addressed and consequently closed the case on 27 March 2023.

7.10 Right to Education

7.10.1 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 4 August 2009, which came into force on 01 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 for children from disadvantaged backgrounds. It also prohibits all unrecognised schools from practising and makes provisions for no donation or capitation fees and no interview of the child or parent for admission.

7.10.2 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 concerning 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, not all states have the Commissions for Protection of Child Rights needed to monitor the implementation of the RTE. Therefore, besides investing substantial financial and human resources, much work on the ground level is required to access this right meaningfully and in full measure. The Commission is concerned with the issues related to the education of children in India.

7.10.3 Illustrative Cases

1.) Commission's response to education disparities during COVID-19 pandemic

(Case No: 1370/90/0/2020)

The Commission received a complaint dated 22 September 2020, expressing concerns regarding students' education amid the COVID-19 pandemic. The complaint alleged inadequate governmental action to address the educational gap, particularly in remote areas without Internet access.

In response to the Commission's directions, the Under Secretary of the Department of School Education and Literacy, Government of India, provided requisite reports in the matter. Notably, the Commission undertook various measures related to education during the pandemic. It acknowledged the exceptional challenges posed by the pandemic and issued advisories to safeguard Particularly Vulnerable Tribal Groups (PVTGs) during this period. Additionally, the Commission organised a webinar titled 'Effect of Virtual Education on School Children', engaging experts, officials, civil society members, and stakeholders to discuss the implications of virtual education. The Commission shared the recommendations and proceedings from these initiatives with ministries and agencies, including Education, Women and Child Development, Home Affairs, Electronics and IT, NCERT, and NITI Aayog. These entities were tasked with implementing the recommendations and providing action taken reports.

In response, the Ministry of Education submitted an Action Taken Report (ATR), addressing the Commission's recommendations. After thorough review, the Commission, on 10 June 2021, directed the case file's transfer to its Research Division. The aim was to analyse the report and formulate advisory guidelines, ensuring the Right to Education for children, in collaboration with the Commission's Core Group on Children.

Upon examining the Ministry of Education's report, the Commission concluded that the Government of India had adopted several measures based on its recommendations, aiming for comprehensive child development and bridging the digital divide. These measures focused on enhancing teachers' and institutions' capabilities to deliver quality education through technological advancements. Importantly, the Commission stressed that the Right to Education, now a Fundamental Right under Article 21A, was intrinsically linked to the right to life. Thus, the State's obligation to provide thorough, high-quality education was paramount, driven by technological progress.

Citing the UDHR, the Commission underscored education's role in promoting human rights and enhancing knowledge and skills. Given India's involvement in creating and ratifying the UDHR, the implementation of Article 26, concerning the right to education, was imperative. The Commission emphasised that constitutional rights aligned with human rights should guarantee education for all. The Supreme Court's perspective in the State of Tamil Nadu vs. K. Shyamsundar (2011) 8 SCC 737 case was cited, asserting that the right to education (Article 21A) should align with Articles 14 and 15 of the Constitution, ensuring equality in education quality. This encompassed not only free and compulsory education but also high-quality education, regardless of socio-economic backgrounds.

Guided by these considerations, the Commission advocated for a uniform education system that eliminated disparities and discriminatory attitudes, fostering an egalitarian society. Such an approach would uplift values, improve human life quality, and embody constitutional principles, regardless of factors such as caste, culture, religion, and gender. Consequently, the Commission urged all State Governments and Union Territories to implement the guidelines from advisories and steps taken by the Union Government. These measures aimed to ensure consistent, high-quality education for students across the nation, bridging societal gaps. The Union Government was also encouraged to be prepared to maintain education quality during crises like the COVID-19 pandemic.

In conclusion, the Commission recommended proactive measures by the Secretary of the Ministry of Education, Government of India, and Chief Secretaries of States and Union Territories. These measures were crucial to ensure education's delivery in both digital and physical formats, particularly in rural areas. To eliminate the digital divide, collective efforts were needed to achieve universal education, encompassing underprivileged and marginalised children, fostering an enlightened society. With these observations, the case was concluded on 27 March 2023.

2.) Non-payment of the staff salaries and harassment of students

Case No: 966/25/8/2020

The complainants/ victims are the Students of Saroj Mohan Institute of Technology, Degree Division, Guptipara, Hoogly, West Bengal and they were intending to draw the attention over the miserable condition prevailing in their institution. The college management was taking fees from them but not paying the staff salaries for the last six months, due to which

the teachers are not providing online classes. They all approached the Inspector in Charge of Maulana Abul Kalam Azad University of Technology several times. He promised to take necessary action but has not acted upon his words yet. They have also approached the District Magistrate, Hooghly, but did not get any fruitful solution from there also. They also approached the Vice Chancellor of Maulana Abul Kalam Azad University of Technology over phone. He promised to take action but did not act upon it. Adding to this ordeal they sent a threatening notice to submit their fees, else they will be barred to sit for examinations.

After registration of complaint, reports were called from the concerned authorities. Pursuant to the same, Superintendent of Police, Hooghly, vide his letter dated 27 January 2021 forwarded the report of Dy. S.P. (Crime), Hooghly Rural District. It was stated in the report that during enquiry, it was disclosed that there was misunderstanding between management and faculties for the last eight months, which reached the peak during pandemic situation. At that time, faculties faced problems in getting their salaries from the institution. The problem was resolved and they were paid the salaries. In pursuance of the same, the Commission did not receive comments from the complainants. There was nothing to be interfered in by the Commission. Hence, the report is taken on record and the case is closed.

3.) Relaxation of minimum marks criteria by Ministry resolves grievance of in-service teachers, ensuring job security under RTE Act

(Case No: 1576/90/0/2020)

The Commission received an intimation on 25 August 2020, alleging a change in the criteria for the issuance of Degree Cum Marks Certificates (DMC) by the National Institute of Open Schooling (NIOS) post completion of the specified teacher training programme. The change adversely affected the complainants and other teachers, potentially leading to job loss due to the Right to Education Act provisions debarring untrained teachers.

In response to the Commission's directions, reports were submitted by the concerned authorities. NIOS stated that the minimum eligibility criteria were prescribed by the National Council for Teacher Education (NCTE) and provided relaxation for provisional admission subject to acquiring the required marks before completing the D.El.Ed programme. The issue of relaxing the criteria for graduate/post-graduate teachers was taken up with the Ministry of Education.

The complainant contended that the eligibility criteria were different when they enrolled in the D.El.Ed programme in 2017. NIOS had introduced the diploma without specifying the 50% marks requirement in Class XII for graduate/ post-graduate teachers. The Commission directed the authorities to clarify the contradiction in the eligibility criteria.

The Ministry of Education, after reviewing the matter, decided to relax the minimum marks criteria for in-service elementary teachers, who completed the D.El.Ed programme within the timelines. NIOS was directed to amend its recognition order accordingly. The Commission commended the Ministry's proactive steps in striking a balance between the statutory provisions of the RTE Act and the right to livelihood and life. The relaxation provided by the Ministry resolved the issue of around two lakh in-service teachers facing job loss. The Commission appreciates the efforts taken by the Ministry and NCTE in addressing the grievance, and further intervention is deemed unnecessary. The matter was closed on 12 August 2022.

4.) Commission's response to IMS Engineering College, Dasna, Ghaziabad, conducting two years of online classes and allegations of full fee collection.

(Case No: 28810/24/31/2021)

The Commission received a complaint on 15 August 2021, in which it was alleged that IMS Engineering College, located in Dasna, Ghaziabad, Uttar Pradesh, had been conducting classes exclusively in an online mode for the preceding two years. The complainant argued that this online learning format had detrimentally affected the students' ability to study effectively. Adding to the complaint, it was asserted that the college was collecting the full amount of tuition fees as well as hostel fees, which, according to the complainant, should not have been charged. The complainant's plea was centered on the notion that the ongoing financial strain caused by the COVID-19 pandemic had significantly impacted the economic well-being of many families. In light of this, the complainant sought a partial refund of the fees paid.

Upon reviewing the matter, the Commission perceived this situation as a potential violation of human rights, characterised by what seemed to be exploitation by educational and technical institutions. The Commission took cognizance of the matter and requested reports from the authorities concerned. The requested report from the Principal Secretary of the Department of Higher Education,

Government of Uttar Pradesh, was not received within the stipulated timeframe. Subsequently, an Action Taken Report (ATR) was called for from the Principal Secretary of the Department of Higher Education, Government of Uttar Pradesh. In the ATR, it was detailed that for the academic years 2019-20 and 2020-21, the institute had been diligent in disbursing full salaries to its employees. Moreover, it adhered to the directives issued by both the State Government and the University, ensuring compliance with the established guidelines. In addition, students who had made use of the hostel facility were promptly refunded Rs. 10,000/- for the year 2019-20 and Rs. 22,500/- for the year 2020-21. The institution further exhibited flexibility by allowing students to pay their fees in installments, recognising the challenging financial circumstances brought about by the pandemic.

In light of the fact that the allegations outlined in the complaint were not substantiated by the evidence provided, the Commission closed the complaint on 14 July 2022. However, the complainant was advised that they retained the liberty to pursue the matter through appropriate legal channels, such as the court or a tribunal, should they wish to further address their concerns.

7.11 Rights of Bonded, Child and Other Forms of Labour

7.11.1 The Supreme Court, vide its order dated 11 November 1997 in Writ Petition (Civil) No. 3922/ 1985 *People's Union for Civil Liberties vs. State of Tamil Nadu and Others* and report in 1997 (7) SCALE (SP) 17, entrusted the 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/ UTs. 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 into confidence both before and in the course of the reviews, and the reviews have been fully participative in as much as prior to the review; the responses of the State governments have been elicited through a set of specific questions posed through a detailed questionnaire circulated sufficiently in advance.

7.11.2 Justice Shri Arun Mishra, Chairperson, NHRC, chaired an open-house discussion in hybrid mode, on 03 August 2022 to discuss the outcome of the two research projects on migrant workers, "Identifying Human Rights Issues and Problems and Developing Policy Framework for Providing Social Security and Healthcare to Migrant Workers" by Dr. R. Kasilingam from the Pondicherry University and "Unheard Voices of Silent Growing Majority: An Assessment of Social Security and Health Risks among women migrant workers of Rajasthan" by Dr. Shaizy Ahmed from the Central University of Rajasthan

7.11.3 Illustrative Case

1.) Allegations of Bonded Labour and Abuse in the Brick Kiln of Palwal, Haryana

(Case No: 1083/7/22/2021-BL)

The Commission received a complaint on 15 March 2021, from a widow, alleging that she and several other labourers were being held in bondage at a brick kiln owned by Kaadi, Kazal Khan, and Rashid Khan at Bharat Entt Udhyog, Andhrola Modamka, Hathin Kot Road, Tehsil Hathin, District Palwal, Haryana. The allegations were grave, including non-payment of wages, caste-based harassment, physical and sexual assault, and other heinous acts.

The Commission took a serious view of the human rights violations and directed the relevant authorities to provide reports on the matter. In response, the Commission received a letter from the Deputy Commissioner of Palwal, stating that during an inspection of the Bharat Bricks Kiln, the Naib Tehsildar and his team found no bonded labourers. Furthermore, the labourers currently working at the kiln had no complaints regarding their wages or payments from the owner. The report mentioned a conflict among the women, which led to the complaint being filed. Subsequently, all the labourers were sent back to their village after settling all their dues, with police presence. The report concluded that the labourers could not be classified as "bonded labourers". However, it was revealed that the owner was operating the brick kiln without the required license and had violated other labour laws. The District Magistrate of Alwar, Rajasthan, in his report confirmed that the victims had returned to their homes under police escort. Upon examination, the victims revealed that they had only been paid for their food expenses and had not received their wages.

The Commission found the report submitted by the District Magistrate of Palwal, Haryana, to be inadequate. It observed

that instead of conducting an inquiry under the Act, the Naib Tehsildar simply sent the victims home with police escort without ensuring the payment of their wages. The report indicated an attempt by the District Magistrate, Palwal, and his subordinates to cover up the omissions and commissions of their officers. The report from the District Magistrate of Alwar made it clear that the victims had not received their wages and were sent back to their native place in Rajasthan without taking any legal action or providing relief. The report did not address the issue of bonded labour. In cases where the brick kiln owner failed to maintain records as required by the Minimum Wages Act and other labour laws, a presumption of bonded labour should have been established, as per the Supreme Court's *Bandhua Mukti Morcha* case. However, this presumption was ignored by the officers conducting the inquiry.

The Commission also noted that the report did not address the payment of past wages to the released Dalit bonded labourers, and they had not received even the immediate interim relief under the Central Sector Scheme of the Government of India. The inaction of the State Authorities in providing relief and rehabilitating the released bonded labourers was evident. This case illustrated how the objectives of social welfare legislation were being defeated by law enforcement authorities in violation of laws and various landmark judgements of the Supreme Court of India. The Commission observed that this was not an isolated case, and the State of Haryana received a large number of migrant bonded labourers, many of whom belonged to Scheduled Castes.

The Commission recommended a review of NHRC Case File No. 396/7/3/2018-BL, stating that the notification issued by the Labour Department of the Government of Haryana contradicted Indian laws and needed revisiting. This notification had likely prevented the rehabilitation of any victims and had not led to a single summary trial since its issuance. The Commission expressed concern about the potential impact on the Central Sector Schemes of 2016 and 2021 and their objectives. The Commission discussed Section 21 of the Bonded Labour System (Abolition) Act, 1976, which dealt with trying offences before Executive Magistrates. However, a Full Bench of the Madhya Pradesh High Court had previously held that this provision violated certain articles of the Indian Constitution. They determined that trials for offenses under the Act couldn't proceed before the Sub-Divisional Magistrate. This decision was a result of a Division Bench's ruling, in which agriculturists charged under the Act had sought to transfer their cases to a Judicial

Magistrate for a fair trial and had challenged the constitutional validity of the Act, 1976. Also, in the case of *Ram Deo Chauhan vs. Bani Kanta Das* [(2010) 14 SCC 209], the Supreme Court clarified that the National Human Rights Commission (NHRC) cannot act as a parallel judicial authority to amend or comment on orders issued by the courts of competent jurisdiction. As a result, the Commission decided not to intervene further and recommended that the complainant seek legal remedies if desired. The case was closed on 07 September 2022.

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

7.12.1 The Scheduled Castes (SCs), Scheduled Tribes (STs), along with Other Backward Classes (OBCs), minorities and marginalised are some of the most disadvantaged groups in India. Their vulnerability and marginalisation often put them at a disadvantage when accessing fundamental needs like education, gaining employment and other life opportunities.

7.12.2 NHRC has been proactive in monitoring state adherence towards implementation of Protection of Civil Rights (PCR) Act, 1955, and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Commission has also strongly recommended punitive measures against discriminatory practices. In furtherance, the Commission also receives inputs from the Chairperson of National Commission for Scheduled Castes and Scheduled Tribes and Backward Classes. 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 pre-

scribed, and the expression 'manual scavenging' shall be construed accordingly."

7.12.3 NHRC considers the systematic exclusion of certain communities a grave violation of human rights. It 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 the Municipal Corporations, etc. 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.

7.12.4 Illustrative Cases

1.) Atrocities on the basis of caste in District Shahdara, Delhi.

(Case No. 2863/30/2/2019)

The Commission received a complaint from a complainant alleging that her husband was compelled to take his own life by his employer, who failed to disburse her husband's savings amounting to Rs.4,80,000/-. Despite reporting the matter to the police, no action was initiated. A report dated 01 November 2019 was filed by the Deputy Commissioner of Police, Shahdara District, Delhi. It stated that an investigation was conducted, and the alleged suicide note was sent to the FSL, Rohini, on 04 February 2019. The report mentioned discussions with the APP, who suggested insufficient evidence for FIR registration. The allegations of caste-sensitive words and financial disputes were deemed unsubstantiated. Furthermore, IO ASI faced queries for delaying the submission of admitted signatures to FSL, with the SHO, Geeta Colony P.S., directed to take legal action based on FSL opinion.

The Commission acknowledged an admitted lapse by police official ASI Nadir Khan for the delay and, invoking Section 18(a)(i) of PHRA, recommended compensation of rupees two lakh to the deceased's wife, citing human rights infringement due to police dereliction.

In response, the DCP, Shahdara District, Delhi, communicated on 25 October 2021, stating that the alleged delay in sending exhibits to FSL, Rohini, was due to the complainant's failure to provide admitted handwriting. Efforts were made to obtain the handwriting from the family and employer. The

suicide note, along with documents, was eventually sent to FSL on 02 April 2019. The report emphasised no fault on the part of IO/ ASI, and a reply to NHRC's show-cause notice was duly sent. The complainant, in an affidavit during inquest proceedings, claimed settlement with the factory owner for Rs. 3,00,000/- and requested closure of all complaints. The IO/ ASI mentioned that the deceased's clothes were seized and not handed over due to being deposited in the maalkhana. The complainant later confirmed the settlement, withdrew her complaint, and informed NHRC accordingly. The police report denied all allegations, asserting the complainant's settlement with the factory owner for rupees three lakh and closure of the case. The Commission, on 13 April 2022, closed the matter.

2.) Rape of a minor SC girl in District Ajmer, Rajasthan

(Case No. 1738/20/1/2020- WC)

The complainant stated that a minor SC girl, aged 16 years, was raped by many accused persons including uncle of the victim girl. The school principal of victim girl also attempted to rape her in the school. The accused persons continued raping the girl over a long period of time and finally when the mother of girl came to know, FIR was registered in the month of May, 2020, but the complainant alleged that the police did not arrest any of the accused so far and they were conducting biased investigation as the accused persons had contacts with local politicians.

A report dated 17 February 2022 of the Additional Superintendent of Police, CB-CID, Range Cell, Ajmer, Rajasthan, was submitted by the D. I. G of Police (AHT), CB-CID, Jaipur, Rajasthan, vide letter dated 24 February 2022. It was reported that the instant case related to FIR No. 133/2020, which was registered at P.S. Javaja, Ajmer, U/sec. 323/ 341/ 504/ 376/ 376(2)(n)/ 376D IPC and Section 3/ 4/ 16/ 17 POCSO Act along with Section 3(2)(va) SC/ST Act. After the completion of the investigation, charge sheet no. 02/2021 was submitted before the Hon'ble Court. An amount of rupees one lakh was sanctioned for payment as compensation to the victim of the case. The allegation against the principal was not substantiated during enquiry. During enquiry of the case bearing no. 91 / 202 1, U/ Sec. 332/ 353/ 504/ 506/ 34 IPC and Section 3(1)(r)(s), 3(2) (va) SC/ST Act, which was filed by the principal, it was found that the said principal was assaulted by the relatives of the victim and the instant complaint was filed by the father of the complainant in order to create pressure upon the said principal. The accused was also arrayed as an accused in the case bearing FIR No. 328/2020, in which the accused and the victim of the

case are the same as in FIR No. 133/2020. The charge sheet was also submitted in the case bearing FIR No. 328/2020.

The Commission considered the report submitted by the authority in the instant case. Since the chargesheet was submitted against the accused for committing the offences U/ Sec. 323/ 341/ 504/ 376/ 376 (2)(n)/ 376D IPC and Section 3/ 4/ 16/ 17 POCSO Act along with Section 3(2) (va) SC/ST Act before the Hon'ble Court, the Superintendent of Police, Ajmer, Rajasthan and District Magistrate, Ajmer, Rajasthan, were directed to submit report with regard to payment of compensation to the victim of the case as per the victim compensation scheme of the State, SC/ST Act and as per DLSA of the State.

Neither complainant's comments nor report from Supdt. of Police and District Magistrate, Ajmer was received. In the interest of justice, the copy of report already received was transmitted once again to the complainant for her comments, if any, within four weeks. Meanwhile, requisite report regarding the payment of compensation was called once again from Supdt. of Police and District Magistrate, Ajmer, Rajasthan.

The complainant vide a communication dated 03 September 2021 approached the Commission stating that the local police colluded with one of the main accused in the instant gang rape case by allegedly accepting heavy amount of bribe from him and gave him a clean chit in the charge sheet. It is further stated that the police managed to implicate the father of the victim in a false case and sent him to jail for about 10 days with the objective to mount pressure on him for not to press upon the inclusion of the name of the main accused/school headmaster as an accused during the investigation. It is further stated that the police deliberately failed to upload the FIR of the victim in the portal for the purpose of releasing the statutory monetary compensation under the SC/ST Act and rules framed there under and on account of that the victim did not receive any compensation so far in the instant case. The complainant asked the Commission for a high-level probe so as to ensure justice and fair deal in the matter.

In the light of above, the Commission directed the DGP, Rajasthan, to conduct further enquiry into the matter in view of the allegation of the complainant and get the matter reinvestigated through CB-CID by exercising his powers u/s 173 (8) Cr.P.C. It was observed that no comments were received from the complainant. The Commission considered the report submitted by the authority in the instant case.

Since the charge- sheet was submitted against the accused for committing the offences U/ Sec. 323/ 341/ 504/ 376/ 376(2)(n)/ 376D IPC and Section 3/ 4/ 16/ 17 POCSO Act along with Section 3(2)(va) SC/ST Act before the Hon'ble Court and further in terms of the direction of the Commission, the compensation of rupees one lakh was paid to the victim of the case bearing FIR No. 133/2020 and an amount of Rs. 2,06,250/- was paid to the victim in FIR vide proceedings dated 16 March 2020, the Commission considered the said report and directed to the SSP, Firozabad, to send the reasons for delay in registration of FIR in the matter, action taken against the guilty officials, details of arrest of the absconding accused persons and action taken against them, details of Mandatory Monetary Relief to victim under SC/ST (PoA) Act, and details of security provided to the victims. Pursuant to the direction of the Commission and conditional summons issued by the Commission vide its proceedings dated 01 February 2021, the Commission received an old report dated 31 January 2020 from the Superintendent of Police, Firozabad, which had already been considered by the Commission vide its proceedings dated 16 March 2020.No. 238/2020. The matter was closed by the Commission on 29 August 2022.

3.) **Tragic loss of two lives at Kondli sewage treatment plant, East Delhi.**

(Case No: 2231/30/2/2022)

The Commission encountered a distressing news report in *The Times of India* dated 31 March 2022. The report, titled "Two bodies fished out of sewage plant pit at Kondli", detailed a tragic incident on 30 March 2022. They lost their lives after falling into a pit at a sewage treatment plant in Kondli while repairing a motor. Fire officials responded to an emergency call, but the victims couldn't be saved and were declared dead at the hospital.

Upon taking cognizance of this matter, the Commission promptly sought relevant reports from the concerned authorities. Following a comprehensive review of the submitted reports, on 07 September 2022, the Commission took action. It issued a notice under Section 18 of the PHRA to the Chief Executive Officer of the Delhi Jal Board and government officials from the relevant department. This notice requested a response regarding why the Commission should not pursue criminal prosecution due to negligence. The primary concern was the failure to provide safety equipment, as stipulated in the Commission's Advisory against public servants, issued on the 29 April 2021.

In response to this notice, the Chief Engineer (SDW) of the Delhi Jal Board submitted a comprehensive report. They firmly asserted that there had been no negligence on the part of the Delhi Jal Board in implementing either the provisions of the PEMSAR Act, 2013, or the Advisory issued by the Commission. Consequently, they urged the Commission not to initiate criminal proceedings against the Delhi Jal Board or its officials.

Nevertheless, during the Commission's deliberations on the matter, a critical issue came to light. It was observed that while an Instructional Order had been issued, instructing employers to adhere to guidelines concerning the implementation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, and the Rehabilitation Rules, 2013, the actual contractual details between the employer and the Delhi Jal Board were conspicuously absent. This was of utmost importance since the responsibility of providing safety gear to workers could not be solely shifted to the hiring agency based on a contract. Consequently, the Commission requested an examination of the standard contract used by the Delhi Jal Board for hazardous cleaning work in sewage. Furthermore, the Commission noted that the reply from the Delhi Jal Board failed to address the notice issued to the Chief Executive Officer regarding negligence in providing safety gear to the deceased employees, who had been employed by a contractor. The Commission stipulated a response within four weeks.

In response to these directives, the Chief Engineer (SDW) of the Delhi Jal Board provided clarification. They stated that the work undertaken was exclusively for the operation of the 45 MGD STP Phase-IV at Kondli and did not involve any hazardous cleaning or scavenging activities. The maintenance of all electrical and mechanical equipment fell within the department's purview. They acknowledged that contract conditions could vary depending on the nature of the work. The department had provided one-time safety equipment to the contractor due to the hazardous nature of the area. The contractor bore the responsibility of judiciously using these safety gears, and departmental officials conducted regular site inspections. The department further emphasised that there was no pre-scheduled maintenance work on the day of the incident. It was an unforeseen accident, and the departmental staff could not be held responsible. Additionally, an internal inquiry was conducted, which concluded that the incident was indeed accidental. In addition to providing monetary compensation of rupees ten lakh to the NoK of the deceased, the Delhi Jal Board also extended government job offers to the deceased family members on compensatory grounds to support their long-term needs.

In response to these actions, the Commission reviewed the report and highlighted the need for Delhi Jal Board to ensure compliance with the directives issued by the Commission in the form of an Advisory dated 24 September 2021. This advisory focused on the protection of human rights for individuals engaged in hazardous cleaning. With these directions and actions taken into account, the case was officially closed.

4.) Two Safai Karmacharies succumbed to poisonous gases while cleaning the man-hole and payment of compensation

Case No.119/10/1/2020

The Commission received a complaint from the National Convener, Safai Karmachari Andolan, alleging that three Safai Karmacharies were called to clean a chamber/manhole in the premises of Sri. SSBS Jain Sangh Trust on Infantry Road, Bengaluru. They were asked to enter inside the manhole. During the cleaning, two of them succumbed to poisonous gases and lost their lives on 25 January 2020.

Pursuant to the directions of the Commission, Commissioner of Police, Bengaluru City vide a communication dated 08 October 2020 submitted the report of DCP East Division, Bengaluru City, along with enquiry report of ACP Pulikeshi Nagar Sub-division, Bengaluru City, which revealed that two persons died. One belonged to the Scheduled Caste. Police registered FIR vide Case Crime No. 13/2020 u/s 304/338 r/w 34 IPC and 3(1)(J) SC/ST Act and Section 7 / 8 / 9 Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. During investigation, Sections 7/8/9 of Prohibition of Manual Scavengers and their Rehabilitation Act 2013 were left out because of non-availability of evidence and added Section 87/88 of Juvenile Justice Act-2015. The Police arrested four accused and after investigation, a charge sheet was filed in the court. A copy of FIR, postmortem report and other connected documents had been submitted to Social Welfare Department to facilitate the compensation process.

Vide proceedings dated 16 January 2021, the Commission issued direction to the Deputy Commissioner, Bengaluru, Karnataka, to submit the proof of payment of compensation within four weeks. Meanwhile, the Commission received the action taken report dated 21 September 2020 from the Jt. Labour Commissioner informing the facts of the case and submitted that regarding compensation, the labour office had no jurisdiction.

Pursuant to the directions issued by the Commission dated 02 February 2022, a letter was received from the Joint

Director, Social Welfare Department, Bengaluru Urban District, dated 08 March 2022 along with the report of Secretary, Karnataka State Commission for Safai Karmacharis, Bengaluru, and with other relevant papers. The report reveals that the compensation amount to the dependent has been paid by the District Social Welfare Department. The proof of payment was submitted. Thus, after perusal of the report, it was clear that the direction issued by the Commission had been complied and compensation amount had been paid to the NoK of the deceased. The proof of payment had been submitted by the authority. Nothing remains to proceed further in the matter. The report was taken on record and the case was closed.

5.) Fatal gutter fall in Karawal Nagar, Delhi, due to the negligence of the public authorities.

(Case No: 2649/30/5/2020)

On 08 June 2020, the Commission received a notification alleging the death of a young student residing in Karawal Nagar, Delhi, on 6 June 2020. It was alleged that his demise occurred due to a fall into a gutter, attributable to the negligence of the relevant department responsible for constructing the wall surrounding the gutter.

Upon receipt of this information, the Commission initiated an inquiry and directed the Deputy Commissioner of Police, Northeast, Delhi, and the Commissioner of the East Delhi Municipal Corporation, Delhi, to provide an action taken report. In response, the Investigation Division of NHRC assembled a team to conduct a spot inquiry to ascertain whether the death was a result of negligence on the part of government officials.

During the spot inquiry, the team engaged with the deceased boy's family members, police officials, representatives of the MCD, Delhi Jal Board, and the Irrigation and Flood Control Department. The team gathered statements from the family members. Based on the evidence presented, the Commission determined that the young boy's death resulted from falling and drowning in the drain due to the negligence of the department responsible for constructing the drain's protective wall. The post-mortem report verified the cause of death as asphyxia due to drowning. Given clear negligence on the part of government authorities, the Commission issued a Show Cause notice under Section 18 of the PHRA, to the Chief Secretary, Government of NCT of Delhi, inquiring why the Commission should not recommend compensation of Rs. 3,00,000/- to the next of kin of the deceased. Furthermore, the Chief Secretary, Government of NCT of Delhi, was directed to formulate a Standard Operating Procedure (SOP)

for the safety and protection of residents/public living near such drains. The directive also included the formation of an inter-departmental panel comprising various civic agencies to address and prevent similar accidents or incidents in the future. The Secretary of the Irrigation and Flood Control Department (I&FC), Government of NCT of Delhi, was also instructed to repair or construct the walls on both sides of the canal, make provisions for canal cleaning, and identify specific spots for such activities.

In response, the Office of Executive Engineer (CD-IV), Irrigation and Flood Control Department, Shastri Nagar, Delhi, reported that a team from the department, along with field officers, inspected the area where the incident occurred. According to their inquiry report, residential dwellings were situated at a distance of 20 meters from the drain, separated by a road and bank of the drain. Furthermore, wire mesh jali was installed over the bridge railings to ensure commuter safety. The occasional breaking of the wall was attributed to vehicular impact or miscreants disposing of garbage/ malba, despite the department providing designated spaces for waste disposal. While maintaining that the department was not at fault for the tragic incident involving the young child, the department expressed willingness to consider providing monetary assistance on humanitarian grounds, recognising the irreplaceable loss suffered by the family. The authorities concerned confirmed that the compensation of Rs. 3,00,000/- had been disbursed to the next of kin of the deceased as per the Commission's directives. Subsequently, the case was closed on 14 June 2022.

6.) Brutal murder of a tribal woman on suspicion of practising witchcraft in Jharkhand wherein a proposal for compensation was moved.

(Case No. 1059/34/18/2022)

Instant complaint was received regarding allegation of brutal murder of one 45-year-old tribal woman, on 3 July 2022, on suspicion of practising witchcraft at Village Gangimundi, PS-Manjhari, District-West Singhbhum, Jharkhand. It was alleged that the incident of witch hunting in the State of Jharkhand shows failure on the part of the State government to contain this social evil despite enacting the Prevention of Witch (DAAIN) Practices Act 2001. The complainant was seeking intervention of the Commission *inter alia* for an independent inquiry into the brutal murder of 45-year-old tribal woman, stern action against the perpetrators under the relevant penal provisions, a compensation of Rs. 10 lakhs to the next of kin of the deceased and an action taken report in respect to prevention of sorcery/witch-hunting in the

State. The complainant requested intervention of the Commission.

The Commission vide its proceedings dated 30 November 2022 had directed the complainant to submit comment upon the report submitted by the authority in the instant case. Report dated 03 September 2022 was received from District Magistrate, West Singhbhum, Chaibasa, Jharkhand. As per the report, a FIR had been registered and the case was under investigation. The proposal for compensation was initiated by the police. Report dated 17 October 2022 was received from the Superintendent of Police, Paschimi Singhbhum, Chaibasa. As per the report, a charge-sheet had been filed against the accused and the proposal for compensation had been moved. As per CMIS records, no comments were received from the complainant. In view of the reports, as above, and in the absence of any further comments of the complainant, further continuance of the proceedings in the matter was not called for. The case was closed.

7.13 Sports and Human Rights

7.13.1 Sports is an integral part of human civilization. Non-discrimination, and inclusivity are the main features of any sport. Through sports and its principles of respect and fair play, we can unite people across borders and can bridge social, cultural, and economic divides. However, human rights abuse in sports has invariably affected the growth of a healthy sporting culture in India, which promotes various human rights, like right to culture, right to health, right to participation, right to education, and so on and thus plays an important role in society.

7.13.2 In this regard, the Commission has been playing an important role in the protection of human rights by identifying policy gaps, by protecting life and liberty, by ensuring that no discrimination on the basis of caste and creed happens and by providing justice to all.

7.13.3 An Open House Discussion on Sports and Human Rights was organised in hybrid mode, on 01 November 2022, chaired by Dr. D. M. Mulay, Member, NHRC. Representatives of the Ministry of Youth Affairs and Sports, Sports Authority of India, and other domain experts from governmental and nongovernmental organizations also joined the meeting. The agenda of the meeting were to examine the human rights

issues in sports industries and solutions thereof; to understand the infrastructural and structural challenges and solution thereof; and finding remedies, accountability and embedding respect for human rights in sports federation. After due deliberations, the following recommendations were made:

- Principals of safe sport, privacy, and voice (right to raise), should followed in the sports sector all the time.
- Periodic audits must be done by an independent expert agency of repute to assess adherence to 'National Sports Development Code of India' and 'Human Rights Strategic Framework' by all National Sports Federation and place report thereof in public domain.
- Measures should be initiated to promote sports literacy, such as, development and promotion of basic alphabetical sports booklets, inclusion of module of sports in school curriculum etc.
- A "Handbook on Human Rights in Sports" may be developed in vernacular languages.
- A module on "Human Rights in Sports" may be developed for incorporation in training courses for coaches organised by the Netaji Subhas National Institute of Sports and its Centres and similar courses run at the State level institutions for coaches. The NHRC, in collaboration with Netaji Subhas National Institute of Sports, may organise Training of Trainers (ToT) on these modules.
- Measures must be taken to create awareness among various stakeholders about the Human Rights Framework established by the International Olympic Committee.
- Feasibility for appointment of Institutional Ombudsman and Ethical Officer in sports body at National, State and District levels may be explored, to look into the grievances of sportspersons.
- Feasibility to earmark minimum ten per cent (10%) Corporate Social Responsibility (CSR) funds for promotion of sports sector may be explored.

7.14 Human Rights of Indian Seafarers

7.14.1 Indian seafarers, like their counterparts from other nations, have certain human rights that should be upheld and protected. However, they face specific challenges in their work. Abandonment of seafarers, imprisonment in foreign countries, ill-treatment, low wages, non-payment of salaries, poor working conditions, lack of sensitisation for women seafarers, and inadequate training are some of the major issues they face. They often experience difficulties related to their mental health.

7.14.2 On 22 February 2023, an Open House Discussion on Human Rights of Indian Seafarers was held. The meeting was chaired by Dr. Dnyaneshwar M. Mulay, Hon'ble Member, NHRC, and representatives of DG Shipping, and Ministry of Port Shipping and Waterways; Overseas Employments and Protectorate General of Emigrants, Ministry of External Affairs and other domain experts from governmental and non-governmental organisations attended the said meeting. Agendas for the meeting included, Abandonment and Imprisonment of Indian Seafarers; Role of the Ministry, Government of India and Shipowners in protecting the Rights of Seafarers; and Life of Women at Sea; and Mental Health of Seafarers. Suggestions emerged during the discussions included:

- Awareness and campaign programmes should be initiated in order to enhance the participation of women in the maritime industry. Moreover, sensitisation programmes may also be conducted for seafarers to eradicate the issues of harassment of women on ships.
- Awareness about the Mental Health of seafarers should be spread among all seafarers and there should be a dedicated well-being officer in every recruiting agency to address the issues faced by the seafarers when they are sailing.
- A set of guidelines may be issued by the Office of Protector General of Emigrants (PGE) to all the embassies about handling the bodies of deceased in case of death of seafarers at High Sea.
- A set of guidelines or an advisory may be prepared in collaboration of DG Shipping, Ministry of

Port, Shipping and Waterways and the Office of PGE for the members of the missions for ensuring safety of seafarers.

- Necessary steps may be taken for revising the Course Module on Gender Sensitisation under the training programme.
- A comprehensive handbook for the Rights of Seafarers' may be developed which can be distributed to all the seafarers by the recruiting agencies/ companies prior to their departure from India.

7.15 Culture and Human Rights

7.15.1 The National Human Rights Commission organised two-days National Conference on Human Rights in Indian Culture and Philosophy in collaboration with Indira Gandhi National Centre for Arts (IGNCA) on 30 June and 01 July 2022. The conference was inaugurated by Shri R. K. Singh Hon'ble Union Minister of Power, New and Renewable Energy in presence of justice Shri Arun Mishra, Hon'ble Chairperson; Hon'ble Members of the Commission; Secretary General of the Commission; and Shri Ram Bahadur Rai, President, Board of Trustee, IGNCA.

7.15.2 In the two days National Conference, the concept of human rights in Indian culture and philosophy was discussed to evolve with a new narrative and construct of human rights based on Indian philosophy and values and to trigger a predominant feeling that a series of such dialogues is necessary to be organised to study, understand and discuss the rich Indian heritage of art, culture and philosophy nurturing humanity to highlight its contribution to the global civilization, and sustain those practices juxtaposing with the realities of changing times. This National Conference also marked the beginning of a discourse which ignited a thought process to understand, assimilate and take forward the rich traditions of Indian art, culture and philosophy for sustainable concept of human rights, and the philosophy of *Vasudhaiva Kutumbakam*.

7.16 Business and Human Rights

7.16.1 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 NHRC is uniquely positioned in the country to act as a convener for the associated initiatives. This role was noted in key frameworks and initiatives -GANHRI, Working Group on Business and Human Rights and the 2018 United Nations General Assembly Resolution on improving accountability and access to remedy in BHR.

7.16.2 The Commission organised a Meeting of the Core Group on Business and Human Rights, on 19 April 2022 to discuss the issues and challenges of Commercial Truck Drivers in India. The aim was to derive certain actionable points, which could be further implemented. Justice Shri Arun Mishra, Chairperson, NHRC, chaired the meeting. NHRC Core Group members, representatives from the Union Ministries of Road Transport and Highways, Social Justice and Empowerment, Labour and Employment and Health and Family Affairs; All India Transporter's Welfare Association, Insurance Regulatory and Development Authority of India, NIMHANS and Save Life Foundation also joined the meeting. The meeting was divided into three Technical Sessions including Protection from exploitation, Socio-economic welfare framework; and Physical and mental well-being of commercial truck drivers. Some of the important aspects, among others, emerged during the discussion are as follows:

- Mandatory health and accident insurance to be provided to truck drivers;
- Provision of truck-stops and resting places on all National Highways and Expressways with amenities for resting, clean food, potable water and clean sanitation;
- Formal remuneration structure along with mandatory social security benefits including life insurance, provident fund, etc.;
- Establishing a dedicated helpline for registration of complaints of corruption and bribery, and

- Efforts to provide basic psychological well-being as a relief to the sedentary and inflexible and highly stressful lifestyle of commercial truck drivers.

7.16.3 The National Human Rights Commission issued an Advisory to protect the human rights of commercial truck drivers, to the Centre, States/ UT Administrations. The Advisory has focused on four key areas, including: Protection from exploitation, provision of amenities to the drivers, provision of Socio-economic Security and Physical and Mental wellbeing of the commercial truck drivers. The detailed advisory may be accessed on the website of the Commission, i.e., www.nhrc.nic.in.

7.17 Human Trafficking

7.17.1 An important issue closely related, especially with the subjects of women and children, is that of trafficking, which is an organised 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.

7.17.2 Illustrative Cases

1.) Trafficking of children and women and their rescue by the Manipur police

(Case No 20/14/0/2020)

The Commission was informed that Manipur Police rescued 179 Nepalese citizens (147 women and 32 men) from various locations in Manipur as they were planning to cross border from where most of them were scheduled to fly to countries like Iraq, Kuwait, Dubai and a few other countries like Oman, Kazakhstan and Lebanon. Accordingly, the Commission directed Special Monitor to visit the State of Manipur and enquire about trafficking of children and women to various countries.

The Commission took cognizance in the matter and considered the report submitted by the Special Monitor. The Commission issued direction to the State of Manipur, Ministry of Home Affairs, Government of India, and Ministry of External Affairs, Government of India to submit action

taken report/ compliance report on recommendations including transfer of cases to the National Investigating Agency (NIA).

Pursuant to further direction of the Commission, the Dy. Secretary (PR & ATC), Women Safety Division, Ministry of Home Affairs, Govt. of India vide communication dated 06 May 2022 submitted the report of DIG (Policy), NIA. It was submitted in the report that a copy of MHA's Women Safety Divisions letter dated 17 December 2020 enclosing SOP for combating trafficking of persons in India issued by NHRC had already been shared with all officers/ officials of NIA for sensitising them on various aspects of Human Trafficking. Further, directions were also issued to concerned branch heads of NIA branch offices located at Imphal, Guwahati, Kolkata, Lucknow and Chandigarh for close liaisoning with other sister agencies like SSB, BSF and ITBP for collating and analysing information/ intelligence pertaining to human trafficking. It was further submitted that all four FIRs (relating to human trafficking racket, registered at State of Manipur) i.e. FIR No. 7 (2) 2019 dated 01 December 2019, FIR No. 14 (2) 2019 dated 01 February 2019, FIR No. 26 (2) 2019 dated 01 February 2019 and FIR No. 25 (2) 2019 dated 02 February 2019 were transferred to the NIA and all four cases were under investigation.

Further, pursuant to the direction of the Commission and conditional summons to the Chief Secretary, Govt. of Manipur, the Under Secretary, Home, Govt. of Manipur vide communication dated 31 March 2022 submitted that SOP dated 07 March 2022 was circulated to the concerned departments including districts SPs on combating trafficking of persons in India. It was further submitted that reimbursement of the expenditure incurred by the NGOs involved in cases have been made under the Ujjawala Scheme of the Ministry of Women and Child Development, Govt. of India. Regarding male victims of human trafficking by way of rehabilitation, shelter and financial assistance, it was submitted that as of now, there was no provision for rehabilitation of male victims and Govt. of Manipur would explore ways for setting up shelter homes for male victims.

The Commission considered the material placed on record. All four FIRs were registered by Manipur Police in connection with human trafficking of 179 Nepalese citizens (147 women and 32 men) from various locations in Manipur, all scheduled to fly to Middle-East countries. The Women Safety Division, Ministry of Home Affairs, GOI, informed that all four FIRs were transferred to the NIA and all four cases were under investigation. Since the law was set in motion, no further

intervention of the Commission was required. The case was closed.

2.) Illegal activities of human organ trade and human trafficking in District Thiruvavur, Tamil Nadu (Case No. 2200/22/51/2021)

The Commission received a Complaint dated 29 June 2021 in vernacular language from one resident of District Thiruvavur, Tamil Nadu, about illegal activities of human organ trade and human trafficking to Japan in the area by certain persons. A prayer was made for intervention by the Commission in the matter. The complainant alleged that one Doctor was causing accidents in different places and helping illegal Organ Trade Racket and smuggling eyes and kidneys abroad and also brainwashing youngsters.

The Commission observed that the facts of the case were disturbing. The allegations made in the complaint were serious in nature, involving human trafficking and trade in human organs having international nexus. The case therefore involved grave violation of Human Rights of the victims and their families. Such types of cases are viewed very seriously by the Commission. In these circumstances, a Notice was sent to the Director General of Police, Tamil Nadu, calling for an independent enquiry and action taken report.

The Commission took serious view of the non-responsive attitude of Director General of Police, Tamil Nadu, for not filing the requisite report. In these circumstances, summons were issued in the name of Director General of Police, Tamil Nadu, for his personal appearance before the Hon'ble Commission at 11:00 a.m. on 28 April 2022 along with the requisite reports and copies of relevant documents. In case, the requisite report was received on or before 21 April 2022, personal appearance of the above officer shall stand dispensed with.

The Commission received a report dated 14 April 2022 from the Superintendent of Police, Thiruvavur District, Tamil Nadu, whereby, it was submitted that the complainant was suffering from psychiatric disease and was undergoing medical treatment from Medical College Hospital, Thiruvavur, Tamil Nadu. It was further stated that enquiries were made from various persons along with the husband of the complainant and their statements were recorded in writing who all asserted the fact that the complainant was a mentally affected person and the complaint was false and exaggerated. It was further stated that based on the enquiry report, the petition of the complainant was closed.

A reasonable time, beyond the due date given by the Commission to the complainant for submission of her comments elapsed and her comments are still awaited. As per report, the allegations made by the complainant could not be substantiated during investigation and as per statements given by the family members, she was also suffering from some mental illness. A copy of the report was transmitted to the complainant, who did not respond till date. The requisite action was taken by the Commission. The complainant did not controvert the report. In these circumstances, no further intervention by the Commission was required to be taken in the matter. The Commission thereby closed the matter on 24 February 2023.

3.) Medical negligence and trafficking of organs in District Howrah, West Bengal

(Case No. 962/25/9/2020)

The Complainant stated that on 15 April 2020 at 12:30 p.m., he admitted his pregnant daughter, at Uluberia S.D Hospital for delivery. At First, hospital authorities asked for corona test, the patient was shifted to Sanjeevan Hospital where authorities stated that the mother and baby were healthy. The Complainant was not allowed to meet his daughter and grandchild and was asked to meet them later. The Complainant, through political assistance, asked the ward master about meeting his daughter and grandchild on 01 May 2020, he was informed about the death of his daughter on 20 April 2020 and provided Death Certificate. The Complainant accused gross negligence on the part of hospital authorities by not informing the patient's family. He was forced to sign the death acknowledgment slip without even identifying the dead body. When he asked for the grandchild, the hospital authorities denied. The Complainant stated that he had seen some operation marks and suspected of trafficking of organs like kidney, liver, etc. The Complainant questioned the hospital authorities regarding the medical negligence of 15 days and not informing about the death and health condition of the patient. The police did not provide any complaint copy and no action was taken further. The Complainant stated that the hospitals were involved in immoral trafficking of child and human organs. The Complainant attached Health Card, and Hospital Admit Card of the patient.

A report dated 15 March 2021 was received from the Additional District Magistrate (General), Howrah, along with a copy of the letter received from CMO, Health, wherein it is stated that one writ petition 583(W) of 2020 was filed in the Calcutta High Court, wherein order dated 23 December 2020 was passed by the Hon'ble Divisional Bench for second post mortem and DNA test to be conducted at R.G. Kar Medical

Hospital, Kolkata. Contempt petition was also pending in the Hon'ble High Court. It was further stated that the case was pending in the Calcutta High Court.

In view of the fact that the matter was sub judice in the Hon'ble High Court of Calcutta and non-submission of any comments from the complainant to the report submitted by the concerned authority, the Commission was of the opinion that no further intervention of the Commission was required in the present matter.

7.18 Human Rights Defenders

7.18.1 The National Human Rights Commission of India is mandated under Section 12(i) of the Protection of Human Rights Act, 1993, to encourage the efforts of non-governmental organisations and institutions working in the field of human rights. Therefore, ever since the Commission was instituted, it has worked closely with a number of organisations and individuals, both governmental and non-governmental, to improve the human rights situation in the country, along with rendering support and protection to human rights defenders. It has observed and complied with the United Nations Declaration on Human Rights Defenders and consequently made efforts to promote the development of protective mechanisms for human rights defenders across the country. As part of its strategy, it works with non-governmental and civil society organisations; National and State Commissions including State Human Rights Commissions and other key actors to raise awareness about human rights defenders and challenges being faced by them.

7.18.2 A Focal Point for Human Rights Defenders has been set-up in the Commission to deal with complaints alleging harassment of Human Rights Defenders by or at the instance of public authorities. The designated contact person at the Focal Point is Shri Indrajeet Kumar, Deputy Registrar (Law). The Focal Point is accessible to human rights defenders round the clock through: (i) Mobile No. 9999393570, (ii) Fax No. 24651334, and (iii) E-mail: hrd-nhrc@nic.in. The Focal Point ensures that the directions of the Commission in every case of alleged harassment of Human Rights Defenders are complied with on a priority basis and are also conveyed to the concerned human rights defender. The update of the complaints of alleged harassment of Human Rights

Defenders is also posted on the website of the Commission. The Focal Point for Human Rights has engaged in dialogues/discussions with NGOs/ villagers/ HRDs/ State Government officers to understand the status of promotion and protection of Human Rights at the grassroots level.

7.18.3 During the period, the Commission received 99 complaints concerning alleged harassment of Human Rights Defenders. Three Cases pertaining to HRDs were finally closed with direction by the Commission during the year 2022-23. Five cases pertaining to the Human Rights Defenders were disposed of with direction.

7.18.4 Illustrative Cases

1.) The Commission issues directives to State Authority for ensuring safety and security to Human Rights Defenders

(Case No: 907/18/18/2022)

The Commission received a complaint from an Advocate and Human Rights Defender, alleging attack, threat to his life and his aged parents, who are living in his native place, i.e., Bhadrak district of Odisha by some miscreants and inaction by the state authorities.

The Commission took cognizance in the matter and sought report from the state authorities. The report received on the matter was considered by the Commission. The Commission took a serious view and opined that in the present matter the complainant and his family faced the threat, due to which, on the day of re-polling, he and his family could not cast their vote. The Commission also took serious view of the fact that there was a threat to the life and liberty of a person and his safety was put at stake due to the failure of the state machinery and no timely action was taken by the police.

As per the directives of the Commission, the report received from the state authorities was transmitted to the complainant for his comments. The complainant stated that his old parents are living in his native village and have been suffering from untold miseries. He stated that if the Commission did not protect him and his family members, they would be

forced to remain under consistent fear and apprehension. According to the complainant, since the failure of the Government was exposed and the culprits were brought to face the 'Rule of Law' by him, the risk to his life were manifold. He requested the Commission to direct the Secretary, Home, the DGP of the State and the District Administration of Bhadrak to ensure safety and security of his life.

The Commission considered the facts and circumstances in the matter including the complaint, report received and the comments of the complainant on the report. The Commission opined that the threat to the life of a human rights defender and his family due to alleged inaction by the government authorities is a matter of concern for the Commission. The Commission, therefore, directed the Chief Secretary and the Director General of Police, Odisha, to convey suitable directions to the officer concerned to ensure that effective steps were taken in time to ensure safety and security of the complainant and his family members, whenever required. With these directions, the case was closed.

2.) The Commission issues directives to complete the investigation on HRD matters

(Case No: 1609/25/11/2022)

The Commission took cognizance of the complaint filed by a human rights activist from West Bengal, alleging that the police officials from the Police Station English Bazar are misusing their power to harass the people. The Complainant also stated that a human rights activist, was being harassed by the police in connivance with the members of the ruling political party.

The Commission sought report from the state authorities. After regular follow up, the report was received on the matter. The Commission considered the report and it was revealed that the case is presently under investigation. The concerned court will take further necessary action as warranted under law based on the merits of the case and the investigation done by the police. The Commission closed the case with liberty to the complainant to raise their grievance if any before the concerned court and directives to police authorities to complete the investigation in the case at the earliest.

Chapter 8

International Cooperation

8.1 NHRC, India is fully complied with Paris Principles and has a prominent position at international forums including both regional as well as global forums. It has been an instrumental member of Global Alliance of National Human Rights Institutions (GANHRI), which is one of the largest Human Rights Network in the globe, representing more than 110 National Human Rights Institutions (NHRIs). NHRC India has been accredited with “A” status by the Sub Committee on Accreditation (SCA) of GANHRI for its full compliance with Paris Principles and it continues to retain this from 1998 onwards. The Secretary General, NHRC India, holds the position of Chair of GANHRI Finance Committee. NHRC is also one of the founding members of Asia Pacific Forum (APF), which is a regional coalition of NHRIs of Asia Pacific Region and contributes an amount of 1,50,000 USD per annum to APF. Chairperson, NHRC, is the member of the APF Governance Committee.

8.2 NHRC has been playing an active role in its engagements and interactions with GANHRI, APF and other international forums like Human Rights Council (HRC), UN Working Groups, Office of the United Nations High Commissioner for Human Rights (OHCHR), treaty bodies, etc. The Commission has been proactively participating in various international conferences, workshops, training programmes as well as providing inputs to the draft resolutions, questionnaires of Special Rapporteurs of UN and other reports, documents throughout the year. Despite COVID-19 and its constraints, the Commission has strengthened its international engagements and made its presence felt at various platforms on the issues of Human Rights.

8.3 Cooperation with the APF of NHRIs: The APF of NHRIs is the leading regional human rights organisation in the Asia Pacific region, established in 1996. It is a member-based organisation that supports the establishment and strengthening of independent NHRIs 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. The

National Human Rights Commission of India is one of its founding members.

8.4 Cooperation with the GANHRI: The GANHRI is a representative body of NHRIs established for the purpose of creating and strengthening NHRIs, which are in conformity with the Paris Principles. It performs this role through encouraging international co-ordination of joint activities and co-operation among these NHRIs, organising international conferences, liaison with the United Nations and other international organisations and, where requested, assisting governments to establish a National Institution. NHRC, India is a GANHRI member with 'A' status accreditation for the fourth consecutive term of five years that are 1999, 2006, 2011 and 2017.

8.5 NHRC participation in other international meetings and seminars

- Shri Rajiv Jain, Member, and Shri Devendra Kumar Singh, Secretary General, attended the interactive dialogue sessions of 50th session of Human Rights Council in Geneva and Paris from 20- 24 June 2022. Shri Jain, submitted (i) statement during 50th Session of HRC on Interactive Dialogue with Special Rapporteur on Health and (ii) statement on Interactive Dialogue with Special Rapporteur on Education.
- Justice Shri Arun Mishra, Chairperson, and Dr. D. M. Mulay, Member, visited Geneva, Brussels from 7 - 8 July 2022 for a meeting with International organisations, GANHRI Representative, UN Deputy High Commissioner for Human Rights, European Parliament, amongst others.
- Justice Shri Arun Mishra, Chairperson, attended the International Workshop on "Enhancing cooperation between Regional and International Mechanisms for the promotion of human rights", held in Geneva from 18 - 19 October 2022.
- Shri Sunil Kumar Meena, DIG, attended the "2022 Partnership Programme for Human Rights Officers," organised by NHRC Korea from 7 - 11 November 2022.

- Justice Shri M. M. Kumar, Member and Mrs. Anita Sinha, Joint Secretary, attended the “2022 UN Forum on Business and Human Rights” meeting in Geneva from 28-30 November 2022.
- Shri Arun Kumar Tewari, Under Secretary, visited Male, Maldives, as a resource person to coordinate the training programme of Human Rights Commission of the Maldives (HRCM) officials in Male, from 15 - 16 January 2023.
- Mrs. Anjali Saklani, Assistant Director (Hindi), attended the 12th World Hindi Conference at Nadi, Fiji, from 15 - 17 February 2023.
- Justice Shri Arun Mishra, Chairperson, attended the International Conference on “Climate Change and Human Rights” from 21 - 22 February 2023 in Doha, Qatar.
- Justice Shri Arun Mishra, Chairperson, Dr. D. M. Mulay, Member, Shri Devendra Kumar Singh, Secretary General and Mrs. Anita Sinha, Joint Secretary visited Geneva, Switzerland and attended the GANHRI Annual Meeting from 14 - 16 March 2023, and delivered statement at 52nd Human Rights Council from 13 - 16 March 2023, Commonwealth Forum of National Human Rights Institutions (CFNHRI) Annual Meeting on 14 March 2023 and APF Governance Committee Meeting on 13 March 2023.
- Shri Indrajeet Kumar, Deputy Registrar (Law), attended the 4th UN Forum on Business and Human Rights at Kathmandu, Nepal, from 20 to 22 March 2023.

Dialogue on OHCHR report on privacy by Shri Rajiv Jain, Member, on 16 September 2022 and another one on Interactive Dialogue with Independent Expert on older persons by Justice Shri M. M. Kumar, Member, on 20 September 2022.

- Two meetings of the GANHRI Finance Committee, chaired by Shri Devendra Kumar Singh, Secretary General, held virtually on 31 August 2022 and 06 February 2023, to receive an update on the GANHRI finance and prepare for the GANHRI Bureau Meeting.
- Justice Shri Arun Mishra, attended the APF Governance Committee meeting virtually on 05 December 2022.
- Shri Nishith, Section Officer, attended two months' online training programme of 21st Informal ASEM Seminar Human Rights - Training on Climate Action: Human Rights- Based Approaches to Adaptation and Mitigation Challenges from 14 October 2022 - 25 November 2022.
- Shri Devender Kumar Singh, Secretary General, virtually attended the GANHRI Bureau Meeting from 27 - 28 October 2022.
- Justice Shri Arun Mishra, Chairperson, and Shri H.C. Chaudhary, Joint Secretary attended the programme — “2022 Annual Tripartite Partnership Meeting, protecting environmental human rights defenders and promoting meaningful climate talks— The role of NHRIs”, virtually on 02 November 2022.
- Justice Shri Arun Mishra, Chairperson, delivered a lecture on APF Virtual Dialogue Series, Climate Change and Human Rights: Role of National Human Rights Institutions, on 10 November 2022.
- Dr. D. M. Mulay, Hon'ble Member participated in the Conference of Taiwan National Human Rights Commission, 'Implementing the Human Rights-based Sustainable Development Goals: The Role of National Human Rights Institutions' on 25 November 2022 virtually.
- Shri Devendra Kumar Singh, Secretary General, NHRC, attended the “High-level Global Forum on Human Rights Education” on 5-6 December 2022 virtually. The topic of Secretary General, NHRC's speech was the Role of NHRIs in Implementation of the United Nations Declaration on Human Rights Education and Training: An Indian Perspective.

8.6 International Webinars

- Dr. D. M. Mulay, Member, attended the Virtual Dialogue on Advancing the Role of the National Human Rights Institutions for the Vulnerable during COVID-19, organised by APF of NHRIs, in partnership with the Korean NHRC, as Speaker on “Disability” on 03 May 2022.
- Shri Indrajeet Kumar, Deputy Registrar (Law), attended the online consultation with NHRIs on the review of the EU Human Rights Defenders Guidelines on 12 May 2022.
- NHRC, India delivered two pre-recorded statements to 51st Human Rights Council — one on Interactive

- The Video statements along with the transcripts for the 52nd Session of Human Rights Council were sent to Office of United Nations High Commissioner for Human Rights on 1 March 2023 – (i) Interactive Dialogue with Special Rapporteur Environment by Justice Shri Arun Mishra, Chairperson, NHRC; (ii) Interactive Dialogue with Special Rapporteur Food by Dr. D.M. Mulay, Member, NHRC; (iii) Interactive Dialogue on HC report on access to COVID-19 Vaccines by Shri Rajiv Jain, Member, NHRC; and (iv) Interactive Dialogue with Special Rapporteur: housing by Shri Devendra Kumar Singh, Secretary General.

8.7 Interaction with Foreign Delegates in the Commission

- Shri Eamon Gilmore, EU Special Representative for Human Rights, accompanied by Shri Viktor Velek, Political Advisor to EU Special Representative for Human Rights; Shri Jan Hofmohl, Policy Officer, India, Nepal, Bhutan (ASIAPAC.6 – South Asia), European External Action Service; H.E. Shri Ugo Astuto, Ambassador of the European Union to India; Ms. Lene Volckers, First Secretary (Political Affairs); and Shri Lorenzo Parrulli, Second Secretary (Political Affairs), visited the Commission on 27 April 2022 to discuss the broader work of the NHRC in the promotion and protection of human rights in India.
- Delegation of Human Rights Commission of Maldives consisted of Ms. Mariyam Muna, President, Dr Ahmed Adham Abdulla, Vice President, Ms. Moomina Waheed, Commissioner, Ms. Aminath Shifaath Abdul Razzaq, Commissioner, Ms. Uza Samaau Ahmed Najeeb, Commissioner and Shri Ali Ahmed Manik, Senior Bureau Officer, visited India from 23-27 May 2022. The delegation was briefed about the functioning of the Commission, complaint management, investigation of cases, forensic analysis, etc. The delegation was also taken to Gujarat State Human Rights Commission on 26 May 2022 to understand the functioning of the SHRCs.
- German Deputy Chief of Mission, Dr. Stephan Grabherr visited the Commission on 27 May 2022 to discuss human rights issues in India. He also visited the Commission on 10 November 2022 to discuss the upcoming Universal Periodical Review (UPR) in November 2022.
- Shri Rory Mungoven, Head of Asia Pacific Section and Ms. Aida Martirous-Nejad, Human Rights Officer, Asia-Pacific Section, Office of the United Nations High Commissioner for Human Rights (OHCHR) visited the Commission on 13 October 2022 to better familiarise themselves with the work of various Governments and non - governmental institutions, with a view to seeking areas of engagement and potential cooperation.
- Delegation from European Parliament (Ms. Alviina Alametsa, Member of European Parliament, accompanied by Ms. Ehlert Saara Antonia, Parliamentary Assistant and Rajphael Fisera, Political Advisor), visited the Commission on 03 January 2023 for a meeting with the Chairperson, Members, DG (I) and Registrar (Law), NHRC.
- A delegation of National Human Rights Committee of Qatar led by H.E. Dr. Mohammed Saif Al-Kuwari, Deputy Chairperson of the NHRC-Qatar, accompanied by H.E. Shri Sultan bin Hassan Al Jamali, Secretary-General and Shri Saif Al-yafei, Director of the Secretary General's Office, visited NHRC on 09 February 2023 and interacted with the Chairperson, Members and Senior Officers of the Commission. During the discussion, functioning of NHRC India and Qatar was discussed and human rights concerns of both the countries were also deliberated upon. Areas of mutual collaboration and coordination between both the NHRIs were explored.
- A delegation of The Kingdom of the Netherlands, led by Mrs. Bahia Tahzib, Ambassador for Human Rights of the Kingdom of the Netherlands, accompanied by Mrs. Asli Cetinel, Senior Policy Officer, Asia Department, Netherlands Ministry of Foreign Affairs, Shri Huib Mijnaemds, Deputy Head of Mission, Embassy of the Kingdom of the Netherlands, Shri Joost van Oostenbrugge, Second Secretary, Embassy of the Kingdom of the Netherlands, and Shri Wicher Slagter, First Secretary, Embassy of the Kingdom of the Netherlands visited NHRC for a meeting with Hon'ble Chairperson and Members on 01 March 2023.
- Ms. Rakeb Messele Abera, Deputy Chief Commissioner, Ethiopian Human Rights Commission (EHRC), Ethiopia visited NHRC on 28 March 2023 to share her experience and exchange on women and children's rights and socio-economic rights related work, and engagement with the judiciary and also to exchange on broader promotion and protection of human rights.

Chapter 9

Non-Acceptance of NHRC Recommendations

9.1 The National Human Rights Commission in exercise of its power under Section 18(a) (i)(ii) of the PHRA, 1993, makes recommendations for payment of compensation or damages and immediate interim relief u/s 18(c) of the PHRA, 1993 to the complainant or the victim or their family members and / or to initiate proceedings for prosecution and such other suitable action as the

Commission may deem suitable against the concerned public servant. During the year 2022-23, recommendations made by the Commission for grant of monetary compensation and interim relief were challenged in a few cases before the Hon'ble Courts. Details of such cases have been tabulated below:

Table II: Recommendations made by the NHRC which are challenged before Hon'ble Courts or the compliance thereof refused by the authorities in the year 2022-23

S. No.	Case No.	Date of recommendation	Nature of complaint	The Recommendations of the Commission	Recommendation refused to comply by the Authorities	Challenged in Court
1.	347/34/16/2018-JCD	19 May 2022	Intimation from SP District Jail Gumla, Jharkhand regarding custodial death of a Prisoner, Charwa Uraon S/o Mikra Uraon	The Govt. of Jharkhand to pay monetary relief of Rs. 7.5 Lakh (Rupees Seven Lakh Fifty Thousand only) to the NoK of the deceased prisoner.	The Govt. of Jharkhand is unwilling to provide Compensation & requested the Commission to recall the order of compensation with plea that death of the prisoner occurred during the course of treatment.	NA
2.	506/11/1/ 2017-PCD	05 May 2022	This case relates to death in the custody of P.S. Nooranad, Alappuzha District, Kerala on 07 September 2017 while deceased tried to escape from the custody of police by jumping from the moving police vehicle.	The Govt. of Kerala to pay monetary relief of Rs. 3,00,000/- (Rupees Three Lakh) to NoK of the deceased prisoner.	NA	The Govt. of Kerala obtained a stay from the Hon'ble HC of Kerala at Ernakulam on the SCN and recommendation for payment of monetary compensation to the NoK of the deceased.f: WP (C) 4694/2023

S. No.	Case No.	Date of recommendation	Nature of complaint	The Recommendations of the Commission	Recommendation refused to comply by the Authorities	Challenged in Court
3.	3799/12/33/2021	22 August 2022	Electrocution death due to the negligence of the electricity department. They had failed to maintain the minimum distance of the high tension wire & allegedly no action was taken.	The Govt. of MP to pay monetary relief of Rs. 5,00,000/- (Rupees Five Lakh) to the NoK of the deceased victim.	NA	The Govt. of MP challenged the order dated 22 August 2022 of the Commission in Hon'ble HC, Jabalpur vide WP4676/2023. The case is Sub-judice.
4.	8764/24/34/2021	13 December 2022	The case related to sexual assault of a waiter by the police official.	The Govt. of UP to pay monetary relief of Rs. 2,00,000/- (Rupees Two Lakh) to the victim.	NA	The accused Police official challenged the recommendations of the Commission in Hon'ble HC Allahabad vide WP(C) No. 32878 of 2022
5.	77/9/1/2020	16 January 2023	Alleged death of a woman admitted at Sub District Hospital, Seer and later on shifted to Maternity and Child Care Hospital, died due to medical negligence of doctors & the administration tried to play off the death of the victim as a COVID related one. Alleged delay in giving timely treatment resulted to death.	The UT Govt of J&K to pay Compensation of Rs. 4,00,000/- (Rupees Four Lakh only) to the NoK of deceased Shakeela.	NA	The UT Govt of J&K has intimated that the order has been assailed by way of writ petition bearing WP(C) No. 891/2023 & the Hon'ble HC at Srinagar has stayed the order dated 16 January 2023 passed by the Commission.
6.	1817/4/32/2011	23 January 2023	The case relates to the death of seven persons on 18 September 2010 due to electrocution in village, Manpur, District Chhapra.	The Govt. of Bihar to pay monetary relief of Rs. 14,00,000/- (Rupees Two Lakh each) to NoK of the deceased.	NA	The recommendation of the Commission was challenged by Bihar State Electricity Board in WP No.3640/2014 in the Hon'ble HC of Judicature at Patna

Chapter 9 - Non-Acceptance of NHRC Recommendations

S. No.	Case No.	Date of recommendation	Nature of complaint	The Recommendations of the Commission	Recommendation refused to comply by the Authorities	Challenged in Court
7.	3273/30/9/2018	23 January 2023	The case relates to a 17 year old girl, Class-XII student death by suicide inside Tilak Vihar Police Station in Delhi on 15 July 2018	The Government of NCT of Delhi to pay monetary relief of Rs.3,00,000/- (Rupees Three Lakh) to be paid to the NoK of the deceased.	NA	WP has been filed in the High Court of Delhi, against the recommendation of the Commission
8.	261/12/35/2019	23 January 2023	The case relates to sexually- exploited girls in Shelter home in MP	The Govt. of MP to pay the monetary relief of Rs. 3,00,000/- (Rupees Three Lakh) to the victim girls.	NA	WP 17211/2020 has been filed in the Hon'ble HC of Madhya Pradesh, against the recommendations of the Commission.
9.	547/25/7/ 2015	06 February 2023	The case related to death of a man by unprovoked firing by SSB personnel at Naxalbari, District Darjeeling, West Bengal, on 05 January 2015.	The Secretary, Ministry of Home Affairs, Govt. of India to pay monetary relief of Rs. 5,00,000/- (Rupees Five lakh) to the NoK of the deceased and Rs. 50,000/- (Rupees Fifty Thousand) each of the 04 injured persons.	The Ministry of Home Affairs, Govt. of India has kept the compliance of recommendation in abeyance being the case No.10/15 (lodged against SSB) is pending in the Court of Additional Chief Judicial Magistrate, Siliguri District Court	NA
10.	2230/4/16/2019-JCD	27 February 2023	The case relates to death of an under-trial prisoner on 21 July 2019 while in the custody of District Prison, Katihar, Bihar.	The Govt. of Bihar to pay monetary relief of Rs. 3,00,000/- (Rupees Three Lakh) to the NoK of the deceased	NA	The recommendations of the Commission are challenged by the Bihar Govt. vide Appeal No. EC-BRHC01-73739-2022 dated 26 August 2022 filed in the Hon'ble Patna HC.

S. No.	Case No.	Date of recommendation	Nature of complaint	The Recommendations of the Commission	Recommendation refused to comply by the Authorities	Challenged in Court
11.	29616/24/54/2017-ED	09 March 2023	The case relates to a death on 24 September 2017 in the custody of P.S. Kadarchowk, Badaun, Uttar Pradesh	The Govt. of Uttar Pradesh to pay monetary relief of Rs. 7,50,000/- (Rupees Seven Lakh Fifty Thousand) to NoK of the deceased prisoner.	The Govt. of Uttar Pradesh vide JS to Govt of UP letter No. 1095/6-Hon-01/23-03 (97)/2022 dated 15 June 2023 has shown disagreement to pay the monetary relief to the Nok of the deceased.	NA
12.	35109/24/52/2016	27 March 2023	The case relates to death of a women due to cylinder fire at home	The CMD IOCL and Secretary, Ministry of Petroleum to pay monetary compensation of Rs. 2,00,000/- (Rupees Two Lakh) to the NoK of the deceased.	NA	WP No.8878 dated 29 October 2018 in the Hon'ble HC of Allahabad has been filed by the CGM(LPG) against the order of the Commission for payment of compensation of Rs.2,00,000/- to the complainant
13.	3651/4/23/2018-JCD	04 May 2022	The case relates to death of convict prisoner at SKMCH, Muzaffarpur on 23 November 2018 while in the custody of Central Jail Muzaffarpur	The Govt. of Bihar to pay the monetary relief of Rs. 3,00,000/-(Rupees Three Lakh) to the NoK of the deceased.	NA	The recommendations of the Commission have been challenged by the Bihar Govt. in the Hon'ble Patna HC.
14.	2531/20/14/2018	31 May 2022	The case relates to series of atrocities, false implication, threat to life, harassment by certain police personnel and inaction by the State authorities	The Govt. of Rajasthan to pay the monetary relief of Rs. 1,00,000/- (Rupees One Lakh)	NA	The Govt. of Rajasthan filed WP vide No. 10831/2022 & stay order has been passed by the Hon'ble HC of Jaipur.

Chapter 9 - Non-Acceptance of NHRC Recommendations

S. No.	Case No.	Date of recommendation	Nature of complaint	The Recommendations of the Commission	Recommendation refused to comply by the Authorities	Challenged in Court
15.	4257/18/1/2016	06 June 2022	The case relates to death of seven persons due to Diarrhea while 26 persons were affected, as there was no safe drinking water at Oupada Block of Balasore District, Odisha.	The Government of Odisha to pay monetary relief of Rs. 4,00,000/- (Rupees Four Lakh) to be paid to the NoK of the 04 deceased (01 Lakh each)	NA	WPC 38923 of 2020 dated 30 December 2020 has been filed in the Hon'ble HC of Odisha, against the directions of the Commission dated 17 February 2020.
16.	1784/18/17/2020	14 July 2022	The case relates to death due to electrocution in Bargarh District when an 11 KV wire fell upon him.	The Government of Odisha to pay monetary relief of Rs 3,00,000/- (Rupees Three Lakh) to the victim.	NA	Recommendation of the Commission has been challenged by TPWODL vide WPC 7329/2022 in the Hon'ble HC of Odisha.

ANNEXES



Annex I

State-wise number of cases registered

(in numbers)

S. No.	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		
1.	All India	5,475	4	0	0	0	0	5,479
2.	Andhra Pradesh	2,569	0	5	34	0	1	2,609
3.	Arunachal Pradesh	47	0	3	6	0	1	57
4.	Assam	370	0	11	16	0	16	413
5.	Bihar	554	7	16	207	2	1	6,187
6.	Goa	75	0	2	3	0	0	80
7.	Gujarat	1,920	0	15	90	1	0	2,026
8.	Haryana	2,930	5	4	101	0	0	3,040
9.	Himachal Pradesh	192	0	1	3	0	0	196
10.	Jammu & Kashmir	326	0	2	8	0	43	379
11.	Karnataka	1,278	1	5	6	0	0	1,290
12.	Kerala	1,087	2	2	57	0	0	1,148
13.	Madhya Pradesh	3, 07	5	8	137	0	4	3,861
14.	Maharashtra	3,751	5	23	151	0	5	3,935
15.	Manipur	21	0	2	3	0	0	26
16.	Meghalaya	29	0	0	8	0	3	40
17.	Mizoram	12	0	0	8	0	0	20
18.	Nagaland	14	0	0	1	0	0	15
19.	Odisha	4,508	2	3	87	0	5	4,605
20.	Punjab	1,620	2	10	194	0	1	1,827
21.	Rajasthan	4,728	5	4	84	0	0	4,821
22.	Sikkim	11	0	0	2	0	0	13

(in numbers)

S. No.	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		
23.	Tamil Nadu	4,995	5	7	97	0	0	5,104
24.	Tripura	43	0	1	7	0	1	52
25.	Uttar Pradesh	36,844	13	13	528	1	16	37,415
26.	West Bengal	4,914	1	15	235	2	1	5,168
27.	Andaman & Nicobar	24	0	0	0	0	0	24
28.	Chandigarh	132	0	0	10	0	0	142
29.	Dadra & Nagar Haveli	13	0	0	0	0	0	13
30.	Daman & Diu	21	0	0	0	0	0	21
31.	Delhi	6,773	16	5	81	0	1	6,876
32.	Lakshadweep	0	0	0	0	0	0	0
33.	Puducherry	194	0	0	0	0	0	194
34.	Chhattisgarh	695	2	1	93	0	17	808
35.	Jharkhand	1,843	3	5	60	0	9	1,920
36.	Uttarakhand	1,277	0	4	23	0	0	1,304
37.	Telangana	2,580	2	1	16	0	0	2,599
38.	Ladakh	5	0	0	0	0	0	5
39.	Foreign Countries	415	1	0	0	0	0	416
	Total	1,01,392	81	b	2,356	6	125	1,04,128

State-wise number of cases disposed

(in numbers)

S. No.	Name of the State/UT	Dismissed in Limini	Disposed with Directions	Transferred to SHRCs	Concluded after receipts of Reports			Total
					Complaints <i>Suo-Motu</i> Cases	Custodial Deaths/ Rapes	Intimation Received about Encounter cases	
1.	All India	5,522	106	0	68	0	0	5,696
2.	Andhra Pradesh	1,635	513	380	184	44	2	2,758
3.	Arunachal Pradesh	13	23	0	17	7	2	62
4.	Assam	188	80	44	76	32	16	436
5.	Bihar	3,703	1,404	676	563	284	9	6,639
6.	Goa	57	13	3	3	4	0	80
7.	Gujarat	1,295	341	252	166	136	0	2,190
8.	Haryana	1,717	769	302	416	75	0	3,279
9.	Himachal Pradesh	125	39	15	27	8	0	214
10.	Jammu & Kashmir	193	90	0	64	5	2	354
11.	Karnataka	915	192	146	98	11	1	1,363
12.	Kerala	784	160	120	80	65	1	1,210
13.	Madhya Pradesh	2,321	831	425	312	153	2	4,044
14.	Maharashtra	2,783	544	358	227	134	7	4,053
15.	Manipur	11	3	1	21	2	2	40
16.	Meghalaya	13	4	7	7	9	2	42
17.	Mizoram	1	3	0	5	9	0	18
18.	Nagaland	11	0	0	3	8	1	23
19.	Odisha	1,996	1,223	685	922	103	10	4,939
20.	Punjab	1,090	351	183	194	147	2	1,967
21.	Rajasthan	3,349	874	352	448	109	2	5,134
22.	Sikkim	8	3	0	2	4	0	17
23.	Tamil Nadu	3,526	806	615	226	108	4	5,285

(in numbers)

S. No.	Name of the State/UT	Dismissed in Limini	Disposed with Directions	Transferred to SHRCs	Concluded after receipts of Reports			Total
					Complaints <i>Suo-Motu</i> Cases	Custodial Deaths/ Rapes	Intimation Received about Encounter cases	
24.	Tripura	21	7	2	13	9	0	52
25.	Uttar Pradesh	21, 044	11,017	3,655	3,579	594	25	39,914
26.	West Bengal	2,961	1,173	373	311	204	1	5,023
27.	Andaman & Nicobar	15	3	0	8	2	1	29
28.	Chandigarh	107	30	0	8	1	0	146
29.	Dadra & Nagar Haveli	13	0	0	1	0	0	14
30.	Daman & Diu	15	6	0	2	0	0	23
31.	Delhi	4,703	1,842	0	616	53	3	7, 17
32.	Lakshadweep	1	0	0	1	0	0	2
33.	Puducherry	114	65	0	12	1	0	192
34.	Chhattisgarh	431	143	82	97	75	57	885
35.	Jharkhand	1,006	463	205	281	62	13	2,030
36.	Uttarakhand	811	278	128	124	34	0	1,375
37.	Telangana	1,729	482	304	190	20	5	2,730
38.	Ladakh	2	1	0	1	0	0	4
39.	Foreign Countries	393	28	0	9	0	0	430
	Total	64,622	23,910	9,313	9,382	2,512	170	1,09,909

Spot enquiries carried out by the Commission

S. No.	Case No.	Gist of the Complaint
1.	255/24/30/2022	A 16 year old boy was falsely implicated by police and lodged in district Jail, Gautam Budh Nagar, Uttar Pradesh. Despite sickness, proper medical care and attention was not given to him by prison authorities
2.	16848/24/12/2020	A young person's dead body was recovered and allegations of improper investigation carried out by the police in the matter.
3.	2559/4/32/2020-ad	Custodial death of a prisoner due to torture in custody of District Jail, Chapra, Bihar.
4.	187/34/23/2022	The allegations of corruption in Ramgarh Jail, Jharkhand are raised in the instant matter, wherein prisoners are deprived of basic amenities and they have to bribe jail officials even for food and bed.
5.	300/34/1/2022-jcd	Custodial death of a UTP due to custodial torture & medical negligence in District Jail Bokaro, Jharkhand
6.	5038/30/3/2021	The complainant alleged about his custodial torture, false implication and atrocities by named police personnel of PS Fatehpur Beri, New Delhi
7.	5415/24/31/2022	The complainant alleged that police personnel including females force carrying lathies and weapon forcibly entered her house, and beat and abused the family members, damaged and looted the property. They took away the family members forcibly and their whereabouts are not known.
8.	7038/24/49/2022	The allegations of misuse of power by Uttar Pradesh police personnel in a matter involving accidental collusion by inebriated police official with vehicle of the complainant and allegations of illegal detention, humiliation and torture in police station of the father and family member of the complainant.
9.	8330/24/46/2022	Due to torture and demand of monthly gratification of Rs. 2500/- by police official of PS Guariphanta, an auto driver set himself ablaze in police station.
10.	825/18/24/2022	A tribal youth, aged 29 years, of village Altiri under PS Parikoli in Jeypore District, Odisha, was killed by a police constable, when he refused to run the tractor of police constable.
11.	829/30/2/2022	The complainant alleged that her photograph was used in a viral pornographic video on social media. She approached the police authorities to file FIR but no action was taken by the police. Later on, FIR was registered and she also alleged that no proper investigation was done by police.
12.	24853/24/61/2019-AD	Due to torture by the police personnel of PS Shivratamganj, District Rai Bareilly, U.P., a man died in custody.
13.	26596/24/51/2019-WC	A Girl student died in school hostel in Mainpuri, U.P., under mysterious circumstances. The parents alleged that she was killed, but police authorities' version says that she died by suicide.
14.	4461/25/17/2021	The complaint, an Ex-member of Parliament, alleged that a tribal organisation has announced social boycott of all the villagers of the village Morjunglepur without any reason. The villagers were not allowed to move to other villages, otherwise they would have to pay a fine of Rs. 50,000. The villagers were facing problem of livelihood. The police and administration were not taking action.

S. No.	Case No.	Gist of the Complaint
15.	214/33/11/2020-wc	The complainant alleged that victim was robbed of one lakh rupees and raped by the SHO and two constables at her home. The police personnel threatened to kill her and asked to take the case back against her in-laws.
16.	11273/24/31/2022	The complainant alleged that an official of jail under protection of the senior official of Prison Department, G/o U.P., committed irregularities, illegal extortion, nepotism and corruption.
17.	2835/30/1/2022	The complainant alleged that Delhi Urban Shelter Improvement, G/O NCTD is contemplating to close the shelter home, i.e., Shelter Home for homeless (626) Haz Manzil, Turkman Gate, Asaf Ali Road, Delhi. It is also alleged that State Govt. in the recent past have closed Nine such shelter Homes and state authorities are not taking any action in the matter.
18.	2994/30/9/2022	The Commission had taken suo motu Cognizance on a press report published in Hindustan Times, wherein it is reported that 27 people have died in a major fire incident that occurred in Mundka Area in Delhi. The building, where the incident had occurred, had reportedly no sectioned plan and the factory was operating without any license.
19.	10769/24/43/2020	The Commission had taken suo motu Cognizance of a press report, captioned 57 minor girls COVID+ in Kanpur Shelter Home, five of them pregnant, one HIV+.
20.	12244/24/50/2022	The complainant alleged that police official of PS Srinagar along with husband of Gram Pradhan came to his residence and took him to police station and tortured him brutally by various means till he came in moribund stage. The police officials inserted iron needle in his ears and poured hot tea on his body, causing grievous injuring and loss of hearing.
21.	2279/90/0/2022	The complainant alleged that in spite of National Ragging Prevention Programme of G/O India, two young medical students have died by suicide in Bolangir Medical College, Odisha and in Index Medical College, Indore, Madhya Pradesh.
22.	1901/30/8/2021	The complainant alleged about the false implication of her husband and misuse of power by Delhi Police.
23.	3957/30/9/2019-JCD	Two day's Spot visit in NCR, Region for Police Stations and inspection regarding working of CCTV Camaras.
24.	36478/24/31/2017-AFE	The complainant alleged that a youth aged 20 year was killed in an encounter by SOG, Ghaziabad Police, Uttar Pradesh.
25.	1210/7/3/2019	The Commission took cognizance of a newspaper report (the Hindu dt. 28.05.2019) regarding brutal beating of a woman by policemen in PS Adarsh Nagar, Faridabad, Haryana.
26.	2152/20/14/2022	The complainant wife alleged that her husband is being falsely implicated day by day in cases, the humiliation and ill- treatment meted out to her husband by parading in full public view, denial of meeting with her husband, harassment and false implication of colleague advocates of her husband and other acts by State authorities.
27.	14327/24/30/2022	The complainant alleged fear for his life and family members from the named opponents. Earlier, vide case No. 14091/24/30/2018, the Commission directed the SSP, G.B. Nagar to ensure protection of human rights of the complainant and his family.
28.	9170/24/63/2020-WC	The complainant, a minor girl, alleged that she was gang raped by miscreants of Madnapur, Distt. Shahjahanpur, Uttar Pradesh and the police officials failed to register her complaint.

Annex III - Spot enquiries carried out by the Commission

S. No.	Case No.	Gist of the Complaint
29.	5399/30/6/2022	The complainant alleged that she was working as a house maid and her employer did not allow her to talk with her family members for the last 20 years and employer has not paid her due remunerations for a long time.
30.	640/25/19/2020-wc	The complainant reported that his sister was missing since 2010. The accused gang kidnapped her by falsely promising for job in Kolkata and took her to Delhi. He suspects that the gang is involved in prostitution.
31.	6395/30/2/2021	The complainant has alleged victimisation and harassment in drug addiction/ rehabilitation centre in Delhi, i.e., Shafa Home for correction & rehabilitation, Rohini, Delhi.
32.	3265/20/12/2018	Death of a man in police firing.
33.	22711/24/59/2021	The complainant alleged about abduction of his son by police, wrongful arrest and false implication by Uttar Pradesh police.
34.	2851/30/3/2022	The complainant alleged about harassment of foreign detainees and irregularities at Lampur Detention Centre, Delhi. Sick inmates are not taken to hospital even when they were advised by the medical team. The police officials took their money and personal belongings for their personal use.
35.	1648/1/6/2022	The complainant (a prisoner) alleged the irregularities in jail. The Superintendent, Warders and contractor are indulged in corruption and charged Rs. 50,000 to one lakh to provide facilities in jail. No outside medical treatment given to prisoners, even if required.
36.	6332/30/4/2022	The Coordinator intimated regarding escaping of four girls (13- 16 years) from the home.
37.	660/6/23/2022	The complainant alleged that her brother was beaten by land- lord and others. The Police also beat him resulting in bruises and swelling all over his body and later he was admitted to hospital by her.
38.	568/33/2/2022	The complainant who works at the District Jail alleged that he was mentally and physically harassed by Addl. Supdt. of Sub Jail, Pendra Road Bilaspur, Chhattisgarh.
39.	6352/4/32/2022	The Commission had taken suo motu cognizance on news reports with regards to deaths of many people due to illicit liquor in districts of Bihar State. A spot fact finding enquiry was conducted by NHRC in hooch tragedy affected districts of Bihar to access the status of treatment given to affected persons and other essential urgent facilities provided to them.
40.	7749/30/8/2022-wc	The Commission had taken suo motu cognizance on news report, captioned "Shelter home tortured, tried to force me into sex trade". As per news item, a 23 year old woman has alleged that staffers at shelter home where she was staying had tried to force her in flesh trade and harassed and tortured her, when she refused.
41.	4336/30/6/2019-DH	A spot enquiry conducted to assess inmates' condition/treatment at Asha Kiran Home, Delhi.
42.	2/30/9/2023	The Commission took cognizance of a news report, published in Hindustan Times dated 30 December 2022, captioned "prisoner alleges sexual assault in Tihar Prison, Delhi.
43.	379/12/37/2022	The complainant alleged that her son was picked up by police from her residence and was taken to local police station, wherein he was brutally tortured. The police dropped her son in serious and unconscious condition. He was taken to local hospital that referred him to higher centre, wherein he was declared brought dead.

S. No.	Case No.	Gist of the Complaint
44.	38253/24/3/2022	The complainant alleged that the accused police officials and district administration abused their official positions implicating his father and other family members in frivolous cases and sent to jail. Their agricultural land and ancestral properties were also seized.
45.	477/22/42/2023-RH	The Commission took cognizance of a news report, published in 'Times of India' dated 17 February 2023, captioned "Rape, torture at home of horrors for destitute in Tamil Nadu, held". As per newspaper report, in a house (Ashram) for mentally ill women in Villupuram, Tamil Nadu, the female inmates were being raped and tortured by the owner. It is stated that if the victims resisted the rape, the accused would beat them up and set wild monkeys on them. When the rescue team visited the place, they found that the women were drugged and tied up. Most of the inmates have been rescued, yet 15 of them are missing.
46.	362/7/5/2023	The complainant alleged about harassment of family members by the named police officials including DCP of Distt. Gurugram, Haryana on the basis of frivolous complaint filed by opponents related to sale of her family members' property/ land.

Ongoing research studies

S. No.	Title of the Research Project	Name of the Principal Investigator and Institution	Thematic Area
1.	A Study on Right to Food: Prevailing situation among BPL families in Bihar and Uttar Pradesh	Shri Mohammad Yusuf, Executive Director, HARYALI- Centre for Rural Development	Right to Food and Nutrition
2.	Develop Booklets on Different Human Rights Themes	Shri Noor Alam, Executive Director, Multiple Action Research Group (MARG)	
3.	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	Dr. Ritu Gupta, Professor, National Law University Delhi	Rights of Women, Children and LGBTQI+/ Human Trafficking
4.	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)	Dr. M. L. Kalicharan, Director, School of Legal Studies, REVA University	Rights of Women, Children and LGBTQI+/ Human Trafficking
5.	The Intersections of Migration Bonded Labour and Trafficking in the State of Odisha	Dr. Shashmi Nayak, Professor, Dr. Ambedkar Chair, National Institute of Social Work and Social Sciences (NISWASS)	Rights of Bonded, Migrant and Child Labour and other Labour related issues
6.	Status of Manual Scavenging and Sewerage Water Workers in the Hyderabad- Karnataka Region — Policy and Practice.	Dr. Mohan Das K. Associate Professor, Sri Krishnadevaraya University, Karnataka	Rights of Scheduled Castes/ Scheduled Tribes/ Other Backward Classes/ Other Minorities and Issues of Manual Scavenging
7.	An Empirical Study on the Status of Under-trial Prisoners in Gujarat Central Jails	Prof. (Dr.) Purvi Pokhariyal, Director, Institute of Law, Nirma University, Ahmedabad	Criminal justice system
8.	Role of Childcare Institutions and Rehabilitation of Children in CCIs	Dr. S. Barik, Joint Director, National Institute of Public Cooperation and Child Development (NIPCCD)	Rights of Women, Children and LGBTQI+/Human Trafficking
9.	A Study on Socially Responsible Supply Chains for Protection of Human Rights	Dr. Anand Akundy, Assistant Professor, Institute of Public Enterprise, Hyderabad	Business and Human Rights
10.	Domestic Workers in South India and Northeast: A situational analysis from dignity and rights perspective	Dr. Lekha D Bhat, Assistant Professor, Department of Epidemiology and Public Health, Central University of Tamil Nadu	Rights of Bonded, Migrant and Child Labour and other Labour related issues

S. No.	Title of the Research Project	Name of the Principal Investigator and Institution	Thematic Area
11.	Trafficking of Women and Children — Challenges and Remedies	Dr. Awadesh Kumar Singh, Principal Consultant, Bhartiya Institute of Research and Development	Rights of Women, Children and LGBTQI+/ Human Trafficking
12.	Analysis of Trends and patterns of Death in Prison and Police Custody: An analytical study of such deaths in Maharashtra, Uttar Pradesh and Delhi	Dr. Mohammad Aslam, Assistant Professor, Aligarh Muslim University	Criminal Justice System
13.	Mainstreaming Child Labour Issues in Schools: Challenges and Alternatives	Dr. Ajay Kumar Singh, Professor, Tata Institute of Social Sciences	Rights of Bonded, Migrant and Child Labour and other Labour related issues
14.	Prevalence of Girl Child Labour in The Indian Textile and Garment Industry	Dr. M. Karthik, Assistant Professor, Institute of Public Enterprises, Hyderabad	Rights of Bonded, Migrant and Child Labour and other Labour related issues
15.	Custodial Death: Trends and Patterns in Jharkhand, Bihar and West Bengal	Dr. Anwar Alam, Distinguished Fellow, Policy Perspective Foundation	Criminal Justice System
16.	Unheard Voice of silent growing majority: An assessment of social security and health risks among women migrant workers of Rajasthan	Dr. Shaizy Ahmed, Assistant Professor, Central University of Rajasthan	Rights of Bonded, Migrant and Child Labour and other Labour related issues
17.	Identifying Human Rights Issues and Problems and Developing Policy Framework for Providing Social Security and Healthcare to Migrant Workers	Dr. R. Kasilingam, School of Management, Pondicherry University	Rights of Bonded, Migrant and Child Labour and other Labour related issues
18.	Reintegration and Rehabilitation of acid attack victims	Prof. Sarasu Esther Thomas, Professor NLSIU, Bangalore	Rights of Women, Children and LGBTQI+/Human Trafficking
19.	Study on the extent of cyber exploitation and safety of children in Kerala	Dr. Elsa Mary Jacob, Assistant Professor, Bharata Mata School of Social Work, Bharata Mata College	Rights of Women, Children and LGBTQI+ Human Trafficking
20.	Women's Falling Participation in Labour Force in India: A Ground Level Investigation into Factors and Obstacles	Dr. Rishi Kumar, Assistant Professor, BITS, Pilani Hyderabad Campus	Rights of Women, Children and LGBTQI+/ Human Trafficking
21.	Research Study on Missing Children	Shri S. Raghavan, New Concept Centre for Communication Development	Rights of Children
22.	Inclusive Education for Persons with Disabilities in Punjab: Prospects and Challenges	Dr. Kiran Kumari, Asstt. Professor, Punjabi University, Patiala, Punjab	Rights of Persons with Disabilities
23.	Food and Nutritional Security among Scheduled Castes and Scheduled Tribes: Evidence from three Indian States	Dr. Amit Kumar Basantaray, Assistant Professor, Dept. of Economics, Central University of Himachal Pradesh	Right to Food and Nutrition

Annex IV - Ongoing research studies

S. No.	Title of the Research Project	Name of the Principal Investigator and Institution	Thematic Area
24.	Impact of Covid-19 Pandemic on the Rights of Education of Children of Migrant Workers	Prof. Zubair Meenai, Professor, Jamia Millia Islamia University	Right to Education
25.	Forest Rights Act, 2006 – Assessment of Ground Reality	Dr. Gadadhara Mohapatra, Indian Institute of Public Administration	Rights of Scheduled Castes/ Scheduled Tribes/ Other Backward Classes/ Other Minorities and Issues of Manual Scavenging
26.	Study of quality of life of the elderly persons living in old age homes with special reference to the North region	Dr. Neelu Mehra, Assistant Professor, School of Law and Legal Studies, Guru Gobind Singh Indraprastha University	Rights of Elderly Persons
27.	Life Satisfaction and Quality of Life of the Elderly Living in Old- Age Homes: A Comparative Study of Western India and Northeast India	Dr. B.P. Sahu Professor, North Eastern Hill University, Shillong	Rights of Elderly Persons
28.	Human Trafficking: An Evaluation Study of Functioning of AHTUs	Prof. (Dr.) Saibal Kar, Professor, Centre for Studies in Social Sciences, Kolkata	Rights of Women, Children and LGBTQI+ Human Trafficking
29.	An Empirical Study on working of Ashram Schools (Boys and Girls Residential) with special reference to Tribal areas located on Interstate Border areas of Central India (Maharashtra, Chhattisgarh, and Madhya Pradesh)	Prof. (Dr.) Rashmi Salpekar, Professor and Dean, VSLLS, VIPS-TC	Rights of Scheduled Castes/ Scheduled Tribes/ Other Backward Classes/ Other Minorities and Issues of Manual Scavenging
30.	Achievement Gap or Opportunity Gap (O- Gap)? A socio-legal study of Access to Equal Educational Opportunities (EEO), Accessibility to Equal Learning Opportunities (ELO) and Learning Poverty (LP) in the Educational Spaces of Kasturba Gandhi Balika Vidyalaya Schools for Tribal Girls of Gadchiroli, Warangal, Adilabad, Srikakulam, Bastar and Kondegaon Districts	Dr. Uma Maheshwari Chimirala, Assistant Professor, NALSAR University of LAW, Telangana	Rights of Scheduled Castes/ Scheduled Tribes/ Other Backward Classes/ Other Minorities and Issues of Manual Scavenging
31.	Impact of Ekalavya Model Residential Schools on ST Children in fifth and sixth schedule areas of India with reference to Madhya Pradesh, Rajasthan, Tripura and Mizoram	Dr. Ramanand Pandey, Director, Center of Policy Research and Governance	Rights of Scheduled Castes/ Scheduled Tribes/ Other Backward Classes/ Other Minorities and Issues of Manual Scavenging
32.	Optimal design of questionnaire survey on awareness of clinical trials among different stakeholders	Dr. Anamika, Assistant Professor, JNU, Delhi	Medical Ethics and laws with special reference to clinical trial of drugs
33.	Commercialisation of Non-timber Forest Product: Determinants and Supply Chain in India	Dr. Pratap Kumar Jena, Assistant Professor, Department of Economics, Maharaja Sriram Chandra Bhanja Deo University, Odisha	Business and Human Rights

S. No.	Title of the Research Project	Name of the Principal Investigator and Institution	Thematic Area
34.	Pandemic, Human Rights and The Future of Livelihood: An Empirical Evidence from Indian Economy	Dr. Rahul Suresh Sapkal, Assistant Professor, Indian Institute of Technology, Bombay	Business and Human Rights
35.	How effective are Gram Panchayats' Participatory Local Governance in Safeguarding Human Rights of Forest and Tribal Communities (FTCs) during Covid-19?: A Study of Select Gram Panchayats in Remote and Extremist Affected Areas of Maharashtra and Chhattisgarh	Dr. Dhanraj A. Patil, Professor and Head, Gondwana University, Maharashtra	Panchayati Raj Institutions and Local Governing Bodies
36.	Local Self Governance and Promotion of Tribal Rights: A Comparative Study of Malkangiri District in Odisha and Gumla District in Jharkhand	Dr. Umesh Chandra Sahoo, Professor (Retd), Gurukul Foundation, Odisha	Panchayati Raj Institutions and Local Governing Bodies
37.	Promotion of Human Rights in the Rural Local Self Governance: Evidence from Punjab, Haryana, and Himachal Pradesh	Dr. Puneet Pathak, Assistant Professor, Department of Law, School of Legal Studies, Central University of Punjab	Panchayati Raj Institutions and Local Governing Bodies
38.	Promotion of Human Rights in Local Self Governance — A study of Select Village Panchayats, Cuddalore District, India	Dr. V. Rathikarani, Assistant Professor, Annamalai University	Panchayati Raj Institutions and Local Governing Bodies
39.	4A's Framework in Right to Girl Child Education in the Aspirational Districts of South India (Andhra Pradesh, Telangana, Tamil Nadu and Kerala) — A Comparative Analysis of Government and Private schools	Dr. D. Prince Annadurai, Assistant Professor, Department of Social Work, Madras Christian College, Chennai	Right to Education
40.	A Study on the Status, Functioning and Effectiveness of Swadhar Greh and Ujjawala Homes for women and adoles- cent girls	Dr. S. Shanthakumar, Vice Chancellor, Gujarat National Law University, Gandhinagar	Rights of women
41.	Education for Refugee Learners in India: Visualising Policy Oriented Innovation and Technological Approach for Increasing Access	Dr. Shuvro Prosun Sarker, Assistant Professor, Rajiv Gandhi School of Intellectual Property Law, IIT, Kharagpur	Rights of Refugees and Asylum Seekers
42.	A study of human rights ethos in Indian scriptures and contemporary culture.	Dr. Balram Tyagi, Professor, Lal Bahadur Shastri Institute of Management, Delhi	
43.	Disparity in Access to Education in the Aspirational Districts in Odisha, Jharkhand and Chhattisgarh.	Dr. Thomas Varghese, Research Director, Indian Social Institute	Right to Education
44.	Refugees' Access to Education, Healthcare and Livelihood	Shri Sandeep Chachra, Executive Director, ActionAid Association	Rights of Refugees and Asylum Seekers
45.	Prevalence of malnutrition and associated factors among children aged 3-5 years attending ICDS Anganwadis: A study of Northern India	Dr Archana Dassi, Professor, Centre for Early Childhood Development and Research, Jamia Millia Islamia	Right to Food and Nutrition
46.	Prevalence and causes of malnutri- tion among under- five children in selected geogra- phies in India	Dr. Rupa Prasad, Executive Director, Public Health Resource Society	Right to Food and Nutrition

Sitting Details during 2022-23

Month	FC		DB-I		DB-II		DB-III	
	No. of sittings	No. of cases	No. of sittings	No. of cases	No. of sittings	No. of cases	No. of sittings	No. of cases
April-22	1	42	0	0	2	21+47*	0	0
May-22	00	30	0	0	1	20+61*	1	50
June-22	0	0	0	19*	1	17+52*	0	7*
July-22	1	60	1	61+7*	0	79*	0	37
August-22	0	0	0	0	0	34*	1	60
September-22	1	50	1	40	0	76*	0	0
October-22	1	57	0	1*	0	15*	0	0
November-22	3	3	0	0	1	50+69*	1	80
December-22	1	1	1	50	1	50+60*	0	0
January-23	1	80	0	0	0	0	0	0
February-23	1	1	0	0	1	65	0	0
March-23	2	87	0	0	0	0	01	65
Total	12	410	3	177	7	716	4	299

*Considered on circulation basis

Annex VI

Month-wise details of cases processed by the Commission during 2022-23

Month & Year	Judicial Custodial Death (JCD & Death in Homes (DH)	Police Custodial Death (PCD) & Alleged Death (AD)	Fact Finding Cases (FFC)	Encounter Death (ED)/Alleged Fake Encounter (AFE)/Police Firing (AF)/Child Labour (CL)/ Bonded Labour (BL)	Spot Enquiry Cases	Total (2+5)
1	2	3	4	5	6	7
April-22	126	26	42	20	4	218
May-22	144	26	25	28	7	230
June-22	217	36	16	14	5	288
July-22	216	34	28	22	1	301
August-22	191	14	12	19	8	244
September-22	204	17	14	19	7	261
October-22	246	16	9	11	7	289
November-22	238	36	11	10	2	297
December-22	217	31	18	15	3	284
January-23	214	40	17	35	4	310
February-23	203	35	23	33	2	296
March-23	175	52	26	33	4	290
Total	2,391	363	241	259	54	3,308

Details of the visits by Chairperson and Members of NHRC

S. No.	Name	Date of Visit	Place of visit
1.	Dr. D. M. Mulay, Member	5 May 2022.	Visited Central Jail, Chapra, Bihar
2.	Shri Rajiv Jain, Member	12 to 16 May 2022	Visited Kolkata in the State of West Bengal for Post Poll Violence
3.	Shri Rajiv Jain, Member	12 to 14 June 2022	Visited Dehradun- Mussoorie to deliver a Lecture at LBS National Academy of Administration, Mussoorie
4.	NHRC delegation headed by Justice Shri Arun Mishra, Chairperson,	12 to 13 July 2022	Visited Gwalior, Madhya Pradesh to attend the "One day workshop to formulate a Long Term Plan for Efficient working of Gwalior Mansik Arogyashala".
5.	Shri Rajiv Jain, Member	27 to 29 July 2022	Visited Agra, Uttar Pradesh, to assess the situation of the Mental Hospital at Agra.
6.	NHRC India delegation headed by Justice Shri Arun Mishra, Chairperson, accompanied by Justice Shri M. M. Kumar, Member; Dr. D. M. Mulay, Member; Shri Rajiv Jain, Member; and other senior officers	5 to 7 August 2022	Visited Chennai to attend the Silver Jubilee Celebrations of SHRC, Tamil Nadu and one day workshop organized by NHRC and Tamil Nadu SHRC
7.	NHRC India delegation headed by Justice Shri Arun Mishra, Chairperson, accompanied by Justice Shri M. M. Kumar, Member; Dr. D. M. Mulay, Member; Shri Rajiv Jain, Member; and other senior officers	16 August 2022 17 to 18 August 2022	Visited Ranchi in the State of Jharkhand to attend the Camp Sitting Visited RINPAS (Ranchi Institute of Neuro-Psychiatry and Allied Sciences), Kanke, Ranchi, Jharkhand; and also attended one Day Workshop on RINPAS and Central Institute of Psychiatry on "Issues and Challenges"
8.	Justice Shri Arun Mishra, Chairperson	30 August 2022	Visited Gwalior, Madhya Pradesh to attend a programme at Indian Institute of Tourism and Travel Management (IITM), Govindpuri, Gwalior
9.	Shri Rajiv Jain, Member	7 to 9 September 2022	Visited Nagpur to attend the Hindi Seminar organised by the NHRC in collaboration with Maharashtra National Law University, Nagpur.
10.	Shri Rajiv Jain, Member	15 to 16 September 2022	Visited Dehradun- Mussoorie to deliver a Lecture at LBS National Academy of Administration, Mussoorie
11.	Dr. D. M. Mulay, Member	13 October 2022	Addressed the students on Human Rights at Pune

S. No.	Name	Date of Visit	Place of visit
12.	Justice Shri Arun Mishra, Chairperson, NHRC	22 November 2022.	Delivered a Lecture on the Late Shacheendra Dwivedi Memorial at the National Law Institute University at Bhopal in Madhya Pradesh
13.	Shri Rajiv Jain, Member	21 to 22 December 2022	Visited Bihar to enquire the Bihar Hooch Tragedy
14.	NHRC Delegation headed by Dr. D. M. Mulay, Member, accompanied by Shri Rajiv Jain, Member; and other senior officers	11 to 13 January 2023.	Attended the Camp Sitting / Open Hearing of the Commission at Mumbai, Maharashtra
15.	Justice Shri Arun Mishra Chairperson and Dr. D. M. Mulay, Member	30 January 2023	Delivered a Lecture at Cuttack, Odisha
16.	Justice Shri Arun Mishra, Chairperson, NHRC	01 February 2023	Attended inaugural function of 25th All India Forensic Science Conference AIFSC- 2023, organised at Ahmedabad, Gujarat
17.	Shri Rajiv Jain, Member	3 to 4 February 2023	Visited Hyderabad from and attended a National Consultation Seminar on 'Effective Utilisation of Forensic Science' at Jhunjhunwala Auditorium, NALSAR, Shamirpet, Hyderabad
18.	Justice Shri Arun Mishra, Chairperson, NHRC	11-12 February 2023	Attended the Valedictory Ceremony of the NHRC-DNLU National Moot Court Competition at Jabalpur, Madhya Pradesh

Annex VIII

Number of ongoing cases (as on 31.3.2023)

(in numbers)

S. No.	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
		Complain ts/ <i>Suo-Motu</i> Cases	Custodial Deaths/ Rapes Cases	Encounte r Deaths	Total	Complain ts/ <i>Suo-Motu</i> Cases	Custodial Deaths/ Rapes Cases	Encounte r deaths	Total	
1.	All India	31	0	0	31	39	0	0	39	70
2.	Andhra Pradesh	26	0	0	26	136	97	5	238	264
3.	Arunachal Pradesh	0	0	0	0	19	9	8	36	36
4.	Assam	5	0	2	7	69	36	30	135	142
5.	Bihar	46	5	0	51	468	139	9	616	667
6.	Goa	0	0	0	0	3	8	0	11	11
7.	Gujarat	9	3	0	12	115	75	0	190	202
8.	Haryana	36	0	0	36	213	223	7	443	479
9.	Himachal Pradesh	2	0	0	2	19	11	0	30	32
10.	Jammu & Kashmir	5	0	0	5	80	33	94	207	212
11.	Karnataka	15	0	0	15	78	10	0	88	103
12.	Kerala	9	1	0	10	39	36	1	76	86
13.	Madhya Pradesh	38	1	0	39	303	93	5	401	440
14.	Maharashtra	26	3	0	29	262	341	6	609	638
15.	Manipur	1	0	0	1	16	11	4	31	32
16.	Meghalaya	0	0	0	0	5	12	4	21	21
17.	Mizoram	0	0	0	0	11	11	0	22	22
18.	Nagaland	0	0	0	0	7	8	2	17	17
19.	Odisha	38	1	0	39	581	166	12	759	798
20.	Punjab	10	2	0	12	91	146	4	241	253
21.	Rajasthan	34	1	0	35	276	154	3	433	468
22.	Sikkim	0	0	0	0	0	2	0	2	2

(in numbers)

S. No.	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
		Complain ts/ <i>Suo-Motu</i> Cases	Custodial Deaths/ Rapes Cases	Encounte r Deaths	Total	Complain ts/ <i>Suo-Motu</i> Cases	Custodial Deaths/ Rapes Cases	Encounte r deaths	Total	
23.	Tamil Nadu	20	5	0	25	164	170	5	339	364
24.	Tripura	1	0	0	1	21	10	1	32	33
25.	Uttar Pradesh	318	7	0	325	1,826	1, 063	37	2,926	3,251
26.	West Bengal	66	5	0	71	1,022	456	8	1,486	1,557
27.	Andaman & Nicobar	1	0	0	1	5	0	0	5	6
28.	Chandigarh	1	0	0	1	7	10	0	17	18
29.	Dadra & Nagar Haveli	0	0	0	0	2	0	0	2	2
30.	Daman & Diu	0	0	0	0	1	0	0	1	1
31.	Delhi	56	0	0	56	644	201	5	850	906
32.	Lakshadweep	0	0	0	0	2	0	0	2	2
33.	Puducherry	3	0	0	3	17	0	0	17	20
34.	Chhattisgarh	12	2	0	14	91	115	60	266	280
35.	Jharkhand	20	0	0	20	252	159	27	438	458
36.	Uttarakhand	20	0	0	20	68	29	0	97	117
37.	Telangana	14	0	0	14	134	43	5	182	196
38.	Ladakh	0	0	0	0	2	0	0	2	2
39.	Foreign Countries	4	0	0	4	25	0	0	25	29
	TOTAL	867	36	2	905	7,113	3,877	342	11,332	12, 237

Annex IX

Details of cases where the Commission recommended monetary relief

(in Rupees)

S. No.	Name of State/UT	No. of cases in which recommendation made	Amount recommended for victims/ next of kins	No. of cases in which recommendations have been complied with	Amount paid	No. of cases pending for compliance	Amount recommended in the cases pending compliance
1.	Andhra Pradesh	10	51,00,000	4	15,00,000	6	36,00,000
2.	Arunachal Pradesh	2	10,00,000	1	5,00,000	1	5,00,000
3.	Assam	6	21,25,000	0	0	6	21,25,000
4.	Bihar	20	1,24,50, 000	10	89,00,000	10	35,50,000
5.	Goa	0	0	0	0	0	0
6.	Gujarat	12	63,50,000	2	12,50,000	10	51,00,000
7.	Haryana	12	79,50,000	7	53,50,000	5	26,00,000
8.	Himachal Pradesh	2	12,50,000	0	0	2	12,50,000
9.	Jammu & Kashmir	1	4,00,000	0	0	1	4,00,000
10.	Karnataka	1	15,00,000	1	15,00,000	0	0
11.	Kerala	3	12,50,000	1	3,00,000	2	9,50,000
12.	Madhya Pradesh	3	10,00,000	1	2,00,000	2	8,00,000
13.	Maharashtra	11	50,55,000	7	28,05 000	4	22,50 000
14.	Manipur	6	30,20,000	1	5,00,000	5	25,20,000
15.	Meghalaya	1	5,00,000	1	5,00,000	0	0
16.	Mizoram	0	0	0	0	0	0
17.	Nagaland	1	3,50,000	0	0	1	3,50,000
18.	Odisha	24	95,25,000	13	60,00,000	11	35,25,000
19.	Punjab	5	19,50,000	4	14,50,000	1	5,00,000
20.	Rajasthan	16	74,88,000	10	47,38,000	6	27,50,000

(in Rupees)

S. No.	Name of State/UT	No. of cases in which recommendation made	Amount recommended for victims/ next of kins	No. of cases in which recommendations have been complied with	Amount paid	No. of cases pending for compliance	Amount recommended in the cases pending compliance
21.	Sikkim	0	0	0	0	0	0
22.	Tamil Nadu	7	31,00,000	5	16,00,000	2	15,00,000
23.	Tripura	0	0	0	0	0	0
24.	Uttar Pradesh	90	3,71,65,000	32	1,24,00,000	58	2,47,65,000
25.	West Bengal	19	82,25,000	9	40,75,000	10	41,50,000
26.	Andaman & Nicobar	1	5,00,000	1	5,00,000	0	0
27.	Chandigarh	1	5,00,000	0	0	1	5,00,000
28.	Dadra & Nagar Haveli	0	0	0	0	0	0
29.	Daman & Diu	0	0	0	0	0	0
30.	Delhi	21	1,53,50,000	9	35,25,000	12	1,18,25,000
31.	Lakshadweep	0	0	0	0	0	0
32.	Puducherry	0	0	0	0	0	0
33.	Chhattisgarh	7	18,50,000	7	18,50,000	0	0
34.	Jharkhand	17	95,05,000	6	28,80,000	11	66,25,000
35.	Uttarakhand	1	50,000	1	50,000	0	0
36.	Telangana	1	3,00,000	1	3,00,000	0	0
37.	Ladakh	0	0	0	0	0	0
38.	Foreign Countries	0	0	0	0	0	0
	Total	301	14,48,08,000	134	6,26,73,000	167	8,21,35,000

Details of cases with pending compliance of NHRC recommendations

S. No.	Name of the State/ UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins (in Rupees)	Date of Recommendation
1.	Andhra Pradesh	1068/1/17/20 18-pcd	807	Custodial Death (police)	7,00,000	14 December 2022
2.	Andhra Pradesh	1348/1/11/20 21	811	Death In Police Firing	10,00,000	14 September 2022
3.	Andhra Pradesh	1579/1/17/20 20	804	Abuse of Power	2,00,000	15 September 2022
4.	Andhra Pradesh	53/1/6/2018- pcd	807	Custodial Death (police)	5,00,000	09 March 2023
5.	Andhra Pradesh	564/1/3/2022 -jcd	301	Custodial Death (judicial)	5,00,000	24 March 2023
6.	Andhra Pradesh	695/1/5/2022	204	Irregularities In Govt. Hospitals/ Primary Health Centres	7,00,000	25 January 2023
7.	Arunachal Pradesh	39/2/15/2017 -pcd	807	Custodial Death (police)	5,00,000	25 July 2022
8.	Assam	107/3/23/2020	810	Custodial Violence	3,00,000	13 January 2023
9.	Assam	110/3/23/2022	809	Custodial Torture	25,000	14 September 2022
10.	Assam	15/3/8/2021-pcd	822	Alleged Custodial Deaths In Police Custody	5,00,000	09 March 2023
11.	Assam	151/3/22/2020	207	Medical Negligence	3,00,000	23 January 2023
12.	Assam	274/3/16/2015-pcd	807	Custodial Death (police)	5,00,000	14 December 2022
13.	Assam	53/3/16/2016-pf	1710	Death In Encounter	5,00,000	20 September 2022
14.	Bihar	1238/4/32/2019-jcd	301	Custodial Death (judicial)	5,00,000	10 November 2022
15.	Bihar	1640/4/26/2015-jcd	301	Custodial Death (judicial)	5,00,000	11 October 2022
16.	Bihar	1661/4/26/2021-jcd	301	Custodial Death (judicial)	5,00,000	23 January 2023
17.	Bihar	2241/4/11/2021	814	Failure in Taking Lawful Action	50,000	3 June 2022

S. No.	Name of the State/ UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins (in Rupees)	Date of Recommendation
18.	Bihar	2559/4/32/2020-ad	309	Alleged Custodial Deaths In Judicial Custody	3,00,000	17 February 2023
19.	Bihar	3238/4/8/2019	106	Sexual Harassment/unnatural Offence	3,00,000	1 July 2022
20.	Bihar	4421/4/8/2021	123	Child Rape	2,00,000	27 April 2022
21.	Bihar	444/4/5/2019-jcd	301	Custodial Death (judicial)	5,00,000	12 December 2022
22.	Bihar	4507/4/10/2014	203	Malfunctioning of Medical Professionals	2,00,000	19 December 2022
23.	Bihar	802/4/39/2021-ad	822	Alleged Custodial Deaths In Police Custody	5,00,000	27 January 2023
24.	Chandigarh	13/27/0/2020-jcd	301	Custodial Death (judicial)	5,00,000	23 September 2022
25.	Delhi	1236/30/6/2022	804	Abuse of Power	1,25,000	14 March 2023
26.	Delhi	1928/30/0/2019	1505	Inaction by the State Government/ Central Govt. officials	72,50,000	20 July 2022
27.	Delhi	252/30/8/2014	2006	Victimisation	6,00,000	27 March 2023
28.	Delhi	2521/30/0/2020-pcr	808	Custodial Rape (police)	5,00,000	17 July 2022
29.	Delhi	3567/30/6/2017-pcd	807	Custodial Death (police)	7,50,000	19 December 2022
30.	Delhi	394/30/6/2020-jcd	301	Custodial Death (judicial)	5,00,000	20 June 2023
31.	Delhi	4052/30/9/2021-ad	822	Alleged Custodial Deaths In Police Custody	2,50,000	27 February 2023
32.	Delhi	4688/30/1/2021-wc	1311	Rape	5,00,000	23 March 2023
33.	Delhi	5095/30/8/2018-pcd	807	Custodial Death (police)	3,00,000	14 December 2022
34.	Delhi	5584/30/6/2019-jcd	301	Custodial Death (judicial)	4,00,000	07 November 2022
35.	Delhi	594/30/9/2021-jcd	301	Custodial Death (judicial)	5,00,000	13 February 2023
36.	Delhi	6850/30/8/2021	804	Abuse of Power	1,50,000	1 December 2022

Annex X - Details of cases with pending compliance of NHRC recommendations

S. No.	Name of the State/ UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins (in Rupees)	Date of Recommendation
37.	Gujarat	26/6/1/2020-jcd	301	Custodial Death (judicial)	3,00,000	13 April 2022
38.	Gujarat	285/6/23/2020	615	Accidents in Industry/factory	6,00,000	11 August 2022
39.	Gujarat	328/6/14/2017-jcd	301	Custodial Death (judicial)	5,50,000	27 January 2023
40.	Gujarat	414/6/9/2021-jcd	301	Custodial Death (judicial)	5,00,000	4 November 2022
41.	Gujarat	438/6/25/2020-jcd	301	Custodial Death (judicial)	5,00,000	12 December 2022
42.	Gujarat	585/6/18/2020-pcd	807	Custodial Death (police)	5,00,000	19 December 2022
43.	Gujarat	6/6/5/2020-jcd	301	Custodial Death (judicial)	5,00 000	12 July 2022
44.	Gujarat	602/6/35/2020-pcd	807	Custodial Death (police)	4,00,000	20 September 2022
45.	Gujarat	750/6/9/2020-jcd	301	Custodial Death (judicial)	5,00,000	12 December 2022
46.	Gujarat	969/6/12/2019-pcd	807	Custodial Death (police)	7,50,000	9 March 2023
47.	Haryana	1447/7/6/2021-jcd	301	Custodial Death (judicial)	5,00,000	19 December 2022
48.	Haryana	2737/7/7/2018-pcd	807	Custodial Death (police)	5,00,000	9 March 2023
49.	Haryana	296/7/3/2019-jcd	301	Custodial Death (judicial)	3,50,000	31 January 2023
50.	Haryana	3186/7/8/2016-pcd	807	Custodial Death (police)	5,00,000	14 December 2022
51.	Haryana	636/7/6/2018-pcd	807	Custodial Death (police)	7,50,000	11 November 2022
52.	Himachal Pradesh	144/8/11/2019-pcd	807	Custodial Death (police)	7,50,000	9 March 2023
53.	Himachal Pradesh	172/8/4/2019-pcd	807	Custodial Death (police)	5,00,000	11 November 2022
54.	Jammu & Kashmir	77/9/1/2020	207	Medical Negligence	4,00,000	16 January 2023

S. No.	Name of the State/ UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins (in Rupees)	Date of Recommendation
55.	Jharkhand	111/34/11/2020-jcd	301	Custodial Death (judicial)	5,00,000	20 March 2023
56.	Jharkhand	130/34/12/2021	616	Deaths/injury In Unorganised Sector	14,00,000	27 March 2023
57.	Jharkhand	1318/34/20/2019-ed	812	Death in Police Encounter	7,50 000	19 December 2022
58.	Jharkhand	1351/34/11/2016	811	Death in Police Firing	8,00,000	21 April 2022
59.	Jharkhand	1402/34/4/2020	1514	Death Due to Electrocution	3,25,000	16 August 2022
60.	Jharkhand	1641/34/0/2016-ed	812	Death in Police Encounter	4,00,000	6 February 2023
61.	Jharkhand	445/34/16/2016-pcd	807	Custodial Death (police)	10,00,000	9 March 2023
62.	Jharkhand	521/34/5/2020	216	Maternity Health Care	2,00,000	16 August 2022
63.	Jharkhand	647/34/22/2020	804	Abuse of Power	50,000	16 August 2022
64.	Jharkhand	682/34/16/2020-jcd	301	Custodial Death (judicial)	5,00,000	27 February 2023
65.	Jharkhand	8/34/10/2019-jcd	301	Custodial Death (judicial)	7,00,000	27 January 2023
66.	Kerala	295/11/10/2020-jcd	301	Custodial Death (judicial)	5, 00,000	23 December 2022
67.	Kerala	517/11/5/2020-ad	309	Alleged Custodial Deaths In Judicial Custody	4,50,000	6 March 2023
68.	Madhya Pradesh	3799/12/33/2021	1514	Death Due to Electrocution	5,00,000	22 August 2022
69.	Madhya Pradesh	936/12/31/2021	203	Malfunctioning Of Medical Professionals	3,00,000	9 February 2023
70.	Maharashtra	1655/13/1/2017-pcd	807	Custodial Death (police)	5,00,000	2 August 2022
71.	Maharashtra	1826/13/3/2015-pcd	807	Custodial Death (police)	7,50,000	11 November 2022
72.	Maharashtra	659/13/23/2018-jcd	301	Custodial Death (judicial)	5,00,000	14 November 2022
73.	Maharashtra	940/13/17/2020-jcd	301	Custodial Death (judicial)	5,00,000	7 December 2022

Annex X - Details of cases with pending compliance of NHRC recommendations

S. No.	Name of the State/ UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins (in Rupees)	Date of Recommendation
74.	Manipur	10/14/15/2019-pcd	807	Custodial Death (police)	7,50,000	14 December 2022
75.	Manipur	14/14/3/2020	810	Custodial Violence	20,000	1 September 2022
76.	Manipur	25/14/15/2018-pcd	807	Custodial Death (police)	5,00,000	9 March 2022
77.	Manipur	3/14/14/2020-jcd	301	Custodial Death (judicial)	5,00,000	27 January 2023
78.	Manipur	43/14/12/2018-pcd	807	Custodial Death (police)	7,50,000	9 March 2023
79.	Nagaland	18/17/5/2020-jcd	301	Custodial Death (judicial)	3,50,000	14 October 2022
80.	Odisha	1079/18/5/2021-ad	822	Alleged Custodial Deaths in Police Custody	4,50,000	3 June 2022
81.	Odisha	1379/18/30/2020	205	Lack of Proper Medical Facilities In the State	50,000	9 May 2022
82.	Odisha	1391/18/31/2020-ad	309	Alleged Custodial Deaths in Judicial Custody	5,00,000	23 September 2022
83.	Odisha	1397/18/24/2022	1514	Death Due to Electrocution	50,000	22 March 2023
84.	Odisha	1538/18/8/2019-jcd	301	Custodial Death (judicial)	10,00,000	27 March 2023
85.	Odisha	178/18/29/2021-jcd	301	Custodial Death (judicial)	5,00,000	23 September 2022
86.	Odisha	2310/18/4/2021	1514	Death Due to Electrocution	1,00,000	7 February 2023
87.	Odisha	3755/18/7/2019-ad	822	Alleged Custodial Deaths in Police Custody	5,00,000	11 November 2022
88.	Odisha	589/18/24/2021	1505	Inaction by the State Government/ Central Govt. Officials	3,00,000	1 September 2022
89.	Odisha	796/18/6/2022	1505	Inaction by the State Government/ Central Govt. Officials	25,000	7 December 2022
90.	Odisha	937/18/1/2022	830	Atrocities in Media Persons	50,000	7 March 2023
91.	Punjab	561/19/3/2016-ed	812	Death in Police Encounter	5,00,000	19 December 2022

S. No.	Name of the State/ UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins (in Rupees)	Date of Recommendation
92.	Rajasthan	1821/20/6/2019-jcd	301	Custodial Death (judicial)	7,50,000	24 March 2023
93.	Rajasthan	2201/20/21/2019-jcd	301	Custodial Death (judicial)	5,00,000	7 February 2023
94.	Rajasthan	248/20/29/2022-wc	1316	Attempt to Rape	3,00,000	28 October 2022
95.	Rajasthan	273/20/10/2019-pcd	807	Custodial Death (police)	5,00,000	9 March 2023
96.	Rajasthan	394/20/32/2022	817	Unlawful Detention	2,00,000	23 March 2023
97.	Rajasthan	702/20/10/2019-pcd	807	Custodial Death (police)	5,00,000	19 December 2022
98.	Tamil Nadu	1224/22/45/2019-pcd	807	Custodial Death (police)	7,50,000	14 December 2022
99.	Tamil Nadu	1903/22/7/2017-pcd	807	Custodial Death (police)	7,50,000	19 December 2022
100.	Uttar Pradesh	10103/24/7/2020	117	Neo Natal Death	5,00,000	26 September 2022
101.	Uttar Pradesh	10150/24/4/2020-jcd	301	Custodial Death (judicial)	7,50,000	10 November 2022
102.	Uttar Pradesh	10389/24/4/2019-jcd	301	Custodial Death (judicial)	7,50,000	19 July 2022
103.	Uttar Pradesh	10779/24/38/2020-ad	822	Alleged Custodial Deaths In Police Custody	5,00,000	14 December 2022
104.	Uttar Pradesh	11191/24/52/2019-wc	1315	Murder	50,000	26 April 2022
105.	Uttar Pradesh	11842/24/24/2020-jcd	301	Custodial Death (judicial)	5,00,000	18 January 2023
106.	Uttar Pradesh	11900/24/26/2019-jcd	301	Custodial Death (judicial)	3,00,000	16 June 2022
107.	Uttar Pradesh	12662/24/22/2020-ad	309	Alleged Custodial Deaths In Judicial Custody	5,00,000	12 December 2022
108.	Uttar Pradesh	12689/24/22/2021	305	Harassment of Prisoners	25,000	13 January 2023
109.	Uttar Pradesh	142/24/54/2021-wc	1311	Rape	1,00,000	23 May 2022
110.	Uttar Pradesh	14328/24/26/2019-jcd	301	Custodial Death (judicial)	5,00,000	1 August 2022

Annex X - Details of cases with pending compliance of NHRC recommendations

S. No.	Name of the State/ UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins (in Rupees)	Date of Recommendation
111.	Uttar Pradesh	14636/24/3/2020-wc	1316	Attempt to Rape	3,00,000	27 October 2022
112.	Uttar Pradesh	14727/24/21/2020	804	Abuse of Power	5,00,000	20 July 2022
113.	Uttar Pradesh	15404/24/37/2020	819	Police Motivated Incidents	5,00,000	15 July 2022
114.	Uttar Pradesh	16187/24/3/2021	203	Malfunctioning of Medical Professionals	5,00,000	9 February 2023
115.	Uttar Pradesh	16723/24/14/2019-pcd	807	Custodial Death (police)	3,00,000	29 July 2022
116.	Uttar Pradesh	16819/24/41/2020	815	False Implications	3,50,000	16 November 2022
117.	Uttar Pradesh	16938/24/78/2020-jcd	301	Custodial Death (judicial)	5,00,000	7 November 2022
118.	Uttar Pradesh	16976/24/28/2020-ad	309	Alleged Custodial Deaths In Judicial Custody	3,00,000	2 May 2022
119.	Uttar Pradesh	17350/24/39/2020	1904	Victimisation of Sc	2,00,000	15 December 2022
120.	Uttar Pradesh	17864/24/14/2021-jcd	301	Custodial Death (judicial)	5,00,000	24 January 2023
121.	Uttar Pradesh	1817/24/61/2021	804	Abuse of Power	2,00,000	8 June 2022
122.	Uttar Pradesh	18850/24/23/2020-ad	309	Alleged Custodial Deaths in Judicial Custody	5,00,000	10 November 2022
123.	Uttar Pradesh	19239/24/30/2018-jcd	301	Custodial Death (judicial)	7,00,000	7 November 2022
124.	Uttar Pradesh	23699/24/7/2021-jcd	301	Custodial Death (judicial)	5,00,000	28 July 2022
125.	Uttar Pradesh	23887/24/69/2019-ad	822	Alleged Custodial Deaths In Police Custody	5,00,000	3 February 2023
126.	Uttar Pradesh	24319/24/3/2018-pcd	807	Custodial Death (police)	5,00,000	19 December 2022
127.	Uttar Pradesh	24772/24/34/2020-jcd	301	Custodial Death (judicial)	5,00,000	22 March 2023
128.	Uttar Pradesh	25366/24/14/2020-jcd	301	Custodial Death (judicial)	3,00,000	4 August 2022
129.	Uttar Pradesh	26041/24/25/2020-jcd	301	Custodial Death (judicial)	4,00,000	3 June 2022

S. No.	Name of the State/ UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins (in Rupees)	Date of Recommendation
130.	Uttar Pradesh	26162/24/14/2019-jcd	301	Custodial Death (judicial)	10,00,000	24 January 2023
131.	Uttar Pradesh	26169/24/26/2019-jcd	301	Custodial Death (judicial)	7,00,000	22 August 2022
132.	Uttar Pradesh	26850/24/4/2019-jcd	301	Custodial Death (judicial)	3,00,000	21 February 2023
133.	Uttar Pradesh	27022/24/53/2019-ad	822	Alleged Custodial Deaths in Police Custody	5,00,000	20 September 2022
134.	Uttar Pradesh	27372/24/55/2021	1514	Death Due to Electrocution	1,50,000	14 November 2022
135.	Uttar Pradesh	27523/24/31/2021	1514	Death Due to Electrocution	5,00,000	29 March 2023
136.	Uttar Pradesh	27626/24/39/2019	204	Irregularities in Govt. Hospitals/primary Health Centres	5,00,000	12 December 2022
137.	Uttar Pradesh	29616/24/54/2017-ed	807	Custodial Death (police)	7,50,000	9 March 2023
138.	Uttar Pradesh	30064/24/52/2022	119	Torture/harassment in Juvenile/other Home	40,000	20 february 2023
139.	Uttar Pradesh	30100/24/44/2017-jcd	301	Custodial Death (judicial)	5,00,000	23 March 2023
140.	Uttar Pradesh	31238/24/78/2021-jcd	301	Custodial Death (judicial)	3,00,000	14 September 2022
141.	Uttar Pradesh	33437/24/21/2019-jcd	301	Custodial Death (judicial)	10,00,000	10 March 2023
142.	Uttar Pradesh	35765/24/1/2018-pcd	807	Custodial Death (police)	7,50,000	9 March 2023
143.	Uttar Pradesh	3746/24/10/2022	804	Abuse of Power	3,00,000	27 December 2022
144.	Uttar Pradesh	37634/24/68/2021	1200	Service Matters	2,00,000	17 January 2023
145.	Uttar Pradesh	39592/24/38/2016	1501	Disappearance	5,00,000	19 December 2022
146.	Uttar Pradesh	4239/24/31/2014	804	Abuse of Power	5,00,000	19 December 2022
147.	Uttar Pradesh	4655/24/13/2020-jcd	301	Custodial Death (judicial)	3,00,000	08 June 2022
148.	Uttar Pradesh	5279/24/63/2020-jcd	301	Custodial Death (judicial)	5,00,000	26 July 2022

Annex X - Details of cases with pending compliance of NHRC recommendations

S. No.	Name of the State/ UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/ Next of Kins (in Rupees)	Date of Recommendation
149.	Uttar Pradesh	5863/24/53/2019-jcd	301	Custodial Death (judicial)	5,00,000	29 March 2023
150.	Uttar Pradesh	6077/24/63/2021	1514	Death Due to Electrocution	2,50,000	11 August 2022
151.	Uttar Pradesh	6590/24/7/2020	832	Non Registration of Fir	1,00,000	10 November 2022
152.	Uttar Pradesh	7447/24/7/2020	804	Abuse of Power	25,000	1 July 2022
153.	Uttar Pradesh	7979/24/51/2020	207	Medical Negligence	5,00,000	12 May 2022
154.	Uttar Pradesh	8908/24/26/2020-jcd	301	Custodial Death (judicial)	5,00,000	11 November 2022
155.	Uttar Pradesh	8919/24/11/2020-jcd	301	Custodial Death (judicial)	5,00,000	08 September 2022
156.	Uttar Pradesh	9165/24/31/2021	1518	Death Due to Consumption of Illicit Liquor	1,00,000	08 June 2022
157.	Uttar Pradesh	9947/24/48/2020-jcd	301	Custodial Death (judicial)	4,75,000	21 June 2022
158.	West Bengal	1121/25/19/2019-jcd	301	Custodial Death (judicial)	5,00,000	08 March 2023
159.	West Bengal	1132/25/8/2020-jcd	301	Custodial Death (judicial)	5,00,000	19 December 2022
160.	West Bengal	1233/25/14/2019-pf	1704	Abuse of Power	1,00,000	19 December 2022
161.	West Bengal	1234/25/5/2019	804	Abuse of Power	5,00,000	19 December 2022
162.	West Bengal	1316/25/5/2019-ad	309	Alleged Custodial Deaths in Judicial Custody	5,50,000	06 September 2022
163.	West Bengal	1573/25/16/2014-pcd	807	Custodial Death (police)	5,00,000	02 August 2022
164.	West Bengal	1865/25/19/2019-jcd	301	Custodial Death (judicial)	2, 50,000	31 March 2023
165.	West Bengal	582/25/15/2019-pf	1704	Abuse of Power	4,00,000	01 July 2022
166.	West Bengal	636/25/17/2022-jcd	301	Custodial Death (judicial)	5,00,000	14 February 2023
167.	West Bengal	662/25/4/2017-pcd	807	Custodial Death (police)	3,50,000	19 December 2022

Annex XI

Special Rapporteurs

S. No.	Zone/ area covered as per new scheme	Name of Special Rapporteur	Tenure
1.	ZONE-I Punjab, Haryana, Chandigarh and Delhi	Shri Mahesh Singla	05 May 2022 to 04 May 2025
2.	ZONE-II Himachal Pradesh, Jammu & Kashmir, Leh Ladakh and Uttarakhand	Dr. Ashok Kumar Verma	05 May 2022 to 04 May 2025
3.	ZONE-III Uttar Pradesh	Shri Ranjan Dwivedi	05 May 2022 to 04 May 2025
4.	ZONE-IV Maharashtra and Goa	Shri P.N. Dixit	05 May 2022 to 04 May 2025
5.	ZONE-V Rajasthan	Shri Madan Lal Meena	05 May 2022 to 04 May 2025
6.	ZONE-VI Gujarat, Dadra & Nagar Haveli and Daman & Diu.	Dr. K.C. Sharma	05 May 2022 to 04 May 2025
7.	ZONE-VII Madhya Pradesh and Chhattisgarh.	Shri Umesh Kumar Sharma	05 May 2022 to 04 May 2025
8.	ZONE-VIII West Bengal and Odisha.	Dr. Rajinder Kumar Malik	05 May 2022 to 04 May 2025
9.	ZONE-IX Bihar	Ms. Nirmal Kaur	05 May 2022 to 04 May 2025
10.	ZONE-X Jharkhand	Ms. Suchitra Sinha	05 May 2022 to 04 May 2025
11.	ZONE-XI Tamil Nadu, Puducherry, Kerala, Andaman & Nicobar Islands and Lakshadweep	Shri Hari Sena Verma	05 May 2022 to 04 May 2025
12.	ZONE-XII Andhra Pradesh and Telangana	Shri M. Madan Gopal	05 May 2022 to 04 May 2025
13.	ZONE-XIII Karnataka	Shri Ashit Mohan Prasad	05 May 2022 to 04 May 2025
14.	ZONE-XIV Assam, Meghalaya, and Sikkim	Shri Umesh Kumar	05 May 2022 to 04 May 2025
15.	ZONE-XV Nagaland, Manipur, Mizoram, Tripura, and Arunachal Pradesh	Shri Akhil Kumar Shukla	05 May 2022 to 04 May 2025

Special Monitors

S. No.	Name	Thematic area and Subjects covered	Tenure
1.	Shri Veerendra Singh Rawat Alias Swami Yoganand	Human Rights Advocacy (HR Education and Gender Equality)	25 July 2022 to 24 July 2025
2.	Shri Jayanto Narayan Choudhury	Criminal Justice System (Subjects covered — Jails, Juvenile Justice and Correctional Homes) and Police and Police Reforms (All matters related to Police and Police Reforms)	23 September 2022 to 22 September 2025
3.	Shri Kumar Rajesh Chandra	Terrorism {Subjects covered — Urban Terrorism, Counter Insurgency, Cross Border Terrorism and Left Wing Extremism (Anti Naxalite Operation)} and Communal Riots (All matters related to Communal Riots)	23 September 2022 to 22 September 2025
4.	Shri Himanshu Sekhar Das	SC, ST, OBC and Minorities (Subjects covered — All matters related to atrocities on SC, ST, OBC and Minorities)	23 September 2022 to 22 September 2025
5.	Shri Ahmed Javed	Bonded Labour and Child Labour (Subjects covered — All matters related to Bonded Labour and Child Labour)	23 September 2022 to 22 September 2025
6.	Shri Rajni Kant Mishra	Health and Hospitals except Medical Colleges (Subjects covered — Mental Health, HIV/AIDS, Spurious Drugs, Sanitation, Silicosis, Diagnosis and Diagnostics Labs and Hospitals)	23 September 2022 to 22 September 2025
7.	Shri Surendra Kumar	Tribal Welfare (Subjects covered — All matters related to welfare of Tribals and Forest dwellers)	23 September 2022 to 22 September 2025
8.	Shri Fauzan Alavi	Environment (Subjects covered — All matters related to Environment and Water)	23 September 2022 to 22 September 2025
9.	Dr. Yogesh Dube	Women and Disability (Subjects covered — Sexual Violence and Rape, Domestic Violence and Sexual Harassment at workplace)	23 September 2022 to 22 September 2025
10.	Shri Balkrishan Goel	Child Rights and Elderly Citizens (Subjects covered — All matters related to Child Rights and Elderly Citizens)	23 September 2022 to 22 September 2025
11.	Ms. Laxmi Narayan Tripathi	Transgender (Subjects covered — All matters related to Transgender, LGBT Rights)	23 September 2022 to 22 September 2025
12.	Ms. Vrinda Swarup	Education (Subjects covered — R.T.E. Act, Curriculum for primary, middle and secondary education, hostels, other facilities and matters, teaching and other staff)	23 September 2022 to 22 September 2025
13.	Shri Hemanta Narzary	Panchayati Raj and Local Self-government (Subjects covered — All matters related to Panchayati Raj and Local Self-government)	23 September 2022 to 22 September 2025
14.	Shri Sudhir Chowdhary	Human Trafficking (Subjects covered — All matters related to Human Trafficking)	23 September 2022 to 22 September 2025
15.	Shri Prem Singh Bisht	Business and Human Rights (Subjects covered — All matters relating to Business and Human Rights)	23 September 2022 to 22 September 2025

Annex XII

List of visits of students/ trainees organised by NHRC

S. No.	Date of Visit	Name of Organisation	No. of Students/ Participants
1.	22 April 2022	Legal Studies Department, Radha Govind University, Ramgarh, Jharkhand	12 Students + 1 faculty member
2.	05 May 2022	School of Humanities and Social Science, Sharda University	22 Students + 3 faculty member
3.	18 May 2022	Mewar Law Institute Ghaziabad	53 students + 2 faculty members
4.	02 June 2022	Law Centre-II, Faculty of Law, University of Delhi	40 students+ 2 faculty members
5.	21 July 2022	Bimal Chandra College of Law, Murshidabad, West Bengal	32 students + 3 faculty / staff members
6.	03 August 2022	Ms. Rekha Sharma Chairperson National Commission for Women, Delhi	8 girl students from Andaman & Nicobar
7.	26 August 2022	Ms. Rekha Sharma Chairperson National Commission for Women, Delhi	9 girl students from UT of Ladakh
8.	07 September 2022	National Forensic Sciences University, Gujarat	19 Sr. Judicial officers /Judges / Magistrates/Dy SP/ACP
9.	20 September 2022	Yeshwant Mahavidyalaya, Wardha Maharashtra	29 students + 2 faculty members
10.	23 September 2022	Jagjivan Ram RPF Academy, Lucknow	7 IRPFS officers + 2 Liaison Officers
11.	29 September 2022	PG Department of Social Work Sri Rama Krishna Mission Vidyalaya College of Arts and Science, Coimbatore, Tamil Nadu	17 PG students + 2 faculty members
12.	15 November 2022	Amex Law College, Burdwan, West Bengal	68 students of LLB & BALLB + 3 faculty members
13.	18 November 2022	Delhi School of Journalism, Delhi University	49 Students of journalism + 2 faculty members
14.	23 November 2022	Law College Durgapur, West Bengal	60 students + 2 faculty members
15.	24 November 2022	Law College Durgapur, West Bengal	59 students + 2 faculty members
16.	03 February 2023	Yashwantrao Chawan Law College, Pune	82 college students + 7 staff members
17.	08 February 2023	Durgapur Institute of Legal Studies, Kazi Nazrul University, Asansol, West Bengal	37 final year law students + 2 teachers
18.	13 February 2023	Gokhale Education Society's Law College, Kharghar, Navi Mumbai	30 students + 2 staff members
19.	17 February 2023	Academy of Prisons and Correctional Administration, Vellore, Tamil Nadu	22 Officers of 28th Batch of Nine Month basic Course Prison Officers + 2 Team leaders

Annex XII - List of visits of students/ trainees organised by NHRC

S. No.	Date of Visit	Name of Organisation	No. of Students/ Participants
20.	21 February 2023	Siddharth College of Law, Mumbai	42 students + 2 faculty members
21.	23 February 2023	Department of Political Science, RTM Nagpur University, Nagpur	32 students + 3 teachers
22.	03 March 2023	Bhagubai Changu Thakur College of Law, New Panvel, Navi Mumbai	57 students + 4 professor
23.	03 March 2023	School of Law, Forensic Justice Policy Studies, National Forensic Sciences University, Gandhinagar	18 students + 2 faculty members
24.	06 March 2023	Asian Law College(ALC), Noida, UP	50 students + 2 faculty
25.	13 March 2023	New Law College, Mumbai	17 students + 2 teaching faculty
26.	13 March 2023	JRSET College of Law, University of Kalyani, West Bengal	60 students + 3 faculty members

समानी प्रपा सह वोन्नभागः।
समाने योक्ते सह वो युनज्मि।
अराः नाभिमिवाभितः॥

- अथर्ववेद-संज्ञान सूक्तम्

[All have equal rights to articles of food and water.
The yoke of the chariot of life is placed equally on
the shoulders. All should live together in harmony,
supporting one another like the spokes of a
chariot wheel connecting its rim and hub.]



National Human Rights Commission

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