

MINUTES OF THE MEETING OF THE CORE GROUP OF NGOs HELD ON 10TH SEPTEMBER 2009 AT 11.00 A.M. IN THE NATIONAL HUMAN RIGHTS COMMISSION, NEW DELHI

A meeting of the Core Group of NGOs was held in the National Human Rights Commission on 10th September 2009 at 11.00 a.m. under the Chairmanship of Justice Shri G.P. Mathur, Acting Chairperson, NHRC. The Members of the Commission, Justice Shri B.C.Patel, Shri P.C Sharma and Shri Satyabrata Pal participated in the meeting. The list of other participants is at Annexure I.

2. Welcoming the participants, Acting Chairperson stressed upon the need of more frequent interaction and better coordination of the efforts between Human Rights Commission and civil society organisations in spreading human rights awareness. Thereafter discussion on agenda items was taken up.

3. Confirmation of the minutes and Action Taken Report of the last meeting of the Core Group of NGOs held on 18.07.2008.

4. At the outset, the minutes and the Action Taken Report of the meeting of the Core Group of NGOs held on 18.7.2008 were discussed.

5. The Core Group Members expressed their concern about not holding meetings of the NGO Core Group on quarterly basis as decided in last meeting.

6. The Acting Chairperson informed that during last one year, the Commission organized several conferences /workshops/seminars on thematic issues wherein number of NGOs/civil society organisations were invited to participate in the deliberations. Moreover, the Commission has other Core Groups viz. Core Group on Disability, Health, Mental Health etc. in which NGOs/experts are the Members. The Commission has selected 28 districts for visits by a team headed by a Member for having direct interaction with field level functionaries including panchayat representatives & local NGOs/Civil society. The Commission has thus regularly interacted with NGOs/Civil Society on various issues.

7. The Secretary General stated that with other commitments that the Commission have, it would not be possible to hold the NGO Core Group meeting on quarterly basis. However, a half yearly schedule would be more practical. It was agreed to have meetings of NGO Core Group on half yearly basis. It was suggested that next meeting could be in 3rd week of March 2010.

8. The Secretary General also briefed on each issue of the Action Taken Report on the minutes of last meeting which was also circulated to all the Members in advance with the agenda items.

9. Subject to above observations, the minutes of the last meeting held on 18.7.2008 and the Action Taken Report on the minutes were taken as approved.

10. With the permission of the Chair, the following issues were raised by members:-

(i) Capacity Building

11. Shri Anand Grover stated that members of the Core Group as also other NGOs have different expertise and their expertise could be utilized by the Commission. Other NGO/expert members also shared this view.

12. In response, the Acting Chairperson stated this is being done to some extent. In the drafting of the UN Convention on Rights of Persons with Disabilities (CRPD), the representative of the Commission, Ms. Anuradha Mohit played an important role. In regional workshop on disability etc. NGOs/experts are being invited.

13. Shri Satyabrata Pal, Member mentioned that though the Commission is pre-occupied with various issues and with a large number of complaints received everyday, the interaction with NGOs and civil society is extremely important. He invited suggestions of the NGO/expert members on better coordination.

(ii) Sharing of recommendations of workshop organized by the NHRC with NGO Core Group Members

14. Smt. Devaki Jain has suggested that the recommendations on various meetings/conferences of the Commission may be shared with the members of the NGO Core Group.

15. The Secretary General informed that recommendations of all the conferences/seminars are available on the NHRC website i.e. www.nhrc.nic.in However, the same will be shared in future.

(iii) Destruction of Records in NHRC

16. Shri Henri Tiphagne raised the issue that the NHRC destroys all records after six months.

17. In response, the Secretary General informed that destruction of records in individual cases of human rights violations is done as per regulations in 6 month, if there is no action point to be followed. This was perhaps in view of space constraints. Of late all records are being scanned and copied on CDs/VCDs. As regards records in other divisions, files are kept on need basis.

(iv) Meeting of the Statutory Full Commission

18. Shri Henri Tiphagne pointed out that the Statutory Full Commission meetings are not taking place regularly. Such reluctance on the part of the NHRC to conduct periodic meeting of the Full Commission raises a question whether the NHRC of India is indeed committed to put into the practice the principle of cooperation under the 'Paris Principles'.

19. In response, the Acting Chairperson informed that the meeting of the Statutory Full Commission which comprises Deemed Members also are being held regularly, at least once in a year. The Chairperson of the National Commission for Protection of Child Rights is invited as a Special Invitee in the meeting. The last meeting of the Statutory Full Commission was convened on 25.4.2008. This year, the meeting scheduled on 20.8.2009 was adjourned as no Deemed Member could attend. Only the Special Invitee i.e. Chairperson, National Commission for Protection of Child Rights apart from full time Members was present. The members felt that meeting of Statutory Full Commission should be held more frequently.

(v) Encounter deaths

20. Shri Pushkar Raj drew attention to large number of encounter deaths in Andhra Pradesh, Uttar Pradesh, Uttaranchal. He suggested that information in all cases of deaths in encounter be obtained from States and strict monitoring of the NHRC guidelines issued to the State Governments be done. He also expressed concern about pendency of cases in NHRC and long time taken in disposal.

21. Shri A. Mahaboob Batcha mentioned that executive magistrates are not supposed to do inquire in encounter killings. The inquiry should be conducted by Judicial Magistrate. He also stated that the compensation in custodial/encounter deaths is not enough.

22. In response, the Acting Chairperson stated that all cases regarding encounter deaths are examined and a decision taken in the Full Commission. The Commission at present recommends Rs. 5 lakhs as compensation in case of death in encounter where there is violation of human rights. The Commission has limited staff and the decisions in cases including those pertaining to the encounter deaths are often delayed as getting relevant material/reports from the concerned States/authorities takes lot of time. He also informed that it has been decided by the Commission to review the existing guidelines on encounter deaths issued by the Commission and issue revised guidelines.

(vi) National Action Plan

23. Shri Anand Grover and Ms. Maja Daruwala mentioned about non-finalization of the National Action Plan on Human Rights issues and suggested that NHRC should consult NGOs/civil society organization before finalizing the same.

24. Acting Chairperson informed that the Draft National Action Plan is in the process of being finalized and assured that before finalization consultation will be held with Core Group Members and some other stake holders. He requested Ms. Daruwala to send her suggestions on National Action Plan as she has worked on this matter. Other members were also requested to send their suggestions.

(vii) Economic, Social and Cultural Rights

25. Dr. Abhay Shukla stressed upon the importance of Economic, Social and Cultural Rights and suggested that NHRC should be pro-active in reviewing of International Conventions and the proposed National Health Bill.

26. In response, the Secretary General informed that the Commission is examining the draft Assisted Reproductive Technology (Regulation) Bill, and Rules 2008. The Commission has a Core Group on Health who are being consulted on this bill. The National Health Bill may also be examined by the Commission.

(viii) Human Rights Education

27. Smt. Devaki Jain stated that NHRC in past brought out excellent publications on various human rights issues. It should now take up more such projects. Experts may be associated in this regard. On human rights education also good publication can be brought out especially for school levels. NCERT & Teachers training institutes may be consulted in this regard.

28. Shri Mathew Cherian suggested that NCERT should be persuaded to include Child Rights in the school curriculum.

29. In response, the Acting Chairperson mentioned that the respective Education Boards in the States/ State Governments will have to decide on school curriculum. Commission organized a seminar on human rights education in which representatives of concerned Ministries/Departments in Central & State Govts., State Education Boards, Madrasa Boards, CBSE, NCERT, NGOs and other stake holders were invited. The main discussions were on introduction of human rights education in schools.

(ix) Bonded Labour

30. Shri Kiran Kamal Prasad stated that NHRC should give more emphasis on the issues relating to Bonded Labour and monitor bonded labour situations in the country.

31. Shri A. Mahaboob Batcha also highlighted the pathetic conditions of construction workers particularly in Gulf countries and Malaysia.

32. The Acting Chairperson informed that the Commission is conducting Regional Workshops to sensitize the field level functionaries about this issue and their responsibilities. Special Rapporteur is also making field visits to make assessment of the problem and suggest remedial measures. He informed that on the basis of a complaint pertaining to 20,000 bonded labourers in Krishna District, Andhra Pradesh three special teams were deputed to find out the ground realities. The teams interacted with the quarry workers and recorded their statements. The Commission has sent a report to the Government of Andhra Pradesh and called for Action Taken in this regard. He further added that if the Commission receives any complaint about bonded labour it takes a very serious view.

33. Justice Shri B.C. Patel stated that complaints especially on Bonded/Child Labour from different states are pursued rigorously.

(x) Homeless Mentally ill persons and Anti-begging Law

34. Dr. Tapas Kumar Ray pointed out that mentally ill persons are being picked by the police and put in beggar homes as there is shortage of mental hospitals in the country. He suggested that NHRC should issue directive to all the State Governments to provide mentally ill persons with some kind of a identity card along with their addresses so that if they are found on streets they can be handed over to their family members. A number of mentally ill persons are languishing in jails and the jail authorities should be instructed to send them to mental hospitals/asylums. He said that during the forthcoming Commonwealth Games 2010, the Govt. of NCT Delhi is going to remove all the beggars. In the process, there may be many mentally ill persons who may be put in jails. The NHRC should intervene in this matter.

35. Shri Pushkar Raj also supported the idea and suggested that the Commission should write to the Govt. of NCT Delhi in this regard at the earliest.

36. Shri Mukul Chandra Goswami mentioned that 'BANIYAN' at Chennai rescued 200 mentally ill women. He suggested that the issue of homeless mentally ill persons should be taken up with the State Govt. concerned.

37. In response, the Acting Chairperson informed that Commission is regularly monitoring the mental hospitals and request State Govts. to improve

conditions in these hospitals and provide better mental health care and other facilities.

38. Shri P.C. Sharma, Member, NHRC informed that regional review meetings are being held on this issue in various parts of the country. The Commission is going to organize regional review meeting for north zone at Agra very soon.

(xi) Issue relating to Appointment of Chairperson and Members

39. The NGO Members expressed concern about non-appointment of a regular Chairperson of NHRC for long. They also expressed the view that the concept of pluralism as laid down in Paris Principles should strictly be followed in appointment of Members. The NHRC does not have a woman member or member belonging to minority, SC or ST.

40. In response, the Acting Chairperson informed that appointment of Chairperson and Members is done as per the provisions of the PHR Act, 1993. It may not be proper on the part of the Commission to make any comment in this matter.

41. The Secretary General informed that in India, there are separate National Commissions for Minorities, Scheduled Castes, Scheduled Tribes and Women and their Chairpersons are deemed members of the Commission. The deemed members in the Commission institutionally represent various sections of the society. As such a vast section of society is represented in the Commission.

xii) Policy on Human Rights Defenders

42. Ms. Maja Daruwala and other NGO members raised the issue of Human Rights Defenders and NHRC policy in this regard.

43. The Acting Chairperson informed that on 12th October 2009 the Commission is organizing a workshop on Human Rights Defenders and all the members of the Core Group of NGOs are cordially invited to participate. The Acting Chairperson also requested the NGO members to send their suggestions/view on the structures/topics of discussion in the workshop at the earliest.

xiii) Miscellaneous

44. Shri Tiphagne mentioned that there are about 140 to 150 Commissions or other bodies at national and state levels dealing with human rights related issues. He suggested that all these bodies may be invited in a workshop for sensitizing them about Paris Principles. The Acting Chairperson stated that to begin with we may start with State Human Rights Commissions.

45. Most of the NGO/expert member suggested that they would be glad to send their opinion/suggestions on important thematic issues, if desired by the Commission. They may even suggest names of expert on various issues. The Acting Chairperson welcomed the suggestion.

46. It was suggested that the recommendations of NHRC on various issues may be circulated to all concerned for implementation. The Acting Chairperson informed that this can be.

47. Dr. Tapas Kumar Ray mentioned that the Judicial Officers are to be given training on various human rights issues. The Acting Chairperson informed that the Commission had earlier organized training for the judicial officers. A handbook on 'Human Rights Best Practices relating to Criminal Justice in a Nut Shell' has also been published.

Conclusion:

48. The Acting Chairperson thanked all the participants for their valuable contribution and suggested that the next meeting of the Core Group of NGOs may be held in the third week of March 2010.

Members of Core Group of NGOs

1. Ms. Maja Daruwala, Director, Commonwealth Human Rights Initiative, New Delhi
2. Shri Henri Tiphagne, Executive Director, Peoples Watch, Tamil Nadu
3. Shri A. Mahaboob Batcha, Director, Society for Community organisation Trust, Tamil Nadu.
4. Shri Anand Grover, Project Director, Lawyers Collective HIV/AIDS, New Delhi.
5. Smt. Devaki Jain, Project Director-cum-Trustee, Singamma Sreenivasan Foundation, Bangalore.
6. Shri Mathew Cherian, Director General, HelpAge India, New Delhi.
7. Dr. Abhay Shukla, Joint Convenor, Jan Swasthya Abhiyan, Pune, Maharashtra
8. Shri Kiran Kamal Prasad, Secretary, Vimukti Trust, Bangalore.
9. Shri Mukul Chandra Goswami, Secretary, ASHADEEP, Guwahati, Assam.
10. Dr. Tapas Kumar Ray, Hony. Secretary, Mental Health & Human Rights Resource Centre, Kolkata.
11. Shri Pushkar Raj , General Secretary, People's Union for Civil Liberties, New Delhi.

Officials of NHRC

1. Shri Akhil Kumar Jain, Secretary General
2. Shri Sunil Krishna, Director General (Investigation)
3. Shri Anil Kumar Garg, Registrar (Law)
4. Shri J.P. Meena, Joint Secretary (P&A)
5. Shri P.M.V. Siromony, Joint Secretary (Trg.)
6. Dr. Sanjay Dubey, Director (Admn)
