

**National Human Rights Commission**

**PRP&P Division; Research Unit-II**

**Minutes of the meeting of the Core Group on Human Rights Defenders (HRDs) and NGOs held on 16th February, 2023**

Mr. Justice Arun Mishra, Honourable Chairperson, National Human Rights Commission chaired the meeting. The list of participants is enclosed at **Annexure -I**

**Ms. Anita Sinha, Joint Secretary, NHRC**, while welcoming all the members of the re-constituted Core Group on HRDs and NGOs, highlighted the objective of the Core Group and the need to identify the areas of cooperation between the NHRC and HRDs & NGOs, and also the approach and methods to work in collaboration for protection and promotion of human rights of all persons in the country. She mentioned that the Commission understands the risks associated with the work of HRDs at the ground level and recognises the importance of their role in protection and promotion of human rights. She then apprised the members of the re-constituted Core Group about the role and responsibilities of the Commission including the important activities undertaken by the Commission towards fulfilment of the mandate given under the PHR Act, 1993.

**Mr. Justice Arun Mishra, Hon'ble Chairperson, NHRC**, in his inaugural address, mentioned that the work of HRDs complement the work of NHRC. He appreciated the role of HRDs as they act as the eyes and ears of the Commission. The HRDs / NGOs while working at the ground level can give a clear picture as to whether the welfare or developmental schemes are actually trickling down to the last mile; the executive officers of the government machinery are discharging their duties efficiently or not. He highlighted that any kind of freedom - civil, political, religious, etc., or the human dignity of any person should not be allowed to be violated by anyone. He further mentioned that the role of HRDs is like that of Public Interest Litigation (PIL) where the work is primarily done for the good of others. The HRDs are playing a very important and positive role in the field of human rights.

Over a period of time, with the advent and advancement of technology, the safety and privacy has become an issue, he continued. The data protection, crypto-currency, dark web, etc., are some of the new challenges faced in the cyber space by the government, HRDs and the ordinary citizen as well. There are more than 70 crore mobile users in the country now and, therefore, to

spread any sponsored or fake news is quite easy nowadays. India is an assimilation of cultures and religions, soon to become the most populous country in the world, he added. He informed that there are many HRDs working efficiently for doing good work in various parts of the country. Their efforts too are recognised by NHRC, even if they may not be included in the core group due to limitation in the number of members. He made an appeal that all stakeholders should join hands to work together in this endeavour for protection and promotion of human rights.

**Shri Surajit Dey, Registrar (Law), NHRC**, explained the complaint mechanism of NHRC to the Core Group members and also answered their queries on the same.

**Dr. Sunitha Krishnan**, Founder of Prajwala and Padmashri awardee for working on the issue of human trafficking for the last 3 decades, informed that her organization ‘Prajwala’, one of the largest organisations in the country and in the world, has so far rescued more than 26,600 girls out of sex slavery and provided them rehabilitation.

She mentioned that at one end they face challenges from the mafia (human traffickers) and on the other end, the challenges of an apathetic system, which has not yet prioritized the protection and dignity of victims of human trafficking as a matter of right. Besides, she highlighted cyber enabled sexual crimes against children and other forms of trafficking such as adoption, begging, labour, etc. She pointed out that the State and the system are not yet prepared structurally and institutionally to either prevent or handle the rescue of victims or their rehabilitation. She added that the organisation faces hostility from the society at large in accepting back these women victims to give them the second chance to live their life normally.

Dr. Krishnan made two suggestions. First, NHRC as a neutral body should play a lead role in creating a counter narrative that human rights work has enough space in India and the Human Rights Defenders have the right to speak and give their views on any issue without fear. Secondly, pointing out the divisiveness within the human rights defenders due to ideological differences, she requested NHRC to institute a proper research on it to give comprehensive recommendations to the government on what should be done in the interest of human rights work for the larger good of the country. She added that the Commission can play a proactive role in this regard to build bridges in the differing ideologies and bring some sort of cohesiveness for all the HRDs to work towards common goals.

**Dr. Jitendra Singh Shunty**, President, Shaheed Bhagat Singh Sewa Dal, and Padmashri awardee for his work for upholding the dignity of dead for the last 27 years by doing free cremation of dead bodies especially of the poor, helpless and heirless. He informed that so far they have cremated more than 32000 dead bodies. During Covid period they worked closely with Delhi Government and the police to do 4266 cremations. He was happy to express that NHRC had issued an advisory on 14th May 2021 to the Union and State Governments & UTs for upholding the dignity of the dead bodies. However, implementation of the recommendations made in the advisory is a serious concern as the police and hospitals especially, are not as aware on this as they should be.

He pointed out that the mortuary service in most of the hospitals is not adequate as many of the hospitals do not have mortuary rooms in their establishments. Hospitals don't have an adequate number of hearse vans for carrying dead bodies. He suggested that cremation should be free like BMC does in Mumbai and it should be replicated in the entire country. He recommended that in all Private Hospitals as well as Public Hospitals, a separate desk should be made where representatives from NGOs can sit there so that the rights of patients/ their family members/ dead bodies do not get violated. He also recommended that sensitization of police personnel is necessary. The dead bodies with due consent of family can be given to the medical institutions.

**Mr. Suhas Chakma**, Director, Rights and Risks Analysis Group (RRAG), informed that he has been associated and engaging himself with NHRC since its establishment in 1993. He made recommendation that the NHRC should consider establishing a mechanism with NGOs to monitor and review the implementation of the UPR recommendations. The NHRC should direct its Law Division and Investigation Division to place the evidence gathered by it in the complaints of custodial violence, which establish culpability of the accused, before the jurisdictional trial court adjudicating the FIR. He added that NHRC has done unmatched work in the field of custodial deaths and torture cases. He suggested that NHRC should direct the States/UTs to conduct the post mortem examinations mandatorily by forensic experts in cases of custodial deaths and ask for stronger implementation of NHRC's post-mortem guidelines. Furthermore, the cases of protection of human rights defenders registered by the NHRC should be considered on fast track mode, he concluded.

**Mr. Sandeep Chachra**, Executive Director, Action Aid Association, and Co-Chair of World Urban Campaign of the UN Habitat on urban rights, informed that Action Aid works with

2540 HRDs in 167 districts in 25 states and their focus is the rights of women, children and their education, informal workers, peasants and landless of India.

He made following suggestions for consideration of the Core Group of the Commission.

1. To consider the possibility of formulating a policy or legislative framework for protection and promotion of Human Rights Defenders including remedial mechanism.
2. Human Rights training/ internship in collaboration with community based Human Rights Defenders. Instituting a solidarity support/ network development process with HRDs.
3. NHRC has a global importance and the HRDs look up to the Commission for support. Therefore, some recognition and awards mechanism can be devised for community based human rights defenders, which will act as a morale booster as well as a protector for HRDs.
4. The need to have a working group/ advisory on protection and promotion of human rights of the Denotified, Semi-nomadic, Nomadic and Pastoral Communities to address their human rights denial issues.
5. The extension of the Core Group of Bonded Labour to include informal workers including particularly women and other social diversities within informal workers.
6. An advisory/ intervention of NHRC from a human and environmental rights angle for climate loss and damage compensation for workers, farmers, fisher folk, pastoralists, forest dwellers etc.
7. Interim relief to the refugee community in India - an advisory/ policy to ensure their access to public services (health, water, sanitation, education, etc.) and temporary work permits.
8. Finally, a point in relation to the reflections of Chairperson on how to rehabilitate girls and women rescued from trafficking - to submit ideas on what can be done.

**Mr. Ramchandra Kharadi**, National President, Vanvasi Kalyan Ashram, talked about his organization, which was established in 1952, to protect the rights of the tribes (janjatis) through constitutional measures. He shared his recent experience of travelling across the country that it is in tribal areas where all the country's wealth lies, be it *Jan sampada*, *Jal sampada* or *Van sampada*. He desired that there should be due legal procedure to allocate the land for rehabilitation before asking the tribals to vacate. He talked about two incidences of *Naxal* affected areas in Mizoram and Chhattisgarh. In Mizoram, due to the issue between the converted and non-converted people of the *Riang tribe*, around 32 thousand persons were staying in Tripura

since 1986. Similarly, in Chhattisgarh, around 50 thousand tribal people are still residing in Telangana. While Telangana Government gave them recognition in voter's list, the forest authorities are evicting them and Chhattisgarh government also refuses to recognise them as their tribe. Their children are facing identity crisis since they do not have either Aadhar card or Ration card as proof of residence leading to obstruction in school education. Similarly, *Bhil Tribes* of Maharashtra are facing problem related to identity. Another tribe, namely, *Katkari*, is facing a problem of child marriage, whose registration is not done by the government agencies.

Further, he highlighted the lacunae in implementation of the Panchayat Extension to Scheduled Areas (PESA) Act, 1996. He stated that even after 26 years of the Act, Gram Sabha in the Tribal villages has not been constituted. Similarly, there is lack of implementation of the Forest Rights Act, 2006, and the poor people in the country lack voices and representation. However, he was complimenting the present government's collaborative effort with the Ministry of Forest, Environment and Climate Change and the Ministry of Tribal Affairs and the state governments.

**Mr. Satinath Sarangi**, Founder, Sambhavna Trust, described his work on the issues left in the wake of the Union Carbide Gas Disaster in Bhopal for the last 38 years. He informed that the '*Sambhavna Trust*', provides free medical care and has provided help to around 37 thousand survivors of disaster as well as to those who are chronically exposed to ground water contamination by union carbide hazardous waste. He added that till date, union carbide continues to withhold the medical information on leaked gases.

He further elaborated on the Second Environmental Disaster in Bhopal due to contamination of ground water. He traced the origin of contamination from 1982 where the solar evaporation ponds were used by the union carbide factory, which resulted in emptying of the pond. He quoted the data of the Indian Institute of Toxicology Research (IIPR), Lucknow; which stated that the contamination had spread to over 3.5 km from the factory. He expressed concern over the fact that 9 out of 28 chemicals, also known as 'forever chemicals' or 'persistent organic pollutants' were found by the official agencies testing ground water, creating new victims every day. He spoke about the '*Slow and Silent Bhopal*' taking place throughout the country within the highly contaminated Industrial States like Gujarat, Tamil Nadu, Telangana, and Maharashtra, where several crore people are subjected to this scenario. He mentioned the lack of treatment protocol in areas of serious contamination with no documentation of medical care or chemicals that have

adversely impacted their health generating social problems as well. He stated that the victims of the corporate assault are the downtrodden, poor, minority and marginalized people.

He quoted the Supreme Court judgment that people in Bhopal have right to health care. He also pleaded that the vulnerable sections should be treated with dignity and given their rights to health care and the right to know about the chemicals that are being discharged. He hailed the NHRC advisory to prevent, minimise and mitigate impacts of environmental pollution and degradations. He also quoted the 2017 Lancet report on pollution and health whereby 16 per cent of global deaths were directly attributable to global pollution and unfortunately India tops in all the categories in it like deaths due to pollution, deaths of children due to environmental crimes etc. He stated that there should not be human sacrifice in the name of development.

**Ms. Naseema Khatoon**, Founder, Parcham thanked NHRC for nominating someone to be a member of the core group on HRDs and NGOs who is a daughter of a sex worker- a community that is not only marginalised but also ostracised. She works in the red-light areas for the rights of sex workers or brothel workers, a community who lacks dignity and are kept far from the mainstream society. She marked her inclusion in the Core Group on HRDs and NGOs as a historic moment in her life and the community she is representing from the remotest part of the country. She narrated that she began her work in 2002 to prevent atrocities on the sex-workers and their children and founded the organisation called Parcham in Bihar. She highlighted issues of rehabilitation, social problems, human dignity, prevention of women in trafficking, the women already in the profession of sex workers etc. She gave a letter from the Association of National Council for Women Leaders and All India Network of Sex Workers to the Honourable Chairperson, NHRC. She mentioned that it is unfortunate that that even today the HRDs and NGOs are not fully aware of NHRC's role in dispensing justice and helping them in their various objectives in the promotion of human rights.

She made following recommendations for consideration -

1. Community based organisations should also be made part of this group.
2. The rehabilitation programmes are only for a limited time period post which, these women are left with only few options to integrate with the mainstream community. Therefore, ensuring that those options are safe and do not lead to return to the profession of sex worker is crucial. A solid plan for it is required with the active participation of sex workers.

3. There is also a need to formulate a framework with organisations of Dalits, Adivasi, transgender (transwomen) and sex workers to advocate a robust scheme for social workers working as HRDs at the grassroot level. For this, the Commission can organise discussions at the block, district, state and central level.
4. The need for health facilities for sex workers above the age of 35 years as according to the NACO guideline- 'FSW' programme on HIV and AIDS, the targeted intervention project is to prevent new STI and HIV infection for sex workers under the age of 35 years.
5. She also brought forward the issue of male children of the sex workers who have no representation under any programme and scheme. They end up becoming pimps in the red light district, while they also have the right to live with head held high in the society.
6. Since women and girls are increasingly engaged at the grassroot level, the active implementation of POSH Act and CEDAW for safety of women at workplace and women empowerment is necessary.

**Ms. Pushpa Girimaji**, Consumer Rights Activist and senior journalist, lauded the efforts of NHRC in recognizing consumer rights as one of the human rights, as right to safety is one of the fundamental rights guaranteed under Article 21 of the Indian Constitution. She described the beginning of her journey from upholding the right to safe drinking water. Her focus has been on subjects of electrocution, transgender rights, rights of prostitutes, manhole deaths and the rights and safety of construction workers, she added. She highlighted that despite good laws on them in the country, the positive effect is not as visible as it should be. She also highlighted that many children continue to die on account of unsafe toys. Consumer right does not, at the moment, encompass everyone and includes only the paid consumers, which brings the issue that the law should not differentiate between the rich and poor, she added.

She suggested that it is essential that consumer rights are treated as part of human rights. She pointed out that as a society we lack safety consciousness. She again pointed that there are many laws available, however they are not being enforced stringently. As a result citizens are being subjected to the threat to life. She desired if the Commission can have a group or a cell that looks over the safety issues; creates awareness about safety in public places, food, water, environment etc. and looks at the ways in which safety laws are enforced. There also has to be consciousness about the impact of what we are consuming. In response to her concerns, the Chairperson highlighted that NHRC is already very seriously taking into account the cases of electrocution

and safe drinking water and matters related to their compensation along with the appointment of Special Rapporteurs on field for this purpose.

**Ms. Aparajita Singh**, Senior Advocate, Supreme Court, mentioning about her vast experience in the area of law and human rights, on diverse topics such as environment matters, crop burning, rapid rail metro phase IV, etc. She works pro bono as well. She offered her assistance to NHRC in any matter required. She also briefed about her struggle to expand Consumer Rights under the Consumer Protection Act to all citizens and not only the people who pay for the services.

**Mr. Shah Aamir**, Former Additional Advocate General, High Court of Jammu and Kashmir and Ladakh, highlighted the human rights situation of Jammu and Kashmir. He mentioned that the situation is getting better in Jammu & Kashmir. According to him, right to move freely and without fear is the biggest right that should be protected. He shared his personal experience that in the 1990s and 2000s, Kashmiri Pundits were forced to leave their homeland and there was a constant threat to life under terrorist attacks for everyone. He recommended having a mechanism for the safety and security of Human Rights Defenders as the rights of those who fight for others are equally important and should be safeguarded. He also focused on the brighter side of the coin that many Kashmiri Pundit families who had moved out of J&K years ago, are now returning.

**Dr. D M Mulay, Hon'ble Member, NHRC**, thanked the Core Group members for their very useful inputs and described it as the homework given to the Commission. He assured the members that under the astute leadership of the Hon'ble Chairperson of NHRC, the Commission will be able to take some very concrete actions.

**Mr. Justice Arun Mishra, Honourable Chairperson, NHRC**, made the concluding remarks. He mentioned that owing to the interventions of the Commission, a positive development was seen on the front of environmental pollution and crimes and deaths associated with it. Several industries have been shut down temporarily by the Environmental Pollution Control Board in several states. Inspection by pollution control board is a must and they do invariably, take action in cases of violation, he added. Talking about the rights of transgender, he mentioned that NHRC has their representation in the Core Group of Women as well as a Special Rapporteur has been appointed for the first time on transgender rights and transgender persons to improve the situation. He thanked everyone for their contribution to this though-



provoking exercise and bringing good ideas to the table. He further highlighted that this meeting is just the beginning and the exercise should not end here. He assured that the concerns and recommendations of the HRDs can be submitted in writing and he shall personally look into it.

**Dr. MDS Tyagi**, Joint Director (Research) concluded the meeting with a Vote of Thanks.

## **List of Participants**

### **NHRC Officials**

1. Mr. Justice Arun Mishra, Hon'ble Chairperson, NHRC
2. Dr. D M Mulay, Hon'ble Member, NHRC
3. Mr. Manoj Yadava, DG (Investigation), NHRC
4. Mr. Surajit Dey, Registrar (Law), NHRC
5. Ms. Anita Sinha, Joint Secretary, NHRC
6. Mr. Devendra Kumar Nim, Joint Secretary, NHRC
7. Dr. M.D.S. Tyagi, Joint Director (Research), NHRC
8. Mr. Jaimini Kumar Srivastava, Dy. Director (Media and Communication)
9. Mr. Indrajeet Kumar, Dy. Registrar (Law) and Focal Point for HRDs
10. Ms. Tejasvini Akhawat, JRC, NHRC

### **Core Group Members**

1. Dr. Sunitha Krishnan, Founder, Prajwala - joined the meeting virtually
2. Dr. Jitendra Singh Shunty, President, Shaheed Bhagat Singh Sewa Dal
3. Mr. Suhas Chakma, Director, Rights and Risks Analysis Group (RRAG)
4. Mr. Sandeep Chachra, Executive Director, Action Aid Association
5. Mr. Ramchandra Kharadi, National President, Vanvasi Kalyan Ashram
6. Mr. Satinath Sarangi, Founder, Sambhavna Trust
7. Ms. Naseema Khaton, Founder, Parcham
8. Ms. Pushpa Girimaji, Consumer Rights Activist and senior journalist
9. Ms. Aparajita Singh, Senior Advocate, Supreme Court – joined the meeting virtually
10. Mr. Shah Aamir, Advocate, Former Additional Advocate General in the High Court of Jammu and Kashmir and Ladakh