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National Human Rights Commission

**Minutes of the meeting of the Core Group on Human Rights Defenders (HRDs) and NGOs held
on 22nd August, 2023**

A meeting of the Core Group on Human Rights Defenders (HRDs) and NGOs was held on 22nd August, 2023, at Manav Adhikar Bhavan, New Delhi in hybrid mode, which was chaired by **Shri Justice Arun Mishra, Hon'ble Chairperson**, National Human Rights Commission. The list of participants is enclosed at **Annex – I**.

Ms. Anita Sinha, Joint Secretary, NHRC, welcomed all the participants. In her welcome address, she invited the core group members to have open, constructive and collaborative dialogue to further the human rights of all. She highlighted the Commission's vision of upholding and protecting the rights of everyone and achieving its goal of 'Sarve Bhawantu Sukhinah'.

Mr. Bharat Lal, Secretary General, NHRC, in his opening remarks, welcomed the core group members and explained the agenda of the meeting, which was 'to identify areas of specific work where NHRC and HRDs can collaborate to protect and promote human rights of all human beings'. He added that the Commission has been sensitive to the issues of human rights and wonderful suggestions had emerged from the last core group meeting. Under the guidance and directions of the Commission, a number of initiatives have been taken. He further added that it is a collaborative effort to working on ideas, building partnerships and working together to impact people's lives. The idea behind convening this meeting is to get feedback and challenges faced on the ground, have suggestions and ideas, and discuss all such issues to proceed further.

Mr. Justice Arun Mishra, Hon'ble Chairperson, NHRC, in his inaugural address commenced by terming this meeting as a joint venture where situation is to be reviewed, to form strategies, find issue-specific solutions and effects of the steps taken by NHRC so far. He said that the Commission and HRDs are on same page as they are finding solutions to the problems faced by people especially vulnerable communities/groups and complaints filed by the HRDs as per law. He stated that it should be appreciated that great causes are brought to the notice of the Commission by responsible HRDs and the data reflects the number of suo motu cognizance taken by the Commission.

He highlighted the need to work together where more focus is required and what more can be done with respect to efficacy. The Hon'ble Chairperson said that the Commission's power lies in its moral authority, which it exercises without any hesitation to defend and protect the human rights of people. He was also happy to share with the core group members that by and large, the Commission's orders are complied with. The administration, after receiving NHRC's notice has done tremendous improvements in certain states such as Odisha. Motorable roads, safe drinking water, welfare schemes such as PMAY, pensions, retirement dues are such areas where NHRC had effectively intervened, avoiding delay in directing the authorities to take prompt action to decide the claims within 8 weeks. More than 2,500 cases of West Bengal and 700 cases of Odisha were decided by the Commission by common orders in a single day benefiting the victims and common people by ensuring that their dues are given without any inappropriate delay, he added.

He further informed the members of the core group that after their last meeting, the Commission had conducted an international level conference on Child Sexual Abuse Material (CSAM) in March, 2023 and national conference on Mental Health attended by all potential stakeholders of the country and discussing aspects of judicial implications, infrastructure, etc. He added that more than

2,000 persons are still in the mental hospitals in the country, after they have recovered and it is not permissible to keep them even for a day as per the mandate of the Mental Health Act, 2017. He apprised that various visits have been undertaken by Hon'ble members and senior officials of the Commission to places of seminal importance such as Thane mental hospitals, several jails across the country, Jaipur Foot Centre, etc. The Commission, he added, has taken several suo motu cognizance on cases of environment beyond NCR, calling for action taken reports from all states. The Commission had issued an advisory in September 2021, on the safety and security of workers involved in hazardous works like septic tank workers and continues to work on this very serious matter especially on the judicial side requiring every state government to draft replies in compliance of advisory and ensuring that mechanical cleaning is done. However, a lot is to be achieved in this field, he added. The local bodies are to be engaged in this proactively. While the Commission ensures that Rs. 10 lakhs compensation, as directed by the Supreme Court is paid to the victims, it is not enough as this amount has to be reviewed given today's time. There is a need to fix criminal liability too. It is imperative to provide safety gears and equipments to the persons, as they are dying, working in potholes and septic tanks. Water saving techniques for plantation has been issued by NHRC, he added. The Commission is also working seriously on issues of farmers' plight, LGBTI rights, aspect of mental health among others. There are many areas that require serious work and action on which the Commission would need the views of the core group members to improve the ground situation for those deprived of the rights and extending distributive justice as their right and not charity. The Commission thus, looks forward to hear and learn the views of the core group members on what is the ground situation, what more can be done and how we can work towards achieving it, he concluded.

Ms. Sunitha Krishnan, Founder, Prajwala, flagged four issues of concern. First is of civil unrest viz., plight of children staying in relief camps and the number of children who are taking guns and arms. Women and children, specifically children bare the disproportionate burnt of any violence. Similarly, we have seen in Manipur violence where children in the age group of 12-14 years are taking up arms and ammunition. She requested NHRC to have observers for states where there is civil unrest so that response system functions and there is preventive mechanism taking place simultaneously. This is necessary to prevent and control things before full blown damage.

She highlighted her second concern of pendency of cases under POCSO and sexual assault of women. She stated that there are many cases pending for 6-7 years which were supposed to be over in 1 year. Such pendency is not less than some kind of impunity. Gender based crime/sexual assault seems to be increasing for which the pendency in cases is one among various other reasons since the required deterrence from crime is not delivered. She requested NHRC to write to the states for getting pendency status and have mechanism of getting it expedited. She also said that while cases under POCSO have some priority but sexual assault cases are not accorded priority over other cases which is a matter of concern.

Ms. Krishnan shared her reservation on the recent handbook issued by S.C. on combating Gender Based Violence (GBV) where the term 'Prostitution' is replaced with the term 'sex work'. Her reservation was because it can have serious repercussions in future. NHRC must also look into such happenings. Lastly, she spoke about the rights of transgender persons. The existing Transgender Act has not been properly implemented by the States thereby depriving the transgender persons of their rights across the country. None of the states other than Tamil Nadu and Kerala have a very clear rehabilitation policy for exit of transgenders from begging and prostitution and that is something that needs to be looked into.

Mr. Suhas Chakma, Director, Rights and Risks Analysis Group (RRAG), began with suggesting areas for the NHRC, Human Rights Defenders and other organizations to cooperate on

when there are scenarios which draw the attention of the entire country. The NHRC on its own or with domain experts undertakes field visits other than visits undertaken by the Investigation Division of the Commission, to see and assess as what could be done to prevent their frequent occurrence. Second area is to cooperate in areas of research which Commission is already doing, with some excellent organization which have been doing research on existing issues. The unspent resources of the Commission at the end of year can be considered to support some of the work done by the NGOs by way of calling proposals to finance some of the activities, which NHRC thinks fits within its priority.

The third area which he mentioned is regarding the laws enacted by Central/State Governments which have direct implications on human rights. Mostly, there is no time to give comments. However, as an institution, the Commission may consider setting up a Division for giving comments/suggestions on laws being brought up at the state/national level that have direct bearing on human rights, by taking views of the experts, wherever needed. Next point highlighted by him was regarding the achievement of NHRC which is not recognized *i.e.* the creation of NHRC itself. When the Commission sends a notice to the concerned authority, it leads to sensitization because the authority concerned and other down the line conduct investigation and submit the report to the Commission. It becomes a learning process for everyone. This can be further strengthened by way of training programs between the NGOs, activists, and the government officials.

Lastly, he mentioned that it might be useful if NHRC sometimes finds out/identify some issues, considering the sensitivity which may require the intervention of the court for effective monitoring and implementation. Because when NHRC goes to the court, it brings credibility which cannot be brought by anybody else and the judiciary also takes it with the desired seriousness. This is suggested to be done occasionally like annually or biennially and need not be on regular basis.

Mr. Sandeep Chachra, Executive Director, Action Aid Association, proposed institution of national awards for HRDs, lifetime awards, young achievers awards to recognize and celebrate and to spread the message of open collaboration and sisterhood among all HRDs in the country. Secondly, capacity building of community based HRDs at their district level can be undertaken. Initial suggestions are to focus on Aspirational Districts in collaboration with SHRCs including organization of a one day program for institution of socially, ethically and morally responsible HRDs for the future. Thirdly, he discussed some of the possible policies for protection of HRDs. Fourthly, he highlighted the case of children who are born out of marriages which are not considered legal. Fifthly, he discussed about the specific needs of de-notified tribes, pastoral and semi pastoral communities which require meaningful intervention to ensure their recognition. Lastly, he shed light on the practice of witch-hunting and urged the Commission to issue an Advisory on the same as enacting legislation will take some time.

Dr. Jitender Singh Shunty, President, Shaheed Bhagat Singh Sewa Dal, recommended ensuring Mortuary rooms and vehicles/ambulance for carrying the mortal remains of dead persons in every hospital. To avoid post disaster risk, action should be taken on disaster management agencies concerned to work towards disaster preparedness.

Ms. Pushpa Girimaji, Consumer Rights Activist and Senior Journalist, flagged the issue of pedestrian safety as the pavements are either encroached by the sellers or construction materials are dumped over it or commercial establishment take over it. There should be subway or over bridge wherever required to ensure safety of pedestrians and recommended NHRC to take this up to improve the situation. She explained how the dormitories near major hospitals would really be helpful to accommodate people who are sleeping on roads during the period of treatment in these hospitals. Consumer issues in construction were highlighted like balcony deaths due to low balcony heights and spacing between grills etc. and she urged NHRC to take up these issues and ensure safety of persons.

Mr. Satinath Sarangi, Consultant, Sambhavna Trust, made a case for inclusion of particular group of victims of corporate crimes specifically victims of industrial pollution, resulting in alarming rise in cases of cancer. According to Lancet data, India has the largest number of victims of industrial pollutant. He suggested that NHRC should collect data of the kind of pollutants in water and air to better understand the environment.

Ms. Naseema Khatoon, Founder, Parcham, remarked that display of committee as per the Vishakha guidelines is not happening in most of the organizations like NGOs, DM office etc. She strongly recommended dialogue between NHRC and community of sex workers community to better understand their problems. She further suggested research on the human rights issues faced by children of sex workers. She stressed upon the need for awareness related to human rights of children of sex workers with respect to various parameters like education.

Mr. Shah Aamir, Advocate, Former Addl Advocate General, High Court of J&K and Ladakh, highlighted the need for ramps/lifts in all buildings as lack of the same results in violation of rights of persons with disabilities. In this regard, he suggested that the authorities should be asked to submit the reports on the buildings having both lifts and ramps constructed and ones having only ramps.

Mr. Surajit Dey, Registrar (Law), NHRC, thanked the participants for the enriching session and highlighted few points to ponder on. One such issue is use of logo of NHRC by various HRDs and NGOs that needs to be refrained from. He also highlighted the issue of use of abusive language by the HRDs in cases wherein the order passed by the Commission is not in favour or as per desire of the complainant. Lastly, he stressed upon the need for a definition of HRD and that there should be a definite criteria or framework to designate someone as a Human Rights Defender.

Mr. Rajiv Jain, Hon'ble Member, NHRC, thanked the participants for the enriching session which immensely benefited him with the experiences and suggestions and sensitizing everyone on various human rights issues.

Dr. D. M. Mulay, Hon'ble Member, NHRC, thanked everyone for the informative session and summarized various points discussed in the session. He mentioned that NHRC is visiting places on a regular basis but of course this needs to be more regular and frequent. He highlighted various cases where NHRC does intervene and there are well known cases where the views of the Commission are not only well taken but judgements have also been passed accordingly. He clarified that NHRC status and government policy are two separate aspects. The onus of implementing human rights is on government. NHRC monitors HR violations and takes up relevant cases with government. NHRC is entrusted with protecting and promoting the HRs and has relevant mechanisms to address deviations of authorities. Regarding awareness issue, he mentioned that NHRC does conduct a number of awareness programs including training programs and invites research proposals annually. He also agrees with the need of capacity building of the NGOs.

Mr. Justice Arun Mishra, Hon'ble Chairperson, NHRC, expressed gratitude to all HRDs for sharing their concerns and views. At the same time, he highlighted the steps taken by the Commission for protection of human rights viz., in the recent case in Manipur, the Commission has passed an order to disburse the compency of cases in the courts, the Commission will consider this suggestion and ask the court to speed up the cases of Human Rights. Regarding Transgender rights, he mentioned that the Commission is already working on rehabilitation and asked for a report within 15 days. With respect to the matter of pendency working on ensuring financial aid to NGOs. So far as the suggestion of awards for the HRDs is concerned, it is pointed that this is a debatable issue as to whom is to be recognized and whom not and he appreciated the HRDs for being the unsung heroes.

The Hon'ble Chairperson further mentioned that the Commission is already working very seriously on the cases of climate change and has taken up many cases in Bihar, Rajasthan and Odisha. With respect to disaster management and terrorism, the Commission is working on the formation of Core group on 'Victim of Terrorism'. Regarding the question of lack of safety of pedestrians and formation of group specifically for this purpose, it is suggested to file complaints rather than formation of group and that will be taken into cognizance. Regarding shelter issue, he considered advising the state government to locate the places where it is necessary and dharmshalas are not available, to provide some sort of shelters.

The Commission has covered the issue of providing safety gears to the workers of construction industry, in its advisory but agrees that still more is required in this regard. He mentioned that the Commission is concerned about the victims of water pollution and effectiveness of Pollution Control Boards. Whenever Commission is in receipt of any complaint, it takes necessary action and ensures that the Pollution Board takes appropriate action. He stated that the directions were already issued to Sports College that there should be an internal complaint committee in line with Vishakha guidelines. At the same time, he suggested all the HRDs to file complaints in cases where they do not find the committee and if their complaints are not considered then they can file complaint in NHRC for further necessary action. He mentioned about Nata Pratha, on which Commission has taken a few cases and stated that research on the subject is being carried out by the Commission. Lastly, he stressed upon the need for little more cooperation and collaboration between the HRDs and NHRC.

The meeting ended with a vote of thanks proposed by **Ms. Monika Joon, Section Officer, NHRC** .

Based on the deliberations and discussions, the following key suggestions have emanated from the meeting:

1. NHRC to have observers for states where there is civil unrest so that response system functions and preventive mechanism works simultaneously.
2. NHRC to write to the states for getting pendency status of Gender based/sexual assault crimes and have mechanism of getting it expedited.
3. NHRC may ask States across the country for status of implementation of existing Transgender Act and for formulating a clear rehabilitation policy like that in Kerala and Tamil Nadu for exit of transgenders from begging and prostitution.
4. NHRC should write to authorities to ensure Mortuary rooms and vehicles/ambulance for carrying dead persons in every hospital.
5. NHRC should undertake field visits other than visits undertaken by the Investigation Division of the Commission to see and assess as what could be done to prevent their frequent occurrence cases violating human rights.
6. To avoid post disaster risk, action should be taken on disaster management agencies concerned to work towards disaster preparedness.
7. Institution of national awards for HRDs, lifetime awards, young achievers awards to recognize, celebrate and spread the message of open collaboration and sisterhood among all HRDs.
8. Capacity building of community based HRDs at their district level and possible policies for protection of HRDs can be undertaken.
9. The Commission may consider setting up a Division for giving comments/suggestions on laws being brought up at the state/national level that have direct bearing on human rights, by taking views of the experts.
10. NHRC should take up the matter of encroachment of pavements to ensure pedestrian safety.
11. NHRC should consider dialogue between with community of sex workers to better understand

their problems and research on the human rights issues faced by children of sex workers.

12. NHRC should collect data of the kind of pollutants in water and air to better understand the environment and suggest measures accordingly.
13. The authorities should be asked to submit the reports on the buildings not having both lifts and ramps constructed as desired for the buildings being disable-friendly.

List of Participants

NHRC Officials/ Staff

1. Mr. Justice Arun Mishra, Hon'ble Chairperson, NHRC (Chair)
2. Dr. D. M. Mulay, Hon'ble Member, NHRC
3. Mr. Rajiv Jain, Hon'ble Member, NHRC
4. Mr. Bharat Lal, Secretary General, NHRC
5. Mr. Surajit Dey, Registrar (Law), NHRC
6. Smt. Anita Sinha, Joint Secretary, NHRC
7. Sh. Gokul Prasad Patwa, Sr. Consultant, NHRC
8. Sh. Inderjeet Kumar, Deputy Registrar, NHRC
9. Ms. Monika Joon, Section Officer, NHRC
10. Ms. Tejasvini Akhawat, Junior Research Consultant, NHRC

Member of Core Group

1. Ms. Sunitha Krishnan, Founder, Prajwala
2. Mr. Suhas Chakma, Director, Rights and Risks Analysis Group (RRAG)
3. Mr. Sandeep Chachra, Executive Director, Action Aid Association
4. Dr. Jitender Singh Shunty, President, Shaheed Bhagat Singh Sewa Dal
5. Ms. Pushpa Girimaji, Consumer Rights Activist and Senior Journalist
6. Mr. Satinath Sarangi, Consultant, Sambhavna Trust
7. Ms. Naseema Khatoon, Founder, Parcham
8. Mr. Shah Aamir, Advocate, Former Addl Advocate General, High Court of J&K and Ladakh