

MINUTES OF THE MEETING

Committee of Experts on Impact of COVID-19 Pandemic on Human Rights and Future Response- Group III

Chair: Shri Surajit Dey, Registrar (Law), NHRC

Date: 30 July 2020 Time: 3:00 P.M. Platform: Google Meet

1. The second meeting of Group III of the 'Committee of Experts Impact of COVID-19 Pandemic on Human Rights and Future Response' was held on 30th July 2020 at 3:00 P.M. on Google Meet. The meeting was chaired by Shri Surajit Dey, Registrar (Law), NHRC and attended by Smt. Manzil Saini, *Deputy Inspector General, NHRC*, Member of the Committee Shri Sandeep Chachra, *Executive Director Action Aid India* and Ms. Maja Daruwala, *Special Monitor (Police and Prison Reforms)*, and other NHRC officials.
2. At the outset, **Shri Surajit Dey, Registrar (Law), NHRC**, requested all the Committee Members to submit the initial draft of the advisory so that the Commission can also provide its inputs. He then invited Shri Sandeep Chachra, *Executive Director, Action Aid India and Member of the Committee of Experts*, to provide an update with regarding the advisories on the rights of migrant, domestic and daily wage workers during the pandemic.
3. **Shri Sandeep Chachra, Executive Director, Action Aid India and Member of the Committee of Experts**, informed that the draft Chapter Plan presented in the previous meeting was yet to be finalized. After finalized of the Plan, he hoped to submit the first draft of the report by the succeeding week. He further mentioned that the report submitted by him will contain two types of advisories: i) short-term advisory; and ii) long-term/structural advisory, which would be submitted a month after the short term advisory is finalized. He then spoke about the intersectionalities among various topics of the Expert Committee, **and** informed that he would also circulate the first draft of the report to all the Committee Members for their comments and inputs.
4. Initiating the discussions on the rights of police personnel and prisoners, **Shri Surajit Dey** invited Ms. Maja Daruwala, *Special Monitor (Police and Prison Reforms), NHRC*, to throw light on the various issues and how she plans to formulate the advisories on the said matter.
5. **Ms. Maja Daruwala, Special Monitor (Police and Prison Reforms), NHRC**, started by seeking clarification on what she is expected to produce before the Committee and the expected structure of the report. She also mentioned the 2019 "India Justice Report"- a study by some civil society institutions which presents the structural problem for delay in

justice delivery system. She stressed the need for a structural reform that can counter the present issues.

6. **Shri Surajit Dey** provided clarifications on the focus areas in terms of rights of police personnel and prisoners. He said that the report should to entirely focus on the COVID-19 related situation/violations and the consequent advisories. He highlighted the issue of police and prison staff who are also exposed to threats from the COVID-19 pandemic. The conditions of old age prisoners who are also vulnerable to COVID-19 would also be discussed. He requested the Committee Members to produce an interim report as early as possible.

7. **Ms. Maja Daruwala**, questioned the many directions that were continuously been issued by the courts, NHRC, ministries, departments to the police departments. She also mentioned the capacity of the departments in the government to counter the problem, as she gave an example on the conditions of prisons in the State of Uttar Pradesh where the ratio of the number of prisoners to number of social workers/doctors could roughly be 1 social worker for 95,000 prisoners. She also addressed the funding problems faced by the prison department, which is caught up with improper coordination between the Centre and the State.

8. **Shri Surajit Dey**, stated that various order and documents issued by the Government tend to overlap its own previously laid down orders/documents. He pointed that the pandemic has changed the entire functioning and has created devastation to people, police, prisons etc.

9. Addressing the queries of Ms. Daruwala, **Md. Alam Ansari, Research Officer, NHRC**, referred to the email circulated on 29th July 2020, which elucidated the following:

- i. All expert group members may kindly submit within 10 days the draft advisory on the thematic area of their expertise.
- ii. All expert group members are free to collect reports/data from available sources. However, in case of the data/information is required from the Government, they may write to NHRC for obtaining the same from the concerned authorities.
- iii. All expert group members are free to interact among themselves and with other organisations for further consultation. NHRC may not be in a position to organise any such consultations/seminars/conferences, etc for the time being.

10. **Md. Alam Ansari** further added that if the Committee Members send the Commission some key areas of concerns, it could provide inputs on the same to expand it. He emphasized that if the aforementioned key concerns are sent to the Commission within a couple of day's time, the Commission will be able to expedite the process.

11. **Ms. Maja Daruwala**, as part of the discussion, highlighted the issue of congestion in the prisons and improper Standard Operating Procedures despite the Supreme Court's Order on 23rd March 2020 order to State governments to decongest prisons. The Judgment focused on forming a High Powered Committee comprising of Prison officials and State Legal Services Authority to address the issue of overcrowding in prisons across states, as the prisoners are more vulnerable to getting affected. She also suggested that the Magistrates should personally look into the arrests made by the police for violating the lockdown rules as per the orders of National Disaster Management Authority and Ministry of Home Affairs, so that the incidents like Sathankulam in Tamil Nadu where the Father-son duo died due to the alleged torture by the police in the custody, could be prevented.

12. **Md. Alam Ansari** expressed his opinion that Group- III should focus in addressing the major issues that arises during the present COVID-19 and should prepare a report which shall provide interim solutions to current issues. Thereafter, long term advisories, backed by data, may be prepared by the Committee to address the structural issues.

13. **Shri Surajit Dey** quoted the Supreme Court's guidelines in the *DK Basu Vs State of West Bengal Case* on the role of Police while making arrests, enquiry by the duty Magistrates and provision of the Legal Aid Organisations. He further said that in future virtual conferences/ training programmes to create awareness on the guidelines to the police and judiciary may be followed.

14. **Ms. Manzil Saini, Deputy Inspector General of Police (Investigation), NHRC**, mentioned the letters written to the Director General of Police of all the States, Director General (DG) of all the State prisons and Chiefs of Central Police Organisations to highlight the good works/act done by the personnel during the COVID-19 pandemic. The act of aberration, loopholes and mishappenings carried out by police is also sought from the States. She mentioned that various Standard Operating Procedures have been issued by state police departments during the COVID-19 pandemic and instructions given by the police chiefs. She also pointed that in the garb of policing many mishappenings have happened during the pandemic and also the challenges in implementing the lockdown order needs to be addressed.

15. **Ms. Maja Daruwala** then requested the Commission to write to all the DGs of Police seeking the specific orders that they gave to the police on dealing with the lock down violations. She further requested the Commission to write letters to the DGs of all the prisons seeking the orders given to the prisons towards decongestions and similar letters to the Legal Aid Authorities. The above mentioned information was sought by her to be able to formulate the advisories on the rights of police personnel and prisoners during the pandemic.

16. **Shri Surajit Dey** then invited NHRC officials to share their views on the concerned areas of Group-III, if any.

17. **Ms. Devosmita Bhattacharya, Junior Research Consultant, NHRC**, reiterated the pointers submitted by Dr. Viraf Mehta, *Advisor, Partners in Change, a domain expert on Business and Human Rights and NHRC Core Group Member on Business Environment and Human Rights*, via mail. She said that the Ministry of Corporate Affairs (MCA), Government of India was in the process of releasing National Action Plan on Business and Human Rights (NAP-BHR) this year, but it probably is put on hold due to the sudden outbreak of COVID-19 pandemic. Therefore, she asked if NHRC could take a follow-up with MCA regarding when the document would be published and whether the angle of public health crisis, such as an pandemic/epidemic, has been factored into the report or not.

18. Agreeing with Ms. Devosmita, **Shri Surajit Dey** directed that the same may be communicated to the Secretary, MCA.

19. **Md. Alam Ansari** thanked all the members present in the meeting and hoped that by the next meeting drafts of the three issues dealt by the Group could be received by the Commission.

LIST OF PARTICIPANTS

Member of the Committee of Experts

1. Shri Sandeep Chachra, *Executive Director, Action Aid India*
2. Ms. Maja Daruwala, *Special Monitor (Police and Prison Reforms), NHRC*

NHRC Officials

3. Shri Surajit Dey, *Registrar (Law)*
4. Ms. Manzil Saini, *Deputy Inspector General*
5. Shri Sudesh Kumar, *Senior Research Officer (Research)*
6. Md. Alam Ansari, *Research Officer (RU-3) and Coordinator for Group-III of the Committee of Experts*
7. Ms. Tania Chatterjee, *Junior Research Consultant (RU-3)*
8. Ms. Devosmita Bhattacharya, *Junior Research Consultant (RU-4)*
9. Mr. Sam T. John, *Junior Research Consultant (RU-4)*