

**SESSION WISE RECOMMENDATIONS EMANATED DURING THE NHRC-SHRC MEETING HELD
ON 20TH FEBRUARY, 2020**

Sessions	Recommendations
<p><u>Session-I</u></p> <ol style="list-style-type: none"> 1. Setting up of Human Rights Courts in all States 	<ul style="list-style-type: none"> • The Section 30 and 31 of PHR Act stipulates for setting up of Human Rights Courts by notifying or designating Sessions Courts as Human Rights Courts in consultation with the High Courts for speedy disposal of Human Rights cases. • The Commission had taken up the matter with Chief Secretaries/Administrators and Registrar General, High Court of all the States/UTs for setting up of Human Rights Courts in accordance of the PHR Act. • In pursuance of the Commission's consistent efforts on the issue, so far the 23 States i.e. State of Andhra Pradesh, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Uttar Pradesh, Uttarakhand West Bengal and 06 UTs namely Jammu & Kashmir, Delhi, Chandigarh, Andaman & Nikobar, Dadar & Nagar Haveli and Daman & Diu have set up/notified Human Rights Courts in their respective states/districts • The Commission has forwarded its suggestions in detail with regard to offences which could be tried by Human Rights Courts. The matter is still under consideration of MHA. The matter regarding nature of offences to be transferred by Human Rights Courts and what would be the procedure to dealt with the human rights cases are to be formulated by the States in consultation with the respective High Courts.
<p><u>Session-II</u></p> <ol style="list-style-type: none"> 1. Rights of Women 2. Surrogacy Regulation Bill 	<ul style="list-style-type: none"> • The Surrogacy (Regulation) Act, 2019:- There is a need for an inbuilt mechanism under the legally binding agreement for medical care, insurance and other necessities for the surrogate mother. Model Surrogacy agreement should be made part of the Act. • The definition of intended couple in the Act should also include their right to become parent as soon as the child is born. • The clause that only close relatives may be allowed to be surrogate needs to be amended. This restriction may be removed, as more people can be involved in the process.

	<ul style="list-style-type: none"> • Economic rights of Surrogate mother/women needs to be defined. • Avenues must be created for a gainful employment of women such that economic inequalities do not hinder the holistic development of women.
<u>Session-III</u> <ol style="list-style-type: none"> 1. Rights of Persons with Disability 2. Right to Food 3. Rights of Refugees 	<ul style="list-style-type: none"> • A research should be undertaken by NHRC on the buildings which have barrier free access for persons with disability. • The mid-day meal scheme was only applicable during school period which creates a burden on poor families during vacation time. Hence food should be provided to children even during vacation. • It is suggested that registered orphanage owners or management committees may certify names of parents and address which has to be accepted for the purpose of passport as official. • Identity cards or certificates should be given to children in orphanage to avoid any problem leads for admitting them in schools as well as obtaining passports and the effect of the same in their rights.
<u>Session-IV</u> <ol style="list-style-type: none"> 1. Bonded, Migrant and Child Labour 2. Health including Mental Health 3. Corona Virus Issue 	<ul style="list-style-type: none"> • Issues related to the accommodation, rehabilitation and compensation of rescued bonded labour should be taken care and monitored by SHRCs. • There should be strict compliance of registration of migrant labour in source State and destination State with Labour department. NHRC has recommended this in a National Conference to the Secretaries and State Authorities. • Under Mental Health, there are various rights of mentally ill patient which need to be dealt like timely reporting, handling them with dignity and compassion etc. • In health, although Aayushman Bharat has attempted to provide assured medical treatment to all but the focus should be to provide unadulterated food, clean air and water eradicate health problem at their inception. • Issue was discussed how to prevent the recent Corona Virus ie Covid 19

<p><u>Session-V</u></p> <ol style="list-style-type: none"> 1. Activities of NHRC 2. Transfer of cases and uniformity of compensation 	<ul style="list-style-type: none"> • Regarding the compensation for rescued bonded labour cannot be prefixed since every case is unique and need to be dealt exclusively. However, a set of criteria should be decided by Registrar (Law) to provide compensation in the matter of rescued bonded labour. • Mechanisms should develop to disseminate awareness and training about human rights education at school and university level through workshops through workshops and internships along with the training of governmental agencies and staff.
<p><u>Session-VI</u></p> <ol style="list-style-type: none"> 1. HRCNet Portal, Utilization of Common Service Centers (CSCs) in the States, Video Conferencing etc. 	<ul style="list-style-type: none"> • With the efforts of NHRC, presently 19 SHRCs are already on-board the HRC net portal and states of Andhra Pradesh, Himachal Pradesh, Gujarat, Jharkhand, Madhya Pradesh, Tamil Nadu and Telangana are recommended to join the HRCNet Portal. Uploading of complaints, at present is being carried out by a few States only and more States are recommended to become a part in this endeavor so that duplicity is avoided. • Manpower should be increased for design, development, implementation and support of the HRCNet Portal. • Migration of legacy data in HRCNet Portal should be undertaken by NHRC and SHRCs. Training to be conducted for officials of SHRCs by NHRC, if requested.
<p><u>Session-VII</u></p> <ol style="list-style-type: none"> 1. Police & Prison Reform 2. Criminal Justice system 3. Torture & Terrorism 	<ul style="list-style-type: none"> • Orientation programmes for police and prison personnel to enhance their sensitivity for human rights cause may be conducted by each State. • Issues of overcrowding and higher number of under trial prisoners shall be resolved. • Pendency of human rights violation case shall be reduced. • A three-tier training modules shall be followed to enhance the productivity of SHRCs at the State and District level.
<p><u>Session-VIII</u></p> <ol style="list-style-type: none"> 1. NGOs and Human Rights Defenders <ul style="list-style-type: none"> • Right to Education 	<ul style="list-style-type: none"> • There is a need to have a code of conduct for Human Rights Defenders and clear guidelines to define their role, method of appointment and if they will be paid any remuneration or not.

	<ul style="list-style-type: none"> • A mechanism needs to be created to regulate the community of Human Rights activists so that the human rights can be promoted and protected. • All SHRCs shall create a focal point to be contacted at the time of distress so that grievance can be addressed quickly to give a proper course for Human Rights for Human Rights Defenders and NGOs.
<u>Session-IX</u> 1. Human Trafficking 2. Rights of internally displaced persons 3. LGBTI 4. Rights of Children	<ul style="list-style-type: none"> • There has been a rise in human trafficking cases in India. The traffickers should be punished and penalized by the Police authorities. The rescued on the other hand should be protected and given vocational trainings. • There should be awareness programmes for tribal people in Kerala as cases of Human Rights violations are increasing day by day. The Kerala SHRC requested NHRC to provide them with financial assistance for the same. • The Hindu Succession Act and Indian Succession Act provide both men and women with access to property rights. These acts however do not include under its ambit 'transgender', especially 'Hijras'. Hence amendments in these acts are required. • The infrastructure facility and training of Anganwadi centers are unsatisfactory and needs major improvement.
<u>Session-X</u> 1. Panjayati Raj Institutions and Local Governing Bodies 2. Rights of Refugees 3. Common Area of Interest between NHRC-SHRCs	<ul style="list-style-type: none"> • A 3 tier system of Human Rights Institutions should be introduced to deal human rights issues at district level and emphasis should be laid on the importance of NHRC-SHRC-PRI-ULB Convergence for better output. • A separate Human Rights Budget should be introduced in every scheme for effective implementation of Human Rights Initiatives. • Joint research projects between NHRC and SHRCs should be encouraged and workshops should be organized at block level to create awareness.
<u>Session-XI</u> 1. Business, Environment and Human Rights	<ul style="list-style-type: none"> • All States must bring in effective policies, legislation and regulations to prevent and protect the rights of communities that may be affected by development projects.

	<ul style="list-style-type: none">• Developing a National Action Plan (NAP) on business and human rights is part of the State responsibility to implement the United Nations Guiding Principles (UNGPs).• The National Green Tribunal, Indian Courts, Labour Courts, Commissions and Non-Judicial Institutions may be requested to monitor the implementation of the aforementioned guidelines and human rights.• The issue of sterile problem in industries of Tamil Nadu where people are suffering from several diseases due to toxic smoke emission needs to be catered to by the Union Ministry. The Government may be requested to regulate the pollutant of petrochemical field.
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